



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, Level 2, paranable centre, 137 Rooke Street, Devonport on Monday 26 July 2021, commencing at 5:30 PM.

The meeting will be open to limited 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

21 07 2021

August 2021

Meeting	Date	Commencement Time
Ordinary Council	23 August 2021	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 26 JULY 2021, IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 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

RECOMMENDATION

That the minutes of the Council meeting held on 28 June 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 responses to questions from Mr Mills and Mr Russell at the 28 June 2021 Council meeting be noted.

Responses to questions raised at prior meetings are attached.

ATTACHMENTS

1. Response to Question Without Notice - 28 June 2021 - C Mills [**3.2.1.1** - 1 page]
2. Response to Question Without Notice - 28 June 2021 - R Russell [**3.2.1.2** - 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 Vellacott, Mr Gardam and Mr Smith, 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 Mills on 14 July 2021 is **reproduced as attachment 1**.

Q1 On 6 June 2021, 7 Council employees spent most of the day cutting down more trees and continuing to destabilize the landslip zone at 54 Caroline St. These trees were then piled up on Mr Brown's adjacent block. At least 6 Council vehicles and 7 employees then assembled on Mr Brown's block in order to clean the trees up (see photo: Council vehicles 6 June 2021).

In a letter dated 24 December 2019 the General Manager confirmed that Mr Brown: "provided access across his property". On that occasion (20 November 2019) a Council Employee gifted 9 tree logs cut from the Landslip Hazard Zone to Mr Brown.

This time, 6 June 2021, was permission sought by Mr Atkins for Council workers to access Mr Brown's private property, and were the tree trunks again gifted to Mr Brown?

Response

Whilst Council do not accept all of your stated assumptions, some routine maintenance works were carried out at 54 Caroline Street on 6 June. This included weeding and the removal of a small wattle tree which was growing very close to the boundary fence and seeding prolifically. Normal process was followed in regard to access across the neighbouring property.

Mr Bob Vellacott – 11 Cocker Place, Devonport

A letter containing questions on notice received from Mr Vellacott on 16 July 2021 is **reproduced as attachment 2**.

Q1 Pertains to the hoarding erected on the northern side of Best St necessary for the deconstruction, demolition of existing infrastructure and for the construction of the hotel.

- a) How many parking spaces have been made inoperative?
- b) What arrangements, if any, has been made with the contractor or property owner to recompense council for the revenue lost?
- c) What is the approximate date that the hoarding will be removed and the roadway and pathway reinstated and returned for public use?

Response

The on-street parking arrangements on this section of Best Street have varied over the years and will change again following the opening of the hotel. The site hoardings currently within

the road reserve are likely to remain for the majority of the construction period. Upon completion of the hotel there will be 6 on street spaces made available. Council does not have a policy of recouping loss parking revenue when street meters are unavailable for construction works.

Q2 Burnie Mayor Steve Kons in his endeavour to be transparent and accountable about the financial situation of the council's arts and function centre, gallery and museum has informed ratepayers that "The combined operations were delivering annual operational losses of around \$1.7 million to \$1.8 million each year" and stated this was unsustainable. He also informed that the arts and function centre accounted for about \$1 million of the losses each year even with relatively high "space bookings"

Given the example of good stewardship by the Burnie Mayor, will you Mayor Rockliff do likewise and inform ratepayers what the annual operational losses, if any, are for the comparable facilities in Devonport?

Response

As part of the 2021/22 budget process Council has published considerable detail relating to both the income and expenditure of all its facilities and costs centres on its web site.

Mr Malcolm Gardam – 4 Beaumont Place, Miandetta

A letter containing questions on notice received from Mr Gardam on 17 July 2021 is reproduced as attachment 3.

Monthly Providore Place Twilight Market and Street Eats Event

Q1 On Friday 9th July I took the opportunity to visit the Twilight Market at Providore Place. While extremely well patronised I would stop short of saying thousands in attendance. While having seen no Covid-19 check-in QR Codes outside it was available at the entrance to Market Place but there appeared at the time to be no attempt to enforce its use. Outside at the food vans it could best be described as a "prolonged shoulder-to-shoulder crowd crush" and I for one, being a supporter of social distancing, could not get out quick enough; accordingly, and knowing that Council were so strict on applying the full extent of Covid-19 restrictions to its monthly meetings and the AGM, I now ask the following separate questions of Council:

- a) As the site owner and host of the event, will Council confirm that the Twilight Market and Street Eats event of the 9th July, both in Market Place and Market Square, met all government imposed Covid-19 requirements for running such an event?
- b) The Public Health Direction on the management of premises, among other requirements, states at item (f) that *"In relation to all premises other than residential premises, a person who owns or operates the premises must ensure that*
 - (i) each condition specified in Schedule 2 that is relevant to the premises is complied with; and*
 - (ii) where practicable, each person on the premises maintains a distance of not less than 1.5 metres between the person and any other person; and*
 - (iii) where practicable, persons on the premises are sufficiently separated from other persons"* - and*"a person must not organise a gathering held on premises other than residential premises if the gathering is organised, or conducted, in such a manner as to*

mean that the premises where the gathering is held does not comply with the requirements of paragraph (f) as they apply to the premises;...."; accordingly and specifically, did Council attempt to ensure crowd compliance with applicable Covid-19 social distancing requirements, both within Market Place and Market Square, to minimise any legal liability should Covid-19 community transmissions have resulted from the event?

- Q2** As the Twilight Market and Street Eats was advertised as being hosted by Devonport City Council, will Council disclose the total cost to ratepayers in staging this event including but not limited to staff time, advertising, entertainment, utilities usage and consumables costs?
- Q3** What is the 2021-22 Council budget allowance specific to Providore Place for staging events, including the monthly Twilight Market and Street Eats?
- Q4** What is the 2021-22 Council budget allowance specific to supporting the weekly Don Market?
- Q5** What is the 2021-22 Council budget allowance specific to supporting the fortnightly Farmers Market at the showgrounds?

Response

An approved COVID-19 Event Safety Plan for the Providore Place Market has been developed in accordance with the WorkSafe Tasmania Template and *Framework for COVID-19 Safe Events and Activities in Tasmania*, published by the Department of State Growth. It is noted that different management requirements exist for internal and open spaces, such as patron caps and density limits. As COVID-19 management requirements are modified by the State Government, event plans are reviewed to accommodate these modifications. For example, the requirements for the use and display of QR codes for the Check-in Tas app will change from 31st July, requiring a modification to the event management and for some stallholders and food vendors.

As previously reported, Council has engaged an external party to coordinate and run the twilight market events at Providore Place. The total estimated cost of conducting a monthly market at Providore Place is in the order of \$14,000 per annum. Council's full budget for Providore Place is available on Council's web site. Council does not operate or contribute to the Don Market or the Showgrounds Market.

Julie Burgess berthing infrastructure maintenance

- Q6** Observation is that the Council owned pontoon and associated structures at the Julie Burgess berthing facility have been removed for maintenance; accordingly, will Council advise as to the following
- a) Is Council fully or in part funding these works?
 - b) Was it the intention of the Julie Burgess Deed of Gift and/or Financial Support Agreement Julie Burgess Inc. 2021-2025 terms that the ratepayers' \$40,000 annual contribution to Julie Burgess Incorporated be utilised to pay for these works?
 - c) Following the last \$40,000 annual instalment of the \$210,000 ratepayer contribution to Julie Burgess Incorporated scheduled for 2025, will any further maintenance of the Council owned berthing infrastructure for the Julie Burgess be solely funded by Julie Burgess Incorporated?

Response

Council continue to own and maintain the pontoon.

Mr Trevor Smith – 7 Glen Court, Devonport

A letter containing questions on notice received from Mr Smith on 17 July 2021 is **reproduced as attachment 4**.

Q1 Why was it necessary to dig up the existing footpaths, and to reinstate them to a wider width, from the corner of Steele and Forbes Street, all the way to the corner of Harold and Forbes Street?

Response

Council's Pedestrian Strategy 2016-2021 specifies that the required path facilities in a 'very high walkability' area such as this section of Forbes Street is 2.0m to 3.0m. Prior to the project, the path was 1.5m wide and had crossfall in excess of the relevant accessibility standards. Therefore replacement was preferred over widening the existing path.

Q2 What is the cost to the Ratepayers, for replacing this footpath at the above location, which also included sections of kerb, and guttering, as well as laying hot mix across the entrance to Archer Street?

Response

This project is fully funded by the State Government's Safer Roads: Vulnerable Road User Program. Funding secured for this project is \$230,000.

Q3 How much further, along Forbes Street, will you be digging up the existing footpaths to make them wider?

Response

The extent of the construction of a wider footpath on Forbes Street is between Steele Street and Harold Street.

Q4 What is the cost to Ratepayers, for installing new footpaths, from Burrows Crescent, all the way to 74 Forbes Street Devonport?

Response

This project is fully funded by the State Government's Safer Roads: Vulnerable Road User Program. Funding secured for this project is \$68,000

Q5 What is the total length of the footpath construction in regards to Question 4?

Response

Three sections of path totalling 189m were constructed as part of this project. A 100m section near Elizabeth Street was completed in 2020 as part of the project preparing for new bus routes and timetables as part of the State Government changes to these services.

Q6 This is my second attempt, to get an answer from you, in response to Question 3, which was asked in correspondence to you, on the 18th of June 2021, and no response was given, in Questions On Notice, for the 28th June 2021 Council Meeting!! Question 3 asked" Will you ensure, and confirm, that you will record in Councils Safety Hazard Register, that I have brought to your attention, that there remain some dangerous sections of footpath, i.e. raised edges between the slabs, that should be rectified immediately" These raised edges are separate to what you have described to me!!

This is not a too hard a question, to give a simple reply to a Ratepayer of Devonport. Safety of Ratepayers shouldn't be sidelined as being unimportant!!

Response

I confirm that in accordance with Council's established processes your original request was captured in our Asset Management system, triggering an inspection of the location by Council Officers. Based on this inspection, several work orders have been raised to correct the defects exceeding the documented intervention level, with records of the corrective actions undertaken also captured. This is the only system in which Council records such items.

Q7 What has been the yearly budget which, you have had with advertising notices in the Advocate, in the financial years 2018/19, 2019/20 and the years 2020/21?

Response

The level of detail you request is not readily available however as a guide a typical newspaper advertisement costs in the order of \$200 to \$600 each depending on length and detail.

ATTACHMENTS

1. Questions on Notice - 26 July 2021 - C Mills [**3.2.2.1** - 1 page]
2. Questions on Notice - 26 July 2021 - B Vellacott [**3.2.2.2** - 1 page]
3. Questions on Notice - 26 July 2021 - M Gardam [**3.2.2.3** - 2 pages]
4. Questions on Notice - 26 July 2021 - T Smith [**3.2.2.4** - 2 pages]

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

3.4.1 BANNING OF BALLOON RELEASES

Author: **Councillor Alison Jarman**
Endorser: **Matthew Atkins, General Manager**

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

MOTION

That Council have a workshop to consider options relating to banning of balloon releases at events in Devonport.

SUPPORT

Asking for council to consider workshopping on all relevant information and businesses that would be affected to aim to ban any releases of balloons at any events in the council region. Also, for council then to write to the State Government for this to be considered statewide.

I understand that there are compostable balloons however it's the release of balloons into the atmosphere I have the issue with for our environment. I also understand that most industries that have previously had this option are commencing to ban this as part of their events. I would like information to be researched thoroughly at a workshop for council to then have a good understanding before a decision can then be made.

It is now illegal to deliberately release balloons in Victoria, I would like to see Tasmania do the same of this is not already in motion.

OFFICER'S COMMENTS

New laws came into effect in Victoria as of 1 July 2021 making it illegal to release balloons outdoors, primarily because they are a dangerous pollutant for many marine species.

As suggested in the supporting notes, approaching the issue with the government as a statewide matter rather than on an individual council basis is logical.

ATTACHMENTS

Nil

3.4.2 TRANSFER STATION - FREE DOMESTIC USE DAY

Author: **Councillor Alison Jarman**

Endorser: **Matthew Atkins, General Manager**

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

MOTION

That Council hold a workshop to consider a Transfer Station Free Domestic Use Day or a Hard-waste collection day.

SUPPORT

For council to consider offering our domestic residents either a free day at our Transfer Station in good faith to encourage people to do the right thing, also for this to be zoned areas as the option e.g. Miandetta, Don etc for a specific date for a specific zone to apply. Alternatively, to consider if a Hard-waste Roadside collection offer would be the preferred option. I ask that these two be considered at a workshop for a result in having one or the other as the preferred option.

OFFICER'S COMMENTS

Initiatives such as those suggested remain an expense for Council and are not "free" but rather funded through the general rate rather than user-pay disposal fees. These initiatives are contrary to responsible waste management practices which apply a cost for waste disposal destined for landfill and cost incentives for recoverable material that has been separated and can be diverted from landfill. This principle of utilising cost as a driver of behaviour is a key reason for the introduction of a statewide waste levy currently being legislated by the State Government.

ATTACHMENTS

Nil

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 Items 4.1 to 4.4.

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 *LUPAA 1993* in a sequential manner.

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

4.1 PA2021.0081 - 40-48 BEST STREET DEVONPORT - ADVERTISING SIGNAGE - THIRD PARTY SIGNS

Author: **Alex Mountney, Land Use Planning Coordinator**

Endorser: **Matthew Atkins, General Manager**
Kylie Lunson, Development Services Manager

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the Tasmanian Planning Scheme - Devonport and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2021.0081 for third party signs at 40-48 Best Street, Devonport subject to the following condition:

1. The signs identified as Site 8, Site 9 and Site 11 are to be installed and located in accordance with the endorsed plans by Claude Neon Media. A copy of which is attached and forming part of this Planning Permit.

Note: The following is provided for information purposes.

The sign identified as 'Site 2B' is exempt from a planning permit as it has been nominated as a community information sign. If the sign purpose is to change, further planning approval is required.

The signage installer is to liaise with a registered building surveyor to determine if building approval is required under the *Building Act 2016*.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2021.0081.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	40-48 Best Street, Devonport
Applicant:	Claude Neon Media P/L
Owner:	Devonport City Council
Proposal:	Advertising Signage - Third Party Signs
Existing Use:	Multi-Storey Car Park
Zoning:	Central Business
Decision Due:	27/07/2021

SITE DESCRIPTION

The site is identified by certificate of title 176042/1 with the property address of 40-48 Best Street, Devonport. The property encompasses the recently established multi-storey car park, an accessway adjacent to the eastern side of the car park and parkland. The site has road frontages to both Fenton Way and Best Street. Figure 1 is a copy of the property title and Figure 2 is an aerial image of the site.

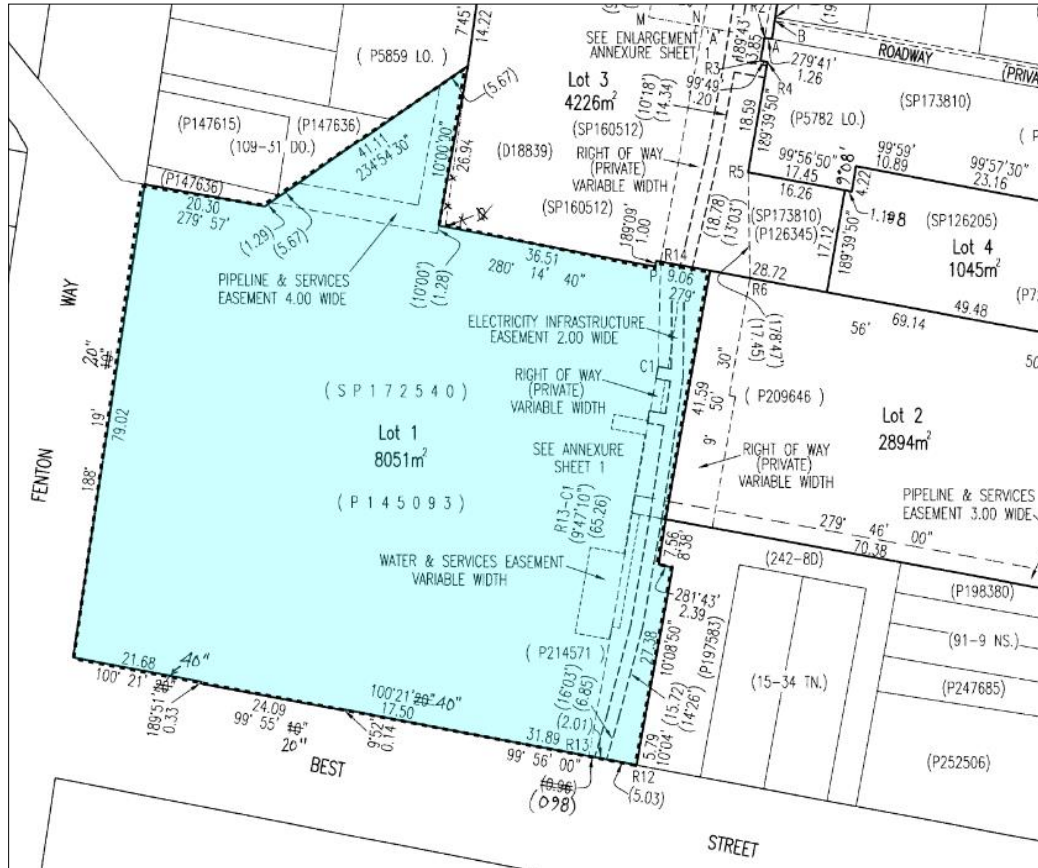


Figure 1 – Title Plan of site 176042/1 (The List, 2019)



Figure 2 – Aerial image of property and surrounds (DCC, 2019)

APPLICATION DETAILS


The applicant – Claude Neon is seeking approval to place 3 x third party signs on the external façade of the multi-storey car park. The signs will advertise local businesses and organisations.

Signs referenced as Sites 8, 9 and 11 require a planning permit. Details regarding the signs are shown in Table 1 and Figures 3, 4 and 5. A full copy of the application documentation is **appended to this report as an attachment.**


Appendix A Site Reference	Type of Sign	Size	Illumination	Additional Notes
Site 2B	Static sign	3m x 1.5m	No	Site has been requested by DCC and is for DCC use only to promote its own events. This is a community information sign and is exempt.
Site 8	Static sign	5.8m x 2m	No	
Site 9	Static sign	4.5m x 2m	No	
Site 11	Static sign	5.95m x 2.95m	No	Site was proposed by DCC.

Table 1 – Details of signs (Claude Neon, 2021)


Proposal Site
SITE 8




Devonport City Council Car Park




STATIC



FINISHED SIZE
5800 x 2000mm



FORMAT
Landscape




ILLUMINATION
NIL




Figure 3 – Site 8 facing Best Street (Claude Neon, 2021)


Proposal Site
SITE 9




Devonport City Council Car Park




STATIC



FINISHED SIZE
4500 x 2000mm



FORMAT
Landscape



ILLUMINATION
NIL



Figure 4 - Site 9 facing Fenton Way (Claude Neon, 2021)

Proposal Site SITE 11



Devonport City
Council Car Park



STATIC



FINISHED SIZE
5950 x 2950mm



FORMAT
Landscape



ILLUMINATION
NIL



Figure 5 – Site 11 facing Market Square (Claude Neon, 2021)

*sign details are for mock up purposes only.

For reference, the signs recently installed within the multi-storey car park satisfy the exemption requirements of the Signs Code of the *Tasmanian Planning Scheme – Devonport* (TPS-D) as the signs are not intended to not be seen from outside of the building. In addition, sign 'Site 2B' can also satisfy the exemptions as it is categorised as a community information sign. The sign exemptions can be found within clause C1.4 of the Signs Code.

PLANNING ISSUES

The land is zoned Central Business under the TPS-D.

The purpose of the Central Business zone is:

16.1.1 To provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment functions within Tasmania's primary centres.

16.1.2 To provide for a type and scale of use and development supports and does not compromise or distort the activity centre hierarchy.

16.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.

16.1.4 To encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained.

The signs are required to be assessed against the relevant provisions of the Signs Code. The purpose of this Code is:

C1.1.1 To provide for appropriate advertising and display of information for business and community activity.

C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.

C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

Under this Code, a third party sign is defined as “...a sign that does not relate to the goods or services available on the premises or land to which is it attached.” The proposed signs appropriately meet the requirements of a third party sign.

Table C1.3 of the Sign Code provides a list of sign types. The signs can be best described as ‘billboard’ sign type. Figure 6 reproduced below provides additional information for a billboard sign.

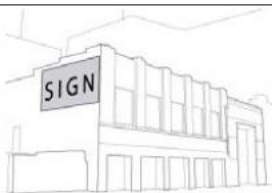
billboard	 <p>means a structure either freestanding or attached to a building designed to accommodate standard billboards, the message of which may be changeable and variable.</p>
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Figure 6 – Definition of a billboard sign under Table C1.3 of the Signs Code (TPS-D, 2020)

The third party signs are required to be assessed against clause C1.6 – *Development Standards for Buildings and Works*. The relevant standards of this clause are reproduced below along with comment.

C1.6.1 Design and siting of signs

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) signage is well designed and sited; and (b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A sign must:</p> <ul style="list-style-type: none"> (a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and (b) meet the sign standards for the relevant sign type set out in Table C1.6, <p>excluding for the following sign types, for which there is no Acceptable Solution:</p> <ul style="list-style-type: none"> (i) roof sign; (ii) sky sign; and (iii) billboard. 	<p>P1.1</p> <p>A sign must:</p> <ul style="list-style-type: none"> (a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and (b) be compatible with the streetscape or landscape, having regard to: <ul style="list-style-type: none"> (i) the size and dimensions of the sign; (ii) the size and scale of the building upon which the sign is proposed; (iii) the amenity of surrounding properties; (iv) the repetition of messages or information; (v) the number and density of signs on the site and on adjacent properties; and (vi) the impact on the safe and efficient movement of vehicles and pedestrians. <p>P1.2</p> <p>If a roof sign, sky sign or billboard, the sign must:</p> <ul style="list-style-type: none"> (a) be located within the applicable zone for the relevant sign type set out in Table C1.6; (b) meet the sign standards for the relevant sign type in Table C1.6; and (c) not contribute to visual clutter or cause unreasonable loss of amenity to the surrounding area, having regard to: <ul style="list-style-type: none"> (i) the size and dimensions of the sign;

	<ul style="list-style-type: none"> (ii) the size and scale of the building upon which the sign is proposed; (iii) the amenity of surrounding properties; (iv) the repetition of messages or information; (v) the number and density of signs on the site and on adjacent properties; and (vi) the impact on the safe and efficient movement of vehicles and pedestrians.
<p>A2</p> <p>A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.</p>	<p>P2</p> <p>A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site and the surrounding area; (b) the relative location of buildings, habitable rooms of dwellings and private open space; (c) any overshadowing; and (d) the nature and type of the sign.
<p>A3</p> <p>The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <ul style="list-style-type: none"> (a) 1 of each sign type, unless otherwise stated in Table C1.6; (b) 1 window sign for each window; (c) 3 if the street frontage is less than 20m in length; and (d) 6 if the street frontage is 20m or more, <p>excluding the following sign types, for which there is no limit:</p> <ul style="list-style-type: none"> (i) name plate; and (ii) temporary sign. 	<p>P3</p> <p>The number of signs for each business or tenancy on a street frontage must:</p> <ul style="list-style-type: none"> (a) not unreasonably increase in the existing level of visual clutter in the streetscape, and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and (b) not involve the repetition of messages or information.

A billboard sign is prescribed as a sign type which cannot meet the acceptable solution for A1. The corresponding performance criteria for P1 are required to be assessed to determine if a permit pathway can be supported.

Assessment against C1.6.1 - Design and siting of signs

In response to P1.1(a), the site is situated within the Central Business Zone and billboard signs are acceptable within the zone.

Claude Neon's supporting rationale for P1.1(b) is reproduced below.

"P1.1 – Comply - Claude Neon Media confirm that each of the signs the subject of this application are:

- 1. located within the central business zone as required by C1.6; and*
- 2. are compatible with the streetscape and landscape, having regard to:*
 - a. the size and dimensions of the signs – the signs are small and entirely compatible with the streetscape;*
 - b. the size and scale of the Car Park is three stories tall covering the majority of a city block and the scale and proportion of the signs is in keeping with the scale of the Car Park;*
 - c. the amenity of the surrounding properties is not affected by the signs – two of the signs are visible only in the market area – and the other two signs are located in the central business district which features a range of signage development. The Claude Neon Media signs are safe, maintained and DCC has complete control over their content;*
 - d. the signs are static and the messages do not move or repeat messages or information;*
 - e. the addition of the signs to the streetscape in the central business district would not be out of place at all and would not impact negatively based on the number or density of signs on adjacent properties. The number of signs proposed at the Car Park are minimal and appropriate and generate revenue for DCC and provide local businesses with the opportunity to advertise and grow their businesses;*
 - f. the signs have no impact on pedestrian movements at all and they are wall mounted. The signs are of a type that are extremely common world wide. Their locations have been selected to have no negative impact on the movement of vehicles."*

The above rationale has been reviewed and can be supported for P1.1(b) In addition, Council's Infrastructure & Works Department has assessed the signs and advised there will be no impact on motorist or pedestrian safety.

In response to P1.2(a), a billboard sign is an acceptable sign type within the Central Business Zone.

The signs can satisfy requirements of P1.2(b). For reference, the billboard sign standards are the following:

- (a) Have a maximum vertical dimension of 3m;
- (b) Have a maximum horizontal dimension of 6m; and
- (c) Not extend vertically or horizontally from the surface to which it is attached.

The supporting rationale provided by Claude Neon in response to P1.1(a) demonstrates the signs have merit against the tests prescribed within P1.2 (c).

The acceptable solution is met for A2 as the site is not within 2m of a land-use zone specified.

The acceptable solution is met for A3. Site 8 and 9 are located on separate road frontages. The sign for Site 11 faces internally towards Providore Place/Market Square and is not required to be considered.

Overall, the signage can satisfy either the acceptable solutions or performance criteria prescribed within C1.6.1.

C1.6.3 Third party sign

Objective:	<p>To:</p> <ul style="list-style-type: none"> (a) provide for third party signs that are compatible with the streetscape and the character of the area in which it is proposed to be located; (b) manage the cumulative impact of third party signs on the character of an area; and (c) minimise any potential impact of third party signs on road safety.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A third party sign must be compatible with the natural and built environment of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) the content of the sign; (b) the necessity for the advertisement to be in the location; (c) opportunities for alternative locations or other methods to achieve the intended purpose (e.g. eligibility for Tasmanian Visitor Information System (TVIS) signs); and (d) the likely impact on the operation and safety of a railway, road, footpath, or navigable water ; and (e) any advice from a State authority.

Assessment against C1.6.3 – Third Party Sign

As there are no acceptable solutions for third party signs, the performance criteria under P1 is required to be assessed.

Regarding P1 (a), Claude Neon has provided the following rationale for Signs 8, 9 and 11:

"All material on the sign will be approved by DCC and must be removed immediately if unacceptable."

The third party signs are proposed within the Devonport CBD where signs are prevalent. As mentioned by the applicant, Council is the landowner and will be able to ensure the content of the signs are appropriate. P1(a) can be supported.

