



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport on Monday 19 December 2022, commencing at 5:30 PM.

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

QUALIFIED PERSONS

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

Matthew Atkins
GENERAL MANAGER

14 12 2022

January 2023

Meeting	Date	Commencement Time
Council Meeting	23 January 2023	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 19 DECEMBER 2022, IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre,
137 ROOKE STREET, DEVONPORT AT 5:30 PM**

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ATTENDEES

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

ACKNOWLEDGEMENT OF COUNTRY

Devonport City Council acknowledges and pays respect to the palawa-pakana people as the traditional and original owners of lutrawita and continuing custodians of this land on which we gather.

We also acknowledge and pay our respects to the Tasmanian Aboriginal elders past and present.

IN ATTENDANCE

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

1 APOLOGIES

An apology for this meeting has been submitted by Cr G Enniss.

2 DECLARATIONS OF INTEREST

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Council meeting held on 28 November 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

There were no questions without notice raised at the November 2022 Council meeting.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

There were no Questions on Notice from the Public received for the December 2022 meeting.

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

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

3.4 NOTICES OF MOTION

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 PA2022.0195 - 139 MERSEY MAIN ROAD SPREYTON - RESIDENTIAL (DWELLING ADDITIONS)

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

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0195 and grant a Permit to use and develop land identified as 139 Mersey Main Road, Spreyton for the following purposes:

- Residential (dwelling additions)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Additions and Shed – Staged Development – Project Number – 2021-24 Revision (02), dated 18/10/2022 by Steven Penton Building Design. A copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. All stormwater collected from this work is to be directed into the existing property stormwater pipe in accordance with the National Construction Code.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building 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.

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

In regard to condition 2 the applicant/developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

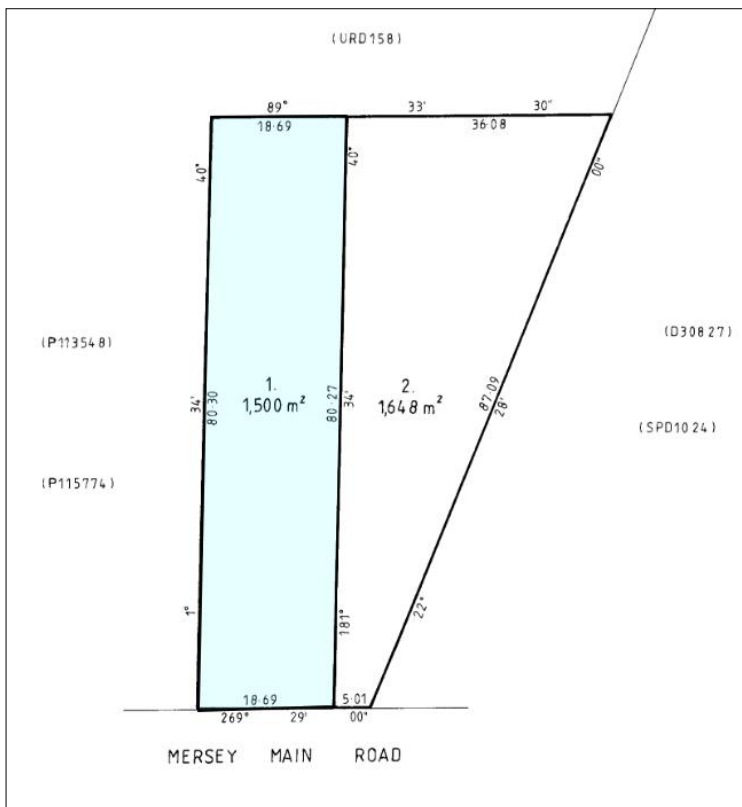
The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2022.0195.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	139 Mersey Main Road, Spreyton
Applicant:	Steven Penton Building Design
Owner:	Mr AG Simpson
Proposal:	Residential (dwelling additions)
Existing Use:	Residential (single dwelling)
Zoning:	General Residential
Decision Due:	20/12/2022

SITE DESCRIPTION

The site is identified by the Certificate of Title 122596/1 with the property address of 139 Mersey Main Road, Spreyton. The site is rectangular in shape and has an area of 1500m². Located on the site is a single dwelling constructed in 2006. The site is surrounded by residential development to the east and west and rural land to the north. Figure 1 below is a copy of the property title and Figure 2 is a recent aerial image of the site and surrounds.



**Figure 1 – Title Plan of the subject site
CT 122596/1(The List, 1996)**



Figure 2 – Aerial image of the site (outlined in blue) and surrounding locality (DCC, 2021)

APPLICATION DETAILS

The applicant is seeking approval to undertake alterations and additions to the single dwelling. A breakdown of the works is discussed below:

- Garage addition off the western side of the dwelling. The garage addition is proposed to be constructed to the western side boundary and will have a total length of 10.2m along this boundary;
- Extension at the rear of the dwelling that will incorporate living, dining and a covered area. The covered area will also be constructed to the eastern side boundary. The covered area is proposed to have a wall length of 11.1m along the eastern side boundary; and
- An 8m x 8m shed at the property's rear, which is proposed to be setback 1.5m to the side and rear boundaries.

A copy of the site plan is reproduced as Figure 3. Figure 4 is a copy of the floor plan. Figures 5-8 are the respective elevations of the dwelling alterations. **A full copy of the application is appended as an attachment to this report.**

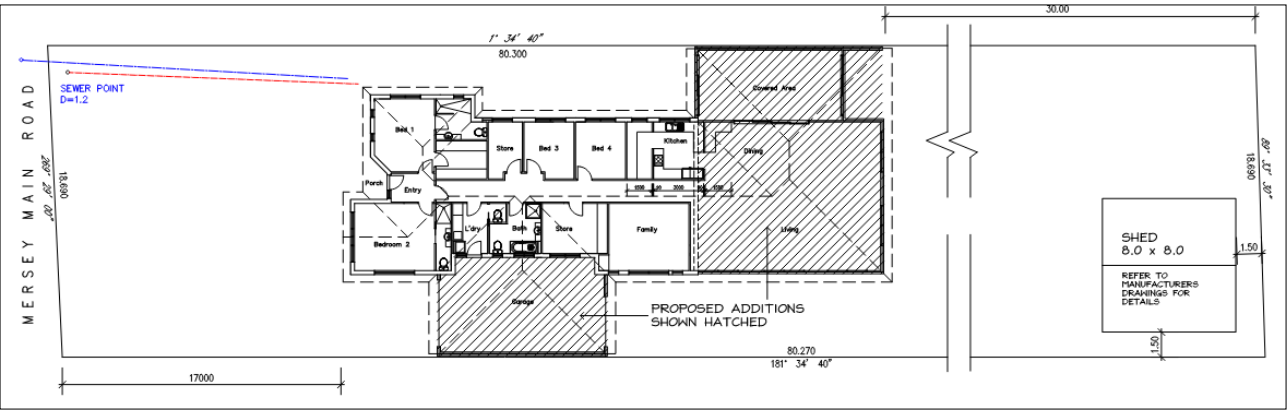


Figure 3 – Site plan (Steven Penton Building Design, 2022)

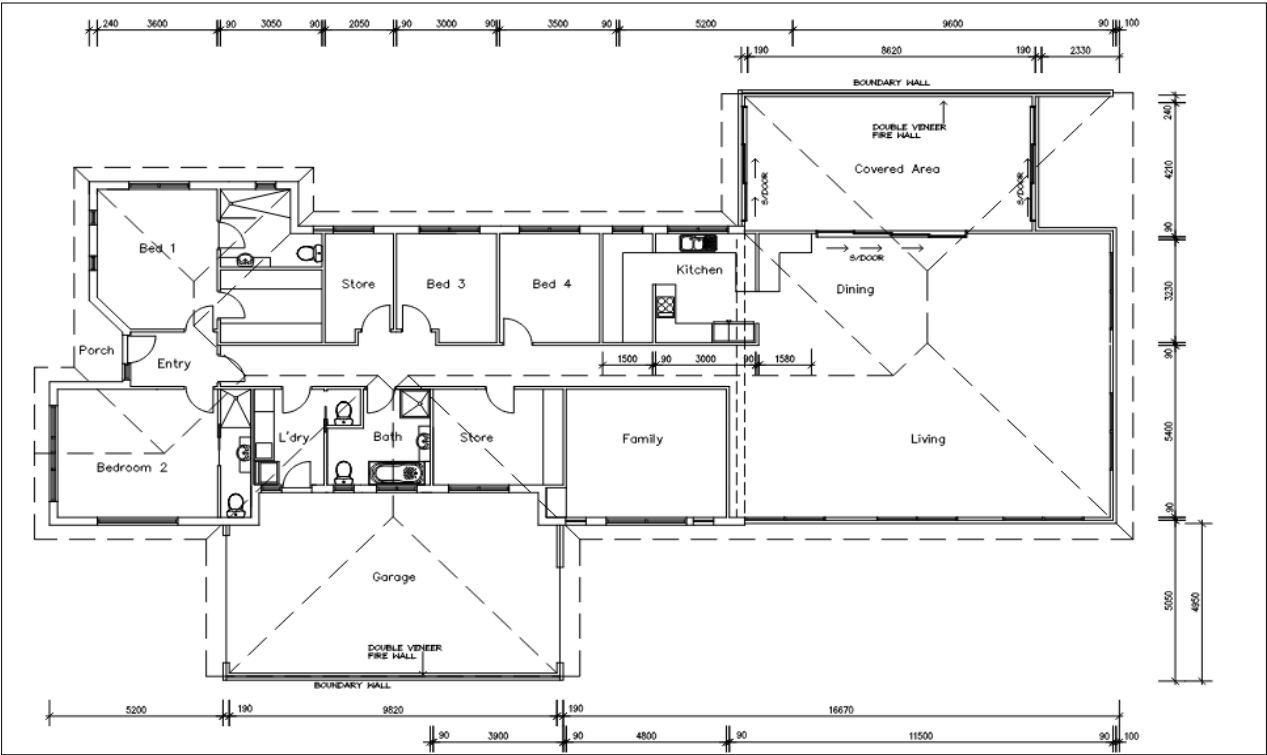


Figure 4 – Floor plan (Steven Penton Building Design, 2022)

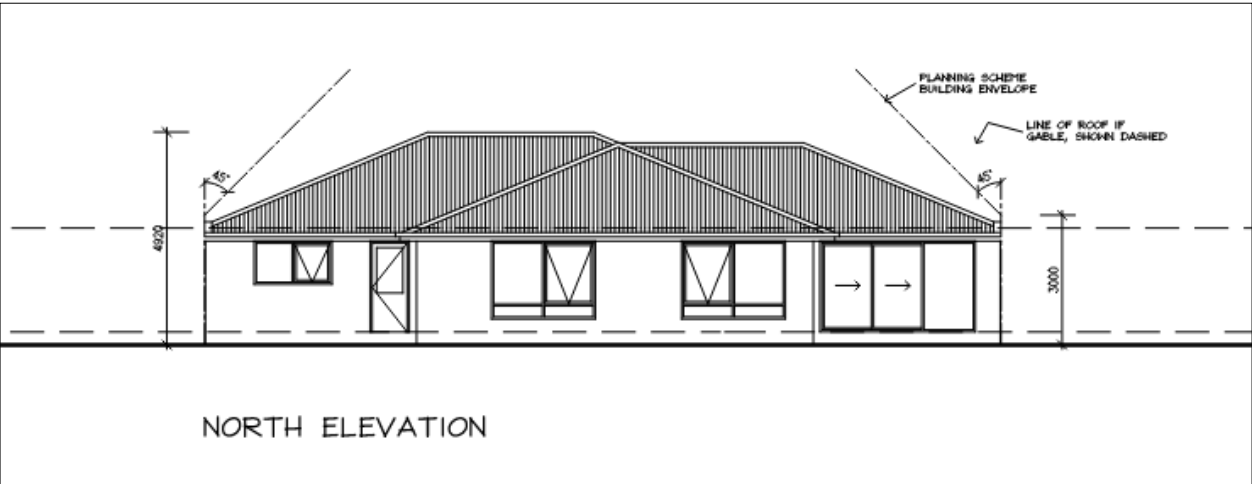


Figure 5 – North elevation (Steven Penton Building Design, 2022)

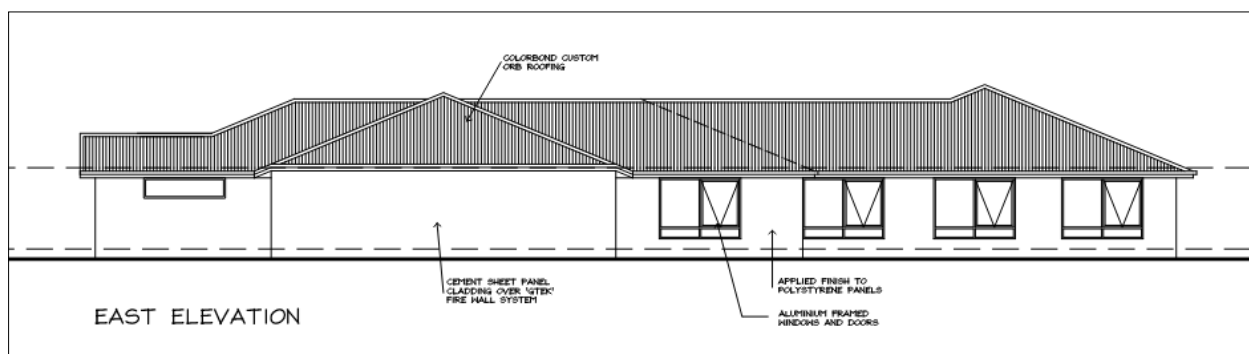


Figure 6 – East elevation (Steven Penton Building Design, 2022)

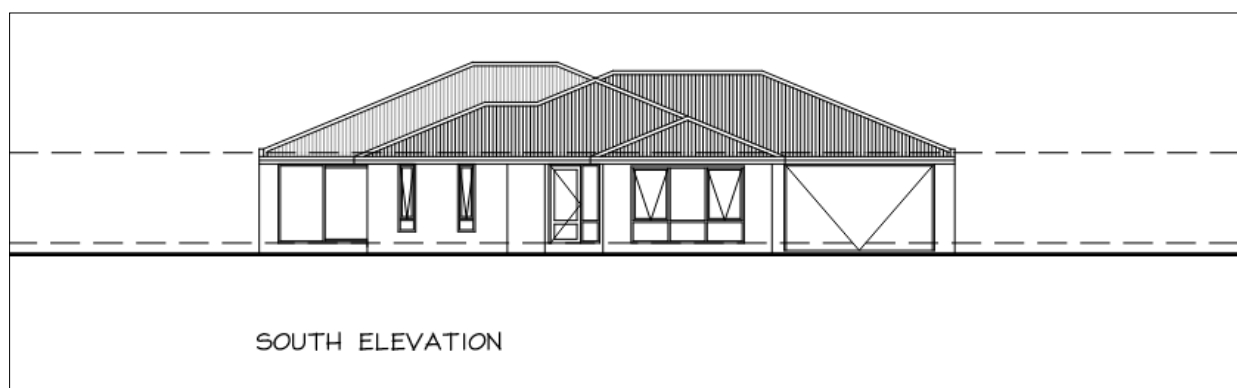


Figure 7 – South elevation (Steven Penton Building Design, 2022)

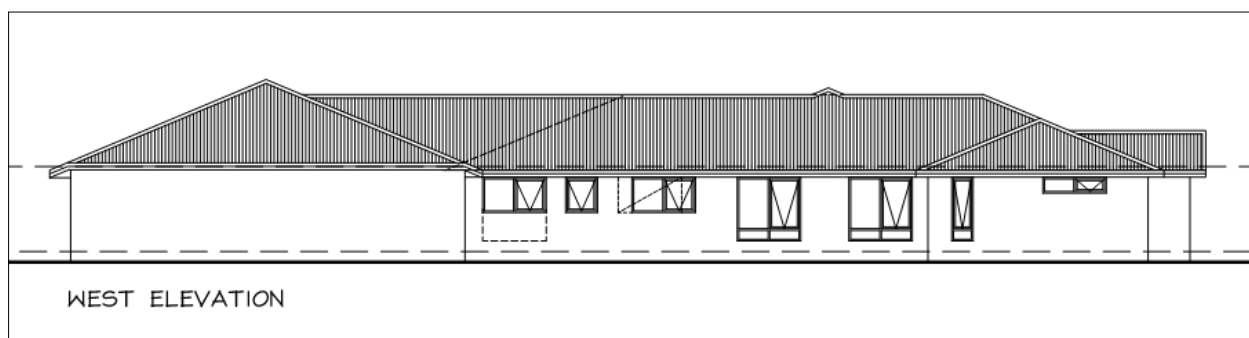


Figure 8 – West elevation (Steven Penton Building Design, 2022)

PLANNING ISSUES

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

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

A single dwelling falls under the use class Residential and does not require a planning permit in the General Residential Zone, provided the proposal complies with the acceptable solutions of all relevant development standards and codes contained within

the planning scheme. In instances where the applicable standards cannot satisfy the acceptable solutions, the proposal must be assessed against the corresponding performance criteria to determine if a permit pathway can be achieved.

In this case, the dwelling alterations and additions cannot satisfy the setbacks and building envelope standard prescribed within the General Residential Zone and require assessment against the performance criteria of 8.4.2 P3. A copy of this standard is reproduced below and followed by comment.

The shed component of the development can satisfy the acceptable solutions and has a No Permit Required status under the planning scheme.

8.4.2 Setbacks and building envelope for all dwellings

Objective:

The siting and scale of dwellings:

- (a) provides reasonably consistent separation between dwellings and their frontage within a street;
- (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
- (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
- (d) provides reasonable access to sunlight for existing solar energy installations.

Acceptable Solutions	Performance Criteria
A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> i. a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and ii. projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> i. does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or ii. does not exceed a total length of 9m or one third the length of 	P3 The siting and scale of a dwelling must: <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; ii. overshadowing the private open space of a dwelling on an adjoining property; iii. overshadowing of an adjoining vacant property; or iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> i. an adjoining property; or ii. another dwelling on the same site.

the side boundary (whichever is the lesser).	
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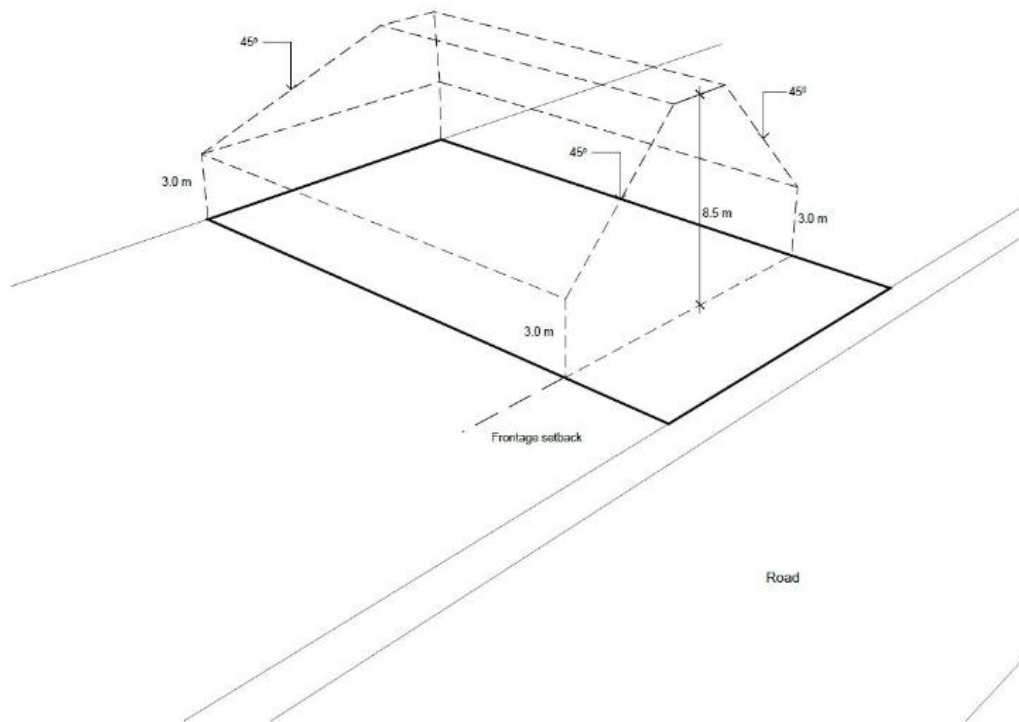


Figure 8.1 Building envelope as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

Comment: Both additions to the eastern and western side boundaries exceed the maximum acceptable threshold of 9m in length within 1.5m of a side boundary and therefore are required to be assessed against 8.4.2 P3. It is noted that both additions fall within the acceptable building envelope as shown in Figure 5.

The garage location proposed off the western side of the dwelling will have negligible impacts on the adjoining property to the west – 141 Mersey Main Road. The location of the dwelling on this property is approximately 15m from the garage addition and is separated by an existing outbuilding. The garage setbacks are consistent with the locality, and this aspect of the work can satisfy the performance criteria.

