



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 Aberdeen Room, parnaple centre, Level 2, 137 Rooke Street, Devonport on Monday 22 February 2021, commencing at 5:30 PM.

The meeting will be open to registered members of the public and live streamed from 5:30 PM.

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

17 02 2021

March 2021

Meeting	Date	Commencement Time
Planning Authority Committee	1 March 2021	5:15pm
Ordinary Council	22 March 2021	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 22 FEBRUARY 2021, IN THE ABERDEEN ROOM, paranaple centre, LEVEL 2,
137 ROOKE STREET, DEVONPORT AT 5:30 PM**

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ATTENDEES

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

1 APOLOGIES**2 DECLARATIONS OF INTEREST**

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 CONFIRMATION OF PREVIOUS MINUTES - 25 JANUARY 2021

RECOMMENDATION

That the minutes of the Council meeting held on 25 January 2021 as previously circulated be confirmed.

3.2 PUBLIC QUESTION TIME

PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 20/90 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 3 questions per person are permitted.
6. A maximum period of 5 minutes will be allowed per person.
7. Questions are to be succinct and not contain lengthy preamble.
8. To allow opportunity, where necessary to research answers and limit questions taken on notice, a copy of any questions without notice, where possible, are to be provided by email or in person to Council by 12 noon on the day of the meeting.
9. A question by any member of the public and an answer to that question are not to be debated.
10. Questions without notice and their answers will be recorded in the minutes.
11. 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.
12. 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.
13. 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

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

That the response to the question from Mr Rodney Russell at the January 2021 Council meeting, be noted.

ATTACHMENTS

1. Response to Question Without Notice - 25 January 2021 - R Russell [**3.2.1.1** - 1 page]

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

Author: **Jacqui Surtees, Executive Coordinator**
 Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

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

Mr Christopher Mills, 52 Caroline Street, East Devonport

A letter containing questions on notice received from Mr Christopher Mills on Thursday 11 February 2021 is **reproduced as attachment 1**.

- Q1** Mr Atkins has stated that quote, "The Council has staff with the necessary qualifications and experience necessary to undertake the work they have done on that piece of land next to Mr Mills' property." I am aware that the General Manager is "comfortable" with these qualifications. But surely any reasonable person whose home has knowingly been put at risk of landslip by the current management, would be anxious to know, what exactly are the "necessary qualifications" held by these staff who assessed the risk of landslip "on that piece of land next the Mr Mills' property"?
- Q2** I have the evidence in my possession, that the Mayor, the Councillors and relevant staff are not permitted to answer questions put by Christopher Mills without the explicit approval of Mr Atkins (General Manager). However, what the elected members and the relevant staff may not be aware of, is that Devonport Council on 25 January 2021, may have resorted to acting unlawfully in a further attempt to withhold information from Christopher Mills. Has Devonport Council acted unlawfully by directly discriminating against Christopher Mills, contrary to Section 14(1) of the *Anti-Discrimination Act (Tas) 1998*.

Response

I refer to a previous letter to yourself dated 9 April 2020, advising that Council does not have any additional information and does not believe it can take any further action that will satisfy your concerns regarding the removal of trees in late 2019 on land adjacent to your property.

Mr Bob Vellacott, 11 Cocker Place, Devonport

A letter containing questions on notice received from Mr Bob Vellacott on Thursday 11 February 2021 is **reproduced as attachment 2**.

- Q1** Mayor, I refer to your response, as per the DCC ordinary meeting minutes 25th Jan 2021, to my question without notice asked at the 25th Jan 2021 meeting.
- Q3** - *Do any of you know, or have any idea how much has been expended on the legal advice to sort out the problems pertaining to the initial lease and other leases or matters in regard to the Southern Wild Distillery tenancy which I note is listed as tenancy 5 in the closed session agenda for tonight, and I wonder what that is all about it?*

Response "The Mayor said that again she was taking that as commentary, but the response is yes we have been kept up to date with costs right through the process."

Mayor, the response given by you appears to be an outright contradiction of the general manager's response (ref Agenda item 3.2.2 of 25th Jan 2021 to my questions on notice that – "Legal expenses are not captured or reported to the detail you request".

I ask, seeing as you have publicly implied, or can I say, admitted that indeed you know how much of ratepayers funds have been expended on Legal advice /services relevant to my question, will you please now inform what is the total amount expended to sort out the problems pertaining to the initial lease and other leases or matters in regard to the Southern Wild Distillery tenancy, as at the date of my Question on Notice - i.e.25th Jan 2021?

Response

Details of Council's expenditure on legal advice for both the 18/19 and 19/20 financial years was provided to you last month.

Whilst Council has no intention to allocate resources to analyse each account to the level you request, from recollection Council has not had the need to source any legal advice specific just to Southern Wild Distillery.

Advice applicable to all Providore Place tenants in relation to the status of the original head lease, sub leases and also regarding a standard lease template was obtained.

Q2 Mayor if you are not willing to provide the information regarding the legal expenses, as requested, will you please provide the evidence that prohibits you from doing so?

Response

Refer response to Question 1.

Q3 I note in the Minutes of the closed session of the DCC meeting 25 Jan 2021 ITEM 8 - 5.2 – Lease Agreement Tenancy 5 - 13-17 Oldaker Street (which I presume is where Southern Wild Distillery is situated) that the outcome of Council's secret deliberations was – "General Manager authorised to execute lease agreement".

- a) Is it a fact then that since the cancellation of the replacement head lease agreement, in December 2019, that Southern Wild Distillery has been in possession and operating without a legally binding agreement with council ?
- b) Has Southern Wild Distillery been paying a commercial rental amount each month since Council took over management of Providore Place, including tenants, on 1 January 2020? And
- c) Why has it been necessary for such a long delay in sorting out and or finalising this affair?

Response

Following the resumption of direct management by Council of all occupied tenancies within Providore Place, legally binding terms were, and are, in place.

Southern Wild Distillery have been obliged to pay commercial rental payments during this period, as have all standing tenants.

Via our appointed leasing agents, Council commenced negotiation to execute a new lease agreement in early 2020. Due to the introduction of the *Code of Practice for Commercial Tenancies* by National Cabinet, and the *COVID-19 Disease Emergency (Commercial Leases) Act 2020* enacted by the Tasmanian Parliament, negotiation for a new lease agreement was put on hold for the legislatively defined *financial hardship*

period. Following a number of extensions enacted by the State Government, this period ended on 31 January 2021, and terms for a new lease agreement have been resolved by Council in preparation for this date.

Q4 Noting that Council, in adhering to its policy of openness and transparency, released details of the lease agreement pertaining to Drysdale TAFE and the Redline tenancies, will Council now release details of the lease agreement with Southern Wild Distillery once they have been executed by the General Manager, and become a legally binding agreement?

Response

The template lease agreement adopted by Council as the basis for all new tenancy agreements for Providore Place was published on the open Council Agenda for the meeting held on 27th July 2020.

In addition to formal lease agreement documentation, for retail premises Council is obliged to conform to the *Fair Trading (code of practice for Retail Tenancies) Regulations 1998*. The Regulations set out the minimum requirements that need to be agreed in relation to tenanted premises. Appendix B of the Regulation sets out the following in relation to the Disclosure Statement, that is required to document the terms of any tenancy agreement:

1. *The following statements are to be displayed at the top of a disclosure statement:*

(a) the information provided is confidential;

(b) tenants should ensure that they understand the statement before signing, and should seek independent advice if in doubt;

(c) on entering a lease, the disclosure statement forms part of the lease agreement.

In accordance with Council's *Governance Policy*, Council will seek agreement and consent from related parties to publish relevant information that may be otherwise protected via confidentiality requirements, or other protective legislation (such as item 1.(a) noted above). It is the right of parties to withhold this consent.

Q5 If council is not able to disclose details as requested in question 4; will Council provide
Information as to what will prevent you from doing so?

Response

Refer to the response to Question 4.

Q6 Will the General Manager confirm that the said agreement, assumed entered into with Southern Wild Distillery, will guarantee the rent return and remove Council's exposure to financial risk?

Response

As per the response to Question 4, the terms of the lease agreement have been published via the open Council Agenda on 27 July 2020. The lease agreement sets out the payment obligation for tenants to pay rent, along with default provisions in relation to rental payment (and other essential terms).

Mr Malcolm Gardam, 4 Beaumont Drive, Miandetta

A letter containing questions on notice received from Mr Malcolm Gardam on Thursday 11 February 2021 is **reproduced as attachment 3**.

Waterfront Park Redevelopment

Q1 The progress on the Waterfront Park Redevelopment appears to be stalled as a result of the hotel construction encroachment on the parkland site; accordingly, will council please respond separately to each of the following as separate questions relating to the Waterfront Park Redevelopment construction contract:

- a) What was the tendered Date for Practical Completion?
- b) What was the Date for Practical Completion at tender award?
- c) Are there Separable Portions in the contract?
- d) What is the date that Vos Construction (Vos) will assume control of the area currently occupied by Fairbrother Pty Ltd (Fairbrother) to enable it to productively complete construction of the Service Road, Elevated Walkway and parklands proper?
- e) Has any extension(s) of time been approved for the Waterfront Parkland Redevelopment contract since tender award?
- f) Has any extension(s) of time been approved for the Waterfront Parkland Redevelopment contract due to delays stemming from hotel construction delays?
- g) If hotel construction delays have contributed to parkland construction delays then what is the extent of those delays on the Waterfront Parkland contract in weeks or months?

Response

The Waterfront Park and Waterfront Hotel are both complex projects within the one precinct with significant overlap in relation to work area, programming and related impact on neighbouring streets, businesses and services. This was expected and was reflected in both the tender documents and hotel land sale contract. Council is working closely with all parties to ensure the timely completion and realisation of our project, and ensuring that we minimise the impacts on adjacent property owners, businesses, and the road network from the significant construction activity currently underway.

The level of contractual detail requested for works currently in delivery, is significantly greater than typically published by Council for any project. Council has appointed an independent Superintendent to administer the Waterfront Park construction contract, and to fairly and equitably deal with the matters raised in your query.

Council will keep the community informed of the expected construction completion and opening dates for the projects. Whilst there were delays at the start of both the Parkland and Hotel projects, Council still expect most aspects of the Park to be completed as planned during 2021. It is understood that the hotel construction will be completed in the first quarter of 2022, however this is a private development and ultimate control over the timing is a matter for the developer.

Q2 It was previously asked if the Hotel Developer was reimbursing Council for use of the new parkland area currently occupied to facilitate the hotel construction (estimated at about 40% of the area of the new parkland bordered by Formby Road and Rooke Street) to which Council responded that it was not; accordingly, will council please

respond separately to each of the following as separate questions relating to the hotel developer's use of the sizeable area of the Waterfront Parkland Redevelopment site as a hotel construction laydown area and to house site amenities:

- a) Does Council deny that the requirement for the Waterfront Parkland contractor (Vos) to programme works around the hotel construction intrusion onto the parkland site, *and effectively add considerable time, at least in the order of 6 months to the parkland construction contract period*, has added cost to the parklands price?
- b) Do Councillors know what the protracted contract period in the initial Waterfront Parkland Redevelopment programme, to reduce the hotel construction costs by making part of the parkland site available, has cost ratepayers in the awarded waterfront park contract price?

Response

The requirement for the neighbouring construction sites to work in collaboration to manage programming and scheduling of their respective site access requirements was known at the time of tendering, with a staged handover plan included in the tender documentation. This advanced knowledge was of benefit to all tenderers in considering their respective programming and resourcing of the parkland project – to a degree that may not normally be available regarding activity on neighbouring properties. Council does not consider that this staged handover negatively impacted tender pricing, noting that the contractor in charge of the hotel construction site did not submit the lowest price tender proposal for the parkland project, while having the benefit of being in control of both sites.

Q3 Noting the General Manager was reported in The Advocate on the 11/3/20 that “By the end of 2021, we should have the waterfront park built and the hotel completed by Fairbrother”, will the General Manager confirm the current Waterfront Parkland Development contract Date for Practical Completion (or Adjusted Date for Practical Completion if applicable)?

Response

As noted in response to question 1 Council will keep the community informed of the construction completion and project opening dates as any material changes occur to the originally forecast program.

Q4 Noting the General Manager was reported in The Advocate on the 11/3/20 that “Work on the next part of the park starts next month which is the playspace, barbeque and toilet area and involves reclaiming part of the river”, and that was almost 12 months ago, does Council concede this is an indication that a delay to the elevated walkway has affected productive completion of the above referenced works on the eastern side of Formby Road?

Response

Works to the Foreshore Promenade area, are well progressed and nearing completion, with the play space and shelter construction programmed to commence following the erection of the eastern-most section of the elevated walkway. The planned sequencing of these works are a matter for the contractor, and have not changed from the originally proposed approach.

Q5 Will the General Manager please advise as to where the latest "For Construction" drawings for the Elevated Walkway can be viewed?

Response

Council do not publish detailed construction documentation for projects.

Q6 Will the General Manager please advise where the latest "For Construction" general layout drawings for the waterfront parklands can be viewed as currently displayed information does not appear to be the latest versions?

Response

When applicable, community updates are provided on the LIVING CITY Website, including updates on any material changes to project scope.

Waterfront Hotel Redevelopment

Q7 Worksites shared between head contractors (such as is the case with Council affording Fairbrother access to about 40% of the parkland site bordered by Formby Road and Rooke Street) has historically led to contractual EOI's (extensions of time) and delay costs where the Principal (DCC) is responsible for the delays – in this instance any delay caused by the hotel development that delays completion of the new waterfront parkland contract would be a DCC caused delay and a valid delay cost claim by Vos; accordingly, will the General Manager confirm the existence of a legally binding agreement with the hotel developer and/or Fairbrother for reimbursement of delay costs incurred by Vos resulting from Fairbrother's occupation of the area of the new parkland site and thereby protecting ratepayers from funding those costs?

Response

As per the response to Question 1, an independent Superintendent has been appointed to administer the construction contract, in a fair and equitable manner and both contractors are working collaboratively to manage their respective construction programs and the interfaces between the two projects.

Q8 Early in the development application stage it was indicated that the new hotel would utilise the Rooke Street bus interchange for tourist buses and the like servicing the hotel; will Council confirm precisely how buses specifically servicing the hotel have been addressed in the final design? (I.e. use the public bus interchange, alternate on-street parking or own off-street parking?)

Response

The new Rooke Street interchange primarily services the public transport network (both local, and inter-city services). As the road manager, Council has the capacity to address the needs of new users and services as they arise and will continue to do so, noting that there is currently some unused capacity in the interchange. Although, at this time no specific request has been received by Council for the services noted in your question.

Mr Bob Vellacott, 11 Cocker Place, Devonport

A letter containing questions on notice received from Mr Bob Vellacott on Sunday 14 February 2021 is **reproduced as attachment 4**.

- Q1** a) You Mayor were reported as saying "The council would like to see a bus transit centre in Devonport and understand that without one, there is no assistance for the vulnerable passengers, such as the elderly or the young." (Ref Adv. Jan. 26) and (ref Adv. Feb 13) "Obviously if it's a possibility we would welcome (a transit centre) but I don't know where it would be."

And on the same day the Minister for Transport stated "...there is a transit hub at the modern parnaple centre in Rooke St, Devonport,...." so with what appears to be confusion if Devonport has a bus transit centre or not - then when did discussions between Council and the Minister for Transport commence to utilize the parnaple centre and the visitors information centre as a transit centre? (Ref the "Devonport Interchange Improvements" advertisement in The Advocate 13th Feb 2021)

And

b) In addition to what you Mayor was reported as saying above in The Advocate of the 26th January 2021 in that you said council supports keeping the city's bus transit centre in Devonport you were also reported as saying "We would encourage the State Government and Redline Coaches in continuing to support the Devonport Transit Centre....." Indicating you were referring to a Redline transit centre and - accordingly were you referring to the continuance of the now closed Redline Transit Centre in Providore Place and are you and all councillors still of that opinion ?

- Q2** a) - Has council approached the Minister for Transport and/or State Growth about reopening and funding the Redline passenger centre in Providore Place? And -

b) - If Council has made an approach regarding reopening the Redline passenger centre in Providore Place then when was that?