In response to P1(b), Claude Neon has stated the following:

"The signs have been specifically located at the Car Park locations as they provide maximum visibility to drive traffic to local businesses, provide a revenue stream to DCC and grow the local economy."

There is some ambiguity about whether the third party signs are necessary in their intended locations. The State Planning Provisions of the TPS-D provide a planning permit pathway for third party signs, albeit discretionary. It can be supported that the signs are necessary due to being located within the Central Business Zone where billboard signs are accepted. The cumulative impact of third party signs can be managed through the planning permit process, noting that signs of this nature require discretionary planning consideration. The performance criteria for P1 (b) can be met.

Regarding P1(c), Claude Neon has noted the following within their submission:

"Per Request for Tender and DCC requirements the location selected best drives local business and council revenue outcomes."

The third party signs are in the CBD where signage forms part of the built environment. It should be noted that revenue outcomes are not relevant when determining if the signs can satisfy the performance criteria, however P1(c) can be subjectively supported.

P1(d) can be satisfied. As discussed earlier in the report, Council's Infrastructure & Works Department has assessed the signs and advised there will be no impact on motorist or pedestrian safety.

No advice from a state authority was considered necessary for the assessment of this application. Therefore P1(e) is not considered applicable.

In summary, the third party signs can satisfy the performance criteria for C1.6.3 P1.

COMMUNITY ENGAGEMENT

On 10/06/2021, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 16/06/2021;
- (b) Making a copy of the proposal available in Council Offices from the 16/06/2021;
- (c) Notifying adjoining property owners by mail on 15/06/2021; and
- (d) Erecting a Site Notice for display from the 15/06/2021.

The period for representations to be received by Council closed on 29/06/2021.

REPRESENTATIONS

One representation was received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

A copy of the representation is shown below as Figure 7.

Hi,

I would like to make a representation regarding planning application PA2021.0081, advertising signage on the multi-storey car park on Best Street in Devonport.

Public buildings should not be used as commercial advertising space. We should be proud of our public buildings, and not have to sell off their facades for commercial purposes. I do not believe that it would be in the community's best interest to be beset by more private advertising, especially not in a part of the city that forms the heart of public civic life.

As an active member of the community, and a client-facing public servant living and working in Devonport, I am privy to many people's interpretations of the building. Beyond many community members finding it difficult to use, it has become a source of fear due to incidents of violence and property damage caused in and around the building. It is well noted by geographers and urbanists that urban environments hostile to civic life create dysfunctional citizens (See Jane Jacobs' *The Life and Death of the Great American Cities*, Henri Lefebvre's *The Right to the City*, and David Harvey's *Rebel Cities*). We should be trying to build more civic life into a hostile building, not just selling it's surfaces off to the highest bidder.

Some suggestions I have heard from the community on how we can create positive engagement with the building would be to host farmers markets in there (all the concrete would keep produce cool in summer); building a bouldering wall on the side of it (encourage young people to use the building, put more eyes on the building); host public art or murals on the sides of the building. Not one person has said to me that they thought advertising would be a good idea.

Regards,

Michael McLoughlin

Figure 7 – Representation (McLoughlin, 2021)

The representation is recommended to be noted by the Planning Authority Committee. Further commentary is not warranted as the representation is an opinion and does not address the planning scheme requirements.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal. In such an instance, legal counsel will likely be required to represent Council. The opportunity for such an appeal exists as a result of the Council determining to either approve or refuse the permit application.

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The third party signs can satisfy the relevant criteria of the Signs Code prescribed with the TPS-D and therefore a permit pathway can be supported.

ATTACHMENTS

1. Application - PA2021.0081 - 40-48 Best Street [4.1.1 - 24 pages]

4.2 PA2021.0089 - 6 MATTHEWS WAY DEVONPORT - SERVICE INDUSTRY (MOTOR REPAIRS)

Author: **Carolyn Milnes, Senior Town Planner**

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

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2021.0089 and grant a Permit to use and develop land identified as 6 Matthews Way, Devonport for the following purposes:

- Service Industry (motor repairs)
Subject to the following conditions:
 1. The Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:
 - a. Development Application – Construction of Shed – 6 Matthews Way, Ref: 21.063, dated 16 June 2021 by 6ty°; and
 - b. New Shed, Project: 21.063, Drawing Nos. Ap01, Rev. D, dated 16.6.21 and Ap02, Rev. C, dated 18.5.21, by 6ty°.Copies of which are attached and endorsed as documents forming part of this Planning Permit.
 2. All external lighting is to be directed away from adjoining properties to ensure there is no light spillage from the subject site.
 3. Vehicle service areas are to be bunded and graded to an oil/grease retention trap then directed to sewer (refer to notes).
 4. The developer is to ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's recommendations "*Soil & Water Management on Large Building & Construction Sites*" (refer to notes).
 5. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to any subsequent building permit applications.
 - a. Subject to the above and as part of any subsequent plumbing permit application, the proposed development is to have a suitably sized stormwater connection generally in accordance with the Tasmanian Standard Drawings. The size and location of the proposed stormwater connection is to be designed by a suitably qualified hydraulic engineer.

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.

In regard to condition 3, an agreement with TasWater may be required.

In regard to condition 4, large building and construction sites are those with greater than 250m² of ground disturbance – refer to the following link

[https://epa.tas.gov.au/Documents/Soil_and%20 Water Management Fact%20 Sheet 1.pdf](https://epa.tas.gov.au/Documents/Soil_and%20Water_Management_Fact%20Sheet_1.pdf)

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*.

No burning of any waste materials (including cleared vegetation) is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

In regard to conditions 5-7 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2021.0089.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	6 Matthews Way, Devonport
Applicant:	6TY ^o Pty Ltd
Owner:	Delhy Pty Ltd
Proposal:	Service Industry (motor repairs)
Existing Use:	Vacant
Zoning:	Light Industrial
Decision Due:	02/08/2021

SITE DESCRIPTION

The site is located on the western side of Matthews Way approximately midway between Don Road and Lapthorne Close. The lot is irregular in shape and has an area of 1612m². The property is essentially vacant although it is used for parking cars and contains a shipping container. Light industrial and residential uses surround the lot. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 1 - Aerial view of subject site and surrounding area

APPLICATION DETAILS

The applicant is seeking approval to construct a building to be utilised as a Service Industry in the form of a motor repair garage. Private vehicles will be repaired on the site which will not operate commercially. The building will be setback 13.2m from the road frontage and have a floor area of 797m² with a height of 6.475m. Figure 2 shows the proposed site plan and Figures 3 & 4 show the elevations. **The application is appended as an attachment to the report.**

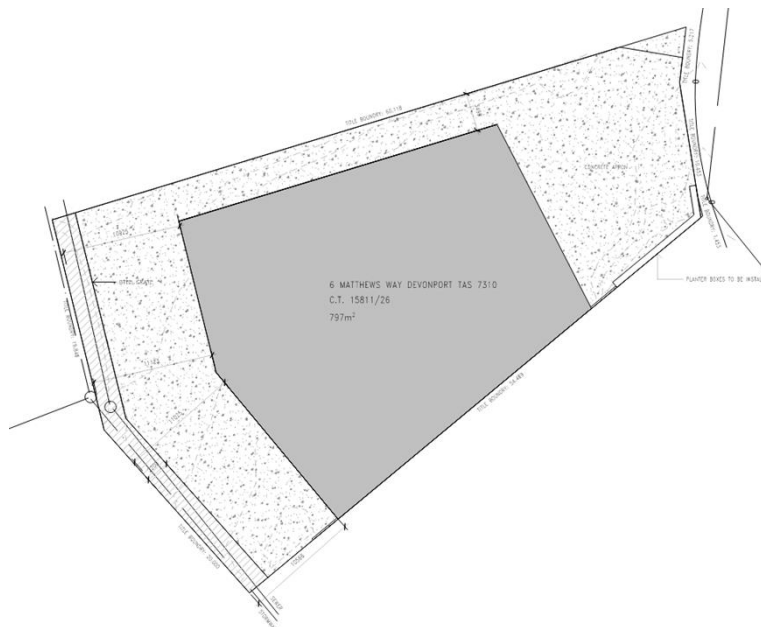


Figure 2 - Proposed site plan

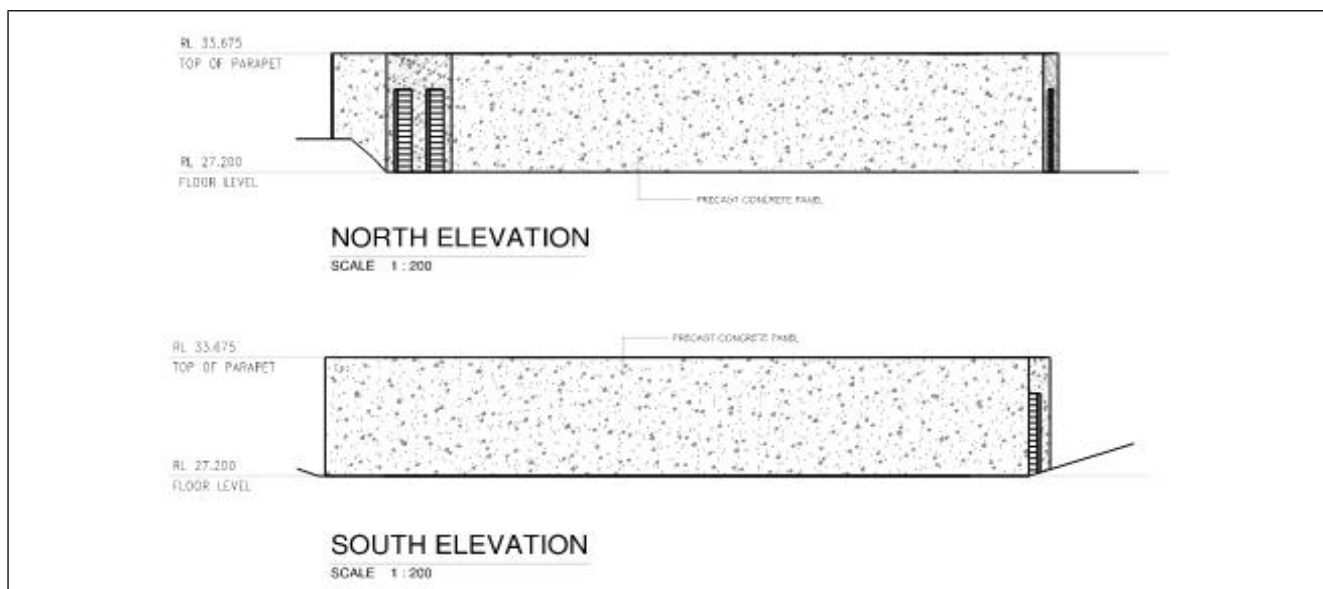


Figure 3 - Northern and southern elevations

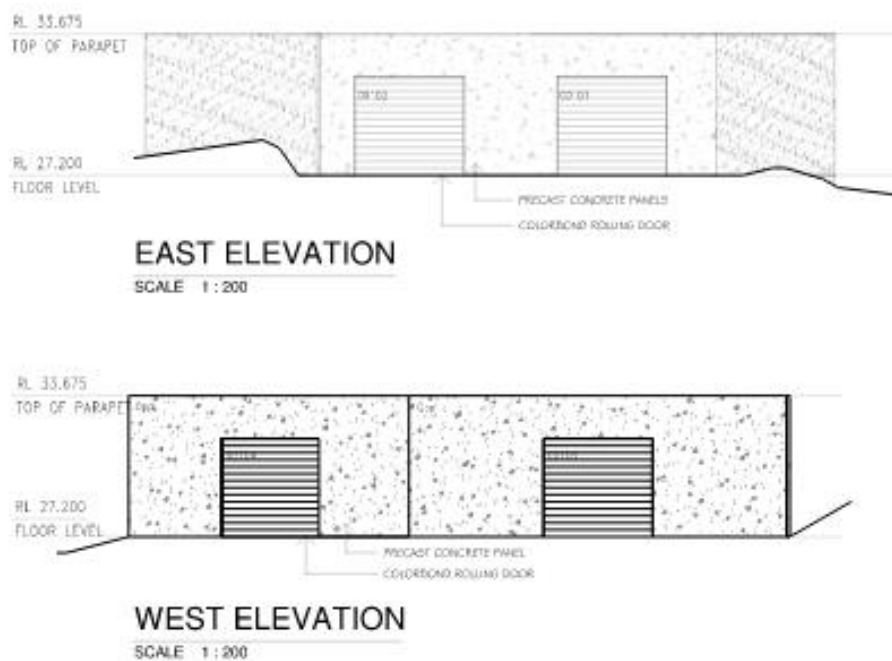


Figure 4 - Eastern and western elevations

PLANNING ISSUES

The land is zoned Light Industrial under the *Tasmanian Planning Scheme – Devonport, 2020*. The purpose of the zone is as follows:

- 18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.
- 18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.

Figure 5 shows the zoning map for the property and surrounding area.



Figure 5 - Zoning map

A Service Industry is permitted in the zone provided all relevant acceptable solutions contained within the zone and any applicable codes are met.

In instances where the acceptable solutions cannot be met the proposal becomes discretionary and any corresponding performance criteria must be satisfied.

All applicable standards are reproduced below, followed by comment.

18.3 Use Standards

18.3.1 All uses

Objective:	That uses do not cause an unreasonable loss of amenity to residential zones.	
Acceptable Solutions		Performance Criteria
A1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.		P1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.

Comment – Not applicable. The subject site is located 50.5m from the General Residential zone.

A2 External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must: (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.	P2 External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the level of illumination and duration of lighting; and (b) the distance to habitable rooms of an adjacent dwelling.
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Comment – Not applicable. The subject site is located 50.5m from the General Residential zone.

<p>A3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</p> <p>(e) any noise mitigation measures between the vehicle movement areas and the residential area; and</p> <p>(f) potential conflicts with other traffic.</p>
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Comment – Not applicable. The subject site is located 50.5m from the General Residential zone.

18.3.2 Discretionary uses

Objective:	That uses listed as Discretionary do not compromise the use or development of the land for industrial activities with minimal or managed off site impacts.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A use listed as Discretionary must not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off site impacts, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the size and scale of the proposed use; and</p> <p>(c) the function of the industrial area.</p>

Comment – Not applicable. The use is permitted.

18.4 Development Standards for Buildings and Works

18.4.1 Building height

Objective:	To provide for a building height that: (a) is necessary for the operation of the use; and (b) minimises adverse impacts on adjoining properties.	
Acceptable Solutions		Performance Criteria
A1 Building height must be not more than 10m.		P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the bulk and form of the building; (b) separation from existing uses on adjoining properties; and (c) any buffers created by natural or other features.

Comment – The building has a height of 6.475m. The proposal meets the acceptable solution.

A2 Building height: (a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or (b) within 10m of an Inner Residential Zone must be not more than 9.5m.	P2 Building height within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be consistent with building height on adjoining properties in those zones and not cause an unreasonable loss of residential amenity, having regard to: (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining properties.
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Comment – Not applicable. The subject site is located 50.5m from the General Residential zone.

18.4.2 Setbacks

Objective:	That building setbacks: (a) are appropriate for the site; and (b) do not cause an unreasonable loss of residential amenity to adjoining residential zones.
Acceptable Solutions	Performance Criteria
A1 Buildings must have a setback from a frontage of: (a) not less than 5.5m; (b) not less than existing buildings on the site; or (c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	P1 Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to: (a) the topography of the site; (b) the setback of buildings on adjacent properties; and (c) the safety of road users.

Comment – The building has a setback of 13.2m. The acceptable solution is met.

A2 Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone of not less than: (a) 4m; or (b) half the wall height of the building, whichever is the greater.	P2 Buildings must be sited to not cause an unreasonable loss of residential amenity to adjoining properties within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, having regard to: (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy; and (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.
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Comment – Not applicable. The subject site is located 50.5m from the General Residential zone.

<p>A3</p> <p>Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone.¹</p>	<p>P3</p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be designed, located, baffled or insulated to not cause an unreasonable loss of residential amenity to the adjoining residential zones, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics and frequency of emissions generated; (b) the nature of the proposed use; (c) the topography of the site and location of the sensitive use; and (d) any proposed mitigation measures.
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Comment – Not applicable. The subject site is located 50.5m from the General Residential zone.

18.4.3 Fencing

Objective:	That fencing does not cause an unreasonable loss of residential amenity to adjoining residential zones.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>No Acceptable Solution.²</p>		<p>P1</p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) their height, design, location and extent; and (b) the proposed materials and construction.

Comment – Not applicable. No fencing is proposed.

18.4.4 Outdoor storage areas

Objective:	Outdoor storage areas do not detract from the appearance of the site or surrounding area.
Acceptable Solutions	Performance Criteria
A1 Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.	P1 Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.

Comment – Outdoor storage area will be located behind the building. The acceptable solution is met.

18.4.5 Landscaping

Objective:	That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.
Acceptable Solutions	Performance Criteria
A1 If a building is set back from a road, landscaping treatment must be provided along the frontage of the site: <ul style="list-style-type: none"> (a) to a depth of not less than 5.5m; or (b) not less than the frontage of an existing building if it is a lesser distance. 	P1 If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to: <ul style="list-style-type: none"> (a) the width of the setback; (b) the width of the frontage; (c) the topography of the site; (d) existing vegetation on the site; (e) the location, type and growth of the proposed vegetation; and (f) any relevant local area objectives contained within the relevant Local Provisions Schedule.

Comment – The building will be setback approximately 13.2m from the frontage however landscaping to a depth of 5.5m is not proposed as it would limit access into the two roller doors at the front of the building. Rather, the developer has proposed landscaping be placed on the southern boundary, between the building and the frontage. As the acceptable solution is not met the performance criteria must be assessed.

Given the setback of the building is approximately 13.2m it will not be imposing on the streetscape therefore the need to soften it with vegetation is reduced. In addition, as stated in the application, the width of the frontage is narrow, and, being located on a curve in the road, access to the site limits the space available for landscaping.

The proposal to place landscaping on the southern boundary will enhance the amenity and appearance of the streetscape in accordance with the objective of the clause without limiting access to the building. The performance criteria is satisfied.

The Parking and Sustainable Transport Code, Road and Railway Assets Code and Safeguarding of Airports Code are applicable to the proposal.

Parking and Sustainable Transport Code.

The Parking and Sustainable Transport Code requires 1 parking space per 80m² of floor area, or 2 spaces per 3 employees, whichever is greater. Given the operation will not be commercial there will be no employees and therefore parking must be based on floor area. A total of 10 parking spaces are required given the floor area of 797m². The lot has sufficient area for 10 parking spaces. No bicycle parking spaces are required given there will be no employees on the site.

The proposal complies with the requirements of the Code in regard to construction of parking areas etc except in regard to the provision of an internal footpath, given the site requires 10 parking spaces. Clause C2.6.5 deals with this requirement and is reproduced below, followed by comment.

C2.6.5 Pedestrian access

Objective:	That pedestrian access within parking areas is provided in a safe and convenient manner.
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>P1</p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>

Comment – The use requires 10 parking spaces, therefore an internal footpath is also required. The applicant has stated that a footpath is unlikely to be provided and, given the nature of the use, is not warranted.

As stated the motor repair garage will be for private use (similar to the use operating on the adjacent lot at 8 Matthews Way). Repair of motor vehicles is not undertaken on a commercial basis and therefore the number of people accessing the site and the frequency of vehicle movements are limited. There is ample room on the site to allow for safe and convenient pedestrian access having regard to the nature of the use, frequency of vehicle movements and vehicle and pedestrian safety. The proposal satisfies the performance criteria.

Road and Railway Assets Code

The proposal complies with the requirements of the Road and Railway Assets Code as the increase in vehicle movements does not exceed the permissible number and traffic can enter and exit the site in a forward direction.

Safeguarding of Airports Code

The height of the building is well below the allowable height in regard to the Safeguarding of Airports Code and is therefore exempt.

COMMUNITY ENGAGEMENT

On 21/06/2021, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 26/06/2021;
- (b) Making a copy of the proposal available in Council Offices from the 26/06/2021;
- (c) Notifying adjoining property owners by mail on 24/06/2021; and
- (d) Erecting a Site Notice for display from the 24/06/2021.

The period for representations to be received by Council closed on 12/07/2021.

REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The planning scheme states the following under section 6.10 in regard to what is to be addressed when determining an application.

6.10 Determining Applications

6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

As discussed above the proposal complies with the applicable standards for all but two clauses in the planning scheme. Therefore the landscaping and provision of an internal footpath are the only issues that are relevant.

The representation is from the owner of 190 Stony Rise Road, which is a single dwelling which backs onto the subject site. The issues raised in the representation are reproduced below.

18.4.A3 - Generator Compressors - 50.5m from Boundary...I am the back boundary and am a residential dwelling..noise levels and times will affect my existing lifestyle

18.3.A2 - Lighting - 50.5m from Boundary - I am the back boundary and am a residential dwelling..lighting will shine into my kitchen and entertaining area especially with out of hours proposed

18.3.1 A1- Operating Hours - I am on the back boundary and am a residential dwelling....noise levels and lighting will affect me especially with the proposed after hours times

18.4.4.A1- Storage at Rear - I am on back boundary am a residential dwelling ...Height limit??? and visible to me..Storage above my existing fence line will affect my garden and be an eyesore from my home

18.4.3- Fence - I am on back boundary and currently have colorbond fence at standard height. The plan has no proposed fence and mine is existing. Does my fence remain at the existing height?

This plan has not considered that I am on the back boundary of this proposed build and am a residential dwelling. It will affect my existing lifestyle and enjoyment of my home.

I have lived here for 30 years and this is my home.

I object to this build until my points are addressed.

I welcome any Council employee to view my objections at an agreed appointment time

The dwelling is located in the Light Industrial zone. The clauses mentioned in the representation cannot be considered as part of the assessment as the proposal is not within 50m of the General Residential zone.

It is understandable that the representor should have concerns over issues such as noise from generators, operating hours etc however the planning scheme does not provide an avenue for addressing these issues.

Lighting is a relatively easy issue to manage and a condition will be placed on the permit requiring all light be directed onto the subject site as this will not cause any detriment to the developer and will be of benefit to the representor.

There are no issues raised in the representation that require a change to the assessment of the proposal.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal. In such an instance, legal counsel will likely be required to represent Council. The opportunity for such an appeal exists as a result of the Council determining to either approve or refuse the permit application.

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The proposal has been assessed against the requirements of the planning scheme. All relevant standards can be satisfied whether acceptable solutions or performance criteria. Approval with conditions is recommended.

ATTACHMENTS

1. Application - PA2021.0089 - 6 Matthews Way [4.2.1 - 33 pages]

4.3 PA2021.0078 - 103 WINSPEARS ROAD - VISITOR ACCOMMODATION (3 X SELF-CONTAINED UNITS) AND SPORTS AND RECREATION (EQUESTRIAN TRAINING FACILITY)

Author: **Alex Mountney, Land-Use Planning Coordinator**

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

RECOMMENDATION

Firstly

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, refuse the Visitor Accommodation use and development associated with PA2021.0078 due to the following reasons:

1. The use and development of 3 x self-contained visitor accommodation buildings is not compatible with the surrounding development and character of Winspears Road. The development cannot satisfy Rural Living standard 11.3.2 P1 – *Visitor Accommodation*; and
2. The site coverage for the visitor accommodation development is not consistent with that of established properties in the area. The development cannot satisfy Rural Living standard 11.4.1 P1 – *Site Coverage*.

Secondly

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2021.0078 and grant a Permit to use and develop land identified as 103 Winspears Road, East Devonport for the following purposes:

- Sports and Recreation (equestrian training facility)

Subject to the following conditions:

1. Unless requiring alteration by a subsequent condition, the use and development is to proceed generally in accordance with the submitted plans referenced as Class 1b Accommodation – Job No. 1120-56 (Drawings 01, 02, 03, 10, 11 & 12) by Tas Laughlin, a copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. Prior to the lodgement of the building permit documentation, the applicant is to provide an amended parking plan showing provision for a minimum of 13 on-site parking spaces. A minimum of 4 parking spaces are to be designed to allow for the parking and manoeuvrability of vehicles towing horse floats. Parking spaces are to be developed in accordance with relevant Australian Standards and be finished in a surface that is usable in all weather conditions.
3. Any new driveway works are to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R03-V3, and TSD-R05-V3 for Truck Access.

4. Any new gates associated with the development are to be set back a minimum of 7m from the edge of the existing road seal.
5. Concentrated stormwater is to be discharged in accordance with the National Construction Code.
6. The developer is to submit a Plumbing Permit Application, along with supporting documentation as required under Schedule 2 of the Director's Determination - Director's Specified List v1.2 (Building Act 2016), for an on-site wastewater disposal system as part of the Building and Plumbing application process.

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*.

Any change to the driveway location or construction is to be approved by the relevant Council officer.

Any signage proposed as part of the development is subject to further planning approval by Council.

Regarding conditions 3-5 the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions and 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 2.1.2 | Provide consistent and responsive development assessment and compliance processes |

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority, to make a decision regarding planning application PA2021.0078.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	103 Winspears Road, East Devonport
Applicant:	Veris
Owner:	Mrs FM Hanafin & Mr BJ Hanafin
Proposal:	Visitor Accommodation (3 x self-contained units) and Sports and Recreation (equestrian training facility)

Existing Use:	Equestrian Facility
Zoning:	Rural Living A
Decision Due:	27/07/2021

SITE DESCRIPTION

The site is a 1.998ha allotment located on the northern side of Winspears Road, approximately 1km from the Winspears Road and River Road intersection. Bishton Creek traverses through the property along with various defined drainage channels. Located on the site are two shipping containers abutted together and a horse arena. The property is adjoined by the Bass Highway to the north and rural residential development to the east and west. Figure 1 is an aerial image of the site and Figure 2 is a copy of the property's title.



