



*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 Mersey Room, Level 3, paranaple centre, 137 Rooke Street, Devonport on Monday 24 October 2022, commencing directly following Council's 2022 AGM.

**The meeting will be open to members of the public and live streamed on Council's [YouTube channel](#) directly following the 2022 AGM.**

## 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

**19 10 2022**

## November 2022

Meeting	Date	Commencement Time
Council Meeting	28 November 2022	5:30pm

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**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 24 OCTOBER 2022, IN THE MERSEY ROOM, LEVEL 3, paranaple centre,  
137 ROOKE STREET, DEVONPORT**

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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

## 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 26 September 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 Janney and Mr Vellacott at the September 2022 Council meeting, be noted.

#### **ATTACHMENTS**

1. Response to Questions Without Notice - 26 September 2022 - D Janney [**3.2.1.1** - 1 page]
2. Response to Questions Without Notice - 26 September 2022 - Robert Vellacott [**3.2.1.2** - 1 page]

### **3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC**

Nil

### **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.

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### **3.4 NOTICES OF MOTION**

Nil

## **4 PLANNING AUTHORITY MATTERS**

**The Mayor will now announce that Council intends to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993* for the consideration of Agenda Items 4.1, 4.2 & 4.3.**

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

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

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

Author: **Emma Pieniak, Planning Officer**

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

### **RECOMMENDATION**

That Council:

- A. agree to certify amendment AM2022.02 to the Devonport Local Provisions Schedule to:
  - i. Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan from CT167737/18 and delete from the Devonport Local Provisions Schedule;
  - ii. Apply the Devonport Regional Homemaker Centre Specific Area Plan (as amended) to CT167737/18;
  - iii. Set aside request for rezoning CT167737/15, CT173536/16 and CT173536/17 to a Particular Purpose zone;
  - iv. Amend the Devonport Regional Homemaker Centre Specific Area Plan as per section 40F (2) (b) of LUPAA, as set out in Attachment 1;
- B. place Amendment AM2022.02 and application PA2022.0092 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
- C. approve application PA2022.0092 for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage with the following conditions:
  1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Job No: 5097 dated Sep '21 by Leffler Simes Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit;
  2. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events and for a suitable range of storm durations, to identify peak discharge flows up to 20-year ARI only. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties for all the above nominated storm events. All design calculations are

to be submitted for approval by the City Engineer prior to any subsequent building permit applications;

3. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point);
4. The developer is to provide footpath connectivity from the development site to Stony Rise Road for pedestrian movement;
5. The developer is to construct the car park to comply with Australian Standards 2890 Parking Facilities Part 1 – 6;
6. The developer is to provide external lighting to illuminate external vehicle parking areas and pathways;
7. The developer is to comply with any conditions specified in a 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*;
8. A detailed landscape plan including plant schedule with species, stock size and quantity of plants must be submitted for approval by the Planning Authority prior to any subsequent building permit applications. This plan will be endorsed and form part of this planning permit;
9. Illuminated signage visible from public places must not create the effect of flashing, animation or movement;
10. Hours of operation and commercial vehicle movements, including loading/unloading of deliveries, within 50m of residential properties must be within:
  - a. 7:00am to 9:00pm Monday to Saturday; and
  - b. 8:00am to 9:00pm Sunday and statutory holidays.

Note: The following is provided for information purposes.

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

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

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

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

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

In regard to condition 7 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-5 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

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

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide consistent and responsive development assessment and compliance processes
- Strategy 2.1.3 Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues

### **SUMMARY**

The purpose of this report is for the Planning Authority to determine whether to certify an amendment to the *Tasmanian Planning Scheme – Devonport* and the Local Provisions Schedule in accordance with section 40T of the *Land Use Planning and Approvals Act 1993* in regard to the following matters:

- a. Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan from CT167737/18 and delete from the Devonport Local Provisions;
- b. Apply the Devonport Regional Homemaker Centre Specific Area Plan (as amended) to CT167737/18;
- c. Set aside request for rezoning to a Particular Purpose zone;
- d. Amend the Devonport Regional Homemaker Centre Specific Area Plan; and
- e. If certifying the draft amendment, approve application PA2022.0092 for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage.

The proposal seeks amendment to the Devonport Local Provisions Schedule to amend the use classes within the Devonport Regional Homemaker Centre Specific Area Plan to facilitate development of a village precinct with supermarket and essential retail or business to service the growing resident base of Stony Rise, Tugrah, Spreyton, Devonport and further afield; and to avoid potential land use conflict between residential land and the use classes provided for within the Devonport Homemaker Service Industrial Centre Specific Area Plan.

This report will provide the rationale for the recommended variation to what has been sought by the applicant, namely setting aside the request for a Particular Purpose Zone and instead amending the existing Devonport Regional Homemaker Centre Specific Area Plan to facilitate the same outcome.



## BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	1 Friend Street, 5 Friend Street, 88 Stony Rise Road, and 90-102 Stony Rise Road, Stony Rise
Applicant:	GHD Pty Ltd
Owner:	Tipalea Private No. 24 Pty Ltd, Best Street Investments Pty Ltd, and E S Nelson
Proposal:	Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan, Amend the Devonport Regional Homemaker Centre Specific Area Plan; and Approve application for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage
Existing Use:	Bulky Goods and Vacant
Zoning:	Devonport Regional Homemaker Centre Specific Area Plan; Devonport Homemaker Service Industrial Centre Specific Area Plan and Commercial Zone
Decision Due:	13/10/2022, extension granted by Tasmanian Planning Commission until 31/10/2022

## SITE DESCRIPTION

The subject site comprises four titles and includes road parcels. The irregular shaped lots are situated north of Stony Rise Road and dissected by Friend Street. Land to the north comprises established development for bulky goods as part of the Devonport Regional Homemaker Centre. Properties situated to the east, west and south of Stony Rise Road are generally residential within varied sized lots. There are established industrial lots in proximity to the subject site and a small pocket of community services comprising Devonfield enterprises is similarly close in proximity. The subject site has ingress only access from Bass Highway through the adjoining northern parcels of land with further access via Stony Rise Road and Friend Street. The subject site and surrounding pattern of development are illustrated in Figure 1.



**Figure 1 – Aerial view (LISTmap)**

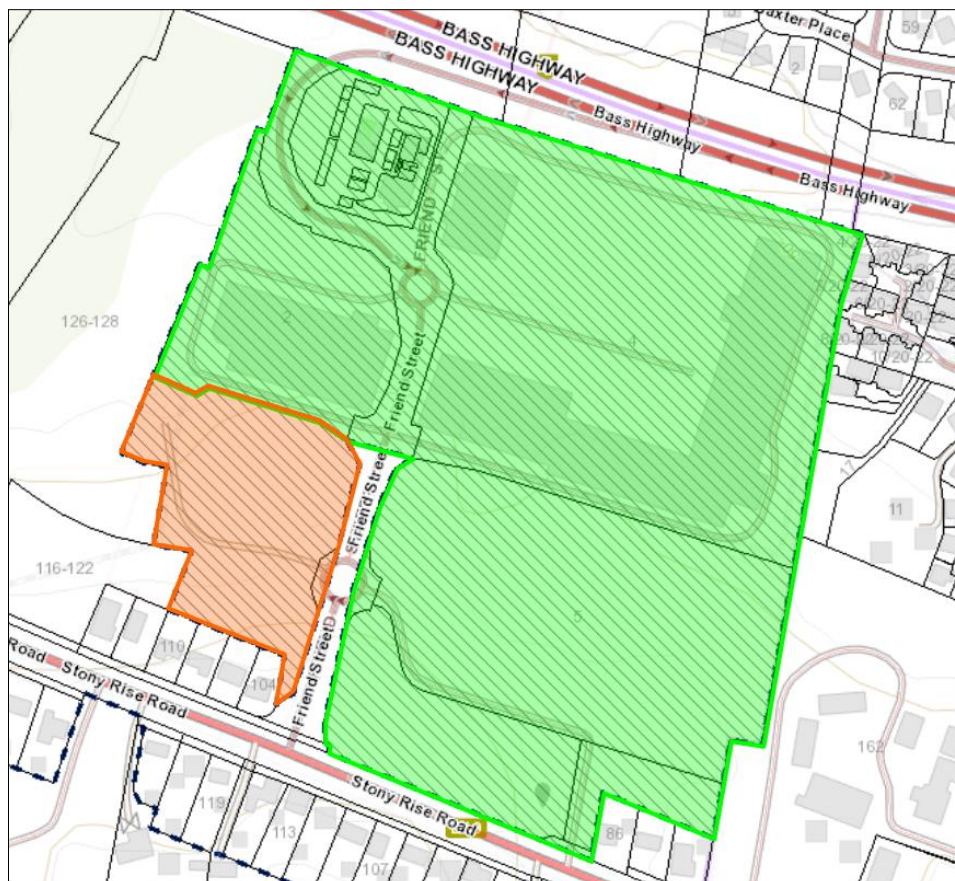
## CURRENT PLANNING CONTROLS

The subject site is zoned Commercial under the *Tasmanian Planning Scheme – Devonport 2020*, overlayed with the Devonport Regional Homemaker Centre Specific Area Plan (DEV-S1) affecting parcels east of Friend Steet and the Devonport Homemaker Service Industrial Centre Specific Area Plan (DEV-S2) affecting the western parcel, see Figures 2 and 3.



Figure 2 – Zone mapping (LISTmap)





**Figure 3 – Specific Area Plans: DEV-S1 – green; DEV-S2 – orange**

## 17.0 Commercial Zone

The purpose of the Commercial zone is:

- 17.1.1 To provide for retailing, service industries, storage and warehousing that require:
  - a) large floor or outdoor areas for the sale of goods or operational requirements; and
  - b) high levels of vehicle access and parking for customers.
- 17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

Within the Commercial zone under the *Tasmanian Planning Scheme – Devonport 2020* suitable uses are nominated as are design guidelines for development. The following table reproduces the use table of the Commercial zone, with the use classes excluded from DEV-S1 or DEV-S2 marked in red.

## 17.2 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values management	
Passive Recreation	
Utilities	If for minor utilities.
<b>Permitted</b>	

Bulky Goods Sales	
Emergency Services	
Equipment and Machinery Sales and Hire	
Service Industry	
Storage	
<b>Discretionary</b>	
Business and Professional Services	
Community Meeting and Entertainment	
Educational and Occasional Care	
Food Services	
General Retail and Hire	
Hotel Industry	If for alterations or extensions to an existing Hotel Industry
Manufacturing and Processing	
Research and Development	
Resource Processing	If for food or beverage production
Sports and Recreation	
Transport Depot and Distribution	
Tourist Operation	
Utilities	
Vehicle Fuel Sales and Service	
Vehicle Parking	
Visitor Accommodation	If for alterations or extensions to existing Visitor Accommodation
<b>Prohibited</b>	
All other uses	

The use standards and design standards contained within the Commercial zone provide controls specific to proximity of residential zone property, visual impact of plant equipment and landscaping requirements.

#### DEV-S1.0 Devonport Regional Homemaker Centre Specific Area Plan

The local area objective for the Devonport Regional Homemaker Centre (DEV-S1) is to provide use and development for integrated bulky goods showrooms and trade supplies, including associated food outlets, car parking, signage and landscaping.

The DEV-S1 provides requirements in addition to or in substitution of the Commercial zone standards as well as some provisions within the Sign Code and the Parking and Sustainable Transport Code. The following table reproduces the use table of the DEV-S1.

#### DEV-S1.5 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items or for any other use.
<b>Permitted</b>	
Bulky Goods Sales	If for the retail sale of: (a) furniture and floor coverings;

	<p>(b) electrical appliances, including white goods and computer equipment;</p> <p>(c) home entertainment equipment;</p> <p>(d) manchester, curtains and blinds;</p> <p>(e) camping and outdoor recreation equipment;</p> <p>(f) office supplies;</p> <p>(g) building, construction and hardware goods;</p> <p>(h) garden and landscape material;</p> <p>(i) auto accessories;</p> <p>(j) pet supplies and ancillary services; or</p> <p>(k) any combination of the goods in (a) to (j), provided that the sale or hire of clothing or footwear is not a predominant activity.</p>
Food Services	<p>If the total number of Food Services on land subject to the Devonport Regional Homemaker Centre Specific Area Plan is:</p> <p>(a) not more than 5 takeaway food shops; and</p> <p>(b) not more than 2 restaurants.</p>
Vehicle Fuel Sales and Service	If for a service station.
<b>Discretionary</b>	
Bulky Goods Sales	If for motor vehicle, boat or caravan sales.
General Retail and Hire	If for a market retailing food by independent stall holders.
Storage	If not for a liquid fuel depot or a solid fuel depot.
<b>Prohibited</b>	
All other uses	

### DEV-S2.0 Devonport Homemaker Service Industrial Specific Area Plan

The local area objective for the Devonport Homemaker Service Industrial Centre Specific Area Plan (DEV-S2) is to provide allied service industry, warehousing and support offices and sales and product distribution on a small scale.

The DEV-S2 provides requirements in addition to or in substitution of the Commercial zone standards as well as some provisions within the Sign Code. The following table reproduces the use table of the DEV-S2.

### DEV-S2.5 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items or for any other use.
<b>Permitted</b>	
Service Industry	
Storage	
Vehicle Parking	
<b>Discretionary</b>	
Bulky Goods Sales	If for motor vehicle, boat or caravan sales and garden and landscape supplies.
<b>Prohibited</b>	

All other uses	
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### Specific Area Plan history

The area subject to the DEV-S1 was originally administered by the Devonport Regional Homemaker Centre Zone, the result of amendment AM2008/01 to the *Devonport and Environs Planning Scheme 1984*, adopted in 2009 to allow for the introduction 'big box' development in a single location outside the Devonport Central Business District. The *Devonport Interim Planning Scheme* (Interim Planning Scheme) was introduced in October, 2013, replacing the *Devonport and Environs Planning Scheme, 1984*. The structure of the Interim Planning Scheme did not allow for zones other than those specified in Planning Directive 1. As such the Devonport Regional Homemaker Centre zone was translated to a Specific Area Plan (SAP). The Interim Planning Scheme has since been replaced by the *Tasmanian Planning Scheme – Devonport* (in November, 2020) however the DEV-S1 and DEV-S2 were not modified as part of this process and remain as they were in the Interim Planning Scheme.

The Service Industrial zone was intended to accommodate service industry and warehouse type uses which incorporated offices and/or shopfronts as incidental activities due to these activities being common in proximity to bulky goods retail facilities. The range of uses were limited to ensure they did not unreasonably compete with other areas including the Devonport CBD. The Service Industrial zone was translated across to the Interim Planning Scheme and subsequently the *Tasmanian Planning Scheme – Devonport* as DEV-S2.

### PROPOSED PLANNING CONTROLS

The draft amendment submitted by the applicant seeks to remove the DEV-S2 from CT167737/18, resulting in its deletion from the Devonport Local Provisions Schedule, and apply the DEV-S1 to this title. There has been no development on the land identified as 1 Friend Street (CT167737/18) for the industrial type of uses as allowed for under DEV-S2. The vacant site adjoins land which has been subdivided into residential lots. The conflict between residential and industrial land uses will be reduced by the application of DEV-S1 to this site whilst providing an alternative opportunity for large format retail, which will complement the Devonport Homemaker site.

Particular Purpose Zone – Stony Rise Village: The Particular Purpose Zone (PPZ) proposed by the applicant seeks to provide a 'neighbourhood centre' with retail for the regular convenience needs of the local area, and other uses and development to support and not compromise, the role of established activity centres such as the Devonport Central Business District. The concept of a neighbourhood centre is not something used commonly in the Local Provisions Schedule or the *Tasmanian Planning Scheme* but is readily exemplified in larger cities where basic services or daily retail needs are grouped as a satellite to a major activity centre or CBD. The full proposed combined amendment and supporting documents as submitted by the applicant are located within [Attachment 2](#).

### PPZ – Stony Rise Village Use Table

Use class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
<b>Permitted</b>	
Bulky Goods Sales	If within the Northern Precinct and provided that the sale or hire of:

	<p>(a) auto accessories;  (b) clothing or footwear (other than personal protective equipment);  (c) building, construction and hardware goods;  (d) rural supplies;  (e) garden and landscape material; or;  (f) motor vehicle, boat or caravan sales, is not a predominant activity.</p> <p>If within the Southern Precinct and provided that the sale or hire of:  (a) clothing or footwear (other than personal protective equipment);  (b) rural supplies;  (c) timber and steel; or;  (d) garden and landscape material;  is not a predominant activity.</p>
Business and Professional Services	If for consulting room, medical centre, veterinary centre, child health clinic or dentist
Educational and Occasional Care	If for childcare centre.
Food Services	<p>If within the Northern Precinct and provided that any take away food premises with a drive through facility is limited to one premises.</p> <p>If within the Southern Precinct and provided that any take away food premises with a drive through facility is limited to one premises</p>
General Retail and Hire	<p>If within the Northern Precinct and provided the sale or hire of:  (a) clothing or footwear (other than personal protective equipment)  (b) jewellery; or;  (c) adult sex products;  is not a predominant activity.</p> <p>If within the Southern Precinct and not for a supermarket, pharmacy or bottle shop and provided the sale or hire of:  (a) clothing or footwear (other than personal protective equipment)  (b) jewellery; or;  (c) adult sex products;  is not a predominant activity.</p>
Service Industry	If for car wash, pet wash or laundromat.
Sports and Recreation	If for fitness centre or gymnasium.
Vehicle Fuel Sales and Service	If for a service station and limited to one service station within the Northern Precinct and one service station within the Southern Precinct.
<b>Discretionary</b>	
Bulky Goods Sales	If not listed as Permitted.
Storage	If within the Southern Precinct and for self-storage and not for a liquid fuel depot or a solid fuel depot.
Utilities	If not listed as No Permit Required.

The proposed PPZ has been designed to provide two 'precincts' which are shown in Figure 4, being the Northern Precinct and the Southern Precinct. The intent of the precincts provides a clear pathway for the proposed development application which accompanies the proposed draft amendment. The proposed draft PPZ instrument is contained within applicants' submission within Attachment 2.



**Figure 4 – Proposed draft amendment: PPZ map overlay (GHD 8/22)**

The Northern Precinct seeks to provide the opportunity for a major supermarket as the primary activity generator with a limited range of retail, business and food service uses that support the convenience needs of the local area. The Southern Precinct seeks to provide for use and development that compliments the function of the PPZ site as a neighbourhood centre but so as to not unreasonably distort the role of established activity centres such as the CBD. The Stony Rise Village PPZ is a translation of the current Commercial zone and DEV-S1 with additional uses previously excluded under the DEV-S1. A comparison of the uses allowable under the Commercial Zone, proposed PPZ and current DEV-S1 are provided in [Attachment 3](#). This table illustrates how the proposed draft amendment seeks to apply little change to use classes the DEV-S1 restricts by comparison to use classes which would be allowable under the Commercial Zone.

It is deemed unnecessary to implement a PPZ when the same effect can be created through alterations to the existing Specific Area Plan, DEV-S1 with uses which the underlying Commercial Zone permits regardless. It is therefore recommended the Planning Authority set aside the applicant's request for a PPZ and proceed under section 40F (2) (b) and alter the draft amendment as outlined in [Attachment 1](#).

The intent of the DEV-S1 is to concentrate the location of large floor area retail. The PPZ is seeking to allow some complimentary uses that do not require the same amount of floor area to co-exist and diversify use and development within the Homemaker site.

## **STRATEGIC IMPLICATIONS**



Before certifying a draft amendment under section 40F of *LUPAA*, the Planning Authority must be satisfied that the amendment is consistent with all relevant legislation. Section 34 (2) of *LUPAA* sets out the criteria for which the Planning Authority must be satisfied are met when assessing a draft amendment to a Local Provisions Schedule (LPS).

Section 40F (2) (b) of *LUPAA* provides a pathway for which the Planning Authority can alter a proposed draft amendment to meet the LPS criteria to their satisfaction. A detailed assessment of section 34 (2) of *LUPAA* is appended in Attachment 4.

## COMMUNITY ENGAGEMENT

Subject to the draft amendment being supported by the Planning Authority, it must be placed on public exhibition for a period of 28 days pursuant to section 40G of *LUPAA*. During this exhibition period, representations can be made in accordance with the provisions outlined in section 40J of *LUPAA*.

In the event representations are received, the Planning Authority must assess their content and modifications can be made to the draft amendment if required. A report in accordance with sections 40K & 42 of *LUPAA* will be prepared for the Planning Authority to consider. If no representations are received and the Planning Authority does not otherwise propose any further modifications the General Manager has delegation to notify the Tasmanian Planning Commission accordingly.

## PLANNING APPLICATION DETAILS

The applicant is seeking approval for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage. A full version of the application as submitted by the applicant is contained in Attachment 2.



Figure 5 – Proposed development: site context plan

[illegible][illegible]

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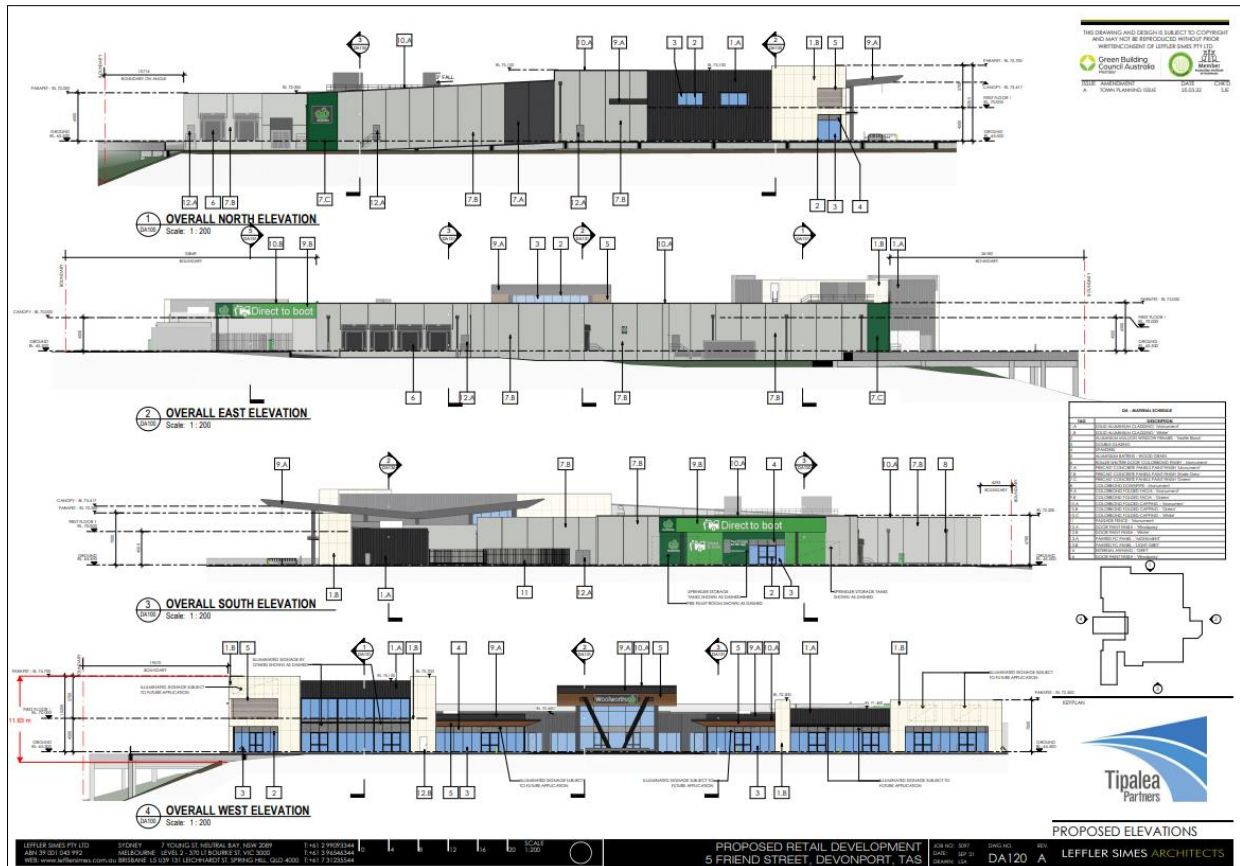