Response

There has been numerous media articles over recent weeks relating to long haul bus services across the North West Coast of Tasmania. Whilst Council is a stakeholder in these discussions, ultimately the contractual relationship and any associated decision-making is the responsibility of the State Government and the contracted operators (Mersey Link & Redline). Council has been engaging in the discussions as necessary and has met in recent weeks with Redline, the Minister for Infrastructure and relevant Department of State Growth representatives.

Council's priority has been to ensure a high level of bus services (& associated facilities) for as many users as possible. The integration of both long haul and local routes to the one interchange has obvious benefits for Devonport bus users and is supported by Council. The use of Providore Place as a bus transit centre was an interim measure when Redline sold their Edward Street premises and is not something Council consider to be a long term solution.

ATTACHMENTS

1. Questions on Notice - Mr Mills - 22 February 2021 [**3.2.2.1** - 1 page]
2. Questions on Notice - Mr Vellacott - 22 February 2021 [**3.2.2.2** - 2 pages]
3. Questions on Notice - Mr Gardam - 22 February 2021 [**3.2.2.3** - 2 pages]
4. Questions on Notice - Mr Vellacott - Redline - February 2021 [**3.2.2.4** - 1 page]

3.2.3 QUESTIONS 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

4 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 AM2020.01 & PA2020.0143 - COMBINED AMENDMENT - REZONE FROM THE RECREATION ZONE & ENVIRONMENTAL MANAGEMENT ZONE TO A PARTICULAR PURPOSE ZONE AND APPLICATION FOR VISITOR ACCOMMODATION - 17 DEVONPORT ROAD AND CROWN LEASE AREA (DPIPWE REF: 076344)

Author: **Carolyn Milnes, Planning Officer**

Endorser: **Kylie Lunson, Development Services Manager**

RECOMMENDATION

That Council:

- agree to certify amendment AM2020.01 to rezone land being 17 Devonport Road (CT42522/4) and the adjacent leased Crown Land area (DPIPWE Ref: 076344) from the Recreation Zone and Environmental Management Zone respectively to the Particular Purpose Zone – Waterfront Complex - as set out in Attachment 1; and
- place Amendment AM2020.01 and application PA2020.0143 on public exhibition for a 4 week period in accordance with Sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- approve application PA2020.0143 for a change of use to Visitor Accommodation with the following conditions:
 1. The Use is to proceed generally in accordance with the submitted plans referenced as Change of Use from Restaurant to Motel Accommodation, Job No. 0402-19, Drg No. 01-04, Amendment A, dated 13-10-2020 and Drg 05, dated 21/4/2020 by Tas Laughlin, copies of which are attached and endorsed as documents forming part of this Planning Permit.
 2. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

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 or use of these facilities 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*.

If the accommodation service will provide food to/prepare food for guests, the operator must contact Council to confirm their requirements under the *Food Act 2003*.

In regard to condition 2 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

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

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 2.1.3 Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority, to determine whether to initiate an amendment to the *Tasmanian Planning Scheme - Devonport* in accordance with Section 40T of the *Land Use Planning and Approvals Act 1993*. It is proposed that the Recreation zone be removed from 17 Devonport Road (CT 42522/4) along with the Environmental Management zone from a portion of leased Crown Land to the south (DPIPWE Ref: 076344) and replaced with a Particular Purpose zone. In addition, an application for Visitor Accommodation has been made.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme - Devonport</i>
Applicant:	Plan Place Pty Ltd
Owner:	Rynmarc Pty Ltd & The Crown
Proposal:	Remove Recreation Zone and Environmental Management Zone and Apply Particular Purpose Zone – Waterfront Complex. Change of use to Visitor Accommodation
Existing Use:	Community Meeting and Entertainment, Food Services, Recreation & Visitor Accommodation
Decision Due:	3 March 2021

The site, referenced as 17 Devonport Road (CT42522/4) and an adjacent area of leased Crown Land (DPIPWE Ref: 076344), has areas of 3.177ha and 590m² respectively. The section of Crown Land is leased by the landowner of 17 Devonport Road as the existing function centre has been built across the two titles. The lease (DPIPWE Ref: 076344) was approved on 6th March 2020.

The site contains a miniature golf course, a café, visitor accommodation and a function centre, along with a manager's residence and a large car park. The land is located between the Mersey River and Devonport Road with an electricity transmission line passing through the north-eastern portion of the property and containing a rocky outcrop to the west. Bush covers the land west of the cliff. The railway line follows the northern side of Devonport Road.

Figure 1 shows the title plan for 17 Devonport Road. There is no title available for the Crown lease area (see Figure 2).

Figure 3 shows a zoning map of the area and Figure 4 shows an aerial photo of the subject site and surrounding area.

The application documentation for the proposal can be found as Attachment 2.

The application was originally submitted as an amendment to the *Devonport Interim Planning Scheme, 2013*, however it was not initiated nor certified prior to the Tasmanian Planning Scheme – Devonport coming into effect on the 18th of November, 2020. As a result, the assessment was unable to continue under the former provisions of the *Land Use Planning and Approvals Act 1993* as per Schedule 6 – Savings and Transitional Arrangements and must now be assessed as a combined amendment under section 40T of the Act.

The application has been rewritten in accordance with the requirements of section 37 and 40T of the Act.

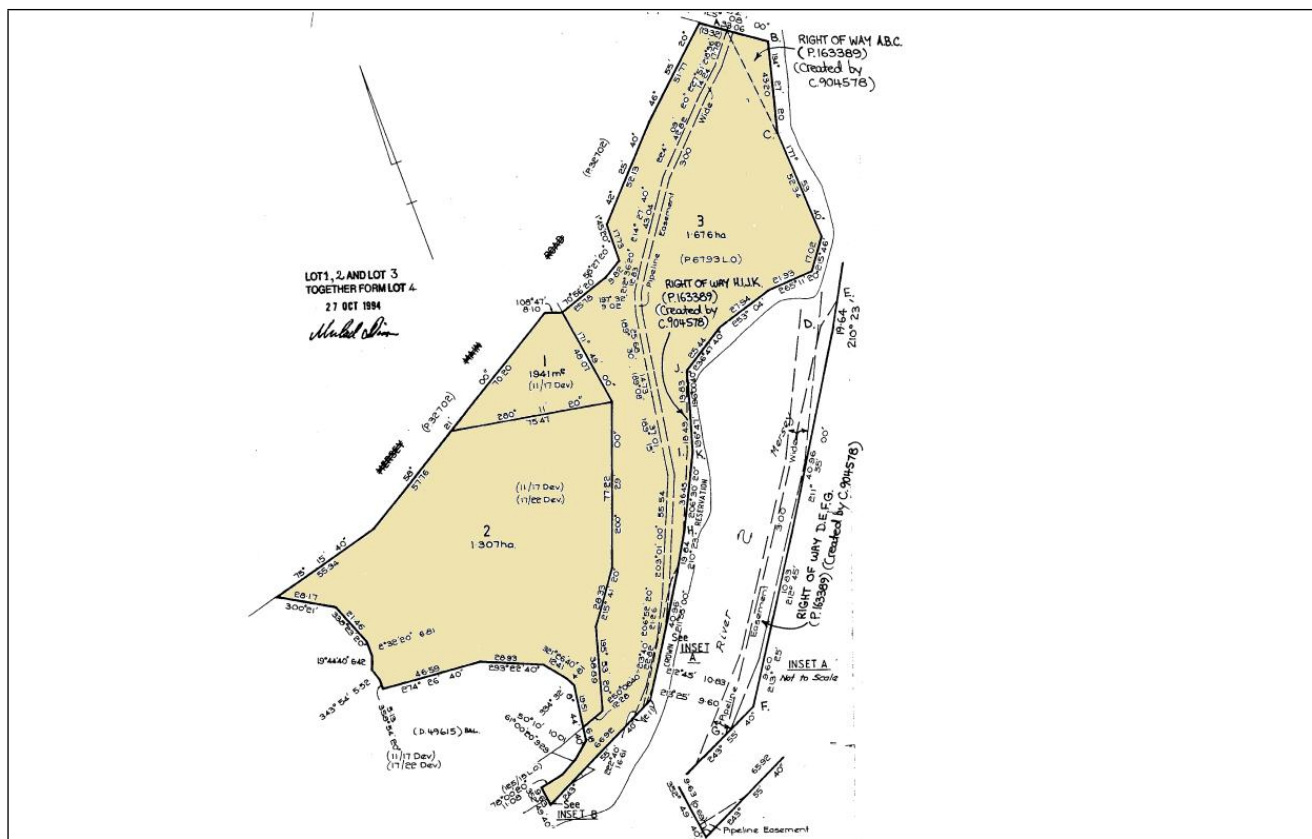


Figure 1 - Title plan – CT42522/4



Figure 2 - Lease area - Source: Crown Land lease document

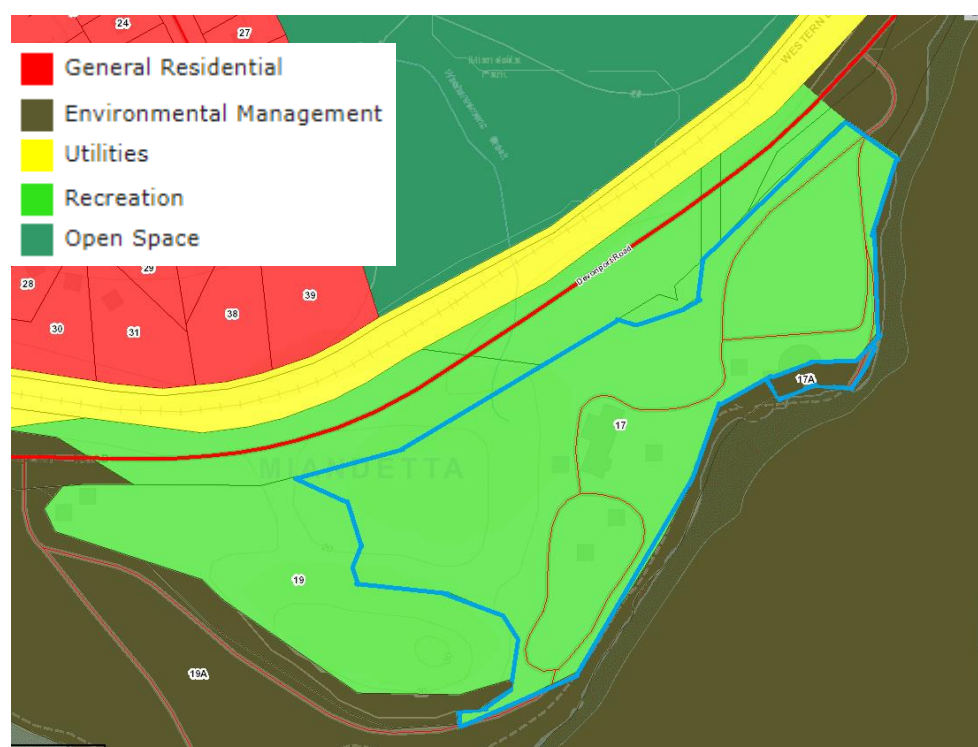


Figure 3 - Zoning map (Source: LISTMap)



Figure 4 - Aerial view of 17 Devonport Road, Crown lease and surrounding area (source: LISTMap)

COMMENTARY

CURRENT ZONING

The site is currently zoned Recreation and Environmental Management (see Figure 2). Clause 28.1 of the *Tasmanian Planning Scheme – Devonport* (the planning scheme) states that the purpose of the Recreation zone is:

to provide for active and organised recreational use and development ranging from small community facilities to major sporting facilities; to provide for complementary uses that do not impact adversely on the recreational use of the land; and to ensure that new major sporting facilities do not cause unreasonable impacts on adjacent sensitive uses.

Uses allowable in the zone are listed under section 28.2 of the planning scheme and are reproduced below.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Sports and Recreation	If not for a major sporting facility.
Utilities	If for minor utilities.
Permitted	
Sports and Recreation	Except if No Permit Required.
Discretionary	
Community Meeting and Entertainment	
Crematoria and Cemeteries	If for alterations or extensions to an existing crematorium or cemetery.
Domestic Animal Breeding, Boarding or Training	If for animal training.
Educational and Occasional Care	
Emergency Services	
Food Services	
General Retail and Hire	If for: (a) clothing, equipment or souvenirs for a Sports and Recreation use; or (b) a market.
Motor Racing Facility	
Pleasure Boat Facility	
Tourist Operation	
Utilities	If not listed as No Permit Required.
Vehicle Parking	
Visitor Accommodation	If for a camping and caravan park or overnight camping area.

Prohibited	
All other uses	

The intent of the Environmental Management zone, under clause 23.1 of the planning scheme is:

To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and

To allow for compatible use or development where it is consistent with:

(a) the protection, conservation and management of the values of the land; and

(b) applicable reserved land management objectives and objectives of reserve management plans.'

Section 23.2 of the planning scheme lists the following uses permissible in the zone.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Community Meeting and Entertainment	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Educational and Occasional Care	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Emergency Services	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Food Services	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .

General Retail and Hire	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Pleasure Boat Facility.	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Research and Development	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Residential	If: (a) for reserve management staff accommodation; and (b) an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Resource Development	If: (a) for grazing; and (b) an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Sports and Recreation	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Tourist Operation	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Utilities	If: (a) for minor utilities; and (b) an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Visitor Accommodation	If an authority under the <i>National Parks and Reserved Land Regulations 2009</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .

Discretionary	
Community Meeting and Entertainment	If not listed as Permitted.
Educational and Occasional Care	If not listed as Permitted.
Emergency Services	If not listed as Permitted.
Extractive Industry	
Food Services	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted.
Pleasure Boat Facility	If not listed as Permitted.
Research and Development	If not listed as Permitted.
Resource Development	If not listed as Permitted.
Resource Processing	
Sports and Recreation	If not listed as Permitted.
Tourist Operation	If not listed as Permitted.
Utilities	If not listed as Permitted.
Vehicle Parking	
Visitor Accommodation	If not listed as Permitted.
Prohibited	
All other uses	

PROPOSED ZONING

The landowners feel that the existing zoning is not appropriate for the site. In particular they aim to convert the existing function centre to Visitor Accommodation which is not possible under the current zoning.

A Visitor Accommodation use currently exists on the site through four apartments, housed within two buildings, approved by planning permit PA2014.0173. Approval was granted for 32 Visitor Accommodation units, leaving 28 yet to be constructed. Each building will contain 2 to 4 apartments in a mix of single and double storey buildings.

Approval for the Visitor Accommodation units was possible under the previous planning scheme, the *Devonport Interim Planning Scheme, 2013*, which listed Visitor Accommodation as a permitted use in the Recreation Zone if for participants and spectators of a sport or recreation activity on land within the zone and if in a building.

the Visitor Accommodation use along with a mix of uses proposed to maintain the vibrancy of the site and complement the adjacent shared pathway.

The PPZ proposes the use of precincts to better control uses within the site. Three precincts are proposed, a Business Precinct, a Mixed Use Precinct and an Accommodation Precinct.

The proposed Business Precinct contains the existing function centre and car park, the proposed Mixed Use Precinct contains the café, mini-golf, and the manager's residence and the proposed Accommodation Precinct contains the 2 buildings utilised for visitor accommodation.

Figure 6 shows the location of the existing uses and approximate precinct boundaries with the yellow representing the Business Precinct, green the Mixed Use Precinct and blue the Accommodation Precinct.



Figure 6 - Aerial view showing existing uses (Source: PlanPlace report).

The following use table is proposed for the Business Precinct:

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities
Permitted	
Business and Professional Services	If (a) for a consulting room; or (b) for a veterinary centre.
Community Meeting and Entertainment	If for a public art gallery.

Food Services	If: (a) not for a drive-through facility; or (b) not for a take-away food shop.
General Retail and Hire	If: (a) for a private art gallery; (b) for a shop for selling or hiring goods; or (c) for a market.
Sport and Recreation	If (a) for outdoor recreation; or (b) for indoor recreation in an existing building.
Visitor accommodation	If not for camping and caravan park or overnight camping area.
Discretionary	
Community Meeting and Entertainment	If: (a) for a function centre; or (b) place of worship.
General Retail and Hire	If for a market
Visitor Accommodation	
Sport and recreation	
Tourist Operation	
Utilities	
Prohibited	
All other uses	

A range of limited Business and Professional, Community Meeting and Entertainment, Food Services and General Retail and Hire uses are proposed, along with Visitor Accommodation, Sports and Recreation, Tourist Operation and Utilities. Natural and Cultural Values Management, Passive Recreation and minor Utilities will not require a permit.

