



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, paranable centre, 137 Rooke Street, Devonport on Monday 27 June 2022, commencing at 5:30 PM.

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

## QUALIFIED PERSONS

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

Matthew Atkins  
GENERAL MANAGER

**22 06 2022**

### July 2022

| Meeting         | Date         | Commencement Time |
|-----------------|--------------|-------------------|
| Council Meeting | 25 July 2022 | 5:30pm            |

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 27 JUNE 2022, IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137  
ROOKE STREET, DEVONPORT AT 5:30 PM**

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## ATTENDEES

|       |                            | Apology |
|-------|----------------------------|---------|
| Chair | Cr A Rockliff (Mayor)      |         |
|       | Cr A Jarman (Deputy Mayor) |         |
|       | Cr J Alexiou               |         |
|       | Cr G Enniss                |         |
|       | Cr P Hollister             |         |
|       | Cr L Laycock               | ✓       |
|       | Cr S Milbourne             |         |
|       | Cr L Murphy                |         |
|       | Cr L Perry                 |         |

## ACKNOWLEDGEMENT OF COUNTRY

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

## IN ATTENDANCE

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

## 1 APOLOGIES

An apology for this meeting has been received by Cr Laycock.

## 2 DECLARATIONS OF INTEREST

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## **3 PROCEDURAL**

### **3.1 CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the minutes of the Council meeting held on 23 May 2022, as previously circulated, be confirmed.

### **3.2 PUBLIC QUESTION TIME**

#### **PUBLIC QUESTION TIME**

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 20/90 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.
2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes and Declarations of Interest.
3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
5. A maximum of 3 questions per person are permitted.
6. A maximum period of 5 minutes will be allowed per person.
7. Questions are to be succinct and not contain lengthy preamble.
8. To allow opportunity, where necessary to research answers and limit questions taken on notice, a copy of any questions without notice, where possible, are to be provided by email or in person to Council by 12 noon on the day of the meeting.
9. A question by any member of the public and an answer to that question are not to be debated.
10. Questions without notice and their answers will be recorded in the minutes.
11. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
12. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
13. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.

### **3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS**

Author: **Matthew Atkins, General Manager**

#### **RECOMMENDATION**

That the responses to questions from Mr Trevor Smith at the May 2022 Council meeting be noted.

#### **ATTACHMENTS**

1. Response to Questions Without Notice 23 May 2022 T Smith [**3.2.1.1** - 2 pages]

## 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

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

#### **Malcolm Gardam – 4 Beaumont Drive, Miandetta**

A letter containing questions on notice received from Mr Malcolm Gardam on Sunday, 19 June 2022 is **reproduced as attachment 1**.

- Q1** In relation to maintenance of the Julie Burgess berthing facilities, Council confirmed in the July 2021 Agenda that Council “continue to own and maintain the pontoon” and that a budget amount of \$45,000 had been allowed for maintenance identified for some years as an upcoming major maintenance activity.” Accordingly, now that the maintenance has been completed for some time will council please advise as to the following:
- a) The actual cost for all aspects of the maintenance undertaken by Council, including Council labour and management costs?
  - b) Which entity or entities completed the maintenance works?
  - c) Was the work(s) quoted or completed as cost plus (also referred to as Do & Charge)?
  - d) Were competitive quotes received for comparison before awarding the work?
  - e) Was a formal contract(s) entered into for the work?

#### **Response**

Expenditure on the maintenance and repair works to the pontoon during the 2021-22 financial year has totalled \$72,015.99. This includes repair works noted in the question, relocation and slipping costs, and some other minor maintenance activities. The relocation, repair, and maintenance works were completed by Mersey Slipways. In preparing the scope of works and seeking pricing from suitable contractors, Council Officers sourced specialised inspection services to determine the condition and coating repairs required. Quotations for total replacement of the pontoon were also sourced. The full scope of works completed included both fixed price components, and also additional works based on deterioration of the structure identified one slipped.

- Q2** Noting that the viewing/fishing platform adjacent the “Spirit of the Sea” statue is badly in need of maintenance, including significant preparation work to and paint protection of the steel structure, will Council please advise as to whether any parts of the access walkway and/or actual steel structure are now council assets or Council has any obligation to maintain or contribute to maintaining them in part or full?

#### **Response**

The structure in question is a Council-owned asset, donated to Council by the Port of Devonport Corporation prior to being incorporated into the Tasports Corporation (Tasports). As such, maintenance of the structure is a Council responsibility.

**Q3** Further to Q2. if Council has a maintenance obligation, then what is the extent of that obligation?

**Response**

Refer to the response to Q2.

**Robert Vellacott – 11 Cocker Place, Devonport**

A letter containing questions on notice received from Mr Robert Vellacott on Sunday, 19 June 2022 is **reproduced as attachment 2**.

**Q1** As of this date 20<sup>th</sup> June please inform of the progress of legal proceedings or other substantial efforts that have or are being made to recover money allegedly owed by CharlotteJack Pty Ltd to Devonport City Council / ratepayers.

**Q2** If no actual substantial efforts are being progressed then please inform why this matter is in abeyance and when will a genuine effort be made to recover the alleged debt from CharlotteJack Pty Ltd?

**Response**

The matter remains on-going. Council has nothing further to add since the media statement released on 23 November 2021 and the letter to yourself regarding this matter on 21 December 2021.

**ATTACHMENTS**

1. Letter to Matthew Atkins - Qo N to Jun 2022 Mtg [**3.2.2.1** - 1 page]
2. Qso N RBV 27 June 2022 re Charlotte jack Pty Ltd non payment [**3.2.2.2** - 1 page]



### **3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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### **3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

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

## **3.4 NOTICES OF MOTION**

### **3.4.1 NOTICE OF MOTION - ELECTED MEMBER MISCONDUCT**

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

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

#### **MOTION**

That Council write to the Minister of Local Government expressing concern that the existing legislation is inadequate in relation to addressing matters of serious misconduct by elected members and request an urgent review.

#### **SUPPORT**

Nil

#### **OFFICER'S COMMENTS**

The Government are currently in the process of undertaking a review of the Code of Conduct framework, which potentially could provide an opportunity to address the concerns raised in this motion.

#### **ATTACHMENTS**

Nil

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## 4 PLANNING AUTHORITY MATTERS

**The Mayor will now announce that Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for the consideration of Agenda Items 4.1 - 4.4.**

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

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

## 4.1 PA2022.0075 - 48 WILLIAM STREET DEVONPORT - FOOD SERVICES (FOOD VAN)

Author: **Emma Pieniak, Planning Officer**

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

### RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, refuse application PA2022.0075 for Food Services (food van) on land identified as 48 William Street, Devonport on the following grounds:

- The proposed change of use will result in an unreasonable loss of amenity to adjacent residential properties. The performance criteria cannot be satisfied for 8.3.1 P4 (a);
- The proposed location of a food van in front of the existing dwelling will have a detrimental impact on the character of the area. The performance criteria cannot be satisfied for 8.3.1 P4 (d); and
- The location of the proposed use within an established residential area is considered unnecessary. The performance criteria cannot be satisfied for 8.3.1 P4 (e).

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2022.0075.

### BACKGROUND

|                      |   |
|----------------------|---|
| Planning Instrument: | <i>Tasmanian Planning Scheme – Devonport 2020</i> |
| Address:             | 48 William Street, Devonport                      |
| Applicant:           | AJAS JSD Pty Ltd                                  |
| Owner:               | Mr J Singh  |
| Proposal:            | Food Services (food van)                          |
| Existing Use:        | Residential (single dwelling)                     |
| Zoning:              | General Residential                               |
| Decision Due:        | 30/06/2022  |

### SITE DESCRIPTION

The subject site comprises a 735m<sup>2</sup> block situated to the west of William Street approximately 200m north of the junction between Valley Road and William Street. An existing weatherboard dwelling is situated towards the front of the lot and a single car garage on the southern boundary. Adjoining properties are existing residential development as illustrated in Figure 1.



Figure 1 – Aerial view (LISTmap)

### APPLICATION DETAILS

The applicant is seeking approval to locate a food van on-site to serve 'Boost Juice' take away drinks. The proposal seeks to locate the food van in front of the existing dwelling and provide on-site parking at the rear of the property. Hours of operation proposed are 10:00am until 5:00pm, 7 days a week. A Parking Assessment report has been provided which identifies areas deemed suitable for on-street parking. The layout of the proposed change of use is illustrated in Figure 2. The full application is appended to this report as **Attachment 1**.

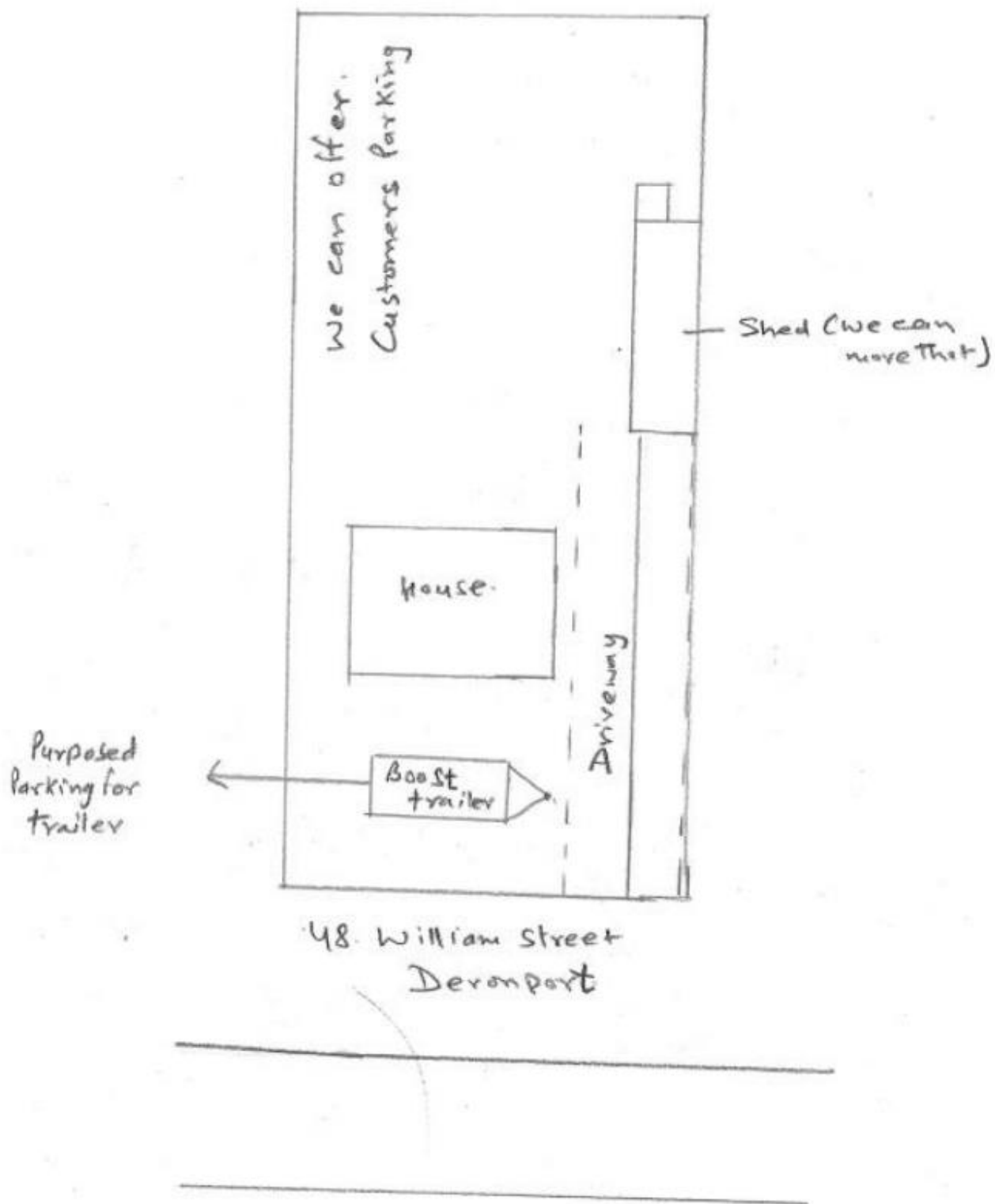


Figure 2 – Site layout plan

#### PLANNING ISSUES

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

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

- a) primarily serves the local community; and
- b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

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

A Food Service use is discretionary in the General Residential zone. An assessment of the applicable performance criteria of the Use Standards under the General Residential zone follows.

### 8.3.1 Discretionary uses

| <b>Objective:</b><br>That Discretionary uses do not cause an unreasonable loss of amenity to adjacent sensitive uses.   |  |
|---|--|
| Acceptable Solutions  | Performance Criteria   |
| <b>A1</b><br>Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm.   | <b>P1</b><br>Hours of operation of a use listed as Discretionary, excluding Emergency Services, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: <ul style="list-style-type: none"> <li>a. the timing, duration or extent of vehicle movements; and</li> <li>b. noise, lighting or other emissions.</li> </ul>   |
| <b>A2</b><br>External lighting for a use listed as Discretionary: <ul style="list-style-type: none"> <li>a. must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and</li> <li>b. security lighting must be baffled to ensure direct light does not extend into the adjoining property.</li> </ul>  | <b>P2</b><br>External lighting for a use listed as Discretionary, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: <ul style="list-style-type: none"> <li>a. the number of proposed light sources and their intensity;</li> <li>b. the location of the proposed light sources;</li> <li>c. the topography of the site; and</li> <li>d. any existing light sources.</li> </ul>                      |
| <b>A3</b><br>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of: <ul style="list-style-type: none"> <li>a. 7:00am to 7:00pm Monday to Friday;</li> <li>b. 9:00am to 12 noon Saturday; and</li> <li>c. nil on Sunday and public holidays.</li> </ul> | <b>P3</b><br>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: <ul style="list-style-type: none"> <li>a. the time and duration of commercial vehicle movements;</li> <li>b. the number and frequency of commercial vehicle movements;</li> </ul> |



|                                      |  |
|--------------------------------------|--|
|                                      | <ul style="list-style-type: none"> <li>c. the size of commercial vehicles involved;</li> <li>d. manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</li> <li>e. any existing or proposed noise mitigation measures between the vehicle movement areas and sensitive use;</li> <li>f. potential conflicts with other traffic; and</li> <li>g. existing levels of amenity.</li> </ul>                 |
| <b>A4</b><br>No Acceptable Solution. | <b>P4</b><br>A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: <ul style="list-style-type: none"> <li>a. the intensity and scale of the use;</li> <li>b. the emissions generated by the use;</li> <li>c. the type and intensity of traffic generated by the use;</li> <li>d. the impact on the character of the area; and</li> <li>e. the need for the use in that location.</li> </ul> |

The proposal has provided information to satisfy the acceptable solutions of A1. It is assumed the acceptable solutions of A2 and A3 could be complied with.

The proposal must satisfy the performance criteria of P4 as a discretionary use in the General Residential zone.

The subject site is situated within an established residential settlement with typically 15-18m wide lots and open backyards behind the dwellings. Residential use within this area would typically result in 2-6 vehicle movements in and out of each property per day.

The proposal indicates the operation of the take away food van would generate up to 20 customers per hour, with each customer waiting 5-10mins for a drink. Customers would either park at the rear of the site or on-street further from the property frontage due to the bus stop location. The applicant has not nominated a specific area where customers are to be located whilst waiting for drinks. It is also unclear how the existing dwelling is to be utilised if the application is successful.

Comment - The proposal is considered likely to cause an unreasonable impact to residential amenity to the immediate and nearby residents. The scale of the proposed use cannot be contained due to the nature of the food van, unlike a seated food service use which would have a seating capacity. Traffic impacts due to the proposal could result in on-street conflict, particularly during peak traffic times. The number of vehicles potentially accessing the rear of the site for parking would greatly exceed the normal residential movements creating nuisance to adjoining properties.

Impact to the residential character of the area is likely to be detrimental. Not only in appearance of the proposed location of the food van within the front setback of the existing dwelling, but also amenity from the proposed use.

Devonport City Council has an established mobile vending policy and booking system with a good range and number of locations for food vans to provide services to customers. There

does not appear to be a justifiable reason for locating a food van within an established residential setting such as proposed.

## C2.0 Parking and Sustainable Transport Code

The site has capacity to provide the number of required car parking space per Table C2.1 for a take away food service use.

The proposal does not address the development standards of the code as discussed below.

### C2.6.1 Construction of parking areas

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

Comment – the application has not identified if the car parking and access area will be constructed or drained in accordance with the acceptable solutions. The utilisation of gravel or similar surfacing could result in potential sediment transference to the road or dust causing nuisance to adjoining residential properties.

Should approval be issued a condition on the planning permit must require the car parking and accessway be constructed with a durable surface and suitable design to capture and drain any stormwater to the connection point.

## C2.6.2 Design and layout of parking areas

| <b>Objective:</b><br>That parking areas are designed and laid out to provide convenient, safe and efficient parking.   |   |
|--|---|
| Acceptable Solutions   | Performance Criteria  |
| <b>A1.1</b><br>Parking, access ways, manoeuvring and circulation spaces must either:<br>a) comply with the following: <ol style="list-style-type: none"> <li>have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>have an access width not less than the requirements in Table C2.2;</li> <li>have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</li> <li>have a vertical clearance of not less than 2.1m above the parking surface level; and</li> <li>excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> </ol> b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i> . | <b>P1</b><br>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: <ol style="list-style-type: none"> <li>the characteristics of the site;</li> <li>the proposed slope, dimensions and layout;</li> <li>useability in all weather conditions;</li> <li>vehicle and pedestrian traffic safety;</li> <li>the nature and use of the development;</li> <li>the expected number and type of vehicles;</li> <li>the likely use of the parking areas by persons with a disability;</li> <li>the nature of traffic in the surrounding area;</li> <li>the proposed means of parking delineation; and</li> <li>the provisions of <i>Australian Standard AS 2890.1:2004 Parking facilities, Part 1: Off-street car parking</i> and <i>AS 2890.2 - 2002 Parking facilities, Part 2: Offstreet commercial vehicle facilities</i>.</li> </ol> |
| <b>A1.2</b><br>Parking spaces provided for use by persons with a disability...   |   |

Comment – the application has not identified compliance with the performance criteria, particularly showing the minimum 3m wide accessway.

Should approval be issued, a condition on the planning permit must require a revised plan showing how the access width can accommodate anticipated vehicle movement and show suitable line marking and signage for any car parking space provided for the take away food service customers and differentiate the car parking spaces associated with the dwelling.

## COMMUNITY ENGAGEMENT

On 19/05/2022, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 01/06/2022;
- (b) Making a copy of the proposal available in Council Offices from the 01/06/2022;
- (c) Notifying adjoining property owners by mail on 31/05/2022; and
- (d) Erecting a Site Notice for display from the 31/05/2022.

The period for representations to be received by Council closed on 15/06/2022.

## REPRESENTATIONS

Three representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. Full copies of the representations are appended to this report as **Attachment 2**. The following is a summary of the representation with comment:

- Loss of amenity to neighbouring properties.

*The concerns raised in the representations echo Council's planning officers concerns regarding amenity impacts to adjoining residential properties.*

- Traffic impacts from vehicles accessing site, on-street parking and impacts to bus stop.

*Whilst the provided Parking Assessment report identifies suitability of on and off street parking for the proposed use, it does not address the impacts to amenity highlighted in the zone assessment by Council's planning officer.*

*As identified earlier in this report, as the proposed use cannot be quantified by a seating capacity as such, the amenity impacts to road users and neighbouring properties are difficult to quantify and deemed as such the proposal is considered unsuitable for the site.*

- Location unsuitable for commercial operation.

*The recommendation is to refuse the proposal as it cannot satisfy the planning scheme requirements of being a use necessary to locate in this area. Devonport City Council has an established policy on mobile vending with a permit and booking system providing many suitable locations throughout the municipality for operations of a food van.*

## DISCUSSION

It has been communicated to the owners prior to lodging the application that whilst the proposal is not prohibited, it would be difficult to justify approval based upon the performance criteria available for assessment. The application was referred to TasWater as due process. The water authority issued a notice with conditions to include should a planning permit be issued. It is noted the proposed use would require its own water connection with backflow prevention, as well as suitable infrastructure for Trade Waste disposal.

## FINANCIAL IMPLICATIONS

No financial implications are predicted, unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative Tribunal. In such instance, legal counsel

will likely be required to represent Council. The opportunity for such an appeal exists as a result of the Council determining to either approve or refuse the permit application.

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The proposal has been assessed against the performance criteria for a discretionary use class within the General Residential zone and deemed likely to cause unnecessary impact to the residential amenity of the area. The proposed location of the food van is inconsistent with the character and is not justified as necessary to be located within this residential area. The recommendation is to refuse the application for these reasons.

### **ATTACHMENTS**

1. Application - PA2022.0075 - 48 William Street [**4.1.1** - 15 pages]
2. Representations - PA 2022.0075 - 48 William Street [**4.1.2** - 7 pages]

## **4.2 PA2022.0072 - 172 SHEFFIELD ROAD SPREYTON AND ADJACENT ROAD RESERVE - VEHICLE FUEL SALES AND SERVICE (NEW CANOPY)**

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

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

### **RECOMMENDATION**

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0072 and grant a Permit to use and develop land identified as 172 Sheffield Road and the adjacent road reserve for the following purposes:

- Vehicle fuel sales and service (awning)

Subject to the following conditions:

1. The Use and Development is to proceed in accordance with the endorsed plans referenced as Awning Addition – Project No. 00770 (Drawings DA.01C, DA.02C, DA.03C, DA.04C, DA.05C, DA.06C, DA.07C, DA.08C) by andrew smith architects. A copy of which is attached and endorsed as documents forming part of this planning permit.
2. Prior to the lodgement of the building application, the developer is to enter into an agreement with Council. The contents of the agreement are to be in accordance with the requirements stipulated by Council's General Manager (refer to note).
3. The developer is to direct any stormwater collected from this work into the existing property stormwater pipe in accordance with the National Construction Code.

Note: The following is provided for information purposes.

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

In regard to condition 2, the developer is to contact Council's General Manager's Department to formalise an agreement.

The developer is to provide a copy of the Crown Land approval as part of the relevant building permit documentation.

Any addition signage for the site is subject to further planning approval.

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

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

There may be a requirement for the developer to remove the road widening easement pertaining to 172 Sheffield Road before the building application can be sought. The developer is recommended to obtain legal advice on this matter.

In regard to condition 3, the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority, to make a decision regarding planning application PA2022.0072.

### BACKGROUND

|                      |  |
|----------------------|--|
| Planning Instrument: | <i>Tasmanian Planning Scheme – Devonport 2020</i>  |
| Address:             | 172 Sheffield Road and adjacent road reserve   |
| Applicant:           | Andrew Smith Architects  |
| Owner:               | 172 Sheffield Road - Galla Holdings Pty Ltd<br>Adjacent Road Reserve – Crown Land (Department of State Growth) |
| Proposal             | Vehicle fuel sales and service (awning)  |
| Existing Use:        | Service Station & Dwelling   |
| Zoning:              | Rural & Utilities  |
| Decision Due:        | 27/06/2022   |

### SITE DESCRIPTION

The site is identified over two land parcels - 172 Sheffield Road (CT 30223/5) and the adjacent road reserve to the east.

Located on 172 Sheffield Road is an existing service station and dwelling at the rear. This title has an irregular shape and a total area of just over 3000m<sup>2</sup>. This site is immediately adjoined by residential development to the north, a transport depot to the south and Figure of Eight Creek to the west. A road widening easement burdens this lot.

The section of road reserve subject to this application is approximately 130m<sup>2</sup> and runs adjacent to the frontage of 172 Sheffield Road to the formalised road construction of Sheffield Road. The Department of State Growth (DSG) are the road authority for Sheffield Road and this authority has consented to the lodgement of the application pursuant to section 52 (1B) of the *Land Use Planning and Approvals Act 1993*.

Figure 1 is an aerial image of the site. Figure 2 is a recent image of the frontage of the site and Figure 3 is a copy of the title plan for 172 Sheffield Road.



**Figure 1 – Aerial image of the site (DCC, 2021)**



**Figure 2 – Image of the front of the site looking south along Sheffield Road (DCC, 2022)**



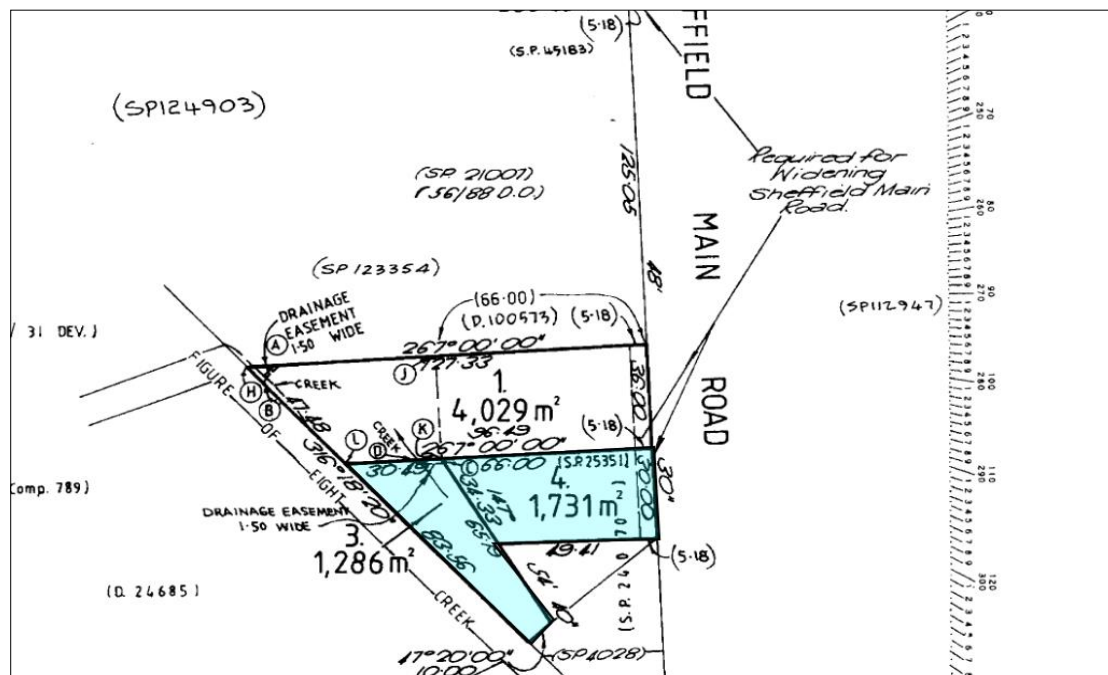
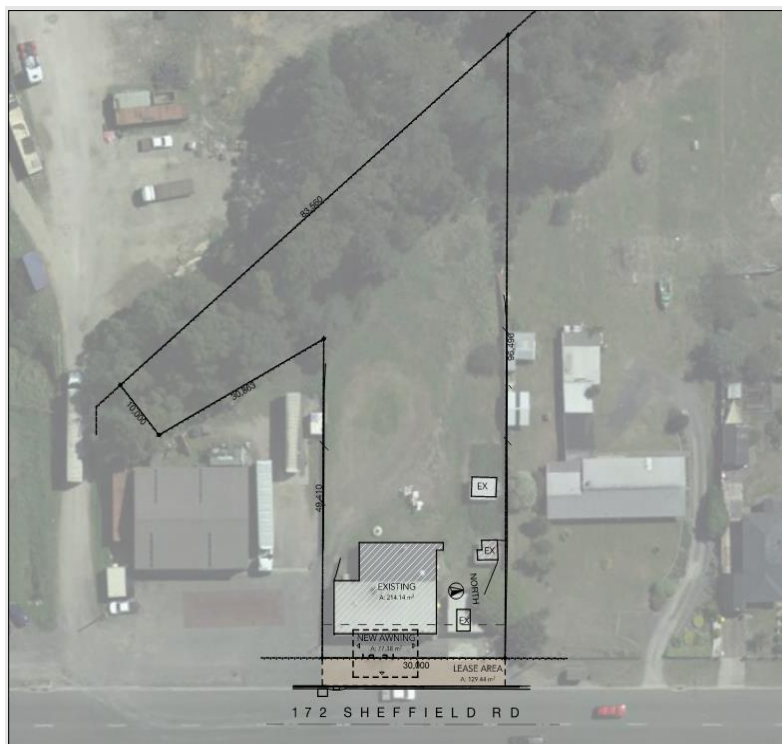


Figure 3 – Title Plan of 172 Sheffield Road CT-30223/5 (The List, 1986)

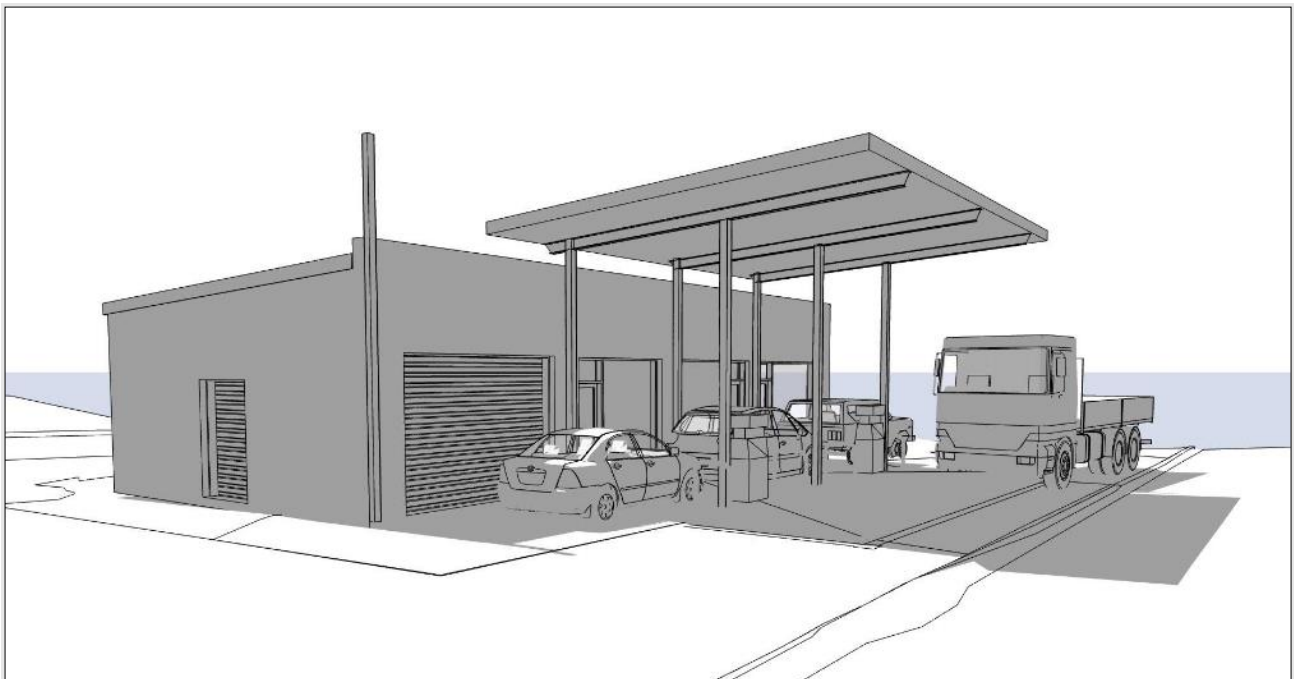
### APPLICATION DETAILS

The application is seeking approval to undertake works to the existing service station. The primary component of the works is an awning which will extend over the front boundary of 172 Sheffield and encroach onto the adjacent road reserve.

Figure 4 is a copy of the site plan and Figure 5 is a visual render of the awning. A full copy of the development application, including plans and consent from the DSG is appended as **Attachment 1**.



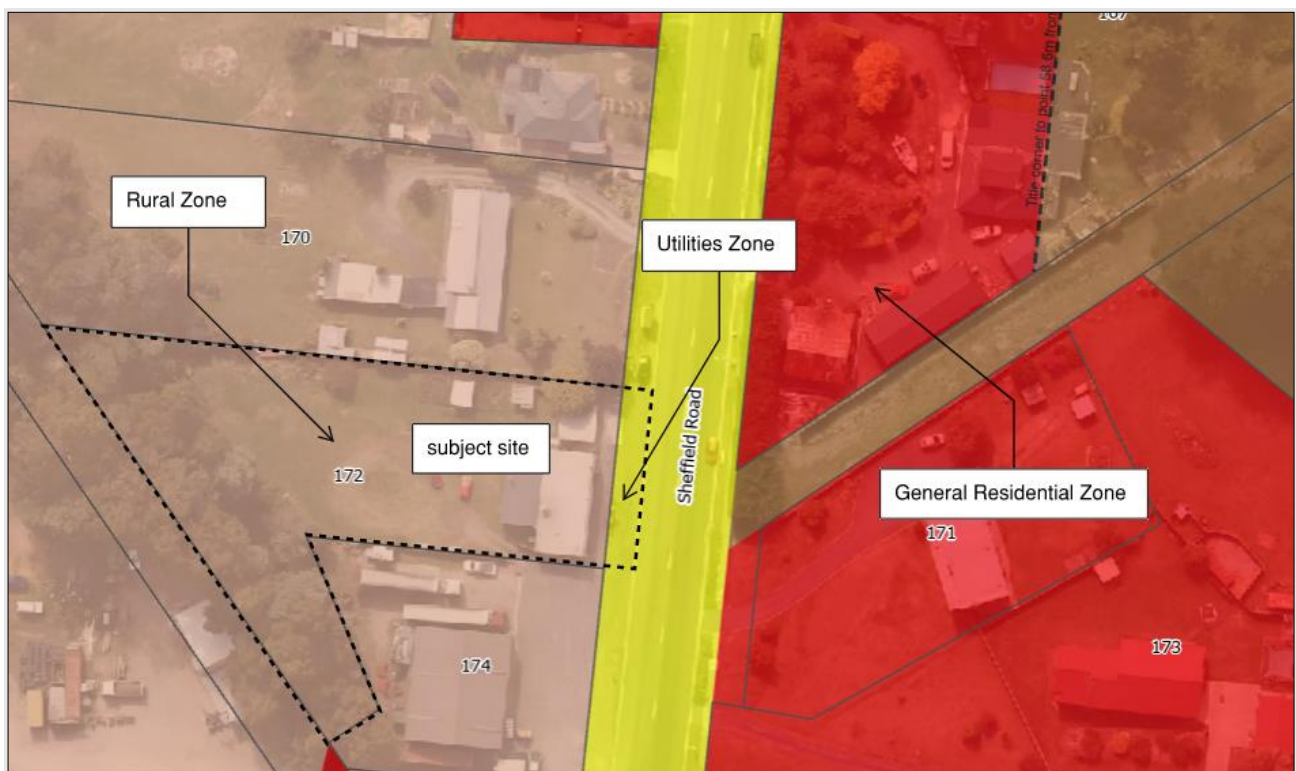
**Figure 4 – Site Plan (andrew smith architects, 2022)**



**Figure 5 – Visual render of awning (andrew smith architects, 2022)**

#### PLANNING ISSUES

Figure 6 below is a zoning map of the site and surrounds. The location of the works falls within the Rural zone and the Utilities zone.



**Figure 6 - Land-use zoning map of the site and surrounds (DCC, 2020)**

As can be seen from Figure 6, the site is subject to two land-use zonings. The Rural zone sits wholly within the confines of 172 Sheffield Road and the Utilities zone is the zoning for the adjacent road reserve.

Per guidance in clause 7.7 of the planning scheme, use and development is to be determined within the provisions of the zone in which the main part of the building is located. In this case, the service station sits within 172 Sheffield Road and therefore the Rural zone is applicable.

The purpose of the Rural zone is the following:

*20.1.1 To provide for a range of use or development in a rural location:*

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
- (b) that requires a rural location for operational reasons;*
- (c) is compatible with agricultural use if occurring on agricultural land;*
- (d) minimises adverse impacts on surrounding uses.*

*20.1.2 To minimise conversion of agricultural land for non-agricultural use.*

*20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

The most appropriate use classification for the awning is Vehicle Fuel Sales and Service. This use is defined as:

*"use of land primarily for the sale of motor vehicle fuel and lubricants, and if the land is so used, the use may include the routine maintenance of vehicles. An example is a service station."*

The Use Table for the Rural zone does not list this use and subsequently it is prohibited.

However, clause 7.1 of the scheme – *Changes to an Existing Non-conforming Use* provides the planning authority to consider a discretionary permit pathway as the use is existing. This clause is reproduced for reference as Figure 7.

|            |  |
|------------|--|
| <b>7.1</b> | <b>Changes to an Existing Non-conforming Use</b>   |
| 7.1.1      | Notwithstanding clause 6.9.1 of this planning scheme, the planning authority may at its discretion, approve an application: <ul style="list-style-type: none"><li>(a) to bring an existing use of land that does not conform to the planning scheme into conformity, or greater conformity, with the planning scheme;</li><li>(b) to extend or transfer an existing non-conforming use and any associated development, from one part of a site to another part of that site; or</li><li>(c) for a minor development to an existing non-conforming use.</li></ul> |
| 7.1.2      | An application must only be approved under sub-clause 7.1.1 of this planning scheme where there is: <ul style="list-style-type: none"><li>(a) no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area; and</li><li>(b) no substantial intensification of the use.</li></ul>  |
| 7.1.3      | In exercising its discretion under sub-clauses 7.1.1 and 7.1.2 of this planning scheme, the planning authority must have regard to the purpose and provisions of the zone, any relevant local area objectives and any applicable codes.  |

**Figure 7 – 7.1 Changes to an Existing Non-conforming Use (Tasmanian Planning Scheme, 2020)**

With respect to this application, the awning is determined to be a minor development for the existing service station per 7.1.1 (c).

In response to 7.1.2, the awning is in a position which will not impact the amenity of adjoining use and development. The awning will be located to the south of the nearest residential use – 170 Sheffield Road and therefore no overshadowing impediment will occur to this property. The development will not intensify the existing operations of the service station and the application has merit to be positively favoured under 7.1.2.

