



ORDINARY COUNCIL MEETING AGENDA

TUESDAY 24 AUGUST 2021

2:00PM

Council Chambers, Triabunna

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday, 24 August 2021, commencing at 2:00pm

QUALIFIED PERSON CERTIFICATION

I hereby certify that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

Dated this Thursday 19 August 2021



Greg Ingham
GENERAL MANAGER

IMPORTANT INFORMATION

- As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.
- A recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website following the meeting.

In accordance with the *Local Government Act 1993* and Regulation 33, these video/audio files will be retained by Council for at least 6 months and made available for viewing live, as well as online within 5 days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the video/audio recording of the meeting.

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1. OPENING OF MEETING

The Mayor to welcome Councillors, staff and members of the public and declare the meeting open at [time].

1.1 Acknowledgement of Country

The Glamorgan Spring Bay Council acknowledges the Traditional Owners of our region and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

1.2 Present and Apologies

1.3 In Attendance

1.4 Late Reports

1.5 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

- 1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- 2. any conflict as described in Council's Code of Conduct for Councillors,*

in any item included in the Agenda.

2. CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 27 July 2021

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 July 2021 at 2:00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop/s Held

TUESDAY 10 AUGUST 2021

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 1:00pm to 5:00pm on Tuesday 10 August 2021 at the Council Offices, Triabunna.

Present

Mayor Robert Young
Deputy Mayor Jenny Woods (in part)
Clr Cheryl Arnol (in part)
Clr Annie Browning
Clr Keith Breheny
Clr Rob Churchill
Clr Grant Robinson
Clr Michael Symons (in part)

Apologies

Nil

In Attendance

Mr Greg Ingham, General Manager
Mrs Elysse Blain, Director Corporate and Community
Mr Peter Porch, Director Works and Infrastructure
Mr James Bonner, Senior Planner
Mr Mick Purves, Senior Planning Consultant

Guests

Ms Kylie Bull
Mr Nick Johnston
Mr Gavin Hallett

Agenda

- Update on representations received for the Substantial Modifications to the Draft Local Provisions Schedule
- Presentation by Freycinet Association Incorporated
- Introduction & opportunity to raise Community concerns with Police Inspector, Mr Gavin Hallett
- Planning Application - 35 Jetty Road, Coles Bay
- Unsealed Roads Policy & Procedure

RECOMMENDATION

That Council notes the information.

3. PUBLIC QUESTION TIME

Public question time gives any member of the public the opportunity to freely ask a question on any Council related matter.

Answers to questions will be given immediately if possible or taken “on notice” if an ‘on the spot’ answer is not available.

In accordance with the Local Government (Meeting Procedures) 2015 questions on notice must be provided at least 7 days prior to the Ordinary Meeting of Council at which a member of the public would like a question answered.

3.1 Question without Notice

Glamorgan Spring Bay Council will allow questions to be provided by written notice by 12 noon the day before the ordinary council meeting by either emailing general.manager@freycinet.tas.gov.au or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.

3.2 Questions on Notice

Nil.

4. PLANNING AUTHORITY SECTION

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015 the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 4 of the Agenda.

RECOMMENDATION

That Council now acts as a Planning Authority at (Time:).

4.1 Development Application 2021/132 – 35 Jetty Road, Coles Bay

Proposal	Dwelling
Applicant	Engineering Plus
Application Date	06 May 2021
Statutory Date	31 August 2021
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	Low Density Residential
Codes	5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management
Specific Area Plans	n.a
Use	Class: Residential
Development	Discretionary
Discretions	3
Representations	7
Attachments	A – Application Documents B – Representations
Author	Peter Coney, Town Planner

Executive Summary

Planning approval is sought for the construction of a dwelling at 35 Jetty Road, Coles Bay. The construction of the proposed dwelling necessitates demolition of the existing dwelling understood to be used for visitor accommodation.

The proposal was advertised for two weeks from 9 July to 23 July 2021 and seven representations were received.

This report assesses the proposal against the Applicable the standards for the relevant zones and codes listed above, and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 31 August 2021.

The recommendation is to refuse the application as detailed at the end of this report.

PART ONE

1. Statutory Requirements

The Land Use Planning and Approvals Act 1993 (LUPAA) requires the planning authority to take all reasonable steps to ensure compliance with the planning scheme.

The planning scheme provides the overriding considerations for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

The initial assessment of this application identified where the proposal met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

The Planning Authority must consider the report but is not bound to it. It may:

1. Adopt the recommendation
2. Vary the recommendation
3. Replace an approval with a refusal (or vice versa).

The Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015 require a full statement of reasons if an alternative decision to the recommendation is made.

2. Approving applications under the planning scheme

A Development Application must meet every relevant standard in the planning scheme to be approved. In most cases, the standards can be met in one of two ways:

1. By Acceptable Solution, or if it cannot do this,
2. By Performance Criteria.

If a proposal meets an Acceptable Solution, it does not need to satisfy the Performance Criteria.

In assessing this application, the Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criterion and must consider the issues raised in the representations.

3. The Proposal

The proposal is for the construction of a dwelling at 35 Jetty Road, Coles Bay. The proposal will involve the demolition of the existing dwelling.

4. Risk and implications

Approval or refusal of this application should have no direct financial risk for Council, other than should an appeal against the Authority's decision be lodged or should the Planning Authority fail to determine the application within the statutory timeframe.

5. Background and past applications

There is no relevant background for this application.

6. Site Description

The site is a moderately steep residential allotment of approximately 584m². The site presently has a dwelling (See images 2 and 3).

The subject site is located on the eastern side of Jetty Road in Coles Bay. The site is bound by residential development to the south and east, and shares a boundary with land within the Local Business zone. The locality may be characterised as of a residential scale with commercial uses along Garnet Avenue.



Image 1 – Site and locality.



Images 2 and 3 – Aerial view of site and view of existing dwelling (brown).