A similar scenario exists for the proposed covered area proposed on the eastern boundary. The location of the works will slightly overshadow the property to the east – 137 Mersey Main Road in the early morning, however the shadowing will predominantly occur over an existing driveway and open space area and will not detrimentally impact the amenity of this property. The scale of the addition is compatible with the locality and this component of the work also has merit against the performance criteria.

Code Considerations

The property is mapped within a bushfire-prone area overlay under the Bushfire-Prone Areas Code. This Code only applies to subdivision and a vulnerable or hazardous use and does not require further consideration at this stage of the development approval process. The development is not invoked by any other Code overlays.

COMMUNITY ENGAGEMENT

On 08/11/2022, 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 12/11/2022;
- (b) Making a copy of the proposal available in Council Offices from the 12/11/2022;
- (c) Notifying adjoining property owners by mail on 10/11/2022; and
- (d) Erecting a Site Notice for display from the 11/11/2022.

The period for representations to be received by Council closed on 28/11/2022.

REPRESENTATIONS

One representation was received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representation was received from the adjoining landowners to the site's immediate north – 20 Fraser Street and is reproduced below as Figure 9.

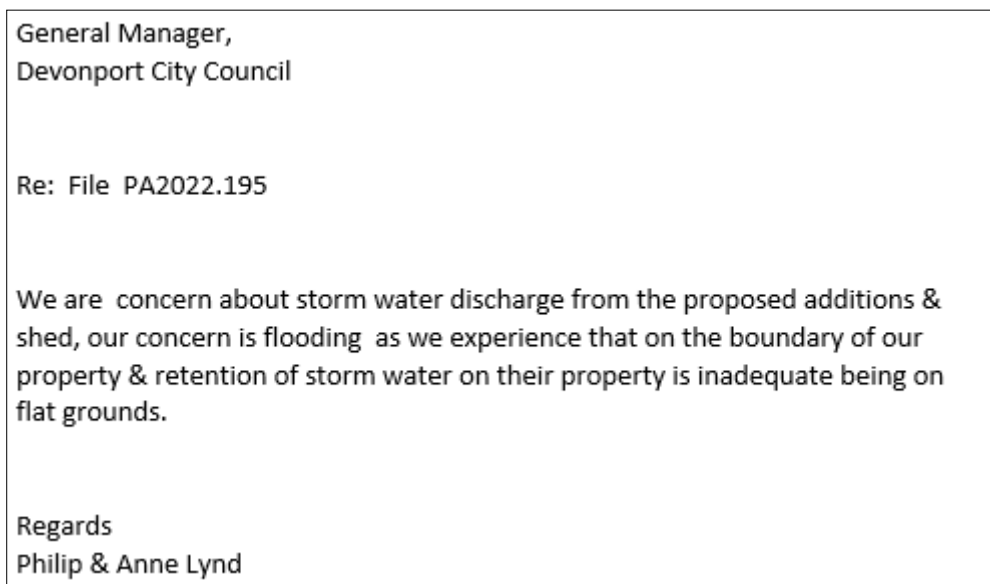


Figure 9 – Representation (Lynd, 2022)

Comment: The concerns in the representation are noted. As part of the next step in the development approval process, the developer will need to seek building and plumbing approvals. Stormwater disposal must be satisfactorily demonstrated per the National Construction Code requirements and approved before work can commence.

DISCUSSION

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONCLUSION

The proposal has been assessed against the requirements of the planning scheme. All relevant standards can be satisfied whether acceptable solutions or performance criteria. Approval with conditions is recommended.

ATTACHMENTS

1. Application - PA2022.0195 - 139 Mersey Main Road - Residential (dwelling additions)
[4.1.1 - 26 pages]

4.2 PA2022.0145 - 158 CAROLINE STREET EAST DEVONPORT - 47 LOT SUBDIVISION

Author: **Emma Pieniak, Planning Officer**
Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0145 and grant a Permit to subdivide land identified as 158 Caroline Street, East Devonport for the following purposes:

- 47 lot subdivision

Subject to the following conditions:

1. The subdivision is to proceed generally in accordance with the submitted:
 - a. subdivision plans referenced as job no. 48254, revision 09 dated 22/08/2022 by PDA Surveyors;
 - b. recommendations, including temporary measures required during staged release, per the bushfire hazard management report by Scott Livingston of Livingston Natural Resource Service, version 2 dated 14 October 2022; and
 - c. recommendations per the geotechnical investigation and landslide risk assessment GL21788Ab dated 28 June 2022 prepared by Geoton Pty Ltd.A copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. A landscape plan showing the location and species of trees to be planted within the nature strip must be submitted in accordance with the Tasmanian Subdivisional Guidelines and approved by the Executive Manager as documents forming part of this Planning Permit. Planting within nature strip areas is to be completed to the Planning Authority's satisfaction before acceptance of any final plan.
3. The subdivider 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.
4. 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 the City Engineer. 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.
5. The subdivider is to provide (As cons) drawings in an electronic format at the completion of the works, detailing final road alignments, stormwater assets, invert levels and finished surface levels.
6. 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.
7. 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.
8. The developer must transfer the road lot to Council after the sealing of the final plan. The developer is to cover all costs associated with the transfer of the road title to Council.
9. 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 or based upon the current Valuer General's assessment.
10. The developer must nominate new road names in accordance with the *Tasmanian Place Naming Guidelines*. Street numbering will be allocated by Council.
11. The developer must ensure the construction management plan includes owner notification and alternative access arrangements where necessary for the existing properties which have legal access over the subject site.

Note: The following is provided for information purposes.

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

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

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

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

In regard to conditions 3-6 the applicant/developer 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 PA2022.0145.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	158 Caroline Street, East Devonport
Applicant:	PDA Surveyors, Engineers & Planners
Owner:	Vos Construction and Joinery Pty Ltd
Proposal:	47 lot subdivision
Existing Use:	Vacant
Zoning:	General Residential, Rural Living and Agriculture
Decision Due:	26/11/2022, extension granted to 19/12/2022

SITE DESCRIPTION

The subject site is situated to the south of the end of Caroline Street running parallel to Marine Street and along the outlet to the Bass Highway. The 12.02ha lot generally falls from the north-eastern side to the southern side. Properties adjoining the northern boundary comprise established residential lots, while eastern adjoining properties are actively managed cropping land. The subject site and surrounding development are illustrated in Figure 1. The site is affected by three zones; General Residential, Rural Living and Agriculture, as illustrated in Figure 2.



Figure 1 – Aerial view (LISTmap)

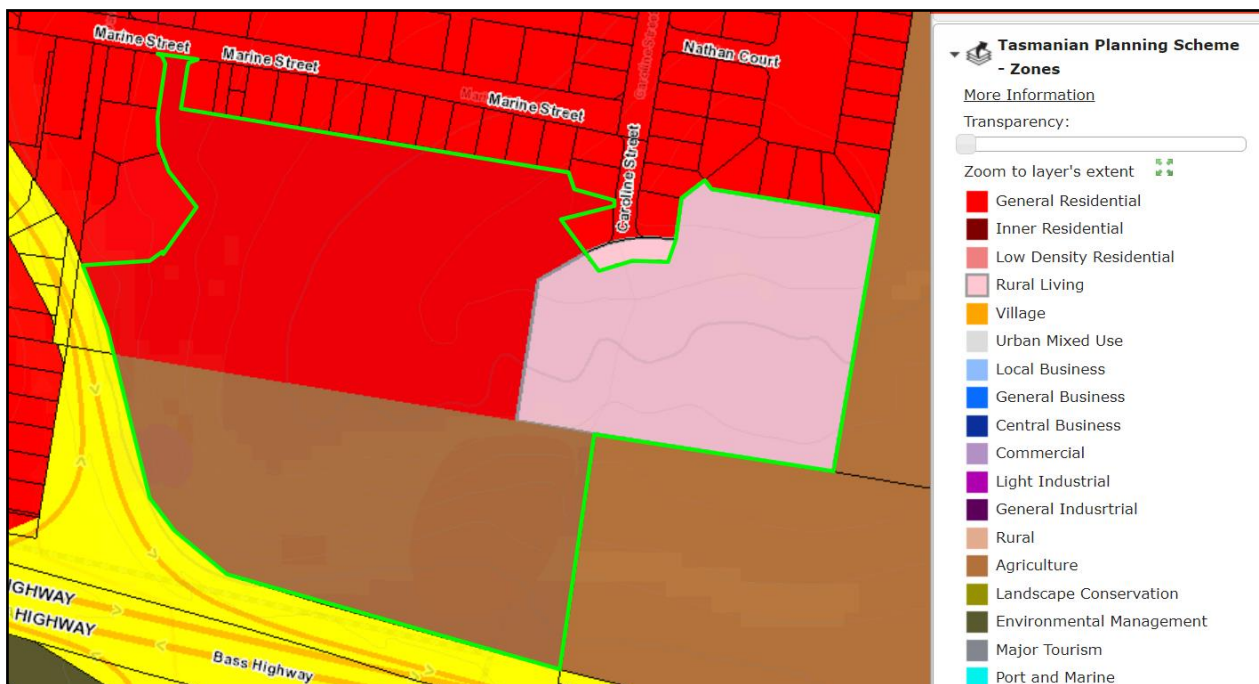


Figure 2 – Zone map (LISTmap)

APPLICATION DETAILS

The applicant is seeking approval for subdivision to create 47 lots. There will be 45 lots within the portion of the land zoned General Residential, one lot within the Agricultural zone and the balance lot is land within the Rural Living zone. It is proposed to release lots of this subdivision in four stages. The proposed plan of subdivision and stages are illustrated in Figures 3 and 4.

The full application is contained and appended to this report as an attachment.

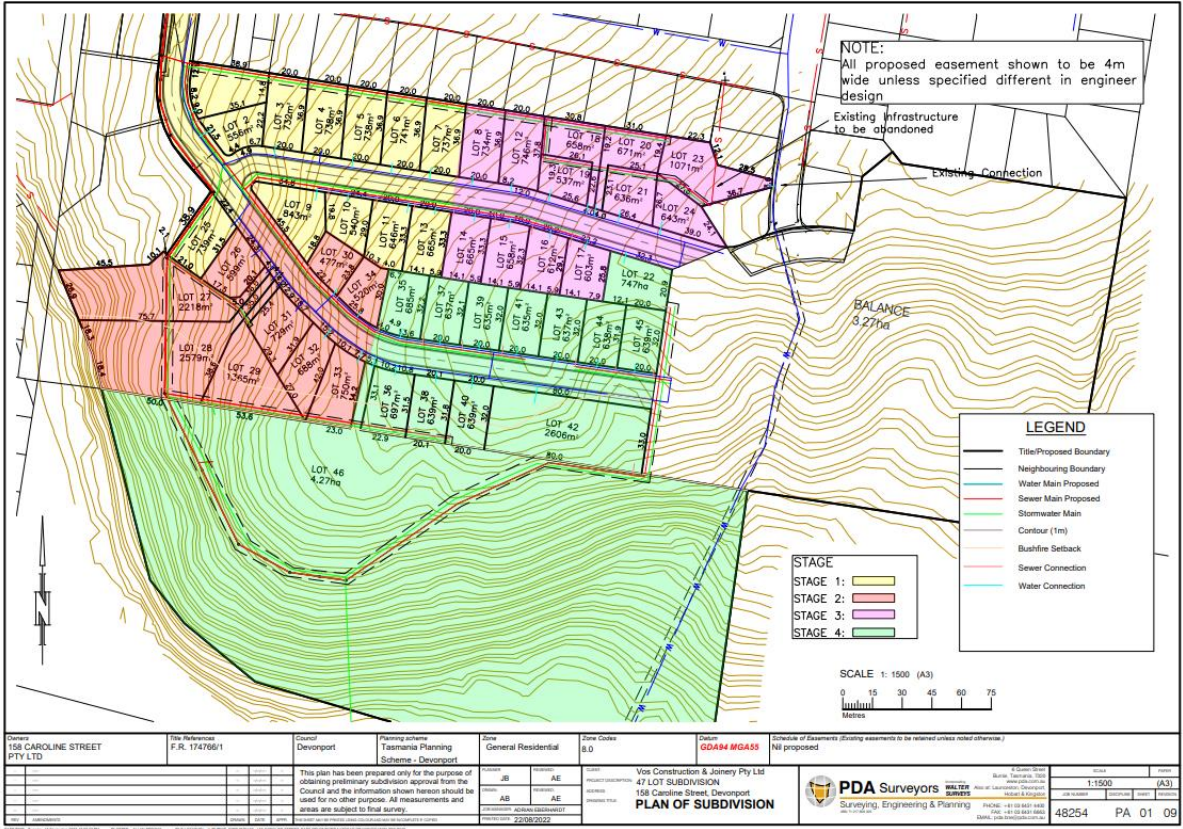


Figure 3 – Subdivision stage plan (PDA Surveys, 2022)

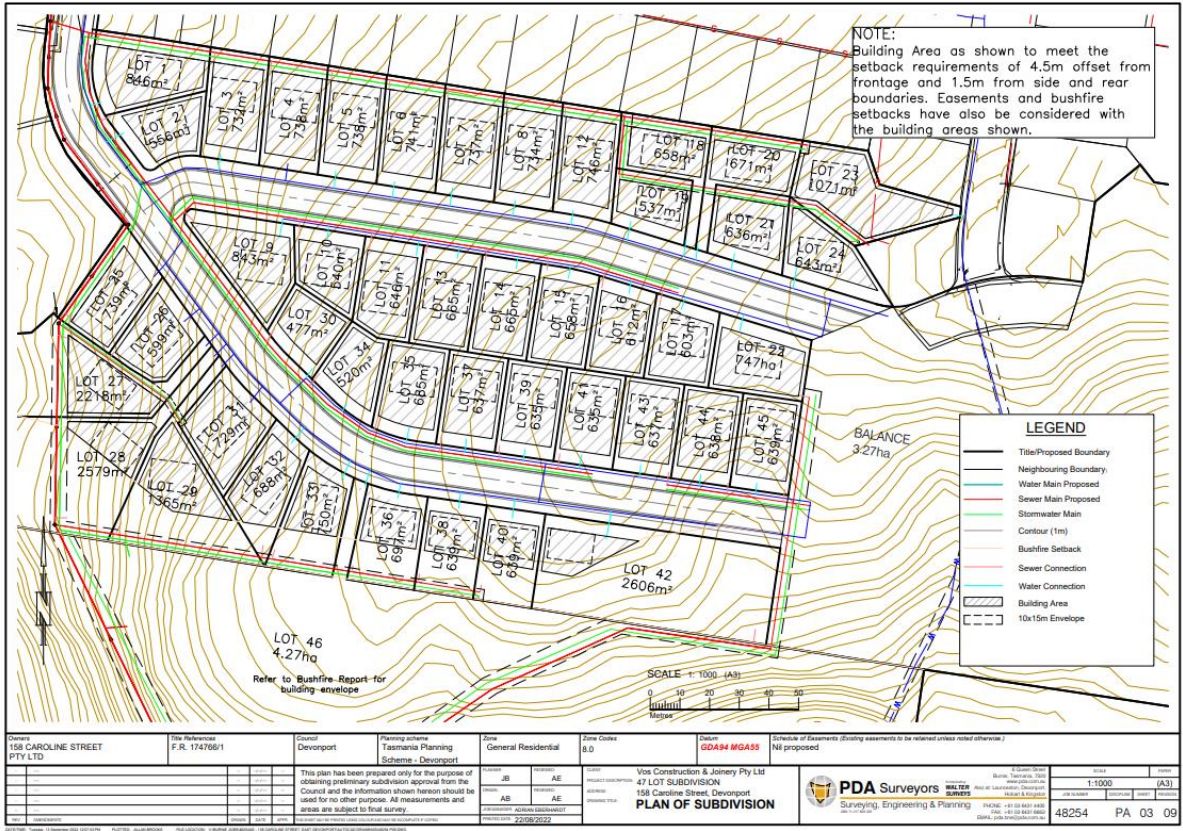


Figure 4 – Subdivision plan detail (PDA Surveys, 2022)

PLANNING ISSUES

The land is affected by the General Residential zone, Rural Living zone and the Agricultural zone under the *Tasmanian Planning Scheme – Devonport, 2020*.

Development for subdivision does not require categorisation into a Use Class as stated in clause 6.2.6 of the Planning Scheme. The proposal is assessed against the relevant development standards for subdivision for each zone.

8.0 General Residential Zone

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - a) primarily serves the local community; and
 - b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

8.6.1 Lot design

Objective: That each lot: <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: <ul style="list-style-type: none"> i. be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and ii. existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; 	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area.

<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>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the topography of the site; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from

	adjoining properties; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area.
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A1 – The proposed subdivided lots within the General Residential zone land exceed the minimum lots size and can all provide a 10m x 15m building area clear of setbacks and proposed service easements. The acceptable solution is met.

P2 – The proposed lots 18, 20, 23, 27, 28, and 29 are designed as internal lots with generally 4m width accessways from the frontage. The width of proposed internal accessways are suitable for the intended residential density permissible within the zone. The performance criteria are satisfied.

A3 – Each lot as proposed will have direct vehicle access to a Council maintained road. The acceptable solution is met.

P4 – The majority of the proposed lots can satisfy the acceptable solution of this design standard. The exception being lots 18 – 21 which have been designed with a longer axis on the east-west aspect to accommodate two internal lots as illustrated in Figure 5. These lots are still sufficient in dimension to provide a 150m² dwelling with good northern access to the back or sides of the adjoining lots. Any future development upon these lots will not affect the adjoining northern properties due to the orientation, while development of lots 18 or 20 which seeks to encroach upon the standard 4.5m setback from the southern boundary will be subject to a discretionary planning application and due process for consideration to overshadowing. The performance criteria are satisfied.

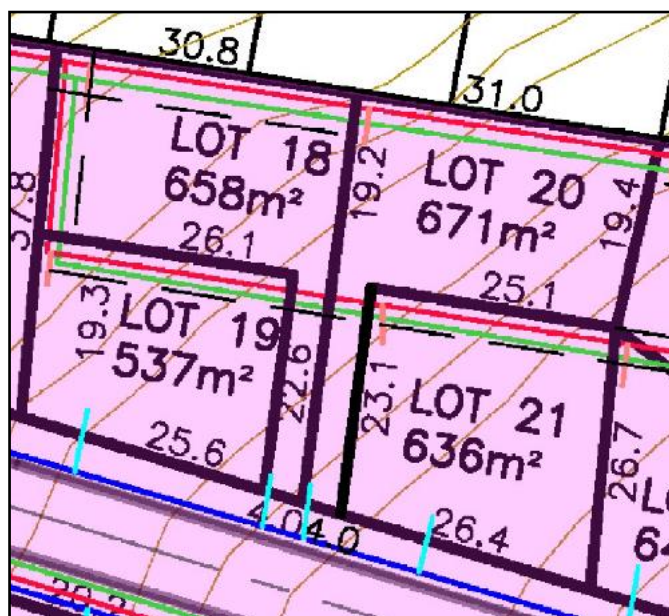


Figure 5 – Proposed lots 18 – 21 (PDA Surveyors, 2022)

8.5.2 Roads

Objective:

That the arrangement of new roads within a subdivision provides for:

- (a) safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) the adequate accommodation of vehicular, pedestrian, cycling and public

transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.	
Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	P1 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"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (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>; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.

P1 – The proposed subdivision requires a new road to provide access and connectivity to future development. The proposed road will allow connection to the existing road network with allowance for potential subdivision of the balance lot. The proposal satisfies the performance criteria.

The proposed subdivision satisfies all acceptable solutions under 8.5.3 Services, as each lot will have a connection to public reticulated water, sewerage and stormwater systems.

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.

The eastern portion of the site is located within the Rural Living A zone. The balance lot will comprise 3.27ha with three frontages, each between 16m and 28m. The balance lot can be serviced by water and sewerage infrastructure. There are no new roads proposed within land zoned Rural Living.

The proposal satisfies the acceptable solutions of 11.5 Development Standards for Subdivision.

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.

21.5.1 Lot design

Objective: To provide for subdivision that: <ul style="list-style-type: none"> (a) relates to public use, irrigation infrastructure or Utilities; and (b) protects the long term productive capacity of agricultural land 	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities or irrigation infrastructure; or (c) be for the consolidation of a lot with another lot provided both lots are within the same zone. 	P1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) provide for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> i. not materially diminishing the agricultural productivity of the land; ii. the capacity of the new lots for productive agricultural use; iii. any topographical constraints to

	<p>agricultural use; and</p> <p>iv. current irrigation practices and the potential for irrigation;</p> <p>(b) be for the reorganisation of lot boundaries that satisfies all of the following:</p> <p>i. provides for the operation of an agricultural use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the new lots for productive agricultural use;</p> <p>c. any topographical constraints to agricultural use; and</p> <p>d. current irrigation practices and the potential for irrigation;</p> <p>ii. all new lots must be not less than 1ha in area;</p> <p>iii. existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;</p> <p>iv. all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and</p> <p>v. it does not create any additional lots; or</p> <p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following:</p> <p>i. the balance lot provides for the operation of an agricultural use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the balance lot for productive agricultural use;</p> <p>c. any topographical constraints to agricultural use; and</p> <p>d. current irrigation practices and the potential for irrigation;</p> <p>ii. an agreement under section 71 of the Act is entered into and registered on the title preventing</p>
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	<p>future Residential use if there is no dwelling on the balance lot;</p> <p>iii. any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and</p> <p>iv. all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.</p>
<p>A2</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>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p> <p>(c) the nature of the road and the traffic, including pedestrians; and</p> <p>(d) the pattern of development existing on established properties in the area.</p>

P1(a) – The proposed subdivision provides a 4.27ha lot containing all land which is affected by the Agriculture zone. The other land is not zoned appropriately for agricultural industry and as such the proposal satisfies the performance criteria of P1 (a).