The Mixed Use Precinct allows for the following:

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities
Permitted	

Business and Professional Services	If: (c) for a consulting room; or (d) for a veterinary centre.
Community Meeting and Entertainment	If for a public art gallery.
Food Services	If: (c) not for a drive-through facility; or (d) not for a take-away food shop.
General Retail and Hire	If for a shop for selling or hiring goods;
Sport and recreation	If for outdoor recreation.
Visitor accommodation	If not for camping and caravan park or overnight camping area.
Discretionary	
General Retail and Hire	If not listed as Permitted.
Residential	
Tourist Operation	
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

The Use Table for the Mixed Use Precinct also contains a range of limited Business and Professional Services, Community Meeting and Entertainment and Food Services uses along with unqualified Tourist Operation and Utility uses. However, there is discretion for a full range of General Retail and Hire use and Residential use is also a possibility for the precinct.

The Accommodation Precinct allows for the following:

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities
Permitted	
Residential	If for a single dwelling
Visitor Accommodation	

Discretionary	
Residential	
Utilities	
Prohibited	
All other uses	

Aside from Natural and Cultural Values Management, Passive Recreation and Utilities which do not require a permit, Residential and Visitor Accommodation are the only uses proposed for the Accommodation Precinct.

Although the application proposes three precincts it is felt that two precincts would be more appropriate. The Business Precinct and Mixed Use Precinct are very similar in regard to the proposed use tables and can be easily combined. It is proposed that the combination of the two precincts be referred to as the Mixed Use Precinct.

It is Council's preference that the CBD not be further fragmented by the introduction of retail to the area. The qualified General Retail and Hire uses proposed are deemed to be appropriate for the site however, allowing for unqualified General Retail and Hire use, even though a discretionary pathway for other General Retail and Hire uses is seen as inappropriate. It is proposed that General Retail and Hire be limited to a market, a commercial art gallery or a shop only for the specific purpose of bike hire.

Residential use is proposed to be permissible in the Mixed Use zone as the use is appropriate and the visitor accommodation uses may convert to Residential in the future. The provision of private open space etc would be required as part of such a conversion.

The revised Use Table for the PPZ is as follows:

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Community Meeting and Entertainment	If within the Mixed Use Precinct and for: (a) a function centre; or (b) a market.
Food Services	If within the Mixed Use Precinct and not for: (a) a drive-through facility; or (b) a take-away food shop.
Residential	If within the Accommodation Precinct.

Sports and Recreation	If within the Mixed Use Precinct and for: (a) outdoor recreation; or (b) indoor recreation in an existing building.
Visitor Accommodation	If not for camping and caravan park or overnight camping area.
Discretionary	
Business and Professional Services	If within the Mixed Use Precinct and for: (a) a consulting room; or (b) a veterinary centre.
Community Meeting and Entertainment	If within the Mixed Use Precinct and for: (a) a public art gallery; or (b) a place of worship.
General Retail and Hire	If within the Mixed Use Precinct and for: (a) a market; (b) a commercial art gallery; or (c) a shop only for the specific purpose of bike hire.
Residential	
Sports and Recreation	If within the Mixed Use Precinct and not listed as Permitted.
Tourist Operation	If within the Mixed Use Precinct.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	If within the Accommodation Precinct and not listed as Permitted.
Prohibited	
All other uses	

STRATEGIC IMPLICATIONS

Council must carefully consider the strategic implications of this amendment. It is prudent for Council to consider this application in terms of the overall zoning of the area and in particular to what extent the current Recreational and Environmental Management zonings are appropriate.

While the objectives of the Recreation zone do not line up entirely with the landowners' vision for the site, an alternative to a Particular Purpose Zone would be to insert a site specific qualification into the Recreation Zone allowing for unqualified Visitor Accommodation to occur on 17 Devonport Road. No changes to the Crown lease area would be required as Visitor Accommodation is discretionary in the Environmental Management Zone under the current planning scheme.

This approach would also be required to allow for Residential and Business and Professional Services. All other proposed uses are already possible. An issue with utilising site specific qualifications is that there would not be any specific controls around Residential use or development.

It is agreed, as stated by the applicant, that the existing and proposed uses do not fit appropriately within any of the available zones contained within the planning scheme, therefore an alternative is required.

Essentially a mixed use zoning is needed however the Urban Mixed Use Zone contained within the planning scheme is too broad, allowing for Service Industry, unqualified General Retail and Hire, Bulky Goods Sales and Custodial Facilities, along with numerous other uses deemed inappropriate.

In light of this a Particular Purpose Zone is seen as the most appropriate option for the site. A PPZ provides a more focussed approach allowing the permissible uses to be tailored to the site. The provision for unqualified Visitor Accommodation seems appropriate as does allowing for Residential uses as this will enable Visitor Accommodation to be converted to Residential accommodation should the Visitor market decline. In addition, a range of uses to draw visitors and locals to the site and complement the shared pathway will enable the vibrancy of the area to be maintained and enhanced.

STATUTORY REQUIREMENTS

Section 37 of the Act requires the property owner's written consent if the application for amendment is made by a person other than the property owner. Consent was originally given in accordance with the former provisions of the Act, section 33(2A) however advice from the Tasmanian Planning Commission was that the original consents are acceptable given the intent is the same. Consent from both Rynmarc Pty Ltd and The Crown can be found in the application detail attached.

Before certifying an amendment, Council must be satisfied that the amendment is consistent with all relevant legislation. Section 34(2) of the *Land Use Planning and Approvals Act 1993* sets out the requirements for the preparation of draft amendments.

The applicant has provided commentary in this regard (see Part 8 of Attachment 2) and nothing of any consequence has been determined to require modification to supplement the application. It is recommended that Council, in its role as a Planning Authority, concur with the applicant's statements.

DISCUSSION

Other than the combination of the proposed Business and Mixed Use Precincts and the removal of discretionary General Retail and Hire some minor modifications have been made to the submitted PPZ in regard to numbering and consistency with the planning scheme.

The applicant has proposed the name 'Particular Purpose Zone – Waterfront Complex' for the zone. This name seems appropriate given the existing branding for the site which is known as the Waterfront Complex and includes the Waterfront Café, Waterfront Mini-golf, Waterfront Apartments and Waterfront Function Centre. It is acknowledged that the Waterfront Park is currently under construction as part of the Living City Masterplan however this name has not been adopted for the site and Council may yet adopt another name for the area. Council may also propose an alternative name for the Particular Purpose Zone.

Should the draft amendment be initiated certified by Council it must be placed on public display for a period of 28 days during such time representations may be made in regard to

the proposal. Should any representations be received their content must be assessed by Council and any modifications made to the draft amendment if required.

If no representations are received the General Manager has delegation to advise the commission that further assessment is not required.

COMMUNITY ENGAGEMENT

The draft amendment must be placed on public exhibition for a period of 28 days in accordance with section 40G of the Act. During this time people will have the opportunity to comment via representation made to Council.

FINANCIAL IMPLICATIONS

No financial implications are predicted as a result of this proposal.

CONCLUSION

The proposal allows for specific, limited uses to operate on the site which will generally provide for visitor accommodation and a mix of complementary uses such as food services, markets and bike hire. The change to the zoning of the property will provide certainty for the landowners and enable them to achieve their vision for the site to create a vibrant waterfront environment enjoyed by both residents and visitors and in doing so facilitate economic and employment growth in the region.

PERMIT APPLICATION

APPLICATION DETAILS

The applicant seeks approval for a change of use from Community Meeting and Entertainment (function centre) to Visitor Accommodation in the form of four self contained units for the existing building located on the southernmost point of the site. Internal reconfiguration of the building is also proposed.

In assessing the application it is assumed that the proposed amendment has been approved. Referral to TasWater has not yet been made and is part of the notification process that occurs after an amendment and associated permit have been certified. In light of this a condition will be placed on the permit in reference to TasWater's likely conditions.

Visitor Accommodation is a permitted use in the Mixed Use Precinct, in which the subject building is located, provided it is not for a camping and caravan park or an overnight camping area.

The relevant sections of the Particular Purpose Zone – Waterfront Complex are reproduced below, followed by comment.

DEV-P2.5.2 Uses in the Mixed Use Precinct

Objective:	That the scale and proportion of business and retail activities, excluding Residential and Visitor Accommodation uses, that can establish in the zone be limited	
Acceptable Solutions		Performance Criteria
A1		P1
Business and Professional Services, Community Meeting and Entertainment, Food Services, General		Business and Professional Services, Community Meeting and Entertainment, Food Services, General

Retail and Hire, Sports and Recreation and Visitor Accommodation uses in the Mixed Use Precinct must:	Retail and Hire, Sports and Recreation and Visitor Accommodation uses in the Mixed Use Precinct must not compromise the established character of the zone, having regard to:
(a) be in an existing building; and	(a) the local area objectives;
(b) be for a single tenancy.	(b) the characteristics the site; and
	(c) the size, scale or permanency of the proposed use.

The proposed Visitor Accommodation is within an existing building, being that currently used as the Waterfront Function Centre. The proposal meets the acceptable solution.

As only internal alterations are proposed no Development Standards are triggered. The proposal must, however, comply with any relevant Codes as follows:

C1.0 Signs Code

No new signage is proposed. The Code is not applicable.

C2.0 Parking and Sustainable Transport Code

As parking is required the Code is applicable.

C2.5.1 Car parking numbers

Objective:	That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solutions		Performance Criteria
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:		P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:
(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;		(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;
(b) the site is contained within a parking precinct plan and subject to Clause C2.7;		(b) the ability of multiple users to share spaces
(c) the site is subject to Clause C2.5.5; or		because of:
(d) it relates to an intensification of an existing use or development or a change of use where:		(i) variations in car parking demand over time; or
		(ii) efficiencies gained by consolidation of car parking spaces;

<p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p>	<p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p>
<p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>

Visitor Accommodation requires 1 parking space per self contained unit. Given 4 units are proposed 4 car parking spaces are required.

Clause C2.5.1 A1(d)(i) is applicable as the existing Community Meeting and Entertainment use for a function centre requires more parking spaces than the proposed Visitor Accommodation. As there is a large car park adjacent to the building no additional parking spaces are required. The proposal meets the Acceptable Solution.

As the car parking is existing and no changes are proposed the Development Standards for Buildings and Works at C2.6 are not applicable.

C3.0 Road and Railway Assets Code

The Road and Railway Assets Code is not applicable as the railway is more than 50m from the proposal and Devonport Road does not have a speed limit greater than 60km/h.

C4.0 Electricity Transmission Infrastructure Protection Code

A transmission line runs through the property, adjacent to the proposed Visitor Accommodation building as shown in Figure 7. The transmission line can be seen marked by the pin with the inner protection area being between the set of parallel lines closest to the transmission line and the electricity transmission corridor extending to the outer parallel lines.



Figure 7 - Aerial photo showing transmission line inner protection area and electricity transmission corridor (Source: LISTmap)

The Electricity Transmission Infrastructure Protection Code is applicable as the proposal is for a sensitive use contained within a building within an electricity transmission corridor (see C4.2.1(a)(ii)). However, the use is exempt under clause C4.4.1(a)(i) as the proposal is for alterations to an existing building which do not increase the site coverage.

C5.0 Telecommunications Code

Not applicable.

C6.0 Local Historic Heritage Code

Not applicable.

C7.0 Natural Assets Code

The Natural Assets Code is not applicable. Although the proposal is within a Waterway and Coastal Protection Area the code is not applicable as it does not apply to use (C7.2.2).

C9.0 Attenuation Code

Not applicable. There are no relevant activities operating nearby.

C10.0 Coastal Erosion Hazard Code

Not applicable. The proposal does not fall within a Coastal Erosion Hazard Area.

C11.0 Coastal Inundation Hazard Code

Not applicable. The proposal does not fall within a Coastal Inundation Hazard Area.

C12.0 Flood-Prone Hazard Areas Code

Not applicable. The proposal does not fall within a Flood-Prone Hazard Area.

C13.0 Bushfire-Prone Areas Code

Not applicable. The proposal is not for a vulnerable use and is therefore exempt.

C14.0 Potentially Contaminated Land Code

Not applicable.

C15.0 Landslip Hazard Code

Not applicable. There are no landslip hazard areas in the location of the proposal.

C16.0 Safeguarding of Airports Code

Not applicable. No development is proposed.

REPRESENTATIONS

The proposal is permitted under the planning scheme and would not generally require public notification. However, as the proposal can not be approved without approval of the draft amendment, the planning application must be advertised alongside the draft amendment for a period of 28 days in accordance within section 40Z of the Act. Any representations received during this time will be considered as part of a subsequent report to the Planning Authority.

CONCLUSION

The proposal has been assessed against the requirements of the PPZ and any relevant Codes and can be approved with conditions.

ATTACHMENTS

1. Particular Purpose Zone - Waterfront Complex **[4.1.1 - 11 pages]**
2. Combined amendment - AM2020.0001 & PA2020.0143 - 17 Devonport Road **[4.1.2 - 258 pages]**
3. Draft planning permit - PA2020.0143 - 17 Devonport Road **[4.1.3 - 4 pages]**

5 REPORTS

5.1 TENDER REPORT CONTRACT CS0096 OLDAKER EAST CATCHMENT UPGRADE

Author: **Michael Williams, Infrastructure & Works Manager**

Endorser: **Matt Skirving, Executive Manager City Growth**

RECOMMENDATION

That Council in relation to Contract CS0096 Oldaker East Catchment Upgrade:

- a) award the contract to CBB Contracting Pty Ltd for the tendered sum of \$269,027 (ex GST);
- b) note project design, management and administration costs for the project are estimated at \$44,155 (ex GST);
- c) note utility and other costs for the project are \$34,803 (ex GST); and
- d) note a construction contingency of \$40,355 (ex GST) is included.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.3 Provide and maintain stormwater infrastructure to appropriate standards

SUMMARY

This report seeks Council's approval to award project CS0096 Oldaker East Catchment Upgrade to CBB Contracting Pty Ltd.

BACKGROUND

This report considers tenders received for "Oldaker East Catchment Upgrade" listed within the 2020/21 capital expenditure budget.

A design has been prepared that meets the identified objectives for the project. The scope of work includes:

- Stormwater pipe upgrades on the north side of Oldaker Street, west of Rooke Street.
- Kerb and channel renewal
- Footpath and driveway access renewal

STATUTORY REQUIREMENTS

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted *Code for Tenders and Contracts* when considering awarding tenders over the prescribed amount.

DISCUSSION

A Tender Planning and Evaluation Committee was formed to evaluate all tenders received. The Tender Planning and Evaluation Committee minutes are available for viewing by Councillors upon request.

Tenders were received from three companies. All tenders are summarised in table 1 below:

TABLE 1

No.	Tender	Total Price (ex GST)
1	CBB Contracting Pty Ltd	\$269,027
2	Treloar Transport	\$290,830
3	Civilscape Contracting Tasmania	\$310,637

As highlighted in table 1, CBB Contracting Pty Ltd (\$269,027) is the lowest priced tender.

The Tender Planning and Evaluation Committee has considered each of the selection criteria and CBB Contracting Pty Ltd has ranked highest overall and therefore offers Council the best value for money.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in the Advocate Newspaper on 19 December 2020 and tenders were also advertised on Council's web site.

FINANCIAL IMPLICATIONS

The 2020/21 capital expenditure budget includes an allocation for the "Oldaker East Catchment Upgrade" project of \$550,000. The quote received from CBB Contracting Pty Ltd is \$269,027.

The breakdown of the forecast expenditure for this project is summarised below in table 2.

TABLE 2

No.	Tender	Budget (ex GST)
1	Contract CS0096	\$269,027
2	Project design, management, administration	\$44,155
3	Utilities and third-party purchases	\$34,803
4	Construction contingency 15%	\$40,355
	TOTAL	\$388,340

The forecast expenditure for this project is within the available budget allocation. The forecast saving on this project is \$161,660.

