



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, paranple centre, 137 Rooke Street, Devonport on Monday 18 December 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

13 December 2023

December 2023

Meeting	Date	Commencement Time
Ordinary Meeting	Monday 22 January 2024	5.30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 18 DECEMBER 2023, IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre,
137 ROOKE STREET, DEVONPORT AT 5:30 PM**

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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.

ATTENDEES

		Apology
Chair	Cr A Jarman (Mayor)	
	Cr S Sheehan (Deputy Mayor)	
	Cr G Enniss	
	Cr P Hollister	
	Cr S Martin	
	Cr A Moore	
	Cr L Murphy	
	Cr D Viney	
	Cr J Wilczynski	

1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Council meeting held on 27 November 2023 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 Ms Petra Wilden be noted.

ATTACHMENTS

1. Qo N from Public - 27 November 2023 - Petra Wilden [**3.2.1.1** - 4 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 Sarah Kersey and Vicki Ward endorse the responses proposed and authorise their release.

Ms Sarah Kersey, 4 Ronald Street, Devonport TAS 7310

An email containing questions on notice received from Ms Sarah Kersey on 7 December 2023 is **reproduced as attachment 1 and attachment 2.**

- Q1** In regards to the spending of \$220,000 on irrigation. I have looked through 3 years of budget submissions 21-24 and I've only found 1 submission in 2021 suggesting extending the watering system whereas there are several submissions each year asking for more greening of the landscape, (which doesn't actually mean grass at a cost of \$220,000. This push for more irrigation seems based on very little evidence. Watering systems for grass do not fall under holistically managing our parks and does not align with the Open Space Strategy's goals. Recommendations from the Open Space Strategy are that it is fundamental to enhance existing open space with biodiverse sensitive design, which is plantings of native species, not grass. The report mentions the existing POS already include a high proportion of turfed lawn groundcover, a lack of understorey, mid storey and native vegetation, and a need for more canopy trees (page 17, attachment 5.2.1).
1. How does Council see this irrigation project as a priority which goes completely against the Open Space Strategy's recommendations?
- 2 Please enlighten me as to where I can find submissions received for the irrigation project?
- 3 Please explain how this decision supports the Open Space Strategy which clearly calls for more biodiverse sensitive design?

Response

Council maintains a diverse range of parks and open space from native bushland to grassed areas. It is not Council's strategy to convert all grassed areas into native vegetation bushland. Open space is frequently used for events that support large crowds. As previously noted, the open space along Bluff Road, which has a mix of grass, garden beds and native plants, is used multiple times throughout the year to support events such as the motor vehicle show and youth triathlon. The community budget submission process is only one avenue Council uses to inform budget deliberations.

- Q2** Could Council please provide a detailed outline as to how the funding of \$280K for all our natural reserves be spent this year? I understand you paid \$205,000 to the Cradle Coast NRM, is this amount from the \$280,000?

Can I also please ask the Councillors respectfully, did they all think spending \$220,000 on irrigation (which by the way is about 80% of the yearly budget for the natural environment) was deemed crucial? Could I ask if any of the councillors

wholeheartedly agreed with this decision and if anyone thinks it could have been discussed better?

Response

Council has allocated \$280,000 within the 2023/24 budget specifically for NRM activities. The amount of \$205,000 to the Cradle Coast Authority is not included in the \$280,000. The list of locations for bushland, grass and fire care is extensive and includes areas such as coastal reserve, Don Reserve, Regional Reserves, Mersey Bluff, Victoria Parade and Regional bushland. This is considered to be an acceptable amount in the context of Council's other competing priorities.

Council unanimously adopted the financial year 2023/24 budget.

Ms Vicki Ward, 3 Woodland Grove, Tugrah TAS 7310

An email containing questions on notice received from Ms Vicki Ward on 10 December 2023 is **reproduced as attachment 3**.

- Q1** I am still concerned that the Council has only allowed a budget of \$280,000 when they believe that it is enough to actively conserve the bushland and revegetate. So my question is...what is the Council preparing in the next Budget to enhance our natural environment, to conserve our native bushland and to revegetate areas that have been destroyed?

Response

Council has allocated \$280,000 within the 2023/24 budget specifically for NRM activities.

The budget also includes an additional amount of \$205,000 to the Cradle Coast Authority which partly contributes to regional NRM activities. Council is satisfied that the proportion of funds allocated to these activities is appropriate, and representative of the community input, priorities, and advocacy across the full scope of Council's operational budget and activities at this point in time.

Council budget preparation for the 2024/25 budget will commence in the new year and will include opportunity for public submissions for Council to consider budget allocations and prioritisation for the upcoming financial year.

- Q2** The Councils Environmental Strategy in its 5 year plan (2019-2024) only indicates that there are two issues being addressed. Swift parrot bird boxes and eradicating sugar gliders. (A good 'start'.) With continued clearing of native vegetation other vulnerable species, eg. eastern barred bandicoot, spotted quoll, Tasmanian Devil, etc. are under threat. What is the Council going to implement in the future to ensure that our native wildlife will be preserved by ensuring native bush areas are preserved?

Response

The Devonport City Council Environment Strategy 2019-2024 include 33 actions across three strategic focus areas. The last status update on strategy actions was presented to Council in August 2023, reporting on the current status of all action items.

The specific priorities included in the current strategy were developed in consultation with the community, special interest groups and key State Government Agencies – including actions focused on identified threatened species.

As the Strategy is reaching the end of its intended implementation period (end of 2024), Council will again undertake broad consultation with the community to identify additional opportunities and priority actions to be considered for inclusion in a new Strategy accompanying Action Plan.

Q3 What is the Council going to do to educate people about Council rules to protect our environment? Clearing native vegetation and clearing close to waterways and obstruction the flow of the waterways?

Response

The Action Plan associated with the Devonport City Council Environment Strategy 2019-2024 outlines the planned activities undertaken by Council in relation to community engagement, education, and facilitation of community events and conservation activities, and includes targets for increased participation and events. This includes activities such as the Living Lightly Expo, Bio-Blitz events, and community participation activities.

When Council discovers or receives reports of potential compliance issues, a range of actions are initiated including education of associated parties on their regulatory obligations and necessary corrective actions.

Q4 I would like to congratulate Jason Bellchambers for seeing that parts of the waterway/drain near 142 Tugrah Rd have begun with the removal of big piles of dirt and gravel from next to the waterway/drain. Thank you Jason!

My question is when will the removal of two manmade dirt roads built through/across the waterway that restrict water movement be removed? Plus the trees that were chopped down and dropped into the waterway/drain, when will they be removed? (The area concerned is a Waterway and Coastal Protection Area – WCPA.) See the image attached that show the problem.



One of the two dirt road built across the waterway/drain.

Response

We note the items of concern that have been identified in your correspondence and accompanying photographs. Council Officers are currently working with the property owner with the reinstatement of the watercourse.

ATTACHMENTS

1. Question on Notice - S Kersey 7 December 23 [**3.2.2.1** - 1 page]
2. QON - December 2023 - Second Submission - Sarah Kersey [**3.2.2.2** - 1 page]
3. Questions on Notice to Council December Meeting V Ward [**3.2.2.3** - 1 page]

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time of compilation of the agenda, no questions had been received from Councillors.

3.4 NOTICES OF MOTION

3.4.1 NOTICE OF MOTION - EXPLORING OPPORTUNITIES FOR JOINT OWNERSHIP OF THE DEVONPORT AIRPORT WITH KENTISH, LATROBE AND CENTRAL COAST COUNCILS - CR S MARTIN

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 Steve Martin.

MOTION

That Council look to partner with Kentish, Latrobe and Central Coast Councils to form a working group to explore all opportunities for joint ownership of the Devonport Airport and in realising its full potential.

SUPPORT

Background Information.

Devonport Airport is situated approx. 10km from Devonport at Pardoe. It was approved to be developed by the Commonwealth in 1947, with construction work commencing in 1949.

The airport was officially opened in November 1950 by Mr T W White, (the Minister for Air), who said the airport terminal would be better than any terminal in Australia and would become an alternative to Hobart and Launceston's airports. Whilst the airport was not yet officially opened, on the 5th June 1950, the first freighter aircraft, an Australian National Airways (ANA) Bristol Freighter landed. On board was Captain Ivan Holyman, his wife, Mrs Hazel Holyman (the wife of the late Captain Victor Holyman) and Dame Enid Lyons M.H.A. The aircraft had diverted from its Melbourne to Launceston route to unload ramps, steps and two trucks for use at the airport.

Further value of the new airport to the local community occurred shortly after with the transfer by air of a young eleven-year-old patient, who had been in Devonport's Hospital for seven-months, to Melbourne for specialised treatment thus eliminating a fifty-mile drive to Launceston Airport.

Inaugural passenger aircraft flights by both TAA and ANA followed and a direct air mail service from Devonport to Launceston commenced shortly after.

Devonport Airport, or Pardoe as it was originally called, is now owned and operated by TasPorts, and is one of the key regional airports in the north-west of the state. As the largest security-controlled airport on Tasmania's North West Coast, Devonport Airport offers 24-hour access, 365 days a year with all-weather facilities. Catering for passenger, air freight, flight training and general aviation, the airport also provides support for Air Ambulance, rescue helicopters, and the police air wing. During the bush fire-season the airport also provides critical resources for aerial fire spotters and bombers.

Devonport also has the ability to cope with A320's (max capacity 180pax) and B737-800 (max capacity 189pax). The airport has a sealed runway of 1838m x 45m with an elevation of 33 feet and is served by regular QantasLink Dash 8 aircraft.

Devonport Airport: is owned and operated by TasPorts through a Shareholder-appointed Board of five Directors, all of which are independent non-Executive. The Board provide overall strategic direction to TasPorts and Devonport Airport.

Launceston Airport: Australian Pacific Airports Corporation (APAC), in conjunction with the Launceston City Council, acquired the lease for Launceston Airport in May 1998. (APAC acquired the lease for Melbourne Airport in July 1997). Both Melbourne & Launceston airports are operated under a 50 year long-term lease from the Federal Government, with an option for a further 49 years.

Hobart Airport: A consortium comprising of Australian-based asset manager QIC and Dutch-based airport operator Royal Schiphol Group acquired a 70% equity interest in Hobart Airport in October 2019. National superannuation fund, Spirit Super, holds the remaining 30% equity interest.

Burnie Airport: The Burnie Airport Corporation Unit Trust acquired the Burnie Airport from the Burnie Port Corporation in 2001. The Trust is 51% owned by the Burnie City Council and 49% owned by a private sector partner, the Australian Airports Association.

In 2008 The Devonport Airport Consortium (DAC) was formed with the aim to purchase the Devonport Airport. **The bid had the full backing of Kentish, Latrobe, Devonport & Central Coast Councils.** Though thought to be offering a fair price to TasPorts, with further investment touted, unfortunately the sale process fell through after it was withdrawn from sale in June 2010.

There were claims that the airport was not being developed by TasPorts, and therefore not realising its full potential, especially in attracting cheaper airlines for competition and already having the capacity to cater for jets. At that time TasPorts claimed that they would work with local councils and airport users to develop the airport. **Yet here we are December 2023, thirteen years on, with only a Devonport Airport Master Plan (published 2021) with nothing to show or happening.**

<https://dpoairport.au/volumes/documents/Devonport-Airport-MasterPlan-November-2022.pdf>

A vision to position the Devonport Airport as the key tourism and business gateway to Tasmania's North West and the Cradle Coast region.

KEY AIRPORT FEATURES

- States third largest airport
- Serviced by two airlines – Qantaslink & Rex
- Six return passenger flights daily
- Freight services
- Total area: 308 hectares
- Main runway: 1,838m long by 45m wide – contained within a 300m wide runway strip
- Secondary runway: Grassed, 880m long by 30m wide, contained within a 90m wide runway strip
- Taxiway network leading to Regular Public Transport and General Aviation (GA) apron areas, airline passenger and GA terminals
- Aircraft maintenance and storage hangars
- Refuelling for airline and GA aircraft
- Vehicle provisions such as car parking, rental cars and taxi services
- Civil Aviation Safety Authority (CASA) certified aerodrome, compliant with the conditions in CASA Manual of Standards Part 139 (MOS Part 139)

- Designated security-controlled airport, compliant to conditions set out by Department of Home Affairs, Aviation Maritime Security
- The Latrobe Council Interim Planning Scheme 2013 is the instrument that controls use and development of the airport land.

Prior to Ansett collapse in 2001, **traffic across northern Tasmania FY 2001** – Source Bureau of Infrastructure and Transport Research Economics (BITRE)

Airport Passengers (Approx) Airlines

Wynyard (BWT) 100,000 Ansett/Kendall/TAA (Australian)

Devonport (DPO) 135,000 Ansett/Kendall/TAA (Australian)

Launceston (LST) 550,000 Ansett/TAA (Australian)

- Following the collapse of Ansett in 2001, Virgin Blue enters the market in Launceston to fill the gap as a Low Cost Carrier (LCC) and introduces low cost fares.
- 12 months later Jetstar enters the market and dumps the market with low cost fares, and new destinations and so the price warfare starts.
- Northwest Tasmanians travel flock to Launceston for the cheap fares

Pre Covid FY 19 Airport Passengers Airlines

Burnie (BWT) 72,500 Rex & Sharp

Devonport (DPO) 148,400 Qantas Link

Launceston (LST) 1,395,300 Qantas Link, Virgin, Jetstar & Sharp

Post Covid FY 22 Airport Passengers (Approx) Airlines

Burnie (BWT) 73,700 Rex, QantasLink & Sharp

Devonport (DPO) 97,700 QantasLink & Rex

Launceston (LST) 1,165,800 QantasLink, Virgin, Jetstar & Sharp

Catchment Area (2017)

North West 119,000 (80% DPO, 20% BWT catchment area)

North East 143,000

Southern Tasmania 261,000

It is estimated that 400,00 – 450,00 people per annum travel from the northwest region to Launceston for cheap flights. Airlines market Launceston as the northern gateway entry due to the low cost fares.

Passenger Profiles (2017)

Airport	Resident PAX	Visitor PAX	Business	Holidays	Visitor, Friends, Relatives	Other	Comments
Burnie	58%	42%	53%	6%	38%	3%	Bus & VFR
Devonport	62%	38%	44%	11%	40%	8%	Bus & VFR
Launceston	49%*	51%	15%	46%	33%	5%	Hols & VFR
TT Line	31%**	69%	11%	40%	15%	5%	Hols

Note: VFR = Visitor, Friends & Relations; PAX = passenger/s

* Will include pax from north west region

** Will include all Tasmanians

Devonport has only one destination – Melbourne. Urgently requires a Sydney route.

Great opportunity for cargo service to Toowoomba (Wellcamp Airport) for export market

Burnie has three Destinations – Melbourne, King Island and Launceston.

Burnie has a strong connection with King Island for education, medical & air freight.

OFFICER'S COMMENTS

Council's Term Plan 2022-2026 identifies advocacy for the Devonport Airport and specifically notes the need for additional routes and better transport connections between the city and the airport terminal.

Partnering with neighbouring councils to form a joint position on the airport would ensure a united voice and add weight to any advocacy based on a shared position.

Considering recommendations in the Final Report into the Future of Local Government Review, initial discussions have commenced with Devonport's three neighbouring Councils, regarding how we may develop closer working relationships. These discussions are planned to continue early next year, and Council may wish to consider incorporating any airport considerations into this process.

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, 4.2, 4.3 & 4.4

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

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

4.1 PA2023.0150 - 10 SANDWOOD PLACE EAST DEVONPORT - RESIDENTIAL (UNITS X 3)

Author: **Emma Pieniak, Planning Officer**
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 PA2023.0150 and grant a Permit to use and develop land identified as 10 Sandwood Place, East Devonport for the following purposes:

- Residential (units x 3)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with, unless otherwise altered to address subsequent conditions, the submitted plans referenced as 0713TP-G dated 16.3.23 by Tim Wilson Design & Drafting, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. No building or plumbing work is to encroach over or within the service easement without the written consent to do so from the person on whose behalf the service easement was created in accordance with section 74 of the *Building Act 2016*. This includes the roof and gutter (refer to note).
3. The frontage fence to unit 1 must be setback 2.5m from the edge of the existing foot path to ensure sufficient sight lines are maintained for pedestrian and road users (refer to note).
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.
5. 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.
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 point.
7. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.

8. 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.

Regarding condition 2, the western boundary easement is identified as a 'sewerage drainage easement'. However, the easement should be identified as a 'stormwater drainage easement' as it contains council stormwater assets.

Condition 3 is required to satisfy the requirements of AS 2890- *Parking facilities, Parts 1 – 6* as prescribed under C2.6.2 A1.1 of C2.0 Parking and Sustainable Transport Code.

Permitted hours of demolition/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 the
- b. Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

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.

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

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)/Standard (less than 250m² of ground disturbance) Building & Construction Sites" recommendations.

Should the property be strata titled the street addresses for the units will be as follows:

- Unit 1 will become Unit 1, 10 Sandwood Place
- Unit 2 will become Unit 2, 10 Sandwood Place
- Unit 3 will become Unit 3, 10 Sandwood Place

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

The customer or their electrician should contact TasNetworks on 1300 137 008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

In regard to condition 8 the applicant should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 4 – 7 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

2.1 Council's Planning Scheme facilitates appropriate property use and development

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2023.0150.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	10 Sandwood Place, East Devonport
Applicant:	Platinum Pro Construction Pty Ltd
Owner:	Mr CA Bates & Mr R Hurley
Proposal:	Residential (units x 3)
Existing Use:	Vacant
Zoning:	General Residential
Decision Due:	30/11/2023, extension granted to 18/12/2023

SITE DESCRIPTION

The 820m² vacant parcel of land is situated to the west of the cul-de-sac end of Sandwood Place within a recent residential subdivision. The irregular shaped lot adjoins other vacant parcels to the sides and established residential development to the rear. The subject site and surrounding development are illustrated in Figure 1.



Figure 1 – Aerial view (LISTmap)

APPLICATION DETAILS

The applicant is seeking approval to construct three 2-bedroom units with shared vehicle access. Proposed units 1 and 2 are co-located along the southern boundary with unit 3 located in the north corner of the site. The single storey buildings each have two car

parking spaces. The proposal is illustrated in Figures 2 – 5. A copy of the application is **appended as an attachment** to this report.

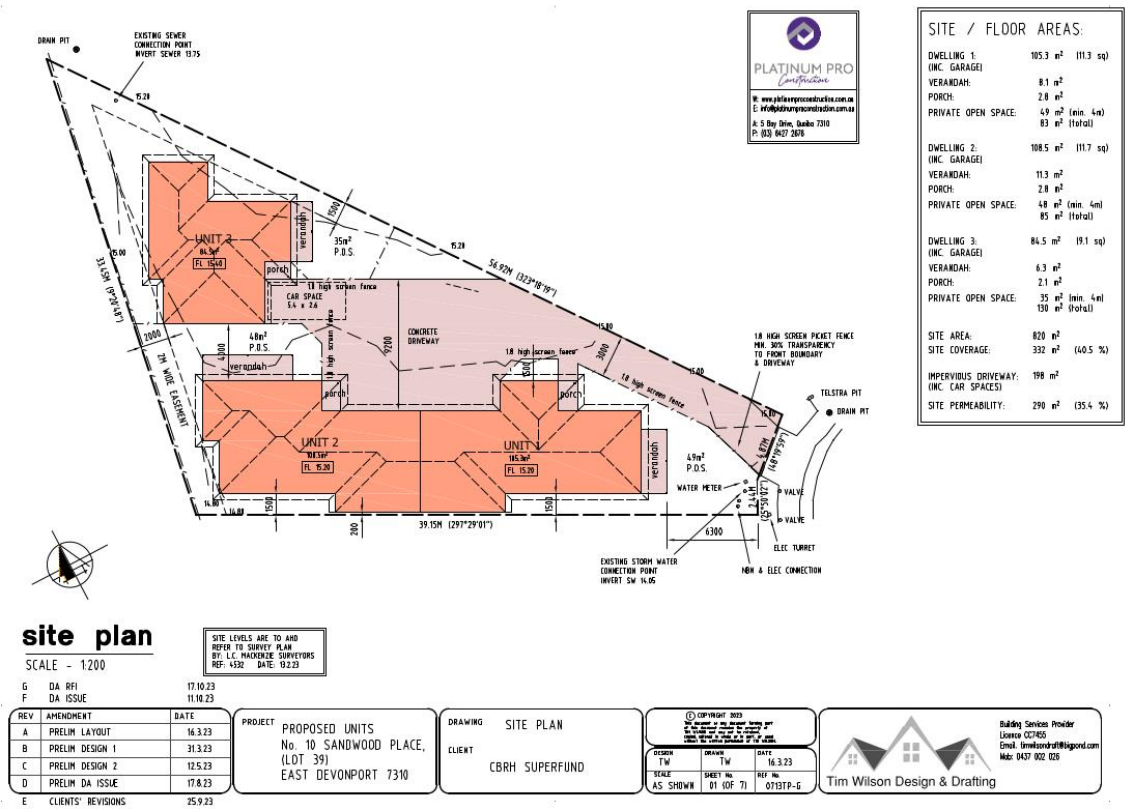


Figure 2 – Site Plan (Tim Wilson Design & Drafting)

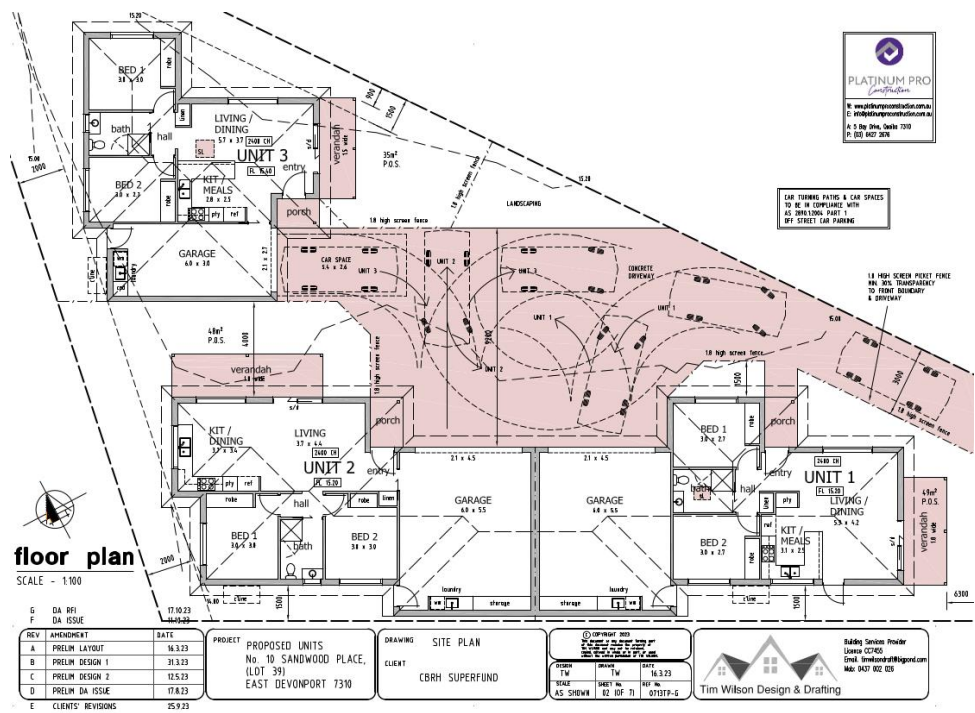
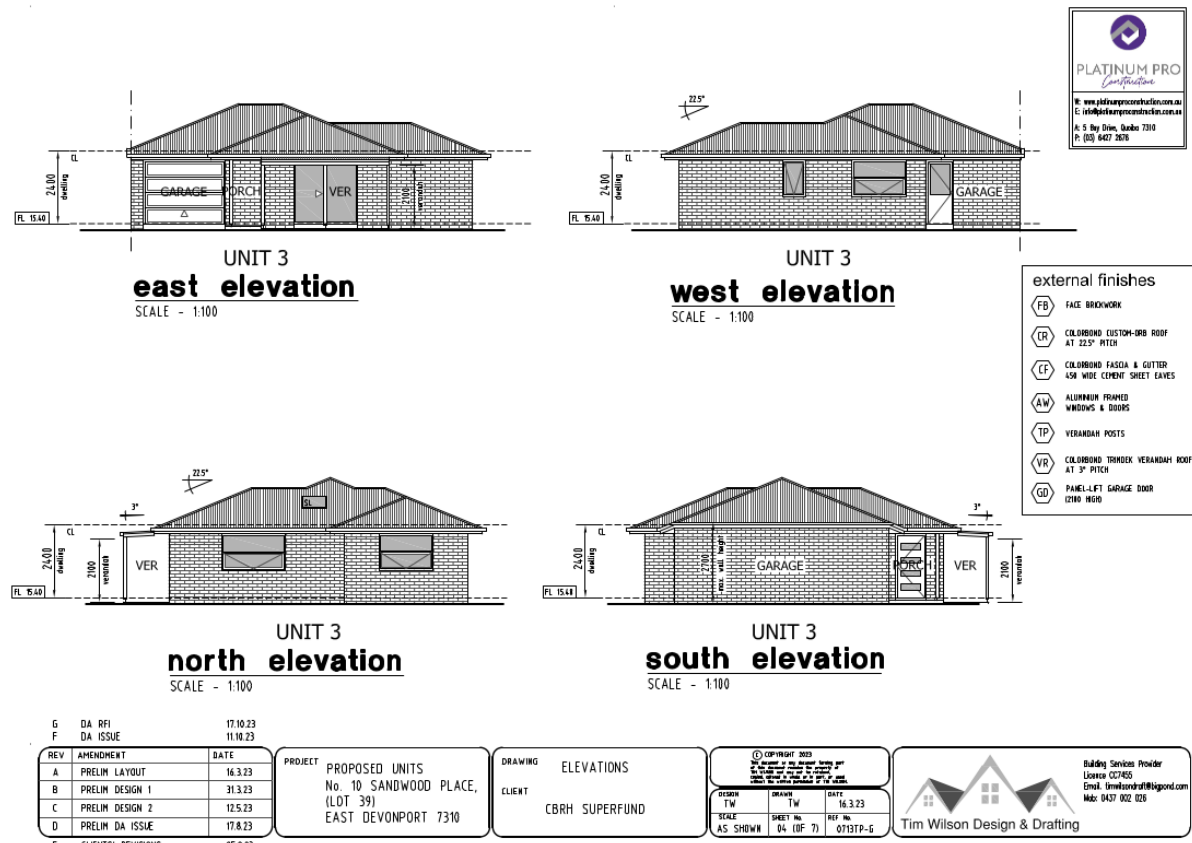
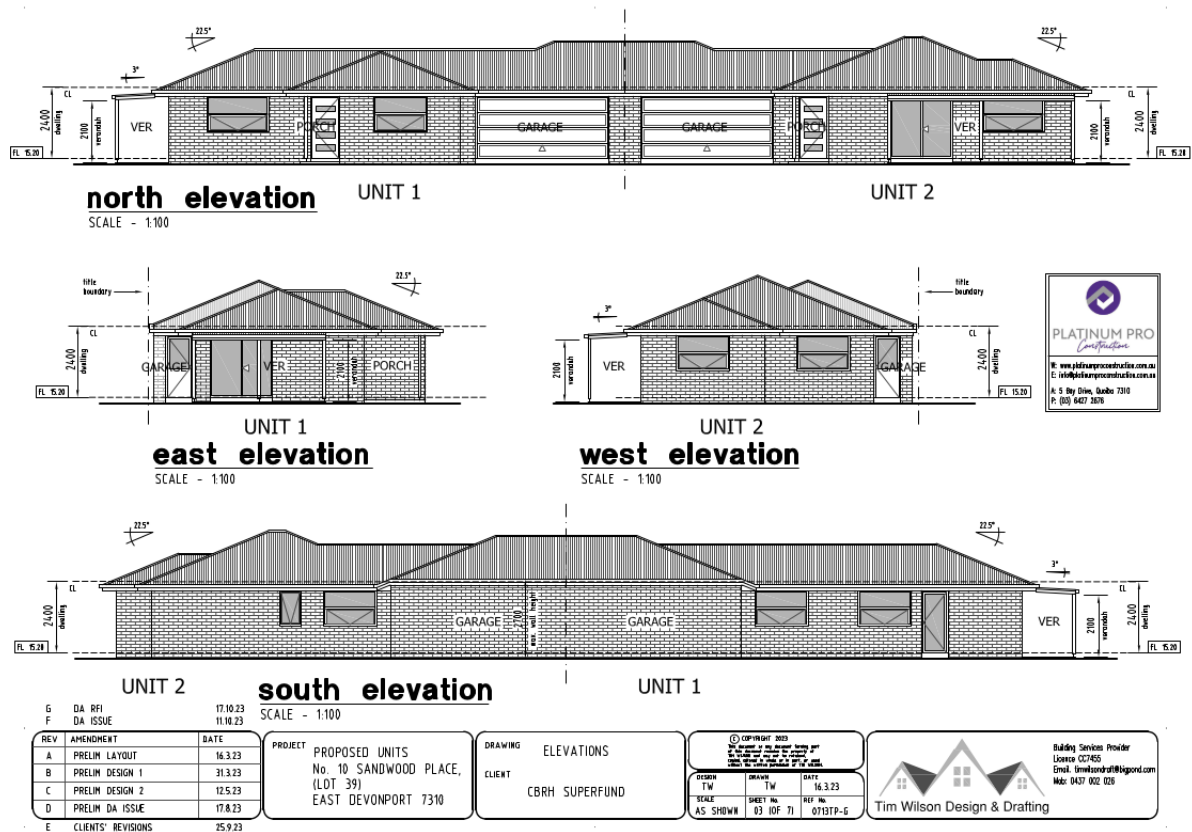


Figure 3 – Floor Plan (Tim Wilson Design & Drafting)



PLANNING ISSUES

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

Residential use for multiple dwellings is permitted in the General Residential zone. The proposed development satisfies many of the relevant acceptable solutions. Where development cannot meet the relevant acceptable solutions for the design standards a planning permit can be sought under section 57 of the *Act*. An assessment of the applicable performance criteria is discussed below.

8.4.1 Residential density for multiple dwellings

Objective: That the density of multiple dwellings: <ul style="list-style-type: none"> a) makes efficient use of land for housing; and b) optimises the use of infrastructures 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; <ul style="list-style-type: none"> a) is compatible with the density of existing development of established properties in the area; or b) provides for a significant social or community benefit that is: <ul style="list-style-type: none"> 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.
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P1 – the subject site comprises 820m² which equates to 273m² site area per dwelling as proposed. Infrastructure for site has the capacity to accommodate the proposed density proposed as confirmed by TasWater, TasNetworks and Council's Infrastructure & Assets officers.

The subject site is within 400m of public transport stop for Mersey Link bus route #175, as illustrated in Figure 6.

The performance criteria is satisfied.

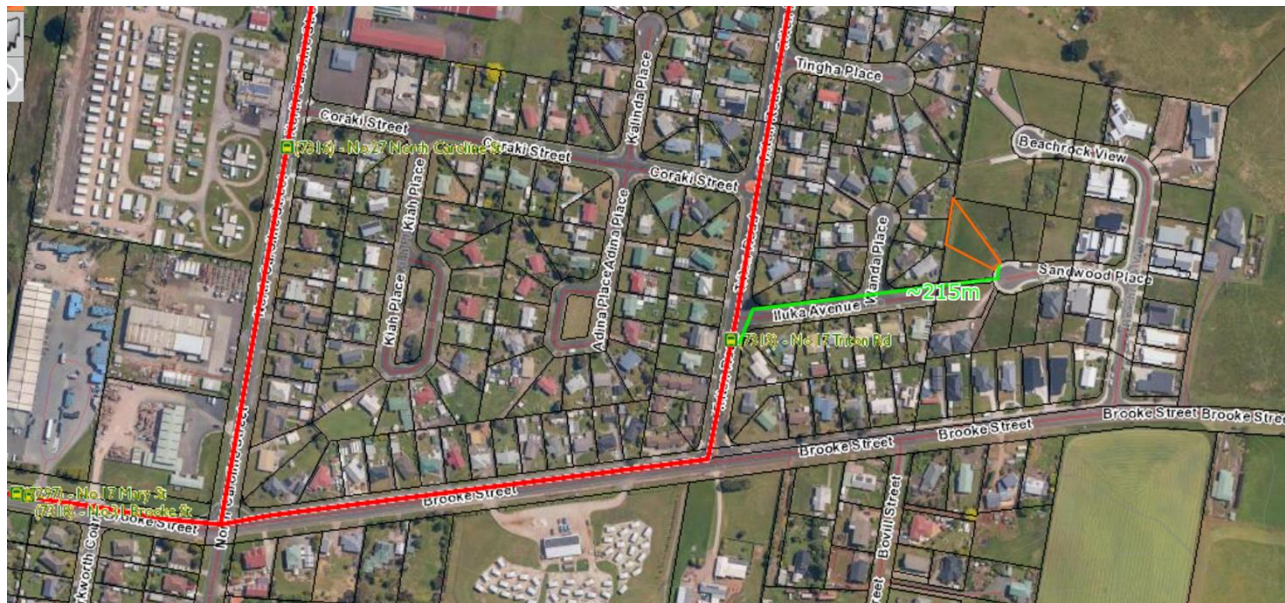


Figure 6 – Bus stop map (LISTmap)

8.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

- (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

A3

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:

- (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:
 - i. a distance equal to the frontage

Performance Criteria

P3

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - ii. overshadowing the private open

<p>setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>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</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>i. does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>ii. does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>space of a dwelling on an adjoining property;</p> <p>iii. overshadowing of an adjoining vacant property; or</p> <p>iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>i. an adjoining property; or</p> <p>ii. another dwelling on the same site.</p>
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P3 – proposed units 1 and 2 have a 2.7m high and 12m long wall with a 200mm setback from the south/south-west side boundary. The extent of variation to the acceptable solution, as in the additional length or the additional setback to achieve the standard of A3 (b) results in little difference to overshadowing of the adjoining property. Shading diagrams provided by the applicant illustrate this in Figures 7 – 9.

