



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, paranaple centre, 137 Rooke Street, Devonport on Monday 23 January 2023, commencing at 5:30 PM.

The meeting will be open to the public and live streamed from 5:30 PM on Council's [YouTube channel](#).

QUALIFIED PERSONS

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

Matthew Atkins
GENERAL MANAGER

18 01 2023

February 2023

Meeting	Date	Commencement Time
Council Meeting	27 February 2023	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 23 JANUARY 2023, 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 Jarman (Mayor)	
	Cr S Sheehan (Deputy Mayor)	
	Cr G Ennis	
	Cr P Hollister	
	Cr S Martin	
	Cr A Moore	
	Cr L Murphy	
	Cr D Viney	
	Cr J Wilczynski	

ACKNOWLEDGEMENT OF COUNTRY

Devonport City Council acknowledges and pays respect to the palawa-pakana people as the traditional and original owners of lutrawita and continuing custodians of this land on which we gather.

We also acknowledge and pay our respects to the Tasmanian Aboriginal elders past and present.

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. The meeting will also be live streamed on Council's YouTube channel.

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Council meeting held on 19 December 2022 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 Smith and Mr Mills at the December 2022 Council meeting be noted.

ATTACHMENTS

1. Response to Questions Without Notice - 19 December 2022 - T Smith [**3.2.1.1** - 2 pages]
2. Response to Questions without Notice - 19 December 2022 - Christopher Mills [**3.2.1.2** - 2 pages]

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

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

Mr Robert Vellacott – 11 Cocker Place, Devonport

A letter containing questions on notice received from Mr Vellacott on 13 January 2023 is **reproduced as attachment 1**.

- Q1** In regard to the proposed disposal of, ratepayer's properties, being the CBD parkland NE corner Fenton Way and Oldaker St also the very convenient street level car park in Edward Street:
- (a) has council made a final decision about the future of the properties?
 - (b) if a decision has been made when will ratepayers be notified and given details?
 - (c) If no decision has been made when is it expected a decision will be made?

Response

As previously advised Council has been considering a number of proposals as a result of the EOI process which was undertaken for these properties. A contract is close to being finalised for the Fenton Way site. This development will be announced in the near future and will be subject to the usual, publicly advertised Development Permit Approval processes. Council has not made any decision in relation to the land located in Edward Street.

- Q2** It is noted that a considerable amount of work was recently undertaken to remove and reinstate cladding panels on the south external wall of the paranapple centre; will the General Manger provide details as why it was necessary to do so and the cost of the work involved?

Response

These works were undertaken by the original constructing contractor to repair a persistent leak identified in this location. The works were completed at no cost to Council or the paranapple centre body corporate.

- Q3** Now that (as reported in the Advocate) the paranapple cafe formerly occupied by Hudsons has been relet:
- (a) will council reveal to ratepayers what will be the guaranteed amount of annual rental income to be received?
 - (b) is the amount to be received in accord / consistent with the original business plan?
- And
- (c) and if the amount is not in accord what percentage of the original amount will be received?

Response

Council have accepted a new leasing proposal for the café tenancy within the paranapple centre. Council's consideration of this lease was made with regard to an open expression of interest process and a Market Valuation undertaken by an independent, licensed property valuer.

The lease utilises Council's standard lease template which has previously been made publicly available. The rental amount and key lease terms remain commercial in confidence.

ATTACHMENTS

1. QsoN RBV for 23 Jan 2023 [**3.2.2.1** - 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 DEVELOPMENT OF A NAMING OF COUNCIL COMMUNITY FACILITIES AND OPEN SPACE POLICY

Author: **Councillor Steve Martin**

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 Martin.

MOTION

That Council develop a "Naming of Council Community Facilities and Open Space Policy" that incorporates opportunities for community submissions; and the formation of a community-based Place Naming Committee.

SUPPORT

The intent of this motion is for the creation of a consistent, fair, and transparent process that looks to encourage and harness the community's involvement:

- In the naming of public spaces, facilities, buildings, and other features, that are owned or maintained by the City of Devonport.
- In researching the significance and history of each opportunity.
- In connecting people and place with the history, the present, the future, and the aspirations of our city.

The policy should not apply to the naming of streets or roads.

As with Council's process for the naming of the paranapple centre, the Place Naming Committee would have representation from all sectors of the community including, but not limited to, first nation people; business and industry; young people; tourism; Not for Profit organisations and Council.

The Place Naming Committee would ideally be tasked with, but not limited to:

- Receiving all submissions.
- Undertaking consideration of all submissions in a consistent way for the community's benefit.

Such benefits may include:

- A sense of belonging
- Connection to country, community, and place
- Recognition and identification
- Learning
- Culture
- Heritage

Submitting to Council for selection/adoption and implementation selected name/s along with justification/s.

Council ideally would:

- Promote an Expression of Interest to the community for membership on the Place Naming Committee.
- Consider applications and appoint members.
- Promote place naming opportunities to the community for their submissions and justifications.
- As a guide, only provide examples of places already named, and not suggestions for current opportunity.
- Councillors may individually submit their own suggestions and reasonings as part of the same process.
- Receive submissions and ready them for consideration by the Place Naming Committee.
- Convene the Place Naming Committee to consider all submissions.
- Ready report to Council of Place Naming Committee's suggestion/s and justification/s for adoption and implementation.
- Forward final decision to Place Names Tasmania for acceptance and registration.

OFFICER'S COMMENTS

A previous process for the naming of public reserves, parks etc, the "Recognition of Civic Service Award" originated from a Council resolution in 2007 (Res. 6620/07) and was rescinded at the April 2022 Council Meeting (Res. 22/71).

These guidelines had been in place since June 2007, and had been used sparingly, with only two Devonport residents bestowed the honour since the Award was introduced. The guidelines are quite prescriptive and restrictive, in that they call for the convening of a special panel, comprised of the Mayor, General Manager and three selected members of the community to consider the nomination. There is a risk with this approach that the community members selected to form this panel may be chosen quite subjectively, and therefore reduce the transparency and objectivity of the decision-making process.

It was determined at Council's April 2022 meeting that all requests to rename public open spaces or community facilities were to be undertaken in accordance with Clause 5 of Council's Commemorative Seat Policy.

This Policy includes a section on "Other Memorials" and outlines a straightforward process where any request to name or rename a public space or community facility to commemorate a person or organisation will be referred to Councillors for consideration, in accordance with the Policy.

In some circumstances, community consultation is recommended as part of a renaming process (with responses forming part of the Council decision-making process); other spaces have been renamed exclusively by a decision of Council, without community consultation (generally instigated via a Notice of Motion process and assessed by Councillors against the Policy).

The supporting report to Council's April 2022 meeting noted that:

"As Councillors are popularly elected representatives of the community, it is considered that they, as community representatives, are adequately credentialed to assess and determine proposals to name or rename a public space or reserve and can reach their decision objectively and with the community interest front of mind.

With nine elected members this also provides a broader decision-making process than the five-person committee structure" (as to be convened by Council's former

process), and that the Commemorative Seat Policy would be renamed “*with a title which more accurately reflects the broader scope of the document*” at its next scheduled review (in July 2023).

Council is recognised as a responsible authority under the *Place Names Tasmania Act 2020* and has authority to request the naming and renaming of public open spaces by Place Names Tasmania. The official naming of public open spaces is to be recommended by the Place Names Tasmania Advisory Panel, and referred to the Minister (Minister for Parks) for formal approval.

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 - 4.7.

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 AM2022.03 & PA2022.0100 - REZONING OF THE AGRICULTURAL ZONE TO THE RURAL LIVING ZONE TO PART OF 130 TUGRAH ROAD (CT198466/1) & 7 LOT SUBDIVISION (INCLUDING CONSOLIDATION)

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

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority resolve that:

- The Tasmanian Planning Commission be advised that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*;
- A copy of this report and representations be forwarded to the Tasmanian Planning Commission;
- The TasWater SPAN is to be included as part of condition 6 of permit PA2022.0100. A revised draft copy of the permit is to be provided to the Tasmanian Planning Commission;
- Certification of the draft amendment, as per resolution 22/228, remains supported.

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 determine whether changes are required in respect to draft amendment AM2022.03 and concurrent planning application PA2022.0100, as a result of the representations received regarding the proposal to amend the *Tasmanian Planning Scheme – Devonport* and the Local Provisions Schedule in accordance with Section 40T of the *Land Use Planning and Approvals Act 1993* (the Act) in regard to the following matters:

- Remove the Agricultural Zone from CT 198466/1, forming part of 130 Tugrah Road;
- Introduce the Rural Living Zone A to CT 198466/1, forming part of 130 Tugrah Road;
- Introduce the Priority Vegetation Area overlay to CT 198466/1, forming part of 130 Tugrah Road and;
- 7 lot subdivision (including consolidation).

BACKGROUND

The Planning Authority resolved at its meeting of the 24th of October 2022, to certify draft amendment AM2022.03 and concurrent planning application PA2022.0100 (resolution 22/228). The original report is appended as **Attachment 1** to this report.

COMMUNITY ENGAGEMENT

The draft amendment was placed on public exhibition for a period of 28 days in accordance with section 40G of the Act. During this time, state agencies and the community had the opportunity to comment via representation made to Council.

In accordance with sections 40K & 42 of the Act, a report must be provided to the Tasmanian Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

REPRESENTATIONS

Representations were received from TasWater and the Department of Natural Resources and Environment Tasmania (NRE). Each representation is discussed in further detail below.

TasWater

TasWater submitted a Request for Additional Information (RAI) during the notification process. The RAI required concept design plans to demonstrate water serving for each lot and clarification on the on-site wastewater methodology. Council sent the RAI request to the applicant (PDA Surveyors), who provided further information to address the RAI request. This information was sent to TasWater, who subsequently issued their Submission to Planning Notice (SPAN).

TasWater state in their SPAN that they do not object to the draft amendment and have applied conditions for the subdivision permit. The SPAN will be attached to the draft permit, forming part of condition 6. A copy of the revised draft permit is appended as **Attachment 2** to this report which will be forwarded to the Tasmanian Planning Commission. For information purposes, a copy of the RAI and applicant's response to the RAI is also appended as **Attachment 3** to this report.

No further action is required from the Planning Authority regarding this representation.

NRE

NRE also provided feedback on the combined draft amendment. A copy of their representation is appended as **Attachment 4** to this report.

Overall, NRE support the application of the Rural Living Zone A to 130 Tugrah Road, noting that the inclusion of the Priority Vegetation Area will afford the site enhanced conservation controls from a planning scheme perspective in comparison to the existing Agriculture Zone.

They, however, have identified some inconsistencies with the vegetation types identified with the Natural Values Assessment by Natural State and discussed other flora and fauna findings.

In this case, it is thought prudent that if additional clarification is required by NRE or changes to the draft permit are required that this is done in consultation with the proponent, Planning Authority and the Tasmanian Planning Commission as part of the next stage of the assessment process. Overall, the representation does not constitute any modifications to the amendment and permit at this stage.

STATUTORY REQUIREMENTS

Section 40k of the *Act* requires that the Planning Authority must be satisfied that the draft amendment meets the Local Provisions Schedule (LPS) criteria as listed in section 34. No alterations to the draft amendment or concurrent planning permit have been suggested that result in changes to the initial assessment of the LPS criteria as previously endorsed as part of the report considered by the Planning Authority on the 24th of October 2022. The proposal continues to meet the LPS criteria.

FINANCIAL IMPLICATIONS

No financial implications are predicted as a result of this combined amendment and permit application.

CONCLUSION

The two representations received regarding this proposal are not deemed to have raised any issues that require any changes to the combined amendment and permit, except for the inclusion of the TasWater SPAN, forming part of condition 6 of the permit.

ATTACHMENTS

1. Council Report 24 October 2022 - AM2022.03 & PA2022.0100 - 130 Tugrah Road [**4.1.1** - 260 pages]
2. Draft Planning Permit PA2022.0100 - 130 Tugrah Road [**4.1.2** - 8 pages]
3. TasWater RAI & Applicant response - AM2022.03 & PA2022.0100 - 130 Tugrah Road [**4.1.3** - 13 pages]
4. NRE Submission - AM2022.03 & PA2022.0100 - 130 Tugrah Road [**4.1.4** - 3 pages]

4.2 AM2022.02 & PA2022.0092 - 1, 5 FRIEND STREET & 88, 90-102 STONY RISE ROAD STONY RISE - REMOVE AND AMEND GENERAL RETAIL AND HIRE (SUPERMARKET AND OTHER RETAIL), FOOD SERVICES, BUSINESS AND PROFESSIONAL SERVICES, BULKY GOODS SALES AND SERVICE INDUSTRY

Author: **Emma Pieniak, Planning Officer**
Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority resolve that:

- a. modification to the draft amendment to allow a discretionary pathway for Sports & Recreation as a result of the representations received. Additional permit conditions are recommended to manage the signalisation of the intersection of Friend Street and Stony Rise Road;
- b. the Tasmanian Planning Commission be advised that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*;
- c. a copy of this report be forwarded to the Tasmanian Planning Commission, including a copy of each representation and submissions by Department of State Growth, Department of Natural Resources and Environment, TasNetworks and TasWater;
- d. include Sports & Recreation with the qualification; if for fitness centre or gymnasium, to the Discretionary section of DEV-S1.5 Use Table of the draft amendment,
- e. certify the amended draft amendment; refer to **Attachment 3** and
- f. planning permit conditions be amended to read as follows:
 1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Job No: 5097 dated Sep '21 by Leffler Simes Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit;
 2. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events and for a suitable range of storm durations, to identify peak discharge flows up to 20-year ARI only. 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;

3. The traffic signalisation to the Friend Street and Stony Rise Road intersection must be completed prior to occupancy of the development as approved by this Planning Permit;
4. The traffic signalisation of the Friend Street and Stony Rise Road intersection is carried out per the Transport Impact Assessment by GHD project no. 12559925 Revision 2, a copy of which is attached and endorsed as documents forming part of this Planning Permit;
5. As the road authority for Friend Street, Council requires the developer to provide full detail design for the road, footpaths, and pedestrian ramps from the roundabout on Friend Street up to the intersection be submitted for approval by the City Engineer;
6. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point);
7. The developer is to provide footpath connectivity from the development site to Stony Rise Road for pedestrian movement;
8. The developer is to construct the car park to comply with Australian Standards 2890 Parking Facilities Part 1 – 6;
9. The developer is to provide external lighting to illuminate external vehicle parking areas and pathways;
10. The developer is to comply with any conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*;
11. A detailed landscape plan including plant schedule with species, stock size and quantity of plants must be submitted for approval by the Planning Authority prior to any subsequent building permit applications. This plan will be endorsed and form part of this planning permit;
12. Illuminated signage visible from public places must not create the effect of flashing, animation or movement;
13. Hours of operation and commercial vehicle movements, including loading/unloading of deliveries, within 50m of residential properties must be within:
 - a. 7:00am to 9:00pm Monday to Saturday; and
 - b. 8:00am to 9:00pm Sunday and statutory holidays.

Notes: 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.

Permitted hours of construction work are Monday to Friday from 7am – 6pm, Saturday from 9am – 6pm and Sunday and statutory holidays from 10am – 6pm.

The amenity of the area must not be detrimentally affected by the use or development through the:

- (a) Transport of materials, goods or commodities to or from the land; or
- (b) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

It is recommended that the developer contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

In regard to condition 10 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-9 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 determine whether changes are required in regard to draft amendment AM2022.02 and concurrent planning application PA2022.0092, as a result of the representations received in regard to the proposal to amend the *Tasmanian Planning Scheme – Devonport* and the Local Provisions Schedule in accordance with section 40T of the *Land Use Planning and Approvals Act 1993* in regard to the following matters:

- a. Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan from CT167737/18 and delete from the Devonport Local Provisions;
- b. Apply the Devonport Regional Homemaker Centre Specific Area Plan to CT167737/18;
- c. Set aside request for rezoning for a Particular Purpose zone;
- d. Amend the Devonport Regional Homemaker Centre Specific Area Plan; and

- e. Approve application PA2022.0092 for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage.

BACKGROUND

Council resolved, at its meeting of the 24th of October, 2022, to certify draft amendment AM2022.02 and concurrent planning application PA2022.0092. The original report is appended as **Attachment 1**. As part of the assessment process Council was required to advertise the draft amendment and concurrent planning permit and refer the proposal to a number of state agencies. Interested parties had a period of 28 days in which to submit a representation if desired.

COMMUNITY ENGAGEMENT

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

In accordance with sections 40K and 42 of the Act, a report must be provided to the Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

REPRESENTATIONS

Representations were received from state authorities, residential neighbours and business owners within the Devonport community. The issues raised have been summarised in the table below with comments and modifications as required.

It is pertinent to understand that whilst the representations may highlight a policy or guideline which they have interpreted the draft amendment being inconsistent with, many of these policies are broad or general and can be interpreted differently depending on the intent.

Representation	Comment	Modification
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Traffic concerns:

Increase in traffic and safety impact to local residents'	Regardless of the draft amendment, any development of vacant land within the Homemaker Centre will result in increased vehicle movements. The proposed signalisation of the intersection between Friend Street and Stony Rise Road will provide greater safety to both pedestrians and road users. Access to residential properties from an arterial road such as Stony Rise will present a degree of constraint for access compared to a local road in a closed residential area. Growing populations will increase the number of vehicles on any roads, however both Council and the Department of State Growth have confirmed the proposed	Include condition/s on planning permit to ensure signalisation of intersection is carried out per the TIA.
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	works as outlined in the TIA will provide a safer road environment.	
Object to signalised intersection of Stony Rise Road and Friend Street	Both Council's City Engineer and Department of State Growth agree with the recommendation made by the Traffic Engineers rational provided in the Traffic Impact Assessment (TIA). Signalisation of this intersection will provide safer ingress and egress to the Homemaker Centre site.	None.
Additional access point should be provided to Homemaker Centre	The original Homemaker Centre SAP restricted a single entry to the site from Bass Highway and required all other vehicle access points to be from Stony Rise Road. These access points have been established and there is no intention to reconfigure and allow additional vehicle access points.	None.

Draft Amendment has inconsistencies with:

-original objective of the Home Maker SAP	<p>The Devonport Retail Study 2007 recognised that there is an increasing demand in Devonport for large format retailing on sites located away from activity centres. The original Homemaker Centre Zone referenced Showrooms, which was amended to Bulky Goods Sales, however the list of acceptable types of retail have not changed.</p> <p>Not all the retail types currently listed in DEV-S1 Use Table fit within those provided to define Bulky Goods Sales in part 6.3 of the TPS. The overarching intent of the Homemaker SAP has been to provide a consolidated area to develop large format retail with complimentary Food Services.</p> <p>The stagnation of development within this site suggests there is no longer a desire for further 'home maker' retail occupants looking to establish. There is, however, scope for other large format retail to establish in this area, which may be restricted from doing so currently due to the uses defined within the SAP. The amended SAP is clear in the intent for continued development of large format retail and restricted complimentary uses. The use and development requirements are robust in</p>	None.
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	ensuring the objectives can be effective in ensuring the primacy of the CBD as the activity centre is not lost.	
-the LIVING CITY plan	<p>The Living City Master Plan highlights the following deliverables:</p> <ul style="list-style-type: none"> • Facilitate new retail development in the CBD, complementing existing retail and limiting further fragmentation. • Establish the City as a retail destination with attractive downtown retailing complementing the existing Homemaker Centre (Northern Tasmania's largest). • Create a cultural heart for the region focused on the arts and food. • Establish a platform on which to realise a long-held vision to open the City to the waterfront. • Give a purpose to the southern part of the CBD, consolidating a critical mass of business and professional service uses. • Raise the standard for accommodation and visitor services, attracting more visitors who will spend longer in the region. • Create a destination where produce from North West Tasmania, one of the greatest food producing regions of the world, can be showcased. <p>Provide massive economic benefits for the region with initial modelling indicating the flow on effect to the regional economy to be in excess of \$500 million annually</p> <p>The proposal involves the creation of a 'neighbourhood centre' that offers a limited range of retail, business and food service uses for the convenience needs of the local area.</p> <p>The provisions of the SAP are designed to provide for appropriate regulation of land use and development that supports but does not compromise the role of established activity centres (including the CBD). Importantly the draft amendment does not facilitate a</p>	None.

	<p>full spectrum of retail use and development to occur. It adopts a nuanced approach that is appropriately consistent with the concept and function of a neighbourhood centre.</p> <p>The proposal is appropriately consistent with the Living City Master Plan.</p>	
-Cradle Coast Regional Land Use Strategy	<p>Part C – 3.3.1 Economic Activity Relevant policy requirements:</p> <ul style="list-style-type: none"> (a) Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations and recognise the unique economic circumstances that exist on King Island (c) Ensure locations for employment use accommodate new forms and changing patterns of economic activity (d) Promote provision of employment land in locations where – <ul style="list-style-type: none"> i. land is physically capable of development ii. transport access and utilities can be provided at reasonable economic, social and environmental cost iii. there is a access to resource, energy, communication, and workforce iv. sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement v. local strategy on King Island identifies a need for alternative approaches to recognise the unique circumstances of the local island economy <p>Part C – 3.3.9 Business and Commercial Activity Relevant policy requirements:</p> <ul style="list-style-type: none"> (a) facilitate convenient access in each settlement area to food and 	None.

	<p>convenience goods retailers and services</p> <p>(b) promote the distribution of higher order retail goods and services throughout the Region in a manner consistent with recognised settlement patterns and at a scale, type and frequency of occurrence appropriate to settlement size, local consumer demand, and relationship to the wider regional market</p> <p>i. In this regard Devonport, Burnie, Latrobe, Sheffield, Ulverstone, Wynyard, Queenstown, Smithton and Currie will provide regional or district business and commercial service roles in addition to meeting local demand.</p> <p>(c) facilitate retail and service provision to complement and enhance the collective drawing power of existing retail and service areas but which does not involve location of major attractors for the express purpose of capturing market share in excess of that warranted by settlement size and relative function in a regional context</p> <p>(d) promote integration of neighbourhood retail and service provision into residential areas at a scale, location and disposition suitable to service local need</p> <p>(e) maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones</p> <p>(f) promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality</p> <p>(g) prevent linear commercial development</p> <p>(h) prevent leakage of commercial and retail activities from preferred</p>	
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	<p>locations by restricting retail sales in other land use areas</p> <ul style="list-style-type: none"> (i) provide designated locations for bulky goods and large format retailing, including for vehicle, building and trade supply, and home improvement goods (j) restrict sale of food, clothing and carry away consumables through bulky goods and large format retail outlets located outside town centres (k) require proposals for major business or commercial development outside designated town centres be supported by need, absence of suitable alternative sites and of potential for immediate, incremental or cumulative adverse affect on established town centres and the regional pattern of retail and service provision. <p>Part C – 4.5 Land Use Policies for facilitating access to business and community services</p> <p><i>Liveability of the Region is dependent in part on local or convenient and equitable access to a range of business and community services to meet both daily and specialist requirements. Land use planning processes –</i></p> <ul style="list-style-type: none"> (a) <i>Require each settlement area facilitate a mix of use and development of a nature and scale sufficient to meet for basic levels of education, health care, retail, personal services and social and economic activity and for local employment opportunities for the convenience of the local resident and catchment population</i> (b) <i>Locate business and community service activity reliant for operational efficiency on a regional-scale population or on a single or limited number of sites at Burnie or Devonport, and at Latrobe, Ulverstone, Sheffield, Wynyard, Smithton, Currie and Queenstown.</i> 	
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	<p>The site represents 'employment land' for the purposes of the CCRLUS and accommodates well established business activity - generally in the form of bulky goods and ancillary type use and development.</p> <p>The proposal compliments this existing activity through the creation of a 'neighbourhood centre' that offers a limited range of retail, business and food service uses for the convenience needs of the local area. A major supermarket will serve as the primary activity generator and will be supported by a limited range of complimentary uses.</p> <p>The provisions of the draft SAP are designed to provide for appropriate regulation of land use and development that supports but does not compromise the role of established activity centres (including the CBD). Importantly the draft amendment does not facilitate a full spectrum of retail use and development to occur. It adopts a nuanced approach that is appropriately consistent with the concept and function of a neighbourhood centre.</p> <p>The findings of the recently commissioned Devonport Retail Study identify a shortfall of retail floor space, including both the demand and opportunity for an additional supermarket. The Homemaker Centre site is further identified by the Devonport Retail Study as an appropriate location to accommodate additional large format retail stores.</p> <p>With particular regard to the development of an additional major supermarket to serve as the main activity generator at this location, it is important to emphasise that this will be an additional major supermarket to those already operating in the CBD. The Devonport Retail Study provides the following statements with regard to</p>	
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	<p>potential retail outcomes for supermarkets/neighbourhood centres:</p> <p><i>'A general benchmark often considered in the property industry is the provision of one major supermarket operator for every 8,000 to 10,000 people. The Devonport Retail Catchment contains a population of approximately 69,700 residents. On this broad measure there is demand for at least another full-line supermarket currently, and potentially another supermarket in the medium term.'</i></p> <p>The site is well placed to service surrounding settlement patterns (including the future residential growth areas contemplated by the Greater Devonport Residential Growth Strategy 2021-2041).</p> <p>The proposal is appropriately consistent with the relevant policy considerations of the CCRLUS.</p>	
-Devonport City Council Retail Study	<p>Section 6.3 – <i>The retail floorspace demand analysis indicates that there is a current shortfall of retail floorspace in the order of 10,000 sq.m in Devonport.</i></p> <p><i>In terms of retail floorspace by category, there is considered a need for the following:</i></p> <ul style="list-style-type: none"> • 4,400 sq.m of floorspace dedicated to food outlets including potentially a supermarket. • 5,450 sq.m of non-food floorspace including potentially new large format retail outlets. • 160 sq.m of retail services, which includes hairdressers/beauty salons and the like. <p><i>This analysis indicates that overall the scale of retail floorspace in Devonport broadly meets the needs of customers, though there is potential for some additional retail floorspace to be supported.'</i></p> <p>Section 6.4 – <i>'A general benchmark often considered in the property industry is the provision of one major supermarket operator for every 8,000 to</i></p>	None.

	<p>10,000 people. The Devonport Retail Catchment contains a population of approximately 69,700 residents. On this broad measure there is demand for at least another full-line supermarket currently, and potentially another supermarket in the medium term.'</p> <p>'The Devonport Homemaker Centre opened in 2013 and additional retailers have opened at the centre over time. The centre is currently fully leased. Given the analysis in the report and observation of the current market, there is considered to be the opportunity for some additional large format retail outlets in Devonport. Ideally the new stores would be located near the Devonport Homemaker Centre or on Don Road.'</p> <p>Section 6.5 – 'There is considered to be an opportunity for a new full-line supermarket, additional food & beverage outlets, some non-food/convenience retail shops and more large format retail stores to serve the needs of the local community and visitors.'</p> <p>The findings of the Retail Study identify a shortfall of retail floor space, and specifically identify both the demand and opportunity for an additional supermarket. The Homemaker Centre site is further identified by the Study as an appropriate location to accommodate additional large format retail stores.</p> <p>The proposal is appropriately consistent with the findings and recommendations of the Retail Study</p>	
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Other concerns:

Complexity of the submission by the applicant interpreted as unsuitable to satisfy objective 1 of the Resource Management and	The extent of information submitted with an application of this scale can be overwhelming, even to professionals. The explanatory report prepared by Council's planning officers is publicly available and planning officers provide the opportunity for anyone to discuss	None.
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Planning Systems of Tasmania part (c); and has Council provided information sessions to public to help them understand the operation of the Planning Scheme or Planning Commission in the amendment process?	this information during public advertising. There is no statutory regulation which specifies further guidance or additional information is necessary to achieve objective 1 (c).	
The applicants (Tipalea) Stony Rise community information programme could be misleading to public.	This is not controlled under the planning scheme amendment process and Council has not advertised or supported the community engagement and public information process Tipalea has chosen to deploy.	None.
Planning Authority's changes to proposal by applicant further departure from the original SAP objectives and changes not considered in the supporting documentation supplied by the applicant.	Council has been clear to the applicant from the outset that an amendment to the SAP was preferable over the PPZ referenced in the application documents evidenced in the further information request appended to this report as Attachment 2 . The recommendation as submitted to the Planning Authority in October 2022 outlines the reasoning for the change as enacted by section 40F(2)(b) which provides that, if Council is not satisfied that the draft amendment meets the LPS criteria, it must modify the draft to ensure that it does meet the LPS Criteria, and then certify the draft.	None.
Existing supermarkets within greater Devonport area are sufficient to service the population.	The findings of the Retail Study identify a shortfall of retail floor space, and specifically identify both the demand and opportunity for an additional supermarket.	None.
Environmental concerns, report dated 2013 too old to be relevant for considerations of sensitive use or development.	Potentially Contaminated Land Code applies to CT 173535/16 for any future development or use of the site having previously contained underground petroleum storage tanks, which have been formally decommissioned as recorded by EPA mapping in the LIST.	None.

Representations from applicants:

Was prohibiting indoor recreation within 50m of residential intentional?	The exclusion of discretionary consideration for indoor recreation use was not intentional. Council can be satisfied there are suitable considerations under the Commercial Zone and SAP draft amendment to address potential impacts to residential amenity to ensure that an indoor recreational facility would not pose a detrimental impact to nearby residential properties.	Amend DEV-S1.5 Use Table to include Sports & Recreation with the qualification; if for fitness centre or gymnasium, to the Discretionary section.
Bulky Goods Sales as permissible under Discretion within the SAP area. Include qualification to exclude Bulky Goods Sales within the Stony Rise Village Precinct A or Precinct B.	The Area Description in Table DEV-S1.3.2 for Stony Rise Precinct A emphasises the objective for this parcel of land. The objectives for Stony Rise Precinct B and the remaining SAP area have similarly been defined in this table. Council believes the proposed SAP is robust in its intent and requirements to ensure the Stony Rise Village Precinct A will remain a focus for a neighbourhood centre while the remaining SAP area will provide opportunities for suitable types of Bulky Goods Sales uses.	None.
General Retail and Hire as permissible under Discretion within the SAP area. Inconsistent with Local Area Objectives and should be prohibited outside Stony Rise Village Precinct A and Precinct B.	The intent of the amended SAP is clear in that the changes to the use table combined with the Local Area Objectives will provide for further development of large format retail which would not otherwise be permissible under the current SAP. The Local Area Objectives further ensure that development for things such as a supermarket are to occur only within Stony Rise Village Precinct A and will not result in distortion of the neighbourhood centre focus to this portion of the site.	None.
Food Services as permissible as Permitted within the SAP area. Encourage Food Services within Stony Rise Village Precinct A and Precinct B and limit those within the remaining SAP area to 4.	The consultant's justification for restricting the extent of food services outside the Stony Rise Village Precincts omits the original intent of the Homemaker SAP, providing associated food outlets. There are currently 2 Food Services and one additional under construction. The intent of the qualification in the amended SAP was to continue provision for associated food outlets within the whole site consistent with the original SAP intent.	None.

Commercial vehicle access activity on lot subject to planning permit. Amend permit condition and possibly development plans, to allow vehicle access to the loading areas at all times, and the 'direct to boot' area from 5am.	The assessment against residential amenity as submitted by the applicant advised the hours of operation, commercial vehicle movements and unloading would occur within 7am to 9pm Monday – Saturday, and 8am to 9pm Sunday and public holidays. The applicant may choose to provide an assessment against the relevant Performance Criteria of the Commercial Zone for consideration at the hearing. Council maybe in a position to support this revision at the hearing should further appropriate detail be provided.	None.
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Submissions by relevant agencies:

<p>DSG:</p> <p>"The Department of State Growth has no comments on the draft amendment. The Traffic Impact Assessment (TIA) accompanying the planning application recommends the intersection of Friend Street and Stony Rise Road be signalised. State Growth supports the recommended signalisation as it will improve both traffic and pedestrian safety."</p> <p>The planning permit should ensure the TIA recommendations are enforced. Should approval be granted the proponent will need to arrange detail design and engineering and should consult with State Growth as early as possible.</p>	<p>The applicant will require consultation and consent from both Council and State Growth as the relevant road authorities to facilitate the signalisation to the Friend Street and Stony Rise Road intersection.</p> <p>This process will require a collaborative approach, but it is important to note that the safety of road users and pedestrians will necessitate the completion of the signalised intersection prior to the occupation/use of the development on CT167737/15.</p>	<p>Include condition/s on planning permit to the effect that traffic signals and any associated requirements have been completed prior to occupation of the development as approved under the planning permit.</p> <p>Include condition/s on planning permit to ensure signalisation of intersection is carried out per the TIA.</p>
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The traffic signals will require Transport Commission approval.		
NRE: "Both 90-102 Stony Rise Road and one and five Stony Rise Roads are already cleared and are located within a developed urban landscape with existing housing, and commercial infrastructure, therefore it is anticipated that the proposed activity is unlikely to impact listed flora or fauna species."		None.
TasNetwork: "Based on the information provided, the development is not likely to adversely affect TasNetworks' operations. It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development."		Include note on planning permit advising contact details for TasNetworks.
TasWater: "TasWater does not object to the draft amendment to planning scheme and has no formal comments for the	The site plan referenced in the Submission to Planning Authority Notice has been altered. It is noted consent for the amendment to any plans endorsed under a planning permit will require consent from the Planning Authority.	TasWater Submission to Planning Authority Notice to be appended to Planning Permit.

Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings." Conditions relating to the development have been included as a Submission to Planning Authority Notice.		
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STATUTORY REQUIREMENTS

Section 40K of LUPAA requires that the Planning Authority must be satisfied that the draft amendment meets the Local Provisions Schedule (LPS) criteria as listed in section 34. No alterations to the draft amendment or concurrent planning permit have been suggested that result in changes to the initial assessment of the LPS criteria as previously endorsed as part of the report considered by the Planning Authority on the 24th of October, 2022. The proposal continues to meet the LPS criteria.

FINANCIAL IMPLICATIONS

There are no financial implications anticipated as a result of this proposal.

CONCLUSION

The proposal seeks amendment to the Devonport Local Provisions to amend the use classes within the Devonport Regional Homemaker Centre Specific Area Plan to facilitate development of a village precinct with supermarket and essential retail or business to service the growing resident base of Stony Rise, Tugrah, Spreyton, Devonport and further afield; and to avoid potential land use conflict between residential land and the use classes provided for within the Devonport Homemaker Service Industrial Centre Specific Area Plan. The representations received in regard to this proposal are not deemed to have raised any issues that require any significant changes to the proposal.

ATTACHMENTS

1. Planner's Report to Council 24 October 2022 - AM2022.02 & PA2022.0092 [**4.2.1** - 614 pages]
2. Further information Request - AM2022.02 & PA2022.0092 [**4.2.2** - 3 pages]
3. Amended Draft Amendment 17.1.23 - AM2022.02 & PA2022.0092 [**4.2.3** - 7 pages]

4.3 PA2022.0147 - 121 & 123 MERSEY MAIN ROAD SPREYTON - 5 LOT SUBDIVISION AND RESIDENTIAL (SINGLE DWELLING X 5)

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

Endorser: **Kylie Lunson, Executive 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 PA2022.0147 and grant a Permit to use and develop land identified as 121 & 123 Mersey Main Road, Spreyton for the following purposes:

- 5 lot subdivision and Residential (single dwellings x 5)

Subject to the following conditions:

Subdivision:

1. The subdivision is to proceed generally in accordance with the submitted plans and documentation referenced as:
 - a. Proposed Subdivision, Drawing No. 222135, dated 06/07/22 by Michell Hodgetts;
 - b. Bushfire Hazard Management Report, Version 2, dated 30 August, 2022 by Bruce Harpley of es&d; and
 - c. Bushfire Hazard Management Plan, dated 30 August, 2022 by Bruce Harpley of es&d.
2. All new driveways are to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09v3.
3. The stormwater is to be discharged in accordance with the National Construction Code for all lots to the connection point in the nature strip.
4. Consent from the Department of State Growth must be obtained for the new access points.
5. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Dwellings

6. The Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:
 - a. Proposed Residence & Subdivision, Sheets A100, A102 & A103, dated 12/09/22 by n+b;
 - b. Proposed Residence 1 & 3, Sheets A102-A104, dated 05/05/22 by n+b;
 - c. Proposed Residence 2, Sheets A102-A104, dated 05/05/22 by n+b; and
 - d. Proposed Residence 4 & 5, Sheets A102-A104, dated 05/05/22 by n+b;

7. The surface water from the driveway and/or any paved areas is to be collected and drained to the private stormwater drainage system.
8. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point).
9. There is to be no uncontrolled overland flow of stormwater from the proposed carparking areas to any of the adjoining properties.

Note: The following is provided for information purposes.

The subdivision is to be completed, and titles issued prior to construction of the dwellings.

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.

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

Addressing:

- Lot 1 on the Proposed Subdivision plan will become 121 Mersey Main Road
- Lot 2 on the Proposed Subdivision plan will become 121A Mersey Main Road
- Lot 3 on the Proposed Subdivision plan will become 123 Mersey Main Road
- Lot 4 on the Proposed Subdivision plan will become 123A Mersey Main Road
- Lot 5 on the Proposed Subdivision plan will become 125 Mersey Main Road

This complies with AS/NZS 4819.2011 Rural and urban addressing.

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*.

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.

Regarding condition 5, the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

Regarding conditions 2-3 and 7-9, the applicant/developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

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 PA2022.0147.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	121 & 123 Mersey Main Road, Spreyton
Applicant:	Platinum Pro Construction Pty Ltd
Owner:	Canary Developments Pty Ltd
Proposal:	5 lot subdivision and Residential (single dwelling x 5)
Existing Use:	Vacant and Residential
Zoning:	General Residential
Decision Due:	Initially 05/01/2023, Extension of time granted until 21/01/2023

SITE DESCRIPTION

The site is located to the north of Mersey Main Road and consists of two lots, 121 Mersey Main Road which has an area of 1686m² and 123 Mersey Main Road with an area of 2959m². The lots are flat and surrounded by established and undeveloped residential lots with a rural lot to the north-east. No. 121 is vacant while No. 123 currently contains a house and associated sheds. No. 121 is also identified as a Local Heritage Place under the planning scheme. Figure 1 shows an aerial view of the subject site and surrounding area and Figure 2 shows the title plans for each lot.



Figure 1 - Aerial view of subject site and surrounding area



Figure 2 - Title plans for CT182578/1 & CT31981/1 respectively

APPLICATION DETAILS

The applicant is seeking approval for a 5 lot subdivision and the subsequent development of a dwelling on each lot. The existing dwelling and associated outbuildings are to be demolished. Figure 3 shows the subdivision plan and Figures 4-7 show the house plans. The application can be viewed in full as **Attachment 1**.