RISK IMPLICATIONS

To minimise risk, the tender administration processes related to this contract complies with Council's Code for Tenders and Contracts which was developed in compliance with Section 333 of the *Local Government Act 1993*.

A 15% contingency is required for this project as the risk of unforeseen variations is moderate. Unidentified underground services can be encountered in older parts of the city, which is a risk at this location.

CONCLUSION

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that CBB Contracting Pty Ltd has achieved the highest total score and is therefore most likely to offer "best value" in relation to CS0096 Oldaker East Catchment Upgrade.

ATTACHMENTS

Nil

5.2 50+ YEAR RATE PAYER PARKING CONCESSION

Author: **Jeffrey Griffith, Deputy General Manager**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council does not include ratepayers of 50 or more years into the parking concession, which is offered to aged, disability and service pensioners.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- | | |
|----------------|--|
| Strategy 5.4.1 | Provide timely, efficient, consistent services which are aligned with and meet customer needs |
| Strategy 5.4.3 | Manage customer requests and complaints with a view to continual improvement of service delivery |

SUMMARY

A notice of motion was passed at the 2020 Annual General Meeting held on 9 November 2020. The notice of motion follows:

That council, at the next meeting, consider providing all ratepayers of 50 years or more with parking vouchers as provided to pensioners.

Council considered the motion at its December 2020 meeting and determined to workshop the matter.

This report follows the workshop and provides details on the Pensioner Parking Permit concession and a recommendation for Council's consideration.

BACKGROUND

Council has provided a parking permit to pensioners in the Devonport municipality for more than a decade. The pensioners entitled to receive this benefit, as per a Council resolution in January 2011, include aged, disability and service.

A notice of motion, was passed at the AGM held on 9 November 2020, requesting that council consider providing all ratepayers of 50 years or more with parking vouchers as provided to pensioners.

Council held a workshop on 8 February 2021 and reviewed the history of the parking concession that has been offered to aged, disability and service pensioners since January 2011 and discussed the inclusion of ratepayers of 50 years or more.

STATUTORY REQUIREMENTS

There are no statutory requirements that pertain to this report.

DISCUSSION

Council discussed, at a workshop on 8 February 2021, the inclusion of ratepayers of 50 years or more with a parking concession that is provided to aged, disability and service pensioners.

There were several considerations as it pertains to the inclusion of ratepayers of 50 years or more:

- If a ratepayer of 50 or more years does not currently qualify for a pensioner parking permit, then they are not an aged, disability or service pensioner. They may fit into the category of a self-funded retiree or a pension type that is not included within the categories previously listed.
- Council does not maintain records of every address that a ratepayer has lived at over the past 50 years. It is not possible for Council to confirm that a ratepayer has been paying for 50 years or more if the ratepayer has lived at different addresses. The administration overhead required to research and attempt to find evidence confirming a tenure of 50 years would be substantial.
- While some ratepayers may have lived at the same address for 50 or more years and could demonstrate proof of the tenure of payments to the Devonport City Council, many more would have lived at different addresses during that 50-year period.
- Those ratepayers that have lived at different addresses for a continuous period of 50 or more years may not be able to provide details that confirm their qualification to secure access to a parking permit.

The pensioner parking permit has provided a benefit to several thousand pensioners in the Devonport municipality for many years. Council passed a resolution to provide aged, disability and service pensioners with a parking permit in January 2011.

Council has maintained a focus on ensuring the parking concession is provided to the community in a fair and equitable manner adhering to Council's resolution in January 2011.

Apart from the group of ratepayers which are subject to this report, a similar argument could be made to extend free parking to other demographic groups within the community. The current parking permit system is estimated to cost Council in the order of over \$500,000 per annum in forgone revenue.

The pensioner permit system currently provided by Devonport is by far the most generous of any subsidies provided by Tasmanian city council's which operate paid parking.

The inability of many ratepayers of 50 or more years to provide proof of their tenure of payment and the inability of Council to access records of 50 or more years that confirm tenure of payment prevents Council from providing access to a parking concession in a fair and equitable manner.

COMMUNITY ENGAGEMENT

This report is being provided in response to a motion passed at Council's 2020 Annual General Meeting.

FINANCIAL IMPLICATIONS

Adding ratepayers that have paid for 50 or more years to the parking concession would have some financial impact on parking revenue, but the impact is unknown as the number of ratepayers paying for 50 or more years cannot be determined.

It is likely the inclusion of 50 year plus ratepayers would lead to other requests for selected demographic groups to be provided with concessions, potentially at considerable expense to Council. Parking income supports the provision of many community services and facilities which would require alternative funding streams if parking revenue was further eroded.

RISK IMPLICATIONS

There is a risk that ratepayers of 50 or more years will be unhappy with a decision by Council that does not involve their inclusion in the parking concession offered to aged, disability and service pensioners.

There is a risk that those receiving pensions that do not fit into the category of an aged, disability or service pension will be unhappy with the inclusion of ratepayers that are either self-funded retirees or fit into the category of a pensioner that is not currently included in the parking concession.

CONCLUSION

Providing the parking concession to ratepayers of 50 or more years cannot be done in a fair and equitable manner, as highlighted in this report, because in most instances it is not possible to site documentation to confirm that a ratepayer has been paying for 50 or more years. It would also most likely result in pressure to extend the concession to other demographic groups. As a result, it is recommended that Council not include ratepayers of 50 or more years in the parking concession that is currently provided to aged, disability and service pensioners.

ATTACHMENTS

Nil

5.3 PLANNING AUTHORITY COMMITTEE POLICY

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council adopt the attached draft Planning Authority Committee Policy to replace the superseded Council Committees Policy dated 22 July 2019.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.4 Ensure effective administration and operation of Council's committees

SUMMARY

To consider the draft Planning Authority Committee Policy.

BACKGROUND

Council has had a Committee Policy in place since 2014, and in November 2018 resolved to continue with the Committee structure outlined in the Policy, appointing new Councillors to each of the Section 23 Committees.

With the onset of COVID-19 in March 2020, Council suspended the Infrastructure, Works and Development, and Governance, Finance and Community Services Committee Meetings.

The suspension of these Committees continued for the duration of 2020, with all business previously referred to Committee Meetings being considered directly by the whole of Council at monthly Ordinary Meetings. This resulted in a more streamlined process and reduced administrative overhead.

Following discussion at the December workshop, Councillors concurred this process was proving effective and at the December 2020 Ordinary Meeting, resolved to update its Committee Policy to discontinue the Governance, Finance and Community Services and Infrastructure, Works and Development Committee Meetings, referring relevant business direct to the Ordinary Meeting (min 20/171 refers).

STATUTORY REQUIREMENTS

The Local Government Act 1993 provides:

Section 23. Council committees

- (1) A council may establish, on such terms as it thinks fit, council committees to assist it in carrying out its functions under this or any other Act.*
- (2) A council committee consists of councillors appointed by the council and any councillor who fills a vacancy for a meeting at the request of the council committee.*
- (3) A meeting of a council committee is to be conducted in accordance with prescribed procedures.*

Section 22(1) of the Act provides the legislative framework which allows a council to implement a committee structure. The Act states that a council “may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act”.

DISCUSSION

As a result of the decision to discontinue the Governance, Finance and Community Services and Infrastructure, Works and Development Committees, Council now only has one Section 23 Committee - the Planning Authority Committee, which meets on an as required basis.

When reviewing the Council Committee Policy, it was evident that the scope of the policy is now only relevant to the Planning Authority Committee and therefore it was considered efficient to draft a new policy specific to that Committee.

The Policy specifies the meeting schedule; membership of the Committee; Committee functions; delegations; and meeting guidelines.

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 identified risks in relation to this report; if in the future the Committee structure changes, the policy will be updated accordingly.

CONCLUSION

The draft Planning Authority Committee Policy is presented for adoption.

ATTACHMENTS

1. Planning Authority Committee Policy - Draft January 2021 [5.3.1 - 3 pages]

5.4 SIGNAGE STRATEGY 2017-2022 YEAR FOUR STATUS

Author: **Michael Williams, Infrastructure & Works Manager**

Endorser: **Matt Skirving, Executive Manager City Growth**

RECOMMENDATION

That Council note the status of actions listed in the Signage Strategy 2017-2022.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.2.1	Ensure access to Council information that meets user demands
Strategy 2.3.2	Provide and maintain roads, bridges, paths and car parks to appropriate standards
Strategy 2.3.4	Provide and maintain Council buildings, facilities and amenities to appropriate standards
Strategy 2.3.5	Provide and maintain sustainable parks, gardens and open spaces to appropriate standards
Strategy 3.2.1	Support tourism through the provision of well designed and managed infrastructure and facilities
Strategy 4.1.1	Provide and manage accessible sport, recreation and leisure facilities and programs
Strategy 4.1.3	Promote passive recreational usage including walking, bike paths, trails, parks and playspaces
Strategy 4.2.2	Cultural facilities and programs are well planned and promoted to increase accessibility and sustainability

SUMMARY

To report to Council on the progress of the actions outlined in Council's Signage Strategy 2017-2022 (the Strategy).

BACKGROUND

Council first developed and adopted a Signage Strategy in 2013 to further assist with the objectives and goals in the Council's Strategic Plan 2009-2030. This Strategy was revised as the current Signage Strategy 2017-2022 and adopted by Council at its meeting in February 2017 (Min IWC 02/17 refers).

A copy of the Signage Strategy can be found on Council's website at: <http://www.devonport.tas.gov.au/Council/Publications-Plans-Reports/Council-Plans-Strategies>

The goal of the Strategy is to ensure that there is a consistent approach to the design and placement of non-regulatory signage for Council owned or supported attractions and facilities by:

- providing clear guidelines for design and type;
- providing clear approach to positioning;
- defining a Signage Hierarchy; and

- providing a clear process for assessment and prioritisation of signage replacements and new signage requests.

The Strategy action plan identifies the activities to be undertaken to meet the goals of the Strategy. This report provides an update on progress on those activities for the current year of the Strategy.

STATUTORY REQUIREMENTS

There are no specific statutory requirements relating to this report.

DISCUSSION

Achievements and progress for the current year of the Signage Strategy 2017-2022 are outlined in Attachment 1 of this report. Eight of the 20 actions have been completed, eight are in progress and four are ongoing.



Progress in the last year includes:

Action 6: An audit of guide signs between the Devonport Airport, Port of Devonport and the City Centre was completed. The audit found many areas for improvement on the two routes. The routes are controlled by various authorities including Tasports, the Department of State Growth and Council. The high priority improvements are:

- Improve City Centre signage directing vehicles to multi level car park (and therefore the visitor information centre), ensuring integration with existing wayfinding signage
- Confirm preferred location for major city entrance marker and develop concept plans
- Remove minor city entrance markers
- Engage with other authorities (Tasports, Cradle Coast Authority) on improvements at Devonport Airport

Action 7: Preliminary work on the preferred locations for major city entrance markers has been completed. Locations with the highest exposure to arriving traffic and that may have space available include:

- Formby Road interchange, for arrivals from the east and south
- Don Interchange, for arrivals from the west
- East Devonport ferry terminal departure route, for arrival from the north (i.e. interstate)

Work can now progress to determining scope of work and more precise location, except in East Devonport, where progress now relies on more definite planning for the Bass Strait ferry replacement and related terminal and road network upgrades.

Action 9: Destination signs have been installed at the Mersey Vale Memorial Park to assist visitors. This signage is supported by wayfinding signage installed throughout the site. Destination signage for the Devonport General Cemetery has been designed.

Actions 11 and 17: Council staff have supported the Rotary Club of Devonport (South East) to seek funding for a project to update signage on the East Devonport foreshore and in the Eastside Village. The project scope includes renewal and improvements on the existing "Heritage Walk" that describes events of historical significance in the area. A grant application was made to Healthy Tasmania on the basis that this project could increase the use of the foreshore path by both locals and tourists, leading to positive health outcomes.

Action 15: An interpretive panel was installed on Victoria Parade at the location of the Mt Fuji cherry trees that were relocated from Roundhouse Park. The trees were originally planted in 2006 to commemorate the 10th anniversary of the Sister City friendship between Devonport and Minimata.



Action 18: A review of Council's GIS options has commenced, with a key requirement being that maps and other information are available digitally. This increases the options for the community to access digital wayfinding information.

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. Future actions that require a budget allocation will be proposed for consideration as appropriate.

RISK IMPLICATIONS

- Corporate and Business
Effective signage systems can create better outcomes for Council and its customers
- Asset & Property Infrastructure
Renewal and upgrade of signage to meet the needs of the community aligns with Council's Asset Management Policy and Strategy.

CONCLUSION

Progress has commenced to implement the actions listed in the Signage Strategy 2017-2022, since it was adopted in February 2017.

ATTACHMENTS

1. Signage Strategy 2017-2022 Action Plan - Year 4 Status [**5.4.1** - 2 pages]

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

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

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
8 February 2021	Libraries Tasmania Update	An overview of products/services available
	Kentish Mayor Tim Wilson	Issues of joint interest between Devonport and Kentish Councils
	Inspector Jones, Tasmania Police	An update on topical police issues in the City
	Devonport Showgrounds	An update on the proposed redevelopment at the Devonport Showgrounds
	Parking	An overview of matters pertaining to parking
	Providore Place	Discussion regarding tenancies and markets
	Devonport Show Holiday	Discussion regarding the future of the Devonport Show public holiday
	Devonport Bus Transit Centre	Discussion regarding transit centre

6.2 MAYOR'S MONTHLY REPORT

RECOMMENDATION

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

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 January 2021 and 16 February 2021:

- Council Meeting
- Planning Authority Committee Meeting
- Regular meetings with the General Manager
- Catch ups with staff members and councillors as required
- Met with community members on a range of topics
- Media as requested - Martin Agatyn (7AD), Business View magazine, Belinda King (ABC), Darren Kerwin (7AD, x2), Mike O'Loughlin (Tasmania Talks 7AD)
- With the General Manager, met with representative of Redline
- Attended forum with Cradle Coast Authority Committee
- Officially opened Devonfield's new accessible housing units at Spreyton
- Australia Day ceremony
- Attended the Regional Tourism forum and lunch
- With the General Manager, hosted the Premier on a tour of Home Hill
- Attended the Devonport Orchid Society's 50th Anniversary Dinner
- Attended Maidstone Park Authority meeting
- With the General Manager, attended a regional TasWater briefing
- Attended Cradle Coast Authority Board meeting
- Attended the opening of the latest Gallery exhibition
- Officially launched 'Show Time at Devonport' the locally produced book on the history of the Devonport Agricultural and Pastoral Society
- With the General Manager, met with representatives of the Vietnam Veterans Association re the proposed memorial
- Attended the opening of the RANT headquarters
- Attended the 100th birthday celebration for Mr Enniss.

- Several discussions with Minister Ferguson and Deputy Premier Rockliff regarding the new bus transit arrangements in Devonport

ATTACHMENTS

Nil

6.3 GENERAL MANAGER'S REPORT - FEBRUARY 2021

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

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

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 January 2021 and 16 February 2021. 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. With the Mayor, met with Stuart Harris, Manager Redline Coaches regarding the Devonport bus interchange.
- 1.4. Undertook the role of MC at Devonport's Australia Day Citizenship and Awards Ceremony.
- 1.5. Met with representatives of Best Street Investments to discuss the sale of 116-122 Stoney Rise Road.
- 1.6. Met with a resident regarding a motor vehicle incident involving a Council truck.
- 1.7. Involved in a number of meetings and discussions with Government Ministers and relevant staff regarding the Devonport bus interchange.
- 1.8. With the Mayor, met with Vietnam Veterans Association State President, Terry Roe and Project Manager Michael Coleman regarding the proposed memorial at Aitkenhead Point.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. With the Mayor, met with the land owner involved in the transfer of titles for the proposed Don Rail Trail. After an extended period, all parties have now provided consent for the title changes to occur and legal documentation is being prepared for the Land Titles Office.
- 2.2. Met with a business operator in East Devonport to inspect the site of a proposed new development.
- 2.3. Provided an interview to a reporter from Business View Oceania in regard to a story they are doing on the economic growth occurring in Devonport.
- 2.4. Attended the Regional Tourism forum at the paranple centre.
- 2.5. Attend a meeting of the paranple arts centre Special Committee, to discuss the proposed LIVING CITY Sound and Light Show.
- 2.6. Attended a meeting of the East Devonport "Village People" to discuss topics of interest in East Devonport.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended TasWater Owners Representatives Quarterly update briefing.
- 3.2. Attended the State Board meeting of Local Government Professionals Tasmania.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. With the Mayor and the Chairman of the National Trust, provided a tour of Home Hill for the Premier, the Hon. Peter Gutwein MP.