7. Planning Instruments

1) Glamorgan Spring Bay Planning Scheme 2015

- D12.0 Low Density Residential zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

8. Easements and Services

The subject site does not have a Stormwater connection. In the absence of a stormwater connection, the proposed development is not able to be serviced by public stormwater infrastructure. The provision of stormwater connections can be made pursuant to the Urban Drainage Act 2013. Presently no request for a stormwater connection has been made.

9. Covenants

Nil

PART TWO

10. Meeting the Standards – via Acceptable Solution

The proposal has been assessed against the Acceptable Solutions provided in:

- 12.0 Low Density Residential zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

All standards were met by Acceptable Solution excepting four identified below. These have been assessed against the applicable performance criteria below.

11. Meeting the Standards via Performance Criteria

The standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

12.4.2 (P3) Setbacks and building envelope

12.4.3 (P1), (P2) Site Coverage and private open space

E7.0 (P1) Stormwater drainage and disposal

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 31 August 2021.

PART THREE

12. Assessing the proposal against the Performance Criteria

Development Standards for Buildings and Works

The proposal protrudes significantly from the building envelope as defined by clause 12.4.2 of the Planning Scheme (see images 4, 5 and 6).

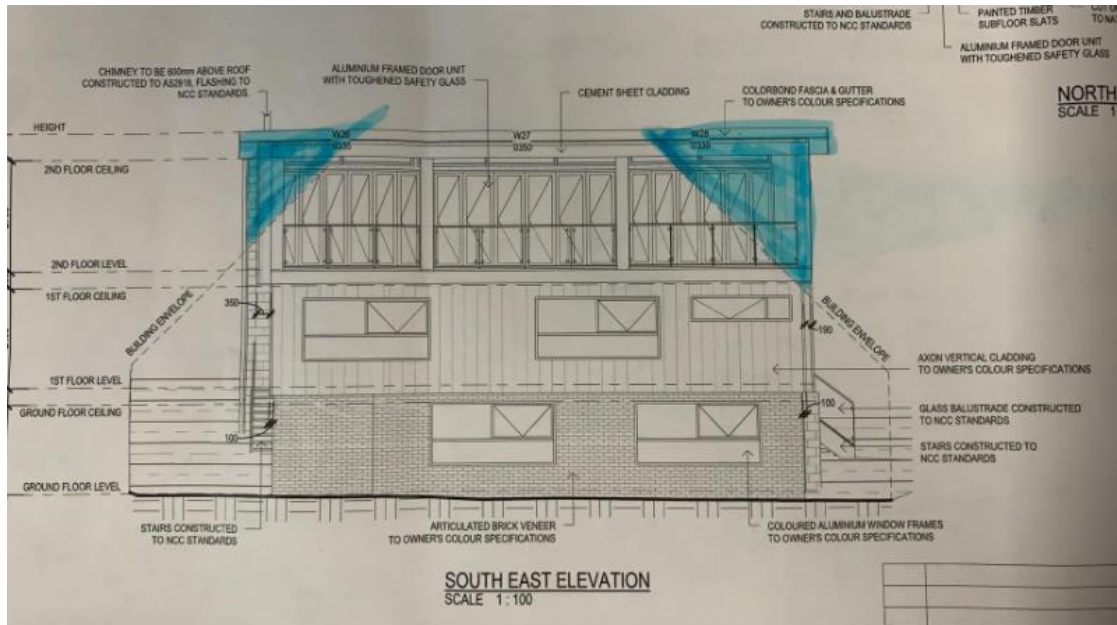


Image 4, South Eastern elevation (dwelling as evident from rear boundary of 1 Garnett Avenue)

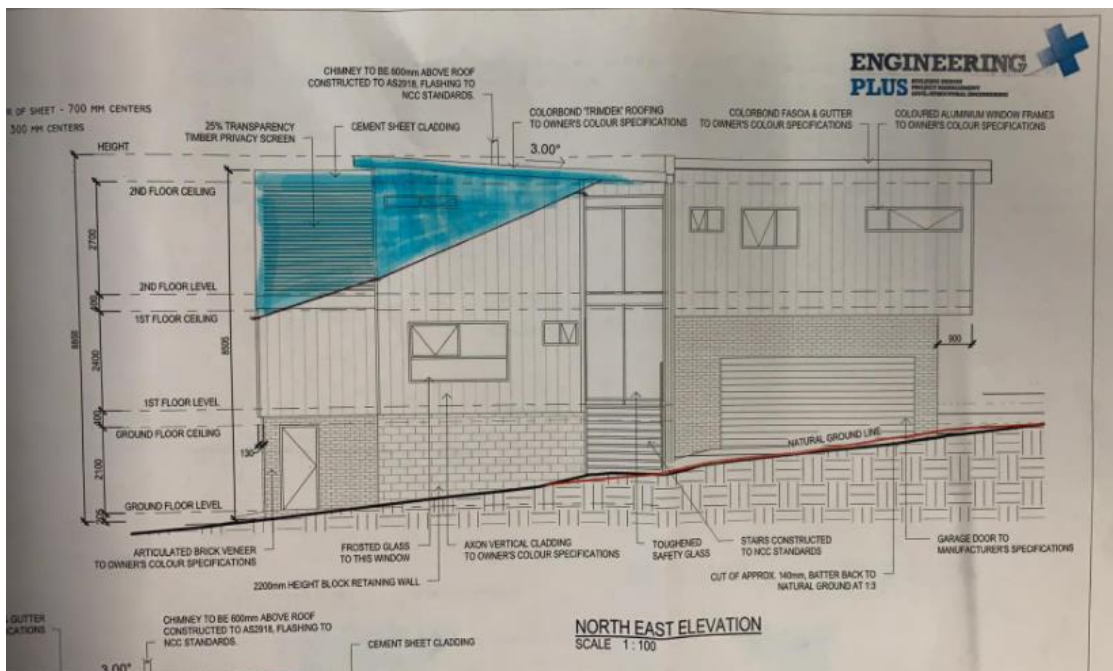


Image 5, North Eastern elevation (dwelling as evident from 3-5 Garnet Avenue).