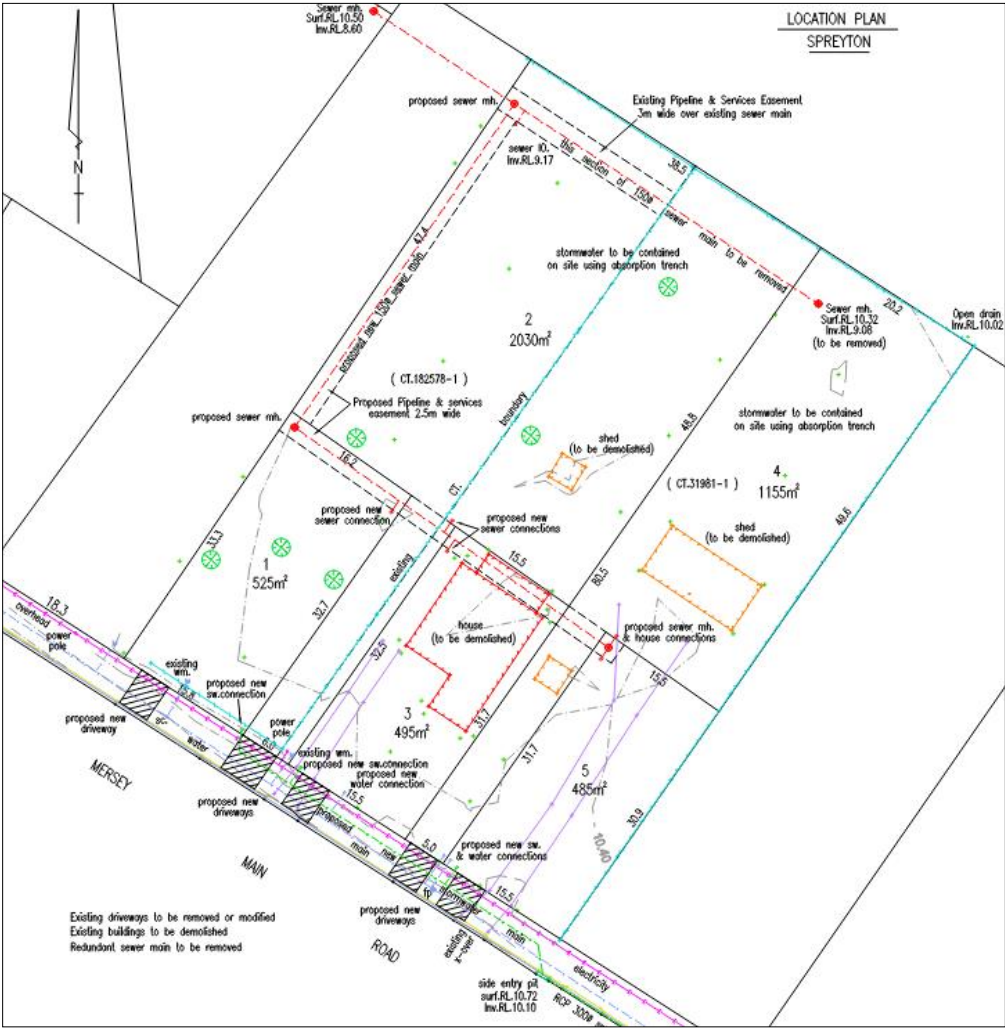


Figure 3 - Proposed subdivision plan

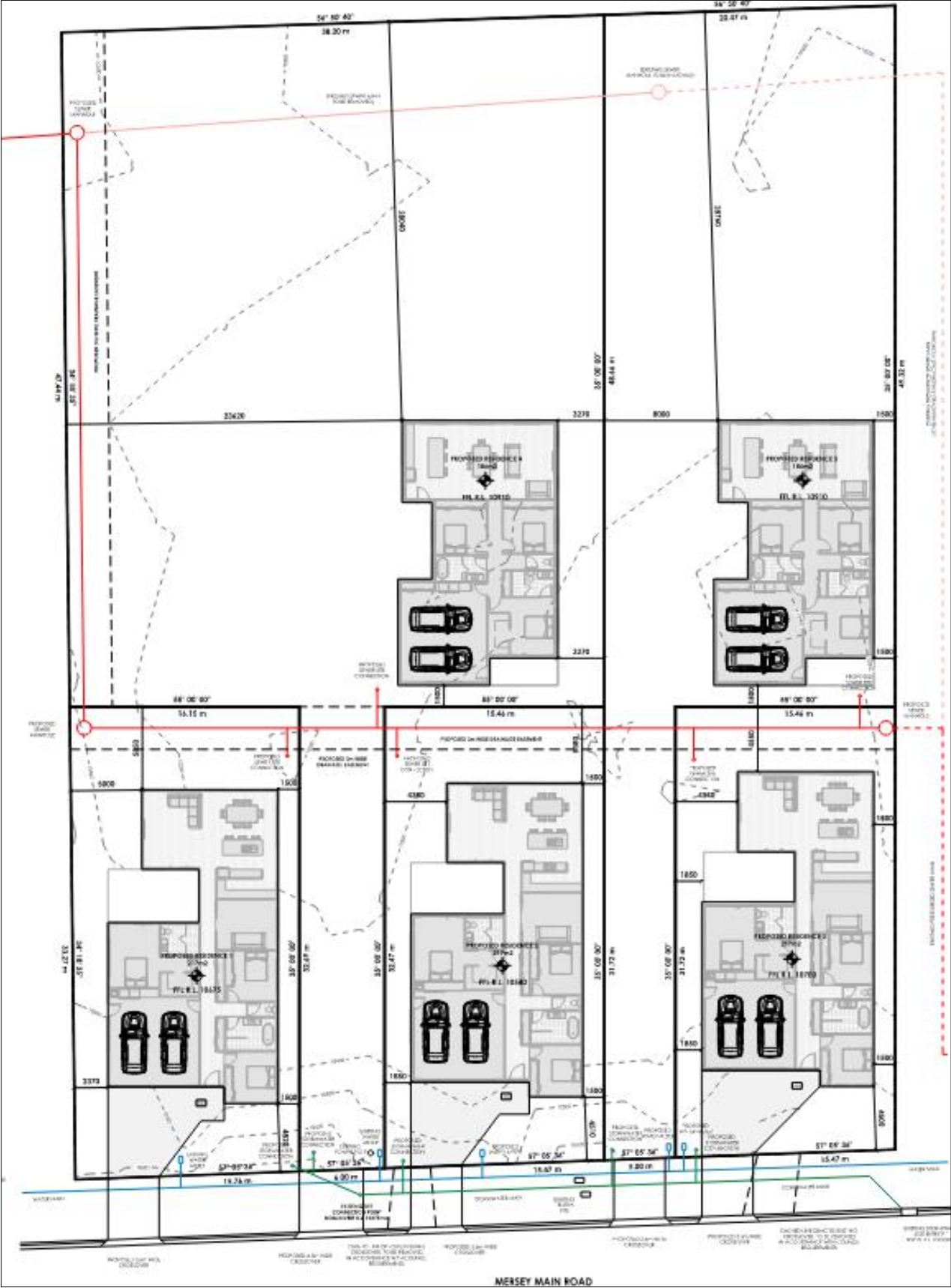


Figure 4 - Proposed site plan

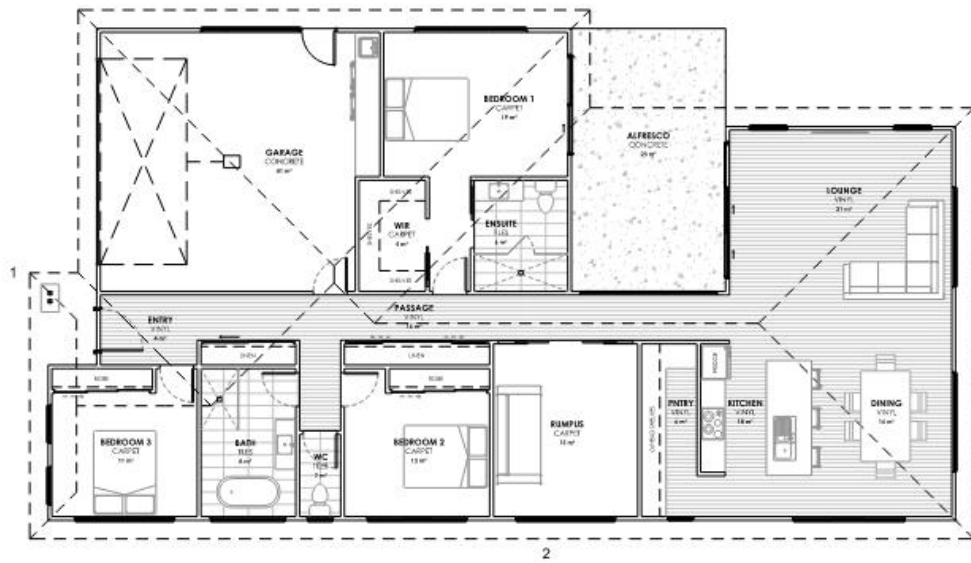




Figure 5 - Residences 1 & 3 - Floor plan and elevations





Figure 6 - Residence 2 - Floor plan and elevations





Figure 7 - Residences 4 & 5 - Floor plan and elevations

PLANNING ISSUES

The land is zoned General Residential under the *Tasmanian Planning Scheme - Devonport 2020*. The intent of the zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - (a) primarily serves the local community; and
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Subdivision does not require classification into a use class but must be assessed against any relevant clauses contained within the zone and any applicable codes.

Residential use in the form of single dwellings does not require a permit provided all relevant development standards contained within the zone and any applicable codes can be met at the acceptable solutions level. Where either the subdivision or single dwelling clauses cannot be satisfied at the acceptable solutions level the proposal is assessed against the corresponding performance criteria as a discretionary application in accordance with section 57 of LUPAA.

In this case the subdivision triggers the performance criteria in regard to the proposed internal lots and the Local Historic Heritage Code. The dwellings on the internal lots do not meet the setback requirements and the westernmost dwelling does not satisfy the requirements of the Local Historic Heritage Code. The relevant sections of the planning scheme are reproduced below, followed by assessment.

8.4.2 Setbacks and building envelope for all dwellings

Objective:	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level. 	<p>P1</p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>

The setback from the frontage is in excess of 4.5m for each dwelling.

The acceptable solution is met.

<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. 	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
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All garages have a setback in excess of 5.5m from the frontage.

The acceptable solution is met.

<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site.
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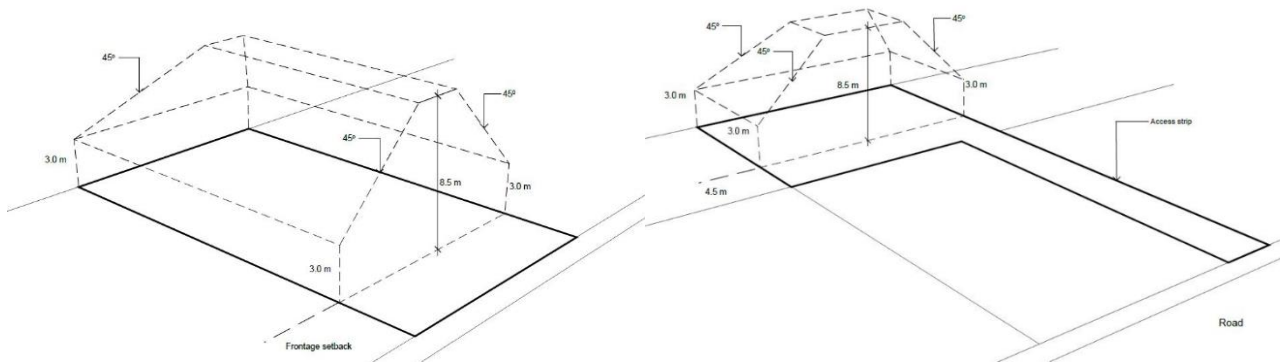


Figure 8.3 Building envelope for lots as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

The setback required by the planning scheme for the southern boundary of the internal lots is 4.5m however 1.5m is proposed. The setbacks of the adjoining dwellings will be 5.38m on Lot 3 (Residence 2) and 4.55m on lot 5 (Residence 3). Figure 8 shows a shadow diagram which demonstrates that the adjacent dwellings will be overshadowed until approximately 12pm on the shortest day of the year. However, the shadows will not cover the whole windows, still allowing sunshine to enter. In addition the dwellings have been designed to provide a large sliding door on the north-western wall which will also allow sunlight to enter the living areas. Alfresco living areas are provided on the western side of the adjacent dwellings, these will not be impacted by the proposed setbacks.

The bulk and scale of the houses is residential in nature. Windows into habitable rooms are setback 3.4m from the boundary and fencing will reduce visibility between the dwellings.

Separation between dwellings is in keeping with the area and no solar energy installations will be impacted.

The performance criteria is satisfied.



Figure 8 - Shadow diagrams

8.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.	
Acceptable Solutions		Performance Criteria
A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and		P1 Dwellings must have: (a) site coverage consistent with that existing on established properties in the area;

<p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and <p>(c) reasonable space for the planting of gardens and landscaping.</p>
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Each lot has the following site coverage:

Lot 1 = 42%

Lot 2 = 9%

Lot 3 = 44%

Lot 4 = 16%

Lot 5 = 45%

Multiple dwellings are not proposed.

The acceptable solution is met.

<p>A2</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); <p>(b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); 	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
<p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	

Each dwelling has an area of private open space with a minimum horizontal dimension of 4m and a total of 24m². The private open space will be relatively flat and appropriately located.

The acceptable solution is met.

8.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.	
Acceptable Solutions		Performance Criteria
A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		P1 A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

Each garage is setback at least 5.5m from the frontage.

The acceptable solution is met.

8.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions		Performance Criteria
A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:		P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: <ul style="list-style-type: none"> (a) a dwelling on an adjoining property or its private open space; or

<p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	<p>(b) another dwelling on the same site or its private open space.</p>
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Not applicable. None of the dwellings have a finished floor level more than 1m above existing ground level.

<p>A2</p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p>	<p>P2</p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p>
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<p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
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Not applicable. None of the dwellings have a finished floor level more than 1m above existing ground level.

8.6 Development Standards for Subdivision

8.6.1 Lot design

Objective:	<p>That each lot:</p> <p>(a) has an area and dimensions appropriate for use and development in the zone;</p> <p>(b) is provided with appropriate access to a road;</p> <p>(c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and</p> <p>(d) is orientated to provide solar access for future dwellings.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 450m² and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area.</p>

<p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	
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Each lot has an area in excess of 450m². It has been demonstrated that suitable development can be placed on each lot.

The acceptable solution is met.

<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, <p>and is not less than 3.6m wide.</p>
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Lots 2 & 4 have frontages less than 12m wide. The lots are internal and accessed via 6m and 5m wide accessed strips respectively. While the frontage widths do not meet the acceptable solution the performance criteria can be satisfied as the access strips are of sufficient width to allow for passing bays should multiple dwellings be built on the lots in the future. Each frontage is greater than 3.6m wide.

The performance criteria is satisfied.

<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
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Each lot will be provided with a crossover and driveway to the boundary of the lot.
The acceptable solution is met.

<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from adjoining properties; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area.
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Not applicable. No new roads are proposed.

8.6.2 Roads

Objective:	That the arrangement of new roads within a subdivision provides for: (a) safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.
Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i> ; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.

Not applicable. No new roads are proposed.

8.6.3 Services

Objective:	That the subdivision of land provides services for the future use and development of the land.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.</p>	<p>P1</p> <p>A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to:</p> <ul style="list-style-type: none"> (a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <ul style="list-style-type: none"> (a) the size of the lot; (b) topography of the site; (c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.

Each lot will be provided with a connection to the reticulated water, sewer and stormwater systems.

In regard to stormwater, the connections will be into the existing system located in the road reserve. As lots 2 & 4 are very flat the dwellings on each site are to be built approximately 400mm above natural ground level to enable them to drain to the main. The final plan may be annotated to say that Council cannot provide drainage to the rear of these lots, however, the applicant is working with the developer of 14-18 Fraser Street to the north to access the new stormwater main being installed within that lot which would provide an alternative solution to drain the rear of the internal lots.

Several Codes are also applicable to the proposal. Figure 9 shows the site being a Local Heritage Place and within a bushfire-prone area.



Figure 9 - Bushfire-prone area and Local heritage place as they apply to the site

C3.0 Road and Railway Code

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.

New vehicle crossings are required for each lot. Consent by the road authority is provided through approval of the proposal and permit conditions.

C6.0 Local Historic Heritage Code

No. 121 Mersey Main Road was subdivided from a property containing a dwelling built in 1898 (119 Mersey Main Road to the west). As a result the lot retains its status as a Local Heritage Place and must be assessed against the code, however, the lot only retains its status as a Local Heritage Place because its removal requires an amendment to the planning scheme.

C6.6 Development Standards for Local Heritage Places

C6.6.1 Demolition

Objective:	That the demolition or removal of buildings do not cause an unacceptable impact on the local historic heritage significance of local heritage places.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Demolition or removal of buildings on a local heritage place must not cause an unacceptable impact on the local historic heritage significance of the place, having regard to: <ul style="list-style-type: none"> (a) the physical condition of the local heritage place; (b) the extent and rate of deterioration of the building or structure; (c) the safety of the building or structure; (d) the streetscape or setting in which the building or structure is located; (e) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (f) any options to reduce or mitigate deterioration; (g) whether demolition is a reasonable option to secure the long-term future of a building or structure; and (h) any economic considerations.

Not applicable. There are no buildings on 121 Mersey Main Road.

C6.6.2 Site coverage

Objective:	That site coverage is compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 The site coverage must be compatible with the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; and (b) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person.

The proposed site coverage is in keeping with the surrounding area.

The performance criteria is satisfied.

C6.6.3 Height and bulk of buildings

Objective:	That the height and bulk of buildings are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 The height and bulk of buildings must be compatible with the local historic heritage significance of a local

	<p>heritage place, having regard to:</p> <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; and (d) the setting of the local heritage place.
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The height and bulk of the proposed dwellings is compatible with the surrounding area.
The performance criteria is satisfied.

C6.6.4 Siting of buildings and structures

Objective:	That the siting of buildings is compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>		<p>P1</p> <p>The front, side and rear setbacks of a building must be compatible with the local historic heritage significance of the place, having regard to:</p> <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (b) the topography of the site; (c) the size, shape, and orientation of the lot; and (d) the setbacks of other buildings in the surrounding area.

The setbacks are in keeping with the surrounding area.
The performance criteria is satisfied.

C6.6.5 Fences

Objective:	That fences are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions		Performance Criteria
A1 New fences and gates on local heritage places must be designed and constructed to match existing original fences on the site.		P1 New fences and gates must be compatible with the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (b) the architectural style of the buildings on the site; (c) the dominant fencing style in the setting; (d) the original or previous fences on the site; and (e) the proposed height and location of the fence.

No new fences are proposed, however there is a wide variety of fencing in the surrounding area. New fencing is likely to be colorbond which will be satisfactory.

The performance criteria can be easily met.

C6.6.6 Roof form and materials

Objective:	That roof form and materials are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solutions		Performance Criteria
A1 Replacement roofs on local heritage places which will be visible from any road or public open space adjoining the site, must be of a form and material to match the existing roof being replaced.		P1 Roof form and materials must be compatible with the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"> (a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; (b) the design, period of construction and materials of the building on the site that the roof directly relates to; (c) the dominant roofing style and materials in the setting; and (d) the streetscape.

The roofs are in keeping with the surrounding area.

The performance criteria is satisfied.

C6.10 Development Standards for Subdivision

C6.10.1 Lot design on a Local Heritage Place

Objective:	That subdivision does not cause an unacceptable impact on the local historic heritage significance of local heritage places.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Subdivision must not cause an unacceptable impact on the local historic heritage significance of a local heritage place, having regard to: <ul style="list-style-type: none"> (a) the local historic heritage significance of the local heritage place identified in the relevant Local Provisions Schedule; (b) the historic development pattern of the area; (c) the separation of buildings or structures from their original setting; (d) the lot sizes, dimensions, frontage, access and orientation; (e) the suitability of the proposed lots for their intended uses; and (f) the removal of vegetation, trees or garden settings.

The heritage building has already been subdivided from the subject site and the proposed subdivision will not have any further impact on the Heritage Place.

The performance criteria is satisfied.

C13.0 Bushfire-Prone Areas Code

C13.6 Development Standards for Subdivision

C13.6.1 Provision of hazard management areas

Objective:	<p>That subdivision provides for hazard management areas that:</p> <ul style="list-style-type: none"> (a) facilitate an integrated approach between subdivision and subsequent building on a lot; (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and (c) provide protection for lots at any stage of a staged subdivision. 	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision: <ul style="list-style-type: none"> (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; (ii) shows the building area for each lot; (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS3959–2009 Construction of buildings in bushfire-prone areas</i>; and (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing 	<p>P1</p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <ul style="list-style-type: none"> (a) the dimensions of hazard management areas; (b) a bushfire risk assessment of each lot at any stage of staged subdivision; (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (d) the topography, including site slope; (e) any other potential forms of fuel and ignition sources; (f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development; (g) an instrument that will facilitate management of fuels located on land external to the subdivision; and (h) any advice from the TFS. 	

<p>hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS3959-2009 Construction of buildings in bushfire-prone Areas</i>; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision</p>	
<p>the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	

An accredited person has prepared a report and bushfire hazard management plan demonstrating compliance.

The acceptable solution is met.

C13.6.2 Public and fire fighting access

<p>Objective:</p>	<p>That access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> (a) allow safe access and egress for residents, fire fighters and emergency service personnel; (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken; (c) are designed and constructed to allow for fire appliances to be manoeuvred; (d) provide access to water supplies for fire appliances; and (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.
Acceptable Solutions	Performance Criteria
<p>A1</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that: <ul style="list-style-type: none"> (i) demonstrates proposed roads will comply 	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> (a) appropriate design measures, including: <ul style="list-style-type: none"> (i) two way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation clearances;

<p>with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>(iv) load capacity;</p> <p>(v) provision of passing bays;</p> <p>(vi) traffic control devices;</p> <p>(vii) geometry, alignment and slope of roads, tracks and trails;</p> <p>(viii) use of through roads to provide for connectivity;</p> <p>(ix) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) provision of turning areas;</p> <p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails; and</p> <p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire fighting water supplies; and</p> <p>(c) any advice from the TFS.</p>
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An accredited person has prepared a report and bushfire hazard management plan demonstrating compliance.

The acceptable solution is met.

C13.6.3 Provision of water supply for fire fighting purposes

Objective:	That an adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage to allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p>	<p>P1</p> <p>No Performance Criterion.</p>

<p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	
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An accredited person has prepared a report and bushfire hazard management plan demonstrating compliance.

The acceptable solution is met.

COMMUNITY ENGAGEMENT

On 24/08/2022, 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 03/12/2022;
- (b) Making a copy of the proposal available in Council Offices from the 03/12/2022;
- (c) Notifying adjoining property owners by mail on 01/12/2022; and
- (d) Erecting a Site Notice for display from the 01/12/2022.

The period for representations to be received by Council closed on 16/12/2022.

REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representation is from an adjoining property owner with concerns over stormwater and reproduced below.

General Manager
Devonport City Council

Re: File PA2022.0147

We are concerned about the storm water discharge from the proposed development at 121 – 123 Mersey Main Road, as the land is well below the level of the road & it floods our property as the storm water enters our property on the western boundary.

Regards
Philip & Anne Lynd

Figure 10 – Representation

Regarding the stormwater, no concentrated stormwater is permitted to enter adjoining properties. To ensure the stormwater from the new dwellings enters the reticulated system, the rear dwellings and turning areas will be built up. However, as mentioned previously, it is the intention of the developer to use the system to be constructed on the lot to the north and therefore avoid the need to raise the ground level in order to drain.

Nothing in the submission warrants changes to the proposed conditions.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative 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 proposal has been assessed by Council's Development and Infrastructure and Works staff, along with TasWater (TasWater SPAN appended to this report as **Attachment 2**) and can be approved with conditions.

ATTACHMENTS

1. Application - PA2022.0147 - 121 & 123 Mersey Main Road [**4.3.1** - 48 pages]
2. Tas Water Submission to Planning Authority Notice - 121 & 123 Mersey Main Road [**4.3.2** - 4 pages]

4.4 PA2022.0200 - RECYCLING AND WASTE DISPOSAL (WASTE TRANSFER STATION) - 5 & 7 HORRIE COURT, 1 LOONE LANE & 24A BISHOPS ROAD SPREYTON

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

Endorser: **Kylie Lunson, Executive 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 PA2022.0200 and grant a Permit to use and develop land identified as 5 & 7 Horrie Court, 1 Loone Lane and 24A Bishops Road, Spreyton for the following purposes:

- Recycling and Waste Disposal (waste transfer station)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the endorsed plans referenced as Veolia Environmental Services – Drawing Number 9541 (050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 067A, 068, 068A) by Tasmanian Consulting Service. A copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to provide a landscaping plan. The landscaping plan is to show landscaping along the Horrie Court frontage, clear of the vehicle access points. The plan is to be endorsed by Council's Executive Manager prior to the acceptance of the building application by the Permit Authority.
3. The amenity of the area must not be detrimentally affected by the use or development through the:
 - a) transport of materials, goods or commodities to or from the land; or the
 - b) emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.
4. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 20 -year Average Recurrence Interval (ARI), and for a suitable range of storm durations to identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to lodgement of 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.
- 5. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients as per the design for the detention storage plan connecting to the kerb.
- 6. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

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

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

Condition 2 is required to satisfy the performance criteria of Light Industrial Zone standard 18.4.5 – *Landscaping*.

The Final Plan associated with the approved boundary adjustment application – PA2022.0189 must be approved by Council before the lodgement of the building and plumbing application for the waste transfer station.

In regard to condition 6 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 4-5 the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

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 PA2022.0200.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	5 Horrie Court, 7 Horrie Court, 1 Loone Lane & 24A Bishops Road, Spreyton
Applicant:	PDA Surveyors
Owner:	Colorose Pty Ltd & Harris Property Nominee Pty Ltd
Proposal:	Recycling and Waste Disposal (waste transfer station)
Existing Use	Industrial
Zoning:	Light Industrial
Decision Due:	23/01/2023 - extension of time granted by applicant, initial decision due 10/01/2023.

SITE DESCRIPTION

The subject site is located within an industrial precinct of Spreyton and has an area greater than 7ha. The site consists of the following four properties:

- 5 Horrie Court (CT 168183/1)
- 7 Horrie Court (CT 178140/1)
- 1 Loone Lane (CT 135147/1); and
- 24A Bishops Road (CT 152763/100).

Figure 1 reproduced below is an aerial image of the site and surrounding locality.



Figure 1 – Aerial image of the site (highlighted in yellow) and surrounding locality (DCC, 2021)

5 & 7 Horrie Court are both undeveloped and contain hardstand areas for vehicle parking and container storage. 1 Loone Lane contains the established Veolia recycling depot and 24A Bishops Road is primarily undeveloped except for a building and storage area adjacent to the Bishops Road frontage.

Council approved a boundary adjustment associated with 7 Horrie Court and 24A Bishops Road in November 2022 - PA2022.0189. A copy of the approved boundary adjustment plan is reproduced below in Figure 2. The boundary adjustment provided an additional 1.25ha of land to 7 Horrie Court from 24A Bishops Road. This application is associated with the boundary adjustment application as the proposal will be located within the new boundary of 7 Horrie Court. The proponent is currently working through the requirements of the boundary adjustment permit for the future land title.

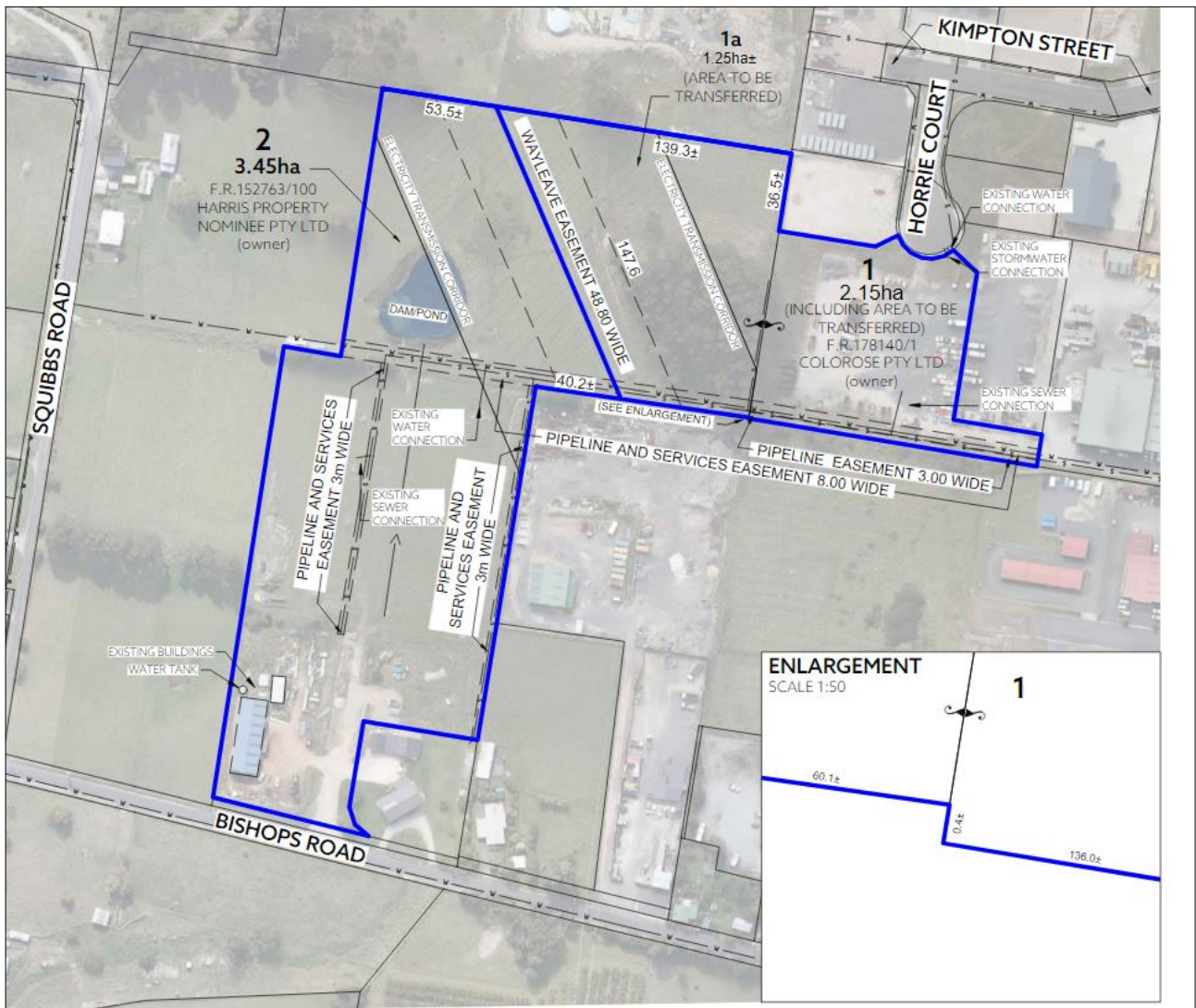


Figure 2 – Approved boundary adjustment plan – PA2022.0189 (PDA Surveyors, 2022)

APPLICATION DETAILS

The applicant is seeking approval for a new recycling and collection sorting facility for Veolia. The facility will operate separately to the existing Veolia facility situated at 1 Loone Lane. As mentioned, the facility will be located within the future boundary of 7 Horrie Court. Further details of the proposal are reproduced below from PDA's submission (the applicant).

"The proposal would involve the following actions:

- *The relocation of non-fixed equipment from 7 Horrie Court to elsewhere on the site, and the removal/demolishment of fixed development and vegetation are required to facilitate the proposed development. The vegetation subject to removal is a small plantation, not in situ native vegetation. As such, it does not require natural values consideration.*
- *The construction of a purpose-built waste transfer station. The station would receive comingled waste which would be sorted (but not treated) within the building before transportation to a recycling treatment facility or waste refuse site. Most of the building would contain waste acceptance and sorting equipment, with distinct areas such as an infeed area for waste acceptance*

from trucks, containers, cardboard and fibre, and glass. Employee facilities are proposed to be accommodated within a two-storey adjoining building on the northern elevation, with the main access door, lunchroom, amenities, an MCC room, a plant air room and separate male and female and accessible amenities on the ground floor. A staircase provides access to the first floor containing a meeting room, a viewing area for operations inside the main building, and an open-plan office.

- The siting and installation of two 10m diameter by 5m high water tanks, complete with sheltered pumping infrastructure and hydrants, for firefighting purposes.
- A weighbridge within the eastern end of 7 Horrie Court, that would be accessed during entry to the site via the right of way that burdens 1 Loone Lane.
- Earthworks to provide a level building site, new hardstand and twenty-four (24) car parking spaces with a separated pedestrian path to the employee-specific two-storey building.

The existing waste transfer station and its operations at 5 Horrie Court and 1 Loone Lane will remain independent and would not be affected by the proposal.

Access to the site would be via the right of way that burdens 1 Loone Lane for access and the upgraded crossover provision at the cul de sac of Horrie Court for egress.

The application has been referred to TasNetworks for comment due to the outer protection area corridor extending over the site."

A copy of the location plan and northern elevation of the development are shown below as Figures 3 and 4. A full copy of the development application, including plans and a traffic impact assessment is appended as **Attachment 1** to this report.

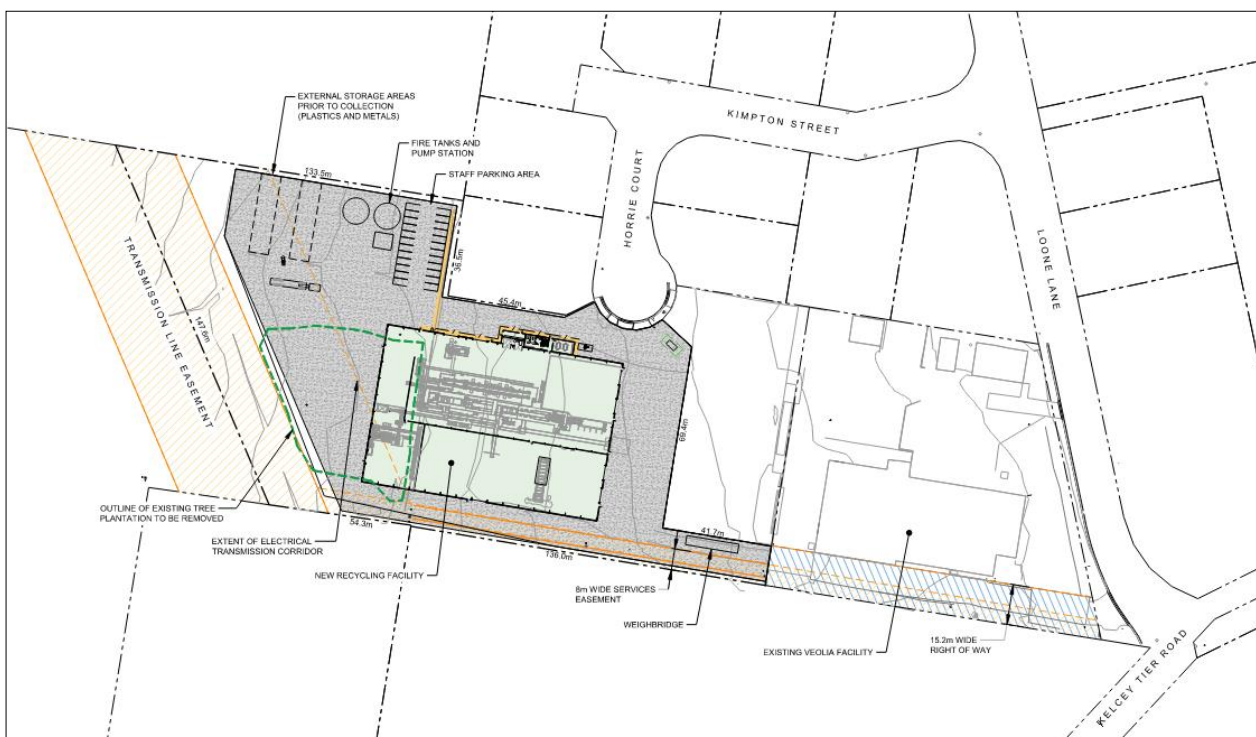


Figure 3 – Location plan (Tasmanian Consulting Service, 2022)

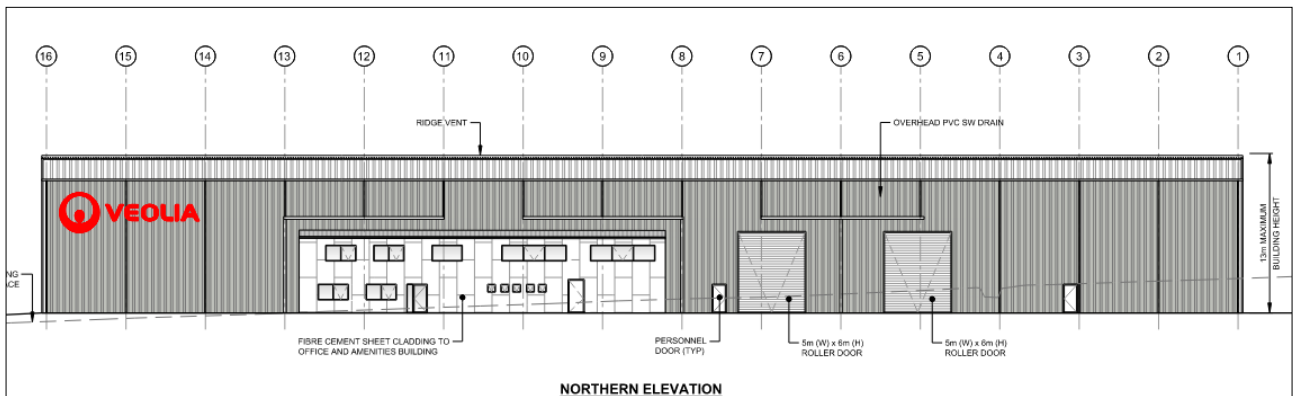


Figure 4 – Northern elevation (Tasmanian Consulting Service, 2022)

PLANNING ISSUES

The land is zoned Light Industrial under the *Tasmanian Planning Scheme - Devonport 2020*. A zoning map of the site and surrounding locality is reproduced below as Figure 5.



Figure 5 – Zoning map of the site (outlined in blue) and surrounds (LISTmap, 2022)

The purpose of the Light Industrial Zone is:

"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."

In accordance with clause 6.2 of the planning scheme, the most appropriate use class for the proposal is Recycling and Waste Disposal. This use is defined as:

"Use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station."

The most appropriate sub-use class for the assigned use is 'waste transfer station'. This is further defined under the planning scheme as, *"use of land to receive and temporarily store waste before it is removed elsewhere."*

Under the Use Table of the Light Industrial Zone, Recycling and Waste Disposal is categorised as Discretionary. Council, acting as a Planning Authority, can approve or refuse a Discretionary application. The applicable standards of the planning scheme are reproduced below followed by supporting rationale from the applicant (PDA) and the assessment officer's comment.

Light Industrial Zone Standards

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.

Supporting Rationale (PDA):

Comment:

Not Applicable: The site is not within 50m of a General Residential Zone, Inner Residential Zone, Low-Density Residential Zone or Rural Living Zone.

Officer Comment: The supporting rationale provided for A1 of this standard can be supported and no further comment is required.

<p>A2</p> <p>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:</p> <ul style="list-style-type: none"> (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. 	<p>P2</p> <p>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:</p> <ul style="list-style-type: none"> (a) the level of illumination and duration of lighting; and (b) the distance to habitable rooms of an adjacent dwelling.
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Supporting Rationale (PDA):

Comment:

Not Applicable: The site is not within 50m of a General Residential Zone, Inner Residential Zone, Low-Density Residential Zone or Rural Living Zone.

Officer Comment: The supporting rationale provided for A2 of the standard can be supported and no further comment is required.

<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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Supporting Rationale (PDA):

Comment:

Not Applicable: The site is not within 50m of a General Residential Zone, Inner Residential Zone, Low-Density Residential Zone or Rural Living Zone.

Officer Comment: The supporting rationale provided for A3 of the standard can be supported and no further comment is required.

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
A1 No Acceptable Solution.		P1 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: <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the size and scale of the proposed use; and (c) the function of the industrial area.

Supporting Rationale (PDA):

Comment:

P1 is met: The proposal involves constructing and establishing a standalone waste transfer station, which is a Discretionary land use class within the Light Industrial Zone. Clause 18.3.2 P1 is addressed below.

- (a) The discretionary use of the site would not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off-site impacts, having regard to the following.
- (b) The site comprises of four titles: the westernmost title would be subdivided into two titles, with the title to the east of the overhead electricity transmission infrastructure consolidated to FR 178140/1 (7 Horrie Court), and the same entity owns the remaining titles. In accordance with Clause C9.9.2 of the Scheme, attenuation areas for emitting land use activities mentioned within Table C9.1 of the Scheme do not apply if the activities are located within specified zones, of which Light Industrial is one of them. The more significant emitting activities associated with the proposal would occur indoors, including unloading waste within the infeed area within the main building's northeast corner.

- (c) The proposal may be referred to the Environmental Protection for their review and in any event, it is expected that the EPA would not require an in-depth review of the application to issue environmental approval for the proposal. It is noteworthy that the construction of a standalone and larger facility in comparison to the facility which occupies the easternmost title of the site would allow for current activities that are located outside to be located inside, therefore mitigating impacts associated with the size and scale of the proposed use.
- (d) The surrounding area that is contained within the Light Industrial Zone of the northern portion of Spreyton contains a variety of uses including, but not limited to self-storage facilities, engineering workshops, vehicle bodywork repairers and glass storage/manufacturing. The intensified existing use would produce expected and reasonable emissions for land use within the Light Industrial Zone that the site is part of.

Officer Comment:

As there are no acceptable solutions prescribed within A1, the use must be assessed against the performance criteria to determine if the use has merit.

The objective of this standard is to ensure that Discretionary uses do not compromise surrounding properties for industrial uses. This has been satisfactorily demonstrated within the supporting rationale by PDA.

In response to section (c) of the supporting rationale by PDA, it was determined that the application did not constitute referral to the Environmental Protection Authority (EPA). This decision was made on the basis that the recycling depot was not a Level 2 Activity as the facility will temporarily collect and store recyclable waste before being distributed to another place - refer to Schedule 2 of the *Environmental Pollution Control Act 1994*.

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.

Supporting Rationale (PDA):

Comment:

P1 is met: The maximum building height of the proposed building would be 13m above natural ground level. Clause 18.4.1 P1 is addressed below.

The proposed building height is necessary for the operation of the use, and would not cause an unreasonable impact on adjoining properties, having regard to the following.

- a) The proposed building has a gable roof with a maximum height of 13m. Earthworks are required for a level building site, which results in a higher maximum height above the existing ground level at some locations. It would be oriented in an east-to-west orientation.
- b) The proposed building would have adequate separation from existing uses on adjoining properties. To our knowledge, the existing development of land at the rear of the adjoining south (FR 39767/1) and adjoining north (FR 176614/1) properties are not present.
- c) The presence of an electricity transmission infrastructure protection overlay would adequately buffer the proposal from high voltage transmission lines, with the increased building height ensuring that most equipment and tasks which produce emissions can occur indoors.

Officer Comment: The rationale provided by PDA demonstrates the building's height is necessary for the operation of the use and no adverse impacts will occur to adjoining properties due to its location and separation to adjoining uses. P1 of this standard can be satisfied.

<p>A2</p> <p>Building height:</p> <p>(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or</p> <p>(b) within 10m of an Inner Residential Zone must be not more than 9.5m.</p>	<p>P2</p> <p>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:</p> <p>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) overlooking and reduction of privacy; or</p> <p>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining properties.</p>
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Supporting Rationale (PDA):

Comment:

Not Applicable: The proposed building development is not within 10m of a zone that primarily supports habitable land use.

Officer Comment: The supporting rationale can be supported and no further comment is required.

18.4.2 Setbacks

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

Supporting Rationale (PDA):

Comment:

A1 is met: The site has two frontages: a primary frontage to Horrie Court and a secondary frontage to Loone Lane. The proposed building development would be setback from the Horrie Court frontage a minimum distance of 13.0m, and the minimum distance of buildings from the Loone Lane frontage would not be reduced in comparison to existing buildings within 1 Loone Lane, which are not proposed for alteration, demolition or addition by the proposal.

Officer Comment: The rationale provided by PDA demonstrates A1 can be satisfied.

<p>A2</p> <p>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:</p> <p>(a) 4m; or</p> <p>(b) half the wall height of the building, whichever is the greater.</p>	<p>P2</p> <p>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:</p> <p>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) overlooking and reduction of privacy; and</p> <p>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p>
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Supporting Rationale (PDA):

Comment:

A2 is met: The proposed building development would be set back more than 6.5m from an adjoining property within a General Residential Zone, Inner Residential Zone, Low-Density Residential Zone or Rural Living Zone.

Officer Comment: A2 is satisfied as no buildings are located within the thresholds of one of the Residential zones prescribed.

<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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Supporting Rationale (PDA):

Comment:

A3 is met: Any air extraction, pumping, refrigeration systems, compressors or generators would 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.

Officer Comment: The supporting rationale can be supported for A3 and no further comment is required.

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
<p>A1</p> <p>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.</p>	<p>P1</p> <p>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.</p>

Supporting Rationale (PDA):

Comment:

A1 is met: Plastic and metal would be separated from the commingled infeed product, compacted into bales and stored external to the building while awaiting collection.

Officer Comment: External storage areas are shown on the western section of the site and will not be seen from the Horrie Court frontage. A1 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: (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: (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.	

Supporting Rationale (PDA):

Comment:

P1 is met: It is not practically possible to provide landscaping along the site's frontage due to the internal driveway. The building development is set back approximately 14m from the road. Clause 18.4.5 P1 is addressed below.

- a) Site landscaping is not proposed due to reliance on a widened crossover at Horrie Court for vehicle egress from the proposal site.
- b) Refer to the response to (a).
- c) The topography of the proposal site, which would have the most potential for landscaping, is relatively flat. Raised beds and/or planter boxes could provide adequate landscaping while mitigating risks associated with the excavation of land used as a waste transfer station (7 Horrie Court)
- d) Existing vegetation at the site would require clearance for the construction of the proposal (refer to the performance criteria response for Clause C4.5.2 of the Scheme).
- e) The vegetation location, type and growth are currently unknown due to the abovementioned factors and if Council requires landscaping to be applied to the site, a site landscaping plan can be provided to Council by way of condition for a potential planning permit.
- f) Local area objectives that relate to the subject site do not form part of Devonport's Local Provisions Schedule.

Officer Comment: No landscaping treatment is proposed as part of the development. P1 states that landscaping must be provided along the frontage of the site. In this case, it is thought unnecessary to provide landscaping to a depth of 5.5m to meet A1 of this

standard. However, a condition will be included on the planning permit to provide landscaping along sections of the Horrie Court frontage where site access will not be impacted. P1 can be satisfied with a permit condition.

Code Assessment (only applicable codes relevant to this application listed)

C1.0 Signs Code

A singular non illuminated wall sign is proposed on the northern elevation of the building - refer to Figure 4 earlier in the report. The sign will have an area of approximately 38m² which exceeds the acceptable wall sign parameters of 4.5m² prescribed within Table 1.6 – *Sign Standards* of the Signs Code. The relevant development standard is reproduced below followed by supporting rationale from the applicant (PDA) and the assessment officer's comment.