A2 – Proposed lot 46 which is affected by the Agriculture zone will have a 5.1m wide accessway connecting to the new road. The proposal meets the acceptable solution.

C13.0 Bushfire-Prone Areas code

The subject site is affected by the Bushfire-Prone Areas code. A bushfire hazard assessment and associated Bushfire Hazard Management Plan has been provided to demonstrate compliance with the relevant acceptable solutions of the code regarding management areas, access and water supply. The Bushfire Hazard Management Report will be endorsed to form part of the planning permit.

C15.0 Landslip Hazard code

The subject site is affected by a low and medium landslip hazard as illustrated in Figure 6. The proposed subdivision has been assessed by a suitably qualified geotechnical engineer who has advised the location of building areas and services can be done to ensure future use or development can achieve a tolerable risk from landslip events.



Figure 6 – Landslide hazard mapping (LISTmap)

The proposal meets the relevant acceptable solutions of other applicable codes. There are no specific area plans which apply to the subject site.

COMMUNITY ENGAGEMENT

On 12/08/2022, 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:

- Advertising the application in *The Advocate* newspaper on 16/11/2022;
- Making a copy of the proposal available in Council Offices from the 16/11/2022;
- Notifying adjoining property owners by mail on 15/11/2022; and
- Erecting a Site Notice for display from the 15/11/2022.

The period for representations to be received by Council closed on 30/11/2022.

REPRESENTATIONS

Four representations were received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representations as summarised have concerns regarding the destruction of agricultural land; location of existing services and future services; road access and safety for existing residents; increased traffic; access to public transport; decreased property values; and emissions during construction.

- The subject site is affected by three separate zones as discussed previously in this report. The land to be subdivided is suitably zoned General Residential, for which the intent is to allow residential development.
- Adjoining property owners have identified concerns with the location of existing service infrastructure and proximity of proposed services. The plans provided by the applicant are indicative of where services could be located. The final location of these services will be managed through a post permit design stage where civil

engineers will conduct detailed site surveys and liaise with both Taswater and Council's Infrastructure & Works team to ensure the proposed subdivision services are suitably designed and located to meet the necessary standards as well as prevent detrimental impacts to existing residents.

- The proposed road connecting to Marine Street will be constructed once civil designs have been approved by the relevant authorities. Where legal right of way access exists on a certificate of title, this access must be maintained until such time a road reserve has been shown on a sealed plan of subdivision. A condition on the permit requires the developer to include specific owner notification and alternative access arrangements where necessary for the existing properties which have legal access over the subject site, within the construction management plan.
- A Traffic Impact Assessment (TIA) has been submitted by the applicant and reviewed by Council's Infrastructure and Engineering Development Officer. Whilst the proposed development will result in increased traffic to the area, the TIA concludes that there is sufficient capacity in the existing road network to accommodate the additional traffic movements as a result of the proposed subdivision. Access to public transport is considered acceptable, though not a planning consideration for subdivision. It is noted the closest bus stops are situated on Torquay and Tarleton Roads.
- Property values are not matters considered under the provisions of the *Tasmanian Planning Scheme – Devonport 2020*, and during construction noise or dust issues are considered short-term matters manageable under the *Environmental Management and Pollution Control Act 1994*.

Complete versions of the representations are appended to this report as an attachment.

DISCUSSION

Council has determined that a contribution of land in regard to public open space is not warranted in the area proximity to the Coastal Pathway along River Road and the foreshore of the Mersey River. As such Council seeks a monetary contribution in lieu of public open space and is included as a condition of the permit.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

CONCLUSION

The application satisfies the relevant acceptable solutions and performance criteria under the *Tasmanian Planning Scheme – Devonport 2020* and a permit can be issued, subject to conditions. The proposal has been assessed by TasWater and Council's Development, and Infrastructure and Works departments, and can be approved with conditions.

ATTACHMENTS

1. Application - PA2022.0145 - 158 Caroline Street [**4.2.1** - 124 pages]
2. All representations - PA2022.0145 - 158 Caroline Street [**4.2.2** - 9 pages]

4.3 PA2022.0167 - 57A BERRIGAN ROAD, MIANDETTA - 50 LOT SUBDIVISION

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

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Tasmanian Planning Scheme – Devonport 2020* and section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2022.0167 and grant a Permit to develop land identified as 57a Berrigan Road, Miandetta for the following purposes:

- 50 Lot Subdivision

Subject to the following conditions:

1. The subdivision is to proceed generally in accordance with the submitted plans and documents referenced as:
 - a. Plan of Subdivision, Drawing no. 303721_D06, sheets 1-3, dated 01/11/22 by Veris;
 - b. Bushfire Hazard Management Report: 57a Berrigan Road, dated 12 September, 2022 by Michael Tempest of RMCG;
 - c. Bushfire Hazard Management Plan, Plan No. MT22/95SV2, dated 12/09/2022 by Michael Tempest of RMCG;
 - d. Flora and Fauna Report: 57a Berrigan Road, dated 27 June, 2022 by RMCG;
 - e. Engineering plans, Drawing No.s 0306-25 P01-P04, dated June 2022 & 0306-25 SK01, dated August 2022 by CSE Tasmania Pty Ltd;

copies of which are attached and endorsed as documents forming part of this Planning Permit.

2. 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.
3. In accordance with the Tasmanian Subdivision Guidelines, a landscaping plan which includes provision for native street trees, is to be provided by the applicant/developer and approved by Council as part of the engineering plans for the subdivision. Planting within nature strip areas is to be completed to the Planning Authority's satisfaction before acceptance of any final plan.
4. The developer must transfer each road lot to Council after the sealing of the applicable final plan. The developer is to cover all costs associated with the transfer of the title to Council.
5. Names for the new roads in accordance with the *Tasmanian Place Naming Guidelines* are to be submitted to Council for approval.
6. Street addressing is to be in accordance with the Addressing Plan (see notes).
7. The developer is to register a Part 5 Agreement (approved by Council) on the title in accordance with the recommendations of the approved Bushfire Hazard Management Report. The agreement is to include a copy of the Bushfire Hazard Management Plan.

8. A permit will be required from the Tasmanian Department of Natural Resources and Environment if any disturbance to the burrowing crayfish population is unavoidable.
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, along with 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 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.
 - 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. Certification and details from a suitably qualified civil or structural engineer must be submitted to Council regarding all retaining walls over the height of 1m.
12. The developer 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.
13. The developer 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.
14. The developer, in accordance with the Tasmanian Subdivision Guidelines, is to appoint a supervising engineer to arrange for joint audit inspections and to certify the works at practical completion.

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.

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

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

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

The developer is to ensure all necessary permits from the State and Federal Government are obtained in regard to impact on threatened flora and fauna.

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

In regard to conditions 9-14, the applicant/developer 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.

Addressing Plan:

Proposal is for a 50 lot subdivision (including 3 lots that make up a balance lot) and 2 new roads.

Street numbers will be as follows:

Road 101	
Lot No	Street No
1	2
2	4
3	6
4	8
5	10
6	12
7	14
8	16
9	18
10	20
11	22

Road 102	
Lot No	Street No
25	2
27	4
28	6
29	8
30	10
31	12
32	14
33	16
Part of Balance (664sqm)	18
Part of Balance (766sqm)	15
34	13

12	24		35	11
13	26		36	9
14	27		37	7
15	25		38	5
16	23		39	3
17	21		40	3
18	19		41	39
19	17		42	37
20	15		43	35
21	13		44	33
22	11		45	31
23	9		46	29
24	7		47	27
26	5		Balance (2415sqm/985sqm)	25
			51	41

39	1	Street Number depends on Property Access Point	39	3
40	3		40	1

There is potential for lots 39 and 40 to be accessed from either of the new roads. Once it has been determined which road is the most appropriate for access to these lots, street numbering can be finalised. This complies with AS/NZS 4819.2011 Rural and Urban addressing.

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 PA2022.0167.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	57a Berrigan Road, Miandetta
Applicant:	Veris
Owner:	Ann-Tas Pty Ltd
Proposal:	50 Lot Subdivision
Existing Use:	Vacant land
Zoning:	General Residential

Decision Due:	23/12/2022
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SITE DESCRIPTION

The site is a vacant lot located on the southern side of Berrigan Road with an area of 5.557 hectares (see Figure 1). The lot is irregular in shape and falls steeply to the south with the higher ground having views over the Mersey River, Quoiba and Spreyton towards Mount Roland. At its highest point the land is 52m above sea level, falling to a low of 5m and rising again to 10m with a creek running through the gully. The terrain is rocky and lightly vegetated, having been cleared a number of times in the last 20 years. A Transend transmission line crosses the southern portion of the lot in an east/westerly direction, south of which the vegetation is more dense. Drainage easements and a sewer main also cross the site.

The property is adjoined by developed residential land to the north and west and a large vacant residential lot to the east. The Devonfield property abuts the site to the south-west and is currently subject to an amendment to rezone the land and subsequently subdivide.

Figure 2 shows the location of the site on the southern fringe of Miandetta.

SITE HISTORY

The site was previously approved for subdivision in 2000 and again with the same layout in 2003. The 2003 permit lapsed and another application was made in 2010 and approved in February 2011. This application has also now lapsed.

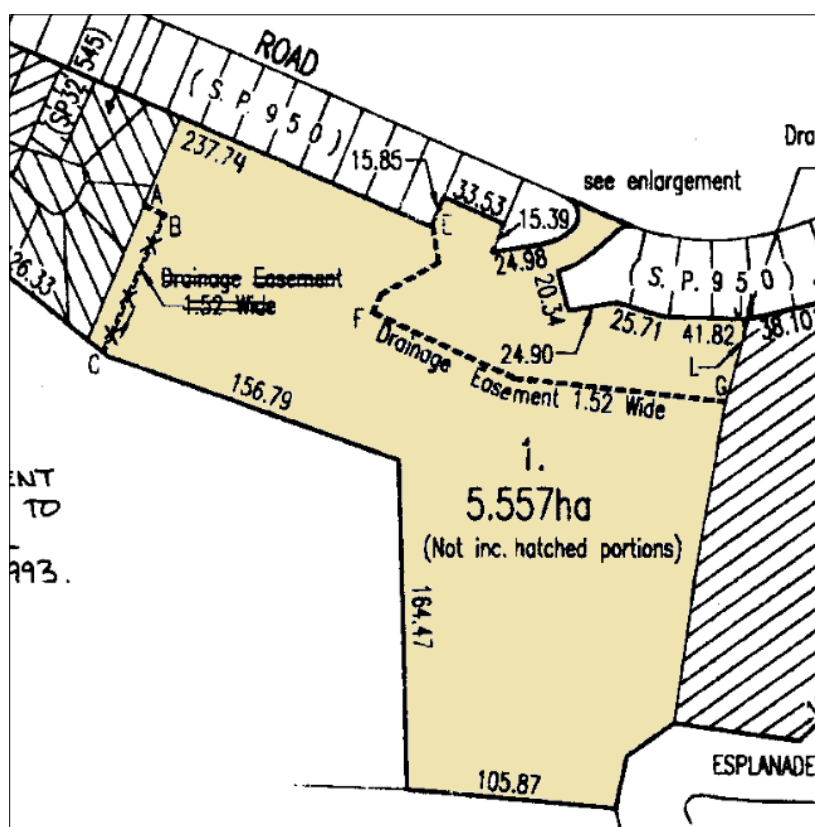


Figure 1 - Title plan - CT141199/1



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

APPLICATION DETAILS

The applicant is seeking approval for a 50 lot subdivision as shown in Figure 3. The proposal contains a cul-de-sac to the west of the site and a loop road to the east which will allow for connection to the adjoining property to the east in the future. **The application detail is appended as Attachment 1.**

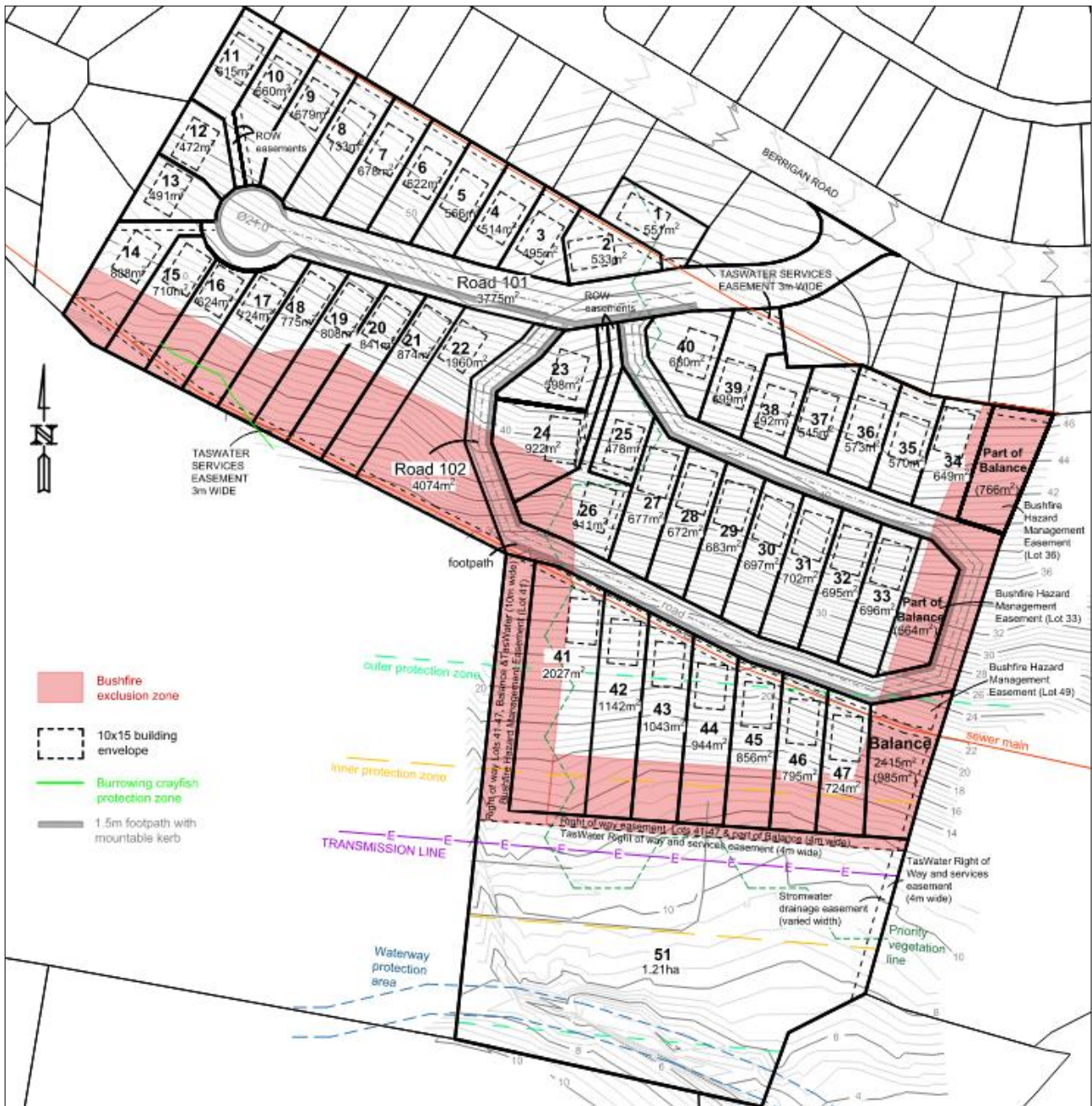


Figure 3 - Proposed subdivision plan

PLANNING ISSUES

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

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

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

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

Subdivision is permitted in the zone provided it complies with all relevant acceptable solutions contained within the Subdivision Standards and any applicable Codes. In instances where the acceptable solutions cannot be met the corresponding performance criteria must be satisfied and the application is assessed as a discretionary application in accordance with section 57 of the *Land Use Planning and Approvals Act, 1993*.

The relevant development standards are reproduced below, followed by assessment.

8.6 Development Standards for Subdivision

8.6.1 Lot design

Objective: That each lot:	
<ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with 	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area.

another lot provided each lot is within the same zone.	
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Each lot has an area greater than 450m² which is able to contain a 10m x 15m area clear of easements and setbacks however many of the lots have a gradient steeper than 1 in 5. In light of this the performance criteria must be satisfied.

Each lot has sufficient usable area and dimensions suitable for residential use. Figure 3 shows that each lot has sufficient room outside the building areas to allow for private open space and to deal with any natural hazards (bushfire). The pattern of development is in keeping with established properties in the area as there are both cul-de-sacs and loop roads in Miandetta.

The performance criterion is satisfied.

<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, <p>and is not less than 3.6m wide.</p>
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Lots 1, 4, 9-15 and 51 have frontages less than 12m wide and do not meet the acceptable solution. Each lot will have its own frontage and not be dependent on a right of carriageway. The frontages are sufficient for the intended use, greater than 3.6m wide and provide for the ability to manoeuvre vehicles on the site.

The performance criterion is satisfied.

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

The acceptable solution is met.

<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <p>(a) the size, shape and orientation of the lots;</p> <p>(b) the topography of the site;</p> <p>(c) the extent of overshadowing from adjoining properties;</p> <p>(d) any development on the site;</p> <p>(e) the location of roads and access to lots; and</p> <p>(f) the existing pattern of subdivision in the area.</p>
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The majority of lots have the long axis of the lot between 30 degrees west of north and 30 degrees east of north. Those that do not are not vastly outside the requirements and will also provide for adequate solar access.

The performance criterion is satisfied.

8.6.2 Roads

<p>Objective:</p> <p>That the arrangement of new roads within a subdivision provides for:</p> <p>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</p> <p>(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</p> <p>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</p>	
Acceptable Solutions	Performance Criteria
A1	P1

<p>The subdivision includes no new roads.</p>	<p>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:</p> <ul style="list-style-type: none"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.
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As new roads are proposed the performance criteria must be assessed.

Appropriate access, connectivity and safety will be provided for vehicles, pedestrians and cyclists.

Allowance has been made for access to the adjoining land to the east. A connection is not possible to Penambul Drive to the west due to the existing configuration. In the future, pedestrian/bicycle access should be available to the land presently owned by Devonfield, provided their current application is approved and the land becomes public open space.

No access is proposed to the land to the south. To gain connection to this parcel of land access under the transmission line would be required through lot 51. This piece of land contains a small waterway and bushland deemed of sufficient quality to be maintained. Given the land to the south has a frontage of approximately 500m onto Stony Rise Road a connection to this land is not deemed necessary.

The road layout is appropriate and satisfies the performance criterion.

8.6.3 Services

<p>Objective:</p> <p>That the subdivision of land provides services for the future use and development of the land.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</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 connection to a full water supply service.</p>	<p>P1</p> <p>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:</p> <ul style="list-style-type: none"> (a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.

A water connection is proposed for each lot.

The acceptable solution is met.

<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p>P2</p> <p>No Performance Criterion.</p>
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A sewer connection is proposed for each lot.

The acceptable solution is met.

<p>A3</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 capable of connecting to a public stormwater system.</p>	<p>P3</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 capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <ul style="list-style-type: none"> (a) the size of the lot; (b) topography of the site;
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	(c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.
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A stormwater connection is proposed for each lot.

The acceptable solution is met.

In addition to the zone a number of Codes are also applicable, the Road and Railway Asset Code, Electricity Transmission Infrastructure Code, Natural Assets Code and Bushfire Prone Areas Code. Each are addressed below.

C3.0 Road and Railway Assets Code

The purpose of the 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.

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

Objective: To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solutions	Performance Criteria
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.	P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.
A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.	
A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.	
A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level	

<p>crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
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A1.1 – Not applicable – Berrigan Road is not a category 1 road.

A1.2 – Preliminary discussions were held in regard to the road design and consent is provided by placing conditions on the permit.

The acceptable solution is met.

A1.3 – Not applicable – No rail crossings are proposed.

A1.4 – Not applicable – No existing vehicle crossings (driveways) or private level crossings will be utilised to provide access to lots.

A1.5 – Not applicable – There will be no access onto major roads (category 1, 2, or 3).

Clause 3.6.1 regarding habitable buildings for sensitive uses within a road or railway attenuation area is not applicable as no habitable buildings are proposed and the land is not within 50m of the railway.

C4.0 Electricity Transmission Infrastructure Protection Code

The purpose of the code is:

C4.1.1 To protect use and development against hazards associated with proximity to electricity transmission infrastructure.

C4.1.2 To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.