Performance Criteria	Planner's response
Clause D12.4.2 Setbacks and Building Envelope.	<p>The acceptable solution for this standard requires a dwelling to be contained within the building envelope, as described within the standard. The proposal significantly protrudes from this building envelope (see images 4, 5 and 6), and therefore is reliant on the performance criteria (P3) as outlined below.</p>
<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) <i>not cause unreasonable loss of amenity by</i></p> <p>(i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p> <p>(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> <p>(iii) <i>overshadowing of an adjoining vacant lot; or</i></p> <p>(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p> <p>(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</i></p>	<p>With regard to (a), it is considered the proposal presents a loss of amenity by virtue of presenting incongruous bulk when viewed from an adjoining lot. Particularly, the loss is evident by comparison to the present amenity enjoyable when the site is viewed from 37 Jetty Road, and from the Jetty Road casement (no less a lot).</p> <p>The impact of the dwelling is considered unreasonable in that the topography of the site does not necessitate the design (evident by the existing dwelling). Further, the degree of the protrusion owing to the deck design is not rationalised by the proponent, tending toward it being considered unreasonable. The balcony form with fixed louvred roof system is more of an affectation than an integral part of dwelling design.</p> <p>With regard to (b), the separation is nominally acceptable, but the sheer bulk of the dwelling at that separation tends toward a failure to demonstrate compliance with (a).</p> <p>With respect to the above, the proposal presents a loss of amenity and it is unreasonable. The inability of the dwelling to satisfy criterion (a)(iv) necessitates refusal of the proposal.</p>
Clause D12.4.3 Site coverage and Private Open Space.	<p>The acceptable solution for this standard requires a site coverage of not more than 25%. The proposal is for a site coverage of approximately 29%; therefore the proposal is reliant on the performance criteria (P1), as outlined below.</p>
<p>P1</p> <p>Dwellings must have:</p> <p>(a) <i>private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</i></p>	<p>(a) For (i) and (ii), the proposal is principally reliant on the balcony for private open space. It is possible for a person to air laundry on the balcony should they need.</p> <p>(b) There is approximately 60m² available to the east of the dwelling for the planting of gardens etc.</p>

Performance Criteria	Planner's response
<p><i>(i) outdoor recreational space consistent with the projected requirements of the occupants; and</i></p> <p><i>(ii) operational needs, such as clothes drying and storage; and</i></p> <p>(b) <i>have reasonable space for the planting of gardens and landscaping.</i></p> <p>(c) <i>not be out of character with the pattern of development in the surrounding area; and</i></p> <p>(d) <i>not result in an unreasonable loss of natural or landscape values.</i></p>	<p>(c) The proposal has a building footprint in excess of 25% of the lot area (Approximately 29%). It is noted that the surrounding area is characterised by moderately sized dwellings on relatively undersized lots for the Low Density Residential zone. Notwithstanding this, the proposal presents a divergence of site coverage rates which by comparison to that of existing dwellings in the vicinity, is out of character with the pattern of development in the surrounding area.</p> <p>Specifically, approximate measurements with the use of aerial imagery find that dwellings (inclusive of outbuildings) presently accord to a broad 1:4 rate where;</p> <p>37 Jetty is near 16% 39 Jetty is near 19% 40 Jetty is near 17% 42 Jetty is near 26% 44 Jetty is near to 24% 46 Jetty is near 26% 1 Garnet is near 21%</p> <p>(d) The proposal does not present a loss of any natural values.</p> <p>It is considered by virtue of the exceedance of site coverage presented by the proposal, relative to the pattern of development in the vicinity which broadly accord with a rate of 1:4 or 25% (or less); the proposal does not comply with the performance criteria and ought to be refused.</p>

Use and Development Standards under the Storm Water Management Code

Performance Criteria	Planner's response
E7.7.1 Stormwater Drainage and Disposal	The acceptable solution is for stormwater generated by new impervious surfaces to be directed to public stormwater infrastructure. The proposal however shows a proposed connection which is not a part of the public stormwater system. The proposal is therefore reliant on the performance criteria (P1), as outlined below.
<p>Clause E7.7.1 Stormwater Drainage and Disposal</p> <p>P1</p> <p>Stormwater from new impervious surfaces must be managed by any of the following:</p> <p>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</p> <p>(b) collected for re-use on the site;</p> <p>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p>	<p>The proposal shows on the site plan that stormwater from new impervious surfaces is to be directed to Jetty Road. This erroneously suggests that a gravity feed is possible, despite the level at which downpipes meeting the ground being lower than the level of the Street. Furthermore, even if a charged line were possible, there is no kerb connection or kerb on Jetty Road, excepting toward the corner of Garnet Ave, some 30m from the proposed connection point.</p> <p>The lot presently has no stormwater connection, and no request under the Urban Drainage Act 2013 has been made for such a connection. A planning permit for a dwelling cannot authorise a stormwater connection the details of which are subject to a further approval. Rather, the Storm Water Management code is intended for the assessment of how stormwater is directed to a connection point (if it exists) or how stormwater is otherwise managed in the absence of a connection (as is the case in this instance).</p> <p>With respect to the performance criteria;</p> <p>the proposal fails to demonstrate the manner in which stormwater will be effectively managed noting the absence of either the use of on site soakage devices, collection for reuse, or adequate disposal to stormwater infrastructure by use of a pump, noting the lot has no stormwater connection.</p> <p>The proposal therefore does not comply with the applicable standard and should be refused.</p>

PART FOUR

Referrals

Noting that the onsite waste water management code is not used in the Glamorgan Spring Bay Interim Planning Scheme, the proposal was nevertheless referred to Council's Environmental Health Officer who has made the following comments:

I have previously seen the wastewater report for this one, it is designed for a 4 bedroom house and is secondary treated, no wastewater advice is required on the permit,

Representations

The Proposal has been advertised for the statutory 14 day period and seven representations have been received. Pursuant to clause 8.10.1 of the Scheme, In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration any representations received pursuant to and in conformity with s57(5) of the Act.

