



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, paranable centre, 137 Rooke Street, Devonport on Monday 27 February 2023, 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

**22 02 2023**

### March 2023

Meeting	Date	Commencement Time
Council Meeting	27 March 2023	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 27 FEBRUARY 2023, IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre,  
137 ROOKE STREET, DEVONPORT AT 5:30 PM**

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## ATTENDEES

		<b>Apology</b>
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

## 2 DECLARATIONS OF INTEREST

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## **3 PROCEDURAL**

### **3.1 CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the minutes of the Council meeting held on 23 January 2023 as previously circulated be confirmed.

### **3.2 PUBLIC QUESTION TIME**

#### **PUBLIC QUESTION TIME**

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

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

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

Author: **Matthew Atkins, General Manager**

### **RECOMMENDATION**

That the responses to questions from Mr Mills at the January 2023 Council meeting be noted.

### **ATTACHMENTS**

1. Response to Questions without Notice - 23 January 2023 - Christopher Mills [**3.2.1.1** - 2 pages]

## 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council in relation to the correspondence received from Mr Codie Hutchison endorse the response proposed and authorise its release.

#### **Mr Codie Hutchison - h.family.cch@gmail.com**

A letter containing questions on notice received from Mr Codie Hutchison on 19<sup>th</sup> February 2023 is **reproduced as attachment 1**.

**Q1** Between the dates of January 1st, 2020 and February 20th, 2023, has River Road Consulting (ABN: 81 643 107 724) ever been contracted by Devonport City Council to undertake work or provide services?

#### **Response**

No, Council has not engaged River Road Consulting for any services, during this period.

**Q2** If so, can Council please provide:

- a) the start date/(s), and if relevant the finish date/(s) of the contract(s)/consultancy;
- b) the amount paid to this consulting entity for the contract/(s), and in which financial year/years these were paid;
- c) the process by which the entity was contracted, either by selection by Council Officers, a tender process brought to Councillors, or otherwise; and
- d) the nature of the work or services provided to Council.

#### **Response**

Not applicable.

### ATTACHMENTS

1. Questions for Council Meeting Monday 27 th February 2023 from Codie Hutchison [3.2.2.1 - 1 page]

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

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

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

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## 3.4 NOTICES OF MOTION

### 3.4.1 ANNUAL AUSTRALIA DAY CITIZENSHIP AND AWARDS CEREMONY

Author: **Councillor Steve Martin**

Endorser: **Matthew Atkins, General Manager**

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

#### MOTION

That Council:

1. conduct its annual Australia Day Citizenship and Awards Ceremony other than on Australia Day and in line with options permitted by the federal government – 3 days either side of Australia Day;
2. conduct a workshop to explore and discuss options and opportunities.

#### SUPPORT

The Federal Government has now permitted local governments to celebrate their Australia Day Citizenship and Awards Ceremonies 3 days either side of, and including, Australia Day.

The above motion, if supported:

- becomes the current Council position and therefore rescinds the previous motion on the books, carried at Council's meeting 26th February 2018:  
The 3.4.1 AUSTRALIA DAY 2019 - NOTICE OF MOTION - ALD G F GOODWIN (D512267)  
20/18 RESOLUTION MOVED:  
Ald Goodwin SECONDED: Ald Laycock  
*"That Devonport Council celebrate Australia Day 2019 and onwards, for its citizens on Australia Day 26 January - not the day before"* and
- provides Council with the options to conduct its celebrations:
  - On the eve of Australia Day;
  - The ability to avoid weekend and long weekend dates;
  - Staff availability & increased costs.

Council has previously and successfully conducted its annual Australia Day Citizenship and Awards Ceremony on the eve of Australia Day with the timing of the event (5.30pm) well received and attended.

Annually the Prime Minister of Australia conducts the national Awards Ceremony on the eve of Australia Day.

By conducting Council's Australia Day Citizenship and Awards Ceremony on the eve or days other than Australia Day, it provides citizens with a choice on how they themselves would like to reflect, respect and celebrate Australia Day with their family and friends.

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**OFFICER'S COMMENTS**

As noted in the motion, the requirements regarding Australia Day events have changed which has given Council some flexibility in the dates on which to hold any activities. The date of Australia Day continues to be a contentious issue and it is reasonable to assume that further changes could be instigated by the Federal Government in the future. A workshop will allow Councillors an opportunity to discuss the matter in detail and consider Devonport's approach for 2024.

**ATTACHMENTS**

Nil

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## 4 PLANNING AUTHORITY MATTERS

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

Council is required by Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015* to deal with items as a Planning Authority under the 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 PA2022.0217 - 104 OLDAKER STREET, DEVONPORT - RESIDENTIAL (MULTIPLE DWELLINGS)**

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 PA2022.0217 and grant a Permit to use and develop land identified as 104 Oldaker Street, Devonport for the following purposes:

- Residential (multiple dwellings)

Subject to the following conditions:

#### Planning Condition

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Proposed Unit Development – Issue Date 09/01/23 (Revision A) by n + b. A copy of which is attached and endorsed as documents forming part of this Planning Permit.
2. The developer is to erect privacy screening in front of the southern windows of bedroom 1 of the proposed dwelling. The screening is to be developed in accordance with 8.4.6 A3 – *Privacy for dwellings*. In lieu of screening, Council will also accept these windows to be opaque. This detail is to be provided as part of any subsequent building permit application.

#### Infrastructure & Works Conditions

3. The new driveway works are to be constructed generally in accordance with the Tasmanian Standard Drawing TSD-R09 V3.
4. The developer is to remove the redundant driveway crossover and reinstate with kerb and channel and nature strip to Council's specification.
5. The developer is responsible to provide line marking for the new parking bay and remove the old-line markings at the location of the new proposed driveway along Oldaker Street to the satisfaction of Council's City Engineer.
6. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 20 -year Average Recurrence Interval (ARI), and for a suitable range of storm durations to identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the Council's City Engineer prior to lodgement of any subsequent building permit applications.

### TasWater Condition

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.

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.

With respect to future street addressing allocation, the following is to apply:

- The existing dwelling will become 1A Lindsay Place; and
- The proposed residence will become 104 Oldaker Street.

The visitor parking space and its associated turning area is to be identified within the common land on any Strata Plan submitted to Council for approval.

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.

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

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

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

In regard to conditions 3-6 the 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 PA2022.0217.

**BACKGROUND**

Planning Instrument:	Tasmanian Planning Scheme – Devonport 2020
Address:	104 Oldaker Street, Devonport
Applicant:	Nicholas John Brandsema
Owner:	Edge Property (TAS) Pty Ltd
Proposal:	Residential (multiple dwellings)
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	Initial decision due 14/02/2023, Extension of time granted until 27/02/2023.

**SITE DESCRIPTION**

The site is identified by the certificate of title 60225/36 with the property address 104 Oldaker Street, Devonport. The site is a corner allotment with frontages to Oldaker Street and Lindsay Place. The property has an area of 814m<sup>2</sup>. Located on the site is an established dwelling constructed in the mid-1950s. The site is flat and is surrounded by residential development, with the Fourways shopping precinct located approximately 75m to the east of the site.

Figure 1 reproduced below is an aerial image of the site. Figure 2 is a copy of the property’s title plan and Figure 3 is a recent image of the site looking from Oldaker Street.



**Figure 1 – Aerial image of the site (outlined in blue) and surrounding locality (DCC, 2021)**

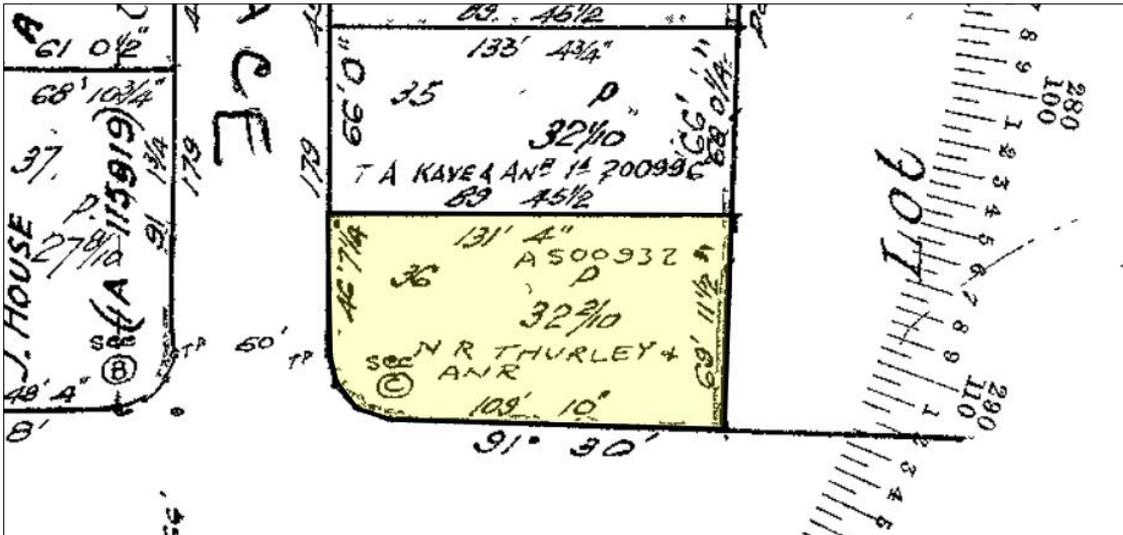


Figure 2 –Title Plan - CT 60225/36 (The List, 1949)



Figure 3 – Image of the site looking from the southern side of Oldaker Street (DCC, 2023)

**APPLICATION DETAILS**

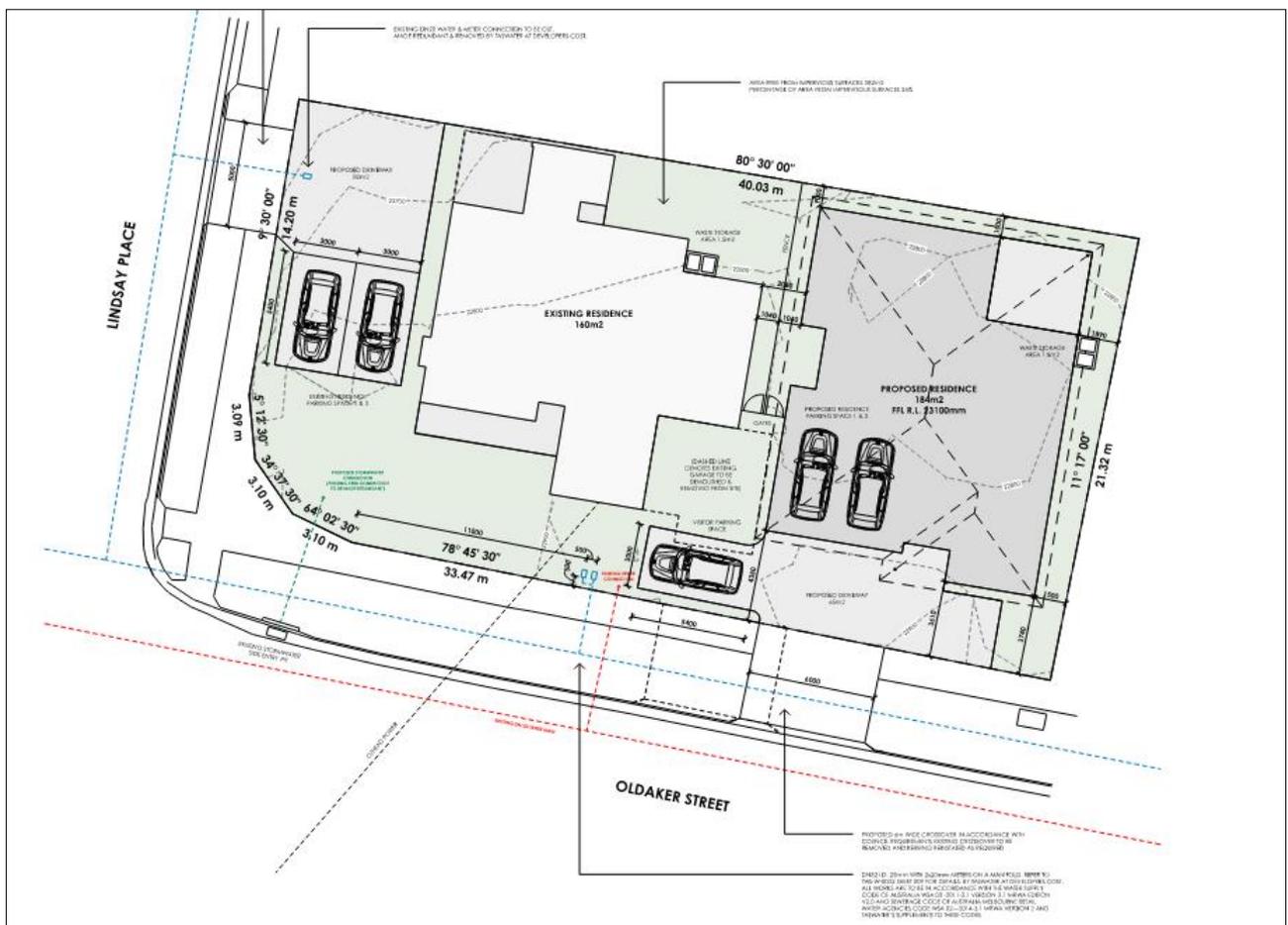
The applicant is seeking approval for a multiple dwelling development by proposing an additional dwelling to the east of the existing dwelling.

The proposed dwelling will have a floor area of 184m<sup>2</sup> and comprise four bedrooms, a double garage and other typical rooms associated with a dwelling. The dwelling will have a single-storey profile and brick exterior with a colorbond roof. A new crossover location is proposed for the dwelling and the site's visitor parking space.

The garage of the existing dwelling is proposed to be demolished and a new vehicle access is proposed from Lindsay Place, which will facilitate two on-site parking spaces for this dwelling.

A copy of the site plan and visual depiction of the proposed dwelling is reproduced below in Figures 4 and 5.

A full copy of the planning application is **appended as an Attachment to this report**.



**Figure 4 – Site plan (n + b, 2023)**



**Figure 5 – Visual depiction of proposed dwelling (n + b, 2023)**

### **PLANNING ISSUES**

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

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

Residential use in the form of multiple dwellings is categorised as Permitted under the Use Table of the General Residential Zone. Provided the development can meet the development standards within the zone and applicable codes at the acceptable solutions level, the application is not required to be advertised and must be approved pursuant to section 58 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

If the proposal cannot meet the relevant acceptable solutions, the application is Discretionary and is required to be advertised. The corresponding performance criteria are assessed to determine if a planning permit pathway can be achieved. This process invokes section 57 of the LUPAA.

The applicable development standards are reproduced below followed by assessment.

## 8.0 General Residential Zone

### 8.4.1 Residential density for multiple dwellings

<b>Objective:</b>	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>.</p>	<p><b>P1</b></p> <p>Multiple dwellings must only have a site area per dwelling that is less than 325m<sup>2</sup>, if the development will not exceed the capacity of infrastructure services and:</p> <p>(a) is compatible with the density of existing development on established properties in the area; or</p> <p>(b) provides for a significant social or community benefit and is:</p> <p>(i) wholly or partly within 400m walking distance of a public transport stop; or</p> <p>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</p>

**Officer Comment:** The acceptable solution is achieved as the proposed unit density is 1 dwelling per 407m<sup>2</sup>.

8.4.2 Setbacks and building envelope for all dwellings

<p>Objective:</p>	<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(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</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> <li>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</li> <li>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</li> <li>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</li> <li>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</li> </ul>	<p><b>P1</b></p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>

**Officer Comment:** The site is a corner allotment and as Lindsay Place is the narrower of the two road frontages it is classified as the primary frontage and Oldaker Street is the secondary frontage. No building works are proposed to the Lindsay Place frontage and the additional dwelling will have a setback greater than 3m to Oldaker Street frontage per A1 (b). The acceptable solution is met.

<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 5.5m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</li> </ul>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
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**Officer Comment:** Not applicable as no new garage or carport is proposed to the primary frontage.

<p><b>A3</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(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"> <li>(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</li> <li>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</li> </ul> </li> <li>(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"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul> </li> </ul>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> </li> <li>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</li> <li>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> <li>(i) an adjoining property; or</li> <li>(ii) another dwelling on the same site.</li> </ul> </li> </ul>
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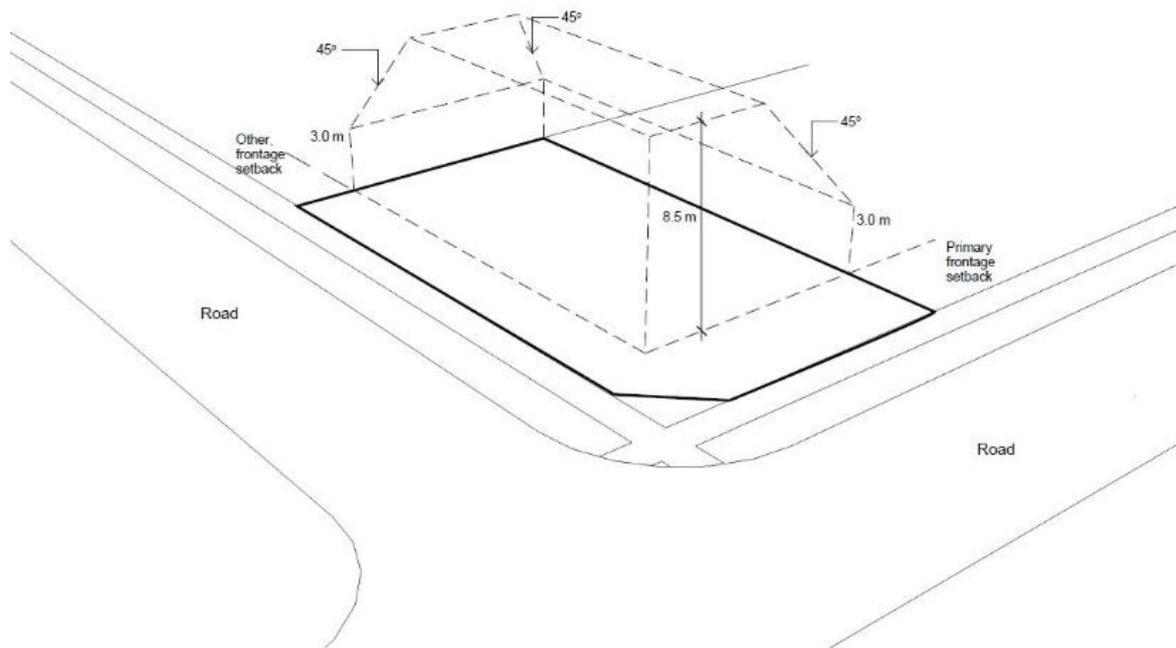


Figure 8.2 Building envelope for corner lots as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

**Officer Comment:** The proposed dwelling has a wall length of 12.96m and is setback 1m to the northern side boundary. This exceeds the acceptable wall length threshold of 9m within 1.5m of a side boundary. All other setbacks of the proposed dwelling satisfy the acceptable solution.

Due to the setback variation being located to the property's northern side boundary, no overshadowing impact will occur to adjoining properties. The visual bulk of the dwelling is reduced due to the location of existing outbuildings at the rear northern adjoining property – 1 Lindsay Place. The proposed 1m setback is consistent with adjoining development within the site's vicinity and the dwelling will impact no solar installations. The performance criteria prescribed within P3 is satisfied.

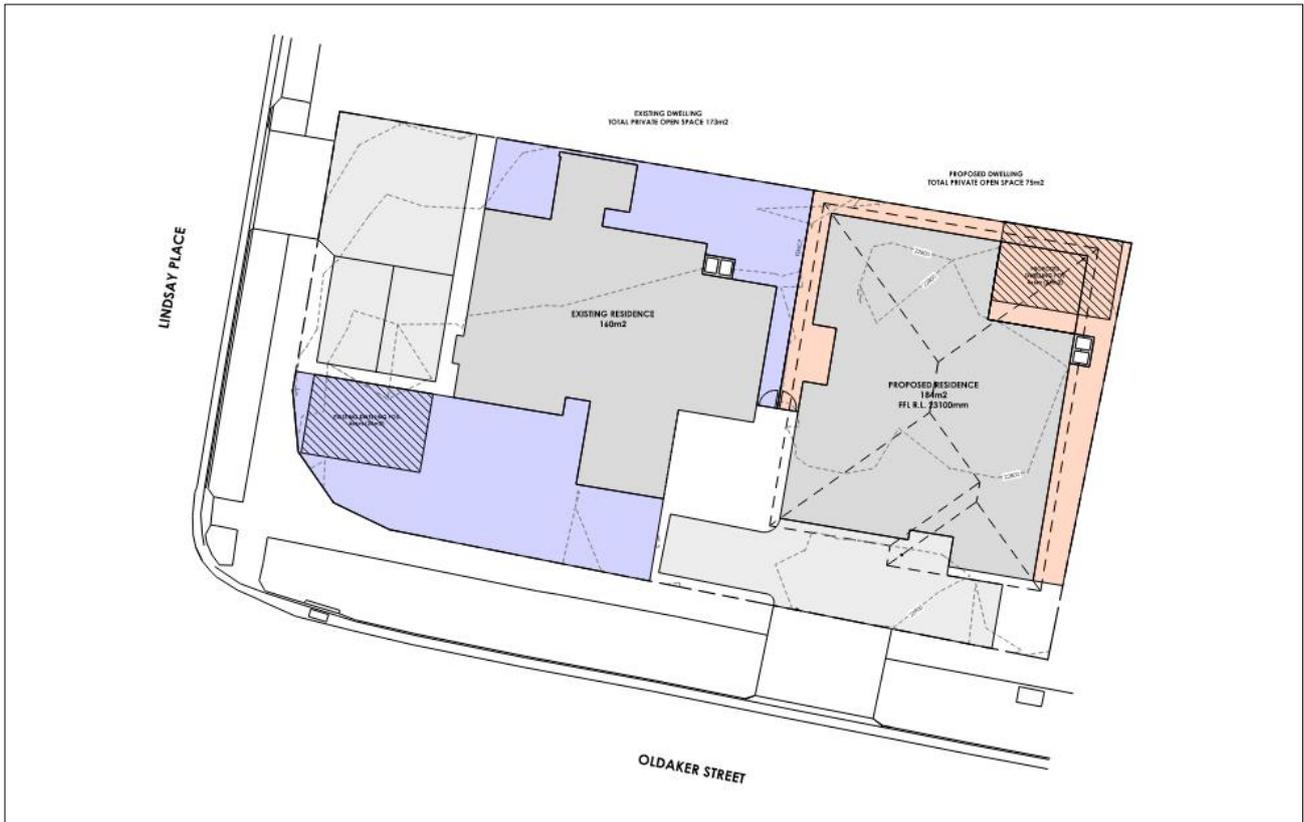
8.4.3 Site coverage and private open space for all dwellings

Objective:	<p>That dwellings are compatible with the amenity and character of the area and provide:</p> <ul style="list-style-type: none"> <li>(a) for outdoor recreation and the operational needs of the residents;</li> <li>(b) opportunities for the planting of gardens and landscaping; and</li> <li>(c) private open space that is conveniently located and has access to sunlight.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<p><b>P1</b></p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:                             <ul style="list-style-type: none"> <li>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>(ii) operational needs, such as clothes drying and storage; and</li> </ul> </li> <li>(c) reasonable space for the planting of gardens and landscaping.</li> </ul>

**Officer Comment:** The site coverage (roofed areas) for the site is approximately 42% which is below the 50% acceptable threshold. A1 (a) is satisfied.