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 Council's 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 & Previous Minutes Resolutions - February 2021 [**6.3.1** - 1 page]

6.4 DEVELOPMENT AND HEALTH SERVICES REPORT

Author: **Kylie Lunson, Development Services Manager**

Endorser: **Jeffrey Griffith, Deputy General Manager**

RECOMMENDATION

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs

SUMMARY

This report provides a summary of the activities undertaken by the Development Services Department for the months of December 2020 and January 2021.

BACKGROUND

This report is provided to summarise the activities of the Development Services Department in the preceding two months.

The Council functions undertaken by the Department are:

- Planning;
- Building and Plumbing Services;
- Environmental Health;
- Animal Control; and
- Risk and Regulatory Compliance Services.

STATUTORY REQUIREMENTS

In carrying out its activities, the Development Services Department is required to ensure compliance with a substantial amount of legislation and regulation. The principal legislation administered by the Department includes the:

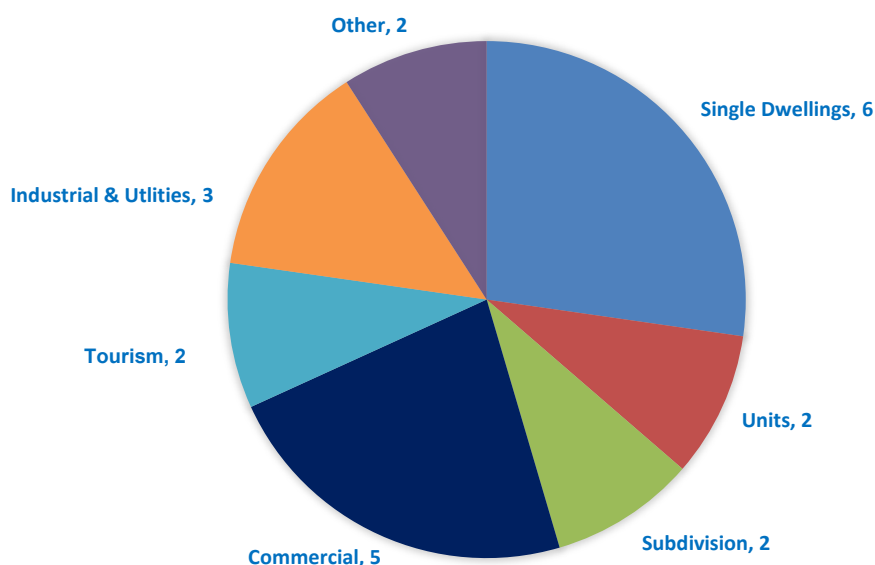
- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*
- *Building Act 2016*
- *Building Regulations 2016*
- *Public Health Act 1997*
- *Food Act 2003*
- *Environmental Management and Pollution Control Act 1994*
- *Dog Control Act 2000*
- *Tasmanian Planning Scheme – Devonport 2020*
- *Work Health and Safety Act 2012*

DISCUSSION

1. Planning

- 1.1. The following graph details the breakdown of planning applications received during December and January:

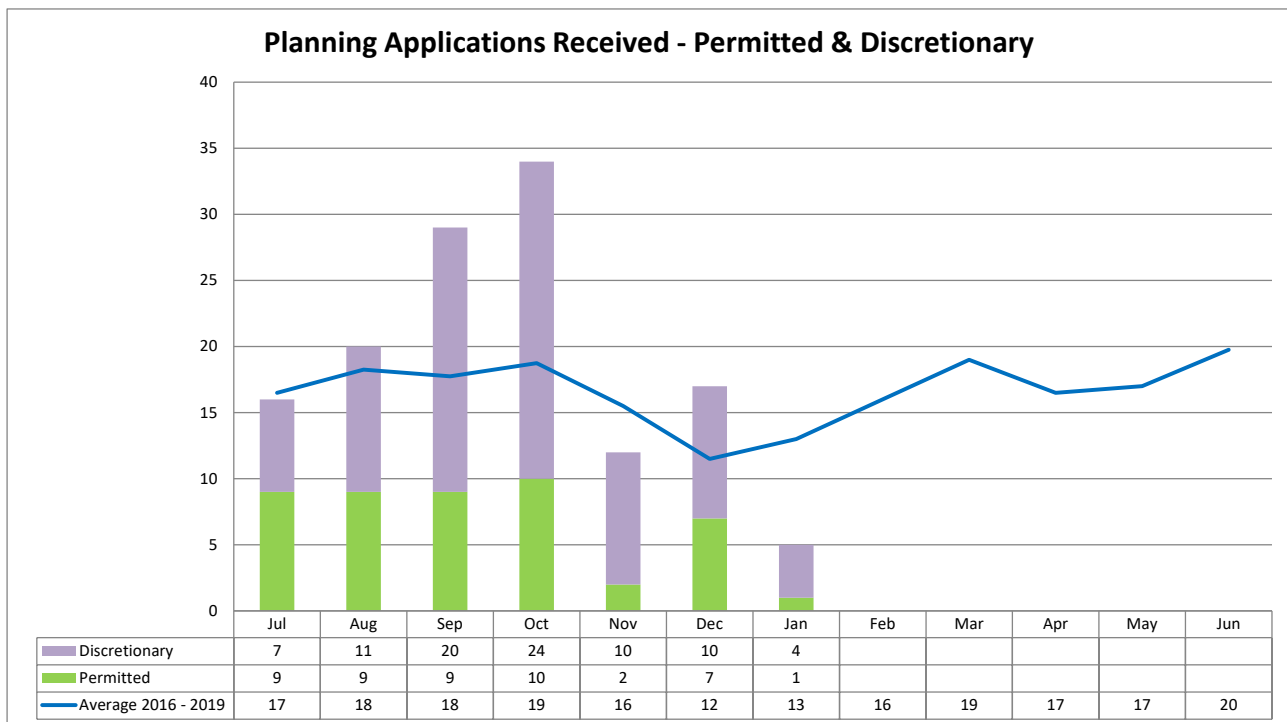
PLANNING APPLICATIONS RECEIVED BI-MONTHLY BREAKDOWN



Note:

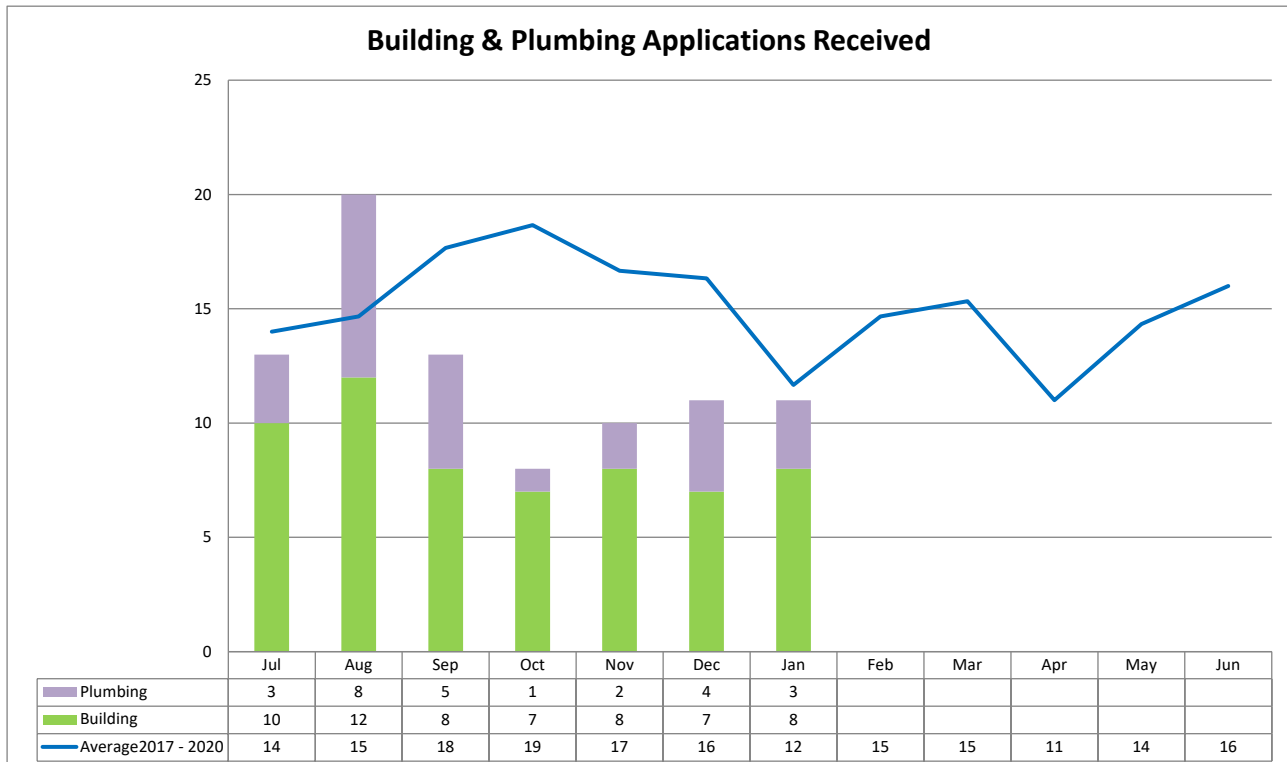
- Single Dwellings – means single residential dwelling on a single lot.
- Units – means two or more dwellings on a site.
- Subdivision – means the division of a single lot into multiple lots giving separate rights of occupation, excluding boundary adjustments.
- Commercial – means bulky goods sales, business and professional services, community meeting and entertainment, educational and occasional care, equipment and machinery sales and hire, food services, general retail and hire, hotel industry, research and development.
- Tourism – means tourist operations and visitor accommodation.
- Industrial and Utilities – means extractive industry, manufacturing and processing, port and shipping, recycling and waste disposal. Resource processing, service industry, storage, transport depot and distribution, utilities, vehicle fuel sales and service.
- Other – means all other use classes.

1.2. 14 Discretionary Planning Applications and 8 Permitted Planning Applications were received in December and January. The following graph details the number of Planning Applications received compared to previous years:

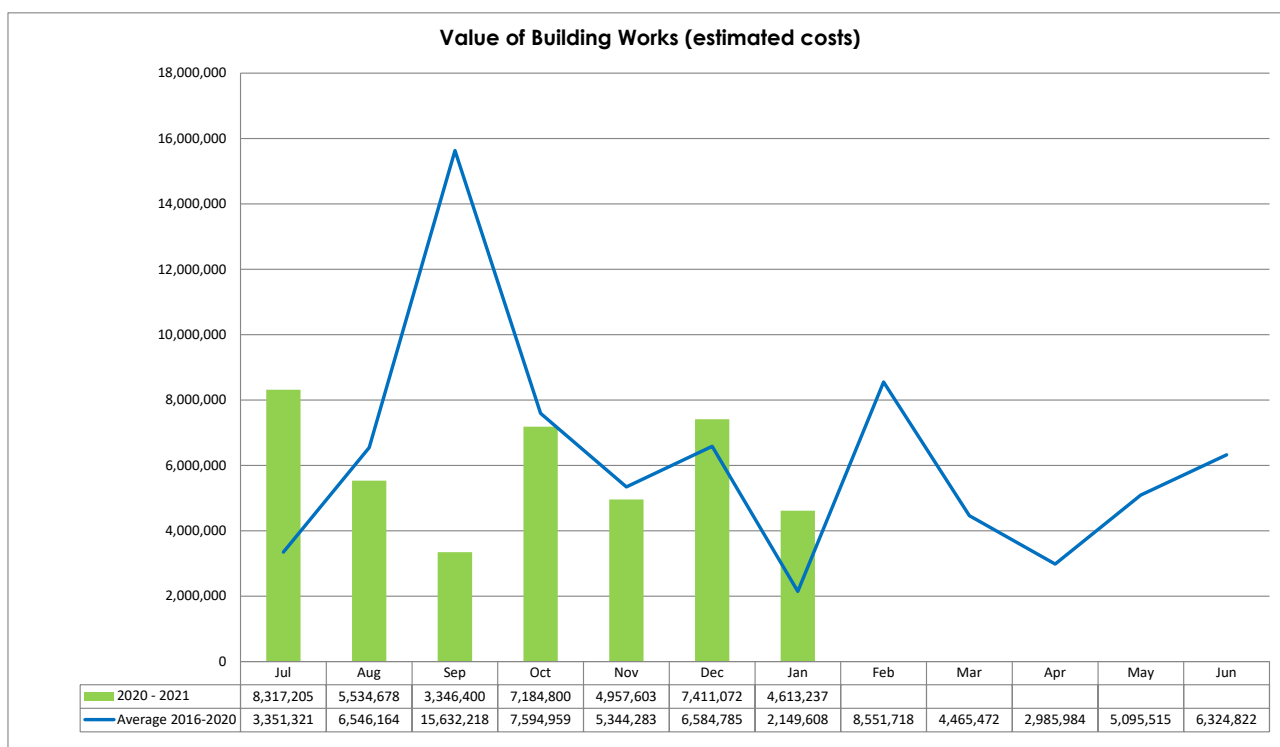


2. Building/Plumbing

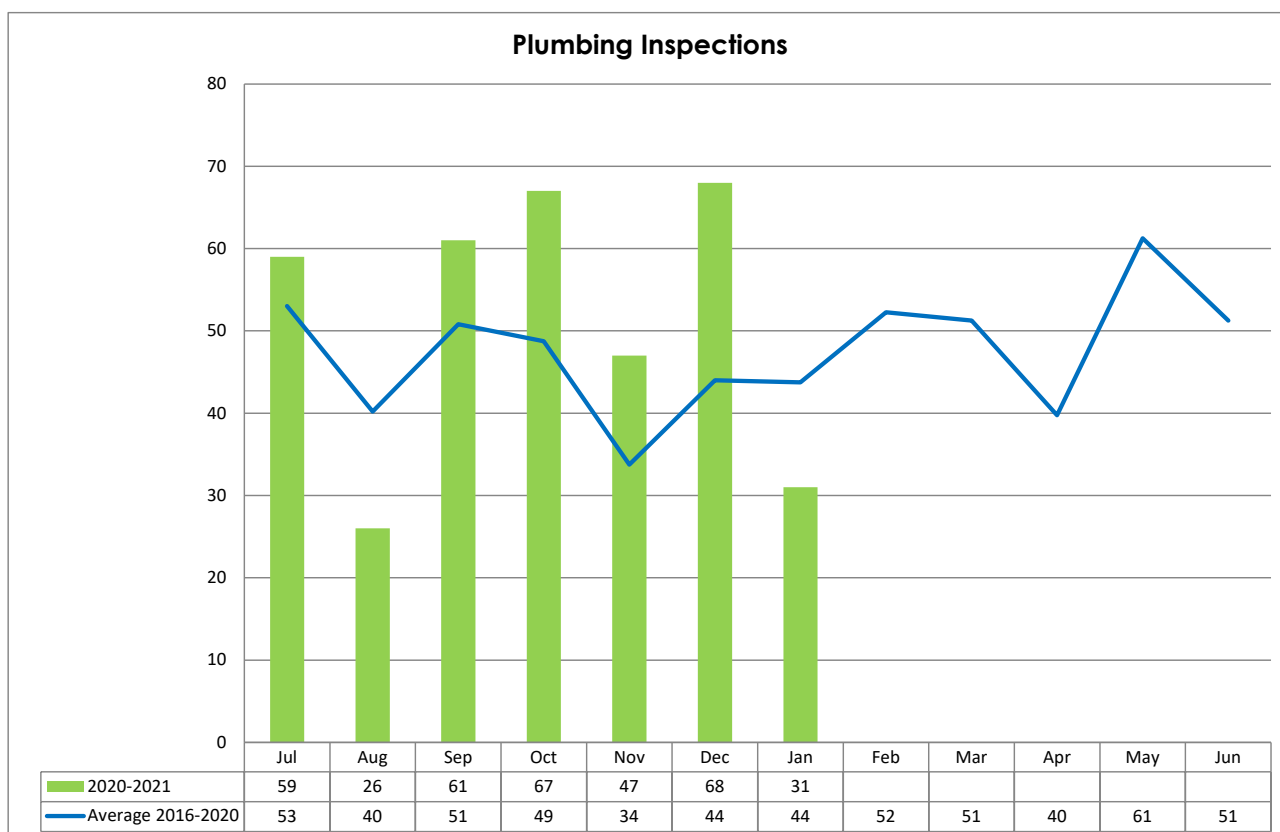
2.1. 15 Building Applications and 7 Plumbing Applications were received in December and January. The following graph details the Building and Plumbing Applications compared to the previous year:



