MINUTES OF THE OPEN SESSION OF THE ORDINARY COUNCIL MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY 28 SEPTEMBER 2026 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:44pm	1 hour 14 minutes
Closed Session	6:49pm	6:53pm	4 minutes
Total			1 hour 18 minutes

Present
Cr A Jarman (Mayor)
Cr S Sheehan (Deputy Mayor)
Cr P Hollister
Cr S Martin OAM
Cr A Moore
Cr L Murphy
Cr D Viney
Cr J Wilczynski

Council Officers:
Chief Executive Officer, M Atkins
Executive Manager, K Lunson (online)
Executive Manager, M Skirving
Creative Director, G Dobson
Community Services Manager, K Reilly
Development Services Manager, K Stone
Assets & Technical Services Coordinator, S Eade
Planning & Regulatory Coordinator, A Mountney
Planning Officer, E Pieniak
Executive Coordinator, C Jordan

Audio Recording: All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Digital Recording Policy. and that the meeting was being live streamed on YouTube. The digital recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1 APOLOGIES

An apology for the meeting was received from Cr G Enniss.

2 DECLARATIONS OF INTEREST

The following Declarations of Interest were advised:

Councillor	Item No	Reason	Remaining in Meeting? Yes/No	If remaining, reason/s for decision
Cr L Murphy	4.3	Has been previously engaged in professional capacity with the land owner	No	

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

26/172 RESOLUTION

MOVED: Cr Martin OAM
SECONDED: Cr Murphy

That the minutes of the Council meeting held on 24 August 2026 as previously circulated be confirmed.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

26/173 RESOLUTION

MOVED: Cr Martin OAM
SECONDED: Cr Murphy

That the response to questions from Ms Vicki Ward at the August 2026 Council meeting be noted.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

26/174 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Martin OAM

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

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

MR R B VELLACOTT, 11 COCKER PLACE, DEVONPORT

Subject - Proposed Data Centre Development and concerns from TasPorts
Mayor and Councillors, I bring to your attention a serious of safety matter concerning the proposed Data Centres at Wesley Vale, if built will be in close proximity among other properties to Devonport Airport. Whilst the proposed Data Centre and the existing airport are in the Latrobe municipality, I suggest it nonetheless is important that you are aware of the safety implications such has I have been able to obtain and I ask:

Q1 Has council been kept up to date with the concerns raised by TasPorts, the operator of the Devonport Airport who contacted Latrobe council and raised concerns in relation to the proposed development such as and I will quote "TasPorts raised concerns in relation to the need for consideration of the impacts to prescribed air space radio frequencies, plume rise from generator emissions and associated operational or safety risks" - pretty serious stuff. Therefore, given the many safety and other concerns expressed by many, both nationally and internationally, and in particular those made by TasPorts, about the established and proposed data centres, if Council has not already been involved with this proposal, so as to ensure the absolute safety of not only aircraft, including crew, passengers, as well as the general public and infrastructure of the airport, I ask will you on behalf of the rate payers make representations to the state government and appropriate authorities and request they give assurance that what is proposed will indeed not be a danger to what I have stated.

Response
The Chief Executive responded that council is keeping up to date with what is happening with the Data Centers as a neighbor, not as a planning authority, as it is not within our municipality. Therefore, we haven't had to look at it from that statutory point of view, and TasPorts have not been directly in touch with us - they have rightly been to the council that's considering the development, but we are aware of what is proposed. I know that the Mayor and Councillors have attended a number of forums as has senior staff. Cradle Coast Authority are also doing some work on behalf of the regional councils, keeping up with Data Centres and what they might mean. He said it is also worth noting that Latrobe Council have now referred the matter to the state government asking that it be

considered under major projects legislation, so ultimately, if it's accepted, it will be the state that makes the decision.

Mr. Vellacott said - yes and I follow exactly what you're talking about and have spoken about and are fully aware of that situation, however, I don't think it will hurt if the council themselves also write into the government expressing your concerns.

The Mayor responded confirming that council have done that through the Cradle Coast Authority, with all the Mayors signing the correspondence.