Figure 1 - Aerial image of site (DCC, 2019)

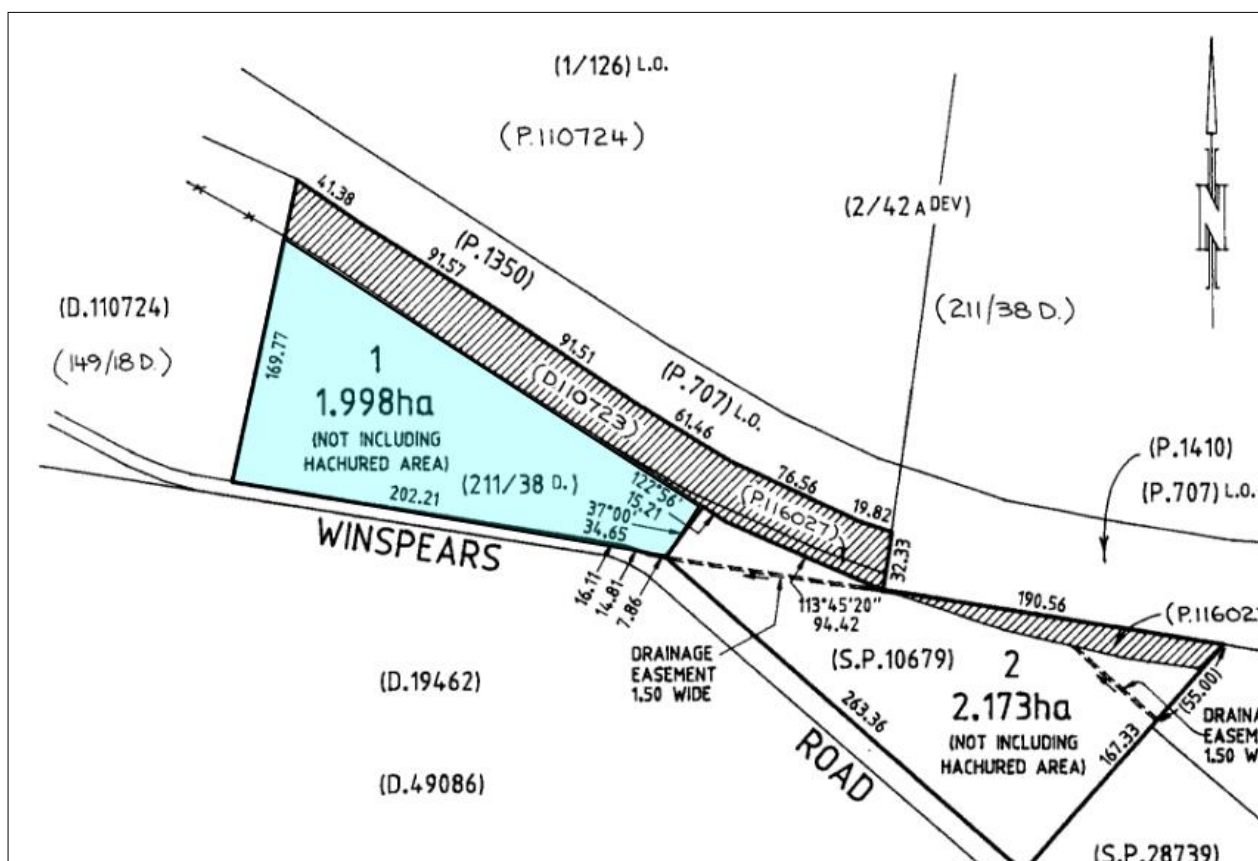


Figure 2 - Title Plan of site CT 131639/1 (The List, 1999)

APPLICATION DETAILS

The applicant is seeking approval for the construction of 3 x self-contained buildings to accommodate seasonal workers, along with the construction of a covered area for equestrian training.

The visitor accommodation buildings are proposed to be located within the south-west section of the site. Each building will incorporate three bedrooms, two bathrooms, an additional toilet and an open plan living/dining space. Each building can accommodate 12 people, with a total capacity of 36 people. Water storage tanks are proposed to the west of the buildings, with the on-site wastewater system positioned to the north. The applicant has stated that the buildings are intended to be used for short stay purposes during the offseason.

The extension to the existing equestrian facility will include the placement of 3 additional shipping containers, a domed roof structure to connect between the containers (both proposed and existing), a disabled access toilet and a covered veranda. The applicant has stated that the facility will be used by people to allow them to engage with horses and is not a typical horse training arena.

24 car parking spaces are proposed on site with parking situated adjacent to the Winspears Road frontage. The applicant has stated that both uses will operate separately.

Figure 3 is a copy of the site plan. Figure 4 is the road frontage elevation of the accommodation buildings. Figure 5 is additional details of the accommodation buildings and Figure 6 shows the road elevation of the equestrian facility. A full copy of the development application, including supporting planning scheme compliance report is **appended as an attachment** forming part of this report.

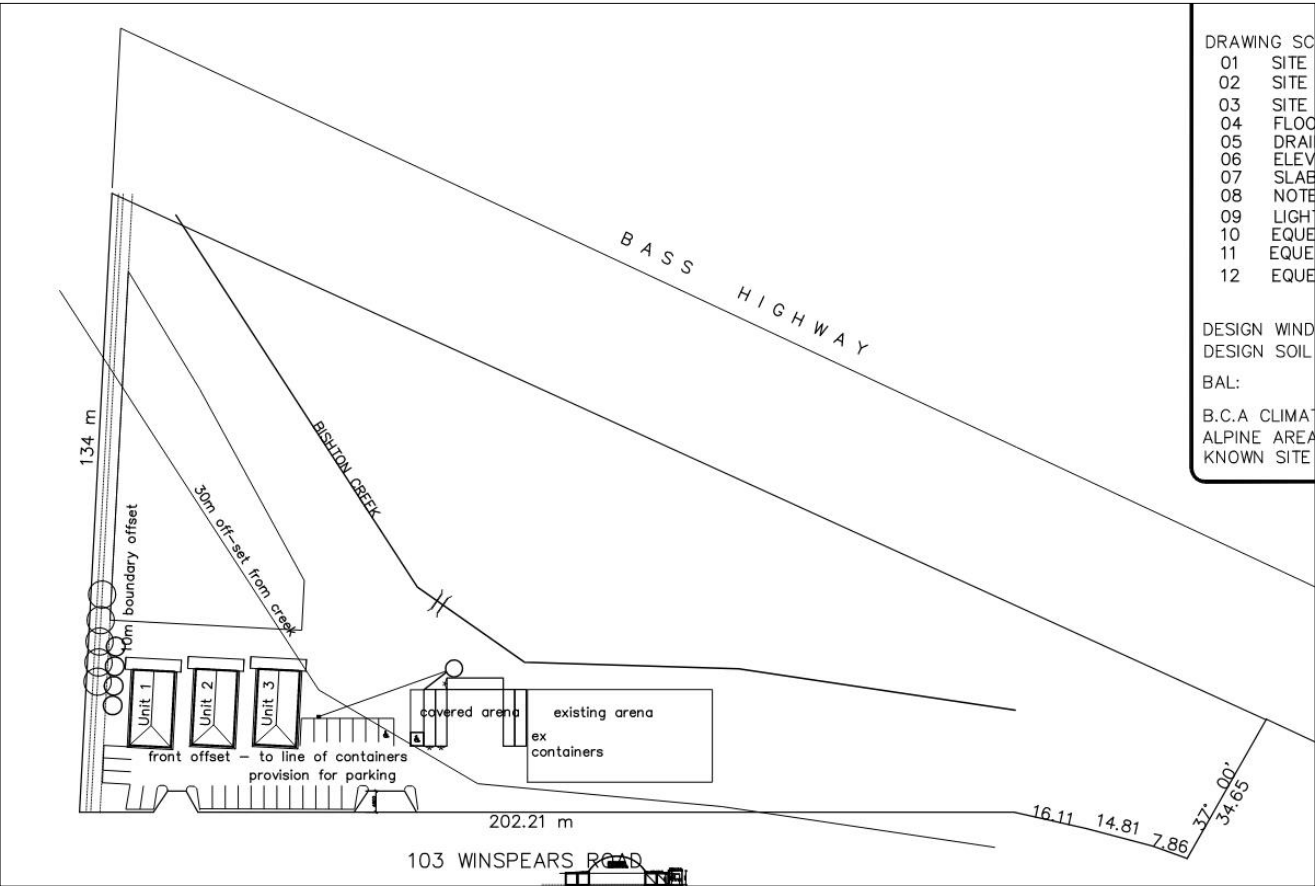


Figure 3 - Site plan (Tas Laughlin, 2021)

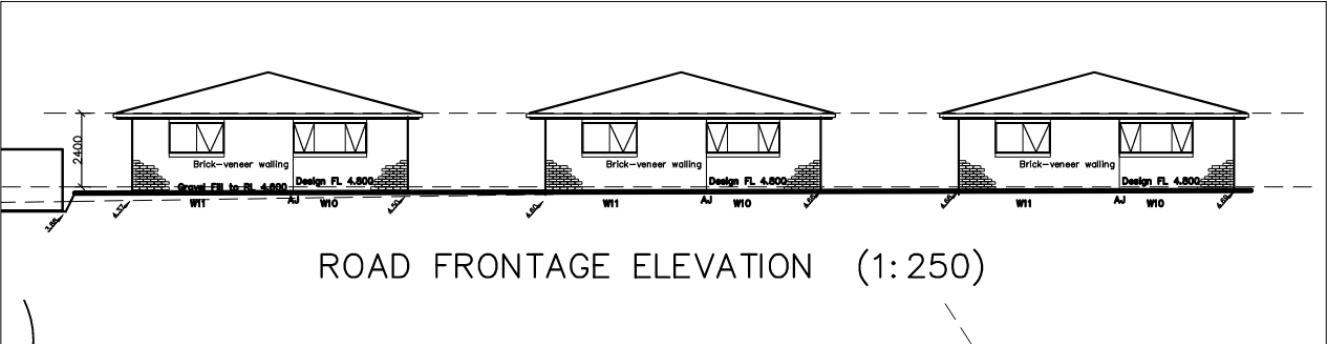


Figure 4 - Road frontage elevation (south) of accommodation buildings (Tas Laughlin, 2021)

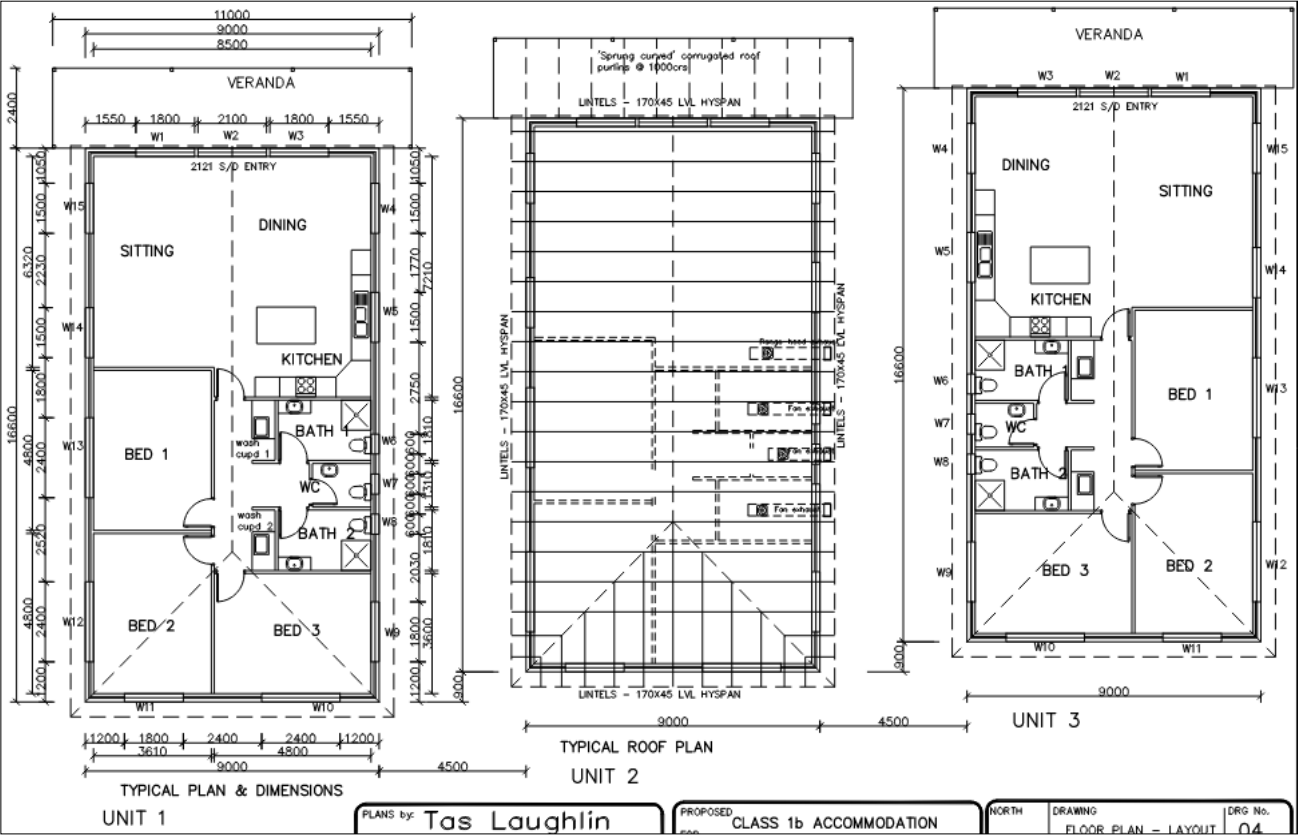


Figure 5 - Plans of accommodation buildings (Tas Laughlin, 2021)

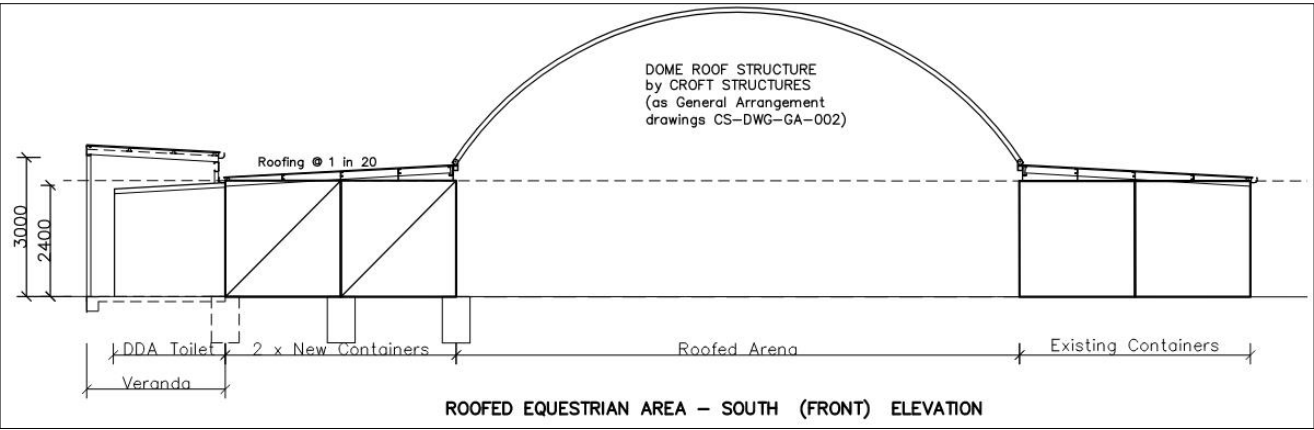


Figure 6 – Road frontage elevation (south) of equestrian facility (Tas Laughlin, 2021)

PLANNING ISSUES

The land is zoned Rural Living A under the *Tasmanian Planning Scheme – Devonport, 2020*. The purpose of the Rural Living Zone is:

- 11.1.1 To provide for residential use or development in a rural setting where:
 - (a) services are limited; or
 - (b) existing natural and landscape values are to be retained.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Use and development is required to be categorised into one of the Use Classes prescribed within Table 6.2 of the planning scheme. As mentioned, both uses are to operate independently. The accommodation aspect of the proposal falls under the use class Visitor Accommodation and the extensions to the equestrian facility fall under the use class Sports and Recreation. These uses are defined under the scheme as follows:

Visitor Accommodation

"use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex."

Sports and Recreation

"use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, children's play centre, swimming pool, racecourse, sports ground, and major sporting facility."

The Use Table for the Rural Living zone prescribes Visitor Accommodation as Permitted and Sports and Recreation as Discretionary - subject to the qualification that the activity is for an outdoor recreation facility. The works proposed to the equestrian facility can satisfy the qualification.

The applicable development standards of the planning scheme are reproduced below along with comment.

Rural Living Zone

11.3 Use Standards

11.3.1 Discretionary uses

Objective:	That Discretionary uses do not cause an unreasonable loss of amenity to adjacent sensitive uses.	
Acceptable Solutions		Performance Criteria
A1 Hours of operation for a use listed as Discretionary, excluding Emergency Services or Resource Development, must be within the hours of: (a) 8.00am to 6.00pm Monday to Friday; (b) 9.00am to 12.00 noon Saturday; and (c) nil on Sunday and public holidays.		P1 Hours of operation for a use listed as Discretionary, excluding Emergency Services or Resource Development, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.
A2 External lighting for a use listed as Discretionary: (a) must be within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled so that direct light does not extend into the adjoining property.		P2 External lighting for a use listed as Discretionary, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the number of proposed light sources and their intensity; (b) the location of the proposed light sources; (c) the topography of the site; and (d) any existing light sources.
A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of: (a) 7.00am to 5.00pm Monday to Friday; (b) 9.00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.		P3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the extent and timing of traffic generation; (b) the dispatch of goods and materials; and (c) the existing levels of amenity.

As Sports and Recreation is a discretionary use within the zone, development standard 11.3.1 is required to be assessed to determine if this use can be supported. In response to this standard, the applicant has submitted the following rationale.

	Acceptable Solution	Proposal Response
A1	Hours of operation (...)	The facility will only operate within the hours of 8.00am to 6.00pm Monday to Friday and 9.00am to 12 noon on Saturday.
A2	External lighting (...)	The proposal does not include any external lighting outside the hours of operation.
A3	Commercial vehicle movements (...)	There will be no commercial vehicle movements required as part of this proposal. However, should commercial deliveries be required they will be within the hours of 7.00am to 5.00pm Monday to Friday and 9.00am to 12 noon on Saturday.

Compliance with the acceptable solutions has been demonstrated and the extension works to the equestrian facility will have negligible impact to the amenity of surrounding properties. No further comment is necessary regarding this use standard.

11.3.2 Visitor Accommodation

Objective:	That Visitor Accommodation: (a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way.	
Acceptable Solutions		Performance Criteria
A1 Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m ² per lot.		P1 Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to: (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the primary residential function of an area; (e) the impact on the safety and efficiency of the local road network; and (f) any impact on the owners and users rights of way.

The acceptable solutions prescribed under 11.3.2 A1 cannot be satisfied as the 3 x self-contained buildings are proposed, not existing. Furthermore, the total floor area of the use

is 496m². The corresponding performance criteria are required to be analysed to determine if the use has merit.

In response to P1 (a) – (f), the applicant has provided the following rationale:

	Performance Criteria	Proposal Response
(a)	<i>The privacy of adjoining properties;</i>	The established house on the adjoining lot to the east is approximately 400m from the site. The house on the lot to the west is approximately 150m from the site. Both these houses are adjoined on their far sides by other houses. There will be no detriment to their privacy by the proposed use.
(b)	<i>any likely increase in noise to adjoining properties</i>	The distances from the proposed use to residences on adjoining properties are such that they will experience no significant increase in noise.
(c)	<i>the scale of the use and its compatibility with the surrounding character and uses within the area;</i>	The presence of up to 36 seasonal workers for a period each year will be different in scale from the single residences on large blocks that are more typical along Winspears Road. However, the impact of this difference, if any, is mitigated by the physical separation of the proposal site from any residences. Thus, the proposal is considered to not cause unreasonable loss of residential amenity.
(d)	<i>retaining the primary residential function of an area;</i>	The proposal site appears to be the only remaining Rural Living lot in this zone segment that has not been developed for residential purposes. This means that the primary residential function of the area is well established and unlikely to be diminished by the proposal.
(e)	<i>the impact on the safety and efficiency of the local road network; and</i>	The proposed use is likely to generate no more than 16 vehicle movements per day of which eight will be buses (two buses making two return trips each day) and eight will be service and support cars. The buses will likely be mid-sized Coaster types that will be no more inconvenient to other users of Winspears Road than the agricultural machinery that uses the road to move between tasks in the adjoining Agricultural zone.
(f)	<i>any impact on the owners and users rights of way.</i>	There are no rights of way affected by this proposal.

There are two critical tests the Planning Authority must have regard to when assessing the above rationale:

- Is the development compatible with the character and use of the area? and;
- Will the use cause an unreasonable loss of residential amenity?

The site is immediately surrounded by single dwelling development to the east and west with the Bass Highway located to the north. A greater analysis of surrounding locality identifies interspersed single dwelling development on varying lot densities and a large agricultural lot located opposite the site. Figure 7 reproduced on the next page highlights the surrounding land uses within the site's vicinity.

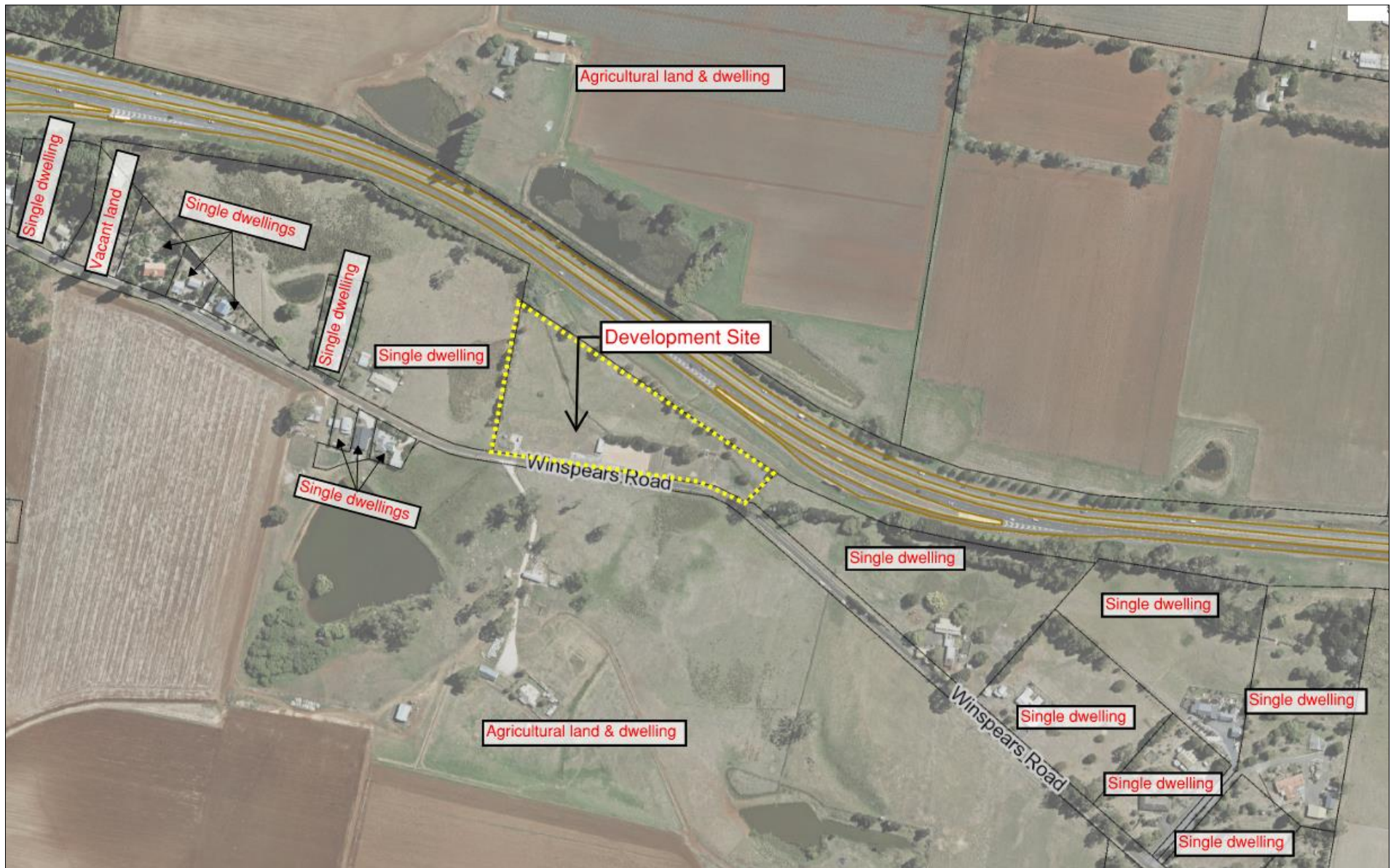


Figure 7 – Land uses within proximity of 103 Winspears Road (DCC, 2019)

The privacy of adjoining properties is not likely to be affected by the visitor accommodation proposal. The dwelling closest to the development is 79 Winspears Road. This dwelling is separated approximately 100m to the nearest visitor accommodation building. It can be agreed that P1(a) can be supported.

Background noise in this area is relatively high due to the proximity of the Bass Highway and a working farm located opposite the site. As the nearest dwelling is located greater than 100m away it can be accepted that the noise from the proposal will not have a detrimental impact on adjoining properties and therefore P1(b) can be met.

A key to determining whether a permit pathway can be achieved is to ascertain whether the development is compatible with the surrounding area and character. The scale of the visitor accommodation development is significant, with 36 people proposed to stay at the site.

The proposal contrasts with the surrounding locality as the area is mainly surrounded by single dwellings, as demonstrated in Figure 7. The applicant acknowledges within their supporting rationale that the visitor accommodation development is not compatible with the area, focusing that the development will not impact the amenity of surrounding residential uses. However, the development of 3 separate visitor accommodation buildings with a site coverage of 496m² is not compatible with the surrounding development and character of Winspears Road. Subsequently, compliance with P1(c) cannot be satisfied.

The applicant's rationale for P1(d) has been reviewed and can be supported.

Council's Infrastructure & Works Department has reviewed the proposal, including the ability for Winspears Road to facilitate such a development. Nothing detrimental has been identified and compliance with P1(e) is met.

The visitor accommodation development will not impact the owners and the property is not burdened by a right of way. P1(f) can be met.

The proposal is not on a strata title development and this component of the development standard is not applicable.

In summary, the visitor accommodation proposal as submitted is not compatible with the surrounding development and character of the area and therefore cannot satisfy the performance criteria for 11.3.2 P1 – *Visitor Accommodation*.

11.4 Development Standards for Buildings and Works

11.4.1 Site coverage

Objective:	That the site coverage: (a) is compatible with the character of existing development in the area; and (b) assists with the management of stormwater runoff.
Acceptable Solutions	Performance Criteria
A1 The site coverage must be not more than 400m ² .	P1 The site coverage must be consistent with that existing on established properties in the area, having regard to: (a) the topography of the site; (b) the capacity of the site to absorb runoff; (c) the size and shape of the site; (d) the existing buildings and any constraints imposed by existing development; (e) the need to remove vegetation; and (f) the character of development existing on established properties in the area.

The visitor accommodation aspect of development is proposed to have a site coverage of 496m² and the equestrian facility will have a site coverage of 336m². Therefore, the total site coverage (roofed area) for the site is 832m² which is greater than the acceptable solution threshold of 400m².

The following rationale has been provided by the applicant against the performance criteria.

	Performance Criteria	Proposal Response
(a)	<i>the topography of the site;</i>	The title is traversed by Bishton Creek. The land slopes gently downwards from the boundaries to the creek. The slopes are such that there will be little excavation of site levelling required to accommodate the development.
(b)	<i>the capacity of the site to absorb runoff;</i>	Run off from the site will be directed to Bishton Creek. Bishton Creek flows out of the property in the north-west corner then runs along the southern boundary of the Bass Highway corridor to eventually reach the Mersey River. It is not proximate to any residences or at risk infrastructure. The existing site area is 19,980m ² . The proposed site coverage of 832m ² represents about 4% of the total site so will not significantly affect the capacity of the site to absorb runoff.
(c)	<i>the size and shape of the site;</i>	The proposed development can be accommodated within the site.
(d)	<i>the existing buildings and any constraints imposed by existing development;</i>	There are two shipping containers on site, which will be used to form the eastern side of the covered arena. There is a small shed in the vicinity of the proposed visitor accommodation that will be removed as part of this development.
(e)	<i>the need to remove vegetation; and</i>	No vegetation will need to be removed.
(f)	<i>the character of development existing on established properties in the area.</i>	This development will cover approximately 4.1% of the site. The approximate site coverage of adjacent established properties along Winspears Road are: No 77: 8.9% No 79: 0.7% No 135* 2.0% No 149-151* 3.3% No 163* 7.6% Average 4.5% (Those properties marked with * have a site coverage of greater than 400m ²) This indicates that the proposed development is consistent with existing development in the area.