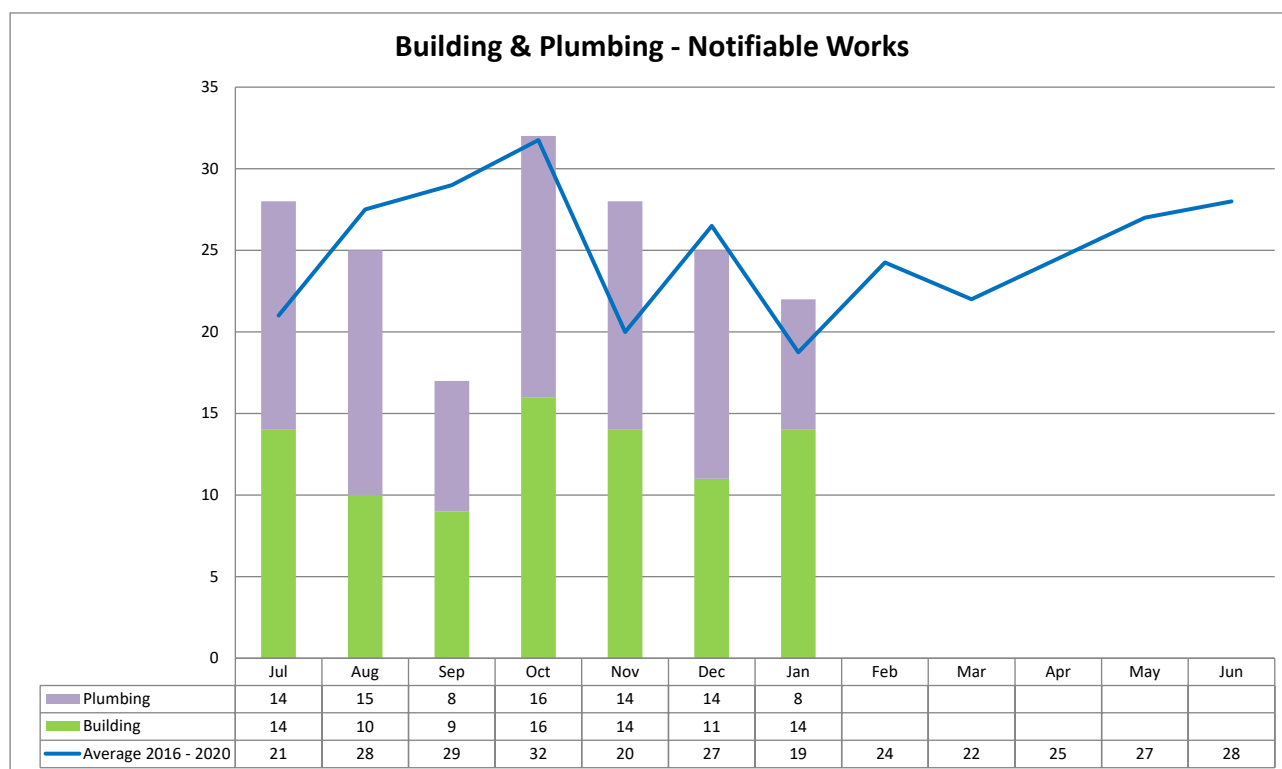
2.2. Building Applications for \$7,411,072 worth of building works were received in December and \$4,613,237 in January. The following graph details the value of buildings works received compared to previous years:



- 2.3. 68 plumbing inspections were carried out in December and 31 in January. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:



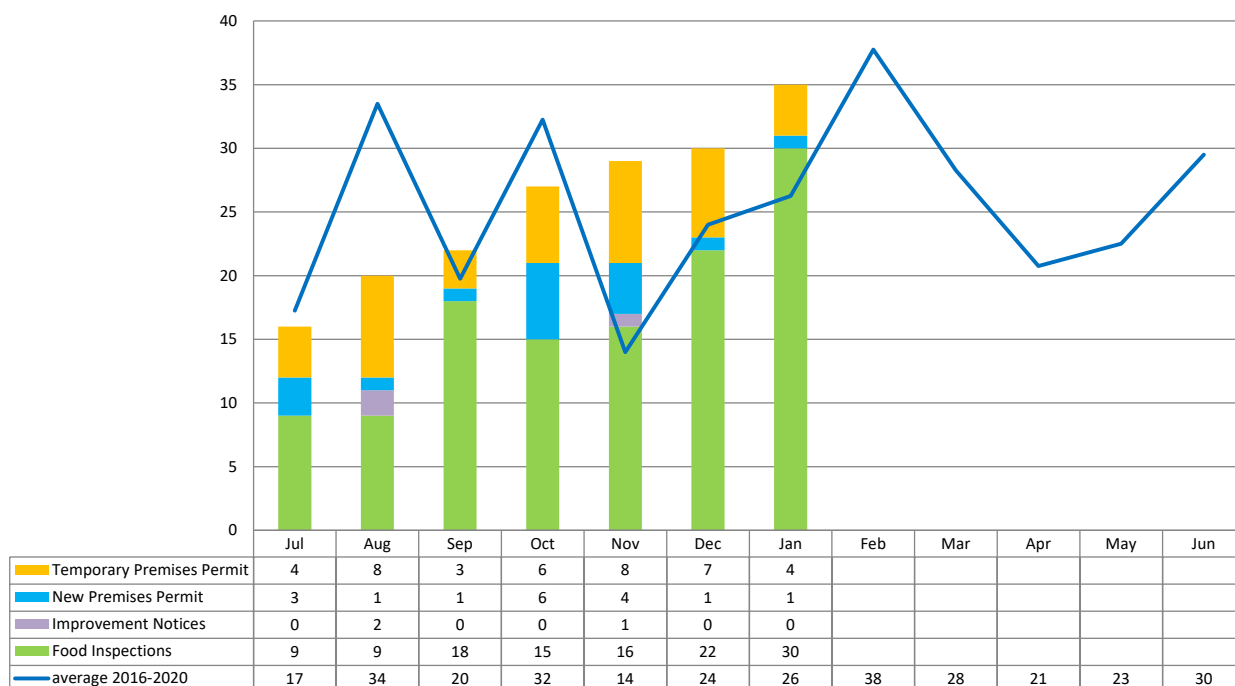
- 2.4. The following graph details the notifiable works received for building and plumbing that have been issued this year compared to previous years:



3. Environmental Health

- 3.1. Food Act Amendment and Mobile Food Business Database - During 2020 the State Government commenced an amendment to section 133 of the *Food Act 2003* (disclosure of information). The amendment will provide greater clarity on what and when information obtained under the Act can be shared, especially between regulators (ie councils). The amendment will also enable the mobile food business database to be used by councils.
- 3.2. Mapping Smoke Free Areas - The State Government are in the process of creating a ListMap layer of smoke free areas across the state. Council have been assisting the State Government to ensure the information for Devonport is incorporated into the layer and the information is accurate.
- 3.3. The following graph details the inspections, permits and infringement notices that have been issued by Environmental Health this year compared to previous years:

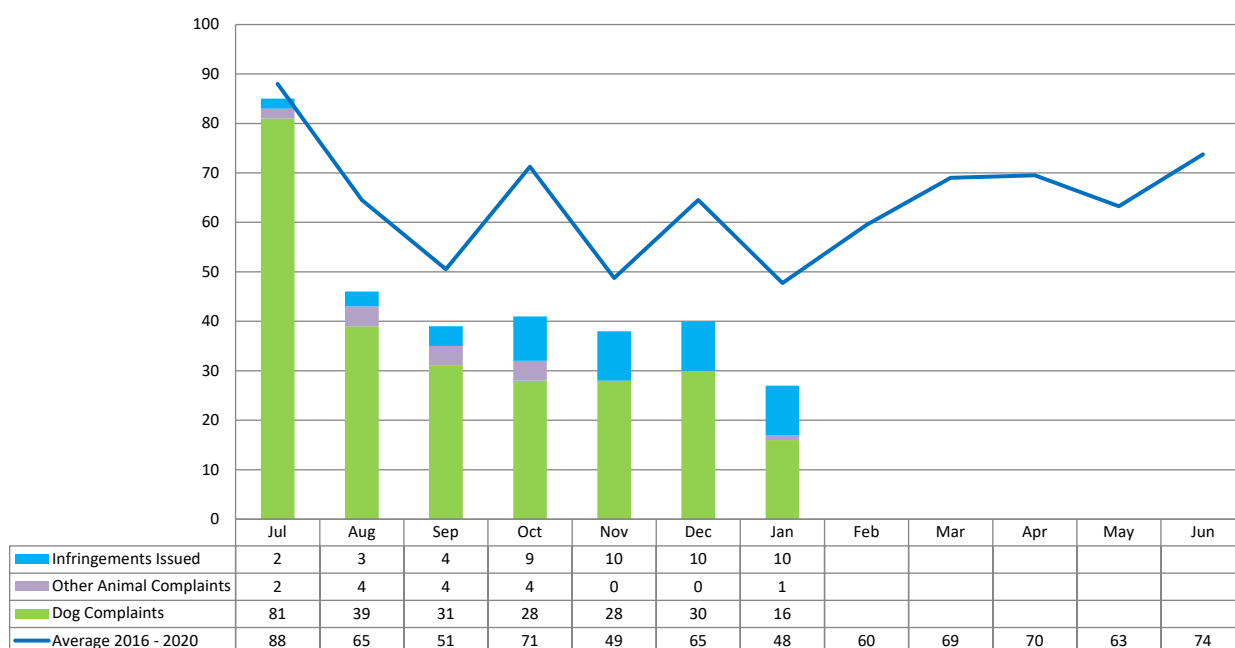
Environmental Health Inspections, Permits and Infringement Notices



4. Animal Control

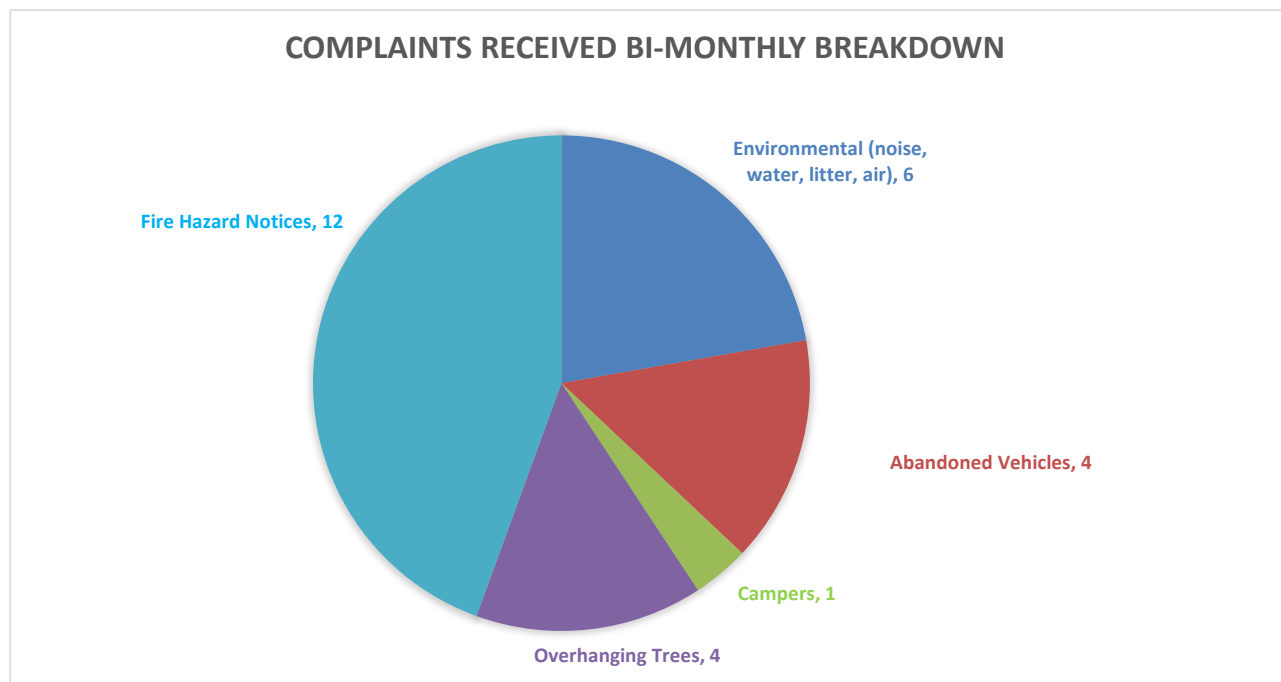
- 4.1. At the end of January, there were 3,625 dogs registered in Devonport.
- 4.2. In December and January, a total of 45 animal complaints were received. These complaints predominately related to dogs at large and barking dogs. All complaints were responded to within two working days.
- 4.3. The following graph details the number of animal complaints for this financial year compared to the same period last year:

Animal Control Complaints & Infringement Notices



5. Risk and Compliance

5.1. The following graph details the breakdown of the complaints received by the Risk Department during December and January:



5.2. 21 Internal incidents and 13 external incidents were reported during December and January. The following table details the types of incidents:

Internal Incident Type	No. of Reports	Description
Property Damage	5	<ul style="list-style-type: none"> • Damaged Telstra pit • Hit fence • Graffiti x 2 • Hit gate
Motor Vehicle	5	<ul style="list-style-type: none"> • Rear ended x 2 • Rock damage • Bumper damage • Hit door
Hazard	3	<ul style="list-style-type: none"> • Water sampling • Lift malfunction • Door not closing
Personal Injury	6	<ul style="list-style-type: none"> • Muscle strain x 3 • Eye injury • Bee sting • Thumb injury
Near Hit	2	<ul style="list-style-type: none"> • Hit by car • Coupling malfunction
External Incident Type	No. of Reports	Description
Personal Injury	7	<ul style="list-style-type: none"> • Trip & fall x 5 • Hurt back • Cut hand
Property Damage	3	<ul style="list-style-type: none"> • Parking meter • Play equipment • Stolen property
Motor Vehicle	1	<ul style="list-style-type: none"> • Hit vehicle
Near Hit	2	<ul style="list-style-type: none"> • Caught arm • Motor scooter

5.3. The following table details the breakdown of actual claims:

	Internal Incidents	External Incidents
Actual Claims	2	0
Actual Claim Costs	\$1,239	\$0

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

Any financial implications arising out of this report will be reported separately to Council.

RISK IMPLICATIONS

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

CONCLUSION

This report is provided for information purposes only as it relates to the activities of the Development Services Department in December 2020 and January 2021.

ATTACHMENTS

Nil

6.5 INFRASTRUCTURE AND WORKS REPORT

Author: **Michael Williams, Infrastructure & Works Manager**

Endorser: **Matthew Skirving, Executive Manager City Growth**

RECOMMENDATION

That Council:

1. receive and note the Infrastructure and Works report; and
2. adopt the following fees for Road Closure applications:
 - a) \$200 +GST for a closure of 2 roads or less
 - b) \$280 +GST for a closure of 3 roads or more

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.2	Provide and maintain roads, bridges, paths and car parks to appropriate standards
Strategy 2.3.3	Provide and maintain stormwater infrastructure to appropriate standards
Strategy 2.3.4	Provide and maintain Council buildings, facilities and amenities to appropriate standards
Strategy 2.3.5	Provide and maintain sustainable parks, gardens and open spaces to appropriate standards
Strategy 5.4.1	Provide timely, efficient, consistent services which are aligned with and meet customer needs

SUMMARY

This report provides a summary of the activities undertaken by the Infrastructure and Works Department during the months of December 2020 and January 2021.