C1.6 Development Standards for Buildings and Works

C1.6.1 Design and siting of signs

Objective:	That: (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
A1 A sign must: (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, excluding for the following sign types, for which there is no Acceptable Solution: (i) roof sign; (ii) sky sign; and (iii) billboard.	P1.1 A sign must: (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: (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.

Supporting Rationale (PDA):

Comment:

P1 is met: The proposed sign represents the name of the organisation and is located on one elevation of the building. The single sign is relatively discreet in relation to the size of the building and serves only to identify the organisation. Its location will not have impact on the safe and efficient movement of vehicles or pedestrians.

Officer Comment: The supporting rationale for the wall sign can be supported. P1 is satisfied.

C2.0 Parking and Sustainable Transport Code & C3.0 Road and Railway Assets Code

To address the abovementioned Codes, which address matters such as on-site parking and traffic generation, a Traffic Impact Assessment (TIA) was submitted by Howarth Fisher and Associates. The TIA is included as part of the application documentation attached to this report.

Concerning on-site parking, Recycling and Waste Disposal requires 1 space per 500m² of site area + 1 space per employee. The TIA has calculated the following amount of parking applicable for the use and development:

Land Use	Parking Rates	Total Requirement
Veolia		
Environmental Services Recycling Collection and Sorting Facility	1 space per 500m ² of site area + 1 space per employee. ¹	24 + 22 staff (spread over the 3 x shifts)
11,814m ² / 500m ²		
TOTAL		46 bays

A total of 24 on-site parking spaces is proposed for the development, which is short of the acceptable total of 46 parking spaces. The applicable development standard for car parking numbers is reproduced below, followed by supporting rationale provided within the TIA and the assessment officer's comment.

C2.5 Use Standards

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.

Supporting Rationale (Howarth Fisher & Associates):

The performance criteria have been assessed in turn below:

- a) There are no parking restrictions on either side of Loone Lane or Horrie Court in the vicinity of the two accesses (access and egress) to the site. Based on observations made during the site visit undertaken by Howarth Fisher and Associates there was significant on street parking availability.
- b) It has been advised by the client that there will be 22 employees required on the site at any one time. Peak parking demand would comprise 14 working on site and an 8 person shift change over a half an hour period. The car park makes provision for 24 spaces on site plus one accessible bay located near to the office door. This layout provides between 2 – 10 visitor parking spaces plus one accessible space.
- c) There is a 178 bus service operating between Devonport and Latrobe via Spreyton. The service operates every 30 minutes during the peak period and every hour interpeak. The nearest bus stop to the site is located 350 metres from the entrance to the new site, providing staff and visitors with a potential sustainable transport mode.
- d) The site is located close to a large residential catchment making the site accessible to staff and visitors who wish to access the site via foot or on bicycle.
- e) Given the size of the site required for this facility, there is a higher parking requirement calculated under the acceptable solution than is required for the peak parking accumulation on the site. The client has advised of the maximum staff required within the site at periods of peak parking demand which occurs at shift change over time when there are a maximum of 14 staff required at the facility plus 8 required at shift changeover.
- f) The roads in the vicinity of the site have been designed in line with the road cross section requirements (~12 metre road cross section widths) for light industrial uses and as such can accommodate on street parking without impacting through traffic movements.
- g) Given the light industrial nature of the roads there would be minimal negative impact on streetscape of any on street parking.
- h) Following advice we received from Veolia regarding maximum staff and visitor numbers and given they have site area, they are proposing to meet the peak parking demand which they envisage as being appropriate, rather than providing an oversupply of parking on the site.

Officer Comment: The supporting rationale to address P1.1 has been reviewed and can be supported.

Furthermore, The TIA addresses the other applicable development standards prescribed within the above Codes. The TIA demonstrates that these standards can be satisfied at either the acceptable solutions or performance criteria. The TIA has been reviewed by Council's Infrastructure & Works Department and nothing to the contrary has been identified.

C4.0 Electricity Transmission Infrastructure Code

The site is affected by the Electricity Transmission Protection Corridor overlay – refer to Figure 6 below.



Figure 6 – Electricity Transmission Corridor overlay with site outlined in blue (PDA, 2022)

The only applicable development standard of this Code is reproduced below followed by supporting rationale provided by PDA and the assessment officer's comment.

C4.5.2 Dust or other airborne particulates within an electricity transmission corridor

Objective:	That dust or other airborne particulates do not adversely affect the safe and reliable operation of overhead electricity transmission infrastructure within an electricity transmission corridor.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 A use listed in Table C4.1 and located within an electricity transmission corridor must not generate dust or other airborne particulates that will cause an unreasonable impact on the operation of overhead electricity transmission infrastructure, having regard to: <ul style="list-style-type: none"> (a) the nature of the proposed use and the materials that will be stored and handled on the site; (b) the conductivity or corrosiveness of any dust or other airborne particulates and its potential to affect the operation of the electricity transmission infrastructure; (c) proximity to the electricity transmission infrastructure; (d) any mitigation measures proposed; and (e) any advice from the electricity entity.

Supporting Rationale (PDA):

Comment:

P1 is met: The proposal would be partially located within an electricity transmission corridor, with heavy rigid vehicles utilising part of the subject site that is affected by the relevant Scheme overlay for access way provision. The performance criteria are addressed below.

- a) The proposed waste transfer station would accept commingled waste from a variety of sources then sort the waste into different material types before baling for easier transportation to other sites where additional processing or waste disposal can occur. The heavy rigid trucks required for the operation of the proposal would manoeuvre around the site in a clockwise direction in a similar manner to the operation of a typical roundabout. Some plastic and metal bales would be stored on-site while awaiting collection by heavy rigid trucks but would not be stored at the location of the relevant Scheme overlay. Fumes may be emitted due to the operation of plant equipment that is not prevented from reaching the atmosphere.
- b) The metal bales stored outside are likely to contain conductive materials, but as mentioned within (a) above, they would not be stored within the outer protection area. Emissions from the proposed use are not known to be corrosive.
- c) The proposal would be located outside the electricity transmission easement, which dissects the site and forms the inner protection area overlay. It is noteworthy that an existing stand of trees, which is located on the border of the electricity transmission easement, would be removed to facilitate the proposal, therefore minimising the risk of damage to natural values and/or property in the event of a failure in the function of the electricity transmission infrastructure.
- d) Please refer to the responses for (b) and (c) for proposed mitigation measures that would reduce the risk to the electricity transmission infrastructure which dissects the site.
- e) The proposal was referred to TasNetworks for preliminary comment, and it is expected that TasNetworks would formally review the application as the state electricity transmission authority for potential effects on their infrastructure.

Officer Comment: The supporting rationale demonstrates the proposal has merit under P1. It is noted that TasNetworks provided feedback to the proponent (attached within the application documentation). TasNetworks identified no issues and provided a transmission line fact sheet to the proponent which they requested be shared with Veolia.

C9.0 Attenuation Code

The purpose of the Attenuation Code is:

"C9.1.1 To minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions.

C9.1.2 To minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions."

Table 9.1 of this Code prescribes the Attenuation Distances for certain activities. A waste transfer station has an attenuation distance of 150m from sensitive use. In this case, the 150m buffer area is wholly located within the Light Industrial Zone and therefore the Code does not require further consideration as per guidance provided within C9.2.2 which states"

"The code does not apply to attenuation areas between the activities listed in Tables C9.1 and C9.2 where those activities occur within the Light Industrial Zone, General Industrial Zone, Port and Marine Zone, and Utilities Zone."

COMMUNITY ENGAGEMENT

On 11/11/2022, 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 07/12/2022;
- (b) Making a copy of the proposal available in Council Offices from the 07/12/2022;
- (c) Notifying adjoining property owners by mail on 06/12/2022; and
- (d) Erecting a Site Notice for display from the 06/12/2022

The period for representations to be received by Council closed on 20/12/2022. One representation was received.

The representation was received from the landowners of 4 Laycock Road, Spreyton and is appended as **Attachment 2** to this report.

The representation raises concerns around noise generation from the development i.e., heavy vehicle reversing alarms and whether the intended use and development is appropriate within the Light Industrial Zone. In addition, the representation also proposes several conditions to mitigate noise should the Planning Authority approve the application which is reproduced on the next page in Figure 8.

Proposed conditions to mitigate the increase in noise

The best solution to minimise the loss of amenity for surrounding residents associated with the noise generated by the proposed development is prevent its transmission on site. The technology is readily available and is widely used at airports and along urban highways.

A permit condition should include the requirement for effective acoustic barriers on site to remove line-of-sight sound transmission to the west and south, as well as the use of acoustic absorbers within the proposed building to minimise noise from the building.

The applicants should be required to provide an acoustic analysis and design for noise mitigation to the planning authority for its approval before the permit takes effect.

There should also be a permit condition that restricts hours of operation to between 7 am and 5 pm Monday to Saturday and 9 am to 5 pm on Sunday.

**Figure 8 - Section of representation proposing noise mitigation conditions
(landowners of Laycock Road)**

Officer Comment: In response to the representation, the application has been assessed against the use standards of the Light Industrial Zone. It is acknowledged the use is Discretionary within the zone. However, it has been appropriately demonstrated the use can satisfy the performance criteria as it will not detrimentally interfere with adjoining industrial uses.

As the site is situated within an industrial precinct and separated by greater than the acceptable requirements to the adjacent Rural Living Zone and sensitive uses, the Planning Authority cannot enforce operational conditions such as operating hour restrictions and acoustic barriers. Council has no recent record of complaints regarding the existing Veolia operation, noting that this proposal will have a more expansive footprint, but similar noise generation is envisaged.

The representation is noted, however no changes to the design or additional conditions are thought necessary to the development as sought.

DISCUSSION

The application has been referred internally to Council's development review staff and TasWater. Feedback received has been included as conditions and notes where appropriate. The TasWater SPAN is appended to this report as **Attachment 3**.

FINANCIAL IMPLICATIONS

No financial implications are predicted unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative 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 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 PA2022.0200 - 7 Horrie Court, 1 Loone Lane & 24A Bishops Road Spreyton [4.4.1 - 128 pages]
2. Representation P & K French - PA2022.0200 [4.4.2 - 8 pages]
3. TasWater Submission to Planning Authority Notice - PA2022.0200 [4.4.3 - 4 pages]

4.5 PA2022.0035 - 10 & 11 FORMBY ROAD DEVONPORT - VEHICLE FUEL SALES & SERVICE AND FOOD SERVICES

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

Endorser: **Kylie Lunson, Executive 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*, resolve to either:

Option 1:

refuse application PA2022.0035 for Vehicle Fuel Sales & Service and Food Services on land identified as 10 & 11 Formby Road, Devonport for the following reasons:

1. Clauses C3.5.1 A1.4 and P1 cannot be met as the safety of the Elizabeth Street and Formby Road junction will be compromised by the increase in vehicle movements from the site and the efficiency of the road network will be negatively impacted; and
2. Clause 17.4.2 A2 and P2 cannot be satisfied as the impact of the proposed carwash on the amenity of the adjacent residential property to the immediate west is unreasonable; or

Option 2:

approve application PA2022.0035 and grant a Permit to use and develop land identified as 10 & 11 Formby Road, Devonport for the following purposes:

- Vehicle Fuel Sales & Service and Food Services

Subject to the following conditions:

1. Unless altered by subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:
 - a. Letters regarding transport engineering matters dated 16 November, 2022, 27 October, 2022 and 1 August, 2022 by Ratio;
 - b. Traffic Impact Assessment dated 21 February, by Ratio;
 - c. Planning Report, reference 18291P, dated 27 October, 2022 by Ratio;
 - d. Plans – 21JN1461 - sk01c, dated 24.05.22, sk02d, dated 28.06.22, sk03f, dated 30.08.22, sk04e, dated 30.08.22, sk05c, dated 24.05.22, sk06e, dated 30.08.22, sk07f, dated 30.08.22 and sk08c, dated 24.5.22;
 - e. Landscape Plan 15.047.082 Draft B, 18.02.22 by Oxygen; and
 - f. Environmental Noise Assessment, Rp 009 20200693, dated 21 February 2022 by Marshall Day Acoustics.
2. Hours of operation of the car wash must be between:
 - 7.00am to 9.00pm Monday to Saturday; and
 - 8.00am to 9.00pm Sundays and public holidays.
3. The recommendations contained in part 5.2 of the Marshall Day Acoustics Report are to be implemented, with the exception of the car wash hours of operation and fuel delivery timing.
4. An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement.
5. Fencing is to be designed in accordance with Appendix F of the Marshall Day Acoustics Report.
6. The 2.1m high colorbond fence on the southern and western boundaries is to be setback at least 4.5m from each frontage unless suitably designed to allow for visibility.
7. The lots are to be adhered.
8. The surface water from the driveway and or any paved areas is to be collected and drained to the private stormwater drainage system.
9. The developer is to ensure that all stormwater run-off is managed in accordance with the Environment Protection Authority's *"Soil & Water Management on Large (greater than 250m² of ground disturbance) Building & Construction Sites"* recommendations.
10. The car wash is to be bunded and graded to direct wastewater to sewer.
11. All plant and machinery associated with the car wash is to be located, enclosed or otherwise attenuated to ensure noise measured at the boundary does not exceed 5dB (A) above background noise levels.
12. Spray drift generated from car washing must be prevented from leaving the designated wash area.
13. Any underground petroleum storage system must comply with the requirements specified in the *Environmental Management & Pollution Control (Underground Petroleum Storage Systems) Regulations 2020*.
14. The fuel pumping area is to be bunded and graded to direct wastewater to appropriate interceptor trap/s or pits, ensuring all wastewater is contained on-site.
15. Car park 9 is to be deleted from the site plan.

16. All fuel deliveries are to be made outside of peak traffic flow periods to enable safe egress of the tanker from the site.
17. The centre line on Elizabeth Street is to be extended to secure no parking for the exit of the Tanker from the proposed site.
18. No parking signage is to be installed on both sides of Elizabeth Street.
19. The developer is to submit a design drawing of the proposed driveways, accesses, and car parking with any subsequent building permit application.
20. The developer is to construct the car park to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Streetcar Parking, Part 2 – Off-street Commercial Vehicle Facilities, and Part 6 – Off-street parking for people with disabilities.
21. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 20 -year Average Recurrence Interval (ARI), and for a suitable range of storm durations to identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to lodgement of 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.
22. All new driveways are to be constructed of industrial strength concrete as per the Tasmanian Standard Drawing, TSD-R16, for the crossover and the driveway up to the property boundary.
23. The developer is to remove the redundant driveway crossovers and reinstate with kerb and channel and nature strip to Council's specification.
24. The developer is to be responsible for making good and/or cleaning any footpaths, road surfaces or other element damaged or soiled because of the project.
25. The contractor is to ensure the proposed access shall not cause any undue disturbance to neighbouring properties nor the regular vehicular movement of traffic within the road reserve during the demolition process.
26. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.
27. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
28. Once established, vegetation is to be monitored to ensure it does not limit visibility for traffic.
29. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the

planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

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

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

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*. This includes ensuring that noise emitted from portable apparatus and hours of operation are within the scope indicated by the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

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 condition 29 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 15-28 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 PA2022.0035.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	10 & 11 Formby Road, Devonport
Applicant:	PC Infrastructure Pty Ltd
Owner:	OTR 389 Pty Ltd
Proposal:	Vehicle Fuel Sales & Service and Food Services
Existing Use:	Bulky Goods Sales & General Retail and Hire
Zoning:	Commercial
Decision Due:	26/12/2022, extension of time granted 25/01/2023

SITE DESCRIPTION

The site is located on the south-western corner of the Elizabeth Street and Formby Road intersection and consists of two lots, 10 & 11 Formby Road. Each lot falls approximately 2m from west to east. Existing access is to Formby Road for each lot with an additional access onto Elizabeth Street for no. 11. Both properties contain existing buildings and hardstand. Commercial sites are located to the south of the site with residential properties to the west and north. The lot to the north, No. 12 Formby Road is zoned Commercial although contains a single dwelling. The Bass Highway is located approximately 120m south of the site. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 11 - Aerial view of subject site and surrounding area (Source: DCC)

APPLICATION DETAILS

The applicant is seeking approval for the demolition of the existing buildings and establishment of a service station with car wash and drive through food service. Access to the site is proposed from both Formby Road and Elizabeth Street. Figures 2-9 show the proposed site plan and elevations. The full application is appended as **Attachment 1**.

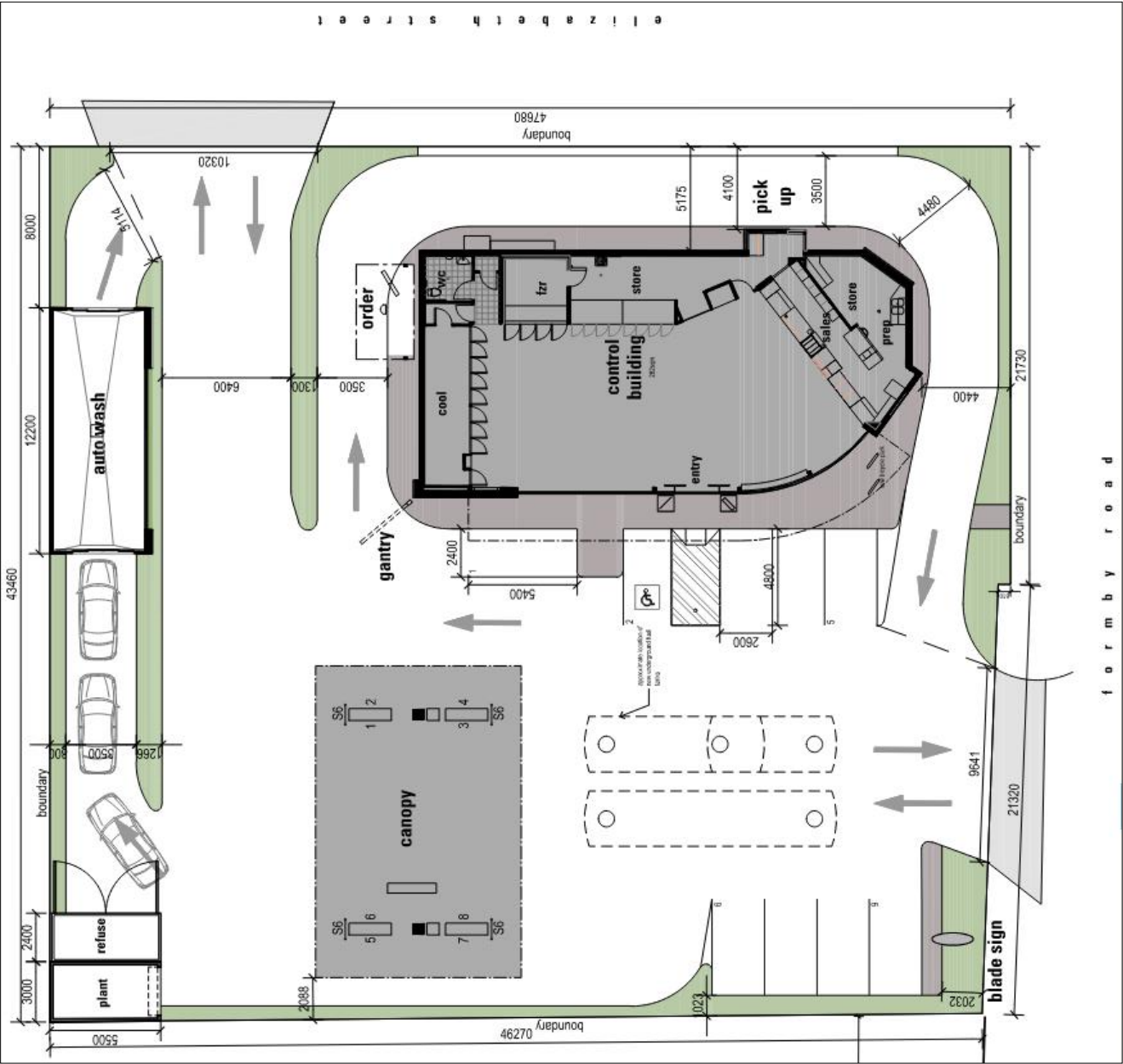


Figure 12 - Proposed site plan (Source: Ratio)

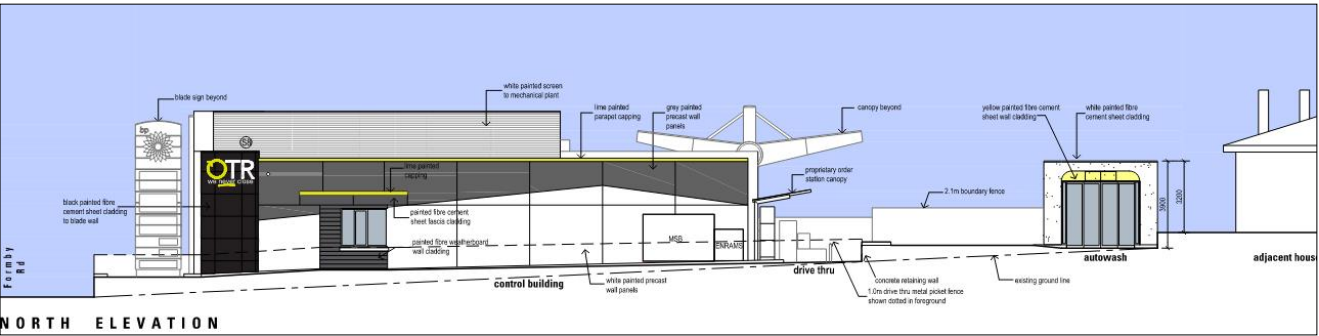


Figure 13 - Northern elevation from Elizabeth Street (Source: Ratio)

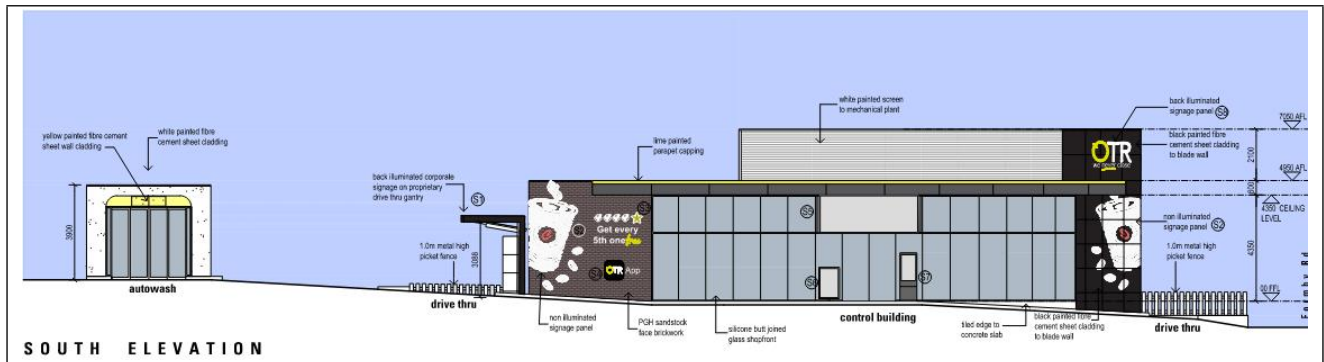


Figure 14 – Southern elevation viewed from within site (Source: Ratio)

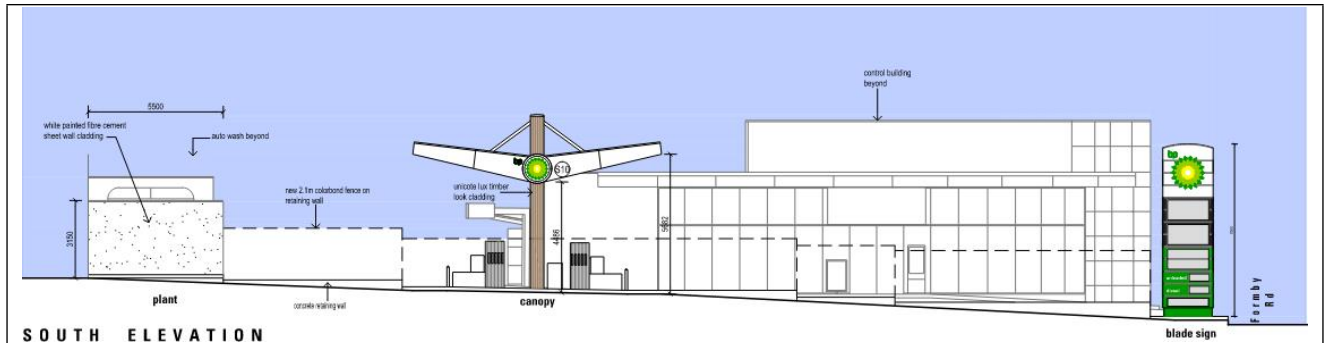


Figure 15 – Southern elevation viewed from boundary (Source: Ratio)

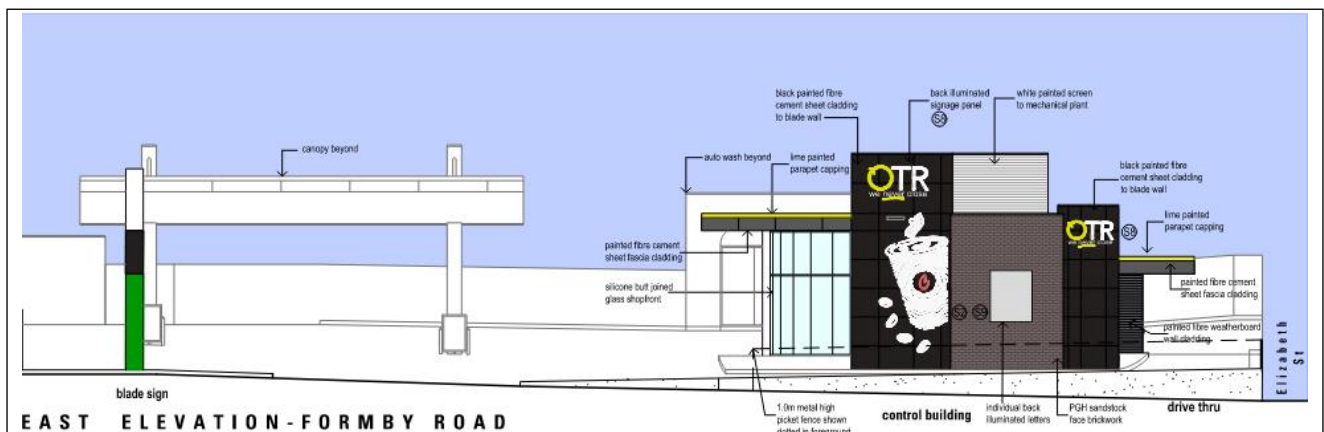


Figure 16 – Eastern elevation from Formby Road (Source: Ratio)

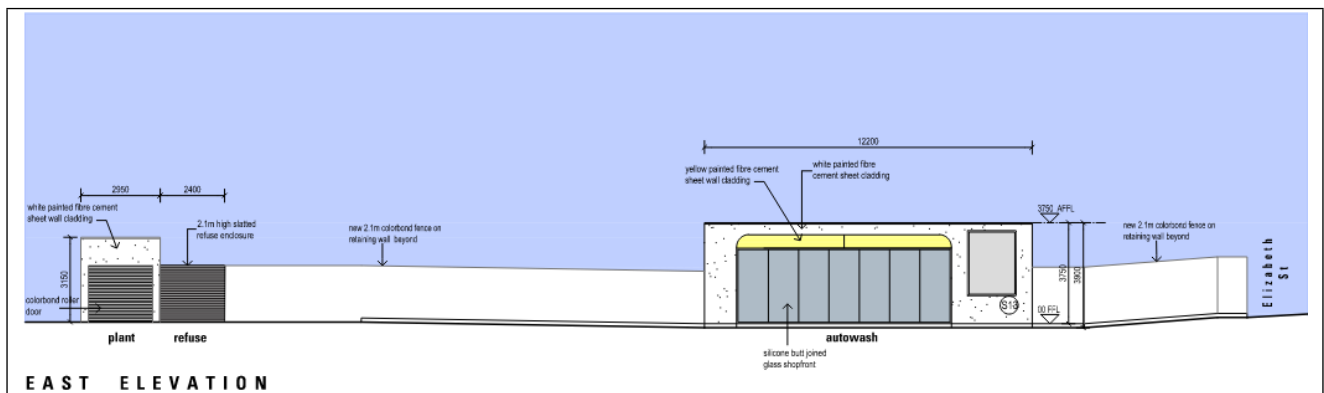


Figure 17 – Eastern elevation of carwash and plant/waste storage (Source: Ratio)

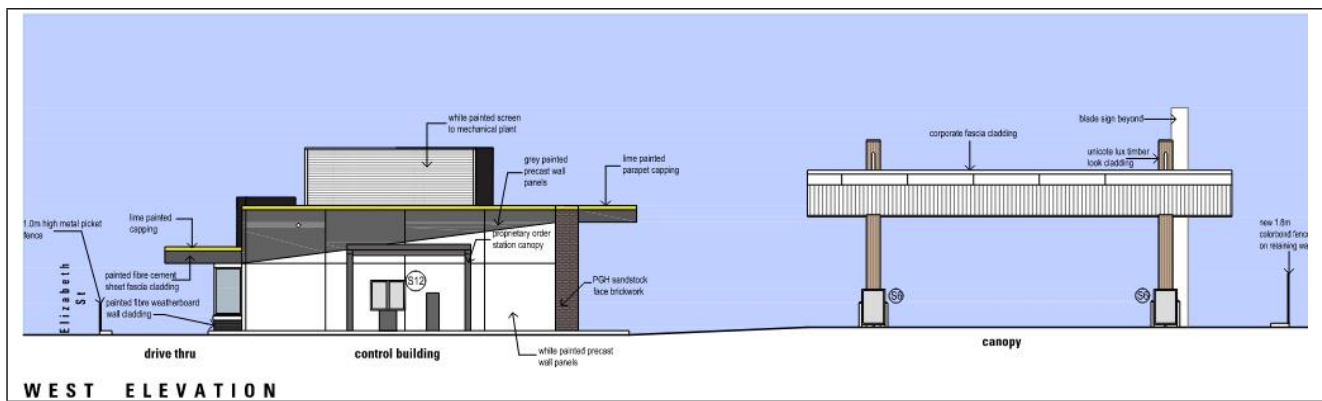


Figure 18 – Western elevation of control building and bowers (Source: Ratio)

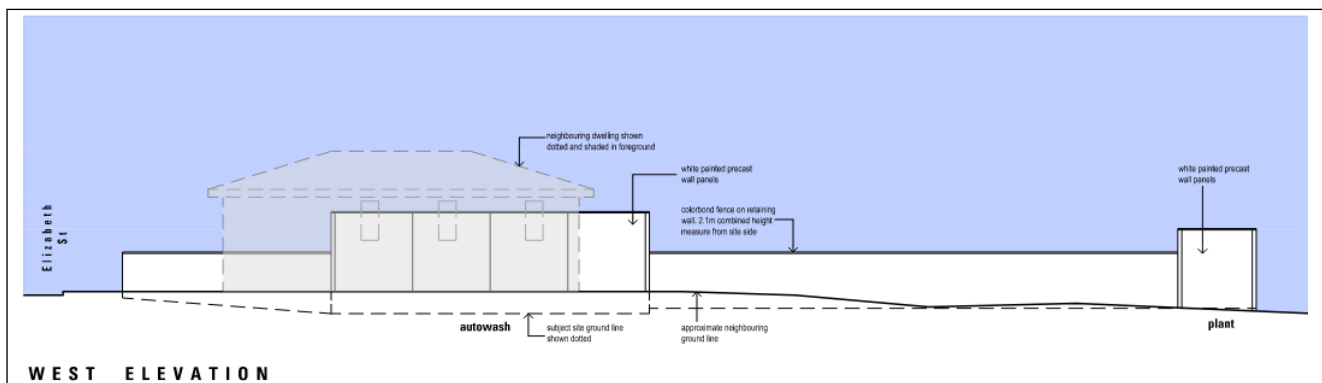


Figure 19 – Western elevation of carwash, wall and plant building with adjacent dwelling superimposed (Source: Ratio)

PLANNING ISSUES

The land is zoned Commercial under the *Tasmanian Planning Scheme – Devonport, 2020*. The intent of the zone is:

17.1.1 To provide for retailing, service industries, storage and warehousing that require:

- (a) large floor or outdoor areas for the sale of goods or operational requirements; and
- (b) high levels of vehicle access and parking for customers.

17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

Figure 10 shows the zoning in the area with the Commercial zone being located along Formby Road and the northern side of Elizabeth Street and the General Residential zone to the west. The Utilities zone contains the Bass Highway to the south and the railway to the east with the Light Industrial zone abutting the highway, south-west of the site.

Clause 6.2 of the planning scheme states that each proposed use or development must be categorised into a Use Class. If a use is subservient to another use on the site that use must be categorised into the same Use Class as the dominant use. Where the second use is not subservient to the dominant use that use must be individually categorised.

In this case *Vehicle Fuel Sales and Service* and *Food Services* are both proposed. As food services is not subservient to fuel sales, and could operate separately, it has been categorised individually. Both uses are discretionary in the Commercial zone.

The proposal must be assessed against all relevant acceptable solutions contained within the zone and any applicable codes. In instances where there are no acceptable solutions, or they cannot be met, the corresponding performance criteria must be satisfied.

The relevant sections of the planning scheme are reproduced below, followed by assessment.

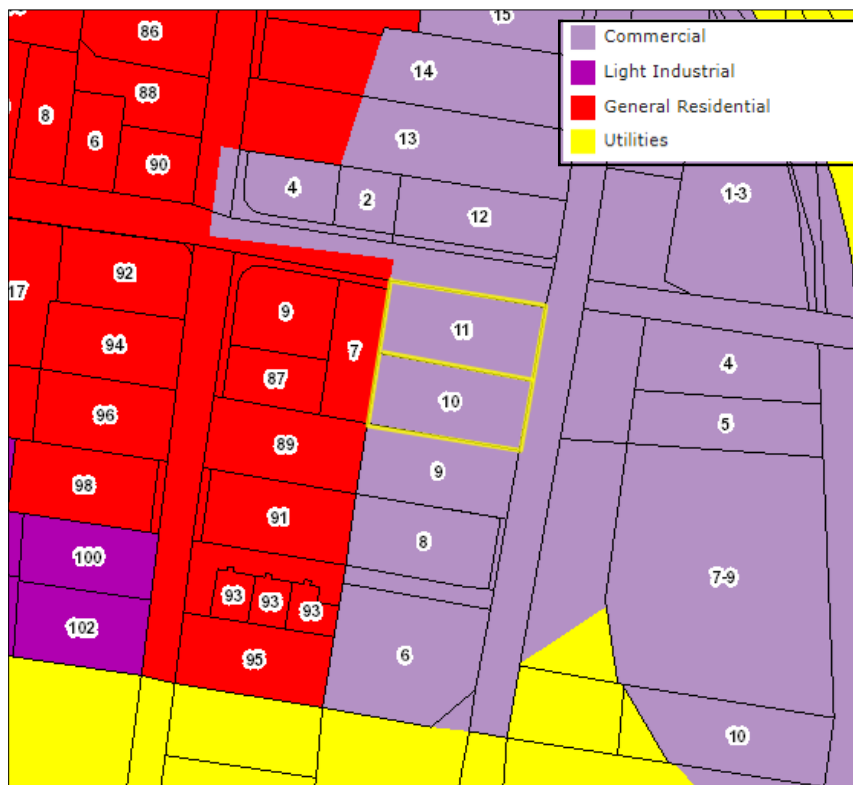


Figure 20 - Zoning map (Source: ListMap)

17.3.1 All uses

Objective: That uses do not cause an unreasonable loss of residential 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.

Assessment – The proposal is within 50m of a General Residential zone and is proposed to operate 24 hours per day. It must therefore be assessed against the performance criteria.

A distance of 50m from the site covers the lots to the west and south-west, being 7 & 9 Elizabeth Street and 87-91 Wenvoe Street. To the north the only area affected is the western side of 13 Formby Road which is a parking area for a dentist. Directly north is 12 Formby Road which, although within the Commercial zone, contains a dwelling.

The proposal must not cause an unreasonable loss of amenity to the residential zones. When assessing any impacts vehicle movements and emissions such as noise and lighting can be taken into account.

A report has been prepared by Marshall Day Acoustics that has modelled potential noise impacts from the proposed operation during the evening and at night. The report concludes that provided its recommendations are implemented the operation will not cause an unreasonable noise nuisance. It is worth noting that the noise levels are anticipated to be higher, in regard to a number of factors, at 12 Formby Road which is not adjacent to the site but over the road. It is assumed that this is due to vehicles leaving the site and moving at greater speeds than within the property.

It is proposed the car wash be built right to the boundary of 7 Elizabeth Street and will operate from 7.00am to 10.00pm, 7 days a week. Although the building will be completely enclosed and include doors this will not limit the noise of vehicle movements adjacent to the boundary or the noise generated from the opening and closing of the car wash doors. In light of this it is deemed that the additional hour of operation proposed past 9.00pm is not appropriate, likewise the additional hour proposed for Sunday mornings. A condition will be placed on the permit to limit the hours of operation of the car wash to those specified in the acceptable solution.

A condition will also be placed on the permit to ensure the recommendations included in the report are implemented, excluding those in regard to fuel delivery times and car wash hours of operation.

The performance criteria can be satisfied.

<p>A2</p> <p>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:</p> <ul style="list-style-type: none"> (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. 	<p>P2</p> <p>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:</p> <ul style="list-style-type: none"> (a) the level of illumination and duration of lighting; and (b) the distance to habitable rooms of an adjacent dwelling.
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Assessment – The application states that while lighting will operate outside the hours of 11.00pm to 6.00am it will be limited to what is required for the safe operation of the service station customers and staff. Lighting will be baffled to prevent light spill onto adjoining properties.

The performance criteria can be satisfied.

<p>A3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency</p>	<p>P3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency</p>
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<p>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>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 adjoining residential area; and</p> <p>(f) potential conflicts with other traffic.</p>
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Assessment - The application states that commercial deliveries will be limited to meet the acceptable solutions.

The acceptable solution is met.

17.3.2 Discretionary uses

<p>Objective:</p> <p>That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the size and scale of the proposed use;</p> <p>(c) the functions of the activity centre and the surrounding activity centres; and</p> <p>(d) the extent that the proposed use impacts on other activity centres.</p>

Assessment – The proposed service station and food services will not distort the activity centre hierarchy as the uses are permissible in a number of zones. Allowing such uses to operate within the zone does not limit the potential for them to operate in other areas.

The performance criteria is satisfied.

17.3.3 Retail impact

Objective: That Bulky Goods Sales do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions	Performance Criteria
A1 The gross floor area for Bulky Goods Sales must be not less than 250m ² per tenancy, unless the use relies on more than 50% of the site area for outdoor display of goods for sale.	P1 Bulky Goods Sales must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> (a) the extent that the proposed use improves and broadens the commercial or retail choice within the area; (b) the extent that the proposed use impacts on surrounding activity centres; and (c) any relevant local area objectives contained within the relevant Local Provisions Schedule.

Assessment – Not applicable. Bulky Goods Sales is not proposed.

17.4.1 Building height

Objective: That building height: <ul style="list-style-type: none"> (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining residential zones. 	
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 12m.	P1 Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the height, bulk and form of existing building on the site and adjacent properties; (c) the bulk and form of proposed buildings; (d) the apparent height when viewed from the adjoining road and public places; and (e) any overshadowing of public places.

Assessment – The proposed control building has a height of 7.46m and the canopy a height of 7.23m.

The acceptable solution is met.

<p>A2</p> <p>Building height:</p> <p>(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or</p> <p>(b) within 10m of an Inner Residential Zone must be not more than 9.5m.</p>	<p>P2</p> <p>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 and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) overlooking and reduction of privacy; and</p> <p>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p>
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Assessment – All building heights are less than 8.5m.

The acceptable solution is met.

17.4.2 Setbacks

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

Assessment – The control building has a setback of 4.1m to Elizabeth Street and 4.4m to Formby Road. The setbacks do not meet the acceptable solution and therefore the performance criteria must be addressed.

The buildings have sufficient setbacks to provide space for vehicle access, parking and landscaping and are located so as not to impact on visibility. The setbacks will be greater than buildings on the adjoining western lot and less than that of the adjoining southern lot.

The performance criteria is satisfied.

<p>A2</p> <p>Buildings must have 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:</p> <ul style="list-style-type: none"> (a) 4m; or (b) half the wall height of the building, whichever is the greater. 	<p>P2</p> <p>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:</p> <ul style="list-style-type: none"> (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy to the adjoining property; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.
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Assessment – The car wash, proposed for the western side of the site is proposed to be constructed on the boundary. The required setback is 4m. The performance criteria must be assessed.

The building was originally proposed as 12.2m long and 4.8m high. The height has now been reduced to 3.9m, which the applicant states will equate to a height of 3.2m on the adjoining owner's side (see Figure 11). Figure 12 shows a photo of the adjoining properties on the boundary. While it is obvious the ground level falls away from the house it is difficult to see a change of 700mm if no excavation is proposed, as indicated by the plans.

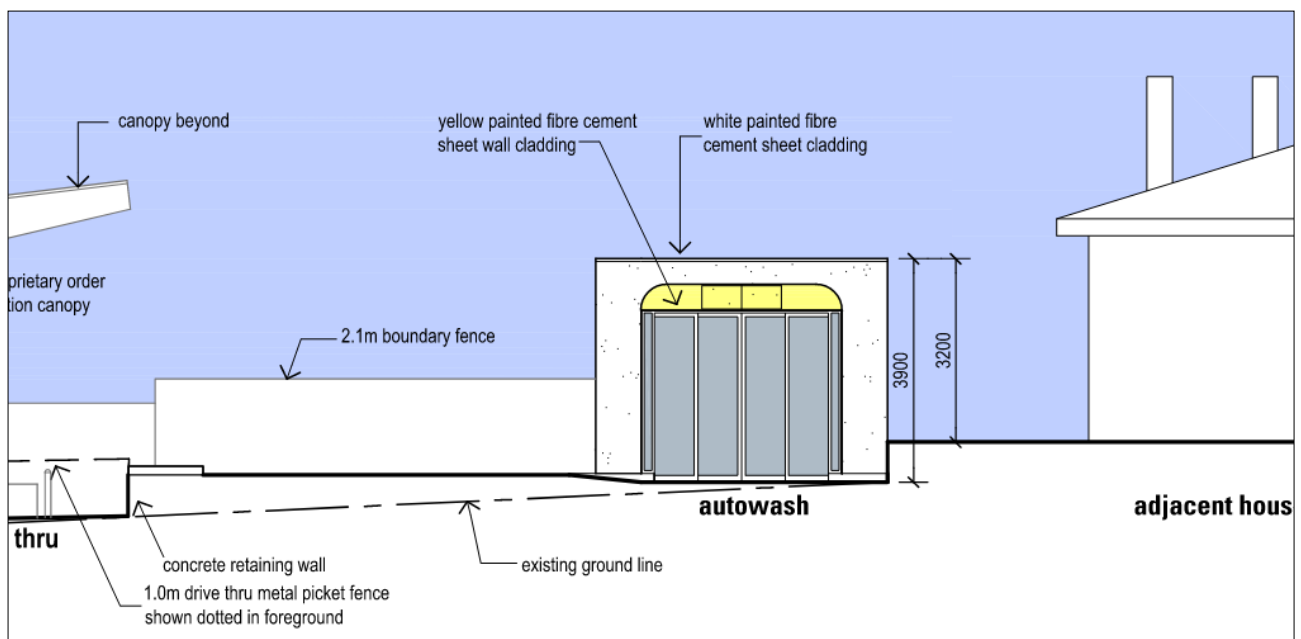


Figure 21 - Elevation showing carwash adjacent to adjoining residential property (Source: Ratio)



Figure 22 - Photo showing boundary between subject site and adjacent residential property on Elizabeth Street

Overshadowing will not be an issue, due to the orientation of the lots, nor will overlooking as a solid wall is proposed. However, visual impacts caused by the apparent scale, bulk and proportions of the car wash when viewed from the neighbouring property will be apparent.