C4.1.3 To maintain future opportunities for electricity transmission infrastructure.

Clause C4.5.1 for sensitive use within a substation facility buffer area is not applicable as there is not a substation facility located on the site.

Clauses C4.5.2 and C4.5.3 regarding dust or other airborne particulates are not applicable as no uses are proposed.

C4.6.1 Buildings or works within an electricity transmission corridor.

<p>Objective:</p> <p>That buildings or works within an electricity transmission corridor are located at appropriate distances from transmission lines or cables to:</p> <p>(a) ensure operational efficiencies, access to, and security of, existing or future electricity transmission infrastructure; and</p> <p>(b) protect against a safety hazard associated with proximity to existing or future electricity transmission infrastructure.</p>	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Buildings or works within an electricity transmission corridor must not be within:</p> <p>(a) an inner protection area; or</p> <p>(b) a registered electricity easement.</p>	<p>P1</p> <p>Buildings or works within an electricity transmission corridor must not cause an unreasonable impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure, having regard to:</p> <p>(a) the nature, height and materials of the buildings and works;</p> <p>(b) the extent of encroachment of the buildings and works into the electricity transmission corridor;</p> <p>(c) the location of the buildings and works within the electricity transmission corridor; and</p> <p>(d) any advice from the electricity entity.</p>
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A sewer main is proposed to run within the inner protection area however it will not impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure. The work will be located underground and not impact on the overhead transmission lines.

The performance criteria is satisfied.

Clauses C4.6.2 and C4.6.3 regarding building or works within a substation facility buffer area or communications station buffer area are not applicable as there are no substation facility buffer or communications station buffer areas within the lot.

C4.7.1 Subdivision

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

<p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the creation of a lot that contains a building area not less than 10m x 15m entirely located outside an inner protection area or registered electricity easement.</p>	<p>areas; and</p> <p>(c) any advice from the electricity entity.</p>
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Each lot has sufficient room for a building area to be located entirely outside the inner protection area.

The acceptable solution is met.

C7.0 Natural Assets Code

Both a priority vegetation overlay area and a waterway and coastal protection area are located within the property. Figure 4 shows the overlays.



Figure 4 - Priority vegetation area overlay & waterway and coastal protection area

The purpose of the Natural Assets Code is:

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.

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area.

<p>Objective:</p> <p>That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <p>(a) be within a building area on a sealed plan approved under this planning scheme;</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date</p>	<p>P1.1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p> <p>(b) impacts on riparian or littoral vegetation;</p> <p>(c) maintaining natural streambank and streambed condition, where it exists;</p> <p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(e) the need to avoid significantly impeding natural flow and drainage;</p> <p>(f) the need to maintain fish passage, where known to exist;</p> <p>(g) the need to avoid land filling of wetlands;</p> <p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(i) minimising cut and fill;</p> <p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice</p>

	<p>guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>P1.2</p> <p>Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(a) the need to access a specific resource in a coastal location;</p> <p>(b) the need to operate a marine farming shore facility;</p> <p>(c) the need to access infrastructure available in a coastal location;</p> <p>(d) the need to service a marine or coastal related activity;</p> <p>(e) provision of essential utility or marine infrastructure; or</p> <p>(f) provisions of open space or for marine-related educational, research, or recreational facilities.</p>
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Not applicable - No buildings or works are proposed within the waterway and coastal protection area which is located along the southern boundary of the property. A large 1.21ha lot will encompass the creek within which no services/driveways are proposed.

<p>A2</p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>P2.1</p> <p>Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas;</p> <p>(b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation;</p> <p>(c) allowing the coastal processes of sand deposition or erosion to continue to occur;</p> <p>(d) the need to group new facilities with existing facilities, where reasonably practical;</p>
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	<p>(e) the impacts on native vegetation;</p> <p>(f) minimising cut and fill;</p> <p>(g) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(h) the impacts of sea-level rise on natural coastal processes and coastal habitat;</p> <p>(i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(j) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>P2.2</p> <p>Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(a) the need to access a specific resource in a coastal location;</p> <p>(b) the need to operate a marine farming shore facility;</p> <p>(c) the need to access infrastructure available in a coastal location;</p> <p>(d) the need to service a marine or coastal related activity;</p> <p>(e) provision of essential utility or marine infrastructure; and</p> <p>(f) provision of open space or for marine-related educational, research, or recreational facilities.</p>
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Not applicable – the future coastal refugia area is not located on the site.

<p>A3</p> <p>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>P3</p> <p>Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to minimise impacts on water quality; and</p> <p>(b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.</p>
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Not applicable – no stormwater discharge points are proposed within the protection area.

<p>A4</p> <p>Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>P4.1</p> <p>Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must minimise adverse impacts on natural coastal processes and natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) the need to avoid land filling of wetlands; (d) impacts on sand movement and wave action; and (e) the potential for increased risk to inundation of adjacent land. <p>P4.2</p> <p>Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary:</p> <ul style="list-style-type: none"> (a) to continue an existing use or development on adjacent land; or (b) for a use which relies upon a coastal location to fulfil its purpose, having regard to: <ul style="list-style-type: none"> (i) the need to access a specific resource in a coastal location; (ii) the need to operate a marine farming shore facility; (iii) the need to access infrastructure available in a coastal location; (iv) the need to service a marine or coastal related activity; (v) provision of essential utility or marine infrastructure; and (vi) provision of open space or for marine-related educational, research, or recreational facilities.
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Not applicable. No dredging or reclamation is proposed.

<p>A5</p> <p>Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>P5</p> <p>Coastal protection works or watercourse erosion or inundation protection works within a waterway and coastal protection area or a future coastal refugia area must be designed by a suitably qualified person and minimise adverse impacts on natural coastal processes, having regard to:</p> <p>(a) impacts on sand movement and wave action; and</p> <p>(b) the potential for increased risk of inundation to adjacent land.</p>
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Not applicable – No watercourse erosion or inundation protection works are proposed.

C7.6.2 Clearance within a priority vegetation area.

<p>Objective:</p> <p>That clearance of native vegetation within a priority vegetation area:</p> <p>(a) does not result in unreasonable loss of priority vegetation;</p> <p>(b) is appropriately managed to adequately protect identified priority vegetation; and</p> <p>(c) minimises and appropriately manages impacts from construction and development activities.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1</p> <p>Clearance of native vegetation within a priority vegetation area must be for:</p> <p>(a) 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 Tasmania Fire Service or an accredited person;</p> <p>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure</p>

	<p>the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2</p> <p>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the buildings and works;</p> <p>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>
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The sealed plan for the lot was approved prior to the introduction of the current planning scheme therefore the performance criteria must be addressed.

Any clearing proposed relates to subdivision in the General Residential zone.

The performance criteria for P1.1 is satisfied.

Priority Vegetation is defined within the code as, *native vegetation where any of the following apply:*

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

The Flora and Fauna Report submitted with the application states that the vegetation on the western portion of the title, which is within a priority vegetation area, is almost entirely regenerating cleared land. This is evidenced by Figure 5 which shows an aerial view of the site in 2009, after having been cleared.



**Figure 5 - Aerial view of subject site in 2009
showing the land having recently been cleared. (Source: DCC)**

The site contains approximately 0.7ha of a threatened vegetation community, *Eucalyptus ovata* forest and woodland, on the southern side of the transmission line.

No threatened flora species have been identified, however potential habitat for a threatened fauna species (central north burrowing crayfish and swift parrot) has been identified. The proposal is considered to have minimal impact on these species. The area identified as burrowing crayfish habitat is not proposed to be altered. In any case, should any works be likely to impact the burrowing crayfish habitat a permit from the Department of Natural Resources and Environment will be required.

The land has not been identified as containing native vegetation of local importance.

In light of the above clause P1.2 is satisfied as no clearing of the threatened vegetation community or the threatened species habitat is proposed.

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

That:

(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

(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.

Acceptable Solutions	Performance Criteria
<p>A1</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> <p>(a) be for the creation of separate lots for existing buildings;</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;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(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.</p>	<p>P1.1</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> <p>(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</p> <p>(b) future development likely to be facilitated by the subdivision.</p>

No works are proposed within the waterway and coastal protection area. The acceptable solution is met.

C7.7.2 Subdivision within a priority vegetation area

Objective:

That:

(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and

(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.

Acceptable Solutions	Performance Criteria
<p>A1</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"> (a) be for the purposes of creating separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area. 	<p>P1.1</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"> (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 Tasmania Fire Service or an accredited person; (b) subdivision for the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (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 (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. <p>P1.2</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"> (a) the design and location of any works, future development likely to be

	<p>facilitated by the subdivision, and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>
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No clearing of threatened vegetation is proposed as part of the subdivision however building envelopes, services, bushfire hazard management areas and vehicular accesses will be created within the area shown as a priority vegetation area.

In regard to P1.1 each lot will be for a subdivision in the General Residential Zone. The performance criterion is satisfied.

In regard to P1.2, the work proposed within the priority vegetation area will not impact priority vegetation given the majority is regenerating cleared land. The strip of land that will access the southernmost lot need not be cleared as part of the proposal and cannot be built on as a residential lot due to bushfire requirements. It may, however, be developed in the future. Any future clearing proposed within the southernmost lot will be subject to the requirements of the planning scheme and any applicable federal and state legislation.

As no clearing of priority vegetation is proposed the performance criteria is satisfied.

C13.0 Bushfire-Prone Areas Code

The purpose of the Bushfire-Prone Areas 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.

Clauses C13.5.1 and C13.5.2 which relate to Vulnerable and Hazardous uses are not applicable as no such uses are proposed.

C13.6 Development Standards for Subdivision

C13.6.1 Provision of hazard management areas

Objective:

That subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (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
- (c) provide protection for lots at any stage of a staged subdivision.

Acceptable Solutions	Performance Criteria
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<p>A1</p> <p>(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</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(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 2.6 of <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(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 2.6 of <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas</i>; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision 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>	<p>P1</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> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>
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A bushfire Hazard Management Report and Bushfire Hazard Management Plan have been prepared by RMCG. The report and plan show that each lot, other than Lot 51, are capable of containing a building envelope which complies with the requirements of a BAL 19 rating. Given lot 51 cannot meet the requirements the performance criteria must be satisfied.

The Bushfire Hazard Management Report demonstrates compliance through the stipulation that Lot 51 is not suitable for residential use. The performance criteria is satisfied.

C13.6.2 Public and fire fighting access

Objective:

That access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, fire fighters and emergency service personnel;
- (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;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>(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</p> <p>(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:</p> <p>(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</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>P1</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> <p>(a) appropriate design measures, including:</p> <ul style="list-style-type: none"> (i) two way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation clearances; (iv) load capacity; (v) provision of passing bays; (vi) traffic control devices; (vii) geometry, alignment and slope of roads, tracks and trails; (viii) use of through roads to provide for connectivity; (ix) limits on the length of cul-de- sacs and dead-end roads;

	(x) provision of turning areas; (xi) provision for parking areas; (xii) perimeter access; and (xiii) fire trails; and (b) the provision of access to: (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and (ii) fire fighting water supplies; and (c) any advice from the TFS.
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Given the length of the access strip to lot 11 and the design of the cul-de-sac the performance criteria must be addressed. The Bushfire Hazard Management Plan demonstrates compliance can be achieved through provision of no parking areas within the cul-de-sac.

The performance criteria is satisfied.

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
A1 In areas serviced with reticulated water by the water corporation: (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; (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 (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.	P1 No Performance Criterion.
A2 In areas that are not serviced by	P2

<p>reticulated water by the water corporation:</p> <p>(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;</p> <p>(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</p> <p>(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.</p>	<p>No Performance Criterion.</p>
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A reticulated water supply will be available to each building lot. Clause A2 is not applicable.

The acceptable solution is met.

COMMUNITY ENGAGEMENT

On 21/09/2022, 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 23/11/2022;
- (b) Making a copy of the proposal available in Council Offices from the 23/11/2022;
- (c) Notifying adjoining property owners by mail on 22/11/2022; and
- (d) Erecting a Site Notice for display from the 22/11/2022.

The period for representations to be received by Council closed on 07/12/2022.

REPRESENTATIONS

Twenty representations were received within the prescribed 14-day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The majority of representations (18 of 20) raise concerns over future clearing of vegetation and destruction of habitat on the site. One representation questions the lack of connectivity to the lot to the south and another representation raises the issue of the consistency of the application documentation along with questions around bushfire mitigation, the sewer line corridor and trees overhanging the shared boundary. **The representations are appended to the report as Attachment 2.**

When determining an application, clause 6.10.1 of the planning scheme states that any valid representations must be considered, '*but only insofar as each matter is relevant to the particular discretion being exercised.*'

In regard to vegetation, the discretion relates to clause C7.6.2 – Clearance within a priority vegetation area, as discussed earlier in regard to the Natural Assets Code. As mentioned previously the Flora and Fauna Report prepared for the site demonstrates that although the priority vegetation area overlay applies to the site much of this area does not contain priority vegetation, with the only area being contained within Lot 51. In addition, an area has been identified as containing burrowing crayfish however, no development is proposed for this area given the sewer main is already in place. Given no development or clearing is proposed for the above areas the proposal is deemed to meet the requirements of the scheme.

In regard to the question of connectivity to the property to the south, the discretion relates to clause 8.6.2 P1 in regard to Roads. The performance criteria states that *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...the future subdivision potential of any balance lots on adjoining or adjacent land.*

As discussed earlier in the report the lot to the south has sufficient frontage onto Stony Rise Road to provide access to the site. In addition, access would need to be provided through the Eucalyptus ovata community should connectivity to the south be provided, which is not in keeping with the recommendations of the Flora and Fauna Report.

The inconsistency of the application documentation stems from the fact that there have been multiple subdivision designs proposed. In regard to the difference in lot numbers this is a result of the change to the way the balance lot has been numbered.

In some instances, outdated designs were provided to consultants for assessment and have thus been included in their reports. As none of these subdivision designs are substantially different the impact is negligible. Note, the plans included in some reports have been altered due to removal of adjoining landowner details. The final layout is that shown in Figure 3.

The representation also questions the labelling of a building design which has been provided with the application to demonstrate that building on steep slopes is possible with good design. The diagram is from a Ukrainian website and therefore the labels are in Ukrainian. Translated the labels read, from top to bottom as 'bedroom', 'kitchen and dining', 'living room', 'fitness room', 'pool', 'living room', 'garage'. The label on the left hand side reads, 'cabinet'.



Figure 6 - Building design for steep slopes (Source: Veris)

Concerns regarding current bushfire mitigation issues and potential damage from nearby trees are also raised. The proposed subdivision will remove the need for bushfire hazard management areas for the representor's property. Any current concerns regarding bushfire or falling trees/limbs should be discussed with the proponent.

Concern over the maintenance of the existing sewer main and the impact of existing vegetation on this infrastructure are also raised. The proponent will have to ensure that all sewer infrastructure meets the requirements of TasWater.

There are no issues raised within any of the representations which require alteration of the proposal or additional conditions. The issues of vegetation/habitat and connectivity have been addressed through assessment of the performance criteria.

In regard to the consistency of the application, and other issues raised by the final representation these are not matters to which discretion applies and should not impact any decision.

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, along with TasWater and can be approved with conditions.

ATTACHMENTS

1. Application detail - PA2022.0167 - 57a Berrigan Road, Miandetta - 50 Lot Subdivision [4.3.1 - 122 pages]
2. All representations - PA2022.0167 - 57a Berrigan Road [4.3.2 - 55 pages]
3. TasWater SPAN - PA2022.0167 - 57a Berrigan Road [4.3.3 - 4 pages]

5 REPORTS

5.1 STANDING DELEGATION - APPOINTMENT OF ACTING GENERAL MANAGER

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council in accordance with section 61B of the *Local Government Act 1993* appoint Mr Jeffrey Griffith, Deputy General Manager, to act in the office of the General Manager during every absence of the General Manager.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report has been prepared to assist Council in determining a standing delegation for the appointment of an Acting General Manager during absences of the General Manager.

BACKGROUND

Historically, Council has had a standing delegation in place which provided the Deputy General Manager with delegation to automatically assume the role of Acting General Manager during absences of the General Manager.

STATUTORY REQUIREMENTS

The *Local Government Act 1993* states:

- (1) *For the purposes of this section, a general manager is absent if –*
 - (a) *he or she is absent from duty for any reason; or*
 - (b) *he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or*
 - (c) *the position of the general manager is vacant.*
- (2) *The mayor may appoint a person to act in the office of general manager if –*
 - (a) *the general manager is absent and no person holds an appointment under subsection (4); or*
 - (b) *the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.*
- (3) *An appointment under subsection (2) ends when the first of the following occurs:*
 - (a) *the general manager returns to duty;*
 - (b) *the term of the appointment expires;*

- (c) *the mayor or the council revokes the appointment;*
 - (d) *a person is appointed as general manager under section 61.*
- (4) *The Council may appoint a person to act in the office of general manager during every absence of the general manager.*
- (5) *An appointment under subsection (4) is for the term, not exceeding five years, specified in the appointment and ends when the first of the following occurs:*
 - (a) *the term of the appointment expires;*
 - (b) *the Council revokes the appointment;*
 - (c) *if the appointment is to the holder of an office, the person ceases to hold that office.*
- (6) *While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.*

DISCUSSION

A standing delegation for the automatic appointment of an Acting General Manager (covering absences of the General Manager) is a prudent business continuity decision and ensures that the powers and functions of the General Manager are automatically assigned to the Acting General Manager during absences of the General Manager.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken in relation to this matter. The matter is purely an operational decision of Council.

FINANCIAL IMPLICATIONS

There are no financial implications to Council in relation to providing a standing delegation to the Deputy General Manager to undertake the role of Acting General Manager during absences of the General Manager.

As part of the Deputy General Manager's employment contract and position description, there is a requirement that the Deputy General Manager assumes the role of Acting General Manager as part of the role's duties and that no additional remuneration or benefits are applicable.

RISK IMPLICATIONS

No risks have been identified in relation to this report. If Council elects not to endorse the recommendation provided, the Mayor will be required to appoint an Acting General Manager on each and every occasion that the General Manager is absent or unavailable.

By Council endorsing the standing delegation for the role of Acting General Manager, it provides certainty and continuity to the delivery of the operational services of the Council.

Council may review the standing delegation at any time.

CONCLUSION

It is recommended that Council formally determine that during absences of the General Manager, that the Deputy General Manager automatically assumes the role of Acting General Manager with full delegations for the functions and powers conferred upon and delegated to that position.

ATTACHMENTS

Nil

5.2 ENFORCEMENT POLICY

Author: **Kylie Lunson, Executive Manager**
Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council receive and note the report from the Executive Manager and adopt the Enforcement Policy with immediate effect.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report is provided to assist Council with adoption of an Enforcement Policy.

BACKGROUND

In January 2022, Council undertook an internal audit of Council's Permit Authority processes associated with compliance of its obligations under the *Building Act 2016*. A recommendation for improvement from the audit was to adopt an Enforcement Policy, to communicate Council's approach to enforcement subject to the nature of the issue and to provide a clear, transparent process for all involved and support decision-making of Council.

Council's 2022/23 Annual Plan included an action to develop and implement an Enforcement Policy to ensure that enforcement action is consistent and detailed for the public.

STATUTORY REQUIREMENTS

The Enforcement Policy applies to Council's responsibility for administration and enforcement of legislation including, but not limited to:

- *Local Government Act 1993*
- *Building Act 2016* and associated regulations
- *Dog Control Act 2000* and associated regulations
- *Environmental Management and Pollution Control Act 1994* and associated regulations
- *Food Act 2003* and associated regulations and guidelines
- *Land Use Planning and Approvals Act 1993*
- *Local Government (Highways) Act 1982*
- *Public Health Act 2000*
- *Litter Act 2007*
- *Weed Management Act 1999*
- *Traffic Act 1925*
- *Road Rules 2019*
- *Urban Drainage Act 2013*
- Council By-laws

DISCUSSION

The purpose of Council having an adopted Enforcement Policy is to ensure enforcement is carried out in the public interest and is transparent, fair, efficient and consistent.

The Enforcement Policy defines the standards and expectations set by Council, to exercise its duties, functions and responsibilities involved in carrying out any enforcement in the Devonport municipal area.

Although the requirements associated with enforcement have been in practice for many years, it is considered good governance to have an adopted policy.

COMMUNITY ENGAGEMENT

Given the policy is reflective of current practise, no community consultation has been undertaken as part of this report. The policy will be made available to the public on Council's website.

FINANCIAL IMPLICATIONS

There are no financial implications because of this report.

RISK IMPLICATIONS

Risk Management Practices

Without policies in place, Council is exposed to the risk of inconsistent and ineffective management and operations and may fail to comply with legislation or standards that subsequently affect compliance.

CONCLUSION

It is recommended that Council adopt the attached Enforcement Policy which reflects Council's current standards and expectations to exercise its duties, functions and responsibilities involved in carrying out any enforcement activity in the Devonport municipal area.