BACKGROUND

This report is provided to update the Councillors and the community on matters of interest relating to Council's Infrastructure and Works Department. The functional areas of Council covered by this report are:

- Asset management program (forward planning and maintenance)
- Capital works
- Roads and paths
- Streetscape design (including lighting, signs, furniture, vegetation)
- Stormwater management
- Traffic management
- Waste management
- Recreation reserves (including playgrounds, parks and gardens)
- Sporting grounds and facilities
- Tracks and trails
- Public buildings (including public halls, toilets)
- Marine structures (including jetties, boat ramps)
- Recreation and open space planning

STATUTORY REQUIREMENTS

In accordance with Section 205 of the *Local Government Act 1993*, a Council may:

Impose fees and charges in respect of any one or all of the following matters:

- a) the use of any property or facility owned, controlled, managed or maintained by the council;*
- b) services supplied at a person's request;*
- c) carrying out work at a person's request;*
- d) providing information or materials, or providing copies of, or extracts from, records of the council;*
- e) any application to the council;*
- f) any licence, permit, registration or authorization granted by the council;*
- g) any other prescribed matter.*

DISCUSSION

1. Capital Works Program

- 1.1. In December and January, satisfactory progress was made on the Capital Works Program. The Capital Works Income & Expenditure Report January 2021 is included as an attachment to this report.
- 1.2. The renewal of Wright Street between Torquay Road and Tarleton Street has been completed.



- 1.3. Nearby, work on the Bridge Road renewal project has commenced. Work outside the travel lanes has been the initial priority, prior to the pavement and seal are renewed, which will require the road to be reduced to one lane of traffic.



- 1.4. Excavation of footings for the light poles at Girdlestone Park has commenced. These footings are up to 4.5m x 4.5m to overcome very poor ground conditions.





- 1.5. Construction of the new Meercroft Park Pavilion is nearing completion, with an official opening scheduled for April. Council staff have inspected the facility in preparation for project handover.



- 1.6. Construction of new sections of footpath in Ronald Street is underway, completed the path between Oldaker Street and Parker Street.



- 1.7. Pedestrian facilities have been constructed on Steele Street, near Percy Street.
- 1.8. Traffic and pedestrian improvements have been constructed on Mersey Main Road near Spreyton Primary School and Maidstone Park. Following completion of some remaining minor works, the project will offer safety and efficiency benefits to users.



1.9. Work to commence in February and March includes:

- Oldaker catchment stormwater upgrade
- Devonport Road renewal
- Recommencement of traffic, parking and pedestrian improvements at Mersey Bluff
- Spreyton netball courts resurfacing and drainage improvements
- Bluff beach accessible ramp improvements
- Mary Binks wetlands path renewal

1.10. Council has secured funding from State and Federal Governments for various projects and is anticipating more funding becoming available in the next two months. These funding agreements generally have fixed timeframes with unspent allocations being forfeited.

This situation is similar across the local government sector and the construction sector, impacting the availability of design and construction resources.

Therefore, Council's priority will be to resource and deliver projects with fixed funding deadlines ahead of other projects. This means that some projects funded by Council's capital works program may not be completed within the current financial year.

2. Management

2.1. Measures implemented to comply with COVID-19 pandemic restrictions on physical contact and proximity remain in place as part of Council's COVID safe work plan. Measures include social distancing in office spaces and break rooms.

This requires some staff to work remotely and for changes to break room facilities. Hygiene measures, such as the provision of hand sanitiser and more frequent cleaning remain in place.

Remaining measures will be in place until government regulations change. Risk assessments will be undertaken to ensure the timing of the roll back of these changes is appropriate.

2.2. Work is underway on several of the 12 projects funded by the Federal Government's Local Road and Community Infrastructure (LCRI) Program – phase 1, endorsed by Council in July (Min 20/34 refers).

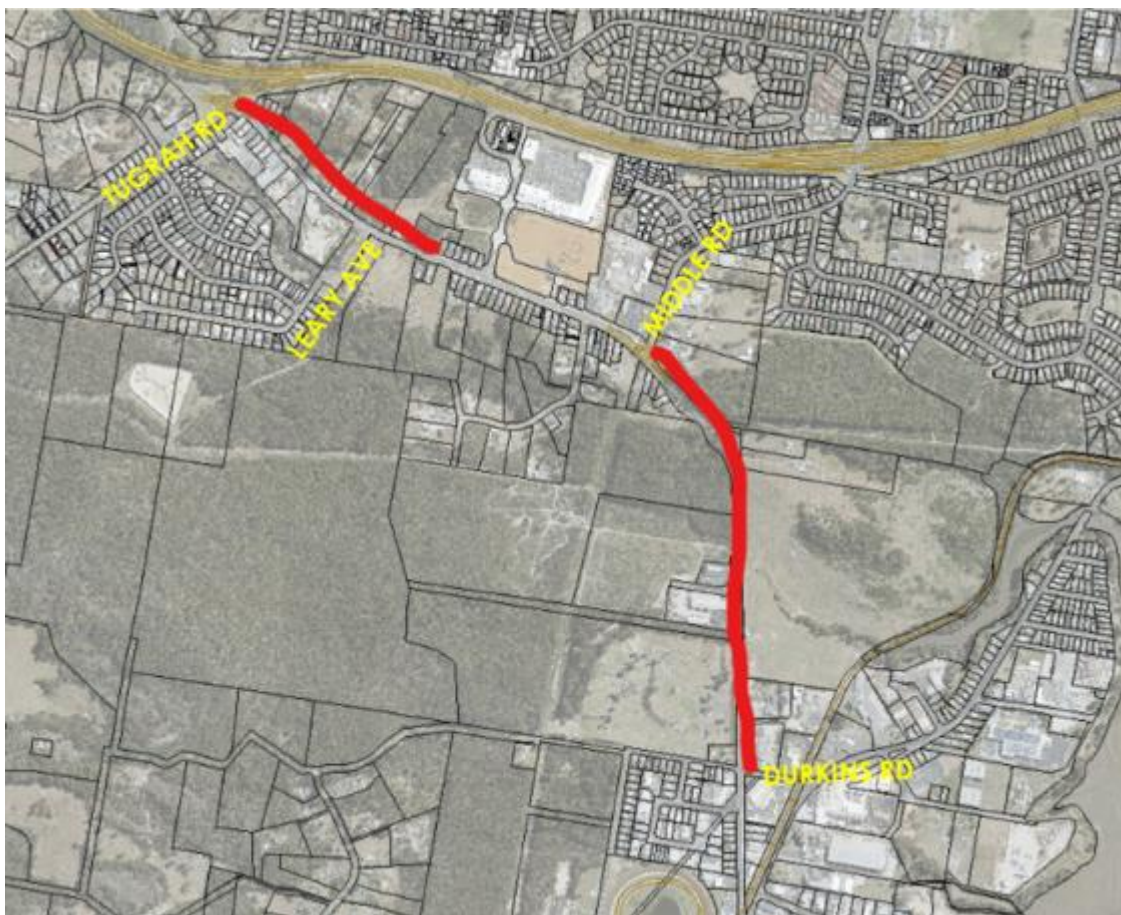
Further investigation has found that the project to upgrade the PAC theatre door is not required, and that funding can be reallocated. There is likely to be savings on other projects and over expenditure on others, so there may be scope to undertake an additional small project under this funding agreement. This will be confirmed with Council as project forecasts are confirmed.

Projects are required to be completed by 30 June 2021.

2.3. Submissions have been made for 5 projects for the LCRI program – phase 2 as endorsed by Council in November (Min 20/138 refers). \$30,000 from this phase remains unallocated.

Projects funded from the LCRI program – phase 2 are required to be completed by 31 December 2021.

- 2.4. Council is waiting on advice as to whether funding application to the State Government's Vulnerable Road User Program and the Safer Rural Roads Program have been successful.
- 2.5. In December, the Department of State Growth announced a program of work to improve cycling infrastructure on State Roads. Two projects funded in the first round are on Stony Rise Road:
- Between Leary Avenue and Tugrah Road
 - Between Middle Road and Durkins Road



These projects will be managed by the Department of State Growth, with Council staff providing input as the eventual asset owners. Completion of these sections will increase the connectivity of Council's path network which strongly aligns with the objectives of Council's Bike Riding Strategy.

- 2.6. A review of Council's Road Closure approval process has been undertaken to streamline the process for the applicant and for the assessment team. An identified improvement is to simplify the payment for applications to cover the cost of advertising the closure in 'The Advocate'. This greatly reduces administration costs of the process. It is proposed that a fee of \$200 (exc GST) is charged for closure of 2 roads or less, and a fee of \$280 (exc GST) is charged for closure of 3 roads or more. The charge would be reversed if the application was rejected, or if the advertisement was not placed for any reason.
- 2.7. Council has now confirmed its five pledges to the Cities Power Partnership, committing to switching to non-polluting energy and reducing emissions. The pledges are:
- Install renewable energy (solar PV and battery storage) on council buildings

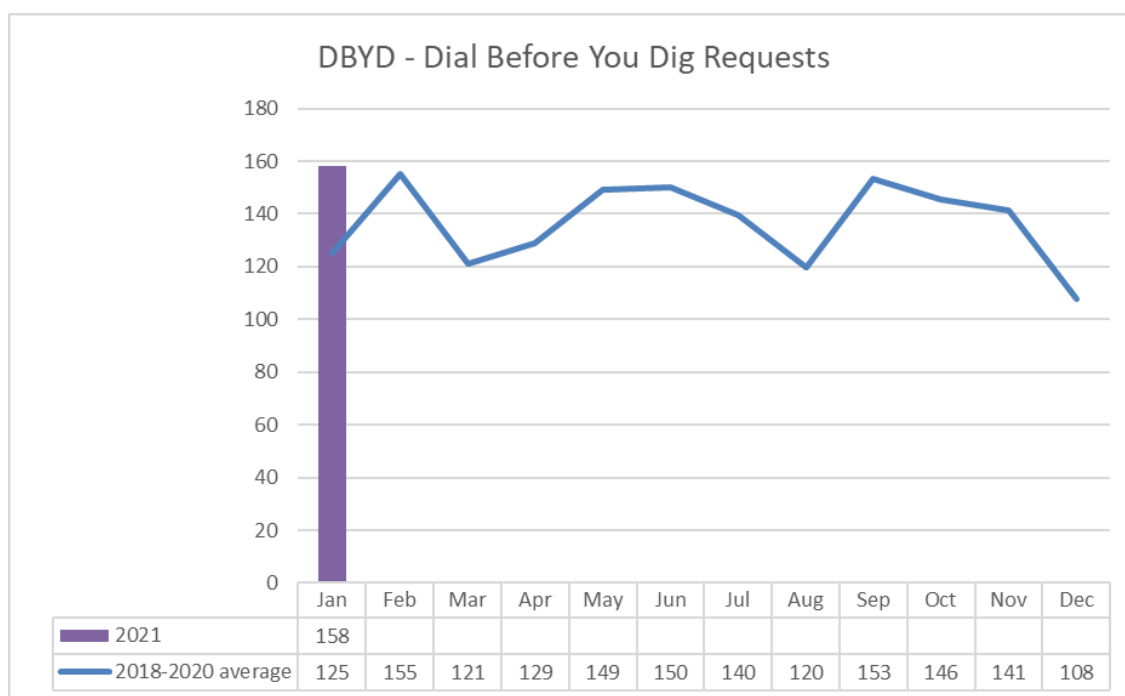
- Power council operations by renewable energy, and set targets to increase the level of renewable power for council operations over time
- Roll out energy efficient lighting across the municipality
- Provide fast-charging infrastructure throughout the city at key locations for electric vehicles
- Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design

More information is available from

<https://citiespowerpartnership.org.au/partners/devonport-city-council/>

3. Assessments and Approvals

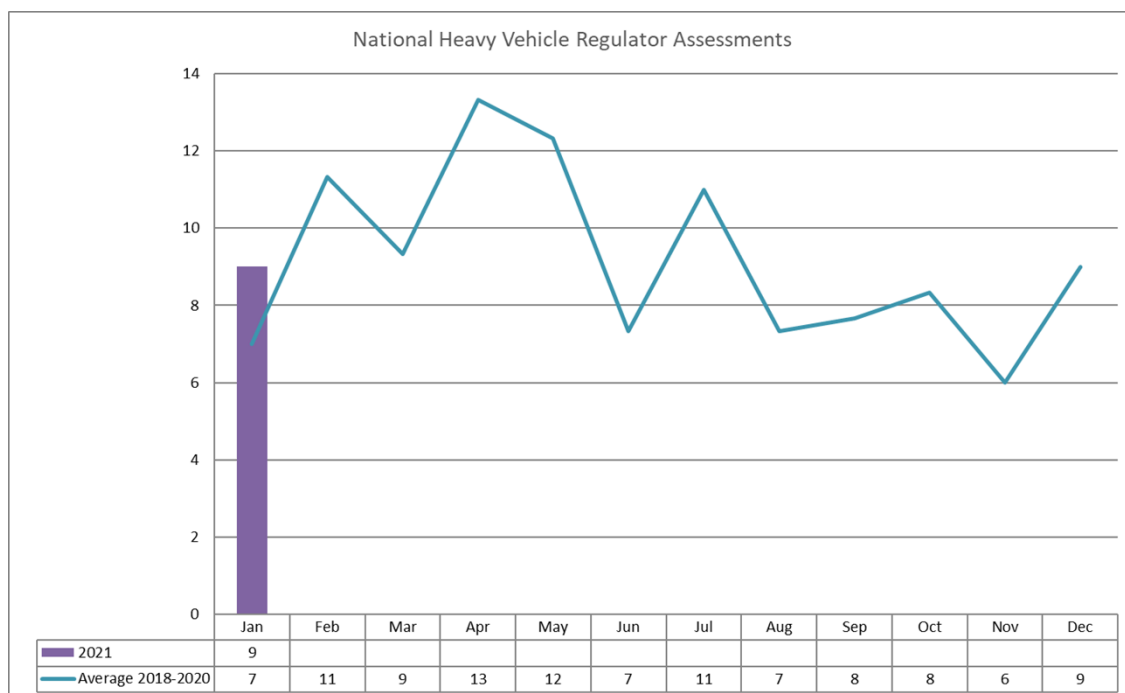
- 3.1. The following graph details the Dial Before You Dig Requests that have been assessed by the Infrastructure and Works Department this year compared to previous years:



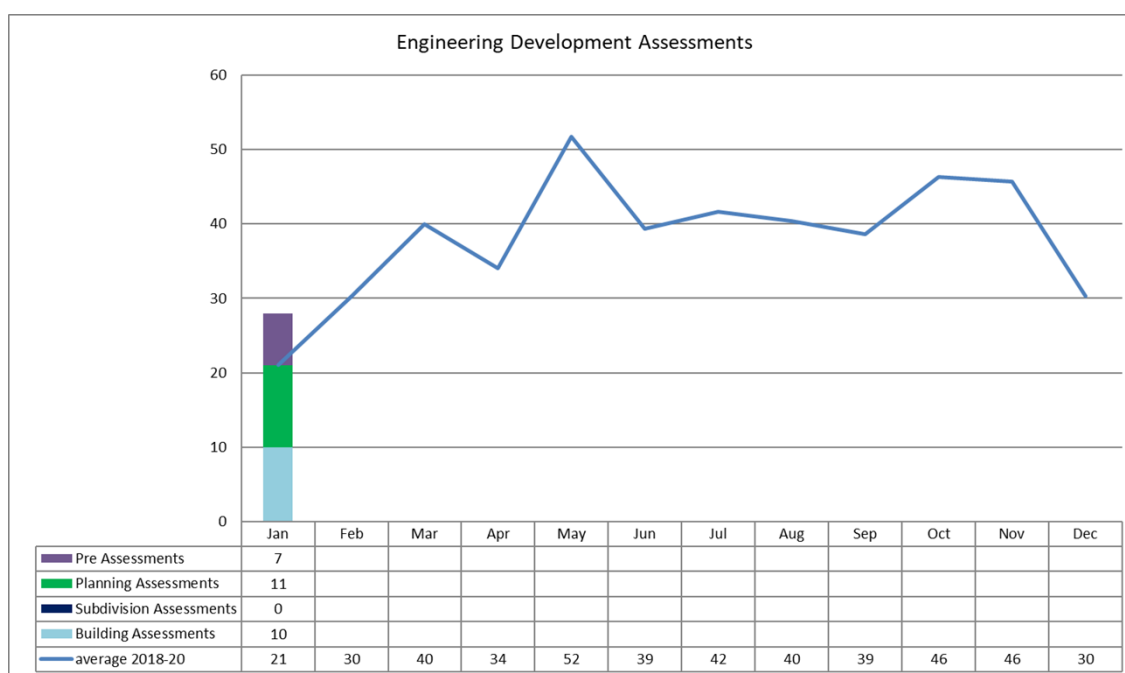
- 3.2. The following is a summary of the projects capitalised in the period since the last report:

