



*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 Council Chambers, on Monday 28 August 2017, commencing at 5:30pm.

**The meeting will be open to the public at 5:30pm.**

## 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.

Paul West  
GENERAL MANAGER

**23 August 2017**

### September 2017

<b>Meeting</b>	<b>Date</b>	<b>Commencement Time</b>
Governance Finance & Community Services	18 September 2017	5:30pm
Council Meeting	25 September 2017	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 28 AUGUST 2017 AT THE COUNCIL CHAMBERS AT 5:30PM**

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Agenda of an ordinary meeting of the **Devonport City Council** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday, 28 August 2017 commencing at 5:30pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chair	Ald S L Martin (Mayor)		
	Ald A L Rockliff (Deputy Mayor)		
	Ald C D Emmerton		
	Ald G F Goodwin		
	Ald A J Jarman		
	Ald L M Laycock		
	Ald J F Matthews		
	Ald T M Milne		
	Ald L M Perry		

**ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

**3.0 PROCEDURAL**

**3.1 CONFIRMATION OF MINUTES**

**3.1.1 COUNCIL MEETING - 24 JULY 2017**

**RECOMMENDATION**

That the minutes of the Council meeting held on 24 July 2017 as circulated be confirmed.

### **3.1.2 SPECIAL COUNCIL MEETING - 7 AUGUST 2017**

#### **RECOMMENDATION**

That the minutes of the Special Council meeting held on 7 August 2017 as circulated be confirmed.

### **3.2 PUBLIC QUESTION TIME**

Members of the public are invited to ask questions in accordance with the following resolution of Council (Min Ref 54/16):

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. A maximum period of time of 30 minutes in total will be allowed for public participation.
  4. A maximum period of time of 3 minutes will be allowed for each individual.
  5. A member of the public may give written notice to the General Manager 7 days before an ordinary meeting of Council of a question to be asked at that meeting.
  6. A member of the public will be entitled to ask questions relating to the activities of Council, giving an explanation that is necessary to give background to the question and ask supplementary or follow up questions relating to that specific matter that may come to light as a result of the answer.
  7. Questions do not have to be lodged prior to the meeting, however they would be preferably provided in writing.
  8. A question by any member of the public and an answer to that question are not to be debated.
  9. 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.
-

### 3.2.1 Responses to questions raised at prior meetings

Meeting held 24 July 2017

**Reproduced below** is the response dated 31 July 2017 to Mr Trevor Smith's question:

"I refer to your questions raised at the 24 July 2017 Council meeting and provide the following responses:

**Q1** Will you be offering some sort of financial incentive if you pay your rates in full by the 31<sup>st</sup> of August each year?

**Response:** No, Council has considered this question several times in the past and has determined not to offer discounts for early payment.

**Q2** With the inclusion of the Rates Brochure, you had a pie chart showing where your money will be spent during the year 2017-2018. Why isn't there an amount for renewal of damaged footpaths that will need replacing? There is no money allocated for footpaths that are needed in Surrey Street, Devonport one of the oldest streets that are lacking footpaths for the elderly!

**Response:** Expenditure for footpaths is included under the roads heading in the brochure. Council does include funding for footpath renewals each year in the budget. In this year's capital works budget there are six pedestrian/footpath projects, three new projects to improve pedestrian safety and three footpath renewal projects.

**Q3** In the section below the pie chart, Our Budget, there is a section titled Contributions. Are you receiving moneys from outside sources that the Ratepayers are not being told about?

**Response:** Small donations and contributions are received by Council each year and are a regular part of Council operations. Contributions received are reported in the Financial Report presented to the Community, Governance, Finance and Community Services Committee on a bi-monthly basis and included in the budget documents annually.

**Q4** With regard to the article in the Advocate, July 22, Page 4, the Council's report stated "The teatree swamp forest at the site was in extremely poor condition". Does this mean the existing teatrees adjacent to the Tennis Club at Devonport, are also in a poor condition, and that they can be bulldozed into oblivion?

**Response:** A report was commissioned in 2015 regarding the teatrees at the Devonport Tennis Club. The report stated "*The stand is a mature and well established example of the Melaleuca ericifolia Swamp Forest vegetation type, which is listed as Threatened in Schedule 3A of the Nature Conservation Act 2002. The stand is in good condition, with minimal weed invasion.*"

As stated in the Council's report on the agenda for the 24 July meeting, the teatrees at 80-82 River Road was also the subject of a report which stated that they were in "extremely poor condition".

**Q5** What is the total cost to the Ratepayers of Devonport, for the employee's working 10 hour days, six days a week? From start up, until the 24-7-2017, on the LIVING CITY PROJECT?

**Response:** As has previously been identified through reporting to Council, the LIVING CITY project is a *Guaranteed Maximum Price (GMP)* contract. It is up to the contractor to determine the hours of work for those on site.

**Q6** What is the main reason for the increase in costs, to the Ratepayers of Devonport?

**Response:** Refer response to Question 5.

**Q7** Does the Council intend to have the LIVING CITY Providore Place finished, at any cost to the Ratepayers, before the Masters Games commence in October?

**Response:** No."

Meeting held 24 July 2017

**Reproduced below** is the response dated 1 August 2017 to Mr Malcolm Gardam's question:

"I refer to your questions raised at the 24 July 2017 Council meeting and provide the following responses:

**Q1.** Acknowledging that the Waterfront Hotel – Expressions of Interest (EOI's) is an item listed for tonight's Closed Session, will Council be shortly declaring to ratepayers the parties that EOI's have been received from and specifically how many are developers and how many are operators?

**Response:** The Council will be working through the EOI's in due course and will make public announcements when it is in a position to do so. I trust that you can appreciate that the timeframe is unknown due to the complexity of the project and the sensitivity of negotiations.

**Q2.** Noting that Council has previously refused to rule out providing a financial contribution to the tenancy fitouts in the Food Pavilion (Providore Place) will Council please confirm:

a) Does a budget exist for this specific purpose and if so the amount that has been allocated?

**Response:** Given the construction contract preceded tenant works by a lengthy period, the contract is a base-build, i.e. includes only those items which were reasonably certain at that time.

Prior to contract, Council was aware that further works would be required to get the tenancy areas of the pavilion into a ready-to-lease condition.

Additional works were to be specified in collaboration with the tenants, and form part of the building fabric, and like the base build remain Council property. Provision of \$850,000 was included in the budget approved by Council for fit-out and allows for work such as floor finishes, partition walls, ceilings and equipment fit for purpose, and as such be agreed with tenants.

b) If fitouts are included to entice tenants, who of the following will be controlling the negotiation process and approving expenditures;

i) Projects & Infrastructure (P+i) as Council's appointed Development Manager?

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- ii) Providore Place (Devonport) Pty Ltd, subsidiary of P+i, as head lease holder and the complex manager and now responsible for securing all tenants; or
- iii) Devonport City Council as Principal, building owner and the overall financing Project Sponsor?

**Response:** Council has entered into an operating lease for the building with Providore Place (Devonport) Pty Ltd. It is up to Providore Place (Devonport) Pty Ltd to secure tenants. Expenditure on these works is subject to Council's normal budget approval, proof of cost, and payment control processes."

Meeting held 14 August 2017 – Infrastructure Works & Development Committee

**Reproduced below** is the response dated 17 August 2017 to Mr Douglas Janney's questions:

"I refer to your questions raised at the 14 August Infrastructure, Works and Development Committee meeting and provide the following responses:

**Question:**

When is the Council going to review and improve:

- 1.1 How it specifies work and issues construction instructions?
- 1.2 Supervise issued work at appropriate times to avoid no compliance with the specification.
- 1.3 Require timely rework where the job was not carried out properly

**Response:**

Council continually evaluates current practises and changing needs to endeavour to improve work practices and outcomes, however unfortunately by the very nature of the work undertaken by Council, and the differing views within the community as to priorities and expectations, I don't expect that we will ever be able to fully satisfy everyone.

Within the last twelve months, Council has:

- introduced a contractor evaluation system. This means that the performance of a contractor is evaluated at the end of a project and that score is used in the evaluation of future tender submissions. If a contractor performs poorly, they will likely receive a lower score on future submissions making securing future work less likely;
- expanded Council's contractor induction system;
- reviewed contract documents to ensure consistency across Council; and
- reviewed processes regarding quality assurance controls.

Further, all contracts for Infrastructure projects are issued in accordance with Australian Standard AS2124 (General Conditions of Contracts). This standard clearly details the requirements regarding defect liability periods.

Regarding the specific projects mentioned in your letter, I advise:

- 1. The road marking at Steele Street and Wenvoe Street is incorrect. Unfortunately, there is only one contractor in Tasmania that has the appropriate equipment required to remove the thermoplastic lines.
-



Removal of the existing line has to occur prior to installing the correct lines.

If Council was to engage the contractor (who is Hobart based) to only remove this one small section, it will pay a premium price. Council has been waiting to include the works when the contractor is next in the area to minimise the cost. Originally other works were planned for April which would have shared the costs however this work did not eventuate.

2. The contractor responsible for the defects on the project at Steele Street and Fenton Street has made a request to Council that the manholes they are required to raise be completed when the contractor is resealing the road adjacent (currently programmed for October 2017). As these defects are considered to be minor, the request from the contractor has been accepted.
3. The works in Elizabeth Street are still in the defect liability period of the contract. The cost of repairs is the responsibility of the contractor. Currently the contractor has chosen to carry out temporary repairs for the defects until the weather warms up and a full repair (including 2 coat sealing) can be completed effectively.
4. The issue in Steele Street opposite the old hospital site was a result of works completed by TasWater. TasWater operate under separate legislation that does not require them to gain Council's permission prior to carrying out work. Council had identified this issue with TasWater and requested that they address the reinstatement works."

## **RECOMMENDATION**

That Council note the responses to questions from Mr Trevor Smith and Mr Malcolm Gardam at the 24 July 2017 Council meeting and from Mr Douglas Janney at the 14 August 2017 Infrastructure Works & Development Committee meeting.

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### 3.2.2 Questions on notice from the public

#### **MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

Questions on notice were received from Mr Bob Vellacott on 15 August 2017 and are **reproduced as attachment 1.**

#### **DISCUSSION**

In relation to the questions received 15 August 2017 it is proposed that Mr Vellacott be advised of the following:

#### **Q1 Response**

Under Section 72B(4) of the *Local Government Act 1993*, "only electors in the municipal area" are entitled to vote on any motion put forward. Electors include any person registered on the Tasmanian Electoral Commission's Electoral Roll and not "financial ratepayers" as is your understanding. This would also entitle both Aldermen and staff registered on the Electoral Roll to vote at the Annual General Meeting.

#### **Q2 Response**

As noted in the "Good Practice Guidelines" issued by the Local Government Division, the *Local Government Act 1993* is silent on the procedure that councils follow for the conduct of AGM's (including question time). However, it is stated that the AGM should comply with the Local Government (Meeting Procedures) Regulations 2015 as far as practicable. It is therefore Council's intention that the AGM be conducted similar to ordinary Council meetings.

#### **Q3 Response**

A report has been prepared for consideration at the August meeting providing an opportunity for Council to set the date of its Annual General Meeting.

#### **MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

Questions on notice were received from Mr Bob Vellacott on 21 August 2017 and are **reproduced as attachment 2.**

#### **DISCUSSION**

In relation to the questions received 21 August 2017 it is proposed that Mr Vellacott be advised of the following:

#### **Q1 Response**

Council have no additional documents to those previously made public and have been the subject of previous letters to yourself.

#### **MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA**

Questions on notice were received from Mr Malcolm Gardam on 21 August 2017 and are **reproduced as attachment 3.**

#### **DISCUSSION**

In relation to the questions received 21 August 2017 it is proposed that Mr Gardam be advised of the following:

#### **Q1 Response**

Council's Development Managers (P+i) are currently in discussion/negotiation with Harris Scarfe on behalf of Council. Council remains confident that Harris Scarfe will relocate to the former Harvey Norman building as part of LIVING CITY.

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**Q2 Response**

In response to Q2(a), (b) and (c) the conditions of the lease between Council and Harris Scarfe are commercial in confidence.

d) **Response**

Council will re-consider its options at that point in time if an agreement is not able to be reached.

**Q3 Response**

This is not information Council maintains. Company information can be sourced through a search with the Australian Securities and Investment Commission (ASIC).

**Q4 Response**

In response to Q4(a) and (b) Council has a head lease with Providore Place Pty Ltd for the operation of the Food Pavilion. Whilst the sub-leasing of tenancies is the responsibility of the Head Lessee, Council understand the listed parties remain involved in Providore Place.

**Q5 Response**

No.

**ATTACHMENTS**

- ⇒1. Questions on Notice - Council Meeting - 28 August 2017 - Bob Vellacott
- ⇒2. Questions on Notice - Council Meeting - 28 August 2017 - Bob Vellacott
- ⇒3. Questions on Notice - Council Meeting - 28 August 2017 - Malcolm Gardam

**RECOMMENDATION**

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

BOB. VELLACOTT RATEPAYER  
11 COCKER PLACE DEVONPORT 7310

Question on notice for August 28<sup>th</sup> 2017

Question:-

I would appreciate if you would provide a copy of the standing orders for the forthcoming 2016-17 Devonport City Council Annual General Meeting.

I understand only financial ratepayers are entitled to put forward motions relevant to Council affairs and vote, however please clarify the following.

- (a) Are all Aldermen and members of staff (who are rate payers) present at the AGM able to fully participate?
- (b) How many Questions are permitted to be asked by each ratepayer?
- (c) What is the time frame of the AGM?

Please include all of above and responses in the Agenda.

*R. B. Vellacott* 15 August 2017

ROBERT .B. VELLACOTT RATEPAYER  
11 COKER PLACE DEVONPORT 7310

Questions on Notice for Devonport City Council Ordinary Meeting 28<sup>th</sup> August 2017

Q1. At this point in time does Council have final Business Case Plan documents for:-

- (i) The Multistorey Car park?
- (ii) The Conference Centre ?

If yes - are the documents available to ratepayers?

If there are no completed documents when will they be available?

*R.B.Vellacott* Aug 18 .2017

Devonport City Council  
17 Fenton Way  
**DEVONPORT TAS 7310**

Malcolm Gardam  
4 Beaumont Drive  
**MIANDETTA TAS 7310**  
(Mobile No: 0417 355 813)

**ATTENTION: MR. STEVE MARTIN – DEVONPORT MAYOR**

**RE: LIVING CITY – QUESTIONS ON NOTICE ORDINARY MEETING 28<sup>th</sup> AUGUST 2017 (File 32161)**

Dear Mayor,

The following are questions on notice to the Ordinary Meeting of the 28<sup>th</sup> August 2017, and are directed to you.

- Q1.** The initial Horwath HTL report, dated April 2016, stated that "*The existing Harris Scarfe store is relocating into the retail precinct, releasing the land for Stage 3.*"; will Council confirm if discussions indicate a move to the new retail precinct (old Harvey Norman store or a new retail development) shortly after completion of the Multi-Purpose Building or is Council expecting those discussions to be ongoing for 5 years similar to ongoing discussions with a major discount department store establishing in the new retail precinct?
- Q2.** In relation to the existing lease with Harris Scarfe will Council please confirm the following:
- a) Does Harris Scarfe have an option to extend the Term under the existing lease agreement?
  - b) Has Harris Scarfe exercised any such option to extend the Term (if applicable) under the existing lease agreement?
  - c) What year does the existing Harris Scarfe lease period expire?
  - d) What does Council intend to do if Harris Scarfe refuses to move until the end of the current lease agreement and it impedes construction of the proposed waterfront hotel and thereby significantly delay realising the supposed revenue streams to be derived from the new Conference Centre?
- Q3.** As at the date of this letter can Council please advise who are the owners/shareholders and directors of Southern Wild Distillery Pty Ltd (SWD) and Providore Place Devonport Pty Ltd (Providore Place), both lease holders with the Devonport City Council?
-

- Q4. In regards to Council's previously announced secured tenants for the Food Pavilion (Providore Place) will Council please advise as follows:
- a) Can Council categorically refute the rumour that 41 Degrees South (Salmon Producer) has withdrawn and is no longer a secured tenant?
  - b) Can Council categorically confirm that Southern Wild Distillery and Ben Milbourne's up-market restaurant, cooking school and film studio are actually secured tenants as repeatedly inferred since last year along with 41 Degrees South?
- Q5. Is it a role of Projects + Infrastructure (P+i), as part of their approximately \$600k / per annum Development Manager fee, to source tenants for the Food Pavilion (Providore Place) since the announcement that a Head Lease Agreement had been formalised with Providore Place Devonport Pty Ltd?

Please ensure questions and responses are included in full in the next Ordinary Meeting Agenda.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Gardam', with a long horizontal stroke extending to the right.

Malcolm Gardam

**3.2.3 Question without notice from the public**

**3.3 QUESTIONS ON NOTICE FROM ALDERMEN**

At the time of compilation of the agenda no questions on notice from Aldermen were received.



### 3.4 NOTICES OF MOTION

#### 3.4.1 SUPPORT FOR HELIPAD - MERSEY COMMUNITY HOSPITAL - NOTICE OF MOTION - ALD G F GOODWIN

File: 27716 D486687

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Alderman G F Goodwin.

#### ATTACHMENTS

Nil

#### MOTION

"That the Devonport City Council support the construction and implementation of a Helipad at the Mersey Community Hospital Latrobe as proposed by the State Government."

#### SUPPORT

There were no supporting comments provided.

#### OFFICER'S COMMENTS

Council's current position in relation to the Mersey Community Hospital as determined at the 27 April 2015 meeting (Min No 73/15 refers) and is **reproduced below**.

"That Council note the release of the Delivering Safe and Sustainable Clinical Services White Paper Exposure Draft Report – March 2015 and continue to lobby on behalf of the community its previously adopted position that any proposed changes at the Mersey Community Hospital should only be considered if it is demonstrated:

- a) a net benefit to the Mersey Community Hospital which includes no downgrading of life saving services;
- b) does not jeopardise the delivery of high quality health services across the whole region by weakening the critical mass required to do so;
- c) the North West Regional Hospital and Mersey Community Hospital playing a state-wide role in the delivery of health services to all Tasmanians."

## **4.0 PLANNING AUTHORITY MATTERS**

**The Mayor will now announce that Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993 for the consideration of Agenda Items 4.1 to 4.2.**

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

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

- 4.1 AM2017.01 Rezoning from General Residential to Commercial and PA2017.0062 Transport Depot and Distribution & Storage - 26 North Caroline Street East Devonport (D485987)
- 4.2 AM2017.02 & PA2017.0101 Rezoning from Port and Marine Zone to Local Business Zone to Allow the Development of a Retail Complex - 2-12 Murray Street, East Devonport (D487893)

## 4.1 AM2017.01 REZONING FROM GENERAL RESIDENTIAL TO COMMERCIAL AND PA2017.0062 TRANSPORT DEPOT AND DISTRIBUTION & STORAGE - 26 NORTH CAROLINE STREET EAST DEVONPORT

File: 33844 D485987

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to enable Council acting as a Planning Authority to consider the two representations received to the application and forward a report on the merits of those representations to the Tasmanian Planning Commission under S39(2) of the *Land Use Planning and Approvals Act 1993, (the Planning Act)*.

### BACKGROUND

At its meeting on 26 June 2017, Council acting as a Planning Authority certified a draft amendment (Min No 95/17 refers) to rezone 26 North Caroline Street, East Devonport from General Residential to Commercial with some site specific qualifications included to control inappropriate use or development on the site. Council also granted conditional approval for the uses of a Transport Depot and Distribution and Storage.

The minute is reproduced below.

*That Council agree to certify AM2017.01 to Rezone 26 North Caroline Street, East Devonport (CT 123612/1) from General Residential to Commercial with the following Site Specific Qualifications to be inserted into the 23.2 Use Table of the Commercial zone after the following uses as follows –*

<b>Permitted</b>	
Bulky Goods Sales	If not on CT 123612/1
Equipment and machinery sales and hire	If not on CT 123612/1
Food Services	If not on CT 123612/1
Service industry	If not on CT 123612/1
Tourist operation	If not on CT 123612/1
Vehicle fuel sales and service	If not on CT 123612/1
Vehicle parking	If not on CT 123612/1
<b>Discretionary</b>	
Bulky goods sales	If not on CT 123612/1

and

- place AM2017.01 on public exhibition in accordance with the provisions of the *Land Use Planning and Approvals Act, 1993*; and
- approve a draft development application PA2017.0062 for Transport Depot and Distribution and Storage in accordance with the *Land Use Planning and Approvals Act 1993*, subject to the following conditions:

Report to Council meeting on 28 August 2017

1. Unless altered by subsequent conditions of this permit the Transport Depot and Distribution and Storage uses are to be undertaken in accordance with the submitted plan and supporting documentation referenced as:
  - Request for Amendment to Planning Scheme, 26 North Caroline Street East Devonport by CBM Sustainable Design dated May 2017.
2. Vehicle movements to and from the site must generally be completed within the hours of 7am to 6pm, Monday to Saturday. Where vehicle movements occur outside these hours they will be confined to vans and light trucks arriving at or departing the site only in a forward direction.
3. All dirt, dust, mud or foreign material tracked onto the road from vehicles entering/exiting the premises must be completely cleaned and/or removed as soon as possible.
4. The stormwater system is to be kept free of oil, grease, diesel or petrol-based products, or any substance or material that is not stormwater.
5. 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;
  - b) Appearance of any building works or materials;
  - c) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, waste water or any waste products.
6. Fixed equipment must not be operated:
  - a) from 7.00am until 10.00pm, if the fixed equipment, when so operated, emits noise greater than 45dB(A); or
  - b) from 10.00pm until 7.00am, if the fixed equipment, when so operated, emits noise that is greater than 40dB(A).

(Fixed equipment includes, but is not limited to domestic heating equipment, systems for the production of hot water, air conditioners, evaporative coolers, pumps, generators or wind turbines, that are affixed at the location at which they are in use)

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Emmerton	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	
Ald Jarman	✓		Ald Rockliff	✓	
Ald Laycock	✓				

CARRIED UNANIMOUSLY

**REPRESENTATIONS**

The combined application was advertised twice within a four week period in accordance with the requirements stipulated under the *Land Use Planning and Approvals Act 1993*. The public advertising period commenced on 5 July 2017 and concluded on 2 August 2017.

Two (2) representations of support were received within the prescribed 28 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. These are attached to this report as **Attachment 1**.

**DISCUSSION**

No specific discussion is required because the representations favour the amendment and permit and support the Planning Authority decision. Further it is recommended that there is no need to review the decision and modify the certified documents.

**FINANCIAL IMPLICATIONS**

No financial implications or risks are predicted with the processing of this application.

**ATTACHMENTS**

- [1.](#) Representations of Support - AM2017.01 & PA2017.0062 - 26 North Caroline Street East Devonport

**RECOMMENDATION**

That Council forward a copy of this report to the Tasmanian Planning Commission in accordance with the requirements of Section 39(2) of the *Land Use Planning and Approvals Act 1993*.

Author:	Shane Warren	Endorsed By:	Brian May
Position:	Planning Coordinator	Position:	Development Manager

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**From:** Andrew Lawson <[alawson@ajl.com.au](mailto:alawson@ajl.com.au)>  
**Sent:** Monday, 31 July 2017 3:26 PM  
**To:** council  
**Cc:** John Saltmarsh; Rick Little  
**Subject:** Caroline Street East Devonport Rezoning

File 33844

To Whom it may concern

I am writing this document as a letter of support for the rezoning of North Caroline Street East Devonport. The council is aware of our investment being the owners of 16-18 North Caroline Street and also our ongoing endeavours to have the area rezoned following poor historical planning decisions .

It has become very obvious that this land parcel has attracted no interest from potential residential developers however there have been many requests for development for commercial purposes which ultimately attracts investment and creates employment - something that I feel is important in this precinct let alone any part of Tasmania in the current environment .

Benefits of rezoning the area

- Utilisation of Industrial land close to the Port facilities supporting those activities
- Local employment
- Investment and improvement into otherwise derelict properties with no likely sale opportunities ( created by the poor planning decisions )

Once again we support the Council with its undertaking to rezone the area and would hope that common sense prevails with the Tasmanian Planning Commission over a minority few that may oppose this change for the better.

Regards

Andrew Lawson  
Managing Director



1-3 Massy Greene Drive, South Burnie, Tas, 7320  
Ph: 03 6430 2777 Fax: 03 6431 4535  
Email: [alawson@ajl.com.au](mailto:alawson@ajl.com.au)  
Mobile: 0418 140 384

---

**From:** Rhys Johnson <rhys@palletrepaircompany.com.au>  
**Sent:** Wednesday, 2 August 2017 1:47 PM  
**To:** council  
**Cc:** Rhys Johnson  
**Subject:** PA2017.0062  
**Attachments:** PRC18 Streeflands Transport.pdf

To Whom It May Concern:

Please see attached representation.

Best regards

Rhys Johnson

---

**From:** Rhys Johnson <rhys@topcentrelaundry.com.au>  
**Date:** Monday, 31 July 2017 at 6:45 am  
**To:** Rhys Johnson <rhys@palletrepaircompany.com.au>  
**Subject:** Streefland transport



ABN 19 936 067 268

Dear

**RE: Planning Application PA2017.0062 26 North Caroline St East Devonport 7310**

The Pallet Repair Company has reviewed in detail the planning application as submitted by Streefland Transport.

The above-mentioned property adjoins our Eastern Boundary.

The Pallet Repair Company directors, as land owners of 31 Brooke Street provide our full support behind the submitted planning application.

We feel strongly in our position for council to support this planning application.

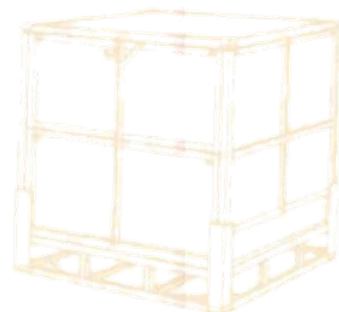
This application will create favourable employment outcomes within the North West Economy and we are confident that council will also see these intrinsic benefits of supporting this application.

We look forward to a favourable outcome for all parties.

Best Regards

A handwritten signature in blue ink, appearing to read 'Rhys Johnson', is positioned above the typed name.

Rhys Johnson  
Director  
Pallet Repair Company



31 Brooke Street (PO Box 344E) East Devonport Tasmania 7310  
Tel. (03) 6427 7111 Fax. (03) 6427 7110



## **4.2 AM2017.02 & PA2017.0101 REZONING FROM PORT AND MARINE ZONE TO LOCAL BUSINESS ZONE TO ALLOW THE DEVELOPMENT OF A RETAIL COMPLEX - 2-12 MURRAY STREET, EAST DEVONPORT**

File: 34397 D487893

### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required to ensure it delivers local community character and appropriate land use

### **SUMMARY**

The purpose of this report is to enable Council acting as a Planning Authority to determine whether firstly, to certify planning scheme amendment AM2017.02 to rezone land from Port and Marine Zone to Local Business Zone and secondly, grant a planning permit for development of land, PA2017.0101, in regard to a combined application made under Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act).

### **BACKGROUND**

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i> (the Scheme)
Applicant:	6ty° Pty Ltd
Owner:	Devonport City Council
Proposal:	Rezoning from Port and Marine Zone to Local Business Zone to Allow the Development of a Retail Complex
Existing Use:	Vacant Land
Existing zone:	Port and Marine
Decision Due:	30/08/2017

### **SITE DESCRIPTION**

The subject site is located on the southern side of Murray Street, East Devonport. It comprises six titles which were developed originally for residential purposes. Demolition of the last two dwellings at 4 & 10 Murray Street was approved in late 2011.

A compilation of the six sites results in a general rectangular shape with an east-west axis. The construction of Norton Way approximately 16 years ago also provided an alternative road frontage to the lots however nothing on any of the sites capitalised on this arrangement.

The site is clearly observed when exiting the ferry terminal quarantine area onto Murray Street and is currently a managed grassed area. The land further west is the East Devonport port area containing the Ferry Terminal and berthing areas. The land immediately west contains two commercial activities and the land immediately east adjacent to the existing business zone is a Telstra communication exchange building.

Figure 1 provides further descriptive details of the site which are complemented by similar details prepared by the applicant.



Figure 1 – Location Plan, 2 – 12 Murray Street, East Devonport

**DISCUSSION**

In general terms the development of the land for retail uses cannot occur unless an appropriate zone is applied to the land. Section 43A of the Act provides opportunity for a person to request a Planning Authority to also consider an application for a permit which would not be allowed if the planning scheme was not amended as requested.

**Amendment**

Figure 2 is a reproduction from the application that provides an overview of the current zones with the subject site outlined in a contrasting colour for identification purposes. It is proposed that this strip be coloured to indicate an extension to the Local Business zone that currently extends along Murray Street and Wright Street.



Figure 2 – Current zone overlay, 6ty° 43A Application July 2017

A comprehensive submission has been prepared by the applicant. This has been prepared taking into account the requirements of the Act, relevant strategic documents

and the relevant provisions of the Scheme insofar as the use and development standards which apply. The content has been examined and nothing of any consequence has been identified that might present a dissimilar view.

The application includes a Traffic Impact Assessment which has been examined by the Council Engineering Department. Minor matters identified can be included as conditions in the recommended permit.

It is prudent to draw attention to the applicant's commentary under Section 2.1 of their submission. This discusses the inappropriateness of the Port and Marine Zone. It is also noted that the subject titles and many others along the waterfront and used for port and shipping purposes were originally zoned 'Transport and Warehouse' under the 1984 Devonport and Environs Planning Scheme. However, an amendment to create a 'Port' zone was made with final approval by the Resource Planning and Development Commission in February 2003.

The genesis of this amendment occurred in 2002 when the Port of Devonport Corporation (PDC) and the Devonport Council collaborated to initiate an amendment. At the time the PDC owned several titles adjacent the waterfront including those subject to this application and submitted that the Transport and Warehouse zone did not provide clear guidelines on what they could or couldn't do within the port area. The Council similarly contended that there were inadequate development controls on the Port's operation under the existing Transport and Warehouse zone to address maximum building height, lighting, car parking, call centre activities and tourist facilities.

Figure 3 provides an overview of the site in March 2004 before the current existing arrangement had commenced for vehicular and pedestrian access and egress from the ferry terminal.



Figure 3 – Site overview, Photo source DCC Archive March 2004

In January 2006 the strategic direction also changed when the State Government merged Tasmania's four ports into one entity called the Tasmanian Port Corporation Pty Ltd known as TasPorts. By this time the reconfiguration of the vehicular access and queuing area prior to embarkation was complete. Figure 4 captures the location in March 2006 which has remained virtually unchanged since.





Figure 4 – Location overview, Photo source DCC Archive March 2006

The subject lots were purchased by Devonport Council from TasPorts in June 2009 and in 2013 the Council resolved to begin the necessary process to establish a Regional Visitor Information Centre in collaboration with the Cradle Coast Authority. This project, which would also have required a change in zoning did not proceed.

Historically the site has been subject to considerable investigation for future use and development but nothing has advanced to an application. This combined application for rezoning and development provides that opportunity and it seems reasonable based on the applicant's submission that a zone change is in order to allow that to happen.

### **Planning Permit Considerations**

Associated with this proposed zone change is the development component to allow a supermarket and two smaller general retail outlets. The applicant has submitted an analysis of the development against the Local Business Zone of the Scheme. This summary includes commentary on the Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements.

Additional comments to supplement those submitted by the applicant are conveyed as follows.

#### **20.3.1 Discretionary permit use**

The applicant has provided advice and it is agreed that the supermarket is a permitted use in the Local Business Zone. The uses of the two smaller tenancies are unknown at this stage which creates the position of those uses being classed as discretionary General Retail and hire activities if they do not fit within the ambit of the Permitted use qualifications. It seems reasonable to include the likelihood of one or both being discretionary in the assessment of this application. It should be noted that the actual occupant does not have to be known to form a view on whether the Performance Criteria (PC) under this clause can be satisfied.

The applicant has addressed the local area objectives and desired future character statements on pages 43-45 of their submission. The remaining PC are statements based on whether the general retail and hire use will be required to service the requirements of the local resident and visitor population.

## Report to Council meeting on 28 August 2017

Comments: This criterion virtually includes any retail activity. For example, a shop selling bushwalking apparel will service both local and visitor needs and would be deemed to satisfy the PC.

Figure 5 provides an overview of the proposed site that indicates building scale, vehicle parking and access arrangements.



Figure 5 – Proposed site plan retail development 6ty° Project 13.159

The remaining criteria mandates any general retail and hire use to have minimum potential to service a population beyond the local community, minimum potential to have immediate incremental and cumulative adverse effect on the regional pattern of retail and service provision and have minimum potential to displace retail, business and professional use.

Comments: This PC has the objective of not allowing an activity to be located in this zone that is best suited in another zone due to its likely bulk and scale and inappropriate location in a local area. It also ensures that the local shopping area does not lose its identity because of an improper transition of some retail and business activity. For example, any application for a large Homemaker type activity would not be suitable in Murray Street if the application required demolition of smaller specialty shops that had served the community for many years.

In this proposal, the buildings are not of a scale that causes any adverse effect to the existing retail hierarchy at East Devonport.

The remaining development standards for the zone have been addressed in the application and no further comments are made.

The Scheme also includes 11 Codes that may be applicable. Discretions have been identified in the Change in Ground Level Code (E4), the Sign Code (E7) and the Traffic Generating Use and Parking Code (E9).

The applicant has provided a satisfactory submission to satisfy the PC of Codes E4 and E7 and these are accepted without any further discussion. The submission in respect to Code E9 requires some additional commentary to ensure that the Planning Authority are aware that the compliant number of vehicle spaces (58) differs considerably to that to be provided by the developer (40).

The application includes a comprehensive assessment of how either the Acceptable Solutions and Performance Criteria can be satisfied which is supplemented by a Traffic Impact Assessment. From a practical perspective, it is in the developer's best interest to provide a satisfactory level of parking for customers and if there is justification for a lesser quantum based on a business model it could be deemed that the numbers provided are reasonable.

However, the Planning Authority has to consider the broad approach and determine whether the reduced number of spaces (18) may cause displacement of parking spaces elsewhere in the shopping locality if supermarket customers find the car park full and park in the existing on street spaces provided nearby.

The consideration of reduced car parking numbers onsite is discussed in detail within the Traffic Impact Assessment (TIA) by Midson Traffic Pty Ltd that is annexed to the application. The TIA is prefaced with the comment that land use developments generated traffic movements and without a clear understanding of the type of traffic movement, scale, timing, duration and location there is a risk that traffic movements may contribute to safety issues and unforeseen congestion or other problems.

The author's conclusion finds that the traffic generation of the proposed development is likely to be 2,082 vehicles per day and 215 trips per hour during peak periods. It further submits that the relatively small shortfall of 18 spaces is considered acceptable in light of shared parking principles and the large amount of time restricted on-street parking in the surrounding road network.

As a footnote it is considered prudent for the Planning Authority to have an understanding of how the compliant car parking numbers are calculated. Table E9.1 of the Traffic Generating Use and Parking Code requires 1 space per every 30m<sup>2</sup> of gross floor area. Gross floor area means '*the total floor area of the building measured from the outside of the external walls or the centre of a common wall*'.

Although the factors allow for a reasonably easy calculation of required numbers there is some disparity due to the indifferent floor areas from back of house to front of house for different retail activities. Having a unilateral factor for all shops without any proven ratios lacks any science and can create an unreasonable discretionary permit pathway.

It becomes important therefore that the submission of a Traffic Impact Assessment by a suitably qualified and experienced professional can assist greatly in determining the merits of whether the relevant Performance Criteria are satisfied.

#### **STATUTORY REQUIREMENTS**

The application and the assessment of the application must comply with the requirements of the *Land Use Planning and Approvals Act 1993* and the provisions of the *Devonport Interim Planning Scheme 2013*.

#### **COMMUNITY ENGAGEMENT**

If Council decides to certify the amendment and consent to the development the details of the zoning amendment, draft permit conditions, the application and the decision of the Planning Authority are to be exhibited for 28 days.

Following this public exhibition period, a report will be prepared for the Planning Authority discussing the merits on any representation received during this time. This report and any endorsed recommendations are then forwarded to the Tasmanian Planning Commission (TPC). In normal circumstances, the TPC would conduct a Hearing and invite persons who made a representation, the applicant and the Planning Authority to assist them with their final determination.

### **FINANCIAL IMPLICATIONS**

No financial implications are predicted unless an appeal is made to the Tribunal against the decision and legal counsel is required to defend the Planning Authority decision.

### **RISK IMPLICATIONS**

No risks to Council have been identified during the assessment of the application.

### **CONCLUSION**

The application has been referred to internal and external parties (TasWater) with an interest in the development. Responses received have been formed into conditions and notes as appropriate.

The applicant has submitted in conclusion that the land located at 2-12 Murray Street, East Devonport be rezoned from Port and Marine to Local Business in order to facilitate a new purpose-built retail complex within the East Devonport Village.

It is has also been submitted that the application has demonstrated that the proposed rezoning is consistent with the:

Common and local provisions of the Scheme;

Objectives set out in Schedule 1 of the Act;

State Policies;

Cradle Coast Regional Land Use Strategy; and

Gas Pipelines Act 2000.

In addition it is submitted by the applicant that the proposed retail complex development has demonstrated compliance with the applicable standards of the Scheme if the amendment were in place. On this basis it is considered that the combined permit and amendment to the Scheme can be supported.

### **ATTACHMENTS**

- [1.](#) Proposed Zone Map Change
- [2.](#) Planning Submission - 2-12 Murray Street, East Devonport - PA2017.0101
- [3.](#) Development Application - Retail complex - 2-12 Murray Street, East Devonport
- [4.](#) Traffic Impact Assessment

## RECOMMENDATION

That the Planning Authority:

- A. Agree to certify AM2017.02 to rezone land from Port and Marine to Local Business; and
- B. Under Section 43A of the *Land Use Planning and Approvals Act 1993* approve PA2017.0101 for the development of a Retail Complex and consolidation of land identified as 2 – 12 Murray Street, East Devonport subject to the following conditions:
  - 1. Unless requiring modification by subsequent conditions on this permit the use and development is to proceed and be undertaken generally in accordance with the submitted plans referenced as Project No 13.159 issue date 13.07.17 by 6ty° Pty Ltd and the Traffic Impact Assessment by Midson Traffic Pty Ltd dated May 2017, copies of which are attached and endorsed as documents forming part of this Planning Permit.
  - 2. The developer is to comply with the conditions contained 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.
  - 3. The developer is to take all reasonable steps during demolition and construction to prevent environmental effects occurring that might result in a nuisance. This includes no immediate off-site storage of associated building equipment and materials on public land and the pollutant effects of noise and water as well as air pollution from the result of any burning of waste.
  - 4. The development will be required to limit stormwater discharge to that equivalent to 50% of the development site being impervious. Calculations and design drawings will need to be provided and approved to satisfy this before work commences. The on-site detention design can include surface storage in the carpark area.
  - 5. The developer is to install a single stormwater service connection only servicing the proposed development. Any redundant stormwater service connections are to be located and capped off in accordance with the industry standard.
  - 6. The development is to be located clear of the existing 'Gateway' tree, surround and road markings in Murray Street. In this regard the proposed entrance should be located slightly to the west.
  - 7. The developer is to provide details on their plans of the suitable treatments for the relocation and reinstatement of the existing streetscape features including exposed aggregate concrete, street trees, surrounds, street light standards, stamped concrete footpath panels and road markings along the Murray Street frontage.
  - 8. The developer is to design a suitable pit grate and surround to replace the existing stormwater side entry pit at the heavy vehicle entrance off Norton Way.

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 and provide the necessary building and plumbing approvals and notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.



Report to Council meeting on 28 August 2017

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The developer is to obtain approval from Council's Environmental Health Department before any works commence on the food preparation/handling areas. As part of this a building surveyor is to submit a Form 42 and associated paperwork, details of the nature of the foods intended to be prepared, types of manufacturing and preparation intended to be undertaken on the premises, and any relevant drawings, specifications and documents that relate to that work.

There are no disabled parking spaces indicated in the proposed parking layout. This will need to be included.

It is not clear that the proposed heavy vehicle/RV exit onto Norton Way is wide enough for the required left-hand turn for the intended vehicle sizes. Consideration should be given to widening or aligning the access to suit the required turning paths.

The one-way connection between Murray Street and Norton Way is not on a road reserve and cannot be relied on.

The proposed Light/Heavy vehicle exit onto Murray Street appears to adversely impact the existing traffic management treatment enabling access into the Ferry terminal. The submitted TIA does not address this feature and it should be noted due to the existing use of this facility this traffic management feature is not relocatable without consent between the Road Authority and TasPorts.

Author:	Shane Warren	Endorsed By:	Brian May
Position:	Planning Coordinator	Position:	Development Manager



Measured form and function **6ty°**

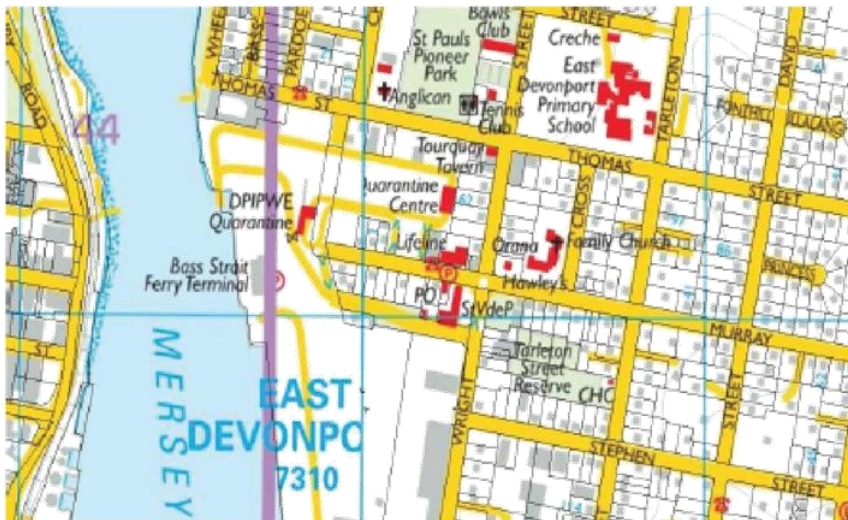
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# Combined Rezoning and Retail Complex 2-12 Murray Street East Devonport



## Planning Submission for a Section 43A Application





<b>Issue</b>	02
<b>Date</b>	22 August 2017
<b>Project Number</b>	13.159
<b>Project Name</b>	Section 43A Application Murray Street, East Devonport
<b>Author</b>	George Walker
<b>Document</b>	

6ty Pty Ltd ©

Planning Submission



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Planning Submission



**Appendix A**

Title Information

**Appendix B**

Development Plans

**Appendix C**

Traffic Impact Assessment

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Planning Submission



## Executive Summary

A request is made seeking an amendment to the Devonport Interim Planning Scheme 2013 (the Scheme) pursuant to Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act). The proposed amendment seeks to rezone land located at 2-12 Murray Street, East Devonport from Port and Marine to Local Business. In addition, the application is seeking approval for a retail complex which would not be allowed if the Scheme is not amended as requested.

This planning submission forms the basis of the application and has been prepared taking into account the requirements of the Act, relevant strategic documents and relevant provisions of the Scheme. It is submitted that the application for a combined amendment to the Scheme and permit is either consistent, or directly complies with all applicable sections of the Act and Scheme as outlined within the ensuing planning submission.