Firstly, It is worth addressing (in light of the number of representations relating to wastewater), the following;

Though the development inevitably requires a wastewater system, in the absence of applicable standards for the assessment of the suitability of any system as part of the assessment of that development, the system's design is irrelevant. Although it is highly inadvisable (for reasons set out below), a person could propose a dwelling in this municipality without any regard for the management of wastewater, and that dwelling could receive planning approval, or could even not require a planning permit in order to 'progress' to the building approvals stage. This is because of the operation of the planning scheme.

Despite this, it is understood by many designers that this is inadvisable, because if a person had not considered their wastewater system in siting a dwelling, at the time they come to submit for a plumbing permit (a requirement), they will more often than not find that the dwelling needs to be redesigned to accommodate the system they had not anticipated. The redesign then may require further planning approval by way of an amendment, or indeed an entirely new permit should the wastewater need to be sited where the dwelling was approved.

Despite this disjoint, designers acting sensibly will design a system, and note the system on their plans. This is of their initiative. The dwelling then is assessed against relevant applicable standards which excepting the Coastal Development Code, have no consideration of the efficacy of a wastewater system. This is why advertised plans make reference to systems, reports, soil classes and the like, but plumbing forms, soil analysis etc are not exhibited. Not all documents lodged with a planning application are relevant or assessed (shed bracing details, lighting plans) for compliance with an applicable standard. Most importantly, these documents are not being approved. The approval of a wastewater system is done as part of the plumbing permit. To include a wastewater system in the approved documents of a planning permit where there are no applicable standards would be an error, and causes inevitable confusion if non compliant with plumbing regulations but are stamped "approved" for planning.

Importantly, this is not something peculiar to this municipality. The Tasmanian Planning Scheme (TPS) does not include an Onsite Wastewater Management code. This is because this is an aspect of development which is presumed to be best managed through the plumbing permit process (Building Act 2016).

Nevertheless, it is acknowledged the management of onsite wastewater continues to raise public interest, and so the representations are still taken into consideration when assessing a development application, bearing in mind there are no applicable standards within the scheme relevant to this application which deal with on site wastewater management.

Representation 1 points (objecting)	Response
Relates to building height and views enjoyed by the representor	The proposal presents a significant amount of bulk which is considered unreasonable and to the detriment of the amenity of adjoining lots. Though views are not protected under the planning scheme, the proposal is recommended for refusal owing to its failure to comply with an applicable standard..
On site Wastewater, relating to sizing, number of bedrooms.	<p>There is no onsite waste water management code in the planning scheme, nor does the coastal development code apply to this site. It is therefore not a relevant consideration of the application in determining compliance with the scheme. Such a thing is dealt with as part of the plumbing permit process.</p> <p>EHO comments;</p> <p>The proposed design shows 4 bedrooms, the theatre room does not have the dimensions of a bedroom so would not be considered a bedroom for the purposes of the wastewater assessment. A wastewater design has not been provided so we cannot determine whether or not an AWTs has been proposed. In order to meet the setbacks secondary treatment would most likely be necessary, secondary treatment is not limited to an AWTs. For the purposes of the wastewater loading the house will be assessed based on permanent residency, dwellings are never assessed based on "shack usage"</p>
No kerbside disposal	The proposal fails to demonstrate how stormwater will be dealt with and as such is recommended to be refused.
Use	The proposal is assessed as a dwelling. Any future use would be subject to a subsequent planning approval.
Representation 2 points (objecting)	Response
On site Wastewater relating to number of bedrooms.	<p>There is no onsite waste water management code in the planning scheme, nor does the coastal development code apply to this site. It is therefore not a relevant consideration of the application in determining compliance with the scheme. Such a thing is dealt with as part of the plumbing permit process.</p> <p>EHO comments</p> <p>The number of toilets in a house does not determine the wastewater loading, residents do not use the toilet more if there are more</p>

	toilets available. The assessment will be based on a four bedroom dwelling or 6 permanent residents. The proposed wastewater water land application area is at the front of the property, any run-off will pool against the front of the house, it is unlikely to run under the back boundary fence.
Representation 3 points (objecting)	Response
No kerbside disposal	The proposal fails to demonstrate how stormwater will be dealt with and as such is recommended to be refused.
On site Wastewater relating to number of bedrooms.	<p>There is no onsite waste water management code in the planning scheme, nor does the coastal development code apply to this site. It is therefore not a relevant consideration of the application in determining compliance with the scheme. Such a thing is dealt with as part of the plumbing permit process.</p> <p>EHO comments</p> <p>The land application area for the wastewater will be sized based on a four bedroom house, the number of toilets, bathrooms and kitchens does not mean that people will use more water. It is likely that the design of the land application area will incorporate raised beds in order to prevent cutting into tree roots, the suitably qualified designer will consider this in the design. Whether or not the property is to be rented is not considered in the design, the design will be assessed based on four bedrooms, or 6 people, with permanent occupancy, dwelling are not assessed as “shacks”.</p>
Relates to building height	The proposal presents a significant amount of bulk which is considered unreasonable and to the detriment of the amenity of adjoining lots. The proposal is recommended for refusal owing to its failure to comply with an applicable standard. .
Use	The proposal is assessed as a dwelling. Any future use would be subject to a subsequent planning approval.
Representation 4 points (objecting)	Response
On site Wastewater relating to the omission of documents relating to onsite wastewater and number of bedrooms.	There is no onsite waste water management code in the planning scheme, nor does the coastal development code apply to this site. It is therefore not a relevant consideration of the application in determining compliance