Q.2 My reference is to my questions on notice for this evening's meeting on Page 7 - Agenda item 3.22 and the CEO's response which you all have just endorsed. Mayor, I thought my questions about rates payable for various properties, in the main, could be answered very simply by a yes or a no. Am I correct in interpreting the response that not only the Chief Executive Officer but all councilors are prohibited from answering simply yes or no if, for instance, you asked – does council receive rate revenue from the Indie School complex - are you actually prohibited to tell me that with a simple yes or no ?

The Mayor responded that the information is commercial in confidence
The CEO referred to council's response which says that unless there are exemptions in place, rates are charged to all those properties – so Mr Vellacott can reasonably assume that Indie School will pay rates.

Q.3 Following on from that Mayor, to my question about the Devonport Racecourse - If rates were payable, the response was that the site is council owned and therefore not subject to rates charges. That may be so, however in regard to that, would not, when assessing the amount of the lease rent payable or an equivalent amount of assessed rates, would be included in determining the rate to be paid by Tasracing or in other words rates are indirectly paid rather than it just being said that it belongs to the council? I did ask that but the question wasn't answered.

Response
The CEO responded that the racecourse is a council owned property and council have a commercial arrangement in place with Tasracing, and as we said in the response referred to, it is not appropriate to go into what each property might pay or doesn't pay on rates – there is a commercial arrangement in place.

4 PLANNING AUTHORITY MATTERS

4.1 PA2026.0070 - 105-107 BEST STREET, DEVONPORT - 2 LOT SUBDIVISION

26/175 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Viney

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 PA2026.0070 and grant a Permit to develop land identified as105-107 Best Street, Devonport for the following purposes:

- 2 Lot Subdivision

Subject to the following conditions:

PLANNING CONDITIONS

1. APPROVED PLANS
The subdivision must be carried out substantially in accordance with the plans prepared by Michell Hodgetts Surveyors, Drawing No. 226013, dated 25 March 2026. The endorsed plans form part of this permit.

2. PUBLIC OPEN SPACE CONTRIBUTION
In accordance with Council's *Public Open Space Contribution Policy*, the developer must pay a public open space contribution equivalent to 5% of the unimproved value of Lot 1 prior to sealing the Final Plan.

The unimproved value of the land must be determined by a registered valuer no more than six (6) months prior to lodgement of the Final Plan. All costs associated with obtaining the valuation are to be borne by the developer.

INFRASTRUCTURE CONDITIONS

3. AS CONSTRUCTED DRAWINGS
Prior to sealing the Final Plan, an "as constructed" drawing must be provided to Council in accordance with Council's standard requirements. The drawing must show details of the stormwater connection and vehicle crossing/driveway works undertaken as part of the development.

4. VEHICLE CROSSING AND DRIVEWAY
A new vehicle crossing and driveway to serve proposed Lot 1 must be constructed generally in accordance with Tasmanian Standard Drawing TSD-R09-v3 and Council's standard requirements.

5. ROAD RESERVE PERMIT
A permit to work within the road reserve must be obtained from Council prior to the commencement of any works within the road reserve.

Works requiring approval include, but are not limited to, the construction of vehicle crossings and driveways, installation of service connections, and the placement of equipment or materials within the road reserve.

6. STORMWATER CONNECTION
The developer must provide a suitable stormwater connection to Council's stormwater system for proposed Lot 1 and demonstrate, through the provision of adequate levels, that the connection is capable of servicing the entire lot.

TASWATER CONDITION

7. TASWATER REQUIREMENTS

The subdivision must comply with the requirements contained within the relevant Submission to Planning Authority Notice issued by TasWater pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of the Notice is attached and forms part of this permit.

Note: The following is provided for information purposes.

Street Addressing

The following street addressing allocations apply:

- Lot 1: 105 Best Street
- Lot 2 (existing dwelling lot): 107 Best Street

Enquiries

- For enquiries relating to Condition 7, contact TasWater on 13 69 92.
- For enquiries relating to Conditions 3 to 6, contact Council's Infrastructure & Works Department on (03) 6424 0511.
- For enquiries relating to all other conditions, contact Council's Development Services Department on (03) 6424 0511.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

4.2 PA2026.0113 - 132 BEST STREET, DEVONPORT - RESIDENTIAL (MULTIPLE DWELLINGS X 19)

26/176 RESOLUTION

MOVED: Cr Sheehan

SECONDED: Cr Hollister

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 PA2026.0113 and grant a Permit to use and develop land identified as 132 Best Street, Devonport for the following purposes:

- Residential (multiple dwellings x19)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as project no. 26.03 by CMK architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The ongoing use of the approved development must be operated by Homes Tasmania, or any successive government agency, for residents requiring subsidised or assisted housing.
3. A landscape plan showing a detailed design of the communal outdoor spaces as well as canopy trees and other planting, must be submitted and approved as an endorsed document forming part of this Planning Permit, prior to lodging any applications under the *Building Act 2016*. The location and species of canopy trees

must consider the mature height as well as proximity to underground services and buildings.