In response to 7.1.3, the applicable development standards of the Rural zone and development codes are reproduced below along with comment.

#### Rural Zone

## 20.3 Use Standards

### 20.3.1 Discretionary use

| Objective:   | That the location, scale and intensity of a use listed as Discretionary:<br>(a) is required for operational reasons;<br>(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;<br>(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and<br>(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.  |
|--|---|
| Acceptable Solutions   | Performance Criteria  |
| <b>A1</b><br>A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if:<br>(a) the gross floor area does not increase by more than 30% from that existing at the effective date; and<br>(b) the development area does not increase by more than 30% from that existing at the effective date. | <b>P1</b><br>A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:<br>(a) the nature, scale and intensity of the use;<br>(b) the importance or significance of the proposed use for the local community;<br>(c) whether the use supports an existing agricultural use;<br>(d) whether the use requires close proximity to infrastructure or natural resources; and<br>(e) whether the use requires separation from other uses to minimise impacts. |
| <b>A2</b><br>No Acceptable Solution.   | <b>P2</b><br>A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:<br>(a) the location of the proposed use;<br>(b) the nature, scale and intensity of the use;<br>(c) the likelihood and nature of any adverse impacts on adjoining uses;<br>(d) whether the proposed use is required to support a use for security or operational reasons; and<br>(e) any off site impacts from adjoining uses.   |
| <b>A3</b><br>No Acceptable Solution.   | <b>P3</b><br>A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with  |

|   |   |
|---|---|
|   | <p>agricultural use, having regard to:</p> <p>(a) the nature, scale and intensity of the use;</p> <p>(b) the local or regional significance of the agricultural land; and</p> <p>(c) whether agricultural use on adjoining properties will be confined or restrained.</p>   |
| <p><b>A4</b></p> <p>No Acceptable Solution.</p> | <p><b>P4</b></p> <p>A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:</p> <p>(a) the nature, scale and intensity of the proposed use;</p> <p>(b) whether the use will compromise or distort the activity centre hierarchy;</p> <p>(c) whether the use could reasonably be located on land zoned for that purpose;</p> <p>(d) the capacity of the local road network to accommodate the traffic generated by the use; and</p> <p>(e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.</p> |

Regarding the above clause, the awning is not a substantial intensification of the use and the proposal will not compromise rural land in the site's vicinity. The application is seen to comply with the provisions of this clause.

## 20.4 Development Standards for Buildings and Works

### 20.4.1 Building height

| Objective:   | <p>To provide for a building height that:</p> <p>(a) is necessary for the operation of the use; and</p> <p>(b) minimises adverse impacts on adjoining properties.</p>   |
|--|---|
| Acceptable Solutions   | Performance Criteria  |
| <p><b>A1</b></p> <p>Building height must be not more than 12m.</p> | <p><b>P1</b></p> <p>Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:</p> <p>(a) the proposed height of the building;</p> <p>(b) the bulk and form of the building;</p> <p>(c) the separation from existing uses on adjoining properties; and</p> <p>(d) any buffers created by natural or other features.</p> |

The awning will have a maximum height of just over 5m which is in accordance with A1 of the above clause.

#### 20.4.2 Setbacks

| <b>Objective:</b>  | That the siting of buildings minimises potential conflict with use on adjoining sites. |   |
|--|--|---|
| Acceptable Solutions   |  | Performance Criteria  |
| <b>A1</b><br>Buildings must have a setback from all boundaries of: <ul style="list-style-type: none"> <li>(a) not less than 5m; or</li> <li>(b) if the setback of an existing building is within 5m, not less than the existing building.</li> </ul>   |  | <b>P1</b><br>Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(a) the bulk and form of the building;</li> <li>(b) the nature of existing use on the adjoining properties;</li> <li>(c) separation from existing use on the adjoining properties; and</li> <li>(d) any buffers created by natural or other features.</li> </ul>   |
| <b>A2</b><br>Buildings for a sensitive use must be separated from an Agriculture Zone a distance of: <ul style="list-style-type: none"> <li>(a) not less than 200m; or</li> <li>(b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</li> </ul> |  | <b>P2</b><br>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to: <ul style="list-style-type: none"> <li>(a) the size, shape and topography of the site;</li> <li>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</li> <li>(c) the location of existing buildings on the site;</li> <li>(d) the existing and potential use of adjoining properties;</li> <li>(e) any proposed attenuation measures; and</li> <li>(f) any buffers created by natural or other features.</li> </ul> |

The awning is proposed to be positioned over the front boundary and encroach into the adjacent road reserve and cannot meet the front setback requirement prescribed within A1. The awning will not change vehicle access to the site or impact the amenity of adjoining properties. The awning will be an open structure and therefore is not considered to negatively impact the amenity of the Sheffield Road streetscape. P1 can be satisfied for the front setback variation. The awning will be setback 5m to the northern and southern side boundaries and satisfies A1.

As the development is not for a sensitive use A2/P2 is not applicable.

#### Development Codes

Part of 172 Sheffield Road is mapped within a priority vegetation area (PVA) under the Natural Assets Code. The location of the works is clear of the PVA and therefore this Code does not require further consideration.

The site is mapped within a bushfire-prone area under the Bushfire Prone Areas Code. As the works are to an existing established use, the code does not invoke the need for further assessment.

The Traffic Generating Use and Parking Code and the Road and Railway Assets Code are not required to be examined as the development will not alter existing parking and access arrangements to and from the site.

### COMMUNITY ENGAGEMENT

On 10/05/2022, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 14/05/2022;
- (b) Making a copy of the proposal available in Council Offices from the 14/05/2022;
- (c) Notifying adjoining property owners by mail on 12/05/2022; and
- (d) Erecting a Site Notice for display from the 13/05/2022.

The period for representations to be received by Council closed on 27/05/2022.

### REPRESENTATIONS

One representation was received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. The representation is appended as **Attachment 2**.

The representation is from a nearby landowner. Their concerns are addressed in sections below along with comment.

#### Application of the Rural zone

- Issue Raised: Vehicle Fuel Sales and Service is a prohibited use in the zone.  
**Officer Comment:** As mentioned earlier in the report, Vehicle Fuels Sales and Service is a prohibited use within the Rural zone. However, the planning authority has discretion to contemplate a permit pathway under clause 7.7 of the planning scheme. This clause has been scrutinised and can be supported.
- Issue Raised: The application is not in accordance with Rural zone clause 20.1.3 for the following reasons.  
**Officer comment:** The assessment has had regard to this objective and underlaying clause 20.3.1. The proposal has been determined to satisfy the relevant standard.
- Issue Raised: The front setback is not in accordance with clause 20.4.2  
**Officer comment:** The application has been assessed against the performance criteria of this standard and the front setback of the awning can be supported.

#### Application of part 7.0 of the *Tasmanian Planning Scheme - Devonport*

- Issue Raised: The representation raises concerns regarding the application of this section of the planning scheme.  
**Officer comment:** Council acting as a planning authority has discretion to approve development to a non-conforming use under clause 7.1. It is important to recognise that the service station has been operational for many years and this planning application is not retrospectively approving this use. The application for the awning has been assessed as satisfying the tests prescribed within section 7.1. The development is not a substantial intensification to the use and will not have a detrimental impact on adjoining properties.



#### Application of the Utilities zone

**Officer Comment:** The application is not required to be assessed against the Utilities zone - refer to *Planning Issues* section of the report. No further comment is warranted on this component of the representation.

#### Application of part 6.0 of the *Tasmanian Planning Scheme – Devonport*

- Issue Raised: The representation raises concerns regarding the application of this section of the planning scheme. With reference to the discrepancy between notations on plans and the advertisement description.

**Officer Comment:** Under the *Land Use Planning and Approval Regulations 2014*, the planning authority is required to advertise the content of the development proposal. The advertising of the application as 'Vehicle Fuel Sales and Service (new canopy)' is considered to capture a reasonable description of the proposal.

#### Concerns relation to *Building Act 2016* and interpretations

- Issue Raised: The representation states the awning is not in accordance with the requirements of the *Building Act 2016*.

**Officer Comment:** The developer will be required to seek a building permit under the *Building Act 2016* before works can commence.

Concerning building over the title boundary onto the adjacent road reserve, DSG provided consent to lodge the application. DSG are the road authority for Sheffield Road as it is part of the state road network. In addition, Council will also require the developer to enter into a license agreement with it. This will be conditioned on the permit.

The issues raised by the representor do not require any changes be made to the proposal.

### **DISCUSSION**

The application for the awning is quite irregular in the fact that it is proposed to be built over a title boundary.

Regarding this matter, the applicant provided consent from DSG to lodge the application as Sheffield Road is under the state road network. The consent from DSG requires the applicant to seek further approval and enter into a formal lease agreement. Council's Infrastructure & Works Department and Governance Team have also provided feedback that a licence agreement will be required. The license will be required to be executed before Council approve the building permit and this will be conditioned on the planning permit. The licence agreement will ensure Council assets are protected and enable pedestrian movement over the subject land.

Furthermore, the awning will be constructed over a road widening easement. DSG are the easement beneficiary as they are the road authority for Sheffield Road. They have consented to lodgement of the application.

### **FINANCIAL IMPLICATIONS**

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

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The proposal has been assessed against the requirements of the planning scheme and conditional approval is recommended.

### **ATTACHMENTS**

1. Application - PA2022.0072 - 172 Sheffield Road [**4.2.1** - 22 pages]
2. Representation - PA2022.0072 - 172 Sheffield Road [**4.2.2** - 19 pages]

## **4.3 PA2022.0059 - RESOURCE PROCESSING (FACILITY UPGRADES) AND STORAGE - 23-61 TARLETON STREET EAST DEVONPORT**

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

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

### **RECOMMENDATION**

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0059 and grant a Permit to use and develop land identified as 23-61 Tarleton Street, East Devonport for the following purposes:

- Resource Processing (facility upgrades) and Storage

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans and documentation referenced as:
  - Site Plan - Reference 303758\_D01\_Rev3 by Veris, dated 6 May, 2022;
  - 303758 Submission report – TASCOT development by Veris, dated May 2022; and;
  - Yum Tasmanian – Chiller Noise Assessment by Pitt & Sherry, dated 6 May, 2022.

A copy of which is attached and endorsed as documents forming part of this planning permit.

#### Operational Conditions

2. Excluding the operation of the cool rooms and associated chiller equipment, the operating hours for Resource Processing and Storage are to be in accordance with the acceptable operating hours of the Light Industrial zone which are:
  - (a) 7.00am to 9.00pm Monday to Saturday; and
  - (b) 8.00am to 9.00pm Sunday and public holidays.
3. The noise mitigation measures prescribed within section 5 of the Chiller Noise Assessment by Pitt & Sherry are to be installed and verified by a suitably qualified noise engineer prior to cool rooms operating 24 hours, 7 days a week.
4. Noise monitoring is to be undertaken after 1 month of the cool rooms operating to determine if the noise level is consistent with the findings stipulated in the Noise Assessment by Pitt & Sherry. This information is to be provided to Council's Development Services Manager by a suitably qualified person. If noise from the site is found to be greater than the noise levels prescribed in the Noise Assessment (after mitigation measures applied), the cool rooms are only permitted to operate within the acceptable operating hours of the Light Industrial zone which are:
  - (a) 7.00am to 9.00pm Monday to Saturday; and
  - (b) 8.00am to 9.00pm Sunday and public holidays.

5. Subject to satisfying conditions 3 & 4, the operator is to provide annual noise monitoring results to Council's Development Services Manager. The monitoring is to be done by a suitably qualified person and if noise from the site is found to be greater than the noise levels mentioned in the Noise Assessment by Pitt & Sherry (after mitigation measures applied), the cool rooms are only permitted to operate within the acceptable operating hours of the Light Industrial zone which are:
  - (a) 7.00am to 9.00pm Monday to Saturday; and
  - (b) 8.00am to 9.00pm Sunday and public holidays.
6. Any future security lighting for the site is to be baffled and is not to be directed towards nearby residential properties.
7. The developer is to submit a Traffic Management Plan (TMP) for the Storage use. The TMP must be completed before the Storage use commences and must demonstrate how all vehicles associated with the use (including trucks) access and exit the site. In addition, the TMP is to demonstrate that all vehicle movements for the use occur wholly within the site. The TMP must be endorsed by Council's City Engineer and is to apply for all vehicle movements once the use commences.
8. All vehicle and truck parking areas are to be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
9. The developer is to provide Council an Environmental Effects Report on the Storage use. The report is to be completed by a suitably qualified person and demonstrate how the storage and wholesale of fertilisers can satisfy clause C9.5.1 of the Attenuation Code. The report is required to be approved by Council's Development Services Manager before the use can commence.
10. During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

Note: The following is provided for information purposes.

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

In regard to conditions 4 & 5, Council will accept the operation of the cool rooms 24/7 once the noise levels are in accordance with the thresholds stipulated within the Noise Assessment by Pitt & Sherry.

The site is subject to an existing Part 5 Agreement under the *Land Use Planning and Approvals Act 1993*. Several operating parameters stipulated within the Part 5 Agreement relevant to permit PA2014.0091 have yet to be satisfied. Although not relevant to this permit determination, the requirements stipulated in the Part 5 Agreement are to be completed.

Any additional signage for the site is subject to further planning approval.

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

## RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

## SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority, to make a decision regarding planning application PA2022.0059.

## BACKGROUND

|                      |   |
|----------------------|---|
| Planning Instrument: | <i>Tasmanian Planning Scheme – Devonport 2020</i>   |
| Address:             | 23-61 Tarleton Street, East Devonport               |
| Applicant:           | Veris Australia Pty Ltd                             |
| Owner:               | Tascot Property Pty Ltd                             |
| Proposal             | Resource Processing (facility upgrades) and Storage |
| Existing Use:        | Resource Processing (potato packing)                |
| Zoning:              | Light Industrial                                    |
| Decision Due:        | 27/06/2022  |

## SITE DESCRIPTION

The site is identified by the Certificate of Title 127085/1 with the property address of 23-61 Tarleton Street, East Devonport. Located on the site is a large building which was built for the purposes of a carpet factory in the 1960s. The building has been subject to numerous alterations and additions since its inception. The property has an area of approximately 4.6ha and has road frontages to Tarleton Street and Brooke Street. The site is surrounded by various land uses, including industrial, residential, commercial and visitor accommodation.

Figure 1 is a copy of the property title and Figure 2 is recent aerial image of the site and surrounding locality.

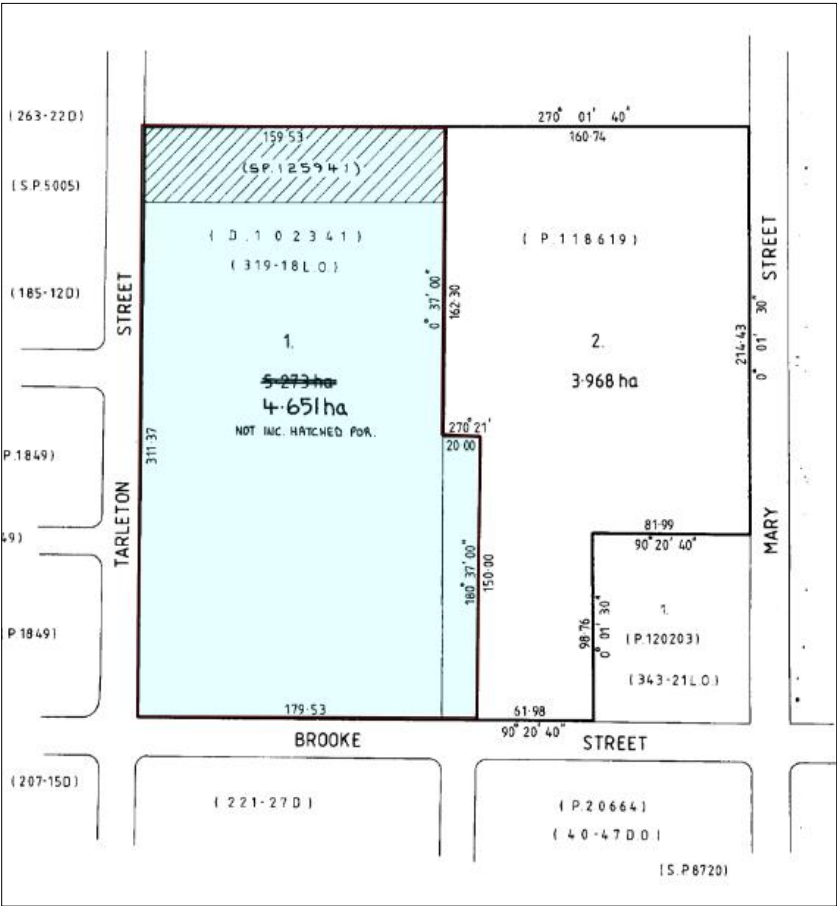


Figure 1 – Title Plan CT 127085/1 (The List, 1997)



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

## LAND USE ZONING & DEVELOPMENT HISTORY

As mentioned, the site was initially developed for a carpet factory in the 1960s. The carpet factory remained operational until 2010 and ceased after the company went into liquidation.

From a land-use zoning context, the property was zoned General Industrial under the *Devonport & Environs Planning Scheme 1984*. From 2006, the site and numerous other properties north of Brooke Street were subject to a planning scheme amendment and rezoned to the Closed Residential zone. This particular scheme amendment (AM2005.02) provided a pathway for the subject site to be developed as per the previous General Industrial zone provisions for 3 further years. No development application for the carpet factory or industrial uses was submitted.

In 2013, Council transitioned to the *Devonport Interim Planning Scheme 2013*. The site was allocated to the General Residential zone, which was the 'best fit' for the previous Closed Residential zone, which was not an applicable zone under the scheme.

In 2014, Council endorsed, and the Tasmanian Planning Commission approved, a dispensation and planning permit under the previous provisions of the *Land Use Planning and Approvals Act 1993* (refer to DISP2014.02 & PA2014.0091). The dispensation and planning permit set aside the provisions of the General Residential zone and allowed for the site to be used as a potato packing and distribution facility. The site continues to operate for this purpose today.

In November 2020, the *Tasmanian Planning Scheme – Devonport* came into effect. The site was assigned to the Light Industrial zone as part of this scheme implementation.

## APPLICATION DETAILS

The applicant (Veris) is seeking approval to intensify the Resource Processing operations on the site.

Firstly, the application is to seek retrospective approval for two cool storage rooms within the existing building. Associated with the cool rooms is mechanical equipment installed on the western exterior of the building, facing Tarleton Street. Figure 3 is a copy of the site plan provided by the applicant with the cool rooms circled in black. Figure 4 is an image of the exterior mechanical equipment.

The second component of the application includes increasing operating hours of the cool rooms to 24 hours, 7 days a week. The current planning permit for the site stipulates the facility can only operate from 7am to 7pm. The applicant has noted that all other operational activities on the site will be in accordance with the acceptable operating hours prescribed within the Light Industrial zone – discussed later in the report.

Lastly, the developer is also seeking approval to utilise part of the building for storage for the purposes of wholesale of fertiliser and associated equipment. The storage use is highlighted in yellow in Figure 3.

A copy of the application, including the supporting planning compliance report and noise assessment is appended as **Attachment 1**.

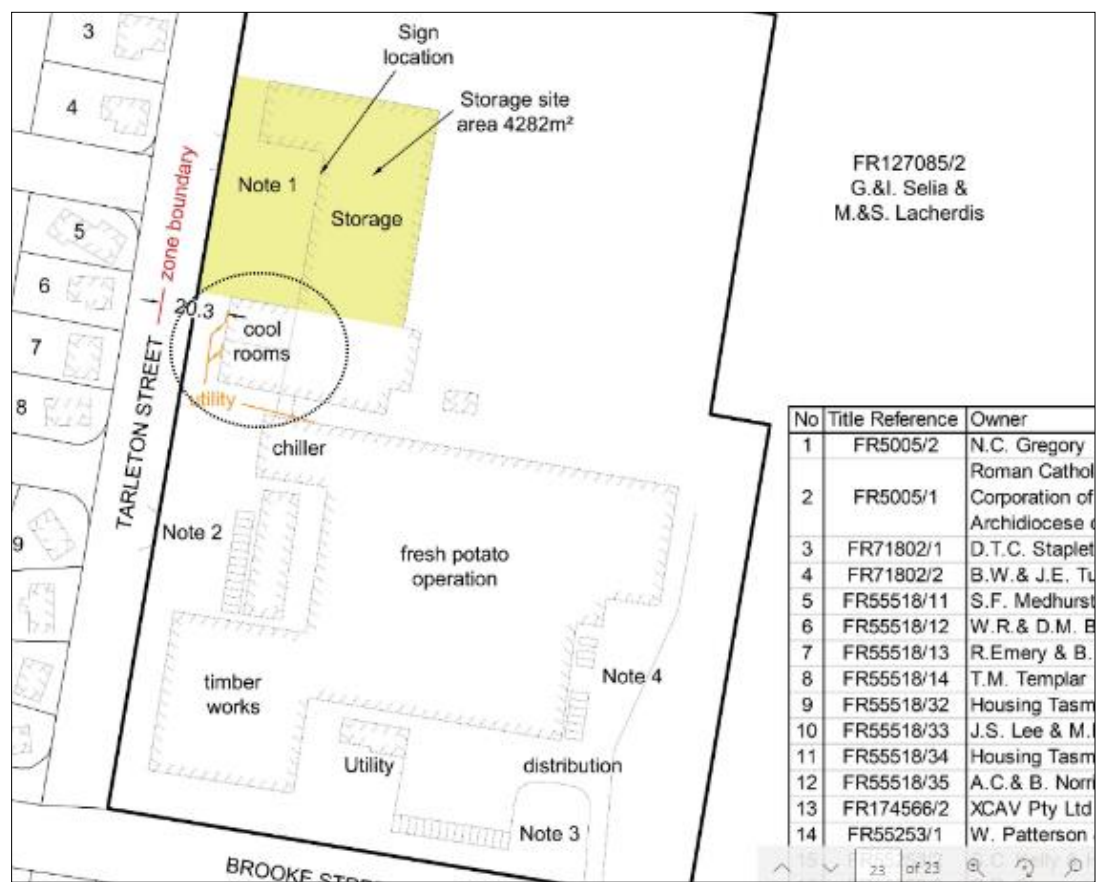


Figure 3 – Cool room locations circled in black (Veris, 2022)





**Figure 4 – Mechanical equipment on western exterior wall facing Tarleton Street (Pitt & Sherry, 2022)**

### PLANNING ISSUES

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

18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.

18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.

A land-use zoning map of the site and surrounds is reproduced below as Figure 5.



**Figure 5 – Land-use zoning map (DCC, 2022)**

The site is used to process fresh potatoes and therefore the most appropriate use classification under the planning scheme is Resource Processing. This use is defined as:

*“use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling.”*

The storage and wholesale of fertiliser and associated products falls under the use classification Storage. This use is defined as:

*“use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, self storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and woodyard.”*

The Use Table for the Light Industrial zone categorises Resource Processing as Discretionary without qualification. Storage is classified as Permitted without qualification.

The applicable development standards in the planning scheme are reproduced below along with evaluation.

### Light Industrial zone

#### **18.3 Use Standards**

##### 18.3.1 All uses

| Objective:   | That uses do not cause an unreasonable loss of amenity to residential zones. |  |
|--|--|--|
| Acceptable Solutions   |  | Performance Criteria   |
| <b>A1</b><br>Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:<br>(a) 7.00am to 9.00pm Monday to Saturday; and<br>(b) 8.00am to 9.00pm Sunday and public holidays.   |  | <b>P1</b><br>Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:<br>(a) the timing, duration or extent of vehicle movements; and<br>(b) noise, lighting or other emissions. |
| <b>A2</b><br>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must:<br>(a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and<br>(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones. |  | <b>P2</b><br>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:<br>(a) the level of illumination and duration of lighting; and<br>(b) the distance to habitable rooms of an adjacent dwelling.             |

|   |   |
|---|---|
| <p><b>A3</b></p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:</p> <ul style="list-style-type: none"> <li>(a) 7.00am to 9.00pm Monday to Saturday; and</li> <li>(b) 8.00am to 9.00pm Sunday and public holidays.</li> </ul> | <p><b>P3</b></p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the time and duration of commercial vehicle movements;</li> <li>(b) the number and frequency of commercial vehicle movements;</li> <li>(c) the size of commercial vehicles involved;</li> <li>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</li> <li>(e) any noise mitigation measures between the vehicle movement areas and the residential area; and</li> <li>(f) potential conflicts with other traffic.</li> </ul> |
|---|---|

In response to A1/P1, the acceptable solution cannot be satisfied as the operator is seeking approval to operate the cool rooms 24/7 and the site is within 50m of the General Residential zone (refer to Figure 5). Veris has noted within their accompanying submission that all other operational activity on the site will operate as per the scope of hours prescribed within A1. To address the performance criteria stated in P1, a noise assessment by Pitt & Sherry was submitted.

The noise assessment found that the recently installed chiller units and associated infrastructure on the exterior western wall of the building adjacent to Tarleton Street are the primary noise source emanating from the site. Subsequently, the most significant residential amenity impacts are to dwellings along the western side of Tarleton Street within the vicinity of the cool rooms.

The current noise with the cool rooms in operation was shown to exceed the acceptable noise thresholds stated within the *Tasmanian Environmental Protection Policy (Noise) 2009* (EEP). The assessment identifies several mitigation measures that can be applied to reduce the noise emanating from the chiller units. The measures proposed are shown on the next page in Figure 6.

## 5. Mitigation Measures

The results of the noise measurements conducted have identified the need for the noise level from the chillers to be reduced by a minimum of 20dB(A) if they are to meet the night time EPP and intrusiveness noise criteria. The recommended solution is to construct a noise attenuating enclosure around each chiller unit, each equipped with two noise attenuating louvre sets to allow air flow in and out of the enclosure. The suggested construction details for each chiller are as follows:

- Concrete slab 1.5m wide x 4.5m long.
- Light steel frame with 1.2mm gauge 'Colorbond' corrugated steel sheet walls and roof, lined with 9mm cement fibre board sheeting. All cracks, gaps and joints to be fully sealed including the joint with the existing building wall. Walls 3.5m high. (Alternatively, various other construction materials are possible that will deliver a similar acoustic result.)
- Two sets of Fantech 'Soundbar' SB2 acoustic louvres – each 1m x2m, installed one in the front wall of the enclosure and one in the roof directly above the chiller unit.
- All internal walls and ceiling to be lined with Pyrotek "Sorberglass HD50" high density glass wool board or an equivalent sound absorption material.
- Provide an access door with effective seals. It may be advantageous to construct the front wall so it can be readily removed for further maintenance access to the chiller if required.

The airflow/cooling capacity of this arrangement needs to be confirmed prior to construction.

**Figure 6 – Mitigation measures for chiller units (Pitt & Sherry, 2022)**

The noise modelling found that with the mitigation measures in place, the noise from the chillers would be reduced and the overall noise from the site would be pretty much identical to that without the chiller units operating. It is thought appropriate for the planning authority to apply an operating condition stipulating that ongoing noise monitoring is undertaken and is consistent with the findings noted within noise assessment. Overall, P1 can be satisfied.

In relation to A2/P2, the applicant has stated that all operational activity on the site, without considering the cool room operation, will be in accordance with the operating hours mentioned in A1. A condition will be included on the permit to ensure any additional security lighting (if proposed) is baffled and not directed to impact nearby residential properties. A2 can be met.

Regarding A3/P3 the acceptable solution can be satisfied, and operation hours will be included as a permit condition, subject to a positive recommendation by the planning authority.

### 18.3.2 Discretionary uses

| Objective:                           | That uses listed as Discretionary do not compromise the use or development of the land for industrial activities with minimal or managed off site impacts. |   |
|--------------------------------------|--|---|
| Acceptable Solutions                 |  | Performance Criteria  |
| <b>A1</b><br>No Acceptable Solution. |  | <b>P1</b><br>A use listed as Discretionary must not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off site impacts, having regard to: <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the size and scale of the proposed use; and</li> <li>(c) the function of the industrial area.</li> </ul> |

Resource Processing is a discretionary use within the zone. The use is already established on site and the use and development will not compromise surrounding industrial activities within the site's vicinity. P1 can be met.

## 18.4 Development Standards for Buildings and Works

### 18.4.1 Building height

| Objective:   | To provide for a building height that:<br>(a) is necessary for the operation of the use; and<br>(b) minimises adverse impacts on adjoining properties. |  |
|--|--|--|
| Acceptable Solutions   |  | Performance Criteria   |
| <b>A1</b><br>Building height must be not more than 10m.  |  | <b>P1</b><br>Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:<br>(a) the bulk and form of the building;<br>(b) separation from existing uses on adjoining properties; and<br>(c) any buffers created by natural or other features.   |
| <b>A2</b><br>Building height:<br>(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or<br>(b) within 10m of an Inner Residential Zone must be not more than 9.5m. |  | <b>P2</b><br>Building height within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be consistent with building height on adjoining properties in those zones and not cause an unreasonable loss of residential amenity, having regard to:<br>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;<br>(b) overlooking and reduction of privacy; or<br>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining properties. |

No external building works, other than required to mitigate the noise issues, are proposed as part of this application. These works will not exceed the allowable heights.

#### 18.4.2 Setbacks

| Objective:  | That building setbacks:<br>(a) are appropriate for the site; and<br>(b) do not cause an unreasonable loss of residential amenity to adjoining residential zones.   |
|---|--|
| Acceptable Solutions  | Performance Criteria   |
| <b>A1</b><br>Buildings must have a setback from a frontage of:<br>(a) not less than 5.5m;<br>(b) not less than existing buildings on the site; or<br>(c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.                                 | <b>P1</b><br>Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to:<br>(a) the topography of the site;<br>(b) the setback of buildings on adjacent properties; and<br>(c) the safety of road users.   |
| <b>A2</b><br>Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone of not less than:<br>(a) 4m; or<br>(b) half the wall height of the building, whichever is the greater. | <b>P2</b><br>Buildings must be sited to not cause an unreasonable loss of residential amenity to adjoining properties within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, having regard to:<br>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;<br>(b) overlooking and reduction of privacy; and<br>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.   |
| <b>A3</b><br>Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone. <sup>1</sup>                         | <b>P3</b><br>Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone must be designed, located, baffled or insulated to not cause an unreasonable loss of residential amenity to the adjoining residential zones, having regard to:<br>(a) the characteristics and frequency of emissions generated;<br>(b) the nature of the proposed use;<br>(c) the topography of the site and location of the sensitive use; and<br>(d) any proposed mitigation measures. |

The only applicable section of the above development standard is A3/P3. In this case, the mechanical equipment on the western exterior wall facing Tarleton Street is setback

approximately 20m to the General Residential zone and therefore A3 is satisfied.

#### 18.4.3 Fencing

|   |   |
|---|---|
| <b>Objective:</b>                                 | That fencing does not cause an unreasonable loss of residential amenity to adjoining residential zones.   |
| <b>Acceptable Solutions</b>                       | <b>Performance Criteria</b>   |
| <b>A1</b><br>No Acceptable Solution. <sup>2</sup> | <b>P1</b><br>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must not cause an unreasonable loss of residential amenity, having regard to:<br>(a) their height, design, location and extent; and<br>(b) the proposed materials and construction. |

The site does not share any common boundary fencing with one of the zones mentioned and therefore this clause is not applicable.

#### 18.4.4 Outdoor storage areas

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

No particular response was provided by Veris in their supporting planning submission. It is noted that the site is an existing operation and large trees are intermittently located along the Tarleton Street and Brooke Street frontages. This standard is considered satisfied.



#### 18.4.5 Landscaping

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

No additional building is proposed as part of this application and the development standard is not considered applicable.

#### C1.0 Signs Code

A 3m x 1.5m business identification sign is proposed for the Storage operation. Figure 3 in the report identifies the location of the sign and Figure 7 provides some further specifics on its location and what the sign will look like.

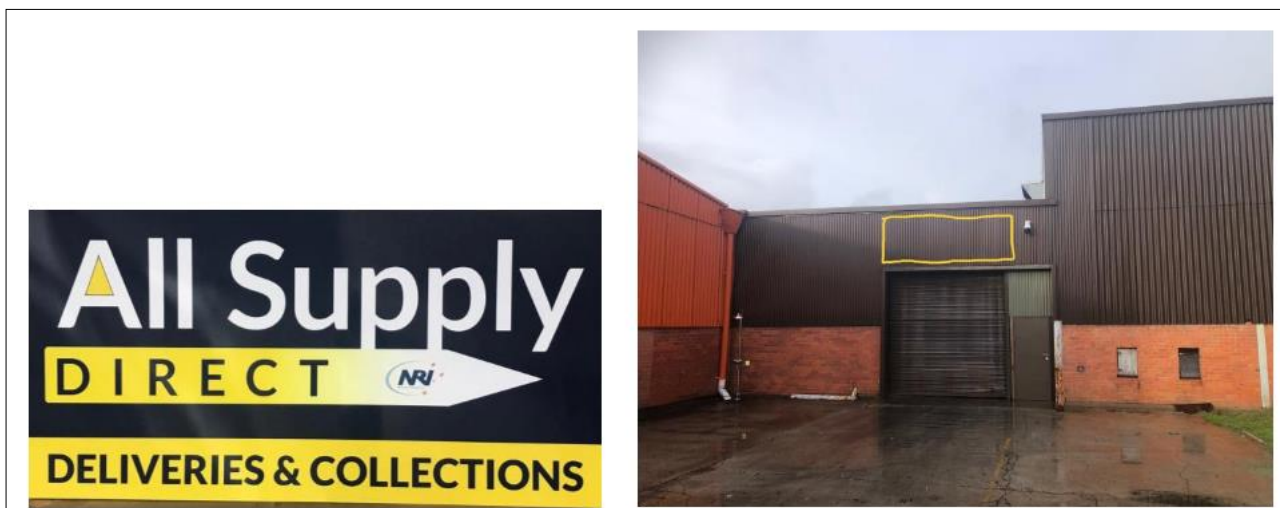


Figure 7 – Sign details (Veris, 2022)

Under the Signs Code, the sign is considered a wall sign. The sign will not extend above the wall, will have an area less than 4.5m<sup>2</sup>, not occupy 25% of the wall area and not be illuminated. The sign can satisfy the acceptable solutions of the Signs Code.



## C2.0 Parking and Sustainable Transport Code

The purpose of this code is the following:

*C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.*

*C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.*

*C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.*

*C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.*

*C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.*

*C2.1.6 To provide for parking precincts and pedestrian priority streets.*

Figure 8 below is Veris's supporting justification against this Code:

### **4.1.3. C2 Parking and Sustainable Transport Code**

The Code applies to all use and development without exemption.

The subject site has 37 car parking spaces on site (please refer to enclosed proposal plan 303758\_D01\_Rev3). The resource processing use requires 2 parking spaces per 3 employees. The site has 24 employees which requires a total of 16 car parking spaces associated with this use.

The proposed storage use requires 1 space per 200m<sup>2</sup> of site area or 1 space per 2 employees, whichever is the greater. The area associated with the storage is about 4282m<sup>2</sup> requiring a total of 21 parking spaces. The subject site has sufficient parking spots available on site.

It is also noted that as part of the previous permit PA2014.0091 driveways are required to be sealed. These works are proposed to be undertaken pending results of analysis of site history regarding site contamination and recommendations how to remediate the site.

### **Figure 8 – Supporting justification for C2.0 Parking and Sustainable Transport Code (Veris, 2022)**

The parking calculations have been reviewed and can be supported. Furthermore, if there is demand for additional on-site parking there is ample room. In relation to the last paragraph by Veris this will be discussed later in the report. The application has been assessed as satisfying the acceptable solutions of the Parking and Sustainable Transport Code.

## C3.0 Road and Railway Assets Code

As the use and development will increase the amount of vehicular traffic (including trucks) this Code is required to be examined.

No new access is proposed to the site and Veris notes that the increase in traffic will be only for the new Storage use and be in accordance with acceptable solution A1.4 of clause C3.5.1 which is reproduced below.

### C3.5 Use Standards

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

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

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

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

Veris's justification against this standard is reproduced below as Figure 10.

However, the establishment of the new storage facility will increase vehicle movements and therefore requires assessment against this Code.

The storage use will operate during daytime only (8am to 5pm) with HC or HR trucks bringing goods for storage in (about 1-10 loads per month) and taking goods out for distribution (5-30 loads per month). This results in max. 40 loads per month and therefore 80 vehicle movements per month. With an average of 250 working days per year the average daily vehicle movement increase is 3.84. The proposal complies with the acceptable solution A1.4 of this clause.

**Figure 10 - Supporting justification for C3.5.1 (Veris, 2022)**

The justification can generally be supported. A condition on the permit will be included requiring a Traffic Management Plan be endorsed by Council's Infrastructure & Works Department prior to the Storage use commencing. The TMP will need to be completed by a suitably qualified person and demonstrate appropriate truck circulation within the site for the use.

### C9.0 Attenuation Code

The purpose of this code is:

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

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

Under Table C9.1, the following attenuation distances apply for the uses on the site.

- Agriculture produce processing works – Level 1 Activity 100m; and
- Storage (Chemicals) – Level 1 Activity 500m

The relevant development standard for this clause is reproduced below along with comment.