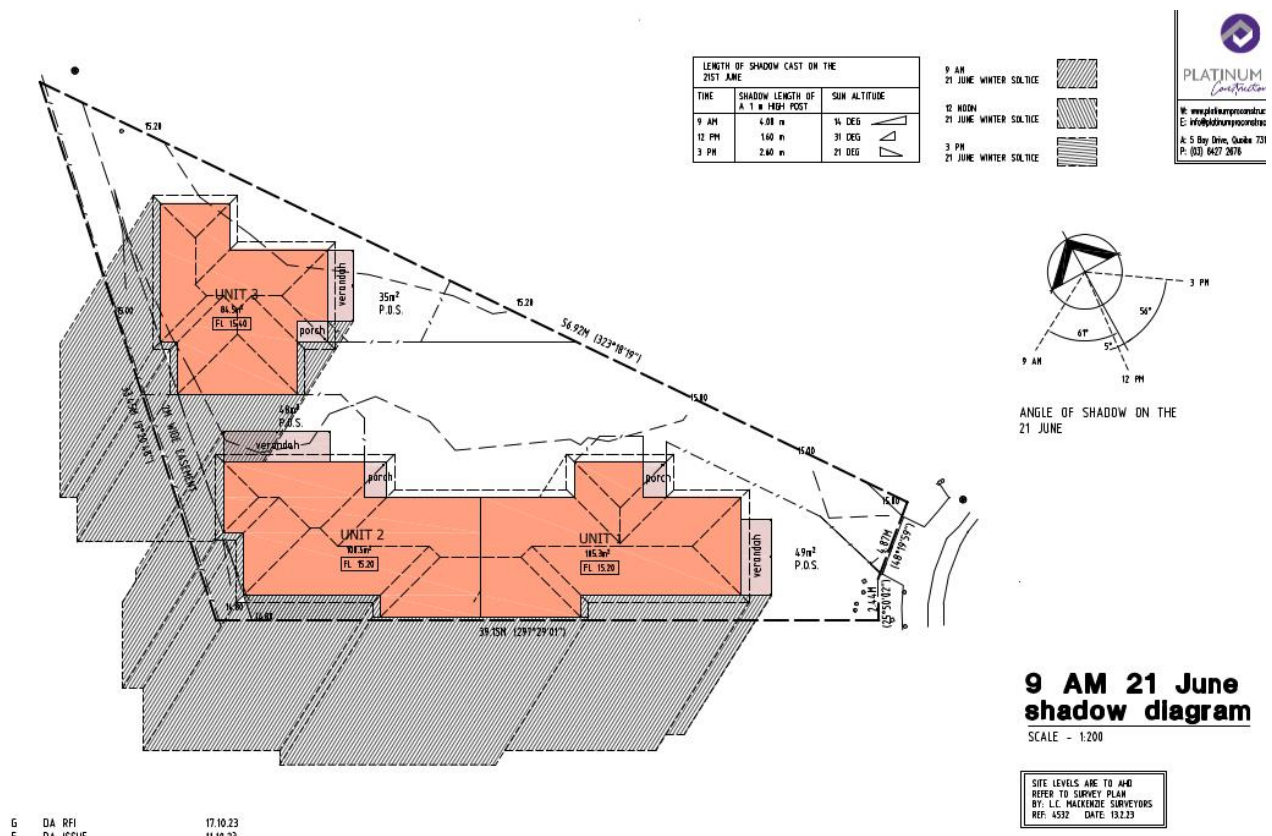


Figure 7 – Shadow diagram: 1 of 3 (Tim Wilson Design & Drafting)

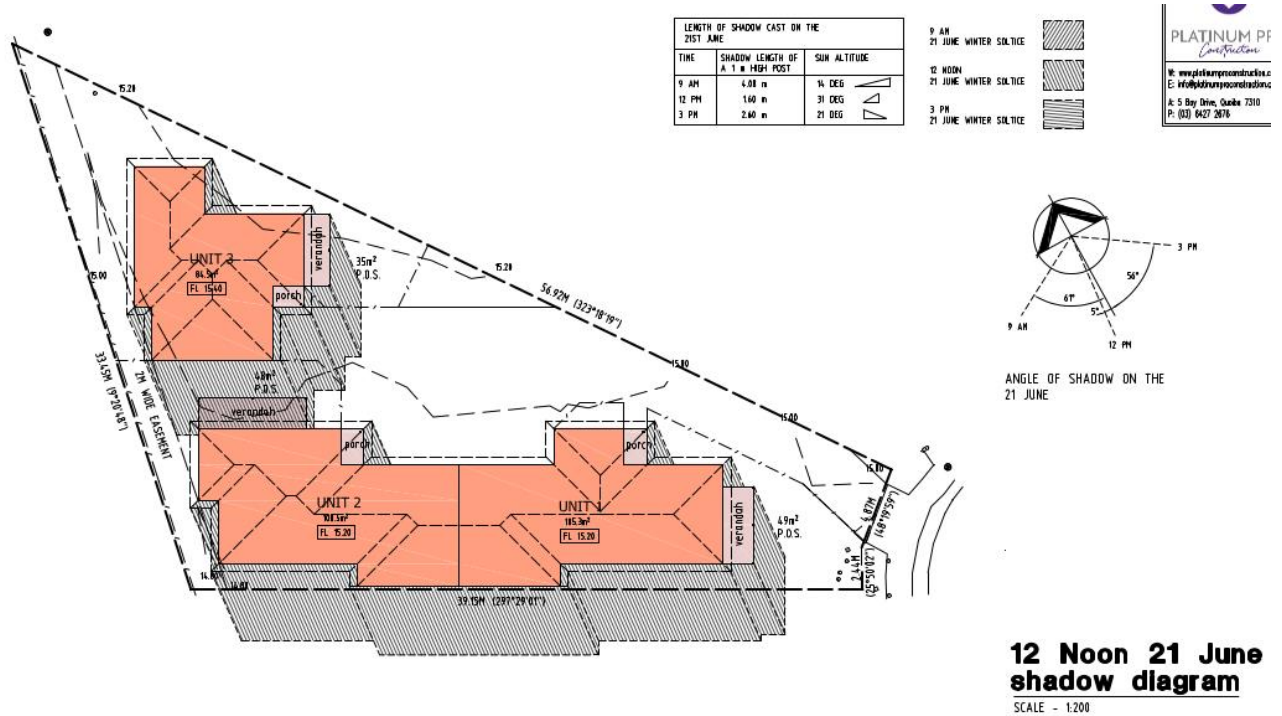


Figure 8 - Shadow diagram: 2 of 3 (Tim Wilson Design & Drafting)

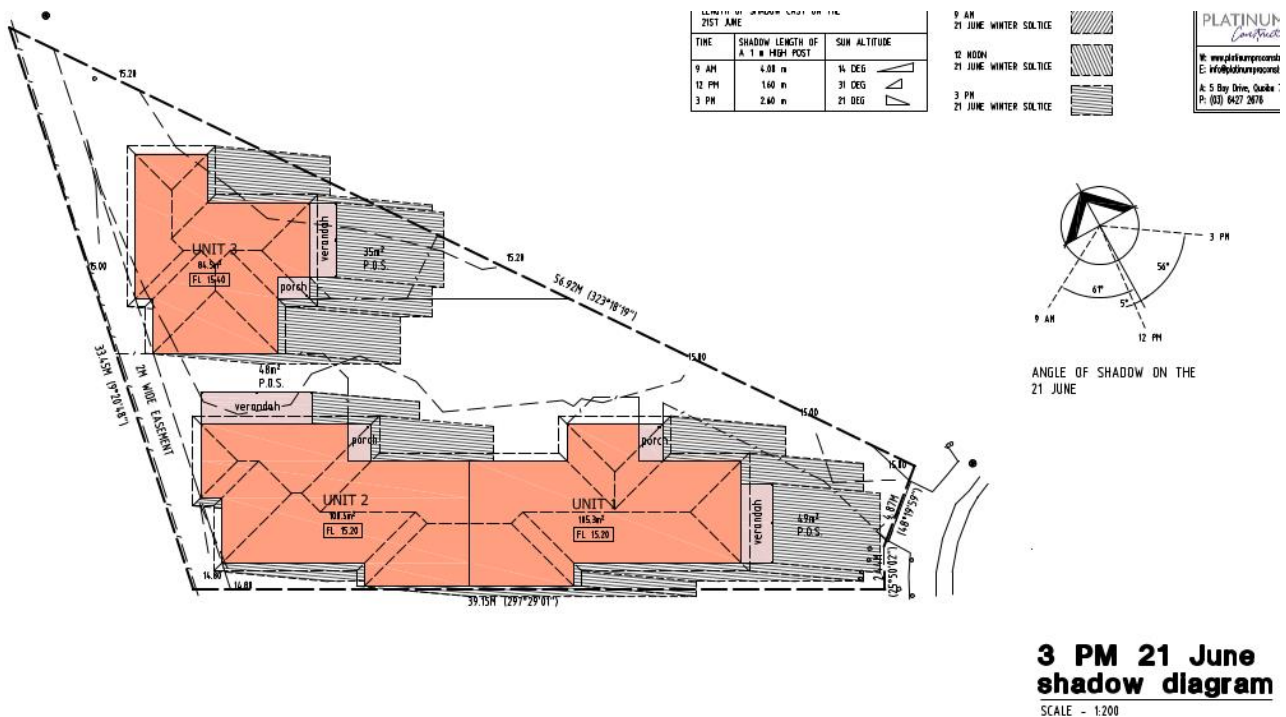


Figure 9 - Shadow diagram: 3 of 3 (Tim Wilson Design & Drafting)

The orientation of the lot ensures overshadowing impacts to private open space or habitable rooms will not be detrimental to the adjoining property or future dwelling as illustrated in Figure 10. The maximum height and bulk of the proposed single storey buildings are typical of residential development. There are no existing solar installations that will be impacted by the proposed development.

The performance criteria are met.

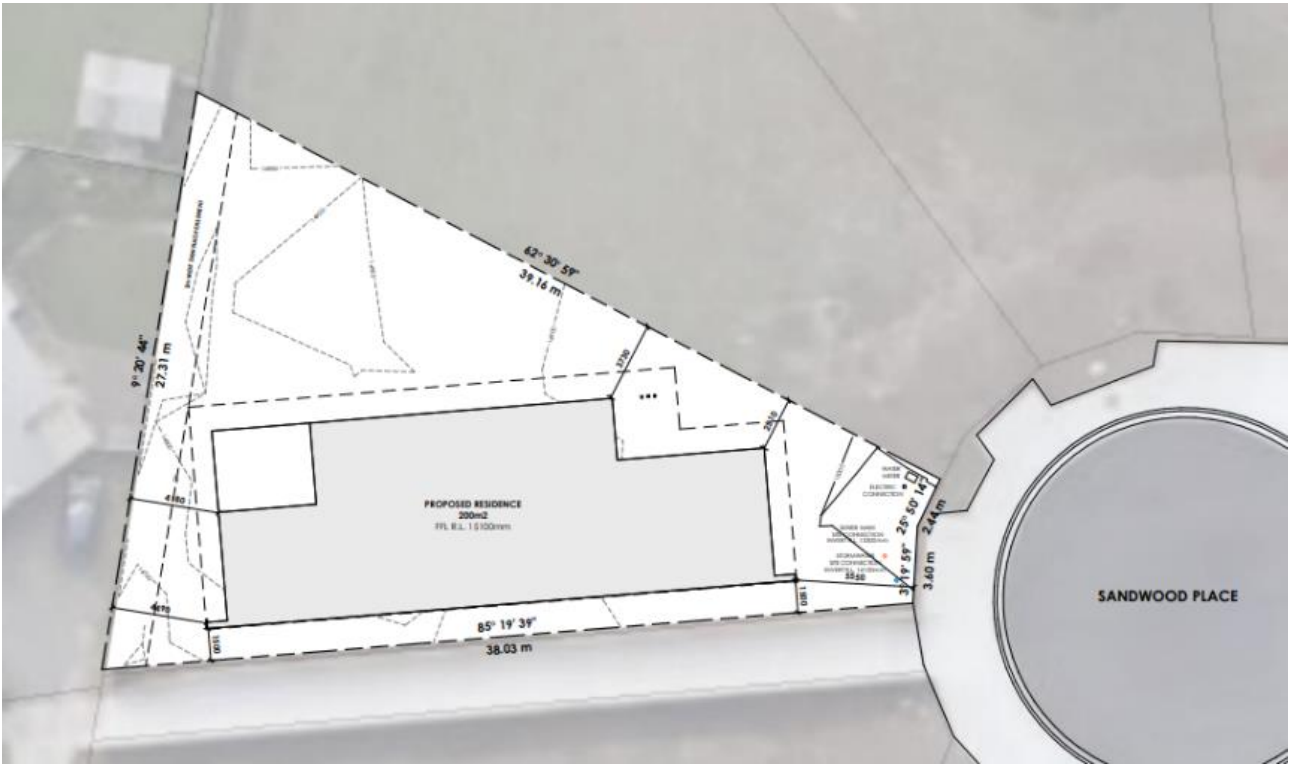


Figure 10 – Site plan of dwelling: #12 Sandwood Place (n + b)

8.4.3 Site coverage and 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
A2 A dwelling must have private open space that: (a) is in one location and is not less than: 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: 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	P2 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: (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.

of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.	
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P2 – proposed unit 1 has private open space located within the frontage that does not satisfy the orientation of the acceptable solution. The private open space is sufficient in area and has been located to serve as an extension of the living area of the dwelling with good solar access.

The performance criteria are satisfied.

C2.0 Parking and Sustainable Transport Code

The proposed development does not provide an on site visitor car parking space in accordance with the Table C2.1 of the Parking and Sustainable Transport Code, and therefore seeks discretion under section 57 of the *Land Use Planning and Approvals Act 1993*.

The relevant standard is provided below with comment on how the proposal achieves the performance criteria.

C2.5.1 Car parking numbers

Objectives: That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <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 	P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <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,

<p>spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p> <p>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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As a residential development Performance Criteria P1.2 applies.

P1.2 - the design for the proposed units allows for two vehicles to park on site for each dwelling. It is considered there is sufficient room within 75m of the site for on-street parking to cater for any visitor parking requirements generated by the proposed dwellings.

The proposal is exempt from other codes affecting the site. There are no specific area plans which apply to the subject site.

COMMUNITY ENGAGEMENT

On 17/10/2023, 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 01/11/2023;
- (b) Making a copy of the proposal available in Council Offices from the 01/11/2023;
- (c) Notifying adjoining property owners by mail on 31/10/2023; and
- (d) Erecting a Site Notice for display from the 31/10/2023.

The period for representations to be received by Council closed on 15/11/2023.

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 received is concerned with the provision of car parking within the subject site, and potential impacts to on-street parking.

A copy of the representation is **appended as an attachment** to this report.

In response to the representation the following comments are made:

The development provides two parking spaces to each unit and seeks to omit the one visitor parking space as discussed earlier in this report. The on-site provision of parking spaces per unit meets the requirements of the Parking and Sustainable Transport Code.

Proposed units 1 and 2 each have a double garage, while proposed unit 3 has a single garage and a tandem parking space in front of their garage. Manoeuvring diagrams are illustrated in Figure 3, showing how each unit's vehicles can enter and exit the site in a forward direction.

Of the twelve properties located within Sandwood Place, 6 either contain or have commenced development for a single dwelling, 1 comprises a 2 unit development, and four lots remain vacant. On-street parking is not possible within the cul-de-sac head, however, there remains over 65m of suitable on-street parking area, which equates to 10 or 11 parking spots that can accommodate any visitors to the residences of Sandwood Place.

DISCUSSION

When determining an application for a planning permit the permit authority must consider the matters outlined in clause 6.10.1 of the Tasmanian Planning Scheme, including any representations, but only insofar as each matter is relevant to the particular discretion being sought. An assessment of the performance criteria against the discretionary matters identifies how the variations to the acceptable solution will have minimal to no impact upon adjoining properties.

The proposal has been reviewed by internal departments and State Authorities and have provided standard conditions to be included in the planning permit.

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 for three multiple dwellings seeks to allow site area per dwelling less than the acceptable solution, vary the extent of a wall within 1.5m of a side boundary and omit the provision of a visitor car parking. The representators concerns have been addressed and do not justify variation to the proposal. A planning permit can be issued subject to standard conditions.

ATTACHMENTS

1. Planning Application PA2023.0150 - 10 Sandwood Place [4.1.1 - 34 pages]
2. Representation P A 2023.0150 - 10 Sandwood Place [4.1.2 - 2 pages]

4.2 PA2023.0129 - 29 FENTON WAY DEVONPORT - GENERAL RETAIL AND HIRE, FOOD SERVICES, RESIDENTIAL (MULTIPLE DWELLINGS) AND VISITOR ACCOMMODATION

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 PA2023.0129 and grant a Permit to use and develop land identified as 29 Fenton Way, Devonport for the following purposes:

- General Retail and Hire, Food Services, Residential (multiple dwellings) and Visitor Accommodation

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans referenced as Giant Devonport, Project no. J007891, DWG no. A101, A201, A202 & A301, Revision B, dated 19/12/2022 by S Group & Project no. EE435, Sheet C101, dated 20/11/2023 by Exceed Engineering, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Apartments 1-3 as shown on the above plans are approved to be utilised for Residential use.
3. Apartments 4-7 must not be used for Residential use.
4. Apartments 1-7 are approved to be utilised for Visitor Accommodation.
5. A dedicated and secure storage space of not less than 6m³ must be provided for units 1, 2 and 3, either on their deck or in a screened area at ground level (refer to note).
6. Landscaping is to be installed to screen the parking area from the street (refer to note).
7. External lighting must be provided to illuminate vehicle parking areas and pathways in accordance with Clause 3.1 "Basis of Design" and Clause 3.6 "Car Parks" in *Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements*.
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 recommendations "Soil & Water Management on Large Building & Construction Sites" (refer to notes).
10. The developer is to ensure that food preparation and food storage areas comply with the National Construction Code of Australia Tas H102 and AS4676:2004 Design, Construction and Fit-out of a Food Premises.

11. 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.
12. Subject to condition 8, 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.
13. The size and location of the proposed stormwater connection is to be designed by a suitably qualified hydraulic engineer.
14. The new driveway is to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09-v3.
15. All vehicular parking and manoeuvring areas for Light vehicles are to be sealed with an impervious surface seal, such as a standard concrete pavement or a sealed granular pavement, to the satisfaction of Council.
16. The proposed light vehicle parking and circulation is to comply with AS/NZS 2890.1:2004 Parking Facilities Part 1 - Off-street Carparking. In addition, the requirements of AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities are to be met.
17. 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 point.
18. Subject to approval by the city engineer of any proposed modification, removal, or termination of existing stormwater infrastructure on the development site, the developer is required to undertake these works at their sole cost.
19. 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.

The title documentation associated with subdivision permit PA2023.0053 must be issued by the Recorder of Titles before submitting the building permit application for this project.

In regard to conditions 5 and 6, updated plans must be provided as part of the associated building permit for the development.

Council is the street numbering authority and the developer is to liaise with Council on this matter prior to occupancy of the building.

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

Any illuminated signage will require a separate discretionary planning application.

In regard to condition 6, large building and construction sites are those with greater than 250m² of ground disturbance – refer to the following link.

https://epa.tas.gov.au/Documents/Soil_and%20Water_Management_Fact%20Sheet_1.pdf

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

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

In regard to condition 19 the applicant should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 11-18 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:

2.1 Council's Planning Scheme facilitates appropriate property use and development

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2023.0129.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	29 Fenton Way, Devonport
Applicant:	DOKS Development Unit Trust
Owner:	Devonport City Council
Proposal:	General Retail and Hire, Food Services, Residential (multiple dwellings) and Visitor Accommodation
Existing Use:	Vacant Land
Zoning:	Central Business
Decision Due:	01/01/2024

SITE DESCRIPTION

The site is located in the southeast corner of Fenton Way and Oldaker Street. It currently consists of a number of titles however a subdivision has been approved for a lot with an area of 1408m². The site includes several manmade mounds, installed to reflect the historical slips utilised for ship building located along the Mersey River, and mirrored at Roundhouse Park. The site also contains a mix of vegetation and a path linking what was Devonport's library to Oldaker Street. Figure 1 shows the approved lot layout and Figure 2 shows an aerial view of the subject site and surrounding area.



Figure 1 - Approved lot layout (Source: DCC)



Figure 2 - Aerial view of subject site and surrounding area (Source: DCC)

APPLICATION DETAILS

The applicant is seeking approval for a general retail and hire use in the form of a bike shop and café with apartments for residential and visitor accommodation use on the first floor. Figures 3-8 show the proposal plans. Access to a 9 lot car park will be via Fenton Way, with pedestrian access from Oldaker Street. The application is **appended to the report as Attachment 1**.



Figure 3 - Proposed site plan (Source: S Group)

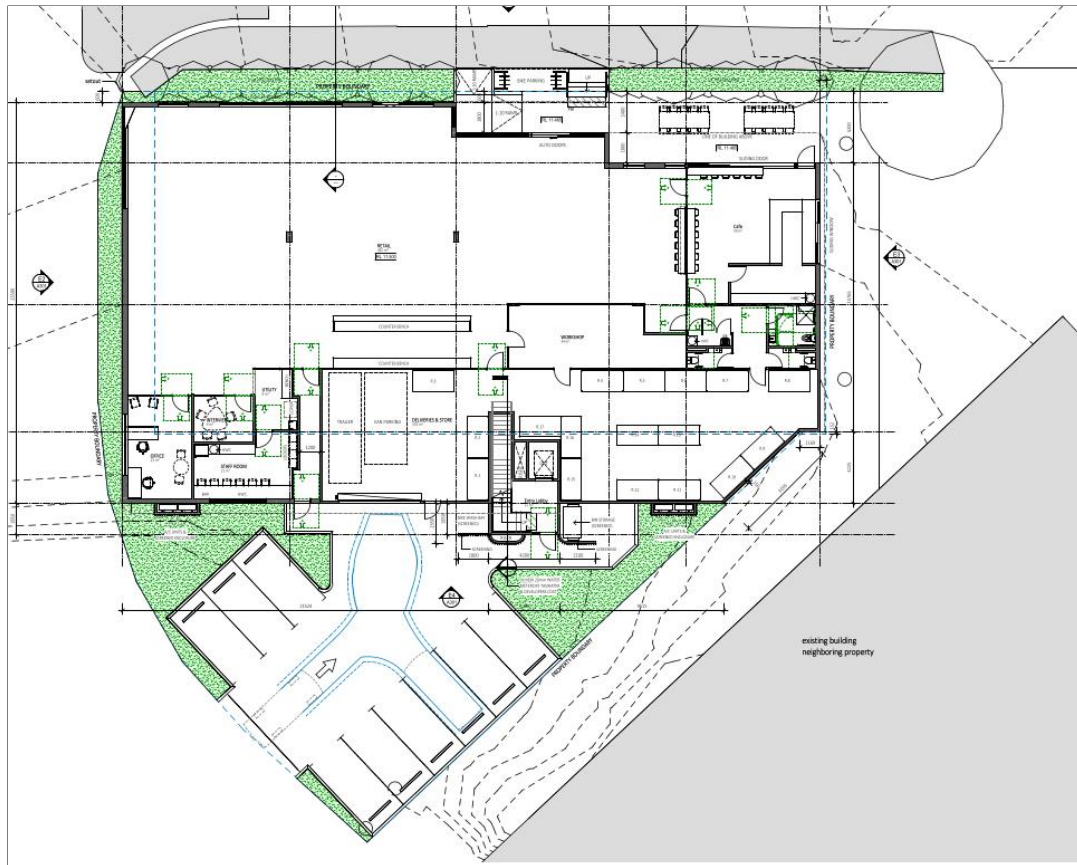


Figure 4 - Ground floor plan (Source: S Group)

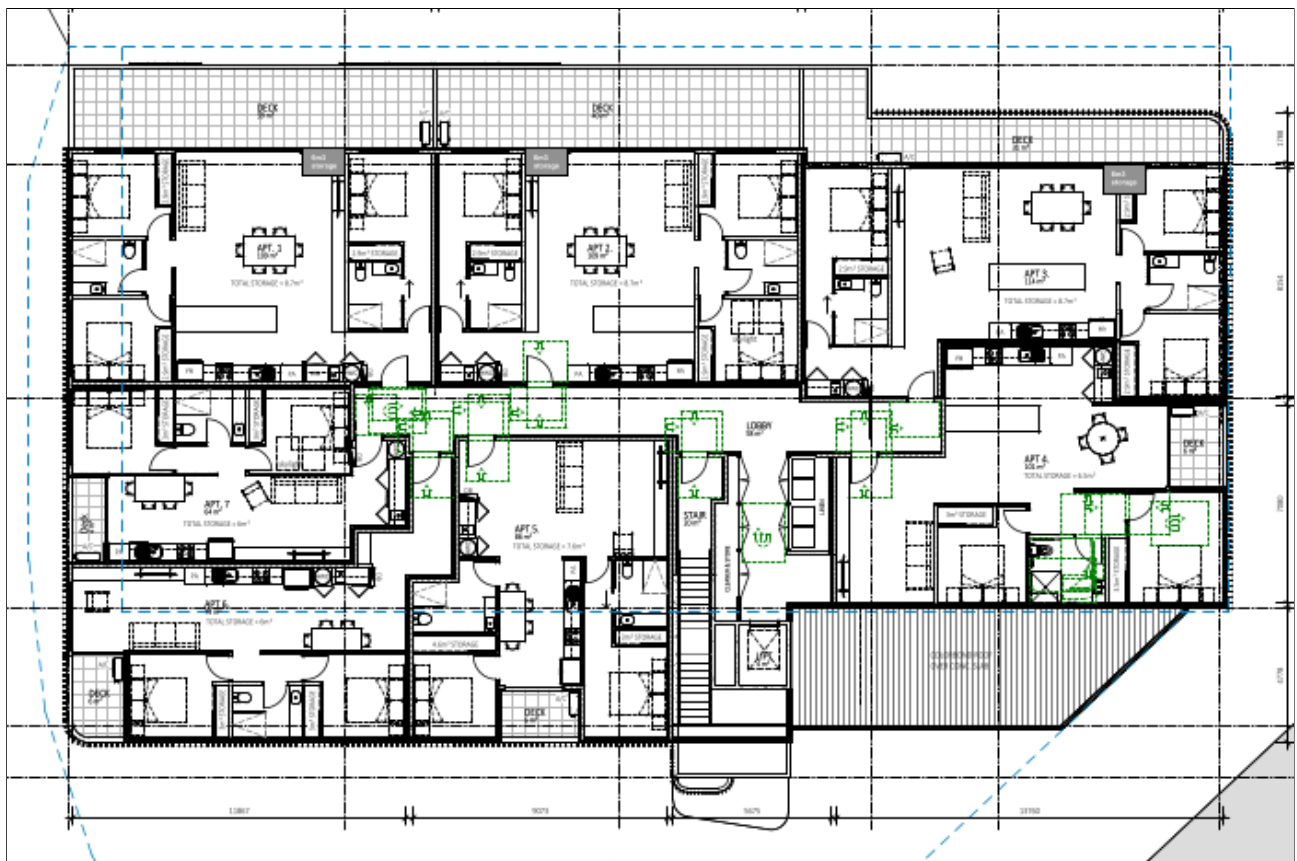


Figure 5 - First floor plan (Source: S Group)

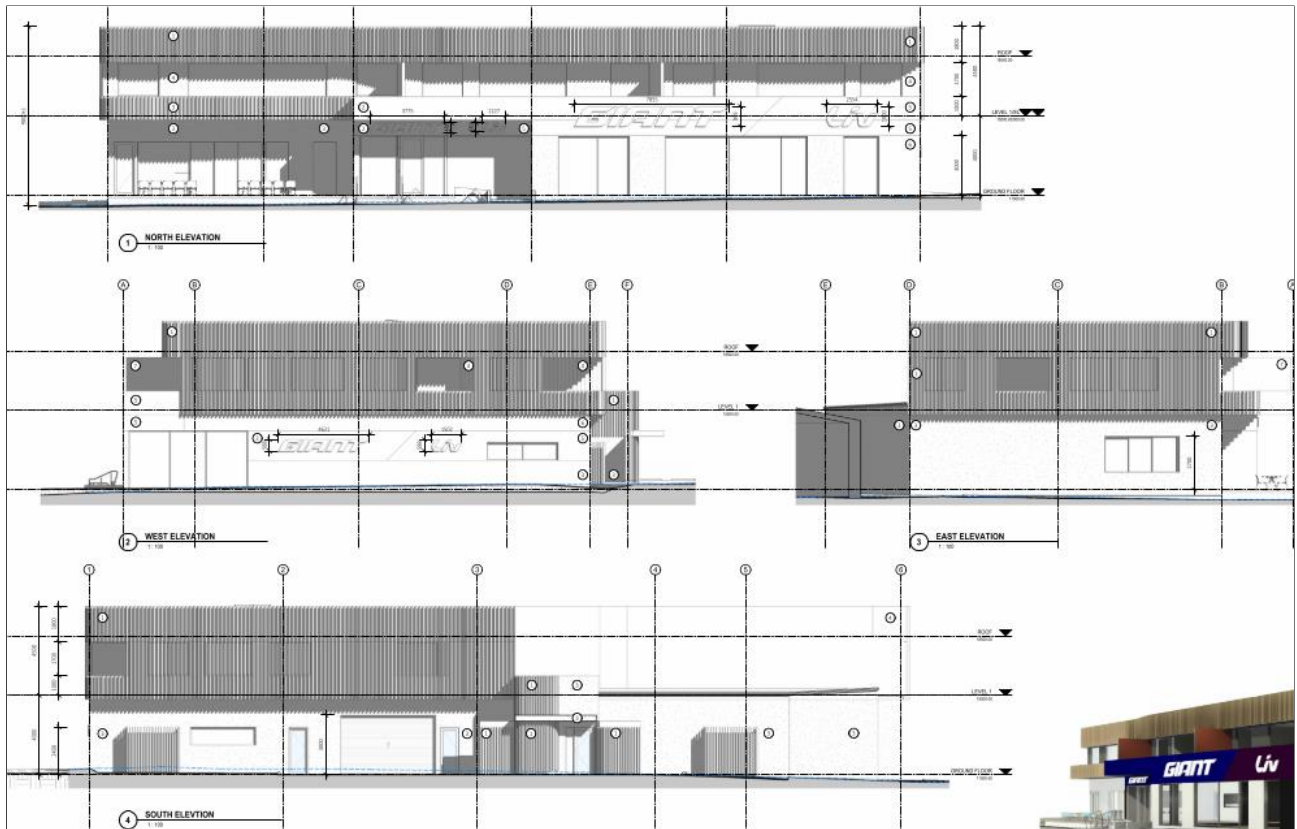


Figure 6 – Elevations (Source: S Group)



Figure 7 - 3D view looking south west from Oldaker Street (Source: S Group)



Figure 8 - 3D view looking south east from Oldaker Street (Source: S Group)

PLANNING ISSUES

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

- 16.1.1 To provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment functions within Tasmania's primary centres.
- 16.1.2 To provide for a type and scale of use and development supports and does not compromise or distort the activity centre hierarchy.
- 16.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.
- 16.1.4 To encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained.

General Retail and Hire and Food Services do not require a permit in the Central Business Zone and both Residential and Visitor Accommodation are permitted uses provided they are located above ground floor level. These statuses are dependent upon all relevant acceptable solutions within the zone and any applicable codes being met. In instances where the standards are not satisfied the proposal must be assessed against the corresponding performance criteria and the application is deemed to be discretionary.

In this case the proposal does not meet the requirements in regard to setbacks and private open space and storage for the dwellings. The acceptable solutions are also not met in regard to signage and parking.

The relevant criteria are reproduced below, followed by assessment.

16.0 Central Business Zone

16.4.1 Building height

Objective:	That building height: (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 20m.	P1 Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the height, bulk and form of existing buildings 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 building has a height of approximately 9m. The acceptable solution is met.

A2 Building height: (a) within 10m of the General Residential Zone must not be more than 8.5m; or (b) within 10m of an Inner Residential Zone must not be more than 9.5m.	P2 Building height within 10m of the General Residential Zone or Inner Residential Zone must be consistent with building height on adjoining properties and not cause an unreasonable loss of residential amenity having regard to: (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from adjoining properties.
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Assessment – Not applicable. The subject site is not within 10m of the General Residential Zone nor the Inner Residential Zone.

16.4.2 Setbacks

Objective:	<p>That building setback:</p> <ul style="list-style-type: none"> (a) is compatible with the streetscape; (b) does not cause an unreasonable loss of amenity to adjoining residential zones; and (c) minimises opportunities for crime and anti-social behaviour through setback of buildings.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings must be:</p> <ul style="list-style-type: none"> (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties. 	<p>P1</p> <p>Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime or anti-social behaviour, having regard to:</p> <ul style="list-style-type: none"> (a) providing small variations in building alignment to break up long building façades; (b) providing variations in building alignment appropriate to provide a forecourt space for public use, such as outdoor dining or landscaping; (c) the avoidance of concealment spaces; (d) the ability to achieve passive surveillance; and (e) the availability of lighting.

Assessment – The proposed decking for the café is built to the property boundary however the building itself has a setback of approximately 600mm to both the Fenton Way and Oldaker Street frontages which does not meet the acceptable solutions.

The performance criteria is satisfied as the setback is compatible with the streetscape and will minimise opportunities for crime and anti-social behaviour by providing variations in building alignment and an area for outdoor dining. There will not be any concealed spaces and passive surveillance can be achieved through the windows and decks provided along both frontages.

<p>A2</p> <p>Buildings must have a setback from an adjoining property within a General Residential Zone or Inner Residential Zone of not less than:</p> <p>(a) 6m; 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 amenity to adjoining properties within a General Residential Zone or Inner Residential 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 to the adjoining property; or</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 – Not applicable. The General Residential and Inner Residential Zones do not adjoin the site.

<p>A3</p> <p>Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from a General Residential Zone or Inner Residential Zone.¹</p>	<p>P3</p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone or Inner Residential 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> <p>(a) the characteristics and frequency of emissions generated;</p> <p>(b) the nature of the proposed use;</p> <p>(c) the topography of the site and location of the sensitive use; and</p> <p>(d) any proposed mitigation measures.</p>
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Assessment - Not applicable. The site is not with 10m of the General Residential or Inner Residential Zones.

16.4.3 Design

Objective:	That building façades promote and maintain high levels of pedestrian interaction, amenity, and safety and are compatible with the streetscape.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>New buildings must be designed to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) 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; (b) roof-top mechanical plant and service infrastructure, including lift structures, must be contained within the roof; (c) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places; and (d) provide external lighting to illuminate external vehicle parking areas and pathways. 	<p>P1</p> <p>New buildings must be designed to be compatible with the streetscape having regard to:</p> <ul style="list-style-type: none"> (a) 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; (b) minimising the visual impact of security grilles and shutters and roof-top service infrastructure, including lift structures; and (c) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.

Assessment – Mechanical plant and service infrastructure is screened, as is roof-top plant. There are no security shutters or grills and external lighting will be provided as necessary.

The acceptable solutions are met.

<p>A2</p> <p>New buildings or alterations to an existing façade must be designed to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site; (b) if for a ground floor level façade facing a frontage: <ul style="list-style-type: none"> (i) have not less than 40% of the total surface area consisting of windows or doorways; or (ii) not reduce the surface area of windows or doorways of an existing building, if the surface area is already less than 40%; (c) if for a ground floor level façade facing a frontage must: <ul style="list-style-type: none"> (i) not include a single length of blank wall greater than 30% of the length of façade on that frontage; or (ii) not increase the length of an existing blank wall, if already greater than 30% of the length of the façade on that frontage; and (d) provide awnings over a public footpath if existing on the site or on adjoining properties. 	<p>P2</p> <p>New buildings or alterations to an existing façade must be designed to be compatible with the streetscape having regard to:</p> <ul style="list-style-type: none"> (a) how the main pedestrian access to the building addresses the street or other public places; (b) windows on the façade facing the frontage for visual interest and passive surveillance of public spaces; (c) providing architectural detail or public art on large expanses of blank walls on the façade facing the frontage and other public spaces so as to contribute positively to the streetscape and public spaces; (d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if it is essential for the security of the premises and any other alternatives are not practical; and (e) providing awnings over a public footpath.
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Assessment – On the western side of the building 41% of the ground floor façade consists of windows. The wall will not be blank as it contains glazing and signage covering more than 70% of the wall.

In regard to the northern frontage 64% of the frontage is glazed. In addition the wall contains signage which, including to the glazing is greater than 70% of the length of the façade.

Awnings over the footpath do not existing on adjoining properties.

The acceptable solutions are met.

16.4.4 Fencing

Objective:	That fencing: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution. ²		P1 A fence (including a free-standing wall) within 4.5m of a frontage must be compatible with the streetscape, having regard to: (a) its height, design, location and extent; (b) its degree of transparency; and (c) the proposed materials and construction.
A2 Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, if not within 4.5m of a frontage, must: (a) have a height above existing ground level of not more than 2.1m; and (b) not contain barbed wire. ²		P2 Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, if not within 4.5m of a frontage, must not cause an unreasonable loss of residential amenity, having regard to: (a) their height, design, location and extent; and (b) the proposed materials and construction.

Assessment – Not applicable. No fencing is proposed.

16.4.5 Outdoor storage areas

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

Assessment – Outdoor storage areas will be screened and not visible from any roads or public areas.

The acceptable solutions are met.

16.4.6 Dwellings

Objective:	To provide adequate and useable private open space and storage for the needs of residents.	
Acceptable Solutions		Performance Criteria
A1 A dwelling must have private open space that is not less than: (a) 24m ² with a minimum horizontal dimension of not less than 4m; or (b) 8m ² with a minimum horizontal dimension of not less than 1.5m, if the dwelling is located wholly above ground floor level.		P1 A dwelling must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.

Assessment – Apartments 1, 2 & 3 have decks of 39m², 40m² and 31m² respectively, all of which are orientated to the north. The remaining apartments have decks with areas of 6m² for apartments 4, 5 and 6 and 4m² for apartment 7.

Apartments 1-3 meet the acceptable solutions in regard to private open space.

The remaining units do not meet the acceptable solutions and the performance criteria must be considered.

It is deemed that the decks do not satisfy the requirements of the performance criteria in that insufficient private open space is included, with the decks being too small to provide for appropriate areas for outdoor relaxation.

In light of this, apartments 4-7 are deemed to be better suited to use for Visitor Accommodation.

A2 Each dwelling must be provided with a dedicated and secure storage space of not less than 6m ³ .	P2 Each dwelling must be provided with adequate storage space.
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Assessment – The dedicated and secure storage spaces for units 4-7 are identified as the bedroom wardrobes. It is not the intention of this standard that the storage space be within the unit itself, certainly not in the form of wardrobes. The storage space must be suitable for the storage of bikes or other equipment that occupants of dwellings generally store in a secure area such as a garage or small shed, therefore units 4-7 do not meet the requirements for storage, nor do they satisfy the performance criteria. Units 4-7 are deemed to be better suited to use for Visitor Accommodation.

The storage identified for units 1-3 is also not appropriate, however, there is sufficient space for storage to be provided. A condition will be placed on the permit in regard to the provision of storage, requiring its provision on either the deck or downstairs within a screened area.

There are no standards against which to assess the Visitor Accommodation component of the proposal, which, as mentioned previously, is permitted.

A number of codes must be considered in regard to the proposal, these are addressed below.