Figure 13 shows the western elevation of the carwash and its impact on the adjacent dwelling. This impact would be substantially lessened should the car wash meet the required 4m setback or, alternatively be placed in a different location on the boundary. However, this would require a redesign of the associated vehicle movements.

If the subject site was a General Residential property a wall 9m long and 3m high could be built on the boundary. The additional 3m in length adds significantly to the impact of the wall.

Given the visual impacts that will result from the scale and bulk of the building when viewed from the adjoining property the performance criteria cannot be satisfied.

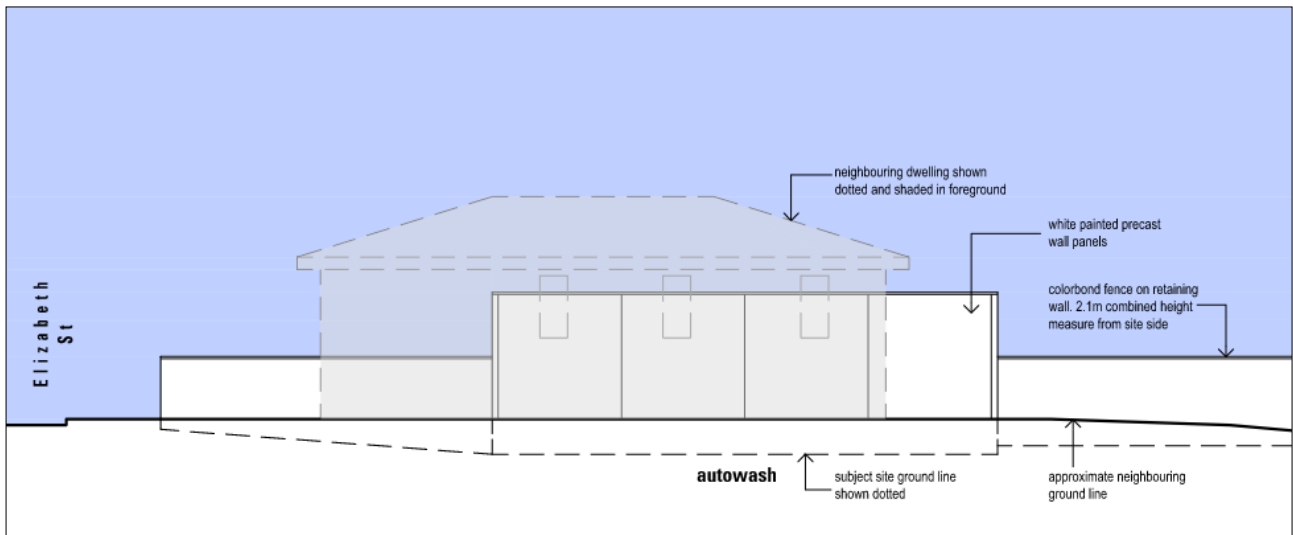


Figure 23 - Western view of carwash building (Source: Ratio)

<p>A3</p> <p>Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone.¹</p> <p>¹ An exemption for air conditioners and heat pumps applies in this zone – see clause 4.6.</p>	<p>P3</p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors 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 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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Assessment – The proposal complies as all such infrastructure will be located on the control building which is more than 10m from the General Residential zone.

The acceptable solution is met.

17.4.3 Design

<p>Objective:</p> <p>That building design is compatible with the streetscape.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings must be designed to satisfy all the following:</p> <ul style="list-style-type: none"> (a) provide a pedestrian entrance to the building that is visible from the 	<p>P1</p> <p>Buildings must be designed to be compatible with the streetscape, having regard to:</p>

<p>road or publicly accessible areas of the site;</p> <p>(b) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places;</p> <p>(c) roof-top mechanical plant and service infrastructure, excluding lift structures, must be contained within the roof or screened from public spaces and adjoining properties;</p> <p>(d) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places;</p> <p>(e) provide awnings over a public footpath if existing on the site or on adjoining properties; and</p> <p>(f) provide external lighting to illuminate external vehicle parking areas and pathways.</p>	<p>(a) how the main pedestrian access to the building addresses the street or other public places;</p> <p>(b) minimising the visual impact of mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, when viewed from the street or other public places;</p> <p>(c) minimising the visual impact of roof-top service infrastructure, excluding lift structures;</p> <p>(d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and other alternatives are not practical;</p> <p>(e) the need for provision of awnings over a public footpath; and</p> <p>(f) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.</p>
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Assessment – The pedestrian entrance will be accessible from the southern side of the control building which is where the bowzers will be located. All associated mechanical plant will be placed on the roof of the control building and screened. No security shutters or grilles over windows or doors are proposed. There are no awnings over footpaths in the area and vehicle parking areas of the site will be illuminated.

The acceptable solution is met.

17.4.4 Fencing

<p>Objective:</p> <p>That fencing:</p> <p>(a) is compatible with the streetscape; and</p> <p>(b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.²</p> <p>² An exemption applies for fences in this zone – see Table 4.6.</p>	<p>P1</p> <p>A fence (including a free-standing wall) within 4.5m of a frontage must be compatible with the streetscape, having regard to:</p> <p>(a) its height, design, location and extent;</p> <p>(b) its degree of transparency; and</p>

	(c) the proposed materials and construction.
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Assessment – Solid 2.1m high colorbond fencing is proposed for the western and southern boundaries which is intended to extend to the frontages. Fencing of this height reduces visibility substantially for those entering and exiting the site. A condition will be placed on the permit to improve visibility within 4.5m of the frontages.

A metal picket fence, 1.1m high will be placed on the Elizabeth Street and Formby Road frontages. This will not cause any issues in regard to visibility and is compatible with the streetscape.

The performance criteria is satisfied.

<p>A2</p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must:</p> <p>(a) have a height above existing ground level of not more than 2.1m; and</p> <p>(b) not contain barbed wire.²</p>	<p>P2</p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) their height, design, location and extent; and</p> <p>(b) the proposed materials and construction.</p>
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Assessment – The fence proposed for the western boundary will have a height of 2.1m and not contain barbed wire.

The acceptable solution is met.

17.4.5 Outdoor storage areas

<p>Objective:</p> <p>That outdoor storage areas do not detract from the appearance of the site or surrounding area.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>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.</p>	<p>P1</p> <p>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.</p>

Assessment – No outdoor storage areas will be visible from the street.

The acceptable solution is met.

17.4.6 Landscaping

<p>Objective:</p> <p>That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.</p>

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>If a building is set back from a road, landscaping treatment must be provided along the frontage of the site:</p> <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. 	<p>P1</p> <p>If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to:</p> <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) the character of the streetscape and surrounding area.

Assessment – A landscaping plan has been provided and while it will not be to a depth of 5.5m the treatment is deemed to be suitable. The vegetation will need to be monitored to ensure it does not obstruct visibility at either access point and the intersection.

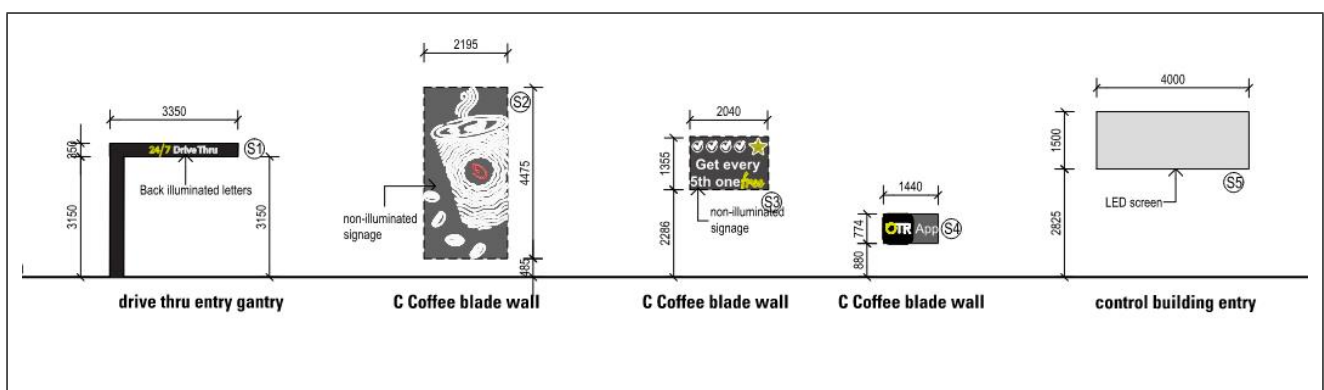
The performance criteria is met.

Signs Code

Placement of signage is shown on the site plan below in Figure 14 and elevations for the signs are shown in Figure 15.



Figure 24 - location of signs shown as S1-S11 (Source: Ratio)



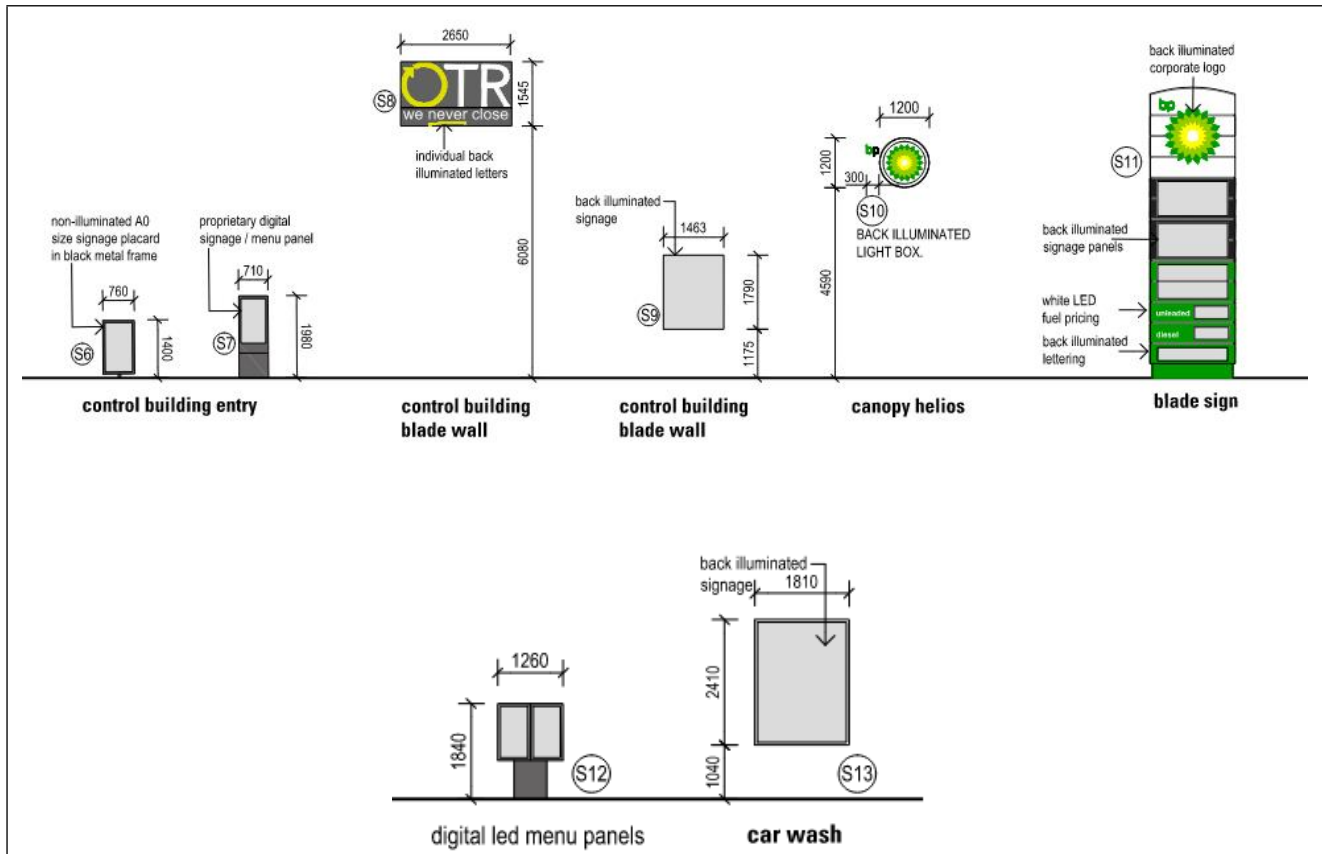


Figure 25 - Sign elevations (Source: Ratio)

Signs that are intended to be viewed from within the site itself do not require assessment against the code, however those that are meant to be viewed from the street must be assessed.

C1.6.1 Design and siting of signs

Objective:

That:

- (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, excluding for the following sign types, for which there is no Acceptable Solution: <ul style="list-style-type: none"> (i) roof sign; 	<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;

(ii) sky sign; and (iii) billboard.	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.
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Assessment – Each sign is addressed below:

S1 & S3-S7 are intended to be viewed from within the site and do not require assessment.

S2 is a wall sign 4.475m x 2.195m with an area of 9.8m². One S2 sign will be located on the south-western corner of the building and one on the south-eastern corner. The latter will be visible from Formby Road. As per Table C1.6 a wall sign must not extend beyond the wall, have a maximum area of 4.5m² and not occupy more than 25% of the wall area. While the sign does not extend above the wall it has an area greater than 4.5m² and occupies more than 25% of the wall area.

S8 is proposed to be placed above S2 on the south-eastern corner. S8 is illuminated with dimensions of 1.545m x 2.650m and an area of 4m².

The wall has an area of approximately 27m² therefore approximately 50% of the wall will be occupied by signage and P1.1 must be satisfied.

The signs are located within an appropriate zone and are compatible with the streetscape which includes a number of large wall signs. The amenity of surrounding properties will not be impacted.

An S8 sign will also be located on the north-eastern corner of the control building. As the area is less than 4m² and covers less than 25% of the wall it meets the requirements of Table C1.6.

S9 will be placed on the eastern wall. It is a sign 1.79m x 1.463m and complies with the size and wall coverage requirements.

S10 is to be located on the canopy above the bowers and classed as a canopy sign. It meets the requirements of Table C1.6.

S11 is a blade sign to be placed in the south-eastern corner of the site. It will have a height of 7m after being reduced from a proposed height of 9m. The width of the sign is approximately 2m. Blade signs should have dimensions of 1.2m by 3.6m in accordance with Table C1.6.

The sign is appropriate for the zone and in keeping with the streetscape. A number of other signs are located in the area with similar dimensions.

S13 is a wall sign to be placed on the eastern wall of the car wash building. It will be 2.4m x 1.8m with an area of 4.3m² and meets the requirements of Table C1.6.

While signs S2, S8 and S11 do not meet the requirements of the Table the performance criteria is satisfied as they are in keeping with the streetscape and in proportion to the building and site. They will not negatively impact on amenity.

The performance criteria is satisfied.

<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) 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.
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Assessment – No signs are proposed to be located less than 2m from the boundary with the General Residential zone.

The acceptable solution is met.

<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, excluding the following sign types, for which there is no limit: <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.
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Assessment – The proposal has a frontage of approximately 40m to both Formby Road and Elizabeth Street and therefore 6 signs per frontage are permitted.

The acceptable solution is met.

C1.6.2 Illuminated signs

<p>Objective:</p> <p>That:</p> <ul style="list-style-type: none"> (a) illuminated signs are compatible with the streetscape; (b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and (c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p>

	<p>An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the sign; (b) the size of the sign; (c) the intensity of the lighting; (d) the hours of operation of the sign; (e) the purpose of the sign; (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) the intended purpose of the changing message of the sign; (h) the percentage of the sign that is illuminated with changing messages; (i) proposed dwell time; and (j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.
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Assessment – A number of signs will be illuminated and visible externally: S8, S9, S10, S11 & S13. S11 is the blade sign which is common for service stations and appropriate for the site. It will contain a section with a changing message with a maximum dwell time of 30 seconds. S8, S9 & S13 are wall signs. S8 will be static while the intention for S9 and S13 is unknown. S10 is the canopy sign.

The number of illuminated signs is appropriate for the area and will not intrude on the residential properties. The service station is proposed to operate 24 hours a day with the signage to do likewise. Given the orientation of the signs it is unlikely they will impact on nearby residential properties however, once established any negative impacts can be considered in accordance with the requirements of the *Environmental Management and Pollution Control Act, 1993*.

The nearest traffic lights are approximately 90m to the south and will not be impacted by the signs.

The illuminated signs will not have an unreasonable effect on the safety, appearance or efficiency of the road network and are compatible with the streetscape.

The performance criteria is satisfied.

A2	P2
An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or	No Performance Criterion.

movement, unless it is providing direction or safety information.	
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Assessment – Given the above acceptable solution a condition will be placed on the permit to ensure no illuminated signs change too frequently.

Parking and Sustainable Transport Code

The relevant clauses of the Code have been reproduced below. Clauses that deal with other zones or design aspects that are not required have been omitted.

C2.5.1 Car parking numbers

<p>Objective:</p> <p>That an appropriate level of car parking spaces are provided to meet the needs of the use</p>	
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 	<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

<p>development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>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>(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>
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Assessment – The planning scheme stipulates that 4 parking spaces per service bay are required. These requirements seem to disregard the fact that many service stations no longer service vehicles, however, the majority of vehicles only park at the bowser and do not park elsewhere on site. Staff parking does not seem to have been considered. As no service bays are proposed no parking spaces are required however 9 are proposed, which the applicant has deemed sufficient.

Parking space no. 9 which is located on the southern side of the entry on Formby Road will be conditioned to be removed as Council staff consider it to have the potential to create conflict with vehicles entering the site given its close proximity to the access point.

The acceptable solution is met.

C2.5.2 Bicycle parking numbers

<p>Objective:</p> <p>That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1. 	<p>P1</p> <p>Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and (b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.

Assessment – 1 bicycle parking space is required per 5 employees. Two bicycle parking spaces are proposed.

The acceptable solution is met.

C2.5.3 Motorcycle parking numbers

<p>Objective:</p> <p>That the appropriate level of motorcycle parking is provided to meet the needs of the use.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <ul style="list-style-type: none"> (a) be no less than the number specified in Table C2.4; and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained. 	<p>P1</p> <p>Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the proposed use and development; (b) the topography of the site; (c) the location of existing buildings on the site; (d) any constraints imposed by existing development; and (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.

Assessment – Clause 2.2.2 states that C2.5.3 is only applicable to a list of use classes that does not include Vehicle Fuel Sales and Service although Food Services is included.

Table C2.4 states that there is no requirement for motorcycle parking if the car parking requirement is less than 20.

No motorcycle parking is required.

The acceptable solution is met.

C2.5.4 Loading Bays

<p>Objective:</p> <p>That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>	<p>P1</p> <p>Adequate space for loading and unloading of vehicles must be provided, having regard to:</p> <ul style="list-style-type: none"> (a) the type of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading;

	<p>(d) the location of the site;</p> <p>(e) the nature of traffic in the surrounding area;</p> <p>(f) the area and dimensions of the site; and</p> <p>(g) the topography of the site;</p> <p>(h) the location of existing buildings on the site; and</p> <p>(i) any constraints imposed by existing development.</p>
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Assessment – Not applicable. The floor area is less than 1000m².

C2.6.1 Construction of parking areas

<p>Objective:</p> <p>That parking areas are constructed to an appropriate standard.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <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. 	<p>P1</p> <p>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:</p> <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.

Assessment – The parking areas, access ways etc will be constructed with a durable all weather pavement to which will restrict abrasion from traffic and minimise entry of water to the pavement. Such areas will also be drained to the reticulated stormwater system.

The acceptable solution is met.

C2.6.2 Design and layout of parking areas

<p>Objective: That parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>	
Acceptable Solutions	Performance Criteria

<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> i. have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; 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 <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> (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 Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.¹ 	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (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;
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Assessment – The proposal meets the requirements of the Australian Standards.

The acceptable solution is met.

C2.6.3 Number of accesses for vehicles

<p>Objective:</p> <p>That:</p> <p>(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;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>

Assessment – One access is proposed for each frontage.

The acceptable solution is met.

C2.6.5 Pedestrian access

<p>Objective:</p> <p>That pedestrian access within parking areas is provided in a safe and convenient manner.</p>	
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> <ol style="list-style-type: none"> a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or protective devices such as bollards, guard rails or planters between the 	<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>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>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>
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Assessment – 8 parking spaces will be provided. A1.1 is not applicable.

A footpath is located adjacent to the parking space for people with a disability.

The acceptable solutions are met.

Road and Railway Assets Code

<p>Objective:</p> <p>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.</p>	
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>	<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.

<p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of <i>the Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
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Assessment – The subject site is not a limited access road nor a category 1 road.

An existing crossover (vehicle crossing) exists on Elizabeth Street in the approximate location of that proposed. Two crossovers are located on Formby Road as there are two lots. The proposed access will be located approximately midway between the two existing crossovers. It is considered that no new accesses are proposed given the two existing will be reduced to one.

Vehicular traffic will be able to enter and exit the site in a forward direction.

In regard to increases in vehicular traffic to and from the site the amounts permissible in Table C3.1 are as follows:

Table C3.1 Acceptable increase in annual average daily traffic to and from the site (total of ingress and egress)

Location of vehicular traffic	Amount of acceptable increase in annual average daily traffic to and from the site (total of ingress and egress)	
	Vehicles up to 5.5m long	Vehicles longer than 5.5m long
Vehicle crossing on major roads and private level crossings	10% or 10 vehicle movements per day, whichever is the greater	10%
Vehicle crossings on other roads	20% or 40 vehicle movements per day, whichever is the greater	20% or 5 vehicle movements per day, whichever is the greater

Formby Road is not classed as a major road therefore movements for vehicles up to 5.5m long can increase by 20% or 40 movements per day (which ever is greater) and 20% or 5 vehicle movements per day (which ever is greater) for vehicles longer than 5.5m.

No. 10 Formby Road was most recently a used car yard. During this time the access point was not used and people generally entered the site on foot. This is evidenced by the aerial photos of the site taken in 2009, 2013, 2015 & 2019 shown in Figure 16 below, which shows cars on display blocking the access in the south-eastern corner of the lot.

The site has not been utilised since the car yard closed approximately 2 years ago.

In regard to 11 Formby Road this site was most recently used as a warehouse and showroom by a supplier of disability aids. The business operators generally delivered the required goods directly to purchasers with few clients visiting the site. As such, the site was subject to limited vehicle movements per day. For the purposes of this analysis, it will be estimated that there were 60 movements per day across the two sites, however it was likely much less.

In light of the above an increase of 20% would equate to 12 vehicle movements, therefore 40 is the greater number. Any more than an additional 40 vehicle movements does not comply with the acceptable solution. This would allow for 100 vehicle movements per day to and from the site.



Figure 26 - Aerial photos of subject site showing parking on the site in 2009, 2013, 2015 & 2019 (Source: DCC)

The applicant has estimated that there will be 80 vehicle movements to and from the site per hour during peak periods which is much greater than 100 vehicle movements per day.

Given the proposed layout of the site it is likely that those entering via Formby Road will exit via Elizabeth Street and vice versa. This equates to 40 vehicle movements per access at peak times. Assuming that half of all vehicles will leave Elizabeth Street to the east and half to the west there would be an additional 20 vehicle movements entering Formby Road via Elizabeth Street. In reality this is unlikely given the majority of vehicles will enter via Formby Road and the number of cars accessing Formby Road via Elizabeth Street will be much greater.

The TIA submitted with the application discusses the impact of 8 'new' vehicle movements anticipating that most traffic using the site would have been passing by in the first place and has not made a special trip to the site. This fails to recognise the conflict created by the vehicle entering and exiting the site rather than merely staying on the road. Analysis of the impact of the additional vehicle movements to and from the site has repeatedly

been requested of the applicant however it seems they have not fully understood the issue. The final response to Council's request for information in some part addressed this.

The TIA states that the Formby Road and Elizabeth Street intersection will operate under 'excellent' conditions. While this may be true on paper those utilising the road network are aware of the existing issues with this intersection.

It is acknowledged that traffic entering and exiting the site via the Formby Road access will likely have little negative impact on the road network and is in keeping with the existing situation further north on Formby Road. Entering traffic will, however, fill the gaps traffic entering from Elizabeth Street would currently utilise.

In light of the amount of traffic expected to be generated by the development is considered that adverse effects on the safety or efficiency of the road network, namely the Elizabeth Street and Formby Road intersection cannot be minimised. The nature of the road is not conducive to such an increase in traffic and the use is not deemed to be required given an existing service station is located 200m to the north.

The performance criteria cannot be satisfied.

Safeguarding of Airports Code

The proposal is exempt from the above code as the proposed buildings are less than 110m high.

COMMUNITY ENGAGEMENT

On 04/03/2022, 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 10/12/2022;
- (b) Making a copy of the proposal available in Council Offices from the 10/12/2022;
- (c) Notifying adjoining property owners by mail on 08/12/2022; and
- (d) Erecting a Site Notice for display from the 09/12/2022.

The period for representations to be received by Council closed on 23/12/2022.

REPRESENTATIONS

Three representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representations are attached in full as **Attachment 2**.

The first representation is from Graham Kent, and raises concerns over:

- the impact of additional traffic on the intersection to the south;
- increased collisions in the north bound lanes of Formby Road;
- the incomplete response to Council's questions;
- the classification of the Elizabeth St and Formby Road as operating under 'excellent' conditions; and
- Elizabeth Street being unsuitable for the tanker movements.

The concerns raised are in keeping with the concerns Council has over the traffic movements, particularly the impact on the Elizabeth Street and Formby Road intersection.

The second representation is from the owner of the property to the west. The issues raised relate to:

- the impact of the car wash building on amenity;
- the impact of noise and headlights on his ability to sleep;
- the impact of the demolition and construction on residential amenity; and
- negative effect on ability to sell his property.

In regard to the above, while view is not a consideration of the planning scheme the impact on the bulk and scale of the car wash building is. As discussed earlier in this report it is deemed that the impact of the building will have a negative impact due to its location and size.

The applicant submits that noise generated from the site will not negatively impact adjoining properties however the issue of headlights has not been considered. Vehicles entering the site via Elizabeth Street will likely impact the representor's property.

The impact of the demolition and construction, while frustrating, will only be an issue for a limited time.

Resale value is not a consideration of the planning scheme.

It is agreed the car wash is likely to have a negative impact on the representor's property as discussed above.

The final representation is from the property owner of 13 Formby Road which is located opposite the site on the northern side of Elizabeth Street. This representation raises the following points:

- Traffic congestion on road network;
- Impact of high fences;
- Existing issues with intersection;
- Future of representor's property;
- Traffic congestion on subject site; and
- Impact on residential amenity.

The issues raised are similar to those in the previous two representations. It is agreed that there are concerns over the impacts on the road network as a result of the proposal.

The issue of reduced visibility in regard to 2.1m high fences on the boundary has been addressed through the recommendation to reduce the height of the fences within 4.5m of the boundary.

As mentioned earlier, resale value is not a consideration of the planning scheme. Given the representor's property is located with a local heritage precinct any future development of that lot would need to take the Local Historic Heritage Code into consideration, along with the requirements of the Commercial zone.

It is also agreed that congestion within the site may be an issue. Although the layout complies with the Australian Standards it is felt that there are too many activities taking place within the site to allow for a smooth flow of traffic.

The noise report shows that the representor's property will be subject to more noise issues than others in the area, however, it is located in the Commercial zone and therefore the requirements of the scheme in regard to residential amenity do not apply to this property. The requirements of the *Environmental Management and Pollution Control Act* must be adhered to however.

DISCUSSION

The applicants have been made aware of the concerns raised in the representations and have addressed these in a document submitted to Council which can be found at **Attachment 3**. The response reiterates the information provided in the application.

Assessment of the application demonstrates that there are a number of areas of concern in relation to the proposal, namely the proposed car wash and the increase in traffic entering and exiting the site and the subsequent impacts on the road network.

It is felt that the proposed location of the service station is not ideal, however the zone does allow for such a use.

A recommendation offering two options has been provided.

One option is to refuse the application based on the reasoning that clauses C3.5.1 A1.4 and P1 and 17.4.2 A2 and P2 cannot be met in regard to the safety of the Elizabeth Street and Formby Road junction and the impact of the proposed carwash on the adjacent property.

The other option is to approve the application with a number of conditions designed to mitigate some of the issues.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative 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 proposal has been assessed by Council's Development and Infrastructure and Works staff and a number of concerns have been identified. The assessment has determined that:

- the safety of the Elizabeth Street and Formby Road junction will be compromised by the increase in vehicle movements from the site and the efficiency of the road network will be negatively impacted; and
- the impact of the proposed carwash on the amenity of the adjacent residential property to the immediate west is unreasonable.

Council, acting as a Planning Authority will be required to determine if the application should be refused or approved with conditions.

ATTACHMENTS

1. Application (including all additional information) - PA2022.0035 - 10 & 11 Formby Road - Vehicle F [**4.5.1** - 413 pages]
2. Representations - PA2022.0035 - 10 & 11 Formby Road [**4.5.2** - 6 pages]
3. Applicant's Response to Representations - PA2022.0035 - 10 & 11 Formby Road, Devonport [**4.5.3** - 4 pages]
4. Tas Water Submission to Planning Authority Notice - PA2022.0035 - 10 & 11 Formby Road [**4.5.4** - 2 pages]

4.6 PA2022.0132 - 34 WRIGHT STREET EAST DEVONPORT - RESIDENTIAL (MULTIPLE DWELLINGS X 5)

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

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That Council, 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 PA2022.0132 and grant a Permit to use and develop and identified as 34 Wright Street, East Devonport for the following purposes:

- Residential (multiple dwellings x 5)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Unit Development, Revision A, dated 21/12/21 by n + b, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to ensure all easements are clear of any structure, including eaves.
3. Opaque glazing is to be utilised for the windows of Bedroom 2 for both Units 2 & 3.
4. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 20 -year Average Recurrence Interval (ARI), and for a suitable range of storm durations to identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to lodgement of 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.
5. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point).
6. All parking spaces within the driveway area are to be line-marked.
7. 'No parking' is to be marked on the passing bay in the access strip.
8. Waste collection is to be via a private contractor.

9. The developer is to comply with the conditions specified in the Tasmanian Heritage Council Notice of Heritage Decision #8003, dated 12 January 2023. A copy of this notice is attached.
10. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

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

In regard to condition 8 there is insufficient frontage to allow for placement of wheelie bins for collection, therefore alternative arrangements are required.

It is suggested that vegetation be planted on the northern side of the access strip to minimise any impacts on the neighbouring property, whilst ensuring visibility is not obscured for vehicles.

Regarding future street addressing for the multiple dwelling development, the following is to apply:

Unit No. on Site Plan	Assigned Address
5	1, 34 Wright Street, East Devonport
4	2, 34 Wright Street, East Devonport
3	3, 34 Wright Street, East Devonport
2	4, 34 Wright Street, East Devonport
1	5, 34 Wright Street, East Devonport

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*.

The developer is to manage any asbestos found during demolition in accordance with the *How to Safely Remove Asbestos Code of Practice* issued by Safe Work Australia (October 2018).

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 condition 9 the applicant/developer should contact the Tasmanian Heritage Council – Ph 6165 3700 with any enquiries.

In regard to condition 10 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 4 & 5 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 PA2022.0132.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	34 Wright Street, East Devonport
Applicant:	N+B Design Pty Ltd Nicholas Brandsema
Owner:	Ms EJ Woolley
Proposal:	Residential (multiple dwellings x 5)
Existing Use:	Vacant land
Zoning:	General Residential
Decision Due:	13/01/2023 (extension granted until 23/01/2023)

SITE DESCRIPTION

The site is an internal lot located on the western side of Wright Street and was subdivided from 32 Wright Street, which is permanently registered on the Tasmanian Heritage Register, in 2021. The subject site has an area of 2337m² and frontage 10m wide. The lot falls approximately 2.5m from east to west and is surrounded by both vacant and developed residential lots. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 27 - Aerial view of subject site and surrounding area

APPLICATION DETAILS

The applicant is seeking approval for a mix of five 2 and 3 bedroom units to be constructed of brick and colorbond. Figures 2-8 show the plans for the proposal. A complete copy of the planning application is appended as **Attachment 1** to this report.

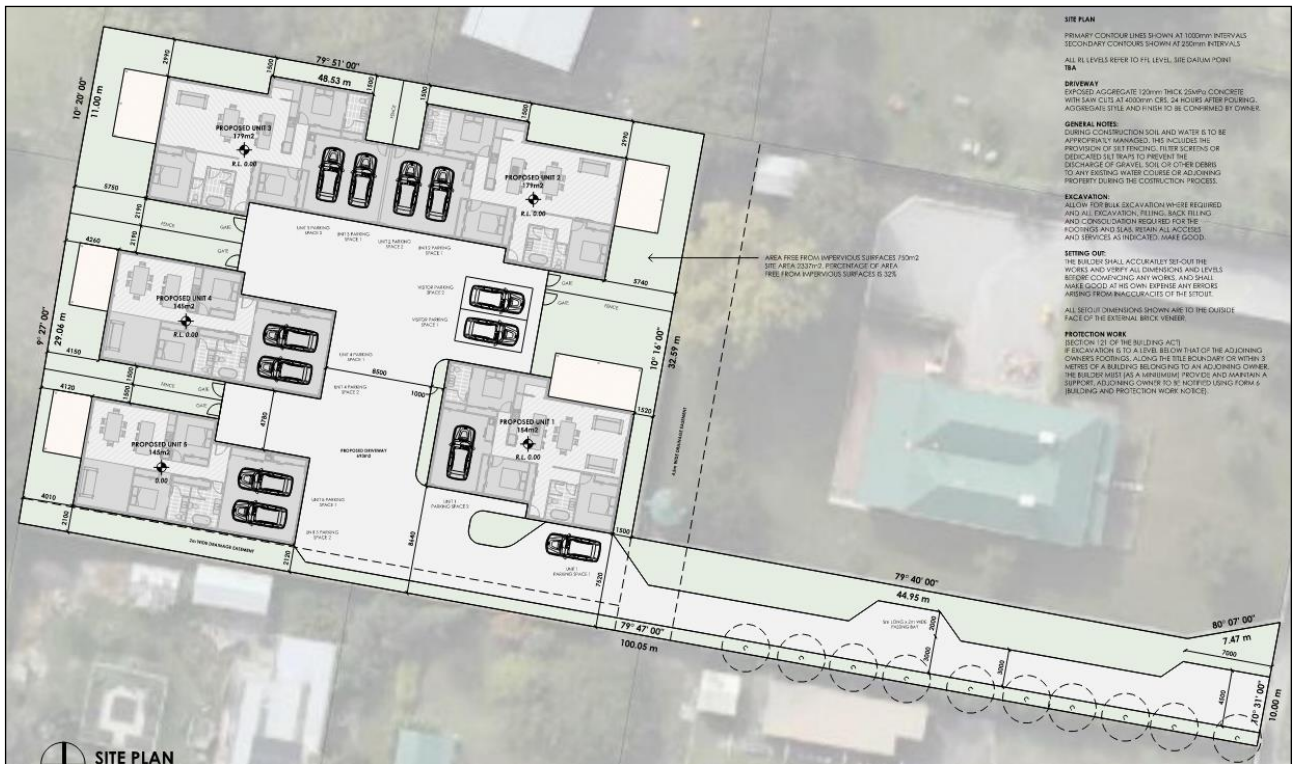


Figure 28 - Site plan

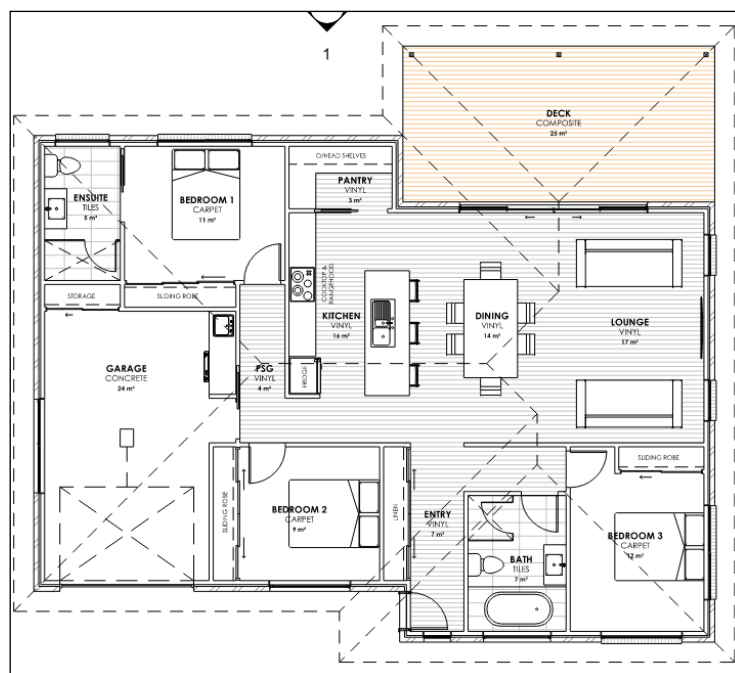


Figure 29 - Unit 1 floor plan



Figure 30 – Unit 1 elevations

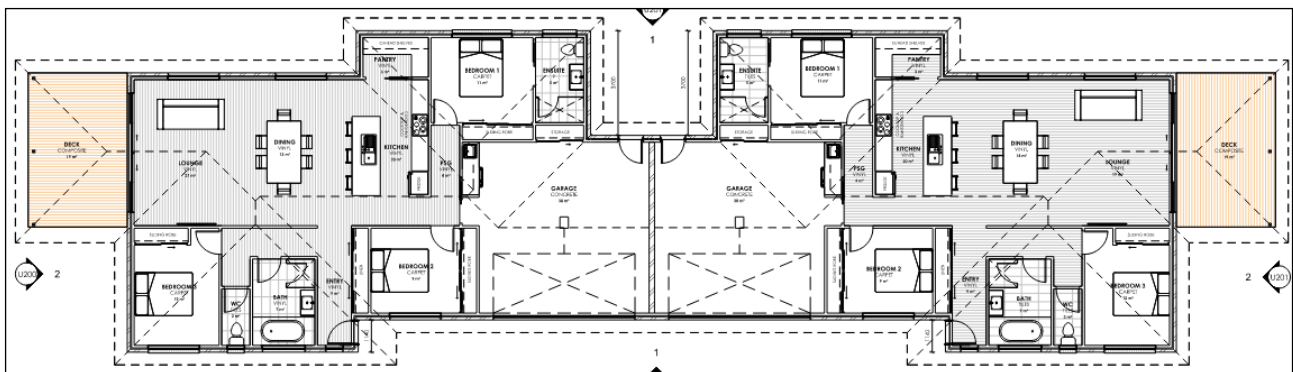


Figure 31 – Units 2 & 3 floor plans



Figure 32 – Units 2 & 3 elevations

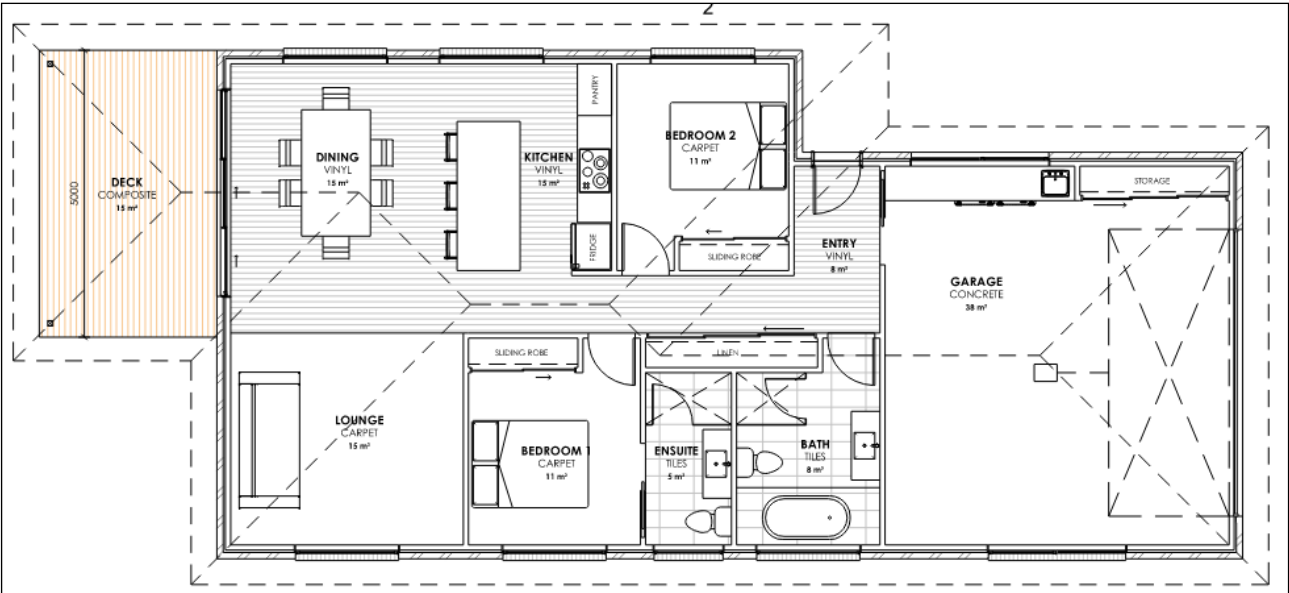


Figure 33 - Units 4 & 5 floor plan



Figure 34 - Units 4 & 5 elevations

PLANNING ISSUES

The land is zoned General Residential under the *Tasmanian Planning Scheme - Devonport 2020*. The intent of the zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - (a) primarily serves the local community; and

- (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

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

Residential use in the form of multiple dwellings is permitted in the zone provided all relevant development standards contained within the zone and any applicable codes can be met at the acceptable solutions level. Where this is not possible the proposal is assessed against the corresponding performance criteria as a discretionary application in accordance with section 57 of LUPAA.

In this case the proposal meets the acceptable solutions in regard to height, private open space, privacy and parking but does not satisfy the setback requirement in regard to the eastern boundary. A setback of 4.5m is required and 1.5m is proposed. The relevant sections of the planning scheme are reproduced below, followed by assessment.

8.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	P1 Multiple dwellings must only have a site area per dwelling that is less than 325m ² , if the development will not exceed the capacity of infrastructure services and: (a) is compatible with the density of existing development on established properties in the area; or (b) provides for a significant social or community benefit and is: (i) wholly or partly within 400m walking distance of a public transport stop; or (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.

The lot has an area of 2337m². Given 5 units are proposed this equates to an area of 467m² per dwelling.

The acceptable solution is met.

8.4.2 Setbacks and building envelope for all dwellings

Objective:	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations. 	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level. 		<p>P1</p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>

The setback from the frontage is in excess of 4.5m.