Figure 8 – Proposed development: supermarket and retail elevations



Figure 9 – Proposed development: car wash and retail floor plan

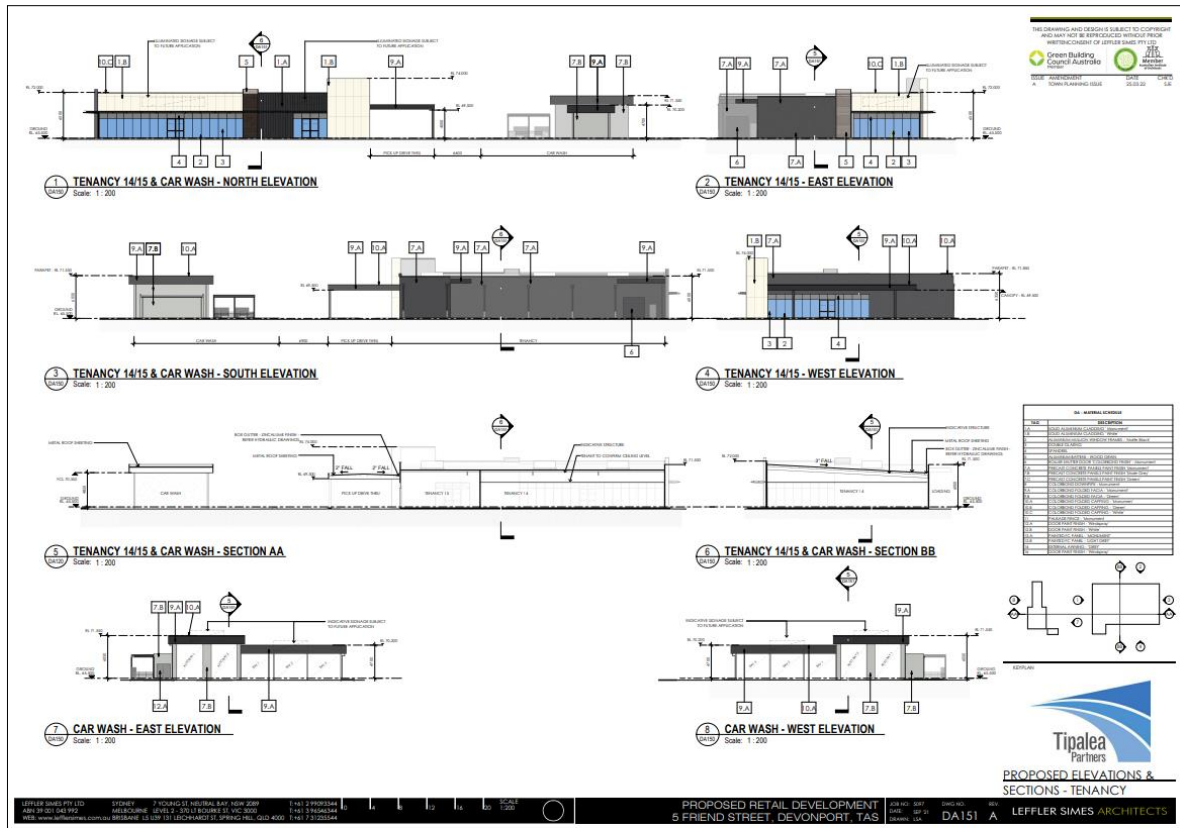


Figure 10 – Proposed development: car wash and retail elevations

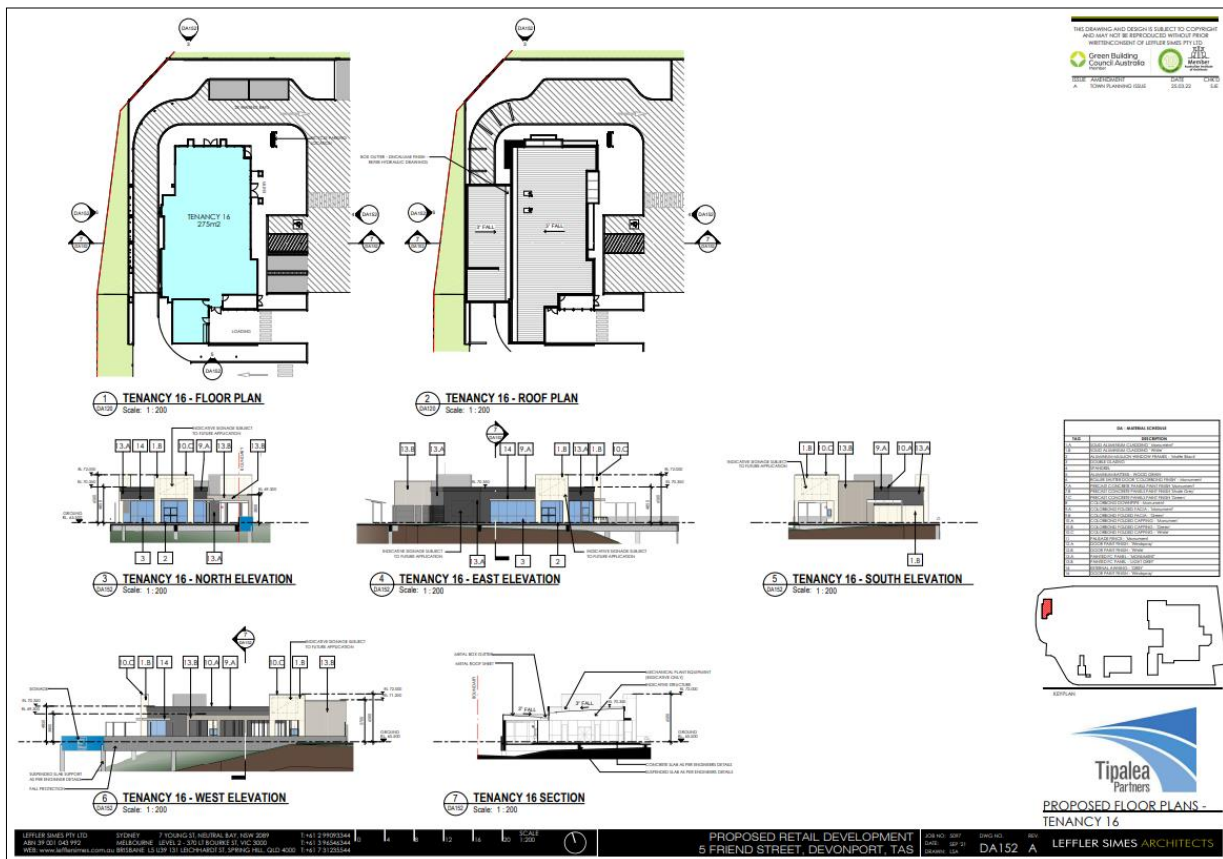


Figure 11 – Proposed development: drive through food services floor plan and elevations

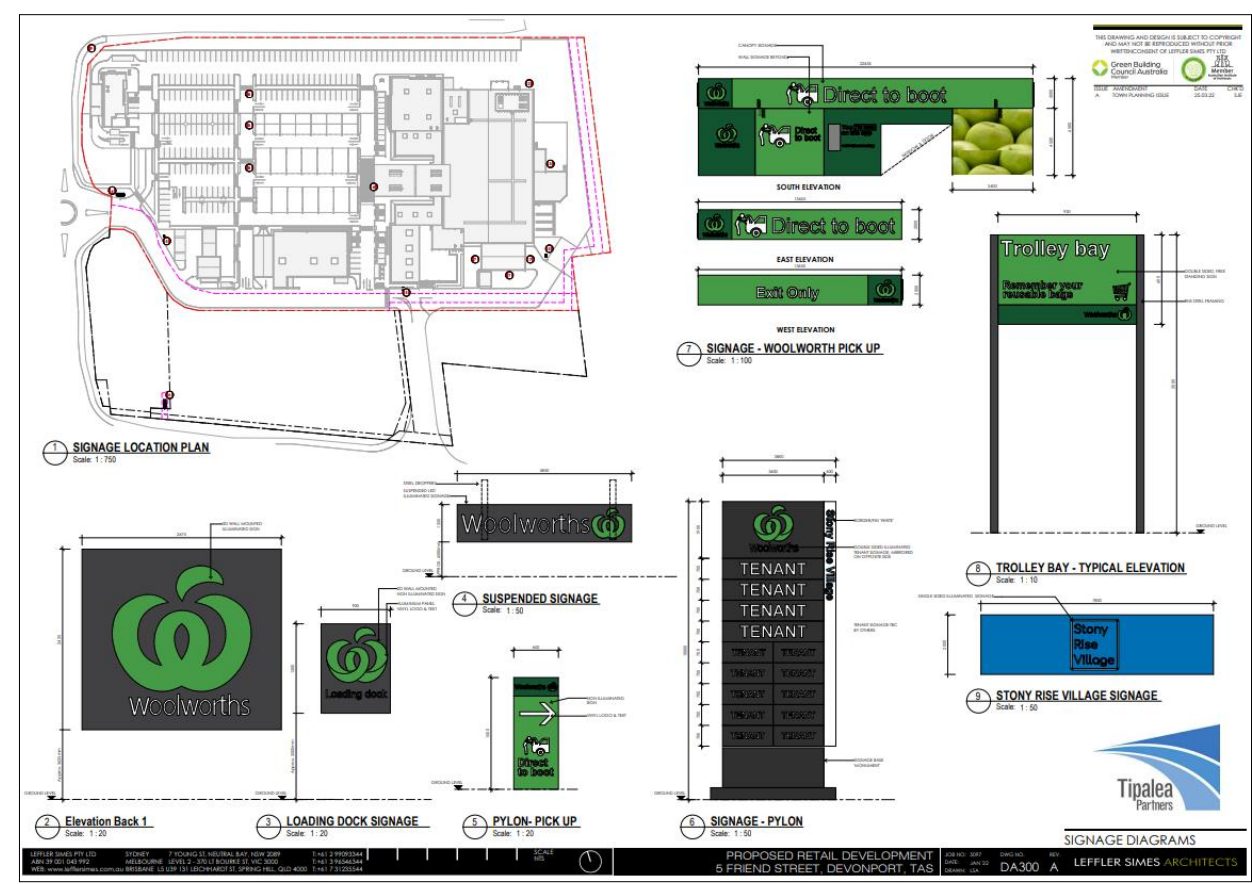


Figure 12 – Proposed development: signage

### 17.0 Commercial Zone

The purpose of the Commercial zone is:

- 17.1.1 To provide for retailing, service industries, storage and warehousing that require:
  - c) large floor or outdoor areas for the sale of goods or operational requirements; and
  - d) high levels of vehicle access and parking for customers.
- 17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

The amended DEV-S1 use table is in substitution of the 17.2 Commercial zone use table.

#### 17.3.1 All uses

<b>Objective:</b> That uses do not cause an unreasonable loss of residential amenity to residential zones.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> 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	<b>P1</b> 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,

<p>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>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 timing, duration or extent of vehicle movements; and</li> <li>b) noise, lighting or other emissions.</li> </ul>
<p><b>A2</b></p> <p>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must:</p> <ul style="list-style-type: none"> <li>a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and</li> <li>b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.</li> </ul>	<p><b>P2</b></p> <p>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> <li>a) the level of illumination and duration of lighting; and</li> <li>b) the distance to habitable rooms of an adjacent dwelling.</li> </ul>
<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 adjoining residential area; and</li> <li>f) potential conflicts with other traffic.</li> </ul>

**A1** – The applicant has identified the general operation hours of the site would be 6am to 11pm, however the operations of uses within 50m of the General Residential zoned land will be restricted to operational hours in accordance with the acceptable solution. A condition on the permit reflects this requirement.

**A2** – The application nominates suitably baffled lighting to comply with the acceptable solutions.

**A3** – The application has identified all commercial vehicle movements, including deliveries are to occur within the acceptable solution. A condition on the permit reflects this requirement.

### 17.3.2 Discretionary uses

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

No discretionary uses proposed.

### 17.3.3 Retail impact

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

This part is substituted by the amended DEV-S1.6.1

### 17.4.1 Building height

<b>Objective:</b> That building height: <ul style="list-style-type: none"> <li>a) is compatible with the streetscape; and</li> <li>b) does not cause an unreasonable loss of amenity to adjoining residential zones.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> Building height must be not more than 12m.	<b>P1</b> Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: <ul style="list-style-type: none"> <li>a) the topography of the site;</li> </ul>



	<ul style="list-style-type: none"> <li>b) the height, bulk and form of existing building on the site and adjacent properties;</li> <li>c) the bulk and form of proposed buildings;</li> <li>d) the apparent height when viewed from the adjoining road and public places; and</li> <li>e) any overshadowing of public places.</li> </ul>
<p><b>A2</b></p> <p>Building height:</p> <ul style="list-style-type: none"> <li>a) within 10m of a General Residential Zone, Low Density Residential Zone, or Rural Living Zone must be not more than 8.5m; or</li> <li>b) within 10m of an Inner Residential Zone must be not more than 9.5m.</li> </ul>	<p><b>P2</b></p> <p>Building height within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone must be consistent with building height on adjoining properties and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> <li>a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</li> <li>b) overlooking and reduction of privacy; and</li> <li>c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</li> </ul>

**A1** – The proposed building height will have a maximum of 11.6m above ground level on the northern side of the development.

**A2** – The proposed development is located more than 10m from adjoining residential zoned land and has a building height of 6.5m within proximity to this part of the site.



## 17.4.2 Setbacks

<b>Objective:</b> That building setback: <ul style="list-style-type: none"> <li>a) is compatible with the streetscape; and</li> <li>b) does not cause an unreasonable loss of amenity to adjoining residential zones.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings must have a setback from a frontage of: <ul style="list-style-type: none"> <li>a) not less than 5.5m;</li> <li>b) not less than existing buildings on the site; or</li> <li>c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</li> </ul>	<b>P1</b> Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to: <ul style="list-style-type: none"> <li>a) the topography of the site;</li> <li>b) the setback of buildings on adjacent properties; and</li> <li>c) the safety of road users.</li> </ul>
<b>A2</b> Buildings must have setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone of not less than: <ul style="list-style-type: none"> <li>a) 4m; or</li> <li>b) half the wall height of the building, whichever is the greater.</li> </ul>	<b>P2</b> 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: <ul style="list-style-type: none"> <li>a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</li> <li>b) overlooking and reduction of privacy to the adjoining property; or</li> <li>c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property. visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</li> </ul>
<b>A3</b> Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone.	<b>P3</b> Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity to the adjoining residential zones, having regard to: <ul style="list-style-type: none"> <li>a) the characteristics and frequency of emissions generated;</li> <li>b) the nature of the proposed use;</li> <li>c) the topography of the site and location of the sensitive use; and</li> <li>d) any proposed mitigation measures.</li> </ul>

**A1** – This part is substituted by the amended DEV-S1.7.1

**A2** – The proposed buildings have been setback over 10m from adjoining General Residential zoned land.

**A3** – Building mechanical service equipment has been located more than 10m from adjoining General Residential zoned land.

### 17.4.3 Design

<b>Objective:</b> That building design is compatible with the streetscape.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings must be designed to satisfy all the following: <ul style="list-style-type: none"> <li>a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site;</li> <li>b) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places;</li> <li>c) roof-top mechanical plant and service infrastructure, excluding lift structures, must be contained within the roof or screened from public spaces and adjoining properties;</li> <li>d) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places;</li> <li>e) provide awnings over a public footpath if existing on the site or on adjoining properties; and</li> <li>f) provide external lighting to illuminate external vehicle parking areas and pathways.</li> </ul>	<b>P1</b> Buildings must be designed to be compatible with the streetscape, having regard to: <ul style="list-style-type: none"> <li>a) how the main pedestrian access to the building addresses the street or other public places;</li> <li>b) minimising the visual impact of mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, when viewed from the street or other public places;</li> <li>c) minimising the visual impact of roof-top service infrastructure, excluding lift structures;</li> <li>d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and other alternatives are not practical;</li> <li>e) the need for provision of awnings over a public footpath; and</li> <li>f) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.</li> </ul>

**A1** – The proposed development provides a clear pedestrian pathway through the site, and subject to a condition on the permit will provide additional linkage to the eastern access road onto Stony Rise Road. All building mechanical services and plant are adequately incorporated into the building or screened from public viewing. The design of the buildings does not include any security shutters and awnings over pedestrian areas have been applied where applicable to the internal arrangement of the site. External lighting has not been shown for the car parking areas, however this will be required as a condition on the permit.

### 17.4.4 Fencing

<b>Objective:</b> That fencing: <ul style="list-style-type: none"> <li>a) is compatible with the streetscape; and</li> <li>b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.</li> </ul>	
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>No Acceptable Solution</p> <p>An exemption applies for fences in this zone – see Table 4.6</p>	<p><b>P1</b></p> <p>A fence (including a free-standing wall) within 4.5m of a frontage must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>a) its height, design, location and extent;</li> <li>b) its degree of transparency; and</li> <li>c) the proposed materials and construction.</li> </ul>
<p><b>A2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must:</p> <ul style="list-style-type: none"> <li>a) have a height above existing ground level of not more than 2.1m; and</li> <li>b) not contain barbed wire.</li> </ul>	<p><b>P2</b></p> <p>Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> <li>a) their height, design, location and extent; and</li> <li>b) the proposed materials and construction.</li> </ul>

No fencing shown in the application.

#### 17.4.5 Outdoor storage areas

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

**A1** – Outdoor storage areas shown on plan have screening to prevent views of equipment from public areas.

#### 17.4.6 Landscaping

<p><b>Objective:</b></p> <p>That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.</p>	
Acceptable Solutions	Performance Criteria
<p><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) the character of the streetscape and surrounding area.</li> </ul>

**A1** – The application has indicated areas for landscaping and a condition on the permit will require a landscaping plan to be prepared by a suitably qualified person will be approved and endorsed to form part of this permit prior to the developer seeking approval to construct under the Building Act.

## C1.0 Sign Code

The purpose of the sign code is:

- C1.1.1 To provide for appropriate advertising and display of information for business and community activity.
- C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.
- C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

### C1.6.1 Design and siting of signs

<b>Objective:</b> That: (a) signage is well designed and sited; and; (b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.	
Acceptable Solutions	Performance Criteria
<b>A1</b> A sign must: (a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and (b) meet the sign standards for the relevant sign type set out in Table C1.6.	<b>P1.1</b> A sign must: (a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and (b) be compatible with the streetscape or landscape, having regard to: i. the size and dimensions of the sign; ii. the size and scale of the building upon which the sign is proposed; iii. the amenity of surrounding properties; iv. the repetition of messages or information; v. the number and density of signs on the site and on adjacent properties; and vi. the impact on the safe and efficient movement of vehicles and pedestrians.
<b>A2</b> A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.	<b>P2</b> A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to: (a) the topography of the site and the surrounding area; (b) the relative location of buildings, habitable rooms of dwellings and private open space; (c) any overshadowing; and (d) the nature and type of the sign.

<p><b>A3</b> The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <ul style="list-style-type: none"> <li>(a) 1 of each sign type, unless otherwise stated in Table C1.6;</li> <li>(b) 1 window sign for each window;</li> <li>(c) 3 if the street frontage is less than 20m in length; and</li> <li>(d) 6 if the street frontage is 20m or more, excluding the following sign types, for which there is no limit: <ul style="list-style-type: none"> <li>i. name plate; and</li> <li>ii. temporary sign.</li> </ul> </li> </ul>	<p><b>P3</b> The number of signs for each business or tenancy on a street frontage must:</p> <ul style="list-style-type: none"> <li>(a) not unreasonably increase in the existing level of visual clutter in the streetscape, and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and</li> <li>(b) not involve the repetition of messages or information.</li> </ul>
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The proposed development includes the following signage:

Shopping Centre - 3x wall signs (1x illuminated), totalling 137.1m<sup>2</sup>; 2x canopy signs, totalling 54.6m<sup>2</sup>; and 1x below awning sign (illuminated), totalling 7.3m<sup>2</sup>.

Carpark and landscaped areas - 3x 600mm x 1.5m blade signs, 0.9m<sup>2</sup> each, totalling 2.7m<sup>2</sup>; 2x 3.8m x 10m blade signs (illuminated), totalling 75m<sup>2</sup>; 3x ground-based signs, 0.56m<sup>2</sup>, totalling 1.7m<sup>2</sup>; 1x wall sign (illuminated), totalling 15.6m<sup>2</sup>.

All sign types are permitted within the Commercial zone however some of the signs do not meet the sign standards as set out in the Table C1.6.

**P1** – The proposed blade signs, below awning sign and some of the wall signs exceed the dimensions set out in the Table C1.6. Two 10m tall blade signs have been proposed, one within the setback of Stony Rise Road, adjacent to the existing Homemaker sign, and another located on the north-east corner of the round-a-bout on Friend Street where entry to the site is provided. The scale of these signs is considered usual to a grouped development such as proposed as a manner of providing place finding signage in a uniform manner. Further requirements of the amended DEV-S1 restrict further signage such as proposed to be located along the Stony Rise so as to ensure visual amenity is not impacted by further large signs. The remaining signage which exceeds the sign standards are generally contained within the site, located on buildings that are of a scale suitable to the size of the sign. Visual amenity to adjoining properties will not be detrimentally impacted by the proposed signage.

**A2** – The proposed signage is located more than 2m from adjoining General Residential zoned land.

**A3** – The only signs proposed to be located within the road frontage are the 10m high blade signs. One to each frontage complies with the acceptable solutions.

The amended DEV-S1.7.2 is in addition to this part.

### C1.6.2 Illuminated signs

**Objective:**

That:

- (a) illuminated signs are compatible with the streetscape;

<p>(b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and</p> <p>(c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No acceptable solution.</p>	<p><b>P1</b></p> <p>An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the sign;</li> <li>(b) the size of the sign;</li> <li>(c) the intensity of the lighting;</li> <li>(d) the hours of operation of the sign;</li> <li>(e) the purpose of the sign;</li> <li>(f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;</li> <li>(g) the intended purpose of the changing message of the sign;</li> <li>(h) the percentage of the sign that is illuminated with changing messages;</li> <li>(i) proposed dwell time; and</li> <li>(j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.</li> </ul>
<p><b>A2</b></p> <p>An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.</p>	<p><b>P2</b></p> <p>No performance criteria.</p>

The proposed signage includes internal illumination to the two blade signs at Stony Rise Road and Friend Street, one wall sign on the north-east façade, one wall sign on the north-west side and one below-canopy sign within the main entry of the supermarket.

**P1** – All proposed illuminated signs have been designed in a manner which would reduce the area of lit surface to be mostly text. The Friend Street blade sign, wall signs and below canopy sign are located within the site so as to limit the potential for amenity impacts or visibility outside the Homemaker and Stony Rise Village SAP site.

The proposed blade sign located within the Stony Rise Road setback is consistent with the existing Homemaker sign and considered unlikely to cause visual or amenity impacts due to the illumination.

**A2** – A condition on the permit will ensure any illuminated signage visible from public places will not create the effect of flashing, animation or movement.

## C2.0 Parking and Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

- 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.

### C2.5.1 Car parking numbers

<b>Objective:</b> That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria
<b>A1</b> The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> <li>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>i. the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</li> <li>ii. the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:  <math display="block">N = A + (C - B)</math> N = Number of on-site car parking spaces required  A = Number of existing on site car parking spaces </li> </ul> </li> </ul>	<b>P1.1</b> The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> <li>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</li> <li>(b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> <li>i. The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</li> <li>ii. efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) the availability and frequency of other transport alternatives;</li> <li>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(g) the effect on streetscape; and</li> <li>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</li> </ul> <b>P1.2</b>



<p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1</p>	<p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the surrounding area.</li> </ul>
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The proposed development provides 331 car parking spaces, including 9 accessible spaces which exceeds the required number of parking spaces for the uses as specified in the development application.

The proposed development provides 30 bicycle spaces and 9 motorcycle parking spaces which fall short of the requirement by 33 bicycle spaces and 3 motorcycle parking spaces. It is considered the provision satisfies the reasonable needs of the proposed uses, given the provision of car parking, proximity to public transport and potential for pedestrian activity within the immediate residential areas. The performance criteria of C2.5.2 and C2.5.3 is deemed to be satisfied.

The relevant uses of the proposed development have been assessed against the applicable standards under; C2.5.4 Loading bays and C2.6 Development Standards for Buildings and Works and are deemed to satisfy the acceptable solutions.

### C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

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

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

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

<p><b>Objective:</b></p> <p>To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</p>	
Acceptable Solutions	Performance Criteria
<p><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>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> </ul>

<p><b>A1.2</b> 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> 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> Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p><b>A1.5</b> Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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This code applies as the proposed development will result in an increase to the movement of vehicles longer than 5.5m through an existing vehicle crossing. The proposal does not require new vehicle crossings.