C9.5.1 Activities with potential to cause emissions

| Objective:   | That an activity with potential to cause emissions is located so that it does not cause an unreasonable impact on an existing sensitive use.  |
|--|---|
| Acceptable Solutions   | Performance Criteria  |
| <p><b>A1</b></p> <p>The attenuation area of an activity listed in Tables C9.1 or C9.2 must not include:</p> <ul style="list-style-type: none"> <li>(a) a site used for a sensitive use which is existing;</li> <li>(b) a site that has a planning permit for a sensitive use; or</li> <li>(c) land within the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone.</li> </ul> | <p><b>P1</b></p> <p>An activity listed in Tables C9.1 or C9.2 must not cause:</p> <ul style="list-style-type: none"> <li>(a) an unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use which is existing, or has a planning permit; or</li> <li>(b) unreasonable impacts on land within the relevant attenuation area that is in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone, having regard to: <ul style="list-style-type: none"> <li>(i) operational characteristics of the activity;</li> <li>(ii) scale and intensity of the activity;</li> <li>(iii) degree of hazard or pollution that may be emitted from the activity;</li> <li>(iv) hours of operation of the activity;</li> <li>(v) nature of likely emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste;</li> <li>(vi) existing emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; and</li> <li>(vii) measures to eliminate, mitigate or manage emissions from the activity.</li> </ul> </li> </ul> |

In this case, A1 cannot be met as the attenuation area of the prescribed uses is within the General Residential zone. Veris did not provide any supporting information on how the application satisfies this particular code.

In response to the performance criteria, the Resource Processing use is existing. It has been demonstrated the operation of the cool rooms 24/7 will have a negligible impact to the amenity of surrounding residential properties subject to implementing the mitigation measures mentioned in the Noise Assessment. As discussed, this will be conditioned on the planning permit. All other operation of this Resource Processing use will be in accordance with the acceptable operating hours for the zone.

To ensure the storage of fertiliser and chemicals will not cause an unreasonable impact to nearby residential properties, Council will require an environmental effects assessment to be undertaken and endorsed prior to the use commencing.

The performance criteria of this standard can be satisfied via appropriate planning permit conditions.

#### C16.0 Safeguarding of Airports Code

The site is mapped within an Airport Obstacle Limitation Area overlay (AOLA). The Code is not required to be further examined as development is well below the AHD threshold of 51.5m.

#### **COMMUNITY ENGAGEMENT**

On 14/04/2022, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use Planning and Approvals Regulations 2014*, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 21/05/2022;
- (b) Making a copy of the proposal available in Council Offices from the 20/05/2022;
- (c) Notifying adjoining property owners by mail on 19/05/2022; and
- (d) Erecting a Site Notice for display from the 20/05/2022.

The period for representations to be received by Council closed on 03/06/2022.

#### **REPRESENTATIONS**

A total of six representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. A summary of each representation is detailed in the table below along with evaluation. A full copy of the representations is appended as **Attachment 2**.

| Representor(s)                             | Issues Raised   | Officer Comment  |
|--|---|--|
| Wayne & Dianna Barber – 40 Tarleton Street | Concerns regarding the operation of the chiller units 24/7.<br><br>Questions regarding the effectiveness of the mitigation measures proposed in the noise report. Noting works have already been undertaken which appear contrary to the noise assessment recommendations.<br><br>No screening fence details provided along Tarleton Street as mentioned in developer's submission. | A condition will be applied on the permit requiring ongoing noise monitoring from the chillers. A key aspect of the monitoring is that it is done by a suitably qualified professional and demonstrates the noise levels are as per the projected levels in the noise assessment, which found the noise levels would not cause an unreasonable loss of amenity to nearby residents.<br><br>A further operational condition will also be included requiring that the noise assessor ratifies the noise mitigation measures when installed.<br><br>The applicant has stated that the fence along Tarleton Street will be upgraded. No details have been submitted on the type of fencing proposed, however it will likely be |

|   |  |   |
|---|--|---|
|   |  | exempt from planning consideration.   |
| Tim Gale & Troy Hope – 22 Tarleton Street         | <p>Questioning building suitability/condition to be utilised as a food pressing plant.</p> <p>Disregard from operator to seek appropriate development permits.</p> <p>Querying anticipated truck movements discussed in the report and traffic impact to Tarleton Street.</p> <p>Impact to surrounding house prices.</p> <p>The area does not require any more industry related uses.</p> <p>Encouraging ongoing noise monitoring.</p> | <p>The site has existing approval to operate as a potato pressing facility.</p> <p>It is disappointing the operator undertook the works without applicable development approvals being sought. However, the role of the planning authority is to assess the application submitted.</p> <p>A condition on the permit will be included requiring a Traffic Management Plan be submitted to demonstrate all truck circulation can occur within the site confines.</p> <p>The potential impact to the property valuations is not relevant to the planning authority's decision.</p> <p>The property is zoned Light Industrial and the uses proposed on the site have a permit pathway under the planning scheme.</p> <p>Noise monitoring will be conditioned as per earlier commentary in this section of the report.</p> |
| Nathan Savage – 46 Brooke Street                  | <p>Noise concerns.</p> <p>Will there be a noise barrier along the Brooke Street boundary?</p>  | <p>Noise monitoring will be conditioned as per earlier commentary in this section of the report.</p> <p>No noise barrier is proposed along Brooke Street.</p>   |
| Mark, Maree and Jeanette Blake – 50 Brooke Street | <p>Safety concerns along the Brooke Street carriageway due to the intensification of the operation proposed from the site.</p> <p>General impacts to the residential amenity of the area regarding noise occurring from the site and visual aesthetics.</p>  | <p>The applicant has stated that the vehicle movements will not be intensified for the potato processing facility. However, it is noted a TMP is required to be submitted to demonstrate internal truck circulation can be suitably achieved for the Storage use.</p> <p>Noise monitoring will be conditioned as per earlier commentary in this section of the report.</p> <p>The site does incorporate some trees along the road frontages which screen parts of the site.</p>   |

|  |   |  |
|--|---|--|
| Richard & Belinda Emery – 42 Tarleton Street | Questioning the effectiveness of the noise mitigation measures.<br>General impacts to residential amenity regarding 24/7 noise occurring.               | Noise monitoring will be conditioned as per earlier commentary in this section of the report.  |
| N. Woodhall – 38 Tarleton Street             | General impacts to the residential amenity of the area regarding noise occurring from the site.<br>Odour concerns regarding the storage of fertilisers. | Noise monitoring will be conditioned as per earlier commentary in this section of the report.<br><br>Prior to the storage use commencing, Council will require an environmental effects report which is to address matters such as odour and other pollution matters and how this will be controlled.<br><br>In addition, Council will actively monitor the site and address pollution concerns such as odour under the <i>Environmental Management and Pollution Control Act 1994</i> . |

## DISCUSSION

As mentioned earlier in the report, a planning permit was approved for the site in 2014 (PA2014.0091) to operate for the purposes as a fresh potato packaging and distribution facility. The permit included several operational conditions. A copy of the permit is appended as **Attachment 3**.

The developer entered into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* to enable the use to occur before completing the operating conditions. Although not relevant to this application, Council will work with the operator of the site to ensure compliance with the permit conditions and Part 5 Agreement.

## FINANCIAL IMPLICATIONS

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

## RISK IMPLICATIONS

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

## CONCLUSION

The proposal has been assessed against the requirements of the planning scheme and conditional approval is recommended.

## ATTACHMENTS

1. Application - PA2022.0059 - 23-61 Tarleton Street [4.3.1 - 30 pages]
2. Representations - PA2022.0059 - 23-61 Tarleton Street [4.3.2 - 10 pages]

3. Planning Permit PA2014.0091 - 23-61 Tarleton Street [**4.3.3** - 3 pages]



## **4.4 AM2022.01 & PA2022.0024 - COMBINED AMENDMENT AND DEVELOPMENT APPLICATION - 133 MIDDLE ROAD MIANDETTA**

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

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

### **RECOMMENDATION**

That Council:

- agree to initiate amendment AM2022.01 to the Devonport Local Provisions Schedule for the land at 133 Middle Road, Miandetta to:
  - a. Remove the Devonport Reserved Residential Land Specific Area Plan from CT249880/1;
  - b. Introduce the Open Space Zone to CTs 249880/1 & 198366/1;
  - c. Realign the Community Purpose and General Residential Zones;
  - d. Remove the Priority Vegetation Area Overlay (in whole or part) from CTs 15534/23, 104380/1, 69003/1 & 2 and 198366/1; and
  - e. Concurrently approve the associated application for a 7 Lot subdivision.  
as set out in Attachment 1; and
- place Amendment AM2022.01 and application PA2022.0024 on public exhibition for a 4 week period in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- approve application PA2022.0024 for a 7 lot subdivision with the following conditions:
  1. The development is to proceed generally in accordance with the submitted plans referenced as:
    - a. Job No. 12548932, Figures 13 & 14, Rev A dated 06 Oct 2021 & Figure 16, Rev A dated 22 April, 2022 by GHD Pty Ltd;
    - b. Bushfire Hazard Management Report: Subdivision, dated 5<sup>th</sup> July, 2021, by Livingston Natural Resource Services; and
    - c. Natural Values Report, dated 5<sup>th</sup> July, 2021, by Livingston Natural Resource Servicescopies of which are attached and endorsed as documents forming part of this Planning Permit.
  2. Any subsequent development of the new lots will require additional assessment by a registered Bushfire Hazard Management Practitioner.
  3. The developer is to cover all costs associated with the transfer of the public open space title to Council.
  4. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

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

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

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

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

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

Council's Strategic Plan 2009-2030:

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

### **SUMMARY**

The purpose of this report is to enable Council, acting as a Planning Authority, to determine whether to initiate an amendment to the Devonport Local Provisions Schedule in accordance with Section 40T of the *Land Use Planning and Approvals Act 1993* in regard to the following matters:

- Removal of the Devonport Reserved Residential Land Specific Area Plan from CT249880/1;
- Introduction of the Open Space Zone to CTs 249880/1 & 198366/1;
- Realignment of the Community Purpose and General Residential Zones;
- Removal of Priority Vegetation Area Overlay (in whole or part) from CTs 15534/23, 104380/1, 69003/1 & 2 and 198366/1; and
- The concurrent approval of a 7 Lot subdivision.

### **BACKGROUND**

|                      |   |
|----------------------|---|
| Planning Instrument: | <i>Tasmanian Planning Scheme – Devonport 2020</i>   |
| Address:             | 133 Middle Road, Miandetta  |
| Applicant:           | GHD Pty Ltd   |
| Owner:               | Devonfield Enterprises Inc  |
| Proposal:            | Removal of Devonport Reserved Residential Land Specific Area Plan and Priority Vegetation Area Overlay, realignment of Community Purpose and General Residential Zones, introduction of Open Space Zone and 7 lot Subdivision |
| Existing Use:        | Education and occasional care & Residential (assisted living)   |
| Current Zoning:      | Community and General Residential   |
| Decision Due:        | 28 June, 2022   |

### **SITE DESCRIPTION**

The site is located on the eastern side of Middle Road and consists of 6 titles totalling an area of 22ha. The westernmost titles contain the existing operations of Devonfield, which

the organisation describes as a not-for-profit supporting people with any type of disability within the community, in a variety of ways. Devonfield is well known in the area having been in operation since 1959.

The eastern titles are vacant and predominantly bushland. There is a high point, approximately in the centre of the site, which falls away very steeply to the south and east and more gently to the north. To the west, the land falls slightly then rises again, flattening as it reaches Middle Road. An electricity transmission line runs through the property along the southern boundary and a small creek flows through the south-eastern corner. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 1 - Aerial view of subject site and surrounding area (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

### **CURRENT ZONING**

The site is currently zoned Community Purpose and General Residential, as shown in Figure 2. The current Devonfield operations are based on the western side of the site, within the Community Purpose Zone which encompasses approximately 13.9ha of the site. The General Residential Zone, which is approximately 8.5ha, covers the eastern portion of the site and the small lot accessible via Penambul Drive.

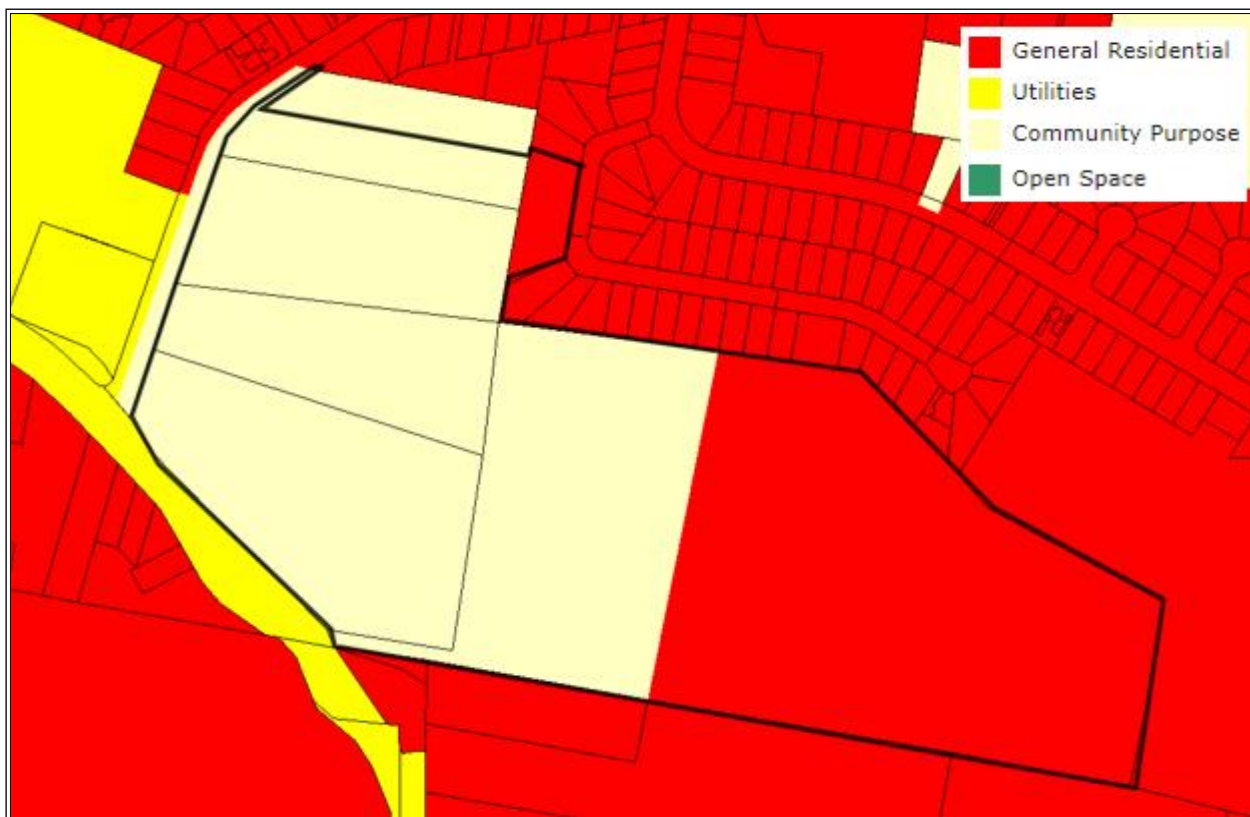


Figure 2 - Current zoning (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

## 8.0 GENERAL RESIDENTIAL ZONE

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

### 8.2 Use Table

| Use Class                              | Qualification                        |
|--|--------------------------------------|
| No Permit Required                     |                                      |
| Natural and Cultural Values Management |                                      |
| Passive Recreation                     |                                      |
| Residential                            | If for a single dwelling.            |
| Utilities                              | If for minor utilities.              |
| Permitted                              |                                      |
| Residential                            | If not listed as No Permit Required. |
| Visitor Accommodation                  |                                      |
| Discretionary                          |                                      |

|                                     |   |
|-------------------------------------|---|
| Business and Professional Services  | If for a consulting room, medical centre, veterinary centre, child health clinic, or for the provision of residential support services. |
| Community Meeting and Entertainment | If for a place of worship, art and craft centre, public hall, community centre or neighbourhood centre.                                 |
| Educational and Occasional Care     | If not for a tertiary institution.  |
| Emergency Services                  |   |
| Food Services                       | If not for a takeaway food premises with a drive through facility.  |
| General Retail and Hire             | If for a local shop.  |
| Sports and Recreation               | If for a fitness centre, gymnasium, public swimming pool or sports ground.  |
| Utilities                           | If not listed as No Permit Required.  |
| Prohibited                          |   |
| All other uses                      |   |

#### 27.0 COMMUNITY PURPOSE ZONE

The intent of the Community Purpose zone is to provide for key community facilities and services including health, educational, government, cultural and social facilities and to encourage multi-purpose, flexible and adaptable social infrastructure. The use table for the zone is as follows:

#### 27.2 Use Table

| Use Class                              | Qualification   |
|--|---|
| No Permit Required                     |   |
| Natural and Cultural Values Management |   |
| Passive Recreation                     |   |
| Utilities                              | If for minor utilities.   |
| Permitted                              |   |
| Business and Professional Services     | If for:<br>(a) medical centre;<br>(b) a community-based organisation;<br>(c) government offices; or<br>(d) funeral parlour. |
| Community Meeting and Entertainment    | If for a cemetery.  |
| Crematoria and Cemeteries              |   |
| Educational and Occasional Care        |   |
| Emergency Services                     |   |
| Hospital Services                      |   |

|                                    |   |
|------------------------------------|---|
| Residential                        | If for:<br>(a) a residential care facility, respite centre, retirement village or assisted housing; or<br>(b) accommodation for staff or students of a use on the site. |
| Tourist Operation                  | If for a visitor centre.  |
| Discretionary                      |   |
| Business and Professional Services | If not listed as Permitted.   |
| Custodial Facility                 | If for alterations or extensions to an existing Custodial Facility.   |
| Food Services                      |   |
| General Retail and Hire            | If for a market.  |
| Recycling and Waste Depot          | If for alterations or extension to an existing Recycling and Waste Depot.   |
| Sports and Recreation              |   |
| Tourist Operation                  | If not listed as Permitted.   |
| Utilities                          | If not listed as No Permit Required.  |
| Vehicle Parking                    |   |
| Prohibited                         |   |
| All other uses                     |   |

In addition to the zoning, a specific area plan and a number of overlays are applicable to the site.

#### DEV S3.0 DEVONPORT RESERVED RESIDENTIAL LAND SPECIFIC AREA PLAN

The Devonport Reserved Residential Land Specific Area Plan (SAP) applies to the eastern side of CT249880/1 as shown in Figure 3.

The intent of the SAP is to require that the subdivision and subsequent use and development of land reserved for future residential purposes:

- (a) has no impact on threatened fauna or flora;
- (b) occurs in an orderly sequence of release; and
- (c) enables the efficient provision of roads and utilities.

The only assessable clause contained within the SAP is in regard to subdivision, as follows:

|   |
|---|
| Objective:  |
| That subdivision:                                     |
| (a) makes efficient use of land;                      |
| (b) optimises provision of utilities;                 |
| (c) provides an integrated network of internal roads; |



| <p>(d) minimises impact on threatened fauna and flora; and</p> <p>(e) provides for a logical and sequence progression of release in accordance with the most efficient arrangements for provision of road access and utilities.</p> |   |
|---|---|
| Acceptable Solutions  | Performance Criteria  |
| <p>A1</p> <p>No Acceptable Solution.</p>  | <p>P1</p> <p>The subdivision of land must:</p> <p>(a) make appropriate provision for the protection of any threatened fauna and flora identified to exist on the land; and</p> <p>(b) be staged or sequenced in accordance with:</p> <p>(i) a utilities provision plan for the locality;</p> <p>(ii) a road network plan for the locality; and</p> <p>(iii) a staging plan for the efficient and orderly release of land.</p> |

The Specific Area Plan is a consequence of the Reserved Residential Zone which existed in the *Devonport and Environs Planning Scheme 1984*, prior to the introduction of the *Devonport Interim Planning Scheme 2013* and the subsequent *Tasmanian Planning Scheme – Devonport 2020*.

The zone was intended to retain suitable land for future urban development with rezoning to be related to the rate of vacant capacity of existing urban areas and the provision of infrastructure services.

The land to the north of the area to which the SAP applies was developed in 1990s with the land to the north-west currently subject to preliminary subdivision enquiries. As detailed in the *Draft Greater Devonport Residential Growth Strategy 2021-2041* (proposed to be adopted at this Council meeting), appropriately development ready General Residential Zoned land supply is a critical issue with only 2.8-4.1 year's supply available.



Figure 3 - Devonport Reserved Residential Land Specific Area Plan (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

#### C4.0 ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE

A transmission line runs adjacent to the southern boundary of the site and as a result the Electricity Transmission Infrastructure Protection Code applies. The purpose of the Code is:

- C4.1.1 To protect use and development against hazards associated with proximity to electricity transmission infrastructure.
- C4.1.2 To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.
- C4.1.3 To maintain future opportunities for electricity transmission infrastructure.



Figure 4 - Electricity Transmission Infrastructure Protection Code Plan (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

#### C7.0 NATURAL ASSETS CODE

The Natural Assets Code applies to the land due to the presence of the Priority Vegetation Area (PVA) Overlay and Waterway and Coastal Protection Area as shown in Figure 5 below.



The PVA Overlay covers much of the site with the Waterway and Coastal Protection Area Overlay covering the creek in the south-eastern corner of the lot.

The purpose of the Code is as follows:

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

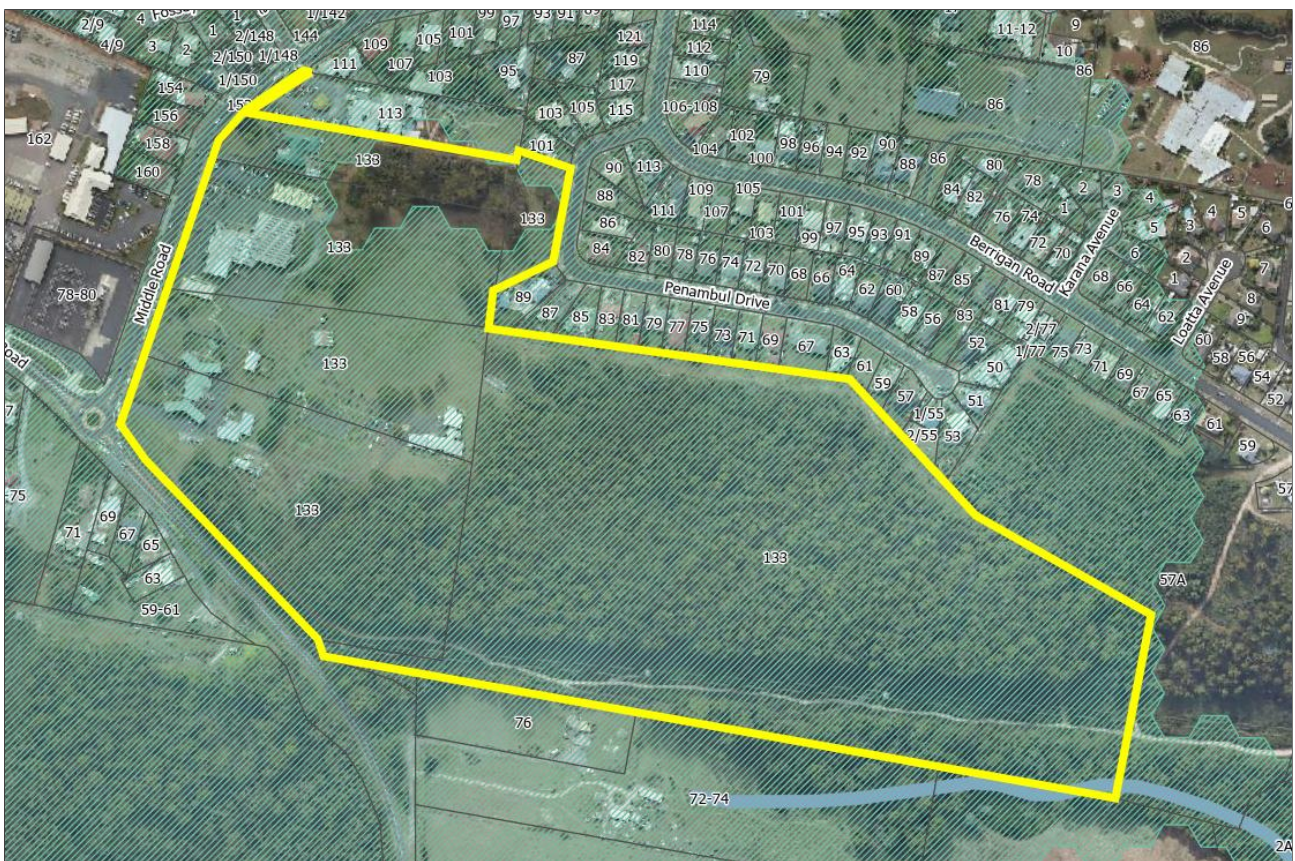


Figure 5 - Priority Vegetation Area Overlay and Waterway and Coastal Protection Area Overlay (Source: [www.gisportal.devonport.tas.gov.au](https://gisportal.devonport.tas.gov.au))

#### C13.0 BUSHFIRE-PRONE AREAS CODE

The Bushfire-Prone Areas Code applies to the whole site, save the northernmost and north-eastern lot, as shown in Figure 6, hatched in brown. The intent of the code is:



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

#### C16.0 SAFEGUARDING OF AIRPORTS CODE

Figure 6 shows the application of the Airport obstacle limitation area to a very small area of land in the north-western corner of the site (shown in purple). The application of the area triggers the Code, the purpose of which is:

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



Figure 6 - Bushfire-Prone Area and Airport Obstacle Limitation Area (Source: [www.https://gisportal.devonport.tas.gov.au](https://gisportal.devonport.tas.gov.au))

#### PROPOSED AMENDMENT

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

- Remove the Devonport Reserved Residential Land Specific Area Plan from CT249880/1;
- Introduce the Open Space Zone to CTs 249880/1 & 198366/1;
- Realign the Community Purpose and General Residential Zones; and

- d. Remove the Priority Vegetation Area Overlay (in whole or part) from CTs 15534/23, 104380/1, 69003/1 & 2 and 198366/1.

Should the above be adopted the applicant also proposes a 7 lot subdivision. Figures 7 & 8 show the current zoning and lot layout followed by the proposed zoning and lot layout.

The amended zoning and overlay maps are appended as Attachment 1 and the full application can viewed as Attachment 3.

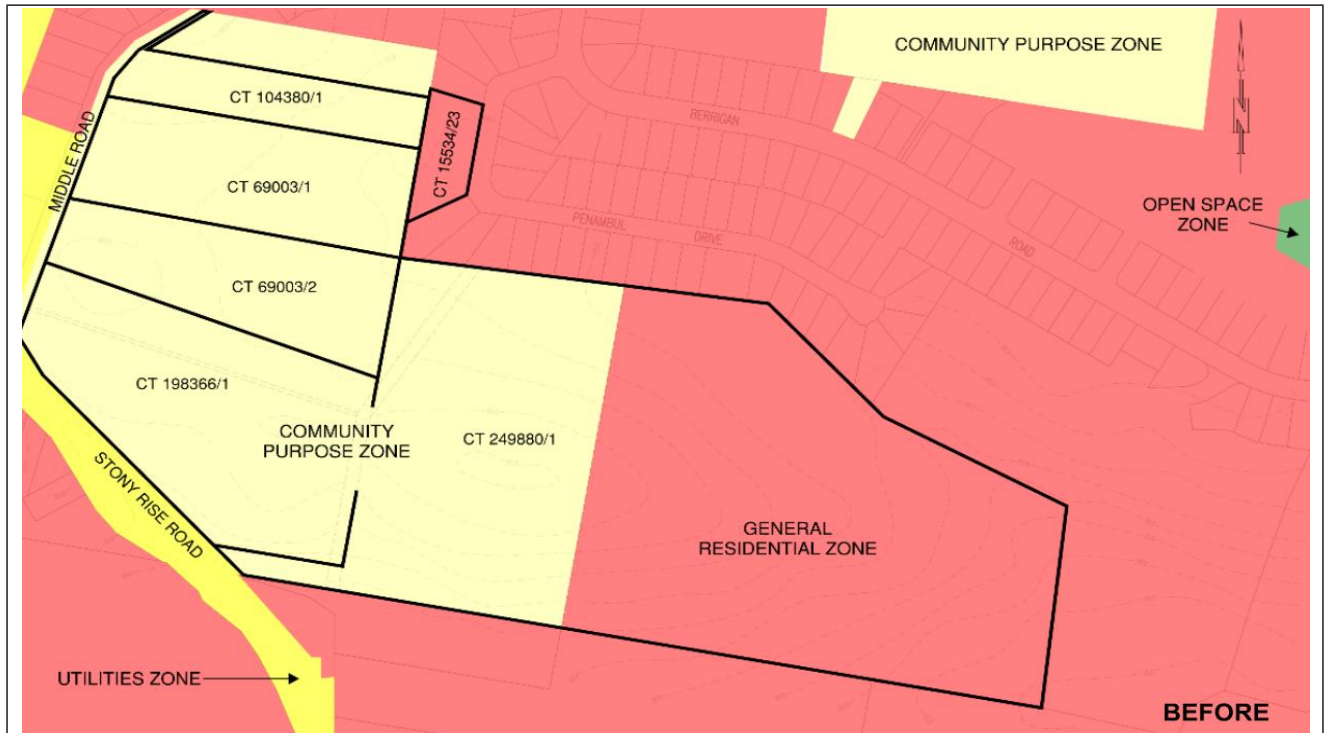


Figure 7 - Current zoning and lot layout (Source: GHD)

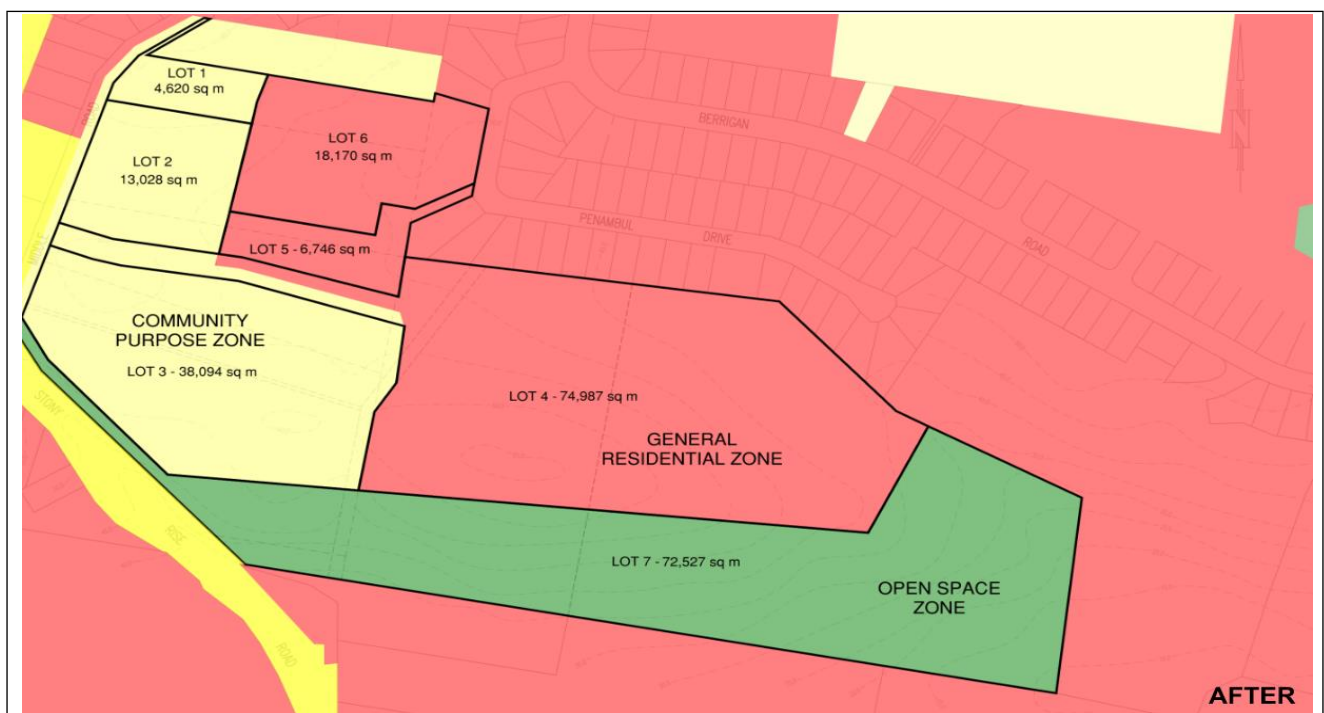


Figure 8 - Proposed zoning and lot layout (Source: GHD)

At present 62% of the site is attributed to the Community Purpose Zone and 38% to the General Residential Zone. The proposal would result in the site being split between zones as follows:

- General Residential Zone 41%
- Community Purpose Zone 27%
- Open Space Zone 32%

This equates to the following areas for each zone:

| Zone                     | Existing area         | Proposed area        | Difference             |
|--------------------------|-----------------------|----------------------|------------------------|
| General Residential Zone | 85,266m <sup>2</sup>  | 92,040m <sup>2</sup> | +6,774m <sup>2</sup>   |
| Community Purpose Zone   | 138,956m <sup>2</sup> | 59,829m <sup>2</sup> | - 79,127m <sup>2</sup> |
| Open Space Zone          | 0                     | 72,527m <sup>2</sup> | + 72,527m <sup>2</sup> |

Table 1 - Comparison of zone areas (Source: GHD)

The changes to the zone boundaries and the introduction of the Open Space Zone are proposed to enable Devonfield to rationalise its land assets, to provide only what is necessary and suitable to allow for operation of the business. The reduced area of the Community Purpose Zone encompasses all current buildings, with sufficient capacity for expansion.

The increase in area of the General Residential Zone is minimal, at just 3% of the total site area. The reconfiguration will allow for some of the flatter, less constrained areas of the site, that are not required for the operation of Devonfield, to be developed for residential use, while allowing for the preservation of the existing vegetation through the introduction of the Open Space Zone to the areas of land less suitable for development due to topography, solar orientation and natural values.

The Natural Values Report submitted as part of the application identifies the quality of the vegetation on the site and recommends retention of that on the southern side of the property to offset the removal of vegetation on land currently and proposed to be zoned General Residential. It is also recommended that a strip of land to the north of the site be retained as burrowing crayfish habitat.

The intent and uses allowable in the General Residential and Community Purpose Zones were discussed earlier and are deemed appropriate in the configurations proposed. The Open Space Zone is not currently utilised on the property however it is proposed it replace both the Community Purpose and General Residential Zones on the southern side of the subject site.

## 29.0 OPEN SPACE ZONE

The intent of the Open Space Zone is:

- 29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.
- 29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses

| Use Class                              | Qualification                                     |
|--|---|
| <b>No Permit Required</b>              |   |
| Natural and Cultural Values Management |   |
| Passive Recreation                     |   |
| Utilities                              | If for minor utilities and underground utilities. |



| <b>Permitted</b>                    |  |
|-------------------------------------|--|
| No Permitted uses.                  |  |
| <b>Discretionary</b>                |  |
| Community Meeting and Entertainment |  |
| Crematoria and Cemeteries           | If for a cemetery.   |
| Emergency Services                  |  |
| Food Services                       |  |
| General Retail and Hire             |  |
| Pleasure Boat Facility              |  |
| Resource Development                | If for:<br>(a) marine farming shore facility or other facility that relies upon a coastal location to fulfil its purpose; or<br>(b) grazing. |
| Sports and Recreation               |  |
| Tourist Operation                   |  |
| Transport Depot and Distribution    | If associated with wharves, water taxis, or commuter or passenger ferry terminals.   |
| Utilities                           | If not listed as No Permit Required.   |
| Vehicle Parking                     |  |
| Visitor Accommodation               | If for camping and caravan park or overnight camping areas.  |
| <b>Prohibited</b>                   |  |
| All other uses                      |  |

There are no permitted uses available in the Open Space Zone, therefore any use or development proposed for the land would be discretionary, unless for Natural and Cultural Values Management, Passive Recreation or minor Utilities which do not require a permit. This is appropriate given the area, with the likelihood of development being diminished by the topography, the site's natural values and the presence of a transmission line.

In addition to the changes to the zoning it is also proposed that the boundary of the Priority Vegetation Area Overlay be altered in accordance with Figure 9 below. The change reflects the presence of vegetation on the site, removing the overlay from cleared areas except for the north-western extent of the overlay which has been identified as habitat for burrowing crayfish.

The removal of the Priority Vegetation Area Overlay from the land not containing native vegetation is entirely appropriate as there is no vegetation present to protect. Much of Devonport is subject to the Priority Vegetation Area Overlay although native vegetation was removed decades ago, a matter that Council will seek to address in the future.