Planning Submission



## Note

References in this document to the provisions of the *Land Use Planning and Approvals Act 1993* are references to the former provisions of the Act as defined in Section 2 of Schedule 6 – Savings and Transitional Provisions of the Act.



## 1.0 INTRODUCTION

It is proposed to rezone land located at 2-12 Murray Street, East Devonport from Port and Marine to Local business in order to facilitate a new purpose-built retail complex which would not be allowed if the Scheme is not amended as requested.

The planning submission has been prepared to:

- provide the rationale for the draft amendment;
- provide a full description of the proposed use and development;
- detail the site and the surrounding uses;
- demonstrate that the application can further the objectives set out in Schedule 1 of the Act;
- determine that the proposal is in accordance with the State Policies;
- establish that the proposal is in accordance with the Cradle Coast Regional Land Use Strategy 2010-2030;
- demonstrate that the proposal is outside of the area regulated by the *Gas Pipelines Act 2000*;
- make evident that this proposal does not conflict with uses on adjoining land; and
- establish that the subdivision complies with applicable provisions of the relevant zone, codes and specific area plan of the Scheme.

### 1.1 Application Overview

Element	Details
Address	2-12 Murray Street, East Devonport
CT	2 - 85308/1 4 - 23736/4 6 - 101497/1 8 - 29167/1 10 - 124378/1 12 - 27817/1
PID	2 - 6368623 4 - 6368615 6 - 6368607 8 - 6368594 10 - 6368586 12 - 6368578
Proposal	Combined permit and amendment for the purposes of rezoning the land from Port and Marine to Local Business and undertaking a retail complex development.
Planning Instrument	Devonport Interim Planning Scheme 2013

Planning Submission

Measured form and function



<b>Legislative Instrument</b>	<i>Land Use Planning and Approvals Act 1993</i>
<b>Current Zone</b>	<i>D31.0 Port and Marine</i>
<b>Proposed Zone</b>	<i>D20.0 Local Business</i>
<b>Codes</b>	<ul style="list-style-type: none"> <li>• <i>E3.0 - Clearing and Conversion of Vegetation Code;</i></li> <li>• <i>E4.0 - Change in Ground Level Code;</i></li> <li>• <i>E7.0 - Sign Code;</i></li> <li>• <i>E9.0 - Traffic Generating Use and Parking Code.</i></li> </ul>
<b>Specific Area Plans</b>	<i>No specific area plans apply to the land</i>

## 1.2 Requirements of the Act

The Act sets out specific matters that a draft amendment is required to demonstrate compliance and consistency with in order for a planning authority to be satisfied to initiate the draft amendment.

The following table outlines the key sections of the Act and the requirements within each section that the draft amendment needs to address.

<b>Section</b>	<b>Requirement</b>
20(1)	<p>Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section. Specifically, this section requires a planning scheme to:</p> <ol style="list-style-type: none"> <li>a) seek to further the objectives in Schedule 1 of the Act;</li> <li>b) prepare the scheme in accordance with State Policies made under section 11 of the <i>State Policies and Projects Act 1993</i>; and</li> <li>c) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the <i>Local Government Act 1993</i> as adopted by the council at the time the planning scheme is prepared; and</li> <li>d) have regard to the safety requirements set out in the standards prescribed under the <i>Gas Pipelines Act 2000</i>.</li> </ol>
32(1)(e)	An amendment to a planning scheme must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
32(1)(ea)	<p>An amendment to a planning scheme must not conflict with the requirements of section 30O of the Act which specifies the following:</p> <ul style="list-style-type: none"> <li>- <b>30O (1)</b>: an amendment may only be made to a local provision of a planning scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area;</li> <li>- <b>30O (2)</b>: an amendment to a planning scheme may only be made if:</li> </ul>

Planning Submission

Measured form and function



	<ul style="list-style-type: none"> <li>a) the amendment would not be directly or indirectly inconsistent with common provisions or an overriding local provision;</li> <li>b) the amendment does not revoke or amend an overriding local provision; and</li> <li>c) the amendment would not create a conflicting local provision.</li> </ul> <ul style="list-style-type: none"> <li>- <b>300 (3):</b> an amendment may only be made to a local provision if: <ul style="list-style-type: none"> <li>a) the amendment is to the effect that a common provision is not to apply to an area of land;</li> <li>b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</li> </ul> </li> <li>- <b>300 (4):</b> an amendment may not be made to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme; and</li> <li>- <b>300 (5):</b> an amendment to a planning scheme may be made if the amendment consists of: <ul style="list-style-type: none"> <li>a) taking an optional common provision out of the scheme; or</li> <li>b) taking the provision out of the scheme and replacing it with another optional common provision.</li> </ul> </li> </ul>
32(1)(f)	An amendment to a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
43(c)	An amendment to a planning scheme must: <ul style="list-style-type: none"> <li>a) seek to further the objectives set out in Schedule 1 of the Act; and</li> <li>b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application.</li> </ul>

### 1.3 Subject site and surrounding area

The subject site comprises 6 parcels of land of which the title details are outlined within section 1.1. Together, the land parcels have an area of approximately 4,116m<sup>2</sup> and form a long rectangular shape (refer to Image 1).





Image 1 - Aerial view of the site.

The subject site is relatively level with a gradient of approximately 1.6% (~1°) downhill to the south-west. The land is currently vacant, under managed grass cover with a copse of trees located in the south-east corner and centrally along the western boundary.

The subject site is located within the interface between the East Devonport Village to the east and Port of Devonport to the west. The adjoining land to the east comprises the access strip to an internal lot which is the location of the East Devonport Telstra Exchange station. The adjoining land to the west comprises two small titles containing existing buildings in which two hire car companies operate from. The subject site adjoins Murray Street to the north and Norton Way to the south.

#### 1.4 Zoning and Established Character of Surrounding Area

The subject site is currently zoned Port and Marine in accordance with the Scheme and forms part of the larger Port and Marine Zone which encompasses the entirety of the Mersey River north of the Bass Highway bridge inclusive of the water body and terrestrial Tasmanian Ports Corporation (Tas Ports) land located on the eastern and western banks (refer to Image 2). The Tas Ports land to the north of Murray Street and to the South and West of Norton Way primarily comprise large land parcels which are utilised for shipping logistics and the Spirit of Tasmania terminal. Specifically, the land to the north of Murray Street, opposite the subject site, is the location of the embarkation and disembarkation point for the Spirit of Tasmania.

The East Devonport Village is zoned Local Business and comprises a mixture of uses including residential, retail, food services and business and professional services. The land to the north and east beyond the East Devonport Village and Tas Ports land is zoned General Residential and primarily comprises established residential use and development. The land to the southeast of the East Devonport Village is zoned Light Industrial and is largely established with industrial style buildings with some existing residential dwellings located to the north of the industrial precinct.



Image 2 – Zoning composition of subject site and surrounding land.

### 1.5 Road Access and Services

Two existing vehicular crossovers are located at the eastern and western ends of the Murray Street frontage and there are no vehicular crossovers located along the Norton Way frontage. It is proposed to construct two new vehicular crossovers along the Murray Street frontage with the eastern most access providing entry only and the western access providing exit only. The proposed layout has been designed to promote small vehicle circulation through the car parking area and back towards the East Devonport Village. The two existing crossovers will be reinstated to Council requirements.

Two new vehicle crossovers are proposed to be constructed along the Norton Way frontage. A large crossover will be located centrally which is proposed for heavy vehicle entrance and exist as well as light vehicle entrance via a left hand turn only travelling east along Norton Way. A second vehicle crossover is proposed to be located off the south-eastern corner of the subject site which will provide exit only (via a left-hand turn onto Norton Way) for larger vehicles such as campervans and caravans. The accesses and car parking layout has been designed to limit light vehicles entering onto Norton Way. A traffic impact assessment (TIA) has been prepared by Midson Traffic Pty Ltd for the proposed retail complex. The TIA endorses the proposed configuration and layout of vehicle access and circulation areas. A copy of the TIA is contained within **Appendix C**.

The subject site is located within an established area of East Devonport which is serviced by water, sewage and stormwater infrastructure.

### 1.6 Environmental Hazards and Constraints

The following section provides an investigation into potential environmental hazards and constraints of the subject site.

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#### 1.6.1 Landslide Hazard

The subject site is not identified as being subject to landslide hazard as depicted by the overlay maps within the Scheme. Accordingly, the subject site is free from landslide hazards.

#### 1.6.2 Bushfire Hazard

The subject site is not located within a bushfire prone area as defined by the Scheme. Accordingly, the subject site is free from direct bushfire hazards.

#### 1.6.3 Flora and Fauna

The subject site is located within an established industrial/retail area of East Devonport and has been highly modified overtime. The land is clear of significant vegetation, with the exception of the copse of trees located within the south-eastern corner which are not identified as threatened species. The lack of vegetation also suggests that the habitat value of the land for fauna species is low. Accordingly, the subject site is free from significant flora and fauna values.

#### 1.6.4 Scenic and Landscape Value

The subject site is located within the interface between the Devonport port to the west and the East Devonport Village. The surrounding land to the north, west and south has been highly modified overtime for the purposes of shipping logistics and associated activities. In addition, the subject site is low lying and is not prominent within the landscape. Overall, the subject site is not considered to contribute to any prominent scenic or landscape values to the surrounding area.



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## 2 Draft Amendment - Rezoning

The following section provides an overview of the proposed rezoning and an assessment against the key requirements of the Act.

### 2.1 Rezone Land from Port and Marine to Local Business

The application is seeking to rezone the subject site from Port and Marine to Local Business. The primary purpose of the rezoning is to facilitate a purpose-built retail complex within a contiguous area of the East Devonport Village.

Overall, the Port and Marine zoning of the subject site is considered to be somewhat of an anomaly on the following grounds:

- several of the individual titles that comprise the subject site have previously contained residential dwellings (refer to Images 3 and 4);



Image 3 – in situ residential dwelling previously located at 4 Murray Street (Source: Google Street View 2010).



Image 4 – in situ residential dwelling previously located at 10 Murray Street (source: Google Street View 2010)





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- the subject site is not located within a proclaimed wharf area within the meaning of Section 12 of the Act. Furthermore, the subject site does not share a common boundary with the Devonport port land and associated titles;
- the subject site is currently vacant and is not utilised in conjunction with the operation of the Devonport port;
- the subject site is largely fragmented from the Devonport port being isolated by the location of Murray Street and Norton Way. Subsequently, the opportunity for the subject site to be incorporated into the port in a contiguous manner is severely restricted;
- overall, the subject site has minimal correlation and connectivity with the function and operation of the Devonport port.

It is contended that the Port and Marine zone significantly restricts the use and developability of the subject site by only allowing certain uses to occur within the zone where there is an association with port and shipping or similar maritime or nautical endeavours as prescribed by Table 31.2 of the Scheme (refer to Table 1).

Table 1 – Port and Marine Use Zone Table

No Permit Required	
Use Class	Qualification
Natural and cultural values managements	If care, conservation, rehabilitation, or protection against degradation, but must not include a building or development area for information or display of items or for any other use.
Port and Shipping	
Permitted	
Use Class	Qualification
Business and professional services	If for marine, port, shipping and transport purposes.
Community meeting and entertainment	If in support of crew and passengers.
Educational and occasional care	If training in marine, port and associated transport related skills.
Emergency services	If facilities for – (a) emergencies in the port and shipping area; or (b) marine search and rescue.
Equipment and machinery sales and hire	If marine, shipping and associated transport equipment.
Food services	If to cater for crews and passengers of shipping and associated transport.
General retail and hire	If shipping and associated transport related goods.
Manufacturing and processing	If – (a) boat or ship building; (b) maritime and shipping equipment; or (c) major maintenance or repair.
Pleasure boat facilities	If – (a) boat launch and recovery ramp;



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	(b) marina;  (c) on-shore boat storage with a gross floor area of not more than 500m <sup>2</sup> .
Research and development	If for port and shipping and associated transport purposes.
Service industry	If routine maintenance, servicing and repair of boats, marine and shipping and associated transport equipment.
Storage	If –  (a) freight prior to loading onto or subsequent to unloading from a ship, and includes a liquid fuel depot; or  (b) depot for storage of plant, machinery and other equipment required by a port or marine activity, including by search and rescue, tugs, marine pilot, and off-shore resource recovery.
Transport and distribution	If –  (a) distribution of freight and passengers onto or from a ship; or  (b) parking or servicing of vehicles used in connection with port and shipping purposes; or  (c) marina for permanent boat storage, including facilities for construction, maintenance, storage, sale or hire of boats; for fuelling, sewage pump-out and other services; for launching or recovery of boats, including a slip way or hoist; berthing and mooring; and any car parking.
Utilities	If minor utilities.
Vehicle fuel sales and service	If for boats, freight transport, commercial passenger vehicles, and ships.
Vehicle parking	If for crew and passenger of a ship.
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Pleasure boat facilities	
Natural and cultural values management	
Resource processing	If aquatic or marine resources.
Sports and recreation	If water based activity and associated land based infrastructure.
Utilities	
Visitor accommodation	
<b>Prohibited</b>	
<b>Use Class</b>	<b>Qualification</b>
All other uses	

Rezoning the subject site to Local Business will remove the use limitations that are imposed by the Port and Marine zone by allowing use and development listed within Table 20.2 of the Scheme (refer to Table 2).

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Table 2 – Local Business Zone Use Table

No Permit Required	
Use Class	Qualification
Natural and cultural values managements	If care, conservation, rehabilitation, or protection against degradation, but must not include a building or development area for information or display of items or for any other use.
Passive recreation	If be a public park, reserve, or garden, or a building or structure for use by the local, community.
Permitted	
Use Class	Qualification
Bulky goods sales	If – (a) a garden centre for the retail sale of plants, landscaping, and gardening supplies and equipment; (b) floor coverings, furniture, or white goods; (c) building supplies and hardware; (d) office and hospitality supplies; and (e) gross floor area of not more than 300m <sup>2</sup>
Business and professional services	If – (a) office for administrative, clerical, technical, professional or similar activity that does not include direct and regular dealings with members of the public; (b) medical centre; (c) veterinary centre; and (d) gross floor area of not more than 300m <sup>2</sup> .
Community meeting and entertainment	If gross floor area of not more than 300m <sup>2</sup> .
Educational and occasional care	If – (a) day care facilities for children; (b) day respite centre; or (c) pre-school and primary school education.
Emergency services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration.
Food services	If not a take-away food premises with a drive-through facility.
General retail and hire	If – (a) grocery and convenience goods; or (b) personal services; and (c) an occasional market retailing goods by independent stall holders.
Hotel industry	If no drive-through sales.
Pleasure boat facilities	If a boat launch and recovery ramp primarily for trailer borne recreational vessels.

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Residential	If located on a floor above road or pedestrian level or to the rear of active frontage premises.
Service industry	If not motor repairs and panel beating.
Sports and recreation	If – (a) an indoor facility; and (b) a gross floor area of not more than 300m <sup>2</sup> .
Tourist operation	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; or (b) a visitors information centre; or (c) gross floor area of not more than 500m <sup>2</sup> .
Utilities	If minor utilities.
Visitor accommodation	If – (a) in a building; (b) located on a floor above road or pedestrian level or to the rear of active frontage premises; and (c) guest accommodation is for not more than 16 people.
<b>Discretionary</b>	
<b>Use Class</b>	<b>Qualification</b>
Bulky goods sales	
Business and professional services	
Community meeting and entertainment	
Educational and occasional care	
Food services	
General retail and hire	
Hotel industry	
Passive recreation	
Pleasure boat facility	
Residential	
Service industry	
Sports and recreation	
Storage	
Transport and distribution	If – (a) loading or unloading of goods and passengers by bus, rail, ferry or taxi; and (b) courier and cartage of goods produced or sold from land within the applicable Local Business zone.
Tourist operation	
Utilities	
Vehicle fuel sales and service	If a service station
Visitor accommodation	
<b>Prohibited</b>	
<b>Use Class</b>	<b>Qualification</b>
All other uses	





Overall, it is considered that the Local Business zone is more appropriate for the subject site as opposed to the current Port and Marine zone on the following basis:

- many of the use classes that are permissible within the Port and Marine zone correlate with high probability of generating adverse impacts on the amenity of nearby sensitive uses through noise, odour, dust, vibration and other similar or like emissions. The use classes that are permissible within the Local Business zone will be more compatible with the locality and surrounding area within proximity to the subject site on the basis that they are typically more passive in terms of the level and extent of impacts generated by uses and will be similar to that of the established East Devonport Local Business zoned land;
- the development standards for the Local Business zone focus on creating good public spaces with particular emphasis on urban design and the interface between buildings and streets. On this basis, it is considered that the Local Business zone (and proposed retail complex) will produce a better urban design and public interface outcome particularly in light of the urban design enhancements that have occurred to the East Devonport Village. Overall, the proposed development is expected to build on the existing streetscape and enhancements of Murray Street and will also provide better visual, aesthetic and enticing interface for visitors and tourists departing from the Spirit of Tasmania terminal on the opposite side of Murray Street, as opposed to an industrial style development which is permissible under the Port and Marine zone.

## 2.2 Objectives of Schedule 1 of the Act

Sections 20(1)(a) and 43(c)(a) of the Act require a planning scheme and an amendment to a planning scheme to seek to further the objectives set out in Schedule 1 of the Act. The following section provides an assessment of the proposed amendment against each objective.

### 2.2.1 Schedule 1 Part 1

#### a) **To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.**

It is considered that the proposed rezoning promotes the sustainable development of Devonport's physical resources by enabling the expansion of the East Devonport Village within a spatially contiguous and developed area which will maximise the use of existing infrastructure, services and public facilities. The proposed Local Business zone is considered to be more conducive to the locale in comparison to the current Port and Marine zone in terms of enabling a range of uses to establish that are expected to result in minimal adverse impacts to the East Devonport Village and surrounding residential area.

Furthermore, the subject site does not contain any threatened flora or fauna species and does not contribute to significant ecological processes within the locality.

#### b) **To provide for the fair, orderly and sustainable use and development of air, land and water.**



The proposed rezoning will enable infill development to occur within a developed and serviceable area of Devonport for uses that are prohibited by the current Port and Marine zone. It is considered that the application of the Local Business zone to the subject site will form a continuous and logical extension of the East Devonport Village and will provide for a range of uses that are considered to be more compatible with the surrounding village area.

**c) To encourage public involvement in resource management and planning.**

Should the draft amendment be initiated by Council, public involvement will be achieved in accordance with the objective by virtue of the public exhibition period prescribed by section 38 of the Act. Members of the public are entitled to view the application and submit representations pursuant to section 39 of the Act.

**d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).**

If approved, the proposed rezoning and retail complex will stimulate and facilitate economic development during the construction and operational phases of the retail complex.

**e) To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry.**

The combined permit and amendment process directly involves the private sector, Devonport Council, the Tasmanian Planning Commission and the community by virtue of the public exhibition process to determine the merits of the proposal and to administer the legislative process.

**2.2.2 Schedule 1 Part 2**

**a) To require sound strategic planning and co-ordinated action by State and local government.**

The combined permit and amendment proposal has been assessed against the relevant strategic documents that have been prepared under the auspices of the Devonport City Council as required by section 20(1) of the Act.

**b) To establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land.**

The combined permit and amendment proposal seeks to change the instrument that governs use and development of the subject site from the Port and Marine zone to the Local Business zone. It is considered that the development provisions within the Local Business zone will achieve a better outcome for the locale in terms of expanding the East Devonport Village, capitalising on visitors from the Spirit of Tasmania into the East Devonport Village and minimising potential land use conflicts that may arise within the locality if the subject site was developed under the current Port and Marine zone.





- c) **To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.**

The proposed rezoning and subsequent development of the subject site seeks to address the changing environmental, social and economic circumstance of Devonport by providing additional opportunities for employment, creating a well-designed retail space which integrates with the established East Devonport Village and encourages the community and visitors alike to utilise the facilities.

The subject site is within the interface of the Devonport port and East Devonport Village which is fully developed with the urban infrastructure and services. It is considered that the proposed rezoning and subsequent development will provide for the efficient and sensible extension of the East Devonport Village.

- d) **To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.**

The proposed Scheme amendment has been assessed against the relevant State Policies and land use strategies which consider environmental, social, economic and conservation priorities.

- e) **To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.**

The combined permit and amendment process enables a proposed amendment to a planning scheme to be considered with an application for use and development on land that would not ordinarily be allowed if the planning scheme was not amended as requested. Accordingly, section 43A of the Act provides for a consolidated and coordinated approval process.

- f) **To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.**

The proposed rezoning and subsequent retail complex will provide a logical extension of the East Devonport Village whilst providing additional opportunities for employment. The design of the proposed retail complex is considered to be sympathetic to the existing urban fabric of the East Devonport Village albeit with a contemporary spin. The retail tenancies have been oriented in order to engage directly with Murray Street and provide for undercover areas for shoppers in addition to designated pedestrian access between the Murray Street pavement and shopfronts. In addition, landscaping has been proposed throughout the site in order to soften the development from the streetscape. Overall, the proposed rezoning and subsequent retail complex is expected to provide for a pleasant, efficient and safe working and shopping environment for local residents, broader community and visitors.

- g) **To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural values.**



There are no known local historic or aboriginal heritage values applicable to the site. Notwithstanding this, the provisions of the *Aboriginal Heritage Act 1976* will apply to any development of the subject site.

- h) To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.**

The subject site is located within a developed and serviceable area of East Devonport. New infrastructure will be constructed to connect into the existing services. It is not envisioned that the proposed rezoning or retail complex will compromise the functionality and operation of public assets and facilities within the community.

- i) To provide a planning framework which fully considers land capability.**

The subject site is not classified as agricultural land in accordance with the State Policy on the Protection of Agricultural Land 2009 on the basis that it is within an established urban area. Accordingly, this objective is not relevant to the proposed rezoning.

## 2.3 Cradle Coast Regional Land Use Strategy 2010-2030

Section 30O(1) of the Act specifies that an amendment may only be made to a local provision of a scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area. Accordingly, an assessment of the proposed rezoning and subdivision against the relevant sections of the Cradle Coast Regional Land Use Strategy 2010-2030 (RLUS) is provided in the following section.

### 2.3.1 Overview of the RLUS

The RLUS is a key policy framework that has been established to set out the expectations and desired future outcomes for land use planning within the Cradle Coast Region (the Region). The primary purpose of the RLUS is to provide the strategic foundation for land use planning within the Region as a platform to guide planning decisions within the context of the Region. A primary objective of the RLUS is to integrate land use planning and policy with environmental, social, economic, conservation and resource management priorities in order to:

- manage the region's development in response to ongoing socio-economic and physical environmental change; and
- protect and enhance the region's quality of life (liveability), productivity and sustainability for existing and future communities across the Region.

### 2.3.1 Structure of the Strategy

The RLUS acknowledges that complex interactions exist between environmental, economic and social spheres when making land use planning decisions. As such, the RLUS adopts a comprehensive, integrated and long-term approach to land use planning and recognises that synergies among policy areas.





Accordingly, the RLUS is broken up into five core policy groupings on which to build and execute the policies necessary to shape and guide future land use planning decisions. The five policy groupings are as follows:

1. **Implementing the Framework** - making it happen and keeping it relevant;
2. **Wise Use of Resources** - respect for what is valued;
3. **Support for Economic Activity** - a diverse and robust economy;
4. **Places for People** - sustainable and liveable communities; and
5. **Planned Provision for Infrastructure** - support for growth and development

Of the five policy groupings, Support for Economic Activity and Places for People are considered to be most relevant to the proposed draft amendment and development.

2.3.2 Support for Economic Activity

The RLUS recognises that business, retail, service and community support sectors are well established within the Region, understanding that the performance of each sector is largely dependent on population growth, demographic characteristics, and strength of the local economy. Accordingly, the policy group is broken into multiple sub-sections which address different aspects of the context and direction of the policy.

The following section identifies the relevant policy objectives of applicable sub-sections and provides a response against each policy objective in order to demonstrate how the proposed amendment and development aligns with each objective.

Principle	Objective
3.3.1	<b>Economic Activity</b>
	<b>a. Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations</b>
	<p><i>Response</i></p> <p><i>The proposed rezoning will broaden the scope of use and development that can establish on the subject site, rather than being limited to the qualifications within the Port and Marine zone. Accordingly, the proposed rezoning will enhance and maximise the use of existing employment land within the East Devonport Village and broader East Devonport settlement area.</i></p>
	<b>d. Promote provision of employment land in locations where:</b>
	<ol style="list-style-type: none"> <li>i. land is physically capable of development;</li> <li>ii. transport access and utilities can be provided at reasonable economic, social and environmental cost;</li> </ol>

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	<p>iii. <b>there is access to resource, energy, communication, and workforce; and</b></p> <p>iv. <b>sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement.</b></p>
	<p><b>Response</b></p> <p><i>The subject site is considered suitable for conversion from the Port and Marine zone to the Local Business zone on the following basis:</i></p> <ul style="list-style-type: none"> <li>• <i>the subject site is located within a developed urban area of East Devonport and is capable of being serviced by water, sewage, stormwater infrastructure whilst providing a logical extension of the East Devonport Village, being contiguous to the western fringe;</i></li> <li>• <i>the subject site is bound by Murray Street to the north and Norton Way to the south. Murray Street is a local road which is primarily utilised by small/light vehicles. It is also the location of the primary light vehicle embarkation and disembarkation point for the Spirit of Tasmania ferry service. Norton Way is the primary route for heavy vehicles moving to and from the Spirit of Tasmania terminal. Accordingly, the subject site has the benefit of light and heavy vehicle access to and from the site;</i></li> <li>• <i>the subject site is capable of being connected to electricity and telecommunication networks and is within walking distance of the East Devonport settlement area in which employment can be drawn from;</i></li> <li>• <i>the subject site is located on the western fringe of the East Devonport Village which is away from the established residential areas of East Devonport to the north (beyond the ferry terminal) and east. Accordingly, any future use and development will be buffered from the primary residential areas.</i></li> </ul>
3.3.9	<p><b>Business and Commercial Activity</b></p> <p>a. <b>facilitate convenient access in each settlement area to food and convenience goods retailers and services.</b></p> <p><b>Response</b></p> <p><i>The proposed rezoning will enable the subject site to be opened up to general retailing activities rather than being restricted to port and marine retailing activities. The proposed retail complex will provide for a new supermarket and two vacant tenancies for new businesses to establish (within the parameters of the Local Business zone) which will service the established residential settlement of East Devonport and surrounding catchment.</i></p> <p>b. <b>promote the distribution of higher order retail goods and services throughout the Region in a manner consistent with recognised settlement patterns and at a scale, type and frequency of occurrence appropriate to settlement size, local</b></p>

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<p>consumer demand, and relationship to the wider regional market;</p> <p>i. in this regard Devonport, Burnie, Latrobe, Sheffield, Ulverstone, Wynyard, Queenstown, Smithton and Currie will provide regional or district business and commercial service roles in addition to meeting local demand.</p>
<p><i>Response</i></p> <p>The proposed rezoning is not expected to disrupt higher order retailing areas throughout the Region, including the Devonport Homemaker Centre and CBD, on the basis that the Local Business zone restricts the size, scale and intensity of retail and business service uses. The intention of the proposed rezoning is to establish a purpose-built retail complex which will primarily service the settlement area of East Devonport and surrounding catchment in addition to visitors embarking and disembarking from the Spirit of Tasmania ferry and the nearby caravan parks to the north on the eastern side of the Mersey River mouth. Furthermore, the size and location of the subject site is not conducive to large format retailers in terms of floor space restrictions and exposure and access to major arterial roads.</p>
<p>c. facilitate retail and service provision to complement and enhance the collective drawing power of existing retail and service areas but which does not involve location of major attractors for the express purpose of capturing market share in excess of that warranted by settlement size and relative function in a regional context.</p>
<p><i>Response</i></p> <p>The proposed rezoning will provide for an extension of the East Devonport Village. The expansion of the East Devonport Village is considered appropriate and suitable given that the subject site is disconnected from the activities and operation of the Devonport port. The proposed retail complex is expected to enhance and build on the urban design infrastructure that has been put in place within the East Devonport Village. The inclusion of additional supermarket floor space is not considered to be a major attractor, and is not considered excessive for the settlement size, surrounding catchment and access to passing traffic from the Spirit of Tasmania terminal.</p>
<p>d. promote integration of neighbourhood retail and service provision into residential areas at a scale, location and disposition suitable to service local need.</p>
<p><i>Response</i></p> <p>The proposed rezoning will enable the subject site to be integrated with the East Devonport Village which is an established local business area that primarily services the East Devonport settlement area. Subsequent development of the subject site (such as the proposed retail complex) will likely be commensurate to the scale and disposition of the East Devonport Village.</p>



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<p><b>e. maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones.</b></p>
<p><i>Response</i></p> <p><i>Rezoning the subject site to Local Business and subsequently extending the East Devonport Village is not expected to compromise the role and function of the established retail and service centres of the Devonport Homemaker Centre or CBD. Furthermore, the proposed rezoning will accord with this objective on the basis that it will locate additional Local Business zoned land immediately adjacent to the East Devonport Village which is expected to enhance and contribute to the fabric and functionality of the neighbourhood retail centre.</i></p>
<p><b>f. promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality.</b></p>
<p><i>Response</i></p> <p><i>The proposed rezoning will directly promote an increased mix of land use within the curtilage of the East Devonport Village by removing the land use restrictions that are imposed by the current Port and Marine zoning of the subject site.</i></p>
<p><b>g. prevent linear commercial development.</b></p>
<p><i>Response</i></p> <p><i>The proposed rezoning represents consolidation of an established retail centre which will add to the depth of the East Devonport Village rather than creating linear or 'ribbon' commercial development along the main roads leading to the East Devonport Village.</i></p>
<p><b>h. prevent leakage of commercial and retail activities from preferred locations by restricting retail sales in other land use areas.</b></p>
<p><i>Response</i></p> <p><i>The application of the Local Business zone to the subject site is appropriate on the basis that it will reflect the same zone as the East Devonport Village which is the preferred location for the provision of a neighbourhood retail centre for East Devonport. The Local Business zone is the appropriate zone to provide for local retail and business service activities.</i></p>
<p><b>i. provide designated locations for bulky goods and large format retailing, including for vehicular, building and trade supply, and home improvement goods.</b></p>
<p><i>Response</i></p> <p><i>The proposed rezoning is not expected to compromise or undermine the established higher order retail areas of Devonport which provide for large format retailing and include the Devonport Homemaker Centre and CBD.</i></p>



j. restrict sale of food, clothing and carry away consumables through bulky goods and large format retail outlets outside town centres.
<p><i>Response</i></p> <p><i>The proposed rezoning will build on an existing neighbourhood centre and is not expected to draw customers/clientele from outside the East Devonport Village.</i></p>
k. require proposals for major business or commercial development outside designated town centres be supported by need, absence of suitable alternative sites and of potential for immediate, incremental or cumulative adverse affect on established town centres and the regional pattern of retail and service provision.
<p><i>Response</i></p> <p><i>The proposed rezoning is directly related to the established retail centre of the East Devonport Village and is not expected to undermine the existing pattern of retail and service provision within Devonport and the broader Cradle Coast Region.</i></p>

#### 2.4 Devonport City Council Strategic Plan 2009-2030

Section 20(1)(c) requires planning schemes to have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared. Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section on the basis that it proposed to amend the Scheme that was prepared in accordance with section 20(1) of the Act.

The Devonport City Council Strategic Plan 2014-2024 (the Plan) is a key policy document overarching the Devonport City Council (the Council) which provides direction to the roles in which the Council undertakes the delivery of services in order to enhance and maintain the quality of life for residents in social, economic and environmental terms. The following table identifies the most relevant sections of the Plan and provides an assessment of how the proposed draft amendment responds to each objective and outcome.

Goal	Outcomes and Strategies
2	<p><b>Building a Unique City</b></p> <p>Devonport continues to develop its uniqueness as a City. The City's location provides a desirable position and ready-made advantages to guide future development and urban design. Land use planning and building on current strengths shall assist in the creation of precincts linking the river and coast, and offer a range of cultural, recreational and entertainment experiences. Strategic branding and marketing will underpin future development and</p>



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	<b>growth, promoting the City as the place to live, invest, work, shop and visit.</b>
<b>2.1</b>	<b>Council's Planning Scheme provides rational and practical clustering of common site uses, and facilitates appropriate development</b>
	<i>Response</i>  <i>The proposed rezoning will align with this goal on the basis that it will enable the pragmatic consolidation of Local Business zoned land within the curtilage of the East Devonport Village which will assist in facilitating development that will be consistent and in keeping with the East Devonport Village as opposed to development for port and marine purposes which is allowable under the current zoning of the subject site.</i>
<b>2.1.1</b>	<b>Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use.</b>
	<i>Response</i>  <i>The proposed rezoning presents an opportunity for the Devonport City Council to review the zoning of the subject site in order to assess whether the current Port and Marine zone will deliver desired local character objectives and appropriate land use in the context of the East Devonport Village and proximity to the entrance to Devonport from visitors travelling on the Spirit of Tasmania.</i>
<b>2.1.2</b>	<b>Provide high quality, consistent and responsive development assessment and compliance processes.</b>
	<i>Response</i>  <i>The proposed rezoning and development application will be assessed in accordance with the requirements of the Act which will ensure assessment is consistent and responsive to community expectations.</i>
<b>2.1.3</b>	<b>Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues.</b>
	<i>Response</i>  <i>The proposed rezoning has been assessed against the Cradle Coast Regional Land Use Strategy which sets out the regional framework for land use and development. It is submitted that the proposal will be in keeping with the objectives and principles of the regional land use strategy as outlined within section 2.4 of the planning submission.</i>
<b>2.4</b>	<b>Promote the development of the CBD in a manner which achieves the LIVING CITY Principles Plan.</b>
<b>2.4.1</b>	<b>Develop and implement a CBD Master Plan aligned to the key LIVING CITY principles based on community engagement outcomes.</b>
	<i>Response</i>

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	<i>The proposed rezoning is not expected to compromise or undermine the work that is being undertaken within the CBD and more specifically the Living City project.</i>
<b>3</b>	<b>Growing a Vibrant Economy</b>  Devonport's location supports its position as the service and retail centre for North West Tasmania. Accessibility in, around and out of the City will be supported by sound planning and management. Devonport's natural beauty, its location as the sea gateway to Tasmania and home of the Spirit of Tasmania, provides the foundations for developing experiences and unique events to attract and retain visitors. Rich agricultural surrounds provide the opportunity to further develop food production, processing and experiences. With modern communication technology, Devonport engages with the world's markets, consumers and travellers.
<b>3.1</b>	<b>Devonport is the retail and service centre for North West Tasmania.</b>
<b>3.1.1</b>	<b>Market and promote the City and its potential as a regional business hub.</b>  <i>Response</i>  <i>The proposed rezoning will not detract from the importance and prominence of the Devonport CBD as a regional business hub.</i>
<b>3.1.2</b>	<b>Manage strategic urban development initiatives that supports the importance of the CBD and reduces fragmentation.</b>  <i>Response</i>  <i>The proposed rezoning represents consolidation of the East Devonport Village which is an established neighbourhood retail centre.</i>
<b>3.2</b>	<b>Devonport's thriving visitor industry is developed around the water, natural beauty, location and agricultural advantages of the area.</b>
<b>3.2.1</b>	<b>Support tourism through the provision of infrastructure and facilities.</b>  <i>Response</i>  <i>The proposed rezoning and subsequent retail complex will provide additional services for visitors to Devonport (and Tasmania in general) in terms of its proximity to the embarkation and disembarkation point of the Spirit of Tasmania ferry. The retail complex has been designed to engage with the Murray Street frontage which will in turn engage with the exit point of the Spirit of Tasmania which is directly opposite the subject site. In addition, the entrance and exit points of the retail complex have been designed to encourage vehicles to enter and circulate around the car park back onto Murray Street and through the East Devonport Village which is expected to assist with exposing visitors to other retail and service offerings within the East Devonport Village.</i>



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3.2.3	<p><b>Facilitate a pro-active approach by business to embrace tourism opportunities.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex is seeking to draw from visitors arriving and leaving Tasmania via the Spirit of Tasmania in addition to servicing the local East Devonport settlement area. It is considered that the proposed retail complex will integrate and contribute positively to the urban development that has occurred within the East Devonport Village and is expected to enhance the entrance point to Devonport through the construction of a new purpose-built retail complex which will include contemporary architectural treatments and landscaping.</i></p>
3.5	<p><b>Our economic progress continuously improves.</b></p>
3.5.3	<p><b>Promote, encourage and develop initiatives that maximise the local economy and retain local expenditure.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex will directly stimulate and contribute to the local economy by way of employment during the construction and ongoing operations. It is expected that the operation of the retail tenancies will retain local expenditure through the employment of local residents from the East Devonport settlement.</i></p>

## 2.5 East Devonport Community Plan Review 2014-2019

The primary purpose of the East Devonport Community Plan Review 2014-2019 (the Plan) is to provide a strategic approach to meeting the changing and diverse needs of the East Devonport and surrounding community whilst recognising the opportunities to enhancing economic, social, cultural and environmental outcomes for the community.

The Plan builds on the investigations that culminated with the Devonport Eastern Shore Project Urban Design Framework 2004 which was a significant infrastructure and urban design document which resulted in the following projects:

- Murray Street road works and urban design;
- redevelopment of Wright Street;
- underground power infrastructure in Murray Street and Wright Street; and
- enhanced waterfront access.

The urban design project and subsequent redevelopment of the East Devonport retail village laid the foundation for business and retail growth through the beautification of key streets and public areas in addition to enhancing the provision of services and facilities. Overall, it is considered that the proposed rezoning and subsequent retail complex development will build on the work that has been undertaken by the Council in consultation with the East Devonport and surrounding community through the extension of the local business area toward the embarkation and disembarkation point of the Spirit of Tasmania.





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In addition, the purposefully designed retail complex is expected to activate the Murray Street frontage through pedestrian and small vehicle linkages in addition to urban design elements that have been incorporated into the retail complex including landscaping, architectural façade treatments and communal space areas.

Overall, the Plan identifies ten strategic objectives which establish the platform in which to pragmatically achieve the aim of the Plan. The following table outlines the relevant strategic objectives and identifies the synergies between each objective and the proposed rezoning.

Objective	Identified Issues and Actions
2	<p><b>Beautification which fosters a sense of place through planned infrastructure and enhanced landscaping.</b></p> <p><i>Response</i></p> <p><i>It is considered that the proposed retail complex will build on the urban design work that has been undertaken within the East Devonport Village, in particular to Murray and Wright Streets. This will be achieved through the orientation of the retail complex to the north which will engage with the Murray Street frontage, in addition to incorporating landscaping between the frontage and main car parking area which is expected to integrate with the existing streetscape planting along Murray Street and soften the car parking area from the Murray Street. Overall, it is considered that the proposed retail complex will rejuvenate the streetscape along the western end of Murray Street.</i></p>
3	<p><b>Increased economic viability and enhanced retail offerings.</b></p> <p><i>Response</i></p> <p><i>It is considered that the Local Business zone and subsequent retail complex will enhance the retail offerings within the East Devonport Village. Furthermore, the purpose-built complex and contemporary design of the tenancies and facilities and location (within proximity to high visitor exposure) is expected to entice businesses to establish within the smaller tenancies in addition to attracting customers as well as building on the existing customer base.</i></p> <p><b>Support opportunities for new development which foster local job growth.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex is expected to directly foster job growth through the creation of new employment opportunities which will be required for the operation of the supermarket in addition to other businesses that will establish within the smaller tenancies.</i></p>
4	<p><b>Enhanced visitor experience</b></p> <p><i>Response</i></p> <p><i>The redevelopment of the subject site for the purposes of a purpose-built retail complex is expected to rejuvenate the site and western end</i></p>

	<i>of Murray Street which is the entrance to Devonport for visitors travelling on the Spirit of Tasmania ferry.</i>
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## 2.6 Devonport Retail Study 2008

The Devonport Retail Study (DRS) was prepared in 2008 and provides a comprehensive assessment of Devonport's retail landscape in order to develop a strategy to guide future development of the Devonport retail sector. The DRS examined each of the retail activity centres that form part of the established retail hierarchy which include:

- The Devonport Central Business Zone;
- East Devonport;
- Spreyton;
- Valley Road; and
- Steele Street/Don Road.

### 2.6.1 East Devonport Retail Area

The East Devonport Retail area is located on the eastern side of the Mersey River and serves the East Devonport settlement area, Devonport port and industrial area and broader catchment. The retail facilities are concentrated in two distinct locations being the East Devonport Village which is located in the northern section of the settlement area adjacent to Spirit of Tasmania terminal and the Tarleton Street retail precinct located to the south near the intersection with Torquay Road.

### 2.6.2 East Devonport Village

The East Devonport Village (EDV) is centred around Murray Street, Wright Street and Thomas Street with retail tenancies fronting onto each of the streets (refer to Image 5).



Image 5 - Aerial image of East Devonport Village retail area highlighted by the red shading.



The Devonport Eastern Shore Project Urban Design Framework (UDF) which was completed in 2004 nominated the EDV as the preferred location for future retail development with retail and commercial development along Tarleton Street to be discouraged. Subsequently, the EDV underwent an urban design redevelopment primarily along Wright and Murray Streets in order to reinvigorate the streetscape and activate pedestrian networks in addition to providing a designated public parking space.

The DRS identifies the connection the EDV has with the embarkation and disembarkation for the Spirit of Tasmania with and acknowledges that a number of cafes and traders seek to leverage from the tourist trade which is generated by the Spirit of Tasmania. The DRS identifies the following key issues for the EDV:

1. the centre lacks a sense of vibrancy and has a number of vacant tenancies;
2. the ability to which the centre can benefit from the exposure to tourists created by the Spirit of Tasmania and its role in servicing the local retail need; and
3. the limited opportunity to provide neighbourhood-level retail services to a wider catchment travelling along Torquay road and Tarleton Street.

It is considered that the proposed rezoning and retail complex will directly assist EDV in alleviating the issues on the following grounds:

1. the proposed retail complex will build on the urban design work that has been undertaken within the East Devonport Village, in particular to Murray and Wright Streets. This will be achieved through the orientation of the retail complex to the north which will engage with the Murray Street frontage, in addition to incorporating landscaping between the frontage and main car parking area which is expected to integrate with the exiting streetscape planting along Murray Street and soften the car parking area from the Murray Street. Overall, it is considered that the proposed retail complex will rejuvenate the streetscape along the western end of Murray Street;
2. the purpose-built complex and contemporary design of the tenancies and facilities and positioning at the gateway to Tasmania (and Devonport) off the Spirit of Tasmania is expected to entice businesses to establish within the smaller tenancies in addition to attracting customers from tourist trade;
3. the proposed rezoning and retail complex will enhance the capacity of the EDV to provide greater depth of retail services to the wider tourist population and East Devonport residential settlement.

### 2.6.3 Future Directions for Retailing in Devonport

The following table provides an assessment of the proposed retail complex against the key principles of the Strategy.