	<p>with the scheme. Such a thing is dealt with as part of the plumbing permit process.</p> <p>EHO comments:</p> <p>As above</p>
Site Coverage/Building Height	<p>The proposal presents a significant amount of bulk which is considered unreasonable and to the detriment of the amenity of adjoining lots. The proposal is recommended for refusal owing to its failure to comply with an applicable standard. .</p>
Representation 5 points (objecting)	Response
Building Height	<p>The proposal presents a significant amount of bulk which is considered unreasonable and to the detriment of the amenity of adjoining lots. The proposal is recommended for refusal owing to its failure to comply with an applicable standard.</p>
Representation 6 points (objecting)	Response
On site Wastewater relating to area for absorption and number of bathrooms.	<p>There is no onsite waste water management code in the planning scheme, nor does the coastal development code apply to this site. It is therefore not a relevant consideration of the application in determining compliance with the scheme. Such a thing is dealt with as part of the plumbing permit process.</p> <p>EHO comments:</p> <p>The swale drain will keep the stormwater out of the land application area and the land application area is downslope from the swale down so cannot contaminate the drain with effluent, therefore the chances of the effluent reaching the sea is minimal.</p>
Representation 7 points (objecting)	Response
On site Wastewater relating to number of bedrooms, omission of reports and documents for wastewater system, soil classification.	<p>There is no onsite waste water management code in the planning scheme, nor does the coastal development code apply to this site. It is therefore not a relevant consideration of the application in determining compliance with the scheme. Such a thing is dealt with as part of the plumbing permit process.</p> <p>EHO comments:</p> <p>The suitably qualified engineer will take soil samples to determine the depth to granite, or any other form of refusal. The system will be designed with all of this taken into consideration as per Australian Standard 1547 Onsite Domestic Wastewater</p>

	Management. It is not a requirement for the applicant to provide a wastewater report at the DA stage... The assessment will be undertaken by Council's EHO who is qualified and authorised to assess and approve or refuse designs. Soil classification "M" is for the house foundations, it is not a soil classification for the purposes of onsite waste.
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Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal fails to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and therefore should be refused.

RECOMMENDATION

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2021 / 132, for the construction of a dwelling at CT55545/4 be refused for the following reasons;

- a) the proposal presents an unreasonable loss of amenity by virtue of presenting incongruous bulk in relation to its surroundings when viewed from an adjoining lot.
- b) the proposal presents a divergence of site coverage rates which by comparison to that of existing dwellings in the vicinity, is out of character with the pattern of development in the surrounding area.
- c) the proposal fails to demonstrate the manner in which stormwater will be effectively managed, noting the absence of either a stormwater connection, the use of on site soakage devices, collection for reuse, or adequate disposal to stormwater infrastructure by use of a pump.

4.2 Request to amend Southern Tasmanian Regional Land Use Strategy

Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Senior Planning Consultant (Mr Mick Purves)

ATTACHMENTS

1. Amendment to Triabunna/Orford Structure Plan 2011 & Southern Tasmania Regional Land Use Strategy 2010-2035 In Respect of Orford Growth Scenario and Strategy
2. SGS - Orford Residential Capacity and Demand Analysis
3. Information Sheet RLUS 1
4. [Southern Tasmania Regional Land Use Strategy 2010-2035](#)
5. [Triabunna/ Orford Structure Plan](#)

PURPOSE

The purpose of this report is for the Planning Authority to consider support for a request to amend the Southern Tasmanian Regional Land Use Strategy (RLUS) to facilitate the rezoning and subdivision of land at Certificate of Title FR149641/2, Rheban Road, Orford (Site).

The amendment to the RLUS seeks to make the following changes to *Table 3 Growth Management Strategies* at page 89 for Orford:

- i. Growth Strategy be changed from LOW to HIGH;
- ii. Growth Scenario be changed from CONSOLIDATION to MIXED; and
- iii. Add a new footnote to Orford: Note 1: refer to the *Triabunna/Orford Structure Plan 2014* and 2021 addendum.

A copy of the request and supporting information is provided as an attachment to this report. The land subject to this request is highlighted with a red border in Figure 1.



Figure 1 – location and context

BACKGROUND / OVERVIEW

The land subject to this request was part of a 2017 application for rezoning three titles from Rural to General Residential and subdivision that was refused by the Tasmanian Planning Commission. Reasons cited for the refusal by the Commission included the following:

- a lack of demonstrated demand for the rezoning and proposed lots;
- the proposal was not consistent with the low growth scenario established for Orford within the Southern Tasmanian Regional Land Use Strategy;
- the proposal was not considered to represent infill development, as required by the consolidation growth scenario established for Orford within the Southern Tasmanian Regional Land Use Strategy;
- concerns that the proposal would result in an oversupply of land zoned for residential purposes; and
- as a consequence of these findings, the proposal was not consistent with the objectives of the Act and planning System for the orderly release of land.

The lands subject to that decision are identified by blue shading in Figure 1.

The lands subject to the current request are zoned Rural Resource under the *Glamorgan Spring Bay Interim Planning Scheme 2015* (Interim Scheme) and proposed for the Future Urban zone under the *Glamorgan Spring Bay Local Provisions Schedule* (LPS) in the Tasmanian Planning Scheme (TPS).

Three Regional Land Use Strategies operate across Tasmania and are intended to operate as a broad strategic land use planning policy framework within each region that guide future development of each region over a 25-year horizon. The Strategies were originally declared by the Minister for Planning in 2011, with the most recent version of the RLUS approved in February 2020. The Strategies have not been subject to a major or minor review since their declaration. Revisions have been completed to deal with local and specific issues identified by Councils within the region.