In relation to the assessment of A1 (b), Figure 6 demonstrates each dwelling has POS more than 60m<sup>2</sup>.

The acceptable solution is satisfied.



**Figure 6 – Private open space plan (n + b, 2023)**

<p><b>A2</b></p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> <p>(b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated</p>	<p><b>P2</b></p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</p> <ul style="list-style-type: none"> <li>(a) conveniently located in relation to a living area of the dwelling; and</li> <li>(b) orientated to take advantage of sunlight.</li> </ul>
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<p>between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	
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**Officer Comment:** Figure 6 highlights that each dwelling has area of private open space with a minimum horizontal dimension of 4m and a total of 24m<sup>2</sup>. The private open space locations will be flat and have a suitable orientation. The acceptable solution is met.

8.4.4 Sunlight to private open space of multiple dwellings

<b>Objective:</b>	That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</li> </ul> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21<sup>st</sup> June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul>		<p><b>P1</b></p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.</p>

**Officer Comment:** Not applicable. Each dwelling has a private open space area that is not located to the north of another dwelling on the site.

8.4.5 Width of openings for garages and carports for all dwellings

Objective:	To reduce the potential for garage or carport openings to dominate the primary frontage.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.	

**Officer Comment:** Not applicable. There are no garages within 12m of the primary frontage.

8.4.6 Privacy for all dwellings

Objective:	To provide a reasonable opportunity for privacy for dwellings.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:  (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;  (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and  (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:  (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or	<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:  (a) a dwelling on an adjoining property or its private open space; or  (b) another dwelling on the same site or its private open space.	

<p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	
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**Officer Comment:** Not applicable. None of the dwellings have a finished floor level more than 1m above existing ground level.

<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>
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**Officer Comment:** Not applicable. None of the dwellings have a finished floor level more than 1m above existing ground level.

<p><b>A3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"><li>(i) it is separated by a screen of not less than 1.7m in height; or</li><li>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</li></ul>	<p><b>P3</b></p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
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**Officer Comment:** The associated turning area of the visitor parking space is located within 3m of the windows of bedroom 1 of the proposed dwelling. Therefore, the acceptable solution cannot be met.

A condition will be placed on the permit requiring screening to be erected in front of the windows of bedroom 1 in accordance with the acceptable solution or alternately a design requirement for opaque windows for this bedroom.

8.4.8 Waste storage for multiple dwellings

<b>Objective:</b>	To provide for the storage of waste and recycling bins for multiple dwellings.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that:             <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) screened from the frontage and dwellings; and</li> <li>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>

**Officer Comment:** Waste storage locations for each dwelling are indicated on the site plan and in accordance with A1 (a). The acceptable solution is met.

The only applicable development code to this application is the Parking and Sustainable Transport Code. The applicable development standards of this code is reproduced below, followed by assessment.

C2.0 Parking and Sustainable Transport Code

C2.5.1 Car parking numbers

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

<p>required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p><b>P1.2</b></p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
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**Officer Comment:** Under Table C2.1, a multiple dwelling development is required to have 2 parking spaces per dwelling + a visitor parking space for every 4 dwellings. In this case, each dwelling will have two dedicated parking spaces and a visitor parking space is also provided. The acceptable solution is satisfied.

C2.6.1 Construction of parking areas

Objective:	That parking areas are constructed to an appropriate standard.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<p><b>A1</b></p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p><b>P1</b></p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	

**Officer Comment:** The proposal has been designed in accordance with the above acceptable solutions and conditions will be included on the permit to ensure compliance.

C2.6.2 Design and layout of parking areas

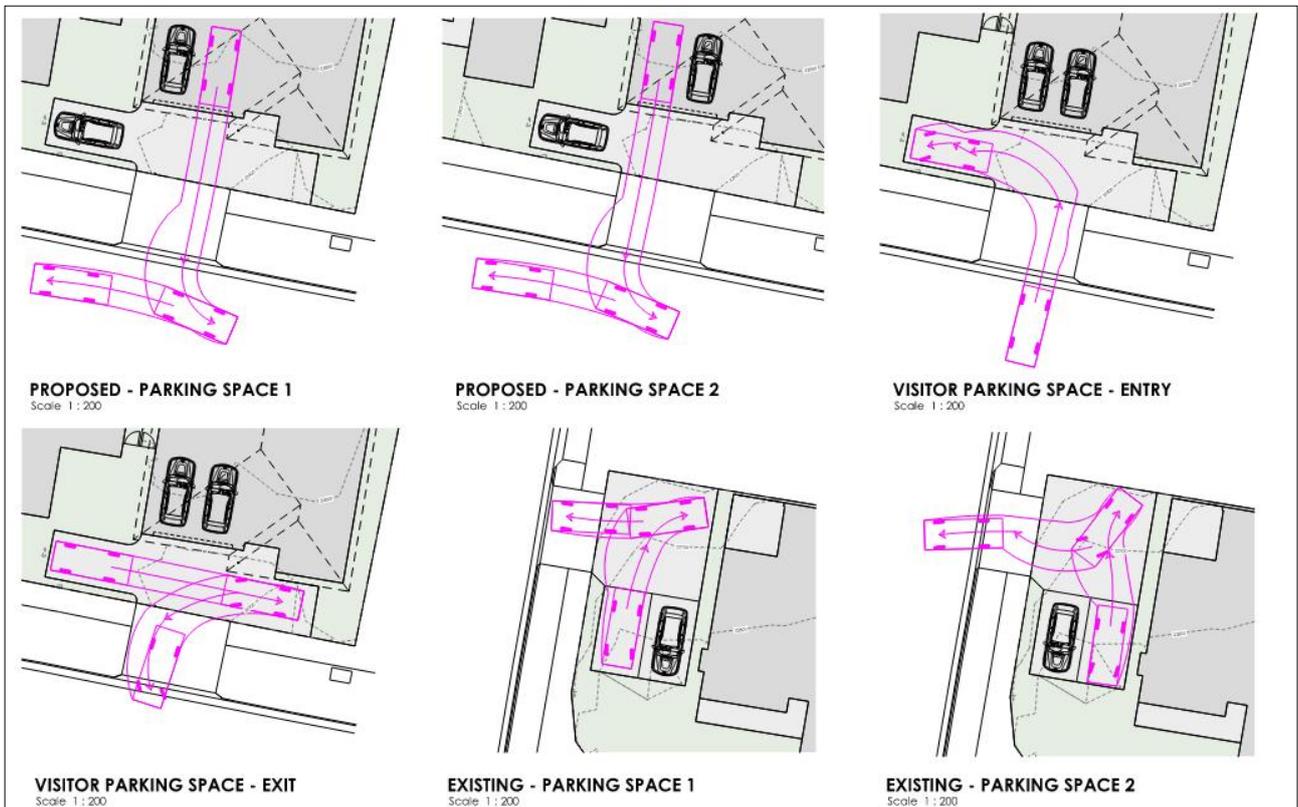
Objective:	That parking areas are designed and laid out to provide convenient, safe and efficient parking.
Acceptable Solutions	Performance Criteria
<p><b>A1.1</b></p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: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

**A1.2**

Parking spaces provided for use by persons with a disability must satisfy the following:

- (a) be located as close as practicable to the main entry point to the building;
- (b) be incorporated into the overall car park design; and
- (c) be designed and constructed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.*<sup>1</sup>

**Officer Comment:** Figure 7 below highlights the vehicle parking areas and their vehicle manoeuvrability.



**Figure 7 – Parking plan and vehicle manoeuvrability (n + b, 2023)**

The proposed access from Lindsay Place will service 2 parking spaces for the existing dwelling and the proposed Oldaker Street access will service 3 parking spaces.

As each access will service less than 4 parking spaces, cars are not required to enter and exit the site in a forward direction per A1.1 (ii). Furthermore, it is noted that only the two parking spaces associated with the proposed dwelling cannot achieve on-site manoeuvrability to enter and exit in a forward direction.

The plans demonstrate that the parking spaces are not proposed to be delineated per A1.1 (vii). The performance criteria can be achieved due to the parking arrangement being associated with only two dwellings and users will be cognisant of the parking layout.

A note will be included on the permit requiring that if the multiple dwellings are subject to a Strata Plan, the visitor parking space and associated turning area is to be identified within the common area.

Overall, the parking design complies with the acceptable solution with the exception of the parking delineation, which can satisfy the performance criteria.

**C2.6.3 Number of accesses for vehicles**

<b>Objective:</b>	<p><b>That:</b></p> <p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>				
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Acceptable Solutions</b></td> <td style="width: 50%;"><b>Performance Criteria</b></td> </tr> <tr> <td> <p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p> </td> <td> <p><b>P1</b></p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p> </td> </tr> </table>		<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p><b>P1</b></p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>				
<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p><b>P1</b></p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>				

**Officer Comment:** Only one access is proposed along each frontage and the acceptable solution is met.

Modifications to the delineated parking (restricted 2 hour zone) will be required along the Oldaker Street carriageway due to the location of the new crossover. No on-street parking loss is envisaged. This will be the developer's responsibility and is included as a permit condition.

**COMMUNITY ENGAGEMENT**

On 03/01/2023, 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 11/01/2023;
- (b) Making a copy of the proposal available in Council Offices from the 11/01/2023;
- (c) Notifying adjoining property owners by mail on 10/01/2023; and
- (d) Erecting a Site Notice for display from the 10/01/2023.

The period for representations to be received by Council closed on 25/01/2023. Two representations were received from nearby residents and are **appended as an Attachment to this report**.

One of the representations raised concerns regarding the proposed siting of the proposed dwelling. This section of the representation is shown below in Figure 8 followed by comment.

Clause 8.4.2 Setbacks and building envelope for all dwellings

P3 The siting of a dwelling must not cause unreasonable loss of amenity to adjoining properties.

The proposed siting of the additional dwelling is inconsistent with other existing dwellings in the area and does not provide sufficient separation between dwellings as those established in the area.

In addition, the proposal is for multiple dwelling development with the addition of a 4 bedroom dwelling that is unable to meet the permitted setbacks within the building envelope, which may be more suited to larger or single lot than the proposed site. The only private open space area is undercover on the lot which has the potential to be closed in, further impacting on visual impact and amenity of adjoining properties.

**Figure 8 – Section of representation regarding the setback variation (Hay, 2023)**

**Officer comment:** The siting of the proposed dwelling can satisfy the acceptable building setbacks and envelope with the exception of the northern side boundary. The setback variation has been assessed against the performance criteria earlier in the report and can be supported. The visual impact of the setback variation is lessened due to existing development at 1 Lindsay Place (immediate northern adjoining property). The setback of 1m is consistent with existing development within the area noting that numerous outbuildings are constructed to their side boundaries and the setback of the rear unit at 109 Oldaker Street is located within 0.5m to their southern boundary.

Both representations outlined identical concerns regarding the development's parking arrangement, specifically turning manoeuvrability and also general traffic safety concerns to the Oldaker Street carriageway. This section of the representation is shown in Figure 9 and is followed by comment.

Clause C2.6.2 Design and layout of parking areas

P1 All parking, access ways, maneuvering and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking.

The proposed development is unable to provide sufficient area to enable vehicles to exit the site in a forward manner.

Oldaker Street is an extremely busy road at all times, with schools, shops and businesses in the vicinity, on street parking is well utilised at all times. As a resident in the area, I am well aware of how difficult it is to access the street safely.

Dwellings in the local area have a turning circle in the front of their dwellings, this has happened in the past 10 years as traffic in the area has increased. Site distance is impaired due to on street parking and there is also traffic entering the street from Adelaide Street, Lindsay Place and Kempling Street. It is extremely busy at school drop off and pick up times. The footpath is also well utilised by pedestrians in the area.

The proposed dwelling is 4 bedroom, which has the potential to generate multiple movements per day to and from the site, in addition to the existing dwelling on the lot. If on-site vehicles are unable to access the street in a forward manner, this will impact on the safety of both vehicle and pedestrian traffic in the area.

Parking in front of the dwelling is limited to 2 hours during the day, which indicates regular usage of on-street parking along the street to enable access to local shops and businesses.

I strongly disagree with the proposed multiple dwelling development on the site due to the risk of safety of vehicles and pedestrians in the area and is not consistent with existing development in the area.

**Figure 9 – Section of each representation (identical) regarding concerns about the development's parking arrangement and traffic safety matters (Hay & Cox, 2023)**

**Officer comment:** The parking arrangement has been assessed against the applicable development standards prescribed within the Parking and Sustainable Transport Code. As discussed within the *Planning Issues* section of the report, the development has a satisfactory amount of on-site parking and there is no requirement for cars to enter and exit the site in a forwards direction as each access serves less than 4 parking spaces. No further comment is warranted.

**DISCUSSION**

The proposal was referred to TasWater. This authority provided a Submission to Planning Authority Notice (SPAN) which will be included as a permit condition and is **appended to this report as an Attachment**.

**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 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 has been assessed against the applicable development standards of the *Tasmanian Planning Scheme – Devonport*. The application has demonstrated that either the acceptable solutions or performance criteria can be met and conditional approval for the development is recommended.

### **ATTACHMENTS**

1. Application Documentation - PA2022.0217 - 104 Oldaker Street, Devonport [**4.1.1** - 13 pages]
2. Representations - PA2022.0217 - 104 Oldaker Street, Devonport [**4.1.2** - 4 pages]
3. TasWater Submission to Planning Authority Notice - PA2022.0217 - 104 Oldaker Street [**4.1.3** - 2 pages]

## 4.2 PA2022.0212 - 2 CHALMERS LANE, DEVONPORT - RESIDENTIAL (SINGLE DWELLING)

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 PA2022.0212 and grant a Permit to use and develop land identified as 2 Chalmers Lane, Devonport for the following purposes:

- Residential (single dwelling)

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Stack House, Project No. 22115, Drawing No. DA-01 to DA-35, dated 6/12/2022 by fitzpatrick + partners architects, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. The surface water from the driveway and or any paved areas is to be collected and drained to the private stormwater drainage system.
3. There is to be no uncontrolled overland flow of stormwater from the proposed development to any of the adjoining properties.
4. All stormwater collected from this work is to be directed into the existing property stormwater pipe in accordance with the National Construction Code.
5. The contractor is to ensure the proposed access shall not cause any undue disturbance to neighbouring properties nor the regular vehicular movement of traffic within the road reserve during the demolition process.
6. A traffic management plan for site deliveries is to be implemented to manage congestion in Chalmers Lane. The plan is to be endorsed by Council's Infrastructure and Works Department prior to the commencement of work.
7. The developer is to manage any asbestos found during demolition in accordance with the *How to Safely Remove Asbestos Code of Practice* issued by Safe Work Australia (October 2018).

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.

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

The developer is to be responsible for making good and/or cleaning any footpaths, road surfaces or other element damaged or soiled because of the project.

In regard to conditions 2-6 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

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

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

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

### SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority to make a decision regarding planning application PA2022.0212.

### BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Address:	2 Chalmers Lane, Devonport
Applicant:	Stacey Sheehan
Owner:	Ms SM Sheehan & Mrs GM Sheehan
Proposal:	Residential (single dwelling)
Existing Use:	Residential
Zoning:	General Residential
Decision Due:	27/01/2023

### SITE DESCRIPTION

The site is located on the northern side of Chalmers Lane and has an area of 1510m<sup>2</sup>. The lot contains an existing house and garage and is surrounded by residential development to the east and west and Crown Reserve to the north. The lot falls approximately 22m from south to north. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 1 - Aerial view of subject site and surrounding area (Source: DCC)

### APPLICATION DETAILS

The applicant is seeking approval to demolish and replace the existing house and garage. The proposed buildings will be constructed of brick and be of a unique design, reminiscent of the dwelling to the east. Figures 2-9 show the site plan, floor plans and elevations. The full application is appended as **Attachment 1**.



Figure 2 - Site plan (Source: fitzpatrick + partners architects)

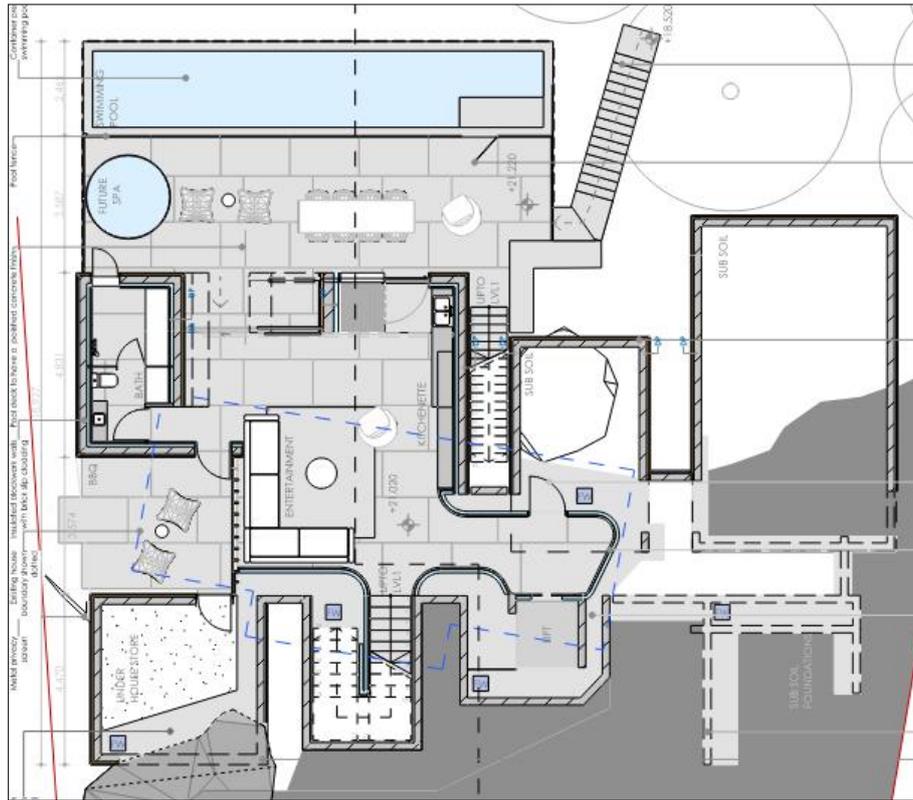


Figure 3 - Ground Level floor plan (Source: fitzpatrick + partners architects)



Figure 4 - Level 1 Floor plan (Source: fitzpatrick + partners architects)

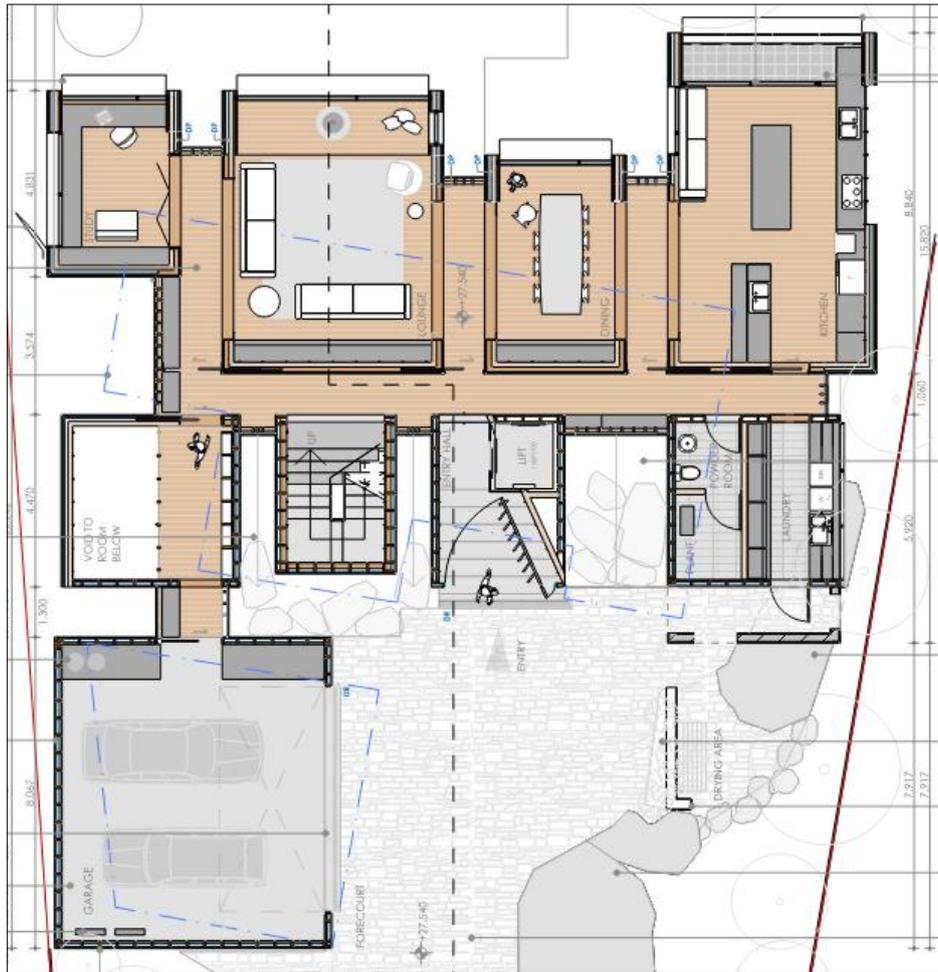


Figure 5 - Level 2 Floor Plan (Source: fitzpatrick + partners architects)