A substantial variation is proposed regarding site coverage, noting that the site coverage is in excess of 800m² which is more than double the acceptable solution prescribed under A1.

The property is surrounded primarily by residential lots on varying lot densities. Table 1 below examines various lots within the site's vicinity and their respective site coverages.

Property	Site Coverage (m ²)
135 Winspears Road	315m ²
79 Winspears Road	252m ²
149-151 Winspears Road	299m ²
163a Winspears Road	330m ²
77 Winspears Road	183m ²
86 Winspears Road	252m ²

Table 1 – Nearby properties to 103 Winspears Road and their respective site coverage

*Note - site coverage information has been derived from the LIST. There is some inconsistency between this data and the Council GIS mapping when analysing site coverage. A 10-20% contingency is thought appropriate to apply when assessing the above data.

It is evident from the data in Table 1 that site coverage for surrounding properties is in accordance with the acceptable solutions for A1. A significant relaxation to the acceptable site coverage is sought under this application. In this case, the proposed site coverage cannot be supported as it is not consistent with properties within the site's vicinity.

It is considered that one aspect of the development has merit under the site coverage provision. In this case, the Sports and Recreation use has been favourably considered previously in the report. This proposal has a site coverage of 336m² which is consistent with surrounding properties. Overall, the site coverage proposed under this application is inconsistent with performance criteria prescribed within 11.4.1 P1. However, supporting one component of the application has merit and this will be included as part of the recommendation to the planning authority.

11.4.2 Building height, setback and siting

Objective:	<p>That height, setback and siting of buildings:</p> <ul style="list-style-type: none"> (a) is compatible with the character of the area; (b) does not cause an unreasonable loss of amenity; (c) minimises the impact on the natural values of the area; and (d) minimises the impact on adjacent uses.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must be not more than 8.5m.</p>	<p>P1</p> <p>Building height must be compatible with the character of the area and not cause an unreasonable loss of amenity to adjoining properties having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the height, bulk and form of existing buildings on the site and adjoining properties; (c) the bulk and form of proposed buildings; (d) sunlight to habitable rooms and private open space in adjoining properties; and (e) any overshadowing of adjoining properties or public places.
<p>A2</p> <p>Buildings must have a setback from a frontage of not less than 20m.</p>	<p>P2</p> <p>Buildings must be sited to be compatible with the character of the area, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the setbacks of adjacent buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public places; and (e) the retention of vegetation.

<p>A3</p> <p>Buildings must have a setback from side and rear boundaries of not less than 10m.</p>	<p>P3</p> <p>Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the setbacks of surrounding buildings; (d) the height bulk and form of existing and proposed buildings; (e) the character of the development existing on established properties in the area; and (f) any overshadowing of adjoining properties or public places.
<p>A4</p> <p>Buildings for a sensitive use must be separated from an Agriculture Zone or Rural Zone a distance of:</p> <ul style="list-style-type: none"> (a) not less than 200m; or (b) if the setback of an existing building is within 200m, not less than the existing building. 	<p>P4</p> <p>Buildings for a sensitive use must be sited so as to not conflict or interfere with uses in the Agriculture Zone or Rural Zone, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and topography of the site; (b) the separation of any existing buildings for sensitive uses on adjoining properties; (c) the existing and potential use of adjoining properties; (d) any proposed attenuation measures; and (e) any buffers created by natural or other features.

Both components of the application have a building height less than 8.5m and A1 of the above standard is satisfied.

Regarding A2, the acceptable solution cannot be met as the visitor accommodation buildings have a frontage setback of 13.7m to 14.3m to Winspears Road. Furthermore, the structures for the equestrian facility are proposed to be setback 14.3m to Winspears Road. Therefore, the corresponding performance criteria are required to be analysed.

The following rationale has been provided by the applicant against P2.

11.4.2 P2: Buildings must be sited to be compatible with the character of the area, having regard to:

	Performance Criteria	Proposal Response
(a)	<i>the topography of the site;</i>	The visitor accommodation units are required to be sited less than 20m setback from Winspears Road so that there is sufficient land between the units and Bishton Creek to accommodate the on-site waste water management system and satisfy the setback requirements of the Natural Assets Code.
(b)	<i>the setbacks of adjacent buildings;</i>	The house on the property to the west (79 Winspears Road) is approximately 15m setback from the road frontage. The nearest building to the east is a large outbuilding at 135 Winspears Road that is less than 5m from the frontage.
(c)	<i>the height, bulk and form of existing and proposed buildings;</i>	The proposed visitor accommodation units each present a façade of 8.80m to Winspears Road and a maximum height of approximately 3.0m. The units will be 4.50m apart, so will not present a single façade. The bulk of the units will be effectively masked by orientating them so that the narrower side faces the road. The entrance to each unit will be on the northern side in order to leave an uncluttered form facing the road. The proposed covered arena will be an extension of the existing facility. It will have a height range of 2.3m to 3.0. The façade will be dominated by the 12.2m open arena with a container end on each side 2.3m wide and the small DDT toilet building.
(d)	<i>the appearance when viewed from roads and public places; and</i>	Winspears Road serves both the Rural Living zone on the north and the Agriculture zone on the south, this it is appropriate that the covered equestrian facility will be compatible with the appearance of other agricultural buildings when viewed from the road. The visitor accommodation units will be compatible with other residential buildings in the vicinity.
(e)	<i>the retention of vegetation.</i>	No vegetation will be removed

The above rationale has been reviewed and can be supported for both components of the development application.

The application cannot satisfy A3 as water storage tanks proposed as part of the visitor accommodation are located within the acceptable 10m side setback threshold. The applicant has provided the following justification in response to P3.

	Performance Criteria	Proposal Response
(a)	<i>the topography of the site;</i>	The title is traversed by Bishton Creek which reduces the available area suitable for the water storage tanks as the proximity to the unit development is required.
(b)	<i>the size, shape and orientation of the site;</i>	The location of the water storage tanks has been chosen to reduce the visual impact towards the frontage of the site as the alternative location would have been behind the carparking area.
(c)	<i>the setbacks of surrounding buildings;</i>	The dwelling on the adjoining property is about 100m away from the side boundary.
(d)	<i>the height bulk and form of existing and proposed buildings;</i>	The storage tank height will be below the building height. The storage tanks will be partly shielded from view by existing vegetation along the side boundary.
(e)	<i>the character of the development existing</i>	The approximate closest side setbacks of adjacent

	<i>on established properties in the area; and</i>	<p>established properties along Winspears Road are:</p> <p>No 77: dwelling approx. 6.5m with smaller outbuildings on side boundary</p> <p>No 79: closest side setback about 4.5m (outbuilding)</p> <p>No 135 closest side setback about 21m (outbuilding)</p> <p>No 149-151 closest side setback about 0.7m (outbuilding)</p> <p>No 163 closest side setback about 13.8m (dwelling)</p> <p>It is also noted that there are side setbacks below 1m on the other side of Winspears Road in close vicinity to the subject site however the zoning of that land is Agriculture.</p> <p>Based on the setbacks in particular for existing outbuildings on adjacent sites the proposed development is consistent with the character of existing developments in the area.</p>
(f)	<i>any overshadowing of adjoining properties or public places.</i>	<p>The dwelling on the adjoining property is about 100m away from the side boundary of the subject site. The proposed unit development complies with the side setback of 10m. The encroachment into the side setback is due to the placement of water storage tanks which will be below the building height. It is considered that the development does not cause any overshadowing of adjoining properties or public places.</p>

It has been appropriately demonstrated by the applicant that the location of the water storage tanks has merit against the performance criteria.

The proposed visitor accommodation buildings are classified as a sensitive use and therefore are required to have a separation of 200m to the Agriculture Zone. The Agriculture Zone is located on the opposite side of Winspears Road and therefore the performance criteria are invoked.

The following justification has been provided by the applicant in response to P4.

	Performance Criteria	Proposal Response
(a)	<i>the size, shape and topography of the site;</i>	The entire site is within 200m of the Agriculture zone as are all of the Rural Living zoned properties along Winspears Road. The north western corner of the site is the furthest point at approximately 145m.
(b)	<i>the separation of any existing buildings for sensitive uses on adjoining properties;</i>	All of the existing residences along the northern side of Winspears Road are setback similar distances from the Agriculture zone as is proposed in this application. There can be no additional detriment to the uses in the Agriculture zone as a result of this proposal.
(c)	<i>the existing and potential use of adjoining properties;</i>	The land with the Agriculture zone immediately to the south of the site is Class 4 agricultural land that is not cropped. The Class 2 cropping land is approximately 300m further south and is separated from the site by a residence and outbuildings.
(d)	<i>any proposed attenuation measures; and</i>	N/A
(e)	<i>any buffers created by natural or other features.</i>	N/A

This has been reviewed and the performance criteria have been sufficiently demonstrated.

Overall, the location of the development can be supported against development standard 11.4.2 – *Building height, setback and siting*.

There are several Codes under the planning scheme that are required to be considered as part of the assessment of this application. These are discussed below, along with comments.

C2.0 – Parking and Sustainable Transport Code

The purpose of this Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.
- C2.1.6 To provide for parking precincts and pedestrian priority streets.

Table C2.1 of the Code sets out the acceptable parking spaces for the uses - refer below.

Use		Parking Space Requirements	
		Car	Bicycle
Sports and Recreation	Bowling green	6 spaces per bowling rink	No requirement
	Fitness centre	4.5 spaces per 100m ² of floor area	No requirement
	Golf course	4 spaces per golf hole	No requirement
	Swimming pool (other than in conjunction with a single dwelling)	5 spaces for each 100m ² of site area	1 space per 100m ² of site area
	Tennis court or Squash court (other than in conjunction with a single dwelling)	3 spaces for each tennis or squash court + 1 space per 5 spectator places	No requirement
	Major Sporting Facility	1 space per 5 seats	No requirement
	Sports and Recreation, excluding as otherwise specified in this Table	50 spaces per facility	No requirement
Visitor Accommodation		1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater	No requirement

The acceptable total of on-site parking spaces is 50 spaces for the Sport and Recreation use – equestrian facility and 9 parking spaces for the Visitor Accommodation use. Therefore, a total of 59 parking spaces are required to satisfy the acceptable solution for C2.5.1 – Car parking numbers. A total of 24 parking spaces are proposed for the development and therefore the performance criteria prescribed within C2.5.1 needs to be evaluated. This standard is reproduced on the next page.

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
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> (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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (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 (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: $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</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>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (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; (g) the effect on streetscape; and (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>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.

The applicant has provided the following rationale in support of the performance criteria:

"The relevant parking requirement for Visitor Accommodation as defined in Table C2.1 is 1 space per 4 beds. The proposal is for three units with 12 beds in each, so the requirement is for 9 parking spaces.

The parking requirement for Sports and Recreation is 50 spaces per facility as none of the defined use classes within Table C2.1 fit the proposed development. As outlined above the chosen Use classification Sport and recreation did not readily fit the proposed development. The alternative use classification is Domestic Animal Breeding, Boarding or Training which requires 1 space per two employees + 2 visitor spaces. There will usually be one employee on site when the facility is operating, so the requirement would be for three spaces. This amount of car parking spaces better reflects the actual use of the site.

The proposed development allows for up to 24 parking spaces. 9 of these parking spaces are required for the visitor accommodation use. This leaves 13 car parking spaces for the equestrian training facility use. Based on the nature of the use of this land the amount of car parking spaces proposed are more than sufficient.

It is noted that both uses are capable of sharing parking spaces as the visitor accommodation for seasonal workers. Mainly require parking over night as they are at work during the day while the equestrian training facility operates during the day.

It is also noted that the site is of sufficient size to accommodate more car parking spaces as required by the Scheme however it is considered bad planning to require the construction of car parking spaces to comply with a Planning Scheme although the actual use does not require it.

The proposed car parking spaces are considered to meet the reasonable needs of the use.

The proposed car parking spaces comply with the requirements for construction, design, layout and number of vehicle accesses.

There is no requirement for bicycle parking spaces. Based on the actual parking requirements there are also no motorcycle parking spaces required."

It is agreed that 50 car parking spaces is superfluous for the equestrian use. As the applicant has stated, the equestrian facility is small scale and is intended for people to engage with horses rather than a traditional training centre. Providing 13 car parking spaces for the use is suitable based on its intention and operation. In addition, the applicant has stated that the parking set aside for the visitor accommodation use can be utilised for overflow purposes where required due to the anticipated difference in parking times. A condition will also be included on the permit requiring the developer to provide 4 parking spaces that can accommodate vehicles towing a horse float. Acceptable parking has been provided for the visitor accommodation use. Overall, the on-site car parking variation can be supported for C2.5.1 P1.

C2.6.1 Construction of parking areas

Objective:	That parking areas are constructed to an appropriate standard.	
Acceptable Solutions		Performance Criteria
A1 All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. 		P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to: <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.

The applicant has provided no supporting rationale regarding the above standard. It is unlikely that the parking areas or manoeuvring areas will be constructed with a durable all weather pavement with a finished surface in accordance with A1 (c). However, a condition is thought appropriate to ensure the car parking area is useable in all weather conditions and will not cause an impact in relation to sediment runoff, dust generation or similar matters.

C2.6.2 Design and layout of parking areas

Objective:	That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions		Performance Criteria
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i> ; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or (b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i> .		P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of <i>Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking</i> and <i>AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities</i> .
A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i> . ¹		

The acceptable solution for the above standard can be satisfied via conditions on the planning permit.

C2.6.3 Number of accesses for vehicles

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and (c) the number of accesses minimise impacts on the streetscape.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater. 	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <ul style="list-style-type: none"> (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.

There is one existing access for the property along Winspears Road and one further access proposed further to the west. As a result, the performance criteria are invoked. The future access will not impact on-street parking as there is none due to the narrow carriageway of Winspears Road. Council's Infrastructure & Works Department has not identified any traffic safety matters with the development proposed. A condition will be included on the permit to ensure the future access is constructed as per Australian Standards. The performance criteria can be supported for the additional property access.

C3.0 – Road and Railways Assets Code

The purpose of this Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

A number of development standards are applicable under this Code and reproduced from the next page.

C3.5 Use Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:	To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solutions	Performance Criteria	
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road. <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority. 	

Regarding the above standard, A1.2 and A1.4 are applicable.

In response to A1.2, the acceptable solution is satisfied as Council is the road authority and consent has been granted, noting that conditions will be included on the permit to ensure the new access is constructed in accordance with relevant Australian standards.

Concerning A1.4, the applicant has stated within their supporting planning submission that the estimated daily vehicle movements will be less than 40 movements per day which is the acceptable threshold under Table C3.1. It is unknown how this calculation has been determined. Regardless, the development has merit if vehicle movements exceed 40 per day as Council staff have determined that Winspears Road has sufficient capacity to cater for the development as proposed.

C3.6 Development Standards for Buildings or Works

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

Objective:	To minimise the effects of noise, vibration, light and air emissions on sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
Acceptable Solutions		Performance Criteria
A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be:		P1 Habitable buildings for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:
(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building;		(a) the topography of the site;
(b) an extension which extends no closer to the existing or future major road or rail network than:		(b) the proposed setback;
(i) the existing habitable building; or		(c) any buffers created by natural or other features;
(ii) an adjoining habitable building for a sensitive use; or		(d) the location of existing or proposed buildings on the site;
(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual</i> , 2 nd edition, July 2008.		(e) the frequency of use of the rail network;
		(f) the speed limit and traffic volume of the road;
		(g) any noise, vibration, light and air emissions from the rail network or road;
		(h) the nature of the road;
		(i) the nature of the development;
		(j) the need for the development;
		(k) any traffic impact assessment;
		(l) any mitigating measures proposed;
		(m) any recommendations from a suitably qualified person for mitigation of noise; and
		(n) any advice received from the rail or road authority.

The site is within 50m of the Bass Highway and Visitor Accommodation is classed as a sensitive use, therefore this standard is required to be assessed. The acceptable solution can be satisfied under A1 (a) as the use is not located closer to the Bass Highway than adjoining habitable buildings.

C7.0 – Natural Assets Code

The purpose of this Code is as follows:

- C7.1.1 *To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.*
- C7.1.2 *To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.*
- C7.1.3 *To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.*
- C7.1.4 *To minimise impacts on identified priority vegetation.*
- C7.1.5 *To manage impacts on threatened fauna species by minimising clearance of significant habitat.*

A high percentage of the site is mapped within a waterway and coastal protection area and a priority vegetation area. Figure 8 reproduced below highlights the waterway and coastal protection area. Most of the priority vegetation area is also mapped within this area.

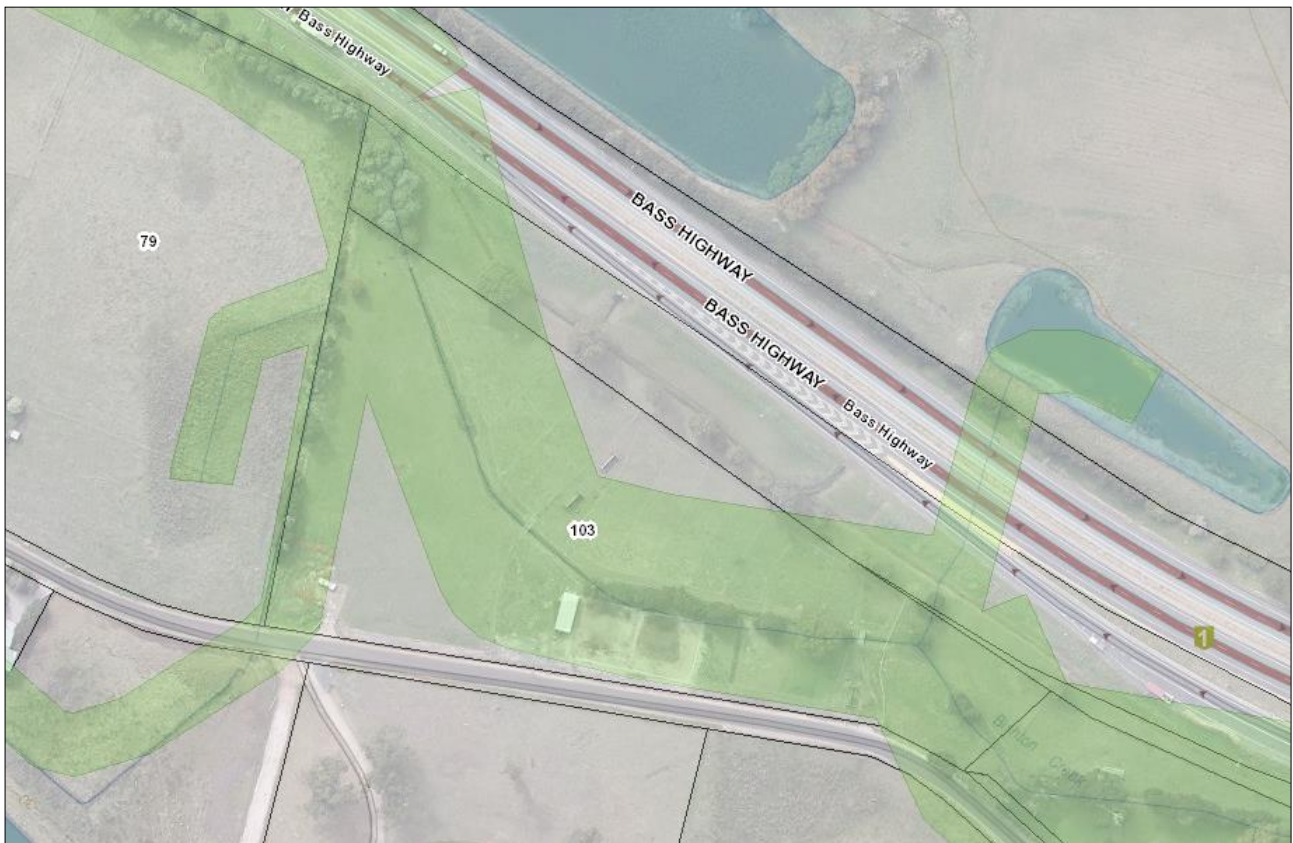


Figure 8 – Waterway and coastal Protection area highlighted in green (The List, 2021)

In relation to this development, a section of the visitor accommodation development (water storage tanks and wastewater irrigation area) is proposed to be located within the protection area. The expansion to the equestrian facility falls wholly within the protection area. As a result, the Code is applicable. The applicant has provided sufficient demonstration to warrant a positive recommendation against the applicable standards of

the Code. It is highlighted that a natural values overview has been undertaken by a suitably qualified professional – Scott Livingston. The overview has found no detrimental issues to Bishton Creek which has included consideration of the endangered *Engaus granulatus* – Central North Burrowing Crayfish.

C13.0 – Bushfire-Prone Areas Code

The property is mapped within a Bushfire-Prone Area. As the site is not for a hazardous or vulnerable use this Code is not required to be considered as part of the planning assessment process.

COMMUNITY ENGAGEMENT

On 07/06/2021, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 19/06/2021;
- (b) Making a copy of the proposal available in Council Offices from the 19/06/2021;
- (c) Notifying adjoining property owners by mail on 17/06/2021; and
- (d) Erecting a Site Notice for display from the 18/06/2021.

The period for representations to be received by Council closed on 05/07/2021.

REPRESENTATIONS

A total of nine representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. A copy of the representations is **appended as an attachment** in this report.

A summary of the representations is provided below:

Representor(s)	Issues Raised
Jan Willing – 171 Winspears Road	Property subject to flooding and inundation. Proposal will negatively impact surrounding property values. Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues. No objection to equestrian component of the development application.
Christopher Holwill & Ebony Wisnieski – 27 Skyline Drive	Proposal will negatively impact surrounding property values. Accommodation buildings are overcrowded. Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues.
GB & P Kent – 165 Winspears Road	Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues.

	<p>Development site is located on fill.</p> <p>Potential of visitor accommodation buildings to become substandard.</p> <p>Visual amenity concerns.</p>
Barbara French & Family – 37 Winspears Road	<p>Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues.</p> <p>Property subject to flooding and inundation.</p> <p>Traffic and safety concerns.</p> <p>Noise generation from visitor accommodation.</p> <p>Proposal will negatively impact surrounding property values.</p> <p>Visitor accommodation is out of character for existing development in the area.</p>
Grant Goodwin – 149-151 Winspears Road	<p>Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues.</p> <p>Property subject to flooding and inundation.</p> <p>Traffic and safety concerns occurring from the development.</p>
Peter Stegman – 118 River Road	<p>Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues.</p> <p>Development site is located on fill.</p> <p>Traffic and safety concerns.</p> <p>Visitor accommodation is out of character for existing development in the area.</p>
T.J Belanich - 79 Winspears Road	<p>Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues.</p> <p>Property subject to flooding and inundation.</p> <p>Noise generation from visitor accommodation.</p> <p>Traffic and safety concerns.</p> <p>Visitor accommodation is out of character for existing development in the area.</p>
F.J & I.C March – 35 Winspears Road	<p>Traffic and safety concerns.</p> <p>Visual amenity concerns.</p>

	Wastewater concerns. Including effluent run-off to Bishton Creek and potential for associated environmental issues. Noise generation from visitor accommodation. Proposal will negatively impact surrounding property values.
Janet & Ian Hadrill – 19 Cameray Street	No details provided in representation

A common theme seen throughout the representations is wastewater concerns. The planning scheme provides no particular development standard for wastewater unless the proposal involves a subdivision. If this application is approved as submitted, the wastewater methodology for the development is required to be assessed by Council as part of the applicable building and plumbing permit process. This process will further examine the wastewater system proposed and whether the relevant Australian standards can be satisfied.

Council has no flood mapping under the planning scheme. It is acknowledged the site is quite saturated, especially during the winter months. However, the location of the visitor accommodation buildings and the equestrian facility is on the highest part of the site. As mentioned, the wastewater design will be further assessed as part of the building and plumbing permit applications. Furthermore, the developer's engineer will need to consider the site conditions as part of the civil design.

The overcrowding of the visitor accommodation buildings is not required to be considered by the Planning Authority.

Council is the road authority and nothing detrimental has been identified in relation to traffic matters from the proposal. This has been discussed earlier within the report. Furthermore, no supporting data or evidence has been provided within any of the representations regarding traffic and safety concerns.

The matter of noise generation from the visitor accommodation proposal has been assessed earlier in the report and no further comment is required.

The planning scheme is silent on the impact of development on property values.

Various representations have argued the development is not compatible with the character of the area. This is a key consideration when determining if the visitor accommodation use has a planning permit pathway. The application has been assessed against the Visitor Accommodation standard of the Rural Living Zone and other relevant zone standards. The development has been assessed as not being compatible with the character of the area and therefore the visitor accommodation development cannot be favourably supported. This will form part of the recommendation to the Planning Authority.

In summary, the representations received are to be noted by the Planning Authority. Some of the representations include relevant planning scheme considerations e.g visitor accommodation out of character with existing development in the area while other concerns are not relevant to the Planning Authority's determination.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Resource Management and Planning Appeal Tribunal. In such instance, legal counsel will likely be required to represent Council. The opportunity for such an appeal

exists as a result of the Council determining to either approve or refuse the permit application.

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this application for a discretionary planning permit. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The application has been assessed against the applicable requirements of the planning scheme.

The proposed visitor accommodation development cannot be recommended for approval as it is not compatible with the character of existing development observed in the area. In addition, the site coverage of both developments if approved is not consistent with surrounding development.

The extension to the equestrian facility can satisfy the relevant planning scheme tests and can be approved subject to conditions.

ATTACHMENTS

1. Application - PA2021.0078 - 103 Winspears Road [**4.3.1** - 56 pages]
2. Representations - PA2021.0078 - 103 Winspears Road [**4.3.2** - 15 pages]

4.4 PA2021.0070 - 200 STONY RISE ROAD STONY RISE - REMOVAL OF ITEMS

This report will be circulated separately.

5 REPORTS

5.1 PETITION - FOOTPATH - WOODRISING AVENUE SPREYTON

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

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

RECOMMENDATION

That Council:

1. Receive and note the petition dated 23 June 2021 in respect of the design and construction of a footpath at Woodrising Avenue Spreyton;
2. Advise the petitioner of the relatively low priority status of this project as assessed against Council's Pedestrian Strategy 2016-21; and
3. Commit to further analysis of this project proposal following the completion of existing pedestrian network upgrades in this area, including additional analysis of pedestrian activity connecting to the Devonport Country Club facility.