C1.0 Signs Code

Several signs are proposed as part of the development in the form of 4 transom signs and 2 wall signs. Four signs will be placed on the northern elevation fronting Oldaker Street and 2 on the western elevation fronting Fenton Way.

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.

Assessment - Wall signs are appropriate for the Central Business Zone. They must have a maximum area of 4.5m² and not occupy more than 25% of the wall area. In addition they must not extend beyond the wall or above the top of the wall. The wall signs have an area of 2.7m² and 0.88m² which meet the standards. They also cover less than 25% of the wall and do not extend above the wall. The wall signs meet the acceptable solutions.

The transom signs must not extend more than 200mm beyond the wall or building alignment, not extend above or below the head of the doorway or window above which it is attached, have a maximum vertical dimension of 500mm and have a maximum height above ground level of 3.6m. The signs do not extend above or below the head of the doorway or window and the easternmost signs are less than 500mm high, however, all

four signs are more than 3.6m above ground level as a result of the height of the doors and windows, and the westernmost signs are greater than 500mm in height.

The transom signs are able to satisfy the performance criteria in that they will be located in an applicable zone for the sign type and will be compatible with the streetscape as the size and dimensions of the signs are not out of keeping with the area and are appropriate for the scale of the building. There will be no impact on the safety of vehicular or pedestrian traffic.

The performance criteria are met.

The signs will not be illuminated. A note will be placed on the permit notifying the applicant that a new planning application will be required for illuminated signage.

C2.0 Parking and Sustainable Transport Code

As parking is proposed the Parking and Sustainable Transport Code must be addressed.

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>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>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>P1.2</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.

Assessment – The site is subject to a parking plan which states that parking is not to be provided or not to be increased above existing parking numbers. As 9 parking spaces are

provided the acceptable solutions are not met and the performance criteria must be considered.

The performance criteria requires that the number of on-site car parking spaces must meet the reasonable needs of the use. Given the parking precinct plan states that parking is not required, given the proximity of the lot to existing council carparks, it is deemed reasonable that the 9 parking spaces provided meet the reasonable needs of the use which includes parking for residents and loading and unloading of bikes and other goods.

The performance criteria are satisfied.

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
A1 Bicycle parking spaces must: (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.		P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (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 - A total of 6 bicycle parking spaces are required. Eight are provided. The acceptable solution is met.

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
A1 The number of on-site motorcycle parking spaces for all uses must: <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. 		P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to: <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 – No motorcycle parking spaces are required, in accordance with Table C2.4. None are provided. The acceptable solution is met.

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
A1 A loading bay must be provided for uses with a floor area of more than 1000m ² in a single occupancy.		P1 Adequate space for loading and unloading of vehicles must be provided, having regard to: <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.

Assessment – Not applicable. The use does not have a floor area of more than 1000m² in a single occupancy.

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. 	

Assessment – The proposed parking has been designed appropriately and conditions on the permit will ensure parking areas are constructed as required. The acceptable solution is met.

C2.6.2 Design and layout of parking areas

Objective:	That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions	Performance Criteria	
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: <ul style="list-style-type: none"> (a) comply with the following: <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; 	P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: <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; 	

<p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(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;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890-Parking facilities, Parts 1-6</i>.</p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(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</p>	<p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(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>
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Assessment – The proposed parking has been designed appropriately and conditions on the permit will ensure parking areas are constructed as required. The acceptable solution is met.

C2.6.3 Number of accesses for vehicles

Objective:	<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>
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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 – Only one access is proposed, on Fenton Way. The acceptable solution is met.

<p>A2</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P2</p> <p>Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</p> <p>(a) not have an adverse impact on:</p> <p>(i) pedestrian safety and amenity; or</p> <p>(ii) traffic safety; and</p> <p>(b) be compatible with the streetscape.</p>
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Assessment – The site is located within the Central Business Zone and a new access is proposed therefore the performance criteria must be satisfied.

The new access will not have an adverse impact on pedestrian safety and amenity as there is no footpath on the eastern side of the road. Traffic safety will not be impacted as the street is one way and sight distances are appropriate. The proposal is compatible with the streetscape which includes a number of small carparks adjacent to the road.

The performance criteria is met.

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Objective:	<p>That parking and vehicle circulation roads and pedestrian paths within the General Business Zone and Central Business Zone, which are used outside daylight hours, are provided with lighting to a standard which:</p> <p>(a) enables easy and efficient use;</p> <p>(b) promotes the safety of users;</p> <p>(c) minimises opportunities for crime or anti-social behaviour; and</p> <p>(d) prevents unreasonable light overspill impacts.</p>
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Acceptable Solutions	Performance Criteria
<p>A1</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 "Basis of Design" and Clause 3.6 "Car Parks" in <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i>.</p>	<p>P1</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roadways and pedestrian paths, which are used outside daylight hours must be provided with lighting, having regard to:</p> <ul style="list-style-type: none"> (a) enabling easy and efficient use of the area; (b) minimising potential for conflicts involving pedestrians, cyclists and vehicles; (c) minimising opportunities for crime or anti-social behaviour through the creation of concealment spaces; (d) any unreasonable impact on the amenity of adjoining properties through light overspill; and (e) the hours of operation of the use.

Assessment – Lighting must be provided for the car park which will be used outside daylight hours. A condition will be placed on the permit to ensure compliance with the requirements. 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
A1.1 <p>Uses that require 10 or more car parking spaces must:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. 		P1 <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.
A1.2 <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>		

Assessment – Not applicable. Only 9 parking spaces are provided.

C2.6.6 Loading bays

Objective:	That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.	
Acceptable Solutions		Performance Criteria
A1	The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Off-street commercial vehicle facilities</i> , for the type of vehicles likely to use the site.	P1 Loading bays must have an area and dimensions suitable for the use, having regard to: <ul style="list-style-type: none"> (a) the types of vehicles likely to use the site; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the topography of the site; (f) the location of existing buildings on the site; and (g) any constraints imposed by existing development.
A2	The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities</i> .	P2 Access for commercial vehicles to and from the site must be safe, having regard to: <ul style="list-style-type: none"> (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the location of the site and nature of traffic in the area of the site; (f) the effectiveness or efficiency of the surrounding road network; and (g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.

Assessment - Not applicable. No loading bays are required.

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Objective:	That parking for bicycles are safe, secure and convenient, within the General Business Zone and Central Business Zone.	
Acceptable Solutions		Performance Criteria
A1 Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must: <ul style="list-style-type: none"> (a) be accessible from a road, cycle path, bicycle lane, shared path or access way; (b) be located within 50m from an entrance; (c) be visible from the main entrance or otherwise signed; and (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements</i>. 		P1 Bicycle parking must be provided in a safe, secure and convenient location, having regard to: <ul style="list-style-type: none"> (a) the accessibility to the site; (b) the characteristics of the site; (c) the nature of the proposed use; (d) the number of employees; (e) the users of the site and the likelihood of travel by bicycle; (f) the location and visibility of proposed parking for bicycles; (g) whether there are other parking areas on the site; and (h) the opportunity for sharing bicycle parking on nearby sites.
A2 Bicycle parking spaces must: <ul style="list-style-type: none"> (a) have dimensions not less than: <ul style="list-style-type: none"> (i) 1.7m in length; (ii) 1.2m in height; and (iii) 0.7m in width at the handlebars; (b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>. 		P2 Bicycle parking spaces and access must be convenient, safe, secure and efficient to use, having regard to: <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the space available; (c) the safety of cyclists; and (d) the provisions of <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.

Assessment – The proposed bicycle parking spaces meet the acceptable solutions.

C2.6.8 Siting of parking and turning areas

Objective:	That the siting of vehicle parking and access facilities in an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties.	
Acceptable Solutions		Performance Criteria
A2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> (a) have no new vehicle accesses, unless an existing access is removed; (b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads. 		P2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must be designed to screen the views of cars from public places in the adjacent roads, without blank walls facing onto a road, having regard to: <ul style="list-style-type: none"> (a) the streetscape; (b) any unreasonable loss of amenity of the occupants of adjoining properties; and (c) maintaining opportunities for active uses on a street frontage in a pedestrian priority street.

Assessment – The proposal includes a new vehicle access and parked cars will be visible from adjacent roads however this will be minimised by the orientation of the lot and the placement of the building. An active street frontage will be retained on Oldaker Street. In light of the above the performance criteria must be satisfied.

As mentioned above the visibility of parked cars from adjacent roads will be minimised by the location of the building and the orientation of the lot, however, appropriately placed landscaping will further screen the parking. A condition will be placed on the permit in this regard.

The performance criteria is satisfied.

C2.7.1 Parking precinct plan

Objective:	To minimise the amount of on-site car parking spaces within an area defined by a parking precinct plan, and that parking does not detract from the streetscape of the area.	
Acceptable Solutions		Performance Criteria
A1 Within a parking precinct plan, on-site car parking must: <ul style="list-style-type: none"> (a) not be provided; or (b) not be increased above existing parking numbers. 		P1 Within a parking precinct plan, on-site car parking must be necessary for the operation of the use and not detract from the streetscape, having regard to: <ul style="list-style-type: none"> (a) the availability of off-street public parking spaces within reasonable walking distance; (b) the ability of multiple users to share spaces because of:

	<ul style="list-style-type: none"> (i) variations in parking demand over time; or (ii) efficiencies gained by consolidation of 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) 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; (f) the streetscape; (g) the topography of the site; (h) the location of existing buildings on the site; (i) any constraints imposed by existing development; and (j) any assessment by a suitably qualified person of the actual parking demand, determined having regard to the scale and nature of the use and development, and <p>not exceed the number specified in Table C2.1.</p>
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Assessment – The site is located within a parking precinct plan and therefore parking must not be provided. Given parking is proposed the performance criteria must be satisfied.

On-site parking is necessary for the operation of the Residential use. The scheme requires 7 parking spaces for 3 multiple dwellings. Two additional spaces are also provided which may be utilised for visitor accommodation. Parking is not required for the shop nor café however the carpark will provide access for unloading goods.

The number of spaces does not exceed the number specified in Table C2.1 which stipulates a total of 37 spaces, nor does it detract from the streetscape given its location on Fenton Way and as a condition will be placed on the permit requiring landscaping be installed to screen the parking area.

The performance criteria is satisfied.

C3.0 Road and Railway Assets Code

As a new access is proposed the Road and Railway Assets Code must be considered.

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.
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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.

Assessment – A1.1 - Fenton Way is not a category 1 or limited access road.

A1.2 - The proposed vehicle crossing is consented to by the road authority (Council) as conditions are to be placed on the permit it regard to its construction.

A1.3 – No new rail crossings are proposed.

A1.4 - Based on the average number of vehicle movements per dwelling per day (9) the number of vehicle movements to and from the site are unlikely to exceed 40.

A1.5 – Whilst Fenton Way is not a major road traffic will be able to enter and leave the site in a forward direction.

The acceptable solutions are met.

C16.0 Safeguarding of Airports Code

The site is also located within the aerial obstacle limitation area however as the height of the building is less than 100m the associated code need not be considered.

TasWater has assessed the proposal and provided conditions to be included with the permit (**see Attachment 2**).

COMMUNITY ENGAGEMENT

On 18/09/2023, 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 20/09/2023;
- (b) Making a copy of the proposal available in Council Offices from the 20/09/2023;
- (c) Notifying adjoining property owners by mail on 19/09/2023; and
- (d) Erecting a Site Notice for display from the 19/09/2023.

The period for representations to be received by Council closed on 03/10/2023.

REPRESENTATIONS

One representation (**appended as Attachment 3**) was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representation was received from A. Lightheart-Apse and raises a number of concerns regarding the use of the park at 29 Fenton Way for commercial development rather than other sites within the CBD.

The representation objects to the removal of trees, the land's perceived value over other parkland in the area and the market value of the land. It also suggests the use of other parcels rather than the subject site however the alternative sites proposed are privately owned.

The issues raised are generally based around what is currently Council land being used for the proposal and do not touch on the planning merits of the development. As stated in clause 6.10.1 (b) of the planning scheme, representations can only be considered insofar as each such matter is relevant to the particular discretion being exercised.

The representation cannot be considered in assessing the merits of the proposal and no changes are required in light of the issues raised.

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 standards contained within the planning scheme and can be approved with conditions.

ATTACHMENTS

1. Application Detail - PA2023.0129 - 29 Fenton Way [**4.2.1** - 17 pages]
2. Tas Water Submission to Planning Authority Notice [**4.2.2** - 2 pages]
3. Representation - PA2023.0129 - Andrey Lighthouse- Apse [**4.2.3** - 3 pages]

4.3 PA2023.0086 - 84-86 HILLCREST ROAD AND 65 LAWRENCE DRIVE DEVONPORT - MULTIPLE DWELLINGS (34 X ADDITIONAL UNITS)

Author: **Emma Pieniak, Planning Officer**
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 PA2023.0086 and grant a Permit to use and develop land identified as 84-86 Hillcrest Road, Devonport and 65 Lawrence Drive, Devonport for the following purposes:

- Multiple dwellings (34 additional units)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as project no.2178 by MinD Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. In the instance waste collection is to be by Council; prior to occupancy of the development a Part 5 Agreement in accordance with section 71 of the *Land Use Planning and Approvals Act 1993* must be registered on the certificate of title. The Part 5 Agreement is to be between Council and the owners, and all costs associated with making the agreement are to be borne by the Owner/Developer. The scope of the agreement is to include:
 - a. Acknowledgement that Council takes no responsibility for any damage or maintenance as a result of the waste collection vehicle access within the property; and
 - b. In the instance Council ceases waste collection services, a private contract for waste collection will be required.
3. Where the habitable windows of multiple dwelling's are located within 2.5m of the shared driveway, screening or an alternative window selection is to be provided in accordance with 8.4.6 A3 – *Privacy for all dwellings*. Details are to be provided as part of the associated building permit application for the development.
4. In regard to stormwater, long sections and design calculations prepared by a suitably qualified engineer are to be provided to Council for approval with any subsequent building and plumbing permit applications.
5. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 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.

6. 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.
7. The developer is to demonstrate that the existing pipe has sufficient capacity for the additional inflow from this development (if capacity not sufficient upgrade of the existing pipeline or additional detention storage will be required).
8. A new driveway is to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09-v3. The proposed light vehicle parking and circulation is to comply with AS/NZS 2890.1:2004 Parking Facilities Part 1 - Off-street Carparking. In addition, the requirements of AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities are to be met.
9. The developer is to remove any redundant driveway crossovers and reinstate with kerb and channel and nature strip to Council's specification.
10. Certification and details from a suitably qualified civil or structural engineer must be submitted to Council regarding all retaining walls over the height of 1m.
11. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.
12. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
13. The car parking spaces and turning areas must be clearly delineated by line marking or other means to clearly identify as to which unit it is allocated or for visitor parking.
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.

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)/Standard (less than 250m² of ground disturbance) Building & Construction Sites" recommendations.

It is suggested that the developer speak to neighbouring property owners in regard to fencing.

In regard to condition 14 the developer should contact TasWater – Ph 136992 with any enquiries.

Consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks Early Engagement team at early.engagement@tasnetworks.com.au at their earliest convenience.

Should the property, 84 Hillcrest Road, be strata titled the units identified in endorsed plan **DA02** will be numbered as follows:

*Number on plan				*Unit number / 84 Hillcrest Road									
1	1	6	4	11	24	16	37	21	27	26	17	31	14
2	3	7	6	12	26	17	35	22	25	27	15	32	16
3	5	8	8	13	28	18	33	23	23	28	13	33	18
4	7	9	10	14	41	19	31	24	21	29	11	34	20
5	2	10	12	15	39	20	29	25	19	30	22	35	9

In regard to conditions 4 – 13 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 PA2023.0086.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	84-86 Hillcrest Road, Devonport and 65 Lawrence Drive, Devonport
Applicant:	MinD Architects obo Devonport Property Solutions Pty Ltd
Owner:	GP & GJ Huston & HA Rippin
Proposal:	Multiple dwellings (34 x additional units)
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	06/12/2023, extension granted to 18/12/2023

SITE DESCRIPTION

The subject site comprises CT 197889/1 and the rear portion of CT 185531/1 as approved by subdivision permit PA2021.0192 (see Figure 2). The site contains an existing single dwelling and associated outbuildings with vehicle access from Hillcrest Road. Adjoining

properties comprise established residential development within various sized lots. Hillcrest Primary School is situated north of the subject site. The subject site and surrounding development are illustrated in Figure 1.



Figure 1 – Aerial view (LISTmap)

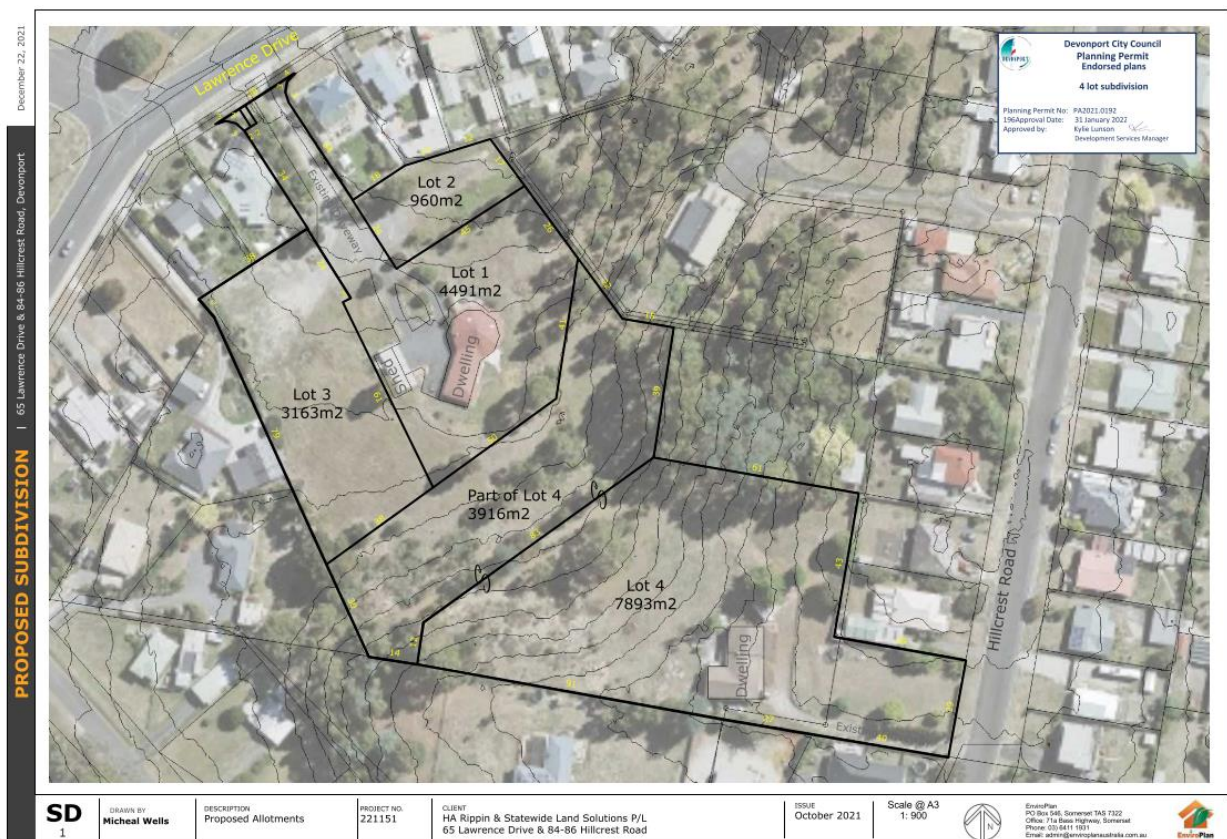


Figure 2 – Approved plan of subdivision (EnviroPlan)

APPLICATION DETAILS

The applicant is seeking approval for a staged development with 34 additional dwellings and retention of the existing dwelling. Ranging between 2 and 3 bedroom, mostly single storey dwellings, the site is accessed via Hillcrest Road with vehicular circulation through the site. The proposed development is illustrated in Figures 3 – 11. A copy of the planning application documentation is **appended as an attachment** to this report.



Figure 3 – Stage plan (MinD)



Figure 4 – Floor plan: ground (MinD)

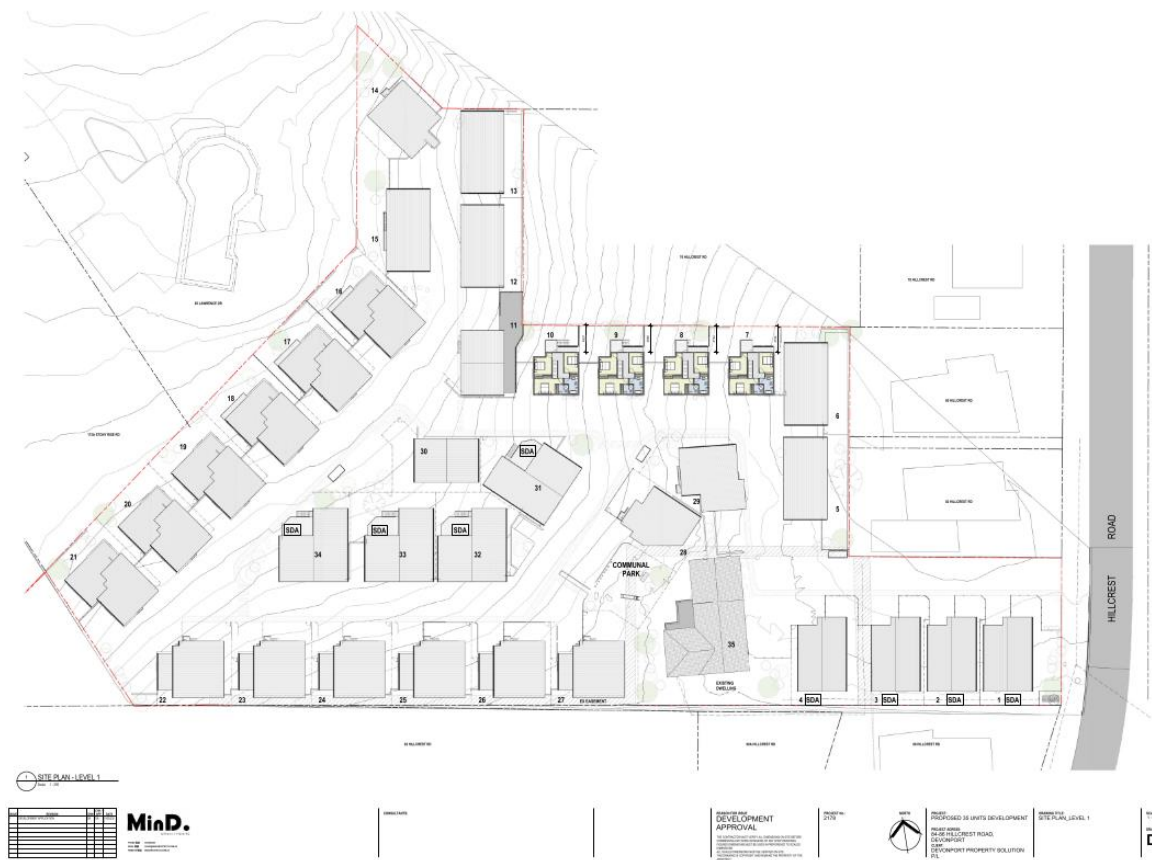


Figure 5 – Floor plan: first (MinD)

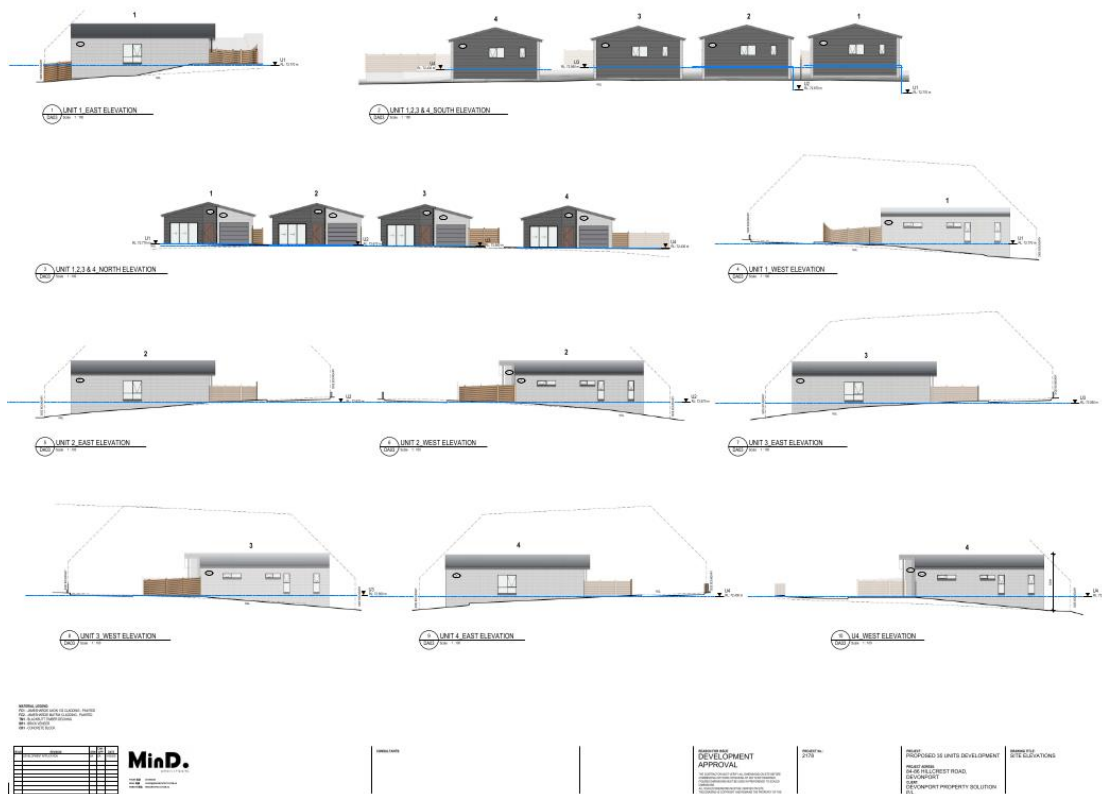


Figure 6 – Elevations: units 1-4 (MinD)

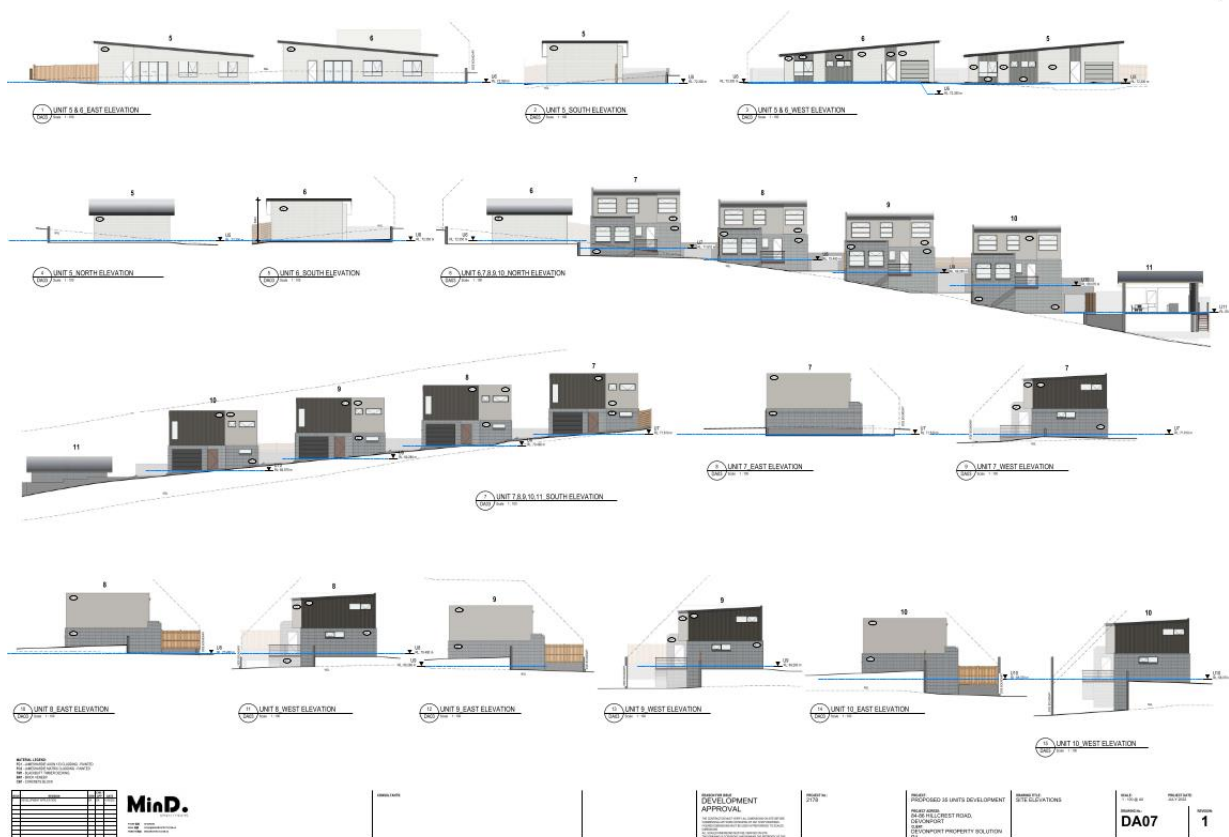


Figure 7 - Elevations: units 6-10 (MinD)

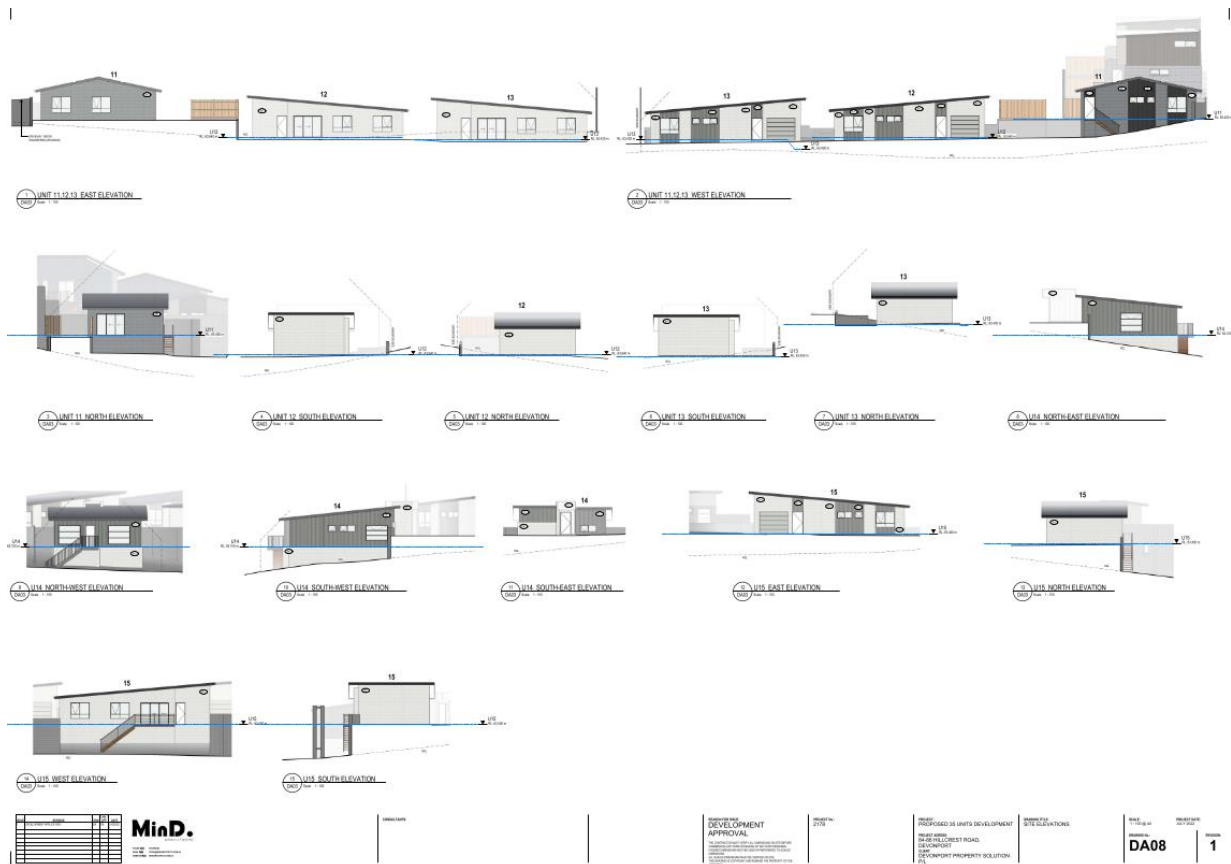


Figure 8 – Elevations: units 11-15 (MinD)

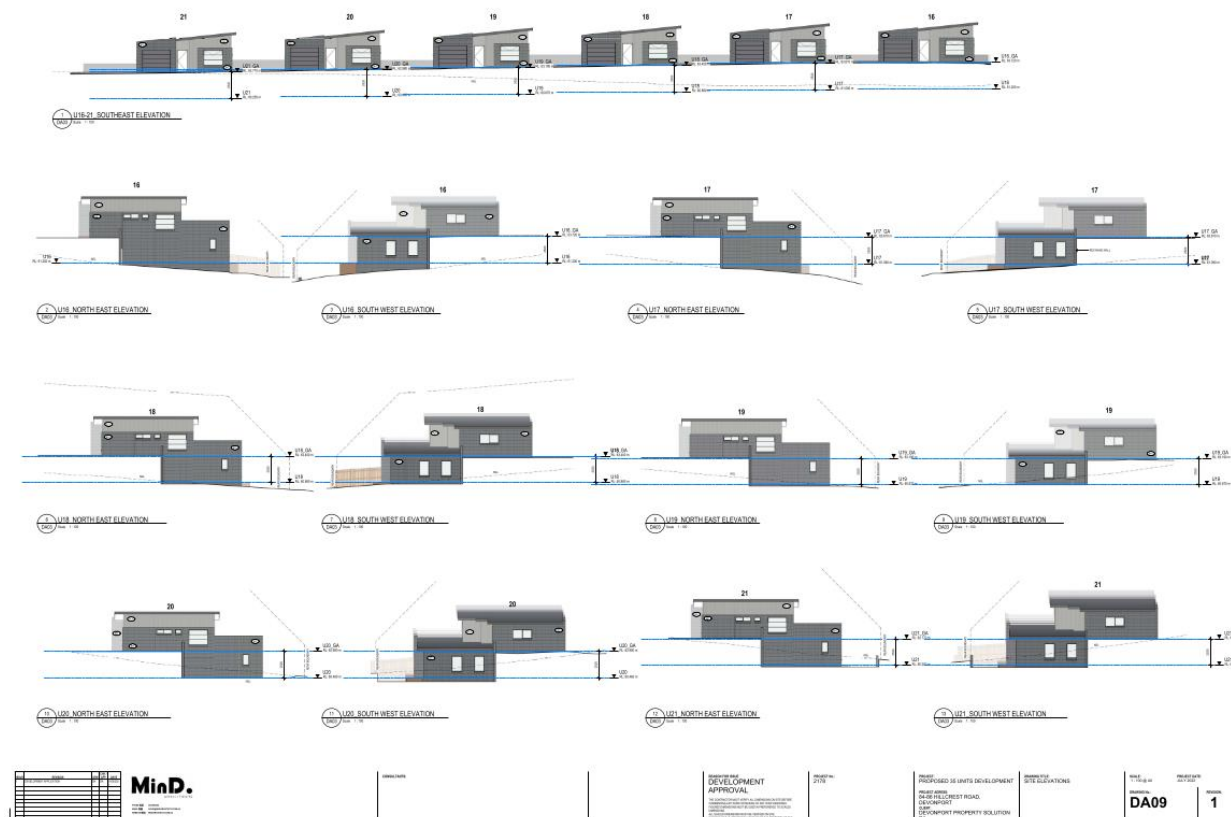


Figure 9 – Elevations: units 16-21 (MinD)