The acceptable solution is met.

<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. 	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
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All garages have a setback in excess of 5.5m from the frontage.

The acceptable solution is met.

<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: 	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
<ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	<ul style="list-style-type: none"> (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site.

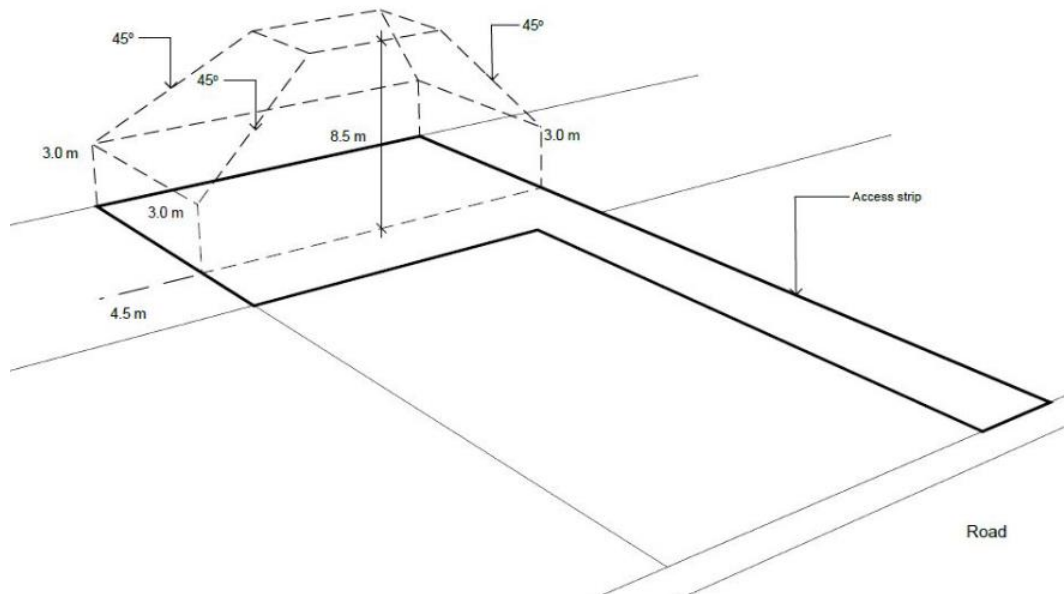


Figure 8.3 Building envelope for internal lots as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

The setback required by the planning scheme for the eastern boundary of the site is 4.5m however 1.5m is proposed. As shown in Figure 1 the dwelling to the east is setback approximately 17m to the common boundary. This, combined with the orientation of the lots, means that no overshadowing of the neighbouring dwelling will occur and any overshadowing of the private open space will be limited to the late afternoon. The main section of the deck attached to the neighbouring property is located to the north of the building and will not be impacted. The bulk and scale of the unit is residential in nature and fencing will reduce visibility between the existing house and proposed unit.

Separation between dwellings is in keeping with the area and no solar energy installations will be impacted.

The performance criteria is satisfied.

8.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with the amenity and character of the area and provide: <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight. 	
Acceptable Solutions		Performance Criteria
A1 Dwellings must have: <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 		P1 Dwellings must have: <ul style="list-style-type: none"> (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with

1.8m above the finished ground level (excluding a garage, carport or entry foyer).	<ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
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Site coverage is 34% of the site and the minimum area of private open space is 89m² for Unit 4.

The acceptable solution is met.

<p>A2</p> <p>A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. 	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
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Each dwelling has an area of private open space with a minimum horizontal dimension of 4m and a total of 24m². The private open space will be relatively flat and appropriately located.

The acceptable solution is met.

8.4.4 Sunlight to private open space of multiple dwellings

Objective:	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <ul style="list-style-type: none"> (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling. 	<p>P1</p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.</p>

Not applicable. Each unit has a private open space area that does not have another unit directly north.

8.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.	
Acceptable Solutions		Performance Criteria
A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		P1 A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

Not applicable. There are no garages within 12m of the primary frontage.

8.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions		Performance Criteria
A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or 		P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: <ul style="list-style-type: none"> (a) a dwelling on an adjoining property or its private open space; or (b) another dwelling on the same site or its private open space.

- | | |
|--|--|
| <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p> | |
|--|--|

Not applicable. None of the units have a finished floor level more than 1m above existing ground level.

A2

A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):

- (a) the window or glazed door:
 - (i) is to have a setback of not less than 3m from a side boundary;
 - (ii) is to have a setback of not less than 4m from a rear boundary;
 - (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
 - (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.
- (b) the window or glazed door:
 - (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;
 - (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.

P2

A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) a window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling.

Not applicable. None of the units have a finished floor level more than 1m above existing ground level.

<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
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Bedroom 2 for Units 2 and 3 have windows that are not separated from the shared driveway. While it is unlikely that cars from other units will come within 2.5m of the bedrooms it cannot be guaranteed. A condition will be placed on the permit requiring the glazing be opaque to a height of 1.7m above floor level.

The acceptable solution can be met.

8.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling;</p>		<p>P1</p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>

- | | |
|---|--|
| (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area. | |
|---|--|

There is sufficient room for the provision of a 1.5m² waste storage area for each unit, however, there is not enough room for bins to be placed on the frontage for kerbside collection. In light of this the developer will need to enter into a contract with a private contractor for the disposal of waste. A condition will be placed on the permit in this regard.

The acceptable solution is met.

The Parking and Sustainable Transport Code applies to the proposal.

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</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>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>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
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Two parking spaces per lot and two visitor parking spaces are required.

The acceptable solution is met.

C2.5.2 Bicycle parking numbers

Objective:	That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>		<p>P1</p> <p>Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and</p> <p>(b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>

Not applicable. No bicycle parking spaces are required.

C2.5.3 Motorcycle parking numbers

Objective:	That the appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided</p>		<p>P1</p> <p>Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature of the proposed use and development;</p> <p>(b) the topography of the site;</p> <p>(c) the location of existing buildings on the site;</p>

the existing number of motorcycle parking spaces is maintained.	<p>(d) any constraints imposed by existing development; and</p> <p>(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.</p>
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Not applicable. No motorcycle parking spaces are required.

C2.5.4 Loading Bays

Objective:	That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>	<p>P1</p> <p>Adequate space for loading and unloading of vehicles must be provided, having regard to:</p> <ul style="list-style-type: none"> (a) the type of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) the topography of the site; (h) the location of existing buildings on the site; and (i) any constraints imposed by existing development.

Not applicable.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Objective:	To: <ul style="list-style-type: none"> (a) facilitate the reuse of existing non-residential buildings within the General Residential Zone and Inner Residential Zone; and (b) to not cause an unreasonable impact on residential amenity by the car parking generated by that reuse. 	
Acceptable Solutions		Performance Criteria
A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: <ul style="list-style-type: none"> (a) Food Services uses up to 100m² floor area or 30 seats, whichever is the greater; and (b) General Retail and Hire uses up to 100m² floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		P1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, the number of on-site car parking spaces must be sufficient to meet the reasonable needs of users and must not cause an unreasonable impact on residential amenity, having regard to: <ul style="list-style-type: none"> (a) car parking demand generated by the proposed use during its proposed hours of operation; (b) the availability of on-street and public car parking in the surrounding area; (c) the availability and frequency of public transport within a 400m walking distance of the site; (d) the availability and likely use of other modes of transport; (e) the availability and suitability of alternative arrangements for car parking provision; (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; (g) any car parking deficiency or surplus associated with the existing use of the land; (h) any relevant parking plan for the area adopted by council; (i) any existing on-street car parking restrictions; and (j) the proportion of residential properties without off-street parking within a 100m radius of the subject site.

Not applicable.

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 proposal has been designed in accordance with the above and conditions placed on the permit to ensure compliance.

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
<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> (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 <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (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>.

<p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> (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 	
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The parking areas have been designed to meet the acceptable solution.

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.

Only one access is proposed. The acceptable solution is met.

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>

No footpaths are provided, therefore the performance criteria must be assessed.

Ten parking spaces, which is what the site contains, is the minimum number of spaces requiring footpaths. The provision of footpaths is more typical of parking area for businesses rather than residential requirements, given the sporadic nature of vehicle movements within such a site. The frequency of vehicle movements will be approximately 3 per hour in light of the number of dwellings (9 vehicle movements per dwelling per day).

The site is open with good visibility and the access strip is wide enough to allow pedestrians to access and exit the site safely.

The performance criteria is satisfied.

The subject site is located within a Local Heritage Precinct however it is also a registered place on the Tasmanian Heritage Register and therefore the Local Historic Heritage Code does not apply as per clause C6.2.3. Rather the proposal has been referred to the Tasmanian Heritage Council. A Notice of Heritage Decision has been issued and will be attached to the permit (refer to **Attachment 2**).

No other Codes are applicable.

COMMUNITY ENGAGEMENT

On 11/08/2022, 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 10/12/2022;
- (b) Making a copy of the proposal available in Council Offices from the 10/12/2022;
- (c) Notifying adjoining property owners by mail on 08/12/2022; and
- (d) Erecting a Site Notice for display from the 09/12/2022.

The period for representations to be received by Council closed on 23/12/2022.

REPRESENTATIONS

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

The representors live in the adjoining property to the east and have raised a number of concerns including the development being dominated by vehicles, the dominance of garages, passing bays being used for parking, proximity of the passing bay to a bedroom, loss of privacy and amenity, the 1.5m setback to Unit 1 and heritage issues.

The representation is appended in full as **Attachment 3**. Each issue raised is reproduced below, followed by comment.

1. The site plan clearly shows that the development is dominated by vehicles and vehicle movements within the subject site. Garaging is the dominant elevational element presenting to the site entry, all but one unit being provided by double Garages. Placement of the Garages on Units 4 and 5 leave a dead space 4780 wide and some 7000 deep (from scaling) in between the garages.

Response – The proposal complies with the requirements of the scheme in regard to the reduction of the potential for garage or carport openings to dominate the primary frontage (clause 8.4.5). The garage openings do not exceed the maximum widths, nor are they within 12m of the frontage. The closest garage to the frontage is setback approximately 57m. If the access strip were not taken into account the garage for unit 1 would be 12m from the frontage and not directly visible. The site provides the required number of parking spaces, no more. There are no requirements to limit the number of garages or vehicle turning areas within a site.

2. The access handle on our southern boundary is 45 metres long and a single lane driveway with one nominated passing bay. Being adjacent our Master Bedroom we are concerned that the passing bay will become a de facto parking spot, leading to people sounding their horns when unable to get through due to someone entering or leaving at the same time.

Response – A condition will be placed on the permit requiring the passing bay be signed as such to ensure people do not use it for parking.

3. There is no indication of traffic calming measures to prevent the driveway from becoming a speedway and generating vehicle noise to an unacceptable level. Along these lines, as Wright Street has a significant number of pedestrians using the footpath, there is a potential danger through the confluence of vehicles leaving the

site with pedestrians and children on bikes using the footpath. We believe it would be an accident waiting to happen, when some design improvements and due consideration could avoid any issue.

Response – The access has been designed in accordance with the planning scheme requirements in regard to width and passing bays and it is deemed suitable for its intended purpose. No changes to the design are warranted.

4. Units 1 is of particular concern to us. Being situated 1500mm off our shared boundary and with two windows to the Lounge facing our boundary and a long high window in the Bedroom facing our boundary I'm concerned about retaining our privacy.

Response – The 1.5m setback was discussed earlier. The representor's house is approximately 17m from the boundary meaning the unit will be approximately 18.5m away. The fence being 1.5m from the unit will mean residents will not look out of the windows directly at the adjoining property. Figure 9 shows the view of the representor's property from the subject site at a distance of approximately 1.5m from the boundary. Privacy in terms of overlooking is unlikely to be an issue.



Figure 35 - View of representor's property from subject site

5. Moreover, a large unscreened covered deck is immediately adjacent our boundary and our private open space, for which we are very concerned about losing the amenity and privacy we have enjoyed, as too would the previous owner (the applicant) be equally concerned about the loss of privacy and the presence of a building so close to the boundary and dominating the outlook from the yard. Unit 2

has a similar impact but lessened by the increased distance of 5740 to the eastern wall and possibly 2500mm to the deck.

Response – There is no requirement for decks to be screened unless they are more than 1m above existing ground level.

6. Unit 1 has the potential to ruin the setting of our house, its bulk so close to the boundary, despite 1500mm being the legal minimum side set back, contextually it is not acceptable. We will be faced with a wall, material and colour not defined, and a “dark” roof dominating our boundary. The presence of an unscreened deck further exacerbates our amenity and privacy concerns, not only the aesthetics of the setting.

Response – While the unit will be located 1.5m from the boundary it will be approximately 18m from the existing house from which a kitchen window and laundry door look west with the majority of windows facing north. The setbacks are in keeping with those in the General Residential zone and the distance and existing fence provide good separation.

7. Our drainage easement precludes us from planting a screening hedge to mask visually and acoustically the presence of Units 1 and 2.

Response – The easement contains a TasWater sewer main. Council does not have any jurisdiction over the easement.

8. No Landscaping Plan has been provided. We have no indication of what is to be planted and where, if at all, and the set back of Unit 1 is not sufficient to plant anything substantial to address the privacy and visual impact concerns. The proximity goes back to the domination of vehicle movements and the presence of an excessive amount of garaging.

Response – The planning scheme does not contain any requirements in regard to landscaping for unit developments.

9. The access handle provides an ample opportunity to heavily plant along our boundary to screen out vehicle noise and address our concern about vehicle noise impact on our adjacent Bedroom.

Response – While there is ample room for vegetation to be planted there is no requirement under the planning scheme to do this. A note can be placed on the permit suggesting planting be undertaken however there is no mechanism to condition this.

10. The entry to Unit 1 is in my view, precariously close to the access handle driveway, presenting a danger not only to the occupants entering and leaving the residence on foot, but vehicles reversing from the Garage, visually obstructed by the Unit 1 parking space, makes it doubly of concern.

Response – The speed at which vehicles should be travelling within the site should prevent any issues, as should the openness of the site. Reversing into the garage, rather than out will also assist. No changes are deemed necessary.

11. No levels are indicated on the drawings, nor is there an accompanying contour survey from which we could determine cut and fill and the overall height projection of eaves and ridge above our fence.

Response – Although levels have not been shown the subject site sits lower than the representor's property. The existing fence is approximately 1.8m high therefore only the very top of the windows and the roof are likely to be visible from the adjoining property.

12. There is no indication of stormwater detention nor rainwater harvesting/ tanks nor their proposed positions.

Response – Stormwater detention is not required to be demonstrated at this stage. A standard condition will be placed on the permit ensuring stormwater detention is addressed prior to lodgement of building plans.

13. The materials and colour selection should be provided at the planning approval stage given that this development is within the Thomas Street Heritage Precinct and so should respond to the Local Historic Heritage Code of the Planning Scheme in particular Section C6.7.3.

Response – The Local Historic Heritage Code is not applicable due to the site being registered with Heritage Tasmania. Heritage Tasmania will determine if the colours and material are appropriate.

Overall the site is not overdeveloped given the area allows for 7 units to be built on the lot. The proposal is well designed in that sufficient parking and private open space is available for each unit and solar access has been considered. The separation between the proposal and the existing dwelling is in keeping with the area and meets the acceptable solutions or relevant performance criteria contained within the planning scheme.

No changes are deemed necessary as a result of the representation however a note will be placed on the permit suggesting vegetation be planted on the northern boundary of the access strip.

DISCUSSION

The proposal was referred to TasWater and conditions supplied to be added to the permit. A copy of the TasWater SPAN is appended to this report as **Attachment 4**.

FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative 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 proposed development has been assessed by Council's Development and Infrastructure and Works staff along with TasWater and the Tasmanian Heritage Council and can be approved with conditions.

ATTACHMENTS

1. Application - PA2022.0132 - 34 Wright Street [**4.6.1** - 25 pages]
2. Notice of Heritage Decision #8003 - PA2022.0132 - 34 Wright Street [**4.6.2** - 1 page]
3. Representation - PA2022.0132 - 34 Wright Street [**4.6.3** - 4 pages]
4. TasWater Submission to Planning Authority Notice - PA2022.0132 - 34 Wright Street [**4.6.4** - 2 pages]

4.7 AM2022.04 & PA2022.0121 - 246 BROOKE STREET EAST DEVONPORT - 39 LOT SUBDIVISION AND REZONE FROM AGRICULTURE ZONE TO GENERAL RESIDENTIAL ZONE

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

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That Council:

- agree to certify amendment AM2022.04 to the Devonport Local Provisions Schedule for the land at 246 Brooke Street, East Devonport (CT 9450/29) to:
 - a. Remove the Agricultural Zone; and
 - b. Introduce the General Residential Zone.
- advise the Tasmanian Planning Commission that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*.
- place Amendment AM2022.04 and application PA2022.0121 on public exhibition for 28 days in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- approve application PA2022.0121 for a 39 lot subdivision with the following conditions:

Planning Conditions

1. The subdivision is to proceed generally in accordance with:
 - a. Subdivision plan referenced as Job Number L22023 - Sheet 1 (Edition: V04), dated 25/10/22 by Woolcott Surveys.
 - b. Bushfire Hazard Management Plan and Recommendations submitted within the Bushfire Hazard Report, dated June 2022 by Woolcott Surveys.
2. A public open space contribution of 5% of the unimproved value of the land is to be provided to Council prior to sealing the initial final plan. The value of the land is to be determined by a registered valuer or based upon the current Valuer General's assessment (refer to note).
3. The developer must nominate new road names in accordance with the *Tasmanian Place Naming Guidelines*. Street numbering will be allocated by Council.
4. Upon notification of the acceptance of the Sealed Plan of Survey by the Recorder of Titles, lots assigned as road and public open space on the plan are to be transferred unencumbered to Council. All costs involved in this process are to be met by the Developer, including the partial discharge of any mortgages affecting the road or public open space lots.
5. A landscape plan showing location and species of trees to be planted within the nature strip must be submitted in accordance with the Tasmanian Subdivisional

Guidelines and approved by Council's Executive Manager as documents forming part of this Planning Permit. Planting within nature strip areas is to be completed to the Planning Authority's satisfaction before acceptance of any final plan.

6. If significant works are proposed within the areas of the low landslip hazard band, the developer is to provide Council with a geotechnical report by a suitably qualified person demonstrating compliance with development standard C15.7.1 – *Subdivision within a landslip hazard area*. The report is to be approved by Council's Executive Manager before any works associated with the subdivision commence (refer to note).

Infrastructure & Works Conditions

7. The subdivider is to submit detailed design drawings prepared by a suitably qualified engineer detailing road and stormwater design compliance with current Tasmanian Standard Drawings (TSD-v3), version 3, and Tasmanian Subdivisional Guidelines. These are to demonstrate:
 - a. Stormwater discharge from the subdivision is to be adequately 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 adequately identify peak discharge, for the piped and overland flows. All design calculations and drawings are to be submitted for approval by the City Engineer prior to commencing construction on site.
 - b. The stormwater from the development is to connect to the 600mm stormwater main.
 - c. How the proposed road formation, pavement, and associated features as well as the proposed reserve width is maintained throughout the development and conforms with the Tasmanian Subdivisional Guidelines.
 - d. How each lot is provided with a concrete vehicular access from the proposed new road in accordance with current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines.
 - e. Appropriate road longitudinal and cross-sectional grades.
 - f. Appropriate intersection design, line marking and signage.
 - g. Appropriate footpath alignments and grades including ramps and the connectivity from the development to existing.
 - h. A pathway link is to be provided to meet the existing footpath along the northern side of Upper Drew Street.
 - i. A pathway link is to be provided along Brooke Street and a pedestrian crossing is to be provided to connect with the existing footpath on the northern side of Brooke Street.
 - j. Subsoil drains.
 - k. Pipeline cover in accordance with Tasmanian Standard Drawings.
 - l. All kerb and driveway crossovers to be Type KC as per Tasmanian Standard Drawing TSD-R14-v3 and Tasmanian Subdivisional Guidelines.
 - m. Each proposed lot is to be adequately serviced to permit future development in accordance with the relevant authorities.

8. The subdivider must, prior to commencement of works on site, submit construction issue drawings to Councils Infrastructure and Works Department for approval and endorsement. Fees associated with this assessment will be in accordance with Council's current fee structure and all civil works associated with the subdivision will be subject to scheduled inspections by Council Officers.
9. The developer is to provide CCTV camera footage and condition report to WSA05-2013 v 3.1 standard, for all stormwater mains to be handed over to Council, for approval by the City Engineer.
10. Erosion and sediment control measures are to be implemented and maintained during development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground, to the satisfaction of the Planning Authority.
11. The subdivider is to acknowledge that at satisfactory completion of the works, all infrastructure intended to become a council asset will be placed on a minimum 6-month defect liability period and that there will be a bond charged to govern this period in accordance with Council's Subdivision Maintenance Bond Policy.
12. The subdivider is to provide (As cons) drawings in an electronic format at the completion of the works, detailing final road alignments, stormwater assets, invert levels and finished surface levels.
13. In accordance with the Tasmanian Subdivision Guidelines the developer is to appoint a supervising engineer to arrange for joint audit inspections and to certify the works at practical completion.

TasWater Condition

14. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

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.

In regard to condition 6, 'significant works' is defined under the definitions of the C15.0 Landslip Hazard Code.

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 condition 14, the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 7-13, the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding Planning conditions and general 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 determine whether to initiate an amendment to the Devonport Local Provisions Schedule in accordance with Section 40T of the *Land Use Planning and Approvals Act 1993* in regard to the following matters:

- Removal of the Agriculture Zone from 246 Brooke Street, East Devonport (CT 9450/29);
- Introduction of the General Residential Zone to 246 Brooke Street, East Devonport (CT 9450/29); and
- The concurrent approval of a 39 lot subdivision.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Property Address:	246 Brooke Street, East Devonport
Title Reference:	CT 9450/29
Landowner:	Mr William David Bovill
Applicant:	Woolcott Surveys
Proposal Description:	Combined Draft Amendment and Permit - Rezoning of 246 Brooke Street from the Agriculture Zone to the General Residential Zone and 39 lot subdivision
Zoning:	Agriculture
Existing Use	Pastureland
Decision Due	26 January 2023

SITE DESCRIPTION

The site is identified by the certificate of title 9450/29 with the property address of 246 Brooke Street, East Devonport. The site is rectangular in shape and has an area greater than 3ha. The property has frontages to Brooke Street to the north and Upper Drew Street to the south and is immediately surrounded by urban residential land to the west and agricultural land to the east. The site is currently utilised as pastureland and has a gradient of approximately 7.5% falling to the north.



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Figure 2 – Aerial image of the site and surrounding locality (DCC, 2021)



Figure 3 – Image of site looking south from Beachrock View (Woolcott Surveys, 2022)

CURRENT ZONING AND OVERLAY CONTROLS

The site is currently zoned Agriculture under the *Tasmanian Planning Scheme – Devonport* (the scheme). Figure 4 reproduced below is a zoning map of the site and surrounding locality.



Figure 4 – Zoning map of site and surrounds (LISTmap, 2023)

21.0 Agriculture Zone

The purpose of the Agriculture Zone is:

21.1.1 To provide for the use or development of land for agricultural use.

21.1.2 To protect land for the use or development of agricultural use by minimising:

- (a) conflict with or interference from non-agricultural uses;
- (b) non-agricultural use or development that precludes the return of the land to agricultural use; and

(c) use of land for non-agricultural use in irrigation districts.

21.1.3 To provide for use or development that supports the use of the land for agricultural use.

21.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	<p>If:</p> <p>(a) on land other than prime agricultural land; or</p> <p>(b) an agricultural use, excluding plantation forestry, on prime agricultural land if it is dependent on the soil as the growth medium or conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium.</p>
Utilities	If for minor utilities.
Permitted	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Pleasure Boat Facility	If for a boat ramp.
Residential	<p>If:</p> <p>(a) a home-based business in an existing dwelling; or</p> <p>(b) alterations or extensions to an existing dwelling.</p>
Discretionary	
Bulky Good Sales	<p>If:</p> <p>(a) a supplier for Extractive Industry, Resource Development or Resource Processing;</p> <p>(b) a garden and landscape supplier; or</p> <p>(c) a timber yard.</p>
Domestic Animal Breeding, Boarding or Training	

Educational and Occasional Care	
Emergency Services	
Extractive Industry	
Food Services	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted.
Manufacturing and Processing	If for: (a) the manufacturing of agricultural equipment; or (b) the processing of materials from Extractive Industry.
Research and Development	
Residential	If: (a) not restricted by an existing agreement under section 71 of the Act; and (b) not listed as Permitted.
Resource Processing	
Sports and Recreation	If for an outdoor recreation facility.
Storage	If for: (a) a contractors yard; (b) freezing and cooling storage; (c) a liquid, solid or gas fuel depot; or (d) a woodyard.
Tourist Operation	
Transport Depot and Distribution	If for the transport and distribution of agricultural produce and equipment.
Utilities	If listed as No Permit Required
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Prohibited	
All other uses	

In addition to the land-use zoning, the site is subject to various mapped overlays which form part of the Codes under the planning scheme. The overlays are identified and discussed in further detail below.

C13.0 Bushfire-Prone Areas Code

The entire site is within a mapped bushfire prone area. The intent of the code is:

- C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.*

C15.0 Landslip Hazard Code

Parts of the site are mapped within a low landslip hazard band as shown in Figure 5 below. The intent of the code is:

- C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.*



Figure 5 – Landslip hazard band mapping (LISTmap, 2023)

16.0 Safeguarding of Airports Code

The entire site is mapped within an airport obstacle limitation area of 51.5m AHD. The purpose of the Code is:

- C16.1.1 *To safeguard the operation of airports from incompatible use or development.*
- C16.1.2 *To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.*

PROPOSED AMENDMENT

The applicant proposes to amend the Devonport Local Provisions Schedule (LPS) zoning map to:

- (a) Remove the Agriculture Zone from 246 Brooke Street, East Devonport (CT 9450/29); and
- (b) Introduce the General Residential Zone to 246 Brooke Street, East Devonport (CT 9450/29).

The draft amendment has been sought by Woolcott Surveys. Should the amendment be certified, a 39 lot subdivision permit is also sought. A full copy of the draft amendment and permit application is appended as **Attachment 1** to this report.

STATUTORY REQUIREMENTS

In accordance with section 38 of the *Land Use Planning and Approvals Act, 1993 (LUPAA)*, before deciding whether to prepare a draft amendment to a Local Provisions Schedule (LPS) the Planning Authority must be satisfied that such a draft amendment of an LPS will meet the LPS criteria, as outlined in section 34 of *LUPAA*.

A detailed assessment against the LPS criteria is appended to this report as **Attachment 2**.

Further to satisfying the LUPAA requirements, the draft amendment requires consistency with the Section 8A Guidelines for LPS zone and code application. The guidelines for the relevant zones and codes are reproduced below along with further commentary.

21.0 Agriculture Zone

Zone Application Guidelines

- AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:
- (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:
 - (i) incorporates more recent or detailed analysis or mapping;
 - (ii) better aligns with on-ground features; or
 - (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, andwhere appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;
 - (b) any other relevant data sets; and
 - (c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.
- AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.
- AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:
- (a) existing land uses on the title and surrounding land;
 - (b) whether the title is isolated from other agricultural land;
 - (c) current ownership and whether the land is utilised in conjunction with other agricultural land;
 - (d) the agricultural potential of the land; and
 - (e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

- AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:
- (a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;
 - (b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;
 - (c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and
 - (d) larger titles or those with extensive areas of native vegetation cover.
- AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.
- AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:
- (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;
 - (b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;
 - (c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;
 - (d) for the identification, provision or protection of strategically important uses that require an alternate zone; or
 - (e) it can be demonstrated that:
 - (i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;
 - (ii) there are significant constraints to agricultural use occurring on the land; or
 - (iii) the Agriculture Zone is otherwise not appropriate for the land.
- AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:
- (a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;
 - (b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;

- (c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or
 - (d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and
- having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.

Comment: Figure 6 below is a map of 'Land Potentially Suitable for Agriculture Zone'. The State Government commissioned this mapping to assist councils in applying the Agriculture Zone as part of the Local Provisions Schedules in the Tasmanian Planning Scheme. The site is identified as Potentially Constrained (Criteria 3). Further information regarding this classification and others is appended as **Attachment 3** to this report - refer to document titled *Agricultural Land Mapping Project*.

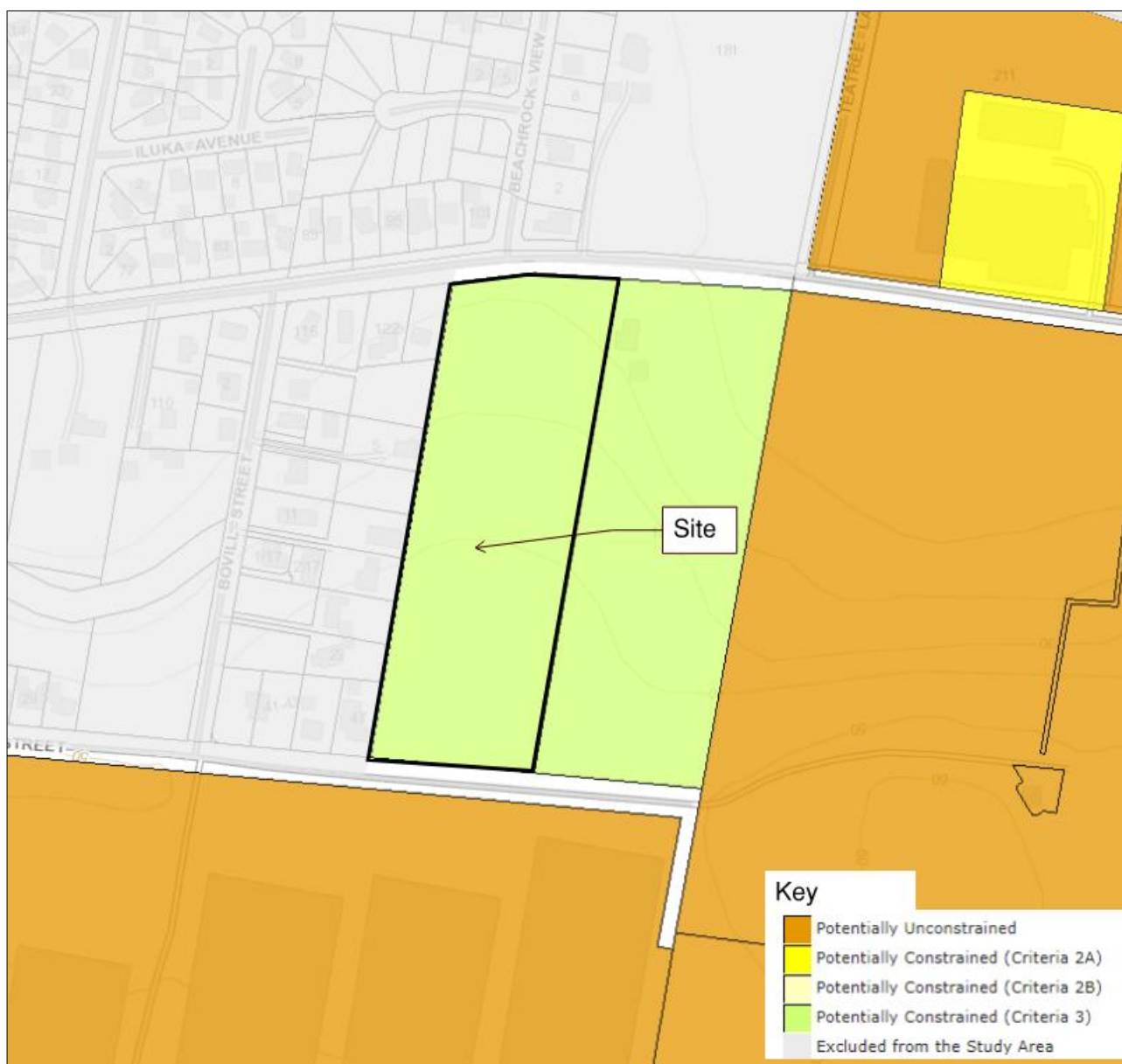


Figure 6 – Land Potentially Suitable for Agriculture Zone (LISTmap, 2023)

The Agriculture Zone Application Guidelines prescribe that land identified within the mapped Land Potentially Suitable for Agriculture Zone – Potentially Constrained may be considered for an alternate zoning subject to various considerations.

In this case, the applicant has provided a comprehensive Agricultural assessment by Pinion Advisory (2022). The report, which is appended as part of the application documentation, has undertaken a detailed assessment of the site, including but not limited to its agricultural value, identified limitations, the *Protection of Agricultural Land Policy 2009* and surrounding use and development.

Owing to a number of constraints and limiting factors the assessment by Pinion Advisory has found that the site is not appropriate for a meaningful agricultural operation. Subsequently, the land use zoning of Agriculture should be revised. Figure 7 below highlights the identified constraints and further information can be found within the various sections of the Pinion Advisory report. The contents have been examined and can be supported by the Planning Authority.

9 Conclusion

1. The property (title 9450/29) at 246 Brooke Street covers a total area of approximately 3.47ha.
2. The title is zoned Agriculture and borders General Residential Zone to the north and west.
3. The property (title 9450/29) is covered by Class 2, 3 and 4 land.
4. The title is identified as Potentially Constrained (Criteria 3) for agricultural land use.
5. The property is incapable of supporting meaningful commercial scale agriculture due a range of constraints, including its size, block layout, topography and lack of infrastructure which limits both the current and future potential productivity and diversity of agricultural land use activity and enterprise mix.
6. Although in an Irrigation District, the property (title 9450/29) has currently no access to irrigation water and in the future, this is unlikely to improved.
7. The property is currently exposed to a high level of fettering due to the large residential development adjacent to the northern and western boundary of the property (title 9450/29) in question.
8. If the property was improved and developed for agricultural use, such as for intensive grazing, it would likely create issues and result in conflict with the residents in the General Residential Zone to the immediate north and west.
9. The property is effectively isolated from potentially being adhered to adjacent agriculture and forming a larger parcel of contiguous agricultural land which would be considered capable of supporting commercial scale agricultural land use activity.
10. The adjoining land to the south is under controlled environment agriculture and not affected by any potential future development and vice versa. The adjoining land to the east is of similar size to the subject property and undertakes low intensity agriculture. It contains a dwelling is also Potentially Constrained (Criteria 3) for agriculture and is similarly impacted by the General Residential Zone to the north and west.
11. There is minimal likelihood of agricultural development or intensification surrounding the subject title or on the property (title 9450/29) itself.
12. The property has a negligible level of local and regional prominence.

Figure 7 – Conclusion of Pinion Advisory Agriculture assessment (2002, pg. 31)

8.0 General Residential Zone

Zone Application Guidelines

- GRZ 1** The General Residential Zone should be applied to the main urban residential areas within each municipal area which:
- (a) are not targeted for higher densities (see Inner Residential Zone); and
 - (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.
- GRZ 2** The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:
- (a) within the General Residential Zone in an interim planning scheme;
 - (b) within an equivalent zone under a section 29 planning scheme; or
 - (c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and
 - (d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,
- Note:** *The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.*
- GRZ 3** The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.

The application of the General Residential Zone is seen to be consistent with the Zone Application Guidelines. The zoning is not in isolation as it would be a contiguous extension of the Zone from the west, with this Zone also applied to land to the site's north over the opposite side of Brooke Street.

Zone Purpose

8.0 GENERAL RESIDENTIAL ZONE

The intent of the General Residential Zone is to provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided, to provide for the efficient utilisation of available social, transport and other service infrastructure, to provide for non-residential use that primarily serves the local community and does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts and to provide for visitor accommodation that is compatible with residential character. The use table for the zone is as follows:

Comment: The assignment of the General Residential Zone will be appropriate as this Zone already adjoins parts of the site. If this amendment is supported, a subdivision permit is also being sought, which is proposed to have a similar density to the surrounding residential development and will provide connections to reticulated services and include public linkages.

8.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If not listed as No Permit Required.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic, or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre, public hall, community centre or neighbourhood centre.
Educational and Occasional Care	If not for a tertiary institution.
Emergency Services	
Food Services	If not for a take away food premises with a drive through facility.
General Retail and Hire	If for a local shop.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

Comment: Is it envisaged the site will be developed for residential purposes i.e. single dwellings and multiple dwellings. Development standards prescribed within the planning scheme ensure development is suitable and fit for purpose.

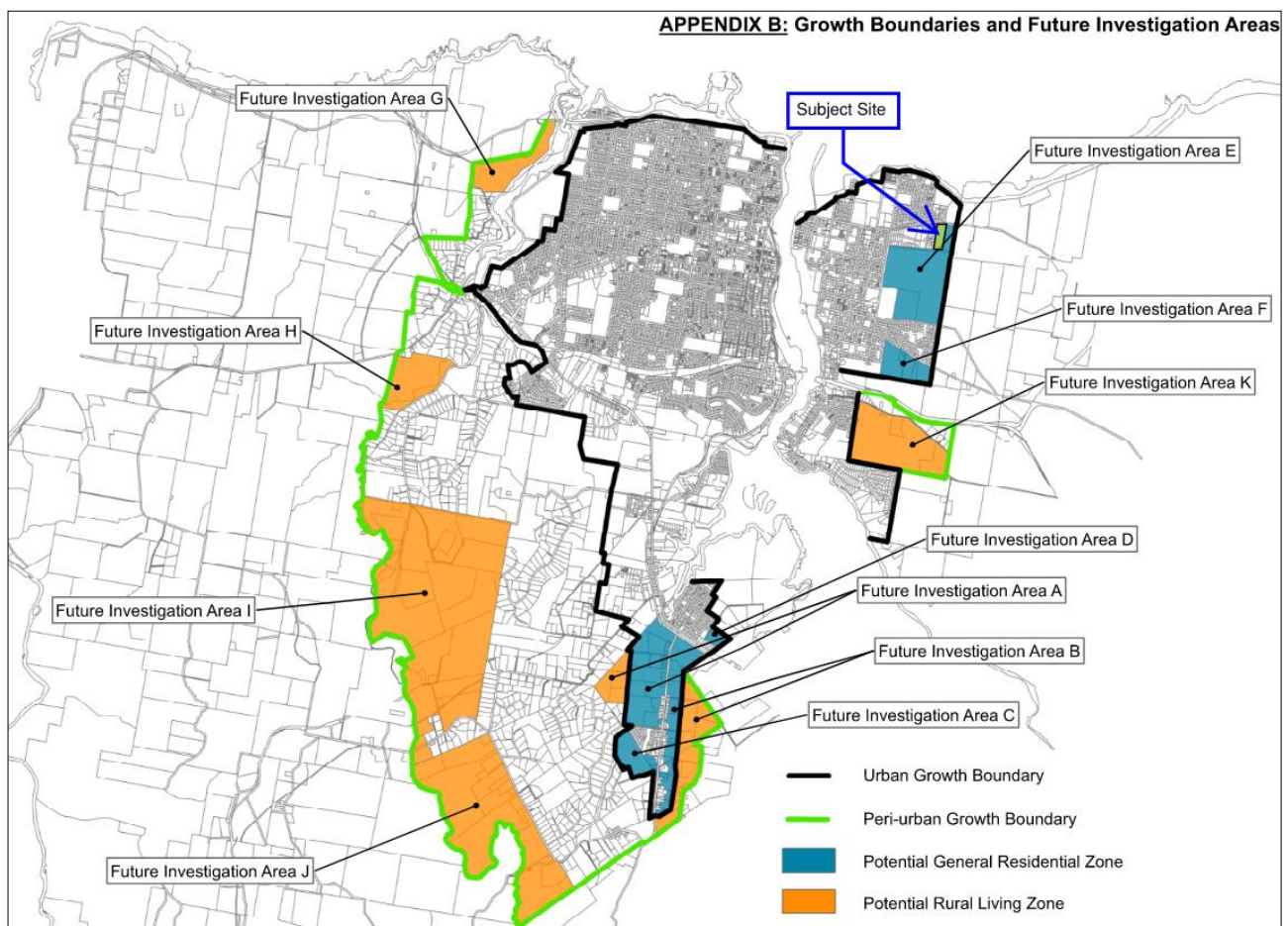
Greater Devonport Residential Growth Strategy 2021-2041

In June, 2022 Council endorsed the *Greater Devonport Residential Growth Strategy 2021-2041 (the Strategy)*. The purpose of the Strategy is to provide a strategic policy direction for residential growth in the greater Devonport area over the next 20 years. A copy of the Strategy can be found here - [Council Plans & Strategies | Devonport City Council](#).

The *Strategy* identifies that the Devonport municipality has a forward land supply of appropriately development ready General Residential Zone land in the range of only 2.8 –

4.1 years. This available supply is well short of common strategic planning practice and is significantly less than the 15-year minimum supply adopted in the *Strategy* and also the 10-year minimum supply of urban residential land supply required by the Cradle Coast Regional Land Use Strategy (CCRLUS).

As part of the *Strategy*, Council has identified Growth Boundaries and Future Investigation Areas (FIAs). The subject site falls within 'Future Investigation Area E', which is highlighted as a potential location for the future assignment of the General Residential Zone. Figure 7 below is a map showing the Growth Boundaries and FIAs and the site's location.



**Figure 7 – Growth Boundaries and Future Investigation Areas with site outlined in blue
(The Strategy, 2022)**

The *Strategy* states the following regarding FIAs:

“B3.3 Future Investigation Areas

As the name suggests the ‘Future Investigation Areas’ included with the Strategy represent locations where future residential growth could be further considered and investigated.

The Future Investigation Areas (FIAs) identified with this Strategy generally represent greenfield locations and typically at urban (and peri-urban) fringes. These FIAs do not include areas of major urban infill located in and around urban centres, nor land already zoned for residential purposes.

The identification of land within a Future Investigation Area does not automatically guarantee that land will be released for residential use and development – instead these are designed to establish more detailed consideration/investigation of those areas to determine their suitability for residential use and development including appropriate consultation with relevant landowners.

Similar to the demarcation of the growth boundaries included with the Strategy, the preparation of the Future Investigation Areas follows the overarching strategic principles of consolidation with existing settlement areas and the promotion of well defined, orderly, and compact form of residential settlement areas."

(The Strategy, 2022, pg. 17)

The application of the General Residential Zone to the site is consistent with the policy objectives of the Strategy as it will encourage population growth and increase the supply of residential land. In further support of this Zone, the site adjoins this Zone to the immediate west and impacts to adjoining Agricultural land, particularly the property to the site's east is not envisaged due to being relatively constrained as outlined within the Pinion Advisory Assessment.

In addition, the road carriageway zoning of Upper Drew Street will need to be updated to reflect the application of the General Residential Zone to the site. Figure 8 below is guidance provided within Practice Note 7 by the Tasmanian Planning Commission regarding this matter.

2.3 Zoning - roads

Where zones are different on one side of a road casement to the other, the zone boundary must follow the road centreline rather than one side of the parcel boundary (unless specific zoning of the road casement is required. For example, **Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application**, specifies that categories 1 to 5 roads as defined in the *Tasmanian State Road Hierarchy* and any other major local roads are to be zoned Utilities). Where there is no road casement, the cadastral parcels boundary must be used.