Figure 6 - Northern elevation (Source: fitzpatrick + partners architects)

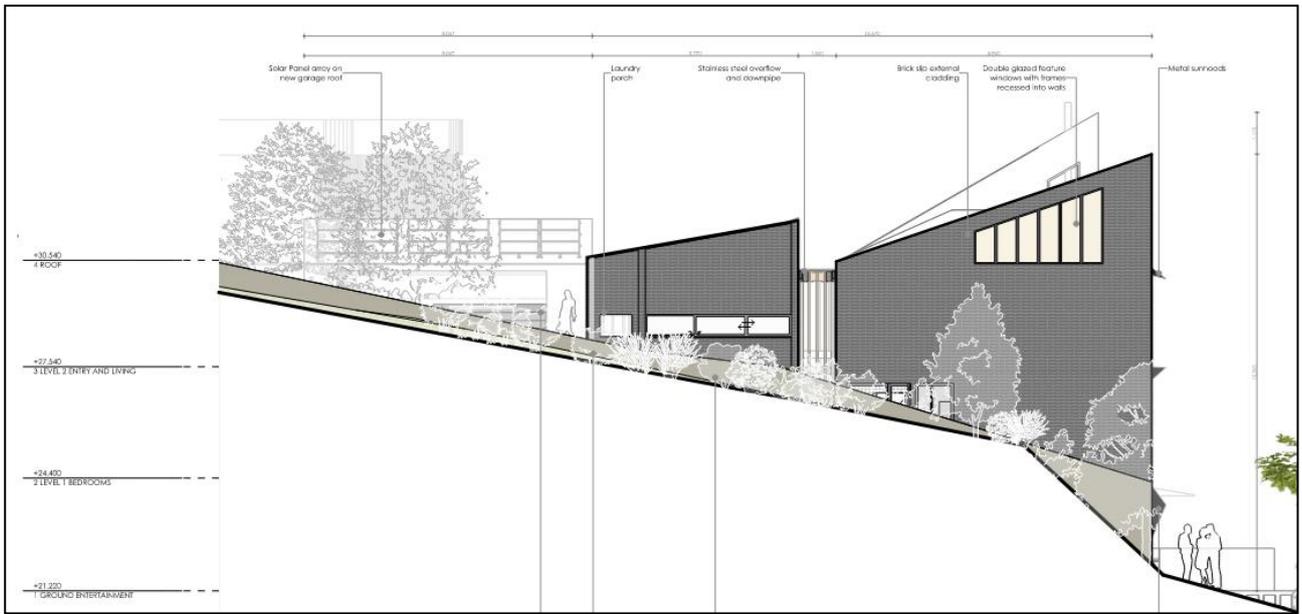
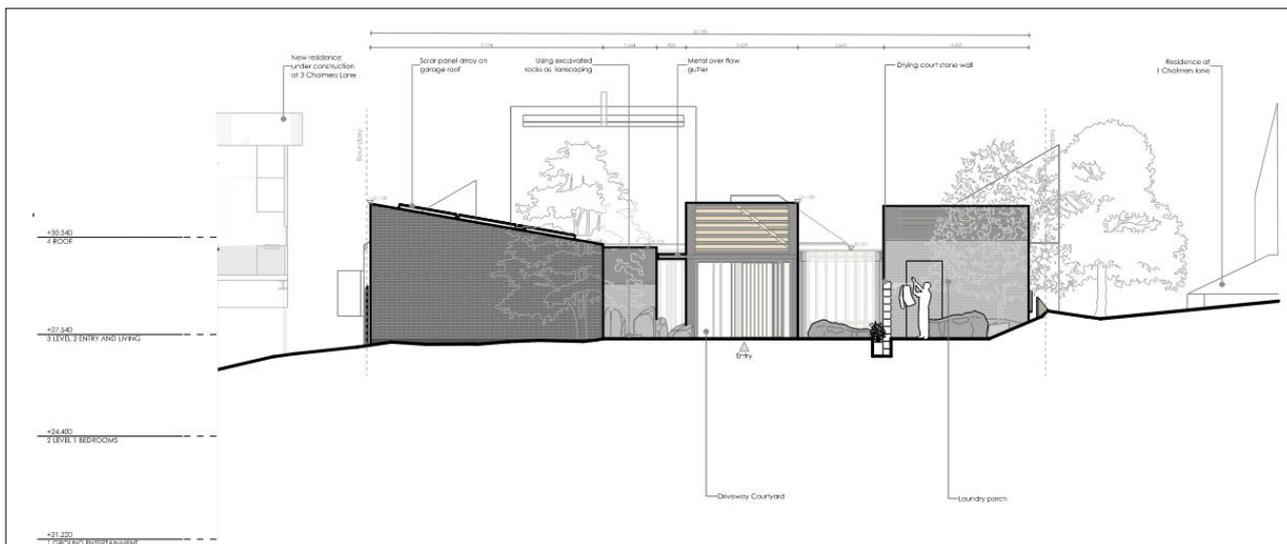


Figure 7 - Eastern elevation (Source: fitzpatrick + partners architects)



Figure 8 – Western elevation (Source: fitzpatrick + partners architects)



**Figure 9 - Southern elevation (Source: fitzpatrick + partners architects)**

**PLANNING ISSUES**

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

- 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.

Residential development in the General Residential zone does not require a planning permit provided all applicable development standards contained within the zone and any relevant codes are met. In instances where this is not the case the corresponding performance criteria must be satisfied.

In this case the proposal does not meet the standards for clause 8.4.2 regarding setbacks and building envelope, 8.4.6 regarding privacy and 8.4.7 regarding frontage fences. The relevant clauses of the planning scheme are reproduced below, followed by assessment.

**8.4 Development Standards for Dwellings**

8.4.1 Residential density for multiple dwellings – Not applicable.

**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

<p>frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(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</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p><b>P1</b></p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>
<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p>	<p><b>P2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any</p>

<p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>topographical constraints.</p>
<p><b>A3</b></p> <p>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:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> </ul> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>i. does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>ii. does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>i. reduction in sunlight to a habitable room other than a bedroom) of a dwelling on an adjoining property;</li> <li>ii. overshadowing the private open space of a dwelling on an adjoining property;</li> <li>iii. overshadowing of an adjoining vacant property; or</li> <li>iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> <p>(a) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(b) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <ul style="list-style-type: none"> <li>i. an adjoining property; or</li> <li>ii. another dwelling on the same site.</li> </ul>

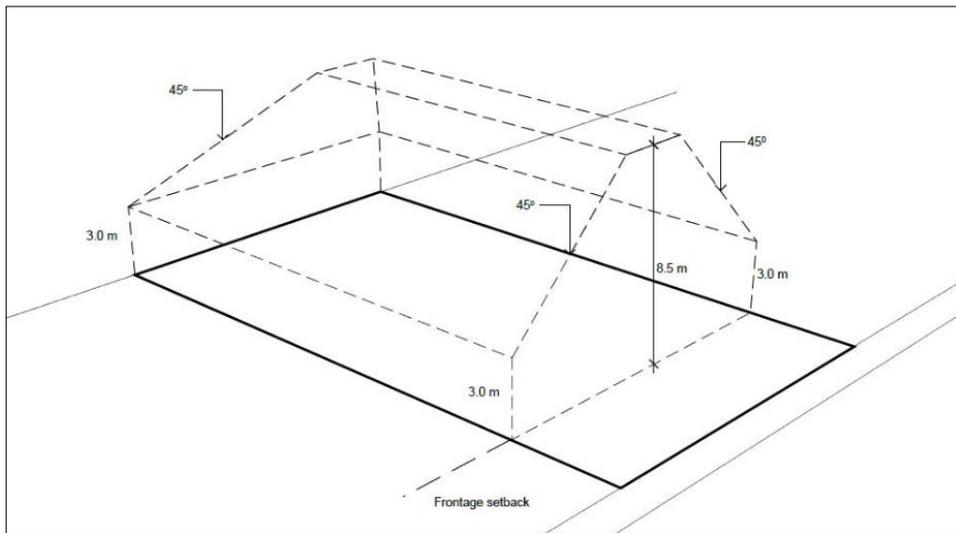


Figure 8.1 Building envelope as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

Assessment – A1 and A2 are met as the front setback is in excess of 5.5m for both the dwelling and garage.

In regard to A3 the acceptable solution is not met as the proposed dwelling is higher than 8.5m and closer than 1.5m to the boundary. The performance criteria must be considered.

The proposed garage and dwelling will not be built square to the boundary. Figure 10 shows the setbacks in relation to the side boundaries which are shown in red. The garage has a length of 8.0m and will be setback 154mm at its closest point, increasing to 668mm to the western boundary. Also on the western side are two 'stacks' consisting of three levels each and containing the under house store/TV room/void and bathroom/study/ensuite. These stacks are 4.47m and 4.83m long respectively and will be located 944mm-1240mm and 1108mm-1429mm to the boundary. At its highest point the dwelling is 13.2m above natural ground level on the western side for the northern stack, reducing to 10.1m for the central stack and 5.6m for the garage.

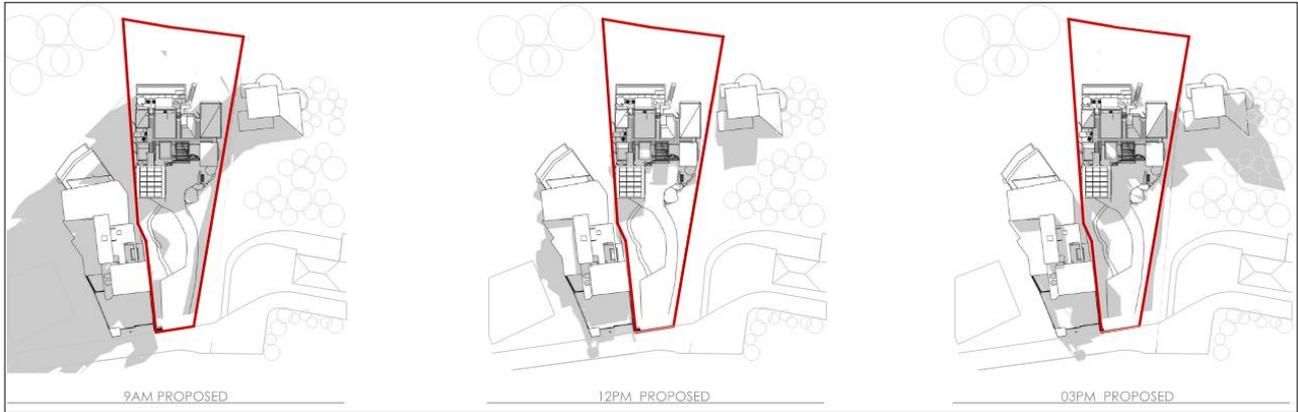
On the eastern side of the lot the rear stack has a setback of 670mm-1700mm and the front stack setbacks of 940mm-2433mm with heights of 4.3m and 9.3m respectively.



Figure 10 - Partial site plan showing setbacks to side boundaries (Source: Fitzpatrick + partners)

The proposed dwelling will not cause an unreasonable loss of amenity to adjoining properties.

Given the orientation of the lots the dwelling will not cause an unreasonable reduction in sunlight to habitable rooms nor private open space. Figure 11 shows the shadows cast at 9am, noon and 3pm at the winter solstice. Overshadowing of 3 Chalmers Lane will occur in the early morning however this will cease by mid morning, with the house being in full sun by noon. There will be no impacts to 1 Chalmers Lane until late afternoon.



**Figure 11 - Shadow diagrams (Source: fitzpatrick + partners architects)**

In regard to visual impacts the dwelling consists of separate stacks accessed via walkways setback at least 3.3m from the western boundary and 2.1m from the eastern boundary. The stacks are a variety of lengths with the maximum length being 8.8m. The variety of shapes and sizes helps to lessen the visual impact of the building.

The separation between dwellings is in keeping with those in the area.

No solar energy installations will be impacted.

The performance criteria are satisfied.

#### 8.4.3 Site coverage and private open space for all dwellings

Objective:

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight.

Acceptable Solutions	Performance Criteria
<p><b>A1</b> Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a</li> </ul>	<p><b>P1</b> Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) site coverage consistent with that existing on established properties in the area;</li> <li>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to</li> </ul>

<p>finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>accommodate:</p> <ul style="list-style-type: none"> <li>i. outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</li> <li>ii. operational needs, such as clothes drying and storage; and</li> </ul> <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p><b>A2</b> A dwelling must have private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is not less than: <ul style="list-style-type: none"> <li>i. 24m<sup>2</sup>; or</li> <li>ii. 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> </li> <li>(b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> <li>i. 4m; or</li> <li>ii. 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</li> </ul> </li> <li>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</li> <li>(d) has a gradient not steeper than 1 in 10.</li> </ul>	<p><b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> <li>a) conveniently located in relation to a living area of the dwelling; and</li> <li>b) orientated to take advantage of sunlight.</li> </ul>

Assessment - A1 - Site coverage is approximately 25%. The acceptable solution is met.

A2 – The majority of the site is very steep with the slope being greater than 1 in 10. North of the dwelling a flat area approximately 70m<sup>2</sup> will provide an appropriate area of private open space. The acceptable solution is met.

8.4.4 Sunlight to private open space of multiple dwellings – Not applicable.

8.4.5 Width of openings for garages and carports for all dwelling

Objective: To reduce the potential for garage or carport openings to dominate the primary frontage.	
Acceptable Solutions	Performance Criteria
<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<b>P1</b> A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

Assessment - The garage is approximately 33m from the frontage. The acceptable solution is met.

8.4.6 Privacy for all dwellings

Objective: To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Performance Criteria
<b>A1</b> A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:  (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;  (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than	<b>P1</b> A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:  (a) a dwelling on an adjoining property or its private open space; or  (b) another dwelling on the same site or its private open space.

<p>4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <ul style="list-style-type: none"> <li>i. from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>ii. from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul>	
<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>i. is to have a setback of not less than 3m from a side boundary;</li> <li>ii. is to have a setback of not less than 4m from a rear boundary;</li> <li>iii. if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>iv. if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>i. is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>ii. is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> <li>iii. is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> <li>(a) a window or glazed door, to a habitable room of another dwelling; and</li> <li>(b) the private open space of another dwelling.</li> </ul>

Assessment – A1 - The proposed deck on the northern side of the dwelling will have a floor level more than 1m above natural ground level and be less than 3m from the western boundary. A 1.7m high screen is not proposed, however the deck is located approximately 10m north of the adjoining dwelling and will have a solid 1.2m high screen in the south-western corner. Given the slope of the land the adjacent dwelling's usable private open space is in the form of decks attached to the house. The proposed deck will not overlook these areas and will be situated further down the slope, as shown in Figure 12.

The performance criteria is satisfied.



**Figure 12 - 3D modelling showing proposed dwelling adjacent to neighbouring dwelling. The deck is to the left of the proposed house at 2 Chalmers Lane. (Source: fitzpatrick + partners architects)**

On the western side of the building all windows proposed will be offset by at least 1.5m to a window in the adjacent dwelling to the west.

In regard to the windows on the eastern side, rooms with a finished floor level more than 1m above ground level have only highlight windows with a sill height of more than 1.7m above floor level.

The acceptable solution is met.

#### 8.4.7 Frontage fences for all dwellings

Objective:  
 The height and transparency of frontage fences:  
 (a) provides adequate privacy and security for residents;  
 (b) allows the potential for mutual passive surveillance between the road and the dwelling; and  
 (c) is reasonably consistent with that on adjoining properties.

Acceptable Solutions	Performance Criteria
No Acceptable Solution. <sup>1</sup>	<b>P1</b> A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:

	<p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <ul style="list-style-type: none"> <li>i. the topography of the site; and</li> <li>ii. traffic volumes on the adjoining road.</li> </ul>
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<sup>1</sup> An exemption applies for fences in this zone

The proposed fence has a height of approximately 1.8m and will be constructed of timber slats. There are solid sections to the east of approximately 600mm and west of 1.2m. On the western side is also a roofed area to provide shelter given the garage is 33m from the frontage. The proposed design will allow for both privacy and security, providing an area for secure parcel delivery and wheelie bin storage. The timber slats allow for passive surveillance. The fence is in keeping with others in the area, with a number of properties having solid walls or high fences.

The performance criteria is met.

#### C7.0 Natural Assets Code

The property is also subject to the Natural Assets Code as a priority vegetation overlay area is applicable to the site. No priority vegetation will be removed as part of the project with any such vegetation being located along the northern edge of the site. The dwelling will not extend any further north than the existing dwelling and pool.

#### COMMUNITY ENGAGEMENT

On 16/12/2022, 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 07/01/2023;
- (b) Making a copy of the proposal available in Council Offices from the 07/01/2023;
- (c) Notifying adjoining property owners by mail on 05/01/2023; and
- (d) Erecting a Site Notice for display from the 06/01/2023.

The period for representations to be received by Council closed on 23/01/2023.

#### 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 Veris, on behalf of the owners of the land to the west, and raises concerns regarding the setbacks and height of the building, overshadowing and the front fence. The representation is appended as **Attachment 2**.

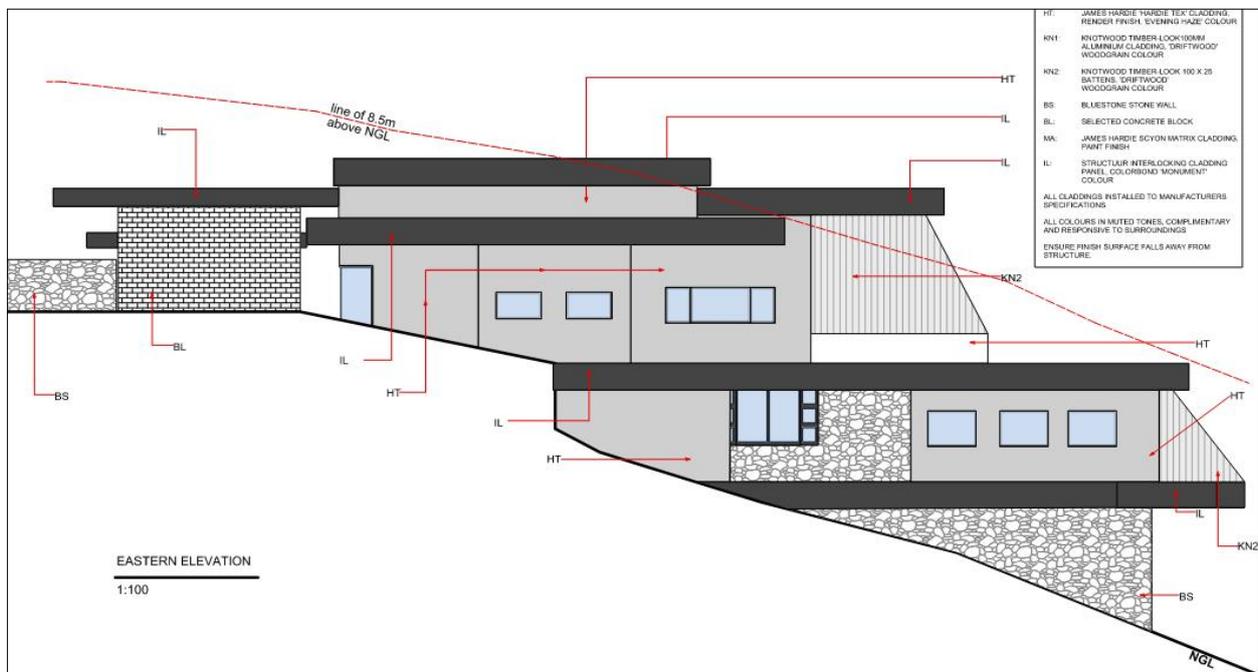
The applicant requested a copy of the representation, consent for which was granted. As a result they submitted a response, prepared by the architect, which is appended as **Attachment 3**.

The issues raised in the representation are listed and discussed below.

The maximum building height as defined by the planning scheme is 8.5m above natural ground level (NGL). The proposed dwelling reaches a maximum building height of 16.5m above NGL. A side setback of less than 1.5m is only acceptable if the dwelling does not exceed a total length of 9m of the side boundary; however, the proposal proposes 17.4m of wall within 1.5m of the western boundary. The reduced side setback combined with a building height of up to 13.5m within 1.5m of the western boundary result in an excessive encroachment beyond the acceptable building envelope

**Figure 13 - Taken from representation (Source: Veris)**

As discussed previously the dwelling is outside the building envelope. The maximum height above ground level is 13.2m, not 16.5m as stated by the representor. The design of the dwelling ensures the bulk of the building is minimised. The dwellings to the east and west also protrude outside the building envelope with a maximum height above natural ground level of 10.15m and 11.2m respectively. The visual impact of the property to the west is similar to that proposed and is also built close to the boundary for the bulk of the building, albeit within the thresholds. Figure 14 shows the elevation visible of the adjacent dwelling from the applicant's property.