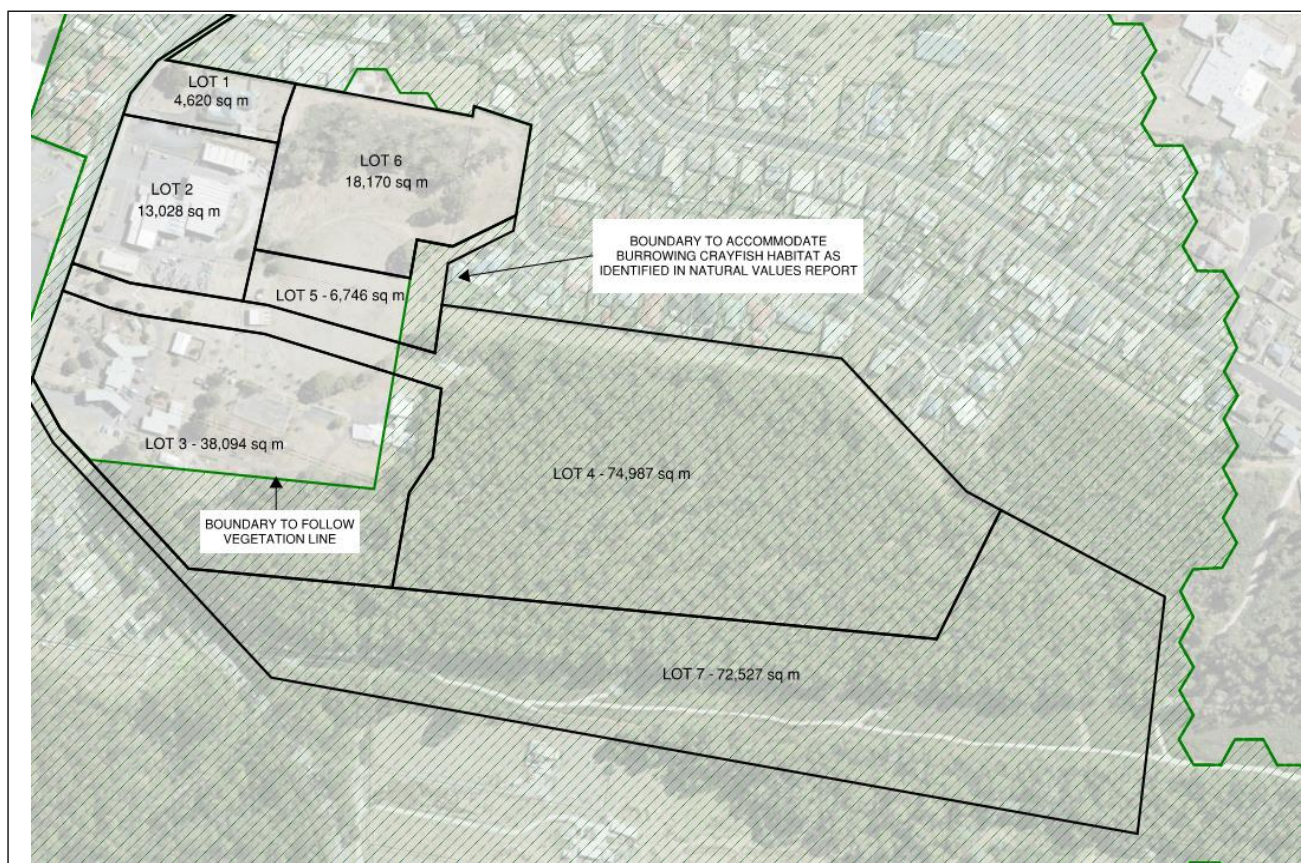


Figure 9 - Proposed extent of Priority Vegetation Area Overlay (Source: GHD)

It is also proposed that the Devonport Reserved Residential Land Specific Area Plan (SAP) be removed from the site, the reason being it is of little relevance given the supply of undeveloped land zoned General Residential in Devonport is limited and infrastructure is now readily available to the site. In light of this there is little benefit in the requirement that the development of land occur in an orderly sequence of release. The other matters identified as being the reasoning for the SAP (ensuring no impact on threatened fauna or flora and the efficient provision of roads and utilities) are dealt with through the Natural Assets Code and subdivision development standards contained within the various zones, along with the *Threatened Species Protection Act 1995* and the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

### STATUTORY REQUIREMENTS

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

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

Generally, it is noted that the proposed amendment relates only to alterations to the mapping of the LPS and therefore does not diminish the appropriateness of the provisions which have been shown to meet the criteria through their adoption in October 2020.

In addition to the assessment of the LUPAA requirements the draft amendment requires consistency with the Section 8A Guidelines for LPS zone and code application. The guidelines for the relevant zones and codes are reproduced below.

### GENERAL RESIDENTIAL ZONE

| Zone Application Guidelines |   |
|-----------------------------|---|
| GRZ 1                       | <p>The General Residential Zone should be applied to the main urban residential areas within each municipal area which:</p> <ul style="list-style-type: none"> <li>(a) are not targeted for higher densities (see Inner Residential Zone); and</li> <li>(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.</li> </ul>   |
| GRZ 2                       | <p>The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> <li>(a) within the General Residential Zone in an interim planning scheme;</li> <li>(b) within an equivalent zone under a section 29 planning scheme; or</li> <li>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and</li> <li>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,</li> </ul> |
| <b>Note:</b>                | <p><i>The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.</i></p>  |
| GRZ 3                       | <p>The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</p>  |

The area proposed to be zoned General Residential is currently zoned Community Purpose and is surplus to requirements for Devonfield. The land is not in close proximity to a range of services and facilities nor characterised by higher dwelling density. As such the Inner Residential Zone is not deemed appropriate. The land is connected to reticulated water and sewerage systems.

The *Cradle Coast Regional Land Use Strategy* (CCRLUS) supports the change in zoning in that supply within the municipality is well below the 10 years supply stipulated at clause 4.7 and should be increased. Both the CCRLUS and the *Draft Greater Devonport Residential Growth Strategy* support increasing General Residential land supply through infill development.

Reconfiguration of the General Residential Zone on the site will greater protect the natural values present through a change to Open Space for much of the current zone and the introduction of the General Residential Zone to land not constrained by such values.



|       |  |
|-------|--|
| OSZ 1 | <p>The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</p> <p>(a) passive recreational opportunities; or</p> <p>(b) natural or landscape amenity within an urban setting.</p>                            |
| OSZ 2 | <p>The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities.</p>   |
| OSZ 3 | <p>The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.</p>  |
| OSZ 4 | <p>The Open Space Zone should not be applied to land:</p> <p>(a) with significant natural values (see Environmental Management Zone); or</p> <p>(b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).</p> |

The proposed Open Space Zone will provide for both passive recreational opportunities, through the provision of walking and bike paths, and natural or landscape amenity. The land contains a transmission line which allows for the construction of pathways without the need to remove significant vegetation. The proposed zone will ensure retention of a well established area of bushland that provides visual continuity with Kelcey Tier to the south-west.

It is intended that the land be donated to Council as part of the proposed subdivision.

C7.0 NATURAL VALUES CODE

|  |
|--|
| <p><b>Overview</b></p> <p>The Natural Assets Code applies to land within the following overlays:</p> <ul style="list-style-type: none"> <li>• waterway and coastal protection area;</li> <li>• future coastal refugia area; and</li> <li>• priority vegetation area.</li> </ul> <p>The waterway and coastal protection area overlay includes land within a specified buffer distance from Class 1 to 4 watercourses and wetlands, including Ramsar wetlands. Class 1 watercourses include lakes and tidal waters.</p> <p>The future coastal refugia area overlay is applied to land identified for the protection of land for the landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.</p> |
|--|



The priority vegetation area overlay is intended for native vegetation that:

- forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*;
- is a threatened flora species;
- forms a significant habitat for a threatened fauna species; or
- has been identified as native vegetation of local importance.

### ***Guidelines for applying the Natural Assets Code overlays***

#### ***Priority Vegetation Area Overlay***

- NAC 7** The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the LIST.
- NAC 8** For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas as published DPIPWE's website and available on the LIST.
- NAC 9** In applying the priority vegetation area overlay for threatened flora species, the overlay map may include an area around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority.
- NAC 10** For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat should be based on the threatened fauna data from the Natural Values Atlas, as published on DPIPWE's website.
- NAC 11** The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:
- (a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or
  - (b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above.
- NAC 12** The priority vegetation area overlay may include areas of native vegetation which have been identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. Identification of these areas may be assisted by datasets or spatial products identified by DPIPWE.
- NAC 13** A priority vegetation area should not be shown on the overlay map for land that is within the:
- (a) Inner Residential Zone;

- (b) Village Zone;
- (c) Urban Mixed Use Zone;
- (d) Local Business Zone;
- (e) General Business Zone;
- (f) Central Business Zone;
- (g) Commercial Zone;
- (h) Light Industrial Zone;
- (i) General Industrial Zone;
- (j) Agriculture Zone; or
- (k) Port and Marine Zone.

Field mapping has been carried out as part of the Natural Values Report for the site which has identified that the areas of land that have been cleared are not suitable for inclusion in the Priority Vegetation Area Overlay. It was also confirmed that the patch of trees located on the northern side of the site, but not currently contained within the PVA Overlay, are not appropriate for inclusion. In light of this it is appropriate that the overlay be removed from the areas identified and amended as per Figure 9 above.

There are no guidelines in regard to the application of Specific Area Plans. No expansion of the commentary provided previously in regard to removal of the SAP is deemed warranted.

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

The financial implications anticipated as a result of this proposal are in regard to the donation of land to be rezoned as Open Space. Council would be responsible for the ongoing maintenance of the land however it is likely these costs would be minimal when compared to the benefits to the public in regard to the provision of land available for passive recreation and natural and landscape amenity.

### **CONCLUSION**

The proposed changes to the Devonport Local Provisions Schedule mapping will allow Devonfield to rationalise their land assets whilst also allowing for more appropriately zoned General Residential land, along with the provision of open space for both the community and visitors to utilise.

## PERMIT APPLICATION

### APPLICATION DETAILS

In assessing the application it is assumed that the proposed amendment has been approved. Referral to TasWater has not yet been made and is part of the notification process that occurs after an amendment and associated permit have been certified. In light of this a condition will be placed on the permit in reference to TasWater's likely conditions.

The applicant is seeking approval for a 7 lot subdivision as shown in Figure 10 below. This is essentially a reconfiguration of lots to reflect the altered zoning on the site.



Figure 10 - Proposed subdivision plan (Source: GHD)

### PLANNING ISSUES

The subject site contains the Community Purpose, General Residential and Open Space Zones. In addition the Electricity Transmission Infrastructure Protection Code, Natural Assets Code and Bushfire-Prone Areas Code apply. The zones and overlays are shown in Figure 11, along with the proposed lot layout.

Figure 12 shows the current lot layout.



Figure 11 - Zoning and overlay map (Source GHD)

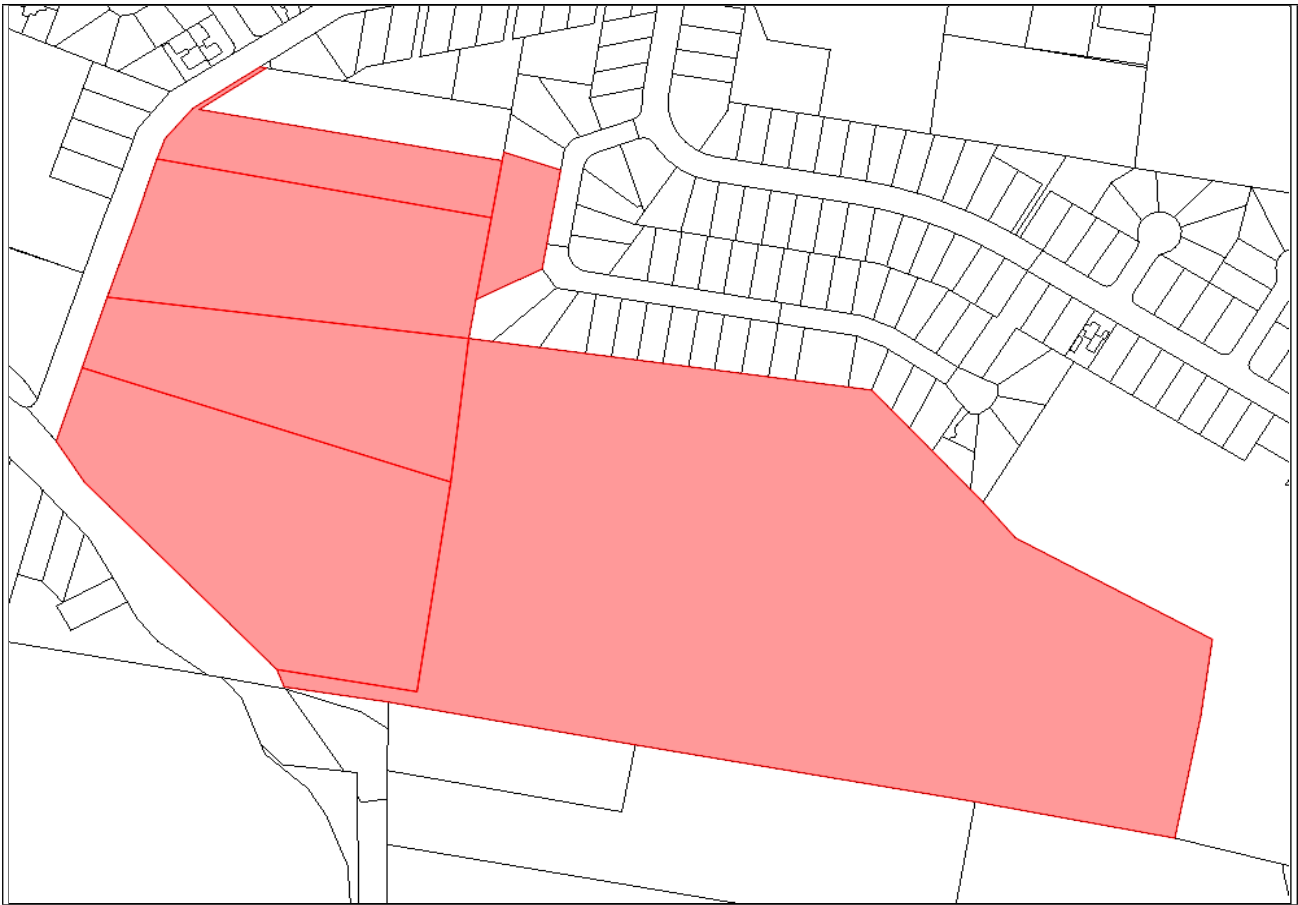


Figure 12 - Current lot layout (Source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))



Subdivision does not require categorisation into a Use Class, in accordance with clause 6.2.6 of the planning scheme, however must be assessed against the subdivision standards contained in the relevant zone. In addition, all applicable codes must be addressed.

The relevant sections of the planning scheme are addressed below.

## 8.0 General Residential Zone

### 8.6 Development Standards for Subdivision

#### 8.6.1 Lot design

| Objective:   | That each lot:<br>(a) has an area and dimensions appropriate for use and development in the zone;<br>(b) is provided with appropriate access to a road;<br>(c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and<br>(d) is orientated to provide solar access for future dwellings.  |
|--|---|
| Acceptable Solutions   | Performance Criteria  |
| <p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 450m<sup>2</sup> and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p> | <p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area.</p> |

Comment – Each lot proposed within the General Residential Zone meets the acceptable solution.

|   |   |
|---|---|
| <p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p> | <p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the width of frontage proposed, if any;</li> <li>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(c) the topography of the site;</li> <li>(d) the functionality and useability of the frontage;</li> <li>(e) the ability to manoeuvre vehicles on the site; and</li> <li>(f) the pattern of development existing on established properties in the area,</li> </ul> <p>and is not less than 3.6m wide.</p> |
|---|---|

Comment – Lot 5 has a 10m wide frontage which does not meet the acceptable solution however it will also have right of way over Lot 4. The access is of sufficient width for the intended use as it is likely that any major development in the future will make use of the access onto Middle Road via the proposed right of way which will eventually become a road. Minor development of the site can be readily catered for by the proposed 10m wide access from Penambul Drive.

The performance criteria is satisfied.

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

Comment – Each lot will have vehicular access from the boundary of the lot to the road. The acceptable solution is met.

|   |  |
|---|--|
| <p><b>A4</b></p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p> | <p><b>P4</b></p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size, shape and orientation of the lots;</li> <li>(b) the topography of the site;</li> <li>(c) the extent of overshadowing from adjoining properties;</li> <li>(d) any development on the site;</li> <li>(e) the location of roads and access to lots; and</li> <li>(f) the existing pattern of subdivision in the area.</li> </ul> |
|---|--|

Comment – Not applicable. No new roads are proposed.

## 8.6.2 Roads

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

Comment – The acceptable solution is met. No new roads are proposed.



### 8.6.3 Services

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

Comment – Each new lot, is capable of connecting to stormwater, water and sewer infrastructure. The acceptable solution is met.

## 27.0 Community Purpose Zone

### 27.5 Development Standards for Subdivision

#### 27.5.1 Lot design

| Objective:  | That each lot:<br>(a) has an area and dimensions appropriate for use and development in the zone; and<br>(b) is provided with appropriate access to a road. |   |
|---|---|---|
| Acceptable Solutions  |   | Performance Criteria  |
| <b>A1</b><br>Each lot, or lot proposed in a plan of subdivision, must:<br>(a) have an area of not less than 600m <sup>2</sup> and:<br>(i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of:<br>a. all setbacks required by clause 27.4.2 A1 and A2; and<br>b. easements or other title restrictions that limit or restrict development; and<br>(ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;<br>(b) be required for public use by the Crown, a council or a State authority;<br>(c) be required for the provision of Utilities; or<br>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone. |   | <b>P1</b><br>Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:<br>(a) the relevant requirements for development of buildings on the lots;<br>(b) existing buildings and the location of intended buildings on the lots;<br>(c) the topography of the site;<br>(d) the presence of any natural hazards;<br>(e) adequate provision of private open space; and<br>(f) the pattern of development existing on established properties in the area. |

Comment – Each lot within the Community Purpose Zone meets the acceptable solution.

|  |  |
|--|--|
| <p><b>A2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must have a frontage or legal connection to a road by a right of carriageway of not less than 10m.</p> | <p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(b) the topography of the site;</li> <li>(c) the functionality and useability of the frontage;</li> <li>(d) the anticipated nature of vehicles likely to access the site;</li> <li>(e) the ability to manoeuvre vehicles on the site;</li> <li>(f) the ability for emergency services to access the site; and</li> <li>(g) the pattern of development existing on established properties in the area.</li> </ul> |
|--|--|

Comment – Each lot has a frontage greater than 10m wide. The acceptable solution is met.

|  |   |
|--|---|
| <p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p> | <p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic; and</li> <li>(e) the pattern of development existing on established properties in the area.</li> </ul> |
|--|---|

Comment – Each lot has existing vehicular access. The acceptable solution is met.

27.5.2 Services

| Objective:  | That the subdivision of land provides services for the future use and development of the land. |   |
|---|--|---|
| Acceptable Solutions  |  | Performance Criteria  |
| <b>A1</b><br>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must: <ul style="list-style-type: none"> <li>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service: or</li> <li>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</li> </ul> unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service. |  | <b>P1</b><br>No Performance Criterion.  |
| <b>A2</b><br>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.   |  | <b>P2</b><br>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.   |
| <b>A3</b><br>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.   |  | <b>P3</b><br>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: <ul style="list-style-type: none"> <li>(a) the size of the lot;</li> <li>(b) topography of the site;</li> <li>(c) soil conditions;</li> <li>(d) any existing buildings on the site;</li> <li>(e) any area of the site covered by impervious surfaces; and</li> <li>(f) any watercourse on the land.</li> </ul> |

Comment – Each lot will be capable of connecting to sewer, water and stormwater infrastructure.

## 29.0 Open Space Zone

### 29.5 Development Standards for Subdivision

#### 29.5.1 Lot design

| Objective:   | That each lot:<br>(a) has an area and dimensions appropriate for use and development in the zone; and<br>(b) is provided with appropriate access to a road.   |
|--|---|
| Acceptable Solutions   | Performance Criteria  |
| <b>A1</b><br>Each lot, or lot proposed in a plan of subdivision, must:<br>(a) be required for public use by the Crown, a council or a State authority;<br>(b) be required for the provision of Utilities; or<br>(c) be for the consolidation of a lot with another lot, provided each lot is within the same zone. | <b>P1</b><br>Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:<br>(a) the relevant requirements for development of buildings on the lots;<br>(b) existing buildings and the location of intended buildings on the lot;<br>(c) the topography of the site;<br>(d) the presence of any natural hazards; and<br>(e) the pattern of development existing on established properties in the area. |

Comment – The proposed lot will be for public use. The acceptable solution is met.

|  |   |
|--|---|
| <p><b>A2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding a riparian or littoral reserve or Utilities, must have a frontage not less than 15m.</p> | <p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(b) the topography of the site;</li> <li>(c) the functionality and useability of the frontage;</li> <li>(d) the anticipated nature of vehicles likely to access the site;</li> <li>(e) the ability to manoeuvre vehicles on the site;</li> <li>(f) the ability for emergency services to access the site; and</li> <li>(g) the pattern of development existing on established properties in the area.</li> </ul> |
|--|---|

Comment – The proposed lot will have a frontage 13m wide which is sufficient width to service the land and provide access to vehicles for maintenance of the land and infrastructure located upon the land. The acceptable solution is met.

|  |   |
|--|---|
| <p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p> | <p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic; and</li> <li>(e) the pattern of development existing on established properties in the area.</li> </ul> |
|--|---|

Comment – The lot will have vehicular access from the boundary to the road. The acceptable solution is met.

### C3.0 ROAD AND RAILWAY ASSETS CODE

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

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

Comment – Only one new vehicle crossing is proposed, to access Lot 5 from Penambul Drive. The road authority consents to the new access through assessment of the proposal and subsequent consent to its approval.

C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area

| Objective:  | To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network. |   |
|---|---|---|
| Acceptable Solutions  |   | Performance Criteria  |
| <b>A1</b><br><br>A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area. |   | <b>P1</b><br><br>A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) any buffers created by natural or other features;</li> <li>(c) the location of existing or proposed buildings on the site;</li> <li>(d) the frequency of use of the rail network;</li> <li>(e) the speed limit and traffic volume of the road;</li> <li>(f) any noise, vibration, light and air emissions from the rail network or road;</li> <li>(g) the nature of the road;</li> <li>(h) the nature of the intended uses;</li> <li>(i) the layout of the subdivision;</li> <li>(j) the need for the subdivision;</li> <li>(k) any traffic impact assessment;</li> <li>(l) any mitigating measures proposed;</li> <li>(m) any recommendations from a suitably qualified person for mitigation of noise; and</li> <li>(n) any advice received from the rail or road authority.</li> </ul> |

Comment – The subject site is not within a road or rail attenuation area. The acceptable solution is met.

C4.0 ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE



C4.7.1 Subdivision

| Objective:   | <p>To provide for subdivision:</p> <p>(a) that allows for development to be suitably located to avoid hazards from electricity transmission infrastructure and enable appropriate levels of amenity; and</p> <p>(b) so that future development does not compromise safety, security, access to, and operation of, existing and future electricity transmission infrastructure.</p> |   |
|--|--|---|
| Acceptable Solutions   |  | Performance Criteria  |
| <p><b>A1</b></p> <p>A lot, or a lot proposed in a plan of subdivision, within an electricity transmission corridor, must:</p> <p>(a) be for the creation of separate lots for existing buildings where the buildings are located wholly outside an inner protection area or a registered electricity easement;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the creation of a lot that contains a building area not less than 10m x 15m entirely located outside an inner protection area or registered electricity easement.</p> |  | <p><b>P1</b></p> <p>A lot, or a lot proposed in a plan of subdivision, within the electricity transmission corridor must not cause an unreasonable impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure, having regard to:</p> <p>(a) the intended use of the proposed lots;</p> <p>(b) the location of any proposed building areas; and</p> <p>(c) any advice from the electricity entity.</p> |

Comment – Lot 7 is within in the corridor and will be required for public use by council. The acceptable solution is met.

|  |   |
|--|---|
| <p><b>A2</b></p> <p>A lot, or a lot proposed in a plan of subdivision, within a substation facility buffer area, must be:</p> <ul style="list-style-type: none"> <li>(a) for the creation of separate lots for existing buildings;</li> <li>(b) be for the creation of a lot that contains a building area not less than 10m x 15m entirely located outside the substation facility buffer area; or</li> <li>(c) be for the creation of a lot with a building area not less than 10m x 15m and satisfies the following: <ul style="list-style-type: none"> <li>(i) is not less than 5m from the substation facility; and</li> <li>(ii) if the subdivision creates an opportunity for a sensitive use, is not exposed to substation noise emissions that exceed the following: <ul style="list-style-type: none"> <li>a. 55 dB(A) (LAeq) within the hours of 8.00am to 6.00pm;</li> <li>b. 5 dB(A) above the background (LA90) level or 40 dB(A) (LAeq), whichever is the lower, within the hours of 6.00pm to 8.00am; and</li> <li>c. 65 dB(A) (LAmix).</li> </ul> </li> </ul> </li> </ul> <p>Noise levels are to be averaged over a 15 minute interval.</p> | <p><b>P2</b></p> <p>A lot, or a lot proposed in a plan of subdivision, within a substation facility buffer area, must not cause an unreasonable impact on the operation of the substation facility, having regard to:</p> <ul style="list-style-type: none"> <li>(a) provision of access to and security of the substation facility;</li> <li>(b) safety hazards associated with proximity to the substation facility;</li> <li>(c) if the subdivision creates an opportunity for a sensitive use: <ul style="list-style-type: none"> <li>(i) the nature of the sensitive use;</li> <li>(ii) proximity to the substation facility;</li> <li>(iii) noise levels generated by the substation facility;</li> <li>(iv) any existing buffers to noise impacts;</li> <li>(v) any mitigation measures proposed; and</li> <li>(vi) any advice from a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance as a result of noise emissions from the substation facility; and</li> </ul> </li> <li>(d) any advice from the electricity entity.</li> </ul> |
|--|---|

Comment – The lots subject to the substation facility buffer area are for the creation of separate lots for existing buildings. The acceptable solution is met.

## C7.0 NATURAL ASSETS CODE

### C7.7 Development Standards for Subdivision

#### C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

|            |  |
|------------|--|
| Objective: | <p>That:</p> <ul style="list-style-type: none"> <li>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and</li> </ul> |
|------------|--|

| (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.  |   |
|---|---|
| Acceptable Solutions  | Performance Criteria  |
| <p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <ul style="list-style-type: none"> <li>(a) be for the creation of separate lots for existing buildings;</li> <li>(b) be required for public use by the Crown, a council, or a State authority;</li> <li>(c) be required for the provision of Utilities;</li> <li>(d) be for the consolidation of a lot; or</li> <li>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</li> </ul> | <p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and</li> <li>(b) future development likely to be facilitated by the subdivision.</li> </ul> |

Comment – Lot 7 is subject to the waterway and coastal protection area and will be required for public use by council. The acceptable solution is met.

#### C7.7.2 Subdivision within a priority vegetation area

| Objective:  | <p>That:</p> <ul style="list-style-type: none"> <li>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</li> <li>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</li> </ul>  |
|---|--|
| Acceptable Solutions  | Performance Criteria   |
| <p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <ul style="list-style-type: none"> <li>(a) be for the purposes of creating separate lots for existing buildings;</li> <li>(b) be required for public use by the Crown, a council, or a State authority;</li> <li>(c) be required for the provision of Utilities;</li> </ul> | <p><b>P1.1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> <li>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;</li> </ul> |

|   |   |
|---|---|
| <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p> | <p>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p><b>P1.2</b></p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p> |
|---|---|

Comment – The proposed lots do not include any works. The acceptable solution is met.

#### C13.0 BUSHFIRE-PRONE AREAS CODE

The applicant has provided a Bushfire Hazard Management Report which satisfactorily addresses the requirements of the planning scheme. The report also highlights the need for any future development of the site to require assessment in regard to bushfire specific to the proposal. A condition will be placed on the permit in this regard.

#### C16.0 SAFEGUARDING OF AIRPORTS CODE

The proposed subdivision is exempt from the code as the development will not extend into the AHD height specified of 155.1m.

#### **PUBLIC ENGAGEMENT**

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

#### **CONCLUSION**

The proposal has been assessed against the requirements of the planning scheme, as amended, and can be approved with conditions.

#### **ATTACHMENTS**

1. Proposed zoning maps - AM2022.01 - 133 Middle Road [**4.4.1** - 2 pages]
2. Assessment against section 34 of LUPAA [**4.4.2** - 2 pages]
3. Application - AM2022.01 & PA2022.0024 - 133 Middle Road [**4.4.3** - 272 pages]

## 5 REPORTS

### 5.1 FINANCIAL MANAGEMENT STRATEGY 2023-2032

Author: **Kym Peebles, Executive Manager People & Finance**

Endorser: **Matthew Atkins, General Manager**

#### RECOMMENDATION

That Council adopt the Financial Management Strategy 2023-2032.

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

Council's Strategic Plan 2009-2030:

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

#### SUMMARY

The purpose of this report is to present the Financial Management Strategy (FMS) 2023 - 2032 for adoption.

#### BACKGROUND

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

The FMS contains a projected Long Term Financial Plan (LTFP) which sets out financial projections over a 10 year horizon, including operating performance, capital investment, debt management and cash management. The *Local Government (Content of Plans and Strategies) Order 2014* requires councils to update the FMS every 4 years, however Council has generally reviewed when preparing the annual plan and budget.

#### STATUTORY REQUIREMENTS

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

#### DISCUSSION

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

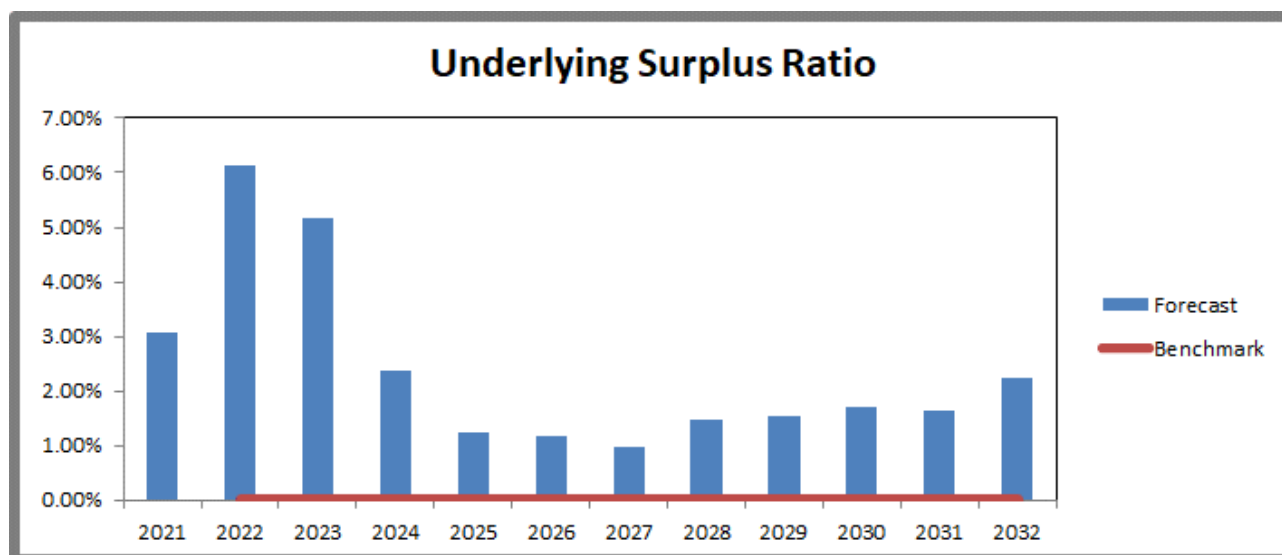
- Achievement of a balanced underlying result;
- Prudent management of assets and liabilities including debt and cash reserves; and

- Timely and accurate disclosure of financial information.

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

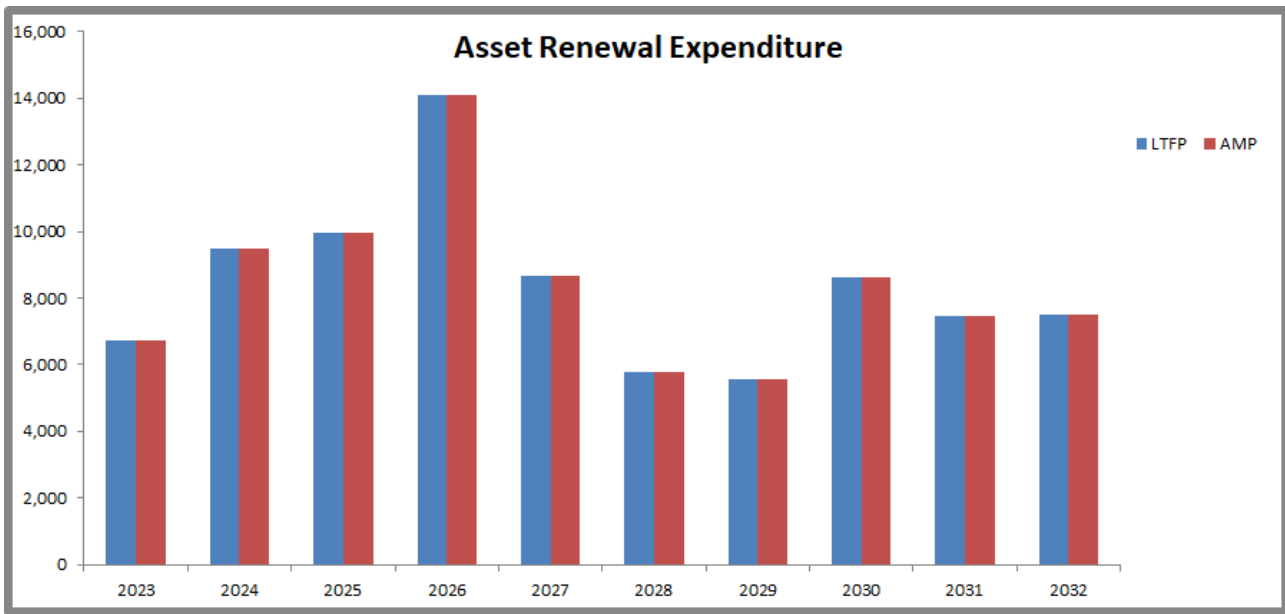
### Underlying Surplus Ratio

The underlying surplus ratio serves as an overall measure of financial operating effectiveness. To ensure long term financial sustainability, Council should aim to break even at a minimum, avoiding underlying deficits. Achieving a break-even position indicates Council is able to generate sufficient revenue to fulfil the operating requirements including coverage of the depreciation expense. Council has set a target for the underlying surplus ratio of between 0% and 15% in line with the recommended level set by the Auditor-General. The following graph reflects the underlying deficit incurred in the 2020/21 financial year and the anticipated underlying surplus for 2021/22. The forecast surplus for 2021/22, is approximately \$2.5M greater than budget due largely to increased revenue, in particular a strong return on its investment in Dulverton Waste Management Authority.



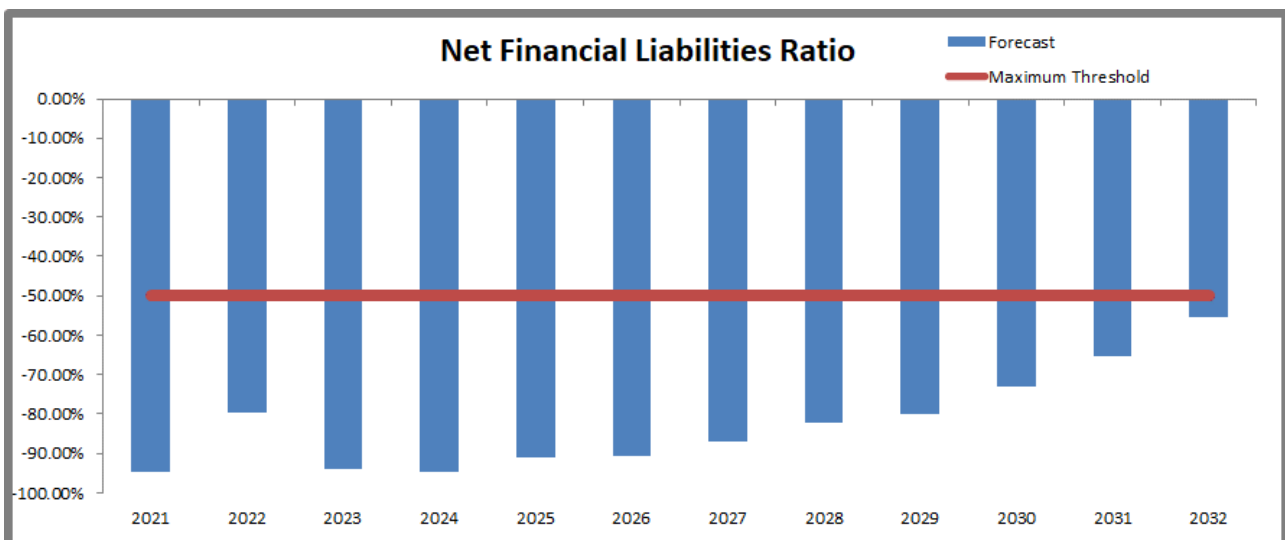
### Asset Funding Renewal Ratio

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



### Net Financial Liabilities Ratio

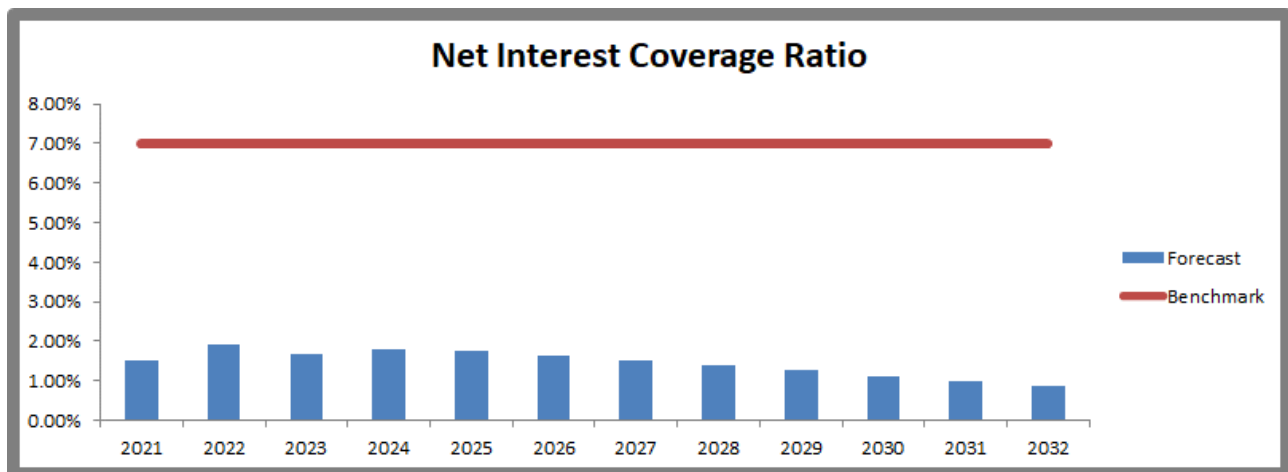
This ratio measures the net financial obligations of Council compared to the operating income in any one year. Where the ratio is positive, it indicates that liquid assets (cash and receivables) exceed total liabilities. Conversely, a negative ratio indicates total liabilities exceed liquid assets. Council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





### Net Interest Coverage Ratio

This ratio measures the ability of Council to meet its net interest obligations from its operating revenue. Treasury use this measurement when assessing loan requests and set the benchmark at net interest cost of 7% of recurrent revenue or less. The ratio demonstrates that the total cost of servicing debt is well below the Treasury benchmark. At the current borrowing levels, Council can comfortably meet its net interest obligations from ongoing operations. This ratio takes into account the additional interest relating to the increased borrowings and the savings to be recognised as a result of refinancing the interest rate swaps during the current financial year.