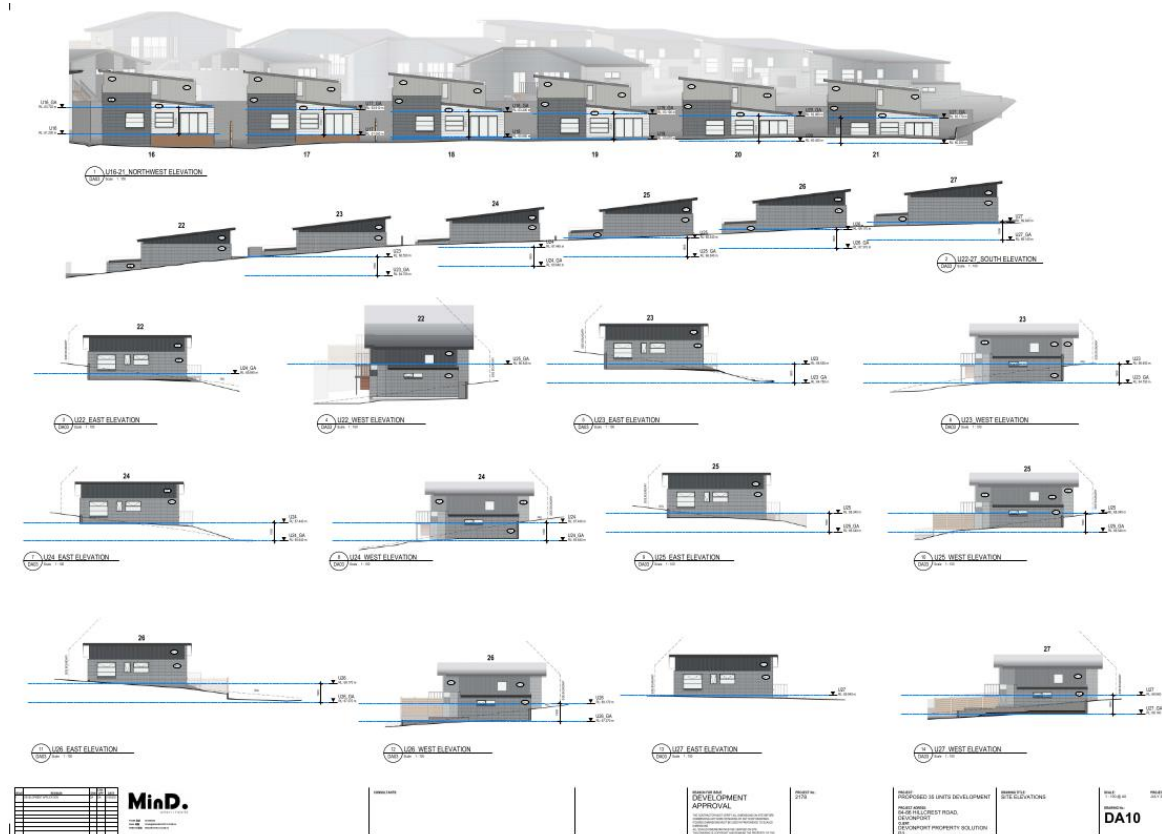


Figure 10 – Elevations: units 21-27 (MinD)

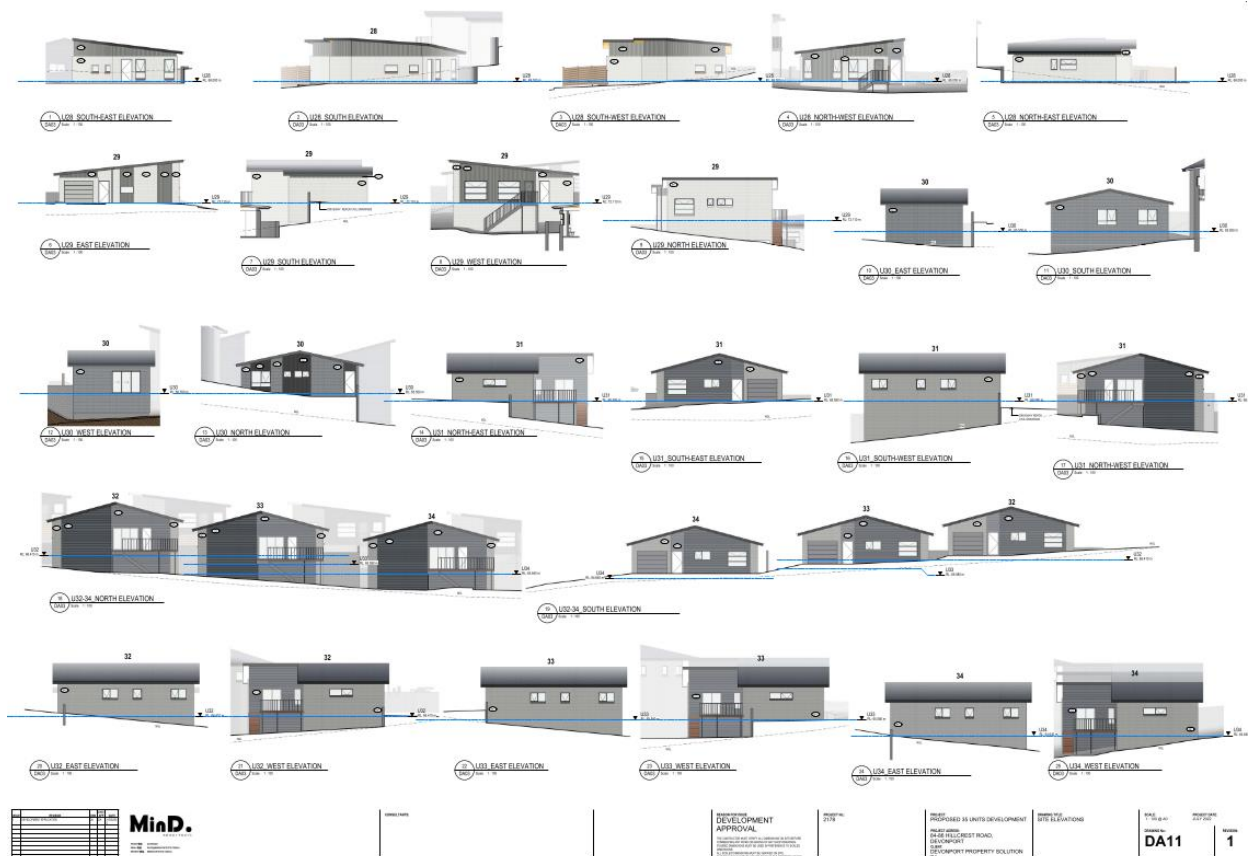


Figure 11 - Elevations: 28-34 (MinD)

PLANNING ISSUES

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

Residential use for multiple dwellings is permitted in the General Residential zone. The proposed development satisfies many of the relevant acceptable solutions. Where development cannot meet the relevant acceptable solutions for the design standards a planning permit can be sought under section 57 of the *Act*. An assessment of the applicable design standards are discussed below.

8.4.1 Residential density for multiple dwellings

Objective: That the density of multiple dwellings: <ul style="list-style-type: none"> a) makes efficient use of land for housing; and b) optimises the use of infrastructures 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; <ul style="list-style-type: none"> (a) is compatible with the density of existing development of established properties in the area; or (b) provides for a significant social or community benefit that is: <ul style="list-style-type: none"> 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.
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A1 – the subject site comprises 11809m² which equates to 36 dwellings per 325m² site area, one less dwelling than as proposed. The acceptable solution is met.

8.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

- (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>
A2	P2

<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>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>
<p>A3 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 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.

A1 – the proposed unit 1 is sited more than 4.5m from the frontage. The acceptable solution is met.

A2 – there are no garages or carports within 5.5m of the frontage. The acceptable solution is met.

A3 – the proposed dwellings are generally provided with 1.8m or 4.5m setback from side and rear boundaries, the exception being unit 13 which has a 7.2m wall located 0.8m from the side boundary. The acceptable solution is met.

8.4.3 Site coverage and open space for all dwellings

<p>Objective: That dwellings are compatible with the amenity and character of the area and provide:</p> <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
<p>A1 Dwellings must have:</p> <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 1.8m above the finished ground level (excluding a garage, carport or entry foyer). 	<p>P1 Dwellings must have:</p> <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 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.
<p>A2 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); 	<p>P2 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>	
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A1 – the proposed development results in approximately 34% site area covered in buildings. Each multiple dwelling has more than 60m² private open space area. The acceptable solution is met.

A2 – each multiple dwelling has secluded private open space area measuring 4m by 6m that is not located with the frontage setback. The acceptable solution is met.

8.4.4 Sunlight to private open space of multiple dwellings

<p>Objective:</p> <p>That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.</p>	
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:</p> <ol style="list-style-type: none"> at a distance of 3m from the northern edge of the private open space; and 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> <ol style="list-style-type: none"> an outbuilding with a building height not more than 2.4m; or 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>

A1 (a) – the proposed design ensures that any multiple dwelling north of the secluded private open space is considerably further than 3m setback from the edge. 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
<p>A1</p> <p>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:</p> <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 ii. from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site. 	<p>P1</p> <p>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:</p> <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>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> <ul style="list-style-type: none"> (a) the window or glazed door: <ul style="list-style-type: none"> 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 	<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> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.

<p>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>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>	
<p>A3 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 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>

A1 – proposed units 8, 9 and 10 have a landing area which is at or more than 1m above natural ground level. Each landing has a 3m setback from the side boundary. The acceptable solution is met.

A2 – proposed units 7 – 10 have an upper floor level which have been setback more than 3m from the side boundary. There are no direct views between upper floor windows or overlooking private open space. The acceptable solutions are met.

P3 - the proposed development does not, in all instances, provide either 2.5m setback, screening, sill heights or obscured glazing to a number of windows to habitable rooms along the shared driveway to satisfy A3 of this clause. A condition on the permit will require habitable room windows setback less than 2.5m of the shared driveway to be provided with some sort of screening or alternative window solution to prevent vehicle light intrusion impacts. It is assumed windows will be double glazed to prevent noise impacts, as is typically required to achieve minimum energy efficiency ratings in accordance with the *Building Act*. The performance criteria are satisfied.

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
A1 A multiple dwelling must have storage area for waste and recycling bins, that is not less than 1.5m ² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: i. has a setback of not less than 4.5m from a frontage; ii. is not less than 5.5m from any dwelling; and 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.	P1 A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required for the site; (b) screened from the frontage and any dwellings; and (c) if the storage area is common area, separated from any dwellings to minimise impacts cause by odours and noise.

P1 – the proposed development nominates waste collection areas located throughout the site to capture 6600lt of waste for private collection. This would equate to approximately 185lt of waste per household and which are located and screened to prevent noise or odour issues to residents. In the event private waste collection is not feasible the private open space areas to each multiple dwelling can sufficiently accommodate waste storage bins, and a condition on the permit will ensure Council waste collection services are not guaranteed. The performance criteria are satisfied.

Retaining walls

The proposed retaining walls do not meet all the requirements for exemption as listed in Table 4.6.8 being; the retaining walls are located on the boundary and exceed 1m height.

There are no specific design standards to assess the proposed retaining wall under the General Residential zone or any other provisions within the *Tasmanian Planning Scheme – Devonport 2020*. The structural requirement for the retaining walls will be managed through the NCC and Building Act.

C2.0 Parking and Sustainable Transport Code

C2.5.1 Car parking numbers

Objectives:	
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 A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing 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= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.	(c) the pattern of parking in the surrounding area.
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A1 – the proposal meets the required number of car parking spaces, with 2 spaces provided for each unit and a total of 12 visitor parking spaces. As the site is an internal lot 1 visitor parking space is required for every 3 units, which rounds up to a total of 12. The acceptable solution is met.

C2.6.2 Design and layout of parking areas

Objective: That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions	Performance Criteria
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: <ul style="list-style-type: none"> i. have a gradient in accordance with <i>Australia Standard AS2890 – Parking facilities, Parts 1-6</i>; ii. provide for vehicles to enter and exit the site in a forward direction where providing for 4 or more parking spaces; iii. have an access width not less than requirements of Table C2.2; iv. have car parking space dimensions which satisfy the dimensions of Table C2.3; v. have a combined and access 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 level surface; or (b) comply with <i>Australian Standard AS2890 – Parking Facilities Parts 1-6</i>	P1 All access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: <ul style="list-style-type: none"> (a) The characteristics of the site; (b) The proposed slope, dimensions and layout; (c) Usability in all weather conditions; (d) The nature and use of the development; (e) The expected number and type of vehicles; (f) The likely use of the parking areas of person with a disability; (g) The nature of traffic in the surrounding area; (h) The proposed means of parking delineation; and (i) The provision of <i>Australia Standard AS2890.1:2004 – Parking facilities, Part 1-off-street parking, and AS2890.2:2002 Parking facilities, Part 2-off-street commercial vehicles facilities</i>.
A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: <ul style="list-style-type: none"> (a) be located as close as practicable to the main entry point of 	

<p>the building;</p> <p>(b) be incorporated within the overall carpark design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standards AS/NZS 2890.6:2009 Parking facilities, off-street parking for people with disabilities</i>.</p>	
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A1.1 -the proposed development provides car parking spaces which comply with the dimensions contained in table C2.1 and C2.3 as well as the access requirements of table C2.2. A condition on the permit will ensure car parking spaces are suitably delineated or marked to ensure spaces can easily be identified for which unit they are allocated. 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 Solution	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>

P1 – the proposed development requires more than 10 car parking spaces. Pedestrian access has not been provided through the site in accordance with the acceptable

solution A1.1. It is noted the development allocates car parking spaces for each dwelling either within an attached garage or in close proximity to the dwelling entrance. It is considered the delineated pedestrian pathway is sufficient for the proposed residential development. The proposal satisfies the performance criteria.

C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

- C3.1.1 To protect the safety and efficiency of the road and railway networks; and
- C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

C3.2.1 This code applies to a use or development that:

- (a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- (b) will require a new vehicle crossing, junction or level crossing; or
- (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.

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
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. 	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; (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.
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 crossing to serve the use and development has been issued by the road authority.	
A1.3 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.	
A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: <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.	
A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.	

This code applies as the proposed development will result in an increase to the movement of vehicles through an existing vehicle crossing which exceed the amounts in Table C3.1.

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

Location of vehicular access	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

P1 – the development will increase vehicle movements to and from Hillcrest Road. The applicant has provided a detailed Traffic Assessment as attached to this report, which identifies the proposal will not cause detriment to the safety or efficiency of the local road network. The proposal satisfies the performance criteria.

COMMUNITY ENGAGEMENT

On 08/06/2023, 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 11/11/2023;
- (b) Making a copy of the proposal available in Council Offices from the 11/11/2023;
- (c) Notifying adjoining property owners by mail on 09/11/2023; and
- (d) Erecting a Site Notice for display from the 10/11/2023.

The period for representations to be received by Council closed on 24/11/2023.

REPRESENTATIONS

Two representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representations received are concerned with the provision of car parking within the subject site, potential impacts to on-street parking and privacy and were received from residents adjoining the site to the south and south west. Both representations included requests for the height of boundary fences to be increased.

When determining an application for a planning permit the permit authority must consider the matters outlined in clause 6.10.1 of the Tasmanian Planning Scheme, including any representations, but only insofar as each matter is relevant to the particular discretion

being sought. An assessment of the performance criteria against the discretionary matters identifies how the variations to the acceptable solution will have minimal to no impact upon adjoining properties.

The proposal satisfies the requirements of the planning scheme in regard to privacy along the boundaries concerned. The proposal also satisfies the requirements of the code in regard to parking and provides an increased number of visitor parking spaces due to the lot being internal, which recognises the fact that on-street parking will not be an option.

In light of the above no changes to the proposal are warranted as a result of the issues raised in the representations, however, a note will be placed on the permit suggesting the developer speak to the neighbouring property owners in regard to fencing.

A copy of the representations are **appended as an attachment** to this report.

DISCUSSION

The proposal has been reviewed by internal departments and State Authorities and have provided standard conditions to be included in the planning permit.

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 for an additional 34 multiple dwellings seeks variation to several of the development standards at an acceptable solutions level. The representators' concerns have been addressed and do not justify variation to the proposal. A planning permit can be issued subject to standard conditions.

ATTACHMENTS

1. Application - PA2023.0086 - 84-86 Hillcrest Road and 65 Lawrence Drive [**4.3.1** - 116 pages]
2. Representations PA2023.0086 - 84-86 Hillcrest Road and 65 Lawrence Drive [**4.3.2** - 2 pages]

4.4 PA2023.0167 - 123A RIVER ROAD AMBLESIDE - TWO LOT SUBDIVISION

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 PA2023.0167 and grant a Permit to subdivide land identified as 123a River Road, Ambleside for the following purposes:

- Two lot subdivision

Subject to the following conditions:

1. The subdivision is to proceed generally in accordance with Drawing No. 223134, dated 12/09/2023 by Michell Hodgetts Surveyors and the recommendations provided within Version 2 of the Bushfire Hazard Report (including the Bushfire Hazard Management Plan) by es&d, dated 4/12/2023, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The subdivider is to install a 150mm stormwater connection point to the council main for lot 1.
3. The subdivider is to reconstruct a minimum 5.5m wide reinforced concrete driveway crossover for the vehicular access between River Road kerb and the property boundary in accordance with Tasmanian Standard Drawing TSD-R09 V3.
4. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice - Reference No. TWDA 2023/01589-DCC 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.

With respect to future street addressing, the following is to apply:

- Lot 1 on the endorsed subdivision plan will become 123A River Road; and
- Lot 2 on the endorsed subdivision plan will become 123B River Road

It is recommended the subdivider include the Bushfire Hazard Report and accompanying Bushfire Hazard Management as part of the future registered title documentation or make the documents readily available for future lot owners. In addition, the subdivider may also include the building envelope shown as part of the approved subdivision plan on the Final Plan and Schedule of Easements.

In regard to condition 4 the subdivider should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-3 the subdivider should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

General enquires regarding this permit can be directed to Council's Development Services Department – Ph 6424 0511.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

2.1 Council's Planning Scheme facilitates appropriate property use and development.

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2023.0167.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	123A River Road, Ambleside
Applicant:	Michell Hodgetts & Associates Pty Ltd
Owner:	Miss KM Johnston
Proposal:	Two lot subdivision
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	27/12/2023

SITE DESCRIPTION

The site is an internal lot identified by certificate of title 91794/3 with the property address of 123A River Road, Ambleside. Located on the north-eastern section of the site is an established dwelling constructed in 1990. The site has an area of 5,383m², with a gradient of approximately 16% falling to the south. The site adjoins developed and undeveloped urban residential land of varying lot densities.

Figure 1 is a copy of the property's title plan. Figure 2 is a recent aerial image of the site. Figures 3 and 4 are images taken from various locations on the site.

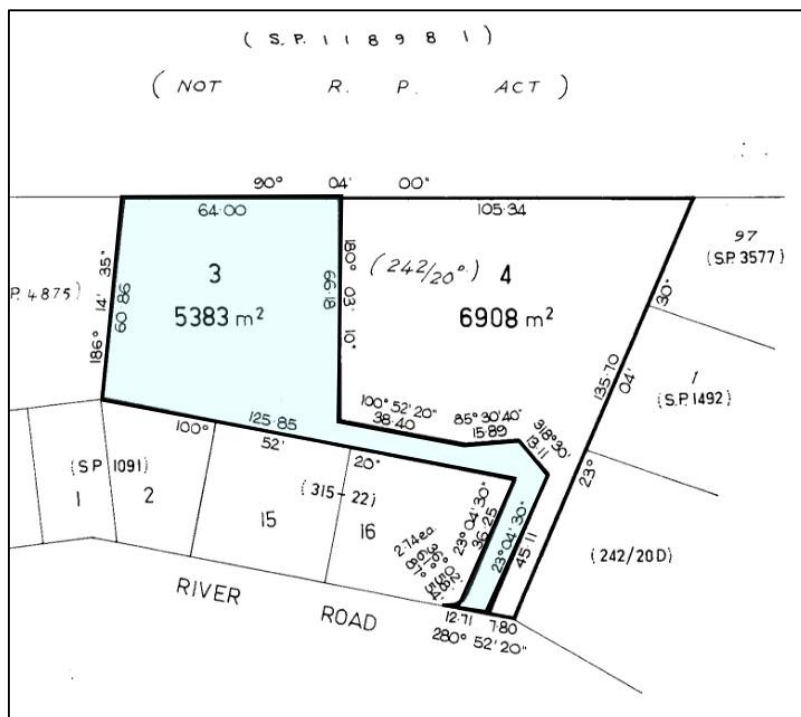


Figure 1 - Title Plan (LIST, 1973)



Figure 2 – Aerial image of the site outlined in blue and surrounding locality (DCC, 2023)



Figure 3 – Image of the site looking southwards (DCC, 2023)



Figure 4 – Image of the site looking northwards (DCC, 2023)

APPLICATION DETAILS

The applicant is seeking approval for a two lot subdivision.

Lot 1 is proposed to have an area of 2485m² and will be vacant.

Lot 2 is proposed to have an area of 2900m² and will contain the existing dwelling.

Each lot will have a minimum 4m frontage to River Road with reciprocal rights of way proposed.

The proposed subdivision plan is shown below in Figure 5. A full copy of the planning application documentation, including the accompanying bushfire hazard assessment, is **appended as an attachment** to this report.

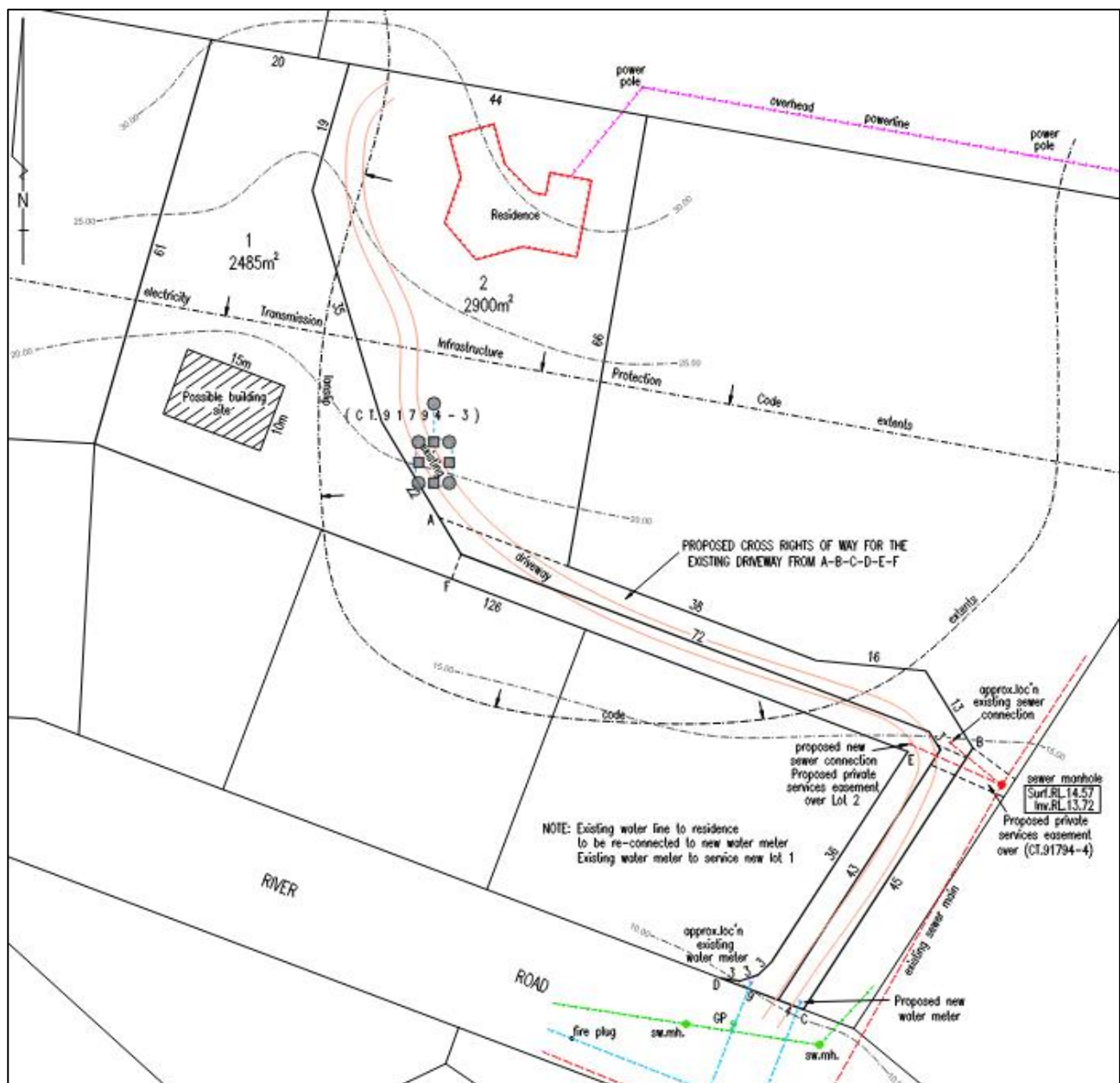


Figure 5 - Subdivision plan (Michell Hodgetts, 2023)

PLANNING ISSUES

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

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.

In accordance with 6.2.6 of the Scheme, subdivision does not require categorisation into a Use Class.

Subdivision within the General Residential Zone is Permitted and must be approved subject to the applicable development standards at the acceptable solutions level being satisfied.

If the acceptable solutions cannot be satisfied the application is Discretionary and reliance is placed on the performance criteria of the particular development standard where the acceptable solution is not satisfied to determine if a permit pathway is achievable. The planning authority can approve or refuse this type of application.

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: (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: (a) have an area of not less than 450m ² and: i. be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: 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; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within	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: (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.

the same zone.	
<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; (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.
--	--

A1 - Each lot has an area more than 450m² and the subdivision plan highlights an area of 10m x 15m clear of the prescribed setbacks and identified easements for both lots.

P2 - Lot 1 has a frontage of 9m. Lot 2 has a frontage of 4m. Both frontages are less than 12m prescribed within A1.

The lots will share a reciprocal right of access, which means they can utilise each other's access. The frontage from River Road has a total width of 13m, which is adequate for residential development. The access configuration satisfies the acceptable solutions in the Bushfire-Prone Areas Code and is consistent with other accesses in the surrounding locality, e.g. 111 & 111A River Road. Lastly, each lot has a minimum frontage greater than 3.6m.

A3 - The road authority has assessed the subdivision configuration, and the current access can be supported with some upgrades.

A4 - Not applicable, no new roads are proposed.

***8.5.2 Roads** - This development standard does not require assessment as no new roads are proposed.

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: (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 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.	P2 No Performance Criterion
A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or	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 connecting to a public stormwater system.	<p>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.
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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

C4.0 Electricity Transmission Infrastructure Protection Code

The northern section of the site is located within an electricity transmission corridor overlay which is shown in Figure 6 below.

The subdivision plan identifies a building envelope to the south of the transmission corridor and therefore the acceptable solution can be satisfied for C4.7.1 A1 (d) – *Subdivision*. No further comment is warranted.

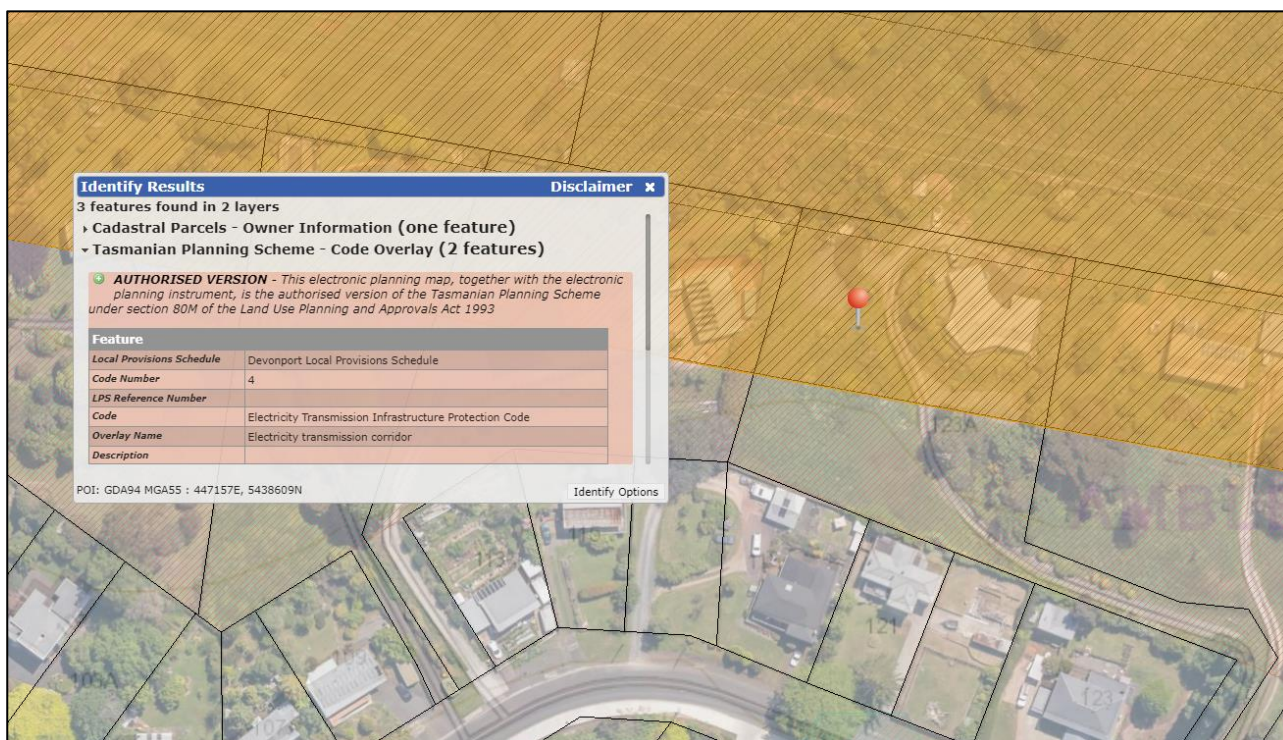


Figure 6 – Electricity transmission corridor overlay (LIST, 2023)

C13.0 Bushfire-Prone Areas Code

The entire site is mapped within a bushfire-prone area. The application documentation includes a Bushfire Hazard Report by an accredited bushfire assessor to address the development standards prescribed within the Code.

The Tasmanian Fire Service (TFS) reviewed the report, and the initial hazard management plan required amending due to internal circulation requirements. This matter was addressed in an updated bushfire assessment by the assessor which was further reviewed and supported without contention by TFS.

C15.0 Landslip Hazard Code

Part of the site is mapped within a medium landslip hazard band as shown in Figure 7 below. Subdivision of land within a medium landslip hazard band is exempt from further examination under C15.4.1 (i) if:

- (i) the subdivision does not involve significant works; or
- (ii) it does not create a new road, or extend an existing road.

In this case, no works are proposed as part of the subdivision and no new road or extension to an existing road is occurring. The exemption can be satisfied.



Figure 7 – Landslip Hazard Band Map (LIST, 2023)

C16.0 Safeguarding of Airports Code

The entire site is mapped within an airport obstacle limitation area of 120m AHD. The subdivision will not extend into the AHD specified and is therefore exempt under this Code.

COMMUNITY ENGAGEMENT

On 15/11/2023, Council received an application for the above development. Under section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority

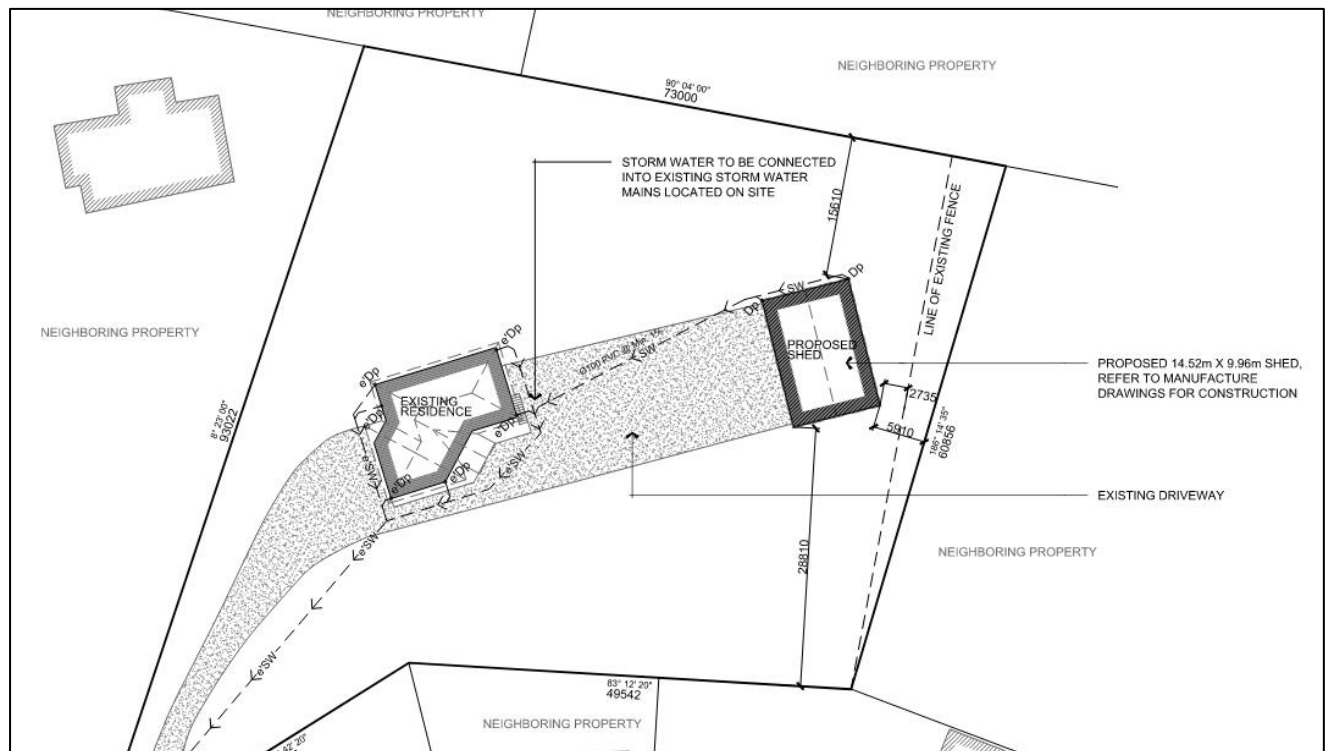


Figure 9 - Copy of the site plan associated with the development of a shed on Mr Brook's property which is referenced within the representation (Brooks, 2023)

Officer Comment - To obtain titles for the proposed lots, the site will need to be surveyed, and the boundaries will need to be accurately identified by a land surveyor. It will be the responsibility of the property owners to construct/relocate the boundary fence and ensure the applicable legislative requirements are satisfied. Council has no jurisdiction to get involved in these matters unless the boundary fence exceeds the planning scheme exemptions. It is recommended that the representation be noted, however, no change to the final recommendation is necessary.

DISCUSSION

The application has been referred to TasWater and internally to the Council's development review staff. Feedback received has been included as conditions and notes where appropriate.

The subdivision plan identifies a building envelope clear of any easements and code overlay considerations. It is not a requirement of the Final Plan to show the building envelope but it will be noted as a suggestion to include on the Final Plan as part of the recommendation.

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 the planning authority. The opportunity for such an appeal exists as a result of the planning authority 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 subdivision has been assessed as satisfying the relevant acceptable solutions and performance criteria prescribed under the *Tasmanian Planning Scheme – Devonport 2020*, and a permit can be issued, subject to conditions.

ATTACHMENTS

1. Planning Application PA2023.0167 – 123a River Road [**4.4.1** – 46 pages]
2. Representation PA2023.0167 – 123a River Road [**4.4.2** – 3 pages]

5 REPORTS

5.1 SPORT AND RECREATION FACILITIES HIRE POLICY

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

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council adopt the:

1. Sport and Recreation Facilities Hire Policy with immediate effect; and
2. Updated Fees and Charges Schedule for 2023/2024 as attached.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

5.3 Council looks to employ best practice governance, risk and financial management

SUMMARY

This report presents a draft Policy relating to the hire of community, sport, and recreation facilities for consideration by Council.

BACKGROUND

The Policy sets out the requirements for requests to hire Council-owned facilities, the categories of user groups, and the application of subsidies and discounts for eligible groups and recurrent users (if any). The Policy applies to the casual hire and use of community, sport, and recreation facilities, and also relates to long-term/seasonal hire agreements that individual organisations, clubs, and users may enter into with Council.

The sport and recreation venues managed by Council are experiencing increased utilisation due to growing demand. The Policy aims to clarify how these venues are used and establish criteria for their usage as demand continues to rise.

STATUTORY REQUIREMENTS

The Policy has been drafted with the following legislation considered applicable:

- *Building Regulations 2016*
- *Public Health Act 1997*
- *Food Act 2003 (where applicable)*
- *Local Government Act 1993*
- *Place of Assembly Licence (where applicable)*
- *Food Licencing (where applicable)*

DISCUSSION

The objective of the Policy is to outlines the principles and requirements associated with hiring Council-owned community purpose, sporting, and recreation facilities for use by the casual hirers, community groups, and commercial organisations.

Council is experiencing some growth and change in facility hire utilisation, user type, and alternate utilisation proposals for existing venues. This has included use by commercial, for-profit, and for-purpose organisations that are seeking to use Council-owned facilities for

alternate purposes. Examples include fee-for-service class groups operating from community halls, and non-sporting or commercial events seeking access to sporting venues.