Principle	Objective
1	<i>Develop and support a Retail Activity Centre hierarchy.</i>



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	<p><b>Develop and support a retail activity centre hierarchy that describes the specific role, function and theme of centres in the City of Devonport. This is intended to provide greater certainty for stakeholders including Council, developers, property owners and businesses.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex will build on the established Devonport retail activity centre hierarchy by consolidating the established neighbourhood retail activity centre of East Devonport Village.</i></p>
2	<p><b>Maximise retention of retail spending and the level of captured spending through provision of an efficient Activity Centre hierarchy.</b></p> <p><b>Council will work with stakeholders to retain residents' spending in Devonport through the improvement of existing centres/shops, and by facilitating the development of additional retail facilities where they meet the needs of residents and visitors and where such development is in accordance with the strategic planning objectives of Council. This will be achieved with recognition of the role that Devonport plays in serving residents of the wider Devonport Retail Region.</b></p> <p><i>Response</i></p> <p><i>The proposed retail complex is expected to contribute to the retention of retail spending and maximise the level of captured spending through a mixture of local and visitor consumers.</i></p>
3	<p><b>Promote Development which consolidates activity in centres.</b></p> <p><b>Devonport has in the past lacked an established hierarchy of retail centres and an integrated strategic planning policy for retail development. It is important to ensure that, in the future, defined activity centres provide the focus for ongoing retail and business development, and that these are the locations where ongoing private and public investment will be directed and consolidated.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and subsequent retail complex will build on the established Devonport retail activity centre hierarchy by consolidating the established neighbourhood retail activity centre of East Devonport Village.</i></p>
4	<p><b>Recognise and support the primacy of Devonport CBD.</b></p> <p><b>Recognise and support the important role of the Devonport CBD in the provision of retail, business, community and civic activities. Enhance the centre's role as the symbolic and functional "heart" of the Devonport community, and as the "face" of the City to tourists and other visitors. Promote Council's role as a proactive facilitator of private and public investment in the CBD.</b></p> <p><i>Response</i></p>



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	<p><i>The proposed rezoning and retail complex is not expected to compromise or undermine the primacy of the Devonport CBD given the relatively small scale of the retail development when compared to larger format retailers that are established within the Devonport Homemaker Centre and CBD.</i></p>
5	<p><b>Encourage an appropriate mix of activities where commercially viable.</b></p> <p><b>Encourage the development of activity centres as lively foci for a wide range of uses including shopping, business, work and leisure, and where such uses are commercially viable.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning will enable a greater range of uses to establish on the subject site as opposed to the use restrictions that are imposed by the Port and Marine zone.</i></p>
6	<p><b>Ensure activity centres develop in an integrated fashion.</b></p> <p><b>Encourage land use and development that is integrated with transport and other community infrastructure so that activity centres operate in a manner that is integrated, efficient and economically and environmentally sustainable. Facilitate this outcome by ensuring that sufficient strategic planning is undertaken for all of the city's retail activity centres.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex will enhance and maintain the established Devonport activity centre hierarchy.</i></p>
7	<p><b>Facilitate appropriate homemaker development.</b></p> <p><b>Ensure that larger-format homemaker development occurs at appropriate locations, and that such development contributes to the achievement of a net community benefit and does not undermine retail activity centre policy.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex will not compromise or undermine the established Devonport Homemaker Centre.</i></p>
8	<p><b>Apply retail planning and assessment criteria for retail proposals.</b></p> <p><b>Support retail development applications where the proponent clearly established the retail need for such development and where the adverse impacts on the operation of the retail activity centres hierarchy are within acceptable limits.</b></p> <p><b>Support retail development applications involving the rezoning of land in or adjoining existing activity centres where the proponent clearly establishes retail need and other requirements noted above.</b></p> <p><i>Response</i></p> <p><i>The proposed rezoning and retail complex has been assessed against the retail assessment criteria prescribed by the retail strategy.</i></p>





#### 2.6.4 Retail Analysis of Proposed Retail Complex

The following information and analysis has been provided in order to provide Council with the assessment of the development application for additional retail floor space as prescribed by section 9 of the Strategy.

##### Details of proposed retail complex

Element	Detail
Address	2-12 Murray Street, East Devonport
Title	Refer to section 1.1
Floor Space	Combined 1,720m <sup>2</sup>
Tenancies	3
Retail Types	1 x General Retail and Hire (supermarket) 2 x vacant tenancies
Car Parking	38 onsite car parking spaces available with the addition of long vehicle (caravan and campervans) pull-off area.

##### 2.6.4.1 Retail Demand

The primary catchment for the EDV is the East Devonport settlement area. Data from the 2011 census indicates that the East Devonport settlement area has a population of approximately 5,075 which generates approximately \$486,234.86 of weekly expenditure on grocery, general merchandise and related items equating to approximately \$25.3 million annually. The weekly expenditure is an overall figure and is not aligned to a specific retail area.

It has been determined that of the weekly expenditure figure, approximately \$341,469.20 can be potentially captured within the EDV which equates to approximately \$17.8 million annually.

Currently, the expenditure figure is being serviced by approximately 2,590m<sup>2</sup> of food retail floor space which include two small/medium size supermarkets, a butcher, seafood retailer and various cafés, takeaways and restaurants. It is presumed that of the \$17.8 million of expenditure that can potentially be captured within EDV by existing retailers is actually a lot lower than this figure on the basis that there are only two small grocery stores within East Devonport.

Accordingly, a key driver of the proposed retail complex is to retain expenditure from the East Devonport catchment within the EDV by providing a purpose-built retail facility that offers a larger format retail space which will enable greater product choice in addition to onsite car-parking therefore enticing a broader segment of the catchment to shop at the facility. The proposed retail complex is therefore expected to directly assist in lowering potential escape spending within the catchment.

Another factor driving the demand for the retail complex is the opportunity to attract and entice tourists and visitors to the Tasmania that travel on the Spirit of Tasmania. This will be achieved by the exposure of the site from the embarkation and



disembarkation point of the Spirit of Tasmania in addition to the ease of parking and vehicular manoeuvrability which will be offered by the complex.

Accordingly, the proposed retail complex seeks to serve the local catchment which is believed to minimise escape spending in addition to leveraging from the tourist and visitor trade generated by the Spirit of Tasmania.

#### 2.6.4.2 Retail Supply

A key factor that has driven site selection for the retail complex is area of land available to accommodate the supermarket and to include the two other tenancies in addition to providing on-site car parking as well as loading and unloading facilities. A key issue that is presented within the East Devonport Village is the lack of a site which comprises the attributes to facilitate the proposed retail complex development.

A site assessment and desktop analysis of EDV was undertaken in order to determine the current supply of land within EDV for the purposes of establishing the retail complex which illustrates the land supply issue. The composition of the EDV is illustrated in the following table.

Address	Existing Development/Use	Land Area	Building Area
22 Thomas Street	<ul style="list-style-type: none"> <li>Shop front dwelling;</li> <li>Previously a newsagent, currently vacant.</li> </ul>	<ul style="list-style-type: none"> <li>856m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Shop front: 55m<sup>2</sup>;</li> <li>Dwelling: 127m<sup>2</sup></li> </ul>
26 Thomas Street	<ul style="list-style-type: none"> <li>2 x shop front tenancies;</li> <li>1 x Adult sex product shop;</li> <li>1 x vacant tenancy.</li> </ul>	<ul style="list-style-type: none"> <li>415m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>360m<sup>2</sup> (combined)</li> </ul>
28 Thomas Street	<ul style="list-style-type: none"> <li>1 x corner shop front tenancy;</li> <li>Business and professional service office.</li> </ul>	<ul style="list-style-type: none"> <li>533m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>432m<sup>2</sup></li> </ul>
59 Wright Street	<ul style="list-style-type: none"> <li>Multiple tenancies;</li> <li>1 x hairdresser;</li> <li>1 x office building (Maritime Union);</li> <li>1 x butcher;</li> <li>1 x health food shop;</li> <li>1 x IGA X-Press</li> </ul>	<ul style="list-style-type: none"> <li>1,866m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>1,147m<sup>2</sup> (combined)</li> </ul>
60 Wright Street	<ul style="list-style-type: none"> <li>Dwelling</li> </ul>	<ul style="list-style-type: none"> <li>1,067m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>189m<sup>2</sup></li> </ul>
61 and 65 Wright Street	<ul style="list-style-type: none"> <li>2 x vacant blocks</li> </ul>	<ul style="list-style-type: none"> <li>2,084m<sup>2</sup> (combined)</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
62 Wright Street	<ul style="list-style-type: none"> <li>Pharmacy</li> </ul>	<ul style="list-style-type: none"> <li>1,012m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>375m<sup>2</sup></li> </ul>
64 Wright Street	<ul style="list-style-type: none"> <li>Dwelling;</li> <li>Vacant block</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling block: 1,010m<sup>2</sup>;</li> <li>Vacant block: 1,010m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>167m<sup>2</sup></li> </ul>
67 Wright Street	<ul style="list-style-type: none"> <li>Bakery shopfront;</li> <li>Dwelling located to rear of shopfront.</li> </ul>	<ul style="list-style-type: none"> <li>815m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Bakery: 163m<sup>2</sup>;</li> <li>Dwelling: 132m<sup>2</sup></li> </ul>

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Address	Existing Development/Use	Land Area	Building Area
69 Wright Street	• Dwelling	• 837m <sup>2</sup>	• 320m <sup>2</sup>
68 Wright Street	• Dwelling	• 482m <sup>2</sup>	• 170m <sup>2</sup>
71 Wright Street	• Dwelling; • Newsagent • Cafe	• 1,890m <sup>2</sup> (split over three titles)	• Dwelling: 141m <sup>2</sup> ; • Newsagent: 150m <sup>2</sup> ; • 230m <sup>2</sup>
73 Wright Street	• Council car park	• 2,433m <sup>2</sup>	• N/A
77 Wright Street	• Service industry – tyre and vehicle repairs	• 2,000m <sup>2</sup>	• 900m <sup>2</sup>
83 Wright Street	• Vacant land	• 652m <sup>2</sup>	• N/A
14 Murray Street	• Abandoned/derelict building	• 697m <sup>2</sup>	• 170m <sup>2</sup>
15 Murray Street	• Multiple shopfront tenancies; • 1 x café/takeaway; • 1 x dog grooming; • 1 x professional office; • 1 x retail shop; • 1 x hairdresser; • 1 x restaurant.	• 2,370m <sup>2</sup>	• 963m <sup>2</sup> (primary shop front tenancies)
16 Murray Street	• Post office	• 318m <sup>2</sup>	• 115m <sup>2</sup>
18 Murray Street	• Clothing depot and retail outlet	• 2,319m <sup>2</sup>	• 1,095m <sup>2</sup>
29 Murray Street	• Business and professional offices; • 1 x physio; • 1 x accountant; • 1 x laundromat	• 381m <sup>2</sup>	• 303m <sup>2</sup>

Based on the above analysis, the following conclusions can be made with respect to the supply of retail land within the EDV:

- Of the 22 sites, there are 4 vacant sites with a combined area of 3,746m<sup>2</sup>. However, the vacant sites are not contiguous with the largest area of vacant land located at 61 and 65 Wright Street which is 2,084m<sup>2</sup> in area;
- When considering the combined tenancy area, car parking spaces and truck unloading area of the proposed retail complex, it is evident that the land located at 61 and 65 Wright Street is not of sufficient size to accommodate the proposed development;
- Furthermore, the site at 61 and 65 Wright Street is not considered suitable from a traffic management perspective. The TIA expects that the retail complex to generate 2,085 vehicles per day and 215 vehicle trips per hour during peak periods. In this instance, the site of 61 and 65 Wright Street is located between the intersections of Thomas Street and Murray Street which are controlled by round-a-bouts.





Accordingly, vehicles would be travelling through the main thoroughfare of the EDV which generates significant vehicle and pedestrian movements. Overall, it is considered that the capacity of the site located at 61 and 65 Wright Street to accommodate sufficient car parking spaces to service the use and the capacity of Wright Street to accommodate the significant increase in vehicle movements (including articulated trucks) is limited.

In conclusion, the East Devonport Village is identified as the preferred location for the local business centre of East Devonport. It has been identified that there is insufficient supply of land within the EDV to accommodate the proposed development. Subsequently, there are no suitable alternative sites in terms of location and land area to accommodate the proposed retail complex.

#### 2.6.4.3 Escape Spending

Section 6.7 of the DRS defines escape spending as the extent to which spending by residents in a particular region is directed to facilities located outside the region. Furthermore, the DRS identifies that a high level of escape spending indicates a relative lack of conveniently-located retail facilities in the area and potentially latent demand for addition retail development.

Overall, the proposed retail complex is not expected to result in escape spending outside of the broader Devonport catchment on the basis that East Devonport forms part of the broader catchment. However, the retail complex is expected to reduce escape spending within the East Devonport catchment by providing a new purpose built retail facility which will encourage usage from customers residing within the East Devonport settlement area.

#### 2.6.4.4 Impact on Existing Retail Facilities

Based on the supply analysis within section 2.7.4.2 it is evident that there is a mixture of retail facilities within the EDV which include a newsagent, bakery, butcher and grocery store. Each of the existing retail facilities are located within established buildings and have a relatively small footprint. With the exception of the grocery store, the other retail facilities are speciality facilities such as the butcher and bakery. As such, the proposed supermarket is not expected to significantly effect trade for these shops even though the supermarket will include the sale of bakery and meat items.

Of all the retail facilities within the EDV, the proposed retail complex, in particular, the supermarket, is expected to be in direct competition with the IGA X-Press which is located at 59 Wright Street. Notwithstanding this, the existing IGA X-Press is a smaller convenient store which offers a different experience and service than the proposed supermarket tenancy will offer with a key point of difference being that the proposed supermarket tenancy will primarily be utilised for larger shops rather than utilised as a small convenience store.

The proposed retail complex is expected to lead to an overall improvement in the provision of retail facilities within the EDV which is anticipated to minimise escape spending within the East Devonport catchment as detailed within section 2.7.4.3. Furthermore, the proposed retail complex is expected to attract customers to the EDV as a destination facility which will encourage customers to filter through other business within the EDV that may not have necessarily shopped in EDV without the retail complex being present.



The proposed retail complex is not expected to result in a loss of employment in other centres given that the scale and type of activity proposed is significantly different to the larger retail centres including the Home Maker Centre and the Devonport CBD.

#### 2.6.4.5 Other Planning Issues

The proposed retail complex has been assessed against the Devonport Interim Planning Scheme 2013 which is detailed within section 4.

#### 2.6.4.6 Net Community Benefit

The community benefits of the proposed retail complex are summarised as follows:

- The proposed retail complex will generate approximately 20 full time equivalent jobs in addition to construction jobs. It is expected that the new jobs will be accommodated by residents within the East Devonport settlement area;
- The proposed retail complex will provide additional choice to shoppers within the East Devonport settlement area both in the form of a larger format grocery store which will entail a broader product range in addition to offering contemporary and modern facilities;
- Overall, it is considered that the proposed retail complex will rejuvenate the streetscape along the western end of Murray Street which will enhance the vibrancy and sustainability of the EDV as outlined within section 2.7.2;
- The proposed retail complex is expected to contribute to liveability and social interaction within the EDV and broader settlement area by providing a larger format retail space which is likely to generate greater interaction between shoppers, in addition to the communal space located at the forecourt of the supermarket building.

## 2.7 State Policies

Section 20(1)(b) requires planning schemes to be prepared in accordance with State Policies made under section 11 of the State Policies and Practices Act 1993. Although this section is not explicitly part of the draft amendment process as directed by the Act, it is considered appropriate to assess the proposed draft amendment against this section on the basis that it proposed to amend the Scheme that was prepared in accordance with section 20.

Currently, there are four State Policies that are in effect within Tasmania. The following section identifies each policy and assesses the application against the content of the policy.

### 2.7.1 State Policy on the Protection of Agricultural Land 2009

The subject site is not classified as agricultural land in accordance with the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) on the basis that it is within an established urban area. Accordingly, the PAL Policy is not relevant to the proposed rezoning.



### 2.7.2 Tasmanian State Coastal Policy 1996

The State Coastal Policy 1996 (the Policy) applies to all land within Tasmania located within 1km of the high-water mark. In this instance, the subject site is located within 1km of the high-water mark of the Mersey River and East Devonport Beach to the north.

Notwithstanding this, the objectives of the Policy are not considered relevant to the subject site on the basis that the site has been highly modified overtime and does not form part of the coastal dune, littoral or associated coastal landscape area.

### 2.7.3 State Policy on Water Quality Management 1997

The State Policy on Water Quality Management 1997 (the Policy) is concerned with achieving *'sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System'*.

The proposed rezoning and development will not modify or compromise existing surface water resources including rivers, dams and storage reservoirs. The subject site and subsequent development will be connected into existing services including sewage, water and stormwater which will ensure that all concentrated water runoff and sewage is managed and disposed of appropriately. Accordingly, it is envisaged that the proposed rezoning and subdivision will be consistent with the Policy.

### 2.7.4 National Environmental Protection Measures

The current National Environmental Protections (NEPM) relate the following areas:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

Each NEPM is automatically adopted as a State Policy. The listed NEPMs are not considered applicable to the proposed rezoning and subdivision on the basis that they deal or relate to matters which will be unaffected by the proposal.

## 3 Section 32 of the Act

The following section addressees the requirements of section 32 of the Act.

### 3.1 Section 32(1)(e) of the Act

Section 32(1)(e) of the Act requires an amendment to a planning scheme, as far as practicable, must avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area. Accordingly,





the following section addresses potential land use conflicts that may arise as a result of the proposed rezoning.

Overall, it is not expected that any land use conflicts will be created as a result of the rezoning. In fact, it is considered that any actual or perceived land use conflicts will be reduced by the rezoning on the basis that the use classes allowable within the Port and Marine zone have the potential to generate greater impacts than uses that are permissible within the Local Business zone including:

- Manufacturing and processing (ship building, maritime equipment, maintenance and repair); and
- Service industry (maintenance, servicing and repair of boats and or ships);

The uses that are permissible within the Local Business zone will be in keeping with the broader East Devonport Village and broader East Devonport settlement area.

### 3.2 Section 32(1)(ea) of the Act

Section 32(1)(ea) of the Act specifies that an amendment to a planning scheme must not conflict with the requirements of Section 30O of the Act. The following table outlines the relevant sub-sections of 30O of the Act and a corresponding assessment of the merits of the proposed draft amendment against the sub-sections.

Section	Requirement
30O (1)	<p>An amendment may only be made to a local provision of a planning scheme, or to insert or remove a local planning provision from a planning scheme where it is consistent with the regional land use strategy for the area.</p> <p><b>Response</b></p> <p>An assessment against the CCRLUS has been provided within section 2.3 of the report.</p>
30O (2)	<p>An amendment to a planning scheme may only be made if:</p> <ul style="list-style-type: none"> <li>a) the amendment would not be directly or indirectly inconsistent with common provisions or an overriding local provision;</li> <li>b) the amendment does not revoke or amend an overriding local provision; and</li> <li>c) the amendment would not create a conflicting local provision.</li> </ul> <p><b>Response</b></p> <p>The common provisions within the Scheme are as follows:</p> <ul style="list-style-type: none"> <li>• Planning Directive No 1 - the Format and Structure of Planning Schemes;</li> <li>• Planning Directive 4.1 - Standards for Residential Development in the General Residential Zone; and</li> </ul>

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	<ul style="list-style-type: none"> <li>• Planning Directive No 5.1 - Bushfire-Prone Areas Code.</li> </ul> <p>The application seeks to rezone the subject site from Port and Marine to Local Business which will enable the proposed retail complex to be assessed against the relevant standards and provisions of the Local Business zone. The proposed rezoning does not seek to amend or revoke a common provision or overriding local provision of the Scheme.</p>
30O (3)	<p>An amendment may only be made to a local provision if:</p> <ol style="list-style-type: none"> <li>a) the amendment is to the effect that a common provision is not to apply to an area of land;</li> <li>b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</li> </ol> <p><b>Response</b></p> <p>Aforementioned, the proposed rezoning will not interfere with any common provisions within the Scheme.</p>
30O (4)	<p>An amendment may not be made to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.</p> <p><b>Response</b></p> <p>No amendments to a common provision within the Scheme have been proposed.</p>
30O (5)	<p>An amendment to a planning scheme may be made if the amendment consists of:</p> <ol style="list-style-type: none"> <li>a) taking an optional common provision out of the scheme; or</li> <li>b) taking the provision out of the scheme and replacing it with another optional common provision.</li> </ol> <p><b>Response</b></p> <p>No amendments to a common provision within the Scheme have been proposed.</p>

### 3.3 Section 32(1)(f) of the Act

Section 32(1)(f) of the Act specifies that an amendment to a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms. Overall, it is not envisaged that the proposed rezoning will impact the region from an environmental, economic or social



perspective. Rather, it is expected that the proposed rezoning will contribute to, and be consistent with the land use priorities of the region as identified within the CCRLUS.

## 4 Devonport Interim Planning Scheme 2013

The following section provides an assessment of the proposed subdivision against the relevant sections of the Devonport Interim Planning Scheme 2013 (the Scheme). The assessment is based on the scenario of the Local Business zone applying to the subject site in order to demonstrate compliance with the Scheme.

### 4.1 Local Business Zone

It is proposed to rezone the subject site Port and Marine to Local Business. For the purposes of section 43A (2) of the Act, the assessment of the proposed subdivision is provided against the provisions of the Local Business zone.

#### 4.1.1 Zone Purpose Statements

It is considered that the proposed retail complex is consistent with the purpose statements of the Local Business zone insofar as it will provide for retail services which will meet the convenience needs of the East Devonport settlement area.

#### 4.1.2 Local Area Objectives

It is considered that the proposed retail complex is consistent with the local area objectives of the Local Business zone insofar as it will enhance the mixture and composition of retail services of a scale and character that is considered appropriate to the area and that will conveniently serve the immediate resident population and visitors to the locality.

#### 4.1.3 Desired Future Character Statements

It is considered that the proposed retail complex is consistent with the desired future character statements of the Local Business zone insofar as:

- a. the retail complex will be in the form of a cluster of close-spaced buildings in both attached and detached configuration as evidenced by the site plan (Project No. 13.159 Drawing No. Ad02);
- b. both tenancy 1 and 2 are oriented to the frontage of Murray Street with tenancy 3 (supermarket) oriented to face the internal car park with some glazing elements located on the northern façade which faces the paved communal forecourt and further to Murray Street which will encourage pedestrian movement between the footpath and building;
- c. the supermarket is a general retail and hire use which will promote and encourage pedestrian activity from Murray Street as well as within the internal car parking area. The application seeks to acquire approval of the





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- vacant tenancies for general retail and hire uses to enable retail uses to move into the buildings once leases are secured;
- d. signage will be integrated into the building facades and elevation as a way of identifying the tenancies which will stimulate business activity;
- e. the operating hours of the supermarket will be between 6:00am and 12:00pm 7 days per week. Given the separation from nearby sensitive uses it is not expected that there will be significant adverse impact on such uses (in addition to the port);
- f. the retail complex provides a functional onsite car parking and vehicle circulation area which incorporates designated pedestrian footpaths throughout the parking and manoeuvring area and linkages between the Murray Street footpath and retail shop fronts;
- g. a separate area including vehicular access and unloading for delivery of goods is located off the Norton Road frontage which is to the rear of the buildings which are oriented to the Murray Street frontage. Whilst the primary car parking area is located between the building facade of tenancy 1 and 2 and the Murray Street frontage, its presence is expected to be broken up by the retail tenancies in addition to being softened by site landscaping;
- h. it is considered that the proposed retail complex will complement existing built form within the EDV which is characterised by a mixture of buildings constructed to frontages as well as being setback off from the frontage;
- i. the separation of the proposed retail complex from nearby residential uses is expected to mitigate any adverse impacts from occurring to residential uses in terms of vehicle movements, noise and other nuisances and emissions. In addition, the proposed retail complex is expected to be relatively minor in the context of the broader environment of the locality which includes the Devonport port which generates high traffic volumes and noise emissions.

4.1.4 Local Business Zone Assessment

<b>20.3.1 Discretionary permit use</b>
<b>Objective</b>
Use in this zone that is a discretionary permit use is to primarily service and support the routine requirements of the local resident and visitor population for convenience grocery and general retailing, personal care, refreshment, and basic business and professional services.
<i>Assessment against standard 20.3.1 is not applicable on the basis that the general retail and hire use that is applied for is identified as a permitted permit use within the Local Business zone.</i>
<b>20.4.1 Suitability of a site or lot for use or development</b>
<b>Objective</b>
The minimum properties of a site and of each lot on a plan of subdivision are to –



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<p>a) provide suitable development area for the intended use;</p> <p>b) provide for access from a road; and</p> <p>c) make adequate provision for a water supply and for the drainage and disposal of sewage and stormwater.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A site or each lot on a plan of subdivision must –</p> <p>(a) have a site area of not less than 45m<sup>2</sup>; and</p> <p>(b) if intended for a building, contain a building area of not less than 45m<sup>2</sup> –</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting other land;</p> <p>(v) not including land required as part of access to the site;</p> <p>(vi) accessible from a frontage or access strip; and</p> <p>(vii) clear of any area required for the on-site disposal of sewage or stormwater.</p>	<p><b>P1</b></p> <p>A site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for –</p> <p>(a) erection of a building if required by the intended use;</p> <p>(b) access to the site;</p> <p>(c) use or development of adjacent land;</p> <p>(d) a utility; and</p> <p>(e) any easement or lawful entitlement for access to other land.</p>
<p><b>Acceptable Solution Assessment</b></p> <p><i>The proposed development involves the consolidation of 6 titles in addition to the construction of the retail complex. Assessment against the performance criteria is based upon the 6 titles being consolidated.</i></p> <p><i>The proposed subdivision (consolidation) complies with the acceptable solutions on the following grounds:</i></p> <p>a) <i>the site area of the lot following the consolidation will be approximately 4,100m<sup>2</sup> in area which is greater than the minimum area of 45m<sup>2</sup>;</i></p> <p>b) <i>it is intended to construct a building on the consolidated lot. It is evident from the size and dimensions of the consolidated lot that a building area of not less than 45m<sup>2</sup> is capable of being contained within the lot and meeting the following requirements:</i></p> <p>i. <i>the required building area is capable of being situated in a position that complies with the relevant frontage, side and rear boundaries required by standard 20.4.5;</i></p>	



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- ii. *the required building envelope is capable of being situated in a position that complies with the relevant setback from an adjoining zone required by standard 20.4.5;*
- iii. *the required building envelope is capable of being situated in a position that is clear of the sewer main which dissects the centre of the consolidated lot which is located perpendicular to the Norton Way and Murray Street frontages;*
- iv. *the consolidated lot will not have a registered right of way benefitting other land;*
- v. *the required building envelope is capable of being situated in a position that is clear of vehicular access to the site;*
- vi. *the required building envelope is capable of being situated in a position that is accessible from the frontages of Norton Way and Murray Street;*
- vii. *no on-site disposal of sewage or stormwater is required on the basis that the consolidated lot is capable of connecting to reticulated stormwater and sewage infrastructure.*

*It is evident that the acceptable solution is capable of being met. Visual demonstration of compliance with the acceptable solution is provided within Drawing Ad01.*

**A2**

A site or each lot on a subdivision plan must have a separate access from a road –

- (a) across a frontage over which no other land has a right of access; and
- (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or
- (c) by a right of way connecting to a road –
  - i. over land not required as the means of access to any other land; and
  - ii. not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (d) with a width of frontage and any access strip or right of way of not less than 3.6m; and
- (e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied

**P2**

(a) A site must have a reasonable and secure access from a road provided –

- (i) across a frontage; or
- (ii) by an access strip connecting to a frontage, if for an internal lot; or
- (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
- (iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by –
  - a. the intended use; and
  - b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and
- (v) the relevant road authority in accordance with the Local Government (Highways) Act 1982





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<p>adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.</p>
<p><b>Acceptable Solution Assessment</b></p> <p><i>In response to the acceptable solutions, the following is observed:</i></p> <p>a) the consolidated lot will have separate access from Norton Way to the south and Murray Street to the north over which no other land has a right of access;</p> <p>b) the consolidated lot will not be an internal lot;</p> <p>c) access to the consolidated lot is no required by a right of way connecting to a road;</p> <p>d) the width of each frontage is as follows:</p> <p style="padding-left: 40px;">a. Norton Way: 100m b. Murray Street: 100m</p> <p>e) compliance with acceptable solution 20.4.1 (A2) (e) is sought by virtue of lodging the development application.</p> <p><i>Accordingly, the acceptable solution is capable of being met.</i></p>	
<p><b>A3</b></p> <p>A site or each lot on a plan of subdivision must have a water supply –</p> <p>(a) provided in accordance with the Water and Sewerage Industry Act 2008; or</p> <p>(b) from a rechargeable drinking water system R23 with a storage capacity of not less than 10,000 litres if–</p> <p style="padding-left: 40px;">i. there is not a reticulated water supply; and</p> <p style="padding-left: 40px;">ii. development is for a use with an equivalent population of not more than 10 people per day.</p>	<p><b>P3</b></p> <p>(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or</p> <p>(b) It must be unnecessary to require a water supply.</p>
<p><b>Acceptable Solution Assessment</b></p> <p><i>The consolidated lot is located within an area that is serviced by reticulated water infrastructure and is capable of having connections to a water supply provided in accordance with the Water and Sewerage Industry Act 2008. Therefore, acceptable solution 20.4.1 (A3) (a) is met.</i></p>	
<p><b>A4</b></p>	<p><b>P4</b></p>



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<p>A site or each lot on a plan of subdivision must drain sewage and liquid trade waste –</p> <p>(a) to a sewerage system provided in accordance with the Water and Sewerage Industry Act 2008; or</p> <p>(b) by on-site disposal if –</p> <p>i. sewage or liquid waste cannot be drained to a reticulated sewer system; and</p> <p>ii. the development</p> <p>a. provides for an equivalent population of not more than 10 people per day; or</p> <p>b. creates a total sewage and waste water flow of not more than 1,000l per day; and</p> <p>iii. the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZ 1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	<p>(a) A site or each lot on a plan of subdivision must drain and dispose of sewage and liquid trade waste –</p> <p>(i) in accordance with any prescribed emission limits for discharge of waste water;</p> <p>(ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency;</p> <p>(iii) without likely adverse impact for the health or amenity of the land and adjacent land;</p> <p>(iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and</p> <p>(v) with appropriate safeguards to minimise contamination if the use or development has potential to –</p> <p>a. indirectly cause the contamination of surface or ground water; or</p> <p>b. involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or liquid trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of sewage or liquid trade waste.</p>
<p><b>Acceptable Solution Assessment</b></p> <p><i>The consolidated lot is located within an area that is serviced by reticulated sewerage infrastructure and is capable of draining sewage via an appropriate connection to a sewerage system provided in accordance with the Water and Sewerage Industry Act 2008. Therefore, acceptable solution 20.4.1 (A4) (a) is met.</i></p>	



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<p><b>A5</b></p> <p>A site or each lot on a plan of subdivision must drain stormwater –</p> <p>(a) to a stormwater system provided in accordance with the Urban Drainage Act 2013;</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p> <p>i. for discharge to a natural drainage line, water body, or watercourse; or</p> <p>ii. for disposal within the site if –</p> <p>a. the site has an area of not less than 5000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface.</p>	<p><b>P5</b></p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –</p> <p>i. to accommodate the anticipated stormwater –</p> <p>a. currently entering from beyond its boundaries; and</p> <p>b. from the proposed development;</p> <p>ii. without likelihood for concentration on adjacent land;</p> <p>iii. without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;</p> <p>iv. to manage the quantity and rate of discharge of stormwater to receiving waters;</p> <p>v. to manage the quality of stormwater discharged to receiving waters; and</p> <p>vi. to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater.</p>
<p><b>Acceptable Solution Assessment</b></p> <p><i>The consolidated lot is located within an area that is serviced by reticulated stormwater infrastructure and is capable of draining stormwater via an appropriate connection to a stormwater system provided in accordance Urban Drainage Act 2013. Therefore, acceptable solution 20.4.1 (A5) (a) is met.</i></p>	
<p><b>20.4.2 Location and configuration of development</b></p> <p><b>Objective</b></p> <p>The location and configuration of development is to –</p> <p>(a) provide for buildings, service activity and vehicle parking to accommodate local business use;</p>	





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<p>(b) provide for the facade of a building to remain the dominant architectural or visual element to the frontage; and</p> <p>(c) assist to attenuate likely impact on amenity of use on adjacent land.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building height must not be more than 10.0m.</p>	<p><b>P1</b></p> <p>Building height must -</p> <p>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</p> <p>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</p> <p>(c) be consistent with the streetscape;</p> <p>(d) respond to the effect of the slope and orientation of the site.</p>
<p><b>Acceptable Solution Assessment</b></p> <p>The proposed buildings will have the following heights:</p> <ul style="list-style-type: none"> <li>conjoined building (tenancy 1 and 2): <b>5.3m</b></li> <li>detached building (supermarket): <b>6.8m</b></li> </ul> <p>Accordingly, acceptable solution 20.4.2 (A1) is met.</p>	
<p><b>A2</b></p> <p>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building.</p>	<p><b>P2</b></p> <p>An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must -</p> <p>(a) not dominate the architectural or visual frontage of the site;</p> <p>(b) be consistent with the streetscape</p> <p>(c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</p> <p>(d) provide durable screening to attenuate appearance of the parking or loading area from a frontage and adjacent land.</p>
<p><b>Acceptable Solution Assessment</b></p> <p>In this case, the design and configuration of the proposed buildings will result in the primary car parking area and truck unloading area being located within the primary frontage of both Murray Street and Norton Way. Accordingly, assessment against the corresponding performance criteria is required.</p> <p><b>Performance Criteria Assessment</b></p>	

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*It is considered that the proposed external car parking and loading areas achieve compliance with the performance criteria on the following basis:*

- a) *the primary car parking area is not expected to dominate the architectural or visual frontage of the subject site based on the following grounds:*
- i. *the main supermarket building will be a large structure approximately 1,245m<sup>2</sup> in area and 5.8m in height (when viewed from the Murray Street frontage) and will incorporate a mixture of materials and features including multi-coloured colourbond panelling, substantial glazing on the eastern and north-eastern façade and a large awning which has been continued around the northern façade of the building leading into the communal forecourt as an expressed architectural feature. In addition, the smaller building which will contain tenancies 1 and 2 will have an overall area of 475m<sup>2</sup> and height of 5.3m and will be oriented parallel with the Murray Street frontage and will comprise the same materiality and features of the main building. Together, the built form is expected to be the most prominent feature of the subject site which will draw attention away from the location of the car parking area;*
  - ii. *the primary car parking area will occupy approximately 59% of the length of the Murray Street frontage. However, the presence of the car parking area will be broken up by the vehicle accesses (ingress and egress), pedestrian access and footpaths and the presence of the built form which will occupy approximately 37% of the length of the subject site.*

*With respect to the loading areas, the following is observed:*

- i. *Norton Way is the primary route for heavy vehicles embarking and disembarking the Spirit of Tasmania. The land to the south of Norton Way is zoned Port and Marine and is utilised for maritime logistics activities. A vegetative buffer extends approximately 150m along Norton Way from the junction with Wright Street between the kerb and channelling and adjoining site boundaries to the south. The land to the north of Norton Way comprises the rear of buildings and properties which are oriented to face Murray Street to the north, in addition to the vacant land which is subject to this application. Accordingly, Norton Way is a non-active frontage when compared to the frontage of Murray Street which leads into the established urban area of the East Devonport Village;*
  - ii. *Each of the buildings will have a wall constructed to the southern boundary and the main heavy vehicle access, medium to large vehicle exit and loading areas will be located adjacent to the Norton Way frontage. The visual impact of the buildings when viewed from Norton Way is expected to be broken up by the indented setback of the buildings which corresponds with the truck unloading bays in addition to the separation distance between the site boundary and kerb and channelling of Norton Way which tapers from 18m to the east down to 5.3m to the west;*
- b) *It is considered that the location of car parking will be consistent with the established streetscape within the East Devonport Village by way of the following examples of similar car parking areas:*
- i. *15-27 Murray Street – 9 angled car parking spaces are located in front of the retail tenancies within the road reserve;*
  - ii. *18-20 Murray Street – 17 car parking spaces are located between the Wright Street frontage and the existing building;*



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- iii. 62 Wright Street – 5 car parking spaces are located between the Wright Street frontage and the existing building.
- c) In this instance, the consolidated lot (subject site) will have two frontages of equal length, being bound by Norton Way to the south and Murray Street to the north. Therefore, the subject site does not have a rear boundary. Subsequently, it is inevitable that car parking, loading bays and storage of materials and waste will be visible from one of the frontages. Accordingly, constraint on the location and design of the car parking and loading/unloading areas is imposed by the presence of two primary frontages;
- d) Landscaping has been proposed between the car parking and frontage boundary which will soften the appearance of the car parking area when viewed from Murray Street.

**20.4.3 Visual and acoustic privacy for residential development**

**Objective**

The location and configuration of development to minimise likelihood for overlooking a habitable room, balcony, deck or roof garden in an adjacent dwelling.

Assessment against standard 20.4.3 is not applicable on the basis that no residential use or development is proposed.

**20.4.4 Private open space for residential use**

**Objective**

Private open space is to be available in development for residential use to meet the reasonable private and communal needs of residents for garden, recreation, service and storage purposes.

Assessment against standard 20.4.4 is not applicable on the basis that no residential use or development is proposed.

**20.4.5 Setback from zone boundaries**

**Objective**

Use or development of land adjoining land in another zone is to minimise –

- (a) likelihood for conflict, interference, and constraint between the use or development of land in the zone and sensitive use of land in an adjoining zone; and
- (b) unreasonable impact on the amenity of use on land beyond the boundaries of the zone.

**Acceptable Solutions**

**Performance Criteria**

**A1**

Development of land with a boundary to a zone must –

- (a) be setback from the boundary of land in an adjoining zone by not less than the distance for that zone shown in the Table to this Clause;
- (b) not include within the setback area required from a boundary to land in a zone shown in the Table to this Clause

**P1**

The location of development must –

- (a) minimise likelihood for conflict, constraint or interference from sensitive use on land in an adjoining zone; and
- (b) minimise likely impact on the amenity of the sensitive use on land in an adjoining zone.