Figure 7 – Zoning – roads (Tasmanian Planning Commission)

The draft zoning map is appended as **Attachment 4** to this report and will include half of the Upper Drew Street carriageway adjoining the site to be zoned General Residential.

COMMUNITY ENGAGEMENT

The draft amendment must be placed on public exhibition for a period of 28 days in accordance with section 40G of the Act. During this time, people will have the opportunity to comment via representation made to Council. In accordance with sections 40K & 42 of the Act, should any representations be received, a report must be provided to the Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

FINANCIAL IMPLICATIONS

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

CONCLUSION

It has been sufficiently demonstrated the proposed changes to the Devonport Local Provisions zone mapping have merit and can satisfy the provisions of the *Land Use Planning and Approvals Act 1993*.

PERMIT APPLICATION

In assessing the application, it is assumed that the proposed amendment has been approved. Referral to TasWater has yet to be made and is part of the notification process that occurs after an amendment and associated permit have been certified. In light of the above, a condition will be placed on the permit in reference to TasWater's likely conditions.

APPLICATION DETAILS

The application is seeking approval for a 39 lot residential subdivision. The subdivision will incorporate a new road accessed from Upper Drew Street and a shared pathway from the new road to Brooke Street.

Lots will vary in shape and orientation and have an area between 531m² and 1030m². Most lots will be accessed from Upper Drew Street via the new carriageway, a cul-de-sac. The lots proposed along the northern boundary will be accessed from Brooke Street.

A copy of the subdivision plan is reproduced on the next page as Figure 9. A full copy of the development application submitted by the applicant – Woolcott Surveys, is attached to this report. Figure 8 directly below is an image of the site looking north from the Upper Drew Street carriageway.



Figure 8 – Image of the site looking north from Upper Drew Street (Woolcott Surveys, 2022)



Figure 9 – Subdivision Plan (Woolcott Surveys, 2022)

PLANNING ISSUES

The land is zoned General Residential under the *Tasmanian Planning Scheme – Devonport, 2020*.

The proposal is for a subdivision, which in accordance with 6.2.6 of the Scheme does not require categorisation into a Use Class. The subdivision is intended to facilitate residential development, which has a No Permit Required classification in the General Residential Zone, only if for a single dwelling. Other residential development is Permitted in the General Residential Zone.

8.0 General Residential Zone

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - a) primarily serves the local community; and
 - b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

The applicable development standards of the General Residential Zone for subdivision are reproduced below followed by comment.

8.6.1 Lot design

Objective: That each lot: <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: <ul style="list-style-type: none"> i. be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and ii. existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; 	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area.

<p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the topography of the site; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots;

	<ul style="list-style-type: none"> (b) the topography of the site; (c) the extent of overshadowing from adjoining properties; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area.
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A1 – Each proposed lot has an area in excess of 450m² and the subdivision plan highlights an area of 10m x 15m clear of the prescribed setbacks and identified easements.

A2/P2 – All lots can comply with A2 except for the lots proposed at the end of the cul-de-sac (lots 16, 17, 24 and 25).

In response to the performance criteria, Woolcott Surveyors has provided the following supporting rationale:

Response

P2 The performance criteria are addressed.

Of the proposed lots, Lot 16, 17, 24 and 25 have reduced frontages.

- a) Lot 24 has a frontage of 4.0m.
- b) There are no proposed rights of carriageway on any of the lots.
- c) Although the site is sloped, the access to each lot can be made.
- d) All lots have separate access and all frontage is compliant.
- e) Each lot has appropriate vehicle access to the site for normal residential use.
- f) The proposed is consistent with the development at Beachrock View.

All access is compliant with the minimum requirement of 3.6m.

The above rationale can be supported by the Planning Authority.

A3 – Each lot as proposed will have direct vehicle access to a Council maintained road and approval has been granted by the Road Authority via conditions on the permit.

A4/P4 – Generally most lots comply with A4. It is noted that the lots along Brooke Street are accessed from an existing road and therefore satisfy A4 even though their long axis runs contrary to A4.

The lots along Upper Drew Street (lots 1-2 and 38-2) and lots at the end of the cul-de-sac (lots 16 and 17) are accessed from the new road do not have a long axis in accordance with A4 and require assessment against P4.

In response to the performance criteria, it is noted the abovementioned lots still provide a 150m² development area with good northern access and the lots are consistent with the recent division of land to the north of the site – Beachrock View. P4 is satisfied.

8.5.2 Roads

Objective: That the arrangement of new roads within a subdivision provides for: <ul style="list-style-type: none"> (a) safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land. 	
Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: <ul style="list-style-type: none"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.

P1 – The proposed subdivision requires a new road to provide access and connectivity to most of the lots except for the lots that have frontage to Brooke Street.

In response to the performance criteria, Woolcott Surveyors has provided the following supporting rationale:

Response

- P1 The performance criteria are addressed. The proposal includes a new road.
- a) The proposed road joins the existing network and no other plans are known.
 - b) The proposed road will be a local road built for the purpose of access to the new lots, and will join to Upper Drew Street which is a local road.
 - c) Connections for bicycles and pedestrians will be made to Brooke Street to allow connectivity to existing pedestrian and bicycle links.
 - d) The proposed road will allow connection to existing transport networks.
 - e) The new road makes efficient use of the lot in a location with excellent services and transport options.
 - f) There is a bus stop in Triton Road in reasonable proximity to the subject site. The advancement of residential development in the area may see the increase of public transport options further east to the area.
 - g) The access to transport networks will be direct, using straight pathways with easy navigation qualities.
 - h) As detailed in Figures 36 and 37, the subject site is in good proximity to existing bicycle infrastructure and planned routes. The roadside bike land begins west of Bovill Street, but a continuation of this to the east (towards the subject site) is not possible currently due to table drains in the area.
 - i) The topography of the site, although steep in parts, will not pose undue challenge to road construction. East Devonport has several steep access roads in the area.
 - j) No balance lots are proposed. The future subdivision of adjoining land is not constrained.

In addition, it is noted the applicant commissioned Midson Traffic (2022) to undertake a Traffic Impact Assessment (TIA). The above rationale and the TIA has been reviewed and can be supported by Council's Infrastructure and Works Department. P1 of the above clause is satisfied.

8.5.3 Services

Objective: That the subdivision of land provides for services for the future use and development of the land.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.	P1 A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to: <ul style="list-style-type: none"> (a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.
A2	P2 No Performance Criterion

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	
A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	P3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: <ul style="list-style-type: none"> (a) the size of the lot; (b) topography of the site; (c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.

A1-A3 - The proposed subdivision satisfies all acceptable solutions under this standard as each lot will have connection to public reticulated water, sewerage and stormwater systems.

Code Assessment

C3.0 Road and Railway Assets Code

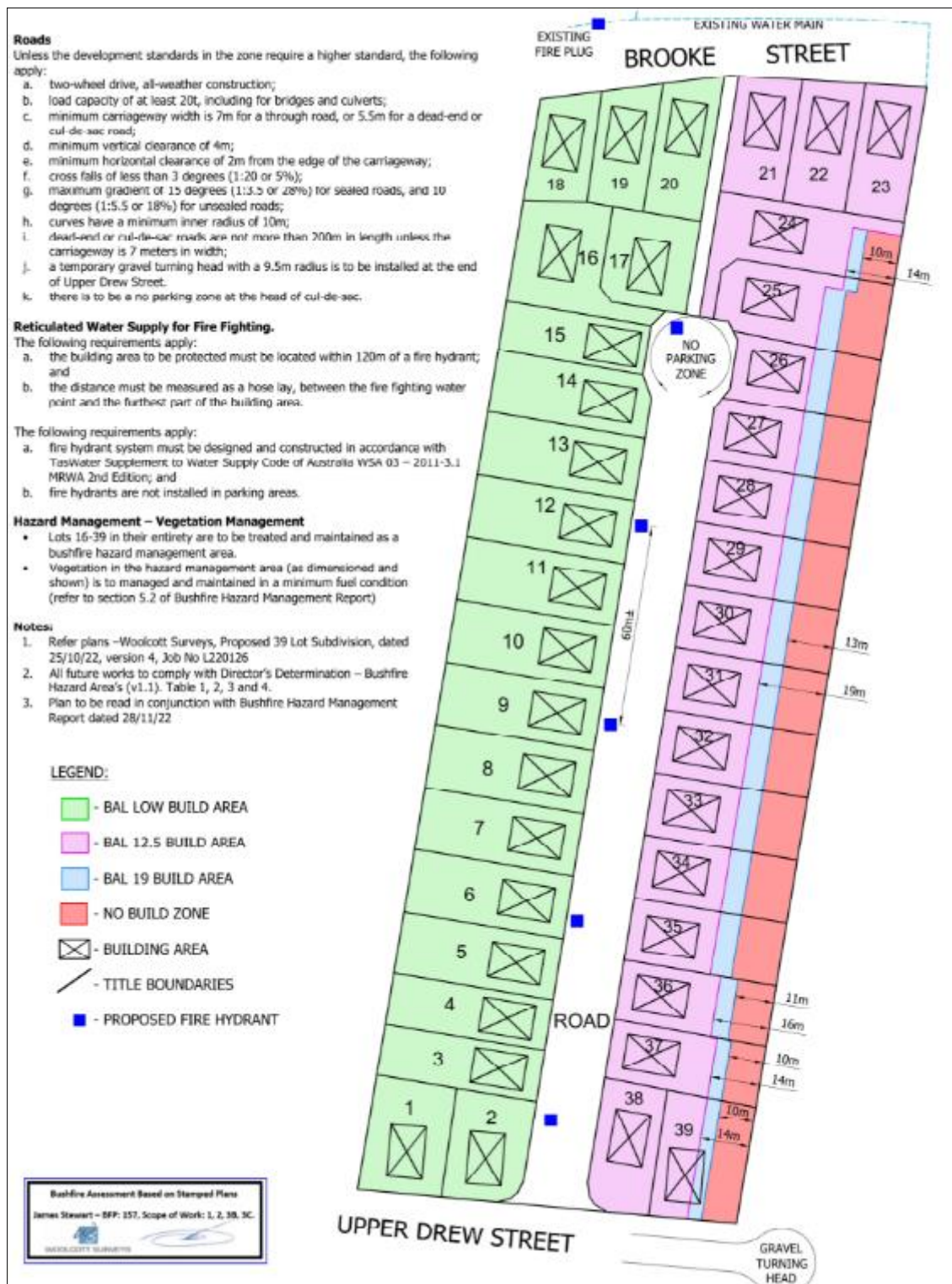
Objective: To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solutions	Performance Criteria
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level	P1 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: <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;

<p>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 <i>the 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>	<ul style="list-style-type: none"> (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.
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A1.2 - As mentioned, a TIA was submitted as part of the application documentation. The findings of the TIA have been examined by Council's Infrastructure and Works Department (the road authority) and consent is provided for the new carriageway via permit conditions.

C13.0 Bushfire-Prone Areas Code

Woolcott Surveys has provided a Bushfire Hazard Management Report prepared by an accredited bushfire assessor which satisfactorily addresses the requirements of the Code, including management areas, access and water supply. The Bushfire Hazard Report and Management Plan (refer to Figure 10) will be endorsed to form part of the planning permit.



C15.0 Landslip Hazard Code

Figure 5 earlier in the report, highlights that small sections of the site are mapped within a low landslip hazard band.

Clause C15.4.1 lists the exemptions of the Code. Part (e) of this Code states that subdivision is exempt on a low landslip hazard band if it does not involve significant works.

Significant works is defined under this Code as:

"means any of the following:

- (a) excavation equal to or greater than 1m in depth, including temporary excavations for the installation or maintenance of services or pipes;*
- (b) excavation or land filling of greater than 100m³ whether or not material is sourced on the site or imported;*
- (c) felling or removal of vegetation over a contiguous area greater than 1000m²;*
- (d) the collection, pooling or storage of water in a dam, pond, tank or swimming pool with a volume of more than 45 000L;*
- (e) removal, redirection, or introduction of drainage for surface or groundwater; and*
- (f) discharge of stormwater, sewage, water storage overflow or other wastewater."*

Some excavation will be required as part of the subdivision construction. It is not known the final cut and fill levels. No geotechnical advice was provided as part of the application, and it is thought prudent that geotechnical advice is required, should the subdivision works involve significant works. This will be included as a planning permit condition. It is thought given the small areas of the site that are subject to the hazard this is not considered detrimental to the outcome of the application.

C16.0 Safeguarding of Airports Code

The entire site is mapped within an airport obstacle limitation area of 51.5m AHD. The proposal will not extend into the AHD specified and is therefore exempt under this Code.

COMMUNITY ENGAGEMENT

The proposal differs to other discretionary applications in that it is part of an amendment to the Devonport Local Provisions Schedule. As such a decision must be made regarding the application, assuming the draft amendment has been adopted, prior to advertising of the application. Both the draft amendment and application will be subject to a 28 day public notification period during which members of the public may comment on the proposal. Any representations will be assessed by Council and a report submitted to the Tasmanian Planning Commission with any recommendations proposed as a result.

Public Open Space Contribution

The *Local Government (Building and Miscellaneous Provisions) Act 1993* gives Council the authority to acquire public open space (POS) as a part of any subdivision. Council can ask for cash in lieu of POS if preferred.

The applicant worked with Council on the POS consideration before this application was formally sought. Council requested a shared pathway from the head of the cul-de-sac to Brooke Street, which is included in the subdivision plan. The pathway is under 1% of the site's land area and it is recommended that Council also request a cash component. This will form part of the planning permit conditions.

CONCLUSION

The application satisfies the relevant acceptable solutions and performance criteria prescribed under the *Tasmanian Planning Scheme – Devonport 2020*, as amended and a permit can be issued, subject to conditions.

ATTACHMENTS

1. Application AM2022.04 & PA2022.0121 [**4.7.1** - 180 pages]
2. Assessment against section 34 of LUPAA [**4.7.2** - 4 pages]
3. Agricultural Land Mapping Project_-_ Background Report_ [**4.7.3** - 27 pages]
4. Proposed zoning map [**4.7.4** - 1 page]

5 REPORTS

5.1 ROAD NETWORK STRATEGY 2023-2028

Author: **Michael Williams, Infrastructure Manager**

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

RECOMMENDATION

That Council receive and note the report relating to the draft Road Network Strategy 2023-28 and release the Strategy for a 30-day public consultation period.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- | | |
|----------------|--|
| Strategy 1.4.3 | Lead and actively promote emissions minimisation |
| Strategy 2.3.2 | Provide and maintain roads, bridges, paths and car parks to appropriate standards |
| Strategy 3.2.1 | Support tourism through the provision of well designed and managed infrastructure and facilities |
| Strategy 3.3.1 | Improve the City's physical access and connectivity focusing on linkages to and from key access points |

SUMMARY

To present the draft Road Network Strategy 2023-2028 to Council, and to endorse its release for a period of public consultation.

BACKGROUND

Council first adopted a Road Network Strategy in 2009 and updated in 2014 and 2016. The delivery of the actions contained in this Strategy has contributed to safety, amenity and efficiency improvement at various locations on the road network.

The review and renewal of the Strategy is required to ensure it remains in alignment with Council's Strategic Plan 2009-2030, and that it responds to any significant external changes and opportunities in order to continue to meet the needs and expectations of the community.

STATUTORY REQUIREMENTS

There are no specific statutory requirements relating to this report.

DISCUSSION

The draft Road Network Strategy 2023-2028 identifies three objectives that support Council's Strategic Plan 2009-2030:

1. The road network becomes safer
2. The road network is efficient and well connected for all modes
3. Sustainable transport use increases

The draft Strategy analyses the existing road network and the way it is used and identifies issues to be resolved in the achievement of the three identified objectives. Issues include:

- Road safety
- Reliance on car travel

- Asset management
- Network conflicts
- Network stress (congestion)
- Connectivity

The draft Strategy identifies 22 actions that can be delivered to achieve the three objectives. The draft Strategy is attached to this report.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken in preparation for this report. The report recommends a 30-day public consultation period for the draft Strategy, after which feedback can be considered for inclusion prior to Council adopting the Strategy.

FINANCIAL IMPLICATIONS

Should the Strategy be adopted, the 22 identified actions that will require appropriate resource allocations to deliver over the life of the Strategy may include:

- Suitable capital budget allocations
- Suitable allocation of operational resources, including staff time
- Training and development to maintain and enhance organisational capability
- Embedding of activities into existing processes
- Engagement of specialist consultants
- Community consultation and engagement

Allocations as required by the Strategy Action Plan can be considered during the adoption of Council's Annual Plan and Budget.

RISK IMPLICATIONS

- Asset & Property Infrastructure
The Strategy Action Plan will result in the construction of new transport assets. The capital and operating impact will need to be aligned with Council's Strategic Asset Management Plan.
- Consultation and/or Communication
Providing an opportunity for the community to consider the draft Strategy and provide feedback ensures alignment of the Strategy with community expectations.

CONCLUSION

The review and renewal of the Road Network Strategy 2023-2028 is required to ensure it remains in alignment with Council's Strategic Plan 2009-2030. The draft Strategy identifies three objectives:

1. The road network becomes safer
2. The road network is efficient and well connected for all modes
3. Sustainable transport use increases

Providing an opportunity for the community to consider the draft Strategy and provide feedback ensures alignment of the Strategy with community expectations.

ATTACHMENTS

1. Road network strategy 2023-2028 draft [**5.1.1** - 42 pages]

5.2 SPONSORSHIP - SQUASH TASMANIA

Author: **Carol Bryant, Community Services Manager**

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council note the Sponsorship – Squash Tasmania report and:

OPTION 1

Enter into a three-year, staged funding agreement of \$20,000 year 1, \$17,500 year 2, and \$15,000 year 3 with Squash Tasmania and the Devonport Squash Club to deliver the Devonport Squash Open (requiring the additional sponsorship to be secured by the event organisers). The funding allocations for years two and three of the event are subject to annual review including satisfactory achievement of agreed event performance targets;

OR

OPTION 2

Commit to continue the existing funding allocation of \$12,000 per year for the next 3 years to deliver the Devonport Squash Open, subject to annual review including satisfactory meeting of performance targets as resolved at the July 2022 meeting.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- | | |
|----------------|---|
| Strategy 3.2.5 | Support festivals, events and attractions that add value to the City's economy |
| Strategy 4.7.3 | Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes |

SUMMARY

To present an expanded sponsorship request from Squash Tasmania for the City of Devonport Tasmanian Squash Open Championships to Council for consideration.

BACKGROUND

Council, for many years, have sponsored sporting events in the city that aim to encourage greater visitation to Devonport, stimulate the local economy and provide opportunities for community members to connect and celebrate through sport. Council support is provided in cash and/or in-kind through several avenues including:

- Equipment hire and other in-kind such as promotion and event management advice/support.
- Grants under Council's Financial Assistance Scheme.
- Sporting event sponsorship (the focus of this report).

Under Council's Sponsorship Policy, sponsorship arrangements above the value of \$15,000 are to be reported to Council for determination.

Squash Tasmania have requested increased sponsorship for the City of Devonport Tasmanian Squash Open Championships from \$12,000 per annum (as endorsed by

Council at their meeting held 25 July 2022, Min. 22/147 refers) to \$25,000 per annum from 2023/24-2025/26 to deliver an expanded tournament format.

Squash Tasmania presented to Council at the workshop held on 12 December 2022. This report provides a summary of Squash Tasmania's sponsorship request and additional information provided following the workshop discussion.

STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

DISCUSSION

The sponsorship request from Squash Tasmania is outlined below.

Event Outline

- City of Devonport Tasmanian Squash Open Championships held annually in September is the largest international squash tournament in Tasmania.
- The Tournament plays a significant role in the Australian Squash Tour and is an international world tour event for professional players on the Professional Squash Association (PSA) World Tour. The event is a key component to the tour in Australia and provides an opportunity for Australian and international players to compete and obtain ranking points.
- The Devonport Open is held alongside the tournament that features graded and junior divisions for local and interstate competitors.
- The 2022 event attracted 140 players; 45 international players, 35 interstate/intrastate players and 60 local players competing over four days, plus a further 120+ attendees (30 local officials and support personnel, 10 international officials and support personnel, 20 visiting spectators and over 60+ local spectators).
- Squash Tasmania combined two-years of Council sponsorship (2021/22 and 2022/23) of \$12,000 per annum providing \$24,000 towards the 2022 event.

Requested Amount

Squash Tasmania have requested an increase from \$12,000 to \$25,000 per year, based on the 2022 event budget, income and expenses listed below.

2022 City of Devonport Tasmanian Open Income & Expenses

Income:	Amount (\$)
Squash Tasmania Sponsorship	3,500
Events Tasmania Sponsorship	3,500
Devonport Squash Club Sponsorship	3,700
Private Individual Sponsorship	2,250
Devonport City Council Sponsorship	24,000
Total Income	36,950
Expenses:	
Referees & Officials Daily Allowance	1,000
Referees & Officials Travel Costs	750
Referees & Officials Accommodation	500
Perpetual Trophy Costs	160
Events Trophy Costs	450
PSA Registration Fees	1,670
PSA Prize Money	32,470
Total Expenses	37,000

	Net	-50
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For the 2023 event financial support from Squash Tasmania (\$3,500) and the Devonport Squash Club (\$3,700) have been confirmed, and Events Tasmania (\$3,500) is likely to be secured.

The proposed \$25,000 from Council will contribute towards event registration costs associated with the Professional Squash Association (PSA), with a significant component of the funding allocation being attributed to player prize money (two cash prizes).

In addition, Squash Tasmania aim to seek additional private and corporate sponsorship towards the event.

Benefits

Benefits of supporting the event as suggested by Squash Tasmania:

- Squash Tasmania have advised that the 2022 event had the highest participation rate in the Tasmanian Open for the last few years with more players travelling from both interstate, overseas, and other parts of Australia than ever before. Devonport Squash Club player numbers have increased dramatically due to the high quality of international squash now being displayed. This event is also providing opportunities for our junior players to gain extra coaching provided by many of the obliging professional players.

Current playing membership is 60 for Devonport (45 members in 2018, 55 members in 2019) and 550 for Tasmania.

- The 2022 event was one of the highest profile squash tournaments in Australia attracting players, officials, and spectators from across the state, country, and globe. With over 250 individuals being present at the courts across most days of the event (5 days), with countless others who would attend across the course of the event. Should this event continue and the success and popularity that has been generated with the quality of squash, the excellent centre facilities and the attractions of Devonport and the surrounding tourist venues, these numbers will continue to rise, and will generate more international, and interstate visitors to our city.

Impact of Council not supporting the requested increase

Squash Tasmania have advised that:

"... should the event be unable to secure the requested funding increase, then the scale of the event on the National Squash Calendar would have to be scaled back significantly. The event is being played immediately after the World Junior Squash Championships being held in Australia 2023, and we are aiming to attract some of the biggest stars down to Devonport to play in our high-profile professional event to help kick start their careers as professional sports people. Should we be unable to maintain the current scale of the event the likely outcome would be a non-professional event, with non-international players visitors, and only a small handful of interstate players/visitors. This would dramatically reduce the profile of squash in Tasmania".

Officer Comments

This event is in its infancy and has the potential to have a positive ongoing impact with the following opportunities:

- Increase access to the sport for players and spectators (local and visiting).
- The event contributes to enhancing social cohesion, wellbeing and encouraging physical activity participation by providing positive role models and opportunity for

social interaction. Local residents are provided with the opportunity to watch high-quality sporting competition and enjoy a festival atmosphere in their city. A successful event can also create social value such as a feeling of pride and unity among local residents.

- Exposes Devonport to a larger national and international audience. The Devonport Squash Centre located at the Devonport Recreation Centre is the only Tasmanian squash centre registered by the Professional Squash Association to host such events.
- If increased sponsorship is to be provided a key performance target should be a requirement that the tournament remains part of the Australian Squash Tour.
- Organisation of the tournament appears to be undertaken by a small number of individuals, with limited support. This could impact on the potential success of future tournaments.

Economic Impact:

The economic impact of the event can be estimated based on the 2022 event participation figures as provided by Squash Tasmania.

2022 Event Participation Numbers	Estimated Attendees Per Day
Local players	60
Local support, coaches, officials	30
Spectators - local	60+
Intrastate/interstate players	35
Intrastate/interstate support, coaches, officials	20
International players	45
International support, coaches, officials	10
Spectators – intrastate/interstate	20

Should local visitors (150) spend \$50 per day and state/national/international visitors (130) spend \$250 per day over four days, event total spend would be \$160,000.

Using the economic event impact calculator, modelling of an event spend of \$160,000 would have the following impact:

- Total estimated direct impact on economy = \$191,545
- Total estimated value added to economy from related industries = \$91,573
- Total estimated increase of employment equivalent to 1.7 annual local jobs

Source: National Institute of Economic and Industry Research (NIEIR)©2021. Compiled and presented in economy.id by.id (informed decisions).

Note this analysis is based only on figures provided, more accurate data (and thus analysis) can be undertaken for future tournaments with this requirement to be met in any agreement with Squash Tasmania.

Additional Considerations

Opportunities for attracting wider corporate and other sponsorship should also be actively pursued by the event organisers. Any additional funds provided by Council could be considered 'seed' funding for the event that are decreased on a year-on-year basis while the event profile is increased, enhancing opportunities for commercial sponsorship. Any future year's funding allocations should remain subject to the event achieving agreed performance targets year-on-year.

COMMUNITY ENGAGEMENT

Beyond direct communication with Squash Tasmania, there has been no further community engagement undertaken in preparation of this report.

FINANCIAL IMPLICATIONS

There is \$140,000 allocated towards sporting event sponsorship the 2022/23 operational budget, with \$145,000 currently allocated. This includes \$135,000 for allocated events and an additional \$10,000 provided to the Devonport City Soccer Club to underwrite losses for the Australia Cup Round 32 Game (min 22/147 refers). Increasing the level of sponsorship to Squash Tasmania would require an increase to the event sponsorship allocation in the 2023/24 budget.

RISK IMPLICATIONS

- Corporate and Business
There is a risk that funds provided through sponsorship agreements are not expended in line with agreement terms. Regular collaboration and communication with sponsored organisations combined with annual reviews in line with agreement terms and conditions will lower the risk.

CONCLUSION

Council sponsors sporting events which aim to encourage greater visitation to Devonport, stimulate the local economy and provide opportunities for community members to connect and celebrate through sport.

Squash Tasmania have requested an increase of the current sponsorship agreement to deliver the City of Devonport Tasmanian Squash Open Championships from \$36,000 (\$12,000 per year for three years) to \$75,000 (\$25,000 per year for three years).

A range of recommendations have been presented for consideration by Council.

ATTACHMENTS

Nil

5.3 REQUEST FOR PLACEMENT OF COMMEMORATIVE SEAT - DOROTHEA AND JOHN MEDWIN

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council receive and note the application for the placement of a commemorative seat and plaque honouring Dorothea and John Medwin and:

Option 1

Notify the applicant that the request be approved, and work with the applicant to determine a suitable location along the Mersey River or other relevant geographical area;
or

Option 2

Not approve the application and notify the applicant accordingly.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.3 Promote passive recreational usage including walking, bike paths, trails, parks and playspaces

SUMMARY

In accordance with Council's Commemorative Seat Policy, requests for the placement of commemorative seats and commemorative plaques within the municipality are to be determined by Council.

BACKGROUND

At its meeting of 23 August 2021, Council adopted a Commemorative Seat Policy (Min No 21/173). This Policy assists Council in considering requests for commemorative seats and plaques within the City and to ensure an equitable process for such requests. The Commemorative Seat Policy is located on Council's website - [Council Policies | Devonport City Council](#).

Council received a request from Alison Middleton on 21 December 2022, requesting the placement of a commemorative seat and plaque to be installed in honour of Dorothea and John Medwin.

The application states that:

"Dorothea and John Medwin were active members of the Devonport community for nearly 60 years.

The Medwin family's continuing contribution to the culture and community of Devonport began on the north-west coast of Tasmania as antecedents were amongst the first settlers on the north-west coast of Tasmania in the late 1820's. Early in their married life, John and Dorothea chose Devonport as their home and where they would raise their family of five children.

John Medwin

Worked as an inspector for the Dept of Labour and Industry for over 20 years - ensuring all workers had a safe and compliant workplace and were paid correct wages. As well as this, he was also involved in the early days of developing the on-course TAB (Totaliser Agency Board) at the horse and greyhound races along the North West coast in the 1970's.

For many years involved in the Rostrum public speaking group which enables members to improve their speaking and meeting skills. He also held various office bearing positions: 1969 President of Devonport club; 1970 Secretary of Devonport club; and 1972-73 State President.

Volunteered for many years as a racing official with the Mersey Yacht Club, spending many a Saturday with MYC members supporting the sport of sailing - setting courses, calculating handicaps and race results. He oversaw the finish of the Rudder Cup for many years, the oldest ocean going race in Australia, perched in a caravan on the Bluff waiting for the yachts to appear from Queenscliff in the dash across the Strait.

For many years after retiring, John volunteered in the early days of the computer On-Line Centre at the Devonport Library, enthusiastically teaching computer literacy to others - particularly elders of the Devonport community – for whom access to the digital world could be challenging.

Dorothea Medwin

Trained as a teacher in Queensland, Dorothea returned with international teaching experience from 1950s Europe to Australia and settled in Devonport where she & John raised their family. Dorothea educated thousands of primary school children over 30 years (often multi-generations), mainly at Nixon Street Primary School, but also Devonport Primary School and Ulverstone Primary School.

Dorothea actively participated with other keen players at the Devonport Bridge Club and encouraged new members to learn the skills.

Both John and Dorothea possessed an enduring love for many moods of Bass Strait and the constant activity on the Mersey River. They took great joy in the maritime environment of Devonport, and their enduring pleasure was to walk its many paths together.

The Medwin family would happily provide the amenity of a seat for the benefit of the community on the banks of the Mersey that would also provide an enduring place of great meaning for their family and friends to come and 'be' with Dorothea and John in spirit, to remember their life and events they shared with them."

The proposed wording for the plaque is:

*John (1930 – 2014) & Dorothea (1929 – 2022) Medwin
Lives well lived in a place so loved. Come, sit for a chat.*

Should the request be approved, the applicant has requested the process of placement of the seat and plaque be expedited, due to an imminent family memorial service.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

The placement of commemorative seats and commemorative plaques within the City, as endorsed by Council's policy, is a visible and tangible recognition of the significant contributions made to the community by individuals, organisations, businesses, or clubs, and add to the amenity and interest of public open spaces.

COMMUNITY ENGAGEMENT

There was no community engagement because of this report.

FINANCIAL IMPLICATIONS

In accordance with the Policy, the cost of purchasing and installing the commemorative seat shall be borne by the applicant. Upon placement, the commemorative seat becomes the property of the Devonport City Council, therefore there is minor cost for ongoing maintenance.

Further, Council reserves the right to remove the commemorative seat, without referral or compensation, should the seat fall into disrepair, become vandalised, or pose a risk to the public.

RISK IMPLICATIONS

There are no known risks associated with this request.

CONCLUSION

The application relating to John and Dorothea Medwin generally meets the eligibility criteria in respect of contribution made to Devonport. The application may be approved, subject to a mutually agreeable location being determined.

ATTACHMENTS

1. Commemorative Seat Application Redacted [**5.3.1** - 2 pages]
2. Commemorative Seat supporting information [**5.3.2** - 2 pages]

5.4 TENDER REPORT CONTRACT CT0337 TARLETON STREET RENEWAL

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

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

RECOMMENDATION

That Council in relation to Contract CT0337 Tarleton Street Renewal:

- a) award the contract to Treloar Transport for the tendered sum of \$1,168,756.70 (ex GST);
- b) note project design, management and administration costs for the project are estimated at \$90,000 (ex GST);
- c) note landscaping supplies are estimated to cost \$19,000 (ex GST);
- d) note utility costs for the project are \$25,000 (ex GST); and
- e) note a construction contingency of \$110,000 (ex GST) is included.

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 CT0337 Tarleton Street Renewal to Treloar Transport.

BACKGROUND

This report considers tenders received for "Tarleton Street Renewal" listed within the 2022/23 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 three companies. Tenders were given two options for the pavement design, which is the major component of the project and were asked to submit their preferred option. One tenderer submitted an alternative tender with a third pavement design option. All tenders are summarised in table 1 below:

TABLE 1

No.	Tender	Total Price (ex GST)
-----	--------	----------------------

1	Treloar Transport Pty Ltd	\$1,168,756.70
2a	Stabilised Pavements Australia Pty Ltd (confirming)	\$1,417,999.44
2b	Stabilised Pavements Australia Pty Ltd (alternative)	\$1,197,510.18
3	Hardings Hotmix	\$2,100,253.50

As highlighted in Table 1, Treloar Transport Pty Ltd (\$1,168,756.70) is the lowest priced tender.

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 26 November 2022 and tenders were also advertised on Council's website.

FINANCIAL IMPLICATIONS

The 2022/23 capital expenditure budget includes an allocation for the "Tarleton Street Renewal" project of \$1,500,000. A breakdown of the project budget is summarised in Table 2.

TABLE 2

No.	Tender	Budget
1	Contract CT0337	\$1,168,757
2	Project management/administration	\$90,000
3	Telstra works	\$20,000
4	Landscaping (estimated)	\$19,000
5	Taswater	\$5,000
6	Construction contingency	\$110,000
	TOTAL	\$1,412,757

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 to ensure compliance with section 333A of the *Local Government Act 1993*.

CONCLUSION

Considering the assessment by the Tender Planning and Evaluation Committee and the tendered rates, it is determined that Treloar Transport Pty Ltd will offer the best value in relation to Contract CT0337 Tarleton Street Renewal.

ATTACHMENTS

Nil

5.5 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - NOMINATION FOR GENERAL MANAGEMENT COMMITTEE

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council nominate Mayor Alison Jarman for the Local Government Association of Tasmania (LGAT) General Management Committee.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report is provided to assist Council in formalising the nomination of Mayor Alison Jarman for the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

BACKGROUND

Council has received advice regarding the election for the appointment of representatives to the General Management Committee (GMC).

The GMC comprises eight members and provides oversight to LGAT operations. The GMC is elected by LGAT member councils every two years and comprises the popularly elected president, the Lord Mayor of Hobart and six other members elected by regional groupings of councils.

One of the two representatives from the North-West Coast represents councils with populations over 20,000 (ie. Devonport and Central Coast Councils). Following the receipt of nominations, an election takes place in respect of each of the vacancies (if required) and all councils in the region are able to vote for both positions.

STATUTORY REQUIREMENTS

Council, as a member of the LGAT, is entitled to vote in accordance with the Rules of the Association.

DISCUSSION

Mayor Jarman has indicated her interest in being nominated as the representative for North West Councils with populations over 20,000.

The election timetable is as follows:

Nominations open	Monday 9 January 2023
Nominations close	12 noon Friday 27 January 2023
Ballot material posted (if a ballot is required)	Friday 3 February 2023
Close of postal ballot	10am Tuesday 7 March 2023
Declaration of the result	Tuesday 7 March 2023

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

There may be minimal costs incurred by the Mayor for attendance at GMC meetings.

RISK IMPLICATIONS

There are no identified risks in relation to this report.

CONCLUSION

As Mayor Jarman has indicated her interest in being nominated for this position, Council's endorsement of the nomination is required.

ATTACHMENTS

Nil

6 INFORMATION

6.1 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 Alison Jarman attended the following meetings and functions between 14 December 2022 and 17 January 2023:

- Attended Access and Inclusion Working Group Meeting
- Conducted Interviews, including with ABC TV; WIN News; Sea FM; 7AD
- Attended Premier's Christmas Cocktail Function
- Attended DCCI Christmas Event
- Met with residents Petra Wilden & Jennifer Rowlands
- Attended RHS End of Year Assembly
- Officiated at One Year Community Commemoration for the Hillcrest Primary School tragedy
- Attended Hillcrest Primary School Remembrance Service
- Attended Hillcrest Primary School Whole School End of Year Assembly
- Attended East Devonport Family Centre Morning Tea
- Attended East Devonport Primary School Assembly
- Met with General Manager and Council staff
- Attended Breakfast in the Park
- Officially opened Devonport Athletic Carnival
- Attended and assisted with the New Year's Eve event - 'Eve in the City'
- With Acting GM, met with Terry Travers - East Devonport Maritime Precinct - Yacht Club land redevelopment
- Attended Chairman's Lunch Devonport Cup
- Attended Devonport Pacing Cup - Launceston
- Met with Senator Jacqui Lambie

ATTACHMENTS

Nil

6.2 GENERAL MANAGER'S REPORT

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 14 December 2022 and 17 January 2023. 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 and Council Meetings as required.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Attended the Devonport Chamber of Commerce and Industry Christmas function.
- 2.2. Along with the Mayor met with two local residents regarding their concerns about vegetation clearing and the associated environmental impacts.
- 2.3. Attended the Hillcrest community commemoration event at Market Square.
- 2.4. Attended the Hillcrest Memorial Service at the Devonport Church of Christ.
- 2.5. Along with Councillors Steve Martin and Leigh Murphy met with Drew Smith, President of the Devonport Strikers Football Club.
- 2.6. Attended Council's New Year's Eve event at Aikenhead Point.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. As Tasmanian Director attended a National Board meeting of Local Government Professionals Australia.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Attended the Braddon Liberals Christmas function.

5. ANNUAL PLAN PROGRESS

- 5.1. Highlights from the 2022/23 Annual Plan as at 31 December 2022 are detailed below:

- **Conduct further research and implement monitoring program of the swift parrot habitat in the Kelcey Tier Greenbelt:** Monitoring undertaken by 22 volunteers through Wildcare – Friends of Devonport Reserves group with sightings of swift parrots throughout December. Through the Wildcare Group, Council has received a Tasmanian Nature Conservation Fund Grants for \$9,109 to purchase two 4G cameras to monitor boxes via smartphones and further assistance for sugar glider management.
- **Update Bushfire Management Plans for Kelcey Tier and Don Reserve:** To commence following the update of the Don Reserve Environmental Management Plan. Scope of work has been defined and quotations have been requested.
- **Progress the development planning of the LIVING CITY precinct to the west of Market Square:** Project scope and briefing information is currently being prepared to inform design investigation and options analysis work for the future development of this area. Recent completion of the Devonport Retail Study 2022 by Council has identified specific retail opportunities to be incorporated into this precinct. Council is also working with existing tenants in the present to incorporate their future needs.
- **Increase service delivery on digital platforms, including implementation of a Live Chat handover function and Develop a Digitisation Plan for Council Legacy Records:** Cemetery Management System has been in development over the past 4 months and release is targeted for February 2023. This system will also include a new easy-to-use booking portal for funeral directors.

A full update is available on Council's website at [Your Council Dashboards | Devonport City Council](#)

Below is a graphical representation of the current status of actions:



6. OTHER

- 6.1. Council recently received a letter from the Local Government Minister the Hon. Nic Street requesting feedback on the 2022 local government election process. A copy of Council's response is provided for information as an attachment to this report.

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 risk that may result in an issue for 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. Letter of Response - Feedback on 2022 Local Government Elections [6.2.1 - 2 pages]
2. Current & Previous Minutes Resolution - January 2023.pdf [6.2.2 - 1 page]

6.3 DEVONPORT GENERAL CEMETERY MASTER PLAN 2021-31 YEAR TWO UPDATE

Author: **Michael Williams, Infrastructure Manager**

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

RECOMMENDATION

That Council note the status of actions listed in the Devonport General Cemetery Master Plan 2021-31.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.3.5 Provide and maintain sustainable parks, gardens and open spaces to appropriate standards
- Strategy 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest

SUMMARY

To report to Council on the progress of the actions outlined in the Devonport General Cemetery Master Plan 2021-31.

BACKGROUND

The Devonport General Cemetery Master Plan 2021-31 (the Plan) provides direction for the management of Devonport Cemetery which opened in 1922 and remains open under exclusive burial rights only.

The objectives of the Master Plan are to:

- Identify relevant landscape, heritage and operational constraints and opportunities.
- Understand and respect social and historical values in Cemetery management.
- Provide a strategic approach towards cemetery enhancement that is realistic, achievable and within reasonable resources available to the Council and community.

The Plan was developed during 2020 and was released for public consultation prior to adoption in June 2020. A copy of the Plan can be found on Council's website at https://www.devonport.tas.gov.au/wpfd_file/devonport-general-cemetery-master-plan-2021-31/

STATUTORY REQUIREMENTS

The *Burial and Cremation Act 2019* prescribes Council's obligations as a manager of cemeteries. The implementation of the Plan contributes to ensuring Council is meeting its obligations under this Act.

Section 20(2) of the *Local Government Act 1993* outlines Council requirements in relation to reporting to the community.

20. *Functions and powers*

- (2) *In performing its functions, a council is to consult, involve and be accountable to the community.*

Providing information on the progress of Council plans is one way to demonstrate accountability.

DISCUSSION

Achievements and progress for the first year of the Plan are outlined in the attachment to this report.

One action will be ongoing for the life of the Plan, while four further actions have commenced. The remaining six are yet to commence with their intended commencement timeframes shown in the action plan.

Activities in the last year include:

Action 1.2 "Encourage the community to be involved in the park's maintenance and development":

The Headstone Project installed 13 new headstones on graves of World War One veterans, which is significant development for the Cemetery.

The project was reported on pages 1 and 3 of The Advocate on 25 March 2022.



Action 2.3: "Improve main entry, and review access points to improve pedestrian / user safety"

The project described for action 2.4 will create new pedestrian access points for the cemetery.

Action 2.4: "Construct path for cemetery visitors and pedestrians"

An allocation of \$120,000 has been secured from the Australian Government's Local Roads and Community Infrastructure Program – Phase 3. This allocation will fund construction of path links in and out of the cemetery, creating a continuous link between Lawrence Drive and Don Road. In the short to medium term, the through route will utilise the existing road network of the cemetery, which is in poor condition, but will be adequate for most users. Future upgrades of this section may be warranted by utilisation and or deterioration.



Action 3.3: “Review public lighting in conjunction with path and signage improvements”

The project described for action 2.4 may include new lighting for the new sections of path, but more lighting may be required in future on existing parts of the cemetery road network.

COMMUNITY ENGAGEMENT

Community engagement was undertaken to assist with the development of the Plan and is required for some of the identified actions.

FINANCIAL IMPLICATIONS

The funding source for each action is outlined in the attachment of this report.

RISK IMPLICATIONS

- Asset & Property Infrastructure
The Plan aims for sustainable enhancement of the Devonport General Cemetery.
- Legal Compliance
The Plan aims to ensure Council's ongoing compliance with relevant legislation

CONCLUSION

Progress has been made to implement the actions listed in the Devonport General Cemetery Master Plan, since its adoption in June 2020.