**Figure 14 - Eastern elevation of 3 Chalmers Lane (Source: Layton Design)**

Additionally, it is considered that the proposal does not provide sufficient separation to the dwelling at 3 Chalmers Lane. The current residence and associated outbuildings on 2 Chalmers Lane comply with the required side setback and include an overall lower building height level along the entire western boundary above NGL. The proposed development encroaches significantly into the side boundary setback (see Figure 6 below) and significantly increases the building height. Each change has considerable impact on the residential amenity individually, making it unreasonable when combined. The proposed setbacks are not consistent with existing separations of established properties in the area. Combined with the proposed building height the reduced separation between the dwellings is considered to result in significant reduction of daylight and sunlight access for the lower level at 3 Chalmers Lane and results in unreasonable loss of amenity contrary to the requirement 8.4.2 P3 (b) of the Planning Scheme and inconsistent with the objective 8.4.2 (c).

**Figure 15 - Taken from representation (Source: Veris)**

In regard to the separation between buildings the distances are similar for that proposed at 2 Chalmers Lane and that currently under construction at 3 Chalmers Lane as illustrated in Figure 16. Given the western dwelling is located further south, and that on the subject site is further north, the offset ensures the separation is appropriate.

As mentioned previously any reduction in sunlight will not cause an unreasonable loss of amenity given the orientation of the lots. It is unreasonable to expect all areas of a dwelling located in an urban area to receive all day sun.



**Figure 16 - Aerial view of subject site and neighbouring properties showing proposed building footprints (Source: Veris)**

The dwelling at 3 Chalmers Lane is currently under construction and comprises a main living area at street level as well as a secondary living space (envisaged as future independent carer's residence) below. The later incorporates an undercover fern garden as private open space protected from the northerly wind for the lower level. The submitted documents show the overshadowing of the elevated private open space areas at 3 Chalmers Lane, which are considered acceptable; however, the proposal does not consider the ground floor. Figure 5 below shows the location of the fern garden and that the proposal will result in an unreasonable loss of amenity due to overshadowing, reduction in sunlight to the lower level of 3 Chalmers Lane and visual impact caused by the apparent scale and bulk, not complying with 8.4.2 P3 (a) (ii) and (iv).

Figure 16 - Taken from representation (Source: Veris)

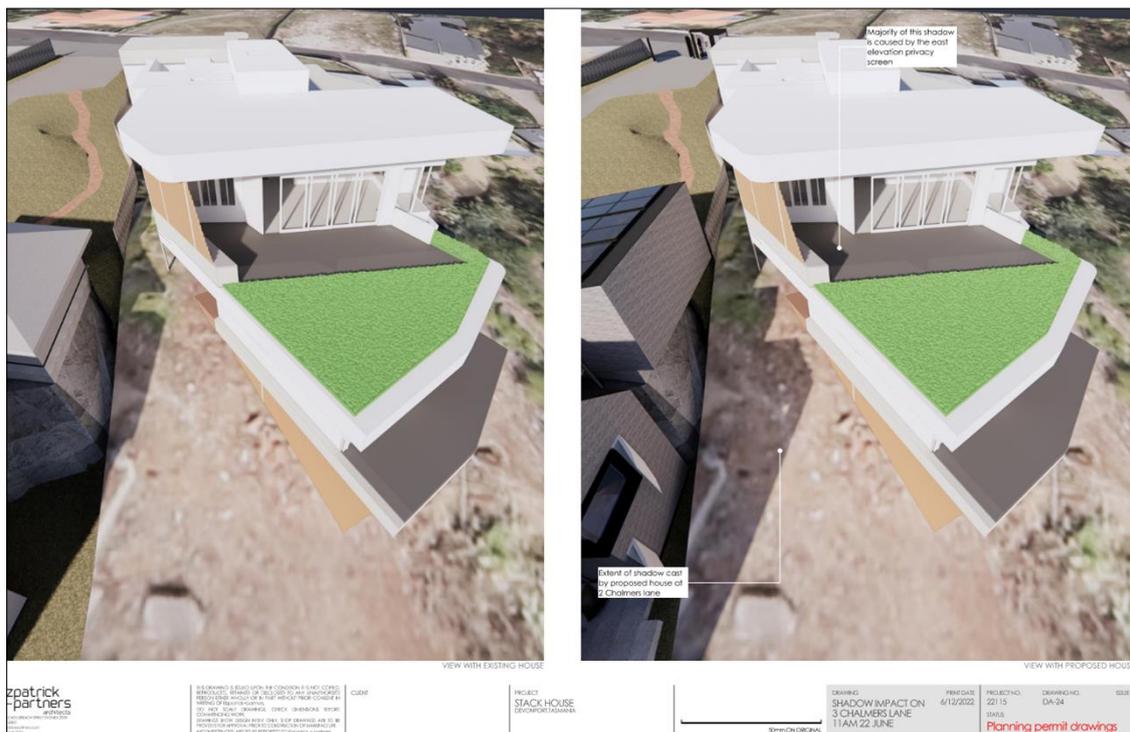
The representation also raises concerns around potential overshadowing of an area of private open space at ground floor level referred to as a fern garden. It is stated that this area may in the future provide private open space for an independent carer's residence. The proposal must be assessed against the current situation. A single dwelling is currently being built at 3 Chalmers Lane for which there is ample private open space that will not be negatively affected by overshadowing. In addition, the fern garden is covered by a

roof which will itself cause overshadowing. There is also a deck directly accessible to the north of the area that may in the future be used by a carer. This deck will receive ample sunlight.

Figure 18 below is taken from the representation, which in turn was taken from the application. It shows overshadowing cast by the current dwelling on the left and the proposed dwelling on the right at 9am on the 22<sup>nd</sup> of June. Figure 19 shows that any overshadowing will have ceased by 11am on the 22<sup>nd</sup> of June.



**Figure 17 - Overshadowing cast by the current and future dwellings on 3 Chalmers Lane 9am, 22<sup>nd</sup> June (Source: Veris – from application)**



**Figure 18 - Overshadowing cast by the current and future dwellings on 3 Chalmers Lane 11am, 22<sup>nd</sup> June (Source: Fitzpatrick + partners architects)**

The proposal includes the construction of a new entrance to the property consisting of brick walls and steel framed gates over clad with metal panels and timber battens within 4.5m of the frontage. There is no height provided for the fence; however, the provided pictures within the DA drawing ‘Entry Gate’ (see Figure 7) indicate a height above 1.2m.

There is no uniform transparency of at least 30% for passive surveillance integrated into the design. Therefore, the proposal requires assessment against the performance criterion P1. The proposal does not provide for passive surveillance or is compatible with height and transparency of fences in the street which are dominated by low fences, partial walls, or open boundaries as seen in Figure 8.

**Figure 20 - Taken from representation (Source: Veris)**

The drawing supplied initially with the application do not clearly demonstrate what is proposed for the front fence/wall. Subsequent details show that battens are proposed for the gates which will allow for passive surveillance (see Figure 21). A number of dwellings in the area have high fences or walls, including that proposed for 3 Chalmers Lane, which includes a 1.8m high wall with a roofed area, not dissimilar to the current proposal.

The issues raised by the representor do not warrant any changes to the design of the proposed dwelling, nor any conditions to be placed on the permit.



**Figure 21 - Front fence (Source: fitzpatrick + partners architects)**

### **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**

Although the proposed dwelling does not meet the acceptable solutions in three instances, there is discretion available to approve projects provided they meet the corresponding performance criteria as has been demonstrated in this case. Conditional approval for the development is recommended.

### **ATTACHMENTS**

1. Application - PA2022.0212 - 2 Chalmers Lane [4.2.1 - 44 pages]
2. Representation - PA2022.0212 - 2 Chalmers Lane [4.2.2 - 7 pages]
3. Applicant's response to representation - PA2022.0212 - 2 Chalmers Lane [4.2.3 - 18 pages]

## 5 REPORTS

### 5.1 ATTENDANCE BY COUNCILLORS AT CONFERENCES

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

#### RECOMMENDATION

That Council, authorise the Mayor, Cr Alison Jarman to attend the Asia Pacific Cities Summit and Mayor's Forum in accordance with the 'Councillor Allowances, Expenses and Provision of Facilities Policy'.

#### 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 is provided to assist Council in considering a request from the Mayor, Cr Jarman to attend the Asia Pacific Cities Summit and Mayor's Forum to be held in Brisbane 11-13 October 2023 . This request is made in accordance with Council policy relating to training and conferences which are held interstate.

#### BACKGROUND

The Asia Pacific Cities Summit (APCS) and Mayor's Forum has been welcoming city leaders, future makers and trailblazers for more than 25 years. The APCS has become a hallmark event which has provided an opportunity for mayors of the Asia Pacific to meet. The Award-Winning Summit (Australian Event Awards Conference of the Year 2020) provides an opportunity for over 1000 delegates to gather, including mayors, councillors and local government CEOs from the Asia Pacific region.

#### STATUTORY REQUIREMENTS

Clause 4.3 of Council's 'Councillor Allowances, Expenses and Provision of Facilities Policy' states that:

*"In respect of any interstate conferences, the matter shall be referred to Council to determine whether any elected member should attend the conference. If attendance is approved, Council will pay on behalf of the Councillor, registration, accommodation, airfares and out of pocket expenses, where supported by receipt, other than those paid in accordance with Clause 2.2. of this Policy".*

Further, Clause 4.4 states that:

*"Councillors are to provide a report or summary, written or verbal, on each interstate conference attended within three (3) months of the conclusion of the conference. The report may be prepared individually by elected members or may be a joint report of the Councillors who attended".*

**DISCUSSION**

The APCS provides an opportunity for attendees to listen to ground-breaking speakers, attend a City Leaders' Forum, and participate in a Mayor's forum, which is an exclusive opportunity for attending elected members to create their own global network of influential peers and learn the latest trends and opportunities in city management.

This year's conference has a focus on Cities of Connection (technology, data and the people); Cities of Sustainability (adapting to growth, inclusivity and well-being); and Cities of Legacy (creating events of prosperity and longevity).

**COMMUNITY ENGAGEMENT**

No community engagement has been undertaken as a result of this report.

**FINANCIAL IMPLICATIONS**

Allocations were made in Council's 2022/23 operating budget for Councillors to attend conferences and undertake training. These allocations are listed below:

<b>Budget Item</b>	<b>Allocation</b>	<b>Balance as at 31/1/2023</b>
Training and Conferences	\$10,000	\$3,412
Travel - Airfares	\$2,000	\$2,000
Travel - Accommodation	\$5,000	\$2,850
Travel – General Costs	\$1,500	\$1,380

The full registration fee for the APCS Conference & Mayor's Forum is \$1780.00 (early bird – prior to 1 September 2023). Airfares are estimated at approximately \$750 return and accommodation would in the order of \$900 based on 3 nights.

**RISK IMPLICATIONS**

No risks have been identified in relation to this report.

**CONCLUSION**

In accordance with Clause 4.3 of Council's *'Councillor Allowances, Expenses and Provision of Facilities Policy'*, attendance by the Mayor, Cr Alison Jarman at the Asia Pacific Cities Summit and Mayor's Forum, is listed for Council's consideration.

**ATTACHMENTS**

1. 2023 APCS and Mayors Forum Prospectus [5.1.1 - 12 pages]

## 5.2 CHANGE OF ADMISSION FEES BASS STRAIT MARITIME CENTRE

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

Endorser: **Matthew Skirving, Executive Manager**

### RECOMMENDATION

That Council amend the 2022/23 Fees and Charges Schedule to reflect the age of Child Admission at the Bass Strait Maritime Centre to be 4-16 years; and provide the General Manager with discretion to amend admission fees at the Bass Strait Maritime Centre for short-term, promotional activities deemed beneficial to the Centre's operations.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.2.2 Cultural facilities and programs are well planned and promoted to increase accessibility and sustainability

### SUMMARY

This report provides Council with justification to raise the age of admission for children at the Bass Strait Maritime Centre, from 12 years to 16 years of age. In addition, this report requests that Council considers providing discretion to the General Manager, to amend the admission fees of the Bass Strait Maritime, for short-term promotional campaigns, when beneficial to the Centre's commercial activities.

### BACKGROUND

The Bass Strait Maritime Centre opened in April 2013. The Centre evolved from the Devonport Maritime Museum, which operated on the site since July 1973.

When the Centre opened, Council set the admission fees as detailed in **Table 1**. Furthermore, there is no provision in the Council's Fees and Charges Schedule for a short-term amendment of admissions, such as 'buy-one-get-one-free', or other special promotional opportunities:

<b>Bass Strait Maritime Centre Fees and Charges 2022/23</b>	<b>Fee</b>
Admission price - adult	\$10.00
Admission price - child 4 to 12	\$5.00
Admission price - child 3 and under	no charge
Admission price - family (2 adults and 3 children)	\$25.00
Admission price - Pensioner and Seniors Card holders	\$8.00
Admission price - student concession	\$8.00
Group entry - travel & coach groups (minimum 10 people)	\$7.00
Group entry - community & school groups (minimum 10 people)	\$5.00

**Table 1**

### STATUTORY REQUIREMENTS

The admission fees for the Bass Strait Maritime Centre are included in the Devonport City Council 2022/23 Fees and Charges Schedule and publicised on the Council website.

## DISCUSSION

Anecdotal reports from Bass Strait Maritime Centre staff suggest that the Centre's child admission price is not in keeping with similar attractions. Importantly, it is not the cost of a child admission, but age limitation of 12 years that is a deterrent for families coming to and entering the facility. Meaning that children over the age of 12 are charged as adults. Staff report that a significant number of families leave the Centre without purchasing entry. Whilst this number cannot be substantiated, it is an understandable reaction from families based on an analysis of visitor attraction entry fees throughout the region, as detailed in **Table 2**.

Attraction	Child Admission Age
Don River Railway	4-15 Years
Home Hill	7-16 Years
Splash Devonport	4-16 Years
Waterfront Mini Golf	15 and under
The Hive	3-16 Years
Tasmazia	4-15 Years
Beaconsfield Mine and Heritage Centre	5-16 Years
Holy Bank Tree Tops Adventures	3-17 Years
Seahorse World	4-16 Years
Tasmania Zoo	2-15 Years
National Automobile Museum of Tasmania	0-16 Years
West Coast Wilderness Railway	2-17 Years

**Table 2**

The analysis did not identify another Tasmanian visitor attraction with a child admission age bracket limited at 12 years. The average from the analysis is 16 years.

It is therefore understandable that the attractiveness of the Bass Strait Maritime Centre as a family attraction is negatively impacted by the child admission age bracket being limited to 12 years.

Presently, the 2022/23 Fees and Charges Schedule does not include the provision for the amendment of admissions for short-term promotions. This report also seeks to provide the General Manager with the discretion to approve the discounting of admissions to the Centre when it is considered to benefit the Centre's operations.

The need to implement this change prior to the annual review of the Fees and Charges Schedule is to aid preparations of the 50<sup>th</sup> Anniversary celebrations that are planned for July 2023.

The Centre would like to provide targeted promotions, which include discounted and bundled admissions, leading up to, and during the celebration period.

In addition, the Centre would appreciate the opportunity to undertake strategic marketing campaigns with sector and regional partners, such as other cultural heritage attractions in the region.

## COMMUNITY ENGAGEMENT

Community engagement has not formed part of this report.

## FINANCIAL IMPLICATIONS

It is anticipated that raising the age limit of child admissions at the Bass Strait Maritime Centre will attract greater family visitation, rather than being detrimental by causing revenue loss.

Likewise, short-term promotions, such as 'buy-one-get-one-free' and '50% for 50 years', are promotional tools, designed to engage and increase audiences. Rather than contribute to overall revenue loss, these types of initiatives frequently support increased visitor spend in the giftshop.

### **RISK IMPLICATIONS**

By raising the child admission age limit to 16 years, a minor financial risk exists, assuming that overall revenue will reduce. However, this assumption is likely to be proven incorrect, as the Centre is expected to attract a greater overall number of visitors, by engaging with patrons, who in the past were deterred by the age limit and the associated costs this represented.

Discounting admission fees through targeted short-term promotions is unlikely to reduce revenue, as it is expected to increase overall visitor numbers, that in-turn will improve awareness of the Centre and its offerings.

Currently, there is reputational risk, as the Centre has one of the lowest (and least attractive) age limits for child admissions in the region. Increasing the age limit should support a better visitation rate within family cohorts and improve public perception.

### **CONCLUSION**

The Bass Strait Maritime Centre's admissions fees are not consistent with family attractions in the region. Understandably, this is a deterrent for families. The child admission age limit is currently 12 years. This report provides justification to raise the child admission age to 16, as it will better align with the sector and reduce customer dissatisfaction.

The Centre is currently restricted to set admissions fees, without the flexibility to implement short-term promotions that include reduced or discounted admissions. This has become evident as the Centre seeks to promote its 50<sup>th</sup> Anniversary in July 2023. Providing the General Manager with the discretion to approve short-term promotions will undoubtedly lead to increased overall visitation and awareness of the Centre and its activities.

### **ATTACHMENTS**

Nil

## 5.3 DRAFT PARKING BY-LAW NO.1 OF 2023

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council:

- a) in accordance with section 156 of the *Local Government Act 1993*, determine by absolute majority, its intent to make a Parking By-Law; and
- b) authorise the General Manager to forward the draft Regulatory Impact Statement to the Director of Local Government for consideration.

### 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

### SUMMARY

Due to the expiry of the current by-law relating to parking in November 2023, Council is required to confirm its intent to make a new Parking By-Law.

### BACKGROUND

This new Parking By-Law will be the third iteration of Council's Parking By-Law. Council has had a Parking By-Law in place since 2003, when it agreed to merge two previous by-laws, the Parking Areas By-Law 1/1995 and Parking Meters Contravention By-Law 2/1995. The current Parking By-Law No.1 of 2013 has been in place since November 2013.

The by-law was introduced to provide for the day-to-day control and management of the parking of vehicles and other activities on land owned by or under the control of Council and designated as a parking area.

In accordance with section 155 of the *Local Government Act 1993* ("the Act"), a by-law "...expires 10 years after the date on which it first takes effect...". As the current by-law expires later this year, it is recommended that the process relating to the adoption of a new parking by-law is commenced.

The by-law provides Council with authority to issue fines should a person contravene the requirements of the by-law either on the street or in off-street car parks.

### STATUTORY REQUIREMENTS

In accordance with section 145 of the *Act*, a council may make a by-law in respect of any act, matter or thing for which the council has a function or power under this or any other Act.

Section 156(1) of the *Act* requires a council, in making a by-law, to announce publicly that it intends to make a by-law. This resolution must be made at a council meeting and must be made by absolute majority.

Furthermore, Council is guided by Part 11 of the *Act* in regard to the development, drafting and adoption of a by-law under its jurisdiction.

The process for adopting a by-law is as follows:

- Council passes a formal resolution (by absolute majority) of its intention to make a by-law (the purpose of this report).
- Council prepares a draft Regulatory Impact Statement (RIS) (attached), and referral is made to the Director of Local Government ("the Director") for review.
- Upon receipt of the certificate of approval from the Director, Council gives notice of the proposed by-law and undertakes public consultation.
- Copies of the RIS and the by-law are made available for public inspection and submissions are invited.
- Following the closure of submissions, Council is required to consider all submissions received and alter the by-law if necessary, by absolute majority.
- Council makes the by-law under its Common Seal.
- The by-law is certified by a legal practitioner and the General Manager.
- The by-law is published in the Tasmanian Government Gazette within 21 days of being made by Council.
- The General Manager is to make the by-law available on Council's website.
- The by-law is submitted to the Subordinate Legislation Committee as required, within seven working days of publication in the Gazette.
- The by-law is tabled in Parliament within 10 sitting days of publication in the Gazette.
- The General Manager is to send a sealed copy of the by-law to the Director of Local Government, and certification under section 162 of the Act, with a statement explaining the purpose and effect of the by-law and the outcome of public consultation in respect of the by-law.

#### **DISCUSSION**

There have been no major issues with the implementation, nor operation of the current by-law over the past 10-year period. Therefore, only minor amendments are proposed in the development of the new by-law. Proposed changes include:

- update to payment options and methods by which infringement notices may be issued (to keep pace with technological changes);
- change to maximum time permitted for parking to include provision for Council to approve parking for a period longer than 24 hours;
- removal of monetary specification in the sums that Council can recover relating to the tow away of vehicles (given the lifespan of the by-law is 10 years and recovery costs are likely to vary over this period), and replace with revised wording that Council will recover all expenses incurred in relation to the removal and holding of a vehicle;
- updating the amounts payable relating to offences to be "rounded down to the nearest dollar", which was the catalyst for a Parking By-Law amendment in 2016.

Proposed amendments are as shown and marked on the attached draft by-law which will require final formatting once changes have been accepted.

#### **COMMUNITY ENGAGEMENT**

As part of the adoption process for by-laws, public consultation is required. The draft by-law and RIS will be advertised for a period of 21 days, with opportunities for the public and stakeholders to make submissions.

### **FINANCIAL IMPLICATIONS**

There will be costs involved in the adoption of the by-law. However, these costs are not expected to be significant, and required due to the legislative requirements of adopting a by-law, namely certification of by-law by a legal practitioner, and advertising costs.

### **RISK IMPLICATIONS**

- Legal Compliance

The adoption of this draft by-law legally enables Council to facilitate a regulated and consistent approach to parking within the municipality and an ability to issue infringement notices for breaches of the by-law.