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<ul style="list-style-type: none"> <li>i. a building or work;</li> <li>ii. vehicular or pedestrian access from a road if the boundary is not a frontage;</li> <li>iii. vehicle loading or parking area;</li> <li>iv. an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste;</li> <li>v. an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility;</li> <li>vi. a sign orientated to view from land in another zone; or</li> <li>vii. external lighting for operational or security purposes; and</li> </ul> <p>(c) a building with an elevation to a zone boundary to which this clause applies must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>i. the setback distance from the zone boundary as shown in the Table to this Clause; and</li> <li>ii. projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and</li> </ul> <p>(d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry.</p>	
<p><b>Acceptable Solution Assessment</b></p> <p><i>In response to the acceptable solutions, the following is observed:</i></p>	



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<p>a) <i>the subject site does not adjoin a listed zone within table to clause 20.4.5 (A1). Therefore, sub-clauses (a), (b) and (c) are not applicable to the assessment;</i></p> <p>b) <i>the western elevation of the main building will not contain an external opening.</i></p> <p>Accordingly, the acceptable solution is met.</p>					
<p><b>20.4.6 Subdivision</b></p>					
<p><b>Objective</b></p> <p>The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Local Business zone.</p>					
<table border="1"> <thead> <tr> <th>Acceptable Solutions</th> <th>Performance Criteria</th> </tr> </thead> <tbody> <tr> <td> <p><b>A1</b></p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.</p> </td> <td> <p><b>P1</b></p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) for a purpose permissible in the zone.</p> </td> </tr> </tbody> </table>		Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.</p>	<p><b>P1</b></p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) for a purpose permissible in the zone.</p>
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<p><b>Acceptable Solution Assessment</b></p> <p><i>The proposed subdivision for the purposes of consolidating the 6 land titles is not required for public use. Accordingly, assessment against the corresponding performance criteria is required.</i></p> <p><b>Performance Criteria Assessment</b></p> <p><i>In this instance, the proposed subdivision will facilitate the construction of a purpose-built retail complex, the purpose of which will be for General Retail and Hire uses which are permitted within the zone. Therefore, the performance criteria is met.</i></p>					
<p><b>20.4.7 Reticulation of an electricity supply</b></p>					
<p><b>Objective</b></p> <p>Distribution and connection of reticulated electricity supply is to be without visual intrusion on the streetscape.</p>					
<table border="1"> <thead> <tr> <th>Acceptable Solutions</th> <th>Performance Criteria</th> </tr> </thead> <tbody> <tr> <td> <p><b>A1</b></p> <p>Electricity reticulation and site connections must be installed underground.</p> </td> <td> <p><b>P1</b></p> <p>It must not be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.</p> </td> </tr> </tbody> </table>		Acceptable Solutions	Performance Criteria	<p><b>A1</b></p> <p>Electricity reticulation and site connections must be installed underground.</p>	<p><b>P1</b></p> <p>It must not be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.</p>
Acceptable Solutions	Performance Criteria				
<p><b>A1</b></p> <p>Electricity reticulation and site connections must be installed underground.</p>	<p><b>P1</b></p> <p>It must not be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.</p>				
<p><b>Acceptable Solution Assessment</b></p> <p><i>Electricity reticulation can be provided underground which can form a condition of any permit.</i></p>					



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## 4.2 Code Assessment

<b>E1.0 Bushfire Prone Areas Code</b>	
The Bushfire Prone Areas Code is not applicable to the development application on the basis that the subject site is not located within a bushfire prone area.	
<b>E2.0 Airport Impact Management Code</b>	
The Airport Impact Management Code is not applicable to the development application on the basis that the subject site is not located within or adjacent to the Devonport airport.	
<b>E3.0 Clearing and Conversion of Vegetation Code</b>	
The proposed development involves the removal of native tree species (boobiella – <i>Myoporum insulare</i> and blackwood – <i>Acacia melanoxylon</i> ). Accordingly, the Clearing and Conversion of Vegetation Code is applicable to the assessment pursuant to clause E3.2.2 (b).	
<b>E3.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species</b>	
<b>Objective</b>	
The clearing and conversion of native vegetation is to minimise likely adverse impact on biodiversity, ecological process, and habitat value.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
<p>(a) Vegetation must not be any of the following –</p> <ul style="list-style-type: none"> <li>i. a threatened native vegetation community;</li> <li>ii. contain threatened flora or be threatened fauna habitat; or</li> <li>iii. be within 30m of a water body, watercourse, wetland, or coastal shoreline; or</li> </ul> <p>(b) the removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur unless authorised by the appropriate agency.</p>	<p>The harvesting of timber or the clearing and conversion of native vegetation must –</p> <ul style="list-style-type: none"> <li>(c) be justified by exceptional circumstance; or</li> <li>(d) be necessary to deliver an overriding environmental benefit for the region; and</li> <li>(e) be unlikely to have adverse effect on – <ul style="list-style-type: none"> <li>i. value of the habitat for a species managed under the Threatened Species Protection Act 1995 or the Nature Conservation Act 2002;</li> <li>ii. ability to contribute to the Tasmanian comprehensive, adequate, and representative vegetation conservation reserve system; or</li> <li>iii. value of shoreline vegetation for water quality management; and</li> </ul> </li> <li>(f) have regard to any advice or decision of the relevant entity for applicable native vegetation or wildlife protection and conservation for –</li> </ul>



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	<ul style="list-style-type: none"> <li>i. impact of the use or development on the objectives and outcomes for protection and conservation of native vegetation and wildlife; and</li> <li>ii. any condition or requirement for protection or conservation of a threatened native vegetation community or of vegetation providing threatened species habitat.</li> </ul>
<p><b>Acceptable Solution Assessment</b></p>	
<p><i>In this instance, the vegetation species are not identified as rare or threatened and are not part of a threatened community. Therefore, the acceptable solutions are met.</i></p>	
<p><b>E3.6.2 Clearing of vegetation on land of scenic or landscape value</b></p>	
<p><b>Objective</b></p> <p>The clearing and conversion of vegetation is to minimise likely adverse impact on scenic or landscape value –</p> <ul style="list-style-type: none"> <li>a) on land in the Environmental Living, Environmental Management, Open Space or Rural Living zones; or</li> <li>b) on land identified on the planning scheme map as significant for scenic or landscape value.</li> </ul>	
<p><i>Standard E3.6.2 is not applicable to the assessment on the basis that the subject site is not located within the identified zones and is not subject to a scenic or landscape overlay.</i></p>	
<p><b>E3.6.3 Clearing of vegetation on land susceptible to landslide</b></p>	
<p><b>Objective</b></p> <p>The clearing and conversion of vegetation on land in a landslide hazard area to which Code E6 – Hazard Management applies under this planning scheme is to minimise risk for activating a landslide.</p>	
<p><i>Standard E3.6.3 is not applicable to the assessment on the basis that the subject site is not located in an area that is subject to a landslide hazard pursuant to Code E6 – Hazard Management.</i></p>	
<p><b>E4.0 Change in Ground Level Code</b></p>	
<p>The proposed development will result site fill. Therefore, assessment against the Change in Ground Level Code is required.</p>	
<p><b>E4.6.1 Change in existing ground level or natural ground level.</b></p>	
<p><b>Objective</b></p> <p>Change in the existing ground level or the natural ground level by cut or fill is to minimise –</p> <ul style="list-style-type: none"> <li>a) likely adverse impact on the physical, environmental, cultural, aesthetic, and amenity features of land; and</li> <li>b) risk from a natural hazard.</li> </ul>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p>A1</p>	<p>P1</p>



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Cut or fill must -	Cut or fill must -
<p>(a) not be on land within the Environmental Living zone or the Environmental Management zone;</p> <p>(b) be required to –</p> <ul style="list-style-type: none"> <li>i. provide a construction site for buildings and structures;</li> <li>ii. facilitate vehicular access;</li> <li>iii. mitigate exposure to a natural or environmental hazard;</li> <li>iv. facilitate provision of a utility;</li> <li>v. assist the consolidation or intensification of development; or</li> <li>vi. assist stormwater management.</li> </ul> <p>(c) not result in a modification of surface stormwater water flow to increase –</p> <ul style="list-style-type: none"> <li>i. surface water drainage onto adjacent land;</li> <li>ii. pooling of water on the site or on adjacent land; or</li> <li>iii. the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</li> </ul> <p>(d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p>	<p>(a) make arrangements for the drainage and disposal of stormwater;</p> <p>(b) make arrangements to stabilise any existing building or to increase the requirements for construction of any potential building on adjacent land;</p> <p>(c) manage drainage and disposal of intersected ground water;</p> <p>(d) safeguard the quality of receiving waters;</p> <p>(e) not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 Land Use Planning and Approvals Act 1993 registered on the title of adjacent land providing for the level of constraint; and</p> <p>(f) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <ul style="list-style-type: none"> <li>i. it is satisfied the cut or fill will not result in harm to the utility; and</li> <li>ii. any condition or requirement it determines are appropriate to protect the utility.</li> </ul>



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<p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <ul style="list-style-type: none"> <li>i. it is satisfied the cut or fill will not result in harm to the utility; and</li> <li>ii. any condition or requirement it determines are appropriate to protect the utility.</li> </ul>	
<p><b>Acceptable Solution Assessment</b></p> <p><i>In response to the acceptable solutions, the following is observed:</i></p> <ul style="list-style-type: none"> <li>a) <i>the subject site is not zoned Environmental Living or Environmental Management;</i></li> <li>b) <i>the earthworks are required in order to provide a level foundation to facilitate the construction of the proposed buildings and associated site infrastructure;</i></li> <li>c) <i>the proposed earthworks will be covered with building and/or hardstand area which will be connected into the reticulated stormwater system. Accordingly, the proposed earthworks will not increase surface water drainage onto adjacent land, pooling of water within the site or on adjacent land and will not affect natural or artificial drainage channels;</i></li> <li>d) <i>the structures supporting the fill will be incorporated to the main building which will be structurally engineered to ensure no adjoining buildings will be impacted upon;</i></li> <li>e) <i>the earthworks will merely scrape away topsoil and will not be deep enough to intersect ground water;</i></li> <li>f) <i>all built form and hardstand areas will be drained to the reticulated public stormwater system which will ensure receiving waters are safe guarded;</i></li> <li>g) <i>all bearing pressure as a result of the building which will be located above the fill area will be directed below natural surface level through engineered footings. Accordingly, an area of influence will not be created on the adjacent land to the west;</i></li> <li>h) <i>all significant cut and fill will be located in excess of 1 m from an underground utility.</i></li> </ul> <p><i>Therefore, the acceptable solutions have been met.</i></p>	
<p><b>E5.0 Local Heritage Code</b></p>	
<p>The Local Heritage Code is not applicable to the development application on the basis that the subject site is not identified as a heritage listed site and is not located within a conservation area.</p>	
<p><b>E6.0 Hazard Management Code</b></p>	
<p>The Hazard Management Code is not applicable to the development application on the basis that the subject site is not located within a coastal inundation, coastal erosion or recession, potentially contaminated, flooding or landslip mapped area.</p>	





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<b>E7.0 Signs Code</b>	
<b>E7.6 Development Standards</b>	
<b>Objective</b>	
Signs –	
<ul style="list-style-type: none"> <li>(a) may be an integrated element of development on a site; and</li> <li>(b) must not have adverse effect for –               <ul style="list-style-type: none"> <li>i. the convenience and safety of people and property, including of any road, rail, air or marine transport system;</li> <li>ii. amenity and character of any rural, urban or conservation setting; or</li> <li>iii. the conservation and protection of any special value identified in a provision forming part of this planning scheme.</li> </ul> </li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
Signs must –	A sign must be reasonable taking into account –
<ul style="list-style-type: none"> <li>(a) identify an activity, product, or service provided on the site;</li> <li>(b) if on a site in a General Residential, Low Density Residential, Rural Living; or Environmental Living zone, must –               <ul style="list-style-type: none"> <li>i. comprise not more than 2 display panels;</li> <li>ii. be fixed flat to the surface of a building below the eave line; and</li> <li>iii. have a total combined area of not more than 5.0m<sup>2</sup>;</li> </ul> </li> <li>(c) if on a site in any other zone, must –               <ul style="list-style-type: none"> <li>i. comprise not more than 5 display panels;</li> <li>ii. have a total combined area of not more than 50.0m<sup>2</sup>;</li> <li>iii. be separated from any other freestanding or projecting sign by not less than 10.0m;</li> <li>iv. be fully contained within the applicable building envelope and –                   <ul style="list-style-type: none"> <li>a. not extend above the parapet or the ridge of a roof; or</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) whether the sign relates to an activity, product or service provided on the site;</li> <li>(b) nature of development on the site;</li> <li>(c) purpose, location, number, size, style, and configuration of any existing and approved sign on the site and on adjacent land;</li> <li>(d) whether likely to be visually dominant or intrude on the appearance of the site or the streetscape;</li> <li>(e) whether likely to obscure the visibility of other signs in the locality;</li> <li>(f) whether visible beyond the immediate locality;</li> <li>(g) whether likely to impact on operational efficiency and safety of a railway, road, navigable water, or controlled air space in accordance with the advice and any requirement of the relevant regulatory entity;</li> <li>(h) whether likely to impact on the amenity of a habitable room or private open space in a residential development; and</li> <li>(i) the necessity for the sign to be located on the site having regard for:               <ul style="list-style-type: none"> <li>i. proximity of the service or business being promoted to the sign location;</li> </ul> </li> </ul>



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<ul style="list-style-type: none"> <li>b. if a free-standing sign, have a height above natural ground level of not more than 5.0m;</li> <li>v. not involve a corporate livery, colour scheme, insignia or logo applied to more than 25% of the external wall surface of each elevation of a building;</li> <li>vi. not be located in an access strip, loading area, or car park;</li> <li>vii. not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as a part of the operation of the sign unless providing advisory or safety information;</li> <li>viii. not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign;</li> <li>ix. not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road; and</li> <li>x. not cause illumination that overflows the boundaries of the site; and</li> </ul> <p>(d) not be on land for which a Local Heritage Code forming part of this planning scheme applies.</p>	<ul style="list-style-type: none"> <li>ii. proximity of other signage for the same business or service;</li> <li>iii. ability to identify the business or service through other means; and</li> <li>iv. flow of traffic past the sign and its likely destination.</li> </ul>
<p><b>Acceptable Solution Assessment</b></p> <p><i>It is proposed to install 9, 6m by 2m wall signs, on selected elevations of the supermarket and tenancy buildings in addition to installing a blade sign at the primary vehicular entrance to the site off Murray Street. The blade sign will be approximately 5.8m in height and 2.5m in width.</i></p> <p><i>Due to the number and combined area of the signs proposed, acceptable solutions (c) (i and ii) are unable to be met. Therefore, assessment against the corresponding performance criteria is required.</i></p> <p><b>Performance Criteria Assessment</b></p> <p><i>It is considered that the proposed signage is reasonable for the proposed use and development, with respect to the performance criteria, on the following basis:</i></p>	



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- a) *all proposed signage relates directly to the retail activity which will be provided on the site by way of branding for each business and locational/directional purposes for customers;*
- b) *the proposed signage is considered to be compatible with the proposed use which is for a retail complex. The proposed signage will be typical of many similar retail facilities throughout Devonport and broader north-west region;*
- c) *there is no existing signage on the subject site. It is considered that the signage will be consistent with the existing business signage in terms bulk, scale, type and siting;*
- d) *the proposed wall signs will be attached to their respective elevations which are setback from the frontages of Murray Street and Norton Way which will reduce their prominence within the streetscape. Furthermore, the blade sign will be the only sign of its type located on the subject property and is not expected to contribute to the visual cluttering of Murray Street or detract from the East Devonport Village;*
- e) *the location of each sign will not obscure the visibility of other signs along Murray Street including directory, statutory and community information signs;*
- f) *the proposed wall signs will not protrude above the walls/buildings that they will be attached to. Furthermore, the blade sign will be no higher than the highest building to be constructed. Accordingly, the proposed signage is not expected to be visible beyond the immediate locality of the East Devonport Village and broader settlement area;*
- g) *all signage will be located within the boundaries of the subject site. Accordingly, the signage will not impact on the operational efficiency and safety of Murray Street or Norton Way;*
- h) *the subject property does not adjoin residential use or development for it to impact upon adjoining or nearby residential amenity;*
- i) *the signs are considered to be reasonable and necessary on the basis that they each serve a separate tenancy and will be oriented towards the Murray Street and Norton Way frontages in order to provide destination branding for the respective roads.*

**E8.0 Telecommunications Code**

The Telecommunications Code is not applicable to the development on the basis that no telecommunications facilities are proposed.

**E9.0 Traffic Generating Use and Parking Code**

**E9.5.1 Provision for parking**

**Objective**

Provision is to be made for convenient, accessible, and useable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road.

**Acceptable Solutions**

**Performance Criteria**

**A1**

Provision for parking must be –

- (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;

**P1**

- (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or
- (b) Adequate and appropriate provision must be made for vehicle parking to meet –





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	<ul style="list-style-type: none"> <li>i. anticipated requirement for the type, scale, and intensity of the use;</li> <li>ii. likely needs and requirements of site users; and</li> <li>iii. likely type, number, frequency, and duration of vehicle parking demand.</li> </ul>
<p><b>Acceptable Solution Assessment</b></p> <p>Table E9.1 requires 1 car parking space per 30m<sup>2</sup> of gross floor area for shops. A total of 1,720m<sup>2</sup> of gross floor area is proposed. Therefore, a total of 58 car parking spaces are required to be provided by the retail use and development. In this instance, 38 car parking spaces are proposed in addition to 2-3 caravan and campervan parking spaces (depending on vehicle size and positioning). Conservatively, the proposed use and development is deficient in 18 parking spaces. Therefore, assessment against the corresponding performance criteria is required.</p> <p><b>Performance Criteria Assessment</b></p> <p>With respect to performance criteria (b) the following is observed:</p> <p>a) Midson Traffic Pty Ltd was engaged to investigate traffic impacts and car parking supply and demand for the proposed retail use and development. The assessment concluded that the proposed retail use and development would generate approximately 2,082 vehicle movements per day with 215 vehicle movements per day during peak periods. The assessment noted that many of the vehicle movements are likely to be 'shared trips' particularly given the presence of the Spirit of Tasmania terminal and mixed uses within the East Devonport Village.</p> <p>Specifically, the assessment identified that the shortfall of 18 car parking spaces could be accommodated within the surrounding area through the provision of (time-restricted) on-street and public off-street car parking areas in addition to the application of shared car parking principles which are pertinent to the proposed retail use and development.</p> <p>Overall, the assessment concluded that the proposed retail use and development could be supported on traffic and car parking grounds. A copy of the Traffic Impact Assessment is contained within <b>Appendix C</b>.</p>	
<p><b>E9.5.2 Provision for loading and unloading of vehicles</b></p>	
<p><b>Objective</b></p> <p>Provision is made for conveniently located and accessible areas for the loading and unloading of goods and materials and for the pick-up and set-down of passengers from vehicles.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b></p> <p>There must be provision within a site for -</p> <ul style="list-style-type: none"> <li>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</li> </ul>	<p><b>P1</b></p> <ul style="list-style-type: none"> <li>(a) It must be unnecessary or unreasonable to require arrangements for loading and unloading of vehicles; or</li> </ul>





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<p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces.</p>	<p>(b) Adequate and appropriate provision must be made for the loading and unloading of vehicles to meet-</p> <ul style="list-style-type: none"> <li>i. likely volume, type and frequency of vehicles associated with the delivery and collection of goods and passengers; and</li> <li>ii. likely frequency and duration of requirements for delivery and collection of goods or people.</li> </ul>
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**Acceptable Solution Assessment**

Table E9.1 requires 1 small truck parking space per 400m<sup>2</sup> of gross floor area and 1 articulated truck parking space for supermarkets. In this instance, 1 supermarket is proposed in addition to two smaller retail tenancies with a combined gross floor area of 475m<sup>2</sup>. Accordingly, 1 articulated truck parking spaces and 1 small truck parking space are required to be provided.

In this case, 2 truck parking spaces are provided both of which can accommodate articulated trucks or smaller trucks and freight vehicles. Accordingly, acceptable solution (a) is met.

In response to acceptable solution (b), less than 50 car parking spaces will be provided for the retail use. Therefore, the provision is not applicable to the assessment.

**E9.5.3 Devonport local area parking scheme**

**Objective**

The provision of parking on land to which the Devonport local area parking scheme applies is without impact on performance and sustainability of the Scheme.

Standard E9.5.3 is not applicable to the development application on the basis that the subject site is not located within the Devonport local area planning scheme area.

**E9.6.1 Design of vehicle parking and loading areas**

**Objective**

Vehicle circulation, loading, and parking areas-

- (a) protect the efficient operation and safety of the road from which access is provided;
- (b) promote efficiency, convenience, safety, and security for vehicles and users; and
- (c) provide an appropriate layout and adequate dimension to accommodate passenger or freight vehicle as associated with use of the site.

**Acceptable Solutions**

**Performance Criteria**

**A1.1**

All development must provide for the collection, drainage and disposal of stormwater; and

**A1.2**

Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must -

**P1**

The layout and construction of a vehicle parking area, loading area, circulation aisle, and manoeuvring area must be adequate and appropriate for -

- (a) the nature and intensity of the use;
- (b) effect of size, slope and other physical characteristics and conditions of the site;



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<ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	<ul style="list-style-type: none"> <li>(c) likely volume, type, and frequency of vehicles accessing the site;</li> <li>(d) likely demand and turnover for parking;</li> <li>(e) delivery and collection vehicles;</li> <li>(f) familiarity of users with the vehicle loading and vehicle parking area;</li> <li>(g) convenience and safety of access to the site from a road;</li> <li>(h) safety and convenience of internal vehicle and pedestrian movement;</li> <li>(i) safety and security of site users; and</li> <li>(j) the collection, drainage, and disposal of stormwater.</li> </ul>
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**Acceptable Solution Assessment**

*In response to the acceptable solutions, the following is observed:*

- a) *the car parking area inclusive of pedestrian footpaths and loading and unloading areas will be constructed in a manner that will enable stormwater runoff to be drained into the public stormwater system;*
- b) *the proposed car parking layout complies with the requirements of:*
  - i. *AS/NZS 2890.1 (2004) – Parking Facilities - Off Street Car Parking;*
  - ii. *AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;*
  - iii. *AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;*
- c) *A condition can be applied to the permit requiring bicycle parking spaces to be provided in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities.*

**A2**

Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the

**P2**

Design of internal access roads and vehicle circulation, movement and standing areas for permitted use on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be adequate and appropriate for the likely type, volume, and frequency of traffic



Planning Submission

Measured form and function

current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB	
<b>Acceptable Solution Assessment</b>	
<i>The subject site is not located within the listed zones. Therefore, the provision is not applicable to the assessment.</i>	
<b>E10.0 Water and Waterways Code</b>	
The Water and Waterways Code is not applicable to the development application on the basis that the subject site is located approximately 170m from the bank of the nearest water body (Mersey River).	
<b>E11.0 Devonport Reserved Residential Land Code</b>	
The Devonport Reserved Residential Land Code is not applicable to the assessment on the basis that the subject site is not located within a reserve area.	
<b>Part F – Specific Area Plans</b>	
The subject site is not located within an area that is controlled by a specific area plan.	



## 5 Conclusion

This application requests that the land located at 2-12 Murray Street, East Devonport be rezoned from Port and Marine to Local Business in order to facilitate a new purpose built retail complex within the East Devonport Village.

The preceding report has demonstrated that the proposed rezoning of land is consistent with the:

- common and local provisions of the Scheme;
- objectives set out in Schedule 1 of the Act;
- State Policies;
- Cradle Coast Regional Land Use Strategy; and
- *Gas Pipelines Act 2000*.

In addition, the proposed retail complex development has demonstrated compliance with the applicable standards of the Scheme if the amendment were in place. On this basis, it is considered that the combined permit and amendment to the Scheme can be supported.





Measured form and function

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Project: RETAIL COMPLEX  
At: 2-12 MURRAY STREET  
EAST DEVONPORT

Project: 13.159

Drawings:

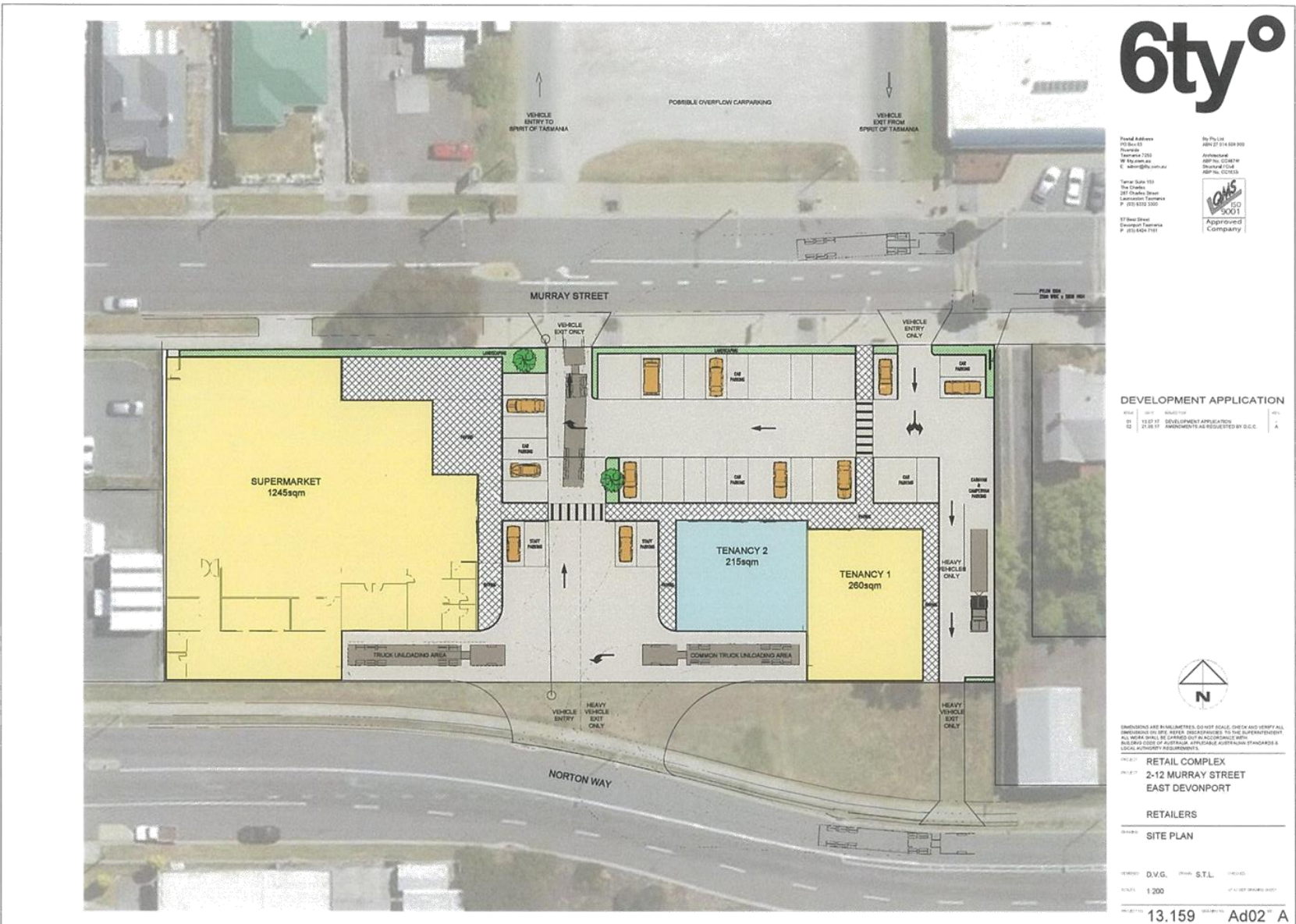
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- Ad02 SITE PLAN
- Ad03 FLOOR PLAN - SUPERMARKET
- Ad04 FLOOR PLAN - TENANCIES
- Ad05 ELEVATIONS - SUPERMARKET
- Ad06 ELEVATIONS - TENANCIES
- Ad07 SECTIONS - SUPERMARKET  
SECTIONS - TENANCIES

---

DEVELOPMENT APPLICATION

Issue date: 21.08.17









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DEVELOPMENT APPLICATION  
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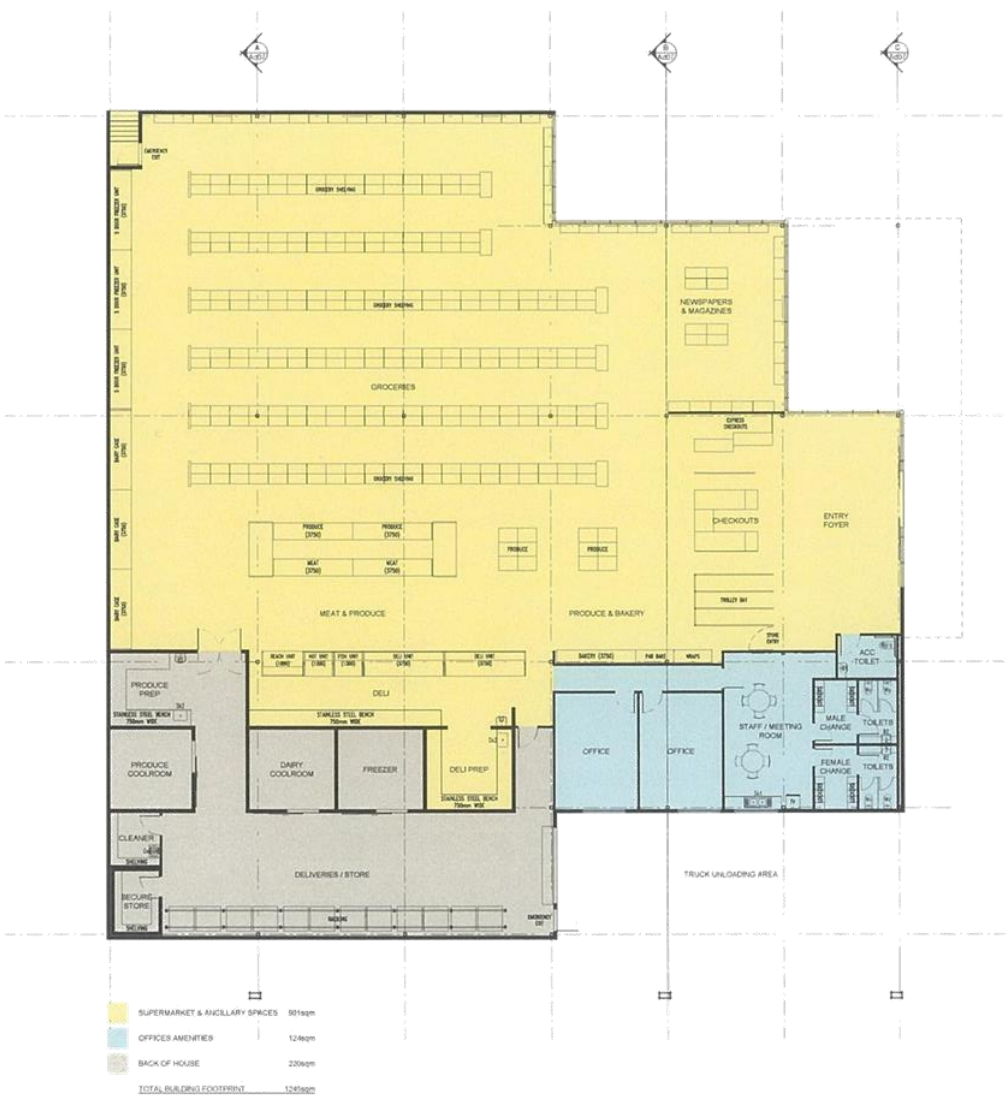
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PROJECT: RETAIL COMPLEX  
 2-12 MURRAY STREET  
 EAST DEVONPORT

RETAILERS  
 DRAWING: FLOOR PLAN  
 SUPERMARKET

DESIGNED: D.V.G. DRAWN: S.T.L. CHECKED: S.T.L.  
 SCALE: 1:100 DATE: 11.01.2014

PROJECT NO: 13.159 DRAWING NO: Ad03 -



■	SUPERMARKET & ANCILLARY SPACES	901sqm
■	OFFICES & AMENITIES	12sqm
■	BACK OF HOUSE	220sqm
<b>TOTAL BUILDING FOOTPRINT</b>		<b>1133sqm</b>





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Approved  
 Company

DEVELOPMENT APPLICATION

PROJECT NO: 13.159  
 DATE: 13.07.17



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PROJECT: RETAIL COMPLEX  
 2-12 MURRAY STREET  
 EAST DEVONPORT

RETAILERS

FLOOR PLAN  
 TENANCIES

DESIGNED: D.V.G. DRAWN: S.T.L. DATE: 13.07.17

SCALE: 1:100 AT 11 NOT DRAWN TO SCALE

PROJECT NO: 13.159 DRAWING NO: Ad04 -





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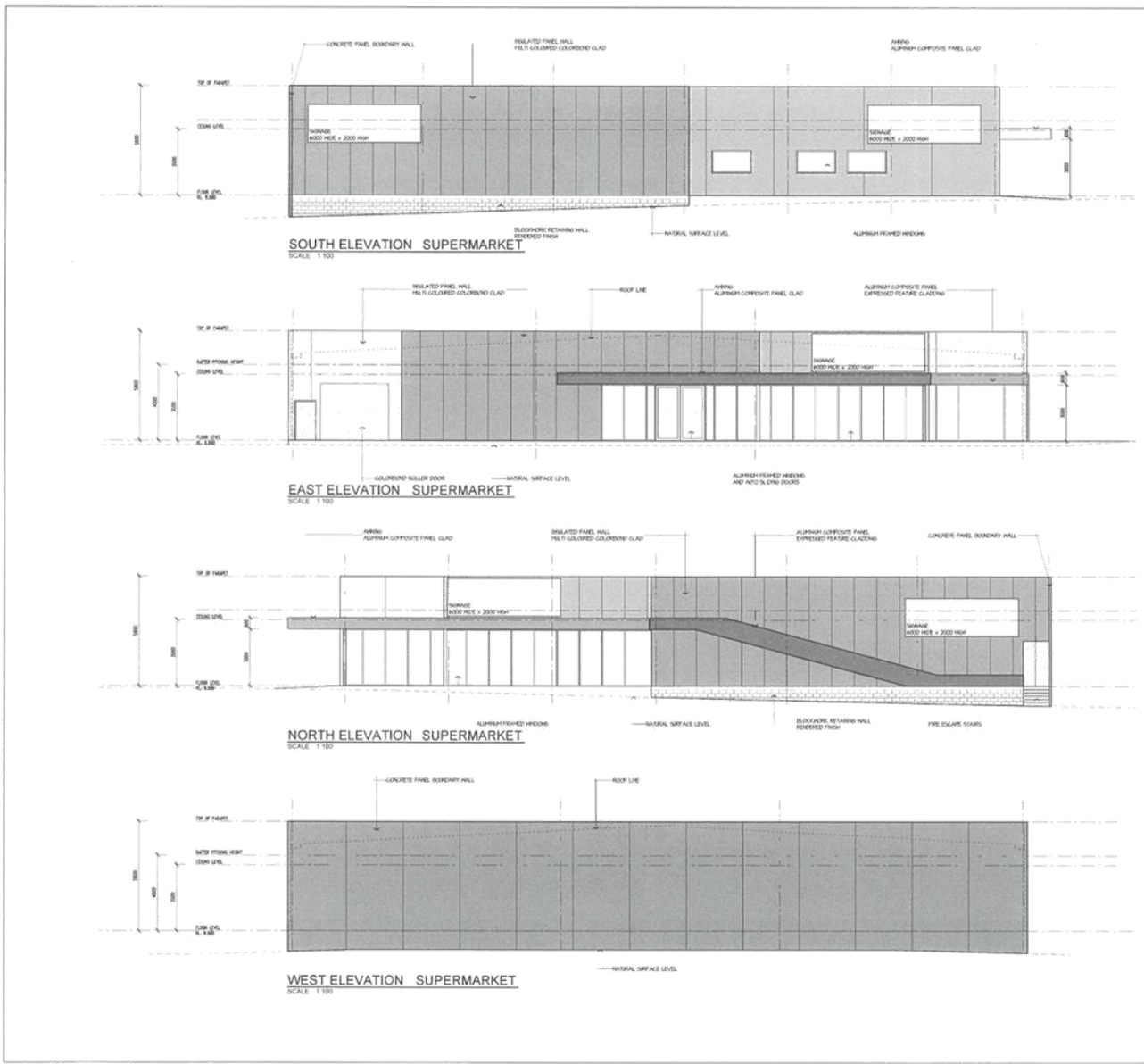
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 DATE 13.07.17  
 DEVELOPMENT APPLICATION



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PROJECT: RETAIL COMPLEX  
 2-12 MURRAY STREET  
 EAST DEVONPORT  
 RETAILERS  
 DRAWING: ELEVATIONS - SUPERMARKET

DESIGNED BY: D.V.G. DRAWN BY: S.T.L. CHECKED BY:  
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ITEM 4.2



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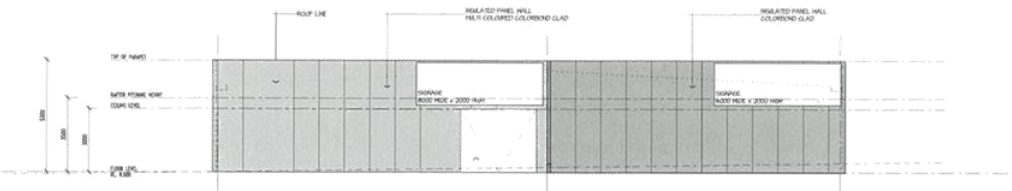
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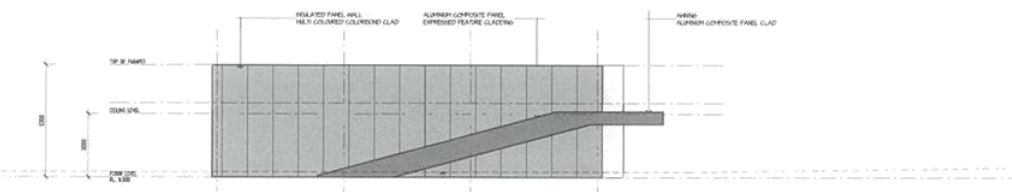
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PROJECT: RETAIL COMPLEX  
 2-12 MURRAY STREET  
 EAST DEVONPORT  
 RETAILERS  
 ELEVATIONS - TENANCIES

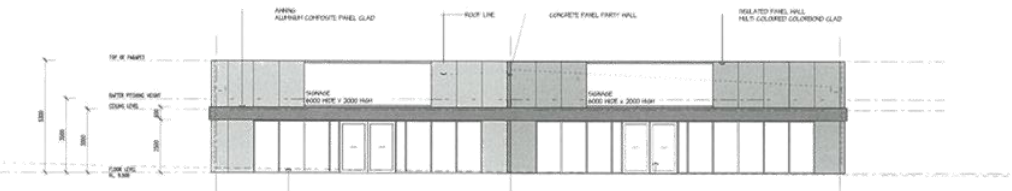
DESIGNED BY: D.V.G. DRAWN BY: S.T.L. CHECKED BY:  
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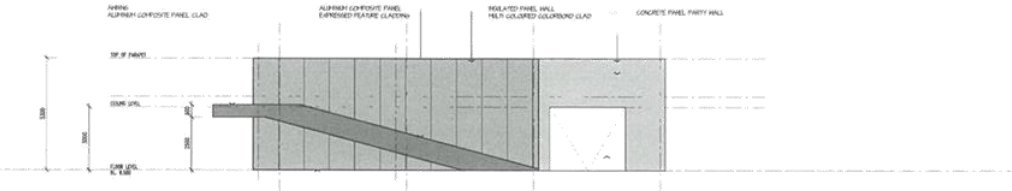
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SCALE: 1:100



**EAST ELEVATION TENANCIES**  
SCALE: 1:100



**NORTH ELEVATION TENANCIES**  
SCALE: 1:100



**WEST ELEVATION TENANCIES**  
SCALE: 1:100

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DEVELOPMENT APPLICATION  
 04/21 001 0000-108  
 01 13.07.17 DEVELOPMENT APPLICATION



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RETAIL COMPLEX  
 2-12 MURRAY STREET  
 EAST DEVONPORT

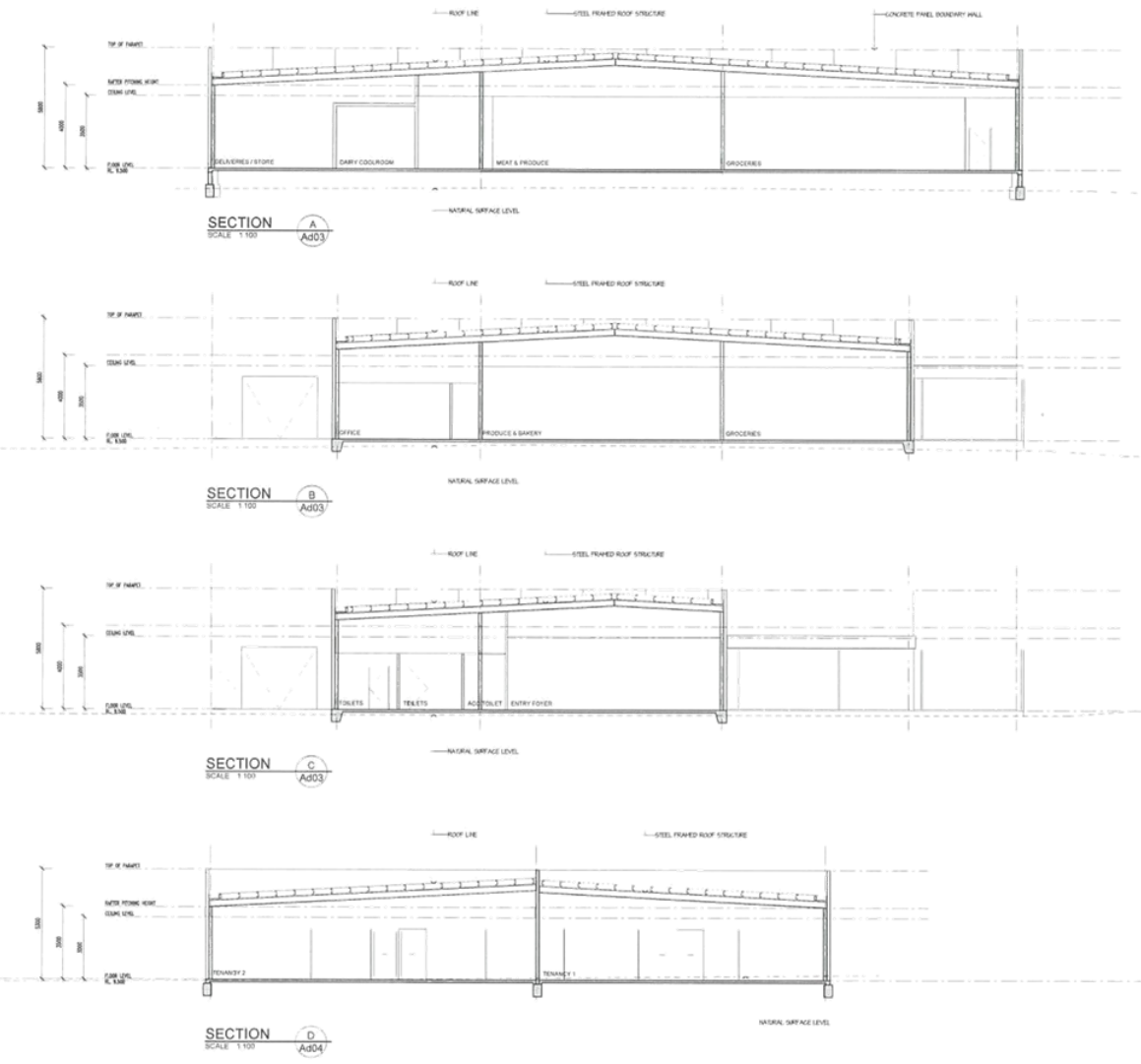
RETAILERS

SECTIONS - SUPERMARKET  
 SECTIONS - TENANCIES

D.V.G. S.T.L.

1:100

13.159 Ad07







6ty

**2-12 Murray St East Devonport  
Retail Development  
Traffic Impact Assessment**

May 2017





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## 1. Introduction

### 1.1 Background

Midson Traffic were engaged by 6ty to prepare a traffic impact assessment for a proposed retail development at 2-12 Murray Street, East Devonport.

### 1.2 Traffic Impact Assessment (TIA)

A traffic impact assessment (TIA) is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks. A TIA should not only include general impacts relating to traffic management, but should also consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.

This TIA has been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, September 2007. This TIA has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009.

Land use developments generate traffic movements as people move to, from and within a development. Without a clear understanding of the type of traffic movements (including cars, pedestrians, trucks, etc), the scale of their movements, timing, duration and location, there is a risk that this traffic movement may contribute to safety issues, unforeseen congestion or other problems where the development connects to the road system or elsewhere on the road network. A TIA attempts to forecast these movements and their impact on the surrounding transport network.

A TIA is not a promotional exercise undertaken on behalf of a developer; a TIA must provide an impartial and objective description of the impacts and traffic effects of a proposed development. A full and detailed assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks is required. An objective consideration of the traffic impact of a proposal is vital to enable planning decisions to be based upon the principles of sustainable development.

This TIA also addresses E9, *Traffic Generating Use and Parking Code*, of the Devonport Interim Planning Scheme, 2013.

### 1.3 Statement of Qualification and Experience

This TIA has been prepared by an experienced and qualified traffic engineer in accordance with the requirements of Council's Planning Scheme and The Department of State Growth's, *A Framework for Undertaking Traffic Impact Assessments*, September 2007, as well as Council's requirements.

The TIA was prepared by Keith Midson. Keith's experience and qualifications are briefly outlined as follows:





- 21 years professional experience in traffic engineering and transport planning.
- Master of Transport, Monash University, 2006
- Master of Traffic, Monash University, 2004
- Bachelor of Civil Engineering, University of Tasmania, 1995
- Engineers Australia: Fellow (FIEAust); Chartered Professional Engineer (CPEng); Engineering Executive (EngExec); National Engineers Register (NER)

Keith is a Director of the traffic engineering, transport planning and road safety company, Midson Traffic Pty Ltd. He is also a Teaching Fellow at Monash University, where he teaches and coordinates the subject 'Road Safety Engineering' as part of Monash's postgraduate program in traffic and transport. Keith is also an Honorary Research Associate with the University of Tasmania, where he lectures the subject 'Transportation Engineering' in the undergraduate civil engineering program as well as supervising several honours projects each year.

#### **1.4 Project Scope**

The project scope of this TIA is outlined as follows:

- Review of the existing road environment in the vicinity of the site and the traffic conditions on the road network.
- Provision of information on the proposed development with regards to traffic movements and activity.
- Identification of the traffic generation potential of the proposal with respect to the surrounding road network in terms of road network capacity.
- Review of the parking requirements of the proposed development. Assessment of this parking supply with Planning Scheme requirements.
- Traffic implications of the proposal with respect to the external road network in terms of traffic efficiency and road safety.

#### **1.5 Subject Site**

The subject site is located at 2-12 Murray Street, East Devonport. The site is located immediately opposite the Spirit of Tasmania ferry terminal on Murray Street.

The subject site and surrounding road network is shown in Figure 1.



**Figure 1 Subject Site & Surrounding Road Network**



*Source: LIST Map, DPIPW*

## 1.6 Reference Resources

The following references were used in the preparation of this TIA:

- Devonport Interim Planning Scheme, 2013 (Planning Scheme)
- Austroads, *Guide to Traffic Management, Part 12: Traffic Impacts of Developments*, 2009
- Austroads, *Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections*, 2009
- Department of State Growth, *A Framework for Undertaking Traffic Impact Assessments*, 2007
- Roads & Maritime Services NSW, *Guide to Traffic Generating Developments*, 2002 (RMS Guide)
- Roads & Maritime Services NSW, *Updated Traffic Surveys*, 2013 (Updated RMS Guide)
- Australian Standards, AS2890.1, *Off-Street Parking*, 2004 (AS2890.1:2004)



## 2. Existing Conditions

### 2.1 Transport Network

For the purpose of this report, the transport network consists of Murray Street, Esplanade, Norton Way and Wright Street.

Murray Street, Esplanade and Norton Way form a 'U' shaped road network connecting to Wright Street at their eastern end. The intersection of Wright Street and Murray Street is a 24m diameter roundabout.