ON-STREET CAR PARKING CHANGES

4. Prior to the commencement of any work on the site, the applicant must submit a fully dimensioned plan in accordance with *AS2890.5 - Parking Facilities: On-Street Parking*, prepared by a suitably qualified person to show:
   a. The location of the existing vehicle crossings on Best Street and Kempling Street and the current on-street car parking restrictions and marked bays,
   b. The location of the proposed new vehicle crossing in Kempling Street and all modifications to the on-street car parking bays to facilitate the new crossing location,
   c. The removal of the redundant vehicle crossing in Best Street and all modifications to the on-street car parking restrictions.

5. No work affecting the road reserves of Best Street or Kempling Street shall commence prior to the approval of the Plan by the Infrastructure Manager or their delegate and the issue of a Road Reserve Permit for such works.

6. All work within the road reserve is to be undertaken in accordance with the IPWEA-LGAT Tasmanian Standard Drawings and Specifications and must be completed prior to the occupation of the development.

ROAD RESERVE PERMIT REQUIRED

7. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve, where such works include any installation, removal or alteration of a vehicle crossover, or proposed change to any stormwater infrastructure. An application for a Road Reserve Permit is to be made in the approved manner and accompanied by all necessary documentation to detail the proposed scope of works.

VEHICULAR CROSSING WORKS - ROAD RESERVE PERMIT REQUIRED

8. Prior to the commencement of the use, a new vehicular crossing must be provided to service this development and all unused crossovers and driveways must be removed. An application for such work must be lodged on the approved form.

9. No work shall be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the issue of a permit for such works.

10. All work must be in accordance with the Tasmanian Standard Drawings and Specifications for a commercial/industrial vehicular crossing using either KCR & B1 or KCRB & B1 with 200 thick concrete driveway apron as per TSD-R16 and shall be at the applicant's expense. The work must include all necessary alterations to other services including lowering/raising pit levels and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (e.g. TasWater, Telstra, and Aurora etc).

EROSION AND SEDIMENT CONTROL

11. The Developer is responsible for making good and/or cleaning any footpaths, road surfaces or other elements damaged or soiled during the construction activity. Erosion and sediment control measures are to be implemented and maintained during the development to minimise downstream sediment transfer, particularly with respect to the stormwater pits, inlets, and the disturbed ground, to the satisfaction of Council. All reinstatement shall be completed prior to final completion unless otherwise directed by Council.

ON SITE STORMWATER DETENTION

12. Stormwater discharge from the proposed development is to be detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 5% annual exceedance probability (AEP) storm event and for a suitable range of storm durations to identify peak discharge flows. The design is to limit the rate of stormwater discharge from the proposed development to be equivalent to the discharge rate if 50% of the development site was impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for any storm events up to and including 1% AEP.

13. All design calculations and drawings are to be submitted for approval by the Infrastructure Manager prior to lodgement of any subsequent applications made under the *Building Act 2016*.

14. 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 connection shall be specified by a suitably qualified hydraulic engineer.

CAR PARKING CONSTRUCTION

15. Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must be:
    a. Properly constructed to such levels that they can be used in accordance with the plans;
    b. Surfaced with an impervious all-weather seal;
    c. Adequately drained to prevent stormwater being discharged to neighbouring property;
    d. Line-marked or otherwise delineated to indicate each car space and access lanes.

16. Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

WASTE AND RECYCLING COLLECTION

17. Council waste collection is not available for this development. The collection of waste and recycling from the site shall be undertaken by a private contractor using a Medium Rigid Vehicle (8.8 metres in length). The vehicle must reverse into the property at the Kempling Street entrance and exit in a forward direction.