### COMMUNITY ENGAGEMENT

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

### FINANCIAL IMPLICATIONS

Whilst there are no financial implications directly related to this report, the FMS sets out the 2022/23 budget and forward projections to the 2032 financial year. It incorporates all projected operational and capital expenditure for that period.

### RISK IMPLICATIONS

The FMS sets out clear financial principles and strategies that will assist to ensure Council remains financially sustainable into the future. The document is an important component of Council's financial and risk management frameworks and will continue to guide the setting of future budgets. The Strategy also provides the modelling for recovery following an event such as COVID-19.

### CONCLUSION

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

The FMS has been produced in accordance with legislative requirements and includes relevant and current asset management data and was discussed at the Audit Panel as part of the budget process review on 6 June 2022.

### ATTACHMENTS

1. Financial Management Strategy 2032 [5.1.1 - 39 pages]

## 5.2 RATES AND CHARGES POLICY

Author: **Kym Peebles, Executive Manager People & Finance**  
Endorser: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council adopt the Rates and Charges Policy with immediate effect.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.1    Review and amend structures, policies and procedures to adapt to changing circumstances

### SUMMARY

This report is provided each year prior to the adoption of the Annual Plan and Budget Estimates to assist Council in the adoption of its Rates and Charges Policy.

### BACKGROUND

Council is required under legislation to have a Rates and Charges Policy. The current Policy was last reviewed in June 2021. The Policy has been updated to acknowledge the municipal wide revaluation of properties undertaken by the Office of the Valuer-General during the 2021/22 financial year and outlines Council's response to the impact of the valuations. Additional information has been included in the Policy to clarify the application of the Waste Management Service Charge across land classifications.

### STATUTORY REQUIREMENTS

The *Local Government Act 1993* requires that Council has an adopted rates and charges policy:

#### **86B. Rating and charging policies to be made available to public**

- (1) A council must adopt a rates and charges policy by 31 August 2012.
- (2) A council's rates and charges policy must contain –
  - (a) a statement of the policy that the council intends to apply in exercising its powers, or performing its functions, under this Part; and
  - (b) a statement of policy in respect of prescribed matters, if any.
- (3) A council's rates and charges policy in relation to the making or varying of a rate must take into account the principles referred to in [section 86A\(1\)](#).
- (4) A council must review its rates and charges policy –
  - (a) by the end of each successive 4-year period after 31 August 2012; and
  - (b) at the same time as, or before, making a type of rate, charge or averaged area rate in respect of a financial year, if a rate, charge or averaged area rate of that type was not made in respect of the previous financial year; and
  - (c) at the same time as, or before, making under section 107 a variation of a rate or charge in respect of a financial year, if such a variation of that rate or charge was not made in respect of the previous financial year; and

- (d) *at the same time as, or before, setting a minimum amount under this Part; and*
  - (e) *at the same time as, or before, altering the circumstances in which a rate, charge or averaged area rate, or a variation of a rate or charge, is to apply to rateable land.*
- (5) *A council, as soon as reasonably practicable after adopting or altering its rates and charges policy, must make copies of the policy as so adopted or altered available to the public –*
  - (a) *in paper form, on payment of a reasonable charge; and*
  - (b) *in electronic form, at a website of the council, free of charge.*
- (6) *A rate, averaged area rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.*

**86A. General principles in relation to making or varying rates**

- (1) *A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –*
  - (a) *rates constitute taxation for the purposes of local government, rather than a fee for a service; and*
  - (b) *the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.*
- (2) *Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.*

**DISCUSSION**

Council is required to maintain a publicly available Rates and Charges Policy.

The purpose of the Rates and Charges Policy is to outline Council's approach to determining and collecting rates from its ratepayers. In determining its Rating Policy, Council considers a number of factors, including the principles established in the Financial Management Strategy. As noted in the Policy and Strategy, the equity principle of taxation requires that ratepayers with a greater wealth, have a greater capacity to pay tax than ratepayers of lesser wealth. Land value is the indicator used by Council to determine capacity to pay rates.

In light of the recent revaluation, Council has again determined that the use of AAV per rateable property provides the fairest and most equitable method for the levying of rates on the basis that AAV represents an independent assessment of the notional rental value of a property. The revaluation delivered large fluctuations in values across land classifications and Council has determined to vary rates applicable to land predominately used for residential purposes. The 25% differential provided is noted in the Policy.

The Policy also details the application of the Waste Management Charge across land use categories. Additional information has been included in the Policy to clarify the charges applicable to each category.

The Act requires that the Rates and Charges Policy be reviewed, at a minimum, each four years, however in practice Council has undertaken an annual review in conjunction with its budget cycle.

### **COMMUNITY ENGAGEMENT**

The purpose of having a Rates and Charges Policy available is to ensure that the public have ready access to a document that outlines the specifics relating to the processes undertaken by Council in setting and administering the collection of rates and charges.

### **FINANCIAL IMPLICATIONS**

Property rates are the primary source of income for Council and as such it is imperative that the collection and administration of rates is clearly articulated.

### **RISK IMPLICATIONS**

It is a legislative requirement to have a Rates and Charges Policy in place.

### **CONCLUSION**

The purpose of providing this policy to Council prior to the adoption of the rates and charges, is to ensure it remains relevant and up to date.

The Rates and Charges Policy attached to this report meets the statutory obligations of Council and provides a clear and concise outline of the processes Council will use to set, collect and administer the imposition of rates on the community.

### **ATTACHMENTS**

1. Rates and Charges Policy - 2022 [5.2.1 - 6 pages]

## 5.3 ANNUAL PLAN AND BUDGET ESTIMATES

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

#### A. ANNUAL PLAN

That in accordance with section 71 of the *Local Government Act 1993* (as amended) Council adopts the Annual Plan for the financial year ending 30 June 2023 and instructs the General Manager to:

- (a) make a copy of it available for public inspection at the Council's Offices and on the website; and
- (b) provide a copy of it to the Director of Local Government and to the Director of Public Health.

#### B. ANNUAL ESTIMATES (REVENUE AND EXPENDITURE)

That:

- (a) in accordance with section 82 of the *Local Government Act 1993* the Council by absolute majority adopts the estimates of revenue and expenditure (excluding estimated capital works) for the 2022/23 financial year as detailed in the Annual Plan;
- (b) in accordance with section 82(6) of the *Act* the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$75,000 to any individual estimate item (including capital works) as he deems necessary during the 2022/23 financial year provided that the total of the Estimates remains unaltered.

#### C. RATES AND CHARGES 2022/23

That Council makes the following General Rate, Service Rates and Service Charges under the provisions of the *Local Government Act 1993* and the *Fire Services Act 1979* for the financial year 1 July 2022 to 30 June 2023 in respect to land in the municipal area which is separately valued under the *Valuation of Land Act 2001*.

##### Definitions and Interpretations

Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act 1993* have the same meaning as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meaning set out below:

**'Act'** means the *Local Government Act 1993*;

**'AAV'** means the assessed annual value as determined by the Valuer-General under the *Valuation of Land Act 2001*;

**'land'** means a parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*;

**'land used for primary production'** means all land used or predominantly used for primary production and includes all land coded 'L' in the valuation list;

**'land used for residential purposes'** means all land used or predominately used for residential purposes and includes all land coded 'R' in the valuation list;

**'municipal area'** means the municipal area of Devonport;

**'non-used land'** means all land coded 'V' in the valuation list;

**'supplementary valuation'** means a supplementary valuation made under the *Valuation of Lands Act 2001*.

**'tenancy'** means a portion of land which the Valuer-General has determined is capable of separate occupation and so has separately determined the AAV of that portion, pursuant to Section 11(3)(c) of the *Valuation of Land Act 2001*; and

**'valuation list'** means, in respect of the financial year, the valuation list, supplementary valuation list or particulars provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*.

**1. RATES RESOLUTION- PART 1(A)**

Pursuant to sections 90 and 91 of the *Local Government Act 1993*, the Council makes a General Rate ("the General Rate") in respect of all rateable land (except land which is exempt pursuant to section 87 of the *Local Government Act 1993*) consisting of two components being:

- (a) 8.8781 cents in the dollar of assessed annual value (the AAV component);
- (b) A fixed charge of \$300 on all land or tenancy.

**2. RATES RESOLUTION – PART 1(B)**

Pursuant to section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for residential purposes to 6.6586 cents in the dollar of assessed annual value of such rateable land.

**3. RATES RESOLUTION PART 1(C)**

Pursuant to section 88A of the *Local Government Act 1993*, the Council determines by absolute majority:

- (a) to set a maximum percentage increase in the General Rate for land within the municipal area which is separately assessed and is predominately used for residential purposes of 15 per cent; and
- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2021 to 30 June 2022.

**4. RATES RESOLUTION PART 1(D)**

Pursuant to section 88A of the *Local Government Act 1993*, the Council determines by absolute majority:

- (a) to set a maximum percentage increase in the General Rate for land within the municipal area which is separately assessed and is predominately used for primary production of 15 per cent; and
- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2021 to 30 June 2022.

**5. RATES RESOLUTION PART 1(E)**

Pursuant to section 88A of the *Local Government Act 1993*, the Council determines by absolute majority:

- (a) to set a maximum percentage increase in the General Rate for land within the municipal area which is separately assessed and is predominately used as vacant land of 50 per cent; and

- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2021 to 30 June 2022.

**6. RATES RESOLUTION – PART 2**

6.1 Pursuant to section 94 of the *Local Government Act 1993*, the Council makes the following service rates and service charges for land within the municipal area (including land which is otherwise exempt from rates pursuant to section 87, but excluding land to which Council does not supply any of the following services) for the period 1 July 2022 to 30 June 2023:

- (a) a waste management service charge of \$310 upon all land or tenancy to which Council supplies or makes available a kerbside collection service.

6.2 Pursuant to section 107 of the Act, the Council by absolute majority declares that the service charge for waste management is varied by reference to the use or predominant use of land as follows:

- (a) for all land which is predominately used for any purpose other than residential or primary production to which Council supplies and makes available a kerbside collection service the service charge is varied to \$930; and
- (b) for all land which is non-used land the service charge is varied to \$0.00.

**7. RATES RESOLUTION – PART 3**

Pursuant to section 93A of the *Local Government Act 1993* and the provisions of the *Fire Service Act 1979* (as amended), the Council makes the following rates for land within the municipal area for the period 1 July 2022 to 30 June 2023:

- (a) a Devonport Urban Fire District Rate of 1.2174 cents in the dollar of assessed annual value, subject to a minimum amount of \$44 in respect of all rateable land within the Devonport Urban Fire District.
- (b) a Forth/Leith Fire District Rate of 0.3796 cents in the dollar of assessed annual value, subject to a minimum amount of \$44 in respect of all rateable land within Forth/Leith Fire District.
- (c) a General Land Fire Rate of 0.3244 cents in the dollar of assessed annual value, subject to a minimum amount of \$44 in respect of all rateable land within the municipal area, which is not within the Devonport Urban Fire District, or the Forth/Leith Fire District.

**8. SEPARATE LAND**

In relation to all rates and charges for the 2022/23 year, as previously made, for the purpose of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

**9. ADJUSTED VALUES**

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to sections 89 and 89A of the *Local Government Act 1993*.



## **10. PAYMENT OF RATES AND CHARGES**

Pursuant to section 124 of the *Local Government Act 1993*, the rates for 2022/23 shall be payable in four instalments, the dates by which the rates are due to be paid are:

|                   |                  |
|-------------------|------------------|
| First Instalment  | 31 August 2022   |
| Second Instalment | 31 October 2022  |
| Third Instalment  | 28 February 2023 |
| Fourth Instalment | 30 April 2023    |

Where a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

### **Penalties**

Pursuant to section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid on or before the date it falls due, a penalty of 5% of the unpaid instalment or part thereof, shall be applied except:

- (a) where the ratepayer has adhered to an approved payment arrangement plan and the total rates are paid in full by 30 April 2023; and
- (b) where the ratepayer has authorised an approved bank direct debit payment arrangement.

### **Supplementary Rates**

- (a) Pursuant with sections 89A, 92 and 109N of the *Local Government Act 1993* if a supplementary valuation is made of any land prior to 30 June 2023, the General Manager may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and
- (b) If a rates notice is issued by the General Manager under sub-clause (a), the amount shown as payable on that notice is due to be paid in accordance with the remaining instalments or within 30 days of the date on which that notice is issued, whichever is the latter.

## **D. CAPITAL WORKS PROGRAM**

That Council pursuant, to section 82 of the *Local Government Act 1993* adopts the Capital Works Program for the 2022/23 financial year as detailed and note the 10 year forward works program.

## **E. FEES AND CHARGES**

That in accordance with section 205 of the *Local Government Act 1993*, Council adopts the Fees and Charges Schedule for the 2022/23 financial year as detailed.

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

Council's Strategic Plan 2009-2030:

- Strategy 5.5.1 Provide professional administrative services to support effective and efficient operations

## **SUMMARY**

The purpose of this report is to present Council with the Annual Plan and Budget Estimates for the 2022/23 financial year, which in turn will allow Council to set the rates and charges to apply for the period 1 July 2022 to 30 June 2023.

## **BACKGROUND**

Council has developed the 2022/23 budget, capital works and fees and charges over the past few months. The innovative delivery of information to Councillors was again used, ensuring an engaging process utilising digital platforms followed by a final Workshop Session.

The draft Annual Plan and Budget Estimates information has been circulated to Council's Audit Panel and was discussed at the Audit Panel meeting on 6 June 2022.

The financial statements within the Annual Plan include the following:

- Estimated Statement of Comprehensive Income (Profit & Loss)
- Estimated Statement of Financial Position (Balance Sheet)
- Estimated Statement of Cash Flows

The draft Annual Plan and Budget Estimates document is attached to this report. Once adopted, the document will be available for public viewing on the Council's website and at the paranple centre.

## **STATUTORY REQUIREMENTS**

The *Local Government Act 1993* (the *Act*) requires the General Manager to prepare estimates of Council's revenue and expenditure for each financial year. Estimates are to contain details of the estimated:

- (a) revenue of the Council;
- (b) expenditure of the Council;
- (c) borrowings by the Council; and
- (d) capital works of the Council.

*Section 71 of the Act requires Council to adopt an Annual Plan each year. The Annual Plan is to be:*

- (a) consistent with the strategic plan; and*
- (b) include a statement of the manner in which the Council is to meet the goals and objectives of the strategic plan; and*
- (c) include a summary of the estimates adopted under section 82; and*
- (d) include a summary of the major strategies to be used in relation to the Council's public health goals and objectives.*

Part 9 of the *Act* provides Council with the ability to determine the Rates and Charges to be applied to properties within its municipal area. The *Act* requires that rates must be set by Council, by absolute majority, not earlier than 1 June and not later than 31 August.

Amendments to the *Act* in 2013 identified the following principles in relation to making or varying rates:

**86A. General principles in relation to making or varying rates:**

- (1) *A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –*
  - (a) *rates constitute taxation for the purposes of local government, rather than a fee for a service; and*
  - (b) *the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.*
- (2) *Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.*

**DISCUSSION**

The Annual Plan is an important part of Council's reporting requirements. The Annual Plan includes the statutory reporting requirements which Council is to meet. It also outlines the Council's plans for the ensuing year which is then reported against in the Annual Report.

This Annual Plan and Budget summary document continues to reflect a focus on strategic priorities rather than tasks or functions that could be considered core business-as-usual activities.

The 2022/23 Annual Plan and Budget Estimates have been prepared based on the current economic environment. The local Devonport and broader Tasmanian economy have proved extremely resilient over the past 24 months, however we now face increasing inflationary pressure and in some cases supply and labour shortages. Council is in a strong financial position and will continue to deliver a surplus at the same time as keeping the increase to the General Rate to 1.9%, less than a third of the current inflation rate. This budget aligns with the established parameters of the long-term financial management strategy, including net operating surplus', adequate asset renewal funding and rate increases not exceeding inflation.

**Operational Budget**

Current forecasts indicate Council's 2021/22 operating result likely to exceed budget by more than \$2.5 million, due in part by additional distributions from the Federal Government and Dulverton Regional Waste Management Authority (DRWMA), but also through rate growth and above budget income, generated from the continuing solid performance of the local economy.

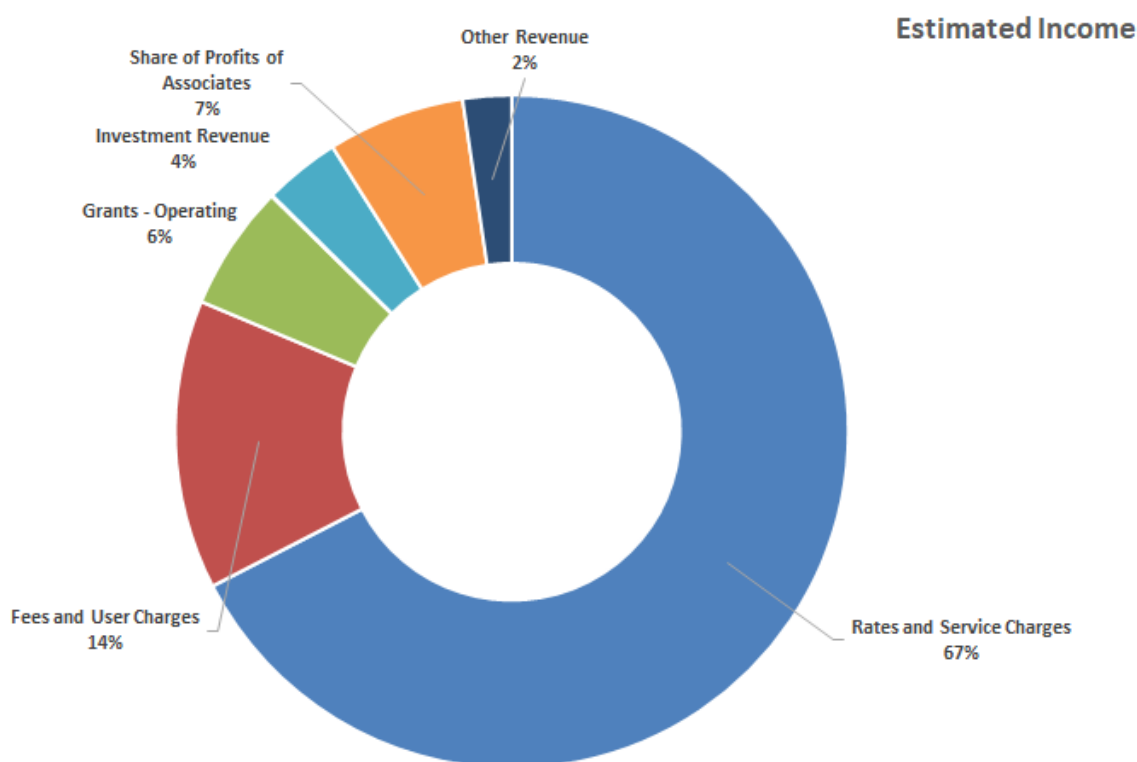
On the back of rate base growth and a forecast solid 2021/22 result, Council has again been able to produce a responsible 2022/23 budget. This ensures the continuity of important community services, the renewal and upgrading of community infrastructure and provides for further investment in new wealth generating capital projects, all whilst achieving sustainability targets in Council's 10-year financial strategy.

From an operating budget perspective, total income for 2022/23 is estimated at \$46.97 million with expenditure of \$43.87 million resulting in a budgeted nett operating surplus of \$3.1 million. It should be noted that the estimated income includes just over \$3 million for the anticipated share of profit in associates from Council's 43.45% ownership in the Dulverton Regional Waste Management Authority (DRWMA). This return is unusually high and whilst the income will be included in Council's financial statements it was considered prudent to

balance the budget without reliance on this non-cash item. Removal of the DRWMA profit share in its entirety results in a small operating surplus of \$3,322.

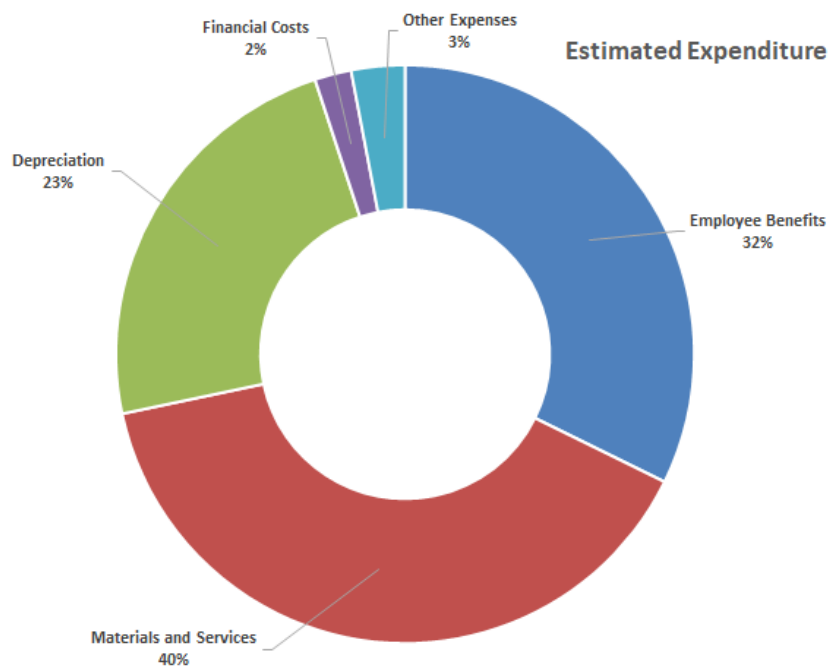
Excluding the DRWMA return, income increases by \$2.2 million on the previous year, largely due to a return to pre-covid activity, which is reflected in additional fees and user charges; rate base growth; and an increase of just under \$200,000 in operating grants for cultural activities.

The following graph shows the various sources of Council revenue, the majority of which is derived from rates and service charges.



Overall expenditure is up \$2.6 million on the previous year's budget. Employee costs have increased due to a variety of reasons including a return to full pre-Covid activity, some externally funded project positions, additional maintenance capacity to service new assets and additional capacity in some of the community facing service areas. Materials and services have increased due to inflationary pressure on essentials such as fuel, building materials and utility usage costs and also through increasing contractor rates. Levies and taxes have increased by \$543,000 primarily due to the State Government fire and waste levies. The 2022/23 budgeted expenditure also includes additional funding to provide Council the opportunity to increase its support of major community events.

The following graph shows the make-up of estimated expenditure in percentage terms.



### Rates

During this year, all properties in the Devonport municipal area were subject to a full revaluation, by the Valuer-General, having last been valued in 2015. Council is required by legislation to use the most recent figures, when calculating its property rates.

Council has no influence on the value which is applied to a property and any queries a property owner may have should be directed to the Valuer-General and can be lodged online at [www.nre.tas.gov.au/ovg](http://www.nre.tas.gov.au/ovg) or phone 6165 4444. The period to lodge an objection closes on 5 September 2022.

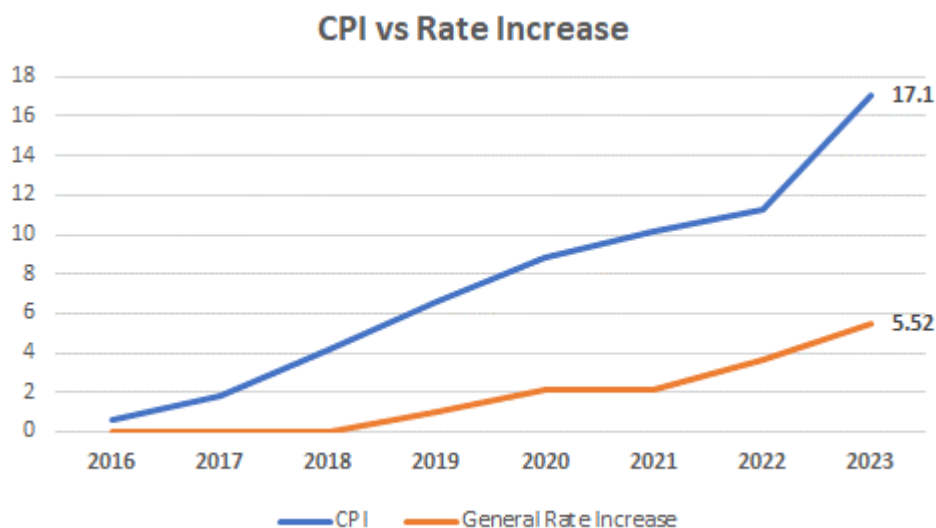
Not unexpectedly, property values have generally all risen, however it is important to understand that this does not necessarily relate to an increase in rates, but rather it is the increase or decrease relative to other properties, and not the absolute increase which influences each ratepayer's contribution.

The growth in property value has varied within each property category and also between property categories. Generally, the values of most residential, primary production and vacant land properties have increased substantially more than commercial and industrial properties. The table below summarises the increase in AAV across the categories of ratepayers:

|                      | <b>Current AAV (\$M)</b> | <b>New AAV (\$M)</b> | <b>% Change</b> |
|----------------------|--------------------------|----------------------|-----------------|
| Commercial           | 34.5                     | 36.2                 | 4.95%           |
| Industrial           | 19.6                     | 21.5                 | 9.98%           |
| Vacant Land          | 3.1                      | 5.1                  | <b>65.66%</b>   |
| Primary Production   | 5.3                      | 6.0                  | 13.67%          |
| General Residential  | 135.8                    | 178.7                | <b>31.57%</b>   |
| Multiple Residential | 7.3                      | 9.1                  | <b>25.77%</b>   |
| Other                | 15.1                     | 14.8                 | -1.91%          |
| Exempt               | 6.5                      | 7.6                  |                 |
|                      | <b>\$227.2M</b>          | <b>\$279M</b>        |                 |

Following the equity principle of taxation, properties which have not increased in value beyond the average increase, will this year pay proportionately less. Equally, properties which have increased in value above the average, will see a relative increase in rates compared to last year.

For every property where the general rate has increased above 1.9% there is another property where the rates have reduced by the same amount, and as a result the overall nett gain to Council remains 1.9%. This modest increase continues Council's focus over the past decade to limit the rate burden, with general rate increases since 2016, totalling 5.52% in comparison to a 17.1% increase for Hobart CPI over the same period.



Recognising a revaluation does shift the rate burden between individual properties, Council has updated its rates policy, applying a fixed rate in the dollar to all categories, apart from general residential, where a differential rate will discount these properties by 25%.

Importantly, change caps have been introduced to limit any rate increases and allow a transition to the appropriate rate for properties, which have increased significantly in relative value.

In 2017, Council reviewed its waste management service and charges for Commercial ratepayers and moved to a fee for service model. Previous to this, Commercial ratepayers paid for waste management based on the AAV of the property. To assist with the transition to this model, Council introduced a 25% change cap for waste management charges applicable to Commercial properties. It is proposed that this change cap be removed for the 2022/2023 year, ensuring that the appropriate charge is applied to the relevant ratepayers, for the service provided.

### Fees & Charges

July 2022 will see the introduction of the State Government Waste Levy, starting at \$20 per tonne and increasing over 5 years to \$60 per tonne. Council will incur this levy on each tonne of landfill waste, whether it be collected at kerbside or from Waste Transfer Station deliveries. As a result, this levy plus annual cost increases will be reflected in a \$20 increase to the residential waste management charge and also through increases to gate fees at the Transfer Station.

Understanding the importance of "Living Lightly on our Environment", Council acknowledges the intent of the levy as a cost mechanism to drive change in disposal habits and have allocated \$450,000 to make changes at the Spreyton Waste Transfer Station. This will assist in resource recovery and provide customers a cheaper alternative to landfill disposal. Planning will continue during the year for the introduction of a Food Organics Garden Organics (FOGO) collection service currently anticipated to commence in late 2023, providing more opportunities to avoid the disposal of waste in landfill.

Further information on the waste levy can be found at: <https://www.nre.tas.gov.au>.



All remaining fees and charges have been reviewed and some fees have been increased to reflect increased cost of operations. Fees connected to 'penalty units' will be subject to any change by the State Government to the unit value.

Under the *Fire Services Act 1979*, Council is obligated to collect the Fire Service Levy as determined by the State Fire Commission. Advice has been received confirming that there will be an approximate 4% increase to the levy for 2022/23.

### Capital Expenditure

The 2022/23 capital expenditure budget totals \$11.48 million in new projects, in addition to approximately \$15 million of works currently funded and underway. In total, Council will be investing over \$20 million into the local construction sector during the 2022/23 financial year.

This includes allocations towards the completion of several major multi-year new asset investments, such as the LIVING CITY Waterfront Park, Sound and Light Show, Don to Leith Coastal Pathway and the East Devonport Gateway beautification project. Once completed each of these projects will contribute significantly to the ongoing prosperity of the City.

In addition, other capital funding will ensure important community assets are renewed and maintained with key projects for 2022/23 including:

- The next stage of the modern burial system at the Mersey Vale Cemetery \$1.1 million
- Renewal of Tarleton Street from Wright Street to River Road \$1.5 million
- Byard Park Lighting \$314,000
- New public toilets and skate park at Highfield Park \$190,000
- William Street renewal from Valley Road to Middle Road \$1.5 million
- Steele Street catchment stormwater capacity increase \$360,000
- William/George Street intersection renewal \$460,000
- Refurbishment of the paranapple arts centre theatre, including new seating \$316,000.

A summary of capital expenditure across asset class is as follows:

| Asset Class       | Total Program Budget   | Grants & Contributions | Renewal Funding Allocation | New Funding Allocation |
|-------------------|------------------------|------------------------|----------------------------|------------------------|
| Public Open Space | \$2,498,000            | \$663,327              | \$582,000                  | \$1,915,000            |
| Transport         | \$4,587,000            | \$1,006,000            | \$3,608,750                | \$978,250              |
| Storm water       | \$946,000              | -                      | \$518,500                  | \$427,500              |
| Buildings         | \$1,183,000            | \$100,000              | \$895,500                  | \$287,500              |
| Plant & Fleet     | \$765,000              | *\$130,000             | \$740,000                  | \$25,000               |
| Equipment & IT    | \$497,000              | -                      | \$399,500                  | \$97,500               |
| Living City       | \$1,000,000            | \$1,000,000            | -                          | \$1,000,000            |
| <b>Total</b>      | <b>\$11,476,000.00</b> | <b>\$2,899,327</b>     | <b>\$6,744,750</b>         | <b>\$4,731,250</b>     |

\* Note: Contributions to Plant & Fleet Asset Class represent forecast trade value on changeover assets.

### COMMUNITY ENGAGEMENT

Council invited the community to participate in the budget process with a report on the feedback received provided to Council during March. A number of the suggestions have

been taken into account during the development of the budget and the 10 year forward capital works program.

Council is hosting a 'Budget Breakfast' event on Tuesday 28 June 2022. This is a ticketed event, open to the general public.

A video will be released following the formal adoption of the budget by Council to inform the community of the budget details and a dedicated budget page has been created on Council's website.

To further Council's objective of greater openness and transparency, the financial reports and information being made publicly available in this digital format is beyond the level of detail previously released in the traditional hardcopy Annual Plan and Budget document.

### **FINANCIAL IMPLICATIONS**

The development and adoption of the Budget Estimates and Annual Plan is an essential function of Council and is fundamental to the financial viability of the organisation.

### **RISK IMPLICATIONS**

Should the Budget not be approved within the anticipated timeframe, it may impact on the issue of rates notices.

### **CONCLUSION**

Devonport City Council's 2022/23 Annual Plan and Budget returns to alignment with Council's long-term financial parameters and includes the impact of a municipal wide rates revaluation process. Despite increasing costs and growing inflation, the budget predicts a strong operating and underlying surplus for 2022/23 as well as investment in new and existing assets.

The Annual Plan and Budget estimates is presented for adoption.

### **ATTACHMENTS**

1. DRAFT 2022-23 Annual Plan [**5.3.1** - 24 pages]
2. Capital Works Program 2022-23 [**5.3.2** - 2 pages]
3. Forward Capital Works Program 2022-2032 [**5.3.3** - 1 page]
4. Fees and Charges 2022-23 [**5.3.4** - 8 pages]

## 5.4 SIGNAGE STRATEGY 2022-2027

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

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

### RECOMMENDATION

That Council receive and note the report relating to the draft Signage Strategy 2022-27 and release the Strategy for a 30-day public consultation period.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- |                |   |
|----------------|---|
| Strategy 2.2.1 | Ensure access to Council information that meets user demands  |
| Strategy 3.2.1 | Support tourism through the provision of well-designed and managed infrastructure and facilities            |
| Strategy 3.3.1 | Improve the City's physical access and connectivity focusing on linkages to and from key access points      |
| Strategy 4.3.1 | Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest |
| Strategy 5.4.1 | Provide timely, efficient, consistent services which are aligned with and meet customer needs               |

### SUMMARY

To present the draft Signage Strategy 2022-27 to Council, and to endorse its release for a period of public consultation.

### BACKGROUND

Council first adopted a Signage Strategy in 2013, which was reviewed in 2017. The delivery of the actions contained in this Strategy has contributed to improvements in the way people are able to navigate the City, find destinations and amenities, and have a fulfilling experience within the municipality.

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

### STATUTORY REQUIREMENTS

There are no specific statutory requirements relating to this report.

### DISCUSSION

Council uses signs to convey information to its customers about its facilities, amenities, and services. The draft Signage Strategy 2022-27 identifies four objectives intended to maximise the effectiveness and impact of the information being conveyed.

1. Signage aligns with and positively contributes to the Devonport Brand.
2. Signage enhances the Devonport experience for visitors and locals.
3. Signage supports universal access to information and destinations.
4. Signage is designed and installed in accordance with recognised principles.

The draft Strategy describes the status of signage in Devonport and identifies opportunities and 17 actions that can be delivered to achieve the four objectives. The draft Strategy is attached to this report.

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report. However, should the Strategy be adopted, the 18 identified actions that will require appropriate resource allocations to deliver over the life of the Strategy may include:

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

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

### **RISK IMPLICATIONS**

- Asset & Property Infrastructure  
The Strategy Action Plan proposes significant new signage installations in Devonport. The delivery of these actions will need to be aligned with Council's Strategic Asset Management Plan.
- Consultation and/or Communication  
Providing an opportunity for the community to consider the draft Strategy and provide feedback ensures alignment of the Strategy with community expectations.

### **CONCLUSION**

The review and renewal of the Signage Strategy 2017-2022 is required to ensure it remains in alignment with Council's Strategic Plan 2009-2030. The draft Strategy 2022-2027 identifies four objectives:

1. Signage aligns with and positively contributes to the Devonport Brand.
2. Signage enhances the Devonport experience for visitors and locals.
3. Signage supports universal access to information and destinations.
4. Signage is designed and installed in accordance with recognised principles.

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

### **ATTACHMENTS**

1. Signage Strategy 2022-27 DRAFT [5.4.1 - 14 pages]

## 5.5 PUBLIC ART POLICY AND STRATEGY

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

### RECOMMENDATION

That Council adopt the Devonport City Council Public Art Policy and the Devonport City Council Public Art Strategy 2022-25.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.2.1 Acknowledge, preserve, and celebrate local art, culture, and heritage
- Strategy 4.2.3 Develop and implement an integrated approach to public art

### SUMMARY

This report provides Council with details regarding two documents concerning public art.

Firstly, the Devonport City Council Public Art Policy that replaces the previous Devonport City Council Public Art Policy and Guidelines, and secondly, the Devonport City Council Public Art Strategy 2022-25.

### BACKGROUND

Council adopted the existing Public Art Policy and Guidelines in 2013. Despite the policy being scheduled for review, Council held off until it established a new Public Art Committee in November 2021 to assist with the project. Council formed the committee under Section 24 of the *Local Government Act 1993*, and the committee performs as a special committee of Council.

The policy review has resulted in a comprehensive revision of the existing Public Art Policy and Guidelines and the development of two separate documents to supersede it. The first document is the Devonport City Council Public Art Policy, intended to be a Council Policy detailing the procedures regarding the procurement of public art. The second document is the Devonport City Council Public Art Strategy 2022-25, defining Council's aims and vision for meaningful public art outcomes.

### STATUTORY REQUIREMENTS

There are no statutory requirements attached to this report.

### DISCUSSION

The Public Art Committee has devised the Devonport City Council Public Art Policy to replace the existing Public Art Policy and Guidelines. The new policy provides the scope of Council's public art interest and a definition for public art, albeit recognising the difficulties in defining a universally agreed definition for public art. The policy also prescribes criteria for the assessment and procurement of public art.

The policy includes a description for the responsibilities of Council, the Public Art Committee and the artist or contractor engaged to deliver public art projects. The policy also addresses the maintenance and decommissioning of public art.

The Public Art Policy lacked details as to why Council would seek to invest in public art.

Whilst the existing Public Art Policy and Guidelines included aspirational statements, the document did not define a vision or strategic approach to public art. Therefore, the Public Art Committee devised a short-term Public Art Strategy 2022-25, describing a purpose, vision, and mission. The vision, provided in the Strategy, defines Devonport's desire to be a leading regional city for diverse and unique public art.