P1 – The development will increase vehicle movements primarily to and from Friend Street, whilst in turn, Stony Rise Road. The applicant has provided a detailed Traffic Assessment with several scenarios for signalled traffic at the junction of Stony Rise Road and Friend Street. Further consideration for traffic management will be required in conference with Council and the State Road Authority as due process to this combined application. It is assumed further conditions or requirements will be necessary in the Sections 40K & 42 report to be prepared post the public notification period.

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

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

## Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan (as amended)

### DEV-S1.5 Use Table

This clause is in substitution of the Commercial Zone – clause 17.2 Use Table.

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items or for any other use.
Passive Recreation	
Utilities	If for minor utilities.
<b>Permitted</b>	
Bulky Goods Sales	<p>If not within Stony Rise Village Precinct A or B and for the retail sale of:</p> <ul style="list-style-type: none"> <li>(a) furniture and floor coverings;</li> <li>(b) electrical appliances, including white goods and computer equipment;</li> <li>(c) home entertainment equipment;</li> <li>(d) manchester, curtains and blinds;</li> <li>(e) camping and outdoor recreation equipment;</li> <li>(f) office supplies;</li> <li>(g) building, construction and hardware goods;</li> <li>(h) garden and landscape material;</li> <li>(i) auto accessories;</li> <li>(j) pet supplies and ancillary services; or</li> <li>(k) any combination of the goods in (a) to (j), provided that the sale or hire of clothing or footwear is not a predominant activity.</li> </ul> <p>If within Stony Rise Village Precinct A and provided that the sale of:</p> <ul style="list-style-type: none"> <li>(a) auto accessories;</li> <li>(b) building, construction and hardware goods;</li> <li>(c) rural supplies;</li> <li>(d) garden and landscape material; or</li> <li>(e) motor vehicle, boat or caravan sales</li> </ul> <p>is not a predominant activity.</p> <p>If within Stony Rise Village Precinct B and provided that the sale of:</p> <ul style="list-style-type: none"> <li>(a) rural supplies;</li> </ul>

	<p>(b) timber and steel; or;</p> <p>(c) garden and landscape material;</p> <p>is not a predominant activity.</p>
Business and Professional Services	If within Stony Rise Village Precinct A or B and for consulting room, medical centre, veterinary centre, child health clinic or dentist.
Education and occasional care	If within Stony Rise Village Precinct A or B and for a childcare centre.
Food Services	<p>If the total number of Food Services on land subject to the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan is:</p> <p>(a) not more than 5 drive through facility food services; and</p> <p>(b) not more than a total of 12 food services.</p> <p>If within Stony Rise Village a drive through facility is limited to one premises each for Precinct A and Precinct B.</p>
General Retail and Hire	<p>If within Stony Rise Village Precinct A and provided the sale or hire of:</p> <p>(a) clothing or footwear (other than personal protective equipment);</p> <p>(b) jewellery; or</p> <p>(c) adult sex products</p> <p>is not a predominant activity.</p> <p>If within Stony Rise Village Precinct B and not for a supermarket, pharmacy or bottle shop and provided the sale or hire of:</p> <p>(a) clothing or footwear (other than personal protective equipment);</p> <p>(b) jewellery; or</p> <p>(c) adult sex products</p> <p>is not a predominant activity.</p>
Service Industry	If for car wash, pet wash or laundromat.
Sport & Recreation	If for fitness centre or gymnasium and site is located at least 50m from General Residential zoned land.
Vehicle Fuel Sales and Service	If for a service station.
<b>Discretionary</b>	
Bulky Goods Sales	If not listed as Permitted.
General Retail and Hire	If for a tenancy (within a building) with a gross floor area of not less than 500m <sup>2</sup> .
Storage	If not for a liquid fuel depot or a solid fuel depot.

Utilities	If not listed as No Permit Required.
<b>Prohibited</b>	
All other uses	

The proposed development will provide for the following uses:

- General Retail and Hire (Supermarket and other small floor area retail),
- Food Services (one drive through and smaller cafes within Supermarket square),
- Business and Professional Services (intended for medical centre or veterinary centre),
- Bulky Goods Sales, and
- Service Industry (car wash and laundromat)

The proposed uses are listed within the permitted section of the use table.

### DEV-S1.6.2 Floor areas

This clause is in substitution for the Commercial Zone – clause 17.3.3 Retail impact.

<b>Objective:</b>	
The primacy of the Devonport Central Business District for General Retail and Hire is protected by providing a designated location for large format retail.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> The gross floor area of a tenancy within a building must not be less than 500m <sup>2</sup> with the exception to: (a) Food Services; (b) the use relies on more than 50% of the site area for outdoor display of goods for sale; or (c) a use within Stony Rise Village Precinct A.	<b>P1</b> The proposed use and development must be consistent with local area objectives being: (a) for integrated bulky goods showrooms and trade supplies; (b) for a neighbourhood centre providing for food retailing and the convenience needs of the local area; or (c) compliments the function as a neighbourhood centre; and (d) does not unreasonably compromise or distort the role of established activity centres.

**A1** – The proposed development meets the acceptable solution as it is located within the Stony Rise Village Precinct A.

### DEV-S1.7.1 Setbacks

This is in substitution of the Commercial zone clause 17.4.2 A1 Setbacks

<b>Objective:</b>	
Development of land is to minimise:	
(a) likelihood for conflict, interference and constraint between the use or development of land in the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan and the use of land in an adjoining land zone  (b) unreasonable impact on the amenity of use on land beyond the boundaries of the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>

Buildings and parking areas must:	Buildings must have a setback from a frontage that provides suitable amenity for intended users and adequate space for landscaping, having regard to:
(a) have a setback, or be separated a distance, of not less than 20m from the Bass Highway frontage;	(a) the topography of the site;
(b) have a setback, or be separated a distance, of not less than 6m from the Stony Rise Road frontage and allow for the Stony Rise Road carriageway to receive at least 5 hours of sunlight on the 21st of June; or	(b) the setback of buildings on adjacent properties; and
(c) not less than 5.5m from any other road frontage.	(c) the safety of pedestrians and road users

**A1** – The subject site does not have frontage to Bass Highway or Stony Rise Road. Proposed development is located more than 5.5m from Friend Street and other service roads.

### DEV-S1.7.2 Signs

This clause is in addition to the Signs Code – clause C1.6.1 Design and siting of signs.

<b>Objective:</b>	
That the need for signs is recognised and the impact, size and number is managed.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> There must be not more than 3 signs located within the setback area from the Bass Highway frontage.	<b>P1</b> No Performance Criterion.
<b>A2</b> The height of a sign must be not more than 10m.	<b>P2</b> No Performance Criterion.
<b>A3</b> There must not be more than 2 signs located within the setback area from the Stony Rise Road frontage.	<b>P3</b> No Performance Criterion.

**A1** – Not applicable.

**A2** – Proposed signage does not exceed 10m height.

**A3** – The application includes a blade sign within the setback area of Stony Rise Road which paired with the existing Homemaker sign equates to the second sign.

### DEV-S1.7.4 Access

This clause is in substitution for the Parking and Sustainable Transport Code – clause C2.6.3 Number of accesses for vehicles.

<b>Objective:</b>	
There is safe vehicular and pedestrian access to the site.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>

There must be not more than one vehicular entry to the site across the Bass Highway frontage and the vehicular access must comprise a single left hand turn from the west bound lane of the Bass Highway.	No Performance Criterion.
<b>A2</b> All vehicular access is to be via an existing vehicle crossing.	<b>P2</b> Any new vehicular access must be necessary as evidenced by a Traffic Impact Assessment, prepared by a suitably qualified person and approved by the relevant Road Authority.

**A1** – Not applicable.

**A2** – The proposed development utilises existing vehicle crossings to Friend Street and Stony Rise Road.

### FINANCIAL IMPLICATIONS

No financial implications are predicted because of this proposal.

### CONCLUSION

The combined amendment to planning controls for the Devonport Regional Homemaker Centre and Stony Rise Village site will provide an opportunity to further the purpose of encouraging use and development for large format retail whilst providing an opportunity to address the local residents' needs for essential services by way of initiating the neighbourhood centre of Stony Rise Village. The proposed development will facilitate a neighbourhood centre with a large supermarket and essential retail or businesses whilst avoiding a degradation of the intent of the original Homemaker Centre. The removal of the Devonport Homemaker Service Industrial Centre Specific Area Plan from the Devonport Local Planning Provisions will reduce potential land use conflict between residential land which now abuts the site.

The draft amendment and development as proposed will provide ongoing benefit to Devonport both as an economic and employment generator but also by providing an opportunity for community connection and focus, as the location of essential retail, business and services.

### ATTACHMENTS

1. DEV-S1.0 Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan [**4.1.1** - 7 pages]
2. Application - AM2022.02 & PA2022.0092 - 5 Friend Street [**4.1.2** - 563 pages]
3. Comparison Table - AM2022.02 & PA2022.0092 - 5 Friend Street [**4.1.3** - 5 pages]
4. Section 34(2)- Planning Authority Assessment - AM2022.02 & PA2022.0092 - 5 Friend Street [**4.1.4** - 4 pages]



## **4.2 AM2022.03 & PA2022.0100 - REZONING OF THE AGRICULTURAL ZONE TO THE RURAL LIVING ZONE TO PART OF 130 TUGRAH ROAD (CT 198466/1) & 7 LOT SUBDIVISION (INCLUDING CONSOLIDATION)**

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

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

### **RECOMMENDATION**

That Council:

- agree to certify amendment AM2022.03 to the Devonport Local Provisions Schedule for the land at 130 Tugrah Road, Tugrah to:
  - a. Remove the Agricultural Zone from CT 198466/1, forming part of 130 Tugrah Road;
  - b. Introduce the Rural Living Zone A to CT 198466/1, forming part of 130 Tugrah Road (as set out on Attachment 1);
  - c. Introduce the Priority Vegetation Area overlay to CT 198466/1, forming part of 130 Tugrah Road (as set out on Attachment 1); and
  - d. Concurrently approve the associated application – PA2022.0100 for a 7 Lot subdivision - including consolidation; and
- place Amendment AM2022.03 and application PA2022.0100 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 PA2022.0100 for a 7 lot subdivision (including consolidation) with the following conditions:

#### Planning Conditions

1. The subdivision is to proceed generally in accordance with the submitted plans and accompanying documentation referenced as:
  - a. Plan of Subdivision – Job Number 45116-3, dated 02/02/2022 by PDA Surveyors, Engineers & Planners;
  - b. Natural Values Assessment, including response to request for further information, dated August 2022 by Matt Rose of Natural State;
  - c. Flood Hazard Advice, dated 24/06/2021 & Subsequent Flood Hazard Report, dated 15/08/2022 by Chris Martin of CSE Tasmania;
  - d. Bushfire Hazard Management Report, dated 17/02/2022, including Bushfire Hazard Management Plan, dated 23/02/2022 by Bruce Harpley of es&d;
  - e. Wastewater Assessment Report, dated 03/11/2021 by Donal S. Anderson
2. The final plan of the subdivision must show the approved building envelopes for lots 1, 6 and 7.

3. The subdivider is to enter into a Part 5 Agreement pursuant to Part 5 of the *Land Use Planning Approvals Act* with Council.

The Agreement is to state that it is the responsibility of the developer and lot owners to ensure that the subdivision and future development is to proceed with regard to the recommendations provided within the Natural Values Assessment - Response to request for information, dated August 2022 by Matt Rose of Natural State

In addition, the following reports are to be registered on the Agreement and available for reference to future lot owners:

- (a) Natural Values Assessment, including response to request for further information, dated August 2022 by Matt Rose of Natural State.
- (b) Bushfire Hazard Management Plan, dated 23/02/2022 by Bruce Harpley of es&d; and
- (c) Flood Hazard Report 15/08/2022 by Chris Martin of CSE Tasmania.

The contents of the agreement are to be approved and authorised by Council prior to the Final Plan(s) for the subdivision being sealed.

#### Infrastructure & Works Conditions

- 4. The subdivider is to construct the property accesses for lots 6 and 7 in accordance with LGAT standard drawing TSD-R02- V3 from the edge of the seal on Collins Way to the property boundary.
- 5. The existing access for 130 Tugrah Road, which will serve lots 1 and 2, must be sealed from the edge of Tugrah Road to the property boundary.

#### TasWater Conditions

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

Note: The following is provided for information purposes.

Hours of Construction for the subdivision 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 future street addressing, the following is to apply:

Lot Number	Future Street Address
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1	130 Tugrah Road
2	132 Tugrah Road
3	142 Tugrah Road
4	170 Tugrah Road
5	172 Tugrah Road
6	13B Collins Way
7	13A Collins Way

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

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

Enquiries regarding conditions 1-3 and general notes can be directed to Council's Planning Department – Ph 6424 0511.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

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

- Removal of the Agriculture Zone from CT 198466/1 - part of 130 Tugrah Road;
- Introduction of the Rural Living Zone A to CT 198466/1 - part of 130 Tugrah Road;
- Introduction of the Priority Vegetation Area overlay to CT 198466/1 - part of 130 Tugrah Road; and
- The concurrent approval of a 7 lot subdivision (including consolidation).

### BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>		
Address, Title Reference and Respective Owners:	Address:	Title Reference:	Owner(s):
	130 Tugrah Road	CT198466/1, CT 201982/1 & CT 123497/1	Steven Wallace
	170 Tugrah Road	CT 115418/4	David & Kelly Rowell
	172 Tugrah Road	CT 115418/5	Andrea Collins
	142 Tugrah Road	CT 115418/1	Peter Jones

Applicant:	PDA – Surveyors, Engineers & Planners
General Overview of Proposal:	Rezoning of the Agricultural Zone to the Rural Living Zone to part of 130 Tugrah Road (CT 198466/1) & 7 lot subdivision (including consolidation)
Zoning:	Agriculture & Rural Living
Existing Use	Residential & Pastureland
Decision Due:	24 October, 2022

## SITE DESCRIPTION

The site is located on the northern side of Tugrah Road, approximately 1.5km west of the Tugrah Road, Stony Rise Road and Bass Highway off ramp roundabout. The site has road frontages to Tugrah Road and Collins Way and has an area just under 15ha. The northern boundary of the site adjoins the Don River.

The site comprises the following properties:

- 130 Tugrah Road (CT 198466/1, CT201982/1 & CT 123497/1);
- 142 Tugrah Road (CT 115418/1);
- 170 Tugrah Road (CT 115418/4); and
- 172 Tugrah Road (CT 115418/5).

\*Note - CT refers to Certificate of Title.

Figure 1 below is an aerial image of the site and surrounds with the respective title information also shown.



**Figure 1 – Aerial image of site and surrounds with respective title boundaries outlined (PDA, 2022)**

\*Note - FR refers to Folio Reference which has the same meaning as CT.

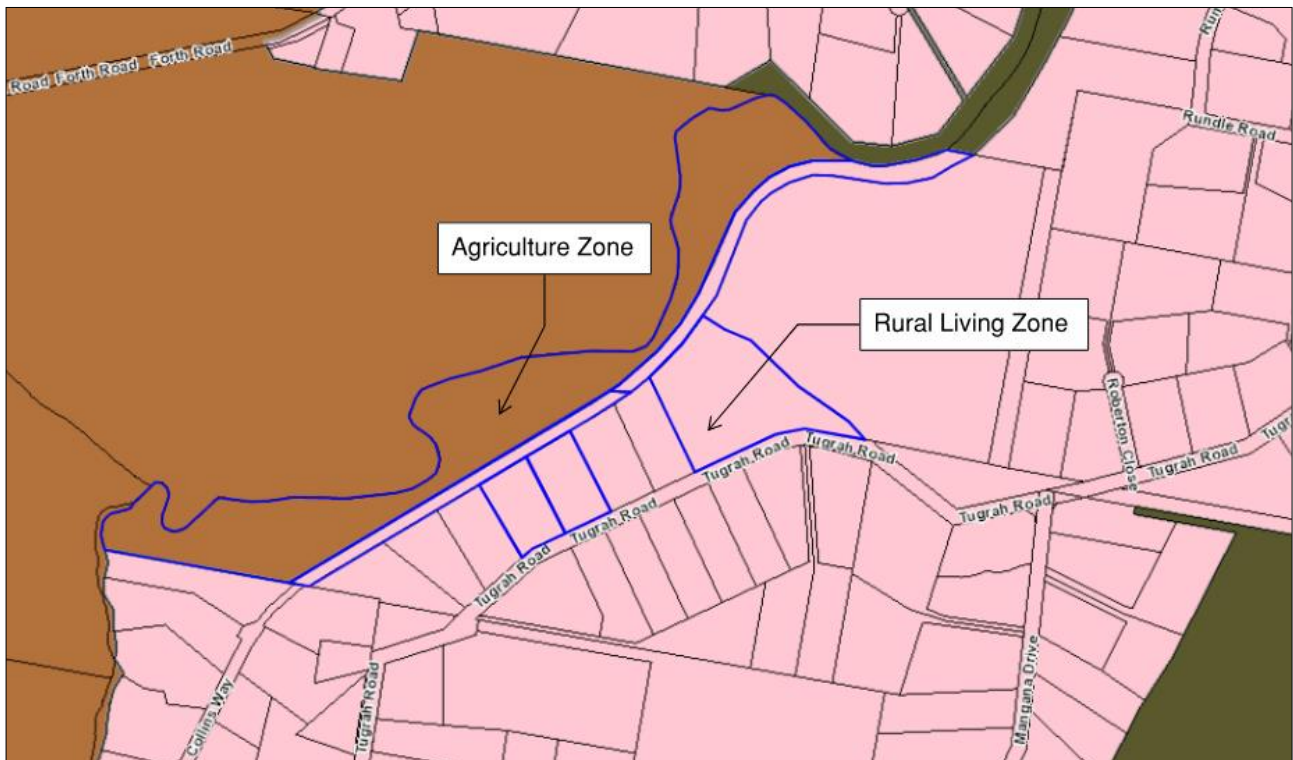
130 Tugrah Road contains a single dwelling and various outbuildings which are located on the northern section of the site. The two narrow titles on this property previously accommodated a tramway line which operated between Don and Melrose. The property is accessed via a right-of-way over 128 Tugrah Road and also has access from the northern end of Collins Way. The property contains area of dense vegetation and has an area of approximately 10.7ha.

142 Tugrah Road is undeveloped land and is currently used as recreation/hobby space for the owners of 158 Tugrah Road. This lot has an area of 2.7ha.

170 & 172 Tugrah Road each contain an established single dwelling and outbuildings. Both properties are accessed from the northern side of Tugrah Road and have respective areas of 0.7ha.

### **CURRENT ZONING AND OVERLAY CONTROLS**

The site is currently zoned Rural Living and Agriculture under the *Tasmanian Planning Scheme – Devonport* (the scheme). Figure 2 reproduced below is a zoning map of the site. All titles are situated within the Rural Living Zone except for CT 198466/1 (forming part of 130 Tugrah Road) which is assigned within the Agriculture Zone.



**Figure 2 – Zoning Map (PDA, 2022)**

### 11.0 Rural Living Zone

The purpose of the Rural Living Zone is:

11.1.1 To provide for residential use or development in a rural setting where:

- (a) services are limited; or
- (b) existing natural and landscape values are to be retained.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.

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

### 11.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Resource Development	If for grazing.
Utilities	If for minor utilities.
Permitted	
Residential	If for a home-based business.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a veterinary centre.
Community Meeting and Entertainment	If for a place of worship, art and craft centre and public hall.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	If for: (a) a childcare centre or primary school; or (b) an existing respite centre.
Emergency Services	
Food Services	If for a gross floor area of not more than 200m <sup>2</sup> .
General Retail and Hire	If for:  (a) primary produce sales; (b) sales related to Resource Development; or (c) a local shop.
Manufacturing and Processing	If for alterations or extensions to existing Manufacturing and Processing.
Resource Development	If: (a) not for intensive animal husbandry or plantation forestry; or (b) not listed as No Permit Required.
Resource Processing	If not for an abattoir, animal salesyards or sawmilling.
Sports and Recreation	If for an outdoor recreation facility.



Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

## 21.0 Agriculture Zone

The purpose of the Agriculture Zone is:

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

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

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

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

## 21.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	If: (a) on land other than prime agricultural land; or (b) an agricultural use, excluding plantation forestry, on prime agricultural land if it is dependent on the soil as the growth medium or conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium.
Utilities	If for minor utilities.
Permitted	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Pleasure Boat Facility	If for a boat ramp.
Residential	If:



	<p>(a) a home-based business in an existing dwelling; or</p> <p>(b) alterations or extensions to an existing dwelling.</p>
Discretionary	
Bulky Good Sales	<p>If:</p> <p>(a) a supplier for Extractive Industry, Resource Development or Resource Processing;</p> <p>(b) a garden and landscape supplier; or</p> <p>(c) a timber yard.</p>
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	
Emergency Services	
Extractive Industry	
Food Services	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted.
Manufacturing and Processing	<p>If for:</p> <p>(a) the manufacturing of agricultural equipment; or</p> <p>(b) the processing of materials from Extractive Industry.</p>
Research and Development	
Residential	<p>If:</p> <p>(a) not restricted by an existing agreement under section 71 of the Act;</p> <p>and</p> <p>(b) not listed as Permitted.</p>
Resource Processing	
Sports and Recreation	If for an outdoor recreation facility.
Storage	<p>If for:</p> <p>(a) a contractors yard;</p> <p>(b) freezing and cooling storage;</p> <p>(c) a liquid, solid or gas fuel depot; or</p> <p>(d) a woodyard.</p>
Tourist Operation	

Transport Depot and Distribution	If for the transport and distribution of agricultural produce and equipment.
Utilities	If listed as No Permit Required
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
Prohibited	
All other uses	

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

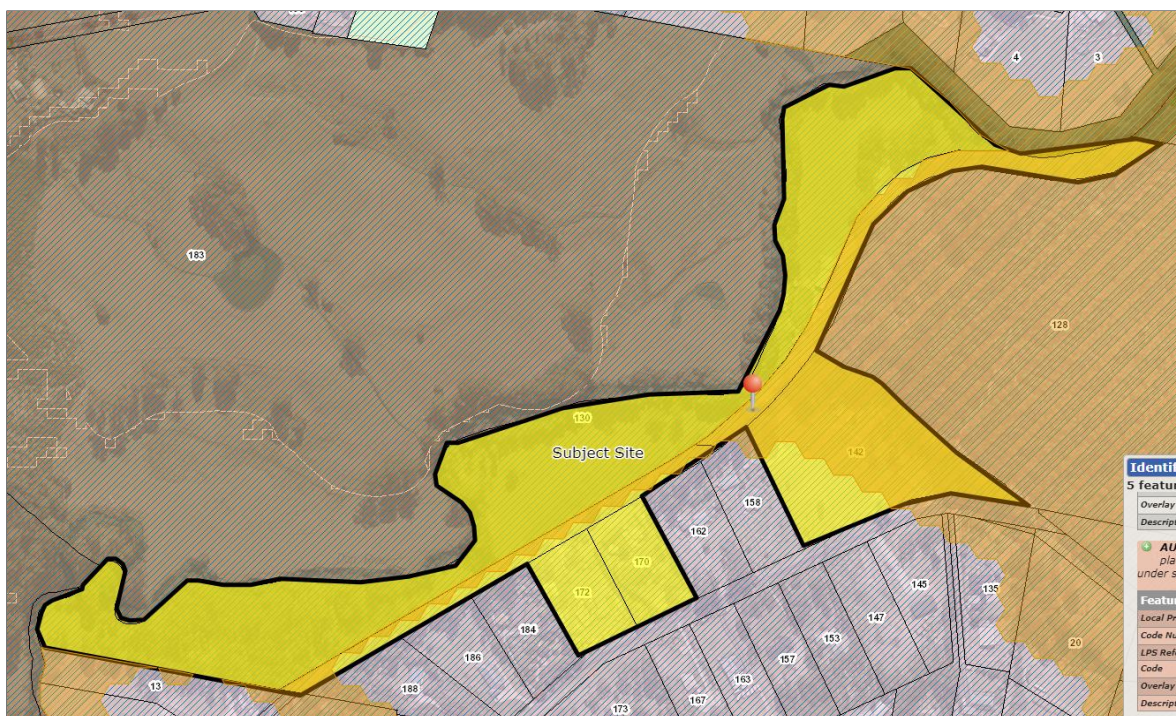
#### C7.0 Natural Assets Code

The Natural Assets Code applies to the land due to the presence of the Priority Vegetation Area (PVA) and Waterway and Coastal Protection Area (WCPA) shown respectively as Figures 3 and 4. The PVA Overlay covers sections of the site within the Rural Living Zone, noting this overlay does not apply to Agriculture Zone. The WCPA covers the Don River and small overland flow paths which intersect the site.