ATTACHMENTS

1. Draft Enforcement Policy [**5.2.1** - 5 pages]

5.3 DEVONPORT MALL PAVEMENT ART COMMISSION

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

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council:

1. receive the recommendation of the Public Art Committee, and accept the Devonport Mall Pavement Art submission by artists Leigh Rigozzi and Richie Cyngler; and
2. endorse the delivery of the project in accordance with the recommendations contained in this report.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.2.3 Develop and implement an integrated approach to public art

SUMMARY

This report provides Council with information regarding the outcome of an expression of interest process, conducted as per Council's Public Art Policy, to engage suitably qualified artists to install a pavement artwork in Devonport Mall.

BACKGROUND

Council released an Expression of Interest in early October 2022 to engage a suitably qualified artist/s to design and install a pavement artwork in Rooke Street Mall. The proposed installation is part of a broader Capital Works project to renew public amenity within the Mall.

The project includes the provision of new seating, planter boxes and shade sails. The aim of the pavement artwork is to suggest a place of play or activity, providing an incentive for families to visit and spend time in Rooke Street Mall.

The expression of interest listed the functional requirements of the art component as being a flat, 2D artwork without any raised surfaces, with a non-slip surface to reduce personal injury risk and made from semi-permanent materials.

Four submissions were received, from artists:

1. Phil Dutton
2. Paul Eggins
3. Leigh Rigozzi and Richie Cyngler
4. Tallulah Eaves

Each of the four submissions complied with Council's Public Art Policy criteria, Section 4:

- 4.1 *The artist identifies as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with Tasmania for no less than two years, or the artist can adequately demonstrate a strong connection to Tasmania.*
- 4.2 *The artist demonstrates a history in visual arts or design practice, or in the case of emerging artist status, possesses the realistic potential for establishing a career as a recognised visual arts practitioner. Council reserves the right to endorse an emerging artist and request a mentor is appointed to oversee the project.*
- 4.3 *The proposal (concept or artwork):*

- a. *is of a high standard, supported by being considered a work of quality by peers in terms of design, technical and structural execution;*
- b. *is relevant to the location;*
- c. *does not require onerous maintenance;*
- d. *best meets the requirements outlined in the project brief and Council's broader objectives (if Project Brief addressed);*
- e. *meets relevant building and safety standards;*
- f. *does not pose any long-term conservation concerns;*
- g. *meets the requirements of the project budget or available funds;*
- h. *will be achieved in the required timeframe, or in a timely manner.*

4.4 *Has been assessed based on the guidelines outlined in this policy document.*

Furthermore, the Public Art Committee assessed each submission against additional criteria specific to the project, including an artist statement, concept statement, installation methodology, safe work statement and fee.

The submission by Leigh Rigozzi and Richie Cyngler scored highest against each of the additional criteria.

As per Section 6 of the Public Art Policy, the preferred concept has been confirmed at a meeting of the Public Art Committee, Wednesday 23 November, and is now recommended to Council for endorsement.

This project was inspired by the 'Designing Streets for Kids' document, part of the Global Designing Cities Initiative, published by the National Association of City Transportation Officials (USA). NACTO's mission is to build cities as places for people, with safe, sustainable, accessible, and equitable transportation choices that support a strong economy and vibrant quality of life.

This mission, and the proposed scope of the project strongly align with Council's Strategic Plan Vision: Devonport will be a thriving and welcoming regional City, living lightly by river and sea.

STATUTORY REQUIREMENTS

There are no statutory requirements associated with this report. The Expression of Interest was advertised and circulated as per Council processes.

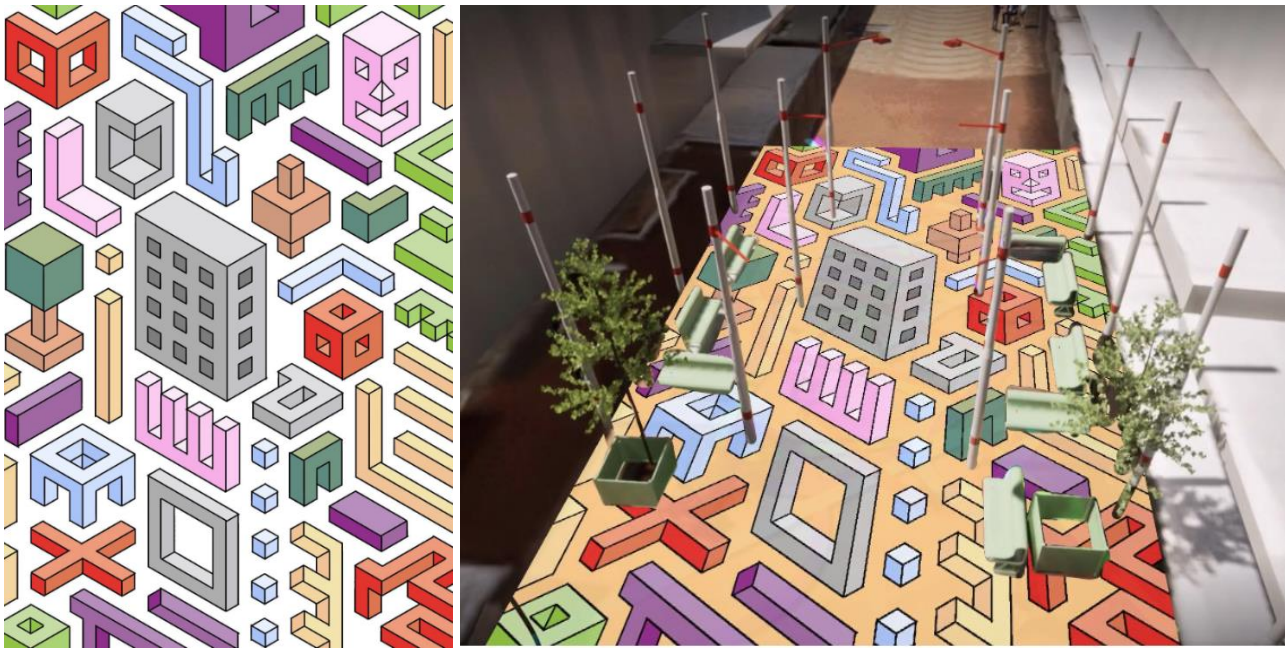
DISCUSSION

Leigh Rigozzi and Richie Cyngler provided a concept render as part of their submission.

The artists' submission included an intent to work with Council and further develop the concept if selected. Therefore, the concept render is indicative of the artists' work.

Likewise, the size and scale of the work can be adjusted to meet the requirements of the space and new mall furniture.

The design includes bold colours and shapes, devised to evoke self-led play. The work will draw on the artists' experience working in public spaces to engage the users. The concept incorporates a hybrid of comic art, storytelling, and graphical game content. It is intended the design will encourage play through abstract adaptations of hopscotch, islands, dance steps or follow the path.



COMMUNITY ENGAGEMENT

The Expression of Interest was publicised through Council's media channels. No further community consultation was undertaken as part of the project.

FINANCIAL IMPLICATIONS

Leigh Rigozzi and Richie Cyngler provided a quote for \$24,370.80 excluding GST. The project is to be funded from a budget allocation of \$30,000. However, the allocated budget was intended to fund up to three sites throughout the CBD, with the Mall project being the first.

The proponents can work with Council on the scale and materials used to value manage the project, allowing funding for additional projects from the allocated \$30,000.

RISK IMPLICATIONS

The intended outcome is for a safe environment that evokes play. The artists are willing to work with Council on materials that maintain safety in the Mall and proceeding with pavement art in the Mall should not increase the risk level.

CONCLUSION

Leigh Rigozzi and Richie Cyngler provided Council with a conforming submission for the Devonport Mall Pavement Art project. Out of four submissions, their proposal was assessed as the preferred proponent under to the process defined in Council's Public Art Policy.

ATTACHMENTS

Nil

5.4 ACCESS AND INCLUSION WORKING GROUP MEMBERSHIP

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

Endorser: **Matthew Skirving, Executive Manager**

RECOMMENDATION

That Council appoint the following persons to the Access and Inclusion Working Group:

1. One Devonport resident with disability or their immediate care/support person – Belinda Donovan; and
2. One member of a recognised advocacy organisation representing Devonport residents – Leanne Wease - Mission Australia.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

To present Expressions of Interest received for membership vacancies on the Access and Inclusion Working Group and for Council to appoint two members to the group.

BACKGROUND

The Access and Inclusion Working Group Terms of Reference was adopted by Council at their meeting held 27 September 2021 (Min 21/199 refers). The purpose of the group is to provide advice to Council on key disability focus areas and support delivery of the action plan contained within the Disability Inclusion Plan 2020-2025. Group membership was determined by Council at their meeting held 20 December 2021 (Min 21/275 refers).

During October and November 2022, two members resigned from the group due to competing priorities.

STATUTORY REQUIREMENTS

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

24. Special Committees

(1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.

(2) A special committee consists of such persons appointed by the council as the council thinks appropriate.

(3) The council is to determine the procedures relating to meetings of a special committee.

DISCUSSION

Current working group members include:

- Three (of a maximum of four) Devonport residents with disability or their immediate care/support person:
 - Megan Krawczyk

- Naomi Ralph
- Tammy Milne
- Three (of a maximum of four) members of a recognised advocacy organisation representing Devonport residents:
 - Andrew Moore – A.P. Horizon
 - Jodi Prentice – VizAbility
 - Stacey Jackson – Down Syndrome Tasmania
- Two Councillors:
 - Mayor Alison Jarman
 - Councillor Steve Martin

The group comprises stakeholders with knowledge and experience across the main categories of disability, that is, physical, sensory, psychiatric, neurological, cognitive, and intellectual impairment.

An Expression of Interest was advertised to fill two vacancies on the Working Group – one community member and one member of a recognised advocacy organisation.

The following Expressions of Interest were received. Further details are provided in the confidential attachment.

- Richard Hamon - Community Member
- Belinda Donovan - Community Member
- Kirby Harris - Community Member
- Leanne Wease - Mission Australia
- Lisa Stafford - Multicap Tasmania
- Katie Mitchell - New Horizons Tasmania
- Gautam Chadda (Gavin) - Tassiecare

COMMUNITY ENGAGEMENT

The Expression of Interest for vacancies for the Working Group was advertised as follows:

- Council website 15 November – 8 December 2022
- Council Facebook page - 15 November 2022
- Community Newsletter 16 November 2022
- Targeted emails to access and inclusion advocacy organisations and community members 15 November and 22 November 2022.

FINANCIAL IMPLICATIONS

There is no financial impact because of this report.

RISK IMPLICATIONS

- Workplace Health and Safety
To minimise any potential workplace health and safety risks, all endorsed members will complete Council's volunteer induction to ensure they understand their obligations under the *Workplace Health and Safety Act 2012*.
- Consultation and/or Communication
Unsuccessful applicants will be included on Council's access and inclusion database to promote further participation opportunities.

CONCLUSION

The Access and Inclusion Working Group provides Council with support to implement the priorities outlined in the Disability Inclusion Plan 2020-2025. The group comprises two Councillors and representatives from the community and advocacy organisations with

knowledge and experience across the main categories of disability, that is, physical, sensory, psychiatric, neurological, cognitive, and intellectual impairment.

Seven expressions of interest were received that satisfied the requirements for membership. Council is to review applications and appoint two members to the group.

ATTACHMENTS

Access and Inclusion Working Group Membership – Expressions of Interest Received (confidential attachment)

5.5 NAMING OF PUBLIC OPEN SPACE

Author: **Matthew Skirving, Executive Manager**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council:

Option 1

- a) Endorse *Annie Cocker Park* as the preferred name for the newly created parkland located at 74 Rooke Street; and
- b) formally submit this naming proposal to Place Names Tasmania for consideration.

Or

Option 2

- a) Endorse *Haines Park* as the preferred name for the newly created parkland located at 74 Rooke Street; and
- b) formally submit this naming proposal to Place Names Tasmania for consideration.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.4.1 Implement initiatives from the LIVING CITY Master Plan
- Strategy 5.2.1 Encourage community participation initiatives that supports two-way communication and consultation which results in increased engagement

SUMMARY

This report provides information for Council consideration regarding the naming of the newly constructed parkland located at 74 Rooke Street in Devonport.

BACKGROUND

At its meeting on 22 August 2022 in response to a Notice of Motion from Cr Laycock, Council resolved (Resolution 22/172):

"That Council hold a workshop to determine the process for naming the area currently known as 'Waterfront Park' noting that the process should include suitable public consultation and LYONS PLAZA be included as one of the names presented for public consideration".

In accordance with the resolution, at the Council Workshop held on 10 September 2022, the content and method of a community consultation process was discussed.

A community survey, utilising Council's established online engagement platform was subsequently undertaken, with the results of the survey process presented to the Council Meeting held on 28 November 2022.

At this meeting, Council resolved (Resolution 22/253):

"That the naming of the public open space adjoining the Novotel Hotel, adjacent to Mussel Rock Point and Roundhouse Park be referred to a Council Workshop for further Review".

In accordance with this resolution, a Council Workshop was conducted on Monday 12 December to consider this matter, where two names were shortlisted for consideration by Council.

STATUTORY REQUIREMENTS

Section 14 of the *Place Names Act 2020* establishes Council's status as a *Responsible Authority* for nominating place names under this enabling legislation. In addition to this Act, Devonport City Council has an established Commemorative Seat Policy and associated Procedure which includes consideration of the naming of public spaces within the municipality for commemorative purposes.

Section 5 of the Council Policy deals with the naming of public spaces and Section 7 of the Procedure identifies the consideration of a community consultation process, which has been undertaken in accordance with Council Resolution noted above.

DISCUSSION

As a part of the current stage of the LIVING CITY project, several parkland zones have been modified, expanded, and newly created. The newly created parkland to the west of Formby Road, located at 74 Rooke Street, is currently un-named and is the area subject to the recommendation of this report.

Image 01 below sets out the areas as described above and is also included as an attachment to this report.



Image 01: Newly created Parkland Area located at 74 Rooke Street (dashed red outline).

At the Council Workshop held on 12 December 2022, two names were shortlisted for presentation to a future Council Meeting for consideration and adoption. In alphabetical order the two identified names are:

- Annie Cocker Park
- Haines Park

The following information provides a brief background on the two individuals.

Ms Annie Cocker – Colonial Artist and Historian (1857 – 1939)

Ms Cocker was the daughter of David and Clara Cocker, with her father recognised as a true pioneer of Devonport. He and his brothers owned a fleet of vessels which sailed between the Mersey River and Port Phillip in Victoria, and he was also Master Warden of the Mersey Marine Board and Chairman of the Town Board of Formby and operated the well-known *Liverpool Emporium* stores.

Annie was born at Spreyton and was later widely renowned for her watercolour and oil paintings of local scenery and flora (wildflowers), especially her works "*Bush Friends I Have Known*", a portfolio of 33 watercolour studies of plants. These paintings were done when she was in her seventies, with studies featuring both local and introduced wildflowers collected by two of her nephews from bush surrounding the family home at Cocker's Creek in Spreyton. Importantly, some of Annie's works now form part of the Devonport Regional Gallery collections.

Sketches and paintings were created by Annie along the shores of the Mersey River as well as when floating down the Mersey in the family's Huon Pine dinghy.

Annie also worked in Torquay's Post Office located at 13 Thomas Street, East Devonport as a Postmistress, and had the honour of sending the first telegram from this location.

In 1883 when, aged 26, she left Tasmania on the Ormuz bound for London. Having developed her reputation as an artist in Tasmania, she intended to visit some of the well-known artistic centres in Europe and to work as a student under the best teachers she could find. She is known to have studied both oil and watercolour while painting overseas.

On her return, Annie resided in Turton Street in Formby, teaching art classes to many students. Annie was also a local historian and prolific writer with many of her efforts published.

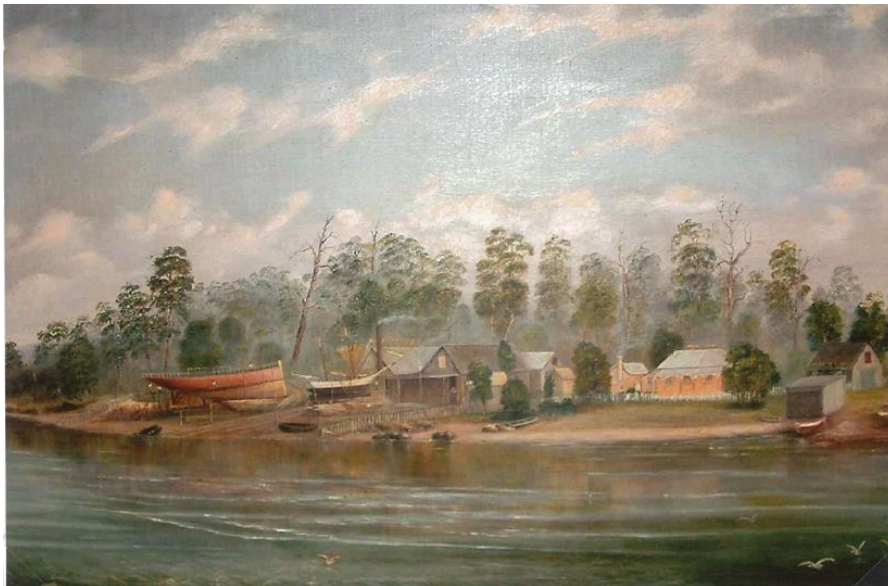


Image 02: Painting of Wood's Point 1900 (Devonport Regional Gallery Collection)



Image 03: Wattle and Wrens by Annie Cocker (Devonport Regional Gallery collection).

Mr Frederick Henry Haines – Merchant, community leader, and philanthropist (1879 – 1951)

Born in Hobart, Frederick Henry (Harry) Haines became a highly successful businessman on the North West Coast, and contributor to community, sporting, and cultural organisations in Devonport.

Establishing several merchant enterprises in Devonport and surrounds, FH Haines Pty Ltd established a reputation as one of the leading construction contractors in the region, and also a major supplier of construction materials, including bricks and sawn timber to the sector. It is understood that one of his original timber merchant operations occupied part of the area now redeveloped as the new parkland. In 1967 FH Haines Pty Ltd merged with another well-known Devonport enterprise, Luck Bros. to form Luck and Haines, a well-known name within the Devonport community to this day.

In addition to his commercial enterprises, Frederick Haines contributed widely to the Devonport community. He served as President of the Mersey Rowing Club, Devonport Football Club, vice-president of the Devonport Bowling Club, and Patron of the Devonport Men's Hockey Association.

In addition to his contribution to the sporting clubs and associations, Frederick Haines was a foundation member and past-president of Devonport Rotary, President of the Devonport Chamber of Commerce, Devonport Agricultural and Pastoral Society and served on the Devonport City Council.

In the early 1940's, Haines was a major financial donor to the establishment of Eskleigh at Perth, establishing a "home of peace, for all Tasmanians" and institution which continues to serve our community to this day.

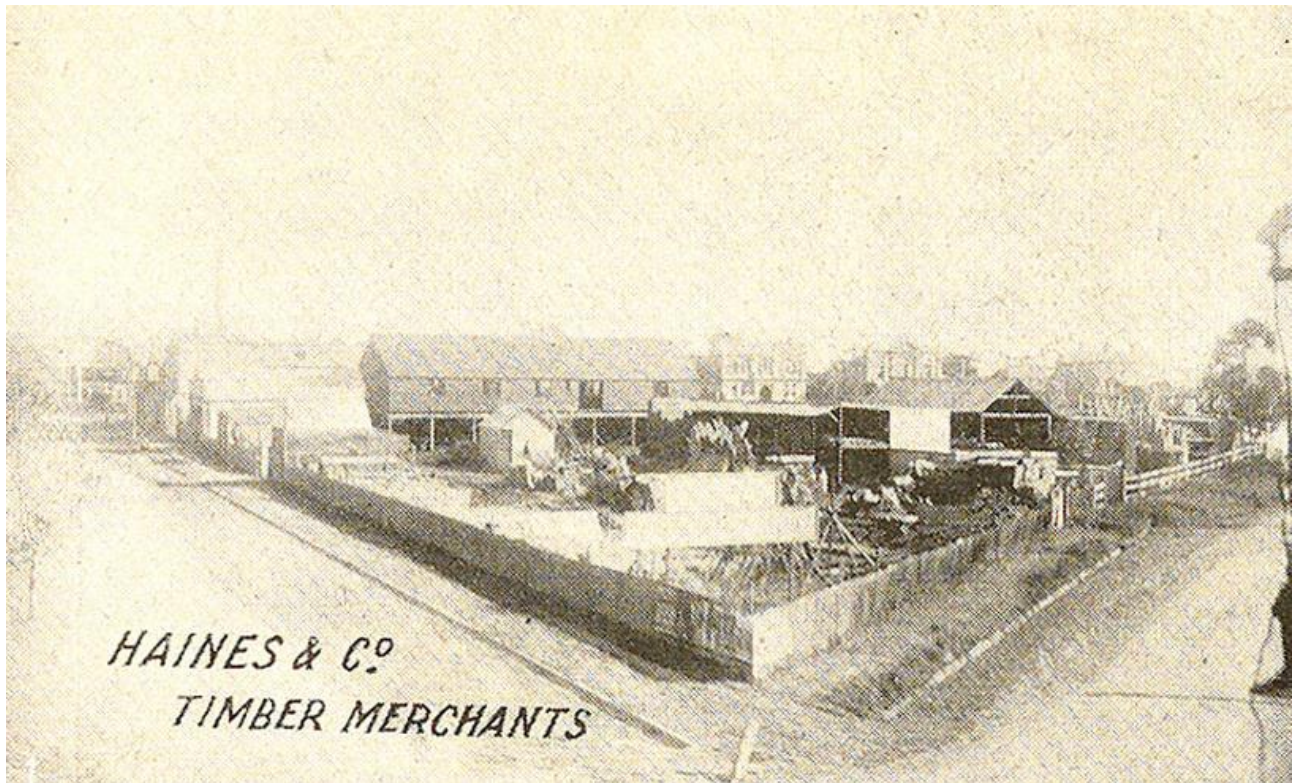


Image 04: Historic Image of Haines & Co Timber Merchants in Devonport

COMMUNITY ENGAGEMENT

No specific community consultation activities were undertaken in relation to this report. A community survey process was undertaken in response to the original Notice of Motion with the results of this process published in the Council Agenda on 28 November 2022.