The strategy encourages opportunities for Tasmanian artists to contribute to Devonport's public art scape and includes eleven achievable actions for the 36-months between July 2022 and June 2025. It is expected that the actions will have an immediate and lasting impact on Devonport's public art scape.

### **COMMUNITY ENGAGEMENT**

The Public Art Committee is comprised of community members who either express an interest in arts or have a professional or educational connection within the arts sector.

The Committee distributed the Public Art Strategy 2022-25 amongst practising artists in the community for comment. Furthermore, the Committee held a public feedback session with artists from the region on Friday, 6 May 2022.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report. However, the Public Art Strategy 2022-25 contains actions that require either operational or capital expenditure.

Total expenditure will not be known until individual projects are assessed. Council will require future grant funding to implement the major actions within the Strategy.

### **RISK IMPLICATIONS**

If Council does not achieve the desired outcomes of the Public Art Strategy, there may be reputational risk. The Public Art Committee have mitigated the risk by developing a short-term Strategy, with meaningful, achievable actions.

There is a risk that actions contained within the Strategy are unrealised due to unsecured grant funding, or insufficient future operational and capital expenditure.

If Council does not abide by the Public Art Policy, it risks damaging relationships with funding bodies, such as Arts Tasmania, negatively impacting future funding applications.

### **CONCLUSION**

The Public Art Committee have developed the Devonport City Council Public Art Policy to replace the existing Public Art Policy and Guidelines that Council adopted in 2013. The new policy provides a scope and definition for Council's public art. The policy also contains assessment criteria for procurement of public art.

The Public Art Committee have devised the Public Art Strategy 2022-25 to provide Council with a strategic, aspirational plan for public art in the immediate future.

### **ATTACHMENTS**

1. Devonport City Council Public Art Policy [**5.5.1** - 10 pages]
2. Devonport City Council Public Art Strategy Final [**5.5.2** - 8 pages]

## 5.6 DEVONPORT CITY COUNCIL TOURISM STRATEGY 2022-2025

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

### RECOMMENDATION

That Council adopt the Devonport City Council Tourism Strategy 2022-25 and commit to undertaking the actions included within the Strategy.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 3.2.1 Support tourism through the provision of well designed and managed infrastructure and facilities
- Strategy 3.2.2 Support regional tourism development through productive relationships with regional partners and State and Federal Government

### SUMMARY

This report provides Council with details of the Devonport City Council Tourism Strategy 2022-25.

### BACKGROUND

As noted in the 2021-22 Annual Plan, Council committed to review previous tourism and marketing strategies and plans, with the aim to devise a consistent plan, relevant to the immediate requirements of Devonport.

Council's previous Tourism Development Strategy, prepared by SGL Consulting Group, was a 10-year strategy that spanned 2009-2019. Council is therefore aware of the need for future direction considering the outcomes of the LIVING CITY urban renewal project.

In 2017, Cradle Coast Authority (CCA) presented to Council the Devonport Destination Action Plan 2017-20. The CCA, at the time, managed the Regional Tourism Organisation (RTO), that facilitated Destination Action Plans for towns and cities throughout the region.

Unfortunately, the Destination Action Plan project failed to gain traction in the region, and many of the recommendations were unrealised.

In 2019, the RTO transitioned away from Cradle Coast Authority. The RTO became a single entity known as West by North West (WxNW).

Furthermore, for approximately 14-years, Council contributed to a local government consortium, known as the Cradle Country Marketing Group. This group comprised of Devonport City Council, Central Coast Council, Latrobe and Kentish Councils. It was intended to produce joint marketing initiatives that promoted the region. However, the group wound-up in early 2021.

In early 2022, Council engaged WxNW to prepare a new tourism strategy. The new Strategy is intended to respond to the current requirements of the City of Devonport and assist the local tourism sector more broadly.

### STATUTORY REQUIREMENTS

There are no statutory or legislative requirements associated with this report.



## **DISCUSSION**

With the Waterfront Park and new Novotel hotel opening in late 2022, Devonport will benefit from the completion of the next stage of the LIVING CITY project. Furthermore, in late 2023, TT-Line is expecting the first of two, new and larger passenger ferries. A new visitor terminal concept has also been announced for East Devonport.

The Devonport City Council Tourism Strategy 2022–25, prepared by WxNW, provides Council with a concise and achievable plan for the next 36 months. After which, the impact of the LIVING CITY project and TT-Line will be more evident, and the Strategy will be revised.

The Strategy prioritises four key areas: Advocacy, Industry Support, Project Development, and Marketing. The priorities align with the four strategic pillars of the Regional Vision Strategy, managed by WxNW. This will provide greater support, leverage and cohesion between regional tourism initiatives undertaken by WxNW, and local initiatives delivered by Council.

Furthermore, the Strategy is designed to complement the priorities of the T21 Tasmanian Visitor Economy Strategy managed by the State Government. These priorities include Rebuilding Visitation, supporting our People, Restoring Access, and Shaping our Future.

## **COMMUNITY ENGAGEMENT**

On Tuesday 22 March, WxNW facilitated an industry stakeholder consultation workshop regarding the Devonport City Council Tourism Strategy 2022–25. The event was attended by approximately 25 industry representatives.

## **FINANCIAL IMPLICATIONS**

The Devonport City Council Tourism Strategy 2022-25 contains 12 actions that attract an estimated operational cost of \$25,000 over three years.

## **RISK IMPLICATIONS**

A reputational risk is possible if Council does not achieve the desired outcomes of the Strategy. However, this risk has been mitigated by shortening the length of the Strategy to three years, and ensuring the Strategy contained achievable actions that do not significantly draw on Council's resources, reducing any financial and operational risk.

## **CONCLUSION**

The Devonport City Council Tourism Strategy 2022-25 will provide Council with a clear tourism direction and achievable outcomes. The Strategy has been prepared with consideration to the strategic vision of West by North West, North-West Tasmania's Regional Tourism Organisation, and the State Government's T21 Visitor Economy Strategy.

## **ATTACHMENTS**

1. Devonport Strategy FINAL [5.6.1 - 11 pages]

## 5.7 NATURE STRIP POLICY

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

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

### RECOMMENDATION

That Council adopt the Nature Strip Policy.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- |                |   |
|----------------|---|
| Strategy 2.3.2 | Provide and maintain roads, bridges, paths and car parks to appropriate standards             |
| Strategy 5.4.1 | Provide timely, efficient, consistent services which are aligned with and meet customer needs |

### SUMMARY

To present the Nature Strip Policy to Council for adoption, following a period of public consultation.

### BACKGROUND

A nature strip is the strip of land between the property boundary and edge of the road.

Most nature strips are grassed, whilst others have varying extents of planting and hard landscaping. It is an established practice that the adjacent property owner maintains the nature strip. Property owners' approach to the management and maintenance of nature strips vary. Council staff regularly receive inquiries regarding nature strips that are not currently supported by a relevant Policy.

The proposed Policy intends to outline the appropriate standards and management practice for nature strips in Devonport, providing flexibility while considering issues such as public safety and protection of underground and overhead assets.

Council has adopted a Driveway Policy, a Stormwater Connection Policy and a Retaining Wall Policy to provide clear communication regarding the interface of private property and public land. The Nature Strip Policy has a similar purpose.

Council endorsed a draft Policy for public consultation in April (Min 22/70 refers).

### STATUTORY REQUIREMENTS

Other jurisdictions have introduced by-laws or their equivalent to assist in the management of nature strips, as there is otherwise no legislation specifically regarding nature strips.

However, Section 21 of the *Local Government (Highways) Act 1982* describes Council's general responsibilities regarding the road network.

#### *21. General responsibility of corporations*

*(1) Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.*

*(2) For the purposes of the discharge of its duties under this section in respect of a highway, a corporation may carry out such works as it considers necessary for the maintenance or renewal of any bridge, embankment, or other work carrying, or otherwise associated with, the highway.*

## DISCUSSION

The draft Policy was provided to the public through Council's on-line engagement portal, Speak Up Devonport, from 6 May to 6 June 2022 inclusive. The consultation period was promoted on Council's social media and articles were published in *The Advocate*.

33 responses were received. 17 responses were assessed as having positive sentiment towards the Policy; 4 were neutral, 4 had negative sentiment; and 8 were about issues that were specific to a particular property, were about issues that were already addressed in the Policy or were about issues not intended to be addressed by the Policy. Sentiment of feedback is shown in Figure 1 below. All feedback received is included as an attachment to this report.

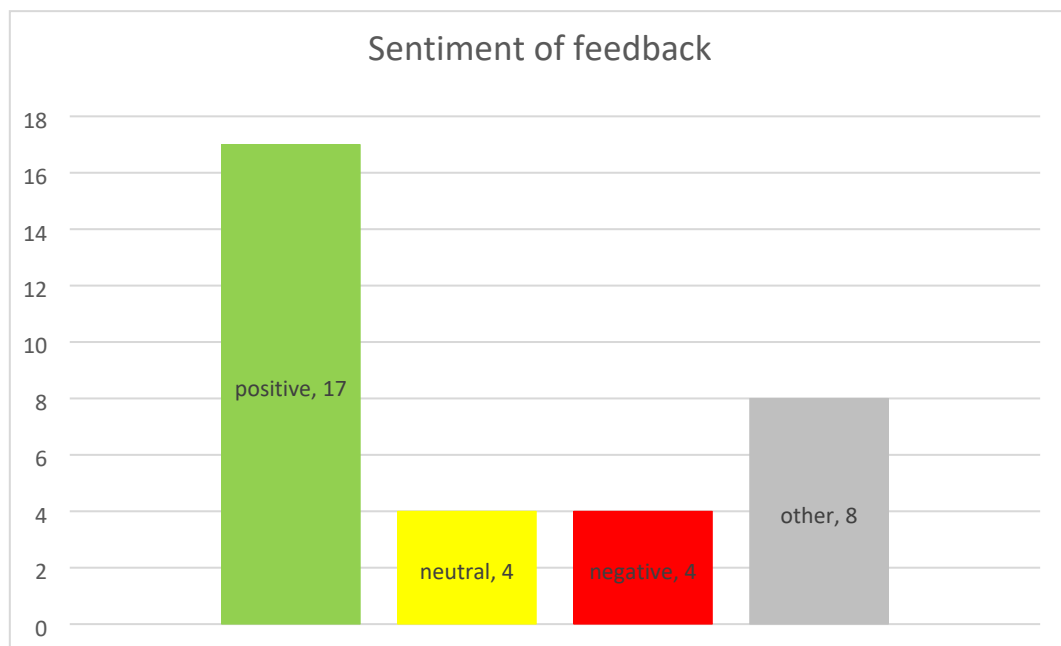


Figure 1

Although feedback was received from only a small percentage of Devonport residents, the positive sentiment indicates support for the adoption of the Policy by Council.

Feedback was generally constructive, and three suggestions were identified for inclusion in the Policy proposed for adoption. These are shown in Table 1 below.

| Feedback received   | Resultant change to Policy  |
|---|---|
| "Clarify that synthetic grass should be a natural green in colour and of reasonable quality (i.e. commercial grade)."   | Clause 1.6 adjusted to include requirement for synthetic grass to be green and to be of suitable durability for a public area.              |
| "Living on the brow of the hill, I already have a limited view of traffic coming up the hill. Should my neighbour plant shrubs that fall within the height guidelines set by the council, that small gap allowing views of oncoming traffic would be lost. Due to the steepness of the hill, vehicles are under | Clause 2.11 adjusted to allow for larger clearances that may be required to maintain adequate sight distances for steep roads or driveways. |

|   |   |
|---|---|
| <i>acceleration and appear quickly out of the dip."</i>   |   |
| <i>"I suggest that following be considered and included in the policy:-Specified distances and or clearance info for fire hydrant and water main valves .</i> | Clause 2.13 added to prohibit blocking or covering of utility infrastructure. |

Table 1

The three minor changes to the Policy identified from the feedback received result in a more comprehensive Policy.

### COMMUNITY ENGAGEMENT

The community engagement undertaken is detailed above.

### FINANCIAL IMPLICATIONS

Adoption of the Nature Strip Policy may have a financial implication for Council. There will be a requirement for Council to undertake risk assessments or assess nature strip improvements against the Policy. It is envisaged that in the short to medium term, this work can be accommodated by existing staff.

It is envisaged that, on rare occasions, Council may have to intervene to return an overgrown nature strip to grass and will be unable to recover costs from the property owner.

It is likely that these situations could be accommodated within operational budget allocations.

### RISK IMPLICATIONS

- **Asset & Property Infrastructure**  
The Policy assists Council to protect its own assets as well as assets of utilities that occupy the road reserve.
- **Risk Management Practices**  
The Policy responds to identified risks associated with the use of nature strips, including pedestrian safety, traffic safety, protection of underground and overhead assets and the risk of additional stormwater runoff (from impervious surface).  
  
Council will require a robust risk assessment process when responding to nature strip issues, especially those that are causing tension between property owners or between property owners and Council. Consistent application of the Policy is vital.

### CONCLUSION

Council endorsed a draft Nature Strip Policy for public consultation in April (Min 22/70 refers).

33 responses were received during the public consultation period, with the majority supporting adoption of the Policy. Three minor changes were made to the Policy based on feedback received.

Adoption of the Policy provides property owners with the flexibility to maintain their nature strip to their preferences, while considering issues such as public safety and protection of underground and overhead assets.

### ATTACHMENTS

1. Nature Strip Policy 2022 - FOR ADOPTION [5.7.1 - 6 pages]
2. Consultation Summary [5.7.2 - 3 pages]

## 5.8 GREATER DEVONPORT RESIDENTIAL GROWTH STRATEGY

Author: **Matthew Skirving, Executive Manager City Growth**

Endorser: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council adopt the Greater Devonport Residential Growth Strategy 2021-2041.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- |                |  |
|----------------|--|
| Strategy 2.1.1 | Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use |
| Strategy 3.4.2 | Promote, encourage and develop initiatives that support the local economy  |

### SUMMARY

The purpose of this report is to present the Greater Devonport Residential Growth Strategy 2021-2041 for adoption by Council, following a period of public consultation.

### BACKGROUND

The preparation of the Greater Devonport Residential Growth Strategy 2021-2041 (the Strategy) was identified as a key action included with Council's 2021/2022 Annual Plan.

At its ordinary meeting of 26 April 2022, Council determined to endorse the release of the draft Greater Residential Growth Strategy 2021-2041 to be made available for a period of public consultation.

The purpose of the Strategy is to provide an overarching strategic policy direction for residential growth in the greater Devonport area over the next 20 years. First and foremost, the Strategy is designed as a policy and advocacy tool to guide and inform future development proposals by private landowners.

The Strategy will be used to assist Council's decision making relating to a range of purposes, including:

- 1) amendments to Council's planning scheme;
- 2) relevant Council policies and strategies;
- 3) State and regional planning initiatives; and
- 4) planning for the provision of future infrastructure.

The Strategy includes an aspirational context for population growth to recognise and enhance Devonport's status as the major population centre in the North-West region of Tasmania and to promote Devonport as an attractive and prominent destination to live, work and invest. A key element of the Strategy is aspirational population growth, for which the Strategy endorses and promotes future population targets of:

- a) 30, 000 people by the year 2030; and
- b) 35, 000 people by the year 2040.

The Strategy represents a plan for continued growth that seeks to build upon the economic confidence and positive momentum for growth catalysed by Council's recent LIVING CITY urban renewal initiative.

The Strategy endorses an overarching strategic policy mandate for residential growth and is prepared around the five central strategic policy directions shown below, which are designed to be interpreted and applied collectively and to operate in a mutually reinforcing context:

- 1) aspirational population growth;
- 2) residential land supply;
- 3) strategic direction for future residential growth;
- 4) providing diversity in housing options; and
- 5) monitoring and review.

These five central strategic policy directions enable a focussed consideration for Council to leverage appropriate mechanisms and measures to stimulate and encourage residential growth. Each strategic policy direction is underpinned by a key objective and associated strategies for implementation.

### **STATUTORY REQUIREMENTS**

There are no specific statutory requirements in relation to this report. Discussion on the purpose and function of the Strategy, as it relates to strategic land use planning and the associated legislative mechanisms within the State, is contained in the strategy document.

### **DISCUSSION**

The draft Strategy was made available for community consultation for a period of three weeks between Monday, 2 May – Monday, 23 May 2022 on Council's Speak Up Devonport webpage. Following review of the feedback received, the final strategy has been collated for consideration and adoption by Council and is included as Attachment 1 to this report.

The community consultation period was also supported by a media release issued during May (and subsequent The Advocate newspaper article), and social media posts on Facebook, Twitter and LinkedIn.

Council's online consultation platform was utilised for the consultation process which provided a survey to facilitate community feedback and input into the Strategy. Hard copies of the Strategy were also available for review. The survey was prepared around a series of standard questions relating to the content and rationale behind the Strategy. Each question provided an optional free text field for respondents to provide additional comments if so desired.

The survey attracted responses from 24 participants. Details of the survey questions and results are included as Attachment 2 to this report.

For privacy reasons, any personal information collected from survey participants including names and contact information has been removed from the information shown with Attachment 2. The opportunity to provide this personal contact information was an optional response for survey participants and the intention was that these details would only be used if a specific need should arise to contact participants.

### **Summary of responses to survey questions**

Table 1 below provides a general summary of results from the survey questionnaire as grouped by key themes.

**Table 1:** General summary of survey results:

| Strategy Theme                         | Survey outcome   |
|--|--|
| Need for a Residential Growth Strategy | <b>87.5%</b> of survey respondents identify with the need for a strategy to inform future residential growth.  |
| Residential land supply                | <b>69.6%</b> of survey respondents view that there is current inadequate residential land supply.<br><b>60.9%</b> of survey respondents believe that a shortage in residential land supply is restricting population growth.   |
| Population growth                      | <b>77.3%</b> of survey respondents believe that encouraging population growth is a good idea.<br><b>83.3%</b> of survey participants support a specific aspirational context for growth to recognise and enhance Devonport's status as the major population centre in the North-West region of Tasmanian and to promote Devonport as an attractive and prominent destination to live, work and invest.<br><b>73.9%</b> of survey respondents view that the setting of population targets is a good idea.<br><b>65.2%</b> of survey respondents support Council's role in advocating for sustainable population growth.   |
| Housing                                | <b>60.9%</b> of survey respondents consider that making more residential land available will assist with housing accessibility and affordability.<br><b>63.2%</b> of survey respondents support the policy direction of the Strategy to advocate for diversity in housing options and the associated key objective to encourage the provision of a range of housing types and densities.   |
| Strategic mapping information          | <b>91.3%</b> of survey respondents support the idea of strategic mapping information to guide and inform decision making around future residential growth areas.<br><b>61.1%</b> of survey respondents support the inclusion of the urban and per-urban growth boundaries included with the Strategy as a means to provide an overarching strategic direction for the growth of residential settlement areas in the Greater Devonport area.<br><b>82.3%</b> of survey respondents support the inclusion of the future investigation area mapping with the Strategy to represent locations where future residential growth could be investigated or further considered. |

**Summary of relevant themes from survey respondent additional comments**

As mentioned previously in this report, the survey questionnaire also included the option for respondents to provide additional feedback via a free-text input field. Table 2 below provides a summary of the key themes identified from the additional submission material received, and consideration of these matters in relation to the strategy content.

**Table 2:** Summary of additional comments:

| Survey Response Theme: | Intent of the Strategy |
|------------------------|------------------------|
|------------------------|------------------------|



|  |   |
|--|---|
| General Matters Raised in Submitted Comments | Supporting commentary for the intent and purpose of the Strategy. |
| Council Response to Comments:                |   |
| Noted.                                       |   |

|   |  |
|---|--|
| Survey Response Theme:  | Scope of the Strategy  |
| General Matters Raised in Submitted Comments  | <p>More detail required in the five central strategic policy directions of the strategy.</p> <p>Strategy should be prepared at a broader regional level (referencing Council's recent submission to the Tasmanian Future of Local Government Review and Council's support for an amalgamated "Mersey Region" local government area).</p> |
| Council Response to Comments:   |  |
| <p>The strategy seeks to find an appropriate balance between strategic and policy guidance, without being overly prescriptive or rigid in order to accommodate a variety of development proposals that may arise.</p> <p>A central purpose of the strategy is to address the currency of data contained within existing broader regional land use strategies that specifically relates to the Devonport municipality. Council will continue to support and participate in land use planning at a regional level.</p> <p>The Strategy is prepared around the five central strategic policy directions shown below which are designed to be interpreted and applied collectively in conjunction with each other and to operate in a mutually reinforcing context.</p> <ol style="list-style-type: none"> <li>1. Aspirational population growth;</li> <li>2. residential land supply;</li> <li>3. strategic direction for future residential growth;</li> <li>4. providing diversity in housing options; and</li> <li>5. monitoring and review.</li> </ol> <p>These five central strategic policy directions enable a focussed consideration for Council to leverage appropriate mechanisms and measures to stimulate and encourage residential growth. Each strategic policy theme is underpinned by a key objective and associated strategies for implementation.</p> <p>It should also be noted that, some actions will be directly deliverable as part of adoption of the Strategy (such as endorsement of future population growth targets and urban growth boundary mapping) whilst others represent ongoing actions.</p> <p>The five central strategic policy directions are considered to represent an appropriate balance of relevant themes and focus areas for the Strategy to incorporate. Nothing specific has been received through the public survey feedback that is deemed to warrant or necessitate a change to these five central strategic policy directions.</p> <p>The Strategy will be used to guide and inform the review of the <i>Cradle Coast Regional Land Use Strategy 2010-2030</i>. This review (along with the other two Tasmanian regional land use strategies) will occur through 2022-2024.</p> <p>Council's recent submission to the Tasmanian Future of Local Government review represents Council's view in the initial engagement process of this Review.</p> |  |

The Review process, which is being conducted by the Local Government Board, will continue over the next 12 months with subsequent recommendations to be provided thereafter to the Minister for Local Government. Accordingly, this process has a significant course to run before any formal recommendations are made and any subsequent reforms are enacted.

Notwithstanding, If such a scenario where to eventuate which saw the creation of the 'Mersey Region' local government area in the future, then the Strategy could be reviewed/amended as may be appropriate to reflect that change.

|   |   |
|---|---|
| Survey Response Theme:  | Population growth targets                                 |
| General Matters Raised in Submitted Comments  | Too high/too low.<br>Current population already too many. |
| Council Response to Comments:   |   |
| <p>Setting an aspirational growth target for the municipality is a core element of the strategy.</p> <p>Strategic planning generally involves the setting of aspirational goals – a future to strive for and aspire towards.</p> <p>The Strategy includes an aspirational context for population growth and to promote the greater Devonport area as an attractive and prominent destination to work, live and invest.</p> <p>Increasing the population base provides an important platform for continued economic growth and investment, increasing employment opportunities, and promoting liveability not only within the greater Devonport area – but also the North West region more generally.</p> <p>The Strategy endorses and promotes future population targets of:</p> <ol style="list-style-type: none"> <li>1. 30,000 by the year 2030; and</li> <li>2. 35,000 by the year 2040.</li> </ol> <p>The abovementioned target numbers and corresponding years have been selected as they offer readily identifiable and recognisable target figures.</p> <p>To meet the initial population target of 30,000 people by 2030 this generally represents an approximate 1.65% average annual population growth.</p> <p>Whilst this is an ambitious growth rate, it is considered to be both realistic and achievable when compared to current growth rates in other Tasmanian local government areas, and further rationalised with the analysis outlined in the Strategy and current levels of demand and development activity in the region.</p> |   |

|  |   |
|--|---|
| Survey Response Theme:   | Economic growth and employment opportunities  |
| General Matters Raised in Submitted Comments   | Jobs required to support population growth.<br>Opportunities for business, commerce and industry. |
| Council Response to Comments:  |   |
| <p>The Strategy appropriately recognises the relationship between population growth and economic growth.</p> <p>In support of the aspirational context for population growth, the Strategy also encourages appropriate economic development opportunities that support population growth and promote Devonport as an attractive place for investment and to facilitate increased employment opportunities.</p> <p>Similarly, the support of a growing population base (including the availability of residential land to accommodate that growth) forms a key platform in the retention and attraction of business, industry, infrastructure and employment opportunities.</p> |   |

|   |   |
|---|---|
| Survey Response Theme:  | Urban in-fill vs new land release   |
| General Matters Raised in Submitted Comments  | Residential growth should be accommodated by urban in-fill rather than new land releases.<br>Increased application of the Inner Residential Zone to facilitate higher density residential use and development particularly in and around urban centres. |
| Council Response to Comments:   |   |
| <p>The Strategy does not necessarily prioritise new land release over urban in-fill to accommodate future residential growth. Instead, the Strategy recognises that both of these mechanisms should be considered where appropriate.</p> <p>The suggestion around the application Inner Residential Zone is deemed to have some merit.</p> <p>Whilst this could perhaps be generally covered under the existing wording of the strategic policy actions at sections B3.4 and B4.3 of the draft Strategy – there is likely some benefit to clearly articulate opportunities for the application of the Inner Residential Zone of the within these policy statements. Modifications have been made to this effect within sections B3 and B4 of the Strategy.</p> <p>Notwithstanding the above comments – the encouragement of appropriate opportunities for urban in-fill and also application of the Inner Residential Zone are not viewed as substitutes or alternatives to the exclusion of new residential growth areas. Existing residential land supply issues will not be rectified by urban in-fill and higher residential density alone.</p> |   |

|   |  |
|---|--|
| Survey Response Theme:  | Housing typology   |
| General Matters Raised in Submitted Comments  | Diversity in housing supply.<br>Higher density residential use and development (including inner city living opportunities)<br>Need for a mixture of housing types. |
| Council Response to Comments:   |  |
| <p>The Strategy recognises that housing diversity is an essential component of any thriving community. A mix of housing types, lot sizes and densities help foster a vibrant community and a more diverse range of residents. Housing diversity also helps maintain dynamic business activity centres, increased lifestyle choices, and the efficient use of services and infrastructure. An appropriate supply and range of dwelling types and densities is also considered to contribute a positive influence on both housing affordability and accessibility. Furthermore, the provision of diversity in housing options presents as an effective measure to encourage population growth - including the aspirational population growth endorsed by this Strategy.</p> <p>The Strategy also adopts a strategic position to recognise and encourage appropriate opportunities for higher residential use and development at locations in close proximity to the Devonport CBD, and other business areas (including land within the Central Business Zone, General Business Zone, Urban Mixed Use Zone, and Local Business Zone) and where there is good access to public and commercial services, public transport networks, and places for employment opportunities.</p> <p>The Strategy further acknowledges that whilst the market is currently working to supply a range of housing types, and which should be appropriately encouraged by the policy of this Strategy, it is also important to recognise and appropriately</p> |  |

support the ongoing State Government initiatives with respect to social housing supply and housing affordability in Tasmania. The State Government has some important current initiatives and strategic directions in this space and it is essential that these receive the appropriate support at the local government level – particularly those local government areas with a major population base such as Devonport.

|  |   |
|--|---|
| Survey Response Theme:   | Selection of areas for residential growth   |
| General Matters Raised in Submitted Comments   | Encroachment into rural areas.<br>Loss of natural landscapes.<br>No land available for growth to occur. |
| Council Response to Comments:  |   |
| <p>The strategy proposes both Urban and Peri-urban growth boundaries within the overall framework to strike a balance between residential and other land use activities (which have not previously existed).</p> <p>Appropriate mechanisms existing within existing land use planning controls to consider specific natural values considerations associated with any subsequent rezoning application.</p> <p>The purpose of the strategy is to provide guidance on land considered suitable for future residential use.</p> <p>The Strategy is not about forced land releases or the forced displacement of local business or industry, natural/scenic landscape intrusions, or pre-emptive rezoning of land by Council.</p> <p>Instead, the Strategy is aimed at providing an overarching policy direction for residential growth in the greater Devonport area over the next 20 years. It is designed to guide and inform decision making around where residential growth could occur (or where it could be further investigated or considered), and how that growth can be appropriately managed and provided for into the future.</p> <p>The inclusion of the 'urban growth boundaries' and 'peri-urban growth boundaries' provides the overarching strategic direction for the logical and orderly growth of residential settlement areas in the greater Devonport area.</p> <p>The 'urban growth boundary' provides guidance for the future growth/expansion of residential settlements in urbanised environments (for example land releases where rezoning to General Residential would be considered appropriate). The 'peri-urban growth boundary' is aimed at providing guidance for future growth/expansion in non-urban type environments, for example the growth of rural-residential settlement areas.</p> <p>The demarcation of these boundaries to guide future residential growth has been devised following the best practice strategic planning principles of consolidation with existing settlement patterns and the promotion of well defined, orderly, and compact form of residential settlements. The alignment of the urban and peri-urban growth boundaries includes consideration of:</p> <ol style="list-style-type: none"> <li>1. existing land use and development patterns (including planning scheme zone designations);</li> <li>2. the consolidation with existing residential settlement areas, and the ability to achieve and maintain a compact settlement form; and</li> </ol> <p>the location of natural boundaries (such as watercourses, etc.) as a logical point to conclude growth boundaries.</p> |   |

#### **Department of State Growth submission**

A submission from the Department of State Growth was also received during the consultation period on the Strategy. This correspondence is included as Attachment 3. Analysis of the points raised by the Department of State are summarised in Table 3 below.

**Table 3:** General summary of matters raised in Department of State Growth submission

| Matter(s) raised  | Response  |
|---|---|
| <p>Increased application of the Inner Residential Zone to facilitate higher density residential use and development particularly in and around urban centres.</p> | <p>This follows a similar theme raised in the community survey feedback, and as noted in Table 2 previously this suggestion is deemed to have some merit.</p> <p>Whilst this could perhaps be generally covered under the existing wording of the strategic policy actions at sections B3.4 and B4.3 of the draft Strategy, there is likely some benefit to clearly articulate opportunities for the application of the Inner Residential Zone within these policy statements. Modifications have been made, to this effect, within sections B3 and B4 of the Strategy.</p> <p>Notwithstanding the above comments – the encouragement of appropriate opportunities for urban in-fill and also application of the Inner Residential Zone are not viewed as substitutes or alternatives to the exclusion of new residential growth areas. Existing residential land supply issues will not be rectified by urban in-fill and higher residential density alone.</p>  |
| <p>Suggests the growth boundaries (urban and peri-urban) and Future Investigation Areas are too broad and should be refined.</p>                                  | <p>The Strategy aims to provide overarching strategic direction for the logical and orderly growth of residential settlement areas through:</p> <ul style="list-style-type: none"> <li>(a) the setting of urban and peri-urban growth boundaries;</li> <li>(b) the identification of 'future investigation areas' where future residential growth could be considered; and</li> <li>(c) the inclusion of general strategies for implementation to: <ul style="list-style-type: none"> <li>(i) encourage and support appropriate opportunities for 'urban in-fill' residential use and development at suitable locations; and</li> <li>(ii) ensure that areas identified for future residential growth are made cognisant of existing and planned service infrastructure capabilities.</li> </ul> </li> </ul> <p>The inclusion of the 'urban growth boundaries' and 'peri-urban growth boundaries' provides the overarching strategic direction for the logical and orderly growth of residential settlement areas in the greater Devonport area.</p> <p>The 'urban growth boundary' provides guidance for the future growth/expansion of residential settlements in urbanised environments (for example land releases</p> |

| Matter(s) raised | Response   |
|------------------|--|
|                  | <p>where rezoning to General Residential would be considered appropriate).</p> <p>The 'peri-urban growth boundary' is aimed at providing guidance for future growth/expansion in non-urban type environments, for example the growth of rural-residential settlement areas.</p> <p>The demarcation of these boundaries to guide future residential growth has been devised following the best practice strategic planning principles of consolidation with existing settlement patterns and the promotion of well defined, orderly, and compact form of residential settlements.</p> <p>The alignment of the urban and peri-urban growth boundaries includes consideration of:</p> <ul style="list-style-type: none"> <li>(a) existing land use and development patterns (including planning scheme zone designations);</li> <li>(b) the consolidation with existing residential settlement areas, and the ability to achieve and maintain a compact settlement form; and</li> <li>(c) the location of natural boundaries (such as watercourses, etc.) as a logical point to conclude growth boundaries.</li> </ul> <p>As the name suggests, the Future Investigation Areas represent locations where future residential growth could be further considered and investigated.</p> <p>Similar to the demarcation of the growth boundaries included with the Strategy, the preparation of the Future Investigation Areas follows the overarching strategic principles of consolidation with existing settlement areas and the promotion of well defined, orderly, and compact form of residential settlement areas.</p> <p>As noted in the Strategy, the identification of land within a Future Investigation Area does not automatically guarantee that land will be made available for residential use and development. Instead, these are designed to establish more detailed consideration of those areas to determine their suitability for residential use and development including appropriate consultation with and support from existing landowners and developers.</p> <p>Whilst access to public transport services and networks represent a logical consideration for these future investigation areas, it is also reasonable to expect that transports services should also respond to future growth and demand trends as well.</p> <p>Following the rationale set out above, the growth boundaries and future investigation areas mapping included with Strategy are considered to be</p> |

| Matter(s) raised | Response  |
|------------------|---|
|                  | appropriate and consistent with the overarching policy position of aspirational population growth endorsed by the Strategy. |

### **Refinements to the Strategy following public consultation**

Some refinements have been made to the Strategy document following the public exhibition period. These are summarised in Attachment 4. These modifications are generally minor in nature and retain the general policy direction and intent presented with the draft version of the Strategy.

### **COMMUNITY ENGAGEMENT**

Details of the community engagement undertaken in relation to this strategy are included in the *Discussion* section of this report.

In general, the feedback received has supported the overall strategic and policy intent of the strategy document.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications relating to the actions arising from this report. However, ensuring the future supply of land for residential purposes is supported by a clearly articulated Strategy is fundamental to the future economic and social growth potential of the municipality.

### **RISK IMPLICATIONS**

- Consultation and/or Communication  
Consulting on the draft Strategy enables the community and key stakeholders to have input into a document to inform Council's decision making in relation to this Strategy.

### **CONCLUSION**

The *Greater Devonport Residential Growth Strategy 2021-2041* delivers a key strategic action from Council's 2021/22 Annual Plan and will provide the overarching policy direction for residential growth in the greater Devonport area over the next twenty (20) years.

The Strategy has been made available for a period of public consultation with the feedback received noted and considered in the preparation of the final strategy document.

The strategy provides comprehensive guidance to landowners and developers on the aspirational demand and related supply requirements for residential land within the Devonport municipality and is recommended for adoption by Council.

### **ATTACHMENTS**

1. Attachment 1 - Greater Devonport Residential Growth Strategy 2021-2041 [**5.8.1** - 23 pages]
2. Attachment 2 - Community survey responses Redacted [**5.8.2** - 24 pages]
3. Attachment 3 - Submission from Department of State Growth [**5.8.3** - 2 pages]
4. Attachment 4 - Summary of modifications to draft Strategy [**5.8.4** - 1 page]

## 5.9 PARTNERSHIP AGREEMENTS

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

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

### RECOMMENDATION

That Council note the Partnership Agreement report and enter into the following partnership agreements:

- a. Devonport Brass Band, 3 year term, 2022-25, \$10,000 per year
- b. Devonport Community House, 3 year term, 2022-25, \$18,000 per year
- c. Devonport Men's Shed, 3 year term, 2022-25, \$8,000 per year
- d. Tasmanian Arboretum 2022-25, 3 year term, \$22,000 per year
- e. Devonport Chamber of Commerce and Industry, 2 year term, 2022-24, \$40,000 per year

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.7.3 Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes

### SUMMARY

To present five partnership agreements to Council for consideration.

### BACKGROUND

Council partners with a diverse range of organisations to achieve shared objectives. Existing community and cultural partnership arrangements are included in the table below, with those due for renewal highlighted.

| Details  | Agreement Term | Expiry Date                                       | Amount pa  |
|--|----------------|---|--|
| Devonport Brass Band                               | 3 years        | 30 June 2022                                      | \$10,000   |
| Devonport Community House                          | 3 years        | 30 June 2022                                      | \$18,000   |
| Devonport Men's Shed                               | 3 years        | 30 June 2022                                      | \$ 8,000   |
| Tasmanian Arboretum                                | 2 years        | 1 July 2022                                       | \$22,000   |
| Devonport Surf Club                                | 3 years        | 30 June 2022<br>Terminated by<br>mutual agreement | \$ 2,000   |
| National Trust of Australia – Home Hill operations | 3 years        | October 2022                                      | \$28,000   |
| Devonport Ferry – Merseylink                       | 3 years        | 8 April 2023                                      | \$25,000   |
| Carols by Candlelight                              | 2 years        | 2023  | \$ 3,500<br>Not paid 2021 as<br>event cancelled<br>due to COVID-19 |
| City of Devonport Eisteddfod                       | 3 years        | 30 June 2023                                      | \$10,000   |
| Devonport Motor Show                               | 5 years        | 29 January 2024                                   | \$ 2,500   |



| Details                                  | Agreement Term | Expiry Date     | Amount pa   |
|--|----------------|-----------------|---|
| Youth and Family & Community Connections | 5 years        | 29 January 2024 | Rental agreement + youth services - in kind funding           |
| Julie Burgess Inc                        | 5 years        | 30 June 2025    | Y1 \$50,000<br>Y2-5 \$40,000                                  |
| RANT Arts                                | 5 years        | November 2026   | Rental agreement + Arts & cultural services – in kind funding |

Council has further sponsorship agreements in place for major sporting and cultural events. This report focuses on the renewal of the four highlighted existing partnership agreements and an additional new agreement with the Devonport Chamber of Commerce and Industry (DCCI).

### STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

### DISCUSSION

The Devonport Brass Band, Devonport Community House, Devonport Men's Shed and the Tasmanian Arboretum have provided satisfactory activity reports that align to the key responsibilities outlined in their respective agreements (refer below). It is proposed that each agreement is renewed with the same level of funding and support committed as per existing agreements. A minor adjustment to the term of the Tasmanian Arboretum agreement from two to three years is recommended to improve alignment with other agreements. Proposed agreements are attached.