While Council welcomes and supports the majority of this enhanced utilisation, a new Policy has been developed to ensure consistent and transparent application of fees and charges for access to these facilities, and to provide clarity on hire agreement terms and conditions. The Policy also enables consistent application of subsidies and discounts for eligible hires and in specific circumstances.

The high-level principles contained within the Policy include:

- Seasonal Hirer fees are generally set at 10% of the total annual/seasonal operational cost for Council to operate and maintain each facility.
- Eligible Community, Registered Not for Profit hirers may receive a discount of up to 25% from the adopted casual hire rate.
- Eligible Junior Hire rates may receive a discount of up to 50% off the adopted casual hire rate.
- Recurrent facility hirers, who enter into an agreement for 12 or more recurrent bookings in any 12-month period may receive a discount of up to 10% off the adopted casual hire rate.
- Provide discretion for the General Manager to set fees for individual hire arrangements in accordance with established financial delegations.

Council Officers have had regard to historic pricing policy settings adopted by Council and benchmarked fee discounts across other similar Local Government Authorities within Tasmania in developing this new Policy. Application of the Policy provisions will also enable Council to recognise established/historic fee settings with established user groups, while enabling sufficient differentiation to new and alternate facility users – in particular commercial and for-profit hirers.

Amendments to Fees & Charges Schedule

In addition to the proposed Policy, Council Officers have also undertaken a review of the current Fees & Charges Schedule items relevant to community, sports, and recreation facilities. Several amendments and additions are recommended for adoption by Council, and summarised below:

- The introduction of a number of additional fee items to provide greater flexibility for casual venue hirers in accessing facilities. Examples include the option to include or exclude toilet and change room access from playing field hire if not required.
- Some rationalisation of fee setting across common facilities to provide consistent pricing.
- The amendment and introduction of some cleaning and service fees on a cost-recovery basis (where those services are provided by third-party contractors to Council).
- The introduction of some operational support fees to the schedule, which are generally charged on application for services outside normal seasonal facility preparation (such as out of season line-marking), or for specific, one-off events.

The proposed amendments to the currently adopted 2024-25 Schedule of Fees & Charges is included as an attachment to this report.

COMMUNITY ENGAGEMENT

There has been targeted community engagement undertaken in the development of this report and proposed policy with a number of sporting clubs and relevant stakeholders.

FINANCIAL IMPLICATIONS

The financial implications associated with the proposed Policy are summarised in the discussion contained within this report. An attachment to this report outlines proposed amendments to Council's current Scheduled of Fee's & Charges.

RISK IMPLICATIONS

Adoption of the draft Policy will support clear and transparent application of fees and charges as they relate to Council's community, sport, and recreation facilities, and the variety of user groups accessing these facilities.

CONCLUSION

The proposed Sport and Recreation Facilities Hire Policy will ensure consistency and provide a framework and principles that underpin the minimum standard process for hiring Council-owned or managed recreational venues. In practice, the Guidelines outlined in the Policy have been informally followed for many years, and the Policy is formalising the process to support transparent and consistent engagement with clubs and facility user groups.

ATTACHMENTS

1. Sport and Recreation Facilities Hire Policy 2023 [**5.1.1** - 7 pages]
2. PROPOSED 2023-24 Fee Schedule Amendments [**5.1.2** - 1 page]

5.2 SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

Author: **Claire Jordan, Governance Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council:

1. adopt the Safeguarding Children and Young People Policy with immediate effect; and
2. continue to advocate, through the Local Government Association of Tasmania, for additional State Government support, to implement recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse, and for standardised resources to be available for all councils to implement the *Child and Youth Safe Organisations Act 2023* uniformly.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

4.4 Our community & visitors are safe and secure

4.8 Young people are recognised and valued allowing them to reach their full potential

SUMMARY

The purpose of this report is to table the Safeguarding Children and Young People Policy for adoption by Council.

BACKGROUND

On 13 June 2023, the *Child and Youth Safe Organisations Act 2023* was passed by State Parliament.

This legislation includes requirements for councils, as regulated entities, to fulfil their responsibilities in respect of the safety and wellbeing of children and young people.

Councils are further obligated, under recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse, to designate child safety officers to carry out a number of functions.

Recommendation 6.12 from the Royal Commission states:

"With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. *developing child safe messages in local government venues, grounds and facilities*
- b. *assisting local institutions to access online child safe resources*
- c. *providing child safety information and support to local institutions on a needs basis*
- d. *supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds"*.

STATUTORY REQUIREMENTS

Council is required to comply with the requirements of the *Child and Youth Safe Organisations Act 2023*. This legislation was enacted in response to a recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Under this legislation, councils are listed as "relevant entities", who are required to comply with child and youth safe standards, and to which the reportable conduct scheme applies, effective on and after 1 January 2024.

"For the purposes of the Act, a 'worker', of an entity, is a person who has attained the age of 18 years who...

(a) is employed by the entity, whether or not the person is employed in connection with any work or activity of the entity that relates to children; or

(b) is engaged by the entity to provide services, including as a volunteer, contractor, subcontractor, consultant, director, member of a management committee, office holder or officer, whether or not the person is engaged in connection with any work or activity of the entity that relates to children; or

(c) is elected to a role in respect of an entity, such as an alderman, councillor or member of Parliament, whether or not the person provides services to children in that elected role; or

(d) is engaged in training or work experience with the entity, whether or not the person is engaged in connection with any work or activity of the entity that relates to children; or

(e) is carrying out work under the supervision of the entity in accordance with the order of a court, whether or not the person is working in connection with any work or activity of the entity that relates to children;..."

therefore, the legislative obligations of the Act apply to a range of people connected with Council, including, but not limited to, Councillors, employees, volunteers, contractors, subcontractors, consultants, trainees and work placement students.

DISCUSSION

The Safeguarding Children and Young People Policy details Council's commitment to the creating and operating of a child safe organisation. Council is legally required to commit to this undertaking in accordance with the *Child and Youth Safe Organisations Act 2003*.

The Policy states Council's obligations and responsibilities, including:

- An overarching statement of commitment to the safety and wellbeing of children and young people;
- The legislative standards that Council is required to adhere to and the moral standards that it elects to adhere to; and
- An outline of Council's functions, roles and responsibilities, including the provision of a Child and Youth Safe Organisation Cross Functional Working Group to monitor Council's activities in respect of its obligations under the Act, the implementation of this Policy, and the development of an Action Plan to ensure Council complies with its legislative obligations and moral responsibilities as a child and youth safe organisation.

It should be noted this draft policy has been developed for Councils consideration and it is recommended it be adopted with immediate effect. As the work of the Independent Regulator commences and understanding of the Framework evolves it may be necessary to review and update the policy content.

To manage any immediate risks when the new legislation comes into effect on 1 January 2024 several other steps have been taken in addition to the policy development, including:

1. A cross functional working group has been established to oversee the implementation of the framework across council activities.
2. In accordance with the reportable conduct scheme, initial arrangements have been established for an independent body to investigate any complaints that may be received.

Council has been working with LGAT who on behalf of Councils has been working with the Government to understand how to best implement the Royal Commission recommendation 6.12 in the context of the legislation and available resourcing.

LGAT continues to advocate for support to allow a coordinated and consistent approach by all councils. It is understood at the time of writing this report that an appointment of a Child Safe Regulator is imminent. The Regulator will oversee the implementation of the Child Safe Framework.

LGAT is seeking direct resourcing to support councils to develop policies and procedures and provide professional development and training for Recommendation 6.12 (from the Royal Commission) and the Standards. The work would be detailed in an implementation plan and include:

- a needs assessment of all councils
- development of materials through a combination of writing teams, regional workshops, and individual council support
- facilitating professional development in face-to-face workshops and online support
- tailored support to individual councils and a network that leverages the work undertaken by better-resourced councils
- development of an allegation investigations process (initial stages only) and also establishment of a panel of providers to undertake detailed investigations, where required.

COMMUNITY ENGAGEMENT

There has been no community engagement undertaken in respect of this report or the tabled Policy.

Council will continue to engage with LGAT, State Government, stakeholders and the community to ensure that its obligations are met in respect of the Policy, legislation and framework, and continue to proactively ensure the safety and protection of children and young people.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

This Policy has been developed in response to legislative requirements for certain organisations, which includes local government authorities, under the *Child and Youth Safe Organisations Act 2023*. There are legal implications for non-compliance with this legislation.

CONCLUSION

Council is required, under legislation, and is committed to the safeguarding of children and young people and acts to ensure their safety and wellbeing when utilising Council services or facilities, and more broadly in the community.

This Policy details Council's position and obligations towards the safety and wellbeing of children and young people and is a fundamental component of a more holistic framework that supports Council's legislative and moral obligations in respect of ensuring their safety and welfare.

ATTACHMENTS

1. Safeguarding Children and Young People Policy (3) [**5.2.1** - 10 pages]

5.3 DULVERTON REGIONAL WASTE MANAGEMENT AUTHORITY RULES

Author: **Chris Delphin, Governance Officer**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council formally approve the amended Dulverton Regional Waste Management Authority Rules.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

5.1 Regional co-operation is achieved through purposeful participation

SUMMARY

This report is provided to assist Council in considering a request from Dulverton Regional Waste Management Authority (DRWMA) to formally approve the amended Rules of the Authority.

BACKGROUND

At its September 2023 meeting, Council endorsed the proposed amendments to the DRWMA Rules. As a result of agreement by all member councils, the process required to change the Rules was undertaken. This included advertising that amendments were proposed and seeking public submissions. As noted in the attached letter from DRWMA, there were no submissions received from the public following the newspaper advertisement and 21 day display of the amended Rules at each participating Council office.

STATUTORY REQUIREMENTS

DRWMA is a Joint Authority established under the *Local Government Act 1993* and is governed by its Rules. Its owners are Central Coast, Devonport, Kentish and Latrobe Councils. Amending Joint Authority Rules must comply with the *Local Government Act 1993*.

DISCUSSION

As all required processes have now been attended to, in accordance with the *Local Government Act 1993*, the Rules amendment process can now be finalised. A copy of the certified Rules is attached and the marked up amended Rules were presented previously to Council.

COMMUNITY ENGAGEMENT

Notification regarding proposed changes to the Rules was publicly advertised and no submissions received by any participating councils or DRWMA.

FINANCIAL IMPLICATIONS

Changing the Rules of a Joint Authority is a time-consuming process which involves considerable legal advice. The cost of this review will be met by DRWMA.

RISK IMPLICATIONS

Now that all participating councils have approved the proposed amendments, it is believed there are no risks associated with this report.

CONCLUSION

Reviewing the Rules represents good governance and ensures that DRWMA is operating effectively in accordance with its Rules. As no submissions were received and all participating Councils are in agreeance with the amendments, it is recommended that Council now formally approve the amended Rules.

ATTACHMENTS

1. Letter to DCC to formally approve rules [**5.3.1** - 1 page]
2. CURRENT Certified Rules 2023 - For Councils to Endorse [**5.3.2** - 49 pages]

5.4 PAPER ON SKIN PARTNERSHIP AGREEMENT

Author: **Geoff Dobson, Convention & Arts Centre Manager**

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council approve the 30-month Partnership Agreement proposed between Council and Genre Productions Tasmania LTD and commit to funding and in-kind support for fiscal years 2024/25 and 2026/27 as outlined in the Agreement.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

4.2 A vibrant City is created through the provision of cultural activities, events and facilities

SUMMARY

This report provides Council with information regarding a partnership agreement, made between Council and Genre Productions Tasmania LTD. The agreement establishes a set of principles and obligations in relation to funding and in-kind support to ensure Genre Productions LTD present the biennial, international paper art event and exhibition known as Paper on Skin, in Devonport in 2024 and 2026.

BACKGROUND

The event, Paper on Skin, originated as a national wearable paper art competition in 2012. Over the course of a decade, the event has experienced substantial growth, expanding to encompass a range of activities. These activities now include an international wearable paper art competition, a gala 'cat-walk' presentation event, gallery exhibitions, workshops, and community events.

Presented biennially, Paper on Skin, was traditionally held in Burnie until 2020. In 2022, the event underwent a significant transition to Devonport and relocated to the paranapple convention centre. The 2022 edition of the event received a record number of entries. The competition showcased 43 finalists from 13 countries, featuring artists from Oceania, Asia, Europe, and North America.

The primary objective of Paper on Skin is to elevate paper as a distinct art form. The event actively fosters innovation, design, and creativity, drawing the participation of established and recognised artists from around the globe. Acknowledged by major arts organisations and festivals worldwide, including the International Association of Hand Papermakers and Paper Artists (IAPMA), the event was recently highlighted as a successful case study in an Australian Research Council (ARC) project titled *The Role of Creative Arts in Regional Australia*.

In 2022, the event received substantial support from Council through a major grant under the Financial Assistance program. However, the terms of this program prohibit recurring events from applying for ongoing support. Consequently, a comprehensive partnership agreement has been prepared to secure the future of the event for the next two iterations in Devonport, scheduled for 2024 and 2026.

STATUTORY REQUIREMENTS

There are no statutory requirements associated with this report.

DISCUSSION

The partnership agreement between the Council and Genre Productions LTD delineates a comprehensive framework of principles and obligations governing the presentation of Paper on Skin in Devonport. This agreement spans a 30-month duration, commencing from July 2024 and extending through December 2026. Notably, this timeframe aligns with the scheduling of two iterations of the event, set to take place in September 2024 and 2026.

The 2024 event is set to encompass various components, including an international wearable paper art competition, a gala 'cat-walk' event, major community art installation in Market Square Pavilion, multiple exhibitions, workshops, community events, and the production of an art film. This diverse range of activities ensures a broad and engaging experience for participants and attendees.

Genre Productions promotes Paper on Skin globally, consequently marketing the city of Devonport to a worldwide audience. Devonport will be prominently recognised as a Major Partner and the host city of the event. This heightened exposure is anticipated to generate substantial tourism and cultural economic activity for the city, both through intra and inter-state visitation, with the added potential to attract international audiences.

Moreover, the event serves as a catalyst for professional development within the region, offering valuable opportunities for arts practitioners residing and working in the area. This, in turn, contributes to the enhancement of the creative industries' capacity on the North-West Coast of Tasmania.

The partnership agreement is structured to include biennial cash payments and supplemental in-kind support, encompassing venue hire, equipment, and staffing. This approach highlights the Council's commitment to ensuring the success and sustainability of Paper on Skin in Devonport.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken as part of this report.

FINANCIAL IMPLICATIONS

The Partnership Agreement commits to a biennial payment of \$15,000, to be included in the 2024/25 and 2026/27 operational budgets. In-kind support includes waiving venue hire fees for the Town Hall Theatre and Market Square Pavilion, equipment hire valued at \$5,000, and 20 hours of Technical Operations staff support.

RISK IMPLICATIONS

The partnership agreement does present a financial risk if the event does not proceed.

However, the agreement includes mitigation conditions pertaining to the unlikely situation where the agreement is breached or terminated.

CONCLUSION

The Partnership Agreement between Council and Genre Productions Tasmania LTD, provides a commitment to host the biennial international paper art event, Paper on Skin, in Devonport in September 2024 and 2026. This collaboration fosters substantial tourism and cultural economic activity for the city while elevating Devonport's profile as a global cultural destination.

ATTACHMENTS

1. Partnership Agreement Paper on Skin 2024-2026 [**5.4.1** - 3 pages]

5.5 MIGRANT RESOURCE CENTRE - PARTNERSHIP AGREEMENT

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

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council enter into a two-year partnership agreement with the Migrant Resource Centre (Northern Tasmania) Inc. commencing 1 January 2024, including an annual financial contribution from the Devonport City Council of \$20,000 (ex GST) as outlined in the Agreement.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

4.7 An engaged community promotes and values diversity and equity
5.2 Promote active and purposeful community engagement and participation

SUMMARY

To consider entering into a two-year partnership agreement with the Migrant Resource Centre (Northern Tasmania) Inc (MRC Inc) to provide services and deliver initiatives that will support migrants living in Devonport.

BACKGROUND

MRC Inc has been actively engaged in Devonport for the past two years. During this time, they have fostered relationships, assessed the needs of various migrant categories, including skilled migrants, family reunion and seasonal workers.

MRC Inc and Council officers have now been in discussion regarding formalising MRC Inc.'s presence in Devonport.

STATUTORY REQUIREMENTS

Details relating to the financial impacts of the Agreement will be included in Council's Annual Report each year in accordance with section 77 of the *Local Government Act 1993*.

DISCUSSION

MRC Inc proposes to support new migrants with the following initiatives:

- Establishment of a single point of entry for all migrants, a one-stop-shop for information and referrals;
- Implementation of community engagement and capacity building programs, involving local community and migrants in social development, problem solving and decision-making;
- Delivery of cultural awareness sessions for the Council and service providers to enhance their ability to work effectively with different cultures; and
- Introducing a volunteer program to coordinate welcome and orientation efforts within the local community and providing opportunities for migrants to engage in volunteer work.

Full details of the partnership agreement including responsibilities of the parties, performance measures and key milestones can be found in the attached partnership agreement included as an attachment to this report.

COMMUNITY ENGAGEMENT

There has been no specific community engagement undertaken in relation to this report. However, it is noted that MRC Inc and its services are widely known to the increasing number of migrants within the Devonport LGA.

FINANCIAL IMPLICATIONS

The Agreement commits to a sum of \$20,000 per annum for MRC Inc to deliver its services. This amount was approved in the 2023/24 operational budget.

RISK IMPLICATIONS

There are no risks identified as a result of this report as it is a continuation of the collaboration and informal partnership that has existed for many years between the two organisations.

CONCLUSION

The informal partnership and collaboration between Council and MRC Inc has proven beneficial to the Devonport community. The Partnership Agreement strengthens the relationship and clearly sets out each parties' obligations and commitments. Future opportunities have already been identified which will see increased programs being offered to more migrants living in Devonport.

ATTACHMENTS

1. Migrant Resource Centre Partnership Agreement 2023-24 [**5.5.1** - 4 pages]

5.6 TENDER REPORT - DEVONPORT STADIUM SUB-CONSULTANTS

Author: **John Cornell, Project Manager**

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council in relation to Tender CB0129 Devonport Stadium Consultants:

1. Award the contract for Structural & Civil Engineering sub-consultant services to *Creo Consultants Pty Ltd* for the tendered sum of \$396,000.00 (ex GST); and
2. Award the contract for Electrical, Fire, Mechanical & Hydraulic Engineering services to *COVA Thinking Pty Ltd* for the tendered sum of \$212,800 (ex GST).

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- 4.1 Sport and recreation facilities and programs meet community needs
- 5.3 Council looks to employ best practice governance, risk and financial management

SUMMARY

This report seeks Council approval to appoint specialist sub-consultants to support the delivery of the Devonport Stadium project.

BACKGROUND

The development of expanded "High-ball" indoor stadium capacity for the Devonport community was identified as the highest priority project in Council's *Sports Infrastructure Masterplan 2035* (SIMP). Following initial planning and analysis undertaken of project requirements and opportunities, Council resolved to commence the process to select and engage a Principal Consult to progress the development of this important project (Resolution 22/185).

At its meeting on the 27 March 2023, Council unanimously appointed Peddle Thorp Melbourne Pty Ltd as the principal consultant (Architects) for the Devonport Stadium Project (Resolution 23/72).

As identified at the time of this appointment, additional specialist sub-consultants will be required to support the delivery of this project.

This report was originally presented to the Council meeting held on 27 November 2023. At this meeting, Council endorsed a procedural motion to defer consideration of the item (Resolution 23/230). The item was further discussed at Council's Workshop session on 11 November 2023 and is now represented to Council in this agenda for consideration.

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.

DISCUSSION

Design development of the proposed stadium project is well progressed, and Council Officers have now progressed the scoping and tendering of additional, specialist sub-consultant services required to progress the project.

The required specialist sub-consultant services required include the following:

- Structural Engineering;
- Civil Engineering; and
- Building Services Engineering.

In addition to the range of services required, the tender has been separated into two deliverable components aligned with the adopted project scope breakdown, being:

1. Community-use, “high ball” court infrastructure, with supporting amenities, club administrative and operational facilities.
2. Regional scale “show court” infrastructure, with supporting spectator seating, associated amenities, function, and club social facilities.

All tenderers were required to provide a breakdown of their fee proposals, to align with the identified project components noted above.

Table 1 below sets out the tenders received for Structural and Civil Engineering services:

TABLE 1

No.	Tender	Fee Proposal Part 1 Scope (ex GST)	Fee Proposal Part 1 & 2 Scope (ex GST)
	Creo Consulting	\$214,500.00	\$396,000.00
	ADG	\$208,540.00	\$439,065.00
	Meinhardt-Bonacci Group	\$321,000.00	\$482,000.00
	Collective Consulting	\$255,000.00	\$500,000.00
	Gandy & Roberts	\$346,000.00	\$515,000.00
	CES / Northrop	\$298,300.00	\$529,200.00
	JMG	\$235,000.00	\$603,000.00
	HED Consulting	\$511,500.00	\$627,000.00
	Tas Consulting	\$420,000.00	\$690,000.00

Table 2 below sets out the tenders received for Building Services Engineering:

TABLE 2

No.	Tender	Fee Proposal Part 1 Scope (ex GST)	Fee Proposal Part 1 & 2 Scope (ex GST)
1	COVA	\$179,400.00	\$212,800.00
2	BRT Consulting	\$245,000.00	\$375,000.00
3	6TY	\$200,000.00	\$385,000.00
4	CES / Northrop	\$210,000.00	\$406,000.00
5	Introba	\$254,065.00	\$420,750.00
6	Meinhardt-Bonacci Group	\$270,000.00	\$408,000.00
7	Watermans Group	\$330,000.00	\$550,000.00
8	JMG	\$330,000.00	\$605,000.00

Both service packages received a strong number of submissions for both local and interstate service providers, demonstrating strong project awareness. While the submitted fee range is broad, this can be influenced by individual consultancy capacity, project

type familiarity, current workload/commitment, and perceived market competition. Both recommended tenderers have demonstrated strong expertise in the required service delivery, including involvement in multiple projects of equivalent type and scale.

While Creo Consulting are not known to members of the Evaluation Committee, additional background and reference checks have been undertaken to verify their capacity and expertise to support this project. COVA are a Tasmanian-based consulting firm, with a strong portfolio of high-quality, local projects, evidencing their capacity to successfully support this project.

The tender submissions were assessed by the Tender Planning & Evaluation Committee against the adopted selection criteria and weightings for this tender. Each submission met the submission requirements to be assessed as a conforming tender.

The Evaluation Committee unanimously endorsed the recommendations presented to Council for consideration.

COMMUNITY ENGAGEMENT

A public advertisement calling for Tenders was placed in The Advocate newspaper on 1st November 2023 and tenders were also advertised on Council's website and via the Tenderlink online tendering service.

FINANCIAL IMPLICATIONS

As a part of its earlier consideration to commence the Stadium Project, Council resolved to establish a new project in the 2022/23 Capital Works program to recognise the \$25million funding commitment received from the Australian Government towards the delivery of SIMP priority projects (Resolution 22/185).

The costs associated with the services outlined in this report, along with internal project management and delivery costs, will be costed to this established project.

Additional project funding is being sought to support the expanded project scope and will be attributed to this established project budget if secured.

Should the additional funding not be secured, the expanded sub-consultant services (part 2 services) will not be progressed, and this component of the project will not progress to construction at this time.

RISK IMPLICATIONS

- Corporate and Business
The tender administration processes related to this contract comply with Council's Code for Tenders and Contracts which was developed in compliance with section 333A of the *Local Government Act 1993*.

CONCLUSION

It is recommended that *Creo Consultants Pty Ltd* offer "best overall value" and should therefore be awarded Contract CB0129 Structural & Civil Engineering Consultant.

It is also recommended that *COVA Thinking Pty Ltd* offer "best overall value" and should therefore be awarded Contract CB0129 Building Services Engineering Consultant.

ATTACHMENTS - Nil

5.7 FINANCIAL MANAGEMENT STRATEGY 2024-2033

Author: **Joshua Jackson, Finance Manager**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council adopt the Financial Management Strategy 2024-2033.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.5.2 Ensure comprehensive financial planning and reporting to guarantee sustainability and meet or exceed financial targets

SUMMARY

The purpose of this report is to present the Financial Management Strategy (FMS) 2024 - 2033 for adoption.

BACKGROUND

The FMS is a Council strategy prepared in accordance with the Ministerial Order issued in 2014 by the Minister for Local Government. The strategy has been prepared to provide Council with a strategic framework to guide the development of annual budgets and the preparation of longer-term financial planning. The key objective of the FMS is to demonstrate and maintain financial sustainability in the medium to long term whilst achieving the strategic objectives of Council.

The FMS contains a projected Long Term Financial Plan (LTFP) which sets out financial projections over a 10 year horizon, including operating performance, capital investment, debt management and cash management. The *Local Government (Content of Plans and Strategies) Order 2014* requires councils to update the FMS every 4 years, however Council has reviewed the FMS annually. This has traditionally been as part of the budget process, however for a more accurate analysis, this year the review has been undertaken after the completion of Council's financial statements.

STATUTORY REQUIREMENTS

The *Local Government (Content of Plans and Strategies) Order 2014* requires Council to prepare and maintain a Financial Management Strategy.

DISCUSSION

The FMS is a key document in Council's medium term financial planning and uses data from Council's existing Strategic Asset Management Plan, 10 year forward capital works program and budget to project operating results and capital investment for the next 10 years. In order to demonstrate medium term financial sustainability, Council's ongoing asset management commitments and requirements must be reflected in future financial planning. The FMS is based on the following key financial principles:

- Achievement of a balanced underlying result;
- Prudent management of assets and liabilities including debt and cash reserves; and

- Timely and accurate disclosure of financial information.

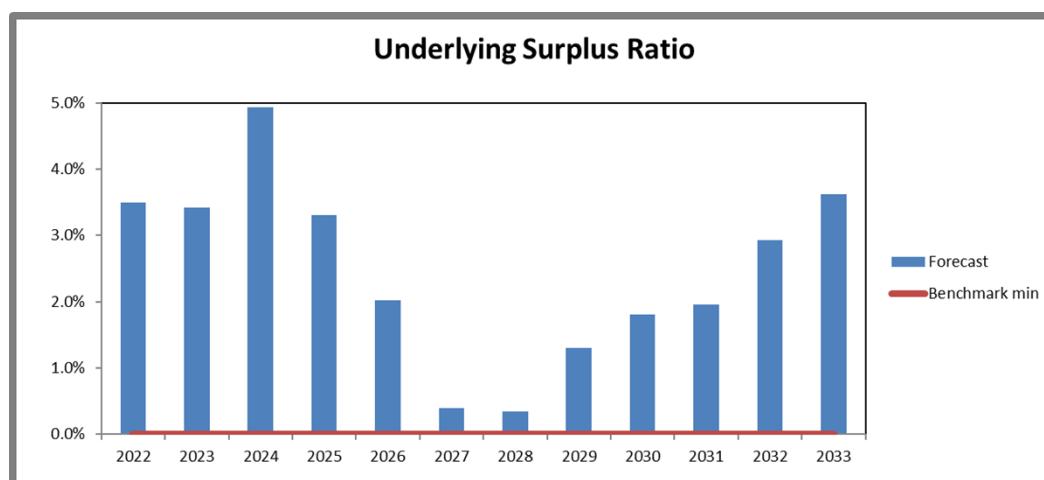
The Strategy includes a number of targets to measure Council performance. If Council applies the principles and meets its targets, the organisation should continue to remain financially sustainable into the future. The projections contained in the LTFP produce the following results over the 10 year period.

Underlying Surplus Ratio

The underlying surplus ratio serves as an overall measure of financial operating effectiveness. To ensure long term financial sustainability, Council should aim to break even at a minimum, avoiding underlying deficits. Achieving a break-even position indicates Council can generate sufficient revenue to fulfil the operating requirements including coverage of the depreciation expense. Council has set a target for the underlying surplus ratio of between 0% and 15% in line with the recommended level set by the Auditor-General. The following graph reflects the underlying surpluses achieved in the 2021/22 and 2022/23 financial years and the anticipated underlying surplus for 2023/24.

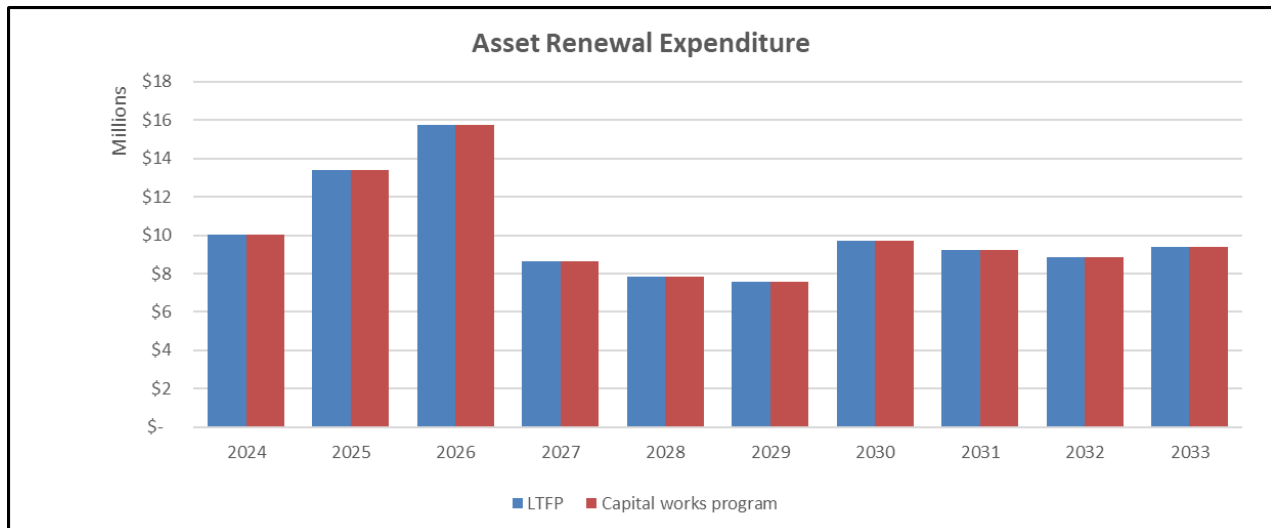
Previous surpluses have reflected strong returns on Council's investment in Dulverton Waste Management Authority. Investment returns in DWM are forecast to decrease.

Interest costs are forecast to increase, particularly when loans of \$27.7M are refinanced in Q4 of 2025/26, resulting in lower surpluses for a period. Additional finance costs in 2026/27 are expected to be \$696,000. The last year the special dividend of \$218,400 is expected to be paid by Taswater is 2025/26.



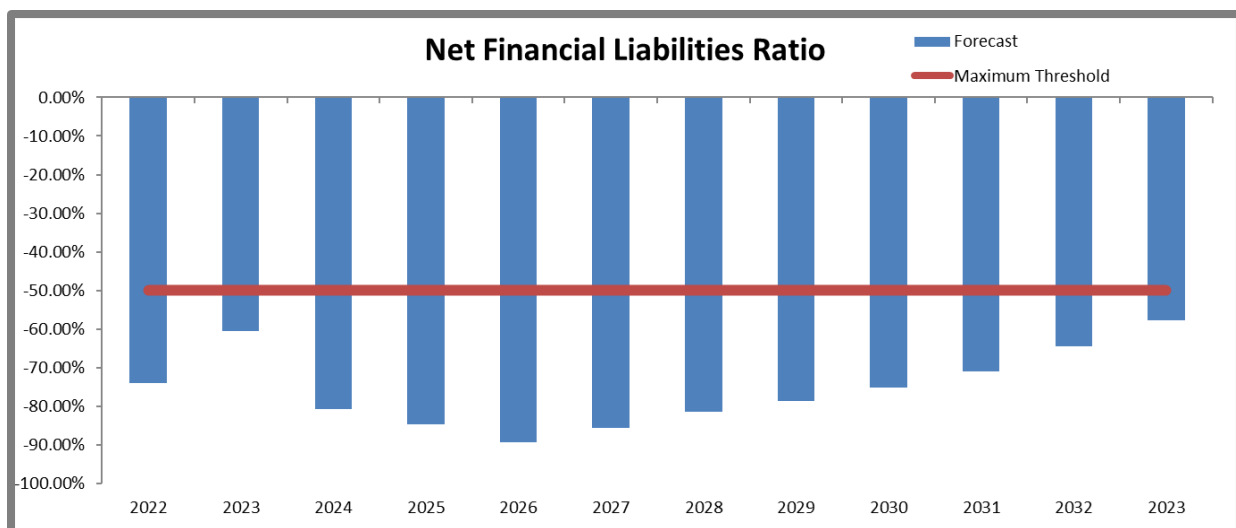
Asset Funding Renewal Ratio

The asset renewal funding ratio compares the required expenditure on renewing Council assets as per the 10 year forward capital works program and the Strategic Asset Management Plan with the capital expenditure on renewing assets in the Long Term Financial Plan. This ratio measures whether Council is planning to maintain its assets at the required level. The graph below demonstrates that the LTFP mirrors the asset data over the next 10 years meaning Council has allocated sufficient funds to maintain its existing assets.



Net Financial Liabilities Ratio

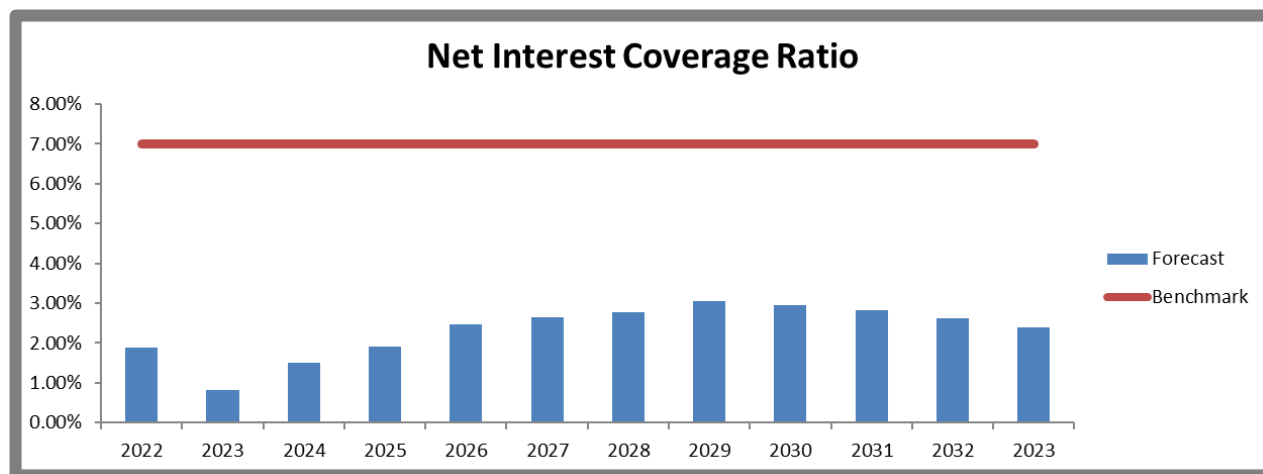
This ratio measures the net financial obligations of Council compared to the operating income in any one year. Where the ratio is positive, it indicates that liquid assets (cash and receivables) exceed total liabilities. Conversely, a negative ratio indicates total liabilities exceed liquid assets. Council borrowings to fund Stage 1 construction of LIVING CITY has seen this ratio exceed the -50% benchmark. This has been expected and forecast for several years through earlier versions of this Report. The LTFP demonstrates the ratio improves after 2025/26 with regular principal repayments on loans.



Net Interest Coverage Ratio

This ratio measures the ability of Council to meet its net interest obligations from its operating revenue. Treasury use this measurement when assessing loan requests and set the benchmark at net interest cost of 7% of recurrent revenue or less. The ratio demonstrates that the total cost of servicing debt is well below the Treasury benchmark.

At the current borrowing levels, Council can comfortably meet its net interest obligations from ongoing operations. This ratio takes into account the assumption that additional interest expense will be incurred when loans are refinanced in 2025/26.



COMMUNITY ENGAGEMENT

The FMS will be available to the public via Council's website.

FINANCIAL IMPLICATIONS

Whilst there are no financial implications directly related to this report, the FMS sets out the forward projections to the 2033 financial year. It incorporates all projected operational and capital expenditure for that period.

RISK IMPLICATIONS

The FMS sets out clear financial principles and strategies that will assist to ensure Council remains financially sustainable into the future. The document is an important component of Council's financial and risk management frameworks and will continue to guide the setting of future budgets.

CONCLUSION

The key objective of the FMS is to demonstrate Council's financial sustainability over the next 10 years. Adherence to the benchmarks and parameters within the LTFP over that time should ensure Council can continue to deliver services to the community, renew existing assets and invest in new assets in an affordable and equitable manner.