ATTACHMENTS

1. General Cemetery Master Plan 2021 31 year two action list (1) [6.3.1 - 2 pages]

6.4 PIONEER PARK MASTER PLAN 2018-2028 - YEAR FIVE STATUS

Author: **Michael Williams, Infrastructure Manager**

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

RECOMMENDATION

That Council note the status of actions listed in the Pioneer Park Master Plan 2018-2028.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

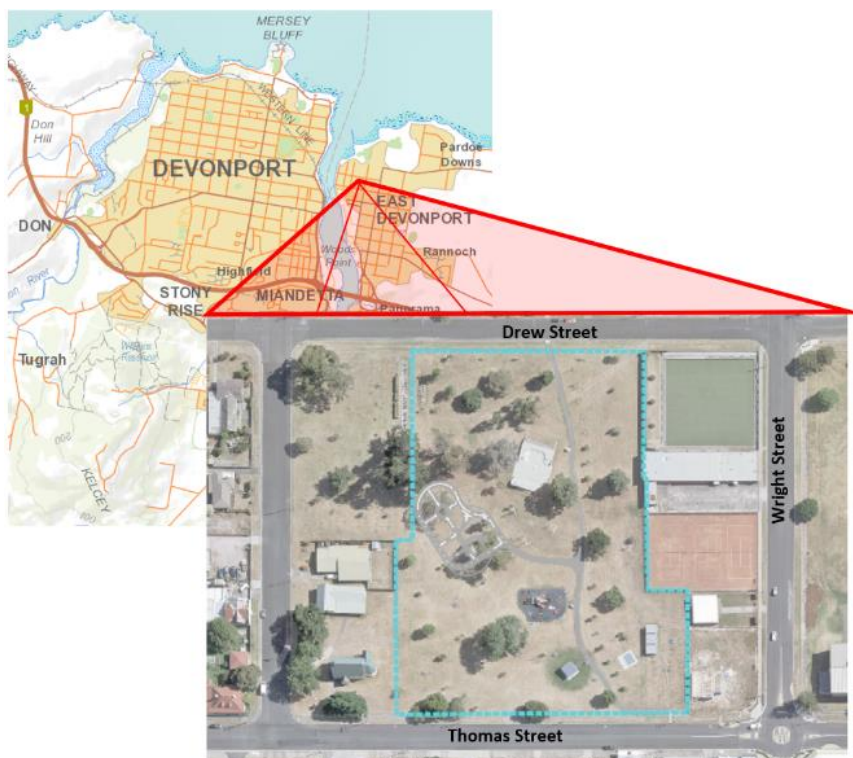
- | | |
|----------------|--|
| Strategy 2.3.2 | Provide and maintain roads, bridges, paths and car parks to appropriate standards |
| Strategy 4.1.3 | Promote passive recreational usage including walking, bike paths, trails, parks and playspaces |

SUMMARY

To report on the progress of the actions outlined in the Pioneer Park Master Plan 2018-2028.

BACKGROUND

Pioneer Park consists of 1.7 hectares of public open space in ownership of Devonport City Council, located at 17 and 17a Thomas Street, East Devonport.



The Pioneer Park Master Plan 2018-2028 (the Plan) is a guiding document for the design, development and management of Pioneer Park. The Plan was developed in acknowledgment of the infrastructure and use changes since the adoption of the 2008 Master Plan.

The draft Plan was developed following a public consultation program (268 participants) and work with the East Devonport Special Interest Group. The draft Plan was subject to a period of public consultation before being adopted by Council in April 2018. The Plan is available on Council's website at:

<https://www.devonport.tas.gov.au/council/governance/strategies-reports-publications/council-plans-strategies/>

The key principles of the Plan are:

1. Enhancing the Park as a peaceful oasis (green open space, landscaping);
2. Creating family friendly spaces with passive and active recreational opportunities for a range of ages;
3. Increasing social and community gathering opportunities;
4. Improving safety, access and amenity for all Park visitors;
5. Maintaining, rather than expanding, the current area of built fabric within the Park.

STATUTORY REQUIREMENTS

There are no statutory requirements relevant to this report.

DISCUSSION

Achievements and progress for the first five years of the Plan are outlined in the attachment to this report. Three of the fourteen actions are complete, four are underway, two are ongoing, two are yet to commence, and two have had initial assessments before being deferred until later in the life of the Plan. One action has been assessed and is no longer required.

Major achievements to date include:

Action 1.3: Investigate improvement of the former burial area located in the south-east corner of the Park, as a dedicated memorial:

Work is underway, with a community group, to develop a design and seek funding for a project known as the Torquay Garden of Reflection. The proposed garden includes hard and soft landscaping in the southeast corner of Pioneer Park and includes renewal of the existing memorial for those buried at the site.

Two grant applications have been made, both of which were unsuccessful. Council considered but did not support a Notice of Motion to fund the project in January 2022 (min 22/3 refers).

Without funding, the group recently resolved to significantly reduce the scope of the project in the short term, focussing on refurbishing the cairn, while parts of the garden can continue to be planted each year within Council's operational budget.

Action 2.1: Upon renewal, consider diversifying play equipment to cater for a wider range of ages and abilities:

The engagement activities that contributed to Council Open Space Strategy included an event in Pioneer Park. Valuable feedback about Pioneer Park was received in the form of 21 responses, which can be used to inform concepts for new play areas in Pioneer Park. The renewal of the existing playground is scheduled for 2024-25.

Action 3.2: Include Pioneer Park in any future heritage interpretation projects:

Council is supporting a project by the Rotary Club of Devonport South-East to renew the 'Heritage Walk' on the East Devonport foreshore. The project includes new signage and maps online content and promotion to schools and other groups and

has involved a significant amount of research by the Club. The Club obtained funding from Healthy Tasmania for the project. Sign installation is expected in February 2023, with related programs to commence soon after.

Action 4.4 Investigate methods to improve pedestrian safety and restrict vehicular access (e.g. dedicated car parking, increased signage and compliance, soft landscaping to create natural barriers etc

Several incidences of deliberate damage to the grass surface by vehicles occurred in 2022. A budget allocation is proposed for 2023-24 to install timber bollards on the perimeter of the park to prevent access by vehicles.

COMMUNITY ENGAGEMENT

There has been no community engagement relating to this report. However, implementation of the action plan includes consultation with various stakeholder groups.

FINANCIAL IMPLICATIONS

There are no financial implications from this report.

RISK IMPLICATIONS

- Corporate and Business
Providing regular status updates on the Pioneer Park Master Plan demonstrates Council commitment to its implementation and demonstrates progress towards the goals of the Strategic Plan 2009-2030.
- Consultation and/or Communication
Ongoing consultation with relevant stakeholders ensures the actions meet the expectations of the community.

CONCLUSION

Progress has been made on the action plan of the Pioneer Park Master Plan 2018-2028.

ATTACHMENTS

1. Pioneer Master Plan 2018 2028 Year five Status Action Plan [**6.4.1** - 2 pages]

6.5 PUBLIC LIGHTING STRATEGY 2021-26 - YEAR TWO STATUS

Author: **Michael Williams, Infrastructure Manager**

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

RECOMMENDATION

That Council note the status of actions listed in the Devonport City Council Public Lighting Strategy 2021-26.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 1.1.1	Lead and actively promote the adoption of practices that support the sustainable use of energy and other natural resources by Council, businesses and the community
Strategy 1.1.2	Investigate innovative ways of accessing alternative power sources including renewable energy
Strategy 1.4.3	Lead and actively promote emissions minimisation
Strategy 2.3.2	Provide and maintain roads, bridges, paths and car parks to appropriate standards
Strategy 2.3.5	Provide and maintain sustainable parks, gardens and open spaces to appropriate standards
Strategy 3.3.1	Improve the City's physical access and connectivity focusing on linkages to and from key access points
Strategy 4.1.3	Promote passive recreational usage including walking, bike paths, trails, parks and playspaces
Strategy 5.4.1	Provide timely, efficient, consistent services which are aligned with and meet customer needs
Strategy 5.5.2	Ensure comprehensive financial planning and reporting to guarantee sustainability and meet or exceed financial targets

SUMMARY

To report to Council on the progress of the actions outlined in the Devonport City Council Public Lighting Strategy 2021-26.

BACKGROUND

Council adopted a Public Lighting Strategy in 2014 and delivered actions in the five years following the adoption. Following a review, the updated Public Lighting Strategy 2021/26 (The Strategy) was adopted by Council in January 2021 (Min 21/6).

The objectives of the Strategy are:

1. Public lighting is environmentally sustainable
2. Public lighting is financially sustainable
3. Public lighting meets the needs of the community

The Strategy includes an action plan consisting of ten actions to deliver these three objectives.

The Public Lighting Strategy is available from Council's website:

<http://www.devonport.tas.gov.au/Council/Publications-Plans-Reports/Council-Plans-Strategies>

STATUTORY REQUIREMENTS

Section 21 of the *Local Government (Highways) Act 1982* states:

- (1) *Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.*

Section 32 of the *Local Government (Highways) Act 1982* states:

- (2) *The corporation of a municipality may light, or arrange for the lighting of, a local highway within the municipality or a public place in the municipality that is not a local highway.*

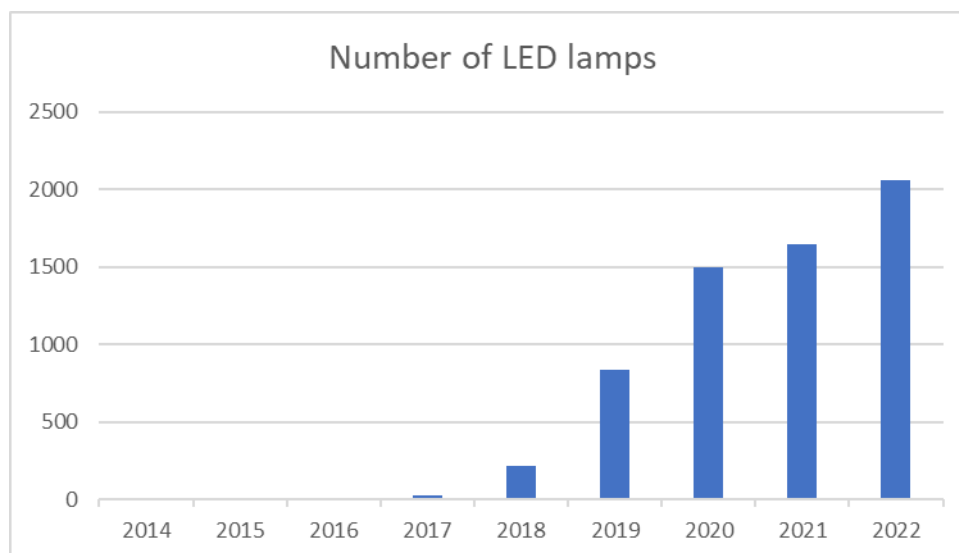
Both these sections explain that Council is responsible for the lighting of roads and public places.

DISCUSSION

Progress has commenced on the action plan. Of the 10 actions, 2 have commenced and 4 will be ongoing throughout the life of the Strategy, with key developments in 2022 including:

Action 1.1: Improve energy efficiency of public lighting.

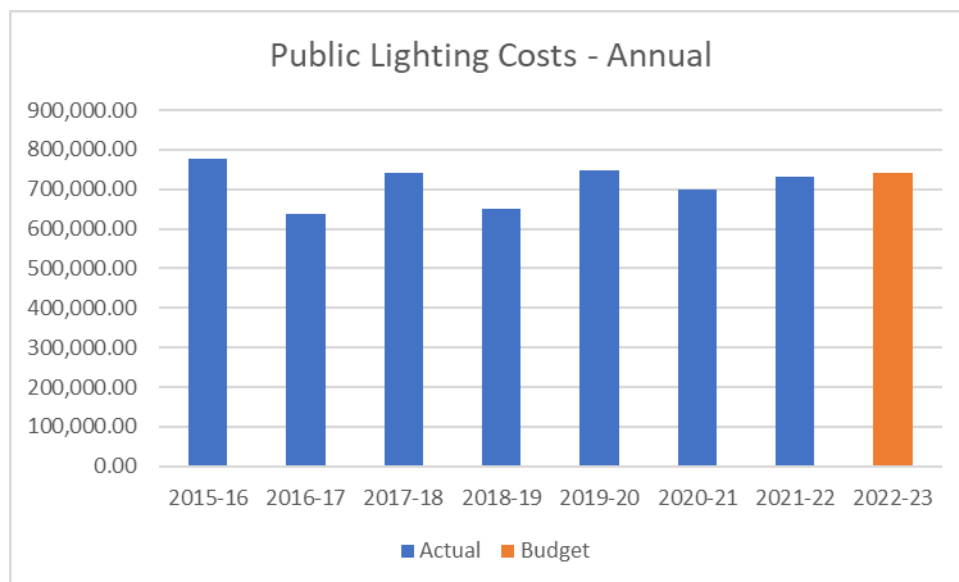
The public lighting inventory in 2022 included 61% light emitting diodes (LEDs), up from 50% a year earlier. TasNetworks have been installing 14W LEDs as a replacement for 80W mercury vapour and 42W compact fluorescent lamps, which formed the bulk of the 3300-lamp inventory.



Action 2.1: Public lighting costs are sustainable.

Under the current energy supply contract with Aurora Energy, Council forecasts to spend around \$740,000 (ex GST) on public lighting in 2022/23. Costs have fluctuated due to energy market forces, but generally more efficient lamps and competitive procurement processes have driven costs down, while an expanding inventory is putting upward pressure on costs.

The increase forecast in 2022/23 is 1.0%, compared to CPI of 6.1% in 2021/22.



Action 2.2: Public lighting services are cost competitive.

Council benefitted from a three-year agreement for energy procurement process, led by LGAT which expired in June 2022. Council entered into a new three-year agreement which commenced in July 2022.

Action 2.3: External funding opportunities are pursued.

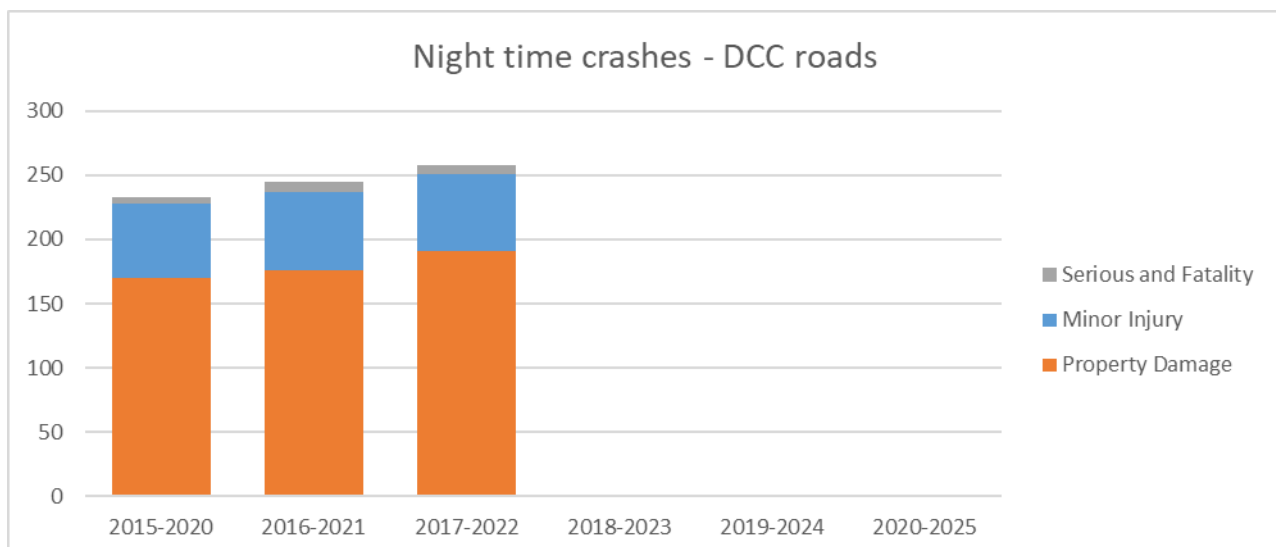
Council has reliable and detailed information available on road safety and public incident reports that can be used to support funding applications. No submissions have been made, but Council is prepared for when suitable funding opportunities arise.

Action 3.1: Engage with the community to understand the expectations for public lighting

Council undertook an extensive consultation program, seeking input into its Open Space Strategy. This program has provided a lot of valuable information from the community, including request for lighting in Devonport's open spaces.

Action 3.5: Lighting contributes to a safe road network

Unfortunately, nighttime crashes on the road network increased by 5.3% in 2022. Although the percentage of those crashes resulting in fatalities or serious injuries reduced from 3.3% to 2.7%. The table below contains the rolling 5-year average crash data, compared to the 2020 baseline.



6.6 LONG-TERM STRATEGIC ASSET MANAGEMENT PLAN 2021-31 - YEAR ONE STATUS

Author: **Michael Williams, Infrastructure Manager**

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

RECOMMENDATION

That Council note the status of actions listed in the Long Term Strategic Asset Management Plan 2021-31.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.1 Develop and maintain long term Strategic Asset Management Plans

SUMMARY

To report on the progress of the actions outlined in the Long Term Strategic Asset Management Plan 2021-31.

BACKGROUND

Council adopted its Long Term Strategic Asset Management plan in December 2021 (Min 21/273 refers) to meet its legislative obligations and to document the link between Council's forecast capital and operational expenditure and its Long Term Financial Plan.

STATUTORY REQUIREMENTS

The requirements for Council to adopt a long-term strategic asset management plan, is prescribed in sections 70B of the *Local Government Act 1993 (Tas)*.

The minimum content of the plan is detailed in Section 7 of the *Local Government (Content of Plans and Strategies) Order 2014*.

DISCUSSION

Progress on the identified actions has commenced. Five of the nine actions are underway, with the remaining four scheduled to commence over the next three years. Progress includes:

Action 1: Update all Asset Management Plans to include condition-based renewal programs across the forward 10-year planning timeframe.

A program of asset condition assessments has been established for major assets classes, which provide the data inputs from a condition based renewal program. This assessment program is perpetual, as over time, multiple condition assessments on an asset contribute to an understanding its rate of deterioration and a forecast of a renewal year. 8000 assets have a condition rating, although many of these are applied at creation rather than from assessments in the field.

Action 2: Continue the implementation and use of TechnologyOne platform in order to more accurately capture asset O&M Expenditure over time.

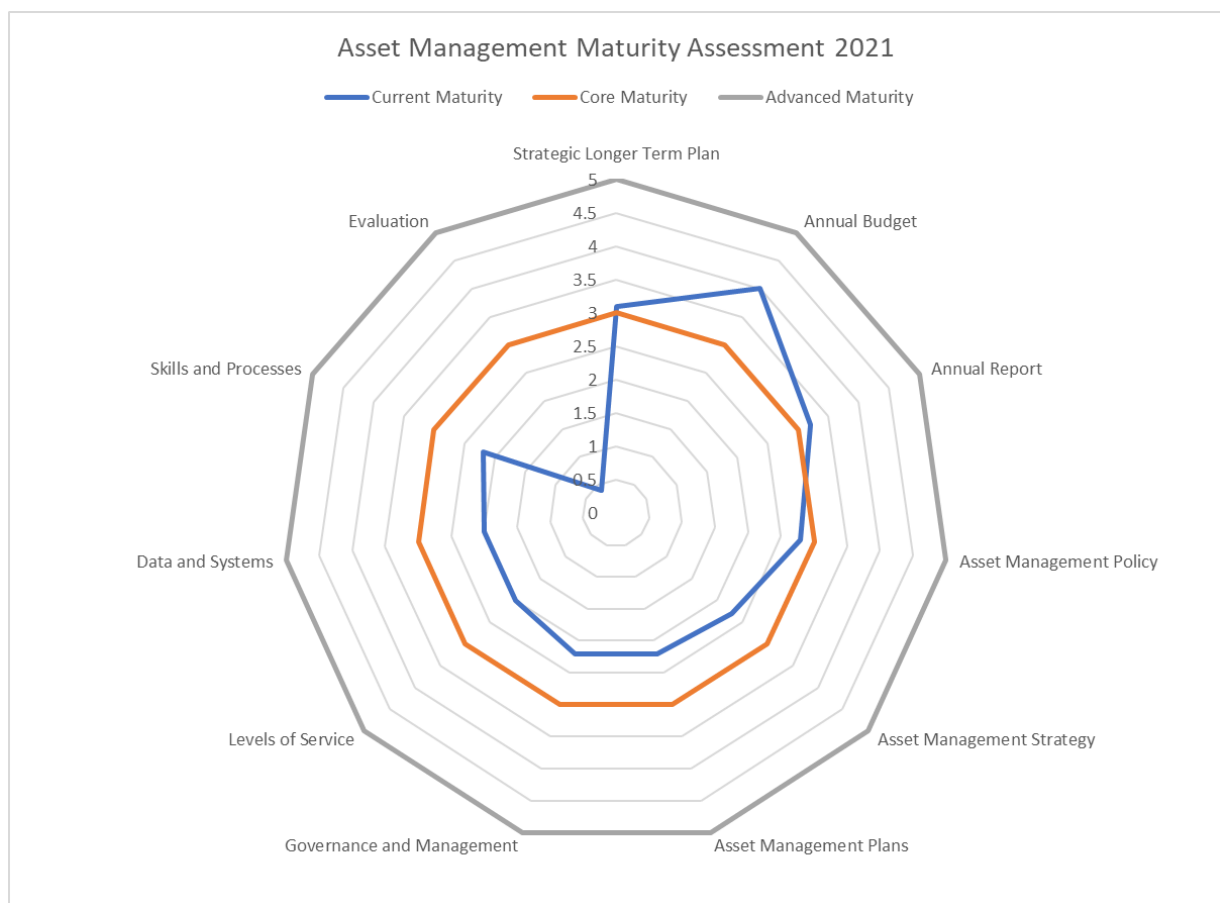
Operational and maintenance costs have been collected per asset since September 2020. There is now sufficient data for analysis and forecasting. Tools and processes are in development that will assist in using this data to optimise asset life cycle costs and forecast budgets.

Action 6: Develop cyclical asset condition data collection and inspection regimes that meets the needs of each asset class:

A program of asset condition assessments has been established to align with Council's revaluation schedule. Although 8000 assets have a condition rating, ongoing resourcing of both maintenance and condition assessments is an issue for Council, which is hampering optimisation opportunities.

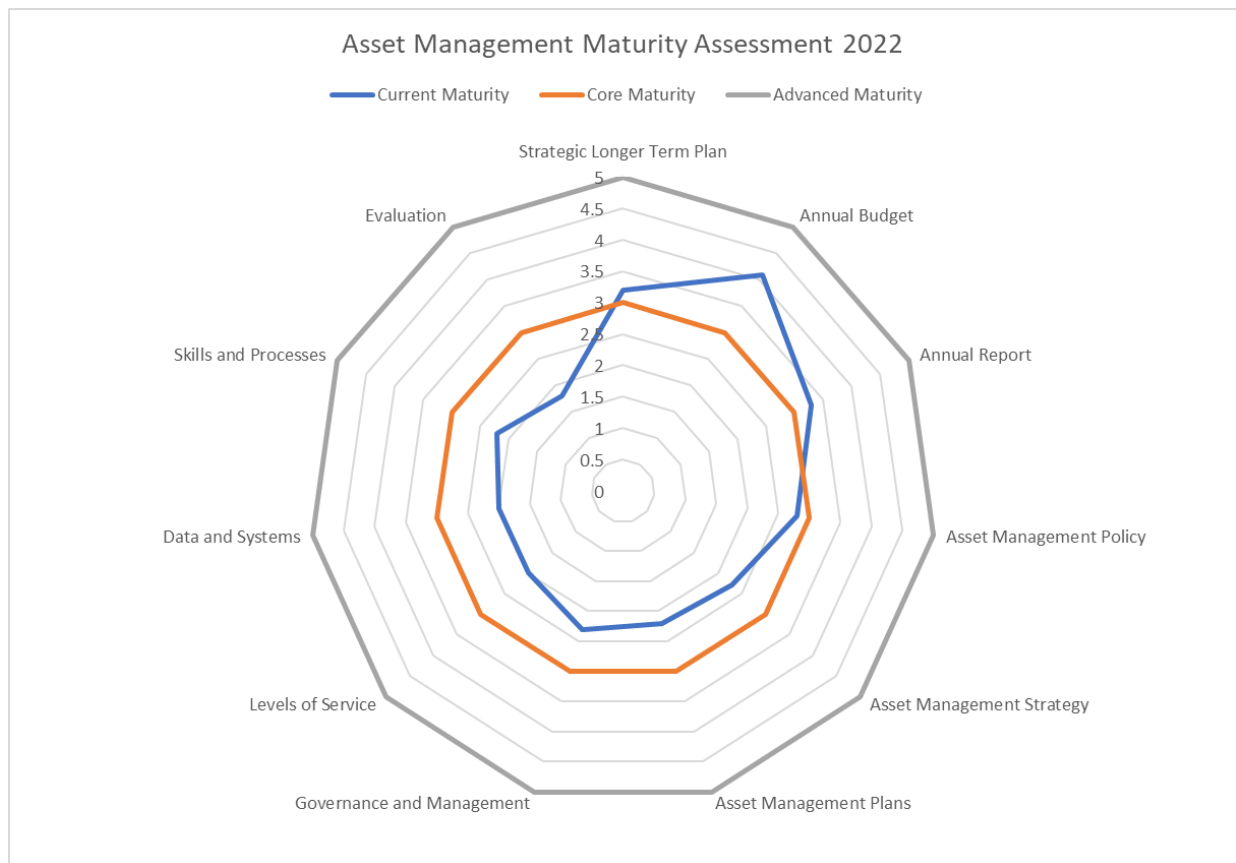
Action 8: Undertake targeted actions to improve Council's asset management practices, informed by the current Asset Management Maturity Assessment:

An asset management maturity assessment was included in the Long term Strategic Asset Management Plan. Council was approaching the "core maturity" classification in the majority of categories. The "Evaluation" category was identified as an area of relative weakness.



Asset Management Maturity 2021

In 2022 the assessment was completed to measure progress against the 2021 baseline. There was a notable improvement in the "Evaluation" category as the updated Strategic Asset Management plan and other documents identified improvement activities and planned for their delivery. Incremental improvements in other areas were also recorded.



Asset Management Maturity 2022

COMMUNITY ENGAGEMENT

There has been no community engagement relating to this report. However, implementation of the action plan includes community consultation, notably in action 7.

FINANCIAL IMPLICATIONS

There are no financial implications from this report. However, the implementation of the action plan and the incremental improvement in asset management practice that result, will have an impact on Council's Long Term Financial Plan.

RISK IMPLICATIONS

- **Corporate and Business**
The Long Term Strategic Asset Management Plan informs Council's Long Term Financial Plan.
- **Asset & Property Infrastructure**
The Long Term Strategic Asset Management Plans is critical to the sustainable provision of asset based services to the community.
- **Legal Compliance**
Maintaining the Long Term Strategic Asset Management Plan meets the requirements of the *Local Government Act 1993 (Tas)* and the *Local Government (Content of Plans and Strategies) Order 2014*.

CONCLUSION

Progress has been made on the action plan of the Long Term Strategic Asset Management Plan.

ATTACHMENTS

1. Strategic Asset Management Plan Year One Status Action Plan [**6.6.1** - 1 page]

6.7 COMMUNITY SERVICES REPORT - NOVEMBER AND DECEMBER 2022

Author: **Carol Bryant, Community Services Manager**

Endorser: **Matthew Skirving, Executive 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 operational highlights of Council's Community Services Department for November and December 2022.

BACKGROUND

Council's Community Services Department includes:

- Community Development
- Environmental Sustainability
- Sport and Recreation Development
- Events and Marketing

STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

DISCUSSION

1. COMMUNITY DEVELOPMENT

1.1. Music in the Square

The Devonport Youth Advisory Group (DEVYAG) developed and ran the November event Music in the Square – MISQ. The event was held at the Devonport Library, as part of the Library Up Late sessions.

The evening saw performances from the DEVYAG members, as well as other young budding artists from Devonport and surrounds with over 200 attendees.



2023 MISQ – Music in the Square

1.2. Volunteer Breakfast

Roughly 70 volunteers from across the Devonport municipality attended the Volunteer Breakfast on 6 December 2022 which was held to celebrate International Volunteer Day. Councillors and Council staff prepared the breakfast and served volunteers. The breakfast provided an opportunity for Council to thank volunteers for their contribution to the community.



International Volunteer Day Breakfast 2022

1.3. Full Gear Motorcycle Safety Program

Council has been successful in its grant application for \$35,000 under the Tasmanian Department of State Growth's Community Road Safety Grants Program to conduct a trial of the Full Gear Motorcycle Safety Program. The trial will be run in partnership with East Devonport Neighbourhood House, Devonport Community House and Strength4Life. The Full Gear program will empower pre-learner riders from lower socio-economic backgrounds to address unsafe, unlicensed, and illegal motorcycle riding. In addition to four 2-hour road safety education sessions over four weeks, each participant will be provided personal safety gear and will undertake the 2-day Pre-Learner Motorcycle course.

1.4. Devonport Community Services Newsletter

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

- Grants available to the community;
- Available community assistance programs and services;
- Health information, programs and initiatives;
- Events and community projects; and
- Updates from across Council.

Recent editions can be found on the Council website located at:

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

The Department published two editions in November and December 2022. Devonport events that attracted attention by readers during November and December:

- Devonport Eve in the City – New Year's Eve
- Twilight markets
- Hazardous waste disposal event
- International Day of People with Disabilities calendar of events
- Music in the Square
- Kokoda Barracks 70th Anniversary Open Day

1.5. East Devonport Jobs Forum

The East Devonport Working Group in collaboration with employment enabling organisations delivered the East Devonport Jobs Forum in early November. Over 40 job seekers attended the forum to hear from a range of employment services, training organisations and employers. The event was successful with many people attending securing work or training.



East Devonport Jobs Forum

1.6. East Devonport Christmas Celebrations

Council Officers assisted with Christmas in the East and the East Devonport Child and Family Learning Centre Christmas event.

The annual Christmas in the East is a joint initiative with East Devonport Child Family and Learning Centre, East Devonport Neighbourhood House, Rotary Club of Devonport South East, Pathway Shed, Housing Choices, Devonport Anglican Church, Vinnies East Devonport, Devonport City Council and community volunteers. Santa visited hundreds of families along the main streets and crossroads in East Devonport and Ambleside during the 3rd December event.



Christmas in the East

At the East Devonport Child and Family Learning Centre Christmas event, families associated with the centre met at Don River Railway for a train ride and party.



1.7. International Day of People with Disabilities Calendar of Events

Community Services Officers with the Access and Inclusion Working Group created a calendar of Devonport events spanning both sides of Saturday 3 December - International Day of People with Disabilities. Events included Mission Australia's Community event, free entry to Splash, North West Support School art exhibition and Multicap Tasmania BBQ at the Bluff.

The calendar was promoted on social media, and via mailing lists, and all events were well attended.



Multicap Bluff BBQ (Image Credit: Multicap)

1.8. Sister Cities – Through each other's eyes

During 2021-2022 the Devonport and Minamata communities worked on a collaborative art exchange project, an *International Show and Tell* about our cities. Community members submitted images or created artwork of something they love about their cities. These images have been displayed throughout the Minamata City Hall and train station and are now available on Council's website and the Market Square outdoor TV as a video: www.devonport.tas.gov.au/visit-devonport/arts-culture-heritage/through-each-others-eyes/



Images from *Through each other's eyes*. Artists: Nanami Matsunga and 5-year-old Imogen

1.9 Community Engagement and Wellbeing Grants

Council received a \$50,000 grant from Primary Health Tasmania to deliver a small grants program. Grants of up to \$5,000 were available to community organisations to deliver programs, events, and activities by 30 June 2023, that seek to:

- promote resilience
- build social connections
- facilitate reconnection with local social support networks
- promote positive wellbeing for the Devonport community

Applications closed 29 November and were assessed by a panel comprising representatives from Primary Health Tasmania, the Hillcrest Affected Area Recovery Committee and Council. Successful applicants and projects include:

- Devonport Chaplaincy Inc - Mental Health First Aid Training

- East Devonport Badminton Club Inc - Introduction to badminton coaching classes
- Youth, Family & Community Connections - Devonport Youth Expo
- ParaQuad Association of Tasmania -Wheelie Wellness
- Devonport Volleyball Association - Beach Volleyball
- Exhale Choir - Big Sing - Community Connection
- East Devonport Child and Family Learning Centre - Breakfast with Mahalia
- The Allstars Gymnasts - Friendship Fun Day
- Girl Guides Tasmania - Consent – Sex & Respect - A Program for Girl Guides and the youth of Devonport

1.10 Partnership Agreements

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	1-year Agreement 1 July 2023	\$3,500 pa
City of Devonport Eisteddfod	3-year Agreement – 2019 – 2022 (extended to 2022 due to Eisteddfod being cancelled in 2020 due to COVID)	\$10,000 pa
Devonport Brass Band	3-year Agreement 30 June 2025	\$10,000 pa
Devonport Community House	3-year Agreement 30 June 2025	\$18,000 pa
Devonport Men's Shed	3-year agreement 1 July 2025	\$8,000 pa
Devonport Motor Show	5-year Agreement 29 January 2024	\$2,500 pa
National Trust of Australia – Home Hill operations	3-year Agreement June 2025	\$28,000 pa
RANT Arts	5-year Agreement November 2026	Subsidised rent for property at 45-47 Stewart St, for delivery of arts & cultural services to the community
Tasmanian Arboretum	3-year Agreement 30 June 2025	\$22,000 pa
Youth Family & Community Connections	5-year Agreement 29 June 2023	Subsidised rent for property at 62 and 64 Stewart St for the delivery of services to support young people & families
Devonport Chamber of Commerce and Industry	2-year agreement 30 June 2024	\$40,000 pa
Julie Burgess Inc	5-year agreement 30 January 2025	\$40,000 pa

2. ENVIRONMENTAL SUSTAINABILITY

2.1. Friends of Don

The Friends of Don Reserve met four times during the last period, with a total of 60 hours of volunteering activities undertaken. The group continued weeding around the Don College finding gorse, broom, sweet pittosporum, and a few garden escapees. The group also met with the Tasmanian Fire Service to discuss the Don

Reserve Bushfire Management Plan and to monitor plant regrowth in the recently burnt area post fire.

2.2. Wildcare - Friends of Devonport Reserves

Up to 22 volunteers of the Wildcare – Friends of Devonport Reserves group are helping to monitor the nest boxes at Kelcey Tier Greenbelt with sightings of Swift Parrots October-December suggesting breeding behaviour. Approximately 200 hours of volunteer time were contributed.

Through the Wildcare Group, Council has also received a Tasmanian Nature Conservation Fund Grant for \$9,109 to purchase two 4G cameras to monitor boxes via smart phones as well as some further assistance managing invasive species.

3. SPORT AND RECREATION DEVELOPMENT

3.1 Major Sporting Events Held

Sporting Event	Dates 2022	Venue	DCC Sponsorship
Tour of Tasmania Road Cycling Race	26-27 November	Spreyton Cider and Devonport Oval	\$20,000 +\$1,000 in-kind
Schools Triathlon Challenge – Triathlon Tasmania	23-24 November	Mersey Bluff	\$0
Tasmanian Athletic Carnival Series – Devonport Athletics Club	29 December	Devonport Oval	\$8,000 +\$1,000 in-kind

Tour of Tasmania Road Cycling Race

After a two-year hiatus, the Spirit of Tasmania Cycling Tour returned with a three-stage women's race contested by 41 starters, in addition to the long running men's event

The flat and fast criterium was the third/final stage of the race held at the Devonport Oval.



Victorian cyclist Justine Barrow at the Tour of Tasmania Road Cycling Race

Schools Triathlon Challenge

The Schools Triathlon Challenge has been developed to help promote active & healthy lifestyle choices to school students. The event aims to get students who do not play regular sport or make school rep teams to compete at interschool swimming, cross country, or athletics carnivals.

It is now the largest lifestyle event for schools in Tasmania with 80 schools and over 2,000 students participating at Devonport annually.

The STC involves students completing a Triathlon (Swim / Bike / Run) either as an individual (where they compete in all legs) or in a team of 2-3 people (where one person completes a leg each).



Schools Triathlon Challenge – Devonport (Image Credit - Schools Triathlon Challenge)

Tasmanian Athletic Carnival

The Devonport Athletic Club held the 84th edition of the carnival on December 29, featuring world class cycling, running and woodchopping.

3.2 Upcoming Major Sporting Events

Sporting Event	Dates 2022	Venue	DCC Sponsorship
Football Tasmania National Skills Acquisition Phase (junior soccer) Festival	24-26 February	Valley Road Soccer Centre and Meercroft Park	\$15,000 + \$2,000 in-kind
Devonport Triathlon	15-19 March	Bluff Precinct	\$35,000 +\$2,000 in-kind
Bluff to Boat Ramp RUN	19 March	Bluff Precinct to Horsehead Creek Boat Ramp	\$10,000 +\$1,000 in-kind
Broughton Rugby Cup	25 March	Devonport Rugby Club	To be confirmed
Devonport Cup - Junior Soccer	10-12 June	Meercroft Park, Valley Road Soccer Centre	To be confirmed

3.3 Recreation Centre Participation

Facility	Customers through the Door	
	November 2022	December 2022
East Devonport Recreation and Function Centre	Reopening March 2023	
Devonport Recreation Centre	11,791	1,176 (Floor maintenance)

Special events held at the Devonport Recreation Centre for November and December 2022 are listed in the table below:

Sporting Event	Dates 2022	Venue
Taekwondo Grading	5 November	Devonport Recreation Centre
BTAS Regional Championships	12-13 November	Devonport Recreation Centre
NWPSSA Grade 3 & 4 Sports Expo	15 November	Devonport Recreation Centre
Futsal Islander Cup	25-27 November	Devonport Recreation Centre
Northwest Thunder combined training	23 December 2022	East Devonport Recreation and Function Centre

Group bookings for the Recreation Centres are detailed in the following table.

Recreation Usage			
Facility	Room/Ground	Number of Bookings November	Number of Bookings December
Devonport Recreation Centre (DRC)	Judo Room	17	11
	Meeting Room	7	5
	Sauna	75	47
	Squash	31	24
	Stadium	134	16
	Table Tennis Building	51	22
	Youth Centre	115	52
Total Devonport Recreation Centre		430	177
East Devonport Recreation and Function Centre (EDRFC)	Community Room	6	2
	Stadium	44	37
Total EDRFC		50	39

4 EVENTS AND MARKETING

4.1 Christmas Parade – 24 November 2022

The Devonport Christmas Parade was held on Thursday 24 November, the day before the Show Day public holiday. After the success of the new route in 2019, around the Bass Strait Maritime Centre, Bluff and Devonport Oval, this area was used once again.

Marshalling was undertaken at Byard Park, utilising James Street for large trucks, Byard Park car park for smaller vehicles, and the park itself for walking groups. Council staff controlled the marshalling area and were assisted by the SES for road closures and security during the event.

Approximately 34 floats participated in the Parade. There were three winners of the Mayor's Award for floats that best captured the Christmas spirit, which was split equally between M.A.C.E. North West (MACE-Motorcyclists Advocating Child Empowerment), Don Market and the City of Devonport Brass Band.

Spectator numbers were strong which was helped by good weather. The crowds spread out a little more this year to take advantage of the parklands around the precinct. Mobile food vendors were strategically placed to move families towards the Bluff Road areas.

Members of the Devonport Youth Advisory Group did a live video feed on the Devonport Events Facebook page to enable greater involvement. People waiting on the route could know what was coming, those who couldn't be there for the Parade could still see it and participants could go back after the event and see what they missed. The video had a post reach of 4,082.



Christmas Parade

Christmas Tree Panels

Eleven panels were painted by local children to decorate the base of the community Christmas Tree in the Rooke Street Mall. The children were from Devonport, East Devonport, Nixon Street, Miandetta, Hillcrest, and Spreyton Primary Schools, Our Lady of Lourdes, Devonport Christian School and the North West Support School, as well as East Devonport Child & Family Centre, Devonport Girl Guides, and Elanora Child Care Centre.

Artwork subjects included Christmas Trees, Santa, Christmas carols, storybook characters, and native animals. The panels were displayed throughout December. The Facebook post sharing the panels with our community had a post reach of 10,920 with strong engagement of 14,762.



Christmas Tree Panels

Carols by Candlelight – 4 December 2022

After moving to the Devonport Soccer Centre in 2021 to assist with the application of COVID procedures, the Carols by Candlelight organising committee utilised the same venue due to its onsite infrastructure, fencing, and large flexible space.

Approximately 1,800-2,000 people attended the two-hour concert. The program was balanced with equal numbers of performance pieces and audience participation items. Performances included a wide variety of music, from Elvis' Blue Christmas to Oh, Holy Night sung in Samoan. A host of traditional carols was led by the community choir and the City of Devonport Brass Band to which everyone could sing along. The community choir was the largest it has been in many years with 30+ members.

Council has a partnership agreement with the organising committee for this event (comprising Soroptimists International and the Lions Club of Mersey-Devonport) which assists to cover costs associated with sound, staging and musical directorship.



Eve in the City – 31 December 2022

A strong crowd of 8,000+ attended Devonport's New Year's Eve event *Eve in the City*. The event, held at Aikenhead Point and Joshua Slocum Park, included fireworks

displays sponsored by SeaRoad Logistic, at 9.30pm and midnight, fired from the Spirit of the Sea lookout.

The main entertainment was provided by local band, Nine Lives Rock 'n' Soul Revue, with additional performances by Frankie Said, Tessa Lee and the Cold Weather Band, Slipstream Circus and a large choir group of Samoan seasonal workers based at Costa Berries.

Attendees came from across the region, drawn by the free entry, the family-friendly nature of the event, carnival rides, and the only fireworks display on the North West Coast.

The event had a selection of 24 food and beverage vendors. It also boasted a host of free activities including six hours of entertainment, laser tag, racing car simulators, a silent disco, lawn games, face painting, and Wishing Wall.

A large LED screen next to the main stage provided a rolling slideshow highlighting the positives of Living City and the *Through each other's eyes* art project with photos from Devonport and our sister city, Minamata.

Council partnered with Kinetic MerseyLink to provide a free bus loop to and from the event. This free service was very well utilised throughout the event.

Advertising on local radio, in The Advocate and WIN Television complimented our organic Facebook campaign with our most successful post reaching 18,745. The Devonport Event Facebook page has steadily grown its audience over the past 12 months and currently has 7,700 followers.



Eve in the City

4.2 External Events Receiving Permits November-December 2022

Date	Event	Organisation
1-6 November	Weber Bros Circus	Weber Bros
11 November	Remembrance Day	Devonport RSL Sub Branch

12 November	Power Boat Circle Racing Tas HI Points	Northwest Powerboat Club
26 November	Walk the Talk White Ribbon	Soroptimists International of Devonport
3 December	Christmas in the East Santa Tour	East Devonport Neighbourhood House, East Devonport Child & Family Learning Centre, Rotary Club of Devonport South East, Pathway Shed, Housing Choices, Devonport Anglican Church, Vinnies East Devonport, Devonport City Council
4 December	Devonport Pub2Club Open Water Swim	Devonport Surf Life Saving Club
4 December	Carols by Candlelight	Carols by Candlelight Committee
15 December	Hillcrest One Year Commemoration	Department of Premier and Cabinet
17 December	Run Christmas	Everyday Lions
20 December	Christmas in the Park	Devonport Community House
23 December	Breakfast in the Park	Rotary Club of Devonport North
24 December	Christmas Eve at Spreyton Cider	Spreyton Cider

4.3 Upcoming External Events

Date	Event	Organisation
2– 14 January	Devonport Family Fun Fair	Xtreme Rides
29 January	Coles Beach Triathlon	Cradle Coast Triathlon and Multisport Club Inc
11 February	Tasmanian Symphony Orchestra	Novotel Devonport, Tasmanian Symphony Orchestra, and Devonport City Council
12 February	Rotary Teddy Bear Fly In "Halliwell Property Agents Teddy Bear Fly In"	Devonport Rotary Club
24-26 February	National Skills Acquisition Program (SAP) Carnival	Football Tasmania, Devonport Strikers, and Devonport Junior Soccer Association
6 March	Devonport Apex Regatta	Devonport Regatta Association
15-19 March	Devonport Triathlon and World Triathlon Para Series	Tri Events Tasmania
19 March	Ten Days on the Island – mapali	Ten Days on the Island
19 March	Bluff to Boat Ramp (formerly Run Devonport)	Everyday Lions
26 March	SeaRoad Devonport Motor Show	Rotary Club of Devonport North

COMMUNITY ENGAGEMENT

The information provided above details relevant community engagement.