### **CONCLUSION**

As Council's current Parking By-Law No.1 of 2013 is due to expire in November 2023, Council's approval of the intent to make a new parking by-law by absolute majority, is required. This will enable the process of making a new by-law to commence.

### **ATTACHMENTS**

1. Draft - Parking By-law No.1 of 2023 [**5.3.1** - 13 pages]
2. Regulatory Impact Statement - Devonport Parking By-Law No.1 of 2023 [**5.3.2** - 7 pages]

## 5.4 LOCAL GOVERNMENT REFORM OPTIONS PAPER SUBMISSION

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council endorse the attached submission in response to the Options Paper released as part of the Tasmanian Government's Future of Local Government Review.

### 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

Following a Council workshop, a submission in response to the Options Paper as part of the Future of Local Government Review has been prepared and finalised for Council's endorsement.

### BACKGROUND

The Future of Local Government Review has been commissioned by the Tasmanian Government to ensure the State's local government is robust, capable, and ready for the challenges and opportunities of the future.

The Review is described on the Government's website as an ambitious, generational opportunity to explore the role, function, and design of local government in Tasmania.

The Minister for Local Government has appointed five members to the Local Government Board (the Board), which also includes the Director of Local Government, to undertake the Review. The Board is chaired by the Hon Sue Smith AM.

The Future of Local Government Review commenced in January 2022 and will take approximately 18 months to complete, involving three stages of approximately six months each. The Board is due to make its final recommendation to the Minister by 30 June 2023.

A [Future of Local Government Review](#) website has been created and contains information regarding the review including phase 1 submissions, research papers and comparative data on each of Tasmania's 29 Councils.

Councils made an initial submission (endorsed April 2022 meeting) to the Review and a further submission in response (endorsed August 2022 meeting) to the Boards Interim Report.

This report and the attached submission are in response to the Options Paper which was released in December 2022.

### STATUTORY REQUIREMENTS

The Local Government Board, established to undertake the review, has been appointed by the Minister for Local Government under section 210 of the *Local Government Act 1993*.

## **DISCUSSION**

In response to the research, investigation and consultation to date the Board have released an Options Paper for comment.

Following the Council workshop on 13 February 2023, a Devonport City Council submission in response to the Options Paper has been finalised and is presented for Councils endorsement.

The submission supports the Papers findings that reform of the local government sector in Tasmania is necessary to ensure the future success and sustainability of Councils and by extension, the economic, social and environmental wellbeing of the Tasmanian community. It is clearly stated that the status quo is no longer an option.

The Paper highlights that 'scaling-up' of council services is necessary and would drive cost efficiencies and deliver better value and higher quality services for Tasmanian communities.

Consistent with feedback provided in previous submissions, Devonport City Council's response to the Options Paper outlines the logic in achieving the necessary 'scaling-up' through fewer, larger councils (Option 2).

This direction is considered superior to consolidation at a service delivery level (Option 3) as it provides the desired benefits and gains without additional overhead, the need for inefficient accountability structures and the loss of interdependence between services.

The consolidation of services into separate entities, further erodes the scale of the remaining council, having a negative impact on the exact issue that has been identified as the greatest challenge for local government into the future.

Larger councils generally retaining existing roles and functions will ensure autonomy is maintained under the direction of local representation. It increases the capacity of councils and ensures the third level of government remains relevant and meaningful, something which would potentially be lost with service consolidation.

## **COMMUNITY ENGAGEMENT**

The Future of Local Government Review has involved a community consultation process, with further consultation planned prior to the finalisation of recommendations to the Minister.

## **FINANCIAL IMPLICATIONS**

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

## **RISK IMPLICATIONS**

With Devonport City Council taking a leadership role in the reform process, it risks further criticism from neighbouring councils who may not necessarily share the same views.

The submission aims to address this by considering issues in a purely logical, rather than emotive, manner and presents a clear, rational model for the future of local government in this region.

## **CONCLUSION**

A submission to the current phase of the Future of Local Government Review has been prepared for Council's endorsement. The submission reflects the sentiments of Councillors at a recent workshop, is consistent with previous submissions and responds to the Options Paper released by the Local Government Board.

**ATTACHMENTS**

1. DCC response to Stage 2 Options Paper [**5.4.1** – 11 pages]

## **5.5 DEVONPORT CHRISTIAN SCHOOL AGREEMENT**

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

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

### **RECOMMENDATION**

That Council enter into an agreement with the Devonport Christian School for the purpose of permitting the Devonport Christian School to use the Don Recreation Ground northern oval during school hours on school days for a term of five years with an option of a further five years.

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

Council's Strategic Plan 2009-2030:

Strategy 4.1.2 Increase the utilisation of sport and recreation facilities and multi-use open spaces

### **SUMMARY**

The Devonport Christian School have written to Council requesting the use of the Don Recreation Ground for recreation purposes during school days, principally during recess and lunch periods due to construction activity associated with the school's expansion.

### **BACKGROUND**

Council has a Sport and Recreation Groups Lease Policy (adopted 23 August 2021) that outlines the terms and conditions for sporting and recreation groups to lease Council owned facilities and or land. As the Devonport Christian School is not a sporting or recreation organisation, the proposed agreement (attached) sits outside the policy, requiring Council consideration.

### **STATUTORY REQUIREMENTS**

There are no statutory requirements in relation to this report.

### **DISCUSSION**

The Devonport Christian School located at 3-11 Jiloa Way adjacent to the Don Recreation ground, is expanding with the staged introduction of secondary education, commencing with Year 7 in 2023 and growing each year until Year 10 commencing in 2026. Supporting this is the school's 10-year master plan that includes progressive construction of classroom and specialist spaces, along with development of grounds and play spaces to cater for the increase in student numbers. Construction activity will result in reduced capacity for outdoor recreation spaces.

The Don Recreation Ground includes two ovals with cricket and rugby being the main sports being played. The land is owned by Council, the Don Rugby Club and Don Cricket Club lease land for their clubroom facilities which are owned by the clubs. Both leases are of a five-year term in line with the Sport and Recreation Groups Lease Policy, expiring 30 June 2025. The Don Cricket Club further own the practise cricket wickets and Devonport Rugby Club the light towers and lights.

Each year both clubs hire the playing ovals through Council's seasonal allocation process. The Don Cricket Club uses the ground October to March and the Devonport Rugby Club April to September. Both clubs use the ground for training held after 3pm weekdays and competition on weekends. There are no further regular users of the ground.

Increasing the use of the facility supports one of the three principles of the Sports Infrastructure Master Plan to *Maximise Carrying Capacity*. This means increasing facility use at all available times and efficiently utilising available spaces and land.

### **COMMUNITY ENGAGEMENT**

The Don Rugby Club and Don Cricket Club have confirmed that the use of the ground by the Devonport Christian School will not impact their activities.

### **FINANCIAL IMPLICATIONS**

A fee of \$1000 per annum to be paid by the Devonport Christian School is suggested to cover any additional minor maintenance required.

This fee is consistent with the amount charged for businesses which have a licence agreement to operate on council owned public space.

### **RISK IMPLICATIONS**

- **Workplace Health and Safety**  
The Devonport Christian School will be responsible for the health and safety of their staff and students while using the grounds.
- **Asset & Property Infrastructure**  
Minimal risks associated with the use of the grounds.
- **Consultation and/or Communication**  
The Devonport Christian School will be provided with a minimum of 14 days' notice should the ground be unavailable for use due to scheduled capital or larger maintenance works or major community/sporting events.
- **Risk Management Practices**  
The Devonport Christian School will be responsible for any risk management in relation to their activities while using the grounds, The School will report any risks associated with the facilities to Council.

### **CONCLUSION**

Entering into an agreement with the Devonport Christian School to utilise the Don Recreation Ground during school hours is low risk for Council, supports the principles of the Sports Infrastructure Master Plan and provides an opportunity for greater physical activity for students.

### **ATTACHMENTS**

1. Agreement - DCC & Devonport Christian School [5.5.1 - 3 pages]

## 5.6 HEALTH AND WELLBEING STRATEGY

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

Endorser: **Matthew Skirving, Executive Manager**

### RECOMMENDATION

That Council note the draft 'Living Well: Devonport's health and well-being strategy 2023-2033' and release the plan for a 30-day public consultation period.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.6.4 Develop partnerships between all levels of government, the private and not for profit sectors that deliver innovative solutions

### SUMMARY

This report presents the draft plan, 'Living Well: Devonport's health and well-being strategy 2023-2033', to Council for noting, and for Council to consider releasing the document for a minimum 30-day public consultation period.

### BACKGROUND

In 2020/21 the CAPITOL project delivered by University of Tasmania's School of Health Sciences worked with stakeholders in Devonport to advance collaborative discussion and planning relating to health and wellbeing promotion.

In response, Council endorsed a motion to develop a health and wellbeing strategic plan and included this as an action in the 2022/23 Annual Plan.

The services of Groupwork Pty Ltd (trading as the noagroup), have been contracted by Council to support strategy development.

### STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

### DISCUSSION

The ten-year health and well-being plan 'Living Well' will build on the community's collective strengths and change that is already occurring. The goal is to achieve positive health and wellbeing outcomes for the entire Devonport community.

### Methodology

The following activities informed the development of the draft Living Well Plan:

- Establishment of the System Reference group to guide the process and development of the plan, comprising representatives from education, community, Devonport Community House, East Devonport Child and Family Learning Centre, Devonport Library, University of Tasmania, Youth, Family and Community Connections and Devonport City Council.
- An analysis of the present situation using data and information from the census, ID profile, Primary Health Tasmania, and the University of Tasmania, resulting in the 'How WELL are we living?' document (Attachment A in the Plan).
- Interviews with System Reference Group Members to gain 'lived experience' insights to add to the qualitative data profile.

- A co-design workshop involving over 60 people representative of the health and well-being system.
- Workshops with Devonport City Council elected members and relevant officers.

### **Vision and Focus**

This work shaped the plan's vision around six focus areas:

*In our City of Devonport, we are all Living Well because we are*

- Eating Well: We use the fresh, seasonal produce of our rich, agriculturally productive land to create nutritious meals shared with family and friends around our tables at gatherings and events.
- Moving Well: As part of everyone's day, in formal and informal ways, we are moving – on the field, in the pool, on the track, in the park, in our workplace or in our homes because we know that moving well keeps us fit, healthy and happy.
- Being Well: Preventative practices based on a deep understanding of what keeps us healthy and happy is what we do. When needed, we have access to all the professional support we need. A beautiful environment, connection to one another and vibrant creative culture nurture our wellness.
- Learning Well: Lifelong learning is part of who we are and how we do things. Informal and formal learning, generational mentoring, and children as our most incredible change-makers are part of the rich environment of sharing, learning, and living in our communities.
- Connecting Well: We're well connected and use each other's strengths. Collaborating comes easily through trusting and respectful relationships. We share data and information to know what is happening in our communities. This 'real-time' approach forms the basis of our decision-making, strategic focus, grant, and investment success.
- And we have a strong sense of Belonging. Our pride in the place we call home and our people shows. We celebrate achievements. We seek to learn from our First Nations people and their strong connection and belonging to Country. We care for our carers and volunteers, acknowledging with gratitude the role they play. Our cultural activities, events and festivals celebrate diversity, identity and what it means to belong in our 'Living Well' community.

Each focus area includes a description of the present issues,

- Present Issues: What's happening now in each focus area.
- Future aspirations: What we want to be happening in each focus area.
- Strategic outcomes: Key changes we want to happen in each focus area.
- Indicators to measure progress: Quantitative and qualitative information that will help measure progress toward achieving our future aspirations and strategic outcome.
- Initiatives: Things to work on to make progress.

Further detail is available in the attached plan.

### **Strategy Activation**

Living Well is a community-led strategy that will continue to be implemented with the support of representatives of the health and well-being system supporting our community - Devonport City Council, Tasmanian Government (through the Departments of Education), Children and Young People, University of Tasmania, health and education service providers, community groups and organisations. A range of other people and

organisations will need to collaborate to make progress on the community's health and well-being.

Council's key role is to facilitate and support the vision and outcomes of the Plan by bringing stakeholders together to:

- collaborate around initiatives,
- manage relevant data and information,
- communicate progress against indicators,
- promote ways to get involved,
- advocate for policy changes and responses and
- build strategic relationships around funding and investment.

### **COMMUNITY ENGAGEMENT**

Strategy development has been a community-led process with the outcome shaped by existing data as well as the combined knowledge and experience of Devonport's health and well-being system. Several community members and the following organisations have been engaged in the Plan's development:

- 24 Carrots/East Devonport Primary School
- A.P. Horizon
- Anglicare
- Belgravia Leisure
- Care2Serve
- Department of Education – Learning Services Northern Region
- Devonport Access and Inclusion Working Group
- Devonport Christian School
- Devonport Community House
- Devonport Youth Advisory Group
- Down Syndrome Tasmania
- East Devonport Child and Family Learning Centre
- East Devonport Neighbourhood House
- Headspace
- Housing Choices Australia
- International Café
- Kinship care
- Libraries Tasmania
- LifeLine Tasmania
- Lifeway Baptist Church
- Loaves and Fishes
- Mersey Community Care
- Munnew Day Centre
- Pathway Shed
- PhysioTas
- Relationships Australia
- Rural Health Tasmania
- School Food Matters
- Trauma Awareness Network Tasmania
- The Village People
- University of Tasmania School of Health Sciences
- Volunteering Tasmania
- West North West Working
- Youth, Family and Community Connections

It is proposed that a minimum 30-day consultation period is provided to the broader public to provide input on the plan's direction.

### **FINANCIAL IMPLICATIONS**

As the recommendation is seeking approval to undertake community consultation on the draft plan, there are no specific financial implications resulting from this report.

### **RISK IMPLICATIONS**

- Consultation and/or Communication  
Given the high levels of engagement by representatives of the Living Well system there is an expectation by those stakeholders that Council delivers a plan reflective of shared concerns and ideas for change. There is a low reputational risk that not having a plan may signal to interested community members and organisations that investment in community health and wellbeing is a low priority of Council.

### **CONCLUSION**

The draft Health and Well-being Strategy 2023-2033: 'Living Well' provides a community-led framework to achieve positive health and wellbeing outcomes for the entire Devonport community.

Over sixty individuals and organisations have collaborated to inform the plan's visions, aspirations, outcomes, progress indicators and suggested initiatives.

Council's role is to facilitate and support the implementation of the Plan by collaborating around initiatives, managing relevant data and information, communicating progress against indicators, promoting engagement, advocacy and fostering strategic relationships around resourcing and investment.

To assist with finalising the strategy, it is recommended that Council note and release the draft 'Living Well' Plan for further public consultation.

### **ATTACHMENTS**

1. Devonport Health and Wellbeing Strategy 2022-2033 DRAFT [5.6.1 - 53 pages]

## 5.7 WASTE STRATEGY 2023-2028

Author: **Michael Mouat, Acting Infrastructure Manager**

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

### RECOMMENDATION

That Council receive and note the report relating to the draft Waste Strategy 2023-2028 and release the Strategy for a 30-day public consultation period.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- |                |   |
|----------------|---|
| Strategy 2.2.1 | Ensure access to Council information that meets user demands  |
| Strategy 3.2.1 | Support tourism through the provision of well-designed and managed infrastructure and facilities                                |
| Strategy 3.3.1 | Improve the City's physical access and connectivity focusing on linkages to and from key access points                          |
| Strategy 4.3.1 | Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest                     |
| Strategy 1.4.1 | Promote reduction, re-use and recycling options to minimise waste materials within Council, the community and businesses        |
| Strategy 1.4.2 | Facilitate, and where appropriate, undertake improvements in waste and recycling collection, processing services and facilities |

### SUMMARY

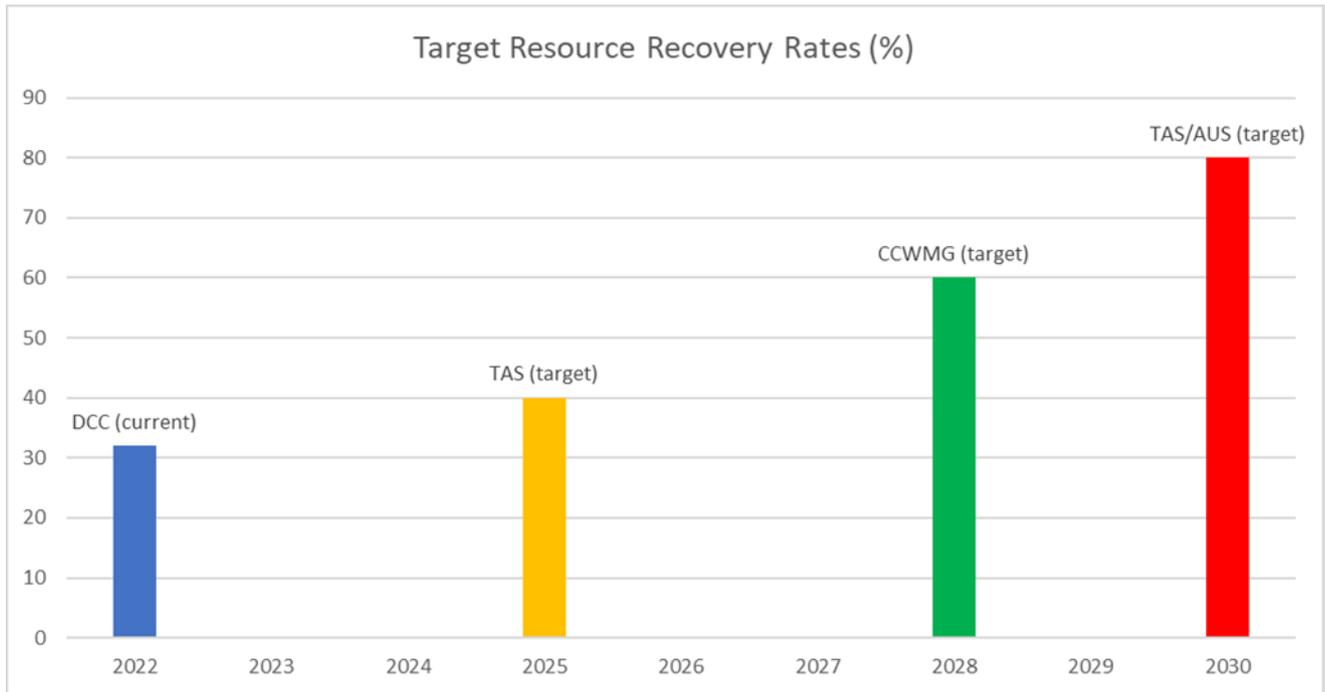
To present the draft Waste Strategy 2023-2028 to Council, and to endorse its release for a period of public consultation.

### BACKGROUND

Council first adopted a Waste Strategy in 2018. Significant industry and legislative changes have occurred since then. There is now a greater importance on reducing waste to landfill and mechanisms and projects have been or will be introduced to support that outcome including:

- State Landfill Levy (2022)
- Container Refund Scheme (2023)
- Dulverton composting facility (2024)
- Problematic single use plastic ban (2025 indicative)

Cradle Coast Waste Management Group, the Tasmanian Government and the Australian Government have adopted Policy and Strategy positions outlining their objectives. Each has adopted a resource recovery target significantly higher than Council's current rate of 32%.



The review and renewal of the Strategy is required to ensure it remains in alignment with Council's Strategic Plan 2009-2030, that it aligns with regional, state and national strategies and continues to meet the needs and expectations of the community.

### STATUTORY REQUIREMENTS

There are no specific statutory requirements relating to this report.

### DISCUSSION

Council provides Waste Management services to the community through kerbside services, the operation of the Spreyton Waste Transfer Station (WTS) and the provision of public place waste and recycling bins. Council is also a waste generator, with waste quantities and materials varying across its diverse operations.

The strategy identifies four objectives that align with Council's Strategic Goal of 'Living lightly on our environment':

1. Achieve 60% resource recovery
2. Eliminate use of priority single use plastic from Council operations
3. Increase range and quantity of recycled and recovered materials into its operations
4. Contribute to regionally consistent and effective waste management practices

The Waste Strategy 2023-2028 proposes Council driven improvements that will provide the community with opportunities and incentivise behaviours that will reduce waste to landfill, as well as improving its own operations and contributing to regional improvements. Notably the 14 actions include the implementation of a kerbside FOGO collection service and infrastructure and process upgrades at the WTS.

The draft Strategy is attached to this report.

### COMMUNITY ENGAGEMENT

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting directly from this report. However, should the Strategy be adopted, the 14 identified actions will require appropriate resource allocations to deliver over the life of the Strategy.

The implementation of a FOGO collection service will require an appropriate budget allocation. It is anticipated that the cost of this service can be partly mitigated by rationalising and streamlining related services, including reducing kerbside waste collection service frequency and there are a range of service delivery options to be considered for this service. An analysis of the options will be presented to Council for consideration later in 2023.

The infrastructure improvements at the WTS have a funding allocation of \$1.01M in the current capital budget. Further capital and operational allocations may be required to ensure that the project is completed, and the site is operated effectively to achieve the required recovery rate.

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

### **RISK IMPLICATIONS**

- **Asset & Property Infrastructure**  
The Strategy Action Plan proposes new infrastructure and service provisions. The delivery of these actions will need to be aligned with Council's Strategic Asset Management Plan and Long Term Financial Plan.
- **Consultation and/or Communication**  
Providing an opportunity for the community to consider the draft Strategy and provide feedback ensures alignment of the Strategy with community expectations.

### **CONCLUSION**

The review and renewal of the Waste Strategy 2023-2028 is required to ensure it remains in alignment with Council's Strategic Plan 2009-2030, that it aligns with regional, state and national strategies and continues to meet the needs and expectations of the community.