The FMS has been produced in accordance with legislative requirements and includes relevant and current asset management data and will guide future budget deliberations.

ATTACHMENTS

1. Financial Management Strategy 2024-2033 [5.7.1 - 38 pages]

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

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

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

Date	Item No	Description	Purpose
4 December 2023	2	Indie School	Update on the Indie School in Fenton Way
	3	River Road rates remission request	Discussion regarding request for rates remission
	4	Stony Rise Supermarket update	Update provided on rezoning application currently before Tasmanian Planning Commission
	5	Paper on Skin	Discussion regarding partnership agreement
	6	Future of Local Government Review	Discussion seeking Councillor input into Council's response to the Future of Local Government Final Report
11 December 2023	2	Stadium Design	Overview of proposed stadium design in response to feedback and requirements of key user groups
	3	Events Strategy	Update on the development of Council's new Events Strategy
	4	Sports infrastructure update	Update on sports infrastructure priority projects

Apologies from Workshops:

- Nil (Monday 4 December 2023)

Declarations of Interest received from Workshop (Monday 4 December 2023):

Councillor	Item No	Reason	Remained in Workshop? Yes/No	If remaining, reason/s for decision
Cr Murphy	3	Known to the proponent and have provided services in professional career as a Real Estate Agent. Additionally have a family member who is to be employed by one of the proponents	Yes	As this only a workshop I have declared an interest. There is no pecuniary interest and under the current Act there can be no formal decision made from a workshop. I believe I am able to be objective on this issue and act in the best interest of the whole community.

Apologies from Workshops:

- Nil (Monday 11 December 2023)

Declarations of Interest received from Workshop (Monday 11 December 2023):

Councillor	Item No	Reason	Remained in Workshop? Yes/No	If remaining, reason/s for decision
Cr Martin	3	President Tasmanian Master Games; President Toast for Kids; President Tasmanian Branch Children Book Council of Australia	Yes	Events Strategy will be an overall strategy for the city. Through my community roles, am confident my knowledge and involvement in events will add to the discussion and not be influenced.
Cr Moore	3	Daughter works in Events Team	Yes	Strategy does not linked to her employment and no decision making involved.

6.2 MAYOR'S MONTHLY REPORT

RECOMMENDATION

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

5.3 Council looks to employ best practice governance, risk and financial management

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 22 November and 12 December 2023:

- Met with General Manager and staff as required
- Radio Interviews including SeaFM, ABC Radio and 7AD
- Attended DCCI meetings
- Online meeting with Senator Urquhart, Sue Costello and Anita Dow re East Devonport Medical Centre meeting
- Urgent Care Clinic Media Event
- Channel 7 Media - EDMC
- Children's University of Tasmania Graduations, Devonport
- Met with Wayne Wiseman – Community Member
- Attended Dulverton Waste Management AGM
- Met with Claire Smith, DCCI President
- Met with Latrobe and Kentish Mayors and General Manager
- Met with Senator Anne Urquhart, Hon. Ged Kearney MP
- Met with Bruce Levett, CEO Health Consumers Tasmania
- Met with My Clinic Plus
- Attended and MC'd at Walk the Talk – 15 days of Activism Event
- Attended and spoke at Reception to recognise Honours Recipients North-West Region
- Attended Audit Panel Meeting
- Participated in East Devonport Medical Centre Discussion with the Hon Mark Butler and government health officials (online)
- Met with Rebecca White MP and Anita Dow MP regarding East Devonport Medical Centre
- Attended International Day of Disability at the Don Centre, Devonport
- Attended North West Support School (Devonport) Community Reference Group meeting
- With the Deputy Mayor and General Manager, attended Meeting with Hon Luke Edmunds MLC regarding Housing Density
- Attended Living Well Shared Measurement Workshop

- Attended Zonta "Dress for Success"
- Attended Roundtable discussion with Minister Guy Barnett MP and business and consumer advocates regrading East Devonport Medical Clinic
- Met with Central Coast Mayor Cheryl Fuller
- Attended East Devonport Medical Clinic Rally
- Attended Community Breakfast for International Volunteers Day at Market Square Pavilion
- Dress for Success tour of Loaves and Fishes
- Met with David Gough and Jennifer Houston regarding Tiagarra Aboriginal Cultural Centre and Museum
- Attended Access and Inclusion Working Group online Meeting
- With the General Manager, attended Cradle Coast Authority in Burnie, including online Meeting with Hon Nick Duigan, Minister for Energy and Renewables
- Attended 7AD and SeaFM Christmas Function
- Attended Indie School Assembly at their Devonport Campus
- Attended East Devonport Community Christmas Lunch
- Attended Living Well Reference Group meeting
- Attended Mayor's drinks with invited guests
- Attended Frankie J's to co-host trivia evening
- Attended International Volunteers Day BBQ 2023 at Mersey Community Care
- Met with Nic Butler, Drift Café
- Attended and delivered welcome at Devonport Christmas Carols
- Attended Mayors meeting on Burnie
- Attended Cradle Coast Authority Representatives AGM and Meeting
- Attended East Devonport Working Group Meeting
- Attended Devonport High School Presentation Evening and presented Awards

ATTACHMENTS

Nil

6.3 GENERAL MANAGER'S REPORT

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

That the report of the General Manager be received, and Council approve the attached response to the managing conflicts of interest of councillors discussion paper.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

5.3 Council looks to employ best practice governance, risk and financial management

SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 22 November and 12 December 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

COUNCIL MANAGEMENT

1. Attended and participated in regular scheduled internal staff and management meetings.
2. Attended Workshops, Planning Authority Committee Meetings and Council Meetings as required.
3. Attended the Council Audit Panel meeting as required under the terms of reference.
4. Along with the Mayor, met with Assistant Federal Health Minister the Hon. Ged Kearney and Senator Anne Urquhart regarding the East Devonport Medical Centre.
5. Attend the Roundtable forum with Health Minister Guy Barnett MP regarding the East Devonport Medical Centre.
6. Met with representatives from Savu Saunas regarding a new pop-up business opportunity within the City.
7. Met with a representative from Minister Nic Street's Office and the Active Tasmania Department to provide an update on the Devonport Sports Infrastructure Priority Projects.
8. Assisted in hosting the Community Volunteer Breakfast at Market Square.

9. Presented at a Regional Development Tasmania (RDA) forum on LIVING City and the transformation of Devonport over the last decade.
10. Met with the CEO of Centacare Evolve Housing regarding future opportunities for housing developments in Devonport.

COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

1. Along with the Mayor, met with executive members of the Devonport Chamber of Commerce and Industry.
2. Attended the Mayor's Christmas drinks, held on the Haines Park walkway.
3. Attended Carols by Candlelight held in Haines Park. This was the first time the amphitheatre space in front of the walkway had been used for a major event and it proved to be an attractive location for the large crowd who attended.

NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

1. Attended the Cradle Coast General Managers meeting.
2. As a Board Director, attended a meeting of Local Government Professionals Tasmania, which included a meeting with Local Government Minister, Nic Street MP.
3. Attended a meeting of the Cradle Coast Waste Management Group.
4. As an Owners Representative, attended a meeting of Cradle Coast Representatives with Energy Minister, Nick Duigan MP.
5. As an Owners Representative, attended the Representatives meeting of the Dulverton Waste Management Authority.
6. As an Owners Representative, attended the Annual General Meeting of the Dulverton Waste Management Authority.
7. As an Owners Representative, attended the Representatives meeting of the Cradle Coast Authority.
8. As an Owners Representative, attended the Annual General Meeting of the Cradle Coast Authority.
9. Attended the Annual General Meeting of TasWater, as Council's proxy Representative.

STATE AND FEDERAL GOVERNMENT PROGRAMS

1. Along with the Mayor and Deputy Mayor, met with Shadow Housing Minister Luke Edmunds regarding medium density housing and other local issues.
2. Attended the Premiers Local Government Council meeting, with the Premier, Local Government Minister, GMC members and officials from the Office of Local Government. The meeting included an update from representatives from the Department of Justice, regarding the implementation of the Children and Young People Framework.

OTHER

1. The State Government have released a discussion paper on a new framework to manage the conflict of interest of councillors. A response from the Devonport City Council has been prepared and is included as an attachment for consideration.

COMMUNITY ENGAGEMENT

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

FINANCIAL IMPLICATIONS

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 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. Current and Previous Minutes Resolutions - November 2023 [**6.3.1** - 1 page]
2. Draft Conflict of Interest Discussion Paper [**6.3.2** - 2 pages]

6.4 MONTHLY OPERATIONAL REPORT - NOVEMBER 2023

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council receive and note the Monthly Operational Report for the period ending 30 November 2023.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

5.3 Council looks to employ best practice governance, risk and financial management

SUMMARY

This report provides a summary of council performance and general matters of interest during the month of November 2023.

BACKGROUND

This report is provided to update Councillors and the community on council's performance over the previous month and includes:

- monthly financial performance reports;
- progress on annual plan actions;
- information on matters relating to operational activities of the Council;
- general council matters that maybe of interest to the community; and
- tabling of minutes received relating to Council Committees, Authorities and related External Organisations.

Further operational information can be obtained by viewing Council dashboards at Council's website: [Your Council Dashboards | Devonport City Council](#)

STATUTORY REQUIREMENTS

In undertaking its operational activities, Council is required to comply with the *Local Government Act 1993* and various other legislation.

DISCUSSION

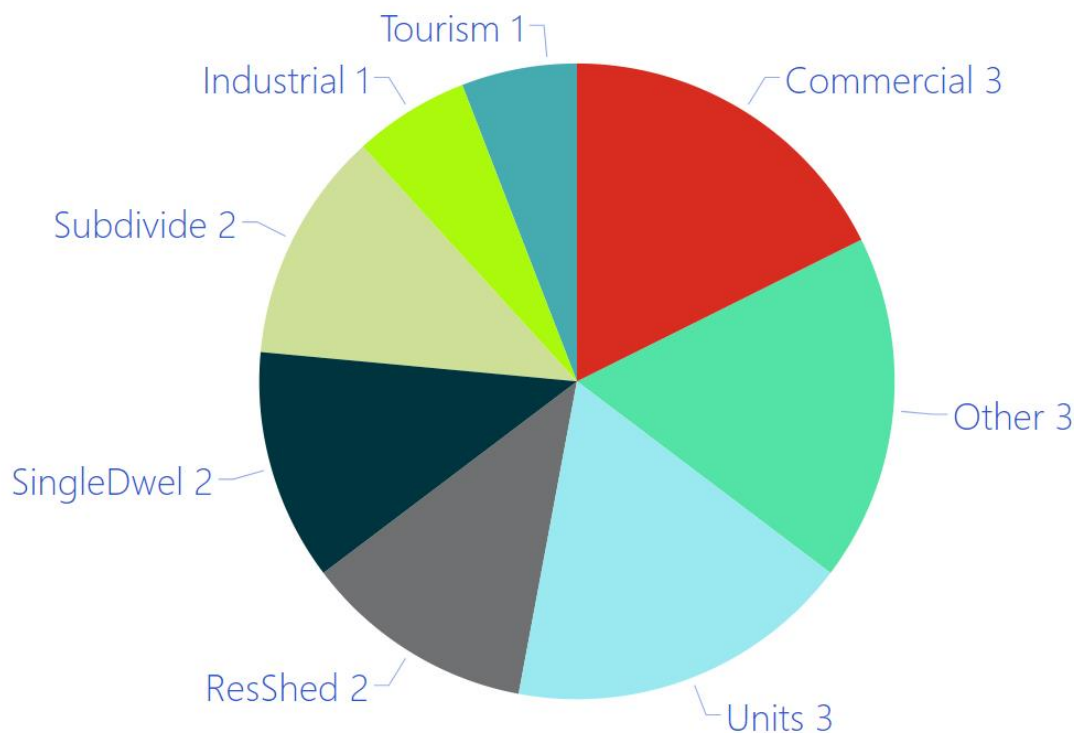
The following information is provided as an update on operational activity undertaken by Council during the month of November 2023:

1. DEVELOPMENT SERVICES:

1.1. Planning:

1.1.1. The following graph details the breakdown of planning applications received during November:

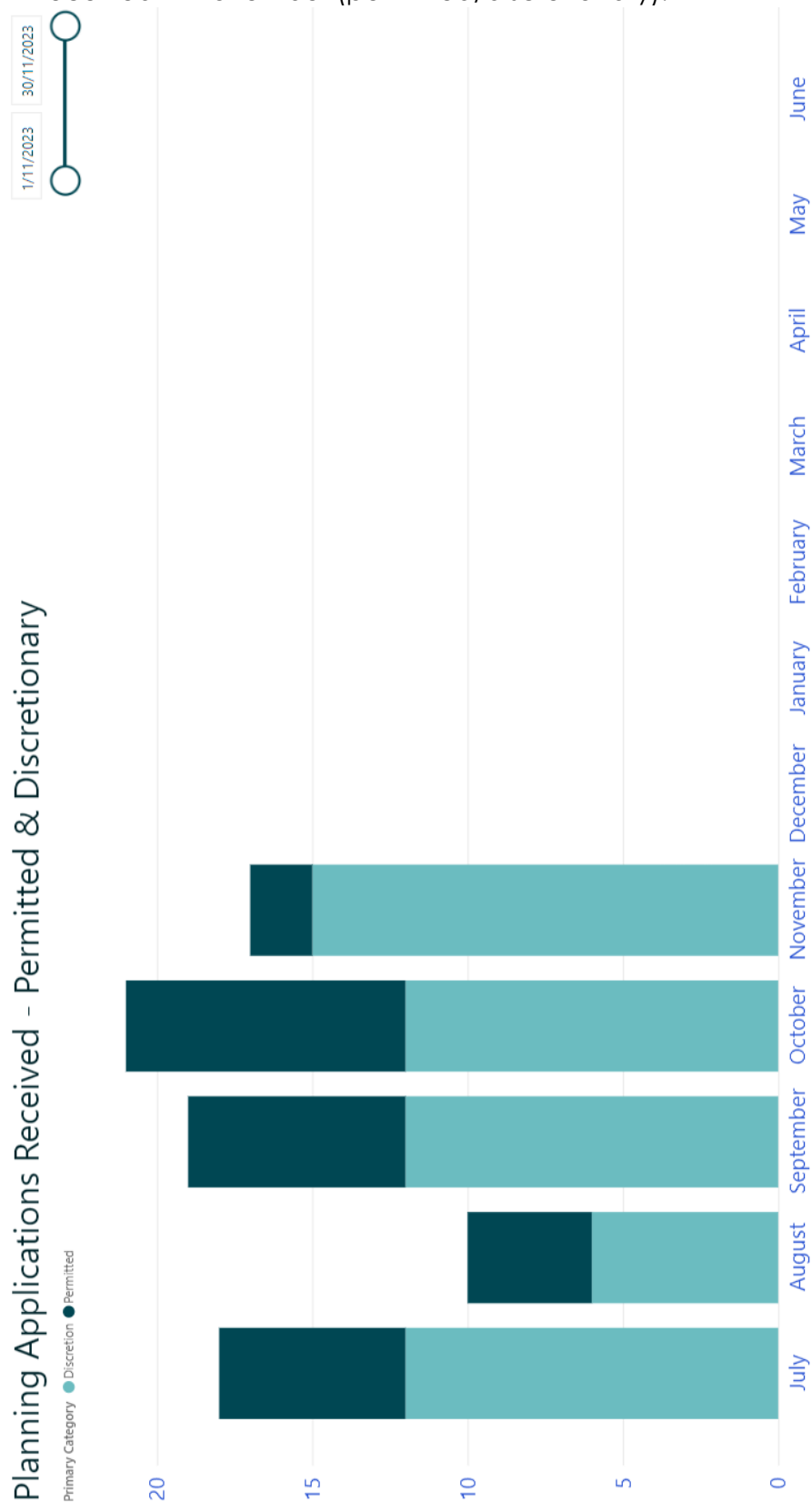
Planning Applications Received Monthly Breakdown



Definitions:

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

1.1.2. The following graph details the number of Planning Applications received in November (permitted/discretionary):



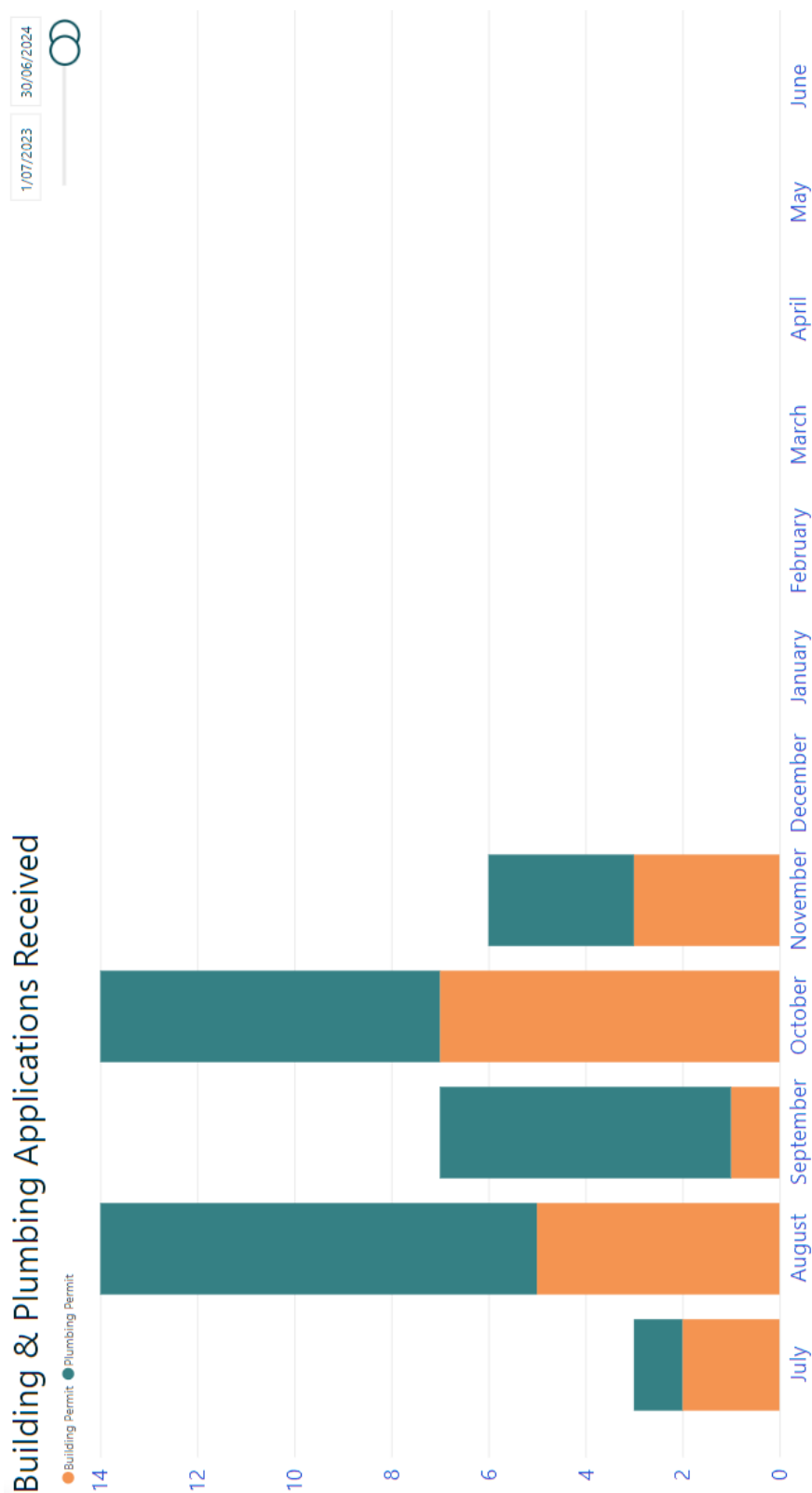
Planning Applications approved under delegation:

Planning Applications approved for period November

# Applications	Primary Category	Application Address	Description
PA2023.0130	Discretion	9 SALEYARD RD QUOIBA TAS 7310	6 Lot Subdivision & Demolition
PA2023.0134	Discretion	1 KATHS WAY ABERDEEN TAS 7310	Residential (single dwelling and outbuilding)
PA2023.0136	Permitted	2-14 SALEYARD RD QUOIBA TAS 7310	Transport Depot and Distribution and Consolidation
PA2023.0137	Discretion	16 NICHOLLS ST DEVONPORT TAS 7310	2 lot subdivision
PA2023.0139	Discretion	71 DEVONPORT RD QUOIBA TAS 7310	Resource Processing (associated buildings and carparking)
PA2023.0140	Discretion	41-43 MIDDLE RD DEVONPORT TAS 7310	Signage (illuminated)
PA2023.0141	Discretion	10 RUNDLE RD STONY RISE TAS 7310	Residential (outbuilding)
PA2023.0143	Discretion	65A LAWRENCE DRIVE DEVONPORT TAS 7310	Residential (outbuilding)
PA2023.0145	Permitted	24 KELCEY TIER RD SPREYTON TAS 7310	General Retail and Hire, Storage and Service Industry (additions and alterations) & Signage
PA2023.0147	Discretion	25 BAY DRIVE QUOIBA TAS 7310	Recycling & Waste Disposal (upgrades to existing waste transfer station facility)
PA2023.0148	Discretion	2 ROSE COURT DEVONPORT TAS 7310	Retaining walls
PA2023.0149	Permitted	81-83 DEVONPORT RD QUOIBA TAS 7310	Recycling & Waste Disposal (crushing of demolition materials and construction of hardstand area)
PA2023.0151	Permitted	6 WRIGHT ST EAST DEVONPORT TAS 7310	Visitor Accommodation (Roof over deck)
PA2023.0152	Discretion	2 MORGAN COURT DEVONPORT TAS 7310	Residential (alteration and addition to dwelling)
PA2023.0153	Permitted	1A FOREST HEIGHTS DRIVE TUGRAH TAS 7310	Residential (dwelling)
PA2023.0154	Permitted	44 LAWRENCE DRIVE DEVONPORT TAS 7310	Transport Depot & Distribution (material storage bays ancillary to DCC Works Depot operation)
PA2023.0158	Permitted	1D FOREST HEIGHTS DRIVE TUGRAH TAS 7310	Residential (single dwelling and outbuilding)
PA2023.0161	Permitted	85 DON RD DEVONPORT TAS 7310	Storage

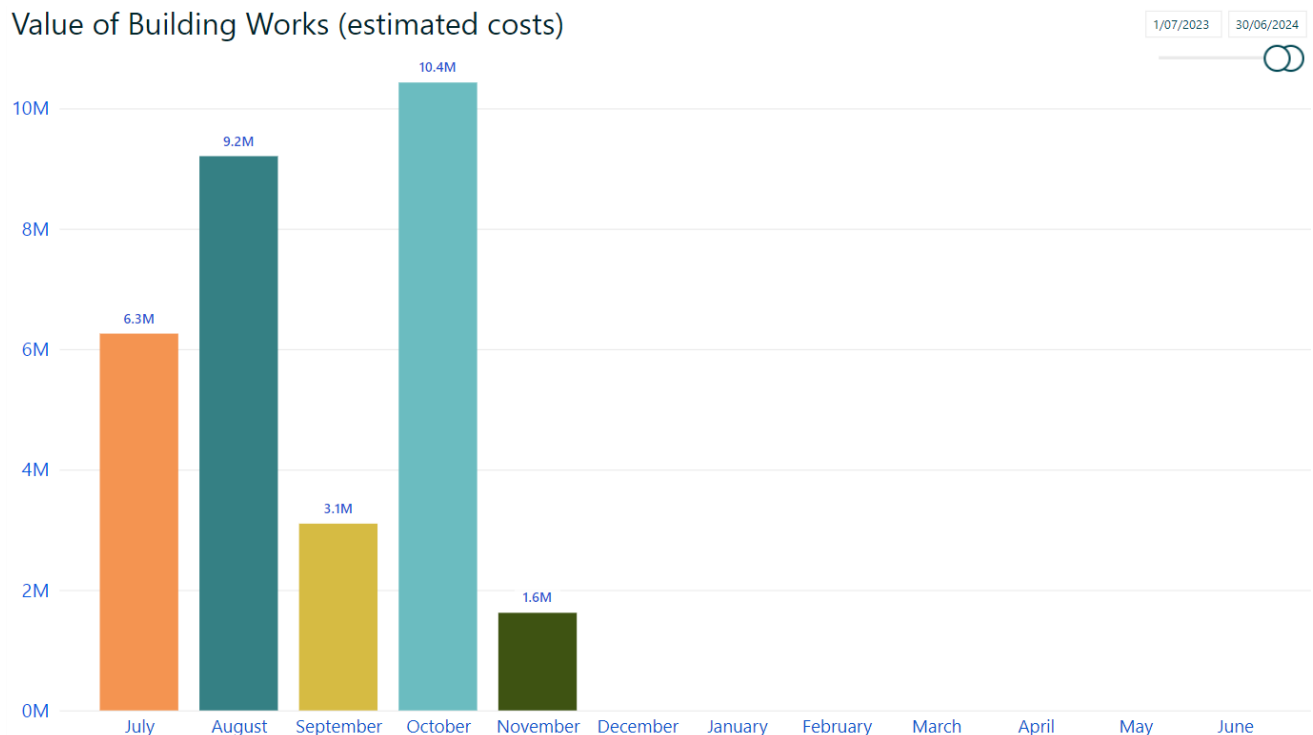
1.2. Building & Plumbing:

1.2.1. The following graph details the Building and Plumbing Applications received this financial year:



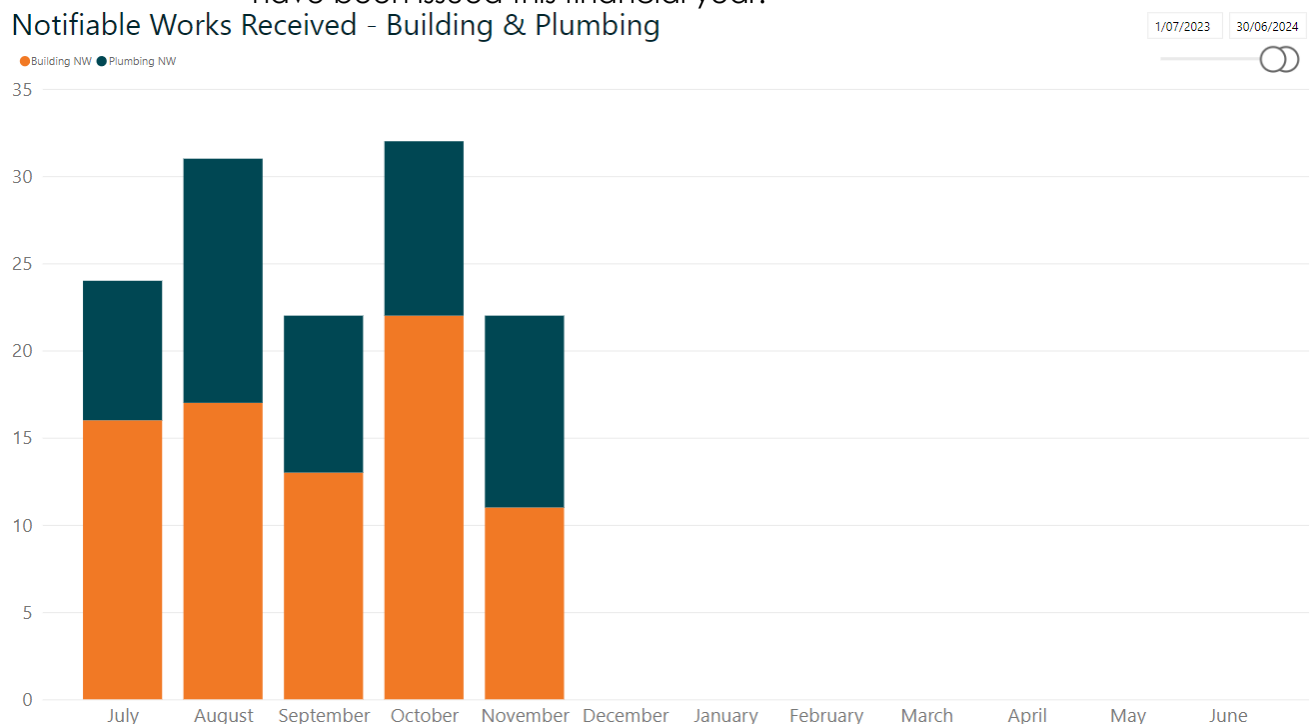
1.2.2. The following graph details the value of building works received this financial year:

Value of Building Works (estimated costs)



1.2.3. The following graph details the notifiable works received for building that have been issued this financial year:

Notifiable Works Received - Building & Plumbing



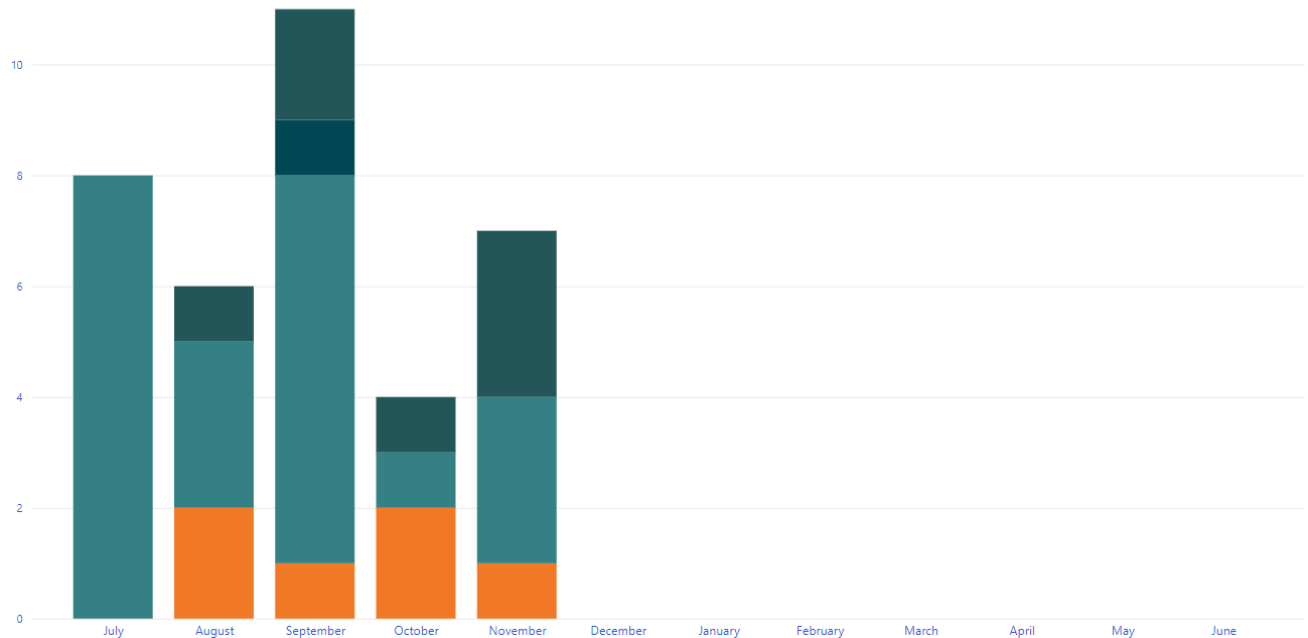
1.3. Environmental Health:

1.3.1. Food Business Registrations:

Environmental Health Permits and Infringement Notices

1/07/2023 30/06/2024

Permit Type ● Food Premise Registration ● Mobile Food Vendor ● Notification of Conduct of a Food Business ● Statewide Registration

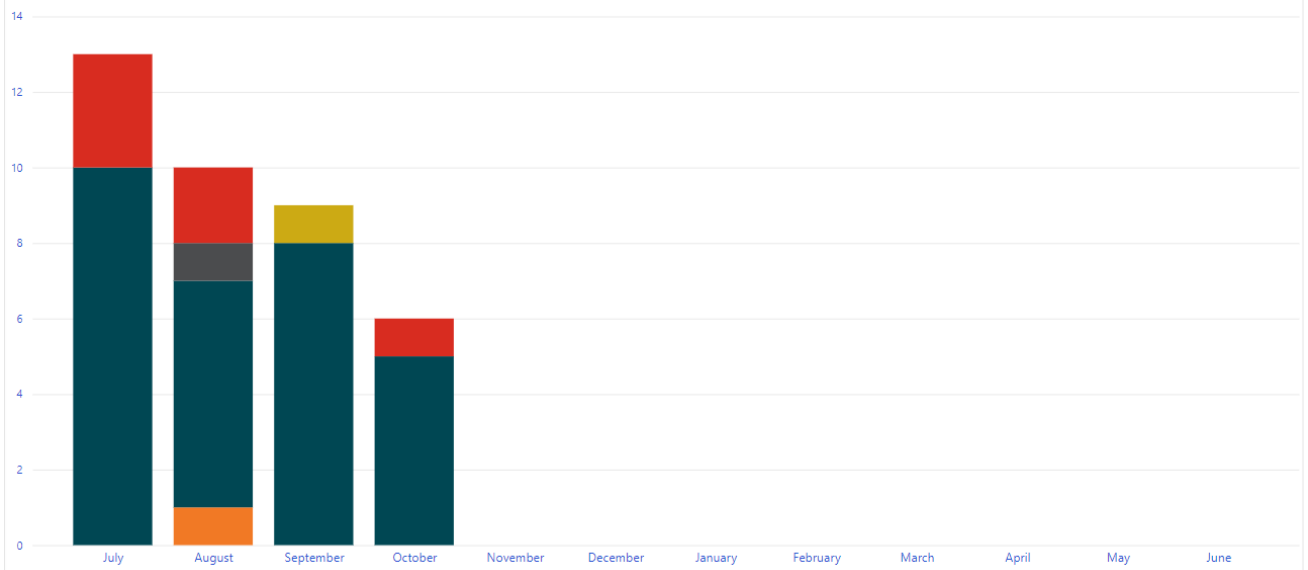


1.4. Animal Control:

1.4.1. The following graph details the number of animal complaints for this financial year:

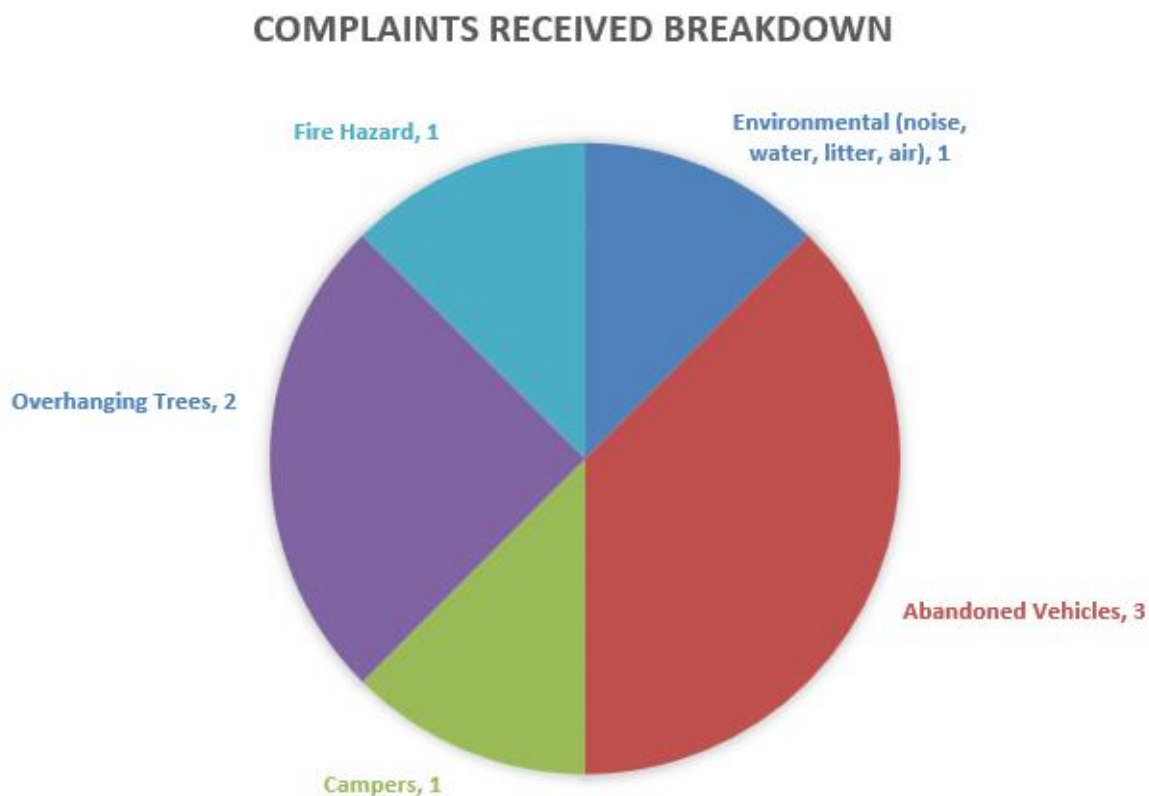
Animal Control Infringement Notices

Offence Description ● No kennel licence ● Section 16 (1) - Failing to ensure a dog is not at large ● Section 19 (2) - Dog attacking persons or animals ● Section 63 - Obstruction of Sealed Scheme ● Section 8 - Unregistered dog