Murray Street provides passenger vehicle access to the Spirit of Tasmania ferry terminal. Between Wright Street and the Spirit Terminal access, Murray Street is a small strip shopping centre, with traffic calming in the form of tree plantings and painted strip slow points. On-street parking is provided as parallel spaces on the southern side and a combination of parallel and angle parking on the northern side. Murray Street from the subject site is shown in Figure 2.

Wright Street is a collector road that provides north-south connectivity through East Devonport. Wright Street is shown in Figure 4.

Esplanade is a short single lane connecting road that has one-way flow from Murray Street to Norton Way. Angle parking is provided for 9 spaces on the western side of the Esplanade.

Norton Way provides truck and bus access to the Spirit of Tasmania, as well as access to a number of commercial sites and freight access to the Port. Norton Way is shown in Figure 3.

**Figure 2 Murray Street at Site Access**





Figure 3 Norton Way at Site Access



Figure 4 Wright Street towards Norton Way







## 2.2 Road Safety Performance

Crash data can provide valuable information on the road safety performance of a road network. Existing road safety deficiencies can be highlighted through the examination of crash data, which can assist in determining whether traffic generation from the proposed development may exacerbate any identified issues.

Crash data was obtained from the Department of State Growth for a 5+ year period between January 2012 and April 2017 for Norton Way, Murray Street, Esplanade and Wrights Road, East Devonport.

The findings of the crash data is summarised as follows:

- No crashes were reported on Norton Way.
- A total of 4 crashes were reported in Murray Street. All of these crashes involved property damage only. There was no clear crash trend, with crash types 'other-on-path', 'leaving-parking', 'out-of-control-on-carriageway', and 'reversing-into-object'.
- A total of 7 crashes were reported in Wright Street. 1 of these crashes involved a pedestrian (minor injury, April 2017, north of Murray St), 5 crashes involved parking or parked vehicle, and 1 crash involved 'out-of-control-on-carriageway'.

The spatial locations of these crashes are shown in Figure 5.

The crash history is generally consistent with a busy commercial road network. It does not indicate that there are any specific road safety deficiencies associated with the network that may be exacerbated by traffic generated by the proposed development.



Figure 5 Spatial Location of Crashes





## 3. Proposed Development

### 3.1 Development Proposal

The proposed development involves a rezoning and development of a retail complex at 2-12 Murray Street, East Devonport. The key components of the development are as follows:

- |                                 |  |
|---------------------------------|--|
| ▪ Supermarket                   | 1,245 m <sup>2</sup>                                   |
| ▪ Retail tenancy 2              | 215 m <sup>2</sup>                                     |
| ▪ Retail tenancy 3              | 261 m <sup>2</sup>                                     |
| ▪ Car parking                   | 38 spaces  |
| ▪ Truck loading areas           | 2 semi-trailer spaces                                  |
| ▪ Caravan and Campervan parking | 2-3 spaces (depending on vehicle size and positioning) |

Vehicular access is proposed at the following locations:

- Separate entry and exit on Murray Street
- Heavy vehicle entry and exit on Norton Way (service vehicles)
- Heavy vehicle/ caravan and campervan exit on Norton Way

The proposed development is shown in Figure 6.



Figure 6 Proposed Development Plans



Source: 6ty





## 4. Traffic Impacts

### 4.1 Traffic Generation

Traffic generation rates were sourced from the RMS Guide and Updated RMS Guide. The RMS Guide states that for shopping centres less than 10,000 m<sup>2</sup> gross floor area, the daily traffic generation is 121 vehicles per day per 100m<sup>2</sup>. The peak hour rate is 12.5 trips per 100m<sup>2</sup> of floor area.

Using these rates, the expected traffic generation of the site is 2,082 vehicles per day and 215 trips per hour during peak periods.

The Updated RMS Guide utilises the same weekday peak, but provides a higher peak for Saturdays (16.3 trips per 100m<sup>2</sup> GFLA). This equates to 281 trips per hour on Saturdays.

The RMS Guide also suggests that approximately 25% of these trips are 'shared trips' in which vehicles already on the road network divert to the Centre. Based on this, the proposed development is expected to generate a total of 1,562 new vehicles per day on the transport network, with 161 new vehicles per hour during evening weekday peak periods. The proximity of the development to the Spirit of Tasmania terminal is likely to result in linked-trips to/from the terminal (ie. Spirit of Tasmania passenger vehicles stopping at the proposed development as they exit or before they enter the terminal).

It is also likely to result in customers walking to the shopping centre once their vehicle is in the queue prior to boarding the Spirit of Tasmania, thus reducing the trip generation of the development further.

### 4.2 Access Impacts

The proposed development provides a separate vehicular entry and exit on Murray Street. Norton Way provides commercial vehicle entry/ exit, as well as a separate exit for caravans/ campervans (enabling these vehicles to travel through the site without requiring to manoeuvre within the site).

#### 4.2.1 Access Functionality

The proposed accesses on Murray Street are located opposite the passenger vehicle accesses to the Spirit of Tasmania. The proposed entry is opposite the Spirit of Tasmania's exit, and the proposed exit is located opposite the Spirit of Tasmania's entry.

This configuration enables vehicles exiting the Spirit of Tasmania terminal to directly access the proposed development (noting further that caravans and campervans can access through the site). During these periods, the opposing flow on Murray Street would be relatively low (as Murray Street is highly directional due to arrival and departure traffic associated with the Spirit of Tasmania).

#### 4.2.2 Sight Distance Requirements

The proposed accesses located on Murray Street and Norton Way were assessed against the Austroads requirements for sight distance. Austroads Part 4A defines Safe Intersection Sight Distance as follows:

*"SISD is the minimum standard which should be provided on the major road at any intersection.*



*SISD:*

- provides sufficient distance for a driver of a vehicle on the major road to observe a vehicle on the minor road approach moving into a collision situation (eg. In the worst case, stalling across the traffic lanes), and to decelerate to a stop before reaching the collision point.
- is viewed between two points to provide inter-visibility between drivers and vehicles on the major road and minor road approaches. It is measured from a driver eye height of 1.1 m above the road to points 1.25 m above the road which represents drivers seeing the upper part of the cars.
- assumes that the driver on the minor road is situated at a distance of 5.0 m (minimum of 3.0 m) from the lip of the channel or edge line projection of the major road. SISD allows for a 3 second observation time for a driver on the priority legs of the intersection to detect the problem ahead (e.g. car from minor road stalling through lane) plus SSD.
- provides sufficient distance for a vehicle to cross the non-terminating movement on two-lane two-way roads, or undertake two-stage crossings of dual carriageways, including those with design speeds of 80 km/h or more.
- should also be provided for drivers of vehicles stored in the centre of the road when undertaking a crossing or right-turn movement.
- Is measured along the carriageway from the approaching vehicle to the conflict point, the line of sight having to be clear to a point 5.0 m (3.0 m minimum) back from the holding line or stop line on the side road."

For a design speed of 50-km/h, Austroads requires a SISD of 90 metres. The available sight distance at each of the exits of the site exceed this requirement.

### 4.3 Pedestrian Impacts

The proposed development will generate a moderate amount of pedestrian activity within the subject site and the surrounding road network. There is very good pedestrian infrastructure throughout the existing transport network, comprising of footpaths on Murray Street and Wright Road.

### 4.4 Road Safety Impacts

No significant adverse road safety impacts are foreseen for the proposed development. This is based on the following:

- There is sufficient spare capacity in the surrounding road network to absorb the peak hour traffic generated from the proposed development. The proposed development is likely to result in a relatively large amount of 'linked-trips' with the Spirit of Tasmania travellers, thus reducing the new trips on the network.



- 
- The existing road safety performance of the road network near the subject site does not indicate that there are any specific road safety deficiencies that might be exaggerated by increase in traffic volume. Importantly, there are no existing crash history associated with property access at the site, or pedestrian movements near the site.
  - Access to the development is via Murray Street and Norton Way, which will enable good circulation in the surrounding road network.
  - Heavy vehicle trips are separated from customer car movements on Murray Street through the provision of a separate loading facility on Norton Way.



## 5. Parking Assessment

### 5.1 Parking Provision

The proposed development will provide the following parking provision:

- Car parking 38 spaces
- Truck loading areas 2 semi-trailer spaces
- Caravan and Campervan parking 2-3 spaces (approx)

These parking spaces are shown in Figure 6.

### 5.2 Nearby On-Street and Off-Street Parking Areas

There is a relatively large supply of on-street and off-street car parking in the surrounding road network. This includes parallel and angle parking in Murray Street, and a 40 space (plus 5 caravan/ campervan spaces) the public open air car park located on the corner of Wright Street and Murray Street.

Site observations undertaken on Tuesday 11<sup>th</sup> April indicate that the car park on the corner of Wright Street and Murray Street had low occupancy, with the maximum occupancy recorded at 12 cars.

### 5.3 Shared Parking Principles

The proposed development is situated in a relatively busy commercial area of East Devonport and as such the principles of shared parking apply. In busy commercial areas it is common for trips to be undertaken that result in several destinations within the area requiring only one parking manoeuvre. That is, patrons visit more than one destination within the area whilst only utilising one parking space.

The principles of shared parking are best outlined by the following extract from the text: Parking Policy, Design and Data, Young, W., 1991.

*"There are many locations where a number of different land uses are located in close proximity. These areas have been termed mixed use or multi-use areas and tend to exhibit different characteristics to single use developments. These differences are exhibited in three ways:*

1. *The dependence of one land use on activities generated by other land uses,*
2. *The recognition that a parking space can be shared by several users. This is often referred to as shared parking, and*
3. *The tendency, in situations where an aggregate of single uses exist, for a principal trip (perhaps a motorised trip) to result in a number of short trips (walk trip) from the initial destination.*

*In complex land uses, it is not uncommon for the three characteristics to occur concurrently. Accordingly, where complex land uses exist, the parking needs should not be calculated by adding the individual land use needs. The peak demand for parking in shared parking facilities must take into account the parking demand for each generator, displacing them temporally to determine the*





*maximum demand. Further, the use of time, user and area access restrictions can be relaxed to take into account the complementarity of parking demands.*

*In an overall urban context, some city parking management plans have considered joint use parking promotion in which developers of centre city sites are allowed to use municipal parking facilities to satisfy parking requirements provided that demand patterns for multiple users do not conflict. They may also develop a neighbourhood shopping district parking programme which will provide short term parking areas facing a shortage of such spaces.*

*The development of multi-use facilities has opened a new dimension in parking policy. The provision of public parking places through cash in lieu systems have been used to enable more efficient use of parking facilities. Further, parking credits for existing public parking provide a basis for recognising that existing developments have a certain share of public parking devoted to their use."*

In the context of the development, there is a mix of neighbouring similar land uses on the subject site, as well as the Spirit of Tasmania terminal. It is likely that customers will walk to the shopping centre once their vehicle is in the queue prior to boarding the Spirit of Tasmania.

It is further noted that Hertz, Budget and Europcar hire car outlets are located immediately adjacent to the site to the west. Tassie Car Rentals is also located in Murray Street to the north of the subject site. It is likely that passengers of the Spirit of Tasmania who hire a car at these sites may also visit the proposed development (with their parking demands catered for at the hire car venue).

This is coupled with a large supply of on and off street parking in the surrounding area that has been managed to cater for typical parking demands for these uses (specifically the car park located on the corner of Wright and Murray Street to the east of the site).

The actual parking demand is therefore likely to be lower than the aggregated parking demands of each of the components of the site (ie. less than the aggregate requirements of the supermarket and two commercial tenancies). Peaks for each land use are unlikely to coincide for each component of the site, hence effectively sharing the demands for these spaces across different times of the day.

#### **5.4 Planning Scheme Requirements**

The Traffic Generating Use and Parking Code, E9.0, sets out the Planning Scheme parking requirements for a development.

Acceptable Solution, A1, of E9.5.1 of the Planning Scheme states: "*The minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code*".

The parking requirements of Table E9.1 of the Planning Scheme requires a total of 1 space per 30m<sup>2</sup> or gross floor area (land use: shop). This is a Planning Scheme requirement for 58 car parking spaces. The parking provision of 40 spaces is therefore 18 spaces less than the Acceptable Solution requirements



(when including 2 caravan/ campervan spaces). The proposed development therefore does not satisfy the Acceptable Solution, A1, of E6.6.1 of the Planning Scheme.

Performance Criteria P1 of Clause E9.5.1 of the Planning Scheme states:

**Objective:** *"Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road."*

**P1:**

*(a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or*

*(b) Adequate and appropriate provision must be made for vehicle parking to meet -*

*(i) anticipated requirement for the type, scale, and intensity of the use;*

*(ii) likely needs and requirements of site users; and*

*(iii) likely type, number, frequency, and duration of vehicle parking demand".*

The following is relevant with respect to the proposed development:

- a. N/A
- b. The shortfall associated with the parking is made up through the provision of nearby on-street and public off-street parking areas, as well as shared parking principles as outlined in Section 5.2 and 5.3.

The relatively small shortfall of 18 car parking spaces is therefore considered acceptable in light of these shared parking principles, as well as the large amount of time restricted on-street parking in the surrounding road network.

## 5.5 Car Parking Layout

The car parking layout complies with the requirements of AS2890.1

## 5.6 Commercial Vehicles

The development provides 2 articulated truck parking spaces accessed via Norton Way. These loading areas service the proposed supermarket and commercial sites of the development. The loading areas are shown in Figure 6.

The parking requirements associated with commercial vehicles is contained in E9.5.2 of the Planning Scheme. The objective of E9.5.2 is: *"Provision is made for conveniently located and accessible areas for the loading and unloading of goods and materials and for the pick-up and set-down of passengers from vehicles"*.



---

Acceptable Solution, A1(a), of E9.5.2 of the Planning Scheme states: "*There must be provision within a site for on-site loading area in accordance with the requirement in the Table to this Code*".

For 'General Retail and Hire' land use, the requirement for commercial vehicles is:

- (a) *1 x small rigid truck space / 400 m2 gross floor area; or*
- (b) *1 x articulated truck for supermarkets and department stores*

This equates to a requirement for 1 articulated truck space and 1 small rigid space for the proposed development. The development provides 2 spaces for articulated trucks and therefore complies with the Acceptable Solution A1(a) of Clause E9.5.2 of the Planning Scheme.



---

## 6. Conclusions

This traffic impact assessment (TIA) investigated the traffic and parking impacts of a proposed supermarket and retail complex development at 2-12 Murray Street, East Devonport.

The key findings of the TIA are summarised as follows:

- The traffic generation of the proposed development is likely to be 2,082 vehicles per day and 215 trips per hour during peak periods. Many of these trips are likely to be 'shared-trips' with Spirit of Tasmania travellers.
- Sight distance was assessed and found to comply with Austroads requirements at each of the accesses to the proposed development.
- The proposed development provides a total of 38 car parking spaces, space for 2-3 caravans/ campervans, and two loading areas for articulated vehicles.
- Acceptable Solution A1 of Clause E9.5.1 of the Planning Scheme requires 58 parking spaces, a shortfall of 18 spaces (when including 2 spaces associated with caravan/ campervan parking).
- The development meets the requirements of the Performance Criteria, P1 of E9.5.1 on the basis that shared-parking principles apply to the development, and there is sufficient on-street and off-street parking in the nearby road network to cater for the development's needs.
- The provision of 2 articulated truck spaces meets Acceptable Solution A1 of Clause E9.5.2 of the Planning Scheme.

Based on the findings of this report and subject to the recommendations above, the proposed development is supported on traffic grounds.





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**Document Status**

Revision	Author	Review	Date
0	Keith Midson	Zara Kacic-Midson	3 May 2017

## 5.0 REPORTS

### 5.1 TENDER REPORT CONTRACT CT0175 VICTORIA PARADE CARPARK RECONSTRUCTION

File: 32661 D484744

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.1 Provide and maintain roads, bridges, footpaths, bike paths and car parks to appropriate standards

#### SUMMARY

This report seeks Council's approval to award Contract CT0175 Victoria Parade Carpark Reconstruction to ATM Civil Contracting.

#### BACKGROUND

This report considers tenders received for "Victoria Parade Boat Ramp Area Improvements" listed within the 2017/18 capital expenditure budget as two separate allocations:

- Victoria Parade Boat Ramp Area Improvements; and
- 12 Victoria Parade - Road Crossing Renewal.

The project involves works to improve the Victoria Parade boat ramp, including a major reconfiguration of the boat ramp entry, changes to the parking layout and realignment of the path. The use of the Victoria Parade boat ramp has increased, the length of boats using the ramps has increased, the use of the pathway has increased and the demand for all day parking close to the CBD has increased. These factors are contributing to safety and amenity issues at the Victoria Parade boat ramp area. The project also includes renewal of an existing stormwater pipe between the west side of Victoria Parade and the river outfall.

Council's 2016/17 capital expenditure budget included a number of projects to make improvements to the boat ramp and path. A report was provided to the Infrastructure, Works & Development Committee Meeting in April 2017 to update Council (Min No 68/17 refers):

*That:*

1. *funds from the three projects identified within the 2016/17 capital expenditure budget relating to the boat ramp facility be carried forward;*
2. *an additional \$300,000 be allocated for "Victoria Parade boat ramp improvements" in the 2017/18 capital expenditure budget;*
3. *note further consultation with stakeholders is to be undertaken prior to the project progressing; and*
4. *parking controls to be applied to the new facility to favour usage by boat trailers and RV's.*

**STATUTORY REQUIREMENTS**

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

**DISCUSSION**

In accordance with Council's Code of Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were received from eight companies. All tenders received were conforming tenders and are summarised in table 1.

**TABLE 1**

No.	Tender	Status	Tender Price (ex GST)
1	ATM Civil Contracting	Conforming	\$376,232
2	Oliver Kelly Construction	Conforming	\$413,859
3	Hardings Hotmix Pty Ltd	Conforming	\$444,423
4	Pearce Civil	Conforming	\$451,693
5	CBB Contracting	Conforming	\$469,900
6	Mile High Contracting	Conforming	\$480,697
7	Treloar Transport	Conforming	\$492,196
8	Civilscape Contracting	Conforming	\$599,616

As highlighted in the above table ATM Civil Contracting tender of \$376,232 is the lowest price. The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

- Relevant Experience
- Quality, Safety and Environmental Management
- Methodology
- Price

The evaluation by the committee indicates that ATM Civil Contracting scored highest overall against the selection criteria and therefore offers Council the best value for money.

The Tender Planning and Evaluation Committee minutes were prepared and confidential copies can be made available upon request by Aldermen.

As part of their tender submission, contractors were required to submit a construction program that made allowance for the opening ceremony for the Masters Games on 21 October 2017.

The construction program that was submitted by ATM Civil Contracting details starting construction on 4 September 2017, constructing the new path first, opening that new path for pedestrian access and then constructing the new carpark. The program details that the new path would be completed ready for the opening ceremony of the Master Games. The site will then be packed up and be a non-working day for the contractor on the day of the opening ceremony. This would allow for the parade part of the opening ceremony to be carried out along Victoria Parade as planned. The program also details the boat ramp would be reopened to the public on 24 November 2017.

**Report to Council meeting on 28 August 2017**

If commencement of the project was to be put on hold until after the Masters Games opening ceremony the boat ramp would not be opened until February 2018. This would result in the boat ramp being unavailable for the majority of the summer boating season.

ATM Civil Contracting successfully constructed the carpark at the Valley Road Soccer Grounds last year for Council. That project also had program constraints that required the project to be finished prior to a National Soccer Carnival.

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 29 July 2017 and tenders were also advertised on Council's website.

Prior to the calling of tenders further consultation, including distribution of a plan of the proposed works, was undertaken with stakeholders and neighbouring property owners.

**FINANCIAL IMPLICATIONS**

The 2017/18 capital expenditure budget includes two allocations for the proposed works "Victoria Parade Boat Ramp Area Improvements" (which includes funds carried forward from the 2016/17 capital expenditure budget) and "12 Victoria Parade Road Crossing Renewal" as shown in table 2.

**TABLE 2**

No.	Project	Allocation
1	Victoria Parade Boat Ramp Area Improvements	\$420,000
2	12 Victoria Parade - Road Crossing Renewal	\$30,000
	<b>TOTAL</b>	<b>\$450,000</b>

The tender received from ATM Civil Contracting is \$376,232.

The breakdown of the budget for this project is summarised below in table 3.

**TABLE 3**

No.	Tender	Price (ex GST)
1	Contract CT0175	\$376,232
2	Project management/administration	\$35,000
3	Construction contingency (10% of the contract price)	\$37,620
4	TasNetworks (estimated)	\$10,000
5	Tree purchase	\$6,800
	<b>TOTAL</b>	<b>\$465,652</b>

A review of the project after the close of tenders has identified a number of potential savings which will be investigated in conjunction with the successful contractor. These savings are likely to reduce project costs by up to \$20,000, which would ensure the project does not exceed the budget allocation.

**RISK IMPLICATIONS**

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



**CONCLUSION**

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that ATM Civil Contracting meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CT0175 Victoria Parade Carpark Reconstruction. The submitted construction program from ATM Civil Contracting is to commence on 4 September 2017 and details that the new path will be open for the opening ceremony of the Masters Games. The program details that the boat ramp will be reopened by December for the upcoming summer boating season.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council, in relation to Contract CT0175 Victoria Parade Carpark Reconstruction:

- a) award the contract to ATM Civil Contracting for the tendered sum of \$376,232.00 (exc GST);
- b) note that other project costs are estimated to total \$89,420.00 (ex GST); and
- c) approve a commencement date of 4 September 2017, subject to the site being suitably cleared from any construction activity and made available for the opening ceremony for the Masters Games on 21 October 2017.

Author:	Shannon Eade	Endorsed By:	Matthew Atkins
Position:	Project Management Officer	Position:	Deputy General Manager

## 5.2 TENDER REPORT - CONTRACT CB0080 DEVONPORT ENTERTAINMENT AND CONVENTION CENTRE/ART GALLERY INTEGRATION PROJECT

File: 32692 D486391

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.3 Provide and maintain Council buildings, facilities and amenities to appropriate standards

### SUMMARY

This report seeks Council's approval to award Contract CB0080 Devonport Entertainment and Convention Centre/Art Gallery Integration Project to Fairbrother Pty Ltd.

### BACKGROUND

This report considers tenders received for "Devonport Entertainment and Convention Centre/Art Gallery Integration Project" listed within the 2017/18 capital expenditure budget.

The project involves the creation of a contemporary arts hub within the Devonport Entertainment & Convention Centre, adjacent to the LIVING CITY multi-purpose building and Food Pavilion.

The project will create a new larger and improved location for the Devonport Regional Art Gallery and Devonport Information and Visitor Services and also includes structural works to accommodate a future "Black Box" theatre on top of the expanded building.

The aim is to create a new cultural hub that contributes to visitor attractions of LIVING CITY, provides increased capacity for the Gallery and creates operational efficiencies for Council.

### STATUTORY REQUIREMENTS

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

### DISCUSSION

In accordance with Council's Code of Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were received from three companies. All tenders received were conforming tenders and are summarised in table 1.

**TABLE 1**

No.	Tender	Status	Tender Price (ex GST)
1	Fairbrother Pty Ltd	conforming	\$2,349,898.00
2	Vos Construction & Joinery Pty Ltd	conforming	\$2,626,266.00
3	AJR Construct Pty Ltd	conforming	\$2,981,868.13

As highlighted in the above table Fairbrothers tender of \$2,349,898 is the lowest price.

**Report to Council meeting on 28 August 2017**

The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

- Relevant Experience
- Quality, Safety and Environmental Management
- Methodology
- Price

The evaluation by the committee indicates that Fairbrother Pty Ltd scored highest overall against the selection criteria and therefore offers Council the best value for money.

The Tender Planning and Evaluation Committee minutes were prepared and confidential copies can be made available upon request by Aldermen.

A number of clarifications have been discussed with Fairbrother. This included the acceptance of a saving provided by Fairbrother for accessing the site through the existing LIVING CITY Stage 1 site. Other clarifications resulted in an increase in the lift allowance, provision for the inspection and removal of asbestos and the removal of an allowance for timber floor replacement (manage as a provisional sum if necessary).

As a result of the post tender clarifications a revised tender sum of \$2,330,370 (ex GST) was agreed.

It is anticipated that the contractor will be given possession of site in early September with the project to be completed in June 2018.

Programming will be co-ordinated with the DECC staff to minimise disruption.

The following provisional sums have been included for non-contract items:

- Timber floor replacement \$20,000
- Technician's office relocation \$25,000
- Loose furniture and equipment \$35,000
- Statutory Fees \$10,000

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 24 June 2017 and tenders were also advertised on Council's website.

**FINANCIAL IMPLICATIONS**

The 2017/18 capital expenditure budget includes an allocation for the "Art Gallery Integration Project" of \$1,300,000. In addition, \$1,800,000 was allocated for the project in the previous year's budget with the majority to be carried forward into the 2017/18 financial year. A further \$20,000 was included in last year's budget for accessible seating at the DECC which now forms part of this project.

In total, the budget Council has allocated is \$3,120,000.

The breakdown of the anticipated costs for the project are summarised below in table 2.

**TABLE 2**

No.	Tender	Price (ex GST)
1	Contract CB0080 – as per revised tender sum	\$2,330,370
2	Architect and design consultants	\$430,580

## Report to Council meeting on 28 August 2017

3	DCC Project management/administration	\$25,000
4	Provisional sums	\$90,000
5	Construction contingency	\$233,000
	<b>TOTAL</b>	<b>\$3,108,950</b>

The contingency allowance for this project is 10% of the contract price. The risk of unforeseen variations on this project is moderate to high.

Total costs are estimated to be \$3,108,950 which will result in a saving of \$11,050 from the budget allocation.

It should be noted that \$258,974 in expenditure has occurred to date and that this amount will be deducted from the final 2016/17 carry forward amount. Capital works carry forward amounts will be detailed in a future report to Council once end of year financial statements are completed.

**RISK IMPLICATIONS**

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

**CONCLUSION**

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that Fairbrother Pty Ltd meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CB0080 - Devonport Entertainment and Convention Centre/Art Gallery Integration Project.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council, in relation to Contract CB0080 - Devonport Entertainment and Convention Centre/Art Gallery Integration Project:

- a) award the contract to Fairbrother Pty Ltd for a revised tender sum of \$2,330,370 (ex GST); and
- b) note that other project costs are estimated to total \$778,580 (ex GST).

Author:	Jamie Goodwin	Endorsed By:	Matthew Atkins
Position:	Technical Support Supervisor	Position:	Deputy General Manager



## 5.3 CROWN LAND TRANSACTIONS FOR LIVING CITY

File: 2722 D486467

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.4.1 Develop and implement a CBD Master Plan aligned to the key LIVING CITY principles based on community engagement outcomes

### SUMMARY

This report is seeking Council's approval for dealings with Crown Land Services in relation to LIVING CITY. The report seeks approval to purchase 5.5m<sup>2</sup> on Best Street, remove a restrictive covenant from the rear of the town hall site and agreement to purchase the library site from Crown Land.

### BACKGROUND

LIVING CITY is an urban renewal project that will transform Devonport and revitalise Tasmania's North West region. Council, by adopting the LIVING CITY Master Plan in September 2014 is enabling new tourism opportunities, food experiences, business prospects and community spaces to develop in the CBD.

Stage 1 of LIVING CITY is currently under construction and is comprised of a multi-level car park, a food pavilion showcasing Tasmanian produce, a market square and a multi-purpose building housing LINC, Service Tasmania, Online-Access Centre, Café, Council Offices and 800 seat convention centre.

### STATUTORY REQUIREMENTS

The granting of Crown Land will occur in accordance with the *Crown Lands Act 1976*. Crown Land Services are responsible for enforcing this legislation.

### DISCUSSION

Stage 1 of LIVING CITY is predominately built on Council land. However, there are two small dealings that need to be completed with Crown Land Services to ensure that the title documentation is consistent with the final plans. The two issues are:

1. The purchase of 5.5m<sup>2</sup> of land within the Best Street Road Reserve; and
2. The removal of a transfer covenant from the rear of the Town Hall title to facilitate the food pavilion, art gallery and market square.

Firstly, a small portion of the car park encroaches onto the Best Street Road Reserve, by approximately 300mm. The land upon which the roadway that Best Street is built on is owned by the Crown, but managed by Council. A condition of the loan from ANZ Bank requires Council to own all the land upon which the car park is built, and does not consider permission under Section 61/11 of the *Local Government Highways Act 1982* to adequately meet its requirements. Consequently, Council needs to purchase 5.5m<sup>2</sup> of land from the Crown for the car park.

A diagram showing the exact location and dimensions of the land to be purchased can be found in Attachment A.

Discussions have been ongoing with the Crown since February 2017. Devonport City Council own the adjacent property at 44-48 Best Street upon which the necessary 5.5m<sup>2</sup> will be adhered. Crown have agreed to a \$1 sale price, provided that Council cover the

associated costs of survey and legal and administration fees. The total cost of the transaction is \$1,445.

The encroachment does not impact on the Best Street roadway or footpath, with the footpath remaining wider than standard after the boundary adjustment.

The survey and legal work is complete, the General Manager has executed the documentation, and is now waiting final registration by the Land Titles Office.

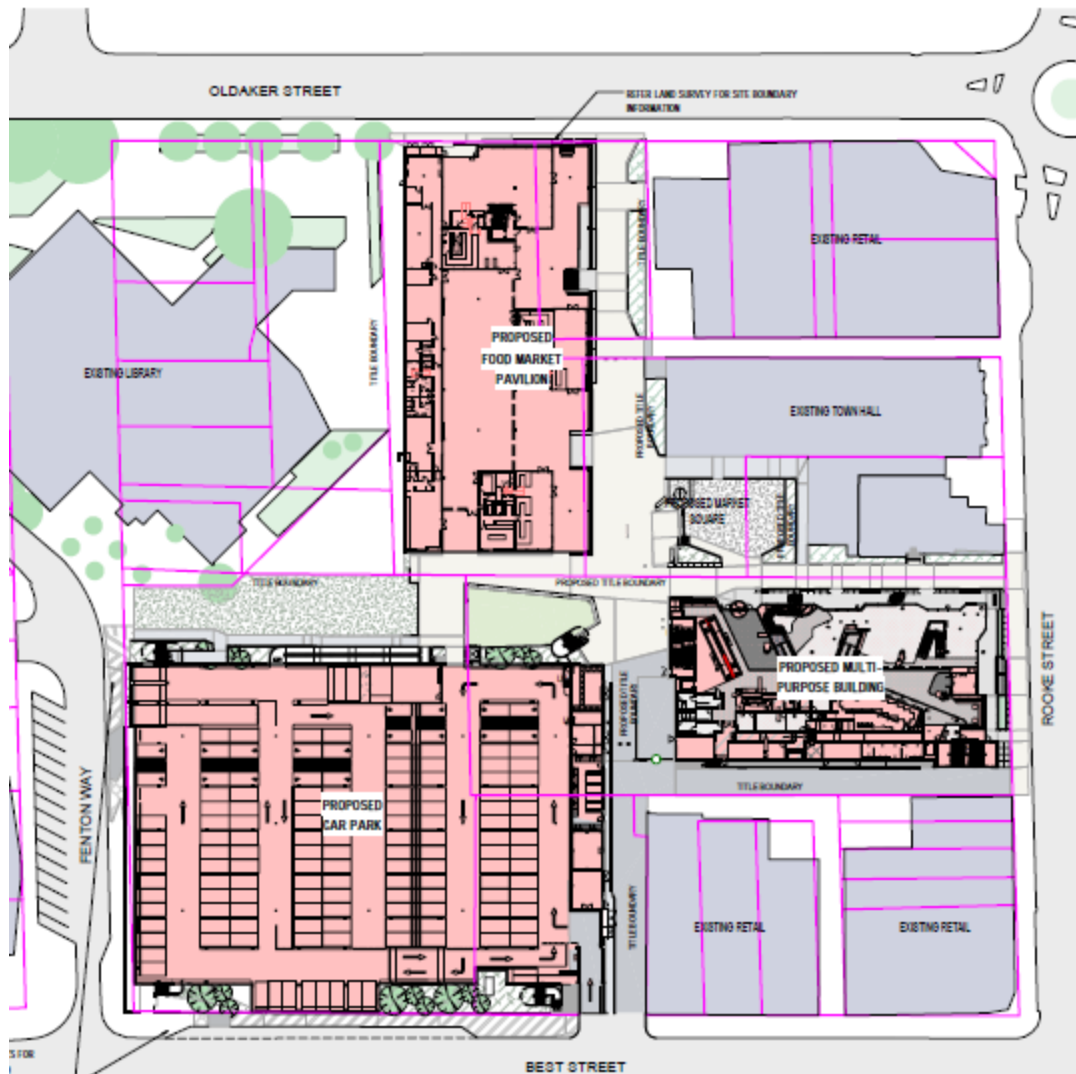
In relation to the second item, the Town Hall title was transferred to Council from Crown in 2015. At this time a condition was placed on the title restricting its future use to "entertainment and convention centre purposes" only.

Council intends to continue to use the existing Town Hall building as an auditorium, that is, the same purposes as at the time of its granting. The rear of the site has previously been vacant, and this land has now been incorporated into Stage 1 of LIVING CITY.

In terms of use, the rear of the Town Hall title will be used for:

- A small section of the Council's proposed art gallery education space will cross onto the title. Council intends to move the Devonport Regional Gallery into the former Court House next door, building a small extension at the rear is proposed to cross the existing title boundary onto the Town Hall title. This will provide the Gallery three times as much display space as its current building, enabling it to showcase both permanent collections and temporary exhibitions at the same time. Incorporating an expanded Devonport Regional Gallery into the DECC complex will result in a vibrant performing arts centre for the benefit for residents and tourists alike. It is Devonport City Council's intention to remain the owner of the Gallery site;
- A public square; and
- A food pavilion is also being constructed at the rear which crosses the Town Hall boundary by 300mm.

The diagram below shows buildings under construction and existing title boundaries (pink lines).



Discussions between Council staff and Crown Land Services have been ongoing. In principal approval has been received from Crown land Services to split the existing L shape title into 2, with the town hall building to remain on a title that restricts its future use to "community purposes" and the rear portion of the title to be separated and transferred to Council with no restrictions. A schematic showing the approximate new property boundaries is located in Attachment 2.

This report is seeking Council approval to finalise the arrangements. It is proposed that two exchanges will take place. Firstly, Council will surrender the existing title back to the Crown and it will then be regranted in two parts. Draft exchange documents have been drafted with the final versions expected imminently. Again, the sale price is expected to be nominal, but with Council responsible for the survey, legal and administrative costs of the deal.

In relation to the retail stage of the LIVING CITY Masterplan, Council has received the formal agreement for the sale of the library site from Crown Lands to Council. The proposed sale price is \$1, with Council responsible for its own legal costs, estimated to be approximately \$2500. Crown lands Services completed the necessary survey and draft sale agreement at its expense. A copy of the Agreement for sale can be viewed in attachment 3.

**COMMUNITY ENGAGEMENT**

Community consultation has been a major component of LIVING CITY throughout the project.

Regular updates have also been provided to the public through media releases, eNews and website updates.

**FINANCIAL IMPLICATIONS**

Costs associated with the purchase of 5.5m<sup>2</sup> of Best Street have totalled \$1,445.

It is estimated that costs for the removal of the restrictive covenant from the Town Hall title will be between \$2,000 - \$4,000.

It is estimated that costs for the purchase of the current LINC site will be approximately \$2,500, which is predominantly legal fees.

**RISK IMPLICATIONS**

- Legal Compliance  
Finalising these agreements with Council is necessary to ensure the LIVING CITY stage 1 buildings are located within legal title boundaries. Failure to do so, could jeopardise loan arrangements for the construction of Stage 1.

**CONCLUSION**

There are two small dealings that need to be completed with Crown Land Services to ensure that the title documentation is consistent with the final plans for Stage 1 of LIVING CITY. Approval is sought from Council to finalise these matters.

**ATTACHMENTS**

- [1. Best Street Crown Land Purchase Proposal](#)
- [2. Plan A - Living City plan extract](#)
- [3. Agreement For Sale Of Crown Land - Old LINC Building - 21 Oldaker Street](#)

**RECOMMENDATION**

That Council note the report regarding LIVING CITY Stage 1 title adjustments and:

1. endorse the General Managers execution of the Best Street encroachment agreement; and
2. authorise the General Manager to:
  - remove the covenant from the rear of the Town Hall title to facilitate the food pavilion, art gallery and market square by surrendering the title and accepting its granting in two separate titles; and
  - agree to purchase the old LINC site for \$1 as per agreement in attachment 3.

Author:	Rebecca McKenna	Endorsed By:	Matthew Atkins
Position:	Project Officer Economic Development	Position:	Deputy General Manager

# MICHELL HODGETTS & ASSOC. P/L

A.C.N. 109 596 152  
 AUTHORISED SURVEYORS  
 DEVONPORT - WYNYARD - SMITHTON - LAUNCESTON - SCOTTSDALE

P.O. Box 712, Devonport 7310 Telephone (03) 6424 5144  
 AUSDOC DX 70346, Devonport Fax (03) 6423 4090  
 E.Mail : mhasurv@bigpond.net.au



## PROPOSED CROWN LAND PURCHASE

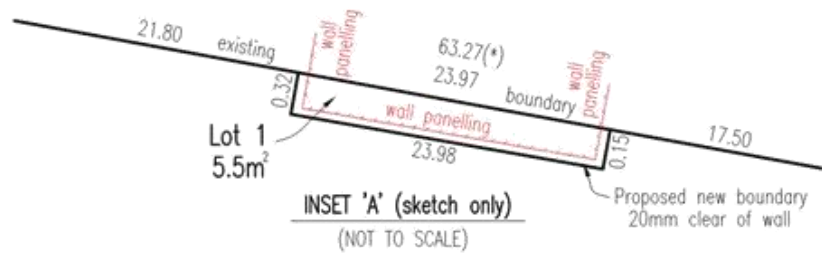
*Best Street, Devonport  
 as part of the Living City Project*

LOCATION PLAN  
 DEVONPORT



NOTE: DISTANCES DENOTED (\*) ARE FROM REMARK SURVEY BY P.M. PLUNKETT IN 2008

LOT 1 TO BE TRANSFERRED TO DEVONPORT CITY COUNCIL



This plan has been prepared only for the purpose of obtaining approval from Crown Land Services & the information shown hereon should be used for no other purpose.  
 All dimensions & areas subject to final survey.  
 All measurements are in metres.



Paul Hodgetts - registered land surveyor

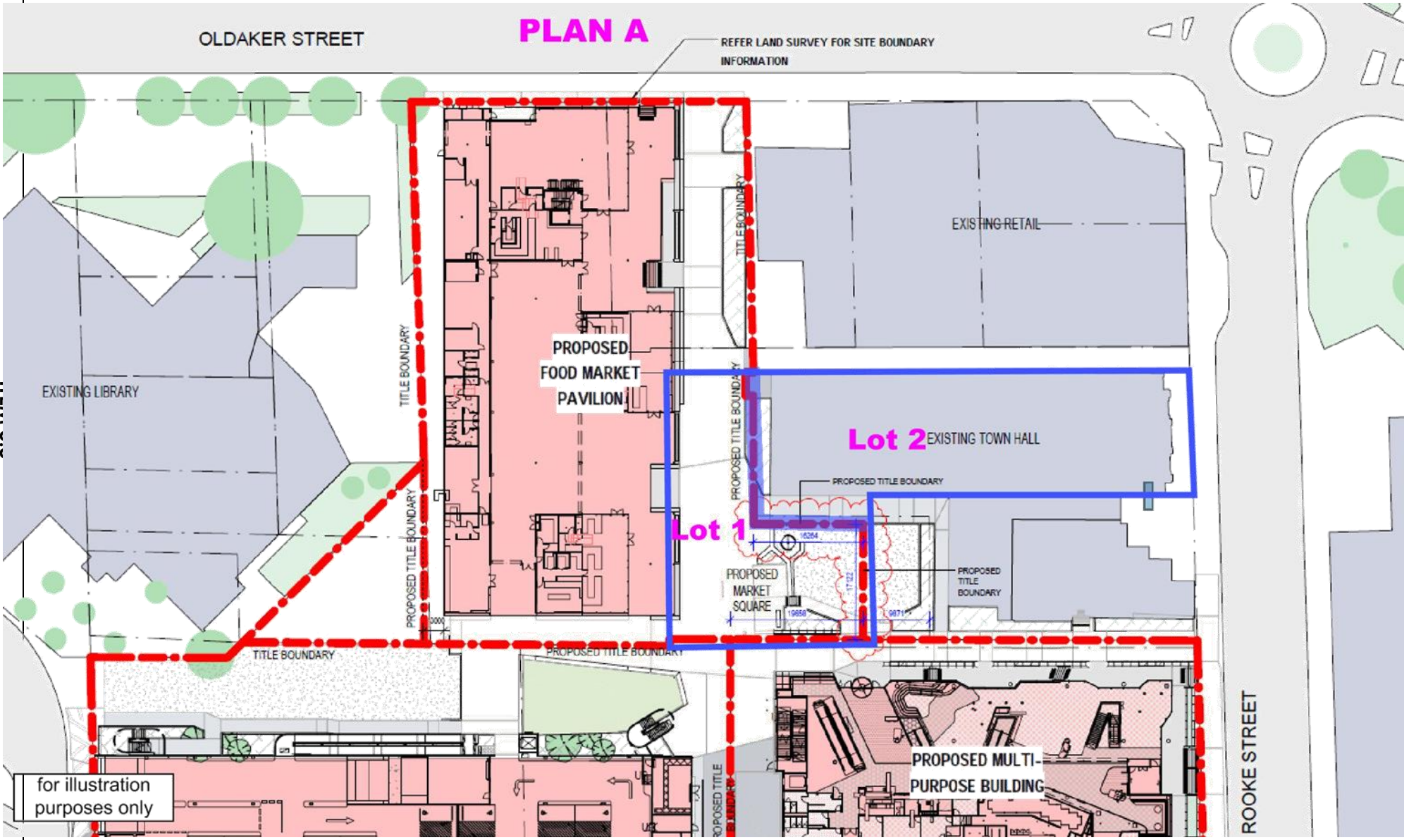
Drawing No.

216139

REVISION 1

Drawn : J.A.T | Scale : 1:500(A3) | Date : 07/04/2017





18/08/2017 LD1399

Our Ref: SPG.SYH.1602906  
Your Ref:

17 August 2017

**COLIN  
BIGGERS  
& PAISLEY**  
LAWYERS

Paul West  
General Manager  
Devonport City Council  
17 Fenton Way  
PO Box 604  
Devonport TAS 7310

***By Express Post***

Dear Paul

**Devonport Living City**

We **attach** the Agreement for sale of Crown land (2 copies) for signing by the Purchaser.

Would you please arrange for all copies of the Agreement to be signed where indicated and returned to this office as soon as possible.

Should you have any questions in this matter please don't hesitate to contact us.