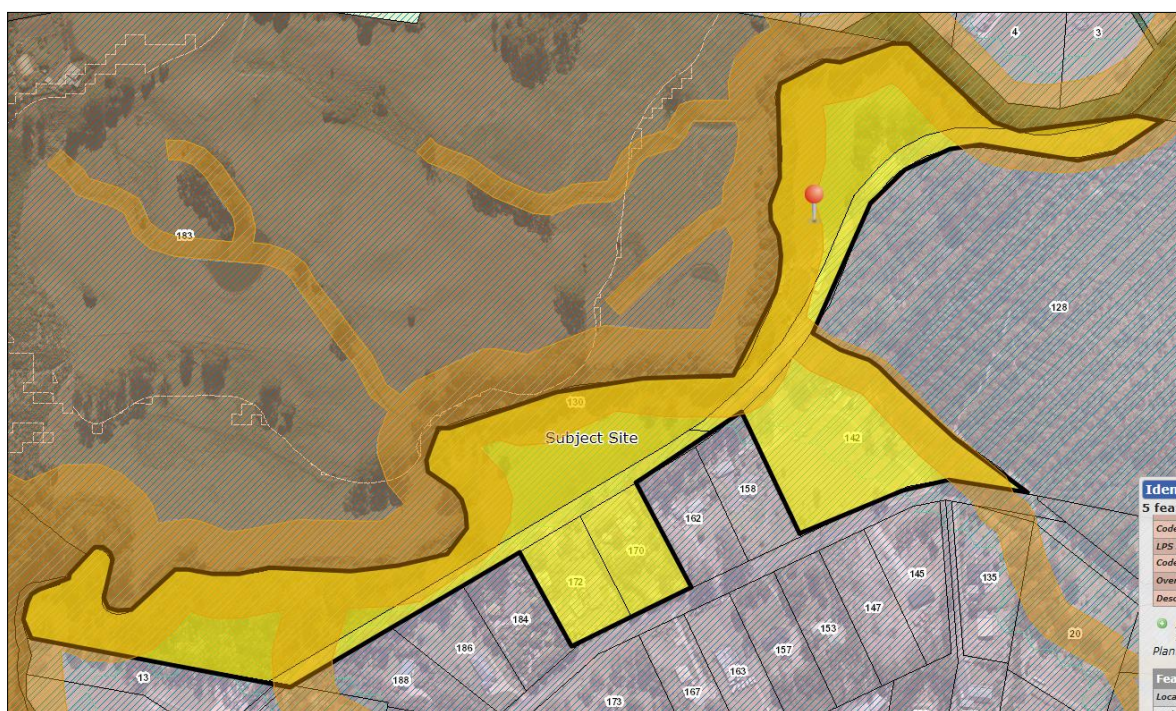
The purpose of the Code is as follows:

- 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 3 – PVA Overlay, highlighted in orange (LISTmap, 2022)**



**Figure 4 – WCPA Overlay, highlighted in orange (LISTmap, 2022)**

#### C13.0 Bushfire-Prone Areas Code

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

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





### C16.0 Safeguarding of Airports Code

The entire site is mapped within an airport obstacle limitation area of 155.1m AHD. The purpose of the Code is:

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

### **PROPOSED AMENDMENT**

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

- a. Remove the Agricultural Zone from CT 198466/1, forming part of 130 Tugrah Road;
- b. Introduce the Rural Living Zone A to CT 198466/1, forming part of 130 Tugrah Road; and
- c. Introduce the Priority Vegetation Area overlay to CT 198466/1, forming part of 130 Tugrah Road.

The draft amendment has been sought by PDA surveyors on behalf of the landowner of 130 Tugrah Road. Should the amendment be certified, the applicant also proposes a 7 lot residential subdivision (including consolidation) which involves various neighbouring properties.

The amended zoning and overlay maps are appended to this report as Attachment 1. A full copy of the application as submitted by the applicant (PDA) is appended to this report as Attachment 3.

The lot subject to the rezoning - CT 198466/1 is outlined in Figure 5 below. A copy of the current zoning map is seen earlier in the report in Figure 2.



**Figure 5 – Aerial image of the site subject to rezoning (DCC, 2021)**

## STATUTORY REQUIREMENTS

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

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

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

### Agriculture Zone

Zone Application Guidelines	
AZ 1	<p>The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:</p> <ul style="list-style-type: none"> <li>(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: <ul style="list-style-type: none"> <li>(i) incorporates more recent or detailed analysis or mapping;</li> <li>(ii) better aligns with on-ground features; or</li> <li>(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</li> </ul> <p>where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> </li> <li>(b) any other relevant data sets; and</li> <li>(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>
AZ 2	<p>Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.</p>
AZ 3	<p>Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) existing land uses on the title and surrounding land;</li> </ul>

Zone Application Guidelines	
	<ul style="list-style-type: none"> <li>(b) whether the title is isolated from other agricultural land;</li> <li>(c) current ownership and whether the land is utilised in conjunction with other agricultural land;</li> <li>(d) the agricultural potential of the land; and</li> <li>(e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>
AZ 4	<p>The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;</li> <li>(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;</li> <li>(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and</li> <li>(d) larger titles or those with extensive areas of native vegetation cover.</li> </ul>
AZ 5	<p>Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.</p>
AZ 6	<p>Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</p> <ul style="list-style-type: none"> <li>(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed</li> </ul>



Zone Application Guidelines	
	<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</li> <li>(ii) there are significant constraints to agricultural use occurring on the land; or</li> <li>(iii) the Agriculture Zone is otherwise not appropriate for the land.</li> </ul>
AZ 7	<p>Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <p>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</p> <p>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</p> <p>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p><i>Note: Further details on the Agricultural Land Mapping Project can be found in the Agricultural Land Mapping Project: Background Report, April 2017, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (<a href="http://www.justice.tas.gov.au/tasmanian_planning_reform">www.justice.tas.gov.au/tasmanian_planning_reform</a>).</i></p>

**Comment:** As part of the application documentation, an agricultural assessment of the site was provided by Pinion Advisory (2021). A copy of the executive summary of the report is reproduced below as Figure 6. A fully copy of the report can be found appended within the application documentation.

### **Executive summary**

This agricultural assessment report has been prepared on behalf of the proponent, Steven David Wallace, and covers the various aspects for the proposed rezoning of the land from agriculture to rural living, subdivision and consolidation of titles at 130 Tugrah Rd, Tugrah TAS 7310.

The property in questions consists of three titles which are under two different zones. Titles 123947/1 and 201982/1 are zoned Rural Living, while title 198466/1 is zoned Agriculture.

The property has no prime agricultural land and consists of land capability Class 4ew, 5ew and 5se. The property is severely limited for cropping land use activity and realistically only capable of supporting small scale and low intensity intermittent grazing. The property is located on river terraces and alluvial flood plains (on the bank of Don River) with imperfectly drained soils. The area is prone to waterlogging and inundation and the soil is prone to erosion with abundance of coarse fragments.

The property is currently under small scale, low intensity and non-commercial (hobby farm) grazing, with 3 cattle and 2 sheep. There are no agricultural activities immediately surrounding the property to the west, south and east, which are under rural living zone. Agriculture zoned property to the north is separated by the Don River. Thus, land is not adjacent to and/or does not form part of a larger parcel of contiguous agricultural land which has prime agricultural land capability and nor is it located in an irrigation district. Therefore, the property in question would not be considered to significant agricultural qualities that would be considered as having anything more than a negligible local and regional significance.

This agricultural assessment finds that title 198466/1 at 130 Tugrah Road is highly restricted in terms of the current and future potential agricultural land use activity. The proposed rezoning from agriculture to rural living would allow for a contiguous area of rural living zone land, which is a logical extension of the rural living zoned land already present on the property (titles 123947/1 and 201982/1) and on Tugrah Road to the east and Collins Road to the south. Subsequently, the consolidation of the titles at 130 Tugrah Road is also rational, if title 198466/1 is zoned from Agriculture to Rural Living.

**Figure 6 – Executive Summary by Pinion Advisory (2021)**

The report by Pinion Advisory demonstrates the site is clearly limited for agricultural use and the assignment of the Agriculture Zone is not appropriate for CT 198466/1.

## Rural Living Zone

Zone Application Guidelines	
RLZ 1	<p>The Rural Living Zone should be applied to:</p> <ul style="list-style-type: none"> <li>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</li> <li>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</li> </ul> <p>unless RLZ 4 below applies.</p>
RLZ 2	<p>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</p> <ul style="list-style-type: none"> <li>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</li> <li>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</li> </ul>
RLZ 3	<p>The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on :</p> <ul style="list-style-type: none"> <li>(a) a reflection of the existing pattern and density of development within the rural living area; or</li> <li>(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>
RLZ 4	<p>The Rural Living Zone should not be applied to land that:</p> <ul style="list-style-type: none"> <li>(a) is suitable and targeted for future greenfield urban development;</li> <li>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</li> <li>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be 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.</li> </ul>

**Comment:** The application of the Rural Living Zone can satisfy the Zone Application Guidelines for the following reasons:

- RLZ 1 – The site is surrounded by land zoned Rural Living A.

- RLZ 2 - Council has recently endorsed the *Devonport Residential Growth Strategy 2021-2041* (the Strategy). 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. The Strategy finds that the Rural Living Zone has a land supply of approximately 5.2-8.5 years which is below the general town planning practice of 10-15 years. The site is identified within 'Future Investigation Area H' of the Strategy. The reports accompanying the application have shown that the site can be developed for rural residential purposes whilst taking into account the conservation values and the natural hazards applying to the site.
- RLZ 3 – The site is generally surrounded by lot sizes with a density of 1ha or less. The application of Rural Living Zone A is appropriate and consistent with Council's assignment of this Zone throughout the municipality.
- RLZ 4 – As discussed, the site's proposed rezoning to Rural Living Zone A is consistent with the surrounding area. It is acknowledged the site contains threatened vegetation and is subject to hazards such as flooding and bushfire. Reports provided as part of the application demonstrate the site can be developed subject to recommendations which can be enforced by planning permit conditions for subsequent development.

#### Natural Assets Code

Code Application Guidelines
<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></ul>

Code Application Guidelines

- priority vegetation area.

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.

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.

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.

**Comment:** The PVA does not apply to the Agriculture Zone. However, it is applicable under the assignment of the Rural Living Zone. The Natural Values Assessment by Natural State has provided a proposed PVA map taking into account the existing native vegetation on the site. This map is shown below as Figure 6 and is recommended to be adopted as part of this amendment application.

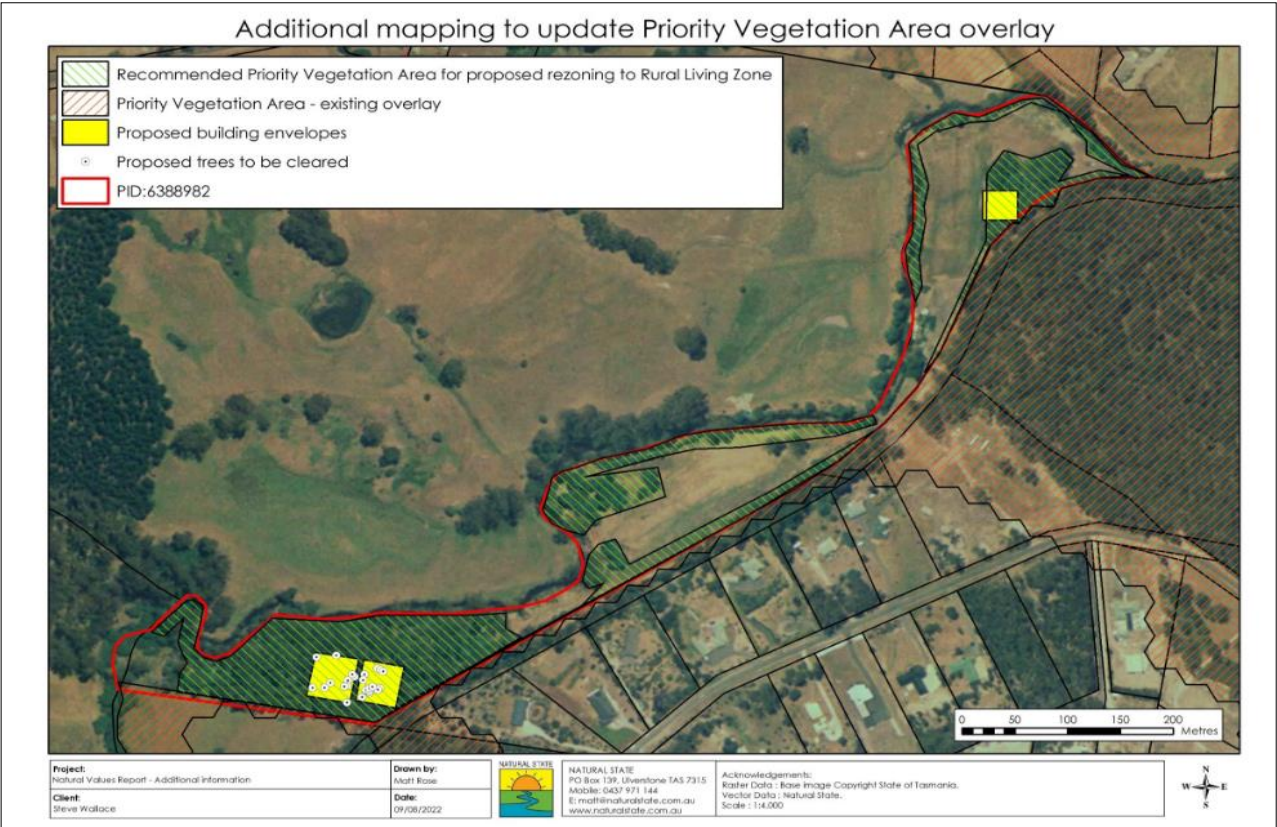


Figure 6 – Proposed PVA Map for 130 Tugrah Road (Natural State, 2022)





## **PLANNING ISSUES**

The land is zoned Rural Living A under the Scheme. The purpose of the Rural Living zone is:

- 11.1.1 To provide for residential use or development in a rural setting where:
  - (a) services are limited; or
  - (b) existing natural and landscape values are to be retained.
- 11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- 11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.
- 11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

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

The applicable standards of the Rural Living Zone and invoked Codes are reproduced below along with comment.

### Rural Living Zone

#### **11.5 Development Standards for Subdivision**



### 11.5.1 Lot design

<b>Objective:</b>	That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for residential development.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area not less than specified in Table 11.1 and: (i) be able to contain a minimum area of 15m x 20m clear of: a. all setbacks required by clause 11.4.2 A2 and A3; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.	<b>P1</b> 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 sufficient useable area and dimensions suitable for its intended use, having regard to: (a) the relevant requirements for development of existing buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) any natural or landscape values; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.

Table 11.1 Rural Living Zone minimum lot sizes

Rural Living Zone A	1ha
Rural Living Zone B	2ha
Rural Living Zone C	5ha
Rural Living Zone D	10ha

**Comment:** Each lot has a proposed area greater than 1ha. In addition, each lot can achieve a building area of 15m x 20m clear of the prescribed building setbacks for the Zone - refer to the subdivision plan and annotated building envelopes. A1 is satisfied.

<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 40m.</p>	<p><b>P2</b></p> <p>Each lot, or a 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 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>
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**Comment:** Lots 3, 4 and 5 have a frontage to Tugrah Road in excess of 40m and satisfy A2.

Lots 1, 2, 6 and 7 have a frontage less than 40m and require assessment against P2.

Lots 1 and 2 are proposed to be accessed via a right of carriageway of 8m from the Tugrah frontage, which will be over the existing right of way, burdening 128 Tugrah Road and a section of 142 Tugrah Road. Lot 1 will then have the right of way over an area of lot 2.

The access configuration for these lots can satisfy P2 as no other lots would use the land as the sole and principal means of access. Minimal earthworks are required to construct the access land and each lot has sufficient area to accommodate on-site vehicle maneuvering.

Lots 6 and 7 will have a frontage to Collins Way of 7.71m and 5.14m respectively. Like the rationale provided for lots 1 and 2, P2 can be 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 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;</li> <li>(e) the anticipated nature of vehicles likely to access the site; and</li> <li>(f) the ability for emergency services to access the site.</li> </ul>
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**Comment:** Each lot will have vehicular access and the access locations have been reviewed and consented to by the road authority. Conditions on the permit regarding the design requirements will be included.

#### 11.5.2 Roads

<p>Objective:</p>	<p>That the arrangement of new roads with a subdivision provides:</p> <ul style="list-style-type: none"> <li>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</li> <li>(b) 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>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>The subdivision includes no new roads.</p>	<p><b>P1</b></p> <p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any relevant road network plan adopted by the council;</li> <li>(b) the existing and proposed road hierarchy;</li> <li>(c) maximising connectivity with the surrounding road network;</li> <li>(d) appropriate access to public transport; and</li> <li>(e) access for pedestrians and cyclists.</li> </ul>

**Comment:** Not applicable. No new roads are proposed.

#### 11.5.3 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> 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> No Performance Criterion.

**Comment:** Lots 4 and 5 have an existing water connections. Lots 3, 6 and 7 are within 30m of a water supply service and are considered capable of connecting to a full water supply. Lots 1 and 2 will likely connect to an on-site water tank as they are not situated within 30m of water supply service. A1 can be satisfied.

<b>A2</b> Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must: <ul style="list-style-type: none"> <li>(a) be connected to a reticulated sewerage system; or</li> <li>(b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.</li> </ul>	<b>P2</b> Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or 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.
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**Comment:** None of the proposed lots are within a 30m of a reticulated sewerage system. The applicant has provided a wastewater assessment report (included within Attachment 3) which demonstrates each lot can accommodate a wastewater system (noting some lots already contain a system). A2 is considered met.



## C3.0 Road and Railway Assets Code

### 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>

**Comment:** Each lot will have vehicular access and the access locations have been reviewed and consented to by the road authority. Conditions on the permit regarding the design requirements will be included.

### C3.7 Development Standards for Subdivision

#### 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>  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>  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:** Not applicable. The subject site is not within a road or rail attenuation area.

#### C7.0 Natural Assets Code

The site is identified within a waterway coastal protection area (WCPA). The relevant standard for subdivision within a WCPA overlay is reproduced below along with comment.

## 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> <li>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</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 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:** Lots 2, 4 and 5 will be for the creation of lots for existing buildings and satisfy A1 (a).

The building envelopes on both lot 6 and lot 7 is identified within the WCPA. The information supplied with the Natural Values Assessment has demonstrated the location of the building envelopes for these lots will have minimal impacts on the ecological values of the waterway, which appears to be a highly modified drainage culvert for Powells Creek.

Mitigation controls such as sediment fencing and ongoing weed maintenance can be applied to protect this waterway. Similar mitigation measures are thought appropriate for lot 1 to protect the Don River and this will be conditioned on the permit.

The site is also subject to the priority vegetation area (PVA) overlay. The relevant standard for subdivision within a PVA is reproduced below along with comment.



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

<b>Objective:</b>	<p><b>That:</b></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>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<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> <li>(d) be for the consolidation of a lot; or</li> <li>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</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> <li>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</li> <li>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</li> <li>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</li> <li>(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</li> <li>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</li> </ul> <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> <ul style="list-style-type: none"> <li>(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;</li> </ul>

	<div>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</div> <div>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</div> <div>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</div> <div>(e) any on-site biodiversity offsets; and</div> <div>(f) any existing cleared areas on the site.</div>
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**Comment:** The Natural Values Assessment by Natural State has provided a comprehensive review of the existing natural vegetation on the site. The assessment has found that the identified PVA areas include the threatened ecological community - *Eucalyptus viminalis* wet forest and native vegetation communities - *Eucalyptus viminalis* wet forest & *Eucalyptus ovata* forest and woodland. The location of these communities is shown below in Figure 8. It is noted the PVA applies to approximately 4ha of the site.

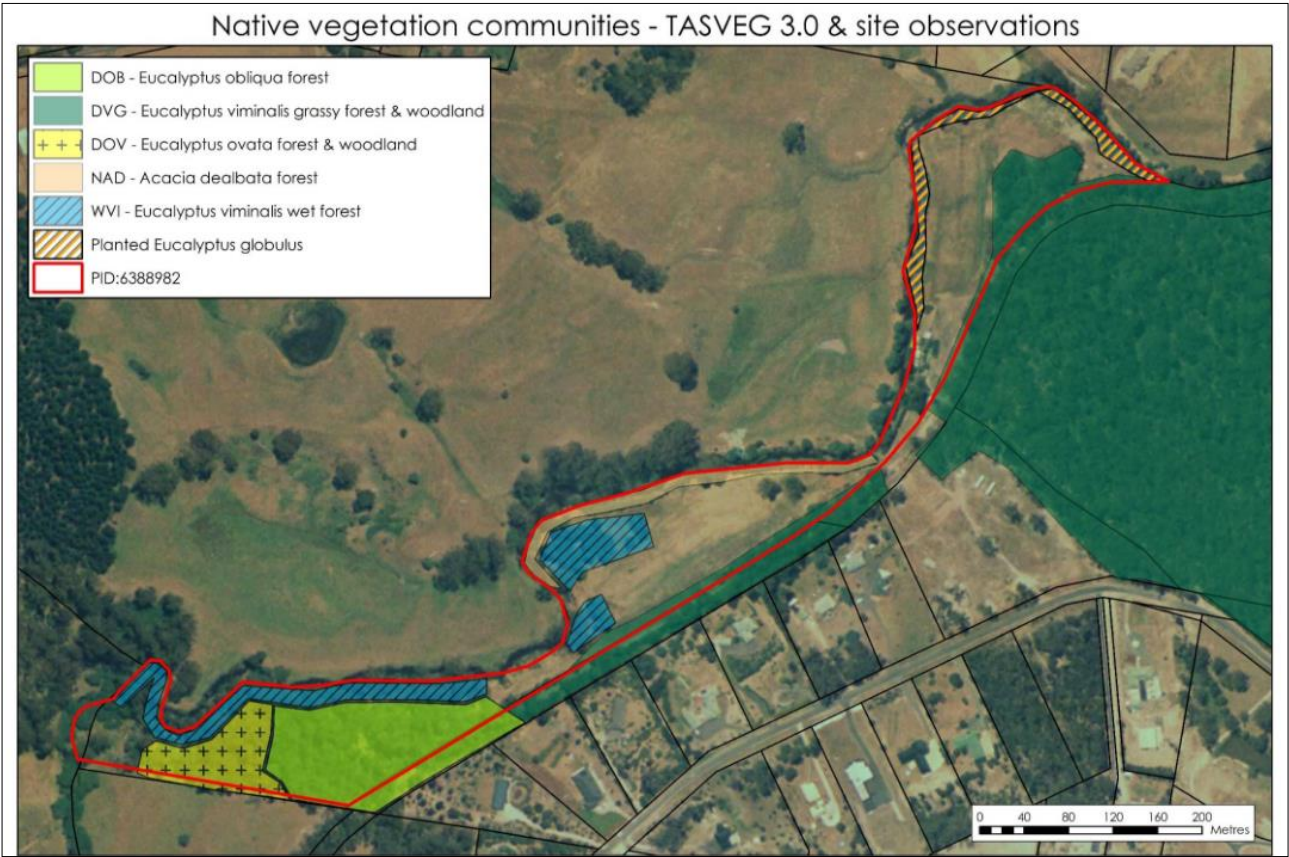
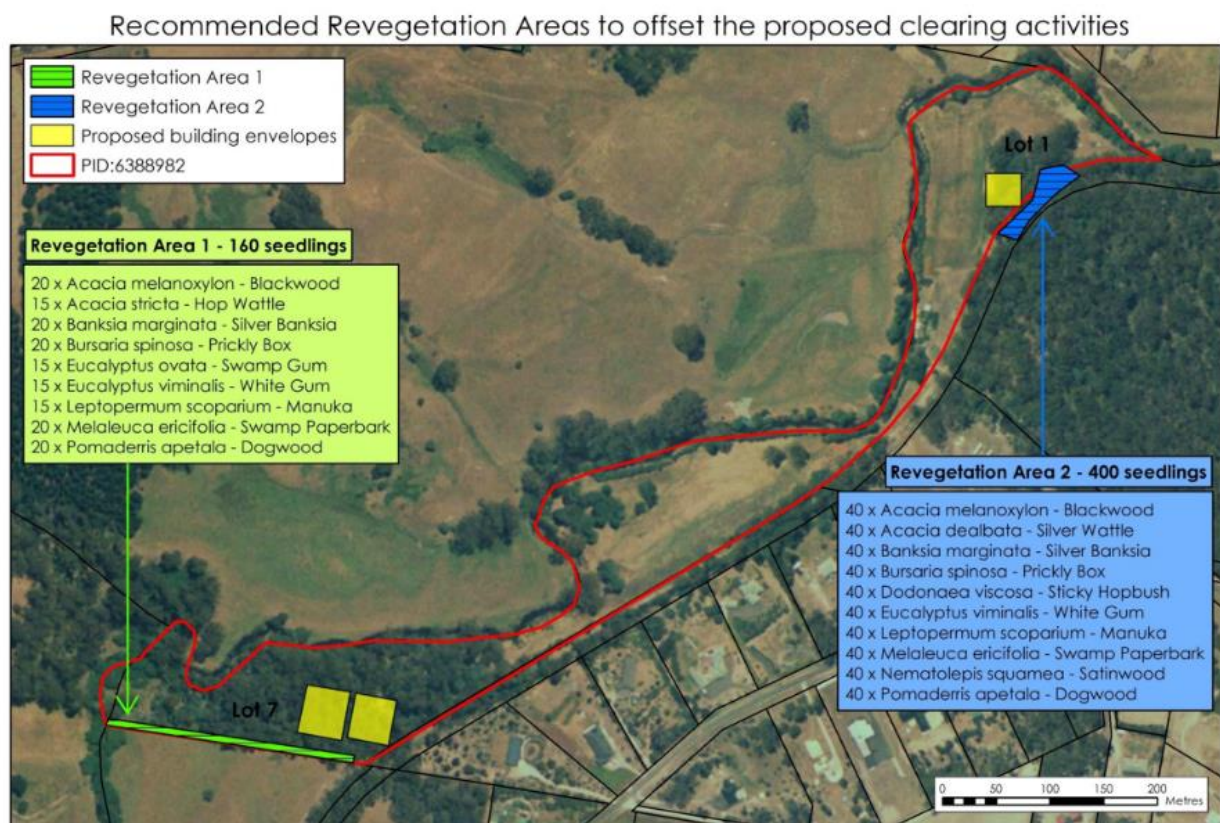


Figure 8 – Natural vegetation communities (Natural State, 2021)

Natural State has noted that vegetation removal has already occurred on lot 1 to prepare a future building envelope. To offset the vegetation clearing, it is proposed to plant a vegetation habitat/corridor utilising 400 seedlings of native vegetation species near the building envelope.