The draft Waste Strategy 2023-2028 identifies four objectives:

1. Achieve 60% resource recovery
2. Eliminate use of priority single use plastic from Council operations
3. Increase range and quantity of recycled and recovered materials into its operations
4. Contribute to regionally consistent and effective waste management practices.

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

### **ATTACHMENTS**

1. Waste Strategy 2023-2028 DRAFT [5.7.1 - 22 pages]

## 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 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.

<b>Date</b>	<b>Description</b>	<b>Purpose</b>
13 February 2023	North West Steps in History Inc	Project Plan update to Councillors
	Local Government Reform	Update to Councillors
	Devonport Oval User Group	Presentation to Councillors
	Public Art EOI	Update on expressions of interest

## 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 18 January 2023 and 21 February 2023:

- Met with Councillors
- Attended East Devonport Community House BBQ
- Conducted radio interviews including SeaFM, ABC Radio and 7AD
- Attended January DCCI Meeting
- Met with General Manager and Council Staff
- With General Manager, met with Minister Guy Barnett to discuss Marinus Link and Housing
- Met with Scott Spanton
- Met with ratepayer regarding traffic issues
- Met with the Regatta Committee
- Officiated at the Australia Day Awards and Citizenship Ceremony
- Attended Access and Inclusion Working Group meeting
- Attended the Devonport Country Club Scholarship Presentation
- Attended the Future of Local Government Review Local Government Engagement Opportunities
- Attended Devonport Racing Club Meeting
- Attended the East Devonport Working Group Meeting
- Urban Provocation regarding Housing CCA
- Officiated Waterfront Precinct opening and attended TSO concert
- Attended North-West Flood Recovery Advisory Group Meeting
- With the General Manager met with Chas Kelly
- Attended Mayoral Catch-up with CCA Mayors
- Along with the General Manager, met with Tim Hess for an update on plans and funding for a marina in East Devonport.
- Met with Anita Dow MP, Labor Member for Braddon
- Attended TasWater Quarterly Briefing Session - North West
- Meeting with Advanced West Northwest

- Attended Devonport Surf Life Saving Club Boat Launch and Sponsor Night
- Attended memorial for Warren Squibb

**ATTACHMENTS**

Nil

## 6.3 GENERAL MANAGER'S REPORT

Author: **Matthew Atkins, General Manager**

### RECOMMENDATION

That the report of the General Manager be received.

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 18 January and 21 February 2023. 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 regular scheduled internal staff and management meetings.
- 1.2. Attended Workshops, Planning Authority Committee Meeting and Council Meetings as required.
- 1.3. Met with Audit Panel members Cr Hollister and Cr Murphy to assess applicants for external membership to Council's new Audit Panel. A report on this matter is provided in the closed session agenda.
- 1.4. Attended a meeting of the Hillcrest Affected Area Recovery Committee.
- 1.5. Met with General Manager of Latrobe Council, Gerald Monson to discuss matters affecting this region.
- 1.6. Met with the Mayor and General Manager of Burnie City Council to share some insights into the process Council has undertaken with LIVING CITY.
- 1.7. Met with staff from Clarence City Council to explain the process Council has undertaken with LIVING CITY and discuss similarities with the Clarence City Heart project.
- 1.8. Met with Richard Gilmour from Homes Tasmania for an update on development timeframes associated with the old bowls club site in Fenton Street. Civil works are expected to start over the next month.

- 1.9. Undertook the role of MC at the Devonport City Council Australia Day Awards and Citizenship Ceremony at the paranple convention centre.
- 1.10. Met with Gabriella Conti, the recently appointed new CEO of the regional tourism organisation, West x North West.
- 1.11. Met with Tony Millar, CEO of web site CouncilJobs.
- 1.12. Met with representatives of the Tas Audit Office to commence the process of Council's 2022/23 financial audit.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Along with the Mayor, met with Tim Hess for an update on plans and funding for a marina for commercial fishing vessels and recreational boats in East Devonport.
- 2.2. Met with Don River Railway President Lynn Laycock and CEO Eamonn Seddon, for an update on development plans at the Don River Railway. A workshop briefing has been scheduled for April 2023.
- 2.3. Along with the Mayor met with Chas Kelly, to thank him for recent New Year's Eve fireworks sponsorship
- 2.4. Met with representatives of Meercroft Care in relation to future expansion plans.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended the Cradle Coast General Managers meeting.
- 3.2. Attended a meeting of the Cradle Coast Waste Management Group.
- 3.3. As State Director attended a Board Meeting of Local Government Professionals Australia.
- 3.4. Attended the TasWater North West quarterly briefing session.
- 3.5. Attended the Future of Local Government Reform forum.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Along with the Mayor met with Minister Guy Barnett for a briefing on Marinus Link and the associated local investment in renewable energy.
- 4.2. Along with the Mayor attended the Premiers North West Flood Recovery Advisory Group meeting.

5. OTHER

- 5.1. Council, at its meeting in December 2021 (Min 21/276 refers), provided in principle support for land at Maidstone Park subject to Council acceptance of the building design prior to lodgement of statutory permits. Design drawings have now been finalised and provided to Councillors for information. Given no concerns were raised, landowner consent has now been provided to allow the formal lodgement of a Development Application.
- 5.2. The Director of Local Government, Matt Healy, has circulated a letter to all Tasmanian councils detailing expectation in relation to the behaviour of Elected Members. It was requested the letter be tabled at the next available Council meeting and therefore a copy is provided in this agenda as an attachment.

### **COMMUNITY ENGAGEMENT**

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

### **FINANCIAL IMPLICATIONS**

There is not expected to be any impact on the Council's operating budget as a result of this report.

### **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. Letter from Do LG - Expectations of Behaviour - Devonport City Council [**6.3.1** - 3 pages]
2. Current & Previous Minutes Resolution - January 2023 [**6.3.2** - 3 pages]

## 6.4 MONTHLY OPERATIONAL REPORT

Author: **Claire Jordan, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

### RECOMMENDATION

That Council:

1. endorse the change in the reporting of operational and performance information to an updated monthly format commencing in 2023; and
2. receive and note the Monthly Operational Report for the period ending 31 January 2023.

### 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 provides a summary of council performance and general matters of interest during the month of January 2023.

### BACKGROUND

This report is provided to update Councillors and the community on councils' performance over the previous month and includes:

- monthly financial performance reports;
- progress on annual plan actions;
- Information on matters relating to operational activities of the Council;
- general council matters that maybe of interest to the community; and
- tabling of minutes received relating to Council Committees, Authorities and related External Organisations.

Following a review of information reporting to Council, this monthly Operational Report is being introduced for the first time. The report aims to provide more frequent and current reporting to Councillors on important and strategic information. It will ensure details on the Council's financial performance and Annual Plan actions are presented more frequently.

Statistics and data on relevant operational activities will also be reported monthly, increasing transparency to the community on Council's performance. Typically, this information is captured using Microsoft Business Intelligence Dashboards.

Some low-level operational information previously reported bi-monthly which added little value and was resource heavy to collate, has not been included. Outdated information has also generally not been reproduced in this report as the information is often provided in a more timely manner to Councillors via Teams or to the broader community via social or traditional media forums. Information reported annually in Council Annual Report such as Councillors expenses, partnership agreement details, etc. has not been repeated in the monthly format.

This report will replace previous Bi-monthly departmental reports. Monthly information reports from the Mayor and General Manager will continue in their current format.

## STATUTORY REQUIREMENTS

In undertaking its operational activities, Council is required to comply with the *Local Government Act 1993* and various other legislation.

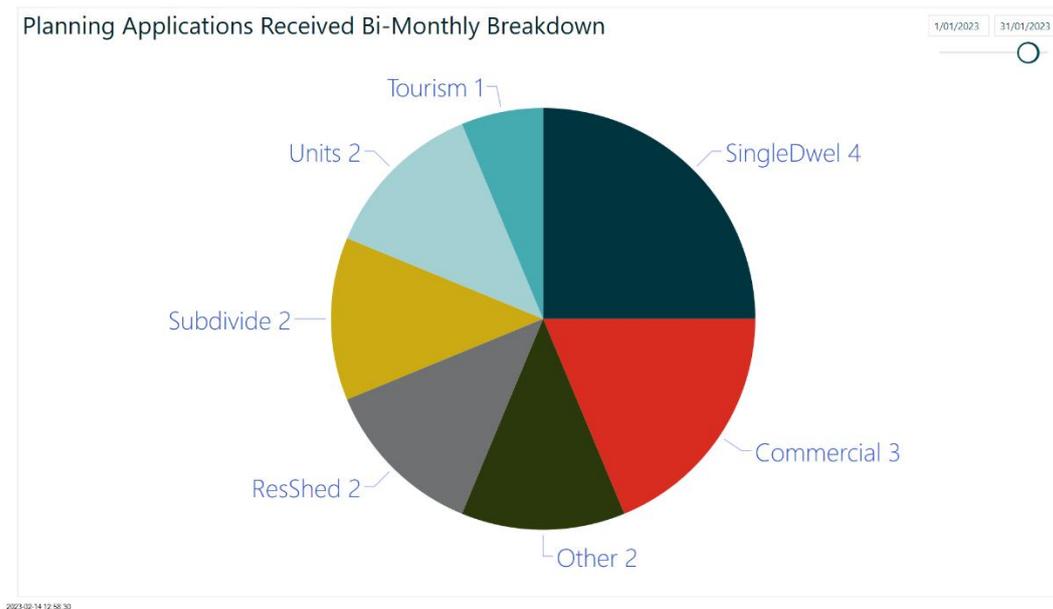
## DISCUSSION

The following information is provided as an update on operational activity undertaken by Council during the month of January 2023:

### 1. DEVELOPMENT SERVICES:

#### 1.1. Planning:

1.1.1. The following graph details the breakdown of planning applications received during January:



#### 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.

1.1.2. The following graph details the number of Planning Applications received for the year to date (permitted/discretionary):



1.1.3. Planning Applications approved under delegation during January:

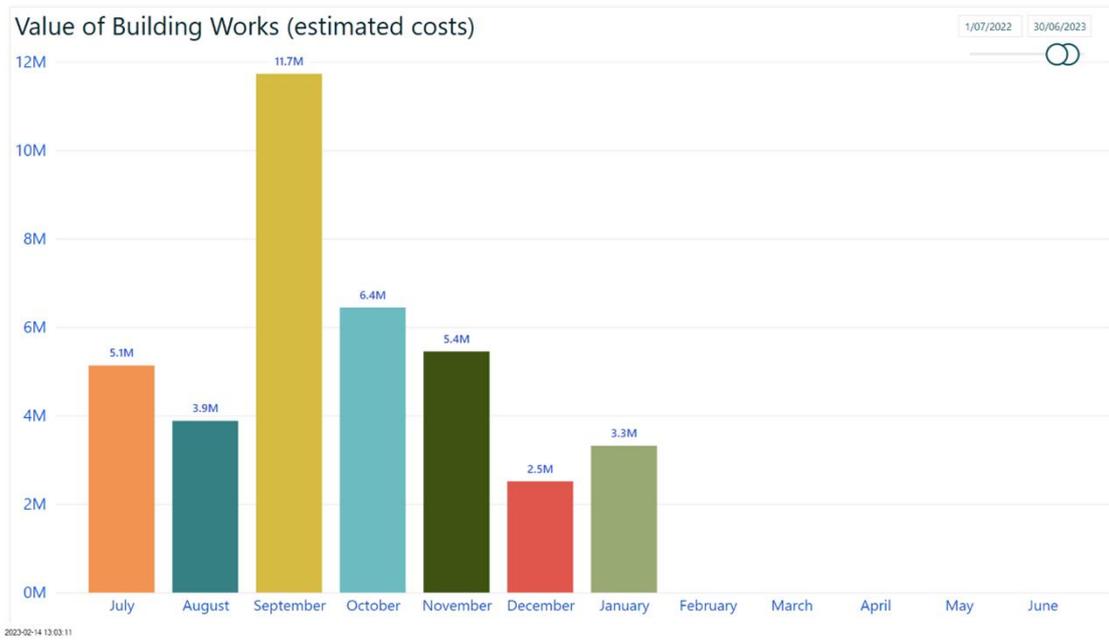
Application No.	Location	Development	Approval Date
PA2022.0207	2 Hiller St, Devonport	Residential (alterations & additions)	19/01/2023
PA2022.0211	1B Highfield Rd, Ambleside	Boundary adjustment	19/01/2023
PA2022.0121	246 Brooke St, East Devonport	39 lot subdivision	23/01/2023
PA2022.0132	34 Wright St, East Devonport	Residential (multiple dwellings x 5)	23/01/2023
PA2022.0147	121 Mersey Main Rd, Spreyton	5 lot subdivision and Residential (single dwelling x 5)	23/01/2023
PA2022.0200	7 Horrie Court, Spreyton	Recycling and Waste Disposal (waste transfer station)	23/01/2023
PA2022.0035	10 Formby Rd, Devonport	Vehicle Fuel Sales & Service and Food Services	23/01/2023

**1.2. Building & Plumbing:**

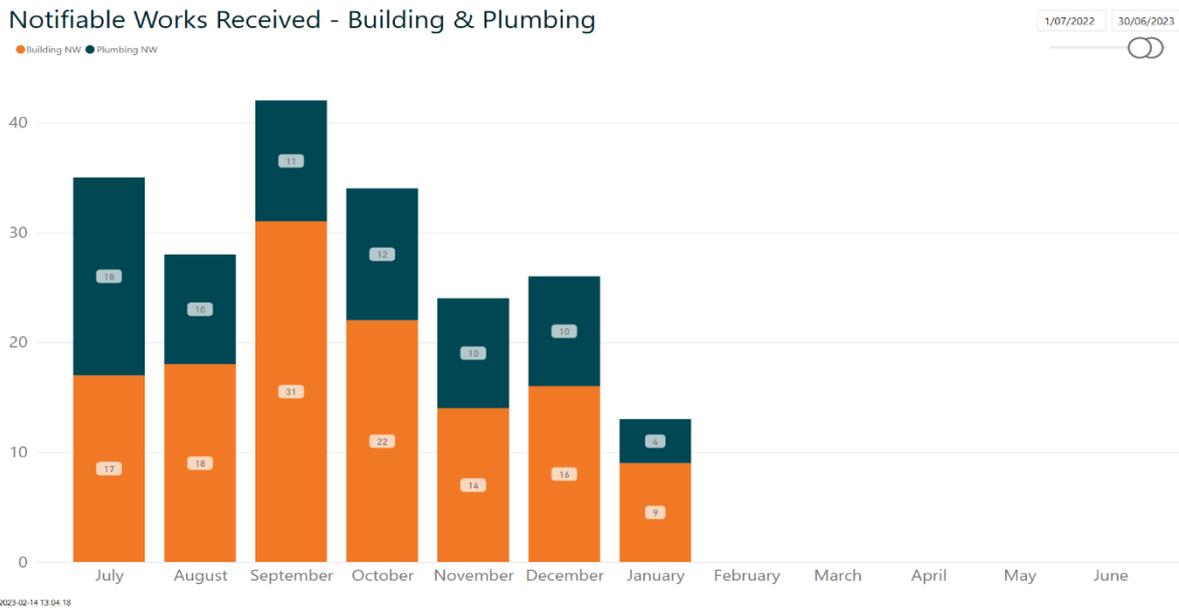
1.2.1. The following graph details the Building and Plumbing Applications received this financial year:



1.2.2. The following graph details the value of building works received this financial year:



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



**1.3. Environmental Health:**

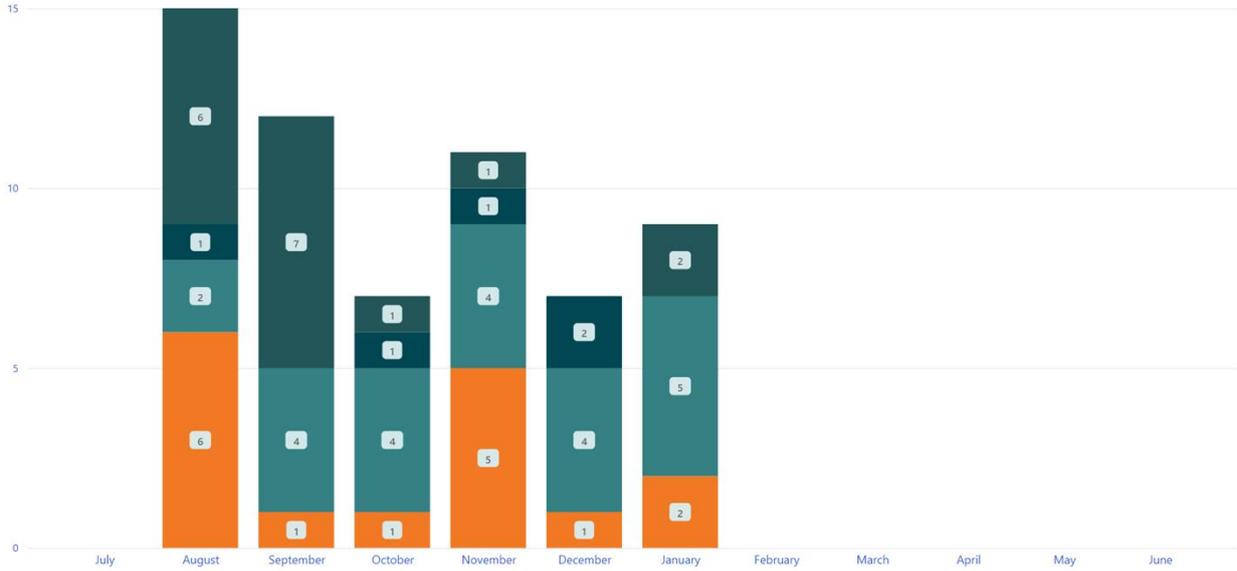
**1.3.1. Food Business Registrations:**

Environmental Health Inspections, Permits and Infringement Notices

Permit Type ● Food Premise Registration ● Mobile Food Vendor ● Notification of Conduct of a Food Business ● Statewide Registration

Missing from Report:  
Improvement Notices  
Food Inspections  
Average

1/07/2022 30/06/2023



2023-02-14 13:06:10

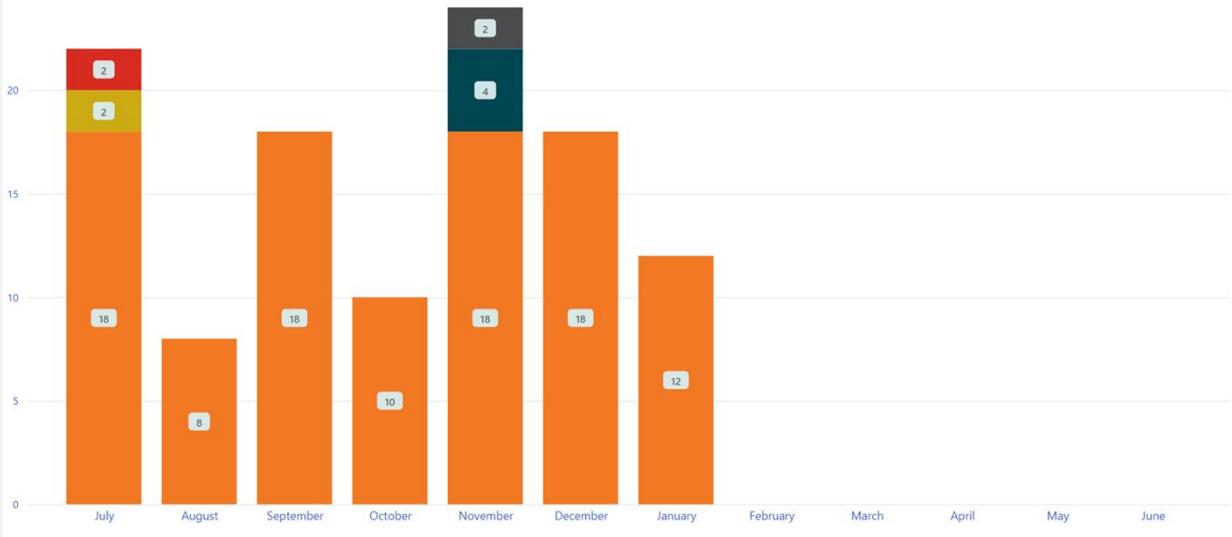
**1.4. Animal Control:**

1.4.1. The following graph details the number of animal complaints for this financial year:

Animal Control Complaints and Infringement Notices

Offence\_Description ● Section 16 (1) - Failing to ensure a dog is not at large ● Section 19 (2) - Dog attacking persons or animals ● Section 19 (3A) - Dog attack causing serious injury ... ● Section 63 - Obstruction of Sealed Sche... ● Section 8 - Unregistered dog

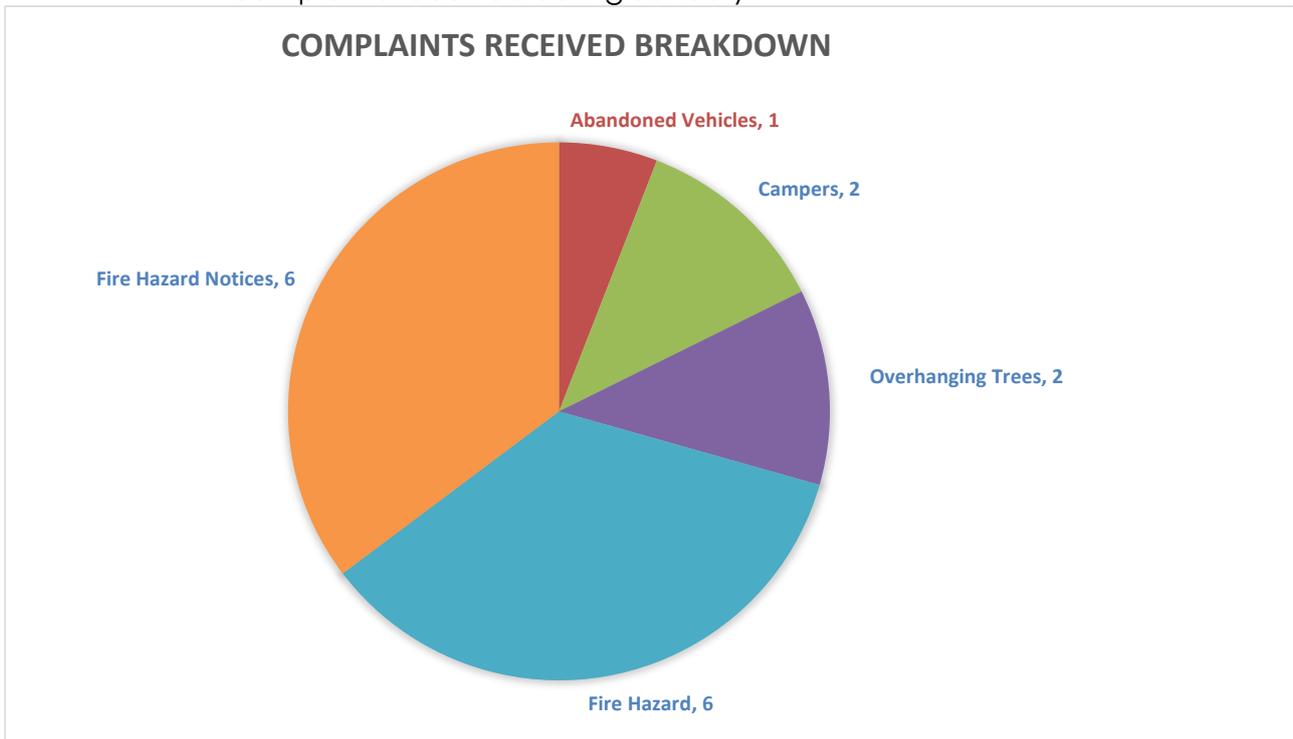
1/07/2022 30/06/2023



2023-02-14 13:08:00

**1.5. Risk & Compliance:**

1.5.1. The following graph details the breakdown of public risk related complaints received during January:



1.5.2. The following table details the types of incidents reported in January:

Council/Public	Number Reported
<input type="checkbox"/> Council	<b>8</b>
<input type="checkbox"/> Personal Injury	3
<input type="checkbox"/> Motor Vehicle	2
<input type="checkbox"/> Property Theft	2
<input type="checkbox"/> Property Damage	1
<input type="checkbox"/> Public	<b>4</b>
<input type="checkbox"/> General Public	2
<input type="checkbox"/> Property Damage	2
	<b>12</b>

**2. INFRASTRUCTURE & WORKS:**

**2.1. Capital Works:**

2.1.1. Work continues on projects listed in the 2022/23 Capital Works Program. Capital expenditure YTD is \$7.97M with a further \$6.36M of expenditure committed through purchase orders and contracts.