FINANCIAL IMPLICATIONS

Implementation of the actions relevant to this report will be implemented via existing capital and operational funding allocations.

RISK IMPLICATIONS

- Asset & Property Infrastructure
Council wayfinding and information signage will be updated based on the resolution of Council.

CONCLUSION

Based on the Workshop process undertaken by Council on the 12 December 2022, and consideration of prior community consultation outcomes in relation to this matter, it is recommended that Council consider the options outlined in this report for the preferred name of the newly created parkland located at 74 Rooke Street Devonport, and formally submit this proposal to Place Names Tasmania for consideration.

ATTACHMENTS

1. 74 Rooke Street Parkland - Site Plan [**5.5.1** - 1 page]

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

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

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

Date	Description	Purpose
12 December 2022	Draft Living Well Plan/Health & Well Being Strategy	Presentation of Draft Strategy for review and discussion
	Squash Tasmania – City of Devonport Tasmania Open	Request for multi-year funding request for <i>City of Devonport Tasmania Open</i> event
	Devonport Strikers – Valley Road	Presentation of Valley Road Regional Sports Complex Plan
	Proposal to convert Mersey Ferry to Electric/Hydrogen & Ferry Pontoon	Discuss request for Council to take ownership of ferry pontoon (Eastern side of Mersey River)
	Devonport Strikers – Valley Road Regional Sports Complex Plan	Presentation of funding request to Council for proposed upgrades at Valley Road facility
	Park Naming	Review naming proposal for the newly created parkland in waterfront precinct
	LRCI Phase 3 funding allocation	Discuss proposed Coles Beach access

6.2 MAYOR'S MONTHLY REPORT

RECOMMENDATION

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

SUMMARY

This report details meetings and functions attended by the Mayor.

BACKGROUND

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

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

In her capacity as Mayor, Councillor Alison Jarman attended the following meetings and functions between 23 November and 13 December 2022:

- Attended Disability Sports Day
- Attended Dulverton AGM and Meeting
- Harvey Norman asset management meeting at Homemaker Centre
- Attended the Devonport Christmas Parade
- Attended Walk the Talk Against Violence
- Attended Council Workshop sessions & Council Meeting
- Radio interviews - Sea FM, 7AD and ABC
- Mission Australia International Day of Disability event
- Met with Novotel Devonport General Manager, Ana Royal
- Meetings with staff members and councillors as required
- Regular meetings with General Manager
- Attended Cradle Coast Mayors / Deputy Mayors Leadership Forum
- Attended DCC All Staff Meeting
- Attended REZ online Information Session
- Attended Opening of The Funeral Collective
- Met with Steps in History Inc - Rodney Croome & Vicki Russell
- Attended The Living Room - 'Meet the Mayors'
- Meeting with Hillcrest Recovery Coordinator
- Attended LGAT Mayor's Workshop
- Attended LGAT 2022 Annual Conference
- Tour of Glebe Hill Village
- Attended Official Opening of tidal.22 Exhibition & Award announcement
- Attended CCA Representatives Meeting
- Attended Ampol Best All Rounder award presentation at the Don College
- Attended Devonport High School Presentation Evening

ATTACHMENTS

Nil

6.3 GENERAL MANAGER'S REPORT

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

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

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 23 November and 13 December 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. Met with representatives of TasNetworks for a briefing on the proposed upgrade of transmission lines across North-West Tasmania. This is a massive project aimed at supporting the future investment likely to occur with the Marinus Link and the new electricity generation projects in the region. The North West Transmission Development (NWTd) project will include both the upgrading of existing lines and the construction of new. A final decision to proceed is expected at the end of 2024 with works to occur from 2025 through until 2031. The NWTd and Marinus Link are expected to deliver significant economic benefits to the region by creating 1,400 jobs at peak construction and an estimated \$1.4 billion in economic stimulus.
- 1.4. Met with consultants undertaking community engagement on the development of the North West Hospitals [Master Plan](#). The Plan is looking at the 20-year infrastructure needs of the North West Regional Hospital, the Mersey Community Hospital and the Parkside Precinct in Burnie and a draft is expected to be released in early 2023.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Attended a meeting of the Hillcrest Affected Area Recovery Committee.
- 2.2. Met with a concerned resident in regard to water runoff from a development in River Road, Ambleside.
- 2.3. Attended the Mayor's Christmas drinks at the paranapple centre including undertaking a stand in MC role.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. As Council's Owners Representative attended the Annual General Meeting and a General Meeting of the Dulverton Waste Management Authority. Central Coast Councillor Gary Carpenter was elected as Chief Representative and Cr Phil Richards of Kentish was elected Deputy Chief both for a 12-month period.
- 3.2. Along with the Mayor, attended a thank you luncheon for retiring Dulverton Waste Management Authority Owner Representatives and Board Directors.
- 3.3. A number of Councillors attended the 2022 LGAT Annual Conference in Hobart on December 8 and 9. Council received a highly commended in the Awards for Excellence for Large Councils at the Gala Dinner.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. A letter was provided to the State Government on the draft Tasmanian Planning Policies (TPPs) a copy of which is attached for Council's information.

5. ANNUAL PLAN PROGRESS

- 5.1. Highlights from the 2022/23 Annual Plan as at 30 November 2022 are detailed below:

- **Review and update Council's Waste Strategy:** Draft document underway – aligned with Cradle Coast Waste Management Group Strategic Plan 2023-28 and draft Tasmanian Waste and Resource Recovery Strategy 2022-2025.
- **Undertake a feasibility study into a Bluff Beach ocean pool:** Work on a feasibility study scope and content is progressing, with analysis of recent similar projects from other locations (Newcastle and Caloundra) continuing. Council has also engaged with the State Department of Natural Resources and Environment in relation to their approval requirements for the likely project scope. Preliminary findings will be presented to a Council Workshop during the first quarter of 2023.
- **Assist in the development of the 'Steps in History' project:** A number of meetings have been held with the North West Steps in History Committee. A MOU between the Committee and Council is in development to assist in scoping the project.
- **Develop an Enforcement Policy:** An Enforcement Policy has been drafted and reviewed by the Management Team. The Enforcement Policy will be tabled at the December Council meeting for adoption.

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

A graphical representation of the current status of actions is provided:



6. OTHER

- 6.1. The Council offices will be shut from 5pm Friday December 23 and reopen at 8.30am on Tuesday 3 January 2023. Council payments and basic customer services will continue to be provided at the Service Tasmania Counter on Level 1 of the paranple centre on workdays over the Christmas break.
- Selected Council services will also continue during the holiday period with details to be published in The Advocate newspaper and available on Council's website.
- 6.2. A letter from the Mayor was sent to TasPorts seeking an update on the reopening of the Mersey Slipway. A copy of the response from their CEO is attached for Council's information.

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. Submission on draft Tasmanian Planning Policies (Devonport City Council - November 2022) [**6.3.1** - 1 page]
2. Current & Previous Minutes Resolution - December 2022 [**6.3.2** - 2 pages]
3. A Jarman - 7 December 2022 [**6.3.3** - 1 page]

6.4 DEVELOPMENT AND HEALTH SERVICES REPORT

Author: **Karen Stone, Risk and Regulatory Coordinator**

Endorser: **Kylie Lunson, Executive 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 October and November 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

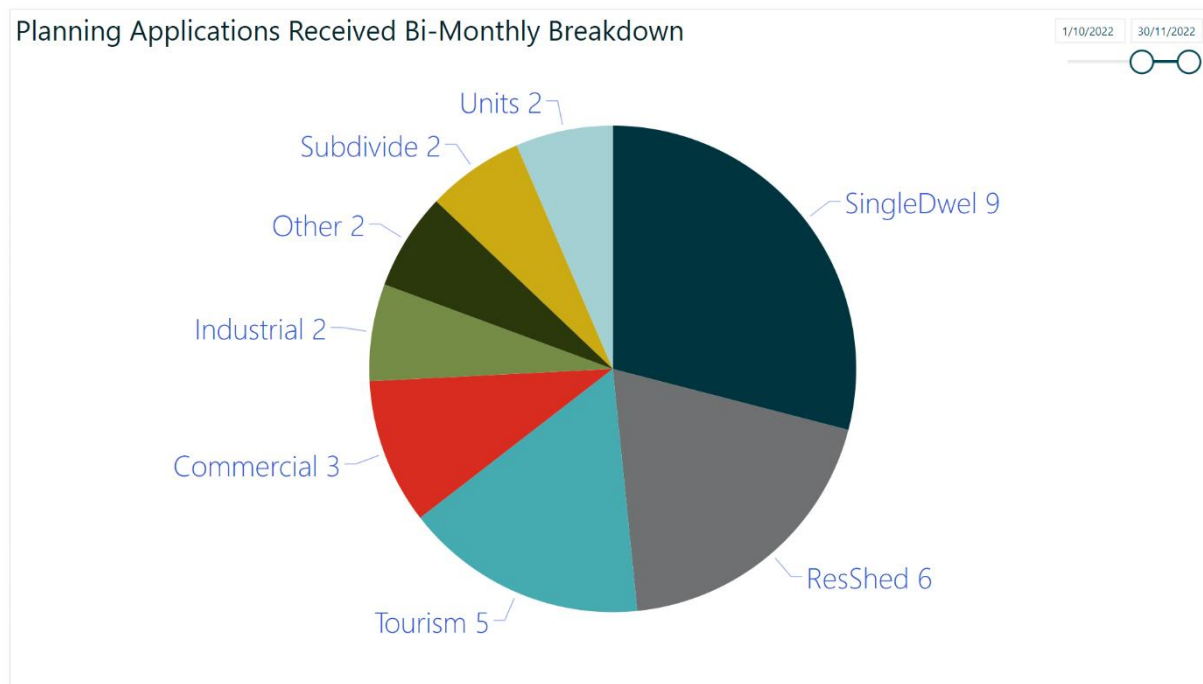
In carrying out its activities, the Development Services Department is required to ensure compliance with a substantial amount of legislation and regulation. The principal legislation administered by the Department includes the:

- *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 October and November:



Note:

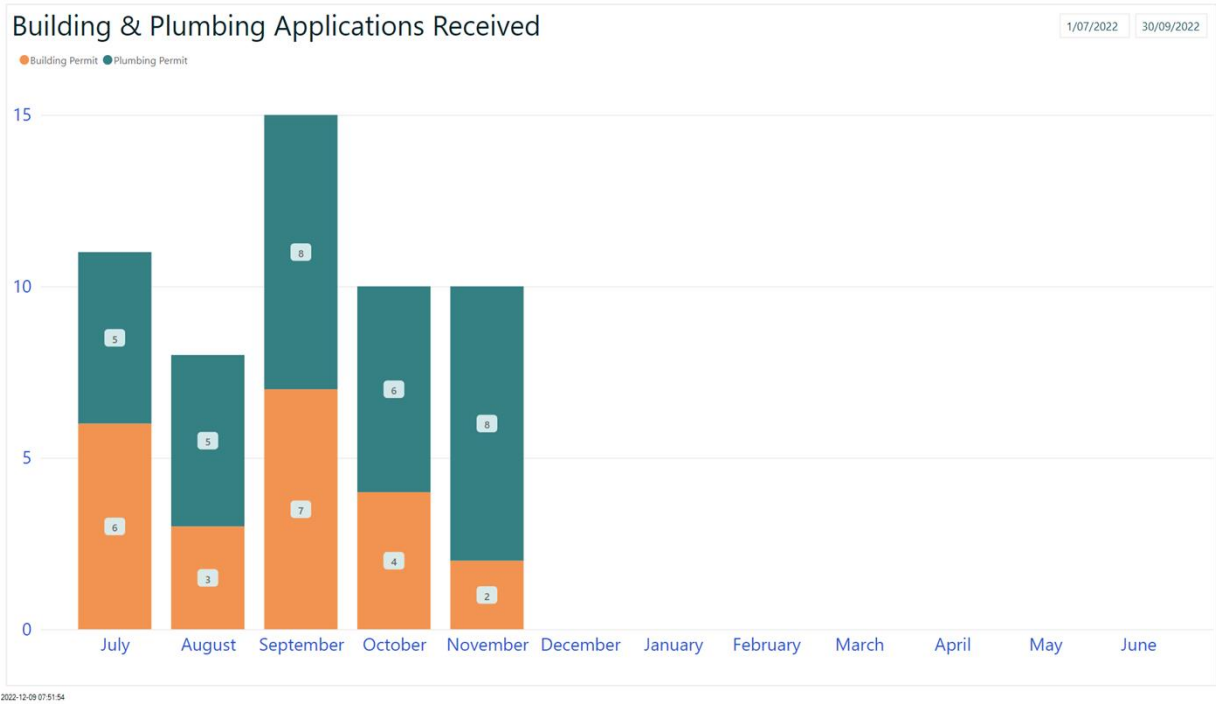
- Single Dwellings – means single residential dwelling on a single lot.
- Units – means two or more dwellings on a site.
- Subdivision – means the division of a single lot into multiple lots giving separate rights of occupation, excluding boundary adjustments.
- Commercial – means bulky goods sales, 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. 24 Discretionary Planning Applications and 7 Permitted Planning Applications were received in October and November. The following graph details the number of Planning Applications received this financial year:

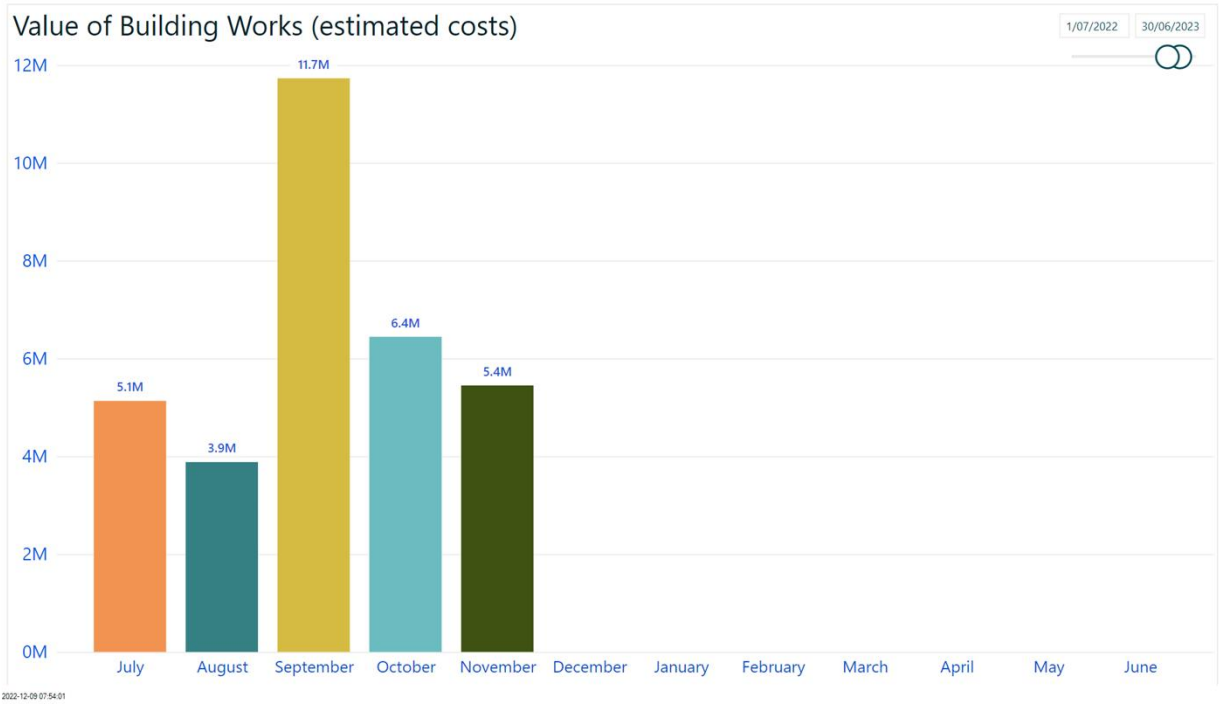


2. Building/Plumbing

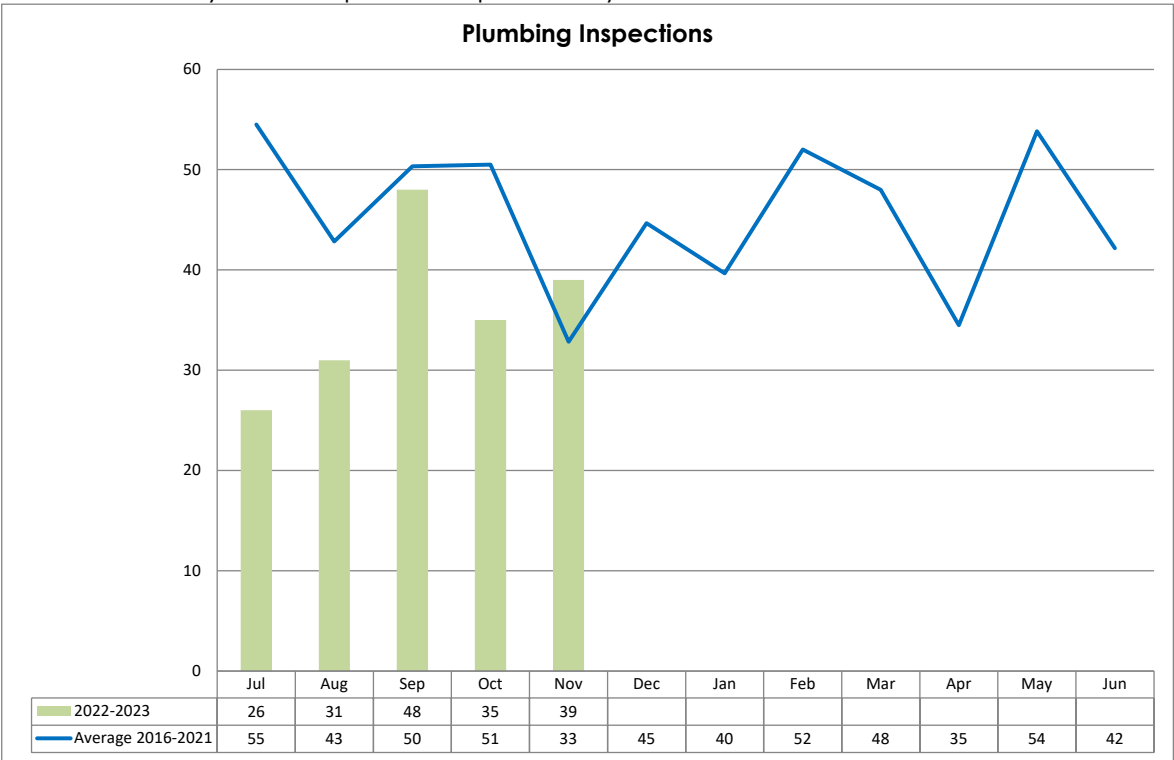
6 Building Applications and 14 Plumbing Applications were received in October and November. The following graph details the Building and Plumbing Applications this financial year:



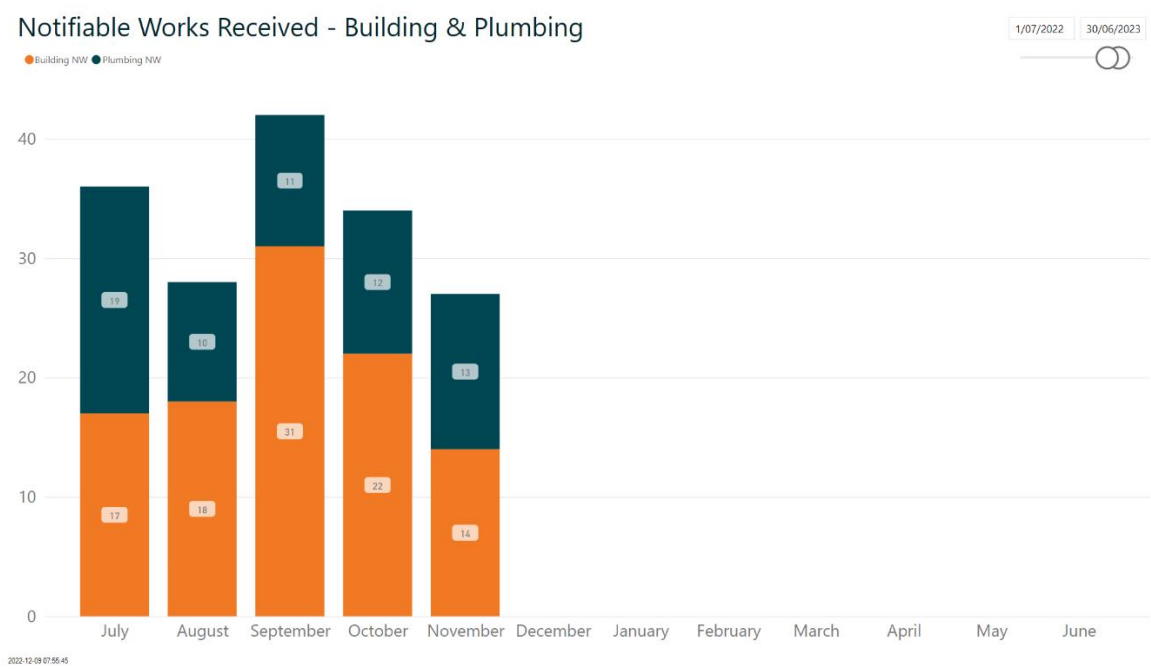
2.1. Building Applications for \$6.4M worth of building works were received in October and \$5.4M in November. The following graph details the value of building works received this financial year:



2.2. 35 plumbing inspections were carried out in October and 39 in November. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:

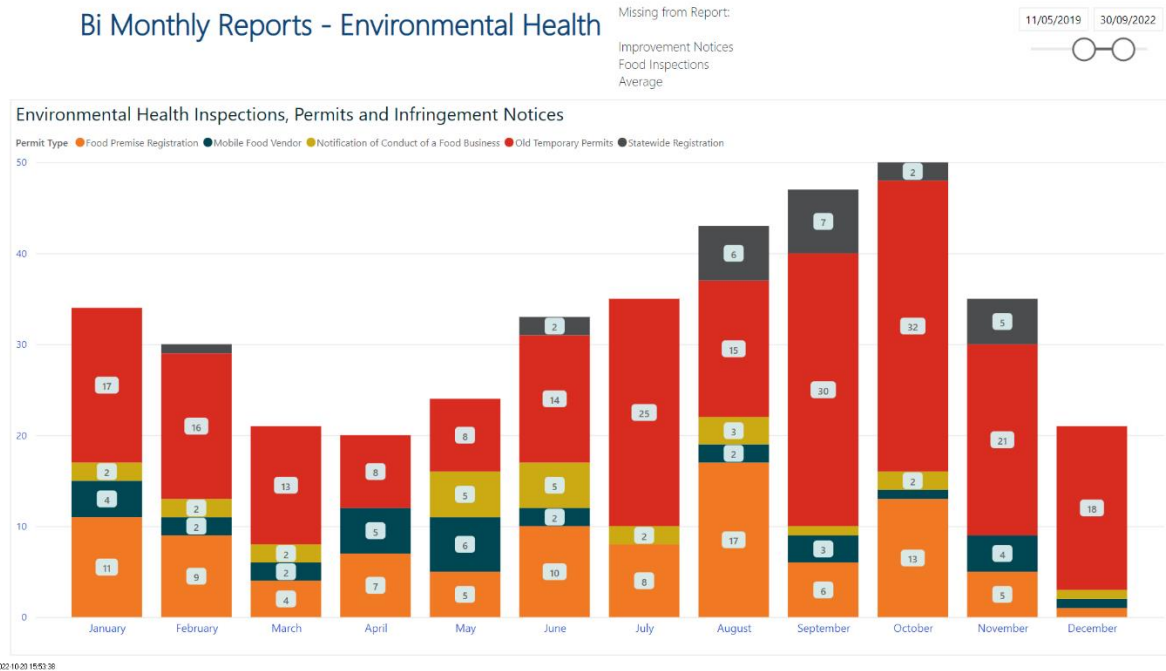
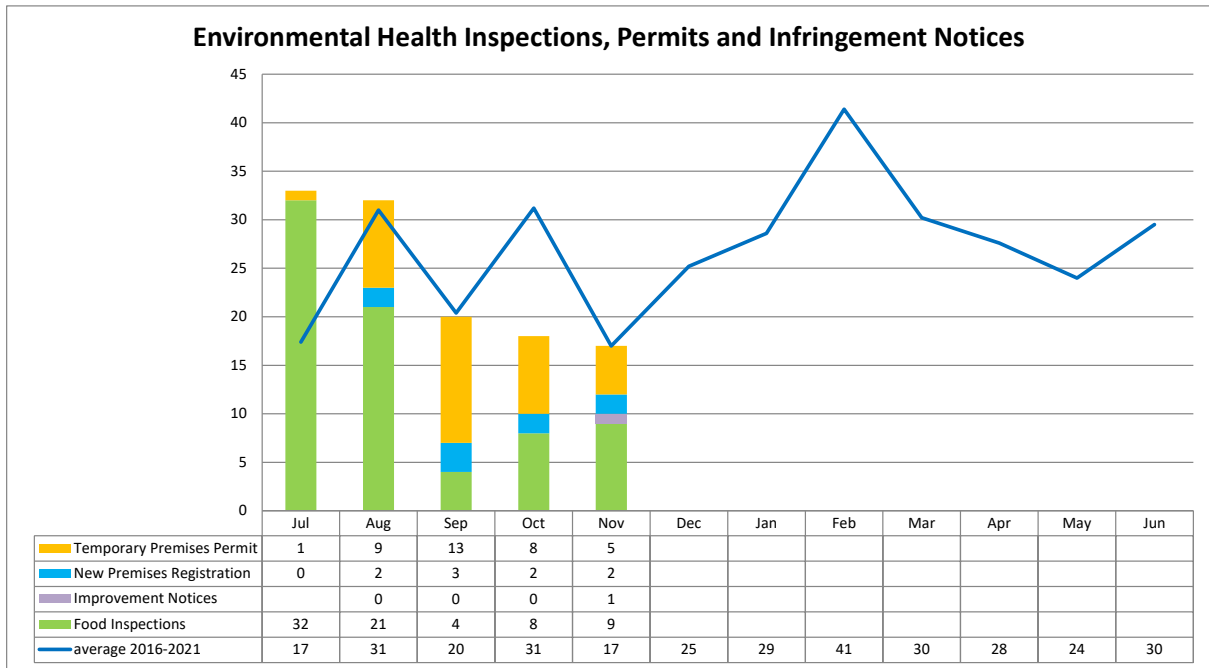


2.3. The following graph details the notifiable works received for building and plumbing that have been issued this year:



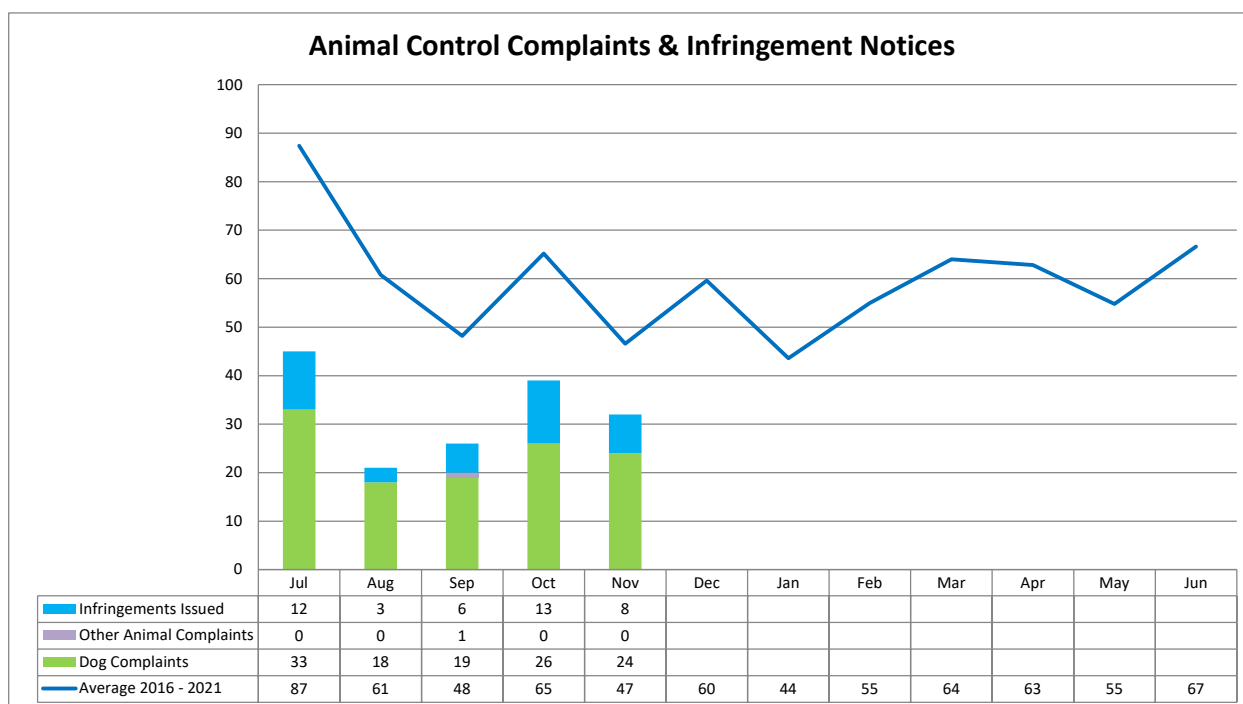
Environmental Health

2.4. The following graph details the inspections, permits and infringement notices that have been issued by Environmental Health this financial year:



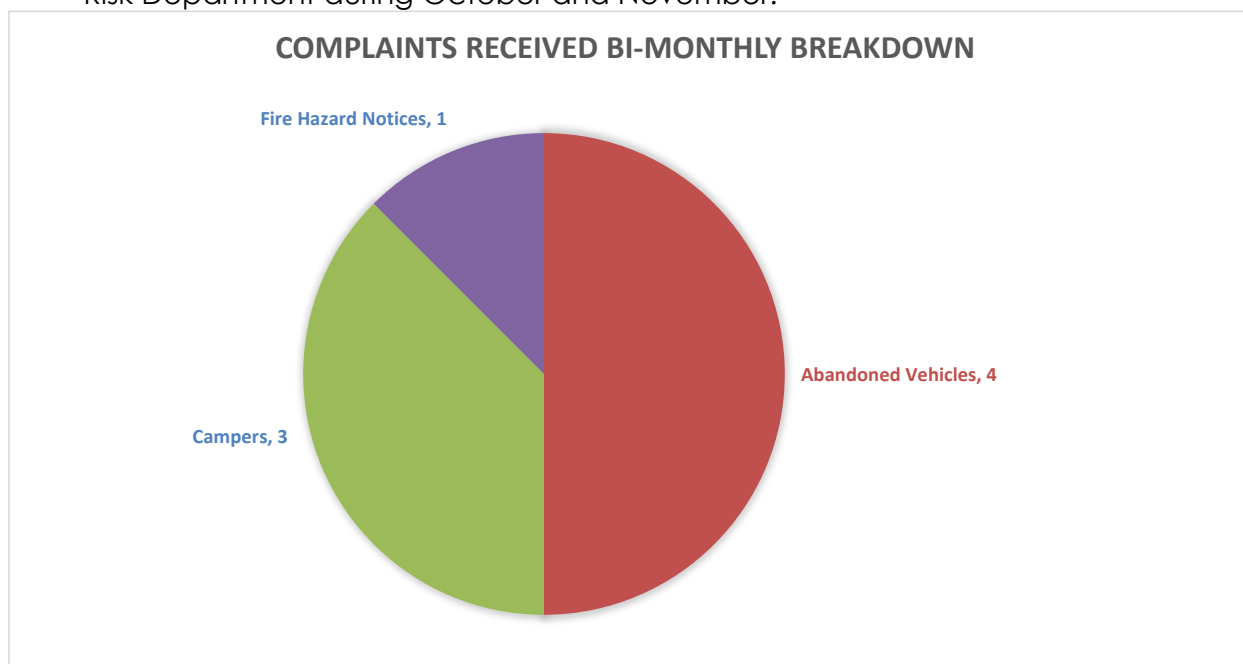
3. Animal Control

- 3.1. There are currently 3,525 registered dogs. In October and November, a total of 50 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:



4. Risk and Compliance

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



4.2. 37 incidents were reported during October and November. The following table details the types of incidents:

Council/Public	Number Reported
[-] Council	25
[-] Personal Injury	7
[-] Property Damage	7
[-] Motor Vehicle	5
[-] Near Hit	3
[-] Property Theft	2
[-] Process Incident	1
[-] Public	12
[-] General Public	4
[-] Motor Vehicle	2
[-] Personal Injury	2
[-] Hazard	1
[-] Near Hit	1
[-] Property Damage	1
[-] Property Theft	1
	37

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 October and November 2022.

ATTACHMENTS

Nil

6.5 INFRASTRUCTURE AND WORKS REPORT

Author: **Michael Williams, Infrastructure Manager**

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

RECOMMENDATION

That Council receive and note the Infrastructure and Works report and:

- a) endorse the addition of \$1,250,000 of external funding to the 2022/23 Capital Works Program for the North West Gateway Upgrade project; and
- b) endorse the allocation of \$240,466 LRCI Phase 3 funding to:
 - Don Hall heating
 - Cricket pitch widening – Byard Park and Maidstone Park
 - Coles Beach access and viewing platform
 - Devonport General Cemetery path links

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 October and November 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

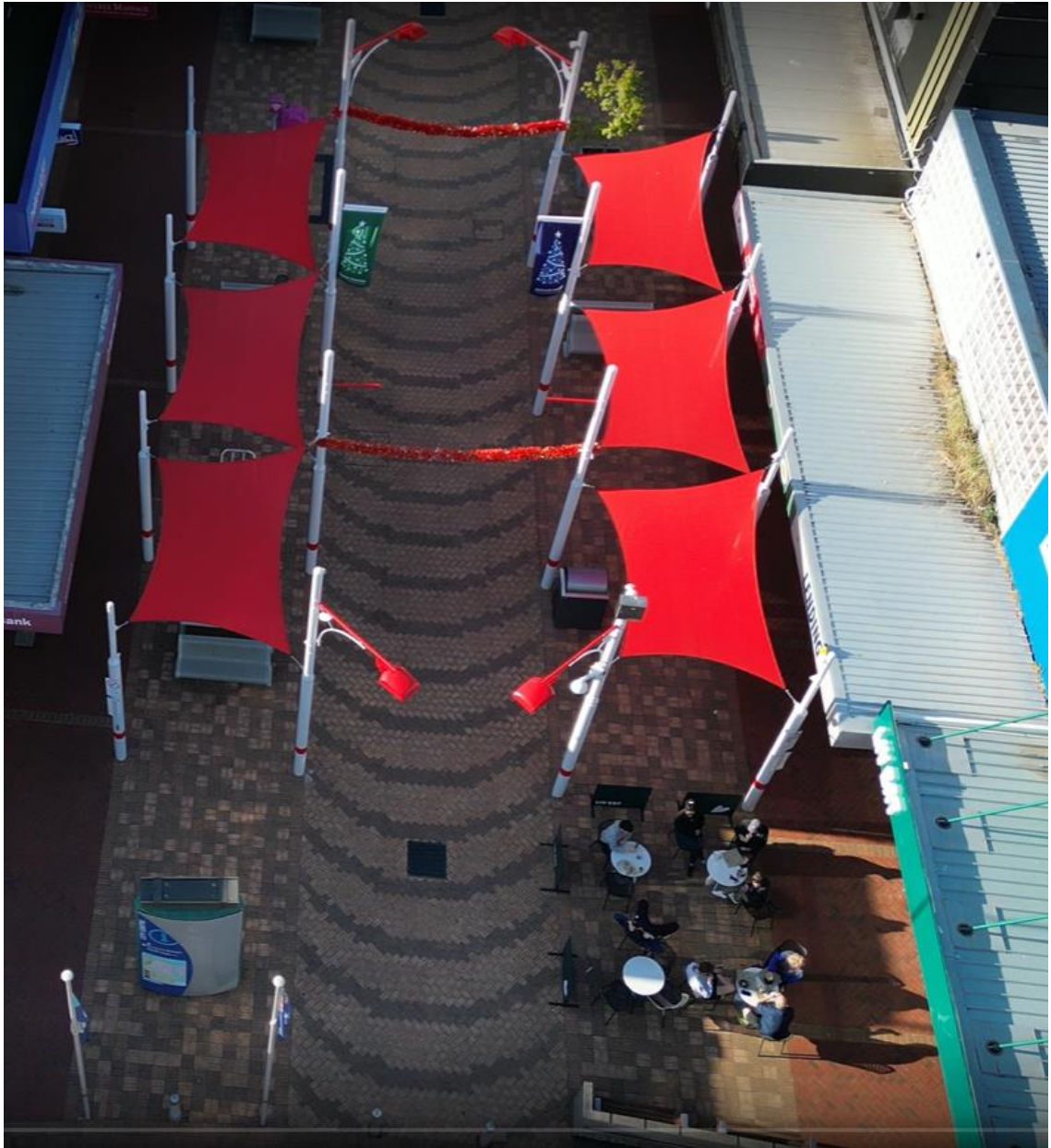
1. Capital Works Program

- 1.1. Work continues on projects listed in the 2022/23 Capital Works Program. Capital expenditure YTD is \$5.68M with a further \$4.6M of expenditure committed through purchase orders and contracts.
- 1.2. Construction of the Don Rail Trail is well underway, with the land acquisition processes complete and the trail being constructed in the newly acquired properties.



- 1.3. Construction of the Horsehead Creek toilet and dump point is complete and waiting on its power connection. The facility is expected to open in December.

- 1.4. The Rooke Street Mall furniture renewal project has commenced with shade sails being installed. Planter box facades have been removed and are being refurbished off site. Manufacture and delivery delays on benches and seats have delayed the installation of these items until February.



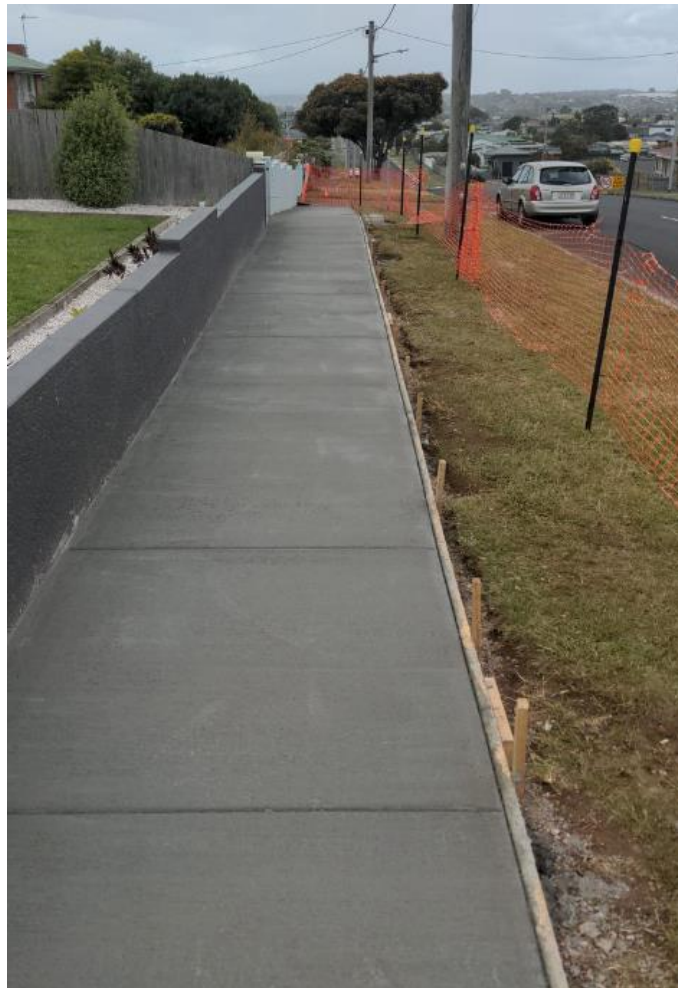
- 1.5. The William Street renewal project is progressing on schedule. William Street was closed for a period while William Street and the William/Valley intersection were reconstructed. Work is progressing on the William/Middle roundabout and will continue through December and January.



- 1.6. The Don Reserve path renewal commenced, with the section between Jiloa Way and the Don River railway being worked on.



- 1.7. A 'missing link' of footpath was constructed on Nicholls Street, east of Murfet Crescent.