The building envelopes for lots 6 and 7 are clear of the identified threatened vegetation. However, clearing vegetation within the building envelopes will be required to facilitate development. In response to the necessary vegetation removal, the application proposes replanting 160 seedlings near the southern boundary of lot 7.

A copy of the proposed revegetation areas is reproduced below as Figure 9.



**Figure 9 – Recommended Revegetation Areas to offset proposed clearing activities (Natural State, 2021)**

Overall, the application is seeking to remove approximately 0.5ha of priority vegetation on lots 1, 6 and 7. To address the required clearing, revegetation works covering 0.26ha is proposed. Natural State has proposed a number of recommendations as part of the vegetation removal and replanting offset. The recommendations are recommended to be included as a Part 5 Agreement which will be included as a permit condition.

In summary, the report by Natural State provides reasonable justification for the removal of native vegetation on the site to facilitate the proposed subdivision, noting the Code provides suitable controls to protect remaining vegetation outside the identified building envelopes along with other legislation.



### C12.0 Flood Prone Areas Code

**Comment:** The LPS contains has no flood-prone hazard area mapping. Due to the proximity of the site to the Don River and based on the history of previous flooding events, a flood assessment addressing the Code was provided as part of the application documentation.

The flood assessment was undertaken on lots 1, 6 and 7 and specifically focused on the nominated building envelopes for these lots. The above lots were only considered as the other lots contain existing development and lot 3's building envelope is proposed near the Tugrah Road frontage which is clear of a potential flooding hazard.

The report finds that the building envelope locations can satisfy the Code requirements and no specific design recommendations have been recommended within the assessment.

### 13.0 Bushfire-prone Areas Code

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

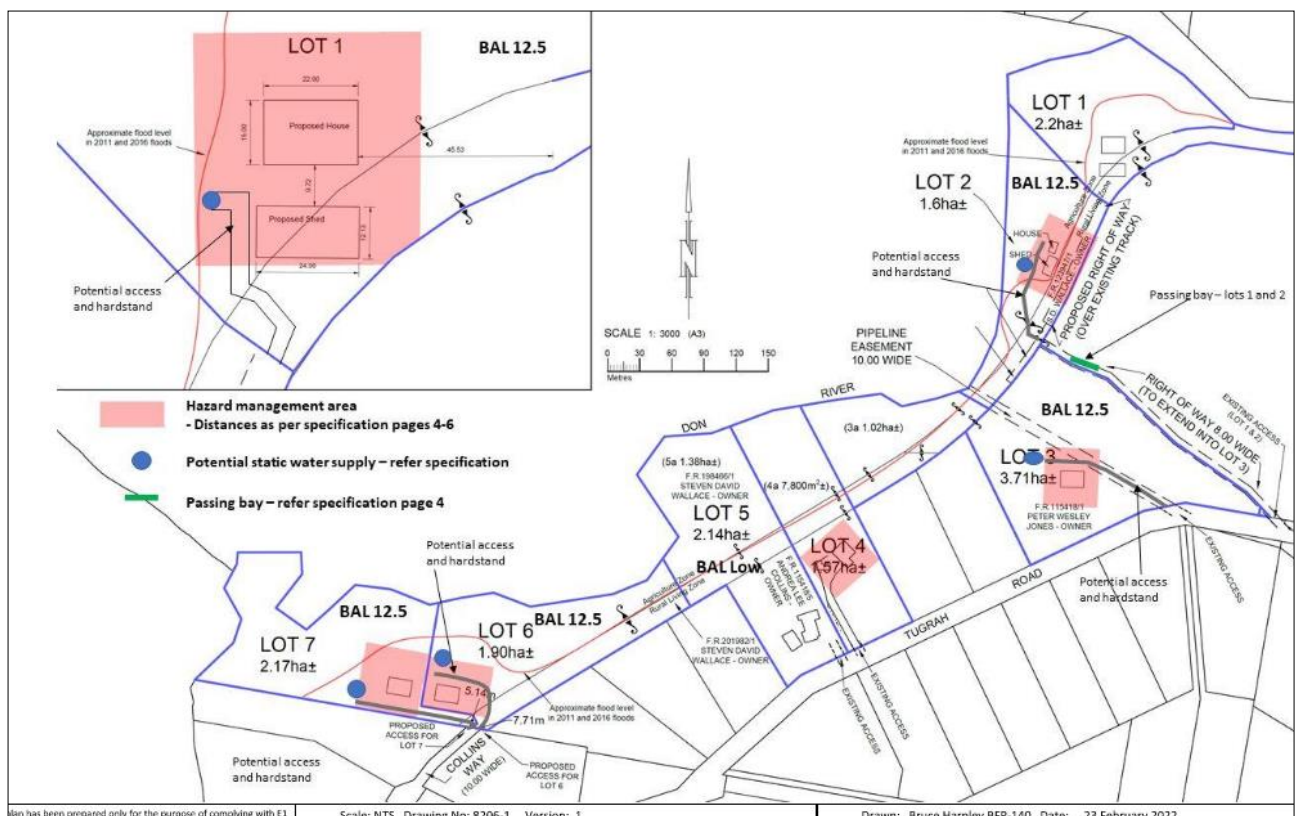


Figure 10 – Bushfire Hazard Management Plan (Harpley, 2022)

### C16.0 Safeguarding of Airports Code

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

## COMMUNITY ENGAGEMENT

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

### **CONCLUSION**

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

### **ATTACHMENTS**

1. Proposed Zoning and PVA map - AM2022.03 & PA2022.0100 - 130 Tugrah Road [**4.2.1** - 1 page]
2. Planning Authority Assessment - Section 34 LUPAA - AM2022.03 & PA2022.0100 - 130 Tugrah Road [**4.2.2** - 4 pages]
3. Application PA2022.0100 & AM2022.03 - 130 Tugrah Road [**4.2.3** - 222 pages]

## **4.3 PA2022.0155 - 14-18 & 20 FRASER STREET, SPREYTON - 9 LOT SUBDIVISION**

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

Endorser: **Jeffrey Griffith, Deputy General 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 PA2022.0155 and grant a Permit to develop land identified as 14-18 & 20 Fraser Street, Spreyton for the following purposes:

- 9 lot subdivision

Subject to the following conditions:

1. The development is to proceed generally in accordance with the submitted documents and plans referenced as:
  - (a) Plan of Subdivision, Drawing No. 303722\_D02, Rev 03, dated 07/04/22;
  - (b) Bushfire Hazard Management Report, by Bruce Harpley of es&d, dated 28 January 2022; and
  - (c) Bushfire Hazard Management Plan by Bruce Harpley of es&d, dated 28 January 2022,copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. A Part 5 Agreement recognising the bushfire hazard management easement must be registered on the titles for 14-18 Fraser Street and 20 Fraser Street prior to sealing the final plan.
3. A street name is to be submitted by the developer for consideration and approved prior to submission of the final plan.
4. Street signs are to be installed by the developer.
5. Street trees are to be provided to the satisfaction of Council in accordance with Council's *Tree and Plant list - Preferred Species*.
6. A public open space contribution of 5% of the unimproved value of the land is to be provided to Council prior to sealing the initial final plan. The value of the land is to be determined by a registered valuer.
7. The development is to demonstrate compliance with section 70 of the *Building Act 2016*.
8. The developer is to dispose of stormwater from the proposed development site to the satisfaction of Council. This includes but is not limited or confined to:
  - (a) the proposed stormwater design;
  - (b) the size and location of the proposed stormwater connections;
  - (c) retarding stormwater runoff from the developed site by retention to ensure that the existing level of runoff from the land as presently developed is not exceeded.

9. The developer is to submit detailed design drawings prepared by a suitably qualified engineer detailing road and stormwater design compliance with current Tasmanian Standard Drawings (TSD-v3), version 3, and Tasmanian Subdivisional Guidelines. These are to demonstrate:
  - (a) Stormwater discharge from the subdivision is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations, to adequately identify peak discharge, for the piped and overland flows. All design calculations and drawings are to be submitted for approval by the City Engineer prior to commencing construction on site;
  - (b) How the proposed road formation, pavement and associated features as well as the proposed reserve width is maintained throughout the development and conforms with the Tasmanian Subdivisional Guidelines;
  - (c) How each lot is provided with a concrete vehicular access from the proposed new road in accordance with current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines;
  - (d) Appropriate road longitudinal and cross-sectional grades;
  - (e) Appropriate intersection design, line marking and signage;
  - (f) Appropriate footpath alignments and grades including ramps and the connectivity from the development to existing;
  - (g) Subsoil drains;
  - (h) Pipeline cover in accordance with Tasmanian Standard Drawings;
  - (i) All kerb and driveway crossovers to be Type KC as per Tasmanian Standard Drawing TSD-R14-v3 and Tasmanian Subdivisional Guidelines; and
  - (j) New driveways are to be constructed as per the Tasmanian Standard Drawing, TSD-R09-V3, for the crossover and the driveway up to the property boundary.
10. Erosion and sediment control measures are to be implemented and maintained during development to minimise downstream sediment transfer, particularly with respect to watercourses, stormwater outlets and disturbed ground, to the satisfaction of Council.
11. The subdivider is to acknowledge that at satisfactory completion of the works, all infrastructure intended to become a council asset will be placed on a minimum 6 month defect liability period and that there will be a bond charged to govern this period in accordance with Council's Subdivision Maintenance Bond Policy.
12. The subdivider is to provide drawings (As cons) in an electronic format at the completion of the works, detailing final road alignments, stormwater assets, invert levels and finished surface levels.
13. In accordance with the Tasmanian Subdivision Guidelines the developer is to appoint a supervising engineer to arrange for joint audit inspections and to certify the works at practical completion.
14. The developer is to cover all costs associated with the transfer of title to Council.
15. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit

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

Note: The following is provided for information purposes.

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

Any future development contained within this site may be required to provide on-site stormwater detention.

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

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

No burning of any waste materials (including cleared vegetation) is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

Street numbering (based on lot details as per the Plan of Subdivision will be as follows:

Lot 1 – 2 (New Street)

Lot 2 – 4 (New Street)

Lot 3 – 6 (New Street)

Lot 4 – 8 (New Street)

Lot 5 – 9 (New Street)

Lot 6 – 7 (New Street)

Lot 7 – 5 (New Street)

Lot 8 – 3 (New Street)

Lot 9 – 1 (New Street)

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

In regard to condition 15 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 8-13 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

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

Council's Strategic Plan 2009-2030:

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



**SUMMARY**

The purpose of this report is to enable Council, acting as a Planning Authority, to make a decision regarding planning application PA2022.0155 in regard to a 9 lot subdivision.

**BACKGROUND**

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	14-18 & 20 Fraser Street, Spreyton
Applicant:	Veris Australia Pty Ltd
Owner:	Mr BR Knight & Mrs IJ Knight & PG & AL Lynd
Proposal:	9 lot subdivision
Existing Use:	Vacant
Zoning:	General Residential & Rural
Decision Due:	28/10/2022

**SITE DESCRIPTION**

The site is located on the southern side of Fraser Street, opposite the eastern end of Swilkin Drive and has an area of 7601m<sup>2</sup>. The rectangular lot is flat and surrounded by residential lots to the north, west and south and open fields to the east. Figure 1 shows an aerial view of the subject site and surrounding area. 20 Fraser Street, to the east, is also subject to the application as an easement along the western boundary is required for bushfire mitigation.



Figure 1 - Aerial view of subject site and surrounding area

### APPLICATION DETAILS

The applicant is seeking approval for a 9 lot subdivision as shown in Figure 2. The lots range in size from 500m<sup>2</sup> to 901m<sup>2</sup> with a cul-de-sac running through the centre of the lot. Sewer connections are proposed into the existing infrastructure to the west and south of the site.

Water connections will be made through the existing main to the north and stormwater will be directed to the north-east.

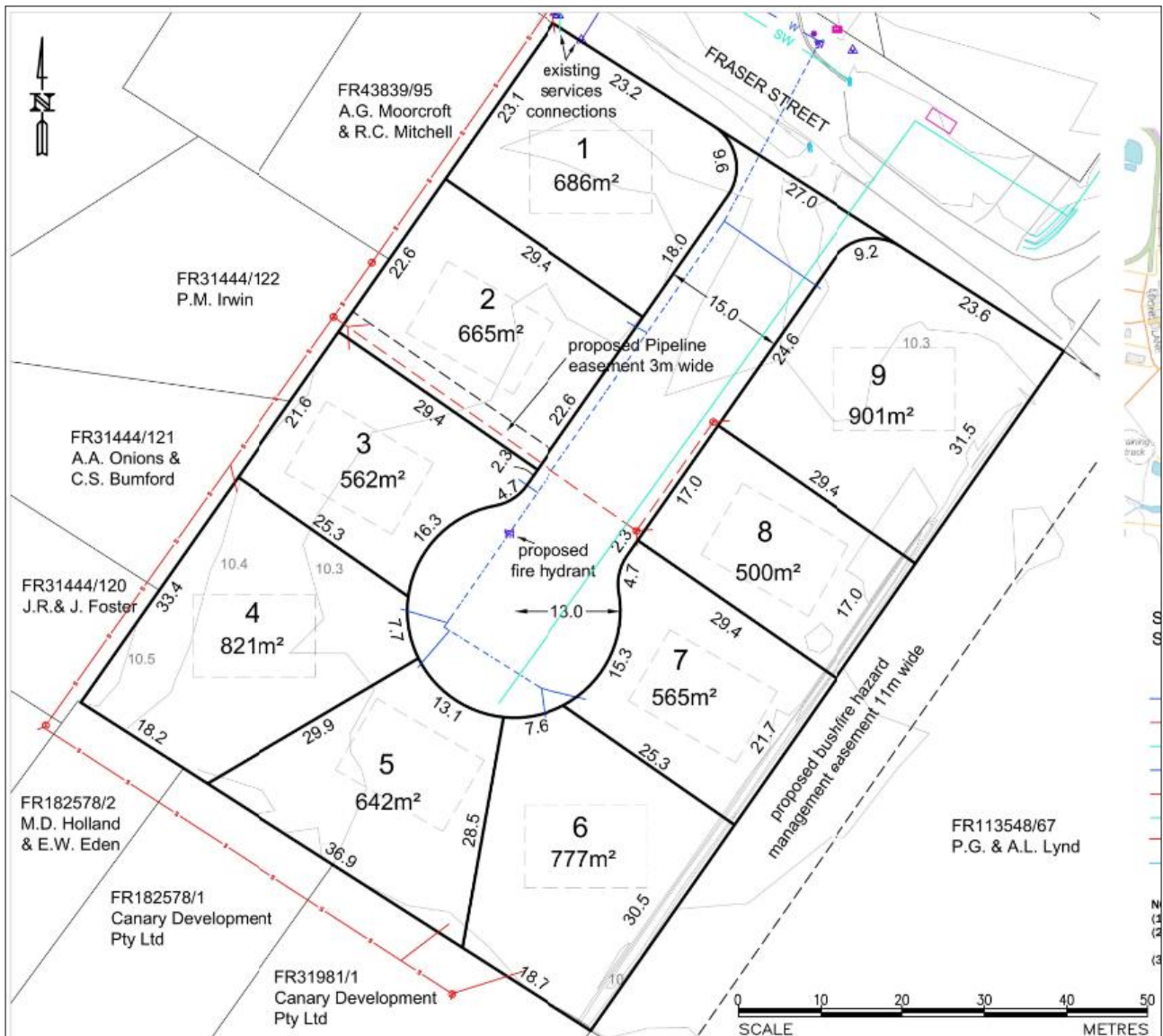


Figure 2 - Proposed subdivision plan

## PLANNING ISSUES

The land is zoned General Residential & Rural under the *Tasmanian Planning Scheme – Devonport 2020*. The intent of the zones are:

### 8.0 General Residential zone

- 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.

## **20.0 Rural zone**

- 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.

No further assessment is required against the Rural Zone provisions as only a bushfire hazard mitigation area is proposed for the site.

Subdivision is permitted within the General Residential Zone provided the design meets all relevant acceptable solutions. Where this is not possible the proposal must be assessed against the corresponding performance criteria and the application is assessed as being discretionary, in accordance with section 57 of the *Land Use Planning and Approvals Act, 1993*. The relevant sections of the planning scheme are reproduced below, followed by assessment.

## **8.0 General Residential Zone**



## 8.6.1 Lot design

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings.
Acceptable Solutions	Performance Criteria
<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 has an area greater than 450m<sup>2</sup> and is able to contain a 10m x 15m building envelope clear of any easements and setbacks.

The acceptable solution is met.

<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>
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Comment – Lots 4 & 6 do not meet the minimum frontage requirement of 12m however the frontages of 7.7m and 7.6m respectively are of sufficient width to allow vehicles to manoeuvre easily on the site and also allow for placement of wheelie bins for waste collection.

The performance criteria are 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>
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Comment – A crossover and driveway will be constructed for each lot.

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>
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Comment – Although the lots do not have a long axis between 30 west of north and 30 east of north, they are appropriately designed to provide for adequate solar access for future dwellings with sufficient length along the northern boundaries.

The performance criteria are satisfied.



## 8.6.2 Roads

Objective:	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>
Acceptable Solutions	Performance Criteria
<b>A1</b>  The subdivision includes no new roads.	<b>P1</b>  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> <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 proposed road is suitable for both the number of lots proposed and its location in regard to the road network. A footpath will be required.

The performance criteria are met.

## 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>  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>  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>  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>  No Performance Criterion.
<b>A3</b>  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>  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 lot is capable of being serviced by TasWater's reticulated sewer and water systems. In regard to stormwater, the lots are proposed to be discharged via a

proposed reticulated system east of Swilkin Drive. Analysis within the Stormwater Impact Assessment by Civilvision Consulting has demonstrated the lots can be adequately serviced however additional design work is required to ensure the system will operate effectively. A condition will be placed on the permit in this regard.

TasWater has provided conditions to be placed on the permit (see attachment 4).

The performance criteria are met.

In addition to the General Residential zone the Road and Railway Assets Code and Bushfire-Prone Areas Code are also applicable.

### **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 – Clause A1.2 requires consent for a new junction or vehicle crossing from the road authority. Consent will be given through issuing a planning permit. Given the proposed junction is appropriate and new vehicle crossings can be readily provided, it is appropriate for consent to be provided.

The acceptable solution is met.

### C3.6 Development Standards for Buildings or Works

#### C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

Objective:	To minimise the effects of noise, vibration, light and air emissions on 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> Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: <ul style="list-style-type: none"> <li>(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building;</li> <li>(b) an extension which extends no closer to the existing or future major road or rail network than:               <ul style="list-style-type: none"> <li>(i) the existing habitable building; or</li> <li>(ii) an adjoining habitable building for a sensitive use; or</li> </ul> </li> <li>(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual</i>, 2<sup>nd</sup> edition, July 2008.</li> </ul>		<b>P1</b> Habitable buildings for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise adverse 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) the proposed setback;</li> <li>(c) any buffers created by natural or other features;</li> <li>(d) the location of existing or proposed buildings on the site;</li> <li>(e) the frequency of use of the rail network;</li> <li>(f) the speed limit and traffic volume of the road;</li> <li>(g) any noise, vibration, light and air emissions from the rail network or road;</li> <li>(h) the nature of the road;</li> <li>(i) the nature of the development;</li> <li>(j) the need for the development;</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 – Not applicable – the site is not within a road or railway attenuation area and no habitable buildings are proposed.

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

<b>Objective:</b>	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.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b>  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>  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 – Not applicable – the subject site is not within a road or railway attenuation area.

**C13.0 Bushfire-Prone Areas Code**

C13.5.1 Vulnerable uses

Objective:	That vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
Acceptable Solutions		Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: <ul style="list-style-type: none"> <li>(a) the location, characteristics, nature and scale of the use;</li> <li>(b) whether there is an overriding benefit to the community;</li> <li>(c) whether there is no suitable alternative lower-risk site;</li> <li>(d) the emergency management strategy (vulnerable use) and bushfire hazard management plan; and</li> <li>(e) other advice, if any, from the TFS.</li> </ul>	
<b>A2</b> An emergency management strategy (vulnerable use) is endorsed by the TFS or accredited person.	<b>P2</b> No Performance Criterion.	
<b>A3</b> A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	<b>P3</b> No Performance Criterion.	

Comment - Not applicable – no vulnerable uses are proposed.



**C13.5.2 Hazardous uses**

<b>Objective:</b>	That hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  No Acceptable Solution.	<b>P1</b>  A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: <ul style="list-style-type: none"> <li>(a) the location, characteristics, nature and scale of the use;</li> <li>(b) whether there is an overriding benefit to the community;</li> <li>(c) whether there is no suitable alternative lower-risk site;</li> <li>(d) the emergency management strategy (hazardous use) and bushfire management plan; and</li> <li>(e) other advice, if any, from the TFS.</li> </ul>
<b>A2</b>  An emergency management strategy (hazardous use) endorsed by the TFS or accredited person.	<b>P2</b>  No Performance Criterion.
<b>A3</b>  A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	<b>P3</b>  No Performance Criterion.

Comment – Not applicable – no hazardous uses are proposed.

## C13.6.1 Provision of hazard management areas

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

<p>the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	
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Comment – A Bushfire Hazard Management Plan has been provided as part of the application which includes an 11m wide bushfire hazard management easement on the adjacent property to the southeast. Consent to the easement and to enter into a Part 5 Agreement have been given by the owner, the land being included as part of the subdivision application.

The acceptable solution is met.

## C13.6.2 Public and fire fighting access

Objective:	<p>That access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> <li>(a) allow safe access and egress for residents, fire fighters and emergency service personnel;</li> <li>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken;</li> <li>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>(d) provide access to water supplies for fire appliances; and</li> <li>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</li> <li>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that: <ul style="list-style-type: none"> <li>(i) demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and</li> <li>(ii) is certified by the TFS or an accredited person.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> <li>(a) appropriate design measures, including: <ul style="list-style-type: none"> <li>(i) two way traffic;</li> <li>(ii) all weather surfaces;</li> <li>(iii) height and width of any vegetation clearances;</li> <li>(iv) load capacity;</li> <li>(v) provision of passing bays;</li> <li>(vi) traffic control devices;</li> <li>(vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>(viii) use of through roads to provide for connectivity;</li> <li>(ix) limits on the length of cul-de-sacs and dead-end roads;</li> <li>(x) provision of turning areas;</li> <li>(xi) provision for parking areas;</li> <li>(xii) perimeter access; and</li> <li>(xiii) fire trails; and</li> </ul> </li> <li>(b) the provision of access to: <ul style="list-style-type: none"> <li>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</li> <li>(ii) fire fighting water supplies; and</li> </ul> </li> <li>(c) any advice from the TFS.</li> </ul>

Comment – The bushfire hazard management plan states that all lots have accesses that comply with the requirements of the planning scheme.