Table 3 Growth Management Strategies of the RLUS classifies Orford as a Township, with a *Low Growth Strategy* and *Consolidation Growth Scenario* at page 89, as follows:

SETTLEMENT	PROPOSED REGIONAL FUNCTION	GROWTH STRATEGY**	GROWTH SCENARIO
Greater Hobart	Primary urban centre for the region, providing for significant housing and employment opportunities for the broader region.	See Map 10	See Map 10
Sorell	Major Satellite of Greater Hobart		
Brighton			
Margate			
Lauderdale			
Midway Point	Minor Satellite of Greater Hobart		
Seven Mile Beach			
Snug			
Collinsvale, Fern Tree, Dodges Ferry		Dormitory Suburb	Low
Carlton Beach, Clifton, Cremorne, Lewisham, Primrose Sands, Opossum Bay, South Arm,	Dormitory Suburb	Very Low	Consolidation
New Norfolk	Major District Centre	High	Mixed
Huonville	Major District Centre	High	Mixed
Oatlands	District Town	Moderate	Consolidation
Triabunna	District Town	Moderate	Consolidation
Bicheno	Township	Moderate	Consolidation
Bothwell	Township	Moderate	Consolidation
Alonnah	Township	Moderate	Consolidation
Cygnat	Township	Moderate	Mixed
Dover	Township	Low	Consolidation
Franklin	Township	Low	Consolidation
Kempton	Township	Low	Consolidation
Geeveston	Township	Low	Consolidation
Nubeena	Township	Moderate	Mixed
Orford	Township	Low	Consolidation

*For all settlements categorised as 'township' or lesser, the growth strategy indicated does not preclude growth possible under existing capacity

The RLUS defines a Township is defined as follows:

TOWNSHIP	
Description	Townships are residential settlements with prominent town centres providing a number of facilities, some local employment opportunities and convenience shopping.
Population*	500 to 1500 (excluding any surrounding rural living areas)
Utility Connections	Electricity. May have reticulated water and sewerage if existing
Services	See Activity Centre Network: Town Centre

The overlays of the Interim Scheme do not establish Urban Growth Boundaries within the Glamorgan area.

The RLUS is provided as a separate attachment to this report.

STATUTORY IMPLICATIONS

Regional Land Use Strategies are given effect under section 5A of the *Land Use Planning and Approvals Act 1993* (Act), with subsections 6 and 7 establishing a process for the ongoing maintenance of the document as follows:

- (6) *The Minister must keep all regional land use strategies under regular and periodic review.*
- (7) *The Minister must, in reviewing a regional land use strategy under subsection (6), consider whether the regional land use strategy -*
 - (a) furthers the objectives set out in Schedule 1; and*
 - (b) is consistent with each State Policy; and*
 - (c) is consistent with the TPPs.*

The current request for an amendment can be entertained under subsection 6 and assessed against the requirements established at subsection 7.

To assist with this process, the Department of Justice issued Information Sheet *RLUS 1 - Reviewing and Amending the Regional Land Use Strategies* (Information Sheet). The Information Sheet goes on to outline how requests for amendments to the Strategies should be processed and assessed. The Information Sheet is provided as a separate attachment to this report. Supporting information was provided with the request, including a comprehensive report on the Orford Residential Capacity and Demand Analysis by SGS Economics and Planning (SGS Report).

Should the request be supported, then it will be necessary to complete the following:

- Council will need to notify other planning authorities in the southern region and State agencies, authorities and infrastructure providers;
- Council will need to then submit the request to the Minister for Planning, Hon. Roger Jaensch, for consideration;
- The Minister will consult with the Tasmanian Planning Commission and determine whether public consultation is required; and
- the amendment will be assessed and ultimately, determined.

While it is technically the Ministers role to conduct notification with planning authorities, State agencies and authorities and infrastructure providers, initial discussions with the State identify that Council's commonly commence this process.

BUDGET IMPLICATIONS

Budgetary implications of requests to amend the RLUS are part of the Council's obligations in its function as a planning Authority under the Act. The applicants have paid the scheduled fee for processing such requests, established under the previous budget.

No other budget implications were identified during assessment of this request.

RISK CONSIDERATIONS

There are two main risks to the Council in its role as a planning authority that are associated with this application.

Actual growth over the past decade far exceeded the allocations established under the RLUS. In addition, the last few years have added significant development pressure on land supplies for development within Tasmania that have impacted the Glamorgan Spring Bay area and more specifically, Orford.

Failure to amend the RLUS to provide for additional growth is likely to exacerbate existing market pressures and result in faster take up of existing, available land for development. Should this occur, it would be expected to create additional inflation for existing properties and potentially result in the transfer of development pressure to other coastal settlements along the east coast. This is likely to have unintended consequences for Orford, the municipal area, the east coast, and the communities within them.

DISCUSSION

The amendment seeks to change the growth strategy and growth scenario for Orford and insert a new note 1 to *Table 3 Growth Management Strategies* at page 89 of the RLUS for Orford. This is shown below the following changes to *Table 3 Growth Management Strategies* at page 89 of the RLUS:

Settlement	Proposed Regional Function	Growth Strategy	Growth Scenario
Orford ^(Note 1)	Township	High	Mixed

Note 1: refer to the Triabunna/Orford Structure Plan 2014 and Addendum

The amendment seeks to address the identified reasons for refusal of the previous amendment application.

Orford Triabunna Structure Plan

Future growth of the Orford settlement was considered in the Triabunna/Orford Structure Plan, updated in June 2014 (Structure Plan). The Structure Plan was prepared based on growth projections from the State Demographic Change Advisory Council developed in 2008, which provided for an exceptionally conservative growth scenario of population growth from 518 permanent residents in 2011 to 600 permanent residents in 2030 at table 15, representing a growth rate of 0.8% and reproduced below:

Table 15 – Triabunna and Orford dwelling projections – place of usual residence

	Triabunna	Orford	Total
Average household size	2.4	2.1	
Projected population growth 2011-2030	122	82	204
Projected new dwellings required for place of usual residence by 2030	51	39	90