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

SUMMARY

This report is to present Council with a petition requesting the construction of a footpath along Woodrising Avenue, Spreyton, from Mersey Main Road to the entrance of the Devonport Country Club.

BACKGROUND

Mr Tim Hess of 1 Henderson Place, Spreyton has submitted the attached petition for Council's consideration. The petition has 171 signatories (of which 11 do not reside in the local /Spreyton area) and was received by Council on 28 June 2021.

The request of the petition is as follows:

"Design and construct a footpath, in Council's upcoming budget 2021-2022, to run continuously along Woodrising Avenue, between Mersey Main Road and the entrance to the Devonport Country Club. This would aid the safety of all pedestrians in the area".

Woodrising Avenue has incomplete footpath links on both sides of the road.



Woodrising Avenue – looking north from #28.

STATUTORY REQUIREMENTS

Sections 57 and 58 of the *Local Government Act 1993* refer to the tabling of petitions to Council, specifically:

“57. Petitions

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.*
- (2) A person lodging a petition is to ensure that the petition contains –*
 - (a) a clear and concise statement identifying the subject matter and the action requested; and*
 - (b) in the case of a paper petition, a heading on each page indicating the subject matter; and*
 - (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and*
 - (d) a statement specifying the number of signatories; and*
 - (e) at the end of the petition –*
 - i. in the case of a paper petition, the full name, address and signature of the person lodging the petition....”*

“58. Tabling Petition

- (1) A councillor who has been presented with a petition is to –
 - (a)
 - (b) forward it to the general manager within 7 days after receiving it.
- (2) A general manager who has been presented with a petition or receives a petition under subsection (1) (b) is to table the petition at the next ordinary meeting of the council.
- (3) A petition is not to be tabled if –
 - (a) it does not comply with section 57; or
 - (b) it is defamatory; or
 - (c) any action it purposes is unlawful.
- (4) The general manager is to advise the lodger of a petition that is not tabled the reason for not tabling it within 21 days after lodgement.”

The petition does not contain a statement specifying the total number of signatories (section 57(2)(d)), nor the signature of the person lodging the petition (other than as a signatory to the petition) (section 57(2)(e)(i)). Despite these administrative oversights, the document has been accepted as a petition for the purposes of section 57 of the *Local Government Act 1993*.

Council's statutory obligations also extend to the *Local Government (Highways) Act 1982*, and its responsibility in accordance with section 21(1) to maintain local highways within its municipality. Further, Council is to adhere to the provisions of section 20 of the *Local Government Act 1993*, insofar as it is obligated to provide for the health, safety and welfare of the community, to represent and promote the interests of the community and in the performing of its functions, consult, involve and be accountable to the community.

DISCUSSION

The petition received calls for Council to:

“Design and construct a footpath, in Council's upcoming budget 2021-2022, to run continuously along Woodrising Avenue, between Mersey Main Road and the entrance to the Devonport Country Club. This would aid the safety of all pedestrians in the area”.

The factors Council may consider when assessing whether to proceed with such a project include:

- Strategic alignment
- Risk
- Cost/affordability
- Equity

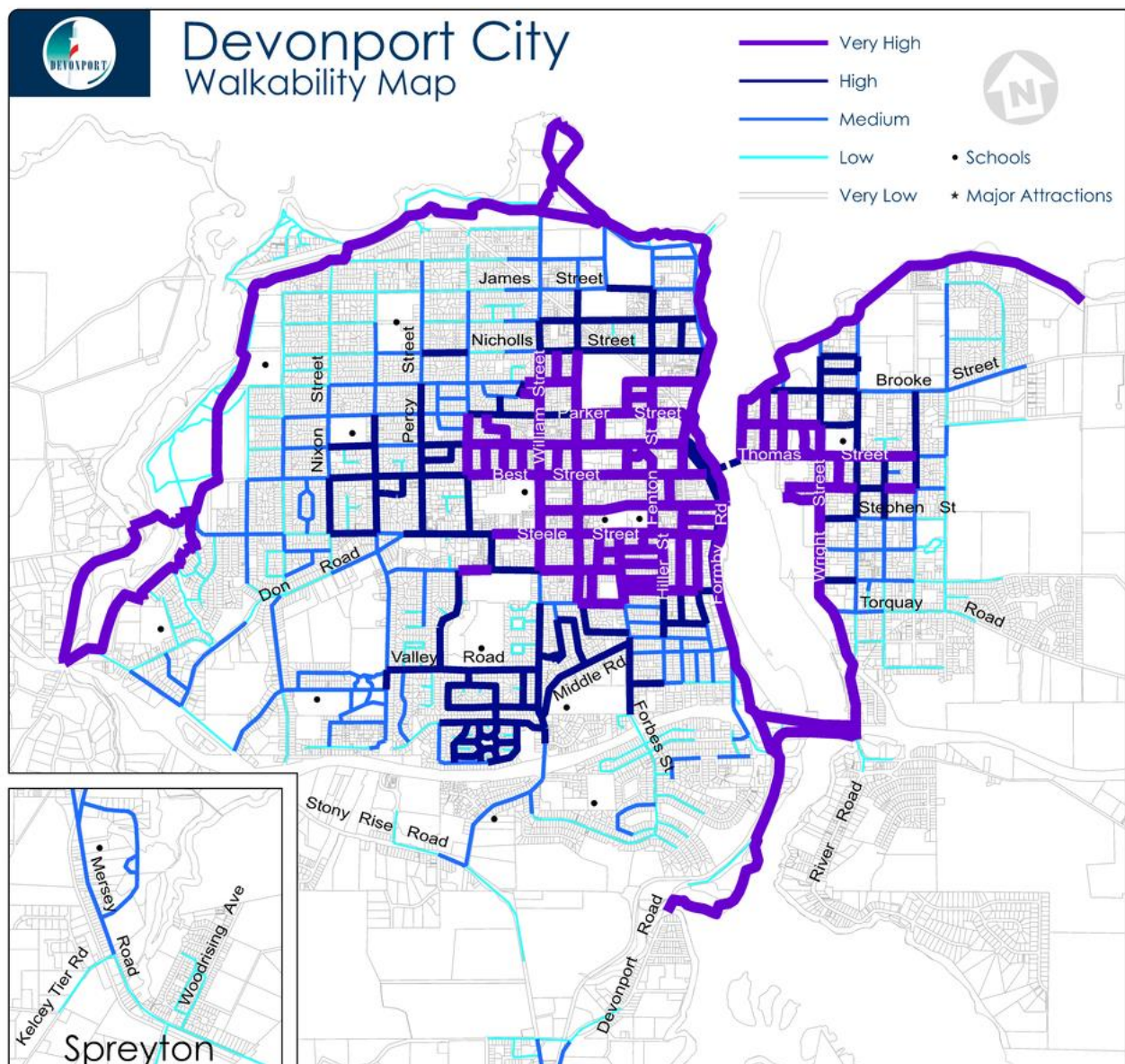
Strategic Alignment

Council's Pedestrian Strategy 2016-21 (the Strategy) was adopted to assist with the objectives and goals outlined in Council's Strategic Plan 2009-2030. The objective of the Strategy is:

“To make walking in Devonport safe and convenient and to enable and encourage walking as a mode of transport”.

The provision of a footpath in Woodrising Avenue aligns with this objective.

The Strategy provides Council with tools to determine the appropriate level of service for the provision of pedestrian facilities throughout Devonport. The Strategy recognises that areas with more pedestrian activity require a higher level of service (e.g. wider paths, better crossing facilities). The Strategy also recognises that a gap exists between the current level of service and the level of service Council required to achieve the stated objective. The Strategy includes a path hierarchy to facilitate prioritisation of work using the concept of 'walkability'. 'Walkability' is a measure of the likelihood of a person choosing walking as a mode of transport for a trip originating from that location. High 'walkability' areas are generally around shops, schools and other pedestrian generators. Council's path hierarchy is shown below:



Council's path hierarchy

The Strategy defines Woodrising Avenue as low walkability for the southern part and very low walkability for the northern part. This rating is because it is a significant distance from major pedestrian generators like shops, schools and community facilities.

The Strategy describes that low and very low walkability areas should be provided with a 1.5m path on one side of the road. This aligns with the request made in the petition.

However, projects in low and very low walkability areas must be prioritised accordingly to ensure that the benefit to the community is maximised in relation to Council's available budget. Council has currently identified 90 potential projects with a combined value of \$8M that are in higher walkability areas than Woodrising Avenue. The Strategy proposes that these projects are of greater value to the community than a path in Woodrising Avenue and should be prioritised accordingly. This size and value of this list of projects indicates that a path in Woodrising Avenue is unlikely to become a priority within the next 10 years.

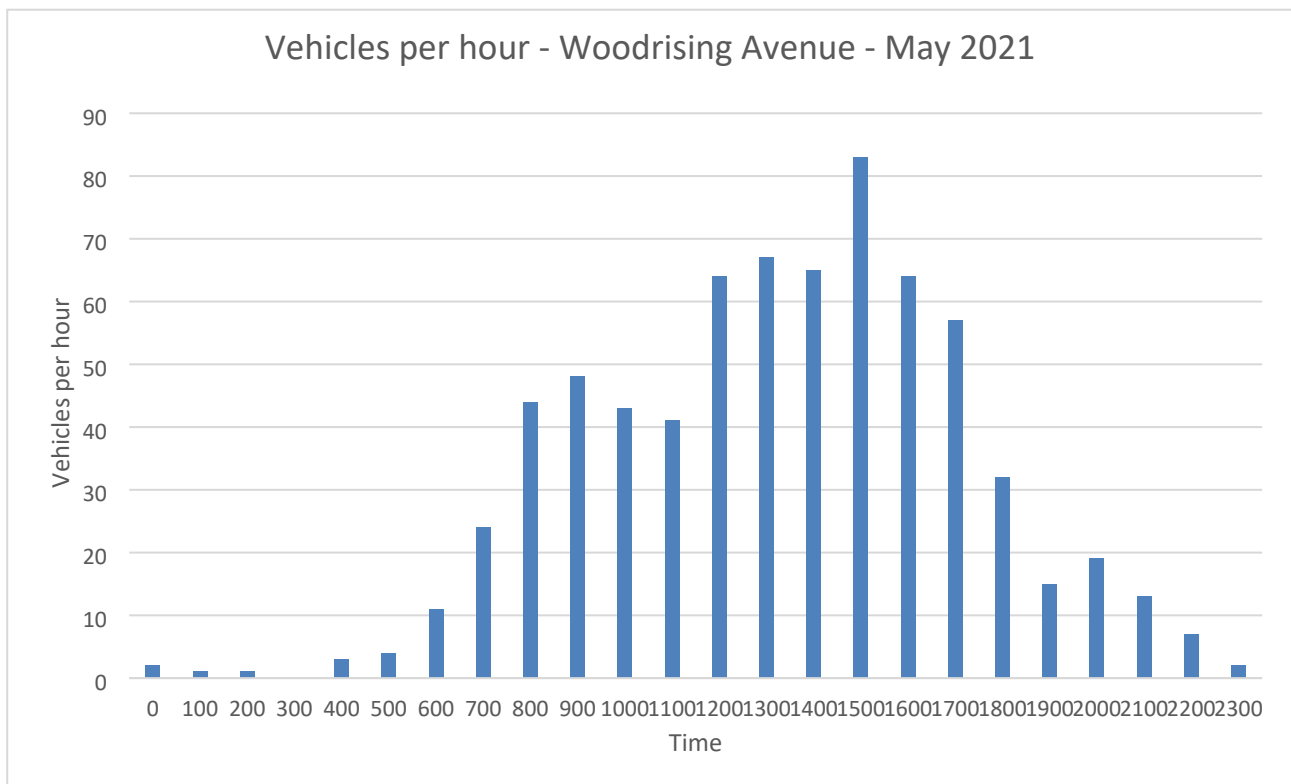
Therefore, Council's strategic approach to a footpath in Woodrising Avenue, is that a path on one side of the road aligns with the Strategy, but the delivery of the project is a low to very low priority.

Risk

Although not expressly stated in the petition, it has been communicated that increased vehicle and pedestrian traffic to the Devonport Country Club presents an increased risk to pedestrians.

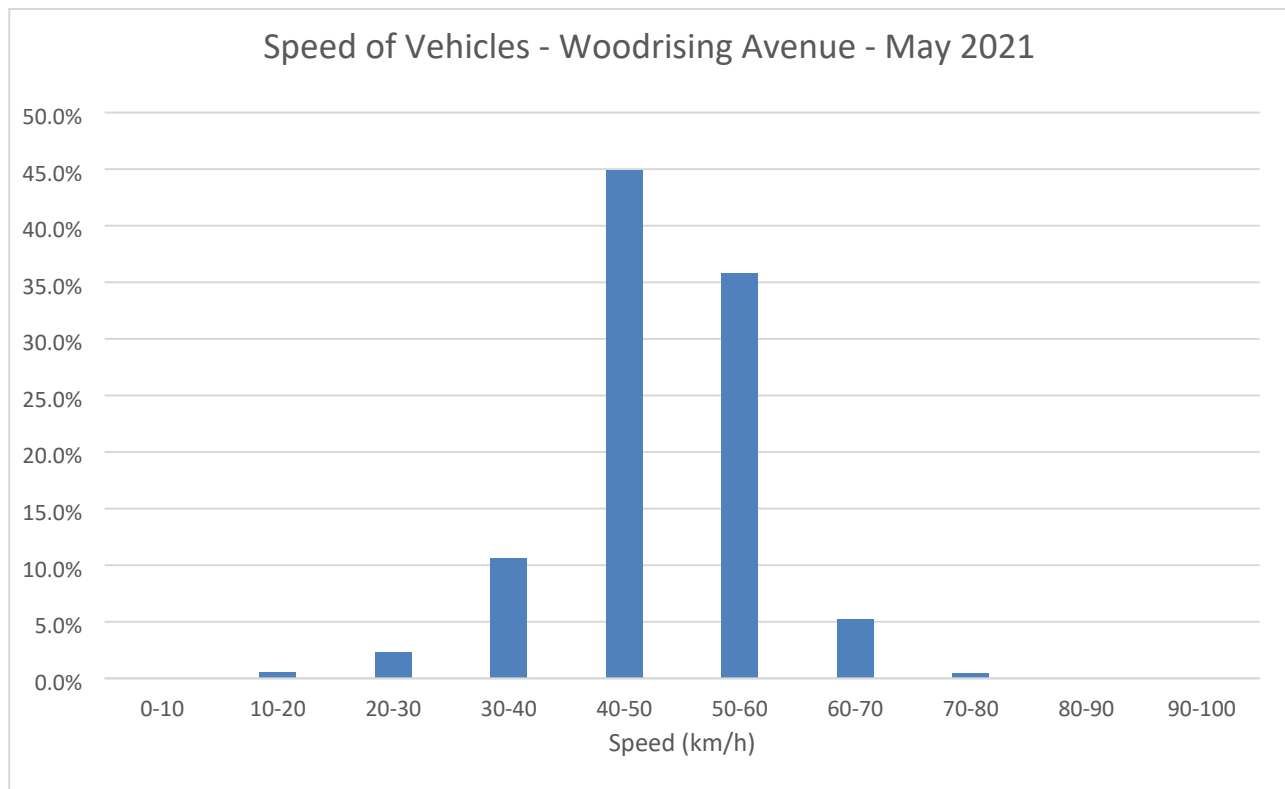
Parking increased from 116 to 250 spaces during the development of the site in 2019. This implies that its traffic generation during peak periods has approximately doubled. However, it is not known whether peak traffic volumes at the Devonport Country Club align with peak traffic volumes in the adjacent residential area or peak pedestrian volumes on Woodrising Avenue.

Traffic data was collected in May 2021 on Woodrising Avenue, between Ronan Court and Tedmon Street. Data showed that average daily traffic is 710 vehicles, which is well within an acceptable range for a road with the characteristics of Woodrising Avenue. A peak traffic volume of 83 vehicles per hour occurred between 3pm and 4pm.



Traffic volumes on Woodrising Avenue

The analysis of vehicle speed data shows that the average speed of vehicles on Woodrising Avenue is 48km, with around 42% of vehicles exceeding the default urban speed limit of 50km/h. This level of non-compliance is of some concern but does not stand out from other data collected in Devonport in recent years. The likely contributing factor are the favourable (wide and flat) road layout and the familiarity of most drivers with the road network in this location.



Woodrising Avenue traffic speeds

Council has limited capability to count pedestrian numbers. Manual counts in November 2020 did not identify any (zero) pedestrians entering or exiting the Country Club. It is understood that some pedestrians utilise Woodrising Avenue however, the volume of pedestrian activity is unlikely to be significantly greater than other low walkability areas.

The nature strips on Woodrising Avenue are generally over 4m wide and flat and although they are likely damp during winter, they can be a suitable option for walkers with reasonable mobility when required.

Woodrising Avenue is 8.5m wide, which compares favourably to Council's standard of 8m for this type of road as defined in the Road Network Strategy. This indicates that in the right circumstances, walking and riding on the road can occur.

The street lighting in Woodrising Avenue appears adequate, with light type and spacing likely to meet the requirements of Council's Public Lighting Strategy, indicating that the risk of pedestrians and traffic using the road at night is adequately managed.

In summary, a lack of footpath on Woodrising Avenue does present some level of risk to pedestrians using the road. However, considering traffic volume, traffic speed, road environment and assumed pedestrian volumes, there does not appear to be sufficient

justification to elevate the priority of this project above the priority designated in the Strategy.

Cost/Affordability

The petition requested a continuous footpath on Woodrising Avenue be constructed in 2021-22. A desktop assessment has shown that this could be provided on the west side of Woodrising Avenue by constructing around 330m of path in 6 discrete sections. This is estimated to cost in the order of \$130,000.

Council has not made a budget allocation for this work in the 2021-22 budget. Therefore, funding for the project would require:

- A budget allocation in 2022-23 or beyond
- An adjustment to the 2021-22 adopted budget, increasing the capital expenditure by \$130,000
- An adjustment to the budget of net \$0, by substituting this project for another project of equivalent value. It is noted that Council did all include \$100,000 in the budget for unallocated footpath projects.

In summary, Council does not have the capacity to deliver this project within the 2021-22 adopted budget but does have options to adjust the budget or make an allocation in future years.

Equity

Council receives many requests for new footpaths each year. Since the adoption of the Strategy in 2016, Council has used the Strategy as a basis for its response and prioritisation of projects. While most requests align with the Strategy, extensions to the footpath network in areas remote from the CBD are a common request and are considered as a low priority.

Notably, Council considered a petition for a footpath in Appledore Street in 2019. Appledore Street is also a low 'walkability' area. Council resolved to "...maintain the Appledore Street footpath project in the future section of the Capital Works Program, until such time as it becomes a priority." (Min 08/19 refers).

In recent years, Council staff have received requests for footpaths in Hillcrest Road, Forth Road and Bishton Street for the specific purpose of improving access for residents with limited mobility. These requests have been prioritised using the 'walkability' of the area and subsequently, are yet to proceed.

Proceeding with the footpath on Woodrising Avenue in the short to medium term would be contrary to the consistent approach Council has been using to assess and prioritise requests.

Proposed Pedestrian Improvement Activities & Monitoring

A significant enhancement to the pedestrian infrastructure servicing the Woodrising area has been included in Council's adopted 2021/22 Capital Works Program. As an alternative to utilising Woodrising Avenue and Mersey Main Road, the construction of a new bridge over the Figure of Eight Creek will provide a dedicated pedestrian route to the sporting and recreation infrastructure of the Maidstone Park precinct, and the school and retail services in Spreyton.

Prior to committing to further works in the Woodrising area, analysis of the impacts on pedestrian activity of this new infrastructure is recommended. As discussed earlier in this report, limited pedestrian activity data is available for Woodrising Avenue. Following the

completion of the new bridge infrastructure, it is suggested that additional monitoring is undertaken within the area to better determine pedestrian activity. This could include specific analysis of pedestrians connecting to the County Club facility, as this is a primary justification for the proposed extension of the existing footpath network. Engagement with the Country Club as to any complimentary investment in pedestrian infrastructure within their facility may also be of relevance to Council's consideration of this matter.

COMMUNITY ENGAGEMENT

There has not been any community engagement undertaken in respect of this report.

FINANCIAL IMPLICATIONS

The estimated cost for the completion of the path is \$130,000. There is no specific budget allocation for the work in Council's 2021-22 budget. If the project were to proceed, then one of the options described earlier in the report would have to be progressed.

RISK IMPLICATIONS

- **Asset & Property Infrastructure**
There is a risk that if this project were to be prioritised over projects recommenced by the strategy, then the implementation of the strategy is conflicted, and it becomes difficult to manage the expectations of other members of the public.
- **Legal Compliance**
Council has a requirement to meet its obligations under the *Local Government Act 1993* in respect of the receipt and tabling of petitions.
- **Consultation and/or Communication**
Council has received a petition which would indicate local support for the construction of a footpath along Woodrising Avenue. If Council does not proceed with this infrastructure, supporters of the proposed footpath may be critical of Council.

CONCLUSION

The construction of the path proposed by this petition aligns with the high-level objectives of Council's Pedestrian Strategy 2016-2021. However, the project is assessed as a low to very low priority, with many other projects within the municipality likely to be considered a higher priority. Other factors to consider, including risk, cost, and equity do not justify raising the priority of this footpath project at the expense of other projects in Council's Forward Capital Works Program.

It is recommended that Council advise the lodger of this petition of the relative low priority of their proposal. Further, that Council will commit to additional analysis and consideration of this project proposal following the completion of existing pedestrian network upgrades in this area, including additional analysis of pedestrian activity connecting to the Devonport Country Club facility.

ATTACHMENTS

1. Petition Received 28-06-2021 - Woodrising Avenue - Request for footpath from Mersey Main Road to Devonport Country Club [**5.1.1** - 19 pages]

5.2 TENDER REPORT CONTRACT CT0298 KELCEY TIER ROAD RECONSTRUCTION

Author: **Shannon Eade, Project Management Officer**
Endorser: **Matt Skirving, Executive Manager City Growth**

RECOMMENDATION

That Council in relation to Contract CT0298 Kelcey Tier Road Reconstruction:

- a) award the contract to Treloar Transport Pty Ltd for the tendered sum of \$722,526 (ex GST);
- b) note project design, management and administration costs for the project are estimated at \$60,000 (ex GST);
- c) note utility and other costs for the project are \$132,400 (ex GST); and
- d) note a construction contingency of \$144,505 (ex GST) is included in the overall project budget.

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

SUMMARY

This report seeks approval to award Contract CT0298 Kelcey Tier Road Reconstruction to Treloar Transport Pty Ltd.

BACKGROUND

This report considers tenders received for "Kelcey Tier Road" listed within the 2020/21 and 2021/22 capital expenditure budgets.

A design has been prepared that meets the identified objectives for the project.

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 five companies. All tenders are summarised in table 1 below:

TABLE 1

No.	Tenderer	Total Price (ex GST)
1	Treloar Transport Pty Ltd	\$722,526
2	Stabilised Pavements of Australia Pty Ltd	\$734,360
3	Civilscape Contracting Tasmania	\$778,993
4	Walter Family Trust	\$936,961
5	Hardings Hotmix	\$984,563

The Tender Planning and Evaluation Committee has considered each of the selection criteria and Treloar Transport 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 12 June 2021 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The 2020/21 capital expenditure budget includes an allocation for the "Kelcey Tier Road" project of \$1,065,000. A breakdown of the project budget is summarised in Table 2.

TABLE 2

No.	Budget Component	Budget (ex GST)
1	Safer Rural Roads Program funding 20/21	\$250,000
2	Council contribution for SSRP 21/22	\$65,000
3	Council contribution for road renewal 21/22	\$750,000
	Total Budget	\$1,065,000

The breakdown of the forecast expenditure for this project is summarised below in Table 3.

TABLE 3

No.	Project Component	Cost (ex GST)
1	Contract CT0298	\$722,526
2	Project management/administration	\$60,000
3	Telstra & NBN works (estimated)	\$53,400
4	TasNetworks (estimated)	\$79,000
5	Construction contingency (20% of Construction Contract)	\$144,505
	TOTAL	\$1,059,431

The forecast expenditure for this project is less than the available budget allocation.

RISK IMPLICATIONS

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

The external funding arrangement for this project requires a percentage of the work to be completed by October 30th 2021. The tender from Treloar Transport Pty Ltd includes a work program showing that this requirement can be met.

The contingency allowance for this project is 20% of the Construction Contract value. The risk of unforeseen variations on this project is moderate, due to the known variation in existing pavement thickness and subgrade strength. The recommended contingency allocation is considered adequate to manage these risks.

CONCLUSION

Considering the assessment by Infrastructure and Works staff and the tendered rates, it is determined that Treloar Transport Pty Ltd will therefore most likely offer 'best value' in relation to Contract CT0298 Kelcey Tier Road Reconstruction.

ATTACHMENTS

Nil

5.3 TENDER REPORT CONTRACT CT0301-01 SUPPLY, DELIVERY AND PLACEMENT OF HOTMIX ASPHALT

Author: **Shannon Eade, Project Management Officer**

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

RECOMMENDATION

That Council, in relation to Contract CT0301-01 – Supply, Delivery and Placement of Hotmix Asphalt Sealing Service:

- a) award the contract to Hardings Hotmix Pty Ltd based on their submitted schedule of rates;
- b) note that additional roads may be added to the scope of work on a priority basis throughout the financial year, up to the total available capital program budget allocation; and
- c) note the associated design, project management, and reseal preparation costs that will be incurred in association with this contract.

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

SUMMARY

This report seeks Council's approval to award Contract CT0301-01 for the supply, delivery and placement of hotmix asphalt sealing to Hardings Hotmix Pty Ltd.

BACKGROUND

This contract relates to the hotmix asphalt component within the "Reseal Program 2021-2022" listed in the capital works program and the associated reseal preparation work which has an operational budget allocation. These budget allocations are required to deliver both Contracts CT0301-01 (Asphalt Reseals) and CT0301-02 (Sprayed Bituminous Surfacing).

A separate Tender Report for CT0301-02 is included in this meeting agenda for consideration by Council.

Sites were selected by considering the condition of both the seal and underlying pavement asset, the rate of deterioration, recent maintenance history, and general and heavy vehicle traffic volumes.

Tenderers were asked to submit prices for the following prioritised list of roads requiring resealing:

- Fenton Street: Stewart Street to Best Street
- Fenton & Best Street intersection
- Don Road: Nixon Street to Sorell Street
- Don Road & Sorell Street intersection

- Works Depot internal road
- Tugrah Road & Washington Drive intersection

The reseal preparation work includes pavement repairs, small kerb repairs and adjustment of manhole lids on the roads to be resealed to ensure that the useful life of the new seal is maximised.

Tenderers were also asked to provide rates for supply only of asphalt materials, supply and placement of asphalt materials, and milling and road edge treatments associated with hotmix sealing work that can be utilised on other Council projects throughout the year.