### Performance Against Existing Partnership Agreements

#### Devonport Brass Band

- Perform at a minimum of 4 community events per year - neighbourhood street carolling – normally 6 nights per year, visits to Karingal and Meercroft aged care homes and the Kmart shopping centre. In late 2021 there were also 2 performances at the Don market. We regularly play at the Home Hill garden fetes and primary school concerts have been held at the Nixon St Fair in November 2019 and at Miandetta Primary in October 2020. Recently we have forged something of a partnership with the Everyday Lions organisation as we regularly play at their run events.
- Hosted the Tasmanian Bands League state championships during September 2021. Many hundreds of people were able to experience the facilities of the Paranapple centre; event was live streamed worldwide.
- Actively striving to attract new members and regularly assist with the Devonport Primary and Nixon Street Primary bands. A brass instrument music group is held at East Devonport Primary school with 12 students participating. The band provides instruments for the pupils to use free of charge, also hold two school holiday band days each year.

#### Devonport Community House

- Delivery of services that promote childhood development and social inclusion
  - The Playhouse is aimed at 0–5 year olds and their parents/carers, with various activities and sessions offered throughout the year. These include Cook 'n' Taste fortnightly, with hands-on cooking; weekly reading time & applicable craft activity; and sensory play. This is along with celebratory days / weeks throughout the year.

- The Community Garden offers a Fairy Garden and cubby house in two separate areas of the Garden for small children. The Fairy Garden has musical and tactile equipment to encourage touch and play, along with discovery of various hidden treasures throughout. Children are encouraged to pick and taste veggies, herbs, and fruit when they find them.
- The mosaic "Art the Park" project with Youth, Family and Community Connections and Council encouraged local participation in the Highfield Park Strategic Plan to ensure local ownership of the park play areas once built. This should prove valuable in the coming years in deterring vandalism in the park.
- Skill development - Two volunteers from The Playhouse recently gained a traineeship and work position. Volunteers are offered first aid training, food safety, and/or any other training that is suitable to further their skills whilst volunteering at The Playhouse or Community Garden. Most garden volunteers are over 50 years, so generally request basic training & skill development on dealing with people and safe tool usage.
- The Garden has commenced a new social enterprise "Bloomin Edibles" which is growing and supplying edible flowers to the restaurant market in Devonport. This will be developed with the two new hothouses just built through a Tasmania Community Fund grant including employment of a supervisor for ten hours per week over a year. It is envisioned that Reece High students will be included in the program.

#### Devonport Men's Shed

- Continued to employ staff and develop strategies to recruit, train and retain volunteers to operate the Men's Shed.
- Engaged residents who traditionally are difficult to engage including people with mental illness and people with disability.
- Raised garden beds have been provided to the Melaleuca, Home for the Aged.
- New program commenced targeting women with 18 participants.

#### Tasmanian Arboretum

- Increase in volunteers from 398 in 2020/21 to 425 in 2021/22
- Continue to develop the site in accordance with the Arboretum's Strategic Plan, providing an additional open space resource to the Devonport Municipality and Botanical Asset for the region
  - Collected material in Chile, Argentina and Colombia and propagation successfully commenced.
  - Began planting in the Australian Collection as a 5-year objective. Planting continuing in camellia art collection.
  - Cooperated in PhD research project with Adelaide University.
  - Registered to take endangered cloud forest plants from high altitudes in Queensland through Royal Botanic Gardens Victoria.
- Delivered community events to include Botanic Gardens Day, the hosting of natural resource management events and tree climbing competition
- Received grant funds to construct new bridge to Swap Cypress Island
- Chosen as the destination for Nature Playgroup.
- Urban Forestry training held in the Education Centre.

#### **Devonport Chamber of Commerce and Industry**

An additional partnership agreement is proposed with the Devonport Chamber of Commerce and Industry, on their request, to support implementation of the DCCI Retail, Hospitality & Tourism Strategy. This agreement has the potential to result in a range of benefits to Devonport, including, but not limited to:

- Improving the attractiveness of Devonport as a place to live, visit, work, and invest.
- Creating a strong, cohesive, and educated business community.
- Improving communication and collaboration between Council and the Devonport business community.
- Increase economic development outcomes in the local and broader region.

Responsibilities of the DCCI and performance measures have been prepared in collaboration with DCCI. The full agreement is attached to this report.

### **COMMUNITY ENGAGEMENT**

Partnership agreements provide one avenue for Council to support the work of organisations to improve social, cultural, and economic participation in community life.

Beyond direct communication with each organisation there has been no broader community engagement undertaken in preparation of this report.

### **FINANCIAL IMPLICATIONS**

There is \$238,000 allocated toward community and cultural partnership agreements in the existing 2021/22 budget, of which \$175,000 has been spent. \$264,500 has been allocated in the 2022/23 budget, subject to adoption.

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The Devonport Brass Band, Devonport Community House, Devonport Men's Shed and the Tasmanian Arboretum have provided satisfactory activity reports that demonstrate the value of Council's contribution to enhancing these community services. It is proposed that each agreement is renewed with the same level of funding and support committed as per existing agreements, with an adjustment of the Tasmanian Arboretum agreement from two to three years.

A new two-year partnership agreement is proposed with the Devonport Chamber of Commerce and Industry, to support implementation of the DCCI Retail, Hospitality & Tourism Strategy which aims to improve the attractiveness of Devonport as a place to live, visit, work, and invest.

### **ATTACHMENTS**

1. City of Devonport Brass Band Agreement 2022-25 [**5.9.1** - 4 pages]
2. Devonport Community House Partnership Agreement 2022-25 [**5.9.2** - 6 pages]
3. Devonport Men's Shed Partnership Agreement 2022-25 [**5.9.3** - 4 pages]
4. Arboretum Partnership Agreement 2022-25 [**5.9.4** - 4 pages]
5. DCCI Partnership Agreement 2022-24 [**5.9.5** - 4 pages]

## 5.10 RATE REMISSION

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council receive and note the report in relation to a requested rate discount for the Devonport Country Club and:

#### **Option 1**

having considered the request, advise the Club that they do not meet the criteria for a rate remission as detailed in Council's Financial Assistance Guidelines.

Or

#### **Option 2 (by absolute majority)**

remit 65% of the General Rate payable on 66 Woodrising Avenue for the 2021/22, 22/23 and 23/24 financial years.

Or

#### **Option 3 (by absolute majority)**

remit 60% of the General Rate payable on 66 Woodrising Avenue for the 2021/22 financial year, 40% for the 22/23 year and 20% for the 23/24 year.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.4 Build capacity of the sport and recreation sector

### SUMMARY

This report is provided for Council to consider a request from the Devonport Country Club for a reduction in their property rates. The request does not meet the criteria or timeframes set out in the rate remission section of Council's Community Financial Assistance Grants, however the Club has sought Council support due to a large increase in their rates for their new facility, in comparison to their previous clubrooms, and the financial challenges the new Club is experiencing as it becomes established.

### BACKGROUND

The Devonport Country Club wrote to Council on 1 June 2022 requesting a reduction in the rates applied to their property at 66 Woodrising Avenue. A copy of the letter is provided as a confidential attachment to this report. The letter also made a request to meet with Councillors and subsequently three Club representatives attended Council's Workshop on Monday 6 June to outline their request.

At the Workshop, a copy of the Club's financial statements were requested, which have since been received and are provided as a confidential attachment.

This report is provided for Council to formally consider the matter and determine what support, if any is considered appropriate.

### STATUTORY REQUIREMENTS

Section 129 of the *Local Government Act 1993*, provides Council with the powers to remit rates.

### **129. Remission of rates**

*(1) A ratepayer may apply to the council for remission of all or part of any rates paid or payable by the ratepayer or any penalty imposed or interest charged under section 128 .*

*(2) An application is to be –  
(a) made in writing; and  
(b) lodged with the general manager.*

*(3) A council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.*

*(4) A council, by absolute majority, may grant a remission of any rates, penalty or interest paid or payable by a class of ratepayers.*

*(5) The general manager is to keep a record of the details of any remission granted under this section.*

### **DISCUSSION**

The Devonport Country Club are requesting a reduction to the general rate and the fire service rate for their property at 66 Woodrising Avenue for the 21/22, 22/23 and 23/24 financial years. They are requesting the rates payable be 65% less than the applicable rates.

In relation to the fire service levy, Council does not have authority to vary this amount as it is simply collected on behalf of the State Government and provided to the Government. The General Rate is set by Council and it has authority to remit any portion it considers appropriate under section 129 of the *Local Government Act 1993*.

Council does provide General Rate remissions to a small number of community organisations under criteria detailed in its Financial Assistance Grant program, available on Council's website. Applications for a rate remission are open between 1 July and 31 August and are referred to the Financial Assistance Working Group for consideration. The guidelines for assessment of community rate remissions stipulate that remissions will not be given for rates owing in the previous financial year or to sporting organisations which are licensed. Under these criteria, the Devonport Country Club would not be eligible through the grant program and Council is required to consider this request in isolation.

The Devonport Country Club was established several years ago and formed through a merger of the Devonport Golf Club and the Devonport and Spreyton Bowls Clubs. Prior to the merger and redevelopment of their facilities, the Golf Club paid rates in the order of \$8,200 and the Devonport Bowls Club paid a similar amount on their North Fenton Street property. The Spreyton Bowls Club paid a rent/lease fee to Council which was all inclusive of rates and other expenses.

In March 2022, a valuation was received from the Valuer-General for the new Country Club complex and a supplementary rate notice was issued for the 21/22 financial year. The Total General Rate for the new facility, based on the updated valuation (of which the Club does not dispute) is approximately \$38,000.

The Club is requesting this be reduced to \$11,700 for the current financial year, plus the next two years.

Whilst a remission is outside of Council's Financial Assistance Grant guidelines, and the Club would not be eligible for a rate waive under Council's Financial Hardship Policy, points in favour of Council support include:

- The Club has only just formed and are still refining their business model.
- Covid-19 has impacted on their revenue raising capacity in recent years.
- The Club have indicated that they intend to be able to pay full rates within three years and are not requesting on-going support.
- Council has not provided any other significant financial assistance towards the establishment of the new facility.
- The Club had not factored in the rate increase when undertaking their initial business planning and were unprepared for the increase.

Alternately, the Club is operating on a commercial basis providing counter meals, bar and function facilities in competition with other providers. They have capacity to generate income through these activities and through their strong membership base.

Should Council consider it appropriate to provide a rate remission, a phased approach could be considered, based on a 60% reduction of the General Rate in 21/22, 40% in 22/23 and 20% in 23/24.

### **COMMUNITY ENGAGEMENT**

There has been no community consultation on this request. Applications for financial assistance from Council (including rate remissions) are usually advertised in July/August each year.

### **FINANCIAL IMPLICATIONS**

Council budgeted \$30,000 for rate remissions in the 21/22 financial year. To date, \$26,712 of this amount has been spent. The draft 22/23 budget includes an allocation of \$30,000.

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The Devonport Country Club have requested a 65% reduction on their rates, for three years. The Club does not meet the eligibility criteria under Council's Financial Assistance Program, and therefore Council can only consider the request in isolation based on the details provided by the Club.

### **ATTACHMENTS**

Nil

## 5.11 ENDORSEMENT OF ADDITIONAL MEMBERSHIP OF PUBLIC ART COMMITTEE

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

### RECOMMENDATION

That Council appoint Jane Hayley, Sarah Brooke and Tara Felts to the Devonport City Council Public Art Committee

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.4 Ensure effective administration and operation of Council's committees

### SUMMARY

To confirm additional membership of the Devonport City Council Public Art Committee.

### BACKGROUND

At the meeting held Monday 23 May 2022, Council determined that:

*"That Council amend the Terms of Reference for the Public Art Committee to include an ex-officio member from RANT Arts, and to increase community membership to eight and reopen nominations to fill additional community positions".*

### STATUTORY REQUIREMENTS

Section 23 and 24 of the *Local Government Act 1993* outlines the statutory requirements relating to the appointment and functions of Committees as follows:

#### 24. Special Committees

- (1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

### DISCUSSION

The Terms of Reference for the Devonport City Council Public Art Committee were amended to increase the community membership from six to eight. This has resulted in three vacancies, as five positions are currently filled.

Nominations were opened on Wednesday 25 May. An online form was available on Council's website requesting each candidate to provide details on their skills and experience. Nominations closed on Monday 13 June. Council received nominations for the Public Art Committee at the conclusion of the nomination period from:

Hope Smith

Jane Haley

Josephine Emery

Maddie Aulich

Maureen King

Phil Dutton

Sarah Brooke

Tara Felts

The individual submissions are included as a confidential attachment to this Report.

### **COMMUNITY ENGAGEMENT**

Community engagement did not inform this report, however nominations were openly promoted through the following channels:

- Council website
- Council Facebook page
- Devonport Regional Gallery Facebook page
- Devonport Regional Gallery Newsletter
- Distributed through RANT Arts and existing committee members

### **FINANCIAL IMPLICATIONS**

There are no financial impacts related to this report. Administrative costs in relation to the coordination and facilitation of meetings are absorbed into Council's operational budget.

### **RISK IMPLICATIONS**

Workplace Health and Safety: To minimise any potential workplace health and safety risks, all endorsed members will complete Council's Volunteer Induction to ensure they understand their obligations under the *Workplace Health and Safety Act 2012*.

### **CONCLUSION**

The Devonport City Council Public Art Committee received eight nominations to fill three vacant positions. The vacancies were caused by an amendment to Terms of Reference for the Committee.

The relatively high number of nominations compared to the initial call-out in September 2021 (five), demonstrates a growing interest in public art in Devonport. All the nominees were able to adequately demonstrate the appropriate skill and experience to be appointed to the Committee.

Of the eight nominees, Tara Felts has previously been invited as a guest to the Committee to provide input and comment to the draft Public Art Strategy. Tara is also a practising artist, who has recently completed several prominent public murals in Devonport and has formal education in visual arts.

Jane Haley possesses a significant amount of experience in arts administration. Jane would provide a valuable skillset as the Committee undertakes the actions defined in the Public Art Strategy.

Of the six remaining nominees, most either have a visual arts practice or visual arts education. Sarah Brooke provides an opportunity to engage a member with visual arts education and provide a connection to the Tasmanian Art Teachers Association. The Committee would also benefit from Sarah's field of interest, of enhancing visual arts education.

It is recommended that Council endorse Tara Felts, Jane Hayley and Sarah Brooke to the Devonport City Council Public Art Committee.



**ATTACHMENTS**

Nil

## 6 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

### RECOMMENDATION

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

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

| Date        | Description            | Purpose   |
|-------------|------------------------|---|
| 30 May 2022 | Budget Workshop        | Discussion regarding the proposed 2022/23 Annual Plan and Budget      |
| 6 June 2022 | Frankie J's            | Tenancy discussions   |
|             | Everyday Lions         | Discussion regarding future options for Run Devonport                 |
|             | Devonport Eye Hospital | An overview of potential expansion                                    |
|             | Devonport Country Club | Request for rates submission  |
|             | Public Art             | An overview of the proposed Public Art Policy and Public Art Strategy |

## 6.2 MAYOR'S MONTHLY REPORT

### RECOMMENDATION

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

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

This report details meetings and functions attended by the Mayor.

### BACKGROUND

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions between 18 May and 21 June 2022:

- Council meetings and workshops
- Council committee and working group meetings
- Regular meetings with General Manager
- Catch ups with staff members and councillors as required
- Met with community members on a range of topics
- Media as requested: Tasmania Talks (7AD x2), ABC News, Martin Agatyn (7AD), Darren Kerwin (7AD), Libby Bingham (The Advocate)
- Attended Fonterra industry information breakfast
- Took part in a visit to various Council facilities as part of the Access & Inclusion Working Group
- Attended a funding announcement by the then Prime Minister, Hon Scott Morrison MP, at Devonport Soccer Club
- Attended Mersey Community Care Association volunteer appreciation lunch and presented certificates
- Met with the CEO of Cradle Coast Authority
- Attended Devon Netball Association volunteer appreciation afternoon tea and presented certificates
- With the CEO of CCA, met with organisers of the SEGRA Conference to be held in Devonport in early September
- Attended Reconciliation Tasmania breakfast
- Attended the Living Room event in the Library – guest was the Commissioner for Children
- Attended exhibition opening at the Devonport Regional Gallery
- Attended the June Audit Panel meeting
- With staff, attended a meeting with member of the Tasmanian Audit Office
- Attended the AGM of the Maidstone Park Controlling Authority
- Attended Mersey Regional Management Committee meeting
- Attended a meeting of the General Management Committee of LGAT

- Presented trophies and medallions at the Devonport Junior Soccer Cup
- Attended the Cradle Coast Authority Representatives meeting
- With staff met with a representative of the Multicultural Council of Tasmania
- Guest speaker at CWA Friendship Lunch
- Attended a meeting with the Valuer General
- Attended the Paper on Skin Gala Dinner
- Guest speaker at the AGM of the RSL State Auxiliary
- Met with Grade 5/6 at Spreyton Primary
- Attended the Regional Tourism Forum
- Attended Activate Inclusion Sports Day
- Attended Devonport Senior Citizens Club AGM

## **ATTACHMENTS**

Nil

## 6.3 GENERAL MANAGER'S REPORT

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

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

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 18 May and 21 June 2022. It also provides information on matters that may be of interest to Councillors and the community.

### BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the Act.

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. With Councillors undertook a tour of the Waterfront Park site.
- 1.4. Attended Council's Audit Panel meeting.
- 1.5. Staff have spent a significant amount of time over recent weeks finalising and presenting the draft 2022/23 Budget and Annual Plan which is the subject of a separate report on this agenda.

#### 2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Met with Dave Gough on site at Tiagarra, to discuss the proposed transfer of land to the Six Rivers Aboriginal Corporation as approved by Council at its May 2022 meeting.
- 2.2. Met with Simon Want, developer of the former Showgrounds site, for an introduction to one of the key personnel working on the redevelopment project.
- 2.3. Attended a meeting of the Hillcrest Affected Area Recovery Committee.

#### 3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended two Cradle Coast General Managers meetings.

- 3.2. As State Director, attended a Board meeting of Local Government Professionals Tasmania.
- 3.3. With the Mayor and Deputy Mayor, attended the Cradle Coast Representatives Meeting.

#### 4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. With the Mayor, attended a visit by the then Prime Minister, Hon Scott Morrison MP, to the Valley Road Soccer Complex.
- 4.2. With the Mayor, met with the Deputy Auditor-General for a general discussion on matters affecting Devonport as well as the performance of the Tasmania Audit Office.
- 4.3. Attended the Regional Tourism Organisation conference at the paranapple centre. Key speakers included the Premier of Tasmania, Hon. Jeremy Rockliff MP and former Woolworths CEO Grant O'Brien along with Tourism Industry Leaders.

#### 5. OTHER

- 5.1. A Devonport Council staff team, the *Paranapple Pioneers* participated in the recent State, Local Government Professionals Management Challenge. The Management Challenge is an annual professional development program which attracts in excess of 100 teams each year from across Australia and New Zealand. At a virtual announcement on 20 June, the Devonport *Paranapple Pioneers* were announced as winners of the Tasmanian event. The Team will now represent the State in the Australasian Management Challenge Final in Adelaide in late August.

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

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

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

### **RISK IMPLICATIONS**

Any specific risk implications will be outlined in the commentary above. Any specific risk that may result in an issue for Council is likely to be subject of a separate report to Council.

### **CONCLUSION**

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

### **ATTACHMENTS**

1. Current and Previous Minutes Resolutions - June 2022 [**6.3.1** - 1 page]

## 6.4 INFRASTRUCTURE AND WORKS REPORT

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

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

### RECOMMENDATION

That Council receive and note the Infrastructure and Works report and endorse the addition of \$73,708 of external funding to the 2021/22 Capital Works Program for a project at the Waste Transfer Station.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- |                |   |
|----------------|---|
| Strategy 2.3.2 | Provide and maintain roads, bridges, paths and car parks to appropriate standards             |
| Strategy 2.3.3 | Provide and maintain stormwater infrastructure to appropriate standards                       |
| Strategy 2.3.4 | Provide and maintain Council buildings, facilities and amenities to appropriate standards     |
| Strategy 2.3.5 | Provide and maintain sustainable parks, gardens and open spaces to appropriate standards      |
| Strategy 5.4.1 | Provide timely, efficient, consistent services which are aligned with and meet customer needs |

### SUMMARY

This report provides a summary of the activities undertaken by the Infrastructure and Works Department during the months of April 2022 and May 2022.

### BACKGROUND

This report is provided to update the Councillors and the community on matters of interest relating to Council's Infrastructure and Works Department. The functional areas of Council covered by this report are:

- Asset management program (forward planning and maintenance)
- Capital works
- Roads and paths
- Streetscape design (including lighting, signs, furniture, vegetation)
- Stormwater management
- Traffic management
- Waste management
- Recreation reserves (including playgrounds, parks and gardens)
- Sporting grounds and facilities
- Tracks and trails
- Public buildings (including public halls, toilets)
- Marine structures (including jetties, boat ramps)
- Recreation and open space planning

## **STATUTORY REQUIREMENTS**

There are no statutory requirements relevant to this report.

## **DISCUSSION**

### **1. Capital Works Program**

- 1.1. Work continues on projects listed in the 2021/22 Capital Works Program. Some projects have experienced delays due to contractor availability and material supply chain disruptions.
- 1.2. The road and stormwater upgrade project in Webberleys Road is complete. The road has been sealed and the capacity and durability of the roadside drainage has been significantly improved.





- 1.3. The road and stormwater upgrade project in North Fenton Street is underway. New kerbs have been poured and stormwater improvements are in progress. Completion is expected in August.



- 1.4. Pedestrian access improvements have been completed on Charles Street.



- 1.5. The kerb renewal project in North Caroline Street is underway. The reinstatement of the road will be completed in June.





- 1.6. Work has commenced on renewal projects at the Aquatic Centre. Work to renew flooring and wall panels in the wet changeroom areas is underway. Repainting of the area will follow. Floor grating has been manufactured and will replace the existing grating in June. Pool users are using temporary changerooms for the duration of the work.



- 1.7. An allocation of \$75,000 was made in the 2021-22 Capital Works program for renewal of a stormwater pipe in Tugrah Road, near Rundle Road. Further investigation has found that the renewal of the pipe is not required. However, the area would benefit from construction of a new kerb on Tugrah Road north of Rundle Road. This work strongly aligns with the Tugrah Road traffic management project, which is currently in the design phase. No adjustment to the Capital Works Program is required for this change.



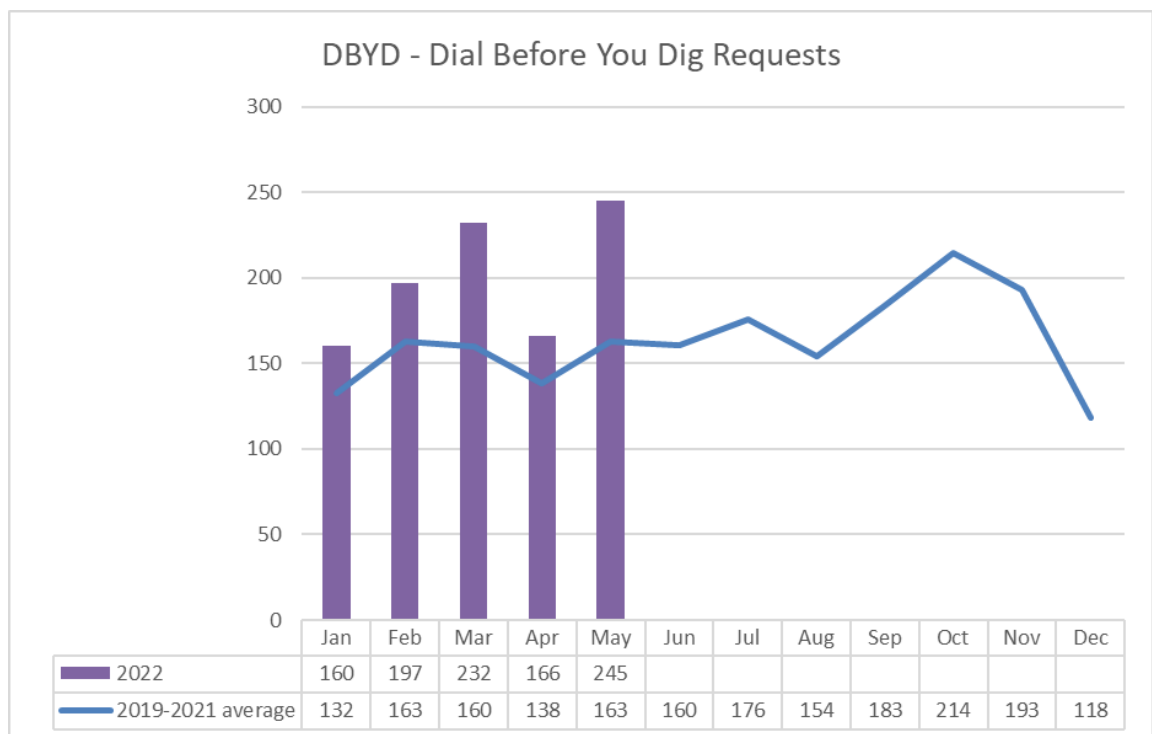
- 1.8. Council has secured a \$73,708 grant from the Tasmanian Government's Landfill Readiness Grant Program. As a major resource recovery facility, the Spreyton Waste Transfer Station has new reporting requirements from 1 July 2022. This grant allows for some preparation activities to occur in the short term to align gate and weighbridge systems with the Dulverton landfill and the State Government requirements. This grant will be included as additional funding to the project listed in the 2021-22 Capital Works Program.
- 1.9. Work to commence June and July includes:
- Coastal pathway – Don to Leith
  - Highfield Park nature play area
  - Horsehead Creek toilet block
  - Fourways street furniture renewal
  - Victoria Parade boat ramp lighting
  - BSMC automatic door
  - Coastal erosion protection – Don Heads
  - Surf club beach ramp renewal – Bluff Beach

## 2. Management

- 2.1. Public consultation has been undertaken as part of a review of Council's Public Open Space Strategy. Over 500 responses were received, which are now being analysed as the draft Strategy is being prepared.
- 2.2. Public consultation has been completed on a draft Nature Strip Policy. The outcomes are provided in a separate report.
- 2.3. Work has commenced on a review of Council's Bike Riding Strategy. A community survey is planned to commence in June, which will inform in the finalisation of a draft Strategy.

## 3. Assessments and Approvals

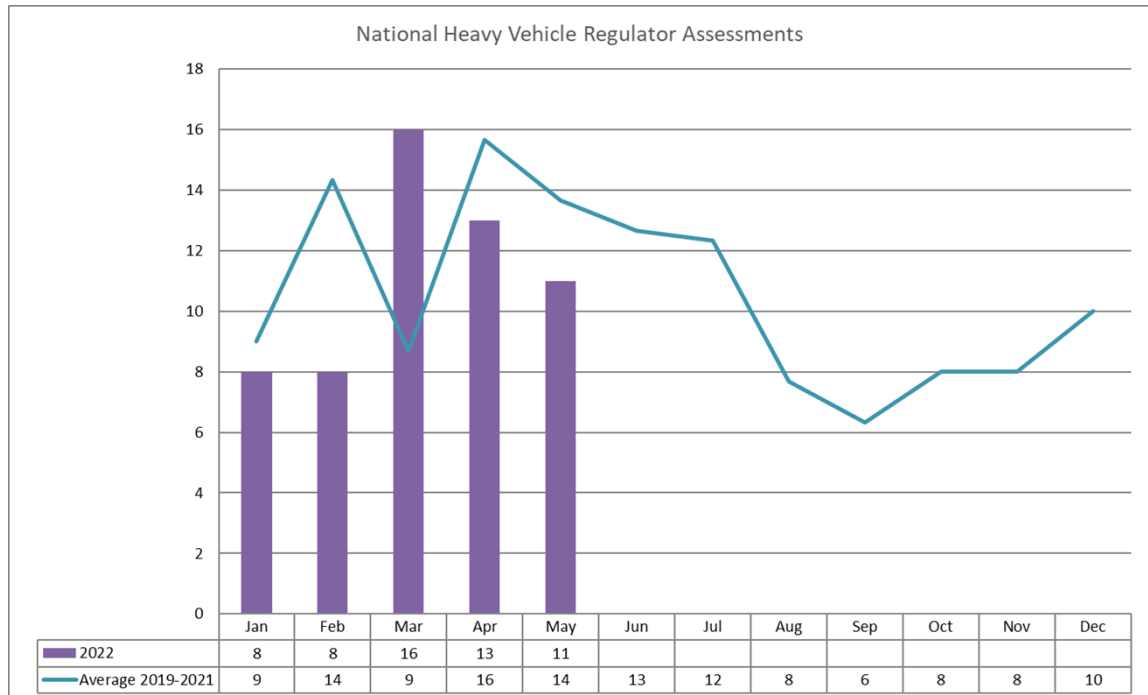
- 3.1. The following graph details the Dial Before You Dig Requests that have been - assessed by the Infrastructure and Works Department this year compared to previous years:



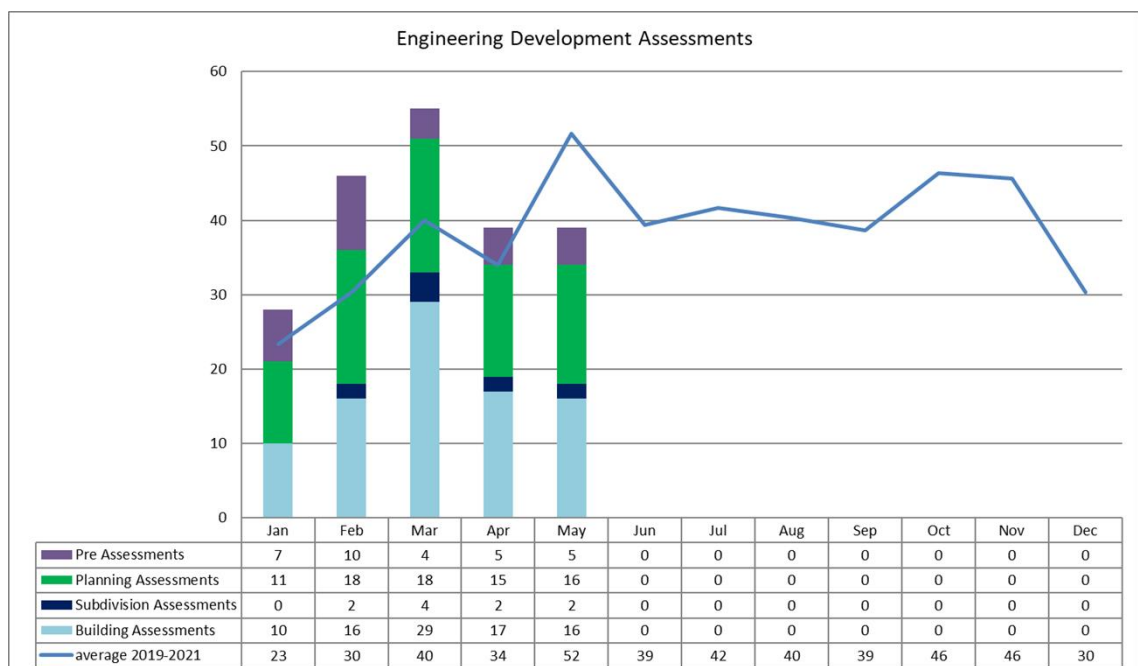
- 3.2. The following is a summary of the projects capitalised in the period since the last report:

|  |          |
|--|----------|
| Number of projects capitalised in period               | 15       |
| Total value of capitalisations in period               | \$3.76M  |
| Total value of Works in Progress (WIP)                 | \$21.75M |
| Donated Asset Capitalised (Subdivisions) in period     | 1        |
| Number of projects awaiting capitalisation next period | 25       |

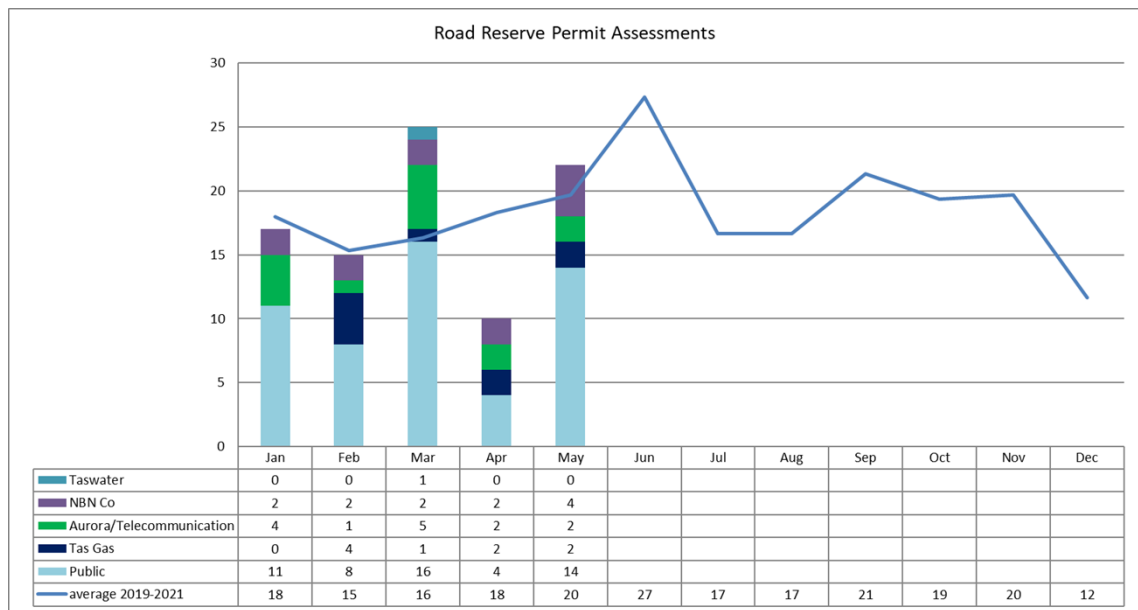
- 3.3. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



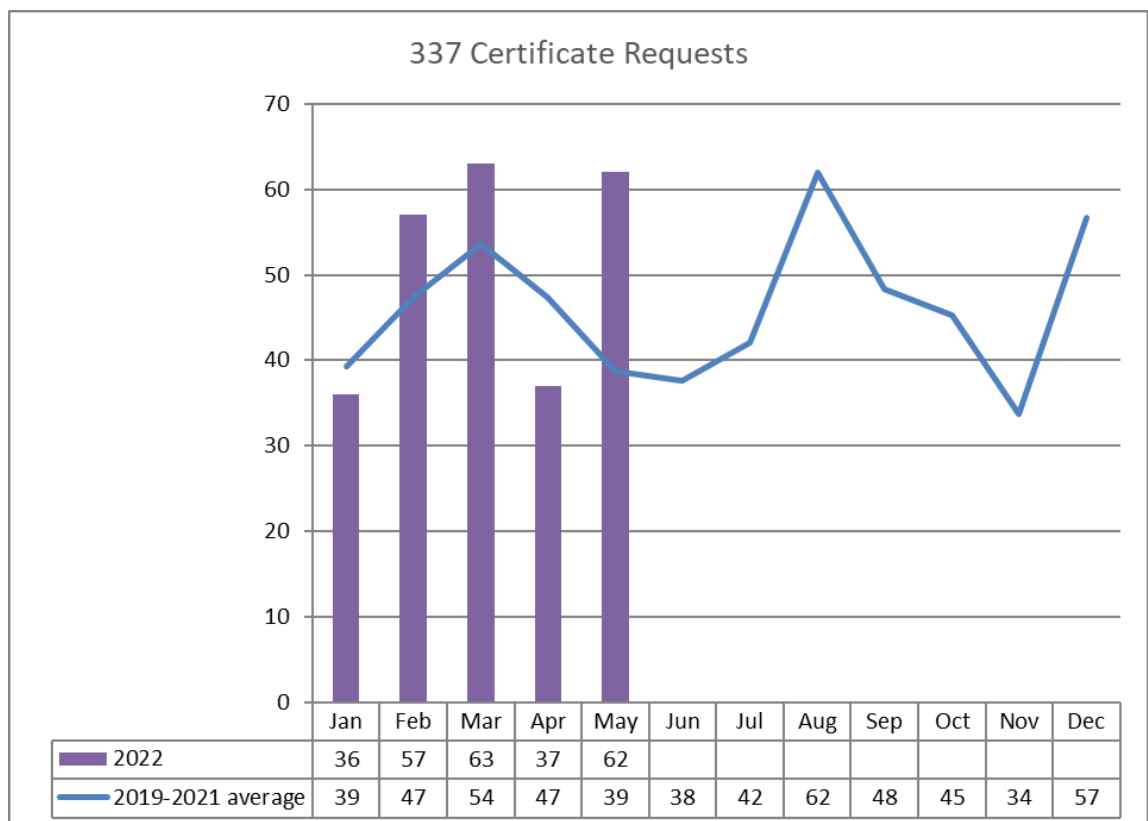
- 3.4. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



3.5. The following graph details the Road Reserve Permit Assessments that were completed this year compared to previous years.



3.6. The following graph details the 337 Certificate requests that have been processed this year compared to previous years.