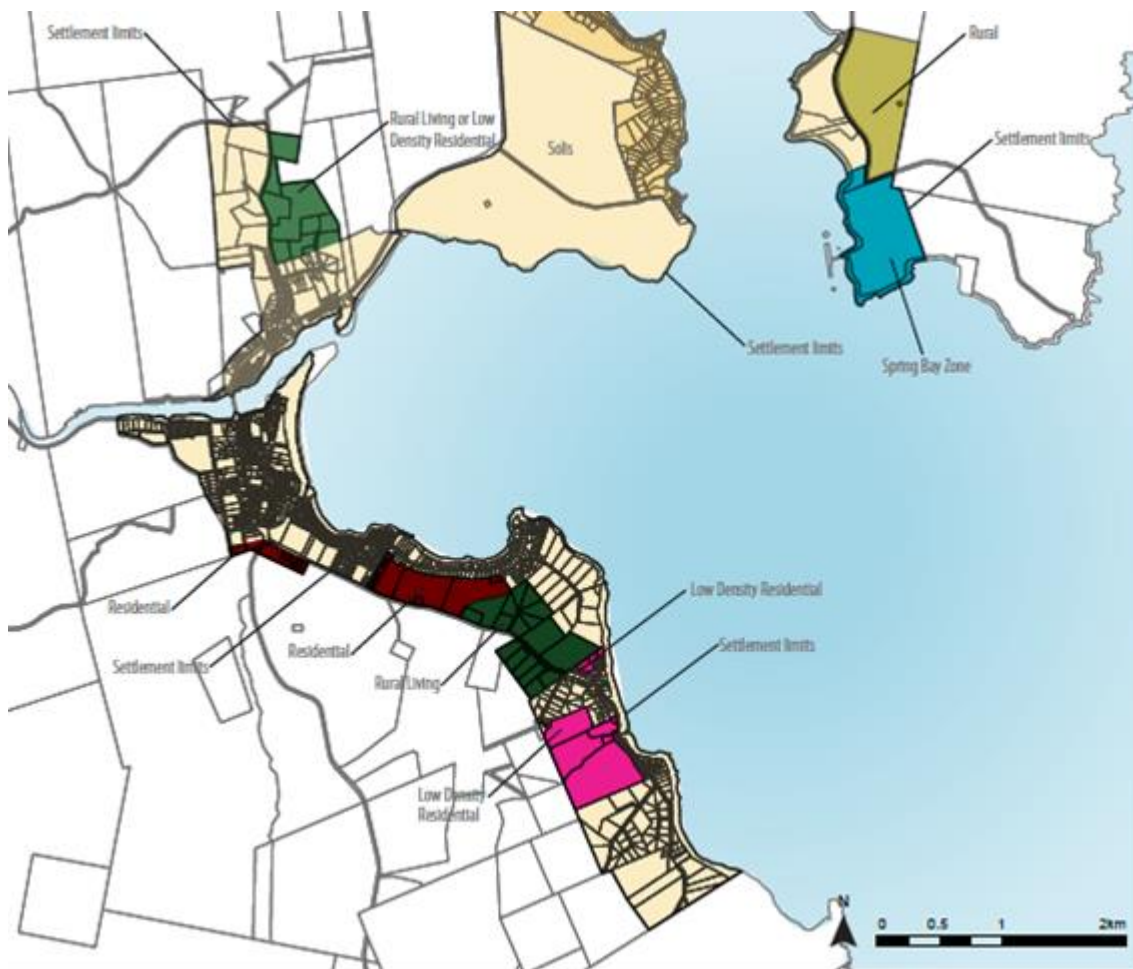
The Structure Plan identified recommendations for the future residential growth of Orford at section 9.2, which identifies that a 15-year supply is required to meet projected demands. The Structure Plan also included recommendations for the Orford settlement under a map identified as Proposed Settlement Limits and Zonal Recommendations (page 60), which worked in conjunction with recommendations at section 9.2.2 (page 63), as follow:

9.2.2 Recommended Actions

The recommended actions relating to residential land uses are as follows:

- *Rezone land to the east of Triabunna to residential (refer to Zonal Recommendations map).*
- *Rezone land to the east and north of Triabunna to rural living (refer to Zonal Recommendations map).*
- *Rezone land south of Orford to residential in the long term (refer to Zonal Recommendations map).*
- *Rezone land in the north of Orford to rural living or low density residential in the long term (refer to Zonal Recommendations map).*
- *Rezone land in the south of Orford to rural living in the long term (refer to Zonal Recommendations map).*

An extract of the relevant section of the Zonal Recommendations map follows and clearly identified that the subject and adjoining land should be rezoned for Residential development.



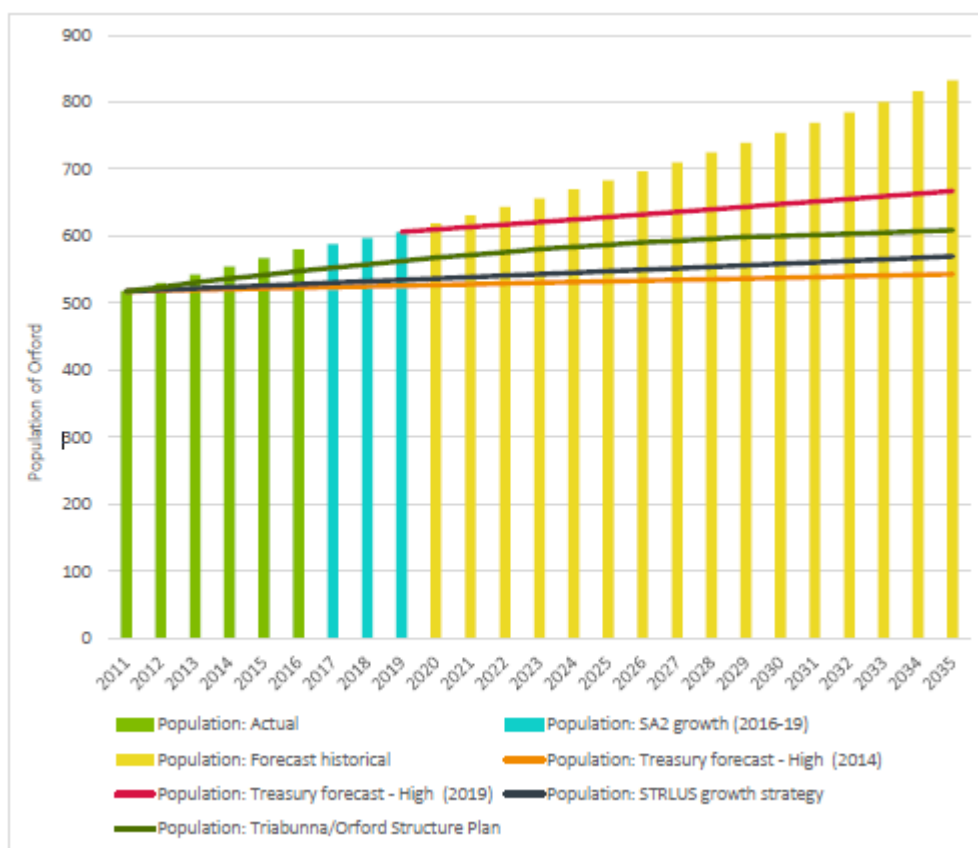
The Commission appears to have determined that dot point 3 was relevant to the subject land in their consideration of the previous amendment application. The Structure Plan is provided as a separate attachment to this report.