Number of projects capitalised in period	6
Total value of capitalisations in period	\$2.4M
Total value of Works in Progress (WIP) as at 31 January	\$15.6M
Donated Asset Capitalised (Subdivisions) in period	0
Number of projects awaiting capitalisation next period	19

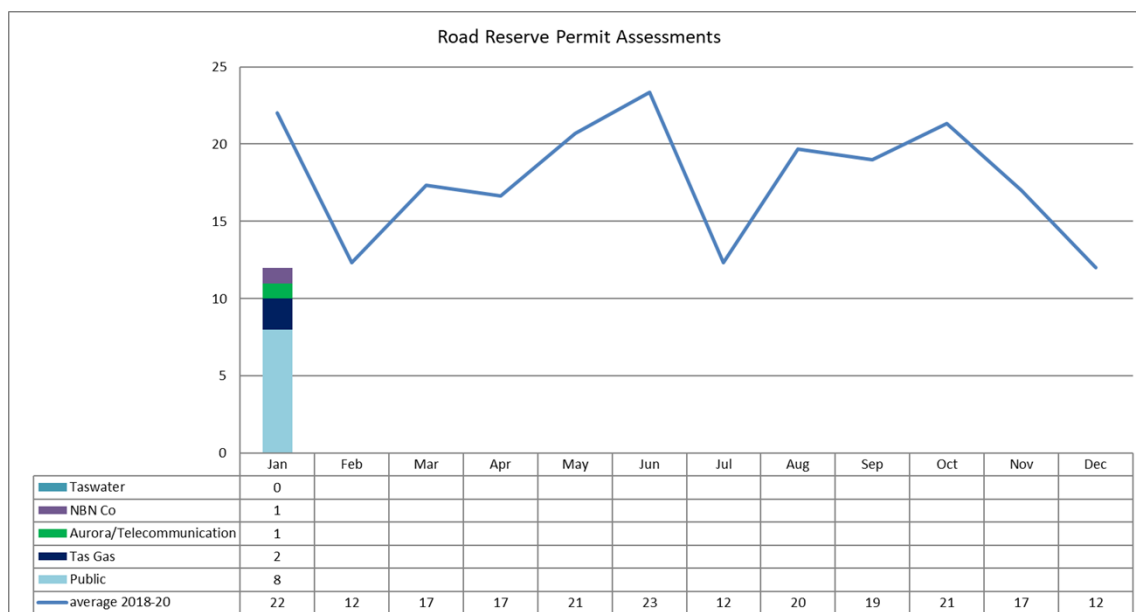
3.3. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



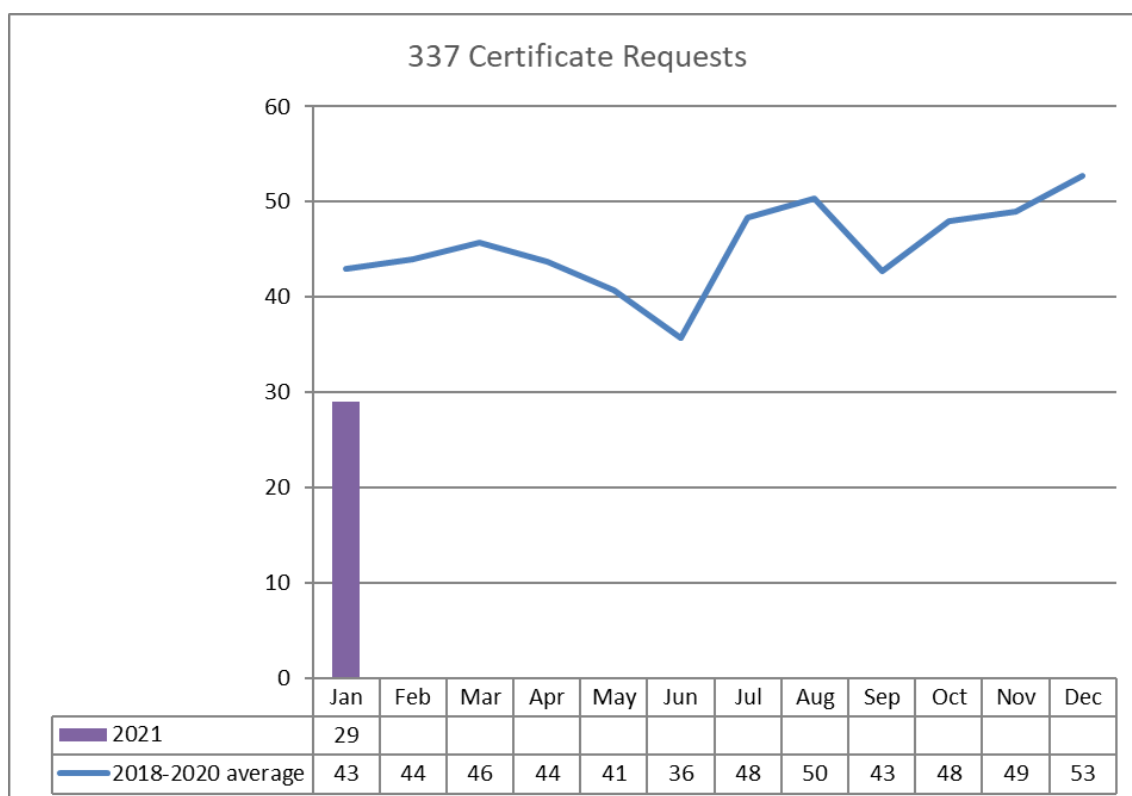
3.4. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



- 3.5. The following graph details the Road Reserve Permit Assessments that were completed this year compared to previous years.



- 3.6. The following graph details the 337 Certificate requests that have been processed this year compared to previous years.



4. Operational Contracts

- 4.1. The following table details the contracts managed within the Infrastructure and Works Department that have been extended this financial year:

Contract	Contract Period	Extension Options	\$ Value (Excluding GST)	Contractor
Contract - 1320 Weed Control	1/07/2018 option 1+1	The original contract signed in June 2018 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the second 12 months was accepted.	\$107,180 per annum	Steeds Weeds Solution
Contract – 1321 Roadside Mowing	1/07/2018 option 1+1	The original contract signed in June 2018 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the second 12 months was accepted.	\$65,250 per annum	Mareeba Trust
Contract - 1334 Money Collection Service	1/9/2019 option 1+1	The original contract signed in August 2019 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the additional 12 months was accepted.	\$52,490 per annum	Thomas Paul Security

- 4.2. The following table details the new contracts entered into this financial year that are managed within the Infrastructure and Works Department:

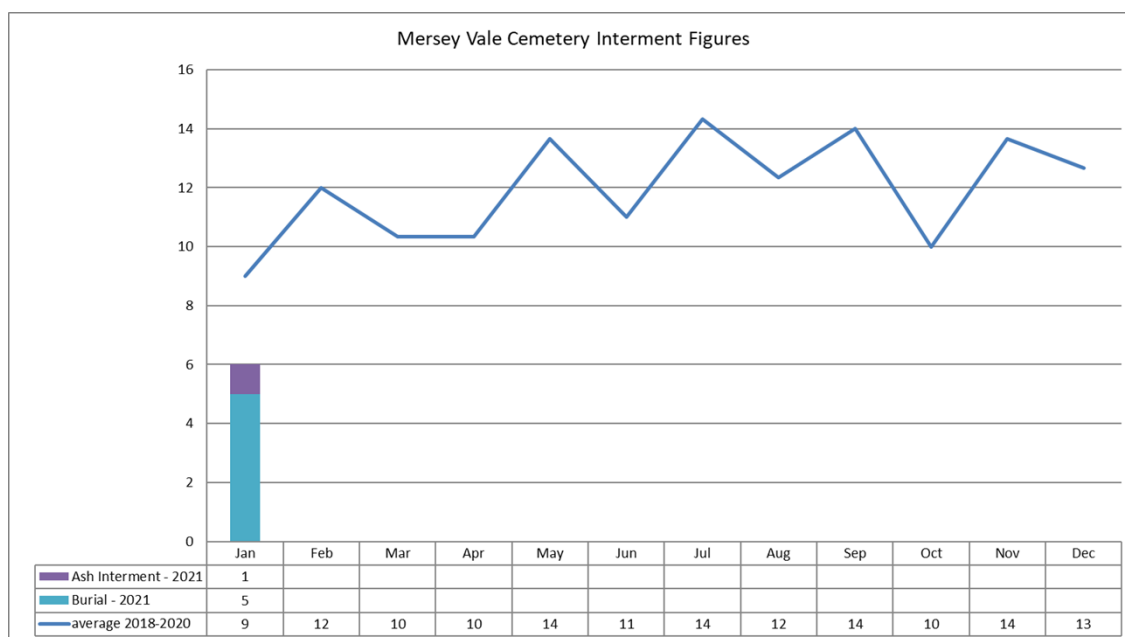
Contract	Contract Period	Extension Options	\$ Value (Excluding GST)	Contractor
Contract 1338 Supply & Delivery of Pre-Mixed Concrete	1/7/20 to 30/6/21 plus two extension options	Two 12-month extensions	Nominally \$51,262 per annum	Hazell Bros Group Pty Ltd
Contract 1339 Essential Safety and Health Features	1/12/20 to 30/11/22 plus two extension options	Two 12-month extensions	\$26,229.50 annually	Safe Workplace Solutions Pty Ltd
			\$10,906 annually	Jackson Security

5. Civil Works and Stormwater Maintenance

- 5.1. Maintenance in accordance with the Service Level Document, undertaken in December and January included:
- Footpath repairs in Rose Court, George Street and Lyons Avenue
 - Stormwater repairs in Don Road and North Street
 - Reinstatement of parking in Oldaker Street, following the bus interchange returning to Rooke Street
- 5.2. In February and March, planned civil works and stormwater maintenance works will include:
- Investigation and repairs following the rain event on February 5th and 6th
 - Road patching on Victoria Parade
 - Footpath repairs in various streets

6. Parks and Reserves Maintenance

- 6.1. Maintenance in accordance with the Service Level Document, undertaken in December and January included:
- Inspections of fire breaks in the Kelcey Tier greenbelt and resultant clearing
 - Removal and storage of Christmas decorations
 - Trimming of overhanging vegetation on rural roads
 - Reactive fungicide treatment at Devonport oval
- 6.2. In February and March, planned parks and reserves maintenance works will include:
- Preparation of Valley Road grounds for SAP festival
 - Replanting of Cenotaph flower beds to ensure flowering on ANZAC Day
 - Sports ground changeover to winter sports layouts
- 6.3. Mersey Vale Memorial Park interment figures compared to previous years are as follows:



In addition, Council staff assisted with an exhumation in December.

7. Building and Facilities Maintenance

7.1. Maintenance in accordance with the Service Level Document, undertaken in December and January included:

- Annual pest control at Council buildings
- Staining of timber components at Vietnam Veterans Memorial park public toilets
- Staining and painting at Pioneer Park public toilets



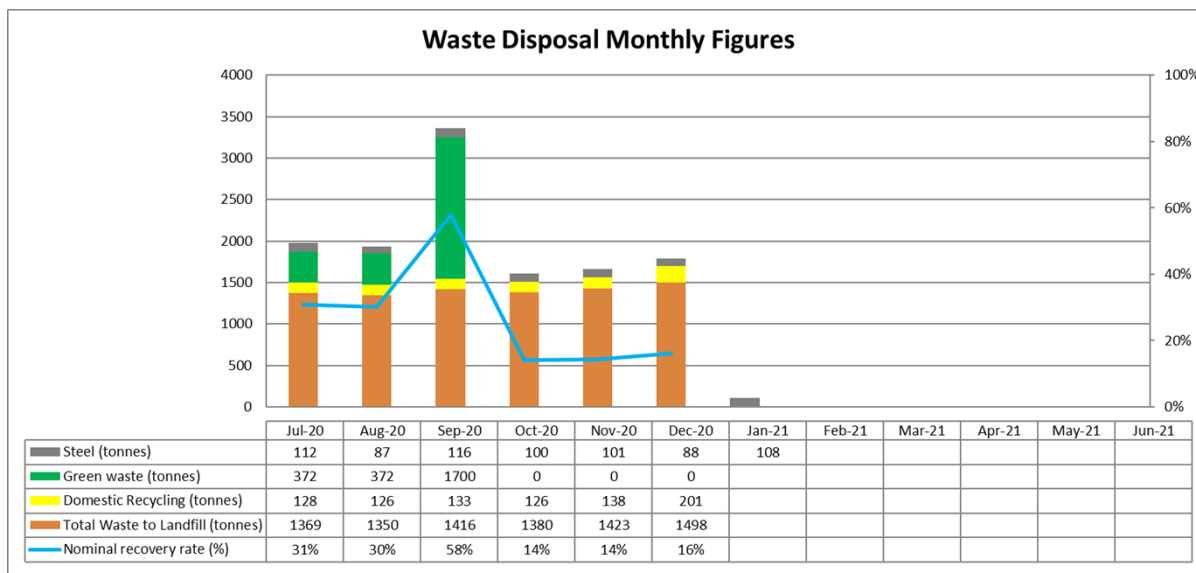
7.2. In February and March, planned building and facilities maintenance works will include:

- Staining of timber park furniture in the Bluff plaza
- Staining the timber deck at the Bass Strait Maritime Centre

- Replacing a fence behind the Bluff caravan park caretaker's house
- Replacing the sauna heater at Devonport Recreation Centre

8. Waste Management Operations

8.1. Waste Management Services were conducted in accordance with the Service Level Document during December. January volumes had not been invoiced at the time of reporting. The following graph details the major waste disposal streams from the Spreyton Waste Transfer Station.



Waste volumes from the domestic collection and through the WTS gate are higher than previous years, which increases the cost of operating the WTS, while a comparatively small increase in revenue is obtained through gate fees.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

Any specific risk implications have been outlined in the discussion above. Any risks that result in an issue to Council will be the subject of a separate report.

CONCLUSION

This report is provided for information purposes only and to allow Council to receive an update on activities undertaken by the Infrastructure and Works Department.

ATTACHMENTS

1. 20210131 Capital Works Summary [6.5.1 - 3 pages]

7 SECTION 23 COMMITTEES

7.1 PLANNING AUTHORITY COMMITTEE MEETING - 8 FEBRUARY 2021

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday 8 February 2021 be received, and the recommendations contained therein be noted.

PAC21/1 Planning Applications Approved Under Delegated Authority

PAC21/2 PA2020-0210 – 94 Winspears Road East Devonport – Subdivision – Excision of Existing Dwelling

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 from the Planning Authority Committee Meeting held on Monday 8 February 2021.

ATTACHMENTS

1. Minutes - Planning Authority Committee - 8 February 2021 [**7.1.1** - 3 pages]

8 CLOSED SESSION

The General Manager advises that in his opinion, the agenda items listed below are prescribed items in accordance with Clause 15 of the *Local Government (Meeting Procedures) Regulations 2015* (ie confidential matters), and therefore Council may by absolute majority determine to close the meeting to the general public.

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
3.1	Confirmation of Closed Minutes – Council Meeting – 25 January 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments - February 2021	15(2)(g)

9 CLOSURE