1.5. Risk & Compliance:

1.5.1. The following graph details the breakdown of the complaints received by the Risk Department during November:



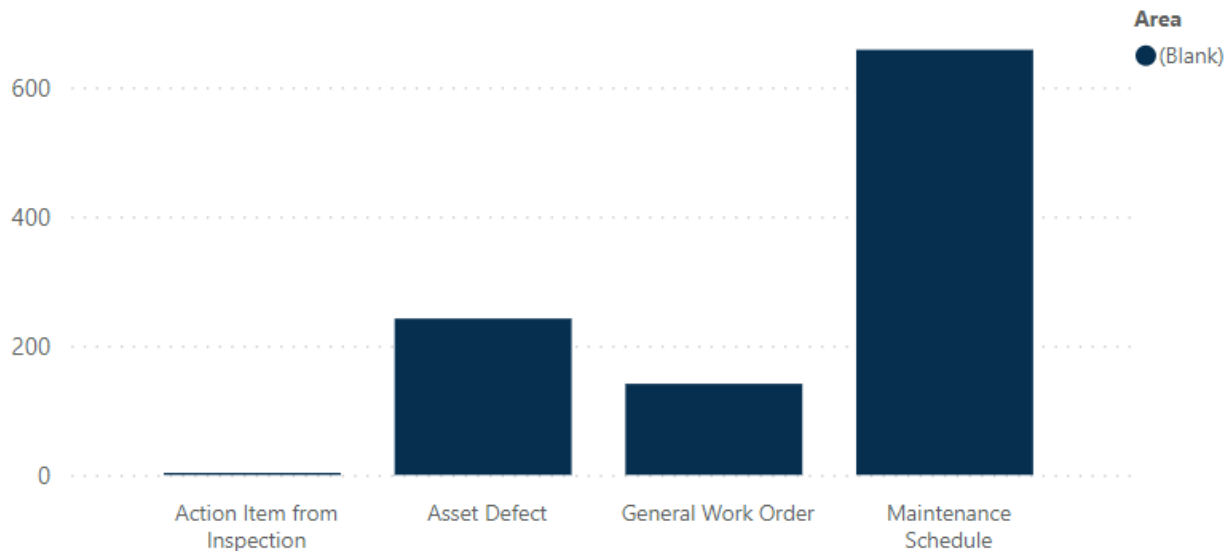
1.5.2. The following table details the types of incidents reported in November:

Council/Public	Number Reported
<input type="checkbox"/> Public	10
<input type="checkbox"/> Hazard	2
<input type="checkbox"/> Personal Injury	3
<input type="checkbox"/> Property Damage	5
<input type="checkbox"/> Council	21
<input type="checkbox"/> Near Hit	2
<input type="checkbox"/> Motor Vehicle	3
<input type="checkbox"/> Personal Injury	4
<input type="checkbox"/> Property Damage	12
Total	31

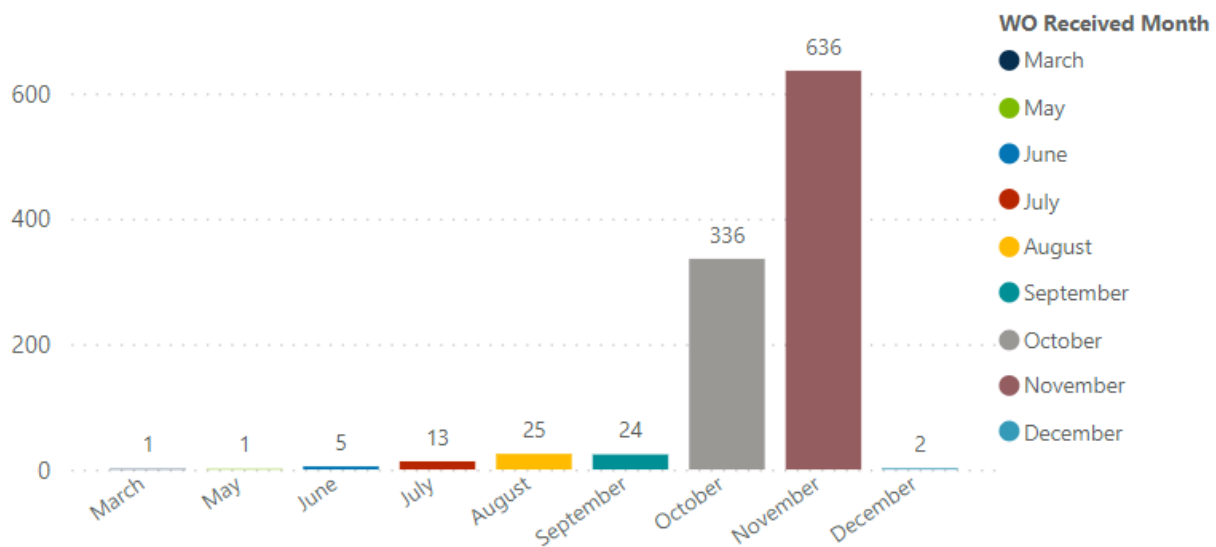
2. INFRASTRUCTURE & WORKS:

2.1. Asset Maintenance:

Work Orders Type - Completed in Last Month



Work Orders Status - Completed in Last Month



Lillico Road Mill Outs



Melrose Road Open Drain Clean Out



John Street Stormwater Manhole – Trip Hazard



Jiloa Way Tree Maintenance



Christmas Tree Set Up in Mall



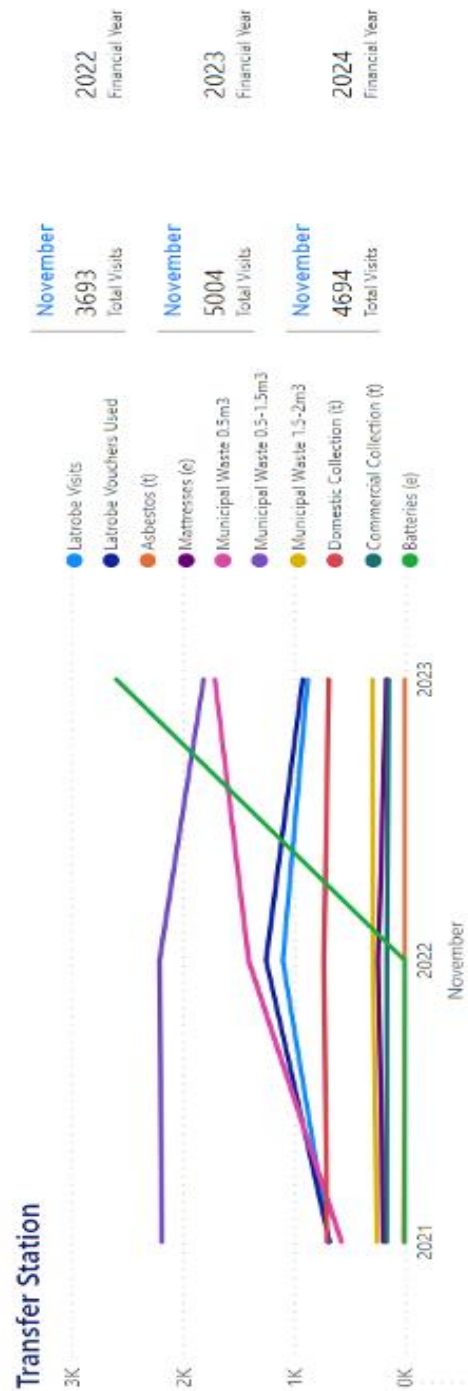
64 Stewart Street – replacement of timber window frames with aluminium frames

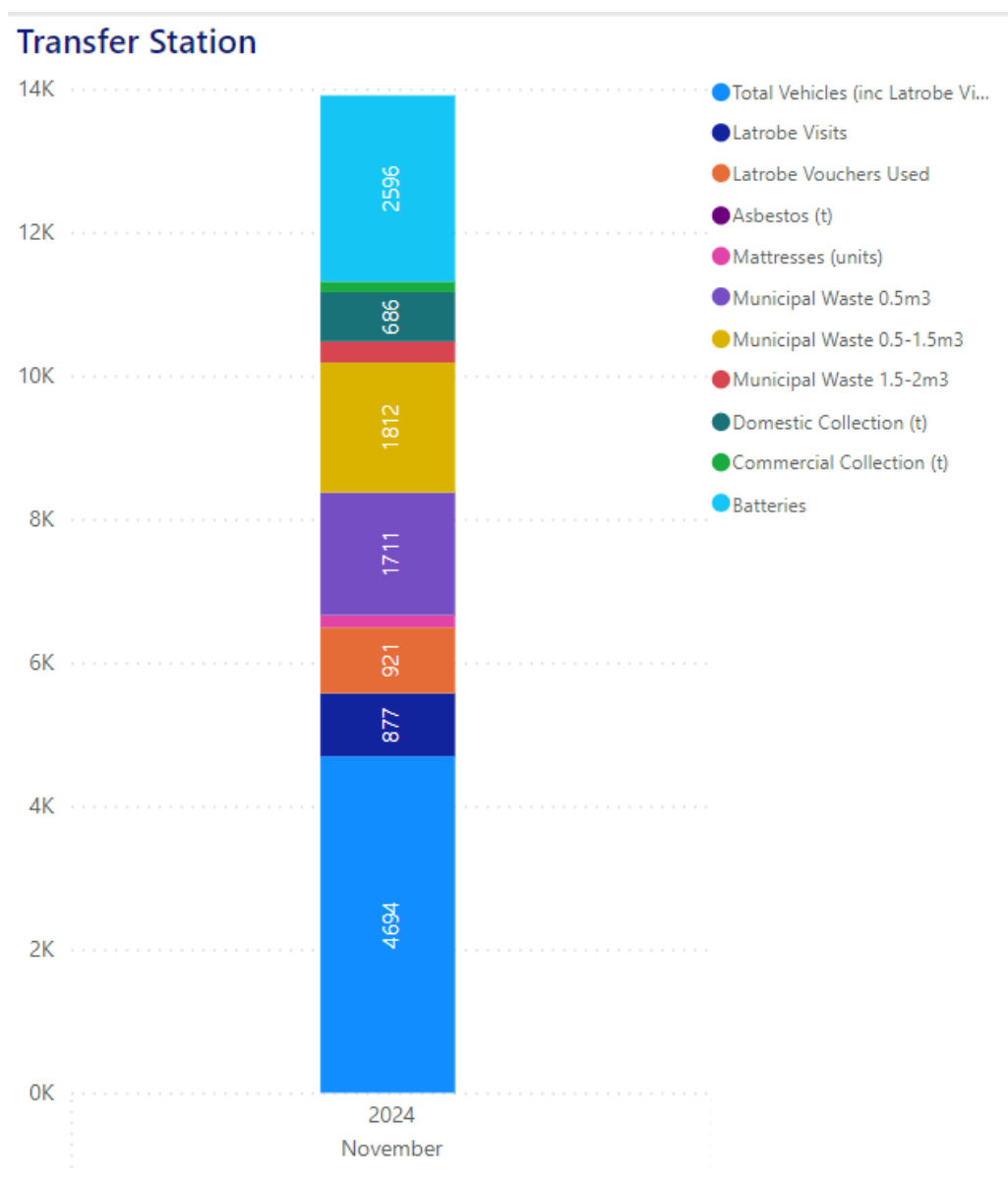


Waste Management:

2023 November Comparison Data

- **Batteries were collected in November**

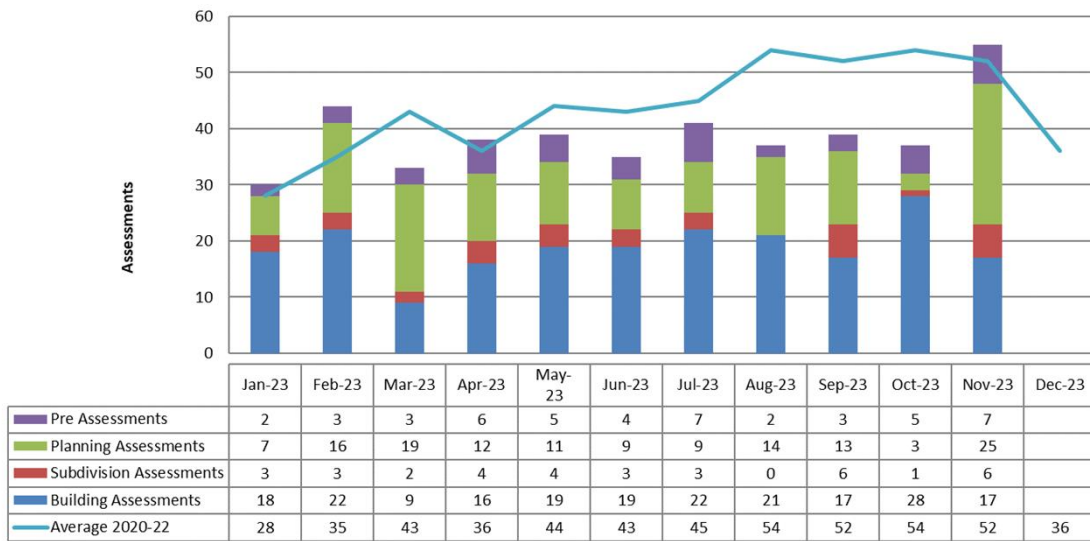




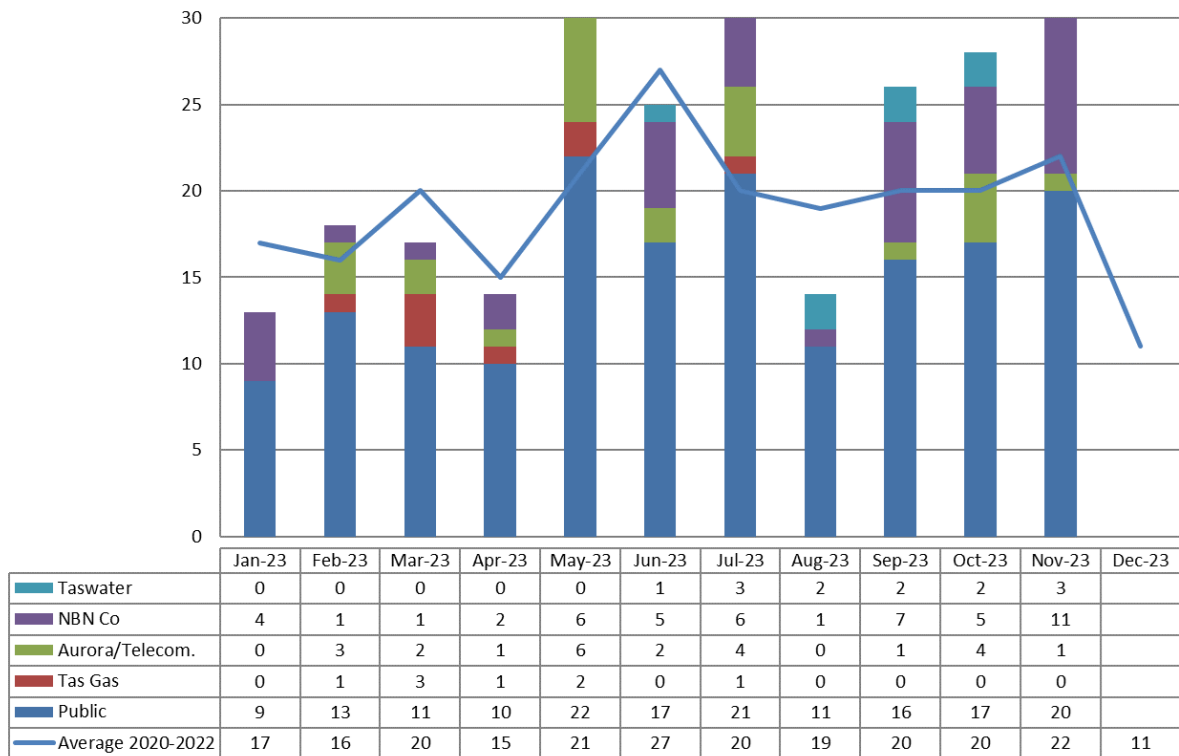
2.2. General Infrastructure Matters:

The following graphs detail the assessments processing through the Infrastructure Department. Each graph details the applications completed year to date, compared to a three-year average trend line.

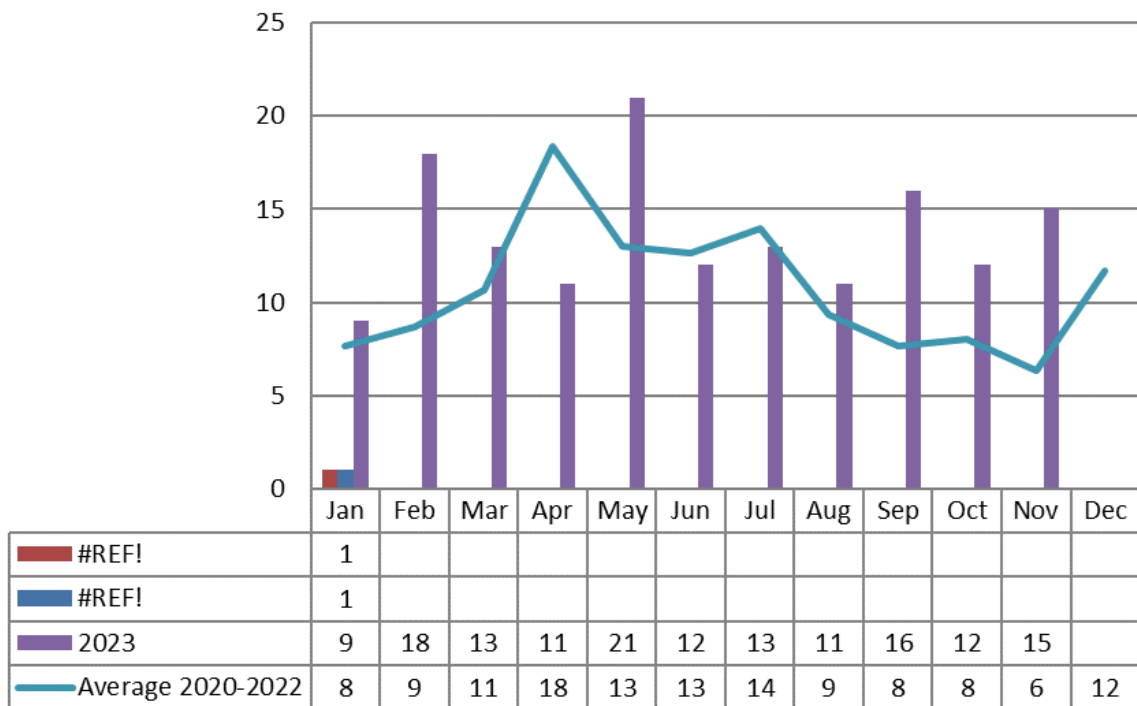
2.2.1. Engineering Assessments for Development Applications



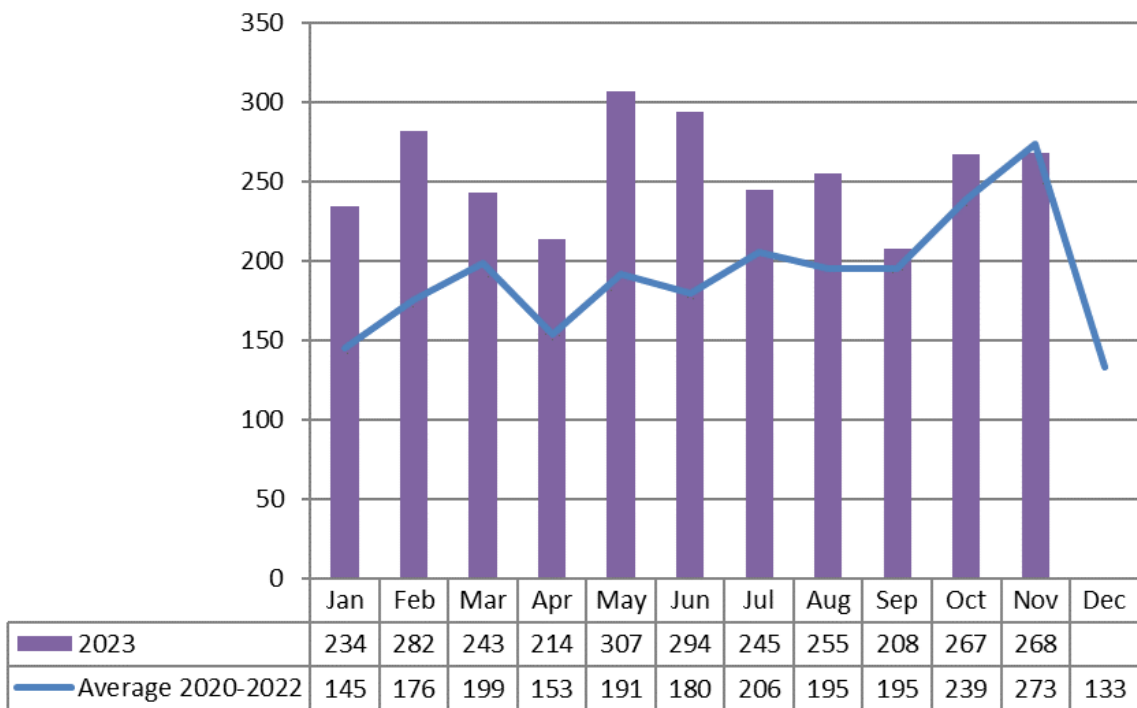
2.2.2. Road Reserve Permit Assessments



2.2.3. National Heavy Vehicle Regulator Assessments



2.2.4. Dial Before You Dig Requests



3. COMMUNITY SERVICES:

3.1. Community Development

3.1.1. Financial Assistance Scheme

Acquittals received from:

Organisation: Scouts Tasmania

Project: 22nd Australian National Rover Moot, Apple Isle Moot – Electrical upgrade.

The moot ran from 31 December 2022 to 8 January 2023 and this electrical upgrade was pivotal to allowing the moot to run safely and successfully.



22nd Australian National Rover Moot, Apple Isle Moot

Organisation: East Devonport Neighbourhood House

Project: LOVEastDevonport was a family friendly community event, held at Pioneer Park, Friday 17th November, 4.30-6.30pm, celebrating everything there is to love about East Devonport. The event included:

- 25 market stalls run by individual community members selling homemade crafts, 2nd hand clothing, toys, gifts, plants, bric-a-brac and books. For many of the stall holders this was their first experience holding a stall, and most indicated that they would return should the event be held again,
- 10 stalls hosted by local businesses, clubs, organisations and the East Devonport Primary School offering information, raffles and/or awareness,
- 5 food vendors selling a range of dinner options, treats and drinks,
- free craft and activities,
- Talent Showcase entertained the crowds with 7 unique performances from people of all ages with acts including a choir, solo musicians, drama skits, Tai Chi and puppetry.
- Approximately 1000 community members attended the event across the 2 hours, with many asking if it could be an annual event.

East Devonport Neighbourhood House have thanked Council for their support; social media promotion of the event, Financial and In-Kind Assistance.



The Talent Showcase LovEastDevonport

3.1.2. 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 one edition in November 2023.

Devonport events/locations that attracted attention by readers during November:

- Christmas Wreath making workshops
- Devonport Christmas Parade
- Spreyton Scouts Fresh Christmas Trees
- DCCI Lunch with the Premier
- Dance Revolution – A Day at the Movies

3.1.3. Working Groups

Access and Inclusion Working Group

The Access and Inclusion working Group met once in November at the Devonport Showgrounds where the developers – Enrich Ventures engaged the group in conversations about the future development and what they would like considered.

3.2. Active Communities:

3.2.1. Living Well Devonport

The Living Well Pilot program ends on Saturday 9 December.

Ageing Stronger Active Longer classes almost doubled in capacity with other sessions proving to be very successful despite a short promotional period.

Photo competition along the Shared Coastal Pathway has proven to be a success, with various image types being submitted – horses riding, walking, riding, running, family outings and more.



Two of the photo competition entries shared on Facebook

Feedback forms will be able to provide a range of quantitative and qualitative data both useful for developing and facilitating programs in 2024, and submission for future funding.

3.2.2. Ageing Stronger Living Well Devonport

Ageing Stronger now falls under the Living Well Brand. Classes will be permanently introduced to East Devonport in 2024, with a trail under the 2023 program highlighting the need and successful uptake.

3.2.3. Recreation Centre booking system

Work continued DCC's inhouse booking system, using Amelia and Woo Commerce. Currently at testing phase, with the Devonport Basketball Council volunteering as the first club to pilot the program.

3.2.4. Recreation Centre Participation Data

Devonport Recreation Centre		
	Bookings	User Groups
Judo	26	1
Meeting Room	6	1
Sauna	135	1
Squash	18	6
Stadium Court 1	75	13
Stadium Court 2	81	9
Table Tennis	54	5
Youth Centre	98	12
Total	493	48

East Devonport Recreation and Function Centre		
	Bookings	User Groups
Stadium	44	10
Community Room	7	5
Total	51	15

Recreation Centre User Numbers:

Devonport Recreation Centre	
Squash Centre	2736
Stadium	16837
Youth Centre	8198
Table Tennis	3140

3.2.5. November Sporting Events

Several significant community events were held, with a number of new events finalising their applications to host onsite.

	Event	Dates	Venue
1	Netball Tasmania - High School Championships	9/11/2023 – 10/11/2023	Devonport Recreation Centre
2	BTAS Regional Primary School Championships	11/12/2023 – 12/11/2023	Devonport Recreation Centre
3	Coles Beach Triathlon	11/11/2023	Coles Beach
4	NWPSSA 3/4 Sports Day	13/11/2023 – 14/11/2023	Devonport Recreation Centre, Meercroft Park, Maidstone Park
5	Shimjang Taekwondo Grading	18/11/2023	Devonport Recreation Centre
6	Schools Triathlon Challenge	23/11/2023 – 24/11/2023	Mersey Bluff
7	BTAS Regional High School Championships	25/11/2023 – 26/11/2023	Devonport Recreation Centre

3.2.6. Upcoming Sporting Events:

	Event	Dates	Venue
1	Mersey Valley Devonport Cycling Club Carnival	02/12/2023	Devonport Oval
2	Save Our Clinic – East Devonport Medical Centre	03/12/2023	Pioneer Park
3	The Department of Climate Change, Energy, the Environment and Water - Community Drop in Information Session	05/12/2023	East Devonport Recreation Centre – Community Room
4	Devonport City Council – Mayor's Christmas Drinks	07/12/2023	Haines Park
5	Mersey Mountain Bike Club Twilight Series	14/12/2023	Kelsey Tier Reserve

3.3. Events:**3.3.1. External Events held in November**

	Event	Dates	Organisation	Venue
1	Community Drop-in Session	8 November	Department of Climate Change, Energy, the Environment and Water	East Devonport Recreation & Function Centre
2	Coles Beach Triathlon	11 November	Cradle Coast Triathlon & Multisport Club	Coles Beach
3	The Spirit of Tasmania Cycling Tour	12 November	The Spirit of Tasmania Cycling Tour	Aikenhead Pint / Joshua Slocum Park
4	LOVEast Devonport	17 November	East Devonport Neighbourhood House	Pioneer Park
5	Home Hill Fete	19 November	Home Hill & Rotary Club of Devonport North	Home Hill
6	Schools Triathlon Challenge	22 –24 November	Tasmanian Triathlon	Bluff Precinct
7	Walk the Talk against Violence	26 November	Soroptimist International of Devonport Inc.	Aikenhead Point

3.3.2. Upcoming Council Events:

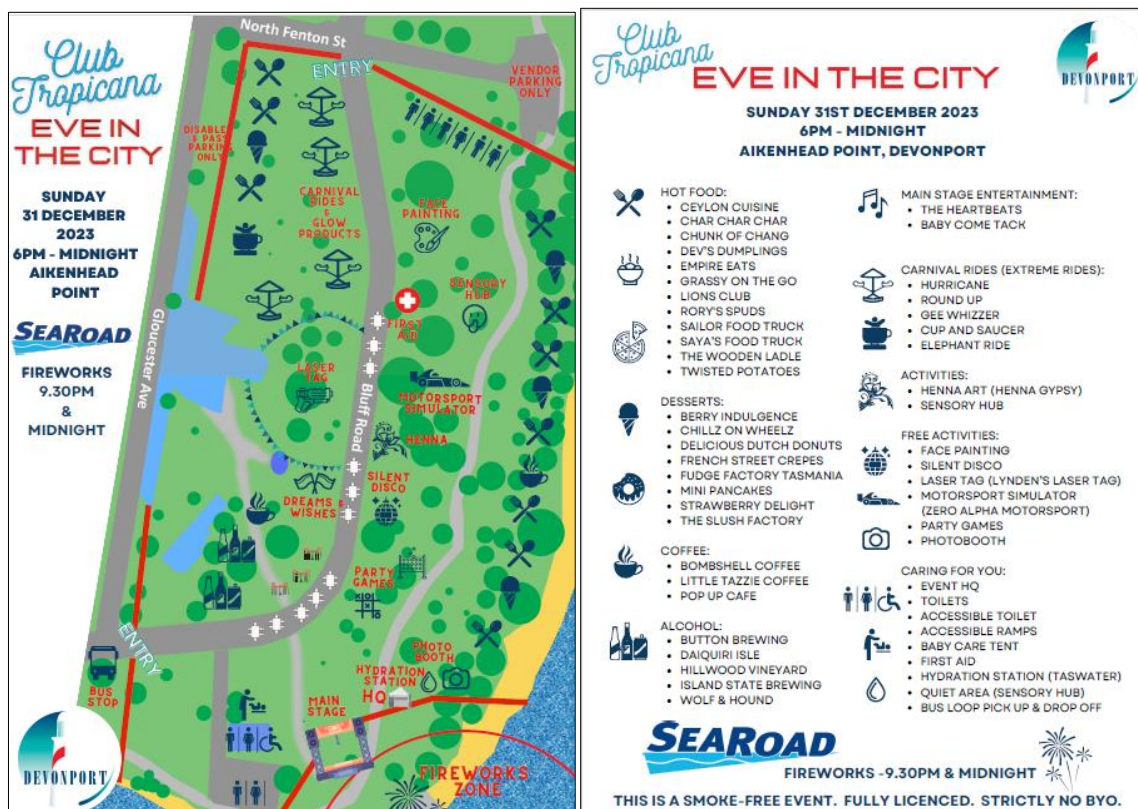
Council's Events Team are in the planning process for the following events:

- The Spirit of Christmas Activities:
 - Storytowns Scavenger Hunt – commenced in November. Participants help Santa in locating his missing reindeer through custom-made podcasts providing clues to their whereabouts. The hunt involves visiting eight local businesses (six in the CBD and two in Fourways), each offering donated prizes. Participants collect reindeer decals from these locations and, upon completing the hunt, enter into prize draws. Prize draws for the scavenger hunt will occur on Friday, December 8th and 15th, with a final grand draw on Friday, December 22nd.
 - AR Christmas Adventure – commenced in November. AR (Augmented Reality) is a cutting-edge technology that overlays digital information, images, or interactive content onto the real world, enhancing what customers see and experience. The AR Christmas Adventure experience will send viewers on an Adventure throughout the community activating 6 key branded Christmas decals. Decals are situated in the Mall, Haines Park and the paranapple precinct. This is the same company that assisted with LuminoCity.

- Christmas Panels – on display
11 schools and youth organisations are painting panels to decorate the base of the Community Christmas Tree in the Rook Street Mall. An AR Christmas Adventure decal will also be on the base of the tree.
- Festive Fridays – 8, 15 & 22 December
Prize draws for the Storytowns Scavenger Hunt
Dressed up Christmas characters to go into the Mall and Fourways for selfies with families and to do Secret Santa gifts and vouchers.
- Christmas Parade – Friday 8 December
Marshalling at Byard Park with the Parade going down Clements Street, Bluff Road, Victoria Parade and James Street, back to Byard Park. SES to assist with road closures and marshalling. \$300 in prize money. Currently there are 41 entries registered.
- Eve in the City – Aikenhead Point – 31st December
SeaRoad has confirmed sponsorship for the two New Years Eve fireworks displays.

Other activities on site include carnival rides, silent disco, photobooth, laser tag, motorsport simulators, face painting, henna, lawn games, sensory hub, and live music provided by The Heartbeats and Baby Come Tack. The theme of the event is Club Tropicana.

There will be a free Kinetic bus loop from the CBD to assist with traffic management and patron safety.



3.3.3. Upcoming Events:

Full details of events can be found on Council's website <https://www.devonport.tas.gov.au/whats-on-devonport/> or Events Facebook page <https://www.facebook.com/devonportevents/>
Events currently being processed for December:

	Event	Dates	Organisation	Venue
1	Volunteer Community Breakfast	5 December	Devonport City Council	Market Square Pavilion
2	Devonport Christmas Parade	8 December	Devonport City Council	Byard Park, Clements Street, Bluff Road, Victoria Parade, James Street
3	Devonport Carols by Candlelight	10 December	Soroptimist International	Haines Park
4	Breakfast in the Park	22 December	Rotary Club of Devonport North	Haines Park
5	Christmas Eve Music Festival	24 December	Spreyton Cider Co	Spreyton Cider
6	2023 SeaRoad Taste the Carnival	29-30 December	Devonport Athletic Club	Devonport Oval
7	Eve in the City 2023	31 December	Devonport City Council	Aikenhead Point / Joshua Slocum Park

3.4 Natural Resource Management

3.4.1. Friends of Don Reserve

A small group of Friends of Don Reserve contributed greatly again to the management of invasive weeds mainly French Broom, *Genista monspessulana* and rubbish removal in the northern part of the Don Reserve.

Three individuals participated in the 2 hour activity with a couple of large bags of rubbish and seeds heads removed from the site.

3.4.2. Figure of Eight Creek Revegetation Works

200 native plants have been planted at Figure of Eight Creek alongside the new walking track at the back of Maidstone Park. Further plantings are planned in winter 2024 to complete the revegetation works, these will range from native grasses through to Eucalyptus species.



Figure of Eight Creek Revegetation

3.4.3. Spanish Heath Weed Action Fund Voluntary Management Agreement

Since its signing in mid-2022, the agreement has seen significant efforts from landholders in the Devonport Local Government Area to eradicate Spanish Heath. Progress shows 13 participants have reported covering roughly 30 acres through manual removal or chemical control. Under the Weed Action Fund these works will continue into 2024.



Image submitted by participant: Spanish heath removal at Stony Rise

4. CURRENT FACILITIES:**4.1. Devonport Regional Gallery:****4.1.1. Gallery Program**

Exhibition	Date
Rodney Gardner: A collection of watercolour and charcoal works	3 Nov – 9 Dec
Dusk: Curated by Victor Manuel Medrano-Bonilla	10 Nov – 20 Jan
Zoonoses: Dr. Nicola Hooper	24 Nov – 6 Jan
North-West Support School 2023 Exhibition	2 Dec – Feb 2
North-West Art Circle	20 Jan – 17 Feb
Current: Gail Mabo, Lisa Waup and Dominic White	27 Jan – 9 March
The Interior: Natalya Hughes	2 March – 13 April

4.1.2. Education Program activities and participation data:

Event	Participation	Date
Art Case Outreach - Devonport Primary School	20	1-Nov
Create & Make Wednesday session 2	9	1-Nov
Create & Make Thursday session 2	18	2-Nov
Little Gallery Emerging Artist Meet & Greet with Rod Gardner	22	3-Nov
Outreach - YFCC Junction	12	7-Nov
Create & Make Wednesday session 3	4	8-Nov
Create & Make Thursday session 3	13	9-Nov
Opening Upper Gallery Dusk	30	10-Nov
Floor talk by Victor Merdano Borilla, Curator for Dusk	15	11-Nov
Outreach: School for Seniors: Robinson presentation	32	14-Nov
Children's University Limitless Learning	20	14-Nov
Create & Make Wednesday session 4	9	15-Nov
Create & Make Thursday session 4	10	16-Nov
Books + Art	4	20-Nov
Create & Make Wednesday session 5	10	22-Nov
Create & Make Thursday session 5	8	23-Nov
Opening: Main Gallery Zoonoses	23	24-Nov
Floortalk: Zoonoses with Dr Nicola Hooper	14	25-Nov
Workshop: Zoonoses Printing Dr Nicola Hooper	12	25-Nov
PL for teachers with TATA: Connecting the Curriculum & exhibitions	3	25-Nov
Create & Make Wednesday session 6	13	29-Nov
Create & Make Thursday session 6	14	30-Nov
TOTAL	315	



Children's University participants test the guide in front of The Giant Flea (detail), 2017 in the exhibition Zoonoses by Dr Nicola Hooper at Devonport Regional Gallery.