Yours sincerely



**Seamus Gunson**  
Partner  
Email: seamus.gunson@cbp.com.au  
Direct Line: +61 3 8624 2002

**Contact: Sabrina Hoque**  
Solicitor  
Email: sabrina.hoque@cbp.com.au  
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**COLIN BIGGERS  
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BRISBANE MELBOURNE SYDNEY

JUZUJIMOYKC

18/08/2017 LD1399



## Agreement for sale of Crown land

Land: Old LINC Building – 21 Oldaker Street, Devonport

---

### **The Honourable Jeremy Page Rockliff MP**

(being and in his capacity as the Minister administering the *Crown Lands Act 1976* (Tas))

**(Vendor)**

### **Devonport City Council**

**(Purchaser)**

THE CROWN SOLICITOR OF TASMANIA  
Executive Building  
15 Murray Street Hobart Tasmania 7000  
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## Agreement for sale of Crown land

### Details and recitals

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**Date:**

**Parties:**

Name	<b>The Honourable Jeremy Page Rockliff MP</b> (being and in his capacity as the Minister administering the <i>Crown Lands Act 1976</i> (Tas))
Short form name	<b>Vendor</b>
Notice details	C/- Department of Education, Letitia House, Olinda Grove, Mount Nelson, Tasmania 7007 Facsimile: )03) 6233 2437 Email: <a href="mailto:todd.m.williams@doe.tas.gov.au">todd.m.williams@doe.tas.gov.au</a> Attention: Manager Asset Planning – Todd Williams

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Name	<b>Devonport City Council</b>
ACN/ARBN/ABN	47 611 446 016
Short form name	<b>Purchaser</b>
Notice details	44-48 Best Street, Devonport, Tasmania 7310 Facsimile: (03) 6421 9649 Email: <a href="mailto:council@devonport.tas.gov.au">council@devonport.tas.gov.au</a> Attention: General Manager

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**Recitals:**

- A. The Land is Crown land subject to the Act.
- B. Subject to the obligations under the Development Agreement, the Vendor has agreed to transfer to the Purchaser, and the Purchaser has agreed to accept from the Vendor, a transfer of the Land and the Chattels subject to and in accordance with this Agreement and the Act.

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## Information Table

<p><b>Item 1 (clause 1.1): Land</b></p> <p>The land known as the Devonport LINC Building situated at 21 Oldaker Street, Devonport in Tasmania comprised in folios of the Register:</p> <ul style="list-style-type: none"> <li>• Volume 145431 Folio 1;</li> <li>• Volume 145431 Folio 2;</li> <li>• Volume 145431 Folio 3;</li> <li>• Volume 145431 Folio 4;</li> <li>• Volume 147615 Folio 1;</li> <li>• Volume 147636 Folio 1;</li> <li>• Volume 147636 Folio 2;</li> <li>• Volume 147636 Folio 3;</li> <li>• Volume 17915 Folio 1; and</li> <li>• Volume 172536 Folio 1.</li> </ul>
<p><b>Item 2 (clause 1.1): Chattels</b></p> <p>Not applicable.</p>
<p><b>Item 3 (clause 1.1): Purchase Price</b></p> <p>\$1.00 (excluding GST) receipt of which the Vendor acknowledges</p>
<p><b>Item 4 (clause 3): Conditions Precedent</b></p> <p>The following matters are conditions precedent to the Vendor's obligation to complete this Agreement:</p> <ul style="list-style-type: none"> <li>(a) <b>(New Crown Premises)</b>: The Vendor becomes registered proprietor of the New Crown Premises in accordance with the Development Agreement.</li> <li>(b) <b>(Decant of LINC)</b>: The Vendor vacates the Land within 60 Business Days after the satisfaction of Item 4(a) above.</li> </ul>

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<b>Item 5 (clause 1.1): Date for Completion</b>
On or within 30 days from satisfaction of the last Condition Precedent in Item 4.

<b>Item 6 (clause 15): Special terms and conditions</b>
The following special terms and conditions apply to this Agreement: Not Applicable.

## Agreed terms and conditions

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The parties agree as follows:

### 1 Definitions and interpretation

#### 1.1 Definitions

In this Agreement, unless the context otherwise requires:

**Act** means the *Crown Lands Act 1976* (Tas).

**Agreement** or **this Agreement** means this document and includes all its annexures, appendices, attachments and schedules (if any).

**Approval** means any permit, licence, consent, grant, certificate, sealing or other approval, relating to the development or use of land, issued by, or required to be obtained from or to be filed with, a Government Body, and includes any planning permit, planning approval, building permit, plumbing permit, occupancy approval and environmental approval.

**Asbestos** includes 'asbestos', 'asbestos containing material (ACM)' and 'asbestos-contaminated dust or debris (ACD)', in each case, as defined in the *Work Health and Safety Regulations 2012* (Tas).

**Building Legislation** means any applicable Law relating to the design, construction, use or occupation of a building, and for the time being includes:

- (a) the *Building Act 2000* (Tas);
- (b) the *Building Regulations 2004* (Tas); and
- (c) the *Building Code of Australia*.

**Business Day** means a day that is not a Saturday, a Sunday, Easter Tuesday or a statutory holiday (as defined in the *Statutory Holidays Act 2000* (Tas)) generally observed in Hobart.

**Chattels** means those items (if any) set out in Item 2.

**Claim** means any allegation, debt, cause of action, liability, claim (including a claim for any Loss), proceeding, suit or demand of any nature however arising and whether present or future, fixed or unascertained, actual or contingent, and whether at law, in equity, under statute or otherwise.

**Completion** means the completion of the sale and purchase of the Land and the Chattels in accordance with this Agreement.

**Condition Precedent** means a condition precedent (if any) set out in Item 4.

**Crown** means the Crown in Right of Tasmania.

**Date for Completion** means the date set out in Item 5.

**Date of Completion** means the date Completion actually occurs.

**Details** means the details and recitals set out above.

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**Development Agreement** means the development agreement for the Devonport City Living Project entered into between the Honourable Jeremy Page Rockliff MP and the Devonport City Council dated 8 December 2016.

**Government Body** includes a body politic, a government (federal, state or local), a governmental, judicial or administrative body, a tribunal, a commission, a department or agency of any government, and a statutory authority or instrumentality.

**GST** means any goods and services tax or similar tax imposed by the Commonwealth of Australia (but excluding any penalty, fine, interest or similar payment).

**GST Laws** means applicable Laws relating to GST.

**Hazardous Substance** includes:

- (a) Asbestos;
- (b) anything that contains Asbestos;
- (c) any solid, liquid, gas, odour, heat, sound, vibration, radiation, material, substance or contamination, of any kind on, in or under land or water, which:
  - (i) constitutes a pollutant or contaminant for the purposes of any Law;
  - (ii) makes or may make land or water unsafe, unfit or harmful for habitation, use or occupation by any person or animal;
  - (iii) creates or may be a risk to the health or safety of any person; or
  - (iv) is such that any land or water does not satisfy any relevant criteria or standards published or adopted by the Environment Protection Authority (Tas) from time to time.

**Information Table** means the table titled 'Information Table' (if any) included in this Agreement.

**Item** means an item in the Information Table.

**Land** means the land described in Item 1.

**Law** means:

- (a) principles of law or equity established by decisions of courts;
- (b) legislation and subordinate legislation; and
- (c) requirements, approvals (including conditions) and guidelines of any Government Authority that have the force of law;

and includes the Building Legislation.

**Loss** means any loss, cost, expense, damage, liability, damages or exposure of any type and however arising incurred by a party including legal costs and expenses on a full indemnity basis, direct, indirect or consequential loss, liability to third parties, loss of revenue and loss of profit.

**Minister** means the Minister for the time being administering the Act.

**month** means calendar month.

**Purchase Price** has the meaning in clause 2.2.



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**Right** includes a right, a power, a remedy, an authority or a discretion.

**Services** means:

- (a) services of any kind including roads, footpaths, bridges, drainage, sewerage, electricity, gas, water, telecommunications, and other utilities; and
- (b) infrastructure used to supply or deliver any service including pipes, drains, cables and wires.

**Statutory Charges** means all charges in relation to the Land levied by any Government Body including rates, water rates, sewerage rates, land tax (on a single holding basis), development levies, filing costs and subdivision levies.

## 1.2 Interpretation

In this Agreement, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Agreement have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of that thing;
- (e) a reference to a group of persons includes a reference to any one or more of those persons;
- (f) a reference to an annexure, an appendix, an attachment, a schedule, a party, a clause or a part is a reference to an annexure, an appendix, an attachment, a schedule or a party to, or a clause or a part of, this Agreement;
- (g) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them;
- (h) writing includes marks, figures, symbols, images or perforations having a meaning for persons qualified to interpret them;
- (i) a reference to a document includes:
  - (i) any thing on which there is writing;
  - (ii) any thing from which sounds, images or writings can be reproduced with or without the aid of any thing else;
  - (iii) an amendment or supplement to, or replacement or novation of, that document; or
  - (iv) a map, plan, drawing or photograph;
- (j) a reference to an agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a Government Body, or any other entity;
- (l) a reference to a party includes that party's executors, administrators, successors and permitted assigns and substitutes;

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- (m) a reference to a Minister includes, as applicable, that Minister's predecessors and successors in office;
- (n) a reference to a Government Body or other body or organisation that has ceased to exist, or that has been renamed, reconstituted or replaced, or the powers or functions of which have been substantially transferred, is taken to refer respectively to the Government Body or other body or organisation as renamed or reconstituted, or established or formed in its place, or to which its powers or functions have been substantially transferred;
- (o) a reference to an office in a Government Body or other body or organisation includes any person acting in that office, and if the office is vacant, the person who for the time being is substantially responsible for the exercise of the duties, functions or powers of that office;
- (p) mentioning any thing after the words 'includes', 'included' or 'including' does not limit the meaning of any thing mentioned before those words;
- (q) a reference to a day is to be interpreted as the period of time in Tasmania commencing at midnight and ending 24 hours later;
- (r) reference to a time or date in connection with the performance of an obligation by a party is a reference to the time or date in Hobart, Tasmania, even if the obligation is to be performed elsewhere; and
- (s) references to '\$' and 'dollars' are to Australian dollars.

**1.3 Headings**

Headings are included for convenience only and do not affect the interpretation of this Agreement.

**1.4 No rule of construction applies to disadvantage party**

In relation to the interpretation of this Agreement, no rule of construction is to apply to the disadvantage of a party because that party was responsible for the preparation of this Agreement or any part of it.

**1.5 Information Table**

If there is an Information Table:

- (a) an Item that has not been completed will be taken to be 'not applicable'; and
- (b) unless the context otherwise requires, expressions defined in that table have the same meanings when used in other parts of this Agreement.

**1.6 Definitions contained in Development Agreement**

Terms defined in the Development Agreement have the same meanings when used in this Agreement:

- (a) unless the term is given a different meaning in this Agreement; or
- (b) the context otherwise requires.

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## 2 Transfer of Land

### 2.1 Agreement to Transfer

Subject to this Agreement, the Vendor agrees to transfer to the Purchaser, and the Purchaser agrees to accept from the Vendor:

- (a) an estate in fee simple in the Land free from encumbrances; and
- (b) the Chattels.

### 2.2 Purchase Price

The purchase price payable by the Purchaser to the Vendor for the Land and the Chattels is the amount shown in Item 3 (the **Purchase Price**).

### 2.3 Transfer is subject to the Act

- (a) The Land is transferred, and this Agreement operates, subject to the Act.
- (b) A transfer of the Land from the Vendor to the Purchaser must conform with any requirements of the Act.
- (c) Without limiting clauses 2.3(a) and 2.3(b), the transfer of the Land from the Vendor to the Purchaser will provide that:
  - (i) The Land is sold and transferred only as regards the surface and to a depth of 15 metres below the surface.
  - (ii) The Crown reserves the right at all times of making and constructing in or on the Land such drains, sewers, and waterways for sanitary or other purposes as may be deemed expedient, and also the right of altering, amending, cleansing, or repairing such drains, sewers, and waterways.
  - (iii) There is excepted from the transfer and reserved to the Crown all gold, silver, copper, tin and other metals, ore, mineral, or other substances containing metals, or gems or precious stones, or coal or mineral oil, in or upon the Land and any other minerals as defined in the *Mineral Resources Development Act 1995* (Tas).

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## 3 Condition Precedent

### 3.1 Application

This clause 3 applies in respect of each Condition Precedent included in Item 4.

### 3.2 Condition Precedent to Completion

The Vendor's obligation to transfer the Land and the Chattels is subject to the prior satisfaction of each Condition Precedent.

### 3.3 Benefit and waiver of Condition Precedent

- (a) Each Condition Precedent is for the benefit of the Vendor and the Purchaser.
- (b) The neither the Vendor nor the Purchaser can waive the satisfaction of a Condition Precedent.

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### 3.4 Termination

If a Condition Precedent has not been satisfied with the time allowed, this Agreement will be at an end and neither party will have any Claim against any other party in relation to, or in connection with the termination of, this Agreement.

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## 4 Completion and related matters

### 4.1 Time, date and place for Completion

Subject to this Agreement, Completion is to occur on the Date for Completion. The place and time of day for Completion will be as nominated by the Vendor's lawyer acting reasonably.

### 4.2 Completion obligations and procedures

On Completion:

- (a) **(Vendor's obligations):** the Vendor must:
  - (i) supply to the Purchaser, a good marketable documentary title for the Land free from encumbrances (except those permitted by this Agreement) and any charges payable or to become payable to any Government Body in respect of works done by the Vendor as at the Date of Completion; and
  - (ii) give to the Purchaser:
    - (A) vacant possession of the Land; and
    - (B) possession of the Chattels;
- (b) **(Purchaser's obligations):** the Purchaser must:
  - (i) pay to the Vendor (or as the Vendor may direct by notice in writing to the Purchaser) in cash or by Bank Cheque the total of the following amounts:
    - (A) the Purchase Price;
    - (B) the adjustments payable in accordance with clause 5;
    - (C) GST on the Purchase Price and the adjustments;
  - (ii) take possession of the Land;
  - (iii) take possession of the Chattels;
- (c) **(Ownership):** ownership of the Land and the Chattels passes from the Vendor to the Purchaser.

### 4.3 No caveat

The Purchaser must not lodge a caveat against all or any part of the Land before Completion.

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## 5 Adjustment for Statutory Charges

- (a) All Statutory Charges payable in respect of the Vendor's ownership of the Land must be paid by the Vendor to the end of the current financial year in which Completion takes place.



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- (b) The payments required by clause 5(a) may be made after the Date of Completion (even if a Statutory Charge constitutes a charge on the Land) if the Vendor gives to the Purchaser's lawyers at Completion a written undertaking to pay the Statutory Charges payable by the Vendor.
- (c) At Completion, the Purchaser must pay to the Vendor:
  - (i) if the Land is separately assessed, that proportion of the Statutory Charges that are assessed, charged or imposed on the Land that relate to the period from and including the Date for Completion or the Purchaser taking possession (whichever first occurs) to the end of the current financial year in which Completion takes place; and
  - (ii) if the Land is not separately assessed, a proportion of any Statutory Charges that are assessed, charged or imposed on the Land for the period from and including the Date for Completion or the Purchaser taking possession (whichever first occurs) to the end of the current financial year in which Completion occurs. The proportion will be calculated by area.
- (d) The Purchaser is solely responsible for any supplemental Statutory Charges that are assessed, charged or imposed after the Date for Completion or the Purchaser taking possession (whichever first occurs) in relation to the Land.

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## 6 Priority interests that may affect Land

The Land is sold and the Purchaser must take title to the Land:

- (a) **(easements and covenants)**: subject to and together with all easements and covenants affecting the Land, whether or not they are registered or apparent from an inspection of the Land (including statutory easements and rights under legislation relating to the supply of any Service);
- (b) **(Services)**: subject to all Services located in, over or under the Land, whether or not the existence of such Services are known to the Vendor or the Purchaser;
- (c) **(Crown grant)**: subject to the exceptions, reservations, limitations and conditions (if any) contained or referred to in any Crown grant, or folio of the Register, that relates to the Land;
- (d) **(Laws)**: subject all Laws affecting the Land including Laws relating to planning, use, development, building, the environment and/or heritage protection.

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## 7 Boundaries and fencing

### 7.1 Not required to fence

Despite anything to the contrary in the *Boundary Fences Act 1908* (Tas), the Purchaser cannot require the Vendor, the Crown or any servant or agent of the Crown, to contribute to the cost of erecting, repairing or maintaining any boundary fence or dividing wall between the Land and any adjoining land. The transfer of the Land is to state that: 'The Transferor as Vendor shall not be required to fence'.

### 7.2 Fences and walls taken to be on title boundaries

All fences and walls purporting to be on the boundaries of the Land are taken to be on the documented title boundaries of the Land.



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**7.3 Vendor not obliged to identify boundaries**

The Vendor is not obliged to identify the boundaries of the Land on the ground surface, or to relocate any boundary fence or dividing wall.

**7.4 Merger**

This clause 7 does not merge on Completion.

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**8 Description of Land****8.1 Acceptance of identity**

If the Land is described by reference to a folio of the Register, the Purchaser:

- (a) accepts the identity of the Land as described in that folio of the Register; and
- (b) the measurements and bearings appearing on the plan in respect of that folio of the Register as correctly defining the position and extent of the Land.

**8.2 Exclusion of Purchaser's right to object**

- (a) The Purchaser must not make any objection, issue any requisition, claim compensation, rescind or terminate this Agreement, or make any other Claim against the Vendor, the Crown or any employee or agent of the Crown in respect of:
  - (i) any error, misstatement, omission, discrepancy or wrong description in the title to the Land as to area, dimensions or boundaries; or
  - (ii) any minor encroachments on or by the Land or in respect of any thing partly on the Land and/or any adjoining land.
- (b) The Purchaser is not entitled to require the Vendor to explain or reconcile any error, misstatement, omission, discrepancy or wrong description in the title to the Land as to area, dimensions or boundaries.

**8.3 Merger**

This clause 8 does not merge on Completion.

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**9 Condition of Land****9.1 Current state**

The Land is sold:

- (a) in its current state of repair and condition and with any defects (including defects in design, construction or repair) as at the date of this Agreement; and
- (b) subject to any deterioration as a result of fair, wear and tear from the date of this Agreement until the Date of Completion.

**9.2 Exclusion of warranties and representations**

The Purchaser acknowledges and agrees that:

- (a) the Vendor has not, nor has any person on behalf of the Vendor, made any representation or warranty as to the condition of the Land; and

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- (b) if the Vendor, or any person on behalf of the Vendor, has made or makes any representation or warranty as to the condition of the Land, the Purchaser has not relied and will not rely on that representation or warranty in connection with this Agreement.

### 9.3 Environmental matters

- (a) On Completion the Purchaser assumes responsibility for all Hazardous Substances on or affecting the Land.
- (b) As between the Vendor and the Purchaser, the Purchaser will be solely responsible for:
  - (i) any environmental remediation of; or
  - (ii) any removal of contaminated soil or any Hazardous Substance from, the Land.
- (c) If any order is made, or any notice is issued, by any Government Body on or after the date of this Agreement which requires the Vendor to carry out any environmental remediation of the Land, the Purchaser must promptly carry out that remediation at its cost in accordance with:
  - (i) the requirements of that order or notice; and
  - (ii) all applicable Laws which apply to the carrying out of that environmental remediation, including any applicable Law under which that order or notice was issued.

### 9.4 Merger

This clause 9 does not merge on Completion.

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## 10 Chattels

### 10.1 Interpretation

In this clause 10:

**PPSA Security Interest** has the meaning given to the term 'security interest' in the *Personal Property Securities Act 2009* (Cwlth).

**Security Interest** means:

- (a) a PPSA Security Interest;
- (b) any mortgage, charge, bill of sale, pledge, deposit, lien, hypothecation, arrangement for the retention of title and any other interest or power given by way of security for any debt, monetary liability or other obligation,

and includes any agreement to grant or create any of the foregoing.

### 10.2 Vendor's warranty

The Vendor warrants that as at the Date of Completion that the Chattels will be the absolute property of the Vendor free from any Security Interest.

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**10.3 Exclusion of implied warranties**

To the fullest extent permitted by Law, all warranties that would otherwise be implied in this Agreement in relation to the sale of the Chattels are excluded and negated.

**10.4 Condition of Chattels**

The Chattels are sold in their state of repair and condition as at the date of this Agreement, and subject to any fair, wear and tear that may occur from that date until the Date of Completion.

**10.5 Merger**

This clause 10 does not merge on Completion.

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**11 Claims and indemnities in relation to certain property matters****11.1 Exclusion and limitation of rights**

Regardless of anything else in this Agreement, the Purchaser is not entitled to rescind or terminate this Agreement, issue any requisitions or any objections, claim compensation, or make any Claim against the Vendor, the Crown or any employee or agent of the Crown, in connection with, or arising out of, any one or more of the following matters or things:

- (a) **(Hazardous Substances):**
  - (i) any Hazardous Substance in or upon, or which affects, the Land;
  - (ii) any remediation of the Land; or
  - (iii) any removal of any contaminated soil or any Hazardous Substance from the Land;
- (b) **(condition of improvements):** the design, construction, condition or repair of any of the structural improvements, fences, walls, fixtures or fittings on the Land;
- (c) **(compliance with Laws):** whether:
  - (i) any structural improvements, fences, walls, fixtures and fittings on the Land comply with applicable Laws, including Building Legislation; or
  - (ii) the use of the Land complies with applicable Laws;
- (d) **(Approvals):** any Approval that affects the Land or is required in connection with the development, use or occupation of the Land;
- (e) **(agreements):** any agreement made under any Law concerning the development, use or occupation of the Land, including any agreement made under:
  - (i) the *Historic Cultural Heritage Act 1995* (Tas);
  - (ii) the *Aboriginal Relics Act 1975* (Tas); or
  - (iii) Part 5 of the *Land Use Planning and Approvals Act 1993* (Tas);
- (f) **(Services):**
  - (i) the existence or location of any pipes, drains, cables or wires passing through, over, under or connected to the Land;

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- (ii) any Service for the Land passing through, over or under other land or the service for any other land passing through, over or under the Land;
- (iii) the nature, location, availability, non-availability, operation, non-operation, condition or quality of any Service;
- (iv) the absence of any rights or easements in respect of a Service;
- (v) any lease, licence or wayleave agreement relating to the supply of electricity to the Land;
- (g) **(fences and walls)**: the ownership or location of any fence or wall;
- (h) **(party walls)**: any wall being a party wall;
- (i) **(encroachments)**:
  - (i) an encroachment upon the Land by another property;
  - (ii) an encroachment by the Land upon any other property (including any road);
  - (iii) the absence of any easement or licence in respect of an encroachment;
- (j) **(Chattels)**: the state of repair and condition of the Chattels;
- (k) **(general)**: the substance of any matter or thing:
  - (i) referred to in clause 6;
  - (ii) specifically disclosed in this Agreement;
  - (iii) included in any report obtained by the Purchaser before entering into this Agreement;
  - (iv) included in or arises out of any document or information made available by the Vendor or the Crown to the Purchaser before the Purchaser entered into this Agreement; or
  - (v) was discoverable by reasonable inspection or enquiry before the Purchaser entered into this Agreement.

#### 11.2 Indemnity and release

- (a) The Purchaser:
  - (i) subject to clause 11.2(b), must indemnify the Vendor, the Crown and each employee and agent of the Crown, against any Claim made, on or after the Relevant Date, in connection with, or arising out of, any matter or thing referred to in clause 11.1; and
  - (ii) unconditionally and irrevocably releases the Vendor, the Crown and each employee and agent of the Crown, from any Claim in connection with, or arising out of, any matter or thing referred to in clause 11.1.
- (b) The indemnity in clause 11.2(a) does not apply to a Claim:
  - (i) in respect of a cause of action which:
    - (A) accrued before the Relevant Date;
    - (B) was discoverable before the Relevant Date; or

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- (C) relates to any exposure, before the Relevant Date, to any Hazardous Substance on the Land; or
- (ii) in respect of any duty or function of the Crown as an enforcer of Laws.
- (c) In this clause 11.2, **Relevant Date** means the earliest of the following dates:
  - (i) the Date of Completion;
  - (ii) if the Purchaser takes possession of the Land before the Date of Completion, the date on which the Purchaser takes possession of the Land; and
  - (iii) if the Purchaser was in occupation or possession of the Land before the date of this Agreement, the date upon which such occupation or possession commenced.

### 11.3 Merger

This clause 11 does not merge on Completion.

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## 12 Risk, waste, damage and destruction

### 12.1 Passing of risk

Risk in relation to the Land and Chattels passes from the Vendor to the Purchaser on the date of this Agreement.

### 12.2 Vendor not responsible for deterioration after date of Agreement

- (a) The Vendor is not responsible for any deterioration in the Improvements and/or the Chattels after the date of this Agreement (including deterioration attributable to fair, wear and tear) or required to make any repairs in relation to the Land or the Chattels.
- (b) The Purchaser is not entitled to rescind or terminate this Agreement, issue any requisitions, delay Completion, issue any objections, make any Claim for any deterioration in or damage to the Land and/or the Chattels after the date of this Agreement.

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## 13 GST

- (a) Unless otherwise stated in this Agreement, all amounts payable by one party to another party are exclusive of GST.
- (b) If GST is imposed or payable on any supply made by a party under this Agreement, the recipient of the supply must pay to the supplier, in addition to the GST exclusive consideration for that supply, an additional amount equal to the GST exclusive consideration multiplied by the prevailing GST rate. The additional amount is payable at the same time and in the same manner as the consideration for the supply.
- (c) A party that makes a taxable supply under this Agreement must provide a valid tax invoice to the recipient of the supply.
- (d) A party's right to payment under clause 13(b) is subject to a valid tax invoice being delivered to the party liable to pay for the taxable supply.



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- (e) If the consideration for a supply under this Agreement is a payment or reimbursement for, or contribution to, any expense or liability incurred by the supplier to a third party, the amount to be paid, reimbursed or contributed in respect of the expense or liability will be the amount of the expense or liability net of any input tax credit to which the supplier is entitled in respect of the expense or liability.
- (f) Where any amount payable under this Agreement is paid by being set-off against another amount, each amount must be calculated in accordance with this clause 13 as if it were an actual payment made pursuant to this Agreement.
- (g) Unless the context otherwise requires, expressions used in this clause 13 that are defined in the GST Laws have the meanings given to those expressions in the GST Laws.

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## 14 Notices

### 14.1 Notice requirements

- (a) A notice, certificate, consent, application, waiver or other communication (each a **Notice**) under this Agreement must be:
  - (i) in legible writing in the English language;
  - (ii) subject to clauses 14.1(b), signed by or on behalf of the sender or by a lawyer or a conveyancer for the sender;
  - (iii) marked for the attention of the person or position (if any) specified in the Details applicable to the intended recipient of the Notice or, if the intended recipient has notified otherwise, marked for attention in the way last notified; and
  - (iv) left or sent in accordance with clause 14.2.
- (b) A printed or copy signature is sufficient for the purposes of sending any Notice by facsimile.
- (c) A Notice sent by email is taken to have been signed by the sender.
- (d) A Notice must not be given orally.

### 14.2 Method and address for delivery

- (a) Subject to clause 14.2(b), a Notice must be:
  - (i) left at the intended recipient's address set out in the Details;
  - (ii) sent by prepaid ordinary mail (or prepaid airmail, if from one country to another country) to the intended recipient's address set out in the Details;
  - (iii) sent by facsimile to the intended recipient's facsimile number (if any) set out in the Details; or
  - (iv) sent by email to the intended recipient's email address (if any) set out in the Details.
- (b) If the intended recipient of a Notice has notified the sender of another address, facsimile number or email address for the purposes of receiving Notices, then subsequent Notices to that intended recipient must be left at or sent to the

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address, facsimile number or email address (as applicable) last notified by that intended recipient.

#### 14.3 Time of receipt

- (a) Subject to clause 14.3(b), a Notice is taken to have been received by the intended recipient:
  - (i) if left at the intended recipient's address, at the time of delivery;
  - (ii) if sent by prepaid ordinary mail, on the third Business Day after the day of posting, or if sent by prepaid airmail from one country to another country, on the tenth Business Day after the day of posting;
  - (iii) if sent by facsimile, at the time shown in the transmission report as the time when the whole Notice was sent; and
  - (iv) if sent by email, four hours after the time the email was sent (as recorded by the device from which the email was sent) provided that the sender has not received an automated message that the email has not been delivered.
- (b) If a Notice is received by a recipient on a day that is not a Business Day or after 4.00pm on a Business Day, the Notice is taken to be received at 9.00am on the next Business Day.
- (c) A Notice is effective from the time it is taken to have been received in accordance with clauses 14.3(a) and 14.3(b) (unless a later time is specified in the Notice, in which case the notice takes effect from that time).

#### 14.4 Service of Notices on lawyer

A Notice that is given to the lawyer or conveyancer for a party is taken to have been given to that party. For the avoidance of doubt, clause 14.3 applies to the receipt of any Notice given to a lawyer or conveyancer in accordance with this clause.

#### 14.5 Other modes or places of service

Nothing in this Agreement limits or excludes any other mode or place of service required by an applicable Law.

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### 15 Special terms and conditions

- (a) The special terms and conditions (if any) in Item 6 form part of this Agreement.
- (b) If there is any inconsistency between the special terms and conditions in Item 6 and another provision of this Agreement, the special terms and conditions override the other provision to the extent of the inconsistency.
- (c) A special term or condition in Item 6 is taken not to be inconsistent with another provision of this Agreement if the special term or condition and the other provision of this Agreement are both capable of being complied with.
- (d) To avoid doubt and without limiting the operation of clause 16.14, any Right contained in Item 6 is in addition to any other Rights provided for in this Agreement or at Law.

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**16 Miscellaneous****16.1 Governing law**

This Agreement is governed by the Laws applying in Tasmania.

**16.2 Dispute jurisdiction**

The parties submit to the non-exclusive jurisdiction of courts with jurisdiction in Tasmania, and any courts that may hear appeals from those courts, in respect of any proceedings in connection with this Agreement.

**16.3 Merger**

Any provision of this Agreement which is not fully completed, observed or performed immediately before Completion, or is capable of taking effect after Completion, does not merge on Completion or in any transfer of the Land, and continues in full force and effect after Completion.

**16.4 Liability**

An obligation of, or a representation, a warranty or an indemnity by, two or more parties (including where two or more persons are included in the same defined term) under or in respect of this Agreement, binds them jointly and each of them severally.

**16.5 Benefit**

An obligation, a representation, a warranty or an indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and each of them severally.

**16.6 Severance**

If a provision of this Agreement is or at any time becomes illegal, prohibited, void or unenforceable for any reason, that provision is severed from this Agreement and the remaining provisions of this Agreement:

- (a) continue to be enforceable; and
- (b) are to be construed with such additions, deletions and modifications of language as are necessary to give effect to the remaining provisions of this Agreement.

**16.7 Counterparts**

- (a) This Agreement may be entered into in any number of counterparts.
- (b) A party may execute this Agreement by signing any counterpart.
- (c) All counterparts, taken together, constitute one instrument.

**16.8 Further assurance**

The parties agree to do or cause to be done all such acts, matters and things (including, as applicable, passing resolutions and executing documents) as are necessary or reasonably required to give full force and effect to this Agreement.

**16.9 Business Days**

If the day on or by which an act, matter or thing is to be done under this Agreement is not a Business Day, that act, matter or thing must be done by no later than the next Business Day.

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**16.10 Legal costs**

Each party must bear their own costs in preparing and negotiating this Agreement.

**16.11 Amendment**

This Agreement may only be amended or supplemented in writing signed by the parties.

**16.12 Waiver**

- (a) A failure or delay in exercising a Right does not operate as a waiver of that Right.
- (b) A single or partial exercise of a Right does not preclude any other exercise of that Right or the exercise of any other Right.
- (c) A Right may only be waived in writing, signed by the party to be bound by the waiver. Unless expressly stated otherwise, a waiver of a Right is effective only in the specific instance and for the specific purpose for which it was given.

**16.13 Successors and assigns**

This Agreement is binding on and benefits each party and, unless repugnant to the sense or context, their respective administrators, personal representatives, successors and permitted assigns.

**16.14 Rights cumulative**

Each Right provided for in this Agreement:

- (a) operates independently of any other Right provided for in this Agreement; and
- (b) is cumulative with, and does not exclude or limit, any other Right, whether at Law or pursuant to any other agreement, deed or document.

**16.15 Disclosure**

- (a) Despite any confidentiality or intellectual property right subsisting in this Agreement, a party may publish all or any part of this Agreement without reference to another party.
- (b) Nothing in this clause derogates from a party's obligations under the *Personal Information Protection Act 2004* (Tas) or the *Privacy Act 1988* (Cwlth).

**16.16 Minister or State of Tasmania expressed to be party**

- (a) If a Minister of the Crown (acting in that capacity) is expressed to be a party to this Agreement, then unless an applicable Law provides otherwise:
  - (i) the Minister enters into this Agreement on behalf of the Crown;
  - (ii) the Rights, obligations and liabilities expressed to be those of the Minister are Rights, obligations and liabilities of the Crown; and
  - (iii) each reference in this Agreement to the Minister will be taken to include a reference to the Crown.
- (b) For the avoidance of doubt, if the State of Tasmania is expressed to be a party to this Agreement, the Rights, obligations and liabilities of the State of Tasmania are Rights, obligations and liabilities of the Crown.



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**16.17 No interference with executive duties or powers**

Nothing in this Agreement is intended to prevent, is to be taken to prevent, or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. Any provision of this Agreement that is inconsistent with this clause is of no legal effect to the extent of the inconsistency.

**16.18 Surviving provisions and termination**

- (a) The termination of this Agreement does not affect or limit the operation or effect of clauses or parts of this Agreement:
  - (i) that are expressed to survive the termination of this Agreement;
  - (ii) that, at Law, survive the termination of this Agreement; or
  - (iii) that are necessary to survive the termination of this Agreement:
    - (A) to give full force and effect to the parties' respective Rights, obligations and liabilities on or after the termination of this Agreement;
    - (B) to enable a party to make, enforce or defend any claims related to this Agreement; or
    - (C) to give full force and effect to the operation of clause 16.18(b) or clause 16.18(c).
- (b) The termination of this Agreement does not affect any claims related to, or any Rights, releases, obligations or liabilities accrued or incurred under, this Agreement before the date on which this Agreement is terminated.
- (c) Nothing in this clause 16.18 affects or limits the operation of another provision of this Agreement which gives a party Rights, or imposes obligations on a party, on or after the termination of this Agreement.

**Executed as a deed**



# Signing

## Execution by Vendor

Executed as a deed by **The Honourable Jeremy Page Rockliff MP** (being and as the Minister administering the *Crown Lands Act 1976* (Tas) ) in the presence of the witness named below:

Minister's signature:  
→

Witness' signature:  
→

\*Witness print name and position:

\*Use BLOCK LETTERS

\*Witness print address:

## Signing by Purchaser

The common seal of **Devonport City Council** was hereunto affixed in accordance with a resolution of the Council in the presence of:

Witness signature:  
→

\*Print name and office held:

\*Print address:

Seal:  
→

\*Use BLOCK LETTERS

## 5.4 DEVONPORT MENS SHED INC - PARTNERSHIP AGREEMENT

File: 34460 D487543

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.2 Pursue opportunities for cooperative initiatives including resource sharing with other councils, organisations and community groups

### SUMMARY

This report is provided to formalise a new partnership agreement between Council and Devonport Men's Shed Inc.

### BACKGROUND

Council entered into a partnership agreement with Devonport Community House in June 2016. The agreement provided a financial contribution to ensure the ongoing operations of the Devonport Community House, Devonport Community Garden, Men's Shed and the Playhouse.

The Men's shed has since relocated to a new site and will run as a separate identity to the Devonport Community House.

### STATUTORY REQUIREMENTS

Section 77 of the *Local Government Act 1993* outlines Council's requirements regarding grants and benefits:

- (1) *A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.*
  - (1A) *A benefit provided under subsection (1) may include –*
    - (a) *in-kind assistance; and*
    - (b) *fully or partially reduced fees, rates or charges; and*
    - (c) *remission of rates or charges under Part 9.*
- (2) *The details of any grant made or benefit provided are to be included in the annual report of the council.*

### DISCUSSION

The Men's Shed (formerly known as the Mersey Community Men's Shed Group) was formed in 2003 as part of the Devonport Community House. The men's shed provides an inclusive program and delivers opportunities for all members to socially interact, develop skills and to be involved in health and well-being activities.

The new partnership agreement between The Men's Shed and Council is aimed to ensure the ongoing sustainability of the Men's Shed operations and its programs.

The Men's Shed has relocated to a site within the Devonfield site footprint. The site is approximately five times larger than the former site. All equipment and machinery has been moved and establishment of the site has commenced. Even prior to advertising or officially launching the new site, the membership numbers have grown at the new location. Official opening is expected to take place later in the year.

Report to Council meeting on 28 August 2017

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The Men's Shed are actively seeking donations and funding to complete the site establishment, including construction of office space and social/crib rooms.

The draft agreement is for a two-year term which allows time for the new site to be operational prior to any future commitments being made by Council.

**COMMUNITY ENGAGEMENT**

Community consultation has not been undertaken as part of this report. The interim Men's Shed Board has reviewed the draft agreement and are satisfied with the content.

**FINANCIAL IMPLICATIONS**

Council has a financial assistance budget which satisfactorily covers the agreement noted in this report. This arrangement is to the same financial value (\$7,000 per annum) of the existing partnership with the Men's Shed through the Community House, so is not an increase in contribution, rather that the Men's Shed receive the funding directly.

Each partner is required to provide an annual report, including financial statements, as part of any agreement.

**RISK IMPLICATIONS**

Partnership agreements allow Council to ensure programs, services and events are delivered with minimum direct involvement from Council resources. Council's risk exposure is reduced through these arrangements.

**CONCLUSION**

There is genuine benefit to both Council and the community for this partnership agreement which will help continue operation of the Devonport Men's Shed.

**ATTACHMENTS**

[1.](#) Mens Shed Partnership Agreement

**RECOMMENDATION**

That Council approve the partnership agreement with the Devonport Men's Shed Inc.

Author: Position:	Shane Crawford Executive Manager Corporate, Community & Business Services	Endorsed By: Position:	Paul West General Manager
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**PARTNERSHIP AGREEMENT  
BETWEEN  
DEVONPORT MENS SHED INC AND  
DEVONPORT CITY COUNCIL**

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**1.0 PURPOSE**

This Agreement establishes a set of principles and obligations in relation to funding arrangements and activities between the Devonport City Council (the Council) and the Devonport Men's Shed Inc (Men's Shed) to ensure the ongoing sustainability of the operations of the Men's Shed.

This agreement is for a period of two (2) years from the date of signing and is to be reviewed every twelve (12) months.

**3.0 DEVONPORT STRATEGIC PLAN 2009-2030 RELEVANT PRIORITIES**

- Strategy 4.7.2 Encourage, and provide information and opportunities for active participation in community life
- Strategy 4.7.3 Attract and promote equitable distribution and sharing of financial and other resources throughout the community
- Strategy 4.7.6 Pursue closer working relationships with Government and the not for profit sector to make available appropriate community support programs
- Strategy 5.1.4 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure

**4.0 DEVONPORT MENS SHED OVERVIEW**

The Men's Shed (formerly known as the Mersey Community Men's Shed Group) was formed in 2003 as part of the Devonport Community House. The men's shed provides an inclusive program and delivers opportunities for all members to socially interact and develop skills; and to be involved in health and well-being activities. A volunteer supervisor commenced in 2009 with the group opening the shed two mornings per week. Average attendance has increased from 2-25 per month to 90-120 per month. The men also participate in outside activities, including regular bus trips and Tasmanian Men's Shed Association Meetings.

**5.0 BENEFITS**

The Agreement has the potential to results in a range of benefits including, but not limited to:

- 5.1 Increase volunteer base.
- 5.2 Address social exclusion by connecting people with others, to work, education, volunteering and other opportunities as well as to the broader community and decision makers (assist with consultative processes)

- 5.3 Address difficulties that socially excluded groups have in navigating the increasingly complex array of services provided by both public and private providers.
- 5.4 Provides an investment in community wellbeing in a similar way that financial capital can provide an investment in the economic growth of a community.
- 5.5 Value add to increase services - as a non-profit community organisation the Men's Shed has access to grants and additional partnership opportunities not available to Council, easing the potential impost on ratepayers and improving the potential income and services for the community.

## 6.0 PRINCIPLES

This Agreement is based upon a relationship between the parties emphasising cooperation and commitment to the following principles:

- 6.1 Understanding and respect for each party's mandates and responsibilities.
- 6.2 Each party is responsible for maintaining control of their own affairs.
- 6.3 Subject to relevant legislation and policies the transparency of financial relations between the Council and Men's Shed in order to enhance decision-making.
- 6.4 The fostering of opportunities to work collaboratively.
- 6.5 Shared focus on ensuring the ongoing sustainability of the operations of the Men's Shed.
- 6.6 Transparent and timely communication and consultation.
- 6.7 Understand that engagement and partnership between residents, community organisations and government is essential to improve quality of life for Devonport's residents.

## 7.0 OBLIGATIONS OF THE PARTIES

The Council and Devonport Men's Shed agree to:

- 7.1 Engage in timely, cooperative and meaningful consultation and negotiation regarding the formulation of policies, plans and activities which affect this Agreement.
- 7.2 Relate to the other party in a manner that is coordinated and consistent.
- 7.3 Ensure that specific contracts, arrangements, policies and plans entered into or carried out by the parties are consistent with the Agreement.
- 7.4 Subject to privacy legislation and policies, share relevant data and information to inform strategic planning and service delivery.
- 7.5 Develop processes to promote a common understanding of mutual priority needs.
- 7.6 Develop a process for review of the effectiveness of this Agreement with progress assessed twelve months from the date that the Agreement comes into effect.



**8.0 STATEMENT OF RESPONSIBILITIES****8.1 Devonport City Council will:**

- 8.1.2 Provide expertise and support in the development and maintenance of the Men's Shed infrastructure and services.
- 8.1.3 Consider occasional assistance with bigger cost items (such as building materials, rubbish removal)
- 8.1.4 Assist in the marketing and promotion of the Devonport Community House and services through Council's communication mediums.
- 8.1.5 Actively engage the Men's Shed in relevant major projects and strategic planning activities of Council.
- 8.1.6 Make a payment of \$7,000 per year for two years ensure ongoing operations of the Men's Shed.

**8.2 The Devonport Men Shed Inc will:**

- 8.2.2 Strive to attract additional resources and partnerships to ensure ongoing sustainability of the Men's Shed
- 8.2.3 Continue to employ staff and develop strategies to recruit, train and retain volunteers to operate the Men's Shed.
- 8.2.4 Continue to provide opportunities for skill development in the hope of leading towards eventual employment.
- 8.2.5 Assist Council to engage the broader community in consultation and community activities/events especially those individuals who are traditionally difficult to engage.
- 8.2.6 Provide relevant data to support Council's strategic planning and policies.
- 8.2.7 Promote Council support to customers, other community services and the media in a positive manner.
- 8.2.8 Include Council's branding in relevant promotional material.
- 8.2.9 Abide by the terms and conditions of lease documents.
- 8.2.10 Provide an annual report to Council of activities undertaken in relation to the Agreement and financial statement which outlines how partnership agreement funds were expended.

**9.0 PERFORMANCE INDICATORS**

The following indicators will assist in measuring the effectiveness of The Agreement.