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 four companies. All tenders are summarised in Table 1 below:

Table 1 – Tender Submission Details

	Hardings Hotmix P/L		Fulton Hogan P/L		Downer Edi P/L		Roadways P/L	
	Reseal	Prep	Reseal	Prep	Reseal	Prep	Reseal	Prep
	\$366,334	\$50,961	\$351,617	\$68,042	\$360,788	\$101,900	\$379,337	\$103,995
Tendered Price	\$417,295		\$419,660		\$462,688		\$483,333	

As highlighted in Table 1, Hardings Hotmix Pty Ltd (\$417,295) is the lowest priced tender submission. The Tender Planning and Evaluation Committee has considered each of the selection criteria and Hardings Hotmix Pty Ltd has ranked highest overall and therefore offers Council best value for money.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in The Advocate Newspaper on 12 June 2021 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The available capital and operational budget allocations for preparation and reseal works is required to deliver contracts CT0301-01 and CT0301-02. The budget allocations are shown in Table 2 below.

TABLE 2 - Available Budget Allocations

No.	Description	Budget (ex GST)
1	Reseal work (capital budget)	\$700,000
2	Reseal preparation (operational budget)	\$150,000

The forecast capital expenditure is shown in Table 3 below.

TABLE 3 - Capital Costs

No.	Description	Forecast (ex GST)
1	Contract CT0301-01	\$391,094
2	DSG Traffic Loops	\$16,000
3	Project management costs (estimated)	\$9,000
	TOTAL	\$416,094

The forecast capital expenditure of \$416,094 leaves \$283,906 available for the delivery of the capital works component of Contract CT0301-02 sprayed bituminous surfacing.

Additional reseal sites may be added to the scope of work based on the accepted schedule of rates, and up to the total available capital budget allocation.

The forecast associated operational expenditure is shown in Table 4 below:

TABLE 4 - Operational Costs

No.	Description	Forecast (ex GST)
1	Contract CT0301-01	\$26,210
2	Contingency (30%)	\$7,863
	TOTAL	\$34,074

The forecast operational expenditure of \$34,074 leaves \$115,926 available for the delivery of the operational expenditure component of Contract CT0301-02 sprayed bituminous surfacing.

RISK IMPLICATIONS

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

The tender specification makes provision for rise and fall adjustments in the contract rates.

This inclusion to the contract lessens the risk to both Council and the Contractor during periods of oil and bitumen price volatility.

A contingency of 30% has been included on the operational expenditure component as the risk of unforeseen variations is significant. On previous reseal preparation work packages, there has been scope increases as assets approaching the end of life can deteriorate quickly.

CONCLUSION

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Hardings Hotmix Pty Ltd has achieved the highest total score and is therefore most likely to offer 'best value' in relation to Contract CT0301-01.

ATTACHMENTS

Nil

5.4 TENDER REPORT CONTRACT CT0301-02 SUPPLY, DELIVERY AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING

Author: **Shannon Eade, Project Management Officer**
Endorser: **Matt Skirving, Executive Manager City Growth**

RECOMMENDATION

That Council, in relation to Contract CT0301-02 – Supply, Delivery and Placement of Sprayed Bituminous Surfacing Services:

- a) award the contract to Roadways Pty Ltd based on their submitted schedule of rates;
- b) note that additional roads may be added to the scope of work on a priority basis throughout the financial year, up to the total available capital expenditure budget allocation; and
- c) note the associated design, project management, and reseal preparation costs that will be incurred in association with this contract.

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

SUMMARY

This report seeks Council's approval to award Contract CT0301-02 for the supply, delivery and placement of sprayed bituminous surfacing to Roadways Pty Ltd.

BACKGROUND

This contract relates to the spray seal component within the "Reseal Program 2021-2022" listed in the 2021/22 capital works program, and the associated reseal preparation work which has an operational budget allocation. These budget allocations are required to deliver both Contracts CT0301-01 (Asphalt Reseals) and CT0301-02 (Sprayed Bituminous Surfacing). A separate Tender Report for CT0301-01 is included in this meeting agenda for consideration by Council.

Sites were selected by considering the condition of the seal asset and the underlying pavement asset, the rate of deterioration, recent maintenance history, general traffic volume and heavy vehicle traffic volume.

Tenderers were asked to submit prices for the following prioritised list of roads requiring resealing:

- Valley Road: Greenway Avenue to William Street
- Niela Crescent
- Shaw Street
- Appledore Street
- Lyons Avenue: Formby Road to Berrigan Road

- Nyora Court
- Gunn Street: Nicholls Street to Oldaker Street
- Clements Street: Bluff Road to James Street
- Birkdale Court
- Tugrah Road No.135 to No. 214
- Jowetts Lane
- Wenvoe Street: Turton Street to Ashburner Street
- Morris Avenue: west of Frond Place
- Douglas Street: Wright Street to Tarleton Street

The reseal preparation work includes pavement repairs, small kerb repairs and adjustment of manhole lids on the roads to be resealed to ensure that the useful life of the new seal is maximised. This is the first time Council has included the reseal preparation work in the reseal contracts as it is likely to result in positive outcomes for Council, the contractor and the public. One contractor has control over the delivery of both components of the work and can schedule the work to ensure the best quality and least disruption.

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

The Tender Planning and Evaluation Committee minutes are available for viewing by Councillors upon request.

Tenders were received from four companies. All tenders are summarised in Table 1 below:

TABLE 1 - Tender Submission Details

	Roadways Pty Ltd		Hardings Hotmix		Fulton Hogan Pty Ltd		Downer EDI Limited	
	Reseal	Prep	Reseal	Prep	Reseal	Prep	Reseal	Prep
	\$250,499	\$59,500	\$293,720	\$58,845	\$294,457	\$67,756	\$420,053	\$47,324
Tendered Price	\$309,999		\$352,565		\$362,213		\$467,378	

As highlighted in Table 1, Roadways Pty Ltd (\$309,999) is the lowest tender. The Tender Planning and Evaluation Committee have considered each of the selection criteria and Roadways Pty Ltd has ranked highest overall and therefore offer Council best value for money.

COMMUNITY ENGAGEMENT

A public advertisement calling for tenders was placed in The Advocate Newspaper on 12 June 2021 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The available capital and operational budget allocations for reseal preparation and reseals is required to deliver contracts CT0301-01 and CT0301-02. A portion of these allocations is required to deliver Contract CT0301-01. This is discussed in a separate report.

The remaining budget allocations for Contract CT0301 are shown in Table 2 below.

TABLE 2 - Available Budget Allocations

No.	Description	Remaining Budget (ex GST)
1	Reseal work (capital budget)	\$324,656
2	Reseal preparation (operational budget)	\$115,926

The forecast capital expenditure is shown in Table 3 below.

TABLE 3 - Capital Costs

No.	Description	Forecast (ex GST)
1	Contract CT0301-02	\$250,499
2	Project management costs (estimated)	\$9,000
	TOTAL	\$259,499

The capital expenditure component of the project can be accommodated within the available budget.

Additional reseal sites may be added to the scope of work based on the accepted schedule of rates up to the capital budget allocation.

The forecast operational expenditure is shown in Table 4 below.

TABLE 4 - Operation Costs

No.	Description	Forecast (ex GST)
1	Contract CT0301-02	\$59,500
2	Contingency (30%)	\$17,850
	TOTAL	\$77,350

The operational expenditure component of the project can be accommodated within the available budget.

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 333A of the *Local Government Act 1993*.

The tender specification also makes provision for rise and fall adjustments in the contract rate. This is a sensible inclusion to the contract to lessen the risk to both Council and the Contractor during periods of oil and bitumen price volatility.

A contingency of 10% has been included on the capital expenditure component as the risk of unforeseen variations is low. However, on previous reseal contracts, there have been scope increases.

A contingency of 30% has been included on the operational expenditure component as the risk of unforeseen variations is significant. On previous reseal preparation work packages, there has been scope increases as assets approaching the end of life can deteriorate quickly.

CONCLUSION

Taking into account the selection criteria assessment and the tendered rates, the Tender Planning and Evaluation Committee has determined that Roadways Pty Ltd has achieved the highest total score and is therefore most likely to offer “best value” in relation to Contract CT0301-02.

ATTACHMENTS

Nil

5.5 RISK MANAGEMENT FRAMEWORK

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

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

RECOMMENDATION

That Council note the report regarding the Risk Management Framework review and adopt the attached updated Risk Management Framework.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.2 Comply with Council's Risk Management Framework

SUMMARY

Council's Risk Management Framework has been reviewed and updated. This report provides an overview of the changes and seeks Council's approval of the revised Risk Management Framework.

BACKGROUND

The Risk Management Framework (RMF) outlines how Council will manage risks effectively and efficiently. It illustrates how risk management is embedded throughout organisational systems to ensure it is integrated at all levels and work contexts.

STATUTORY REQUIREMENTS

There are number of legislative requirements with which Council must comply, including the relevant provisions of the *Local Government Act 1993*. Ensuring compliance with Acts and Regulations is an important component of Council's RMF.

AS ISO31000:2018 – Risk Management Guidelines provides further instruction on risk management responsibilities for an organisation.

DISCUSSION

The Risk Management Framework has been reviewed by Council's internal Risk Audit and Compliance Committee and the Management Team.

Several minor changes have been made to reflect Council's commitment to continual improvement of risk management across the organisation.

These changes include:

- An Executive Summary has been added
- Reviewing revised AS ISO31000:2018 Risk Management Guidelines
- Updating revised risk management principles
- Reviewing progress reports to employees and councillors

All changes have been tracked within the attachment.

COMMUNITY ENGAGEMENT

Community consultation has not been undertaken as part of this report. Once the new version is adopted, the Risk Management Framework will be available to the public on Council's website.

FINANCIAL IMPLICATIONS

There is significant financial risk to Council arising from poor risk management practices and inappropriate or insufficient insurance coverage.

RISK IMPLICATIONS

Incidents, significant insurance claims and poor risk management practices may have a detrimental effect on a Council's reputation.

CONCLUSION

It is recommended that Council approve the revised Risk Management Framework, which reflects Council's current approach to risk management across the organisation.

ATTACHMENTS

1. DCC Risk Management Framework [**5.5.1** - 28 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
12 July 2021	Local Government Code of Conduct Framework Review	Review of the Government discussion paper
	LGAT Agenda	Discussion regarding items listed in the LGAT General Meeting agenda for August
	Update CBD EOI Process	Updated regarding shortlisted parties
	Waterfront Park Update	An update on current and future programmed activity
	Residential Strategy Introduction	An overview of the proposed new Residential Growth Strategy for Devonport
	Don Reserve Playground	Discussed adding an additional piece of equipment to that project

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 23 June 2021 to 20 July 2021 (note, the Mayor was on leave for 12 days during this period):

- Council meeting
- Regular meetings with General Manager
- Catch ups with staff members and councillors as required
- Met with community members on a range of topics
- Media as requested: ABC Radio (x2), Darren Kerwin (7AD), Lee & Jess (SeaFM), WIN News, Martin Agatyn (7AD)
- Attended TasWater Owners Representatives meeting
- Conducted Citizenship Ceremony for 11 new citizens
- Attended Lions Club of Devonport Final Dinner
- Met with representatives of Devonport Sister Cities Association
- Attended dinner with the Board members of Bank of Us
- Attended DCC Budget Breakfast
- Attended LGAT Annual General Meeting (via Zoom)
- Attended meeting of the LGAT General Management Committee (via Zoom)
- Guest speaker at Sister Cities Association meeting
- Attended meeting of LGAT General Management Committee
- With the General Manager, met with Senator Urquhart
- Attended meeting of the Premier's Local Government Committee
- Attended press conference with Minister Jaensch for the Check In Tas app
- Attended first event of Devonport Jazz 2021

In her capacity as Acting Mayor, Councillor Jarman attended the community flag raising event at Tiagarra, as part of NAIDOC week.

ATTACHMENTS

Nil

6.3 GENERAL MANAGER'S REPORT - JULY 2021

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

That the report of the General Manager be received and noted and that the attached response to the Code of Conduct Framework Review be endorsed.

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 23 June and 20 July 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, Planning Authority Committee and Council Meetings as required.
- 1.3. Attended the opening of "An Unexpected River" at the Devonport Regional Gallery. This exhibition features the work of emerging artist Travis Bell and is being displayed in the Little Gallery through until 7 August.
- 1.4. Met with Simon Want and members of his team from Enrich Ventures regarding their plans for the redevelopment of the Devonport Showgrounds site and in particular outline Council's requirements in relation to the rezoning and development approval process.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Attended a Leaders Breakfast forum at Devonport Christian School.

- 2.2. Attended and presented at Council's Community Budget Breakfast. This was a new initiative of Council aimed at improving engagement with the community. The event was well supported with approximately 90 people in attendance.
- 2.3. Met on site with a number of representatives of the Devonport Presbyterian Church to discuss parking concerns.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. As Council's Owners Representative attended the Dulverton Waste Management Authorities Representative's meeting at the Kentish Council Chambers.
- 3.2. Attended the LGAT Annual General Meeting via Microsoft Teams.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. With the Mayor, met with Senator Anne Urquhart and Labour Braddon candidate Chris Lynch regarding priorities for the upcoming Federal election and a general update on matters affecting the Devonport area.

5. OTHER

- 5.1. As discussed at a recent Council workshop, tenders have been received for the supply and installation of play equipment at the Don Reserve. The best value tender submission includes an optional piece of equipment (a flying fox). This option is an additional \$25,000 and not included within the project budget. However, the overall public open space program within the 20/21 capital budget contains sufficient unspent funds to offset the over expenditure.
- 5.2. The Director of Local Government, Mr Craig Limkin recently wrote to all Tasmanian Councillors reminding them of their obligations regarding confidentiality and safe workplaces and highlighting the importance of Covid-19 vaccination. A copy of the letter is attached.
- 5.3. The State Government is seeking feedback on potential administrative and legislative changes to the Code of Conduct framework. Following the workshop session with Councillors a response has been drafted and is attached for endorsement, prior to submission.

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. Craig Limkin, Director of Local Government, letter to Tasmanian Councillors [**6.3.1** - 3 pages]
2. Code of Conduct Review - Discussion Paper Comments [**6.3.2** - 2 pages]
3. Current and Previous Minutes Resolutions - July 2021 [**6.3.3** - 1 page]

6.4 COMMUNITY SERVICES REPORT MAY AND JUNE 2021

Author: **Karen Hampton, Community Services Manager**

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

RECOMMENDATION

That Council receive and note the Community 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 in the Community Services Department for the two-month period, May and June 2021.

BACKGROUND

This report is provided to update the Councillors and the community on matters of interest relating to Council's Community Services Department.

Community Development improves the ability of communities to collectively make better decisions about the use of resources such as infrastructure, labour and knowledge. A diverse range of strategies are employed by Council to deliver quality Community Development outcomes.

STATUTORY REQUIREMENTS

Council is required to comply with the provision of the *Local Government Act 1993* and other legislation. The functional areas of Council covered in this report include:

- Community Services and Engagement
- Recreation and Sports Development
- Events and Marketing
- Environmental Sustainability

DISCUSSION

1. COMMUNITY SERVICES

1.1. Community Services Manager's update

- Meeting with Devonport Regatta representatives
- Meeting with Asthma Tasmania Project Officer
- Attended International Women's Day Award luncheon
- Attended monthly Live and Learn Steering Group meetings
- Attended CAPITOL project meeting
- Attended official opening of Meercroft Pavillion
- Meeting with Volunteering Tasmania representatives
- Meeting with FIFA regarding training site infrastructure requirements
- Meeting with City of Devonport Lions Club representatives
- Attended official opening of new facilities at Girdlestone Park, East Devonport

- Meeting with representative of Little Athletics
- Chaired Statewide Community Services Special Interest Group – Local Government Professionals Tasmania
- Meeting with representative of Rotary Club of Devonport North regarding potential projects
- Attended Devonport Food and Wine Working Group meeting

Communities in Control Conference May 17-18

Using funds received for professional development as part of the Tasplan International Women's Day Award, attended the Communities in Control Conference held from May 17-18. The theme of the conference was 'Think Bigger: Fix Everything'.

Speakers included Uncle Jack Charles, Robert Fitzgerald AM, Dr Helena Popovic, Hugh Mackay AO, Dr Ramona Vijeyarasa, Jess Hill, Grace Tame, Dr Tim Thornton, Andrew Wear, Jess Scully, and Senator Penny Wong.

A link to key messages from the conference can be found at:

[Communities in Control 2021: 'Think Bigger, Fix Everything'. Inspiration for the community sector - YouTube](#)

1.2. Events/Programs/Activities

1.2.1. Citizenship Ceremony

Council held a Citizenship Ceremony on 24 June welcoming 11 new citizens from South Africa, Vietnam, New Zealand, Britain, Taiwan, India, and Tonga.



Citizenship Ceremony 24 June 2021

1.2.2. Families Week

National Families Week is held every year between 15-21 May. This year Council and Youth, Family and Community Connections (YFCC) co-hosted a free Families Week movie night event. The event was run in two stages with the first part of the event (BBQ and games) being held in the bottom level of the multi-level car park. The second stage of the event was a family movie held in the paranaple convention centre.

The event was a free ticketed event, with 180 tickets being registered prior to the event. Unfortunately, numbers on the night only reached 35 participants. The families enjoyed a BBQ cooked by Rotary Club of Devonport, glitter tattoos, balloon creations and large games in the multi-level car park.



Families week event

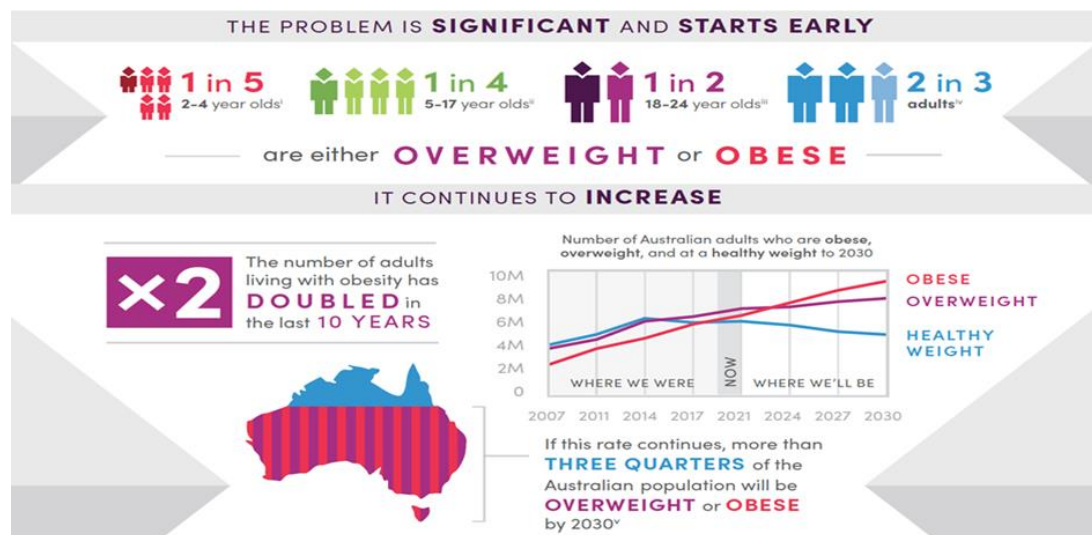
1.2.3. CAPITOL Project (Critical Age Periods Impacting Trajectory of Obesogenic Lifestyles)

Following a Notice of Motion, Council has partnered with UTAS to bring to Devonport a community-based, community-driven project which aims to build capacity on the North West Coast to more effectively prevent obesity. The Project will activate both Primary and High School Students with sports-based health and wellbeing activities.

The initiative has arisen in direct response to current statistical information in relation to obesity figures in Tasmania, and Australia in general. Figures can be seen in the picture below.

Though in its early stages, the project has brought together school principals, physical education teachers, relevant health professionals and service providers from throughout the region.

The project is funded by the Federal Government's MRFF (Medical Research Future Fund) aimed at 'Keeping People Out of Hospital'.



Australian overweight or obese statistics as at 2021

1.2.4. Community Services Newsletter

The regular online Community Services newsletter is used to disseminate information about:

- COVID-19 Updates;
- Grants available to the Community;
- Available assistance;
- Health information, programs and initiatives;
- Events;

- Community projects; and
- Updates from across Council.

Editions published between June 2020 and June 2021 can be found on the Council Website located at:

<https://www.devonport.tas.gov.au/live/your-community/community-services/newsletter/>.

A form to subscribe to the newsletter can also be found at this address.

The newsletter has proved to be a popular method of communication, with Council receiving feedback that it was being shared throughout the North West and readership growing by over 100 subscribers in the last year. During May and June, two editions were published. The most popular links accessed via the Newsletter were:

	Title	Website
1 st	Devonport Jazz	Devonport Jazz
2 nd	The Traveling Willburys Sessions	paranaple arts centre
	Mental Health Families and	Mental Health families and friends Tasmania
	Blokes Lunch	Devonport City Council Website
	Breath better in cold weather	Asthma Australia
	A Taste of Ireland	paranaple arts centre
	Pete the Sheep	paranaple arts centre
	Light Up - Haemochromatosis	Haemochromatosis Australia
	CORES Self-Care and Mental Wellbeing Workshop	Devonport City Council Website
	Mary Poppins the Broadway Musical	paranaple arts centre

1.2.5. Through Each Other's Eyes

Devonport residents are being invited to share a photo of something they love about their City, with the people of Minamata, Japan, as part of Council's project 'Through each other's eyes'.

Council's Community Services, Devonport Regional Gallery and the Bass Strait Maritime Centre developed the art and language exchange project with Devonport's Sister City Minamata, which encourages participants from both cities to submit a photo, or a picture of an original artwork inspired by their home cities.

The project will accept submissions until 11 October 2021, with future exhibitions planned online and in Council facilities.



Council Officer taking a photo to submit for the 'Through each other's eyes' project

1.2.6. Devonport Jazz

The Devonport Jazz program has been released. The four-day festival will run from Thursday 22nd – Sunday 25th July.

There are four acts from the mainland that have all been held over from the cancelled 2020 festival; including Katie Noonan, Paul Grabowsky, Ingrid James with Paul Armstrong and Bitches Brew. The rest of the program has a strong Tasmanian contingent with renewed focus on new combos, community and youth participation.

The program covers a variety of jazz styles in a range of venues across the City, with opportunities for people of all ages and budgets. A featured event, Jazz in the Pavilion, will take place over the Saturday and Sunday of the festival, and it will showcase community bands, vocal groups and activities on the Saturday, with young musicians, artists and dancers to take centre stage on the Sunday. Jazz in the Pavilion will be a free community event.



Mayor Annette Rockliff and Council Officer Maree Brodzinski prepare for Devonport Jazz

1.2.7. Devonport Food and Wine 2021

Meetings with the Devonport Food and Wine Working Group have recommenced for the October edition of Devonport Food & Wine. Expressions of Interest documents were sent out to a large database of venues and producers and these will be collated as the information comes in to create the October program.

1.2.8. External Events

External event applications have slowed due to cooler weather.

1.2.9. Environmental Sustainability**NRM Volunteer Statistics for May and June 2021**

	Month	Number of People	Number of Hours
Friends of Don Reserve	May	6	22
Friends of Don Reserve	June	5	10

	Month	Number of People	Number of Hours
Don College – Winter Planting	June	20	40

Friends of Don Reserve had three planting sessions over the May and June period.

Don College Outdoor Education

The Don College Outdoor Education classes helped Friends of Don Reserve plant 300 plants at the Don Reserve adjacent to the recently upgraded paths.



Don College Students – planting seedlings

NRM Trailer

The Natural Resource Management trailer now displays new signage. During the 2021/2022 budget submissions, Council received requests for more physical advertising of the region's environmental volunteers. As a result, the trailer now shows that it is used by volunteers, with the Council logo, environmental branding and phone number.



Natural Resource Management trailer with new branding

1.3. Community Partnerships

1.3.1. Council and Community Partnerships

Council partners with a diverse range of community-based organisations to achieve shared objectives.

Existing partnership arrangements are included in the table below.

Details	End date and length of agreement	Amount – If Applicable
Carols by Candlelight	2 year Agreement 30 June 2020	\$ 3,500 P/A
City of Devonport Eisteddfod	3 year Agreement – 2019 - 2021	\$10,000 P/A
Devonport Brass Band	3 year Agreement 30 June 2021	\$10,000 P/A
Devonport Community House	3 year Agreement 30 June 2022	\$18,000 P/A
Devonport Men's Shed	3 year agreement June 2022	\$ 8,000 P/A
Devonport Motor Show	5 year Agreement 29 January 2024	\$ 2,500 P/A
Devonport Surf Club	3 year Agreement 1 July 2022	\$ 2,000 P/A
National Trust of Australia – Home Hill operations	3 year Agreement October 2022	\$28,000 P/A
RANT Arts	1 year Agreement November 2021	Commercial Lease 45-47 Stewart Street Devonport
Tasmanian Arboretum	2 year Agreement 1 July 2022	\$22,000 P/A
Youth and Family & Community Connections	5 year Agreement 29 Jan 2024	Rental agreement/Youth services - in kind funding

1.4. Recreation, Health and Wellbeing

1.4.1. Official Opening of New Facilities

Official Opening of Meercroft Park Pavilion

The new \$1.5M Meercroft Park Pavilion was officially opened in May by Gavin Pearce MP, Federal Member for Braddon. Also officiating in the opening was the State's Deputy Premier, Jeremy Rockliff and Mayor, Cr Annette Rockliff.

Special guests were Bob Gordon, President of Football Tasmania and Richard Bidwell, President of Devonport Junior Soccer Association.

The facility is available for hire to sporting organisations and community groups.



Meercroft Park official opening. Pictured above from left to right: Bob Gordon (Football Tasmania), Richard Bidwell (Devonport Junior Soccer Association), Cr Annette Rockliff (Devonport Council Mayor), Gavin Pearce MP (Federal Member for Braddon) and Jeremy Rockliff (Deputy Premier of Tasmania).

Official Opening of the East Devonport Football Club Female Change Rooms
New female change rooms at the East Devonport Football Club were officially opened by the Mayor in June. The change rooms were funded by the State Government under the Communities, Sport and Recreation Department funding scheme 'Levelling the Playing Field'.

The change rooms are a welcome addition at the Club, which also saw the installation of new lighting, funded by the Federal Government.



East Devonport Football Club Female Change Rooms, official opening. Pictured from left to right: Cr Leon Perry (Devonport Council Councillor), Cr Annette Rockliff (Devonport Council Mayor), John Febey (East Devonport Football Club Board Member) and David Munns (Client Manager – North West, Sport and Recreation Infrastructure Communities, Sport & Recreation)

1.4.2. Major Sporting events held in May and June 2021

Sporting Event	Dates 2021	Venue
North West Basketball Union Final series	8/11/15 & 22 June	Devonport Recreation Centre
Devonport Cup – Junior soccer State-wide event	12 and 13 June	Meercroft Park, Eugene St, Valley Road and Devonport Oval

NWBU

The 2021 North West Basketball Union Finals Series was again held at the Devonport Stadium. The men's and women's grand finals were a lockout, with officials closing the doors early in the evening.



Left: North West Basketball Women's Premiers 2021,
Right: Burnie and Men's Premiers 2021, Ulverstone

Devonport Cup 2021 – Junior Soccer, Meercroft Park

The annual Devonport Junior Soccer Cup was again held over the June long weekend. This year a record number of teams entered the event, with 85 teams from all regions of the State. The event usually attracts between 55 – 60 teams.