- 1.8. Council's Engineering Team is working with TT Line and other stakeholders to increase stormwater capacity in the John stormwater catchment. It is planned that the design and construction of a larger stormwater main can be integrated into the Quaylink project.
- 1.9. The scope of works in the bitumen spray seal reseal contract has been completed, with work being undertaken at sites including Kelcey Tier Road, Torquay Road, Tugrah Road, Buster Road and Turton Street.
- 1.10. Work to commence December and January includes:
- Coastal pathway – Don to Leith
 - Fourways street furniture renewal
 - Figure of Eight Creek pedestrian bridge
 - Bluff skate park shelter
 - Spreyton Netball courts resurfacing
 - Youth Centre basketball backboard renewal
 - Highfield stormwater catchment upgrades

2. Management

- 2.1. Council has received a \$1,250,000 grant from the Tasmanian Government for the North West Gateway Upgrades project. The purpose of the project is beautification of the key entrances to Devonport. Other North West councils have received funding under the same program.

2.2. Council has nominated four projects to the Federal Government's Local Roads and Community Infrastructure (LRCI) Program – Phase 3. The project utilises the remaining \$240,466 that was yet to be allocated. Nominated projects are:

• Don Hall heating	\$15,000
• Cricket pitch widening – Byard Park and Maidstone Park	\$44,000
• Coles Beach access and viewing platform	\$95,466
• Devonport General Cemetery path links	\$120,000

Projects must be completed by 30 June 2023.

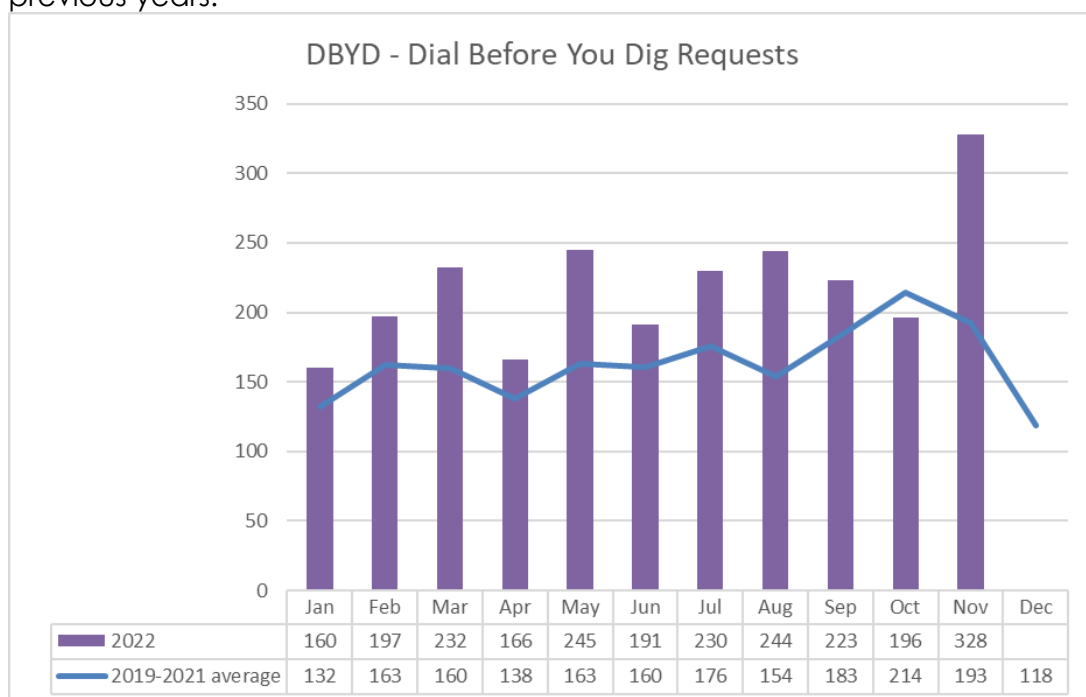
2.3. Council has completed an Expression of Interest process for an operator of the recovery area and resale shop at the Spreyton Waste Transfer Station. A preferred operator has been selected and negotiations have commenced. It is planned to execute a contract in 2023 and for the operator to phase in their operations as the facility upgrades are completed.

2.4. Council is preparing to assist with the commissioning of the COVID testing facility at the East Devonport Recreation Centre. It is expected that the site will be vacated in February 2023.

2.5. Council's work team and contractors are progressively completing repair work following the heavy rain event on 12-13 October. It is likely that Council will pursue reimbursement of a portion of the costs through the Tasmanian Relief and Relief and Recovery Arrangements, administered by the Department of Premier and Cabinet.

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:

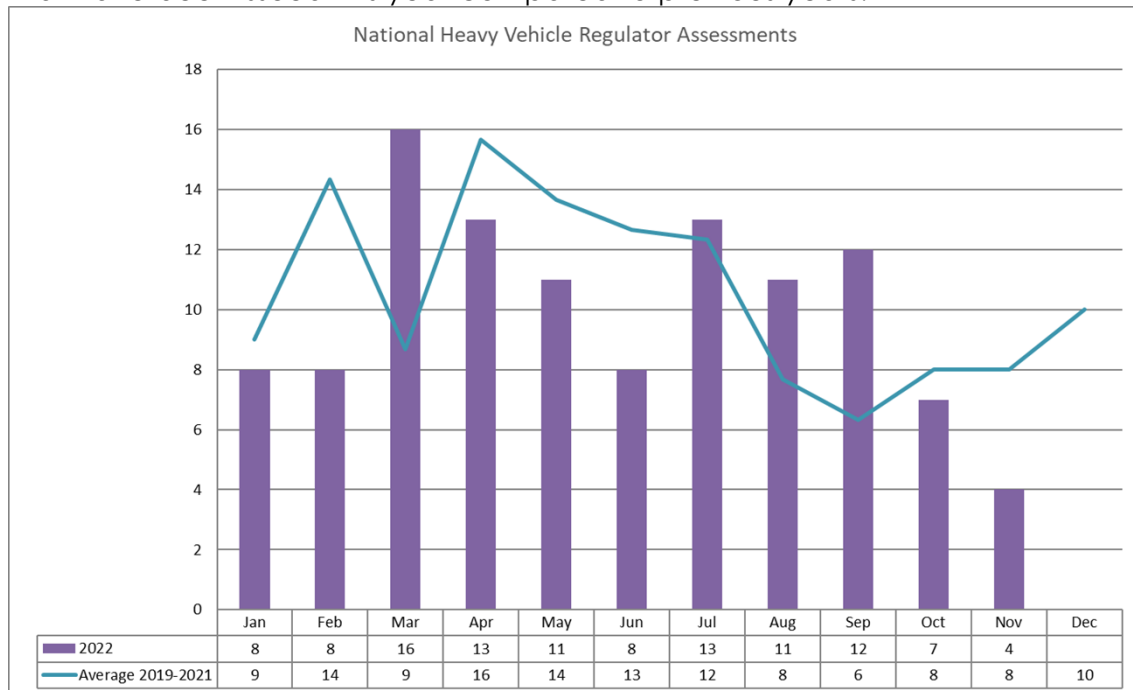


3.2. The following is a summary of the projects capitalised in the period since the last report:

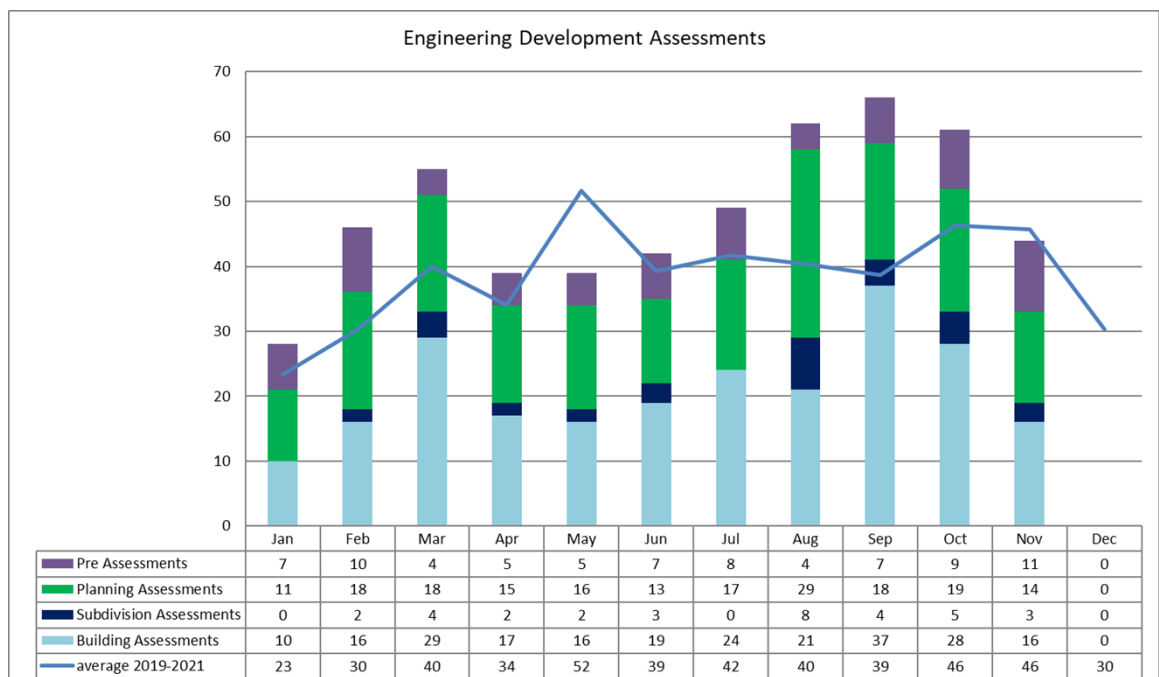
Number of projects capitalised in period	17
Donated Asset Capitalised (Subdivisions) in period	0

Total value of capitalisations in period	\$3.69M
Total value of Works in Progress (WIP)	\$25.64M
Number of projects awaiting capitalisation next period	5

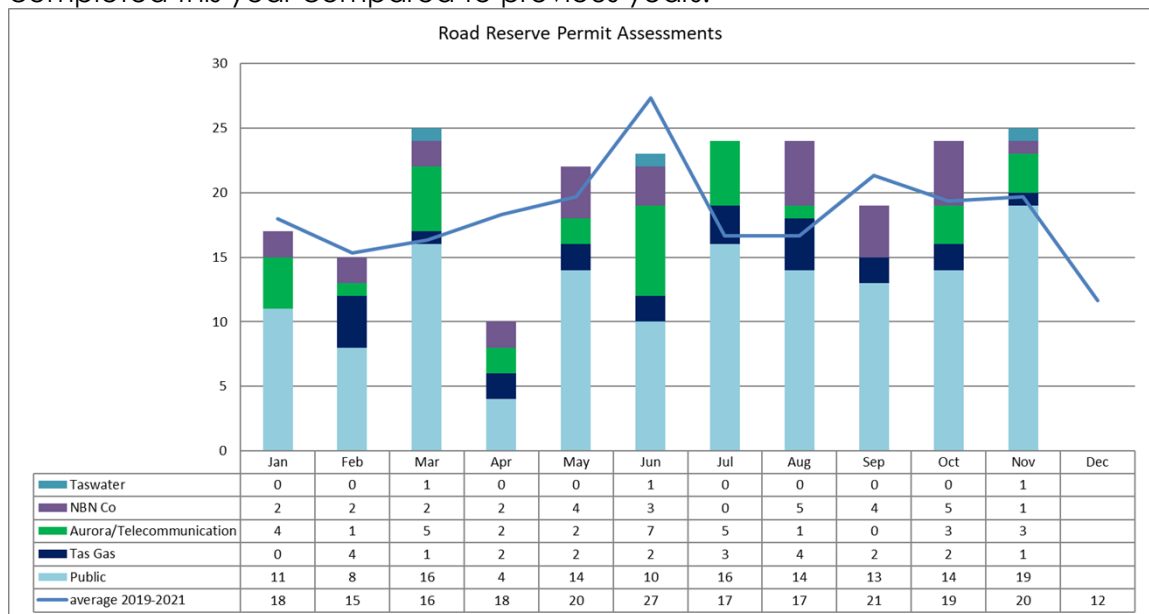
- 3.3. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



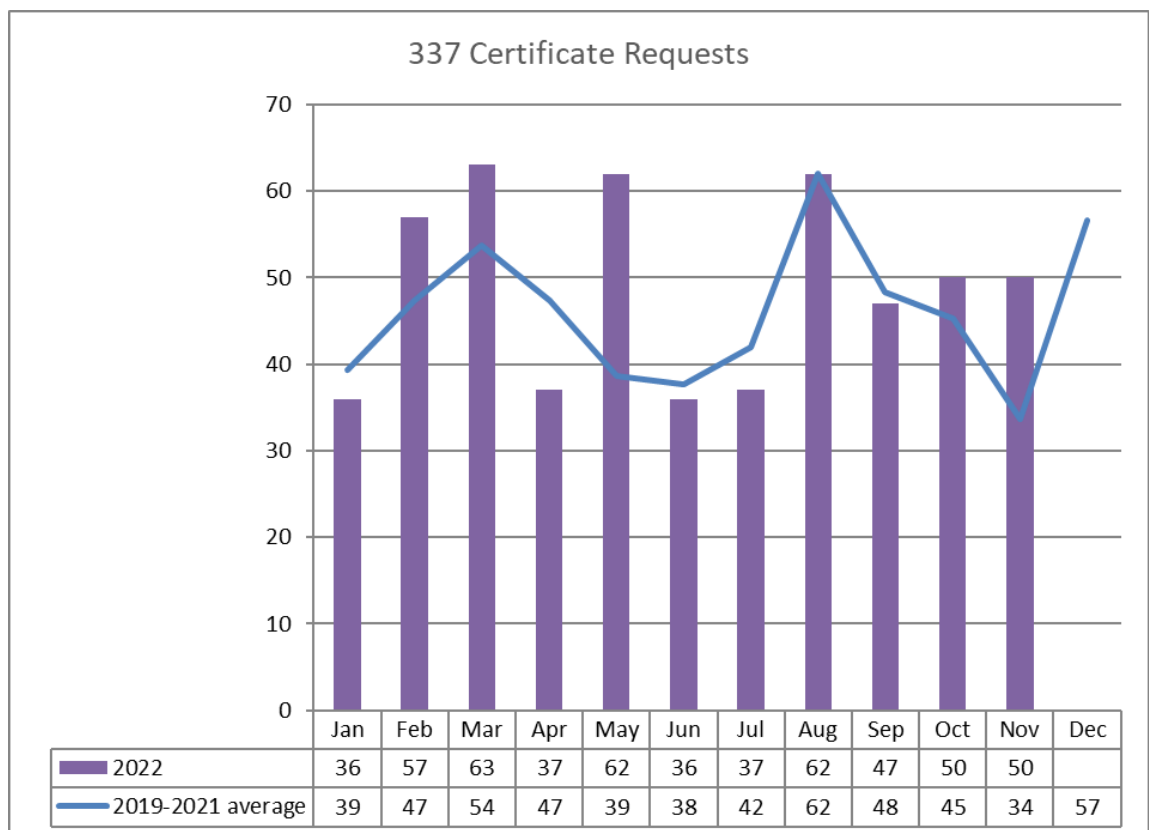
- 3.4. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



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 October and November included:

- Road repairs in Tarleton Street and Berrigan Road
- Stormwater maintenance in Waverley Road, Hillwood Rise and Sheffield Road
- Road repairs on Buster Road following heavy rain event



5.2. In December and January, planned civil works and stormwater maintenance works will include:

- Road repairs in Lawrence Drive, Nixon Street and Gunn Street
- Parking signage and line marking renewal in Oldaker Street
- Stormwater maintenance in Talbor Court

6. Parks and Reserves Maintenance

6.1. Maintenance, in accordance with the Service Level Document, undertaken in October and November included:

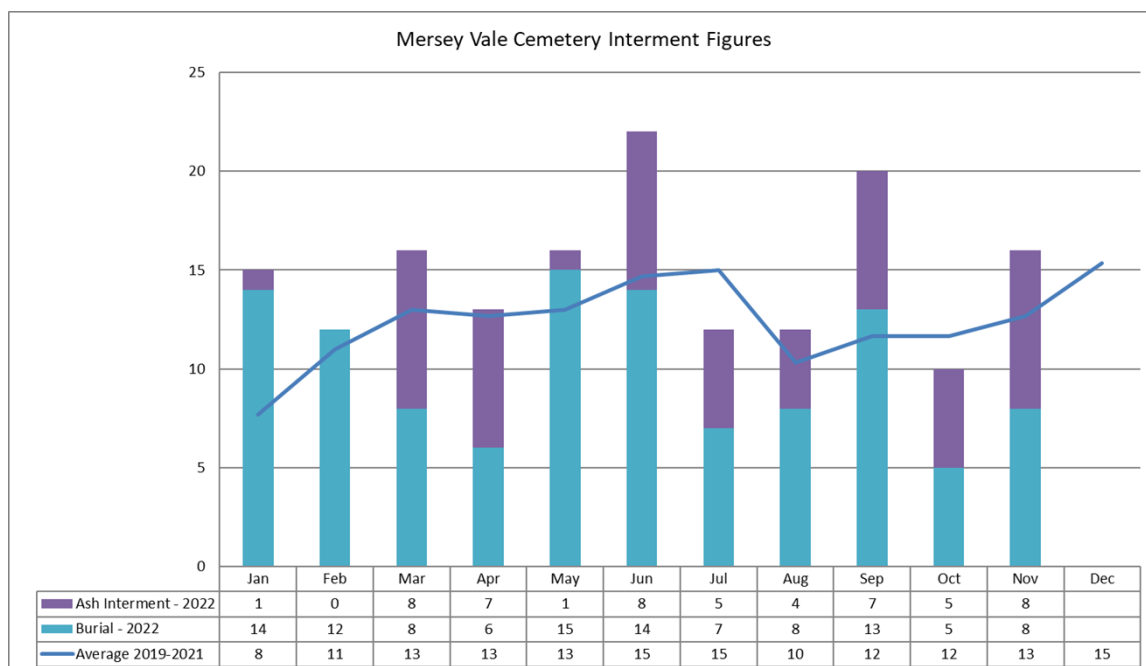
- Commencement of cricket wicket preparation at Devonport Oval
- Tree trimming at aquatic centre for open day
- Commencement of maintenance work in Waterfront Park
- Preparation for Remembrance Day



6.2. In December and January, planned parks and reserves maintenance works will include:

- Removal of shingle from Bluff Beach
- Set up and pack of Christmas decorations
- Watering of juvenile trees

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 October and November included:

- Staining of timber at Surf Club
- Oiling of BBQ shelters at Mersey Bluff
- Painting of Fourways public toilets

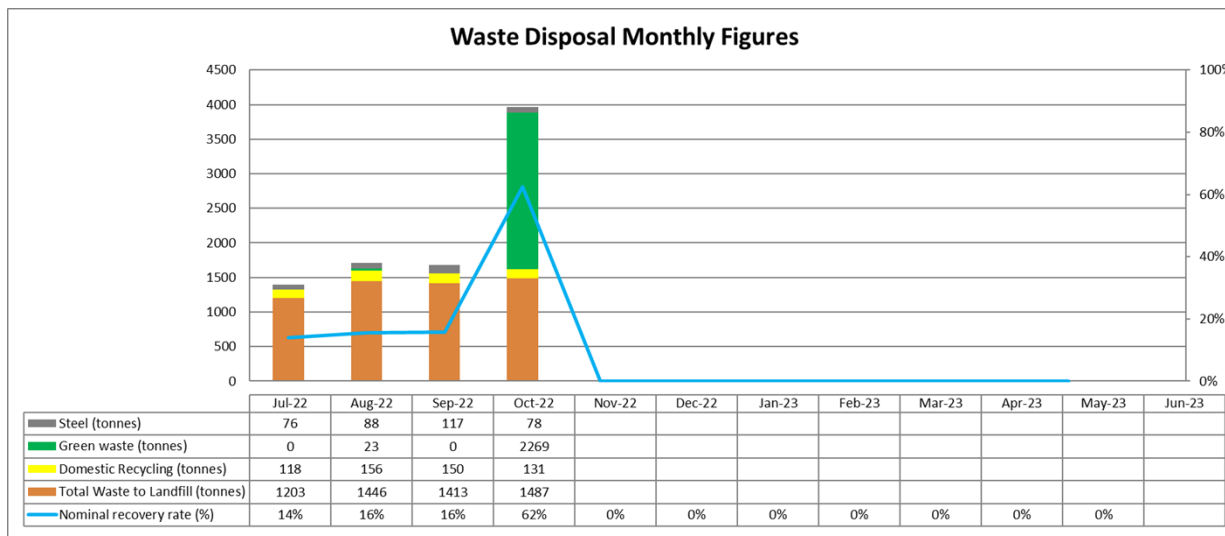


7.2. In December and January, planned building and facilities maintenance works will include:

- Set up and pack of Christmas decorations
- Sand and reseal floors at Devonport Recreation Centre

8. Waste Management Operations

8.1. Waste Management Services were conducted in accordance with the Service Level Document during October and November. The following graph details the major waste disposal streams from the Spreyton Waste Transfer Station, noting that November 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 implications 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.

An adjustment is required to the Capital Works Program to include the \$1,250,000 externally funded North West Gateway Upgrade project.

ATTACHMENTS

Nil

7 SECTION 23 COMMITTEES

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

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 – 28 November 2022	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Australia Day Awards 2023	15(2)(g)

9 CLOSURE