The acceptable solution is met.

#### C13.6.3 Provision of water supply for fire fighting purposes

Objective:	That an adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage to allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</li> <li>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<p><b>P1</b></p> <p>No Performance Criterion.</p>
<p><b>A2</b></p> <p>In areas that are not serviced by reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</li> <li>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>	<p><b>P2</b></p> <p>No Performance Criterion.</p>

Comment – a fire hydrant is proposed as part of the subdivision design and included in the bushfire hazard management plan.

The acceptable solution is met.

### COMMUNITY ENGAGEMENT

On 01/09/2022, 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 28/09/2022;
- (b) Making a copy of the proposal available in Council Offices from the 28/09/2022;
- (c) Notifying adjoining property owners by mail on 27/09/2022; and
- (d) Erecting a Site Notice for display from the 28/09/2022.

The period for representations to be received by Council closed on 11/10/2022.

### REPRESENTATIONS

Two representations were received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*. Both representations relate to concerns over capacity of the existing stormwater system. The representations, reproduced below, are from Fonterra and a resident of Swilkin Drive.

#### Details of representation

1. We note that 20 Fraser Street is referenced in the planning application title due to a bushfire mitigation requirement but is not the subject of the development application for residential subdivision. Fonterra does not support an application for residential subdivision at 20 Fraser Street.
2. Fonterra notes the development application report states the following:  
“The existing downstream pipe infrastructure is already at hydraulic capacity for both a 20% and 10% AEP. Modelling indicates that some surcharging is to be expected at grated pit 6/1 with the existing catchment in the order of 9 to 68 L/s. Surcharged flows spill into the existing open drain where they are transported toward the golf course. Peak surcharge flows are expected to increase to between 55 and 143 L/s with the inclusion of flows from this future 8 lot subdivision.  
It is not expected that additional periodic surcharging action will cause nuisance or damage to existing property. “  
Fonterra queries on what basis has a conclusion been drawn that periodic surcharging will not cause nuisance or damage to property. No evidence has been provided within the report to support this claim. Fonterra is concerned about the capacity of the current stormwater easement and if it can handle the additional flows, which are likely to accumulate on our property.  
It would be our expectation that the applicant must design the residential subdivision to ensure no additional pressure or cumulative impact is imposed on adjoining properties.
3. Furthermore, the stormwater system will need to ensure compliance with the Urban Drainage Act 2013 and to enable the council to provide adequate public stormwater systems. The objective of the Urban Drainage Act is to protect people and property by ensuring that stormwater services, infrastructure and planning are provided so as to minimise the risk of urban flooding due to stormwater flows. The applicants report does not outline how this has been achieved.
4. The applicant’s report does not consider other aspects of stormwater management including Water Sensitive Urban Design and stormwater quality targets.

Figure 3 – Representation

To whom it may concern,

I am writing to you in regard to the development at 14-18 & 20 Fraser Street, Spreyton (PA2022.0155)

I have reviewed the plans and documents provided and have put together the following summary of my concerns:

- The proposed development of the stormwater infrastructure will create more issues with the water drainage on these properties that boundary this proposed infrastructure.
- Currently the back yard (property marked in Yellow) is that wet in the spring/winter months that I am unable to mow my lawn or even walk on it the paddock to the right of this line is mostly flooded in winter from the current excess surface water
  - See photos below
- The impact this will have to these properties will only create more of an issue with surface water the proposed proposal showing that the stormwater with the current existing drainage system has revealed that this system is already at capacity and inadequate. With extra water to be running from the proposed subdivision down this right away without proper drain it will be even wetter.









Figure 4 - Representation from resident

The stormwater from the subdivision is proposed to be directed into the proposed stormwater system which will run along a right of way to the east of the Swilkin Drive properties, north of the subject site. As stated by Fonterra the application states that the existing stormwater system for Swilkin Drive is already at capacity for storm events. It is however, possible to increase capacity with new infrastructure, east of Swilkin Drive and resolve existing issues.

The photos submitted with the representations show that water sits on the ground and does not drain away. In part this is due to the soil type and the plinths surrounding the property, however, additional infrastructure will allow the property to install a stormwater connection to the rear of the lot, providing drainage for the backyard.

Fonterra's submission states that it is their expectation that the applicant must design the subdivision to ensure no additional cumulative impact is imposed on adjoining properties.

This is true, and the proposal must not result in concentrated stormwater flowing onto nearby properties.

The submitted stormwater design has not yet been endorsed by Council and conditions will be placed on the permit to ensure the proposal is re-designed to meet Council requirements.

No changes are required as a result of the submitted representations.

### **FINANCIAL IMPLICATIONS**

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

### **RISK IMPLICATIONS**

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

### **CONCLUSION**

The proposal has been assessed by Council's Development and Infrastructure and Works staff. A permit can be issued, subject to conditions, including those in regard to stormwater design.

#### **ATTACHMENTS**

1. Application - PA2022.0155 - 14-18 & 20 Fraser Street [**4.3.1** - 60 pages]
2. Representation - PA2022.0155 - 14-18 & 20 Fraser Street [**4.3.2** - 3 pages]
3. Representation - PA2022.0155 - 14-18 & 20 Fraser Street [**4.3.3** - 2 pages]
4. TasWater conditions [**4.3.4** - 3 pages]

## **5 REPORTS**

### **5.1 CODE OF CONDUCT DETERMINATION REPORT - MR GARDAM VS CR ROCKLIFF**

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

#### **RECOMMENDATION**

That Council notes the Code of Conduct Panel Determination Report made on 23 September 2022, in relation to a complaint by Mr Malcolm Gardam against Mayor Annette Rockliff.

#### **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**

To present the Determination Report of the Local Government Code of Conduct Panel, received by the General Manager.

#### **BACKGROUND**

In accordance with section 28ZK of the *Local Government Act 1993* (the Act), the Code of Conduct Panel has made a determination in relation to a Code of Conduct complaint lodged on 13 April 2022, by Mr Malcolm Gardam against Mayor Annette Rockliff.

#### **STATUTORY REQUIREMENTS**

In accordance with section 28ZK(4) of the Act, the General Manager is required to table the Report at the first meeting of Council at which it is practicable to do so, and which is open to the public.

#### **DISCUSSION**

The complainant alleged that during the Devonport City Council Annual General Meeting held on 8 November 2021, Mayor Rockliff, demonstrated a bias towards him, did not treat him respectfully and was unfair in her treatment of him and therefore breached Part 1.1, 1.2, 1.3, 1.4, 1.7(a), 1.7(b), 1.7(c), 7.2 and 8.1 of the Devonport City Council Model Code of Conduct.

The Code of Conduct Chairperson assessed the complaint in accordance with section 28ZA of the Act and determined that the complaint, in relation to Parts 1.2, 1.3, 1.4, 7.1(b) and (c) and 8.1, be dismissed.

The complaint, relating to Parts 1.1, 7.1(a) and 7.2, was referred for further investigation in accordance with section 28ZE of the Act. In accordance with section 28ZI of the Act, the Code of Conduct Panel dismissed the complaint against Parts 1.1 and 7.2 of the Model Code of Conduct and upheld the complaint against Part 7.1(a).

The Panel determined that no sanction was to be applied.

**COMMUNITY ENGAGEMENT**

No community engagement was required in preparing this report.

**FINANCIAL IMPLICATIONS**

Council is required to pay for the costs associated with code of conduct complaints. The costs of this complaint are unknown at this point.

**RISK IMPLICATIONS**

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

**CONCLUSION**

It is recommended that Council note the Determination Report.

**ATTACHMENTS**

1. DETERMINATION REPORT \_ Mr Malcolm Gardam Vs Cr Annette Rockliff - Final [5.1.1 - 5 pages]

## 5.2 ANNUAL FINANCIAL REPORT - 30 JUNE 2022

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

Endorser: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council receive this report relating to the Annual Financial Report for the year ended 30 June 2022 and note that the Financial Statements are included as an Appendix to the 2022 Annual Report.

### 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

This report is provided to present the Annual Financial Report for the year ended 30 June 2022.

### BACKGROUND

The Annual Financial Report has been prepared in accordance with the requirements of the *Local Government Act 1993*, the *Audit Act 2008* and relevant Accounting Standards. The Audit Opinion and the Annual Financial Report are attached to this report.

### STATUTORY REQUIREMENTS

Section 72 of the *Local Government Act 1993* requires Council to prepare an Annual Report containing the Annual Financial Report and other statutory requirements. The Annual Report must be considered at the Annual General Meeting, which is to be held no later than 15 December.

The Annual Financial Report is required to be prepared in accordance with applicable Accounting Standards; Section 84 of the *Local Government Act 1993* and the *Audit Act 2008*.

The *Audit Act 2008* requires that the financial report is to be prepared within 45 days of the end of the financial year and forwarded to the Auditor-General as soon as practicable. The Tasmanian Audit Office then has a further 45 days to complete the audit of the Statements.

Section 84 (4) of the *Local Government Act 1993* requires that '*the general manager is to ensure that the certified financial statements are tabled at a meeting of the council as soon as practicable*'.

This is the first opportunity for the certified financial statement to be provided formally to Council.

### DISCUSSION

The Annual Financial Report meets the requirements of the *Local Government Act 1993* and applicable Accounting Standards and has been audited by the Tasmanian Audit

Office. The audit opinion was issued by the Assistant Auditor-General on 29 September 2022.

The Annual Financial Report comprises four financial statements, together with notes to the accounts. The 'notes' provide additional detail and explanation to the financial statements.

The four primary financial statements are:

1. Statement of Profit or Loss and Other Comprehensive Income
2. Statement of Financial Position
3. Statement of Changes in Equity
4. Statement of Cash Flows

The draft financial statements were referred to the Audit Panel for review at its meeting on 11 August 2022 prior to submission to the Audit Office on 15 August 2022.

Below is a summary of the results of Council's financial activities during the year.

<b>Financial results</b>	<b>2021/22 Budget \$000</b>	<b>2021/22 Actual \$000</b>
Total recurrent income	41,675	45,067
Total operating expenses	41,216	41,344
<b>Net surplus from ordinary activities</b>	<b>459</b>	<b>3,723</b>
<b>Adjustments</b>		
Prepaid Financial Assistance Grant 2022/23	(1,386)	(1,964)
Prepaid Financial Assistance Grant 2021/22	1,386	1,386
Loss on Disposal of Assets	(348)	(1,593)
<b>Underlying surplus/(deficit)</b>	<b>111</b>	<b>1,552</b>
Total comprehensive result		12,288

Council delivered a strong net surplus from ordinary activities of \$3.7 million in contrast to the budgeted position of \$0.5 million. The surplus was primarily due to additional income, which increased by 8.1% on budget whilst expenditure was contained, with actuals within 0.3% of budget. The additional income was generated in numerous areas including higher than anticipated returns from TasWater and Dulverton Waste Management Authority, additional parking and development fees, supplementary rate income and extra operating grants, in particular an additional quarterly Federal Assistance Grant payment.

### **Recurrent Income**

Council's total operating income for 2021/22 was \$45 million, \$3.4 million more than budget.

A further \$5.7 million in capital grants was received.

	<b>2021/22 Budget \$000</b>	<b>2021/22 Actual \$000</b>	<b>Variance \$000</b>
Rates and service charges	30,090	30,310	220
Fees and charges	5,950	6,785	835



Operating grants	2,637	3,504	867
Contributions	8	63	55
Investment revenue	1,394	1,841	447
Share of profit of associates	800	1,234	434
Other income	796	1,330	534
<b>Total Recurrent Income</b>	<b>41,675</b>	<b>45,067</b>	<b>3,392</b>

- Higher revenue from Fees and Charges reflects increased activity in a number of areas. Parking revenue was higher than budget and revenue from development applications and building permits continued to exceed budget for a second consecutive year. Whilst activity in the Convention Centre continued to be impacted by COVID, revenue from venue hire and catering exceeding budget.
- The Federal Government prepaid 3 instalments of the Financial Assistance Grants to all councils resulting in increased grant funds for Devonport.
- TasWater paid a Supplementary Dividend to owner Councils. This amounted to \$219K of unbudgeted revenue.
- Dulverton Regional Waste Management Authority continued its capital development during the year and increased its distribution to Council for the 21/22 year.
- Other income includes higher than anticipated recoveries from the State Government and insurance claims discounts. It also includes recoveries from Utility expenses that were not reflected in this budget line.

### Operating Expenses

Council's total operating expenditure for 2021/22 was \$41.3 million, or 0.3% higher than budget. Increases in employee benefits were offset by savings in materials and services.

	<b>2021/22 Budget \$000</b>	<b>2021/22 Actual \$000</b>	<b>Variance \$000</b>
Employee benefits	12,975	13,354	(379)
Materials and services	16,200	16,057	143
Depreciation	9,986	9,969	17
Financial costs	908	917	(9)
Other expenses	1,147	1,047	100
<b>Total Operating Expenses</b>	<b>41,216</b>	<b>41,344</b>	<b>(128)</b>

- One of the ongoing impacts of COVID is the lower levels of Long Service Leave taken by staff. This has increased the Provision that Council maintains and explains approximately 50% of the variance between actual and budget employee costs.

### Capital Expenditure

Council delivered \$13 million in capital expenditure during 2021/22, with the majority spent on road projects and the continuation of Council's LIVING CITY initiative.

<b>Category of Capital Expenditure</b>	<b>\$000</b>
Open space and recreation	471
Facilities	1,210
Stormwater	718
Roads	4,135

Plant and fleet	346
Equipment/other	501
LIVING CITY	5,580

**Balance Sheet**

	<b>2021/22 Budget \$000</b>	<b>2021/22 Actual \$000</b>
Total assets	636,296	673,844
Total liabilities	53,224	56,207
Net assets	583,072	617,637
Cash balance	8,436	18,945

The total net worth of Council increased by \$12 million at 30 June 2022, the majority of the increase relates to the positive net result for the year generated from operations and Capital Grants received. Cash balances increased to \$18.9 million, \$10 million greater than anticipated when setting the budget.

**COMMUNITY ENGAGEMENT**

The preparation of the Annual Report and the conduct of the Annual General Meeting underpins the community engagement in relation to this matter.

**FINANCIAL IMPLICATIONS**

Whilst the Annual Financial Report deals with the finances of Council, there are no direct financial consequences relating to the consideration of this covering report.

**RISK IMPLICATIONS**

There are no specific identified risks in relation to the content of this report.

**CONCLUSION**

The Annual Financial Report for the year ended 30 June 2022 provides detailed information as to Council's financial performance and position as at balance date.

Copies of the following documents are provided:

1. Auditor's Opinion
  2. Financial Report for the Year Ended 30 June 2022
- The Annual Report has been tabled at the Annual General Meeting.

**ATTACHMENTS**

1. DCC Financial Report 2022 [5.2.1 - 68 pages]
2. Devonport City Council - Independent Auditors Report ( Opinion) - 30 June 2022 [5.2.2 - 4 pages]

## **6 INFORMATION**

### **6.1 MAYOR'S MONTHLY REPORT**

#### **RECOMMENDATION**

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

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

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

#### **SUMMARY**

This report details meetings and functions attended by the Mayor.

#### **BACKGROUND**

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

#### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to this report.

#### **DISCUSSION**

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions between 21 September and 18 October 2022:

- Council meetings
- 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: ABC Mornings, ABC Evenings, Darren Kerwin (7AD)
- Attended exhibition openings at the Gallery (x 2)
- Attended the Annual General Meeting of the Devonport Harness Racing Club
- Presented medals and certificates at the Devonport Primary School's Basketball tournament
- Attended wellbeing afternoon tea at the Library
- Attended Melaleuca Aged Care 40th Anniversary morning tea
- Attended the official season opening of the Devonport Yacht Club
- Attended the Arboretum Management Committee meeting
- Attended book launch at Headspace
- Member of a Panel at the Local Government Professionals conference
- Attended Maidstone Park Authority Life Membership Presentation
- Attended Reece High School reunion
- Attended DCC Audit Panel meeting
- Attended Youth Advisory Group meeting

#### **ATTACHMENTS**

Nil

## 6.2 GENERAL MANAGER'S REPORT

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

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

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 21 September and 18 October 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. Attended a meeting of the Hillcrest Affected Area Recovery Committee.
- 1.4. Governance staff have been very busy assisting with the 2022 election process. Compulsory voting has resulted in a significant increase in queries at the customer service reception in comparison to previous elections.
- 1.5. Preparation has commenced on an induction process for the new Council, with the official declaration of office planned for Thursday November 10.
- 1.6. Attended Councils Audit Panel meeting, the last of the current Panel.
- 1.7. Attended the Cradle Coast General Managers Meeting.

#### 2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Attended an event to recognise the opening of the Novotel Hotel on Saturday 8 October, prior to the arrival of the first official guests.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended a Board meeting and the annual State Conference of the Tasmanian branch of Local Government Professionals.
- 3.2. As Tasmanian Director attended a virtual National Board meeting of Local Government Professionals Australia.
- 3.3. As part of the recruitment sub-committee, of the Dulverton Waste Management Authority Owners Representatives participated in interviews with potential candidates for the appointment of two new Board Directors.

At a Special Owners Representative Meeting, Paul West and Chris Badger were appointed as in-coming Board Directors, commencing 1 December 2022.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Met with Anita Dow MP for to provide an update on local government matters affecting Devonport.

5. ANNUAL PLAN PROGRESS

- 5.1. Highlights from the 2022/23 Annual Plan as at 30 September 2022 are detailed below:
  - **Commence trial of electric vehicles within Council's light fleet:** Vehicle fleet has been assessed and suitable users/uses have been identified. Suitable vehicles have been short listed for operator assessment and quotations.
  - **Develop and publish Plumbing Inspection Guidelines:** Director's Determination contains guidelines relating to plumbing inspections. Website to be updated to provide access to this information.
  - **Work with preferred proponents on selected CBD development sites to execute contracts and allow works to commence:** A report on the progress of the Fenton Way development site was presented to the September Council meeting, outlining the proposed development scope of this project, and next stages of the development process.
  - **Develop an Enforcement Policy:** An Enforcement Policy has been drafted and is being reviewed by staff.
  - **Reduce parking meter infrastructure by increasing EasyPark utilisation:** EasyPark utilisation continues to increase at a reasonable percentage each month. September 2022 transactions were about 25% increase over the same month in 2021. This will allow for a continued reduction of parking meter infrastructure saving Council reasonable infrastructure costs.

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

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



### 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 - October 2022 [**6.2.1** - 2 pages]

## 6.3 INFRASTRUCTURE AND WORKS REPORT

Author: **Michael Williams, Infrastructure and Works Manager**  
Endorser: **Matthew Skirving, Executive Manager City Growth**

### RECOMMENDATION

That Council receive and note the Infrastructure and Works report.

### 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 August and September 2022.

### BACKGROUND

This report is provided to update 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

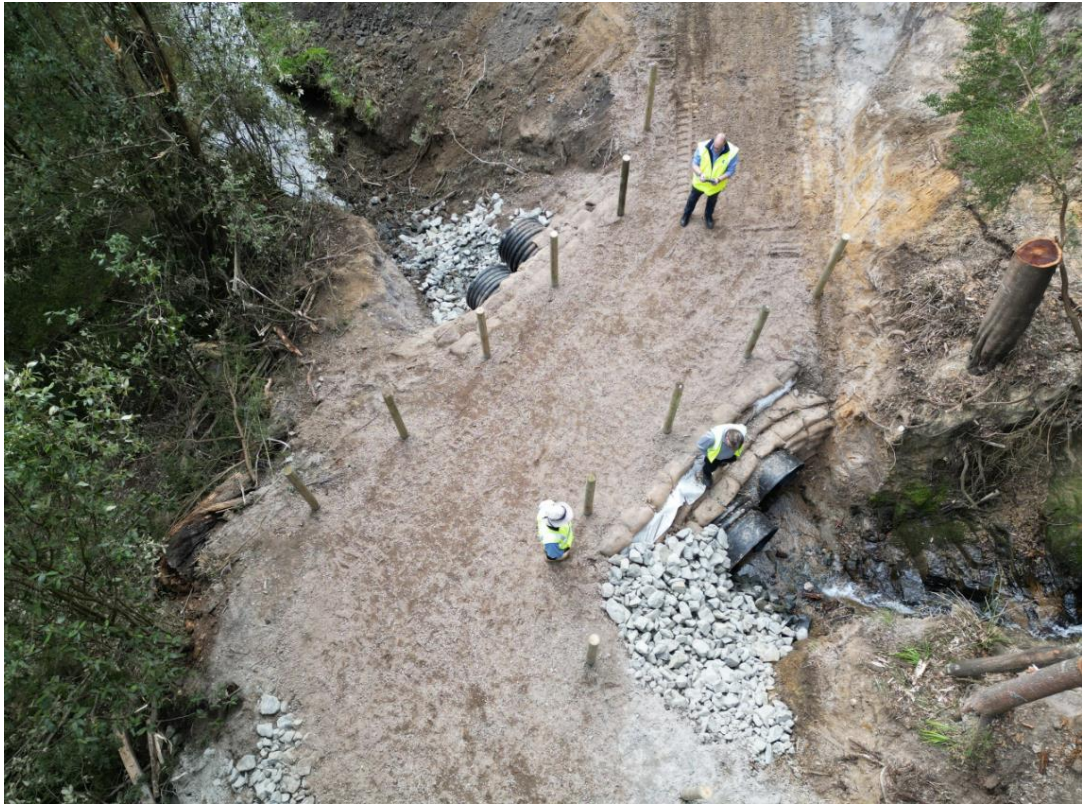
There are no statutory requirements in relation to this report.

### DISCUSSION



**1. Capital Works Program**

- 1.1. Work continues on projects listed in the 2022/23 Capital Works Program. Capital expenditure YTD is \$1.75M with a further \$4.5M of expenditure committed through purchase orders and contracts.
- 1.2. Construction of the Don Rail Trail is well underway, with remaining section to complete the trail progressing as land acquisition processes are finalised.





- 1.3. Construction of the Horsehead Creek toilet and dump point is well progressed.



- 1.4. A project on Durkins Road was completed with 150m of road sealed from the Wrenswood Drive intersection to a section of existing seal on Durkins Road





1.5. A project to improve accessibility at the Aquatic Centre was completed.



- 1.6. The scope of works in the asphalt reseal contract has been completed, with work being undertaken at sites including Best Street, Forbes Street, Gunn Street and Don Road.