18. Waste and recycling collection must not be within 8:00am – 9:30am and 2:30pm – 4:00pm during school days.

DAMAGE TO COUNCIL INFRASTRUCTURE AND ASSETS

19. The developer is liable for all costs associated with the repair of damage to Council infrastructure and assets resulting from non-compliance with the conditions of the Planning Permit or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer may also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

TASWATER

20. 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.

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*.

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

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.

The developer is to ensure that all stormwater run-off is managed in accordance with the recommendations contained in the document, Erosion and Sediment Control - The fundamentals for development in Tasmania (https://www.derwentestuary.org.au)

Addressing for the development per AS4819:2011 standard shall be:

Ground Floor:

Unit 3 - G01/132 Best Street, Devonport

Unit 1 - G02/132 Best Street, Devonport

Unit 2 - G03/132 Best Street, Devonport

1st Floor:

Unit 4 - 101/132 Best Street, Devonport

Unit 5 - 102/132 Best Street, Devonport

Unit 6 - 103/132 Best Street, Devonport

Unit 7 - 104/132 Best Street, Devonport

Unit 8 - 105/132 Best Street, Devonport

Unit 9 - 106/132 Best Street, Devonport

Unit 10 - 107/132 Best Street, Devonport

Unit 11 - 108/132 Best Street, Devonport

2nd Floor:

Unit 12 - 201/132 Best Street, Devonport

Unit 13 - 202/132 Best Street, Devonport

Unit 14 - 203/132 Best Street, Devonport

Unit 15 - 204/132 Best Street, Devonport

Unit 16 - 205/132 Best Street, Devonport

Unit 17 - 206/132 Best Street, Devonport

Unit 18 - 207/132 Best Street, Devonport

Unit 19 - 208/132 Best Street, Devonport

In regard to condition 20 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 4 – 19 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

FOR: Cr Hollister, Cr Jarman, Cr Moore, Cr Sheehan and Cr Viney
AGAINST: Cr Martin OAM, Cr Murphy and Cr Wilczynski

CARRIED 5 / 3

4.3 PA2026.0117 - 64 DON ROAD, DEVONPORT - DEMOLITION AND NEW GENERAL RETAIL AND HIRE (BOTTLE SHOP)

Cr Murphy left the meeting at 6:13 pm.

26/177 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Hollister

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 PA2026.0117 and grant a Permit to use and develop land identified as 64 Don Road, Devonport for the following purposes:

- Demolition and new General Retail and Hire (bottle shop)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as: Retail Development at Don Rd, Project No. 26-05, Drawing no. DA – A.00 – DA – A.04, dated 15/7/2026 by Meraki Creative Studio and Services, Drawing No 26543-01, dated JUN26 by Poortenaar Consulting, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Permitted hours of operation are 8.00am to 9.00pm 7 days per week, including public holidays.
3. 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;
4. Air extraction, pumping, refrigeration systems or compressors must be separated by a distance of not less than 10m from the General Residential Zone.
5. Security lighting must be baffled so that direct light does not extend into the adjoining properties in the General Residential zone.

6. All mobile plant, including forklifts, must be fitted with broad-band reverse beacons in place of tonal reverse beacons.

7. Doorbells and telephones must not be audible from any property located in the General Residential zone.

8. The applicant must seek approval from Council's Environmental Health Department before any works commence. As part of this the Building Surveyor is to submit a Form 42 and its associated paperwork (including proposed menu type) as part of the Building and Plumbing application process.

9. The developer is to ensure that food preparation and food storage areas comply with the National Construction Code of Australia Tas Part I4 Food Premises and AS4676:2004 Design, Construction and Fit-out of a Food Premises.

ON-SITE DETENTION STORAGE

10. An on-site stormwater detention system is required to be designed, installed and maintained for the life of the proposed development.

11. Stormwater discharge from the proposed development is to be designed and detailed by a suitably qualified hydraulic engineer, for all storm events up to and including a 5% Annual Exceedance Probability (AEP), and for a suitable range of storm durations to identify peak discharge flows. The design must limit stormwater discharge from the proposed development 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 any the storm events up to and including 1% AEP.

12. The design must incorporate all necessary features to ensure the system can be effectively maintained for the life of the development and shall consider matters such as access, cleaning and resistance to tampering.