As a result, additional grounds were required to cater for the increase in participation. The usual grounds at Meercroft Park, Eugene Street, and the Valley Road Soccer Centre were used, and for the first time, the Devonport Oval was converted into two soccer grounds. Night games were also held at the Valley Road Complex and Devonport Oval.

This event has grown to be one of the City's major events bringing up to 4,000 visitors to the region. These numbers are expected to increase going forward.



Aerial view of Meercroft Park during the Devonport Cup 2021 Event

1.4.3. Upcoming Major Sporting events in 2021

Sporting Event	Dates 2021	Venue
FFA Cup – Football Australia National Knock-out competition. Devonport Strikers Vs TBA	August – date to be confirmed	TBC – Devonport or Victoria
National Indoor Bowls	September 5-10	Devonport Country Club
Cold Climate Classic – Touch Football Australia	October 2021	Meercroft Park
Basketball TAS State U12 Championship	Aug 2021	Devonport Recreation Centre
Basketball TAS regional Primary school championship	Oct 2021	Devonport Recreation Centre
Basketball TAS State league Round 2	Oct 2021	Devonport Recreation Centre
Basketball TAS Regional High school championship	Nov 2021	Devonport Recreation Centre
Devon Netball Event	Date to be confirmed	Devon Netball Centre, Spreyton
Tour of Tasmania National Road Cycling Event	24-28 November 2021	Two stages in Devonport

1.4.4. Health and Wellbeing programs

Council's Health and Wellbeing programs are being held at the Devonport Recreation Centre. Programs are continuing to be very successful with new participants joining on a regular basis.

1.4.5. Participation Across Community Services Facilities and Events

Facility	Customers through the Door	Customers through the Door
	May 2021	June 2021
East Devonport Recreation and Function Centre	Not available due to COVID-19 Test Clinic	Not available due to COVID-19 Test Clinic
Devonport Recreation Centre	12,872	9,127
TOTAL	12,872	9,127

Special events held at the Devonport Recreation and East Devonport Recreation and Function Centre for May and June 2021 are listed in the table below:

Special Events	Date	Venue
Basketball TAS tri series – Round 2	1-2 May	Devonport Recreation Centre
North West Basketball Union senior roster games	4,11 & 25 May	Devonport Recreation Centre
Futsal Tas – Northern school titles	4-5 May	Devonport Recreation Centre
Basketball TAS FDP Advanced training sessions	15 & 29 May	Devonport Recreation Centre
NWBU senior finals	8,11,15 & 22 June	Devonport Recreation Centre
Total	5	

1.4.6. Recreation Facilities Usage

Recreation Usage			
Facility	Room/Ground	Number of Bookings May	Number of Bookings June
Devonport Recreation Centre (DRC)	Judo Room	8	8
	Meeting Room	5	5
	Sauna	56	50
	Squash	38	34
	Stadium	126	91
	Table Tennis Building	60	63
	Youth Centre	116	123
Total DRC		409	374
East Devonport Recreation and Function Centre (EDRFC)	Community Room	0	0
	Stadium	45	38
Total EDRFC		45	38

COMMUNITY ENGAGEMENT

The information provided above details all community engagement.

FINANCIAL IMPLICATIONS

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

No impact on Council's operating budget is expected as a result of this recommendation.

RISK IMPLICATIONS

There are no risk implications which relate to this report.

CONCLUSION

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

ATTACHMENTS

Nil

6.5 CONVENTION AND ARTS REPORT - MAY AND JUNE 2021

Author: **Geoff Dobson, Convention and Arts Centre Director**
Endorser: **Kym Peebles, Executive Manager People & Finance**

RECOMMENDATION

That Council receive and note the Convention and Arts 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 in the Convention and Arts Department for the period May and June 2021.

BACKGROUND

This report is provided to update the Councillors and the community on matters of interest relating to the Convention and Arts Department.

Council provides a range of cultural, recreational and entertainment experiences to assist people to connect and engage with each other in developing a strong sense of belonging, community spirit and quality of life.

The paranple convention centre is an important economic driver for Devonport, encouraging business opportunities in Devonport and supporting local contractors.

STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The functional areas of Council covered in this report include:

Convention and Arts Department

- paranple arts centre
- Devonport Regional Gallery
- Bass Strait Maritime Museum
- Town Hall Theatre
- paranple convention centre
- Visitor Information Centre and Tourism

DISCUSSION

1. ARTS AND CULTURAL DEVELOPMENT

1.1. Convention & Arts Centre Director update

- Met with Paper on Skin committee regarding the presentation of the international award in 2022;
- Attended training regarding Lead Remote Work Teams;
- Attended demonstration of Vernon Systems, Collection Management Software;
- Numerous meetings with RANT Arts regarding Council's partnership agreement;
- Met with Kickstart Arts regarding an Arts Orchestra workshop in Devonport for 2022;

- Attended the Art and Culture Working Group Committee Meeting convened by Cradle Coast Authority;
- Attended Don River Railway famil.

1.2. Devonport Regional Gallery

1.2.1. Gallery Exhibitions

Recollections

Upper Gallery: 6 February – 1 May

No Opening Event

The Devonport Regional Gallery's collection has its beginnings in the works collected by Jean Thomas for The Little Gallery, starting in 1966 with an exhibition of works by Tasmanian artist Christopher Pyett. This exhibition looked back on the artists represented in the original Little Gallery, featuring works from the Permanent Collection that was built from Jean Thomas' original vision.

Artists: Paul Boam, Vivienne Breheney, Dale Burke, Carol Dell, Vita Endelmanis, John Gilbert, Victor Greenaway, Edith Holmes, Bob Iddon, Nerida de Jong, Owen Lade, Bea Maddock, Geoff Parr, Christopher Pyett, Dale Richards, Fran van Riemsdyk, Carol (Caz) Rodwell, Jeff Stillman, David Voigt and Tony Woods.
Curator: Ellina Evans

Constrained – Reclaimed by Vicki West & David mangenner Gough

Main Gallery: 10 April- 29 May

Opening Attendance: 53

In 2020, notable Tasmanian Aboriginal Curators and Artists Vicki West and Dave mangenner Gough were invited to co-curate and exhibit in the Main Gallery. This collaborative exhibition guided and invited visitors to interact with the exhibition and to gain a sense of being immersed in culture, country and feelings of past and present.



Constrained-Reclaimed: David mangenner Gough and Vicki West

Fathom: Sam Beckman – Little Gallery Emerging Artist Program

Little Gallery: 20 March – 8 May

Meet and Greet the Artist Attendance: 15

The photographs in Fathom investigated the emotive side of our interactions and relationships with the natural world. Using long handheld exposures, Sam had set aside crisp detail in favour of more abstract images, drawing out a deeper atmosphere from the landscapes we live in and travel through. On the one hand, contemplating the inevitability and drama of fire in the Australian bush, and on the other, recognising the restorative energy that time in nature provides, this exhibition was an invitation to reflect on personal and subjective connections to the landscapes around us.

Grass/Lands Karen Hall and Patrick Sutczak

Upper Gallery: 8 May -19 June

Floor Talk Attendance: 27

This exhibition was an installation evoking the Midlands landscape, bringing together stone, earth, wood, sound and grasses. The depiction of these materials reflects displacement, regeneration, and conservation. Entering into the gallery space invited viewers to place themselves over the fence line, to be amidst this changing land.



Floor talk with Karen Hall and Patrick Sutczak.

The un Common ground: Brian Sollors – Little Gallery Emerging Artist Program

Little Gallery: 15 May – 26 June

Meet and Greet the Artist Attendance: 13

This photographic exhibition focused on the constructed urban environment. Brian Sollors' images included diverse technologies and infrastructure that are often taken for granted such as streets, houses, hospitals, schools, shops, public and commercial buildings, parks and gardens, the power grids, bridges and docks. Sollors highlighted unexpected visual scenarios where other qualities rather than the purely utilitarian aspects were highlighted. At the same time, these images asked the question: What does infrastructure provide for us?

Pattern and Print

Easton Pearson Archive

Main Gallery: 12 June – 17 July

Floor Talk Attendance: 13

Brisbane fashion house Easton Pearson was at the avant-garde of international fashion between 1998 and 2016. The label's success hinged on the creative relationship between Pamela Easton and Lydia Pearson, whose unique ways of working fostered inventive designs and lasting collaborations while supporting ethical manufacture.

Pattern and Print: Easton Pearson Archive presents the fantastical world of Easton Pearson, where both simplicity and detail shine, and artistry triumphs. It features a collection of Easton Pearson's most vibrant designs, highlighting the staggering variety of patterns, colours and materials the label employed.

A touring exhibition organised by Museum of Brisbane (MoB), toured by Museums & Galleries Queensland.

This project has been assisted by the Australian Government's Visions of Australia program.

'The Easton Pearson Archive' gift to Museum of Brisbane has been made possible by the generous support of Dr Paul Eliadis AM, a Brisbane-based philanthropist and patron of contemporary art and design. Donated through the Australian Government's Cultural Gifts Program. The Archive is complemented by supporting materials gifted by Pamela Easton and Lydia Pearson. The Archive consists of more than 3,300 garments. It is supported by more than 5,000 accessories, spec sheets, range plans, look books, photographs and other supporting materials donated by Pamela Easton and Lydia Pearson.

Story Vessels

Foyer Space 15 June – 19 July

No public event

The ceramic pinch pots displayed were made by members of Devonport Regional Gallery's online art program *Home Is Where the 'Art Is*. They were made as part of a celebration of International Women's Day 2021 at the gallery. Inspired by works from the gallery's collection by Marianne Huhn, *Story Vessels* invited participants to create simple pinch pots in which they scribed text into.

Undercurrent

Emerging Guest Curators Soren Risby and Tallulah Eaves

Upper Gallery: 26 June – 25 September

Floor Talk Attendance: 18

Undercurrent explores Tasmanian art through the lens of the ocean, tracing the tide lines which connect Tasmanian life and identity across time. The ocean is a powerful force. On an island, it can be isolating, but it also connects us to the world beyond. *Undercurrent* examines how our island's unique relationship with the sea shapes our past, the present day and our future.

The 2022 Emerging Guest Curators are Soren Risby & Tallulah Eaves. The exhibition *Undercurrent* is the result of their engagement with the City of Devonport's Permanent Art Collection.

Artists: Elizabeth (Liz) Braid, Joel Crosswell, Janine Combes, Lisa Garland, Lola Greeno, Ricky Maynard, Tim Morehead, Rodney Pole John Stroomer, Rosemary Wyllie, Philip Wolfhagen and prints from the Robinson Collection.

1.2.2. Staff Update

Staff continue to undertake webinar training through Australian Museums and Galleries Association.

1.2.3. DRG Committee Update

Friends of the Gallery

Meetings have been cancelled due to the restrictions of the COVID-19 pandemic.

The Droogs

The Gallery's youth committee, The Droogs, have cancelled meetings and workshops due to the restrictions of the COVID-19 pandemic.

1.2.4. Education and Public Programs

The Creative Learning and Public Programs Officer has made the workshop program *Home Is Where the Art Is* available on-line in lieu of the regular Youth Art, Create and Make, Pop-Up toddler and School Holiday programs. Many of the projects are inspired by works from the Devonport City's Permanent Collection or current exhibitions.

Home Is Where the Art Is	
Material Packages are available to be picked up from pac or Devonport Library. Weekly online activities open to the public, running for one week as dated but available on-going through the website.	
Expanding Imaginations	13 May
Paper Textured Pictures	20 May
My Explorers Suitcase	3 June - 3 July
Paper Doll Designs Inspired by the Pattern & Print exhibition	10 June
Flip Book Fun	23 June

1.3. Bass Strait Maritime Centre

1.3.1. Bass Strait Maritime Centre Update

May and June saw opening hours continue at 10am – 3pm with steady visitation and two public programs delivered. Staff are continuing to work on the collection audit and valuation process, social media projects, and new public programming.

1.3.2. Collection Management and Auditing

The internal staff audit of the collection in the Annexe has been completed and work has begun on delivering collection management records to the valuation auditors. This process will be completed in July and the final part of the audit on the pieces on exhibition in the BSMC building will be undertaken. PastPerfect database records continue to be corrected. The Historical Archives digitisation project now has around 8,500 pages completed.

1.3.3. Current and Upcoming Exhibitions

Exhibition updates are as follows:

Cats and Dogs, All at Sea

(Travelling exhibition from Australian National Maritime Museum)

13 February 2020 – 25 July 2021

Travelling photographic exhibition from the Australian National Maritime Museum.

Remarkable: Stories of Australians and their Boats

2 August 2021 – 26 September 2021

A travelling exhibition from the Australian National Maritime Museum.

Strata: Metals, Minerals, and Mining along the Strait

October 2021 – June 2022

A focus on the history of mining and geology of resources in the Bass Strait and along the coast, including Devonport's Limestone and Coal operations.

Devonport Embroiderer's Guild Annual Display

July 2022

Annual exhibition of works created by the Devonport Branch of the Embroiderer's Guild. The 2021 display has been postponed.

Instrumental

2022

An exploration of BSMC Collection maritime instrumentation and their stories.

1.3.4. Education and Public Programming

In May, the Maritime and History Talk program was restarted with the first talk given by Karl Rowbottom on legendary lighthouses around the world. The event was livestreamed on Facebook and the video is still available to watch on the BSMC page, currently with 219 views.

In June, the BSMC hosted the north-west book launch of 'Holyman's of Bass Strait' by Julian Burgess. The talk by Robin Holyman to introduce the stories in the book was also livestreamed and the video is available on the BSMC Facebook page, currently with 381 views.

Date	Program	Attendance
25 May	Maritime and History Talk: Karl Rowbottom	34
29 June	'Holyman's of Bass Strait' Book Launch	34
	Total	68



Karl Rowbottom delivering the first Maritime and History Talk since reopening



Robin Holyman and Julian Burgess taking questions about the book 'Holyman's of Bass Strait'

1.4. Town Hall Theatre

1.4.1. Town Hall Theatre Update

In May and June, the Town Hall Theatre was hired for a total of 44 days.

1.4.2. Theatre Performances and Events

Buddy: The Buddy Holly Story – Presented by the Devonport Choral Society

The Devonport Choral Society enjoyed a successful season of Buddy: The Buddy Holly Story, with full houses across the board.

Mary Poppins – The Broadway Musical– Don College

Don College presented Mary Poppins in June. Mary Poppins played to capacity houses, presenting 6 public performances and 5 school performances.

Carmen – presented by Opera Australia and the paranapple arts centre.

Due to restrictions imposed on New South Wales at the time of travel, Opera Australia made the difficult decision to cancel the Tasmanian leg of the Carmen tour, including the performance at paranapple arts centre, Devonport on Tuesday 29 June. The performance was much anticipated by the 15 young participants of the Youth Chorus who had spent weeks rehearsing to perform on stage with some of Australia's finest Opera singers.

1.4.3. Upcoming Performances and Events

1. A Taste of Ireland – Presented by – Pace Live
2. Rockin' Through the Ages – HCC Entertainment
3. Pete the sheep - Monkey Baa Theatre Company
4. The sweet Caroline Tour – Showtime Australia
5. We Will Rock You – St Brendan Shaw College
6. Human Nature – Harbour Agency
7. City of Devonport Dance Eisteddfod

1.5. Participation Across Arts and Cultural Development Facilities

Levels of participation are a determinant of an inclusive, strong and robust community. Council monitors the level of participation to capture trends and demand for services, usage of existing services, opportunities to increase participation and customer satisfaction.

Facility	Visitors May 2021	Visitors June 2021
paranapple arts centre, including DRG	5,964*	4,936*
Town Hall - Audience	4248	4201
Bass Strait Maritime Centre	445	341
Total	6,409	5,277

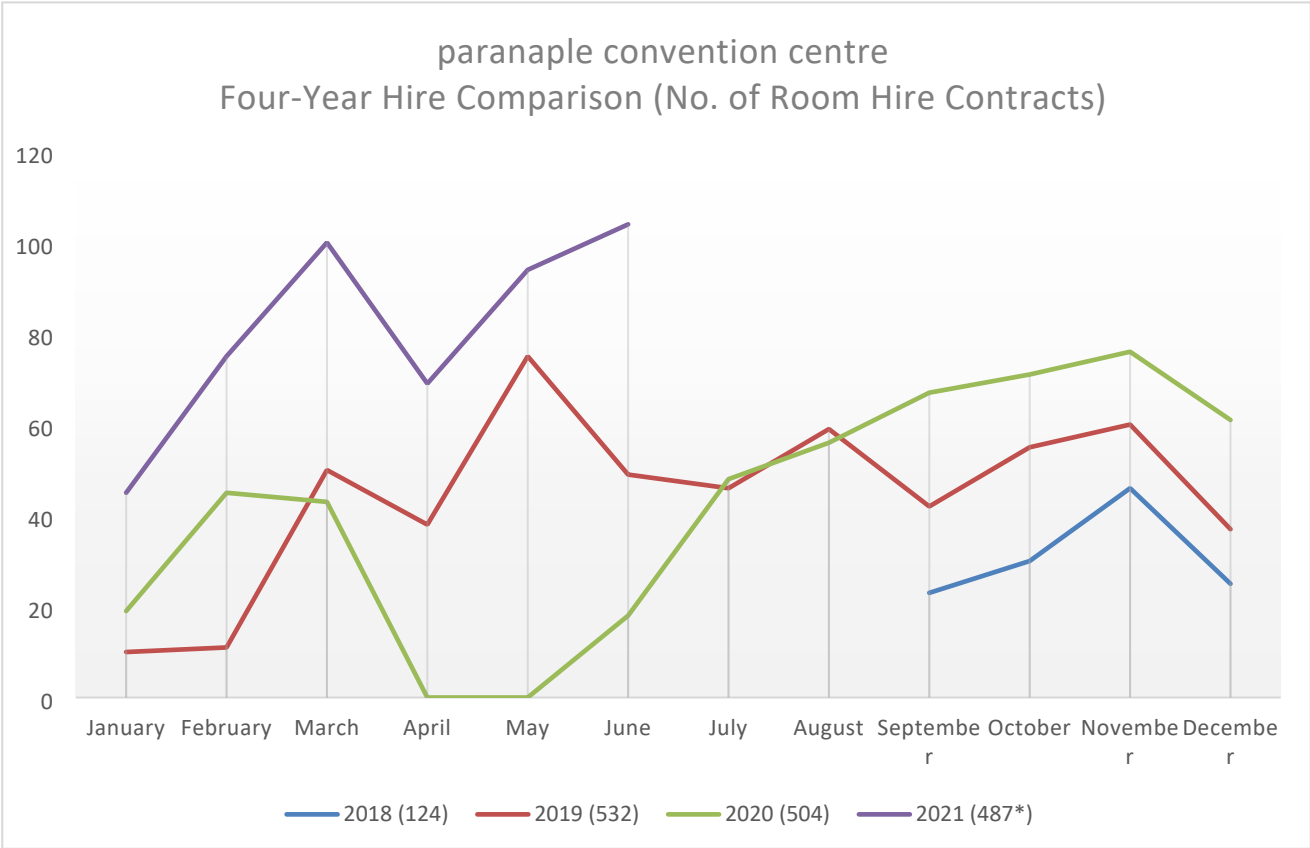
**Includes Town Hall Theatre audiences*

1.6. paranable convention centre**1.6.1. Meetings at paranable convention centre and Providore Place**

For May and June, the DCC meeting rooms held 179 events & 20 events in the convention centre. Total attendance of 6,673 patrons.

Events held in the paranable convention centre & Providore Place:

Event	Presented by	Audience Attendance
Youth Week	Youth, Family & Community Connections	300
Principals Forum	Professional Learning Institute	62
Staff Day	St Giles Society	50
Corpus Christi Film	Northwest Film Society	90
Private Event		100
Dinner	The Law Society of Tasmania	42
Declaration of the Poll	Tasmanian Electoral Commission	40
2021 Senior Secondary Ball	St Brendan Shaw College	117
Families Week: Karen Young - Hey Warrior	Anglicare	50
Volunteer Week Afternoon tea	Lifeline Tasmania	65
Families Week Movie Evening	Devonport City Council	50
How to be a Good Wife Film	Northwest Film Society	130
MBT Job Ready	Master Builders Association	70
Covid Vaccine Clinic	Department of Health	2760
The Burnt Orange Hersey	Northwest Film Society	80
Tasmanian Energy Development Conference	Informa Australia	115
DCC Tourism Update and Morning tea	Devonport City Council	15
Unite In Yellow Ball	Cancer Council of Tasmania	177
Budget Breakfast	Devonport City Council	88
Certificate Presentation & EOFY Networking event	CPA Australia	66



Tasmanian Energy Development Conference & Networking



Unite in Yellow Gala – Cancer Council Tasmania

1.7. Tourism

1.7.1. Tourism Development Strategy

The TVIN (Tasmanian Visitor Information Network) offered staff the opportunity to attend a Customer service training workshop recently. Four staff were able to attend the online training which focused on delivering professional service and understanding your customer. Tasmanian Tourism Operators we again invited to advertise their business on the Brochure wall of the Visitor Centre.

1.7.2. Regional Tourism Organisation (RTO)

Working alongside the RTO, West by North West, The Devonport Visitor Centre hosted an Update and Information Session for attraction and accommodation providers from the municipality.

This session provided the businesses with an update on the Living City Waterfront Park Project and the opportunity to discuss how the RTO, Council and businesses could potentially work together and communicate and promote themselves to major events coming to the city.

COMMUNITY ENGAGEMENT

The information provided above details all community engagement.

FINANCIAL IMPLICATIONS

Any financial or budgetary implication 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

There are no risk implications which relate to this report.

CONCLUSION

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

ATTACHMENTS

Nil

6.6 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - MAY AND JUNE 2021

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Kym Peebles, Executive Manager People & Finance, & Jeff Griffith, Deputy General Manager**

RECOMMENDATION

That Council receive and note the General Management, People and Finance and Corporate Services report.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report provides a summary of the activities undertaken during the months of May and June 2021 in the following areas of Council:

- General Management
- People and Finance
- Corporate Services

BACKGROUND

This report is provided to update the Councillors and the community on matters of interest relating to Council's General Management, People and Finance and Corporate Services departments.

The function areas of Council covered by this report include:

- | | |
|-------------------------------------|--------------------------|
| • Governance | • Information Technology |
| • Property Management | • Budget Management |
| • Legal Issues | • Car Parking |
| • Strategic and Operational Plans | • Customer Service |
| • Corporate Communication | |
| • Human Resources | |
| • Financial Strategy and Management | |
| - Revenue and Rating | |
| - Grants | |
| - Loan Borrowings | |
| - Compliance | |
| - Related Policies | |
| - Financial Reporting | |

STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation.

DISCUSSION**1. GENERAL MANAGEMENT****1.1. Governance****Common Seal Register**

The following documents have been signed under Council's seal for the May and June 2021 period.

REG/672	Instrument of Delegation - LUPAA 1993 - General Manager	3/05/2021
REG/673	Instrument of Delegation - LUPAA 1993 - Deputy General Manager	3/05/2021
REG/674	Instrument of Delegation - LUPAA 1993 - Development Services Manager	3/05/2021
REG/675	Instrument of Delegation - LUPAA 1993 - Land Use Planning Coordinator	3/05/2021
REG/676	Instrument of Delegation - LUPAA 1993 - Senior Planning Officer	3/05/2021
REG/677	Instrument of Delegation - LUPAA 1993 - Planning Officer	3/05/2021
REG/678	Instrument of Delegation - LUPAA 1993 - Project Officer	3/05/2021
REG/679	Instrument of Delegation - LUPAA 1993 - Statutory Compliance Officer	3/05/2021
REG/680	Amend Sealed Plan No SP179641 - 179641/26	4/05/2021
REG/681	Schedule of Easements - 219653/1 & 84310/1	4/05/2021
REG/682	Transfer - 232969/1 & 251728/2 - DCC to TasWater - Pipelines	13/05/2021
REG/683	Land Titles Office - Surrender of Lease - 17 Fenton Way Devonport	27/05/2021
REG/684	Final Plan of Survey - 156981/2	1/06/2021
REG/685	Grant Deed - Vulnerable Road User Program 2020-21 - DSG & DCC	1/06/2021
REG/686	Schedule of Easements - PA2020.0210	3/06/2021
REG/687	Plan of Survey - PA2020.0210 Folio Ref 170489/1 - Winspears Road	3/06/2021
REG/688	Lease Agreement - DCC & Devonport Judo Club	3/06/2021
REG/689	Exchange of Letters - DCC - Devonport Commuter Cycling Initiative Funding Agreement - 1 Jan 2020 - 31 December 2020 - FA-00002680	3/06/2021
REG/690	Deed of Variation - DCC & Crown (Bus stop infrastructure)	10/06/2021
REG/691	Licence Agreement - DCC & CCA	23/06/2021
REG/692	PA2021.0023 - Pipeline & Services Easement - Riverbend Securities Pty Ltd - Vol 136806 Folio 5 & Vol 136806 Folio 6	24/06/2021
REG/693	PA2020.0019 - Pipeline & Services Easement - Woolley - Vol 23588 Folio 1	24/06/2021
REG/694	Plan of Survey - PA2020.0213 - 2 Lot Subdivision - 39A Don Road Devonport	29/06/2021
REG/695	Lease Agreement - Devonport City Council & Devonport Athletic Club - Devonport Oval	30/06/2021

Councillor Attendance

Councillor attendance at Council meetings and workshops attendance up to 30 June 2021 is detailed as follows:

No. of Meetings Attendance	Council	Planning Authority		Workshops	Leave of Absence Approved during the period
	14	5		13	
		Member	Non Member		
Mayor Cr A Rockliff	14	4	0	13	1
Cr J Alexiou	14	5	0	13	
Cr G Enniss	13	0	0	13	1
Cr P Hollister	14	4	0	12	
Cr A Jarman	13	0	3	13	
Cr L Laycock	11	0	4	13	1
Cr S Milbourne	13	4	0	12	1
Cr L Murphy	14	5	0	13	1
Cr L Perry	13	5	0	13	

Note the leave of absence approved for Cr Murphy was subsequently withdrawn and not taken.

1.2. Property Management Update

Council Officers worked on a number of property matters during May and June including the following:

- Crown Land applications:
 - Playground equipment replacement at 260 Steele Street (Works application)
 - Don Heads Coastal Pathway (Lease application)
 - Don River Rail Trail (DSG)
 - River Road (Ambleside) – extension to coastal pathway
 - Development application Men's Shed 260 Steele Street
 - Development and works applications obo tenants at Abel Tasman Caravan Park
- Approval received from Crown for:
 - Playground replacement – 260 Steele Street
 - Abel Tasman Caravan Park (approval to lodge planning application)
- Development application discussions with Men's Shed and planning department;
- Sub lease transfer – Lions Club of the City of Devonport to Rotary Club of Devonport North Inc;
- Finalised lease agreement for Devonport Judo Club;
- Finalised lease agreement for Devonport Athletic Club (Devonport Oval);
- Lease renewal for Mersey Valley District Cycling Club (Devonport Oval);
- Finalised lease registration 17 Fenton Way
- Work on transfer of title for 108 Tarleton Street;
- Licence Agreement – CCA;
- Transfer of subdivision titles – Fleetwood Drive;
- Liaison with community/non-commercial tenants.