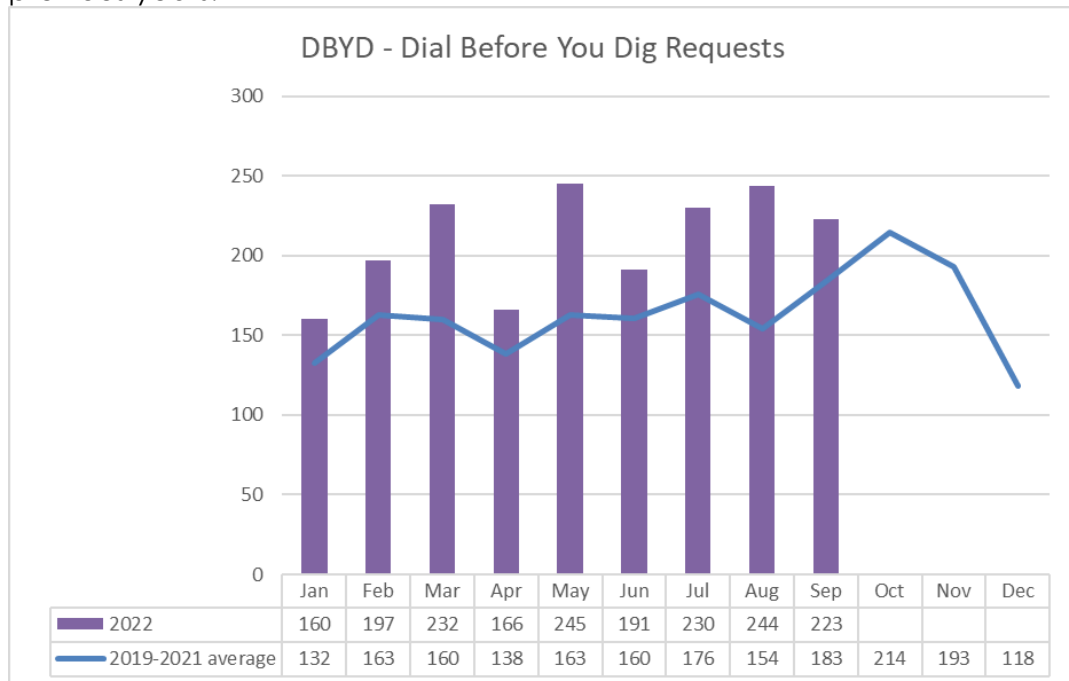
- 1.7. Work to commence October and November includes:
- Coastal pathway – Don to Leith
  - Fourways street furniture renewal
  - William Street renewal – Valley Road to Middle Road
  - Figure of Eight Creek pedestrian bridge
  - Bluff skate park shelter
  - Don Reserve path renewal
  - Rooke Street Mall furniture renewal

## **2. Management**

- 2.1. Input has been provided into an updated MoU with Devonport Cricket Club in relation to the preparation of the Devonport Oval cricket wicket.
- 2.2. Preparation is underway for the submission of a grant application to improve accessibility at bus stops. The State Government have committed \$10M to this program over four phases. An audit has been completed and it is expected a submission will be made in October.
- 2.3. Input has been provided to the State Grants Commission regarding their Road Preservation Model: a mechanism used to allocate financial assistance grants to Local Governments. The Commission is reviewing their model and Council has been able to provide detailed data from its asset register and works management system.

### 3. Assessments and Approvals

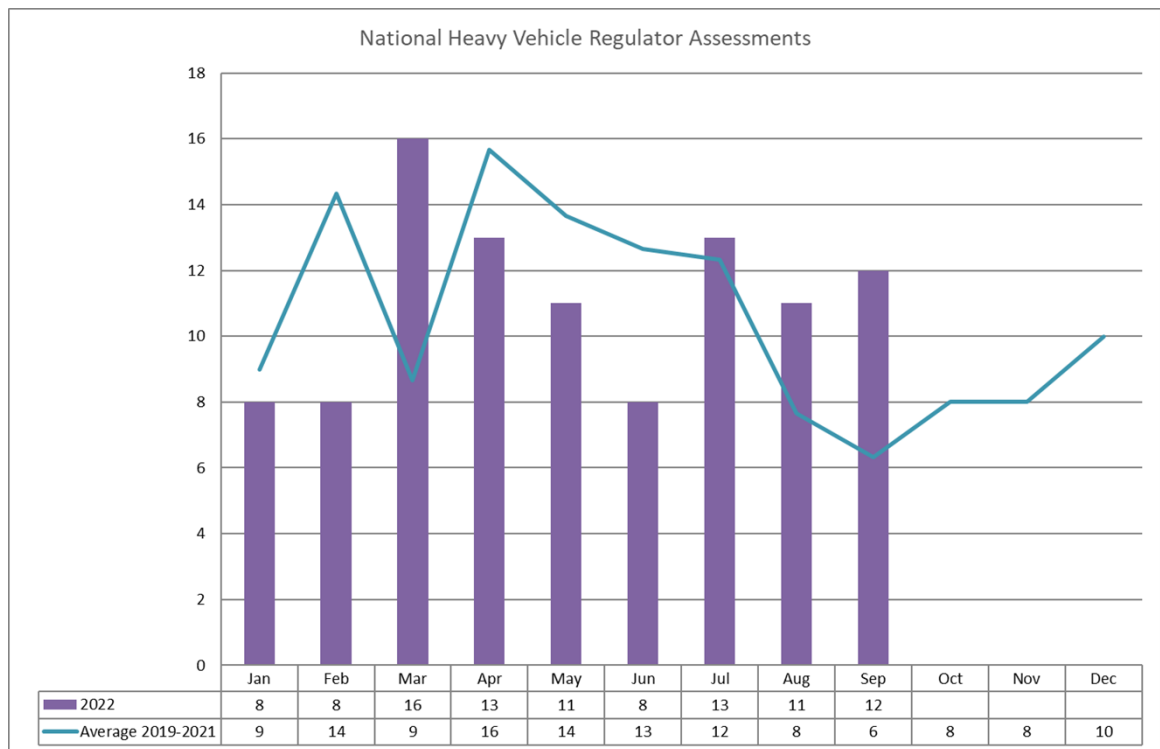
3.1. The following graph details the Dial Before You Dig Requests that have been - assessed by the Infrastructure and Works Department this year compared to previous years:



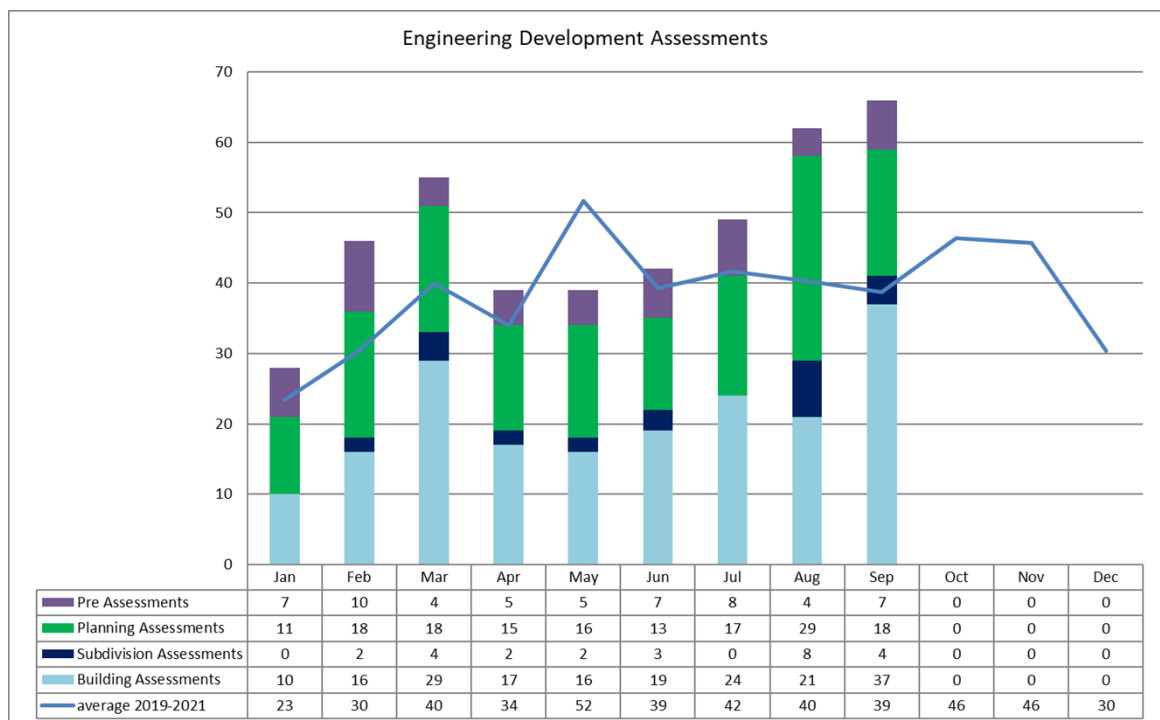
3.2. The following is a summary of the projects capitalised in the period since the last report:

Number of projects capitalised in period	36
Donated Asset Capitalised (Subdivisions) in period	0
Total value of capitalisations in period	\$1.79M
Total value of Works in Progress (WIP)	\$25.40M
Number of projects awaiting capitalisation next period	18

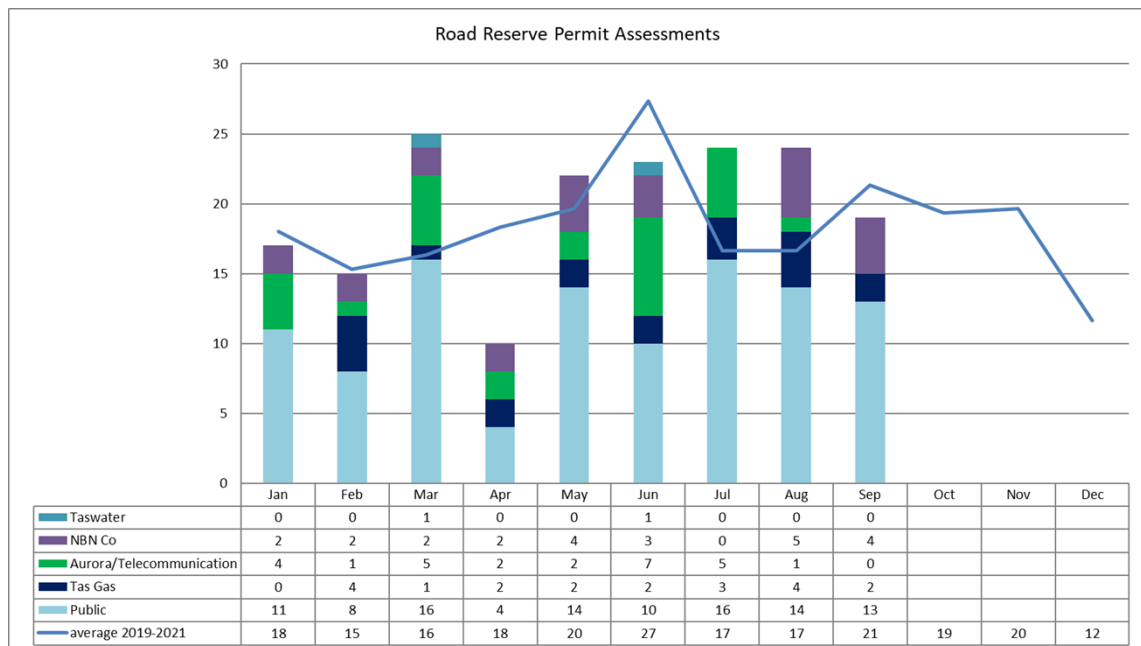
3.3. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



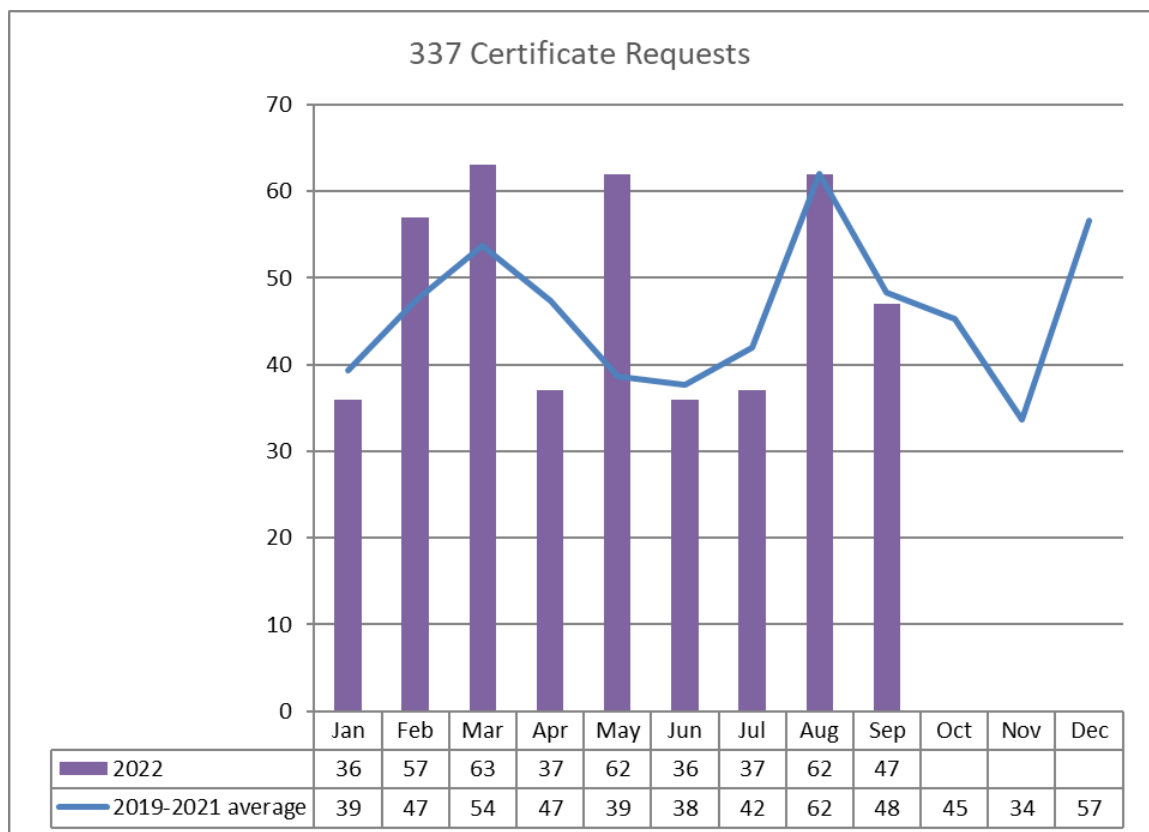
3.4. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



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
Contract - 1341 Weed Control	1/07/2021 option 1+1	The original contract signed in June, 2021 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the additional 12 months was accepted.	\$124,395 per annum	Steeds Weeds Solution
Contract - 1342 Roadside Mowing	1/07/2021 option 1+1	The original contract signed in June, 2021 was for a 12 month period and had an option for two 12 month extensions. Further to a review the option for the additional 12 months was accepted.	\$62,000 per annum	Mareeba Trust
Contract 1331 Security Patrol & Associated Services	30/6/2021 option 1+1	The original contract signed in June, 2019 was for a 24 month period and had an option for two 12 month extensions. Further to a review the option for the additional 12 months was accepted.	\$33,587 per annum	Advanced pro solutions

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
Contract 1344 – HVAC	1/7/2022	nil	\$45,533 per annum	Grosvenor Engineering

## 5. Civil Works and Stormwater Maintenance

5.1. Maintenance in accordance with the Service Level Document, undertaken in August and September included:

- Stormwater work in Melrose Road and Oldaker Street
- Footpath repairs in Hillcrest Road, Mersey Main Road and Watkinson Street
- Parking bay line marking in King Street



5.2. In October and November, planned civil works and stormwater maintenance works will include:

- Footpath repairs on Tarleton Street and Winston Place
- Open drain clearing on Kelcey Tier Road
- Road maintenance on James Street and North Caroline Street

## 6. Parks and Reserves Maintenance

6.1. Maintenance, in accordance with the Service Level Document, undertaken in August and September included:

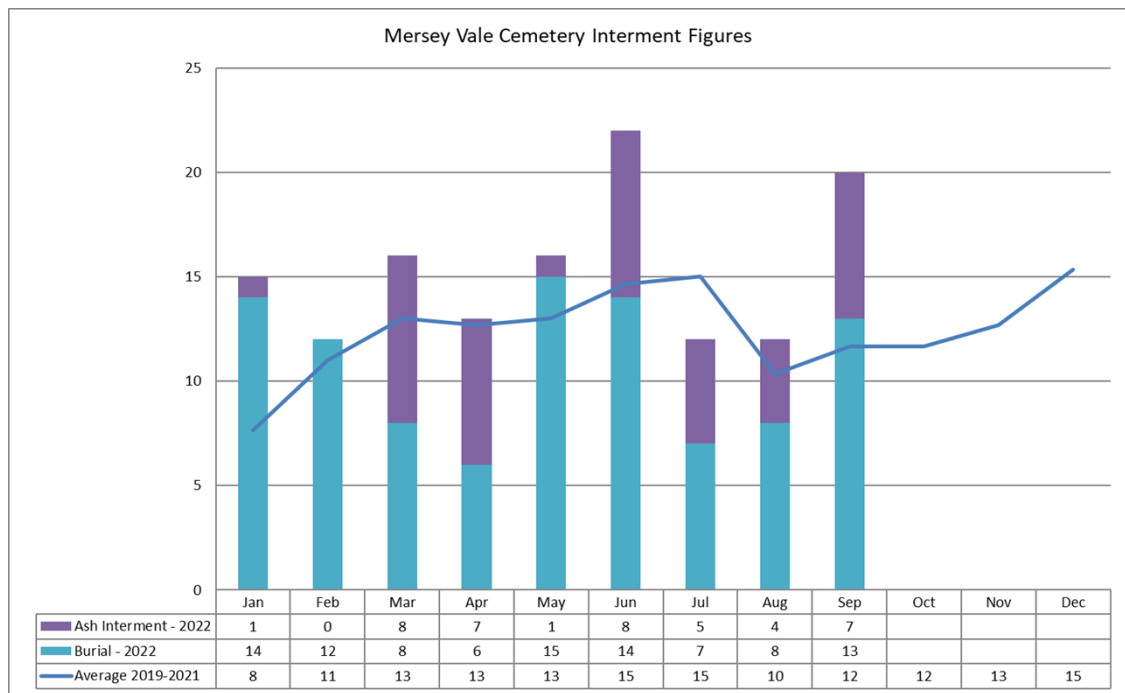
- Tree planting on Berrigan Road, which is an offset for the upcoming removal of plants from traffic islands

- Changeover of sports fields including removal of wicket covers and goal posts
- Changeover of annuals in Victoria Parade garden beds
- Tree planting on Mersey Main Road, near the gymnastics club building



- 6.2. In October and November, planned parks and reserves maintenance works will include:
- Increased general maintenance for spring conditions
  - Preparation of Cenotaph for Remembrance Day
  - Commencement of maintenance of additional areas of Waterfront Park
- 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 August and September included:

- Install new toilets and tapware at Devonport Playcentre
- Concrete entrance to Don Reserve dog exercise area
- Clad bus shelter in Maple Avenue
- Install new balustrade at Bass Strait Maritime Centre
- Sealing and painting at Devonport Cenotaph

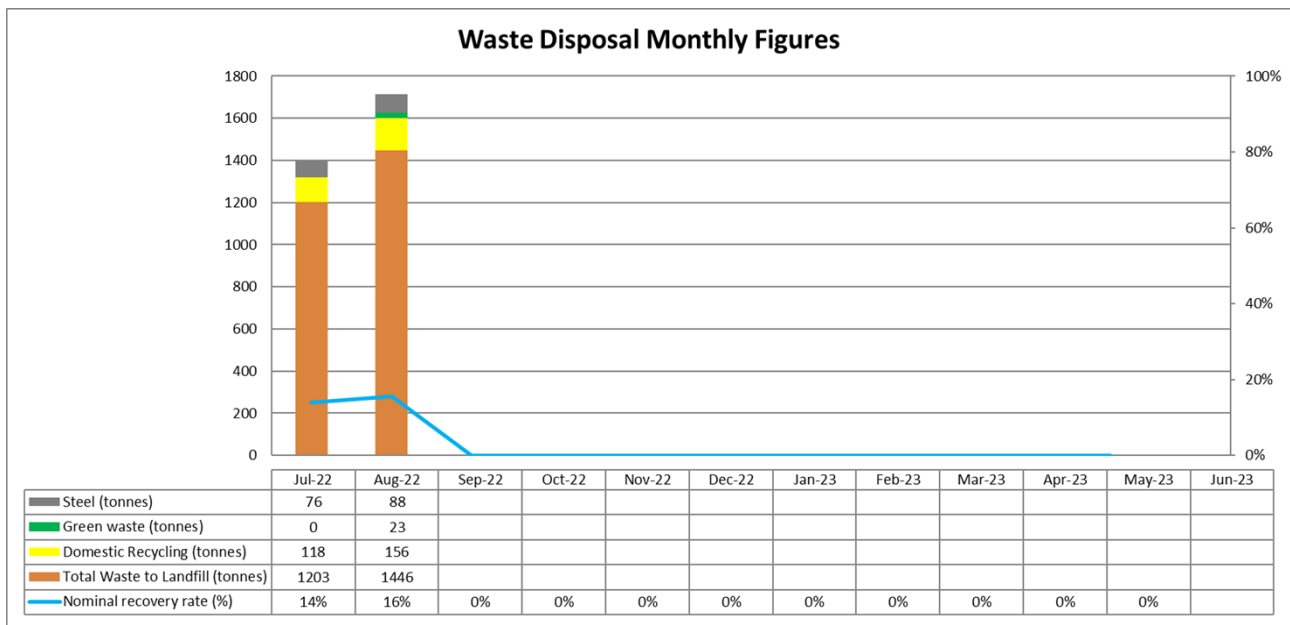


7.2. In October and November, planned building and facilities maintenance works will include:

- Painting of Fourways public toilets
- Staining of timber at Surf Club
- Roofing a section of Devonport Playcentre

## 8. Waste Management Operations

8.1. Waste Management Services were conducted in accordance with the Service Level Document during August and September. The following graph details the major waste disposal streams from the Spreyton Waste Transfer Station, noting that September quantities are yet to be finalised.



## COMMUNITY ENGAGEMENT

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

## FINANCIAL IMPLICATIONS

There are no financial implication resulting from this report.

## 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.

## ATTACHMENTS

Nil

## 6.4 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 August and September 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

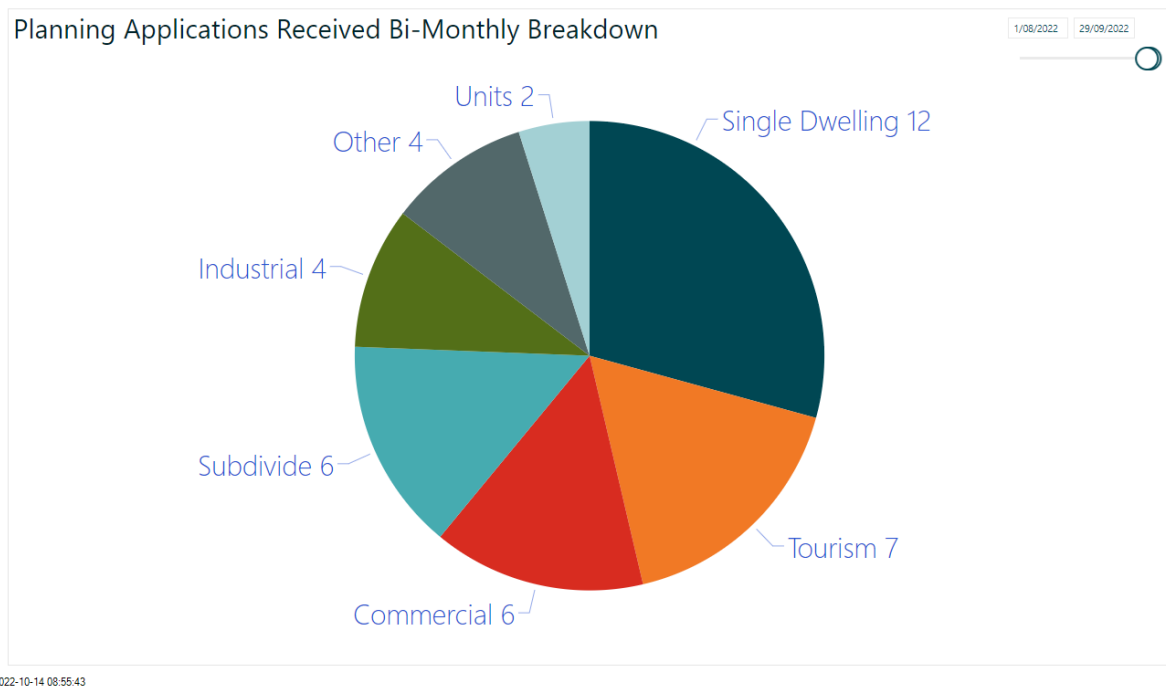
In carrying out its activities, the Development Services Department is required to ensure compliance with a substantial amount of legislation and regulation. The principal legislation administered by the Department includes the:

- *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

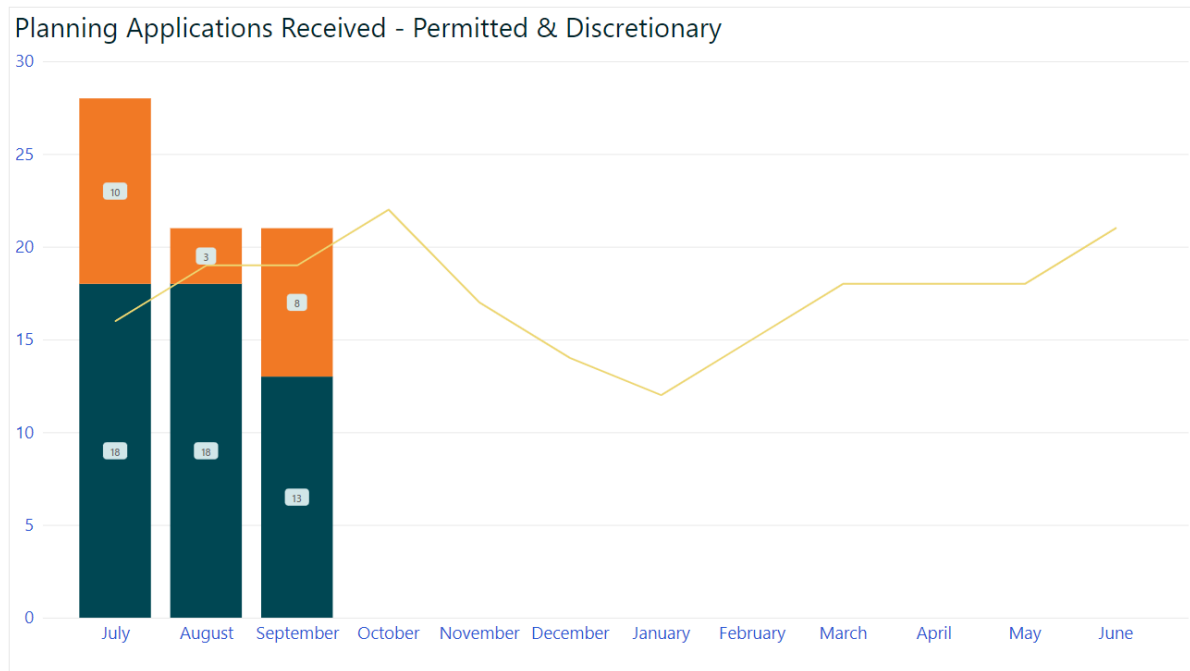
- 1.1. The following graph details the breakdown of planning applications received during August and September:

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.