4.2. Bass Strait Maritime Centre:

4.2.1. Exhibition Program

Current Exhibition	Date
Bass Strait Maritime Centre: The First 50 Years	19 July – 22 Feb
CSIRO Investigate (Mobile Temporary Exhibition)	6 Nov – 30 Jan

The Bass Strait Maritime Centre has partnered with the CSIRO to present, Investigate, a mobile maritime cinema housed in a shipping container.

Investigate is situated on the lawn adjacent to the Centre and is open weekdays between 10.15am and 2.45pm. Whilst Investigate is a free experience, it has generated increased visitation to the Bass Strait Maritime Centre, approximately 90% increase on the same time previous year.





4.2.2. Education and public program activities and participation data:

Event	Participation	Date
Mersey Valley Tourism Association Famille	30	1-Nov
Volunteer Ambulance Drivers	20	4-Nov
Children's University Open Day	52	12-Nov
Homeschool Group	21	13-Nov
Pukekohe NZ Travel Tour	25	15-Nov
Cruise Ship: Noordam	20	15-Nov
Stanley Primary School	14	19-Nov
Cruise Ship: Coral Princess	80	19-Nov
Dane McCormack, Research visitation	1	23-Nov
Ridgley Primary School	24	29-Nov
Public Talk and Launch of Investigate	36	7-Nov
TOTAL	323	

4.3. paranable arts centre

4.3.1. Performance and production program:

Production	Patrons	Date
Diesel	216	3-Nov
Pseudo Echo	175	18-Nov
World Festival of Magic	50	23-Nov
The Fleetwood Pac	361	25-Nov
TOTAL	802	

4.3.2. Visitor number data:

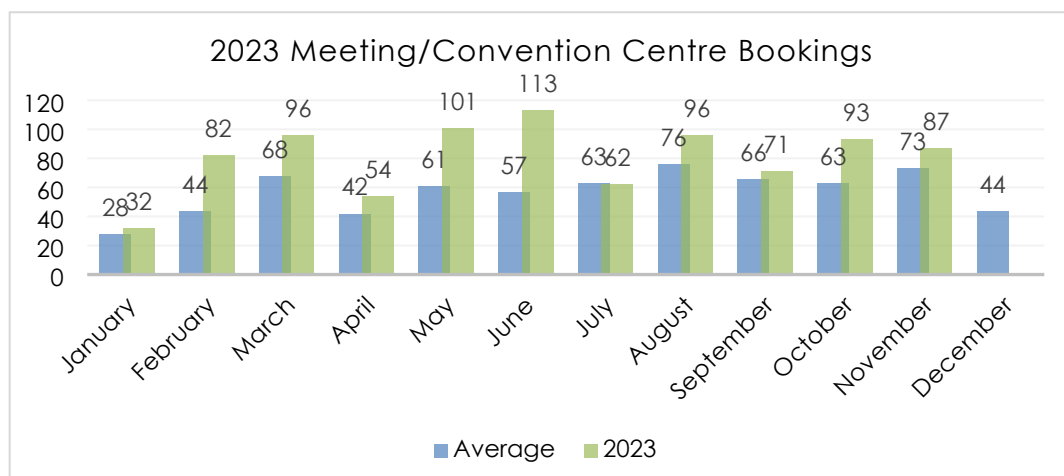
Facility	Visitors November
paranable arts centre	3,414
Bass Strait Maritime Centre	876
TOTAL	4,290

4.4. Convention Centre & Market Square:

4.4.1. Events including attendee numbers and utilisation trends.

For November 2023, the DCC meeting rooms held 66 events, 19 events in the convention centre. Total attendance of 3,070 patrons.

Event: Convention Centre	Presented By	Attendance
LGAT Annual Conference	Local Government Association Tasmania	151 (2 days)
LGAT Annual Dinner	Local Government Association Tasmania	172
Spring into Season 2023	Simplot Devonport	125 (3 days)
The Blue Caftan Film Screening	North West Film Society	70
Women Supporting Women in Leadership - Forum 2023	DPAC & Leishman Associates	100
Principals Forum	DECYP	130
Forico Safety Session	Forico Pty Limited	55
TANA Launch Fundraiser	Trauma Awareness Network Australia	250
International Men's Day Breakfast with Alistair Lynch	Devonport Chamber of Commerce & Industry	54
Children's University Graduation	University of Tasmania	370
Celebrating the Impact of Regional Research and Education	Utas – School of Nursing	90
Christmas Function	Private	96
Cocktail Event	Care Consultancy	40
Accessibility Services & Health Nurses	DECYP	44
Salmon Aquaculture in the North West Breakfast	Devonport Chamber of Commerce & Industry	34
Tasmanian Health Senate	Department of Health	48 (2 days)



Local Government of Tasmania Conference



TANA Launch Fundraiser



International Men's Day Breakfast

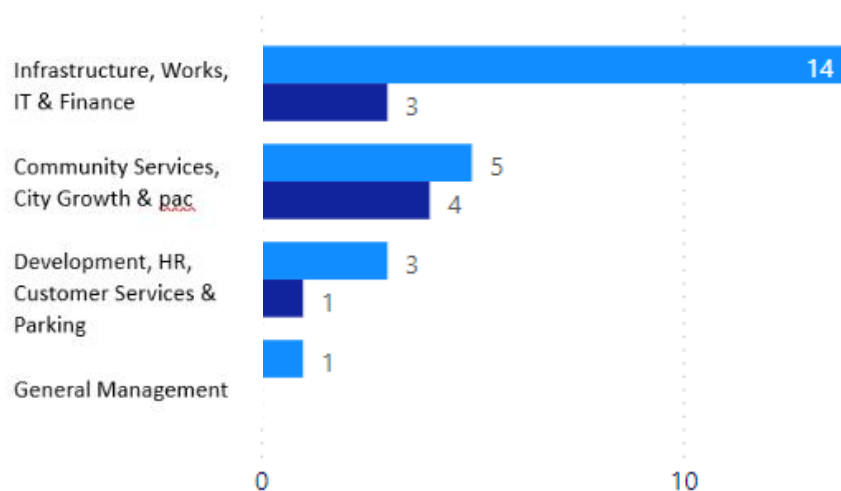
5. CORPORATE SERVICES:

5.1. Human Resources:

5.1.1. Staff departures and recruitment (advertised positions and staff appointments) this financial year:

Turnover by Department

● New Hires ● Num Departed



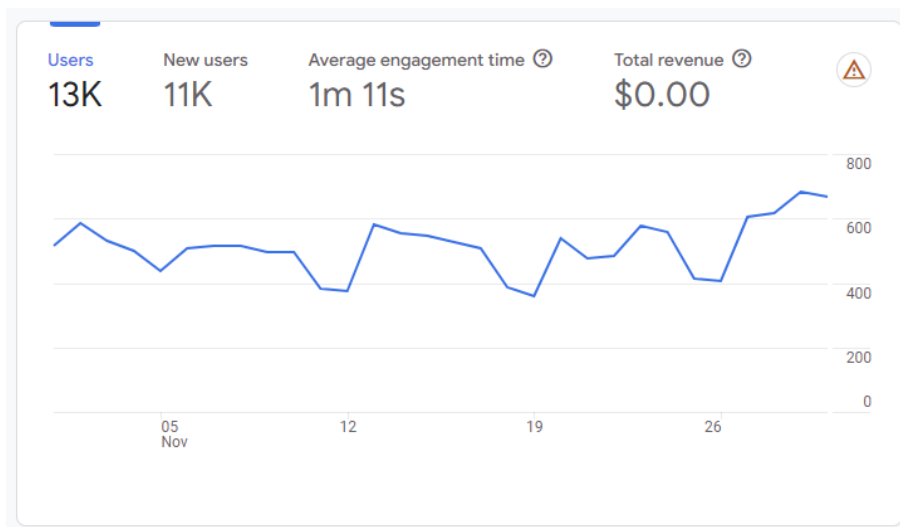
5.2. Communications:

5.2.1. Website and social media statistics and data:

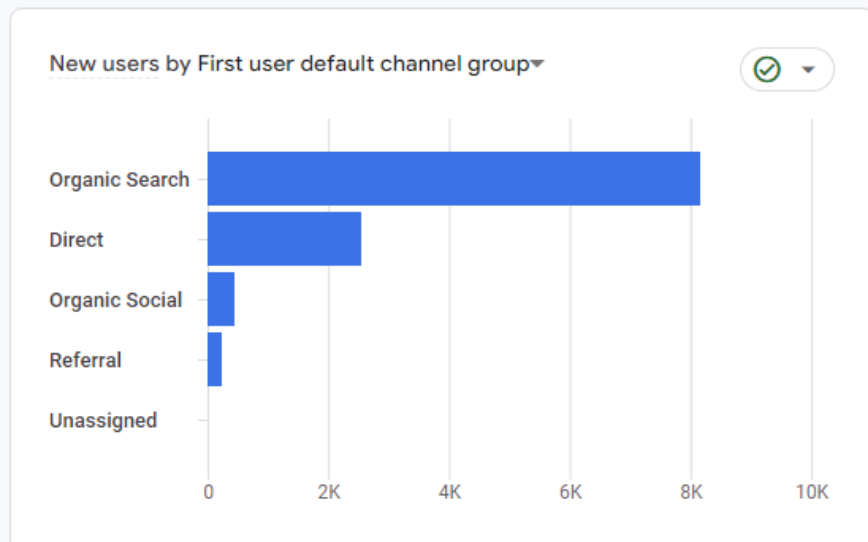
Devonport City Council Website

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

Top 10 Website Pages	November 2023
<ol style="list-style-type: none"> Contact Us Advertised planning permit applications Forms and payments Waste Transfer Station Get into the Spirit of Devonport's 2023 Christmas Parade What's On Devonport Devonport Public Holiday - Devonport Show Make a Request Employment opportunities Parking in Devonport 	
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.	



WHERE DO YOUR NEW USERS COME FROM?



November 2023 Statistics

Community Consultation

Council's online engagement platform www.speakupdevonport.com.au is utilised for all of Council's community consultation.

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 November 2023:

Facebook	12,465 up by 129
LinkedIn	1,250 up by 9
Twitter	684 up by 2

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.

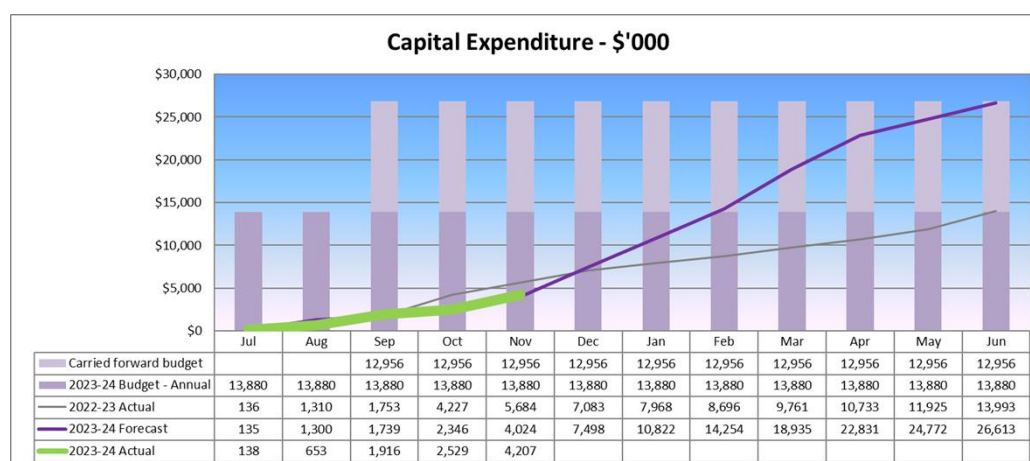
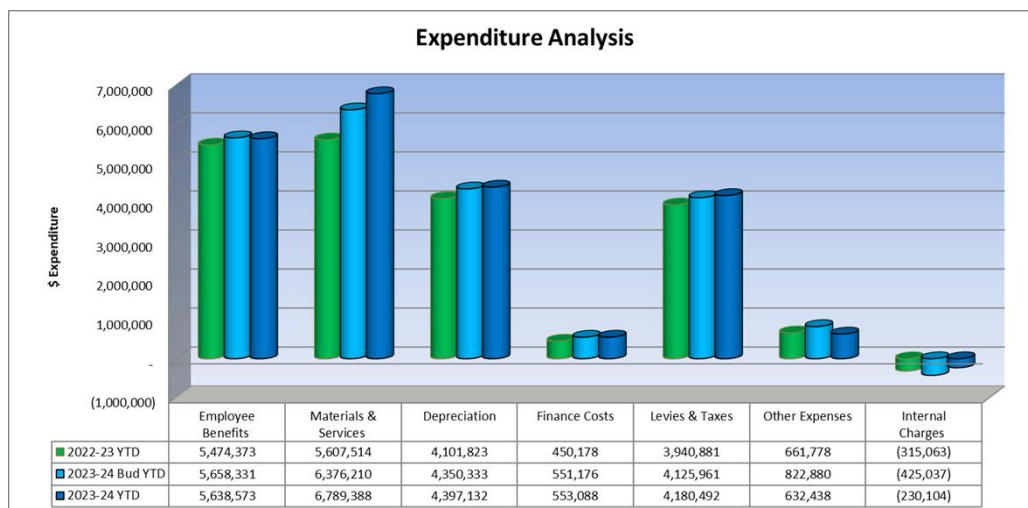
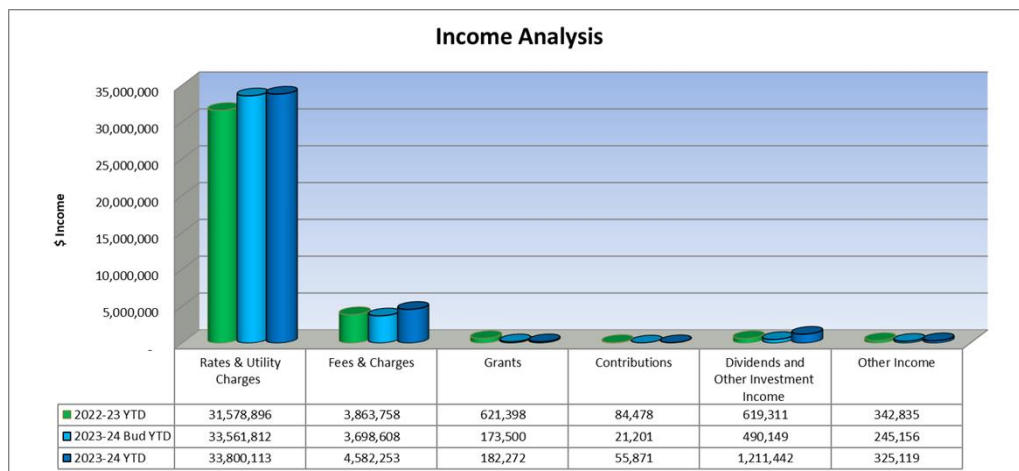
DCC Corporate Facebook Page Statistics	November 2023
Facebook Average Monthly Reach: Number of Facebook users who have seen content associated with the page during the period.	120,328 TY (58,782 LY)

During September, the top 10 Facebook posts in terms of audience reach were:

November 2023
<ol style="list-style-type: none"> 1. Back Beach Ramp Update, 27/11/2023, 70.5k 2. Mersey Bluff Access Upgrade, 22/11/2023, 57.9k 3. Mersey Bluff Access Upgrade – Update, 23/11/2023, 22.4k 4. INVESTIGATE exhibition, 18/11/2023, 19.1k 5. Road Closure – Coles Beach Triathlon, 9/11/2023, 16.1k 6. Coles Beach Amenities Painting, 17/11/2023, 14k 7. Road Closure - Devonport Criterium, 10/11/2023, 6.6k 8. ZOONOSIS exhibition, 18/11/2023, 5.9k 9. Moisture Sensors at Valley Road Soccer Ground, 15/11/2023, 5.9k 10. Road Closure - Bluff Access Road, 10/11/2023, 5.9k

5.3. Finance:

The operating result for the financial year to the end of November 2023 is favourable with actual revenue being higher than budget by \$2M and actual expenses being higher than budget by \$501K, resulting in an overall favourable variance of \$1.5M. The forecast operating surplus for the financial year is \$3.7M, which includes share of profit of associates (Dulverton) of \$2.3M.



For further information please refer to the attached finance report.

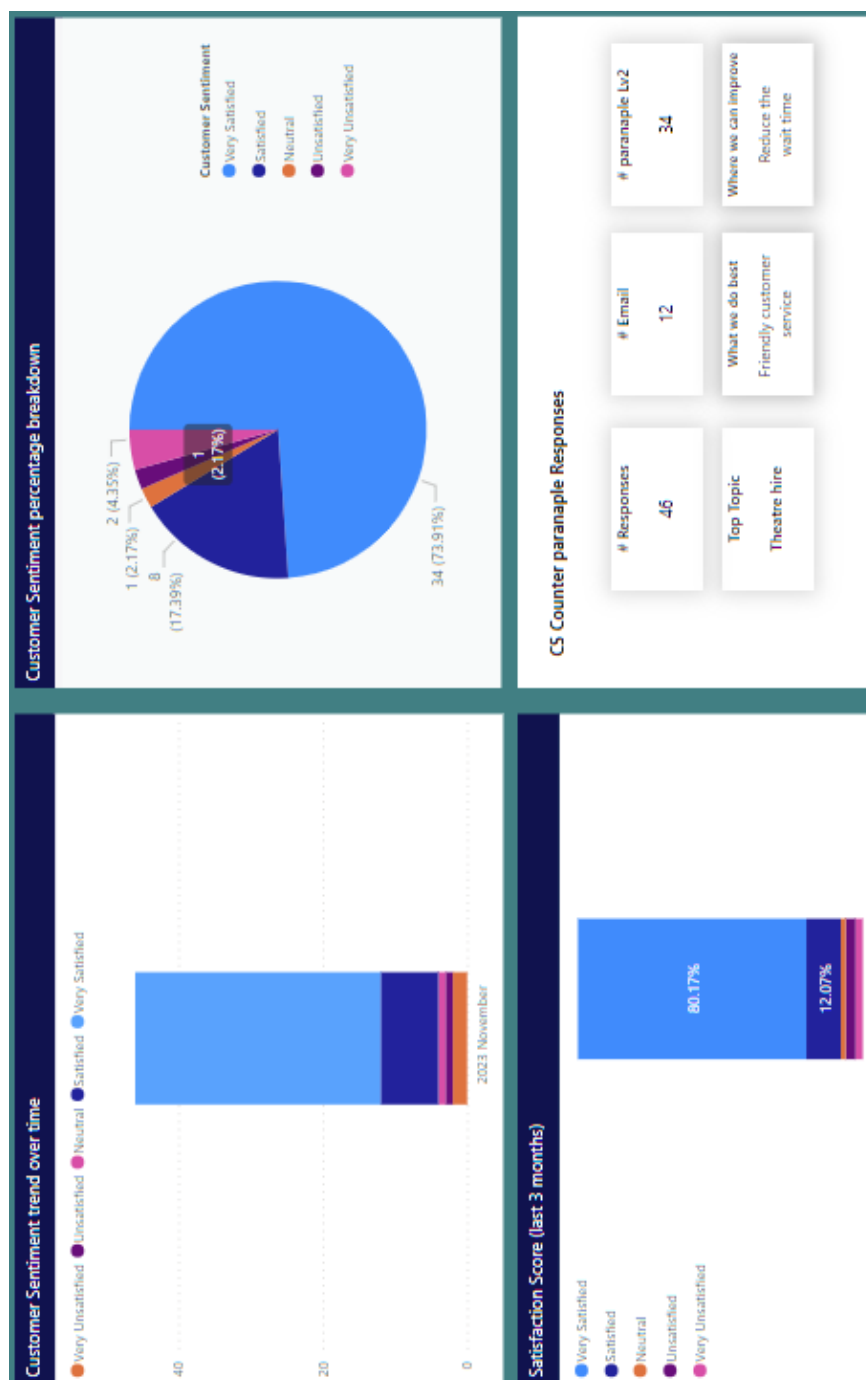
5.4. Customer Service:

5.4.1. The following graph shows the breakdown of customer sentiment for inbound and outbound calls to Council's Customer Service Financial YTD:

NOTE: Customer Sentiment Stats along with other useful Council reports can be found on Council's website at [Your Council Dashboards | Devonport City Council](#)



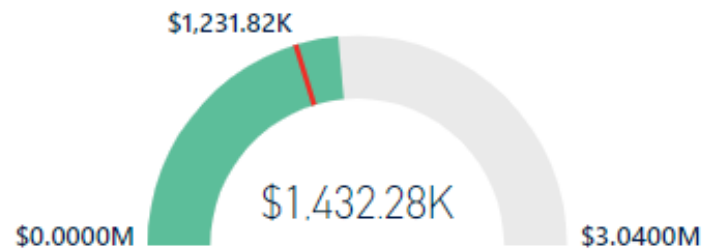
5.4.2. The following graphs details the customer feedback received by Council during November:



5.5. Parking:

5.5.1. Parking statistics Financial YTD:

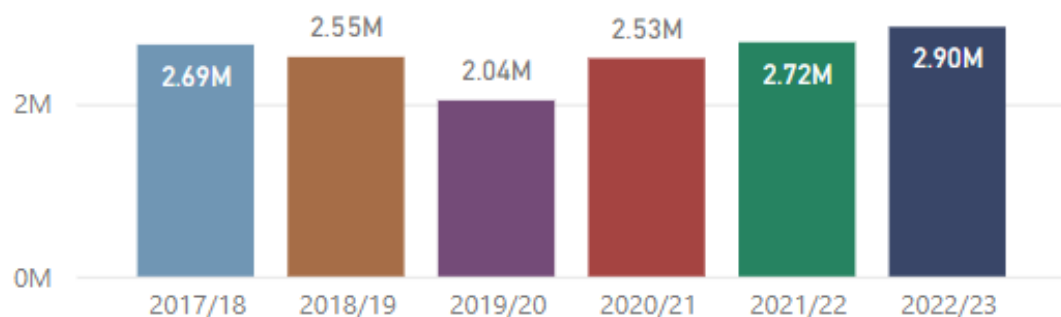
Budget v Revenue Period to Date



Revenue/Budget Period to Date

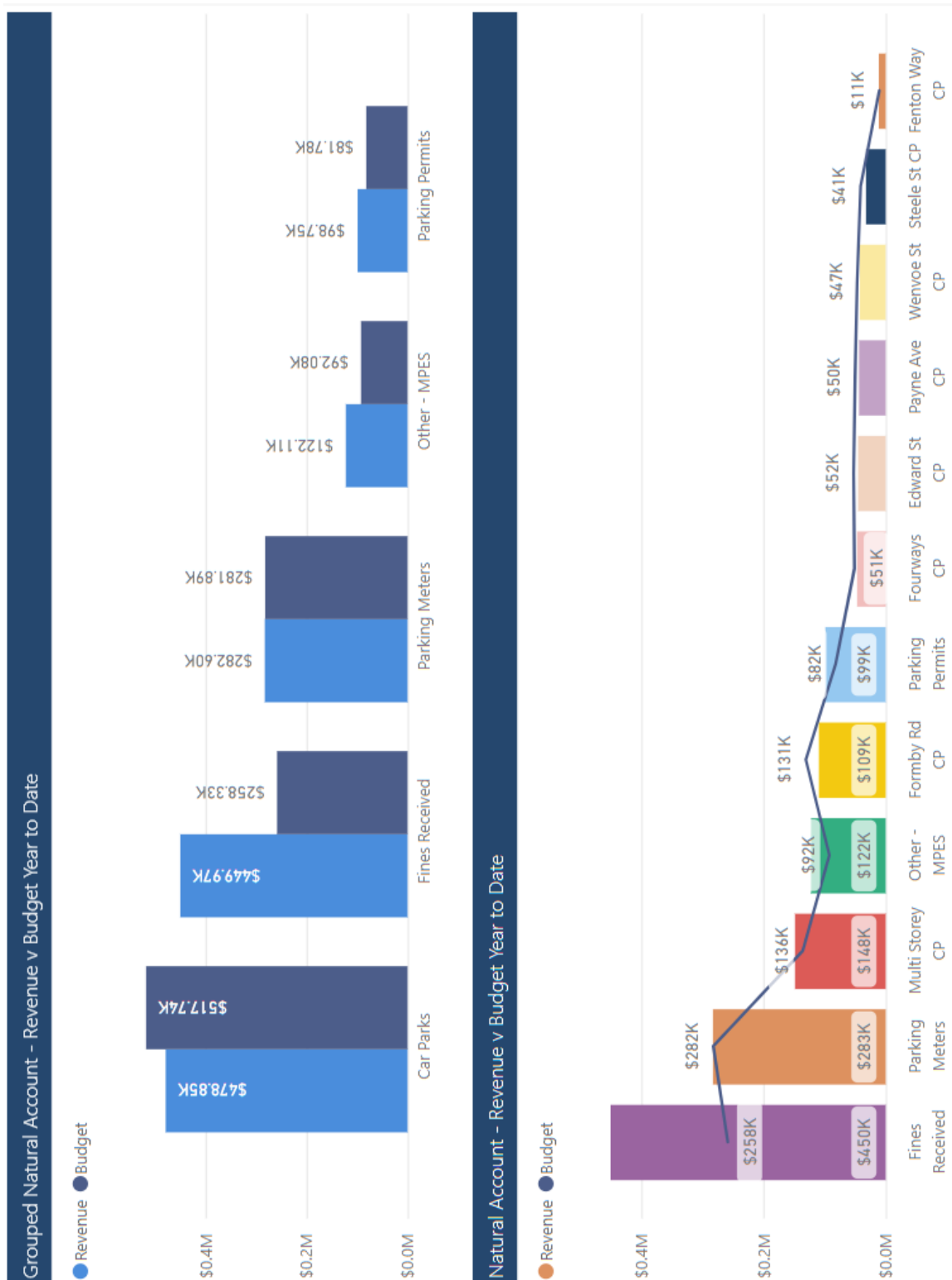
Description	Budget \$	Revenue \$	Variance \$	Variance %
Edward St CP	\$52,375.85	\$45,221.03	(\$7,154.82)	-14%
Fenton Way CP	\$10,577.90	\$11,183.43	\$605.53	6%
Fines Received	\$258,333.36	\$449,967.94	\$191,634.58	74%
Formby Rd CP	\$130,540.40	\$109,282.52	(\$21,257.88)	-16%
Fourways CP	\$50,960.40	\$46,683.24	(\$4,277.16)	-8%
Multi Storey CP	\$135,577.10	\$148,391.35	\$12,814.25	9%
Other - MPES	\$92,083.35	\$122,111.21	\$30,027.86	33%
Parking Meters	\$281,887.79	\$282,599.46	\$711.67	0%
Parking Permits	\$81,777.10	\$98,749.15	\$16,972.05	21%
Payne Ave CP	\$49,883.75	\$43,648.50	(\$6,235.25)	-12%
Steele St CP	\$41,065.00	\$32,162.46	(\$8,902.54)	-22%
Wenvoe St CP	\$46,756.65	\$42,278.33	(\$4,478.32)	-10%
Total	\$1,231,818.65	\$1,432,278.62	\$200,459.97	16%

Previous Years Revenue

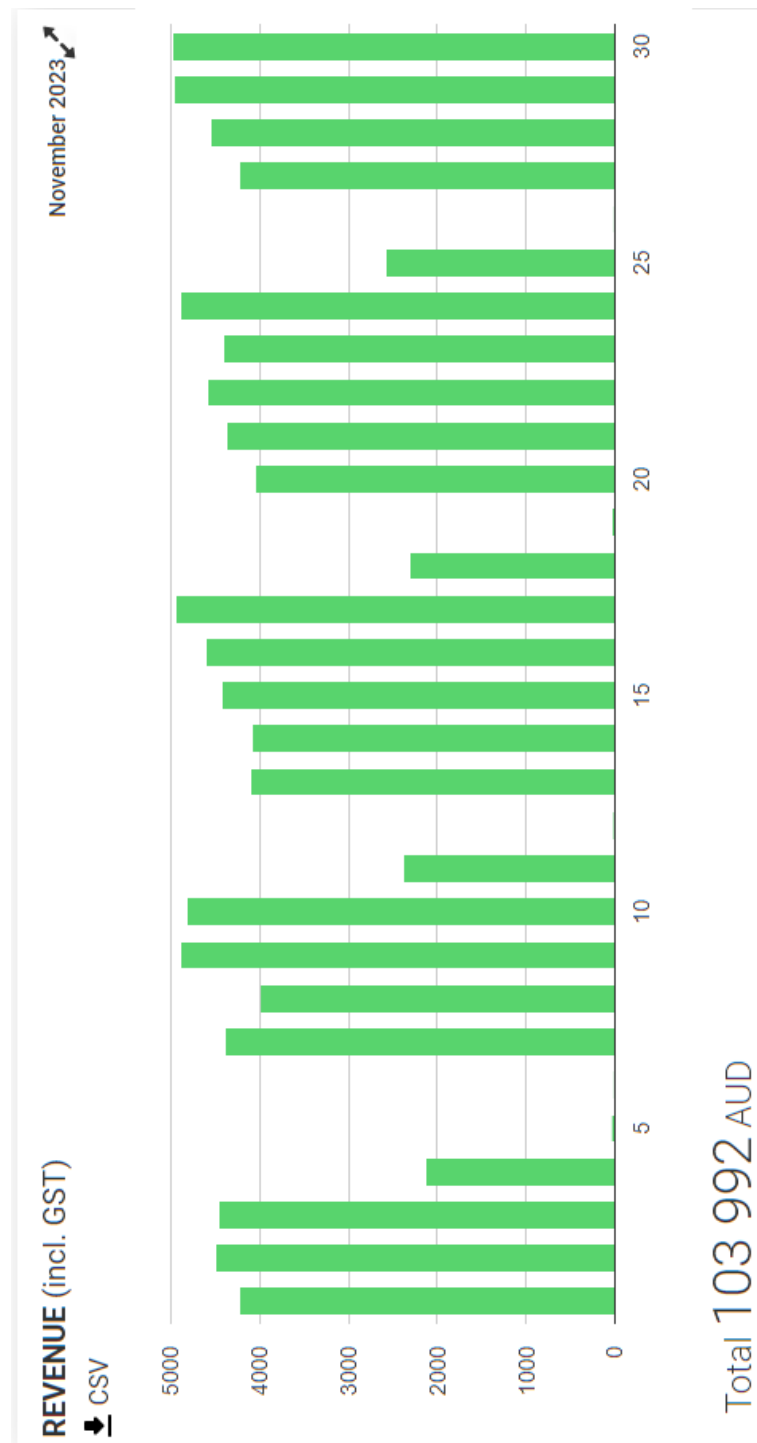


NOTE: The timing of cash collection from parking meters usually results in revenue falling in the next period. Cash collected in one month will be recognised in the following month.

Revenue (Revenue v Budget – type breakdown; location breakdown):

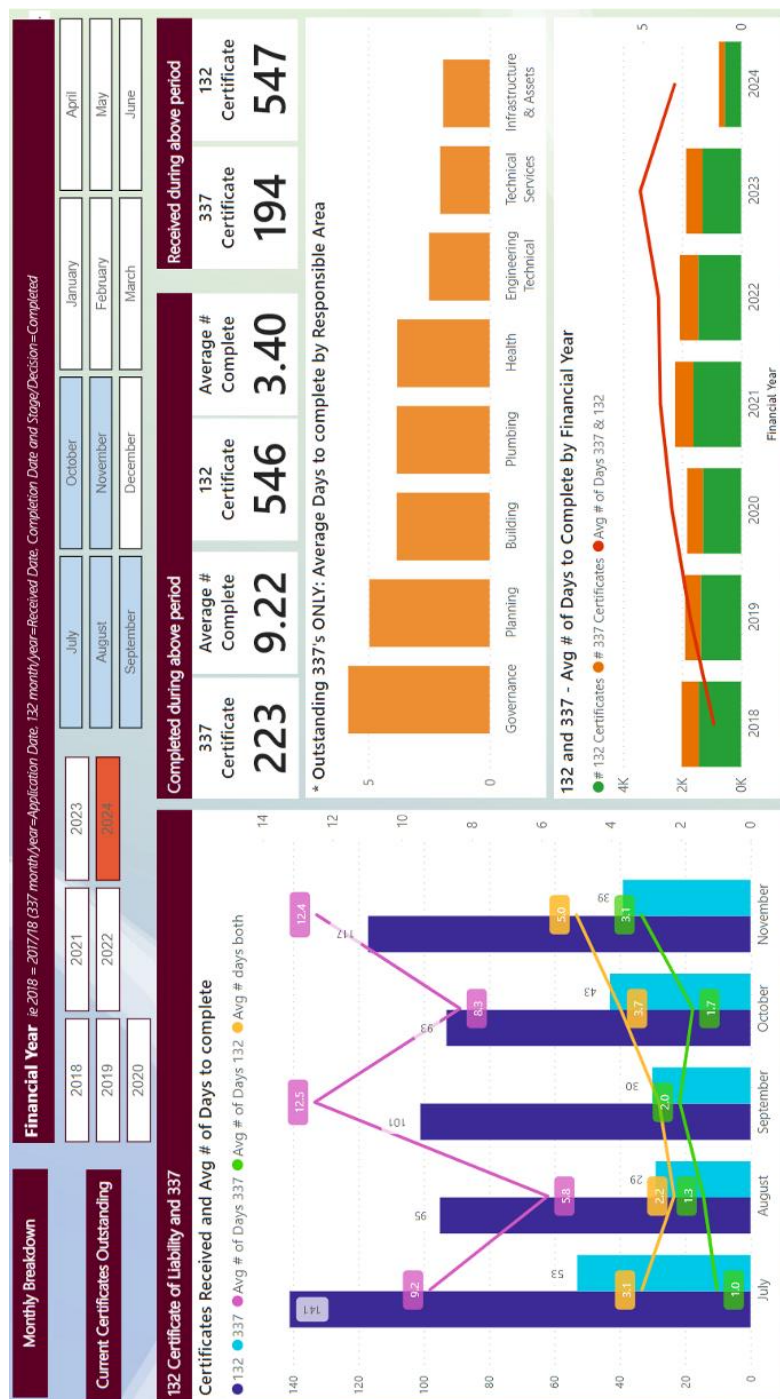


EasyPark statistics:



Section 132 & 337 Certificates:

5.5.2 Statistics on completed certificates Financial YTD:



5.6. Annual Plan Action Update:

5.6.1. Current status as at 30 November 2023:



5.6.2. Action Highlights:

Design, tender and commence construction on an improved and upgraded Waste Transfer Station which optimises waste diversion

Detailed design plans are almost complete with works progressing on the Tender Specification documents.

Move Well Devonport - Develop and seek funding for initiatives that increase resident access and participation in active living programs

Initiatives being investigated

Undertake a comprehensive condition assessment of Council's road network

Currently working through the condition assessment specification and review of internal asset management procedures.

Establish partnership with UTAS to support the student-centred Devonport Health Enhancement Clinic

Discussions ongoing with UTAS for a health enhancement coalition to be established at the East Devonport Recreation and Function Centre. UTAS presently undertaking focus group research to inform delivery model

Develop a Master Plan and concept design for Council owned land in Fenton Way and explore development opportunities

Design concepts of the western portion of the precinct are complete. Design briefing and options analysis for the western portion of the site commenced in August – feedback on design options forwarded to architects.

6. COMMITTEES, AUTHORITIES & EXTERNAL ORGANISATIONS:

6.1. Minutes:

There following minutes were received for the month of November 2023:

- Draft General Minutes – TasWater – 22 November 2023

COMMUNITY ENGAGEMENT

This report includes information that relates to community engagement undertaken in relation to operational activity.

FINANCIAL IMPLICATIONS

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

There is not expected to be any impact on Council's operating budget as a result of this report.

RISK IMPLICATIONS

Any specific risk implications have been outlined in the commentary included as part of this report. Any specific risk that is identified as 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 and the community to be updated on matters of interest.

ATTACHMENTS

1. Draft General Meeting Minutes TasWater 22 November 2023 [**6.4.1** - 5 pages]
2. 20231130 Consolidated Financial Report - Council [**6.4.2** - 10 pages]

7 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 – 27 November 2023	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	
5.1	29 Fenton Way Land Sale	15(2)(f)
5.2	Australia Day Awards 2023	15 (2)(g)
5.3	Request for Rates Remission – 77A River Road	15(2)(c)
5.4	Sale of Land – Wright Street, East Devonport	15(2)(f)

8 CLOSURE