13. All design drawings and calculations are to be submitted for approval by the Infrastructure Manager prior to lodgement of any subsequent applications made under the *Building Act 2016*.

14. On completion, an 'as constructed' plan is to be submitted to the Infrastructure Manager, complete with levels and certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

ROAD RESERVE PERMIT REQUIRED

15. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve, where such works include any installation, removal or alteration of a vehicle crossover, or proposed change to any stormwater infrastructure. An application for a Road Reserve Permit is to be made in the approved manner and accompanied by all necessary documentation to detail the proposed scope of works.

VEHICULAR CROSSING REQUIRED

16. Prior to the commencement of the use, a new vehicular crossing must be constructed in accordance with Tasmanian Standard Drawing, TSD-R16, using either type KCR & B1 or KCRB & B1 details up to the property boundary.

17. No work shall be undertaken to construct the new vehicular crossing or to remove the existing driveway outside the property boundary without the issue of a permit for such works.

CAR PARKING CONSTRUCTION

18. Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must be constructed in accordance with the AS2890 series and be:

    a. Properly constructed to such levels that they can be used in accordance with the plans;

    b. Surfaced with an impervious all weather seal;

    c. Adequately drained to prevent stormwater being discharged to neighbouring properties; and

    d. Line-marked or otherwise delineated to indicate each car space and access lanes.

DAMAGE TO COUNCIL INFRASTRUCTURE AND ASSETS

19. The developer is responsible for all costs associated with the repair of damage to Council infrastructure and assets resulting from non-compliance with the conditions of the Planning Permit or legislation relevant to the development activity on the site.

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

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

Any future signage will require assessment by Council's Planning Department.

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.

The developer is to ensure that all stormwater run-off is managed in accordance with the recommendations contained in the document, Erosion and Sediment Control - The fundamentals for development in Tasmania - refer to the following link https://www.derwentestuary.org.au/assets/Best_practice_erosion_and_sediment_control_book.pdf

In regard to conditions 10-19 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.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 7 / 0

4.4 PA2026.0058 - 13, 14-15 VICTORIA PARADE & 5 LOWER MADDEN STREET, DEVONPORT - HOTEL INDUSTRY (PARTIAL DEMOLITION AND REDEVELOPMENT INCLUDING BUILDING WORKS, ACCESS AND PARKING RECONFIGURATION AND LANDSCAPING)

Cr Murphy returned to the meeting at 6:20pm.

Planning Officer, E Pieniak left the meeting at 6:20pm.

26/178 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Hollister

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 PA2026.0058 and grant a Permit to use and develop land identified as 13, 14-15 Victoria Parade, Devonport, & 5 Lower Madden Street Devonport for the following purposes:

- Hotel Industry (partial demolition and redevelopment including building works, access and parking reconfiguration and landscaping)

Subject to the following conditions:

PLANNING CONDITIONS

1. APPROVED PLANS AND DOCUMENTS

The use and development must be carried out generally in accordance with the following endorsed plans and documents:

- *Planning Report - Development Application*, Version 1 Revision 2, Elimatta Hotel Extension, dated 17 August 2026, prepared by Equilibrium Town Planning;
- *Development Plans* – Elimatta Hotel Extension and Refurbishment, Project M22000016, prepared by BPSN Architecture;
- *Elimatta Hotel Heritage Impact Statement*, dated 29 January 2026, prepared by BPSN Architecture;
- *Transport Impact Assessment* – Proposed Elimatta Hotel Redevelopment, Version F01, dated 20 May 2026, prepared by Ratio; and
- *Services Plan* – Elimatta Hotel Extension and Refurbishment, Issue P1, dated 5 August 2026, prepared by Tasmanian Consulting Service.

These plans and documents are endorsed and form part of this permit. A copy of the endorsed plans and documents is attached to this permit.

2. LANDSCAPE MANAGEMENT PLAN

Prior to the issue of a Building Permit, a Landscape Management Plan must be submitted to and approved by the Planning Authority. The Plan must be prepared by a suitably qualified person and include:

a) the location and extent of all landscaped areas;

b) details of proposed plant species;

c) the anticipated mature height and spread of proposed vegetation; and

d) ongoing maintenance and replacement requirements.