1.3. Corporate Communication

1.3.1. Devonport City Council Website

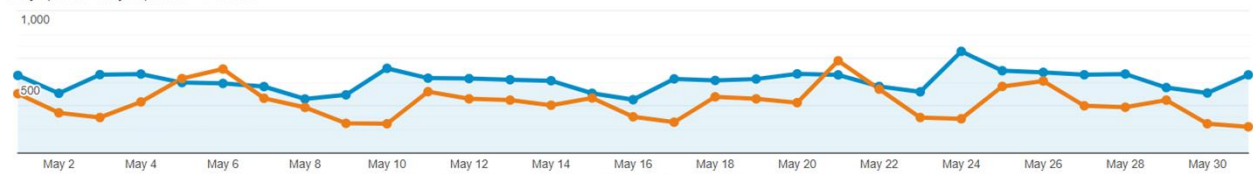
Devonport City Council Website content is refreshed on an on-going basis, by updating information and the addition of new public notices, planning applications, news stories and events.

Top 10 Website Pages	May 2021	June 2021
	<ol style="list-style-type: none"> 1. News and Media 2. Contact Us 3. Advertised Planning Permit Applications 4. Council Forms and Payments 5. Mersey Vale Memorial Cemetery Search 6. Employment Opportunities 7. Waste Transfer Station 8. What's on Devonport 9. Parking in Devonport 10. Events – The Buddy Holly Story 	<ol style="list-style-type: none"> 1. News & Media 2. Contact Us 3. Advertised Planning Permit Applications 4. Mersey Vale Memorial Cemetery Search 5. Council Forms and Payments 6. Waste Transfer Station 7. Employment Opportunities 8. Parking in Devonport 9. Contact Us/Make a Request 10. Forms and Payments – Dog Registration Form
Note: Most visitors to the website begin at the home page, but this is not listed in the top 10 pages, as it would be a normal starting point for most website visits.		

Website statistics taken from Google Analytics

May 2021 (Verse 2020), Website Statistics

May 1, 2021 - May 31, 2021: ● Users
May 1, 2020 - May 31, 2020: ● Users



Users

49.07%
13,224 vs 8,871



New Users

68.93%
11,849 vs 7,014



Sessions

40.65%
17,455 vs 12,410



Number of Sessions per User

-5.65%
1.32 vs 1.40



Pageviews

29.93%
33,890 vs 26,083



Pages / Session

-7.62%
1.94 vs 2.10



Avg. Session Duration

-16.58%
00:01:31 vs 00:01:49



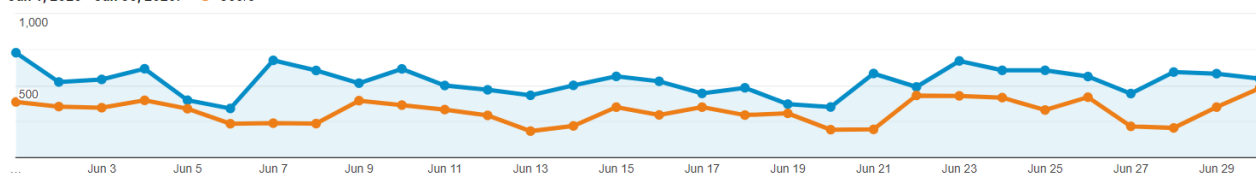
Bounce Rate

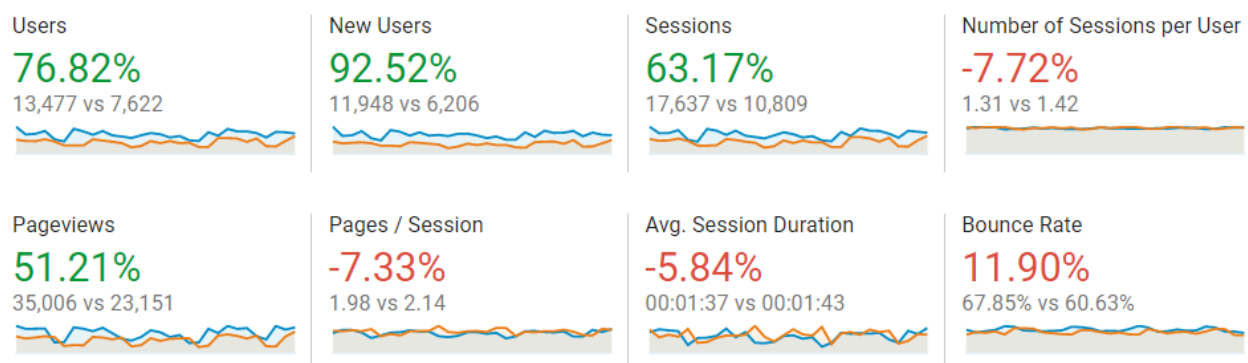
9.32%
67.84% vs 62.05%



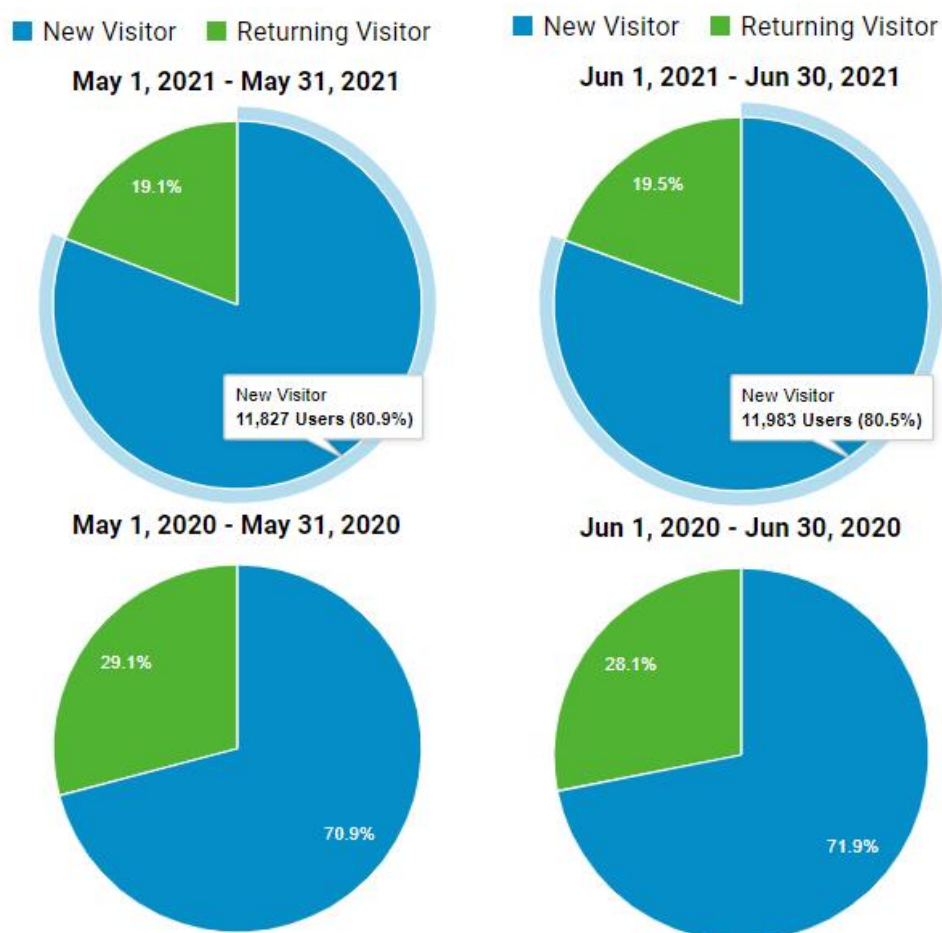
June 2021 (Verse 2020), Website Statistics

Jun 1, 2021 - Jun 30, 2021: ● Users
Jun 1, 2020 - Jun 30, 2020: ● Users





New Visitors verse Returning Visitors



1.3.2. Community Consultations

Council's online engagement platform www.speakupdevonport.com.au is utilised for all of Council's community consultations. During May, the platform was used to seek community input on the 10-year plan for the historic Don Cemetery. Community members could also participate in the survey by collecting a hard copy from Council's customer service, or by contacting Council by email.

1.3.3. Social Media

Council currently utilises Facebook, Twitter and LinkedIn as social media tools to engage with the community and local media.

Followers at the end of June:

Facebook	10K
LinkedIn	616
Twitter	666

The Devonport City Council Corporate Facebook page is well utilised by the community, with high engagement regarding capital works projects, media releases, Council events, emergency updates, community initiatives and road works. Several other Facebook pages and Instagram accounts are administered by Council's Events Team, and the paranple arts and convention centre. Each represent a targeted marketing opportunity, with content planned specific to each page's audience.

DCC Corporate Facebook Page Statistics	May 2021	June 2021
Facebook Average Monthly Reach: Number of Facebook users who have seen content associated with the page during the period (individual users can be 'reached' numerous times per month).	37,629TY (22,800LY)	15,014TY (20,881LY)

During May and June the top 10 posts Facebook posts each month in terms of audience reach were:

May 2021	June 2021
<ol style="list-style-type: none"> 1. Devonport Jazz, 27/05/21, 8.2K 2. Meercroft Pavilion, official opening 21/05/21, 6.3K 3. Part Road Closure – Formby Road/Best Street, 12/05/21, 3.8K 4. Dogs not permitted at Meercroft Park, 9/05/21, 3.7K 5. ABS on the hunt for Census field staff, 9/05/21, 3.2K 6. Thank you for participating in Don Congregational Master Plan survey, 31/05/21, 3.1K 7. Link to Advocate story on Waterfront Park construction update, 16/05/21 3K 8. Link to WorkSafe information regarding cracker night, 27/05/21, 2.7K 9. Nixon Street pedestrian safety improvements, 03/05/21, 2.6K 10. Dogs found in Miandetta 29/05/21, 2.3K 	<ol style="list-style-type: none"> 1. Accessible toilet at the bluff closed, 25/06/21, 5.8K 2. TasRail works William Street, 7/06/21, 5.3K 3. Road closure, William Street, 24/06/21, 4.7K 4. Don walking track closed for maintenance, 06/08/21, 3.2K 5. Sports grounds closed due to wet weather, 06/06/21 2.9K 6. Link to Spreyton Football Club re support through grant assistance, 16/06/21, 2.9K 7. Devonport Mayor receives COVID vaccination, 08/06/21, 2.5K 8. Provider Place market, 01/06/21, 2.5K 9. LIVING CITY strengthens property boom, 03/06/21, 2.4K 10. Join the team: Community Development Officer 25/06/21, 2.3K

1.3.4. Publications & Media

Council issued the following official media releases, alerts, comments and statements during May and June 2021:

Date	Media Type	Title/Topic
1/5/21	Media Comment – The Advocate	CBD development EOIs update
1/5/21	Media Comment – The Advocate	Providore Place – Frankie J's

Date	Media Type	Title/Topic
3/5/21	Media Comment – The Advocate	Building Boom
4/5/21	Media Release	Community input sought on 10-year plan for historic Don Cemetery
5/5/21	Media Comment – The Advocate	Response to BCC cuts plus budget surplus
11/5/21	Media Comment – The Advocate	COVID-19 vaccine clinic
11/5/21	Media Comment – The Advocate	Dog management – Meercroft Soccer grounds
13/5/21	Media Comment – 7AD	Mayor on the Air
14/5/21	Media Comment – The Advocate	Waterfront Park update
14/5/21	Media Release	DRG – Exquisite Tidal Mural
15/5/21	Article – LG Focus	City's 40 th Birthday
19/5/21	Media Comment – The Advocate	Dog attack
19/5/21	Media Comment – The Advocate	Providore Place Market – coat drive
19/5/21	Media Comment – ABC Drive	Cradle Coast Authority
20/5/21	Media Comment	Mayor on the Air
22/5/21	Media Release	New Meercroft Park Facility officially opened
22/5/21	Media Comment – The Advocate	Cradle Coast Authority relocation
24/5/21	Media Release	DRG – new exhibitions
24/5/21	Media Comment – Morning's with Leon Compton	Waterfront Park, COVID clinic, Dev Jazz, election
28/5/21	Media Release	Devonport Jazz program revealed
28/5/21	Media Comment – 7AD	Mayor on the Air
1/6/21	Media Comment – The Advocate	Fallen logs in Don River
4/6/21	Media Release	LIVING CITY property boom
4/6/21	Media Release	LG Professionals Award highlights Devonport as a digital leader
4/6/21	Media Comment – The Advocate	Easton Pearson fashion exhibition
4/6/21	Media Comment – The Advocate	Cold Climate event launch
8/6/21	Media Comment – The Advocate	Mayor's COVID jab
10/6/21	Media Comment – The Advocate	Bluff Access Road roundabout
12/6/21	Media Release	EDFC change rooms opening
19/6/21	Media Comment – The Advocate	Providore Place twilight market success
22/6/21	Media Release	Seeing cities through each other's eyes
23/6/21	Media Release	Council surplus for 2021-22 budget
23/6/21	Media Comment – The Advocate	Elevated walkway progress
23/6/21	Media Comment – The Advocate	Carmen – Opera Australia
24/6/21	Media Comment – 7AD	Budget update
24/6/21	Media Comment – The Advocate	MAST funding
29/6/21	Media Release	Budget adopted
29/6/21	Media Comment – The Advocate	Primary production rates increase

2. PEOPLE AND FINANCE

2.1 Human Resources

2.1.1. Recruitment

Staff positions advertised May and June 2021

Position	Department	Work Location
Building Maintenance Serviceperson	City Growth – Infrastructure & Works	Works depot
Civil Works 2IC	Infrastructure & Works	Works depot
Civil Works Serviceperson	Infrastructure & Works	Works depot
Recreation Centre Attendant (casual)	Recreation, Community Services – Corporate Services	Devonport Recreation Centre
Community Development Officer	Community Services – Corporate Services	paranaple centre

Staff Appointments May and June 2021

Position	Name	Department	Work Location
Community & Sporting Services Supervisor	Tracey-Lee Cane	Community Services – Corporate Services	paranaple centre
Casual Attendant	Nic van Essen	People & Finance	paranaple arts centre
Civil Works Serviceperson	Steven McLean	Civil - Infrastructure & Works	Works depot
Civil Works Serviceperson	Tony Burgess	Civil - Infrastructure & Works	Works depot
Building Maintenance Serviceperson	Mitchell Farr	Building Maintenance - Infrastructure & Works	Works depot
Civil Works 2IC	Adam Richards	Civil – Infrastructure & Works	Works depot

Staff Departures May and June 2021

Position	Name	Department	Work Location	Date Effective
Casual Attendant	Louise Murfet	People & Finance	paranaple arts centre	11/5/2021
Civil Works Serviceperson	Geoffrey Creeley	Civil - Infrastructure & Works	Works depot	14/5/2021
Community Development & Recreation Officer	Nikita Hillier	Community Services - Corporate Services	paranaple centre	21/5/2021
Casual Attendant	Anita Hillier	People & Finance	paranaple arts centre	30/6/2021

Workers Compensation

Policy year ending 30 June	Number of Workers Compensation Claims lodged with Council's Insurer	Current Open claims	Nett value incurred by the Insurer (including estimates)
30/6/2021	7 claims	1	\$35,935.70
30/6/2020	6 claims	0	\$ 29,481.08
30/6/2019	12 claims	0	\$347,651.52
30/6/2018	6 claims	0	\$ 32,029.49
30/6/2017	7 claims	0	\$ 27,839.69
30/6/2016	20 claims	0	\$128,445.62

New Workers Compensation claims for the period

Two new claims lodged in May (one since closed) and no claims lodged in June 2021.

2.1.2. Work Experience

Due to the COVID-19 restrictions, Council was not accepting work placement students however enquiries are now being considered on application.

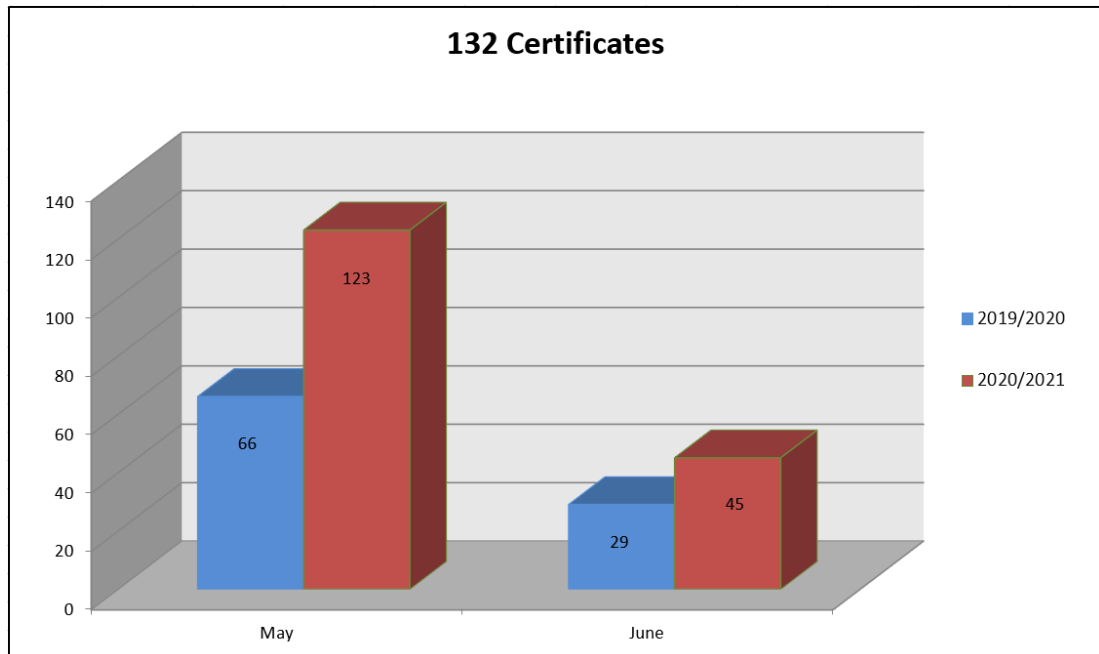
2.1.3. Health & Wellbeing

The following activities and initiatives were promoted for May and June 2021:

- Employee Assistance Provider – CLS
- National Road Safety Week 2021 - Awareness
- Dementia Awareness
- Men's Health Week – heighten awareness of preventable health problems for males of all ages, promoted prioritising physical, emotional, and social health by staying connected and seeking support early if something is wrong, BBQ lunch cooked at Works depot by H & W Committee
- Promotion of skin checks for outdoor workers
- COVID updates and promotion of COVID safe Behaviours
- Blood Donor Week
- Preparation of 21/22 H & W Calendar

2.2. Finance**2.2.1. Certificates**

During the months of May and June 2021, the Finance Team issued 168 Section 132 certificates under the *Local Government Act 1993* (Certificate of Liabilities in relation to rates on properties). This information is a good indicator of property sales in the municipality. A comparison to the previous year is shown below.



2.2.2. Rate Statistics

Percentage of Rates Paid*

	2018/2019	2019/2020	2020/2021
May	98.40%	96.30%	98.16%
June	99.29%	98.98%	99.11%

***Please note the Rate statistics include rates paid in advance.**

Rates in advance as at 30 June 2021 totalled \$495,943.

Outstanding rates as at 30 June 2021 totalled \$444,263 for 388 properties with an average balance of \$1,145. Letters have been sent to ratepayers with outstanding balances advising them of Council's intention to refer them to collection agencies for recovery if they do not make acceptable payment arrangements with Council.

Of the ratepayers that have previously applied for assistance under the Financial Hardship Assistance Policy, only one commercial ratepayer and two residential ratepayers have outstanding balances as at 30 June 2021.

1.2.2. CORPORATE SERVICES

2.3. Parking

2.3.1. Parking Statistics

May	19/20	20/21	Commentary
Income – Car Parks (Total)	\$0	\$88,068	Free parking 19/20 due to Covid.
Income from Meters	\$0	\$63,669	
Infringements Issued	33	1246	

Income – Multi-level Car Park	\$0	\$20,101	
Total Parking Income (includes revenue from MPES and parking permits)	\$12,413	\$216,405	Covid impacted parking income in 19/20

June	19/20	20/21	Commentary
Income – Car Parks (Total)	\$33,718	\$79,171	19/20 Due to Covid, parking was free in carparks for 2 weeks of June.
Income from Meters	\$50,168	\$49,698	19/20 Parking fees reintroduced on meters.
Infringements Issued	561	1253	19/20 free parking in carparks for 2 weeks of June, impacted infringements also.
Income – Multi-level Car Park	\$0	\$18,587	Convention centre closed also impacted 19/20 fees and carpark free for 2 weeks.
Total Parking Income (includes revenue from MPES and parking permits)	\$159,311	\$217,330	Due to Covid lock down, parking was free for most of April and May 2020 impacting income.
Total Parking Income YTD	\$2,042,143	\$2,469,894	

2.4. Information Technology

2.4.1. GIS System Implementation

Council is heavily dependent on a reliable and easily accessible GIS platform for spatial information. After a disciplined process to develop a quality business case to address issues with the current platform, approval has been given to progress the implementation of the ESRI ArcGIS viewer to complement Council's use of the ESRI ArcGIS editing software.

This is one of the few remaining systems that is hosted in Council's data centre. This project will include the transition of ESRI ArcGIS to the cloud ensuring that spatial data is easily accessible from any device and any location.

A key part of this project is to provide spatial data to the community on Council's website using ESRI's ArcGIS online viewer.

The project is scheduled to commence in September 2021 and conclude by February 2022.

2.4.2. EasyPark

The City of Devonport was an early adopter of EasyPark in Tasmania with an initial trial commencing in 2015. In 2018, EasyPark utilisation was extended to on street parking. There has been continued and substantial growth in utilisation.

As of June 2021, nearly 40% of all parking transactions were initiated through the EasyPark application.

The community continue to adopt EasyPark recognising that it helps them to save time and money. Payments are made from the comfort of the vehicle. The amount paid is by the minute allowing the EasyPark user to stop their parking session and pay for what they have used.

EasyPark users also recognise the benefit of extending a parking session from their phone, when needed, eliminating the need to return to a meter and add coins.

We encourage the community to take advantage of the benefits and the simplicity of using EasyPark.

COMMUNITY ENGAGEMENT

The information provided above provides details 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 report.

RISK IMPLICATIONS

Any specific risk implications have been outlined in the commentary above. Any specific risk that becomes an issue for Council would result in 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

Nil

6.7 ELECTED MEMBERS EXPENSE REPORT TO 30 JUNE 2021

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That the bi-monthly report advising of Councillor allowances and expenses 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

To detail expenses of the Mayor and Councillors.

BACKGROUND

This report is a regular bi-monthly update on the costs associated with the payment of allowances and expenses for Councillors.

STATUTORY REQUIREMENTS

Under the *Local Government Act 1993*, Council is required to publish details of the total allowances and expenses paid to the Mayor, Deputy Mayor and Councillors in its Annual Report, however there is no obligation to do so at any other time.

DISCUSSION

Expenditure processed for the months of May and June 2021 is detailed below:

Mayor, Cr Annette Rockliff	\$163 - Telephone (April, May and June) \$130 - LGAT Annual General Meeting (March) \$193 - LGAT Mayor's Prof Development (March) \$777 - LGAT Annual Conference inc W/shop (August)
Cr Gerard Enniss	\$709 - LGAT Annual Conference (August)
Cr Leon Perry	\$709 - LGAT Annual Conference (August)
Cr John Alexiou	\$709 - LGAT Annual Conference (August)
Cr Peter Hollister	\$709 - LGAT Annual Conference (August)
Cr Lynn Laycock	\$777 - LGAT Annual Conference inc W/shop (August)
All Councillors	\$1,104 - iPads (April, May and June)

Note: due to the timing of credit card statements and invoices, expenditure is reported as and when the account is paid. Items in this report may relate to transactions that occurred in previous months.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

Mayoral and Councillor expenses are costed to the general ledger account for Councillor Support.

RISK IMPLICATIONS

There are no identified risks in relation to this report.

CONCLUSION

Expenses are reported in accordance with Council direction.

ATTACHMENTS

1. Councillor Remuneration Schedule 2020-21 [**6.7.1** - 1 page]

6.8 CODE OF CONDUCT DETERMINATION REPORT - NEVIN V ROCKLIFF, LAYCOCK & PERRY

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council notes the Code of Conduct Panel Determination Report made on 14 July 2021, in relation to a complaint by Mr Graeme Nevin against Councillors Rockliff, Laycock and Perry.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.5 Ensure compliance with all relevant legislative requirements, standards, policies and procedures

SUMMARY

To present the Determination Report of the Local Government Code of Conduct Panel, received by the General Manager on 20 July 2021.

BACKGROUND

In accordance with section 28ZK of the *Local Government Act 1993* (the Act) the Code of Conduct Panel has made a determination in relation to a Code of Conduct complaint lodged on 30 March 2021 by Mr Graeme Nevin against Councillors Rockliff, Laycock and Perry.

STATUTORY REQUIREMENTS

In accordance with section 28ZK(4) of the Act, the General Manager is required to table the Report at the first meeting of Council at which it is practicable to do so, and which is open to the public.

DISCUSSION

The Complaint alleged that at the 2020 Annual General Meeting of Devonport City Council, Councillors Rockliff, Laycock and Perry had a conflict of interest in considering a motion calling for an enquiry into, and report on, matters pertaining to Providore Place, and failed to declare that interest in accordance with Part 2 of Council's Code of Conduct.

In accordance with section 28ZE of the Act, the Code of Conduct panel conducted an investigation into the complaint. The complaint has been upheld and the Councillors are required to undergo training in relation to conflicts of interest.

COMMUNITY ENGAGEMENT

No community engagement was required in preparing this report.

FINANCIAL IMPLICATIONS

Council is required to pay for the costs associated with code of conduct complaints, the actual costs are unknown at this point.

RISK IMPLICATIONS

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

CONCLUSION

It is recommended that Council note the Determination Report.

ATTACHMENTS

1. Determination Report - DEVONPORT - Nevin v Rockliff, Laycock and Perry [**6.8.1** - 5 pages]

7 SECTION 23 COMMITTEES

7.1 CONFIRMATION OF MINUTES - PLANNING AUTHORITY COMMITTEE MEETING - 12 JULY 2021

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on 12 July 2021 be received and the recommendations contained therein be 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

The purpose of this report is to receive the minutes from the Planning Authority Committee meeting held on 12 July 2021.

ATTACHMENTS

1. Minutes - Planning Authority Committee - 12 July 2021 [**7.1.1** - 6 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 – 28 June 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential attachments	15(2)(g)
5.1	Unconfirmed Minutes – Joint Authorities	15(2)(g)
5.2	Outstanding Debtors – 90 Days and Over Report	15 (2)(j)
5.3	Outstanding Rates Debtors – Three Years and Over	15(2)(j)
5.4	General Manager's Performance Review	15(2)(a)

9 CLOSURE