<b>Indicator</b>	<b>Provided By</b>	<b>Frequency</b>
9.1 Performance against strategies in Devonport Strategic Plan 2009-2030	Men's Shed	Annually
9.2 Increased participation by the broader community in Men's Shed activities	Men's Shed	Annually
9.4 Qualitative evidence on positive impact of services on individual residents	Men's Shed	Annually

**10.0 KEY MILESTONES**

Description	Provided By	Target Date
Payment 1	Council	31 July 2017
Annual report – Year 1	Men's Shed	30 June 2018
Payment 2	Council	31 July 2018
Annual report – Year 2	Men's Shed	30 June 2019
Agreement Reviewed	Council/Men's Shed	30 June 2019

**11.0 MANAGING DIFFERENCE, EVALUATION AND REVIEW**

The parties agree to work constructively to honour the terms of the Agreement.

The parties agree that in the event of a party stating that one or more undertakings in the Agreement is not being fulfilled that the parties will use best endeavours to ensure that the undertaking is satisfied or that an alternative solution is agreed.

If the Devonport Men's Shed otherwise fail to comply with the terms of the Agreement after having been given 30 days notice to rectify then the Council may terminate this Agreement. The Devonport Men's Shed may terminate the Agreement at any time providing Council with reasoning and 30 days notice. If the Agreement is terminated the Devonport Men's Shed will refund a proportion of monies paid in the given financial year on a pro rata basis.

The parties agree to monitor the implementation of the Agreement and evaluate its effectiveness on an annual basis; however, the Agreement can be amended with the agreement of both parties at any time.

Two-way feedback and monitoring will be through the Devonport Men's Shed Coordinator and Council's Community and Cultural Development Manager.

**13.0 SIGNATORIES OF THE PARTIES**

Executed as an agreement on the \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Date

Witnessed By: \_\_\_\_\_ Name: \_\_\_\_\_

\_\_\_\_\_  
Date

Paul West  
**General Manager**  
**Devonport City Council**

Witnessed By: \_\_\_\_\_ Name: \_\_\_\_\_

## 5.5 TASWATER - STATE GOVERNMENT TAKEOVER

File: 28434 D483897

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.4 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure

### SUMMARY

This report is provided to assist Council in determining whether it wishes to provide a formal submission to the Legislative Council Select Committee Inquiry into the proposed takeover of TasWater.

### BACKGROUND

In March 2017, the Tasmanian Treasurer, Peter Gutwein, MP announced "The State Government has decided that the best way to resolve Tasmania's inadequate water and sewerage infrastructure is to assume ownership and control over TasWater. This will facilitate a faster solution to the problem and resolve the long-term underinvestment that has led to the current unsatisfactory situation".

Since that time there has been considerable media attention surrounding the issue. Council at its meeting on 22 May 2017 formally determined its position as (Min 79/17 refers):

*That the report of the General Manager relating to TasWater be received and noted and that Council confirm its position that it does not support the proposed takeover by the State Government of the Corporation as it is not convinced that such action would be in the best interest of its community.*

### STATUTORY REQUIREMENTS

TasWater is an entity established by the State Government under the *Water and Sewerage Corporation Act 2012*. It is currently 100 per cent owned by local government.

### DISCUSSION

The State Government introduced legislation for the takeover of TasWater in early August. The matter is now the subject of a Legislative Council Select Committee process.

The Terms of Reference for the Committee are as follows:

*To inquire into and report upon the concept of ownership of TasWater by Government with the following terms of Reference –*

- 1. The benefits, disadvantages and challenges associated with the Tasmanian Government's proposal to take control of TasWater; and*
- 2. Any other matters incidental thereto.*

The call for submission was advertised on 19 August with the closing date of 8 September.

The Local Government Association of Tasmania LGAT issued a media release stating that it was extremely disappointed in the short time frame provided for submissions to the Inquiry. The media release did however note that "LGAT supports the broad terms of reference which will allow the Committee to consider the flawed concept and legislation, deficient business case, and illegality of the Government's hostile takeover."

**Report to Council meeting on 28 August 2017**

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If Council wishes to provide a submission to the Select Committee a decision needs to be reached at this meeting.

The previous position of Council was that it did not support the proposed takeover as it was not convinced that such action would be in the best interest of its community.

Unfortunately, the opportunity for there to be sensible and intelligent debate on the issue has not occurred due to the constant "sniping" by both sides of the argument through the media.

The State Government released the report prepared by Infrastructure Tasmania – 'Accelerated infrastructure investment delivery in Tasmania's water and sewerage sector' in July 2017.

As an example of the differences in opinion the summary of Infrastructure Tasmania stated:

*"Infrastructure Tasmania is of the view that an accelerated capital program is deliverable, provided that the necessary funds and resources are available and an overarching "program delivery model" appropriate for the Tasmanian context is put in place. This view is supported by Pitt & Sherry which has undertaken an independent review of Infrastructure Tasmania's assumptions and approach to accelerating the capital program".*

*"With respect to industry resources, Infrastructure Tasmania is of the view that a combination of local and national skills and expertise (across both the consulting and contracting sectors) will be required to fulfil the workload associated with an accelerated water and sewerage capital program, particularly noting the level of activity underway and planned across other sectors in the State".*

In contrast TasWater in responding noted:

*"Given Tasmania's size and limited labour pool, the State Government will need to attract mainland contractors to meet demand, with the likelihood that prices will increase in response to a sudden influx of cash. It is also suggested that work be outsourced to Endura and Tas Irrigation, both of which already work with TasWater, although neither has specialist workforce with the skills to design and build drinking water and sewerage infrastructure. The State Government contends its experience and expertise in managing infrastructure will stand it in good stead to oversee the work of TasWater. However, the ongoing engineering and scientific logistics of delivering drinking water and protecting the environment are highly specialised disciplines, even more so in Tasmania given the mix of urban and rural populations in geographically dispersed and varied locations".*

Both the aforementioned reports were circulated to Aldermen previously.

The Bill presented to Parliament outlines the matters relating to:

Part 1 – Preliminary

Part 2 - Establishment of Water and Sewerage Tasmania

Part 3 - Payments to Councils

Division 1 - Transition period payments

Division 2 - Payments after transition period

Part 4 - Infrastructure Investment

Part 5 – Transition from Council Owned Company to Corporation

Part 6 – Miscellaneous

Schedule 1 – Payments to Councils

Schedule 2 – Legislation Repealed

Over the past few months, since the State Government made its announcement of the takeover of TasWater there have been many arguments, both for and against the proposal.

The Legislative Council Select Committee Inquiry process may result in some clarity being determined on a way forward which is ultimately in the best long-term interest of the broader Tasmanian community.

### **COMMUNITY ENGAGEMENT**

There has been significant media coverage on the issue since the State Government's announced its decision to takeover TasWater.

### **FINANCIAL IMPLICATIONS**

The financial impact of the overall 10-year freeze has previously been reported to Council and is expected to be approximately \$546,000 per annum (based on current \$ value). This is irrespective of the outcome of the State Government's takeover bid as TasWater had previously determined a similar position.

Council's current equity in TasWater is valued at \$85.6 million. The impact of writing off Council's equity in TasWater from the Balance Sheet would likely result in an extraordinary loss being recognised.

### **RISK IMPLICATIONS**

The primary risk to Council is the impact on its financial activities as a result of the reduced revenue over an extended period of time. It is also unknown at this stage what the financial impacts of the Government's takeover will be to individual councils going forward, post the 2024/25 financial year.

### **CONCLUSION**

Council has, through its previous decision, and its support for the LGAT motion to oppose the takeover, determined its position. LGAT will be making a sectoral submission in line with the current adopted position.

Council has the option to make its own submission or alternatively support LGAT's sectoral submission.

### **ATTACHMENTS**

Nil



## RECOMMENDATION

That Council in relation to the Legislative Council Select Committee Inquiry determine:

### Option 1

to provide a submission to the Inquiry outlining that despite the plethora of information provided to it by both the State Government and TasWater, it remains unconvinced that a takeover of the Water Corporation will be in the best long-term interest of its community.

### Option 2

that the best avenue at this time is for the Local Government Association of Tasmania (LGAT) to provide a sectoral submission to the Inquiry.

Author:	Paul West
Position:	General Manager

## 5.6 80-82 RIVER ROAD, EAST DEVONPORT - OBJECTIONS TO DISPOSAL

File: 10803 D485176

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report is provided to consider objections received regarding the proposed disposal of land at 80-82 River Road, Ambleside.

### BACKGROUND

Council recently received an expression of interest to purchase the property at 80-82 River Road, East Devonport which has been owned by Council since 1991 and is 1.8730 hectares in area. It is zoned "Environmental Management", and is bound by the Mersey River Crown Reserve to the West, River Road to the East, residential property boundaries to the South and North.

At Council's closed meeting held on 22 May 2017, it was determined to commence the process under Section 178 of the *Local Government Act 1993* ("the Act") relating to the possible disposal of the land.

The matter was further considered at Council's meeting held on 24 July 2017 at which time it was determined the matter be deferred pending a Workshop surrounding the issue of appeal rights as it was noted that as the land is not listed on Council's Public Land Register, it may not be subject to appeal under the Act.

The land proposed to be disposed of is outlined in red below:



### STATUTORY REQUIREMENTS

The land, whilst not formally listed on Council's Public Land Register, has previously been referred to as "Public Open Space" and therefore it was determined that any future

action relating to the sale, change of use or disposal of the property should be dealt with in accordance with Section 178 of the Act.

It would now appear that as the land is not included on Council's Public Land Register it is unlikely there will be appeal rights for those who are opposed to Council's proposed sale of the land.

**178. Sale, exchange and disposal of public land**

- (1)** A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2)** Public land that is leased for any period by a council remains public land during that period.
- (3)** A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4)** If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—

  - (a)** publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
  - (ab)** display a copy of the notice on any boundary of the public land that abuts a highway; and
  - (b)** notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5)** If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6)** The council must —

  - (a)** consider any objection lodged; and
  - (b)** by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of —

    - (i)** that decision; and
    - (ii)** the right to appeal against that decision under section 178A.
- (7)** The council must not decide to take any action under this section if —

  - (a)** any objection lodged under this section is being considered; or
  - (b)** an appeal made under section 178A has not yet been determined; or
  - (c)** the Appeal Tribunal has made a determination under section 178B(b) or (c).

**178A. Appeal**

- (1)** Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b).
- (2)** An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.

- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –
- (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
  - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management and Planning Appeal Tribunal Act 1993 does not apply.

**DISCUSSION**

This property has been the subject of Council reports since 2008 as it was identified as being surplus to Council's needs. It had also been identified by some local residents at that time as an ongoing concern for public health and safety with vermin present, bushfire safety concerns, tree falling concerns and instances of inappropriate public behaviour. Council addressed these concerns to some extent, through clearing the site's boundary of vegetation for fire management and occasional mowing of the grassed and cleared areas of the site to deter vermin.

Council also previously considered developing the land into an 8-lot subdivision on the eastern half of the property and retaining the balance for public open space in accordance with Council's "Guidelines for the Planning, Design and Construction of Public Open Space – July 2007". Council however determined to defer discussion on this matter in 2012 and since that time no further action has been taken.

One issue previously identified with the property was the existence of the protected *Melaleuca Ericifolio*, (commonly referred to as "Ti Tree"), on the site. Discussions have previously been held with the Forest Practices Authority (FPA) regarding the management of the trees. It was noted at the time that a report on the trees provided by Van Diemen Consulting in 2011 highlighted that "*Melaleuca erocifolia* swamp forest at the site is in extremely poor condition, being mainly comprised of non-native species in the mid and understorey layers. The abundance of weeds in the vegetation, in association with very few native species (in terms of diversity and their abundance) makes this vegetation type in the site of little significance for conservation management".

In accordance with Section 178 of the Act, the proposed disposal of 80-82 River Road was advertised twice in The Advocate and a notice placed on the land as well as on display at the Council offices with a 21-day period for objections to be received.

Four objections were received and are provided as an attachment to this report. A summary of the issues raised and officer comment are outlined in the table below:

Issue	Council Officer's comment
Decreased living conditions for current owners (privacy and outlook).	This is a subjective opinion which is difficult to respond too.
Increased risk of criminal activity.	There is no evidence to suggest that crime would increase if land was disposed of and developed.
Decreased value land/home for neighbouring properties.	There is no evidence to suggest disposing of the land and any subsequent development would devalue neighbouring properties.

## Report to Council meeting on 28 August 2017

Told this land would never be sold.	No guarantees can be provided regarding the future use/disposal of any land, whether Council or privately owned.
Increased demand on infrastructure if developed (water and sewerage).	Any proposal for development of the land would be subject to a Development Application at which time future infrastructure needs to cater for increased capacity if necessary would be determined.
Destruction and removal of native animals and their habitation.	The area to the west is Crown Land reserve bushland and as native animals are nomadic and react to their changing environment, it would be likely a natural progression for them to move further along the Crown reserve.
Destruction and removal of botanical environment (Ti tree in particular).  One of the last areas of remnant bushland in East Devonport.	Any removal or clearing of Ti-tree would be subject to advice from the Forest Practices Authority.  Within the Devonport municipal area, there is approximately 20 hectares of Ti-Tree sites, including Coles Beach, Don Reserve, Don Heads, Centennial Park and Tea Tree Lane.
Only being sold to fund Living City project.	The potential disposal of this site was identified as being surplus to Council needs as far back as 2008, when investigations commenced to develop approximately half the land and leave the balance as open space.
Loss of the area for recreational/public space purposes.  Contrary to Council's "Guidelines for the Planning, Design and Construction of Public Open Space – July 2007".	There are a number of reserve areas noted on Council's Public Land Register in East Devonport including: <ul style="list-style-type: none"> <li>• Mary Street wetlands</li> <li>• Pioneer Park incorporating Apex Park</li> <li>• East Devonport Beach Coastal Reserve</li> <li>• Neely Street, East Devonport</li> </ul> Council also has a number of leases with Crown Land Services which are used as public open space including: <ul style="list-style-type: none"> <li>• Frederick Head Walking Track</li> <li>• Reg Hope Park/Julie Burgess area</li> <li>• Police Point including walking track and Brooke Street parklands</li> </ul>

Should Council agree with disposal of this land, there would be a public tender process or auction.

### COMMUNITY ENGAGEMENT

The proposed disposal of 80-82 River Road was advertised twice in The Advocate and a notice placed on the land as well as on display at the Council offices. Whilst not a requirement, letters were also sent to all neighbouring properties advising them of the proposed disposal.

During the consultation period four objections were received.



### **FINANCIAL IMPLICATIONS**

The valuation information provided by the Valuer-General in 2015 identified the property as having a land value of \$310,000.

A formal valuation in accordance with the Act would need to be attained should Council wish to proceed with disposal of the land.

Legal and valuation costs would be deducted from the proceeds of sale, as well as any costs relating to the sale (real estate agent and/or auction costs etc).

### **RISK IMPLICATIONS**

If Council determines to proceed with the disposal, objectors may lodge an appeal under Section 178A of the Act to the Resource Management Planning Appeal Tribunal (RMPAT), however due to the land not being listed on Council's Public Land Register, RMPAT may refuse to accept the objections. Council could be criticised by objectors if they have no appeal rights.

In any case, an objection against the Council's decision to dispose of public land under Section 178A must be on the following grounds:

- (a) *the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or*
- (b) *there is no similar facility available to the users of that facility.*

In addition, the Forest Practices Authority may place stringent conditions on the land relating to the protection of the Ti Trees. If the land is to be disposed of, this issue would transfer to the new owner.

### **CONCLUSION**

Council needs to formally consider objections received and determine whether to proceed to dispose of the land at 80-82 River Road, Ambleside, despite RMPAT being unable to confirm whether they will accept any objections under Section 178A of the Act.

If Council is not supportive of the recommendation provided, which is for proceeding with the disposal an alternative motion could be:

*That Council receive the report in relation to the proposal to dispose of the property owned by it at 80-82 River Road, Ambleside and determine that based on the objections received it is not prepared to proceed with the disposal at this time.*

A further alternative if Council is of the view that the objectors should have the right to appeal against a decision to dispose of the property to RMPAT would be:

*That Council receive the report in relation to the proposal to dispose of the property owned by it at 80-82 River Road, Ambleside and determine:*

- (a) *not to proceed with the disposal at this time;*
- (b) *to list the property on Council's Public Land Register effective immediately; and*
- (c) *instruct the General Manager to recommence the process for disposal of public land including the statutory advertising and notification requirements.*

### **ATTACHMENTS**

- [1.](#) Objections - 80-82 River Road, Ambleside

## RECOMMENDATION

That Council receive the report in relation to disposal of the property at 80-82 River Road, Ambleside and:

- (a) that objectors be advised that Council has considered their objections and it intends to proceed with the disposal; and
- (b) note that objectors may not have a formal appeal process through the Resource Management and Planning Appeal Tribunal.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Governance Coordinator	Position:	General Manager

We refer to your correspondence dated 2<sup>nd</sup> June 2017 – addressed to Mr. G. L. & Mrs. L. A. Marshall in which you sought our input and feedback on the proposed Council sale of the existing public open space contained within the property known as 80-82 River Road.

It was indeed interesting to note that the Devonport City Council publication – “Guidelines for the Planning, Design and Construction of Public Open Space – July 2007” – clearly highlighted the “limited public open space in the Ambleside/Panorama Heights Precinct as well as the lack of parks and gardens. This document also highlighted the fact that the public open space located at 80-82 River Road had potential for use by residents within the sub-region with its primary use function being for family and social recreation. Surely any reduction in the existing size of the current open space area will significantly impact on Council’s concerns for both limited public open space in our Ambleside/Panorama Heights Precinct and the lack of parks and gardens.

In the time that we have resided and owned our residential property at 11 Ambleside Place we have noticed a varied and significant amount of wildlife using the existing and adjoining public open space. Whilst it is recognised that some vermin – such as rats and mice – utilise this area ( similar to other areas of our City), we have noticed that wallabies, possums (brush and ringtail), echidnas, blue tongue lizards, black cockatoos and sea eagles also use this reserve. We therefore convey to you (and Council) our genuine concern at a reduction in reserve area for the noted native fauna. We are therefore strongly opposed to a massive reduction of the existing native habitat.

Based on the points raised in the three (3) earlier paragraphs we would raise our strong opposition to the proposal indicated to us by Council. Should Council further progress their plans in disposal/sale of the existing/current public open space at 80-82 River Road we would expect to see a change in the amenity of the area. Naturally one of the main attractions to our current residential site was and still remains the adjoining public open space which provides a beneficial ambience to our living and outdoor activities. It would be reasonable to assume that other property owners within Ambleside Place and River Road (as well as those adjoining the existing public open space) would have seen this reserve area as being beneficial to their lifestyle when they acquired property within close proximity to the noted public open space area.

It should also be mentioned that we are aware that for some time now Council has required a 5% contribution to be given to Council from sub-division developers which was always to be used for the provision of public open space. We are also aware that some developers provided land for parks and reserves abutting their development which necessitates Council’s Parks and Reserves outdoor staff maintaining. Looking at the Ambleside/Panorama Heights Precinct the adjoining public open space is the only Council owned land that is/was ear-marked for family and social recreation. Based on the land development that has taken place over so many years in this precinct the land area at 80-82 River Road is minimal when compared with the existing residential blocks in the area. It should also not be forgotten that once any of the public open space land is disposed of it can never be returned to its natural state.

Naturally should Council consider progressing its aims of selling off the entire public open space area at 80-82 River Road we would be strongly opposed to this and as such resort to appealing through every legal process Council must comply with. Surely the concept of selling off such a sizable area of the public open space appears contrary to the views held by the Devonport City Council in July 2007.

Whilst access to the Mersey River is currently accessible from River Road through the currently uninhibited access roadway between the privately owned land of the previously owned Reeconian Rowing Club and the currently owned Mersey Rowing Club, this could easily

be retarded should the two (2) lot owners consider the installation of gateway access in the future.

Whilst we have other matters that we could raise, we believe that the points highlighted within this item of correspondence should be sufficient to make Council completely review their current aspirations and as such leave the area of the existing public open space property as it is – with of course to regular maintenance by your Parks and Reserves outdoor personnel to make it more usable by the many residents on the eastern side of the Mersey River, south of the Bass Highway.

Yours faithfully,

Gregory L. Marshall

Lesley A. Marshall

Ella Marshall

Dear Sir,

Re: File 10803 – 80-82 River Road Ambleside

In reply to your letter dated 2 June 2017, I wish to voice my opposition to Council's intention to sell this area of land for development.

When purchasing this block in 1977 we were told that the area in question was a green-belt area and would never be built on. I believe other residents were of the same understanding. This was, of course, an appealing feature and remains so today. It was also good to know that children could play and have adventures in an area like this, while still being so close to home.

Over the years I have had numerous sewage blockages, all of which were attended and rectified by council or Tas Water. I am concerned about the accessibility to have issues such as this investigated when they arise and how extra housing would impact on the frequency of this type of issue.

I would also like to mention the impact on flora and fauna. The area is home to wallabies, possums, bandicoots, blue tongue lizards and echidnas (which are difficult to relocate). Honey bees and frogs also benefit from the area. There are occasional rats, which is understandable as we are near a river and I think most areas have rats and/or mice on occasion. The area grows mostly Tea-trees and since houses were built closer to the river between Enderly Court and the turn-off to Latrobe (on River Road) it may be the only remaining Tea-tree tract in the area.

I hope that council will reconsider it's intention to sell this area of land.

Yours faithfully,



Sandra Hay.



I am the property owner of 84 and 86 River Road. As an adjoining property owner to this public land, I strongly object to Council's intention to sell or dispose of this land for the following reasons:

1. I suspect that this is one of the last areas of remnant bushland in East Devonport, therefore I think it should be preserved.
2. This property is a natural habitat for several species of native wildlife - mammals and birds.
3. The cost for Council to continue to maintain this land as it is would not be cumbersome, as there is very little maintenance done.
4. I expect that Council's intention to sell this land is purely to fill the coffers to fund the Living City project in West Devonport.

Additionally, I will mention that a meeting was held in early 2012 (April I believe) regarding Council's proposed intentions for this public land. All adjoining property owners were invited and a number of us attended, including myself. I believe that all present were against any proposed development of this land. We were all told at the close of the meeting that we would be contacted with any future plans or proposals regarding this land. No contact has been made since then until this recent letter advising the intention to sell/dispose of the land.

I have lived at this property for just over 16 years. My decision to purchase it was strongly weighed by the existence of this bushland that you are proposing to sell. From a personal aspect, it provides me with a certain amount of privacy, quiet surroundings, pleasant scenery, and the enjoyment of watching the wildlife that lives there.

I sincerely hope that my objection is taken seriously and has an effect on Council's intention to sell or dispose of this land. If anyone wishes to discuss this with me I can be reached on 041\* \*\*\* \*\*\*. If you would so kindly acknowledge receipt of my email as I know that today is the deadline for any objections.

Pamela Kossman

I am writing in response to your letter 2<sup>nd</sup> June 2017 with the proposal of development of 80-82 River Road, Ambleside, your reference File 10803.

It was with disappointment, but not with a great surprise, to receive your letter and observe the public notice go up on the public land on River Road. The recent clearing of land in front of this public land by a private developer must have given council a renewed hope to subdivide the tea tree stand behind, as they did back in 2012.

Again the proposal appears to be poorly planned, as it is unviable and definitely not in the interest of the people (community) in Ambleside.

Various properties are for still for sale along River Road, and the land right in front of this proposed development has been since 2010.

The idea of a development being right at my back door step clearly concerns me, especially with the possibility of the land being developed to a point of for sale, like various other areas in Devonport have done so over time (eg. Tugrah, Spreyton). These areas clearly support my argument that there is no demand, or one that progresses very slowly. To increase the availability of the area by 15 possible titles and the potentially numerous of homes/units, concerns me greatly.

Having the land developed and just sitting open will increase the easy access to all our existing properties, and will increase the possibility of opportunistic crime greatly.

The reason we bought our home back in 2010 was for the outlook it has on the public land and the privacy it gives our home. To see the tea tree stand and the associated wildlife be replaced by numerous units, and being right on our back door step will significantly decreases the satisfaction of living in the area.

Since 2012, council has done nothing to improve the land proposed for subdivision, Eg. making it more accessible, providing a children's play ground, or parkland for the front area of Ambleside. From last time, I understand that to have the land sold off means that council receives rates and is no longer responsible for maintenance of the parcel. I strongly object to the development if this is the council sole reason for doing it.

In short I clearly object to the proposed development for the following reasons:

- Decreased living conditions for current owners (privacy and outlook)
- Decreased value land/home for current owners
- Destruction of public land
- Destruction and removal of animal habitations
- Destruction and removal of botanical environment
- Loss of potential public park lands
- Increased risk of criminal activity

Looking forward to your reply yours sincerely,

Melle & Michelle Zwerver

## 5.7 PROPOSED SALE OF LAND - 24-26 TRITON ROAD EAST DEVONPORT

File: 31527 D485382

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report is provided to seek formal approval from Council to sell land located at 24-26 Triton Road, East Devonport.

### BACKGROUND

A recent review of Council owned land identified the potential for 0.429 hectares of land at Triton Road, East Devonport to be sold. The sale of the land was unanimously endorsed by Council in June 2010 (Min No 151/10 refers), following a public consultation process in late 2009. No objections were received at that time in respect to the proposed sale of the land.

The parcel of land at 24-26 Triton Road, located on the corner of Triton Road and Tandara Place, East Devonport, is comprised of 6 titles (54661/60 – 54661/65). The land is relatively flat and grassed, with a drainage easement on the southern boundary of the property. The parcel of land is zoned "General Residential" under the Devonport Interim Planning Scheme 2013 (refer image below).



### **STATUTORY REQUIREMENTS**

Under Section 177(2) of the *Local Government Act, 1993*, Council must obtain a valuation of the land from the Valuer-General or a person qualified to practise as a land valuer before selling, leasing, donating, exchanging or otherwise disposing of the land.

### **DISCUSSION**

Upon reviewing Council owned land, this parcel was identified as surplus to needs.

In October 2009, the parcel of land was earmarked for sale by Council. The proposed sale of the land was advertised publicly between 13 November and 3 December 2009, during which time Council did not receive any objections in relation to the sale of this parcel of land as a single lot. This parcel of land was subsequently approved for sale by Council in June 2010 but for reasons unknown was not progressed.

If Council approves the sale of the land, expressions of interest will be sought from local real estate agents to act on Council's behalf to market and sell the property.

### **COMMUNITY ENGAGEMENT**

No community engagement has been undertaken as a result of this report however there has been previous consultation undertaken on the proposed sale of the land.

### **FINANCIAL IMPLICATIONS**

The land valuation information provided by the Valuer-General in 2015 identified a value of \$195,000 for the property.

The financial implications of disposing of surplus land has a twofold impact. Firstly, operational and maintenance costs are alleviated (current maintenance cost for this parcel of land is approximately \$2,712 pa), and rate income will be received once the sale of the property is achieved. Secondly, the sale proceeds will provide additional consolidated revenue to Council.

### **RISK IMPLICATIONS**

There may be an adverse reaction to selling the property by neighbours however, in 2010 when it was determined to sell the land, no objections were received.

### **CONCLUSION**

The property at 24-26 Triton Road, East Devonport has previously been identified as being surplus to Council's needs and resolved by Council that it be sold. It is recommended that Council now proceed to sell this land by seeking a real estate agent via an expression of interest process.

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

That the Council authorise the General Manager in relation to property owned by it at 24-26 Triton Road, East Devonport to:

- (a) obtain an independent valuation of the individual titles;
- (b) seek expressions of interest from local real estate agents to market and sell the property;

Report to Council meeting on 28 August 2017

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- (c) based on the principle of 'best value' appoint an agent to act on behalf of Council in the sale process; and
- (d) in consultation with the appointed agent determine the price for each title taking into account the independent valuations received.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Governance Coordinator	Position:	General Manager



## 5.8 PUBLIC QUESTION TIME POLICY

File: 31740 D486805

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances

### SUMMARY

To present the Public Question Time Policy to Council for endorsement following public consultation.

### BACKGROUND

Council's Public Question Time guidelines were last reviewed in March 2016. A draft Public Question Time Policy was prepared based on the current guidelines, the *Local Government (Meeting Procedures) Regulations 2015* as well as feedback from Aldermen at Council workshops held in June and July 2017. The draft was considered at Council's meeting held on 24 July 2017, at which time it was determined (Min 125/17 refers):

*"That the report relating to the Public Question Time Policy be received and noted and Council endorse the release of the Policy for a 21-day public consultation period."*

The 21-day consultation period closed on 16 August 2017. The consultation period provided an opportunity for the public to have input into and feedback on the proposed policy. The consultation was promoted through local media, Council's website, social media channels and online engagement platform 'Speak Up Devonport'. Copies of the policy were also available from Council's Customer Service Centre.

### STATUTORY REQUIREMENTS

Public question time is prescribed by Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* which states:

- (1) A member of the public may give written notice to the general manager at least 7 days before an ordinary council meeting of a question to be asked at that meeting.
- (2) The chairperson of an ordinary council meeting may –
  - (a) address questions on notice submitted by members of the public; and
  - (b) invite any member of the public present at the meeting to ask questions relating to the activities of the council.
- (3) The chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.
- (4) A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary council meeting.
- (5) The chairperson of an ordinary council meeting may –
  - (a) refuse to accept a question from a member of the public; or
  - (b) require a question from a member of the public asked without notice to be put on notice and in writing to be answered at a later ordinary council meeting.

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- (6) *If the chairperson of an ordinary council meeting refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so.*
- (7) *A council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.*
- (8) *The period referred to in subregulation (1) includes Saturdays, Sundays and statutory holidays, but does not include –*
- (a) *the day on which notice is given under that subregulation; and*
- (b) *the day of the ordinary council meeting.*

**DISCUSSION**

The Public Question Time Policy is attached for Council's further consideration. The Policy has been drafted in accordance with Regulation 31 and any additional criteria as determined by Regulation 31(7). It is also based on best practice for Tasmanian local government and consistent with a number of other councils in Tasmania.

A review of Tasmanian council's guidelines/policies relating to public question time was undertaken when preparing the initial draft of the policy. A comparison of neighbouring councils is set out below:

<b>Council</b>	<b>Time permitted</b>	<b>Questions permitted</b>
Burnie City	15 minutes	2 questions per person (any questions without notice to be written on form provided and handed to relevant officer prior to public question time commencing)
Central Coast	30 minutes	Not more than 2 questions per person at each meeting, including any questions for which written notice has been previously given
Kentish	15 minutes	2 questions per person on any specific subject 1 minute to address Council but must then ask their question
Latrobe	15 minutes	2 questions per person however, 2 <sup>nd</sup> question only entitled to be asked if all other persons present have asked one question each and the 15 minute period has not elapsed

Council's proposed policy provides 30 minutes for Public Question Time with a maximum of 2 questions per person as well as a 3 minute time limitation per person. If time permits, a third question may be asked once all community members who wish to ask questions, have done so, limiting a third question to a time of 2 minutes.

No submissions were received by Council during the 21-day consultation period.

**COMMUNITY ENGAGEMENT**

A 21-day consultation period was provided for public input and feedback in relation to the draft Policy. The consultation was promoted through local media, Council's website, social media channels and online engagement platform 'Speak Up Devonport'. Copies of the policy were also available from Council's Customer Service Centre.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

### RISK IMPLICATIONS

- Legal Compliance  
A Public Question Time Policy ensures compliance with Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.

### CONCLUSION

The adoption of the Public Question Time Policy provides an opportunity for members of the public to ask questions of Council in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.

As no feedback was received during the consultation period, it is recommended that the Policy as drafted be adopted.

### ATTACHMENTS


- [1.](#) Draft Public Question Time Policy

### RECOMMENDATION

That the report relating to the Public Question Time Policy be received and noted and Council:

- (a) adopt the Public Question Time Policy; and
- (b) make it effective to all relevant Council and Section 23 Committee meetings from 1 September 2017.

Author: Position:	Karen Hampton Governance Coordinator	Endorsed By: Position:	Paul West General Manager
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		<b>PUBLIC QUESTION TIME POLICY</b>	
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	** July, 2017	**/17	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Governance Coordinator	General Manager	5.6.5	July 2019
<b>PURPOSE</b>	To provide an opportunity for members of the public to ask questions about Council activities at each ordinary council meeting, special council meeting and Section 23 meetings in accordance with Regulation 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i> .		
<b>SCOPE</b>	<p>This policy applies to:</p> <ul style="list-style-type: none"> <li>a) all members of the public;</li> <li>b) all formal Council meetings (including special meetings) held by Devonport City Council; and</li> <li>c) all meetings of the following committees: <ul style="list-style-type: none"> <li>• Governance, Finance and Community Services Committee;</li> <li>• Infrastructure Works and Development Committee.</li> </ul> </li> </ul>		
<b>POLICY</b>	<p><b>1.1. Public Question Time</b>  In accordance with Section 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, Council has determined that a period of thirty (30) minutes be set aside for members of the community to ask questions relating to Council activities.</p> <p>Public question time provides an opportunity for people to ask questions about Council's activities but is not an opportunity to make statements.</p> <p><b>1.2. Questions on notice</b>  A member of the public may give written notice to the General Manager at least 7 days before an ordinary Council meeting of a question to be asked at that meeting.</p> <p>The question and a proposed response (if appropriate) will be included on the agenda for the scheduled meeting.</p> <p>If the person is unable to attend the scheduled meeting, they should advise the General Manager and their question/s will be held over until the following meeting.</p> <p>Questions can be lodged by:</p> <p>Mail: PO Box 604, Devonport 7310  In person: 17 Fenton Way, Devonport  Email: <a href="mailto:council@devonport.tas.gov.au">council@devonport.tas.gov.au</a></p>		

**1.3. Questions without notice**

Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).

A member of the public who wishes to ask a question at the meeting are to state their name and address prior to asking their question.

A maximum of 2 questions per person are permitted.

A maximum period of 3 minutes will be allowed per person.

If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.

Questions are to be succinct and not contain lengthy preamble.

Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.

A question by any member of the public and an answer to that question are not to be debated.

Questions without notice and their answers will be recorded in the minutes.

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.

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.

**1.4. Questions may be refused in certain circumstances**

The Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:

- a) Relates to any planning issue or item listed on the agenda for the Council meeting (note; this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council meeting agenda);
- b) Is unlawful in any way;
- c) Contains defamatory remarks, offensive or improper language;
- d) Questions the competency of Council staff or Aldermen;
- e) Relates to the personal affairs or actions of Council staff or Aldermen;
- f) Relates to confidential matters, legal advice or actual or possible legal proceedings;
- g) Relates to any matter which would normally be discussed in the Closed Section of a Council meeting pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*;
- h) Is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry;
- i) Is vague in nature or irrelevant to Council activities;
- j) Are questions that have been substantively asked (and responded to) at any previous Council meeting.



	<p>If a chairperson refuses to accept a question from a member of the public, the chairperson is to give reasons for doing so.</p> <p><b>2. Roles and Responsibilities</b>          Authority is delegated to the General Manager and the Chairperson to uphold this Policy.</p>
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p><i>Local Government Act 1993</i>  <i>Local Government (Meeting Procedures) Regulations 2015</i>  <i>Audio Recording Policy</i></p>
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A

DRAFT

## 5.9 ANNUAL GENERAL MEETING

File: 27391 D487267

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.2.3 Encourage community action and participation that results in increased well-being and engagement

### SUMMARY

Council is required to determine a date and venue for its Annual General Meeting (AGM), in accordance with the *Local Government Act 1993*.

### BACKGROUND

Council must hold its AGM prior to 15 December and as in previous years, a date in October is suggested for consideration.

### STATUTORY REQUIREMENTS

The *Local Government Act 1993* states:

#### 72B. Annual General Meeting

- (1) A council must hold an Annual General Meeting on a date that –
  - (a) is not later than 15 December in each year; and
  - (b) is not before 14 days after the date of the first publication of a notice under subsection (2).
- (2) A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.
- (3) If a quorum of the council is not present at an Annual General Meeting –
  - (a) the Annual General Meeting is to be reconvened and held within 14 days; and
  - (b) a notice is to be published in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.
- (4) Only electors in the municipal area are entitled to vote at an Annual General Meeting.
- (5) A motion at an Annual General Meeting is passed by a majority of votes taken by a show of hands or by any other means of ascertaining the vote the council determines.
- (6) A motion passed at an Annual General Meeting is to be considered at the next meeting of the council.
- (7) The general manager is to keep minutes of the Annual General Meeting.

### DISCUSSION

A proposed date for the AGM is Monday, 30 October 2017 at 5:30pm in the Council Chambers. Alternatively Council could conduct the AGM at 5:00pm on 23 October prior to its ordinary Council meeting.

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Council has in the past held its AGM at various venues throughout the municipal area, including Bass Strait Maritime Centre and East Devonport Recreation Centre. However, with Council's decision to record and publish Council meetings, and the installation of equipment to enable this to be undertaken, it is logistically more difficult to hold the meeting elsewhere and transport recording equipment accordingly. Last year's AGM was held in the Council Chambers for this reason.

Council's Annual Report will be provided to Aldermen in draft format prior to its formal publication allowing a minimum of ten days to provide feedback and comment.

A Good Practice Guidelines sheet as circulated by the Local Government Division is attached. It is noted that the *Local Government (Meeting Procedures) Regulations 2015* does not apply to AGM's, however the AGM should comply with the Regulations as far as practicable so that general procedure is similar to any ordinary Council meeting.

**COMMUNITY ENGAGEMENT**

No consultation has been undertaken as a result of this report. The Annual Report will be publicly available and submissions invited.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report. Costs of holding the AGM are factored into the budget and are minimal.

**RISK IMPLICATIONS**

Failure to hold an AGM will result in a breach of the Act.

**CONCLUSION**

Given the recording and publishing of Council's meetings on the website, it would be preferable to hold the AGM in the Council Chambers on the preferred date to be determined by Council.

**ATTACHMENTS**

[1.](#) Annual\_General\_Meetings Fact Sheet

**RECOMMENDATION**

That the 2017 Annual General Meeting be held in the Council Chambers on:

**Option 1**

Monday 23 October 2017 at 5:00 pm (prior to Council's ordinary meeting).

OR

**Option 2**

Monday 30 October 2017 at 5:30pm.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Governance Coordinator	Position:	General Manager

# ANNUAL GENERAL MEETINGS

## GOOD PRACTICE GUIDELINES

February 16

The primary purpose of a council annual general meeting (AGM) is to allow the public to ask questions about the contents of the council's annual report, and to provide an opportunity for the electors present to make any relevant motions for the council to consider at the next ordinary council meeting.

The AGM also provides a good opportunity to generate interest in the work of the council, to report on the results of the council's strategic plan, and to interact with ratepayers.

### What is required?

The formal requirements that govern council AGMs are contained in Section 72B of the *Local Government Act 1993* (the Act).

Under the Act, a council must hold an AGM on a date not later than 15 December, and must publish a notice on at least two occasions in a daily newspaper. Section 72B also provides that:

- A quorum of the council must be present at the AGM.
- Only electors in the municipal area are entitled to vote at an AGM.
- A motion at an AGM is passed by a majority of votes taken by a show of hands or by any other means of ascertaining the vote the council determines.
- A motion passed at an AGM is to be considered at the next meeting of the council.
- The general manager is to keep minutes of the AGM.

Apart from the provisions outlined above, the Act is silent on the procedure that councils must follow in the conduct of AGMs. The *Local Government (Meeting Procedures) Regulations 2015* does not apply to AGMs. However, the AGM should comply with the Regulations as far as practicable, so that general procedure is similar to an ordinary council meeting.

### Preparation for an AGM

It is recommended that councils prepare and adopt an annual report as soon as possible after the end of the financial year, as recent information is of most relevance to readers.

Section 72 of the Act requires that a council prepares an annual report and makes copies of the report available for public inspection. The Act specifies matters that must be contained in the annual report.

Copies of the report should be available to the public by 1 November to provide the community with sufficient time to read the report prior to the council's AGM. It is important to ensure that a legible, printable version is provided on the council's website.

The availability of the annual report is to be advertised in a daily newspaper circulating in the municipal area, and the public is to be invited to make submissions on the report for discussion at the AGM.

The AGM may be an opportunity to generate interest and publicity for the council, for example, if there is a guest speaker attending, an important announcement is to be made, or a special event is held to coincide with the AGM.

Councils could consider providing a visual presentation at the AGM of interesting events and information.

### **Advertising**

Apart from the statutory requirement to publish a notice of the date, time and place of the AGM on at least two occasions in a daily newspaper, it is important to encourage public involvement by advertising as widely as possible, for example by providing the details on the council's website and in newsletters provided to ratepayers.

### **Agenda**

An agenda (and associated documents) should be made available at the council's public office and on the council's website at least four days before the AGM.

The agenda should follow a simple format, for example:

- welcome by the chairperson
- apologies
- confirmation of the minutes of the previous AGM
- presentation of the annual report (this may include reports by the mayor and general manager)
- discussion of community submissions (copies of which should be attached to the agenda)
- general business
- guest speaker (if any)
- close.

### **Conduct of the meeting**

It is recommended that a council provides the public with notice of the meeting procedures that will be followed by including the procedures in the agenda papers and by providing information to those present at the meeting.

Prior to the AGM commencing, councils should set up a register for people who wish to ask questions and provide a form for them to write out their questions. The register can be used to manage the meeting, but should not preclude verbal questions.

The mayor or, in his or her absence, the deputy mayor is to chair the meeting.



Without undue formality, the chairperson at the meeting should briefly outline to those present how the meeting will be conducted. The following matters should be addressed:

- how persons are to address the chair (stand/come forward, give their name and so on)
- the period of time a person will be able to address the chair, ask questions or speak to a motion (ordinarily three to five minutes or extended time if leave granted – the time allowed may depend on the number of people who wish to address the chair)
- that a person shall only speak on a matter or a motion once (without leave), with the mover of a motion having a brief right of reply
- that a motion must be seconded and is passed by a majority of votes taken by a show of hands (or by any other agreed means)
- that the general manager will keep minutes of the meeting.

The discussion of community submissions may take a form similar to public question time at an ordinary meeting of the council, but the chair should also provide an opportunity for public statements.

### Minutes of the AGM

The general manager should ensure that the minutes of the AGM are drafted and made publicly available as soon as possible following the AGM.

The minutes are to accurately record the content of the meeting, including attendances and apologies, any matter discussed, any motions moved, any question asked and the answers given (and by whom).

Responses to questions taken on notice should be included in the minutes of the next ordinary meeting of council.

The minutes of the AGM will be confirmed at the following year's AGM.

**Disclaimer:** Information on legislation contained in this Good Practice Guideline is intended for information and general guidance only. Such information is not professional legal opinion.

Local Government Division  
Department of Premier and Cabinet  
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Ph (03) 62327022  
Email: [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au) Web [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



## 6.0 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

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

Date	Description	Purpose
31/07/2017	RMPAT advice – 80-82 River Road	Discussed options for further consideration by Council.
	Council Land – Potential Sales	Presentation on location of Council owned land.
	Land at Torquay Road	An offer by Housing Tasmania to transfer land in their ownership to Council.
	Parking	Provision of information and options for consideration.
	Rural Clinical School Community Advisory Board – membership invitation	Consideration of invitation for membership of Community Advisory Board. Ald Rockliff to nominate.
07/08/2017	Parking	Opportunity for further discussion and feedback.
	Cradle Coast Waste Management Group – Governance Structure	Provision of background information and outline of case for review of alternative governance arrangements.
	Meercroft Care Inc – Proposal for Changes to North Street	Meercroft seeking Council's views on proposals for the closure of the intersection at Clements Street & North Street or alternatively making it one-way.
	TasWater	Circulation of recent information received regarding the State Government's proposed takeover of TasWater.
21/08/2017	LIVING CITY	Council's Development Managers (P+i) workshopped with Aldermen proposals received for the development of the Waterfront Hotel and other matters relating to the LIVING CITY project generally.