The landscaped areas must be generally consistent with those shown on the endorsed Site Plan forming part of this permit and be designed to provide an effective visual and amenity buffer between the development and adjoining residential properties, as well as to screen on-site parking areas from Lower Madden Street.

3. LANDSCAPING ESTABLISHMENT AND MAINTENANCE

All landscaping required by this permit must be established prior to the commencement of the use and thereafter maintained for the life of the development to the satisfaction of the Planning Authority. Any vegetation that dies, becomes diseased, is damaged or is removed, must be replaced with vegetation of a similar species, size and form within the next suitable planting season.

INFRASTRUCTURE CONDITIONS

4. CAR PARKING CONSTRUCTION AND MAINTENANCE

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must:

a) Be properly constructed to such levels that they can be used in accordance with the plans;

b) Be surfaced with an impervious all-weather seal;

c) Be adequately drained to prevent stormwater being discharged to neighbouring property; and

d) Be line-marked or otherwise delineated to indicate each car space and access lane.

Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the development.

5. CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of works on site, a Construction Management Plan (CMP) is to be submitted to Council for endorsement.
The plan must include:

a) Any proposed staging of the works, including the scope and anticipated timeframes for each stage;

b) Any temporary works required for the provision of access and parking for contractors and patrons; and

c) All works necessary to maintain the safe and efficient use of roads and footpaths fronting the site during demolition and construction works, including the pouring of concrete and the placement of construction materials.

The CMP is to be reviewed throughout the construction period and, where alterations or amendments are required, those changes must be submitted to Council for endorsement.

6. EROSION AND SEDIMENT CONTROL PLAN

Prior to the commencement of development works, the applicant must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve, including the nature strip, footpath and road pavement. Any material deposited on the road reserve as a result of development activity must be removed by the applicant. The silt fencing, cut-off drains and other erosion control measures are to be maintained until the site has

been stabilised and revegetated sufficiently to mitigate erosion and sediment transport.

7. REINSTATEMENT WORKS IN VICTORIA PARADE AND LOWER MADDEN STREET

Prior to the commencement of the use, that part of the road reserve subject to the encroachment shown for removal on the Victoria Parade frontage is to be reinstated to match the existing adjacent construction (i.e. concrete footpath). The concrete pad used for mobile garbage bins within the Lower Madden Street Road reserve is to be removed and the area reinstated to grass.

8. ROAD RESERVE PERMIT REQUIRED

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

9. PERMIT TO INSTALL, ALTER OR REMOVE VEHICLE CROSSING

No works to install, remove or modify a vehicular crossing, are to be undertaken without the issue of a Road Reserve Permit for such works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

An application for such work must be lodged electronically via the Council's website or on the approved hard copy form.

All new works must be constructed to Council standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading non trafficable trenches to a trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (e.g. TasWater, Telstra and TasNetworks, etc.).

All redundant crossovers and driveways must be removed and the area reinstated to match adjacent existing construction unless otherwise specified. The work is to be completed prior to the commencement of the use.

The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense. Where the driveway crossing works result in changes to existing parking restrictions (bay markings, linemarking and/or signage) these works must be undertaken by Council under an approved Traffic Facilities Plan with the cost of these works to be invoiced to the applicant/developer for payment.

TASWATER REQUIREMENTS

10. TASWATER CONDITION

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.

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.

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.

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*.

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

In regard to condition 4-9 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

4.5 PA2026.0130 - 13 BOVILL STREET, EAST DEVONPORT - RESIDENTIAL (OUTBUILDING)

26/179 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Hollister

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 PA2026.0130 and grant a Permit to develop land identified as 13 Bovill Street, East Devonport for the following purposes:

- Residential (outbuilding)

Subject to the following conditions:

1. The Development is to proceed generally in accordance with the submitted plans referenced as Proposed Shed, Project No. 2026.09, Rev.1, Sheets A01-A06, dated 18/9/26 by Camtec Pty Ltd & Shed Plans, Job No. 4533214176, Sheets 1-7, dated 19/03/2026 by Best Sheds, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. All stormwater is to be directed to the existing property stormwater connection in accordance with the requirements of the National Construction Code.