FINANCIAL IMPLICATIONS

No impact on Council's operating budget is expected because of this report.

RISK IMPLICATIONS

There are no risk implications which relate to this report.

CONCLUSION

This report presents operational highlights of Council's Community Services Department for November and December 2022.

ATTACHMENTS

Nil

6.8 CONVENTION AND ARTS REPORT - NOVEMBER AND DECEMBER 2022

Author: **Geoff Dobson, Convention and Arts Centre Manager**

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council receive and note the Convention and Arts report.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.2 A vibrant City is created through the provision of cultural activities, events and facilities

SUMMARY

This report provides a summary of the activities undertaken in the Convention and Arts Department for the period November and December 2022.

BACKGROUND

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.

The functional areas of Council covered in this report include:

- Devonport Regional Gallery
- Bass Strait Maritime Museum
- Town Hall Theatre
- paranple convention centre

STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

DISCUSSION

ARTS AND CULTURAL DEVELOPMENT

1. Devonport Regional Gallery

Gallery Exhibitions

Exhibition	Date
Older? Wiser? Stronger? Nanna Bayer: 2022 Solo Commission Exhibition	24 Sept – 12 Nov
DRG Volunteer Community Exhibition	19 Oct – 26 Nov
Rising Shimmer: Elizabeth Braid	5 Nov – 10 Dec
North West Support School Exhibition	30 Nov – 14 Jan
Tidal 22: City of Devonport Tasmanian Art Award	10 Dec – 28 Jan



Hobart artist Sara Maher was awarded the \$20,000 tidal. 22: City of Devonport Tasmanian Art Award, *Open Listening (Lunawanna-alonnah/Brny Island)*, 2021, Ink on paper, 115 x 120 cm, Courtesy of the artist and Bett Gallery – Hobart.



tidal. 22: City of Devonport Tasmanian Art Award

Education and Public Programs

Event	Participation	Date
Miandetta Primary School Visit	87	1 Nov
Elizabeth Braid artist meet and greet	45	4 Nov
Create & Make Term 4, week 1 - Group 1	12	9 Nov
Create & Make Term 4, week 1 - Group 2	9	10 Nov
Nanna Bayer Artist Talk	31	12 Nov
Books + Art	3	21 Nov
Create & Make Term 4, week 2 - Group 1	10	16 Nov
Create & Make Term 4, week 2 - Group 2	16	17 Nov
Pathway Shed Social group	15	23 Nov
Create & Make Term 4, week 3 - Group 1	7	23 Nov
Create & Make Term 4, week 3 - Group 2	10	24 Nov
Create & Make Term 4, week 4 - Group 1	8	30 Nov
Create & Make Term 4, week 4 - Group 2	13	1 Dec
Create & Make Term 4, week 5 - Group 1	9	7 Dec
Our Lady of Lourdes Kinder School Visit	65	8 Dec

Event	Participation	Date
Create & Make Term 4, week 5 - Group 2	14	8 Dec
Opening Main & Upper galleries tidal.22	115	9 Dec
Floor talk with Dr Ashley Bird for tidal.22	18	10 Dec
Books + Art	6	12 Dec
Create & Make Term 4, week 6 - Group 1	12	14 Dec
Create & Make Term 4, week 6 - Group 2	9	15 Dec
Pathway Shed Youth Group	20	19 Dec
Oh What Fun Xmas Bauble workshop	16	22 Dec
TOTAL	550	

2. Bass Strait Maritime Centre

Bass Strait Maritime Centre Exhibitions

Current Exhibition	Date
Remarkable: Stories of Australians and their Boats	Nov 2022
Upcoming Exhibitions	
Ice in the Rigging	Feb 2023
Strata: Metals, Minerals, and Mining on the Northwest Coast	April 2023
Shipwreck! The Sinking of the Sanyo Maru	July 2023
BSMC 50 th Anniversary Exhibition (working title)	Oct 2023

Education and Public Programming

Event	Participation	Date
Cruise Ship Bus Tour: Coral Princess	90	5 Nov
Pukekohe Travel Group Bus Tour	22	9 Nov
Cruise Ship Bus Tour: Pacific Explorer	39	14 Nov
Probus Group Tour	23	15 Nov
Scenic Horizon Group Tour	33	21 Nov
Hillcrest Primary School	42	5 Dec
Roving Curator Travelling Exhibition Workshop	4	5 Dec
Cruise Ship Bus Tour: Queen Elizabeth	101	11 Dec
Latrobe Primary School	44	13 Dec
Cruise Ship Bus Tour: Noordam	39	13 Dec
East Devonport Primary School	44	14 Dec
Roving Curator Significance Assessment Workshop	5	19 Dec
TOTAL	486	



Remarkable: Stories of Australians and their Boats.

3. Town Hall Theatre

Theatre Performances

Performance	Attendance	Date
Damien Leith performs Roy	410	24 Nov
World Festival of Magic	100	28 Nov
Caroline Small School of Dance	582	3 Dec
The Spirit of Christmas	41	6 Dec
KC Studio of Dance – Our Home Planet Earth	397	10 Dec
Dance Revolution – Dancing Through the Decades	387	17 Dec
Total	1,917	

Upcoming Performances

Performance Event	Date
Ross Wilson celebrates "50 Years of Eagle Rock"	9 Feb
The Poems, Prayers & Promises of John Denver	3 March
Anh Do – The Happiest Refugee Live!!	15 March
The Winner Is...	25 March

4. Participation Across Arts and Cultural Development

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, and opportunities to increase participation.

Facility	Visitors November	Visitors December
paranple arts centre	3,740	4,169
Bass Strait Maritime Centre	772	723

Total	4,512	4,892
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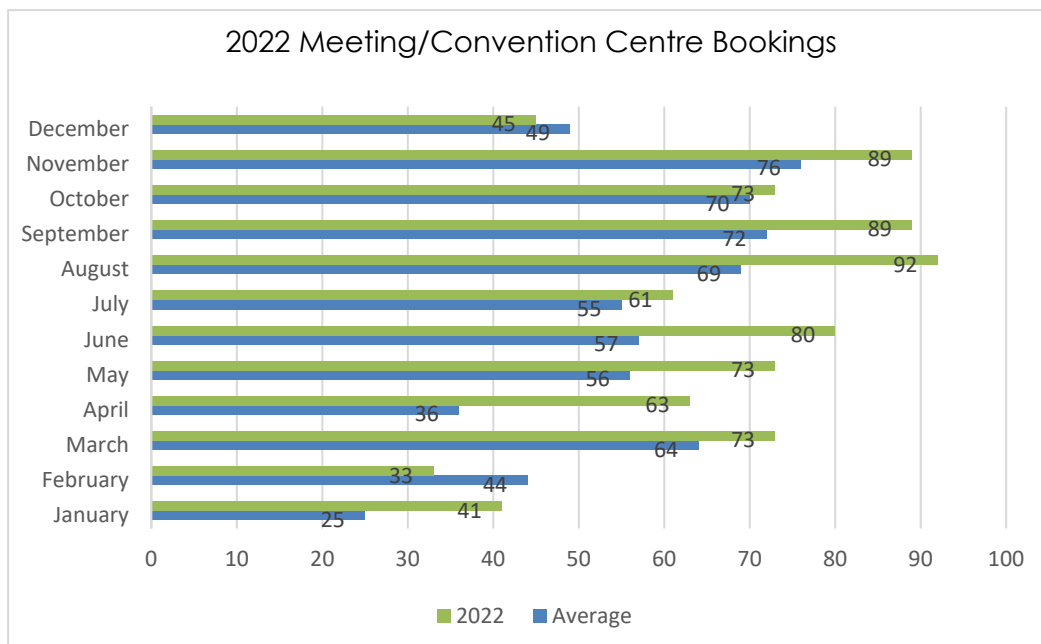
5. paranaple convention centre

Meetings at paranaple convention centre and Market Square Pavilion

For November and December 2022, the DCC meeting rooms held 111 events and 23 events in the convention centre on Level 3. Total attendance of 5,296 patrons.

Events held within the convention centre on Level 3 included:

Event	Presented by	Attendance
Collaboration Workshop	Hazell Brady JV	30
Reimagining TASTAFE - A 10 Year Strategic Plan	TASTAFE	60
Harvester Training Day	Simplot	70
Professional Learning	Northwest Support School	85
'Spring into Season 2022'	Simplot Devonport	95
IIICA Technology Expo Devonport	Institute of Instrumentation, Control and Automation	300
Celebrating the Impact of Regional Research and Education	School of Nursing – UTAS	114
75 TH Anniversary	Devon Netball Association	68
'Spring into Season 2022'	Simplot Devonport	120
Teaching reading and writing within the disciplines - Inquiry Learning Partnership	Professional Learning Institute	40 x 2 days
Children's University Graduation	University of Tasmania	200
Quo Vadis, Aida? Film Screening	Northwest Film Society	70
Reframing Addiction Expo & Conference	Anglicare Tasmania	100
Christmas Niche Market	St Giles Society	300
COVID-19 Recognition and Reflection	Department of Health	50
MUA Tasmania 150th Anniversary	Maritime Union of Australia Tasmania Branch	210
Mayor's Christmas Event	Devonport City Council	40
Christmas Function	Fiducian Financial Services	60
DCS Celebration Service	Devonport Christian School	800
Christmas Function	Simplot Ulverstone	54
Official Competition Film Screening	Northwest Film Society	80
Year 10 Celebration	Devonport High School	91



Devonport Christian School Celebration
Celebration



Devonport High School Year 10

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

6.9 GENERAL MANAGEMENT, PEOPLE & FINANCE AND CORPORATE SERVICES REPORT - NOVEMBER AND DECEMBER 2022

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Kylie Lunson, Executive Manager and Jeffrey 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 November and December 2022 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 the following functional areas:

- | | |
|-------------------------------------|--------------------------|
| • Governance | • Information Technology |
| • Property Management | • Budget Management |
| • Strategic and Operational Plans | • Car Parking |
| • Corporate Communication | • Customer Service |
| • 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 November and December 2022.

REG/788	Licence Agreement - DCC & Finn - section of 104 Tugrah Road Tugrah	2/11/2022
REG/789	Lease of crown land at Waverly Road, Don	5/12/2022
REG/790	Contract of Sale - 12A Stony Rise Road - DCC to Fairbrother Pty Ltd	5/12/2022
REG/791	Grant Deed - Water supply for fish cleaning stations - Mussel Rock - DCC & MAST	20/12/2022
REG/792	Part V Agreement for 3&4 Erskine Way Devonport	20/12/2022
REG/793	Plan of Survey - PA20210041 - Subdivision - 6 Sunset Court, Devonport	20/12/2022

Councillor Attendance

Councillor attendance at Council meetings and workshops up to 31 December is detailed as follows:

	Council	Planning Authority		Workshops	Leave of Absence Approved during the November/December 22
No. of Meetings	7	1		5	
Attendance		Member	Non Member		
Mayor Cr A Jarman	7	0	0	4	
Cr G Enniss	5	0	0	5	1
Cr P Hollister	7	1	0	4	
Cr S Martin	2	0	0	2	
Cr A Moore	2	0	0	2	
Cr L Murphy	7	1	0	5	
Cr S Sheehan	2	0	0	1	
Cr D Viney	2	0	0	2	
Cr J Wilczynski	2	0	0	1	
Mayor Cr A Rockliff*	5	1	0	3	
Cr J Alexiou*	4	1	0	3	
Cr L Laycock*	5	0	1	3	
Cr S Milbourne*	3	0	0	0	
Cr L Perry*	5	1	0	3	

*Term ended 10 November 2022

Property Management Update

Council Officers worked on a number of property matters during November and December 2022 including the following:

- Crown Land applications/matters:
 - Spreyton Waste Transfer Station – Proposed Upgrades – Works application
 - Don Reserve Path Upgrade – Works Application
 - Coles Beach Access – Works Application
- Sale of 12A Stony Rise Road
- Termination of lease 6/92 North Fenton Street
- Application to register Haines Park with Place Names Tasmania

1.2. Corporate Communication

1.2.1. 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,

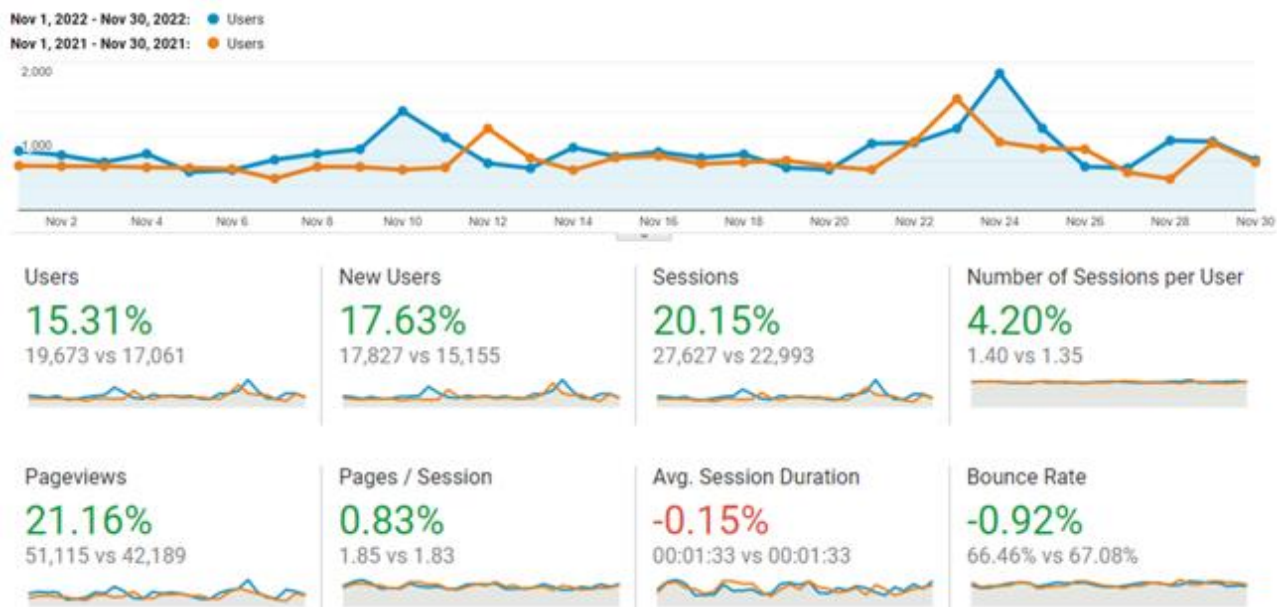
Top 10 Website Pages	November 2022	December 2022
	<ol style="list-style-type: none"> 1. Devonport Christmas Parade 2. Employment Opportunities 3. Advertised Planning Permit Applications 4. Contact Us 5. News and Media 6. Council Forms and Payments 7. Waste Transfer Station 8. What's On Devonport 9. Devonport Councillors officially sworn in today 10. Public Holiday – Devonport Show 	<ol style="list-style-type: none"> 1. Council Events and Festivals 2. News and Media 3. Advertised Planning Permit Applications 4. Waste Transfer Station 5. Contact Us 6. What's On Devonport 7. Council Forms and Payments 8. Cemetery Search 9. Weekly Rubbish Collection 10. Devonport's first impression to get a public art makeover

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.

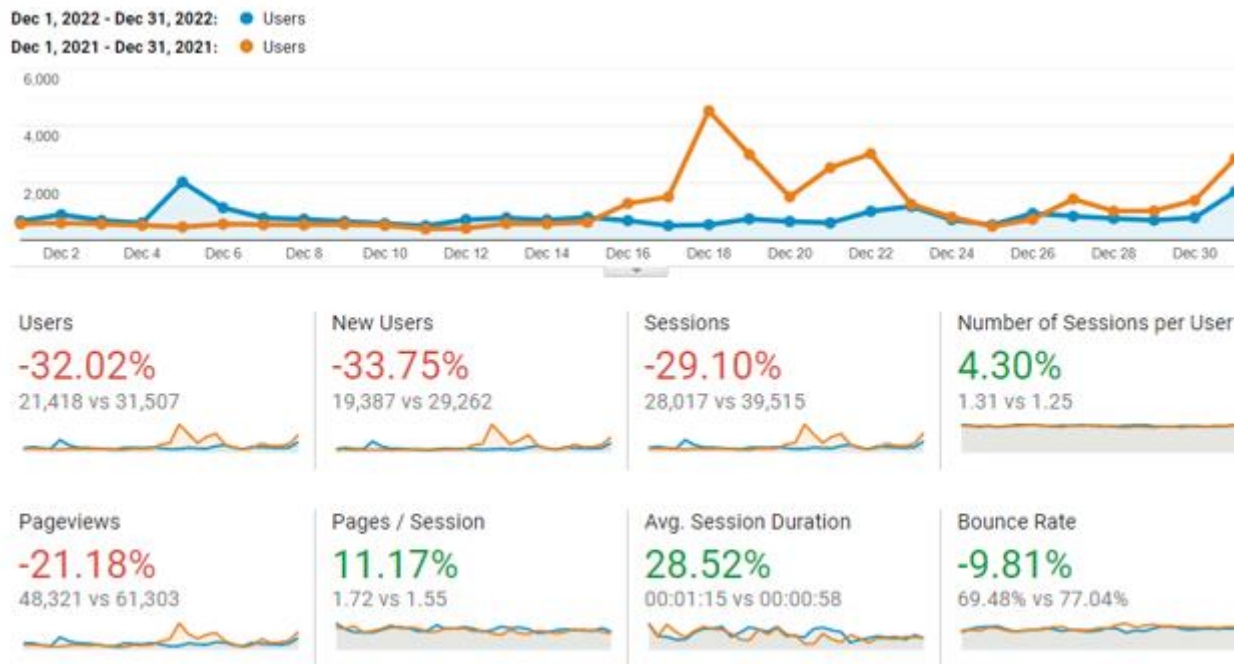
news stories and events.

Website statistics taken from Google Analytics

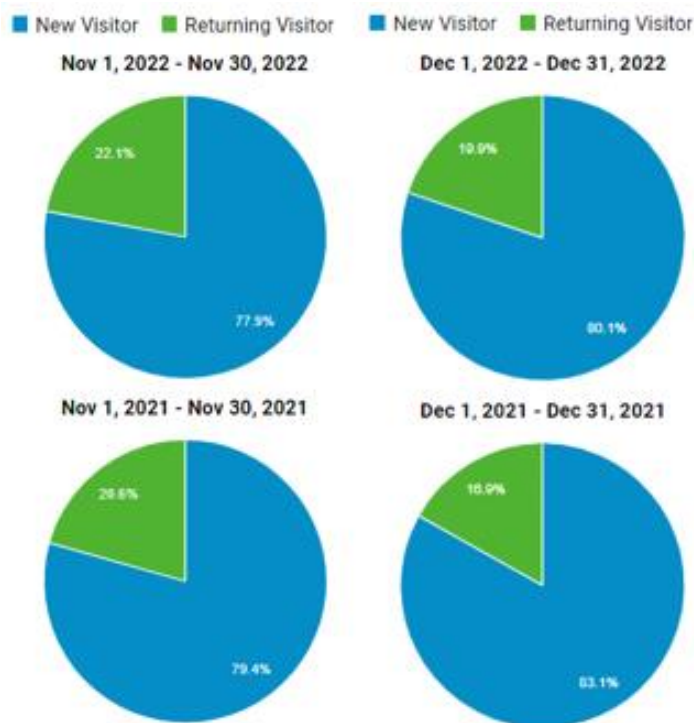
November 2022 (Verse 2021), Website Statistics



December 2022 (Verse 2021), Website Statistics



New Visitors versus Returning Visitors



1.2.2. Community Consultations

Council's online engagement platform www.speakupdevonport.com.au is utilised for all of Council's community consultations.

During the reporting period, Council sought feedback on the draft Open Space Strategy and the Signage Strategy.

1.2.3. 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 December:

Facebook	11.1K
LinkedIn	1096 – up by 42
Twitter	696 – up by 1

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	November 2022	December 2022
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).	58,782TY (31,959LY)	66,698TY (149,228LY)

During November and December, the top 10 posts Facebook posts each month in terms of audience reach were:

November 2022	December 2022
1. Devonport to host World Triathlon Para Series in 2023, 3/11/2022, 32.6K	1. Expressions of Interest from Tasmanian Artists State Vehicle Entry Point, 04/12/2022, 33.4K
2. Christmas in the East Santa Run, 24/11/2022, 17K	2. Horsehead Creek Riverside Park open, 04/12/2022, 24.4K
3. William Street/Valley Rd Intersection Closure, 13/11/2022, 14.4K	3. Elevated Walkway open, 21/12 /2022, 20K
4. Employment opportunity - Communication and Engagement Office, 27/11/2022, 11.3K	4. New Year's Eve celebrations, 22/12/2022, 14.7K
5. Music in the Square, 14/11/2022, 6.3K	5. FIFA World Cup on Market Square big screen, 1/12/2022, 12.8K
6. 2023 Performance Season Launch, 27/11/2022, 4.4K	6. Bluff Beach Closed, 11/12/2022, 9.7K
7. Rooke Street Mall Christmas Tree panels, 24/11/2022, 4.3K	7. Pioneer Park toilets vandalism, 13/12/2022, 7.5K
8. Employment Opportunity - Senior Accountant, 07/11/2022, 3.7K	8. Fans watch World Cup in Market Square, 4/12/2022, 7.5K
9. Changes to opening hours Spreyton Waste Transfer Station, 27/11/2022, 3.5K	9. Road Closure - Bluff Road, 22/12/2022, 7.1K
10. Employment opportunity - Design Officer, 30/11/2022, 3.4K	10. Public toilet closed for maintenance, 14/12/2022, 6.5K

1.2.4. Publications & Media

Council issued the following official media releases, alerts, comments and statements during November and December 2022:

Date	Media Type	Title/Topic
1/11/2022	The Advocate - Comment	Spring Fling crowd bathed in sunshine
2/11/2022	The Advocate - Comment	Council to auction property to recoup rates
3/11/2022	7AD	Christmas events
5/11/2022	The Advocate - Comment	Hacker tests cyber safety
5/11/2022	The Advocate - Comment	Opposites join forces to lead DCC
6/11/2022	The Advocate - Comment	Tasmanian voters elect women to lead seven North-West councils
8/11/2022	The Advocate – Comment	More room for cruise ships
8/11/2022	The Advocate – Media Release	tidal.22
11/11/2022	The Advocate - Comment	Electrifying ferry proposal
11/11/2022	The Advocate - Comment	Skate Park to get new shade cover
13/11/2022	The Advocate – Media Release	Devonport City Council brekkie to celebrate hardworking volunteers
15/11/2022	7AD – Darren Kerwin	Christmas parade & carols
16/11/2022	The Advocate – Comment	Stony Rise Village retail centre developer hosts community engagement meeting
22/11/2022	The Advocate – Media Release	Christmas in the East
25/11/2022	The Advocate – Media Release	Community invited to Devonport paranple arts centre 2023 season launch
28/11/2022	The Advocate - Comment	New Devonport City Council delays naming \$17m waterfront park
29/11/2022	The Advocate - Comment	City backs e-scooter trial
29/11/2022	7AD – Darren Kerwin	Council meeting update, Christmas carols, William St improvements, e-scooters & waterfront park
30/11/2022	The Advocate – Media Release	Fix for speeding issue
2/12/2022	The Advocate – Comment	Traffic lights spark debate
2/12/2022	The Advocate – Comment	Council approves residential respite rooms
3/12/2022	The Advocate – Media Release	City's first impression given art makeover
6/12/2022	The Advocate – Comment	Praise for high standard of tidal.22 art award entries
8/12/2022	The Advocate – Media Release	paranale arts centre scores 15 quality productions in 2023
9/12/2022	The Advocate – Media Release	Devonport's new elevated walkway to open before Christmas
10/12/2022	The Advocate – Media Release	Hobart artist wins richest tidal.22 prize
13/12/2022	The Advocate - Comment	Paying respect to Hillcrest Victims
14/12/2022	The Advocate – Media Release	Portal an insight into Coast
15/12/2022	The Advocate - Comment	Vandals damage toilet
15/12/2022	The Advocate - Comment	Bluff Beach closed to remove shingle

Date	Media Type	Title/Topic
16/12/2022	The Advocate - Comment	Park named after artist or timber merchant
17/12/2022	The Advocate – Comment	Fish farm fighters sorry
21/12/2022	The Advocate – Comment	Councillors decide name for new area
23/12/2022	The Advocate – Media Release	New walkway opens
24/12/2022	The Advocate – Media Release	City hosts two fireworks
28/12/2022	The Advocate - Comment	Public art boost for mall
30/12/2022	The Advocate – Comment	Range of merger views at councils
31/12/2022	The Advocate - Comment	Council prepares for Eve in the City

2. PEOPLE AND FINANCE

2.1 Human Resources

2.1.1. Recruitment

Staff positions advertised November and December 2022

Position	Department	Work Location
Devonport Stadium Project Lead (fixed term)	Economic Development	paranaple centre
Parking and Information Officer (casual)	Customer Service	paranaple centre
Operation Works Manager	Works	Works Depot
Governance Officer	General Management	paranaple centre
Senior Accountant	Finance	paranaple centre
Safety Compliance Officer	Risk & Regulatory Services	paranaple centre
Infrastructure Manager	Infrastructure	paranaple centre
Civil Works Serviceperson	Works	Works Depot - Civil
Civil Works Leading Hand	Works	Works Depot - Civil
Communication and Engagement Officer	General Management	paranaple centre
Design Officer	Infrastructure – Engineering	paranaple centre
Trainee – Parks and Reserves Serviceperson (Group Employed Work and Training)	Works	Works Depot - Parks

Staff Appointments November and December 2022

Position	Name	Department	Work Location
Civil Works Serviceperson	Jason Flannery	Works	Works Depot - Civil
Civil Works Leading Hand	Clinton Kaine	Works	Works Depot - Civil
Safety Compliance Officer	Kenny Corker	Risk & Regulatory Services	paranaple centre

Position	Name	Department	Work Location
Operation Works Manager	Mark Lowe	Works	Works Depot
Communication and Engagement Officer	Anna Halipilias	General Management	paranaple centre
Infrastructure Manager	Jason Bellchambers	Infrastructure	paranaple centre
Devonport Stadium Project Lead	John Cornell	Economic Development	paranaple centre
Senior Accountant	Nadine Maggs	Finance	paranaple centre
Parking and Information Officer (casual)	Kerryn Sherrif and Jessica Brooks	Customer Service	paranaple centre
Governance Officer	Chris Delphin	General Management	paranaple centre

Staff Departures November and December 2022

Position	Name	Department	Work Location	Date Effective
Administration Apprentice HR-Works	Tiarny Laing	Human Resources and Works	paranaple centre and Works	1/11/2022
Civil Works Leading Hand	Bradley Ellingworth	Works	Works Depot – Civil	14/11/2022
Design Officer	Mahesh Buchade	Infrastructure - Engineering	paranaple centre	9/12/2022

Workers Compensation end of December 2022

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)
30/6/2023	6 claims	3	\$120,109.79
30/6/2022	7 claims	1	\$179,452.65
30/6/2021	7 claims	0	\$26,494.39
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

New Workers Compensation claims for the period

3 new claims lodged in November 2022.

0 new claims lodged in December 2022.

2.1.2. Work Experience

Dates of Placement	Location	School	Student
15/11/22 to 18/11/22	PAC	Sheffield High School	Luke Nowell

Human Resources attended the East Devonport Jobs Forum on Thursday 3 November 2022 promoting employment opportunities within Council, current vacancies and how to apply.

2.1.3. Health & Wellbeing

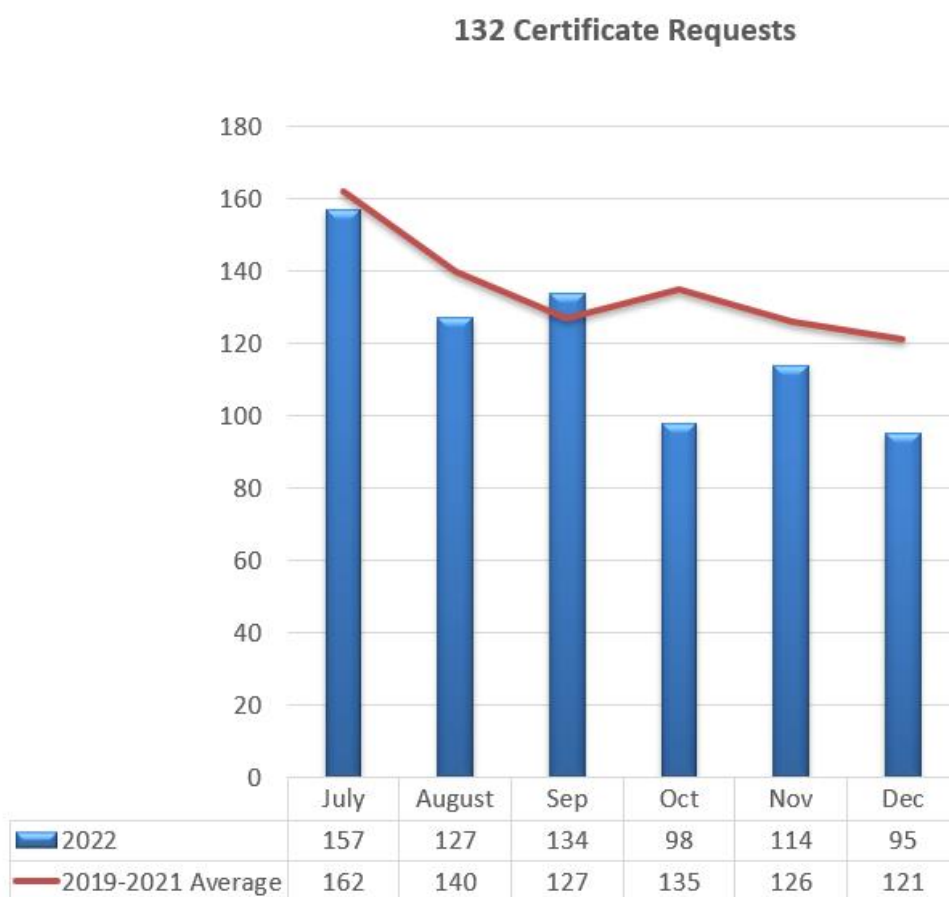
The following activities and initiatives were promoted for November and December 2022:

- Skin Checks – promotion of skin checks to employees for this financial year.
- CLS – promotion of workplace support through Council's employee assistance provider.
- Promotion of "Free picture with Santa for staff and family"
- Promotion of resources White Ribbon Day
- Promotion of Bike Program
- Promotion of resources on Road Safety Awareness.

2.2. Finance

2.2.1. Certificates

The following graph details the 132 Certificate requests that have been processed this financial year compared to previous financial years.



2.2.2. Rate Statistics

Percentage of Rates Paid*

	2020/2021	2021/2022	2022/2023
November	67.16%	68.39%	66.76%

December	68.67%	70.04%	68.05%
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***Please note the Rate statistics include rates paid in advance.**

Rates in advance as of 31 December 2022 are \$185,983.68.

2.2.3. Finance Report

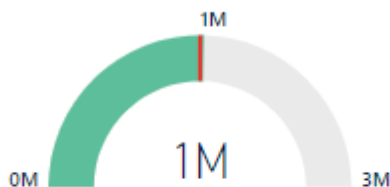
The finance report attached includes a capital works income and expenditure report. The report includes a budget adjustment for capital works carried forward from the prior year.

2.3. CORPORATE SERVICES

2.3.1. Parking

2.3.1.1. Parking Statistics

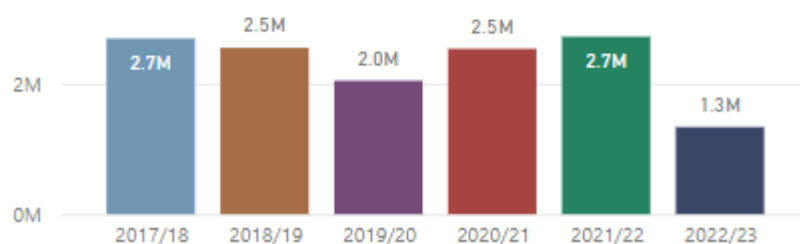
Budget v Revenue Period to Date



Revenue/Budget Period to Date

Description	Budget	Revenue	Variance	Variance %
Edward St CP	\$52,487.52	\$50,581.76	(1,905.76)	-4%
Fenton Way CP	\$9,392.52	\$10,197.07	804.55	9%
Fines Received	\$303,874.97	\$322,489.00	18,614.03	6%
Formby Rd CP	\$129,837.48	\$125,401.72	(4,435.76)	-3%
Fourways CP	\$49,725.00	\$50,405.46	680.46	1%
Multi Storey CP	\$110,500.02	\$144,101.51	33,601.49	30%
Other - MPES	\$110,500.02	\$98,650.51	(11,849.51)	-11%
Parking Meters	\$342,550.03	\$318,747.61	(23,802.42)	-7%
Parking Permits	\$78,537.48	\$91,945.64	13,408.16	17%
Payne Ave CP	\$52,487.52	\$51,641.29	(846.23)	-2%
Steele St CP	\$38,674.98	\$39,695.94	1,020.96	3%
Wenvoe St CP	\$52,487.52	\$49,592.58	(2,894.94)	-6%
Total	\$1,331,055.06	\$1,353,450.09	22,395.03	2%

Previous Years Revenue

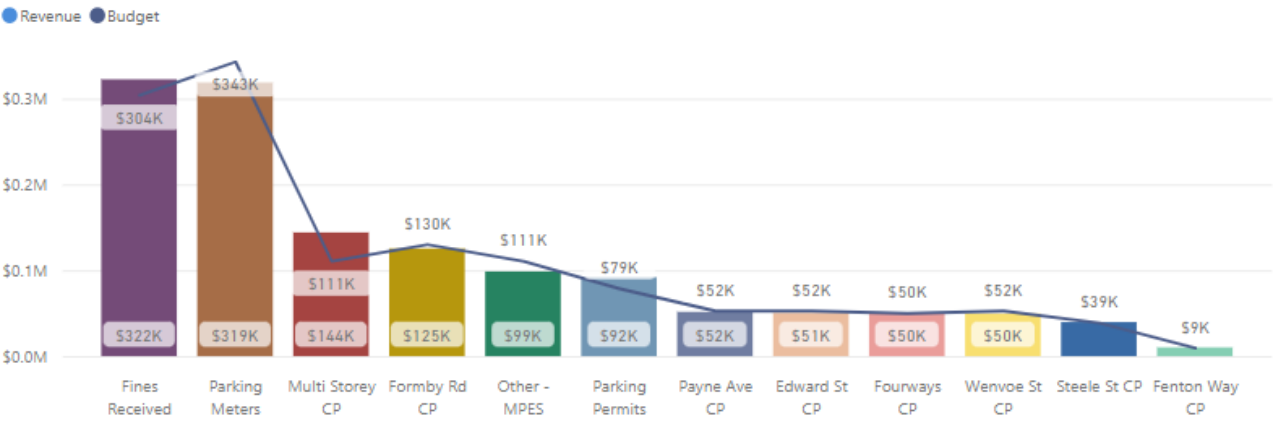


Grouped Natural Account - Revenue v Budget Year to Date

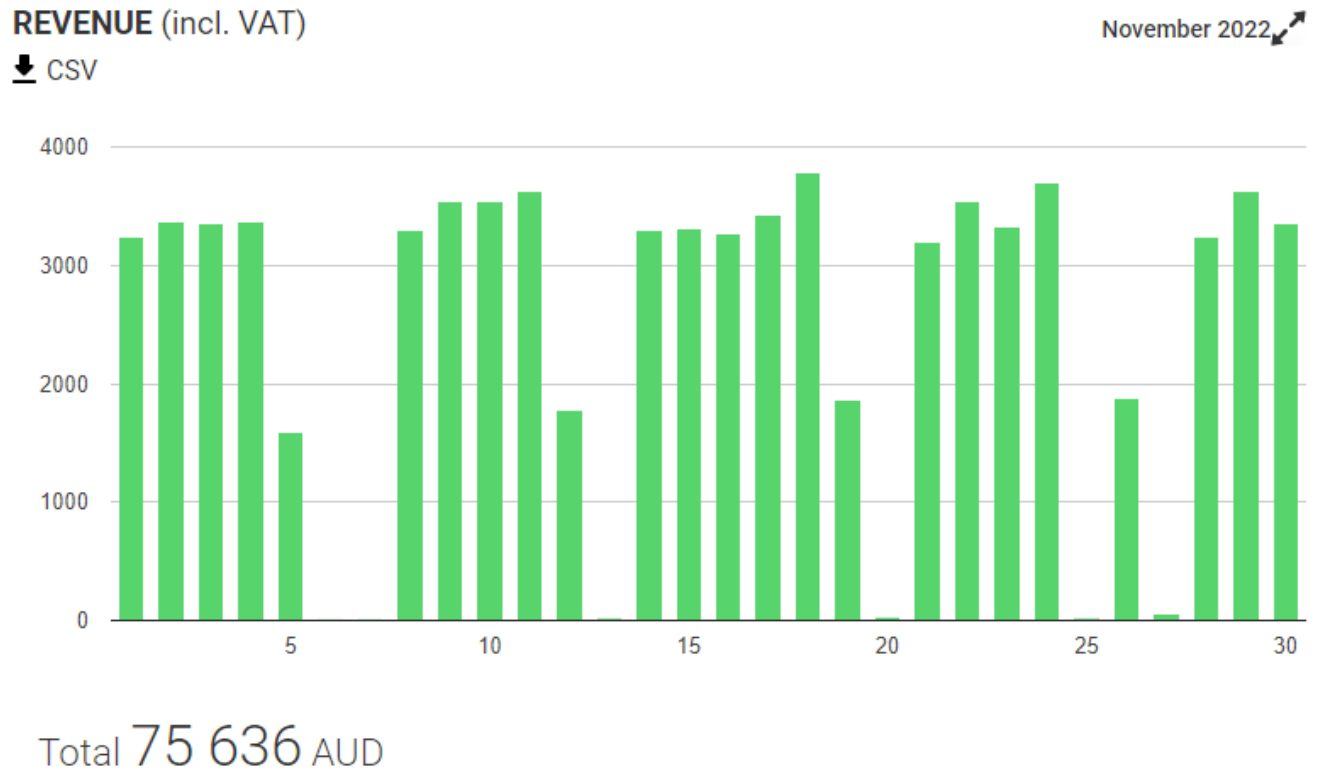
● Revenue ● Budget

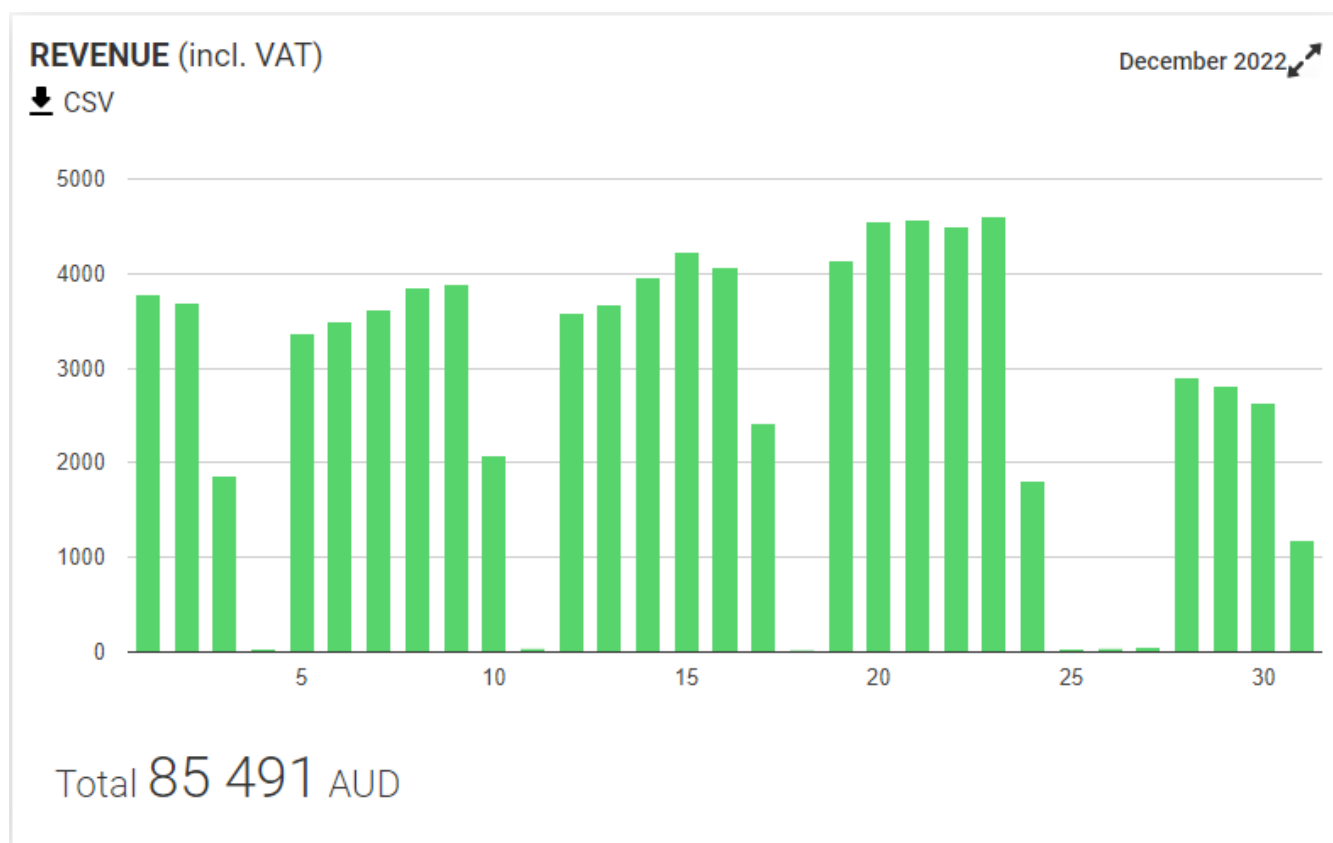


Natural Account - Revenue v Budget Year to Date



EasyPark Revenue





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

1. 20221031 Consolidated Financial Report - Council [6.9.1 - 10 pages]

7 SECTION 23 COMMITTEES

No Section 23 Committee meetings have been held since the last Council meeting.

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 – 19 December 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Confirmed & Unconfirmed Minutes – Joint Authorities	15(2)(g)

9 CLOSURE