#### 4. Operational Contracts

4.1. The following table details the contracts managed within the Infrastructure and Works Department that have been extended this financial year:

| Contract          | Contract Period | Extension Options | \$ Value (Excluding GST) | Contractor |
|-------------------|-----------------|-------------------|--------------------------|------------|
| None this period. |                 |                   |                          |            |

4.2. The following table details the new contracts entered into this financial year that are managed within the Infrastructure and Works Department:

| Contract          | Contract Period | Extension Options | \$ Value (Excluding GST) | Contractor |
|-------------------|-----------------|-------------------|--------------------------|------------|
| None this period. |                 |                   |                          |            |

#### 5. Civil Works and Stormwater Maintenance

5.1. Maintenance in accordance with the Service Level Document, undertaken in April and May included:

- Footpath repairs in Best Street, King Street and McCabe Avenue
- Road patching in Oldaker Street



5.2. In June and July, planned civil works and stormwater maintenance works will include:

- Repairs to pavers and tactile indicators in Stewart Street
- Road patching in Steele Street and Rooke Street
- Patching in Formby Road car park
- Line marking of the car park at the Don Recreation Ground



## 6. Parks and Reserves Maintenance

6.1. Maintenance, in accordance with the Service Level Document, undertaken in April and May included:

- Maintenance of trees in parks and reserves (uplifting)
- Clearing of fire access tracks
- Preparation of Meercroft Park for Devonport Cup (Junior Soccer Tournament)

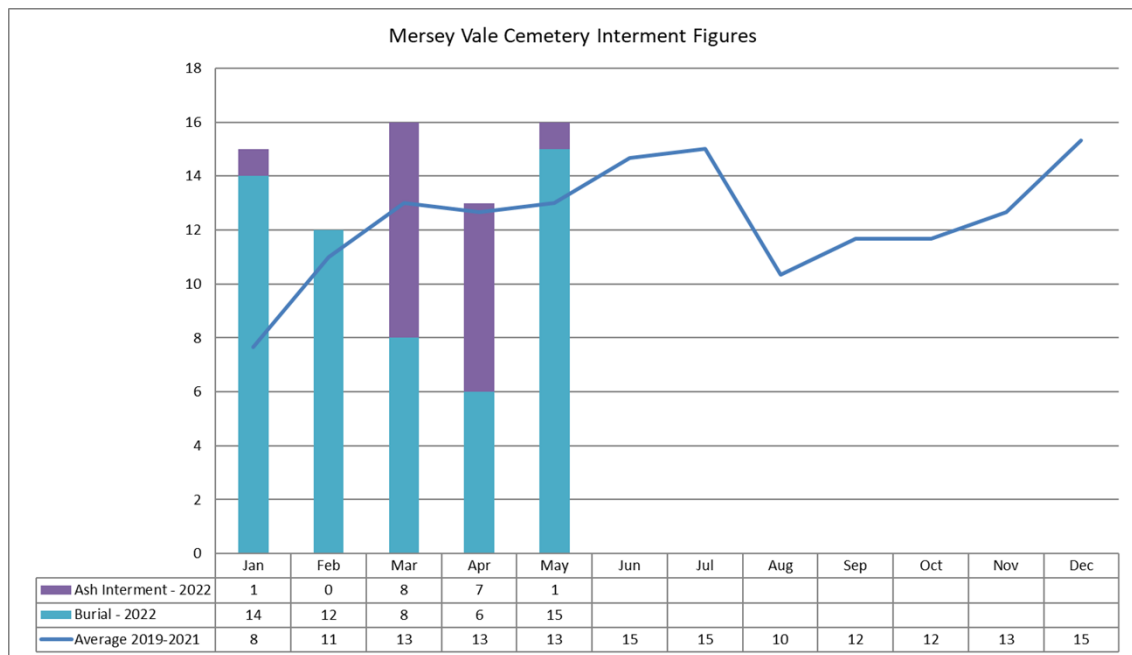


Image Credit: Devonport Junior Soccer Club

6.2. In June and July, planned parks and reserves maintenance works will include:

- Ground leveling in sections 15 and 16 of Mersey Vale Memorial Park
- Ongoing tree maintenance
- Ongoing sports field maintenance including line marking
- Tree planting to replace vandalised and unhealthy trees, with limited new planting

6.3. Mersey Vale Memorial Park interment figures compared to previous years are as follows:



## 7. Building and Facilities Maintenance

7.1. Maintenance in accordance with the Service Level Document, undertaken in April and May included:

- Change sports fields goals for winter sports
- External painting and staining at Bass Strait Maritime Centre
- Stain park furniture at Mersey Bluff
- Repaint Cenotaph steps and bollards for ANZAC Day

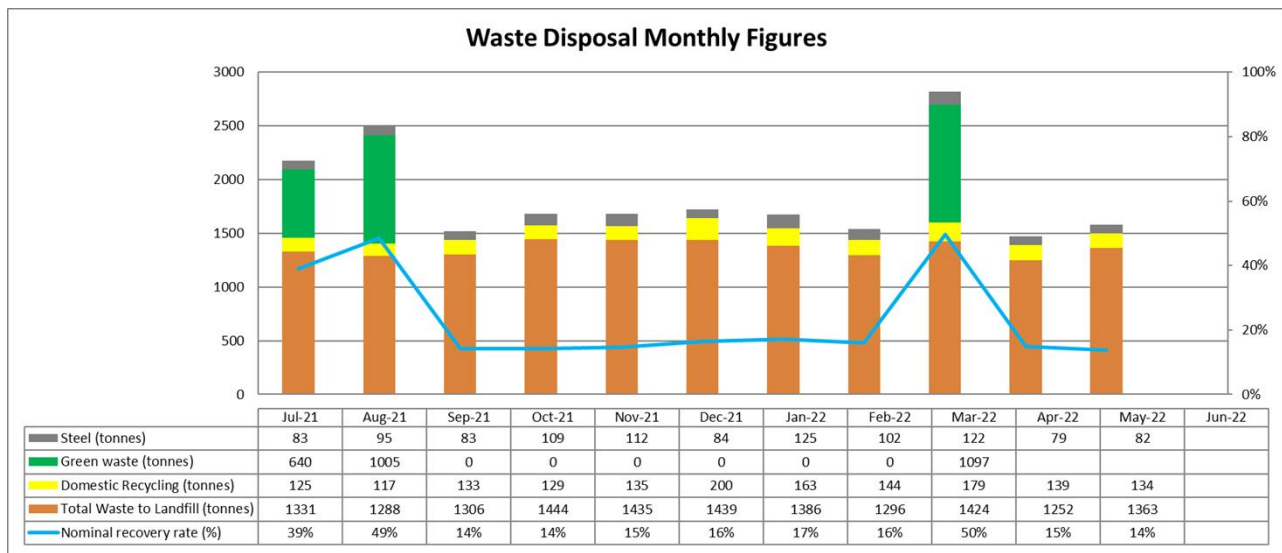


7.2. In June and July, planned building and facilities maintenance works will include:

- External painting at Devonport Cricket Club
- Modifications to reception area of 62 Stewart Street
- Apply oil to BBQ shelters at Mersey Bluff

## 8. Waste Management Operations

8.1. Waste Management Services were conducted in accordance with the Service Level Document during April and May. The following graph details the major waste disposal streams from the Spreyton Waste Transfer Station for the year.



### COMMUNITY ENGAGEMENT

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

### FINANCIAL IMPLICATIONS

The project at the Waste Transfer Station requires an adjustment to the 2021-22 Capital Works Program to recognise the external funding secured. No additional Council funds are required.

### RISK IMPLICATIONS

Any specific risk implications have been outlined in the discussion above. Any risks that result in an issue to Council will be the subject of a separate report.

### CONCLUSION

This report is provided for information purposes only and to allow Council to receive an update on activities undertaken by the Infrastructure and Works Department.

An adjustment is required to the Capital Works Program to increase the budget of the project at the Waste Transfer Station by \$73,708 to recognise the external funding secured.

### ATTACHMENTS

Nil

## 6.5 DEVELOPMENT AND HEALTH SERVICES REPORT

Author: **Kylie Lunson, Development Services Manager**  
Endorser: **Jeffrey Griffith, Deputy General Manager**

### RECOMMENDATION

That Council receive and note the Development and Health Services Report.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs

### SUMMARY

This report provides a summary of the activities undertaken by the Development Services Department for the months of April 2022 and May 2022.

### BACKGROUND

This report is provided to summarise the activities of the Development Services Department in the preceding two months.

The Council functions undertaken by the Department are:

- Planning;
- Building and Plumbing Services;
- Environmental Health;
- Animal Control; and
- Risk and Regulatory Compliance Services.

### STATUTORY REQUIREMENTS

In carrying out its activities, the Development Services Department is required to ensure compliance with a substantial amount of legislation and regulation. The principal legislation administered by the Department includes the:

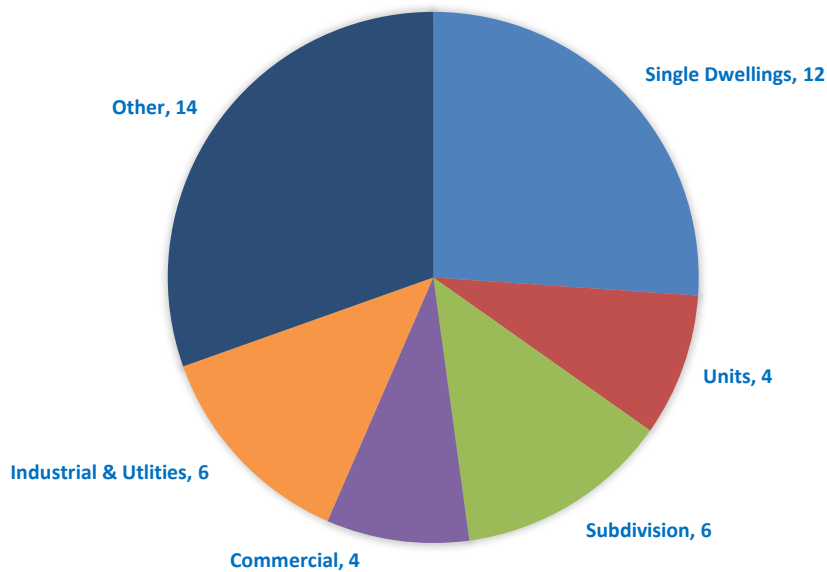
- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*
- *Building Act 2016*
- *Building Regulations 2016*
- *Public Health Act 1997*
- *Food Act 2003*
- *Environmental Management and Pollution Control Act 1994*
- *Dog Control Act 2000*
- *Tasmanian Planning Scheme – Devonport 2020*
- *Work Health and Safety Act 2012*

### DISCUSSION

#### 1. Planning

- 1.1. The following graph details the breakdown of planning applications received during April and May:

### PLANNING APPLICATIONS RECEIVED BI-MONTHLY BREAKDOWN

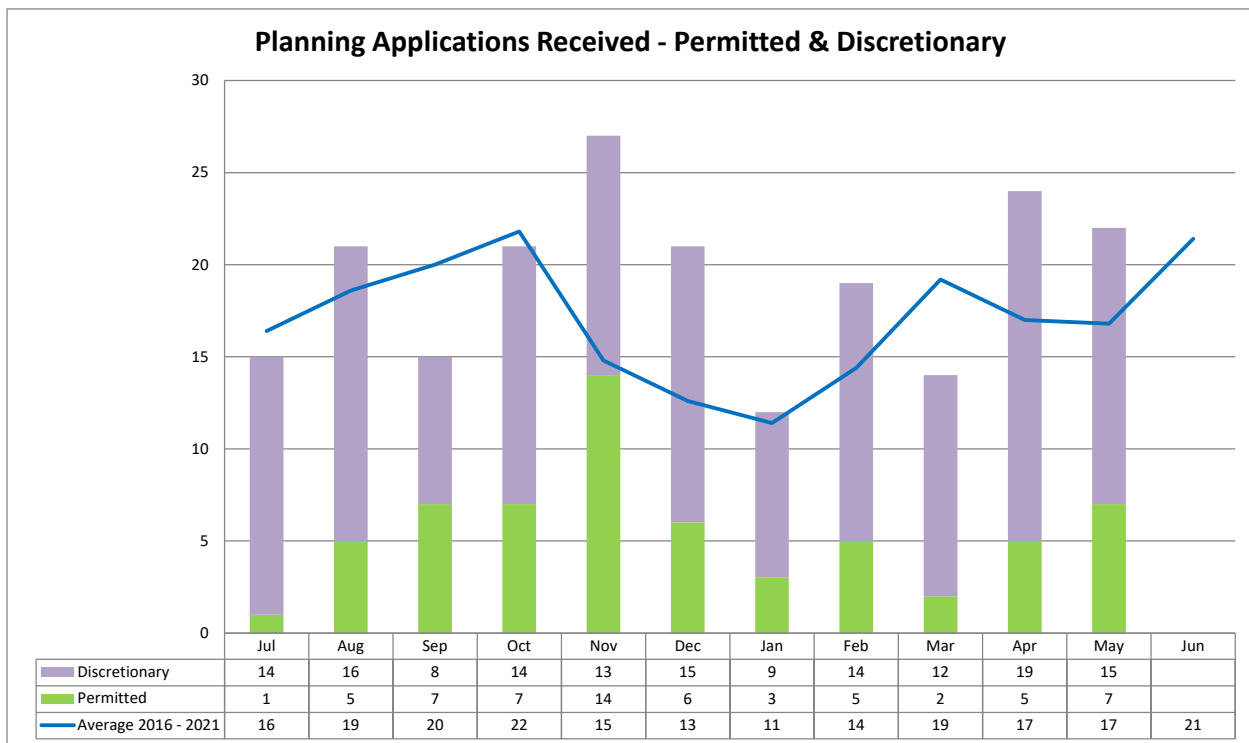


Note:

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

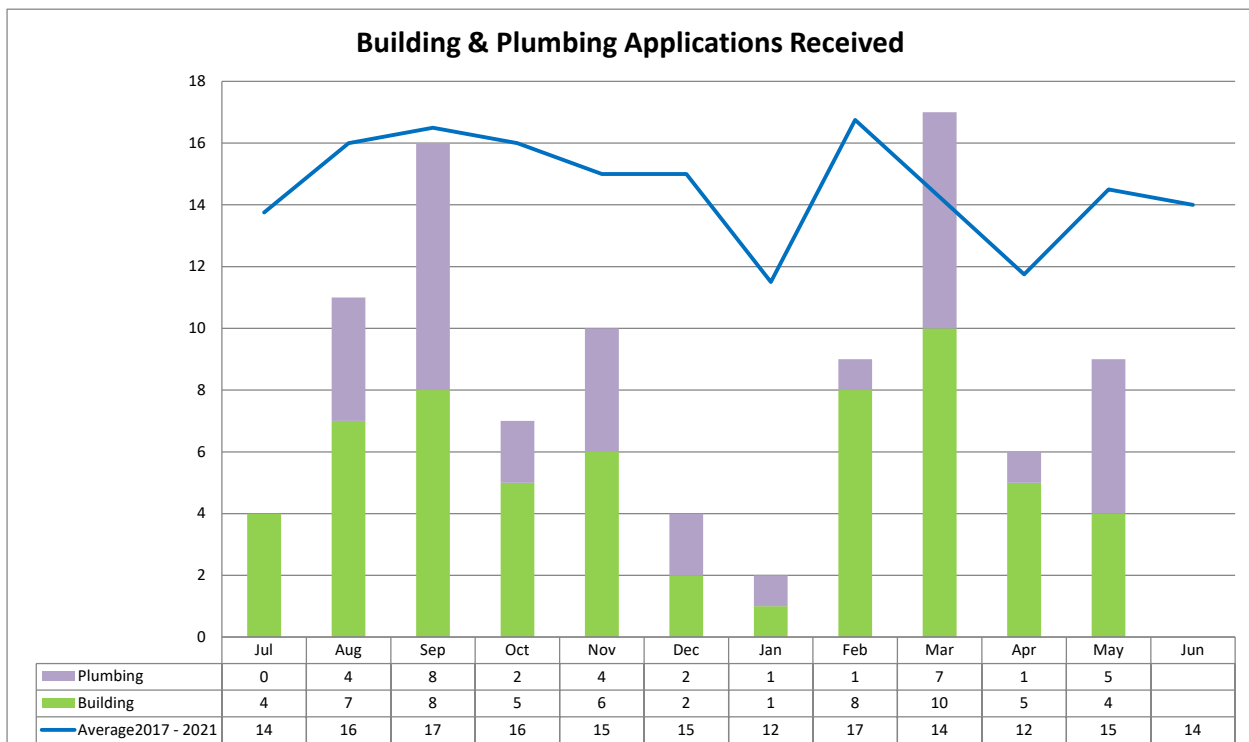
- 1.2. 34 Discretionary Planning Applications and 12 Permitted Planning Applications were received in April and May. The following graph details the number of Planning Applications received compared to previous years:



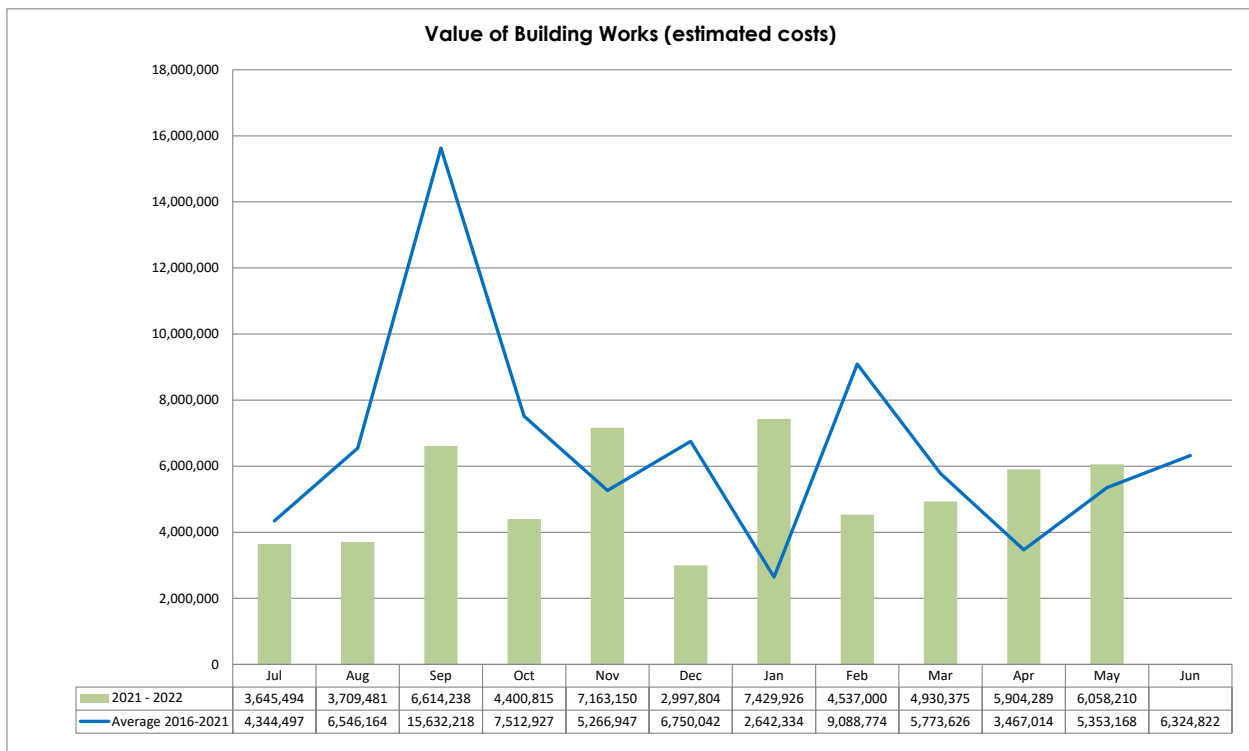


## 2. Building/Plumbing

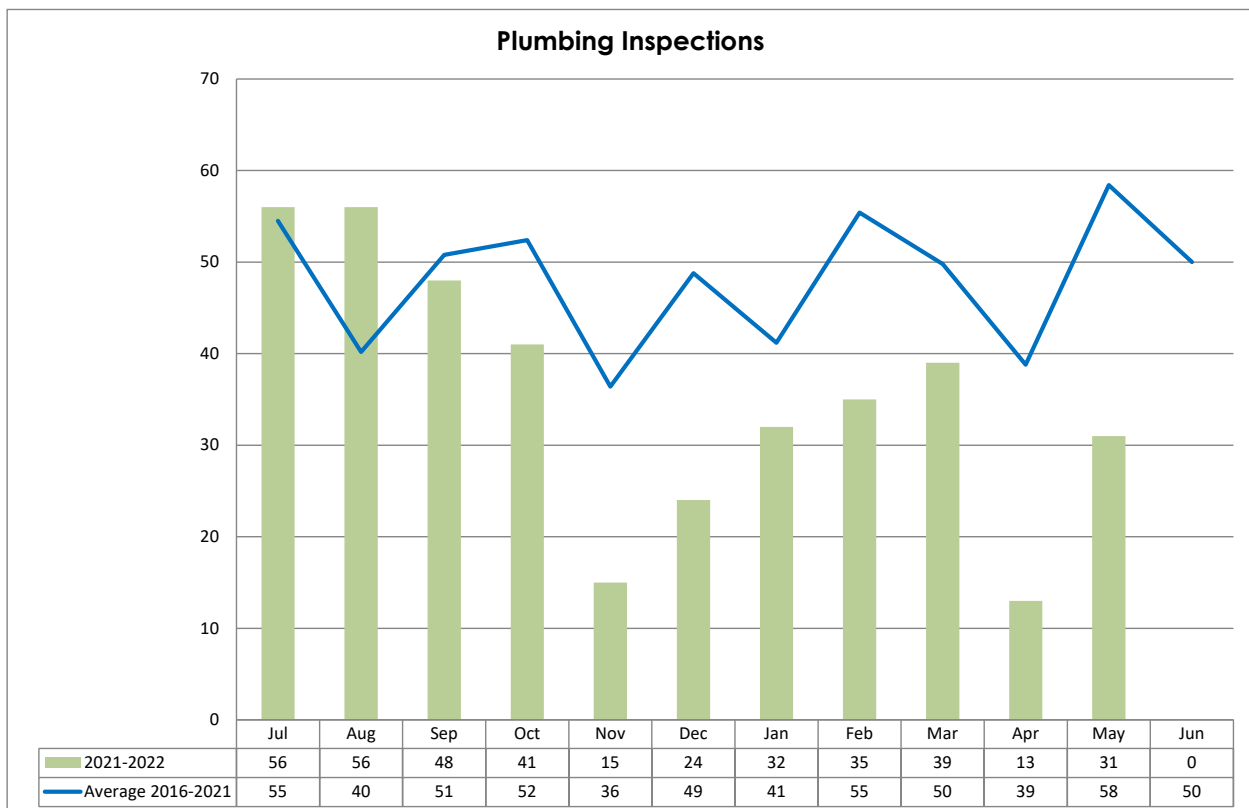
2.1. 9 Building Applications and 6 Plumbing Applications were received in April and May. The following graph details the Building and Plumbing Applications compared to the previous year:



2.2. Building Applications for \$5,904,289 worth of building works were received in April and \$6,058,210 in May. The following graph details the value of building works received compared to previous years:

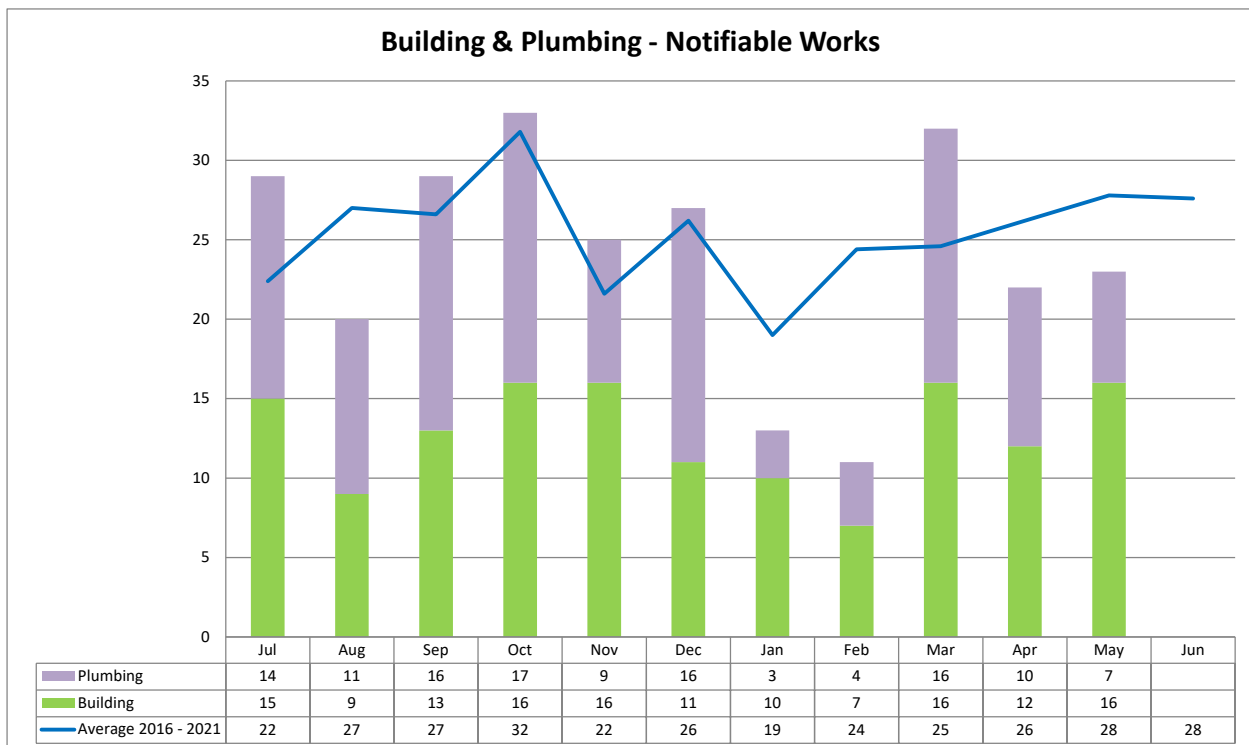


- 2.3. 13 plumbing inspections were carried out in April and 31 in May. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:



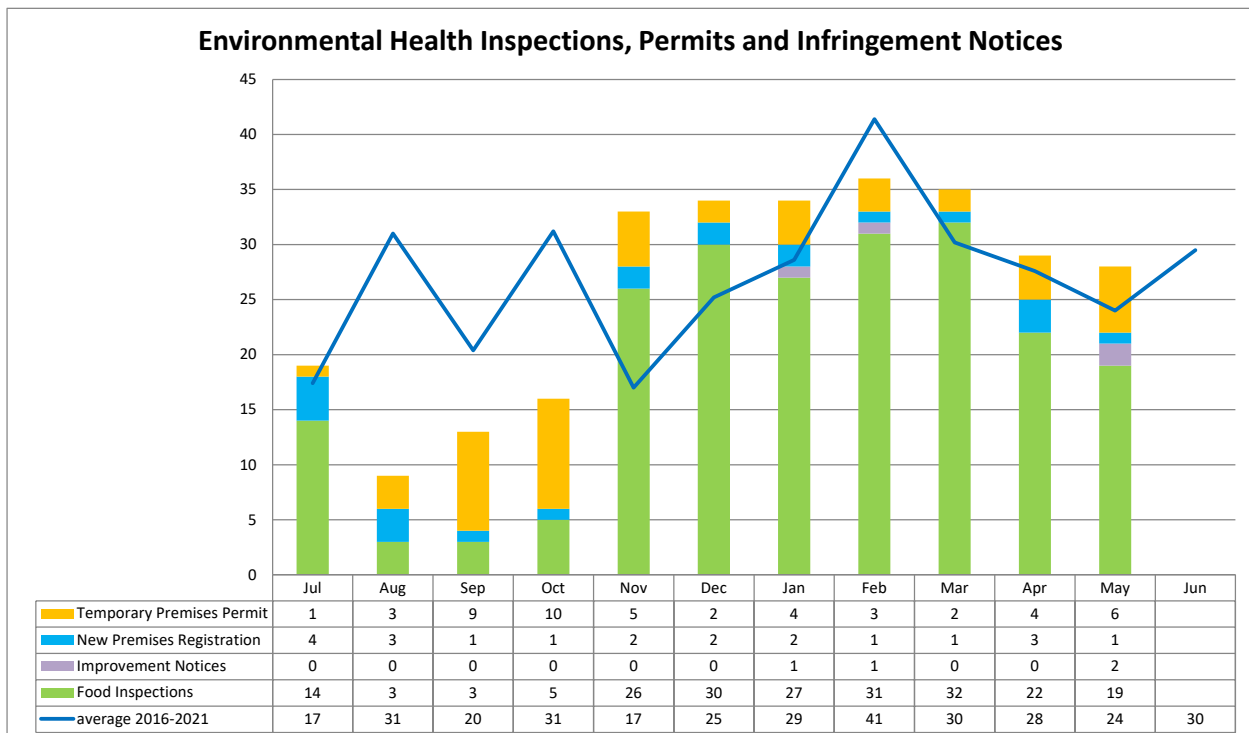
- 2.4. The following graph details the notifiable works received for building and plumbing that have been issued this year compared to previous years:





### 3. Environmental Health

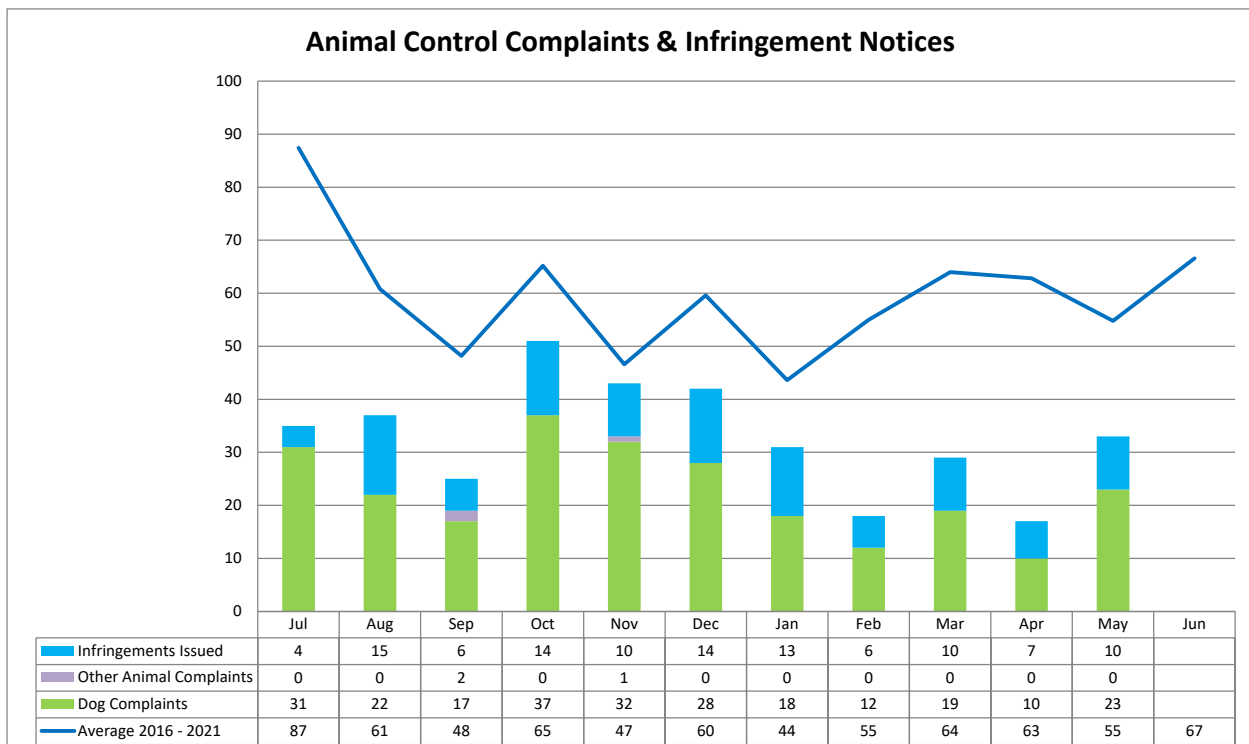
3.1. The following graph details the inspections, permits and infringement notices that have been issued by Environmental Health this year compared to previous years:



### 4. Animal Control

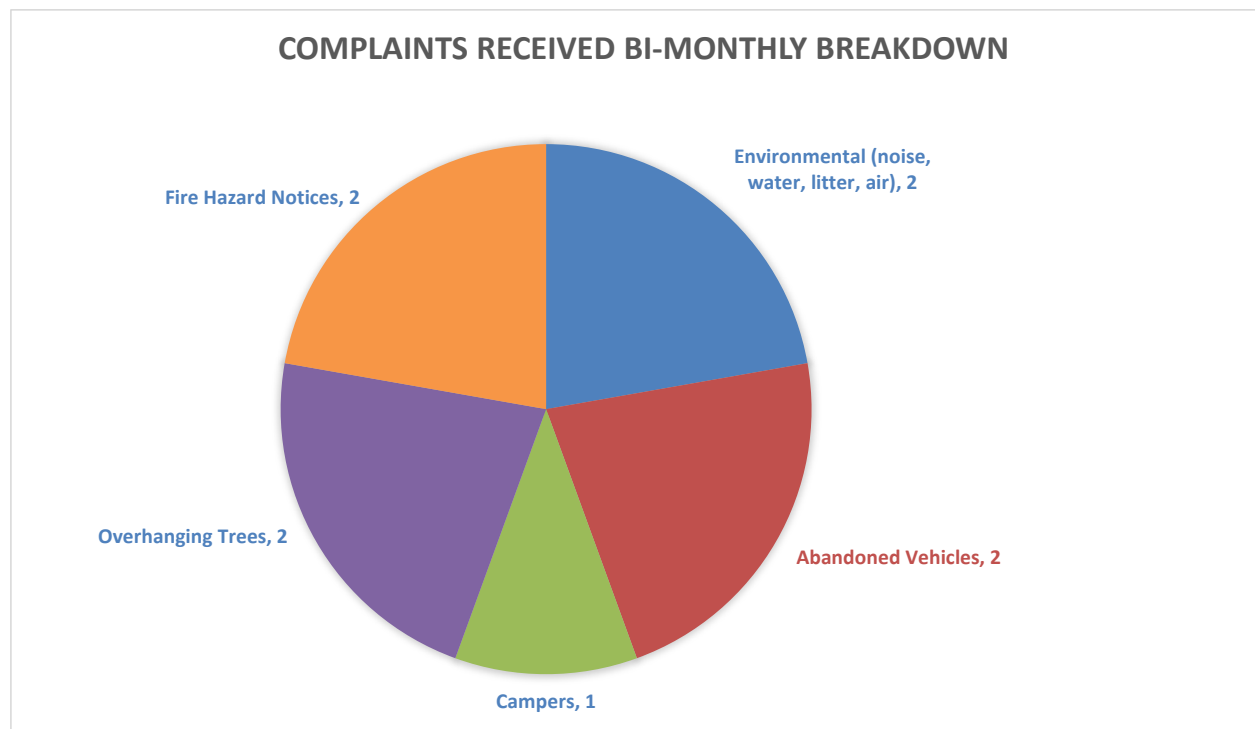
4.1. There are currently 3,839 registered dogs. In April and May, a total of 33 animal complaints were received. These complaints predominately related to dogs at large. All complaints were responded to within two working days.

4.2. The following graph details the number of animal complaints for this financial year compared to the same period last year:



## 5. Risk and Compliance

5.1. The following graph details the breakdown of the complaints received by the Risk Department during April and May:



5.2. 44 incidents were reported during April and May. The following table details the types of incidents:

| Council/Public                           | Number Reported |
|--|-----------------|
| <input type="checkbox"/> Council         | <b>23</b>       |
| <input type="checkbox"/> Personal Injury | 8               |
| <input type="checkbox"/> Motor Vehicle   | 5               |
| <input type="checkbox"/> Property Damage | 5               |
| <input type="checkbox"/> Hazard          | 3               |
| <input type="checkbox"/> General Public  | 2               |
| <input type="checkbox"/> Public          | <b>21</b>       |
| <input type="checkbox"/> Personal Injury | 6               |
| <input type="checkbox"/> Motor Vehicle   | 5               |
| <input type="checkbox"/> Property Damage | 4               |
| <input type="checkbox"/> General Public  | 3               |
| <input type="checkbox"/> Near Hit        | 2               |
| <input type="checkbox"/> Property Theft  | 1               |
|  | <b>44</b>       |

5.3. The following details the breakdown of claims costs:

Total costs - \$0

Council incidents costs - \$0

Public incidents costs - \$0

### COMMUNITY ENGAGEMENT

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

### FINANCIAL IMPLICATIONS

Any financial implications arising out of this report will be reported separately to Council.

### RISK IMPLICATIONS

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

### CONCLUSION

This report is provided for information purposes only as it relates to the activities of the Development Services Department in April and May 2022.

### ATTACHMENTS

Nil

## **7 SECTION 23 COMMITTEES**

### **7.1 PLANNING AUTHORITY COMMITTEE MEETING - 6 JUNE 2022**

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

#### **RECOMMENDATION**

That the minutes of the Planning Authority Committee meeting held on 6 June 2022 be received.

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

Council's Strategic Plan 2009-2030:

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

#### **SUMMARY**

The purpose of this report is to receive the minutes from the Planning Authority Committee meeting held on 6 June 2022.

#### **ATTACHMENTS**

1. Minutes - Planning Authority Committee - 6 June 2022 [**7.1.1** - 8 pages]

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## 8 CLOSED SESSION

The General Manager advises that in his opinion, the agenda items listed below are prescribed items in accordance with Clause 15 of the *Local Government (Meeting Procedures) Regulations 2015* (ie confidential matters), and therefore Council may by absolute majority determine to close the meeting to the general public.

### RECOMMENDATION

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session.

| Item No | Matter   | Local Government (Meeting Procedures) Regulations 2015 Reference |
|---------|--|--|
| 3.1     | Confirmation of Closed Minutes – Council Meeting – 23 May 2022 | 15(2)(g)   |
| 3.2     | Application for Leave of Absence                               | 15(2)(h)   |
| 4.1     | Confidential Attachments                                       | 15(2)(b) & 15(2)(g)  |
| 5.1     | 2021 Audit Panel Evaluation Report                             | 15(2)(g)   |

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## **9 CLOSURE**