2.1.2. William Street renewal works approaching completion. This is a major renewal project for one of Devonport's busier roads and these improvements will support increasing demand.



William Street roundabout works



Highfield stormwater upgrades commenced



Don Reserve path under the rail bridge works completed



Lakeside Road – Works commenced on embankment to improve sightlines. Difficult site excavating in old quarry soils.



Tree planter surrounds in Rooke Mall progressively being reinstalled with new cladding and paintwork. New furniture due to arrive in mid-March.



Netball Court Resurfacing. 2 x court required resurfacing to prolong life of asset and provide a safe playing surface. Works completed by contractor while courts not being used in between playing rosters.



Coles Beach Stormwater improvements commenced and are now near completion awaiting new seal

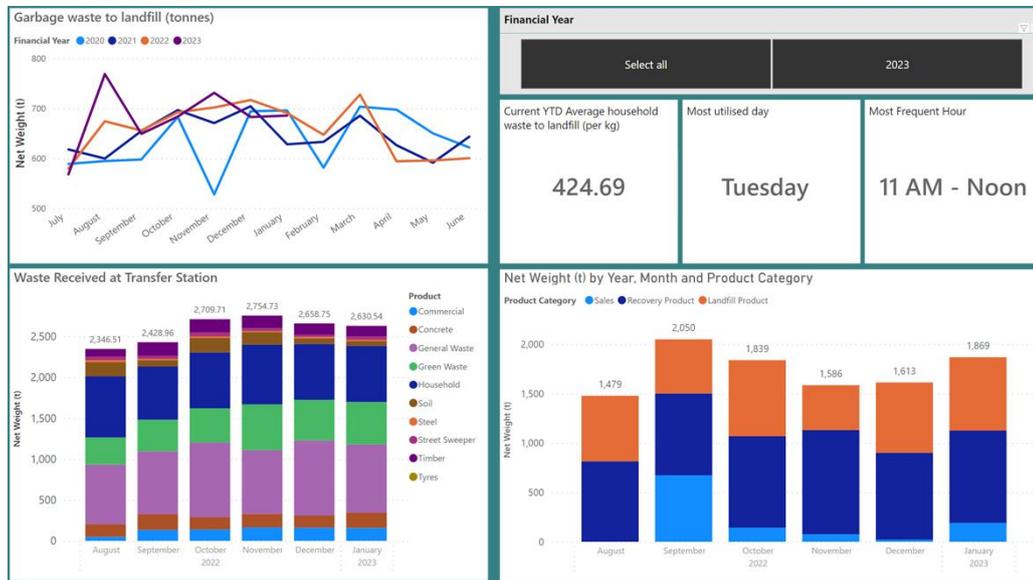
**2.2. Asset Maintenance:**

- 2.2.1. The Waterfront Park opened with a diverse range of assets now falling under regular maintenance routines.
- 2.2.2. Irrigation Maintenance (open parks & sports grounds) summer activity.
- 2.2.3. Park Furniture Maintenance. Annual staining of timber finish including Bluff.



**2.3. Waste Management:**

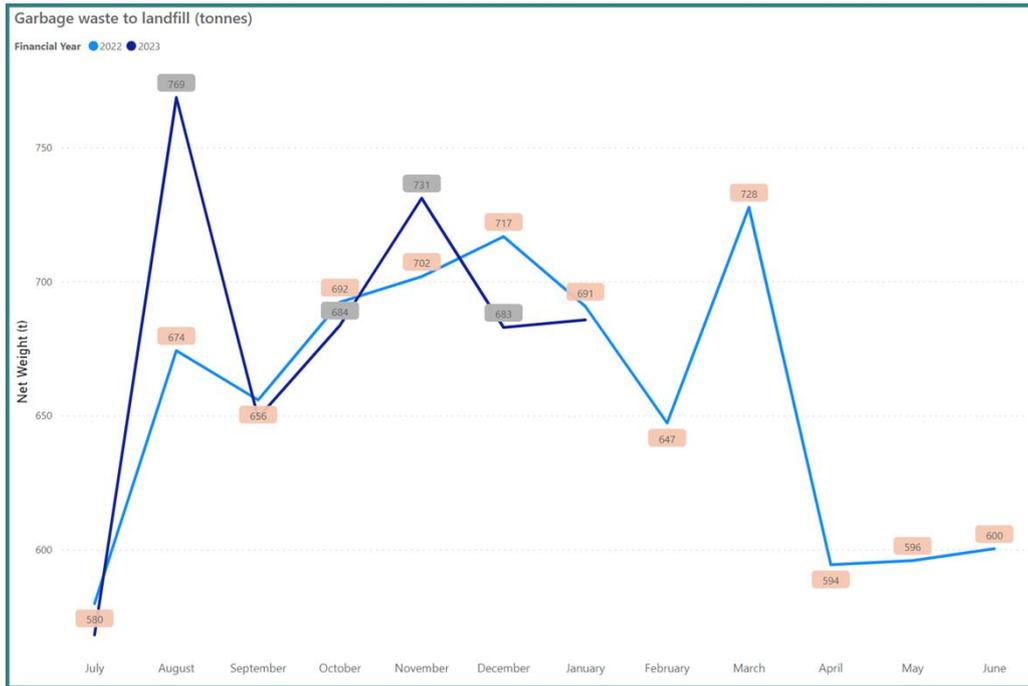
2.3.1. Waste Transfer Station Stats for Financial Year 2022-23:



2.3.2. Waste Transfer Station Summary Stats for Financial Year 2023 by month:

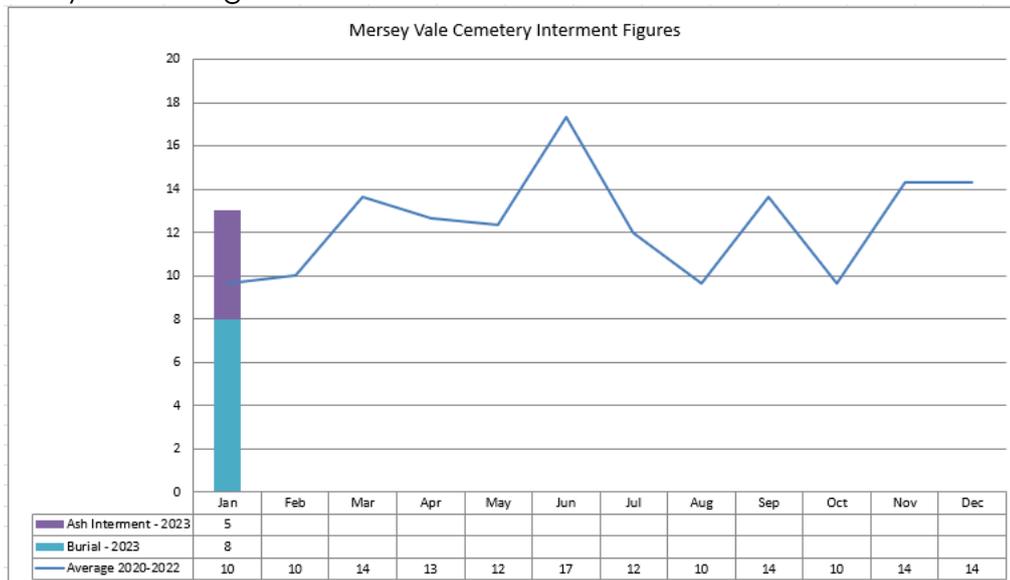
Fiscal Year	Total Vehicles	Latrobe Visits	Latrobe Vouchers Used	Asbestos	Mattresses	Municipal Waste 0.5m3	Municipal Waste 0.5-1.5m3	Municipal Waste 1.5-2m3	Domestic Collection	Commercial Collection	Batteries
2023	28770	5134	7556	200.40	1,621.60	9391	14224	2107	4,769.27	953.44	1.66
July	3936	1013	1013	28.60	226.00	808	1796	319	568.18	152.20	0.66
August	3260	635	896	18.44	277.60	1261	1749	368	768.65	48.42	1.00
September	3754	628	924	29.02	223.00	1411	1804	354	649.14	133.46	
October	4431	764	1031	42.14	202.00	1372	2264	302	683.66	138.80	
November	4337	594	1250	41.00	242.00	1518	2309	296	731.09	163.24	
December	4359	830	1251	26.00	199.00	1657	2443	278	682.85	159.96	
January	4693	670	1191	15.20	252.00	1364	1859	190	685.70	157.36	
<b>Total</b>	<b>28770</b>	<b>5134</b>	<b>7556</b>	<b>200.40</b>	<b>1,621.60</b>	<b>9391</b>	<b>14224</b>	<b>2107</b>	<b>4,769.27</b>	<b>953.44</b>	<b>1.66</b>

2.3.3. Garbage Waste to Landfill:



2.4. General Infrastructure Matters:

2.4.1. Mersey Vale Memorial Park Interment figures compared to previous two year average are as follows:



### 3. COMMUNITY SERVICES:

#### 3.1. Community Development:

##### 3.1.1. East Devonport Beach Day

Council Officers assisted East Devonport Child and Family Learning Centre in hosting an annual Beach Day at East Devonport Beach Wednesday 25 January. Around 20 families participated in a beach Scavenger hunt, learning to surf with volunteer surf lifesavers, and park games. A cricket match went for the full 2 and half hours with children and adults subbing in and out to eat the sausage sandwich lunch on offer. Community members and tourists walking by positively commented on the event as did the participants.



*East Devonport Beach Day 2023*

##### 3.1.2. Australia Day Awards and Citizenship Ceremony

140 community members welcomed 19 new citizens and celebrated Australia Day Award at a ceremony at the paranable convention centre 26 January.

Australia Day Awards were presented to:

- Citizen of the Year Award: Sylvia Sayers,
- Young Citizen of the Year: Kiara Digby, and
- Community Event of the Year: The Hudson 365 Night Light Glow Run/Walk.



*Australia Day Award Winners and new citizens reciting the pledge during the Citizenship Ceremony*

#### 3.2. Natural Resource Management:

3.2.1. There are no Project activities and Volunteer Group activities to report for the month of January 2023.

### 3.3. Sport and Recreation Development:

3.3.1. There are no major sport events (Council run and Council supported) to report for the month of January 2023.

### 3.4. Events:

3.4.1. Upcoming Events

Full details of the following events can be found on Council's website <https://www.devonport.tas.gov.au/whats-on-devonport/> or events facebook page <https://www.facebook.com/devonportevents/>

Event Date	Event	Venue	Lead Organisation
20 Feb – 30 May	Breast Screen Tasmania Mobile Service	Devonport Recreation Centre	Tasmanian Health Services
1 March	Soroptimists Celebration Women	Devonport City Football Centre	Soroptimists International
3 March	Wheelie Wellness	paranaple centre	ParaQuad Association of Tasmania
3 March	International Women's Day Speaking Event	Devonport Library	Devonport Library in partnership with Devonport City Council
5 March	Devonport Apex Regatta	Victoria Parade foreshore	Devonport Regatta Association
4 March	Come & Try Wheelchair Sports Carnival	Devonport Recreation Centre	ParaQuad Association of Tasmania
8 March	International Women's Day Breakfast	paranaple centre	Devonport Chamber of Commerce & Industry
8 March	International Women's Day – Because We Can Lunch	East Devonport Neighbourhood House	East Devonport Neighbourhood House
8 March	Diamonds of Devonport recognition ceremony	paranaple centre	Devonport City Council
8 March	Flamingo - International Women's Day Celebration	Marion Storm Cafe	Zonta Club of Devonport
15 March	Activate Inclusion Day	Devonport Recreation Centre	Disability Sports Australia
15-19 March	Devonport Triathlon and World Triathlon Para Series	Bluff Precinct	Tri Events Tasmania
18 March	Pink Stumps Day – breast cancer funding luncheon	Devonport Cricket Club Pavilion	Devonport Cricket Club
19 March	Ten Days on the Island – mapali	Victoria Parde Boat Ramp	Ten Days on the Island
19 March	Bluff to Boat Ramp (formerly Run Devonport)	Bluff Precinct to Horsehead Creek Boat Ramp	Everyday Lions
21 March	Harmony Day – citizenship ceremony, performances, stalls and food vendors	Market Square	Devonport City Council
22 March	Challenge Tasmania cycling tour for cancer research	Riding from Launceston to Devonport	Mater Smiling for Smiddy
25 March	Broughton Cup Rugby Festival	Meercroft Park	Devonport Rugby Club

25-26 March	Jewellery, Gem and Mineral Fair	East Devonport Primary School	Devonport Lapidary Club
26 March	SeaRoad Devonport Motor Show	Aikenhead Point	Rotary Club of Devonport North

#### 4. COUNCIL VENUES:

##### 4.1. Devonport Regional Gallery:

###### 4.1.1. Gallery Program:

Exhibition	Date
North West Support School Exhibition	30 Nov – 14 Jan
Tidal 22: City of Devonport Tasmanian Art Award	10 Dec – 28 Jan
To Have and To Hold, Armi Sungvaribud	17 Dec – 21 Jan
A Life with Pots, Jim Nelson	28 Jan – 11 March



Emerging artist Liam Ross Baker won the tidal.22 People's Choice Award with his first entry in the exhibition, for his oil on canvas 'A Drinking Town with a Fishing Problem'.

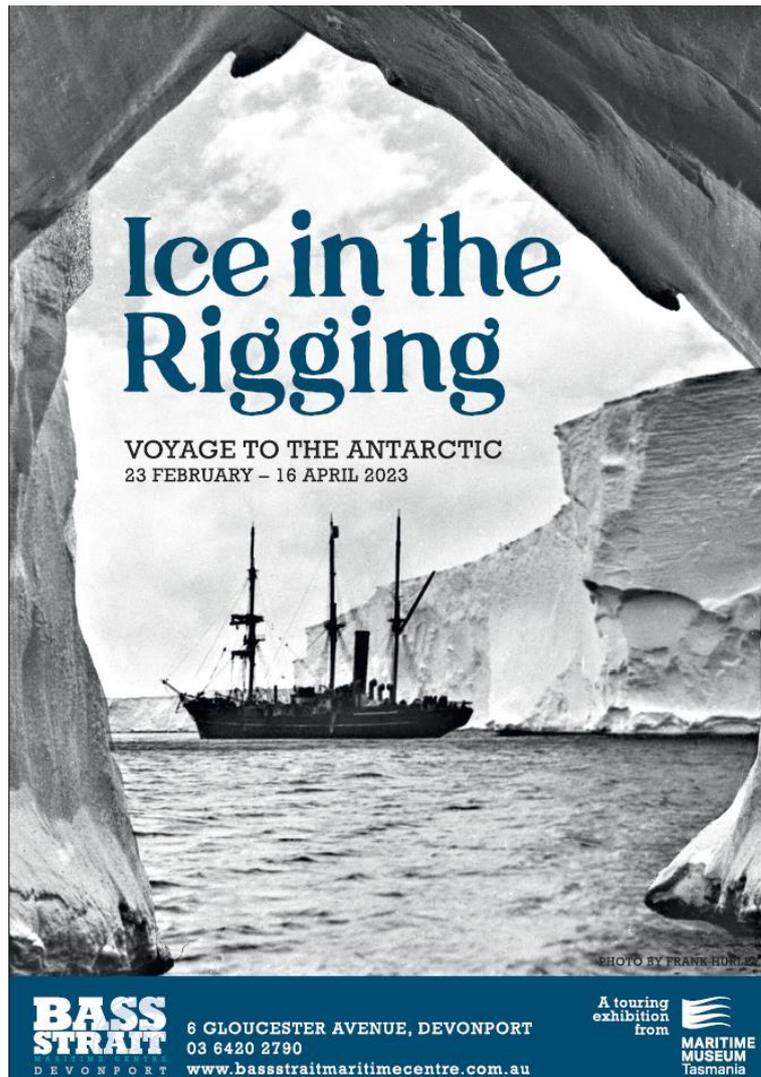
###### 4.1.2. Education Program activities and participation data:

Event	Participation	Date
Paper Flower making workshops for Dear Dahlia - Workshop 1	24	9 Jan
Paper Flower making workshops for Dear Dahlia - Workshop 2	12	9 Jan
Miandetta OSHC Visit	10	13 Jan
Books + Art	5	16 Jan
Paper Flower making workshops for Dear Dahlia - Workshop 3	2	17 Jan
Our Lady of Lourdes OSHC Visit	26	18 Jan
Paper computer games workshop	11	19 Jan
Paper Flower making workshops for Dear Dahlia - Workshop 4	39	24 Jan
Opening Little Gallery Jim Nelson - A Life With Pots	48	28 Jan
Paper Flower making workshops for Dear Dahlia - Workshop 5	21	30 Jan
Paper Flower making workshops for Dear Dahlia - Workshop 6	12	30 Jan
<b>TOTAL</b>	<b>210</b>	

**4.2. Bass Strait Maritime Centre:**

4.2.1. Exhibition Program:

Current Exhibition	Opening Date
Remarkable: Stories of Australians and their Boats	Nov 2022
Upcoming Exhibitions	
Ice in the Rigging	Feb 2023
Strata: Metals, Minerals, and Mining on the Northwest Coast	April 2023
Shipwreck! The Sinking of the Sanyo Maru	July 2023
BSMC 50 <sup>th</sup> Anniversary Exhibition (working title)	Oct 2023



Upcoming Exhibition, 'Ice in the Rigging', opening February at the Bass Strait Maritime Centre.

4.2.2. Education and public program activities and participation data:

Event	Participation	Date
Cruise Ship Visit - Noordam	18	17 Jan
Cruise Ship Visit – Coral Princess	82	20 Jan
Cruise Ship Visit – Queen Elizabeth	84	25 Jan
Roving Curator Workshop – Travelling Exhibition	4	30 Jan
Cruise Ship Visit – Queen Elizabeth	93	31 Jan
<b>TOTAL</b>	<b>281</b>	

4.3. paranapple arts centre:

4.3.1. Performance and production program:

There were no performances for the month of January 2023.