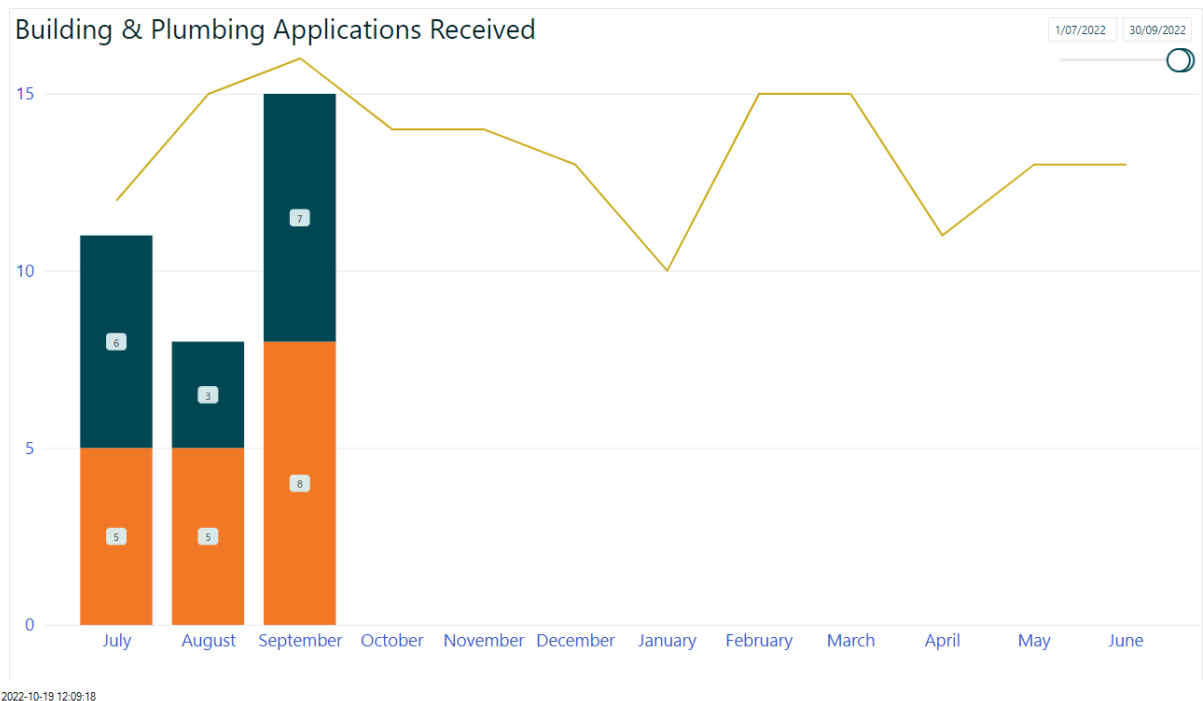
1.2. 31 Discretionary Planning Applications and 11 Permitted Planning Applications were received in August and September. The following graph details the number of Planning Applications received compared to previous years:



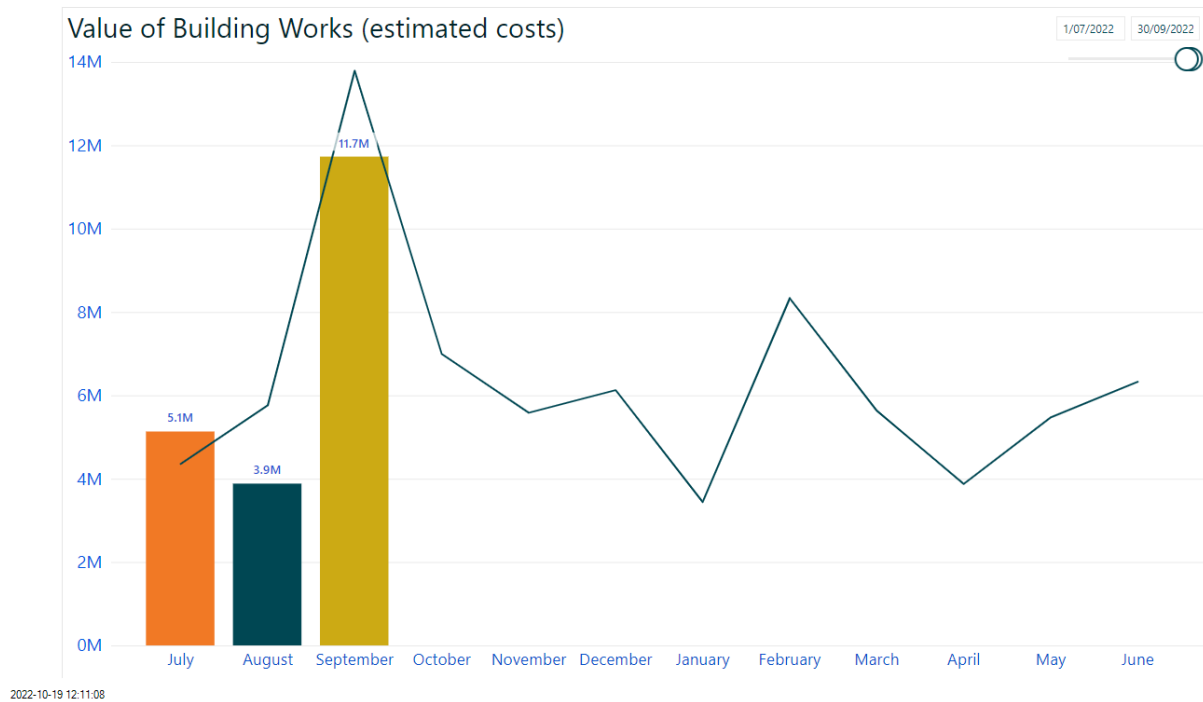


## 2. Building/Plumbing

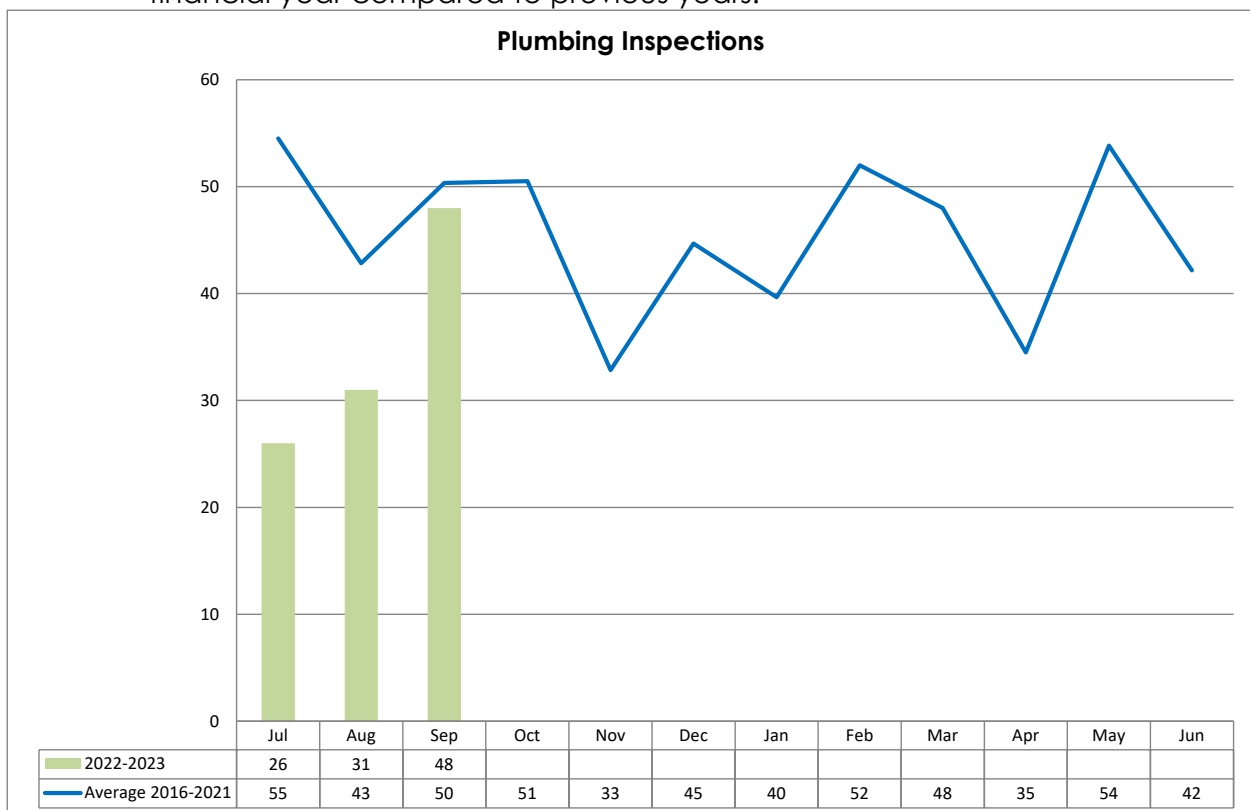
13 Building Applications and 10 Plumbing Applications were received in August and September. The following graph details the Building and Plumbing Applications compared to the previous year:



2.1. Building Applications for \$3.9M worth of building works were received in August and \$11.7M in September. The following graph details the value of building works received compared to previous years:

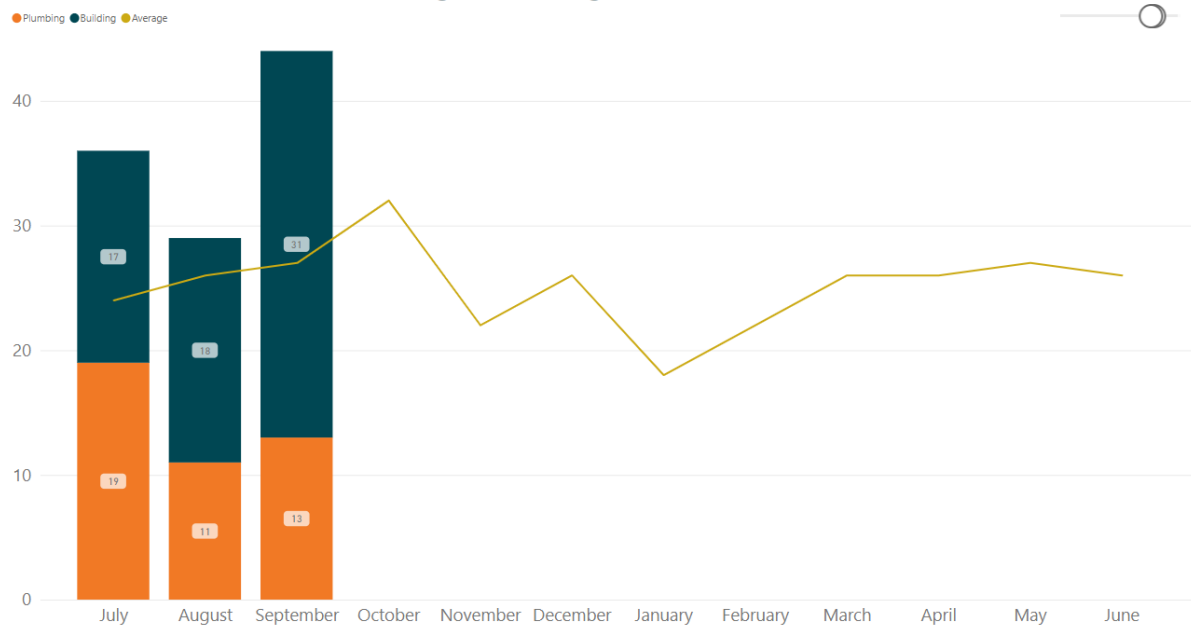


- 2.2. 31 plumbing inspections were carried out in August and 48 in September. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:



- 2.3. The following graph details the notifiable works received for building and plumbing that have been issued this year compared to previous years:

## Notifiable Works Received - Building &amp; Plumbing



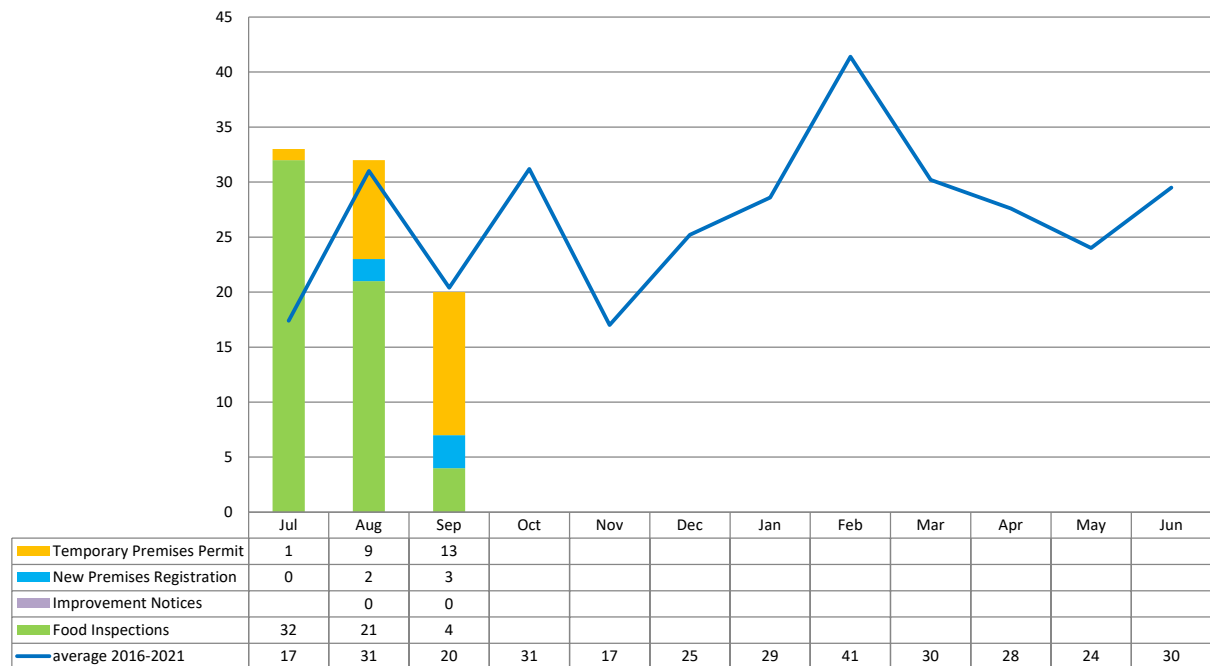
## Notifiable Works Estimated Costs - Building &amp; Plumbing



## Environmental Health

- 2.4. The following graph details the inspections, permits and infringement notices that have been issued by Environmental Health this year compared to previous years:

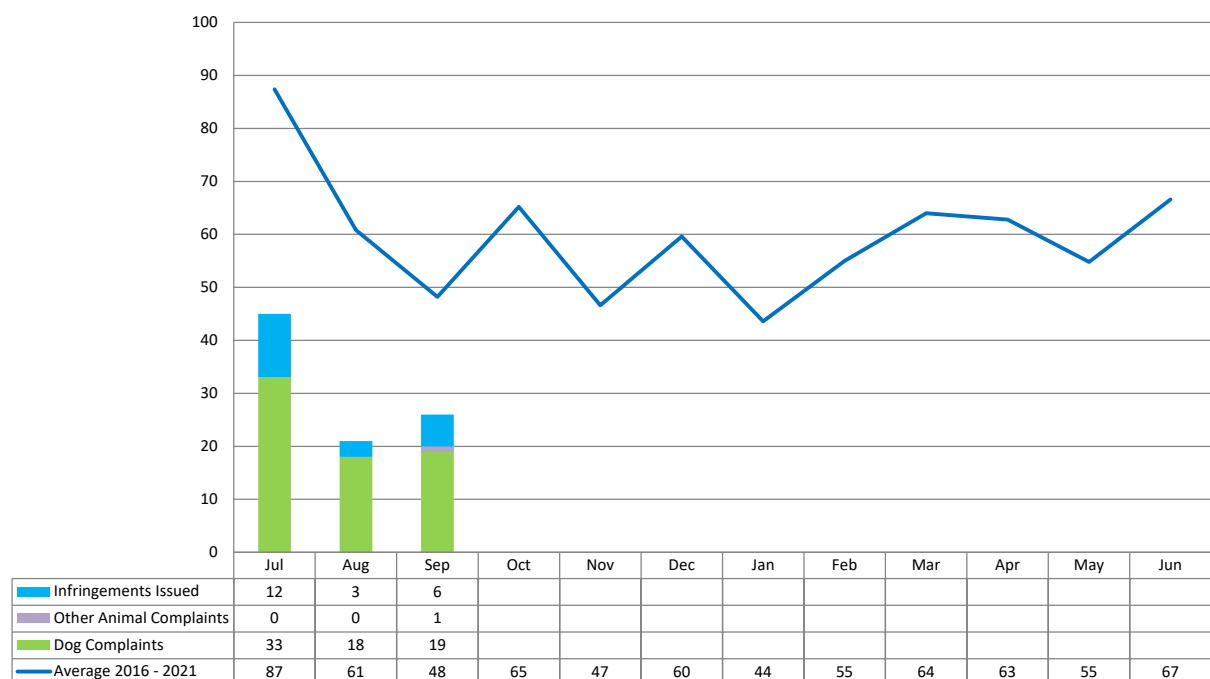
### Environmental Health Inspections, Permits and Infringement Notices



### 3. Animal Control

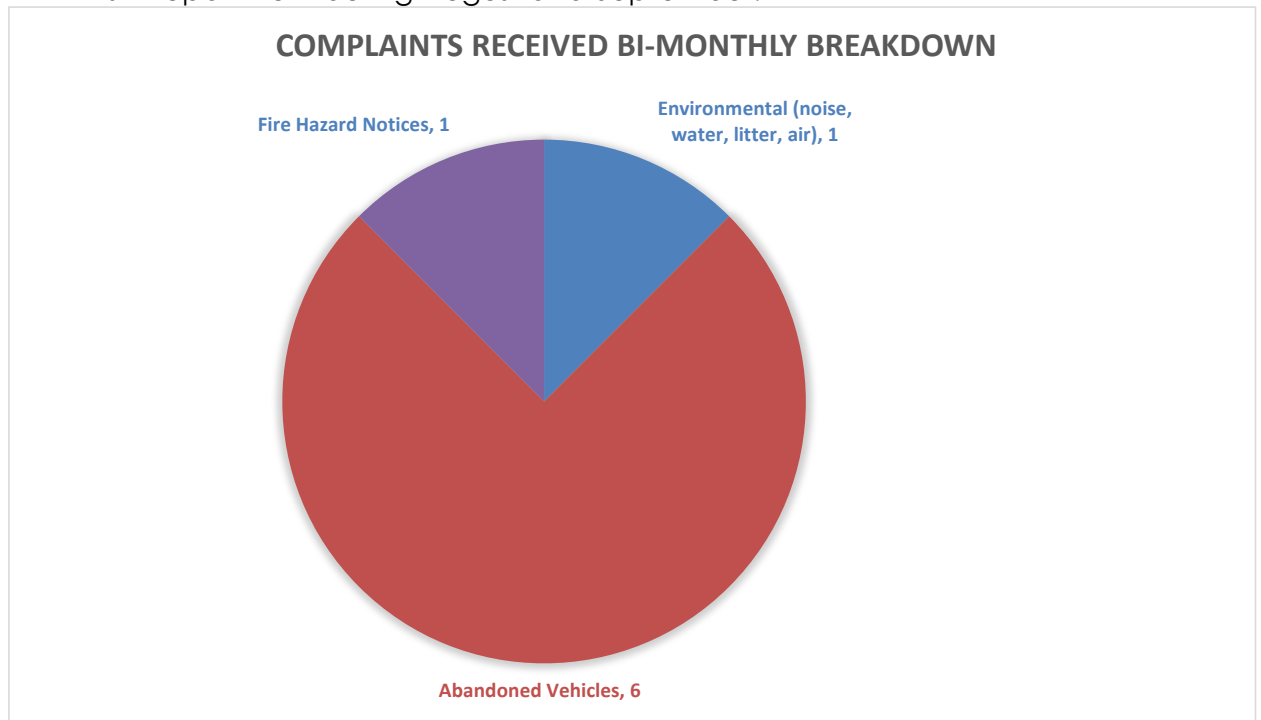
- 3.1. There are currently 3,248 registered dogs. In August and September, a total of 37 animal complaints were received. These complaints predominately related to dogs at large and barking dogs. All complaints were responded to within two working days.
- 3.2. The following graph details the number of animal complaints for this financial year compared to the same period last year:

### Animal Control Complaints & Infringement Notices



#### 4. Risk and Compliance

4.1. The following graph details the breakdown of the complaints received by the Risk Department during August and September:



4.2. 39 incidents were reported during August and September. The following table details the types of incidents:

Incident Type	Short Description
Motor Vehicle	Minor Motor Vehicle damage
Property Damage	Failure of plumbing fitting Providore Place
Property Damage	Break in at Harcourts
Hazard	Street sign knocked over
Motor Vehicle	pot hole and gravel on road
Hazard	Dilapidated shed on Council land requires removal
Property Damage	Entering car park and equipment on ute hit car park entry
Personal Injury	Hit head on ladder on back of vehicle
Property Damage	Vandalism toilets Stewart St
Hazard	Youths discovered on Level 3 without permission
Personal Injury	Sprain/strain to back
Property Damage	Two cars bogged on grass on Pioneer Park
Hazard	Small child slipped out of swing
Personal Injury	Fell off push bike whilst exiting footpath onto road
Property Damage	Garbage truck hit letterbox

Incident Type	Short Description
Property Damage	Garbage truck hit letterbox
Personal Injury	Strained arm
Personal Injury	Pricked by rose thorn
Property Damage	Hit fence with garbage truck arm
Personal Injury	Strained back
Near Hit	traffic hazard
Property Damage	Graffiti on new footpath
Property Damage	Damage to rock wall at Bluff Caravan Park
Personal Injury	Slip on escalator
Motor Vehicle	Motor Vehicle damage
Hazard	trip and fall at traffic lights
Personal Injury	jarred back
Personal Injury	twinge in right knee
Motor Vehicle	Hit column in multi storey car park
Property Damage	Fallen tree damaged fence
Property Damage	Dropped and damaged glasses
Property Damage	Tree fell onto motor vehicle
Personal Injury	trip and fall on footpath
Property Theft	Stolen Wi-fi and radio equipment from Pioneer Park

4.3. The following details the breakdown of claims costs:

Total costs - \$1,000  
Council incidents costs - \$1,000  
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 August and September 2022.

**ATTACHMENTS**

Nil

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## **7 SECTION 23 COMMITTEES**

No Section 23 Committee meetings have been held since the last Council meeting.



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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 – 26 September 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)

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## **9 CLOSURE**