DAMAGE TO COUNCIL INFRASTRUCTURE AND ASSETS

3. The developer is liable for all costs associated with the repair of damage to Council infrastructure and assets resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to Council infrastructure such as driveways, footpaths and stormwater infrastructure. The developer may also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

Note: The following is provided for information purposes.

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

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

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

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.

The developer is to ensure that all stormwater run-off is managed in accordance with the recommendations contained in the document, Erosion and Sediment Control - The fundamentals for development in Tasmania - refer to the following link https://www.derwentestuary.org.au/assets/Best_practice_erosion_and_sediment_control_book.pdf

In regard to condition 3 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.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 8 / 0

5 REPORTS

5.1 CHILDREN'S MEMORIAL PAVILION - MERSEY VALE MEMORIAL CEMETERY

Planning & Regulatory Coordinator, A Mountney left the meeting at 6:25pm.

26/180 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Sheehan

That Council endorse:
1. use of the Memorial Pavilion for ash interments and memorialisation of persons of all ages; and
2. the renaming the Children's Memorial Pavilion as the Memorial Pavilion at Mersey Vale Memorial Park.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

5.2 TENDER REPORT CT0375 BEST STREET RENEWAL - ROOKE TO EDWARD STREET

26/181 RESOLUTION

MOVED: Cr Martin OAM
SECONDED: Cr Sheehan

That Council, in relation to "Project CT0375 Best St Renewal - Rooke to Edward Street":
a) award the contract to Walters Contracting Pty Ltd for the revised schedule of rates amount of $653,004 (ex GST);
b) allow a construction contingency of $79,000 (ex GST);
c) note project design, management and administration costs are estimated at $87,000 (ex GST); and
d) authorise the Chief Executive Officer to execute all necessary documentation associated with the contract.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

5.3 ENDORSEMENT OF MEMBERSHIP - DEVONPORT YOUTH ADVISORY COMMITTEE

26/182 RESOLUTION

MOVED: Cr Martin OAM
SECONDED: Cr Moore

That Council:

1. Appoint Archie Munro, Ebony Kremneff, Ellie Clark, Jamie Nguyen and Merinda Jones to the Devonport Youth Advisory Group; and
2. Reappoint Atticus Pacey, Chelsea Farnsworth and Miles Maibala.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

6 INFORMATION

6.1 MAYOR'S REPORT

26/183 RESOLUTION

MOVED: Cr Wilczynski
SECONDED: Cr Murphy

That the Mayor's Monthly Report be received and noted.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

6.2 CEO'S REPORT

26/184 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Moore

That the Chief Executive Officer's Report be received and noted.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

6.3 MONTHLY OPERATIONAL REPORT - AUGUST 2026

26/185 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Hollister

That Council receive and note the Monthly Operational Report for the period ending 31 August 2026.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

6.4 AUDIT PANEL MEETING

26/186 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Hollister

That Council receive and note the unconfirmed minutes of the Audit Panel meeting held on 10 August 2026.

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

7 CLOSED SESSION

26/187 RESOLUTION

MOVED: Cr Murphy
SECONDED: Cr Viney

That in accordance with Regulation 17 of the *Local Government (Meeting Procedures) Regulations 2025*, the following be dealt with in Closed Session.

Item No	Matter	*Local Government (Meeting Procedures) Regulations 2025* Reference
3.1	Confirmation of Closed Minutes – Council Meeting – 24 August 2026	17(2)(h)
3.2	Requests and Notifications for Leave of Absence or Parental Leave	17(2)(i); 17(2)(j)
4.1	Confidential Attachments	17(2)(h)

FOR: Cr Hollister, Cr Jarman, Cr Martin OAM, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 8 / 0

The Mayor adjourned the meeting at 6:44pm to reconvene in Closed Session at 6:49pm.
The Council moved out Closed Session at 6:53pm.

Council resumed in open session at 6:53pm.

The Closed Session of Council, having met and dealt with its business, resolved to report that it had determined the following:

Item No	Matter	Outcome
3.1	Confirmation of Closed Minutes – Council Meeting – 24 August 2026	Confirmed
3.2	Applications and Notifications for Leave of Absence or Parental Leave	Approved
4.1	Confidential Attachments	Noted

8 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:53pm.

Confirmed: Minutes confirmed 26 October 2026 - MIN Refers 26/192

Chairperson – Mayor Alison Jarman