4.3.2. Visitor number data:

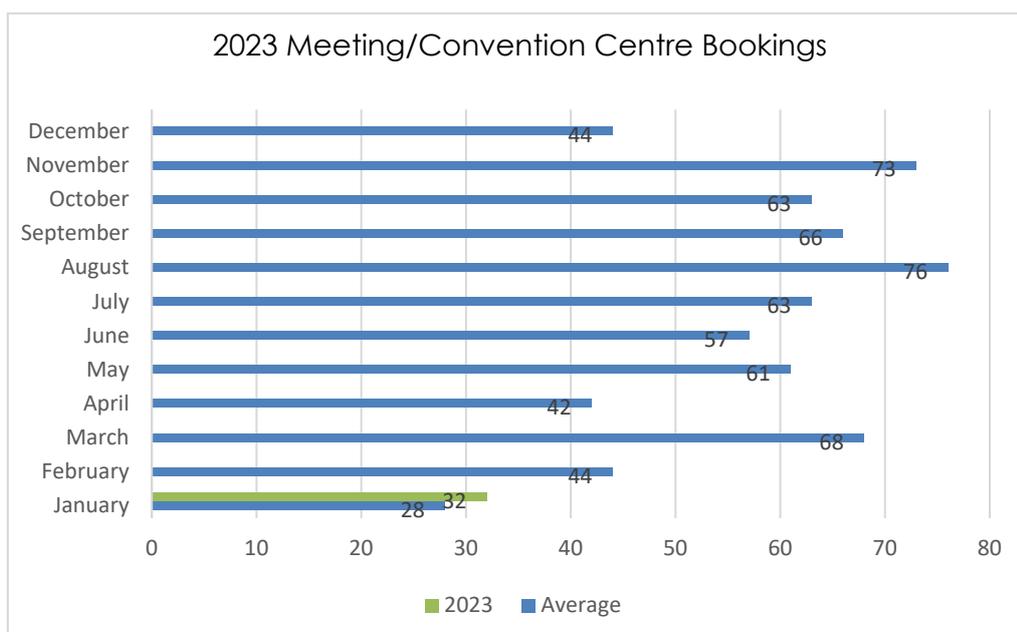
Facility	Visitors January
paranapple arts centre	2,973
Bass Strait Maritime Centre	892
<b>Total</b>	<b>4,512</b>

4.4. Convention Centre & Market Square:

4.4.1. Events, including attendee numbers and utilisation trends:

For January 2023, the DCC meeting rooms held 30 events and 2 events in the convention centre. Total attendance of 1,232 patrons.

L3 Convention Centre Events	Presented by	Attendance
Australia Day Ceremony	Devonport City Council	150
Insight into Learning	Tasmanian Catholic Education Office	390





Tasmanian Catholic Education – Live streamed throughout the State

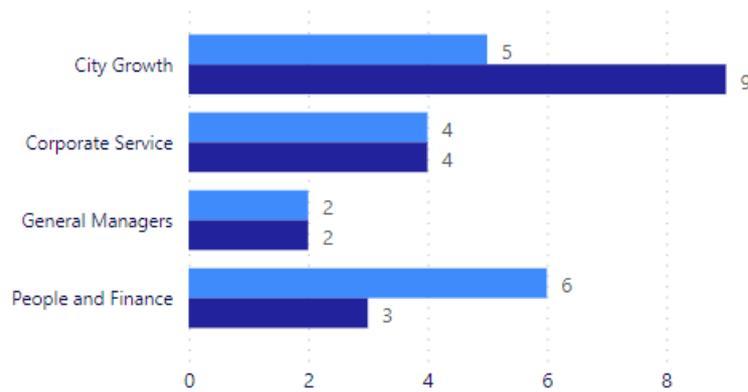
**5. CORPORATE SERVICES:**

**5.1. Human Resources:**

5.1.1. Staff departures and recruitment (advertised positions and staff appointments) this financial year:

**Turnover by Department**

● New Hires ● Num Departed



**5.2. Communications:**

5.2.1. Website and social media statistics and data:

**Devonport City Council Website**

Devonport City Council website content is refreshed on an on-going basis, by updating information and the addition of new public notices, planning applications, news stories and events.

Top 10 Website Pages	January 2023
	<ol style="list-style-type: none"> <li>1. News and Media</li> <li>2. Advertised Planning Permit Applications</li> <li>3. Contact Us</li> <li>4. Waste Transfer Station</li> <li>5. Employment Opportunities</li> <li>6. Novotel Devonport Symphony on the Waterfront</li> <li>7. Employment Opportunity – Parks and Reserves Service Person</li> <li>8. Forms and payments</li> <li>9. Symphony on the Waterfront coming in 2023</li> <li>10. Lillico Beach</li> </ol>
<p>Note: Most visitors to the website begin at the home page, but this is not listed in the top 10 pages, as it would be a normal starting point for most website visits.</p>	

**Website statistics taken from Google Analytics**

January 2023 (Verse 2022), Website Statistics



**Community Consultation**

Council's online engagement platform [www.speakupdevonport.com.au](http://www.speakupdevonport.com.au) is utilised for all of Council's community consultation.

During the reporting period, Council sought feedback on the draft Road Network Strategy and Budget Consultation 2023-24.

**Social Media**

Council currently utilises Facebook, Twitter and LinkedIn as social media tools to engage with the community and local media.

Followers at the end of January:

Facebook	11,282 – up by 182
LinkedIn	1120 – up by 24
Twitter	698 – up by 2

The Devonport City Council Corporate Facebook page is well utilised by the community, with high engagement regarding capital works projects, media releases, Council events, emergency updates, community initiatives and road works. Several other Facebook pages and Instagram accounts are administered by Council's Events Team, and the paranple arts and convention centre. Each represent a targeted marketing opportunity, with content planned specific to each page's audience.

<b>DCC Corporate Facebook Page Statistics</b>	<b>January 2023</b>
<b>Facebook Average Monthly Reach:</b> Number of Facebook users who have seen content associated with the page during the period (individual users can be 'reached' numerous times per month).	48,579TY (52,800LY)

During January, the top 10 posts Facebook posts each month in terms of audience reach were:

<b>January 2023</b>	
1.	Don Reserve walking track closed for upgrades, 17/01/2023, 15.9K
2.	Ticket sale announcement for Symphony on the Waterfront, 16/01/2023, 13.9K
3.	Pioneer Park toilet vandalism, 24/01/2023, 12.1K
4.	Don Reserve walking track closed for asphalt works, 31/01/2023, 11.3K
5.	Australia Day Award winners, 26/01/2023, 10.4K
6.	Employment opportunity - Active Communities Coordinator, 20/01/2023, 8K
7.	Bluff Road Closure, 25/01/2023, 8.2K
8.	Camping to recommence at Girdlestone Park, 31/01/2023, 3.7K
9.	Employment opportunity - Parks & Reserves Serviceperson, 13/01/2023, 7.2K
10.	Employment opportunity - Waste Management Serviceperson, 30/01/2023, 6K

**5.3. Finance:**

**5.3.1. Financial Reporting:**

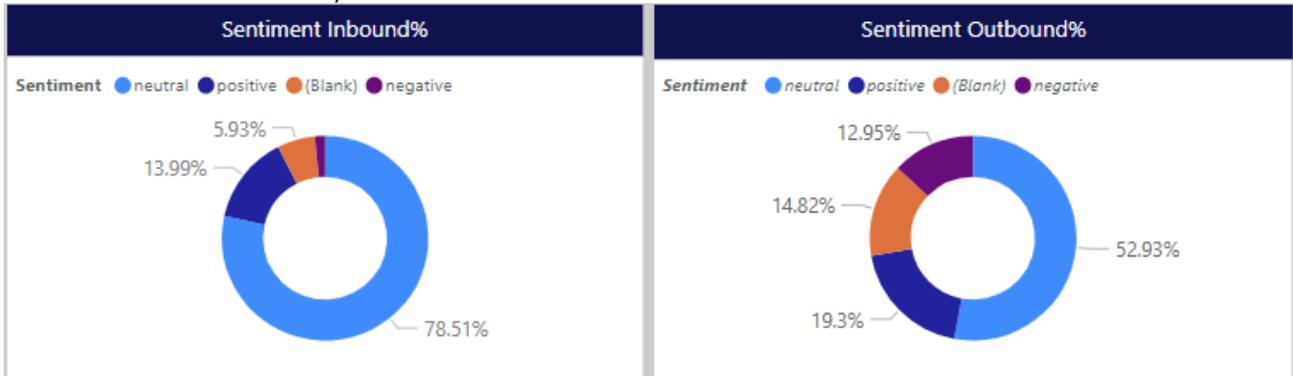
The operating result for the financial year to the end of January 2023 is favourable with actual revenue being higher than budget by \$1.3M and actual expenses being lower than budget by \$479K, resulting in an overall favourable variance of \$1.78M. The forecast operating surplus for the financial year is \$3.56M, which includes share of profit of associates (Dulverton) of \$3.1M.



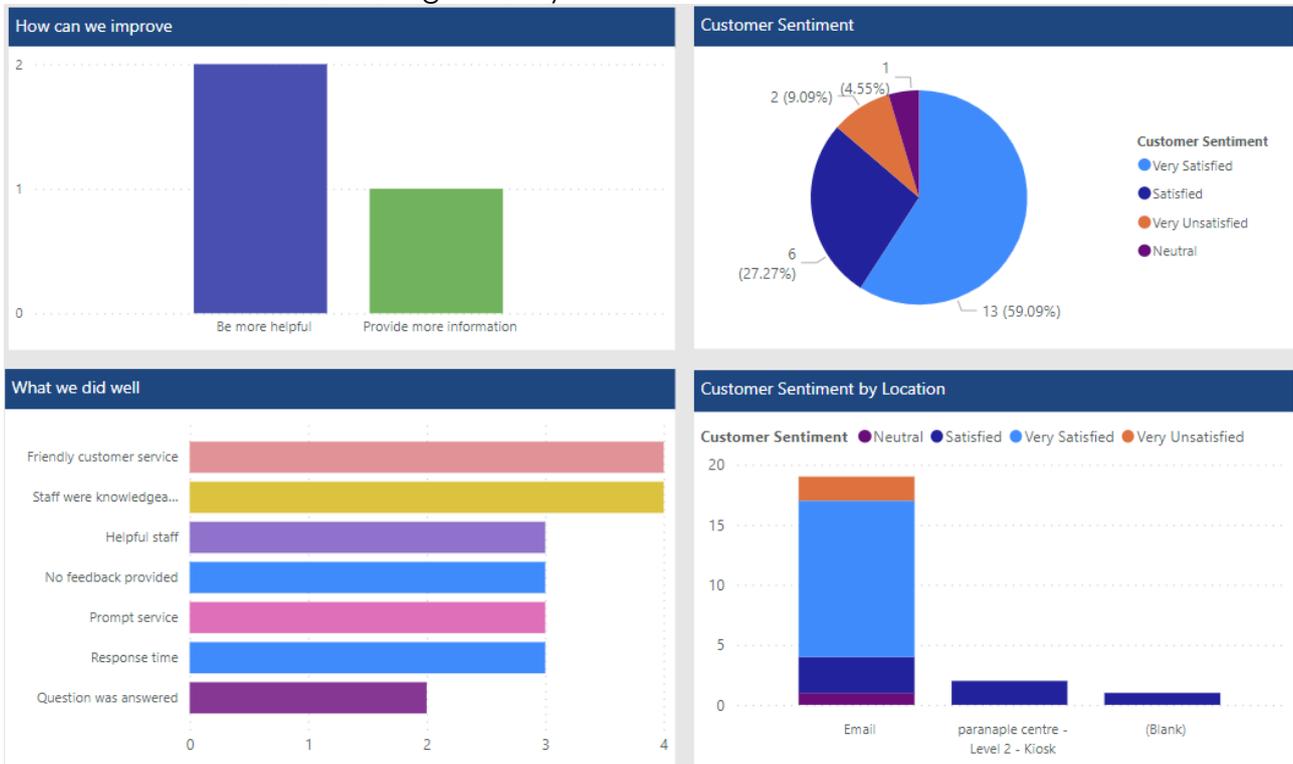
Please refer to the attached finance report for further information.

**5.4. Customer Service:**

5.4.1. The following graph shows the breakdown of customer sentiment for inbound and outbound calls to Council's Customer Service during January:



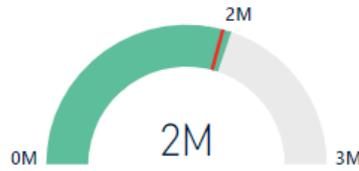
5.4.2. The following graph details the customer feedback received by Council during January:



**5.5. Parking:**

5.5.1. The following graph details the carpark usage statistics YTD to January:

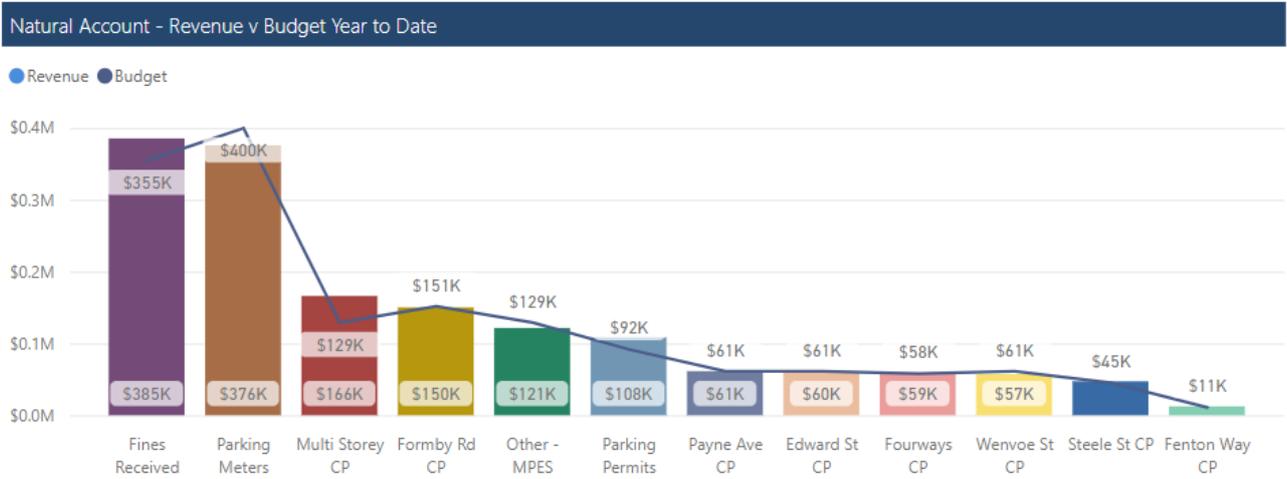
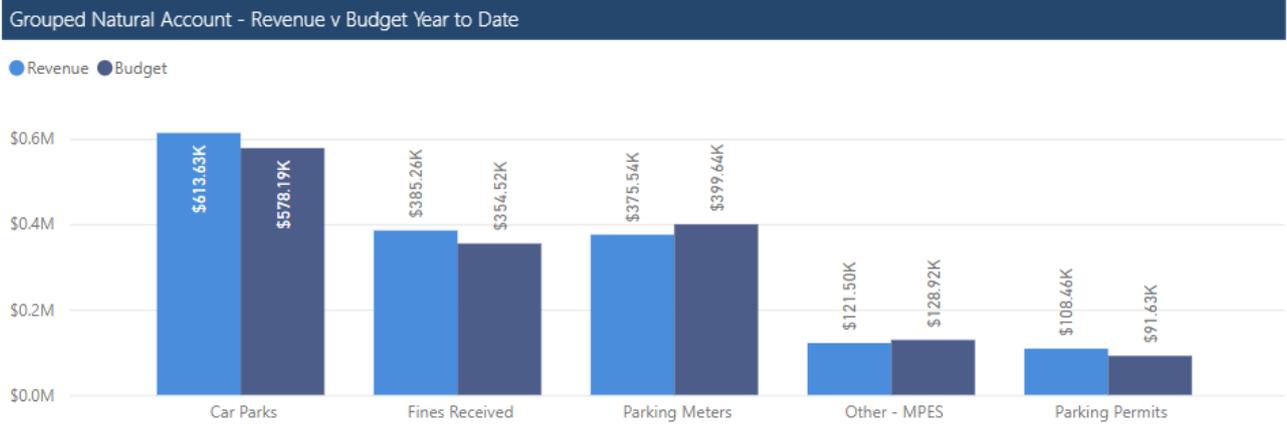
**Budget v Revenue Period to Date**



**Revenue/Budget Period to Date**

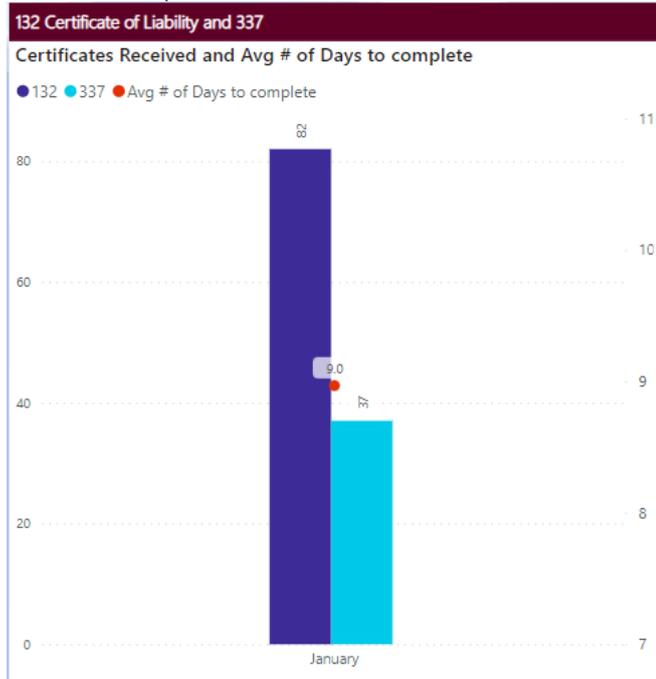
Description	Budget	Revenue	Variance	Variance %
Edward St CP	\$61,235.44	\$59,947.58	(1,287.86)	-2%
Fenton Way CP	\$10,957.94	\$12,426.43	1,468.49	13%
Fines Received	\$354,520.80	\$385,256.00	30,735.2	9%
Formby Rd CP	\$151,477.06	\$150,137.03	(1,340.03)	-1%
Fourways CP	\$58,012.50	\$59,288.28	1,275.78	2%
Multi Storey CP	\$128,916.69	\$166,030.65	37,113.96	29%
Other - MPES	\$128,916.69	\$121,496.16	(7,420.53)	-6%
Parking Meters	\$399,641.70	\$375,542.13	(24,099.57)	-6%
Parking Permits	\$91,627.06	\$108,455.87	16,828.81	18%
Payne Ave CP	\$61,235.44	\$61,420.70	185.26	0%
Steele St CP	\$45,120.81	\$47,239.13	2,118.32	5%
Wenvoe St CP	\$61,235.44	\$57,143.48	(4,091.96)	-7%
<b>Total</b>	<b>\$1,552,897.57</b>	<b>\$1,604,383.44</b>	<b>51,485.87</b>	<b>3%</b>

5.5.2. The following graphs detail the carpark revenue against budget for January – breakdown for type of revenue and then breakdown for location:

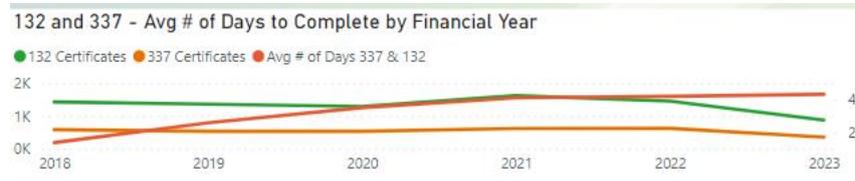


**5.6. Section 132 & 337 Certificates:**

5.6.1. Statistics on completed certificates:



Completed during above period				Received during above period	
337 Certificate	Average # Complete	132 Certificate	Average # Complete	337 Certificate	132 Certificate
<b>32</b>	<b>8.97</b>	<b>82</b>	<b>4.32</b>	<b>37</b>	<b>82</b>



**5.7. Digital Transformation:**

5.7.1. Projects relating to ongoing digital transformation:

**Food Business Inspection System**

Released a new automated Food Business inspection system saving up to 1 hour per day in administrative overhead in the management of records and data entry. Delivering an improved experience for food business operators.

**Cemetery Management System & Funeral Home Booking System**

Finalising development of a Cemetery Management System to support more efficient and effective management of cemetery records and bookings. Funeral homes will have access to a modern, web-based booking system. These new systems will be released for use by 28 February 2023.

**5.8. Annual Plan Action Update:**

5.8.1. Current Status as at 31 January 2023:



5.8.2. Action highlights:

**Review and update Council's Waste Strategy:**

Draft Strategy to be presented to Council for public consultation in February 2023, aligned with Cradle Coast Waste Management Group Strategic Plan 2023-28 and draft Tasmanian Waste and Resource Recovery Strategy 2022-2025.

**Develop a feasibility study and outline potential future operational models to preserve and enhance the historic Home Hill property:**

A consultant, SGS, has been appointed. A working committee has been formed and the project has commenced with regular meetings and stakeholder engagement.

**Revise and update Council's CCTV strategy in accordance with requirements of Devonport Police:**

Strategy review by key stakeholders is coming to a conclusion. The Strategy will be presented to Council for adoption by the April Council meeting.

**6. COMMITTEES, AUTHORITIES & EXTERNAL ORGANISATIONS:**

**6.1. Minutes:**

The following meeting minutes are included as attachments to this report for information purposes:

6.1.1. Planning Authority Committee Meeting – 13 February 2023.

**COMMUNITY ENGAGEMENT**

This report includes information that relates to community engagement undertaken in relation to operational activity.

**FINANCIAL IMPLICATIONS**

Financial reporting is contained in the body of this report for information purposes. There are no direct financial implications as a result of the report.

**RISK IMPLICATIONS**

Any specific risk implications have been outlined in the commentary included as part of this report. Any specific risk that is identified as an issue for Council would result in a separate report to Council.

**CONCLUSION**

This report is provided for information purposes only and to allow Council and the community to be updated on council performance and general matters of interest.

**ATTACHMENTS**

1. 20230131 Consolidated Financial Report - Council [**6.4.1** - 10 pages]
2. Minutes- Planning- Authority- Committee-13- February-2023 [**6.4.2** - 5 pages]

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## 7 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.

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
3.1	Confirmation of Closed Minutes – Council Meeting – 23 January 2023	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(g)
5.1	Independent Audit Panel Members	15(2)(g)
5.2	Caveator's Consent – 108 Tarleton Street East Devonport	15(2)(f)

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## **8 CLOSURE**