## RECOMMENDATION

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

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Administration Officer	Position:	General Manager

## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D454205

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report details meetings and functions attended by the Mayor.

### BACKGROUND

This report is provided by the Mayor to provide a list of meetings and functions attended by him for the month of July 2017.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In his capacity as Mayor, Alderman Steve Martin attended the following meetings and functions during the month July 2017:

- Tasmanian Open Squash Tournament
- "Coat Day"
- Tasmanian Open Squash Tournament Prize Presentations
- ABC Radio interviews
- Deputy Mayor Annette Rockliff
- Nixon Street Primary School Farewell Assembly Principal Meredith Cashion
- Resident meetings
- LG Professionals Management Challenge Team Presentation
- Council Workshop
- NWBU 1<sup>st</sup> Semi Finals – Devonport Warriors Women
- Devonport Regional Gallery – Joanna Gair, Tony Ameneiro & Ashley Bird Exhibitions
- East Devonport Child & Family Centre
- Community Safety Liaison Group
- Radio 7AD interviews
- Learning Communities Special Interest Group
- Coast to Coast FM Radio interview
- GM's Review Committee
- Devonport Coin, Stamp & Militaria Exhibition
- Ald Tammy Milne
- Football Federation of Tasmania Board dinner
- Mayor's meeting
- Devonport Camera Club
- Australian Masters Games "100 Days to Go" promotion
- Annette Fuller, B4 Early Years
- Media event – "Rumble in Jungle" with Mayor Don Thwaites
- Regional Gallery Exhibition Opening – Robinson Collection
- Tasmania Talks Brian Carlton interview
- Devonport Food & Wine Festival committee meeting
- Planning Authority Meeting

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- Governance, Finance & Community Services Committee
- Grant Hirst & Simon Hamilton
- Tour of Tasmania
- NWBU Preliminary Finals – Devonport Warrior Women
- Dame Enid Lyons Trust Fund
- Author Ross Walker
- Local Government Association of Tasmania Annual Conference
  - Official Dinner – GM Paul West presented with Life Membership
  - Awards – DCC awarded the “Delivering Excellence – Larger Councils” for “Read Devonport” project

**ATTACHMENTS**

Nil

**RECOMMENDATION**

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

## 6.3 GENERAL MANAGER'S REPORT - AUGUST 2017

File: 29092 D462037

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.8.2 Ensure access to Council information that meets user demands, is easy to understand, whilst complying with legislative requirements

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, 20 July to 23 August 2017. It also provides information on matters that may be of interest to Aldermen and the community.

### BACKGROUND

The report is provided on a regular monthly basis and addresses several management and strategic issues currently being undertaken by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the Act.

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Met with a property investor to discuss potential projects in Devonport.
- 1.4. Attended a meeting of the Audit Panel in Ulverstone. The main focus at this meeting was the finalisation of the 2017 Financial Report in preparation for the upcoming audit.
- 1.5. A detailed summary of the outcome of Council insurance renewals for the 2017/18 financial year is attached for information of Aldermen. The total budget allowance for insurance premiums was \$551,467 with total premiums being \$523,554.
- 1.6. Attended the announcement by the Mayor and Deputy Premier of the Council's purchase of the former Maternity Hospital and the State Government's agreement to provide a grant to Council to allow for the building to be demolished. Tenders for the demolition were advertised on Saturday 26 August.

#### 2. LIVING CITY

- 2.1. Participated in a LIVING CITY Working Group meeting. This is a regular meeting where Council officers and representatives of P+i Group discuss progress and activities associated with the project.



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- 2.2. Chaired a meeting of the LIVING CITY Steering Committee. This committee is established under the requirements of the Development Agreement between the Council and State Government. Attendees are senior representatives of both parties to the Agreement.
- 2.3. Following the appointment of the Arts & Convention Centre Manager, attended a number of discussions relating to operational aspects of the conference facility.
- 2.4. At the request of the CEO of B&E Banking attended a Board Meeting to provide an outline and update on the LIVING CITY project.
- 2.5. Met with the Client Relationship Manager from the ANZ Bank.
- 2.6. Participated in a Workshop session with Council's Development Managers (P+i) to prepare for a detailed presentation for Aldermen on the EOI's for the Waterfront Hotel at an upcoming Workshop. The Council Workshop was convened on Monday 21 August.
- 2.7. Attended a LIVING CITY Reference Group meeting. The Reference Group consists of representatives of Council, LINC and Service Tasmania.

3. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 3.1. Met with a member of the Devonport Cricket Club to discuss what plans Council may have for improvements at the Devonport Oval. In particular, issues relating to upgrading of players facilities and the potential for a training facility were discussed.
- 3.2. Met with a commercial ratepayer to discuss the changes being implemented by Council in relation to waste management.
- 3.3. Met with a Commercial Waste Management provider to discuss matters relating to the changes being implemented for waste management.
- 3.4. The final lease agreement under the Council's adopted 'Community, Childcare & Commercial Lease Policy' was signed on 1 August. The signing of this policy was significant as now all leases are administered on a consistent basis.
- 3.5. Attended a meeting with a group of residents from Chalmers Lane to discuss matters relating to their concerns regarding planning matters and maintenance of the area.
- 3.6. Met with representatives of the Devonport Country Club Working Group to discuss their plans for the development at Woodrising Golf Club.
- 3.7. Met with a local developer to discuss his options following the Planning Authority's decision to refuse a planning application.
- 3.8. Met with a local resident to discuss matter relating to a building and planning permit matter.

4. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 4.1. With the Mayor and Aldermen attended the 2017 Local Government Association of Tasmania (LGAT) Annual General Meeting and General Meeting in Hobart. The item listed on the agenda by Devonport City Council relating to Immunisations was adopted.

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- 4.2. With the Mayor and Aldermen attended the 2017 LGAT Annual Conference – “Imagination, Ideas & Innovation – Developing Better Communities”. This year’s Conference was well attended and delegates were provided with a varied program which included both plenary and workshop opportunities.
- 4.3. At the LGAT Conference, “Read Devonport” was announced as the winner of the 2017 Local Government Awards for Excellence (larger councils) Award. The program was judged the winner based on its collaboration between local, state and community, aimed at improving literacy.
- 4.4. Participated in a teleconference with a representative of the Local Government Professionals to discuss the Australasian Management Challenge. A review of the way in which the Management Challenge is conducted is being undertaken to identify future improvements.
- 4.5. Hosted a meeting of the Cradle Coast General Managers Group. Matters discussed included Shared Services; Cradle Coast Authority (informal discussion with the recently appointed Chairman, Sid Sidebottom); Cradle Coast Authority – Board and Representatives Meetings update; Statewide Planning Scheme; Cradle Coast Waste Management Group – Governance Report.

5. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 5.1. Met with a representative of the Department of State Growth to assist in the preparation of information for State Cabinet relating to the potential acquisition by Council of the former Maternity Hospital.
- 5.2. The Burnie and Devonport Councils sent an Expression of Interest (EOI) to the Australian Government advising of interest in an opportunity to jointly pursue a “City Deal”. “City Deals” are a new funding program offered by the Australian Government.

A response was received from the Assistant Minister noting the interest and advising that although a “City Deal” may not be an option at this time as the priority now is deals with capital cities, the Government is considering the best approach for working with regional centres.

Copies of both the EOI and the response are provided as attachments.

6. OTHER

- 6.1. The Minister for Local Government has written to the Local Government Association of Tasmania advising that he has appointed members of the Tasmanian Industrial Commission (TIC) as a Board of Inquiry under section 215 of the Local Government Act 1993, to review the annual allowances paid to councillors in Tasmania. To fit in with the TIC’s forward plan, the review will commence in October 2017.

The Terms of Reference provided to the TIC by the Minister was as follows:

*The Board is to inquire into and submit a report in writing to me containing recommendations and the reasons for those recommendations, on the appropriate amount to be payable as an annual allowance in respect of the offices of mayor, deputy mayor and councillor of each council or group of councils in Tasmania.*

*In determining what is to constitute an appropriate amount for each allowance, the Board is to take into account:*

- (a) *the statutory roles of the respective offices of mayor, deputy mayor and councillor;*
- (b) *the appropriateness of setting allowances by council type/size given the need to ensure good governance while balancing councils' financial sustainability and the interests of ratepayers;*
- (c) *any significant changes to the role or functions of local government since the last review;*
- (d) *the method of indexing allowances each year;*
- (e) *whether an additional allowance should be made available to councillors who undertake training in governance relevant to local government or who have recognised experience in governance relevant to local government;*
- (f) *the capacity of local government to attract potential future candidates; and*
- (g) *any other factors considered relevant.*

*The Board is to have regard to the range of allowances it will recommend being effective for a period of up to four years.*

*The report is to be provided to me by 28 February 2018.*

*Hon Peter Gutwein MP*

*Minister for Planning and Local Government*

The Minister further advised that whilst the Board's process for the review is at its own discretion, he understands that it will include significant consultation with local government.

## **COMMUNITY ENGAGEMENT**

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

## **FINANCIAL IMPLICATIONS**

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

There is not expected to be any impact on the Councils' operating budget as a result of this recommendation.

## **RISK IMPLICATIONS**

Any specific risk implications will be outlined in the commentary above. Any specific issue that may result is any form of risk to Council is likely to be subject of a separate report to Council.

## **CONCLUSION**

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

## **ATTACHMENTS**

[1.](#) Insurance Summary 2017-2018

[2.](#) Joint Letter - Burnie and Devonport Councils - Cities Deal

[3.](#)

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3. Hon Angus Taylor MP - Assistant Minister for Cities and Digital Transformation
- [↓](#)4. Current and Previous Minute Resolutions Update - August 2017
5. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential August 2017

**RECOMMENDATION**

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

Author:	Paul West
Position:	General Manager

**INSURANCE SUMMARY 2017-2018****1. SUMMARY**

In May 2014 Jardine Lloyd Thompson (JLT) was appointed to provide insurance brokerage services to Devonport City Council until June 2017. In accordance with the tender document Council had an option to extend the contract for a further three-year period. Following negotiations of services to be provided, and an agreed fee structure it was decided to extend the contract until June 2019.

There was an issue this year with JLT being able to provide the Insurance Report to us for consideration. Generally, the report is provided to us by the end of May, however this year a delay occurred because 19 Victorian Councils decided to go to tender and were very late confirming broker appointments.

This report will provide summary details of the insurance program as negotiated for the 2017-2018 financial year.

**2. BACKGROUND**

This year's renewal has seen a clear shift in the insurance market that has resulted in many insured seeing increased premiums, higher deductibles and in some cases insurers declining to provide terms based on certain business activities and risk profiles. More specifically JLT have seen the following markets change across all specialties in which they operate.

Property Insurance - Potentially Council's property insurance could have seen increases as great as 10% - 20%. The market was heavily impacted by Victorian storm and flood events, NSW storm and hail events and more recently Cyclone Debbie.

Directors & Officers – insurers were seeking significant increases to premiums, excess levels and limiting their exposure to particular risks. This is primarily driven by the increase of class actions across Australia as litigation funding companies increase their activity in Australia.

**3. SUMMARY OF PORTFOLIO**

Council continues to have ten classes of insurance in the portfolio and a brokerage service.

**3.1 Community Liability Pack**

Uninsured community groups for death or personal injury, loss or damage to property by hirers of Council owned or controlled facilities, performers, stallholders, buskers and permit holders.

**3.2 Councillors and Officers Liability**

For individuals against legal liability to pay damages in respect of claims made and reported arising from negligent advice, mistake misprint, erroneous matter or material contained in publications or broadcasts.

**3.3 Motor Vehicle**

Loss or damage to the insured vehicle resulting from destruction, theft or accidental damage.  
Indemnity for compensation payable to third parties for loss or damage to property.

**3.4 Marine Hull**

Physical loss, destruction or damage to declared property/asset value of the Julie Burgess.  
Protection and indemnity insurance for the Julie Burgess

**3.5 Personal Accident**

Aldermen and volunteers whilst engaged in activity connected with or on behalf of Council including travelling to and from such activity.



### **3.6 Workers Compensation**

The legal liability to employees in accordance with Workers Rehabilitation and Compensation Act 1998.

### **3.7 JLT Discretionary Trust**

Physical loss, destruction or damage to declared property/asset values.

### **3.8 Public Liability/Professional Indemnity**

The legal liability to pay compensation in respect of personal injury or property damage caused by an occurrence in connection with the business.

Indemnity for claims made and notified to the insurer resulting from breach of professional duty by the insured or its employees.

### **3.9 Cyber Liability**

The policy combines third party (Cyber Liability) and first party Cyber Expenses including data asset loss and recovery expenses, business interruption cover and fines and penalties cover in one form.

- Rogue employee cover.
- Cover is offered to data held by a third-party provider i.e. information "stored in the cloud".
- Covers hacker, denial of service, ransomware and a range of network and privacy incidents.
- Broad business interruption triggers including human error, power failure of systems Council controls and programming errors.

### **3.10 Crime/Fidelity**

Losses resulting from misappropriation or embezzlement of money or goods by employees.

### **3.11 Broker Services**

JLT will undertake to provide the Services with a proper level of skill and knowledge reasonably expected of a competent Insurance Adviser and will ensure that all staff engaged in the provision of the Services are properly trained and experienced to carry out their duties and are appropriately supervised.

## **4. Conclusion**

Council was able to maintain last year's rate for its Workers Compensation insurance.

For the insurance period 2016-2017, Council reduced its overall premium by \$13,425. Unfortunately, this year has seen an increase in premium of \$12,147.

Council is a member of the JMAPP Discretionary Trust for property insurance and this entitles us to receive surplus/rebate payments when available. This year we will receive a rebate of \$2858.10.

The tables below provide a breakdown of premiums for each insurance class.

## SUMMARY OF INSURANCE COSTS 2017-2018

Class of Insurance	Premium including statutory charges and invoice administration fee (excludes GST)							Difference	Comments
	Expiring Years	Premium	Stamp Duty	Fee	Fire Service Levy	Asbestos Levy	Premium Total		
Community Liability Pack (Public Products Liability)	<b>\$3285.98</b>	\$2,535.00	\$83.66	\$125.00			<b>\$2,743.66</b>	<b>(\$542.32)</b>	Less permits issued
Councillors & Officers Liability	<b>\$8561.00</b>	\$9,120.00	\$1,003.20	\$125.00			<b>\$10,248.20</b>	<b>\$1,687.20</b>	Market related increase
Motor Vehicle	<b>\$31,560.20</b>	\$30,134.00	\$3,314.74	\$125.00			<b>\$33,573.74</b>	<b>\$2,013.54</b>	Based on insured vehicles
Marine Hull	<b>\$23,563.50</b>	\$22,285.10	\$475.00	\$350.00			<b>\$23,110.10</b>	<b>(\$453.40)</b>	No claims and slight amendments to the policy wording regarding sailings outside Tasmanian waters
Personal Accident	<b>\$1,706.75</b>	\$869.25	\$95.62	\$125.00			<b>\$1,089.87</b>	<b>(\$616.88)</b>	Slightly more competitive market
Workers Compensation	<b>\$234,889.34</b>	\$221,360.60		\$500.00		7,747.60	<b>\$229,608.20</b>	<b>(\$5,281.14)</b>	Reduction in wages renewal rate remains at 2.30%
Broker fee	<b>\$8,000.00</b>			\$7,500.00			<b>\$7,500.00</b>	<b>(\$500.00)</b>	Reduction due to negotiation of renewal terms of three years
JLT Discretionary Trust	<b>\$61,085.84</b>	\$74,303.33					<b>\$74,303.33</b>	<b>\$13,217.49</b>	Market pressure increase
Public Liability	<b>\$132,360.00</b>	\$135,008.00					<b>\$135,008.00</b>	<b>\$2,648.00</b>	Expected slight increase
Cyber Liability	<b>\$6393.75</b>	\$5,625.00	\$618.75	\$125.00			<b>\$6,368.75</b>	<b>(\$25.00)</b>	
Surplus Rebate Property	<b>(\$7843.80)</b>							<b>(\$2,858.10)</b>	
<b>Total</b>	<b>\$511,406.36</b>						<b>\$523,553.85</b>	<b>\$12,147.49</b>	

**Crime Insurance not included (\$6,311 budget) – expiry January 2017**



13 June 2017

Hon Angus Taylor MP  
Assistant Minister to the Prime Minister  
(Cities and Digital Transformation)  
Australian Parliament House  
CANBERRA

Dear Assistant Minister

**BURNIE-DEVONPORT CITY DEAL – EXPRESSION OF INTEREST**

The Burnie City and Devonport City Councils, located on the North West Coast of Tasmania have an interest in exploring any opportunities which may be available to them for the development of a joint "City Deal".

The two councils are eager to explore an innovative "City Deal" which focusses on the North West Coast and the opportunities for economic, social and community wellbeing and renewal.

Devonport and Burnie are the only two cities in North-West Tasmania and are essentially the "bookends" of a catchment in excess of 80,000 residents.

As background, there are three key strategic documents which support a "City Deal":

- Making Burnie 2030,
- Devonport - LIVING CITY; and
- the Murchison Plan

A City Deal would allow the three levels of government to explore opportunities to build on their investments in the UTAS – West Park Education Precinct and the LIVING CITY project in Devonport.

There is a need for the Federal, State and Local governments to undertake projects and programs which galvanise community, business, education and training to ensure people in the region are engaged and provided with the skills and tools required to realise the opportunities which are being generated by the investments in West Park, LIVING CITY and the Murchison Plan.

Considering the current economic drivers in the region it makes great sense for Devonport and Burnie to work cooperatively on developing a "City Deal" with both the State and Federal Governments.

-2-

We realise that the "City Deals" are a relatively new concept for your Government but firmly believe exploring a "joint deal" is an innovative approach to the program which could be an exemplar project for other parts of the county. We look forward to your favourable consideration of our proposal and are available to meet with you to discuss this further at your earliest convenience

Yours sincerely



Ald Steve Martin  
**MAYOR**  
Devonport City Council



Ald Anita Dow  
**MAYOR**  
Burnie City Council

<p><b>DEVONPORT CITY COUNCIL</b> 17 Fenton Way, Devonport Tasmania PO Box 604, Devonport TAS 7310</p> <p>ABN: 47 611 446 016 Phone: (03) 6424 0511 Email: council@devonport.tas.gov.au Web: www.devonport.tas.gov.au</p>	<p><b>BURNIE CITY COUNCIL</b> 80 Wilson Street, Burnie Tasmania PO Box 973, Burnie TAS 7320</p> <p>ABN: 29 846 979 690 Phone: (03) 6430 5700 Email: burnie@burnie.net Web: www.burnie.net</p>
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31/07/2017 D484647



THE HON ANGUS TAYLOR MP  
ASSISTANT MINISTER FOR CITIES AND DIGITAL TRANSFORMATION

Reference: MC17-053480

Alderman Steve Martin  
Mayor  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

Dear Mayor

Thank you for your letter of 13 June 2017 regarding a joint expression of interest with the Devonport City Council for a City Deal.

I understand the economic and broader importance of Tasmania's North West Coast, and the contribution the region makes to the performance of state and national economies. I acknowledge the effort, strategic planning and consultation that has gone into positioning Burnie, Devonport and the region for success into the future.

The Commonwealth Government is committed to the growth and development of Australia's capital cities, major urban areas and regional centres.

As you are aware, City Deals are an exciting new approach to cities policy in Australia. They are agreements between federal, state and local governments to work together, alongside business and the community, to achieve shared priorities. The Government's recent focus has been on delivering the three existing City Deals (in Townsville, Launceston and Western Sydney), and the sequencing of future capital city deals.

The first three Deals have been in very different cities facing a diverse range of challenges. This experience will help inform the approach to future deals.

The Government is consulting with state and territory governments on their interest in, and priorities for, capital City Deals. The Government is also considering the best approach for working with regional centres. The approach will be settled over the coming months. It will be designed to complement the existing City Deals program and to align with other Government regional development measures. In both of these spheres, there is a focus on collaboration and the importance of a partnership approach across the three levels of government.

Parliament House CANBERRA ACT 2600



31/07/2017 D484647

I encourage you to make your interest in City Deals known to the Tasmanian Government, noting that collaboration between all three levels of government is central to the City Deals model.

I have written in similar terms to Alderman Anita Dow, Mayor of Burnie City Council.

Thank you for your interest in the Government's cities agenda.

Yours sincerely

A handwritten signature in blue ink that reads "Angus Taylor". The signature is written in a cursive, slightly slanted style.

ANGUS TAYLOR

17 / 7 / 2017

## Current and Previous Minute Resolutions Update

<b>OPEN SESSION Current Resolutions</b>	
<b>Resolution Title:</b>	<b>Contract CT0194-01 Supply, Delivery and Placement of Hotmix Asphalt (D480057)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	120/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Infrastructure & Works Manager
<b>Resolution Title:</b>	<b>Contract CT0194-02 Supply, Delivery and Placement of Sprayed Bituminous Surfacing (D480059)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	121/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Infrastructure & Works Manager
<b>Resolution Title:</b>	<b>Multi-Purpose and Arts Centre – Branding (D479354)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	122/17
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate, Community & Business Services
<b>Officers Comments:</b>	Company engaged following EOI process. Workshops commence 22 August.
<b>Resolution Title:</b>	<b>80-82 River Road, East Devonport – Objections to Disposal (D478078)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	124/17
<b>Status:</b>	Deferred pending Aldermen's Workshop Session
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Report on August Council agenda for further consideration
<b>Resolution Title:</b>	<b>Public Question Time Policy (D481037)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	125/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Report on current Council agenda for further consideration

<b>Resolution Title:</b>	<b>Special Interest Groups and Advisory Board Member Endorsement (D481053)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	126/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Corporate, Community & Business Services
<b>Officers Comments:</b>	New membership endorsed – first meetings scheduled
<b>Resolution Title:</b>	<b>Council Policies – Biennial Review (GFC 01/17 – 17 July 2017)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	131/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Corporate, Community & Business Services
<b>Officers Comments:</b>	Revised policies placed on Council's website
<b>Resolution Title:</b>	<b>Sports Carnivals Association of Tasmania – Application for Funding (GFC 04/17 – 17 July 2017)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	131/17
<b>Status:</b>	Complete
<b>Responsible Officer:</b>	Executive Manager Corporate, Community & Business Services
<b>Officers Comments:</b>	Letter sent to SCAT detailing outcome.
<b>Resolution Title:</b>	<b>Devonport Community House Partnership Agreement (GFC 05/17 – 17 July 2017)</b>
<b>Date:</b>	24 July 2017
<b>Minute No.:</b>	131/17
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Corporate, Community & Business Services
<b>Officers Comments:</b>	Agreement sent to the Community House for signing.

<b>Previous Resolutions Still Being Actioned</b>	
<b>Resolution Title:</b>	<b>Extra Disability Parking Bay in CMax Carpark – Ald A J Jarman (D476646)</b>
<b>Date:</b>	26 June 2017
<b>Minute No.:</b>	94/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business
<b>Officers Comments:</b>	A report is being prepared which will include broader discussion regarding disability parking
<b>Resolution Title:</b>	<b>Waste Management Review (IWC 23/17 – 13 June 2017)</b>
<b>Date:</b>	26 June 2017
<b>Minute No.:</b>	107/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Infrastructure & Works Manager
<b>Officers Comments:</b>	Work has commenced to roll-out the changes to the Commercial Collection Service.
<b>Resolution Title:</b>	<b>Harbourmaster's Café – Erection of Commercial Umbrellas</b>
<b>Date:</b>	27 February 2017
<b>Minute No.:</b>	20/17
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Planning application currently being assessed.
<b>Resolution Title:</b>	<b>Feasibility Study – development mobile phone app (Community Services Committee – 12 December 2016)</b>
<b>Date:</b>	19 December 2016
<b>Minute No.:</b>	238/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Development of a Devonport Information Mobile application is an action of the Digital Strategy, with a medium priority to be completed in 3-5 years only if external funds can be sourced.
<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Discussions have commenced with National Trust of Australia. A grant has been secured through the Australian Heritage Garden Society to develop a landscape management plan.

<b>Resolution Title:</b>	<b>Pay by Phone Parking Technology – Review (Governance &amp; Finance committee – 19 September 2016)</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	181/16
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Corporate Community & Business Services
<b>Officers Comments:</b>	Documentation prepared for release at appropriate time.



## 7.0 SECTION 23 COMMITTEES

### 7.1 PLANNING AUTHORITY COMMITTEE MEETING - 31 JULY 2017

File: 29133 D484843

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

#### SUMMARY

The purpose of this report is to receive the minutes and note the decisions made by the Planning Authority Committee meeting held on Monday, 31 July 2017.

#### ATTACHMENTS

[↓](#) 1. Minutes - Planning Authority Committee - 31 July 2017

#### RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 31 July 2017 be received and the decisions determined be noted.

PAC 19/17 Planning Applications approved under Delegated Authority 10 July 2017 - 20 July 2017

PAC 20/17 PA2017.0073 Two Lot Subdivision (House Excision) - 94 Cutts Road Don

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Administration Officer	Position:	General Manager

**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY,  
31 JULY 2017 COMMENCING AT 5:15PM**

**PRESENT:** Ald S L Martin (Mayor) in the Chair  
Ald G F Goodwin  
Ald J F Matthews  
Ald L M Perry

**Aldermen in Attendance:**

Ald A J Jarman  
Ald A L Rockliff

**Council Officers:**

General Manager P West  
Manager Development and Health Services, B May  
Planning and Environmental Health Coordinator, S Warren  
Risk Management Coordinator, K Stone

**Audio Recording:**

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

**1.0 APOLOGIES**

The following apologies were received for the meeting.

Ald C D Emmerton	Apology
Ald T M Milne	Apology

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 10 JULY 2017 - 20 JULY 2017 (D482874)**

**PAC 19/17 RESOLUTION**

MOVED: Ald Goodwin  
SECONDED: Ald Matthews

That the list of delegated approvals be received.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

<b>4.0 DEVELOPMENT REPORTS</b>
--------------------------------

**4.1 PA2017.0073 TWO LOT SUBDIVISION (HOUSE EXCISION) - 94 CUTTS ROAD DON (D482908)**

**PAC 20/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0073 and grant a Permit to subdivide land identified as 94 Cutts Road, Don for the following purposes:

- Two lot subdivision (house excision)

Subject to the following conditions:

1. The subdivision is to be configured substantially in accordance with the submitted plan referenced as Drawing No D15114 dated 22/05/17 by Lester Franks a copy of which is attached and endorsed as a document forming part of this Planning Permit.
2. Prior to or at the time of sealing the Final Plan the subdivider is to submit a Part 5 Agreement under Section 71 of the Land Use Planning & Approvals Act 1993 to exist between Council and the owner of the balance lot. The scope of the Agreement is to:
  - (a) prohibit any form of Residential use or development that otherwise may have a permit pathway on the balance lot under the planning instrument in place, and
  - (b) Afford protection for the existing row of macracarpa species along Cutts Road in that removal is not to be considered unless justification to do so is submitted that indicates that heritage values can no longer be substantiated or otherwise due for reasons of safety. Any such consideration should be accompanied by the advice of a heritage consultant and arborist respectively.

	For	Against		For	Against
Ald Martin	✓		Ald Matthews	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

**With no further business on the agenda the Chairman declared the meeting closed at 5:18pm.**

## 7.2 PLANNING AUTHORITY COMMITTEE MEETING - 14 AUGUST 2017

File: 29133 D487317

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to receive the minutes and note the decisions made by the Planning Authority Committee meeting held on Monday, 14 August 2017.

### ATTACHMENTS

[1.](#) Minutes - Planning Authority Committee - 14 August 2017

### RECOMMENDATION

That the minutes of the Planning Authority Committee meeting held on Monday, 14 August 2017 be received and the decisions determined be noted.

- PAC 21/17 Planning Applications approved under Delegated Authority - 21 July 2017-4 August 2017
- PAC 22/17 PA2017.0056 Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code - 3 Jabez Drive, Devonport
- PAC 23/17 PA2017.0057 Residential (multiple dwellings x 2) with assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code - 4 Jabez Drive, Devonport
- PAC 24/17 PA2017.0091 Sign - Assessment against Performance Criteria under Sign Code and Local Heritage Code - 10363 Bass Highway Lillico
- PAC 25/17 PA2017.0082 Permitted: Business and Professional Services (Medical Centre) Discretionary: Alterations and Additions to Existing Building - Assessment against Performance Criteria under Clause 15.4.3 - Location and Configuration of Development – 48-54 Oldaker Street, Devonport

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Administration Officer	Position:	General Manager

**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY,  
14 AUGUST 2017 COMMENCING AT 5:15PM**

**PRESENT:** Ald S L Martin (Mayor) in the Chair  
Ald G F Goodwin  
Ald T M Milne  
Ald L M Perry

**Aldermen in Attendance:**

Ald A J Jarman  
Ald A L Rockliff

**Council Officers:**

General Manager, P West  
Deputy General Manager, M Atkins  
Manager Development and Health Services, B May  
Planning Coordinator, S Warren  
Planner, A Mountney

**Audio Recording:**

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

**1.0 APOLOGIES**

The following apologies were received for the meeting.

Ald C D Emmerton	Apology
Ald J F Matthews	Apology

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY - 21 JULY 2017-4 AUGUST 2017 (D485648)**

**PAC 21/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the list of delegated approvals be received.

	For	Against		For	Against
Ald Martin	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY



**4.0 DEVELOPMENT REPORTS****4.1 PA2017.0056 RESIDENTIAL (MULTIPLE DWELLINGS X 2) - ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE AND TRAFFIC GENERATING USE AND PARKING CODE - 3 JABEZ DRIVE, DEVONPORT (D484854)****PAC 22/17 RESOLUTION**

MOVED: Ald Perry

SECONDED: Ald Milne

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0056 and grant a Permit to use and develop land identified as 3 Jabez Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope and Traffic Generating Use and Parking Code

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - Project No. 161121 A.01 Rev C, A.02 Rev E, A.03 Rev A, A.04 Rev A, A.05 Rev C, A.06 Rev B, A.07 Rev D, A.08 Rev D, A.09 Rev D, A.10 Rev D and A.11 Rev F by Dock 4 Architects,
  - Engineering Assessment S2811-01 infolet, dated 5 June, 2017 by Donal S. Anderson,copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the Water and Sewerage Industry Act 2008. A copy of this notice is attached.
3. The existing stormwater service connection is to be used for the purposes of this development.
4. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of the building and plumbing permit application.
5. The proposed driveway crossover is to be generally constructed to Tasmanian Standard Drawing TSD-R09v.

6. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized as designed, is to be demonstrated.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

- Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
- Contact the Council Permit Authority to determine the category of plumbing approval required.

Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

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

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

No burning of any waste is to be undertaken on site. Any waste materials are to be removed and disposed of at a licensed refuse 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 or the *Environmental Management and Pollution Control Act 1994*.

In regard to condition 2 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

In regard to conditions 3-6 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

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

	For	Against		For	Against
Ald Martin	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

**4.2 PA2017.0057 RESIDENTIAL (MULTIPLE DWELLINGS X 2) WITH ASSESSMENT AGAINST PERFORMANCE CRITERIA FOR SETBACKS AND BUILDING ENVELOPE, PRIVACY AND TRAFFIC GENERATING USE AND PARKING CODE - 4 JABEZ DRIVE, DEVONPORT (D486107)**

**PAC 23/17 RESOLUTION**

MOVED: Ald Perry  
SECONDED: Ald Goodwin

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0057 and grant a Permit to use and develop land identified as 4 Jabez Drive, Devonport for the following purposes:

- Residential (multiple dwellings x 2) - assessment against performance criteria for setbacks and building envelope, privacy and Traffic Generating Use and Parking Code

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as:
  - Project No. 161121 A.01 Rev C, A.02 Rev E, A.03 Rev A, A.04 Rev A, A.05 Rev C, A.06 Rev B, A.07 Rev D, A.08 Rev D, A.09 Rev D, A.10 Rev D and A.11 Rev F by Dock 4 Architects,
  - Landslide Risk Appraisal and Site Classification, Reference GL17123Aa, dated 13 April 2017 by Geoton Pty Ltd, and
  - Engineering Assessment S2811-01 infolet, dated 5 June, 2017 by Donal S. Anderson,

copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P (1) of the Water and Sewerage Industry Act 2008. A copy of this notice is attached.
3. The existing stormwater service connection is to be used for the purposes of this development.
4. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit discharge from the proposed development to that equivalent to only 50% of the existing lot being impervious. Peak discharge is to be limited by utilising suitably designed on-site stormwater detention systems. All design calculations are to be submitted as part of the building and plumbing permit application.
5. The proposed driveway crossover is to be generally constructed to Tasmanian Standard Drawing TSD-R09v.

6. The developer is to submit a design drawing of the proposed driveways, accesses and car parking for approval prior to any works commencing. The proposed car parking and turning layout is to comply with AS/NZS 2890.1 – 2004 Parking Facilities Part 1 – Off Street Carparking. In particular, vehicular turning movements that enable all parking facilities to be utilized as designed, is to be demonstrated.

Note: The following is provided for information purposes.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

- Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and
- Contact the Council Permit Authority to determine the category of plumbing approval required.

Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

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

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

No burning of any waste is to be undertaken on site. Any waste materials are to be removed and disposed of at a licensed refuse 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 or the *Environmental Management and Pollution Control Act 1994*.

In regard to condition 2 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

In regard to conditions 3-6 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

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

	For	Against		For	Against
Ald Martin	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

**4.3 PA2017.0091 SIGN - ASSESSMENT AGAINST PERFORMANCE CRITERIA UNDER SIGN CODE AND LOCAL HERITAGE CODE - 10363 BASS HIGHWAY LILICO (D485929)**

**PAC 24/17 RESOLUTION**

MOVED: Ald Perry

SECONDED: Ald Milne

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, refuse application PA2017.0091 to develop a sign on land identified as 10363 Bass Highway, Lillico for the following reason:

- The application fails to satisfy the Performance Criteria of Clause E7.6 P1 of the Sign Code of the Devonport Interim Planning Scheme 2013.

	For	Against		For	Against
Ald Martin	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

**4.4 PA2017.0082 PERMITTED: BUSINESS AND PROFESSIONAL SERVICES (MEDICAL CENTRE)**

**DISCRETIONARY: ALTERATIONS AND ADDITIONS TO EXISTING BUILDING - ASSESSMENT AGAINST PERFORMANCE CRITERIA UNDER CLAUSE 15.4.3 - LOCATION AND CONFIGURATION OF DEVELOPMENT - 48-54 OLDAKER STREET DEVONPORT (D486116)**

**PAC 25/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Perry

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0082 and grant a Permit to use and develop land identified as 48-54 Oldaker Street, Devonport for the following purposes:

- Permitted: Business and professional services (medical centre)
- Discretionary: Alterations and additions to existing building - assessment against performance criteria under clause 15.4.3 – Location and configuration of development

Subject to the following conditions:

- The Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:
  - Proposed Alterations & Additions at 48-54 Oldaker Street – Project No. 17054, dated 03/07/2017 by Michael R Cooper & Assoc Pty Limited; and
  - Traffic Impact Assessment by Midson Traffic Pty Ltd, dated 03/07/2016.
- The developer is to take all reasonable steps during the use of these facilities to prevent environmental nuisance such as air, noise and water



pollution. Failure to do so may result in Council taking enforcement proceedings under the *Environmental Pollution and Control Act 1994*.

Infrastructure Conditions

3. The developer is to ensure concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
4. The existing access driveways are to be used for the purposes of this proposed development.
5. The existing eastern access off Oldaker Street is to be modified with a centreline and minor widening as outlined in the submitted Traffic Impact Assessment Report by Midson Traffic Pty Ltd dated 3 July 2017.
6. The developer is to comply with the conditions contained 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 – **refer to Attachment 3**.

Note: The following is provided for information purposes.

It is recommended to locate the air conditioning units to the eastern wall of the medical centre building to reduce the potential for noise conflicts between the site and residential properties to the north and west.

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

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and

Contact the Council Permit Authority to determine the category of plumbing approval required.

In regard to conditions 3 - 5 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

In regard to condition 6 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

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

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Ald Martin	✓		Ald Milne	✓	
Ald Goodwin	✓		Ald Perry	✓	

CARRIED UNANIMOUSLY

**With no further business on the agenda the Chairman declared the meeting closed at 5:23pm.**

## 7.3 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 14 AUGUST 2017

File: 29528 D487319

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 14 August 2017.

### ATTACHMENTS

[1.](#) Minutes - Infrastructure Works and Development Committee - 14 August 2017

### RECOMMENDATION

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 14 August 2017 be received and the recommendations contained therein be adopted.

IWC 27/17 Tender Report Contract CT0189 Buster Road Renewal  
 IWC 28/17 Road Network Strategy - Year 2 Status  
 IWC 29/17 Cradle Coast Waste Management Group 2016/17 Recycling Bin Education & Assessments Report  
 IWC 30/17 Cradle Coast Waste Management Group Strategic Plan 2017-2022  
 IWC 31/17 Cradle Coast Waste Management Group 2017/18 Annual plan & Budget  
 IWC 32/17 Infrastructure and Works Report  
 IWC 33/17 Development and Health Services Report

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Administration Officer	Position:	General Manager

**MINUTES OF AN INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING OF THE  
DEVONPORT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS  
ON MONDAY, 14 AUGUST 2017 COMMENCING AT 5:30PM**

**PRESENT:** Ald L M Perry (Chairman)  
Ald G F Goodwin  
Ald A J Jarman  
Ald A L Rockliff

**Aldermen in Attendance:**

Ald S L Martin  
Ald T M Milne

**Council Officers:**

General Manager, P West  
Deputy General Manager, M Atkins  
Manager Development, B May  
Infrastructure and Works Manager, K Lunson

**Audio Recording:**

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

**1.0 APOLOGIES**

The following apologies were received for the meeting.

Ald L M Laycock	Apology
Ald J F Matthews	Apology

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL**

**3.1 PUBLIC QUESTION TIME**

**DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT**

4 Stories of recent roadwork stuff ups

1. The road marking in Steele Street and Wenvoe Street is not correct since doing in early 2017. To be fixed in coming weeks (e-mail from Michael Williams on 04/04/17).
2. The road work in Steele Street from Fenton to Forbes Streets was built with large potholes. An e-mail message on the 29/04/17 – practical completion yet to happen.
3. The recent rework in Elizabeth Street at the Forbes Street end has been patch repaired some 3 times in the last few weeks.

4. Steele Street opposite the derelict ex women's hospital recently had a trench made across the majority of the road. The hot mix repair is an unacceptable hump which needs grinding to the road surface level.

All of the foregoing should not have happened. Do it wrong and the cost to get the work right could cost up to 3 times of doing it right!

Furthermore it is ratepayer's money that is not being spent in a timely and appropriate manner.

**Q1** When is the Council going to review and improve:-

- 1.1 How it specifies work and issues construction instructions?
- 1.2 Supervise issued work at appropriate times to avoid non compliance with the specification.
- 1.3 Require timely rework where the job was not carried out properly.

**Response**

The Infrastructure and Works Manager advised that the questions would be taken on notice and a response provided in writing.

**3.2 QUESTIONS FROM ALDERMEN**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 TENDERS**

**4.1 TENDER REPORT CONTRACT CT0189 BUSTER ROAD RENEWAL (D484737)**

**IWC 27/17 RESOLUTION**

MOVED: Ald Rockliff  
 SECONDED: Ald Goodwin

That it be recommended to Council, that in relation to Contract CT0189 Buster Road Renewal:

- a) award the contract to Kentish Construction & Engineering Company Pty Ltd for the tendered sum of \$683,130 (ex GST);
- b) note that design, project management and administration for the project are estimated to cost \$40,000 (ex GST);
- c) note that a construction contingency of \$68,310 (ex GST).

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

**5.0 INFRASTRUCTURE AND WORKS REPORTS****5.1 ROAD NETWORK STRATEGY - YEAR 2 STATUS (D474945)****IWC 28/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That it be recommended to Council that the report of the City Engineer be received and that the status of actions listed in the Road Network Strategy 2016 be noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

**5.2 CRADLE COAST WASTE MANAGEMENT GROUP 2016/17 RECYCLING BIN EDUCATION & ASSESSMENTS REPORT (D479754)****IWC 29/17 RESOLUTION**

MOVED: Ald Goodwin

SECONDED: Ald Jarman

That it be recommended to Council that the Cradle Coast Waste Management Group's 2016/17 Recycling Bin Education & Assessments Report be received and noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

**5.3 CRADLE COAST WASTE MANAGEMENT GROUP STRATEGIC PLAN 2017-2022 (D478405)****IWC 30/17 RESOLUTION**

MOVED: Ald Rockliff

SECONDED: Ald Goodwin

That it be recommended to Council that the report of the Infrastructure & Works Manager be received and noted and that Council:

- a) endorse the Cradle Coast Waste Management Group Strategic Plan 2017-2022; and
- b) agree that the Cradle Coast Waste Management Group implement the Strategic Plan.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY



**5.4 CRADLE COAST WASTE MANAGEMENT GROUP 2017/18 ANNUAL PLAN & BUDGET (D479966)****IWC 31/17 RESOLUTION**

MOVED: Ald Rockliff  
 SECONDED: Ald Goodwin

That it be recommended to Council that the Cradle Coast Waste Management Group 2017/18 Annual Plan & Budget be received and noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

**6.0 INFRASTRUCTURE AND WORKS MONTHLY UPDATE****6.1 INFRASTRUCTURE AND WORKS REPORT (D481416)****IWC 32/17 RESOLUTION**

MOVED: Ald Jarman  
 SECONDED: Ald Goodwin

That it be recommended to Council that the Infrastructure and Works report be received and noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

**6.2 DEVELOPMENT AND HEALTH SERVICES REPORT (D481484)****IWC 33/17 RESOLUTION**

MOVED: Ald Jarman  
 SECONDED: Ald Goodwin

That it be recommended to Council that the Development and Health Services Report be received and noted.

	For	Against		For	Against
Ald Perry	✓		Ald Jarman	✓	
Ald Goodwin	✓		Ald Rockliff	✓	

CARRIED UNANIMOUSLY

There being no further business on the agenda the Chairman declared the meeting closed at 5:58pm.

**8.0 CLOSED SESSION****RECOMMENDATION**

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session.

<b>Item No</b>	<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015 Reference</i></b>
8.1	Application for Leave of Absence	15(2)(h)
8.2	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.3	Proposed Sale of Public Land	15(2)(f)
8.4	LIVING CITY Waterfront Hotel	15(2)(c),(f)
8.5	Julie Burgess Maintenance Update	15(2)(d),(i)
8.6	Masters Games	15(2)(b)

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## OUT OF CLOSED SESSION

### RECOMMENDATION

That Council:

- (a) having met and dealt with its business formally move out of Closed Session; and
- (b) resolves to report that it has determined the following:

Item No	Matter	Outcome
8.1	Application for Leave of Absence	
8.2	Unconfirmed Minutes - Joint Authorities	
8.3	Proposed Sale of Public Land	
8.4	LIVING CITY Waterfront Hotel	
8.5	Julie Burgess Maintenance Update	
8.6	Masters Games	

## 9.0 CLOSURE

There being no further business the Mayor declared the meeting closed at <insert time> pm.

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