Revised demand and supply

The application provided the SGS Report, which is an expert assessment of take up, demand and supply statistics and identified the following:

- the low growth strategy allocated under the RLUS reflected a 0.4% growth rate for the life of the document;
- actual demand exceeded the Structure Plan projections from 2012 to 2016 based on ABS data and projections for permanent residents at 2.4% in the 10-years to 2016;
- holiday houses continue to remain a significant factor in dwelling uptake, with 2016 census data identifying that 68% of dwellings were unoccupied against the Tasmanian average of 14%;
- while the Structure Plan recognised holiday houses as a significant housing factor, the document predated the online platforms that emerged over the previous decade;
- resident and visitor populations form part of the dwelling projections for their work;
- future projections allocated a 2% growth rate over 25 years, including dwellings for both permanent and visitor populations;
- there is an expected short fall of available lots in the short to medium term if the subject land is not rezoned; and
- rezoning the subject land will meet the 15-year supply identified in the Structure Plan, with between a one-to-five-year buffer.

The dwelling supply is summarized at Figure 4 of the report, which is reproduced below:



In terms of the RLUS, the SGS report provides the following commentary at page 19:

A 10 per cent increase over 25 years (the length of the strategy) corresponds to an annual average growth rate of 0.4 per cent per annum for Orford. The number of dwellings at the start date was 716. Therefore, the regional strategy provides for a maximum of 71 new dwellings from 2010 to 2035. As explored in the Housing Demand chapter, this is well below the recent and current experience in Orford. This means that more growth will be needed to be accommodated in Orford than outlined in the STRLUS.

... Even so, residential demand in Orford is well beyond what was anticipated in STRLUS and freeing up more land within the suburb boundary prevents growth spilling over into productive agricultural land, further along the coast and in natural living areas around Orford. This enables the town to retain its character in a natural landscape while improving the towns economic sustainability by adding more residents.

The SGS Report provides the following conclusions at section 5 regarding the subject land:

The proposal is also supported by strategic planning objectives. This includes the intent to consolidate growth into existing towns (urban consolidation) and prevent the continued spread of dwelling growth along the coast and on to productive agricultural land (fragmentation of productive land). It also encourages growth of the permanent population to improve the economic sustainability and vibrancy of Orford.

We observe that residential demand since 2011 has outstripped the assumed growth as described in STRLUS. SGS Economics and Planning recommends that the STRLUS is updated to reflect higher observed growth and related projections, in Orford and other parts of southern Tasmania. Population growth, the success of the Tasmanian tourism industry and the advent of short-term rental accommodation are more prominent factors in driving demand than recognised in STRLUS.

The SGS Report is provided as a separate attachment to this report.

Consideration under the Act

Section 5A(7) of the Act requires requests be assessed against criteria.

Schedule 1 Objectives

The SGS Report does not provide a detailed assessment against the Schedule 1 Objectives of the Act. This follows.

Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.*

The amendment to the RLUS will allow for the development of the subject and other lands identified in the Structure Plan to address the growing needs for housing in a desirable location that supports holiday, visitor and permanent populations without allowing development to spread into areas with significant natural values or displacing development pressures into surrounding settlements or agricultural areas.

It promotes the sustainable development of physical housing resources on land that has been strategically identified for conversion to residential purposes and has already had natural values significantly modified through historical land use.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water.*

The amendment will allow residential subdivision and development on land that was strategically identified for development through the Structure Plan, rather than in surrounding settlements or areas that would require displacement of natural, rural or agricultural values. This is considered to represent fair, orderly and sustainable development of land.

- (c) *to encourage public involvement in resource management and planning*

Public involvement in resource management and planning was considered in the development of the Structure Plans. Implementation of the Structure Plan through the RLUS is considered to be consistent with this objective. It is also noted that the Minister may determine that notification is required in this amendment process, which would then provide an additional mechanism to further this objective.

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

The proposed RLUS amendment will allow for the subdivision and development of a residential estate and infrastructure, including facilities that may be shared with the wider community. Notwithstanding the significant capital investment in the subdivision of the land and then development housing on the resultant lots, its ongoing use will be related to the Orford community and will create employment opportunities, demand for goods and services and thus, facilitate economic development consistent with objectives (a), (b) and (c).

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State*

The proposed amendment to the RLUS will not specifically deliver this objective, but rather the outcome of this amendment will provide for its delivery as a result of the changes that are sought.

Schedule 1, Part 2 - Objectives of the planning process established by the Act

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

The amendment is consistent with the objectives of the Structure Plan and the RLUS and will be assessed at both local and State Government level. If approved, the subsequent rezoning of land will follow established processes for Local and State Government.

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

The Act provides the regulatory systems to deliver this objective. The amendment provides for the revision of the RLUS to reflect the previous decade of development within the area and contemporary projections for the 15-year planning period established under the Structure Plan. The amendment will also enable a new planning scheme amendment process for assessment by the Commission.

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

The proposed amendment will enable development of the subject site and other lands, providing economic benefits to the local and broader community and making a positive contribution to the resolution of growing social and economic inequities raised by the current housing affordability and availability crisis within Tasmania.

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

The proposed amendment is consistent and complies with local, regional, and state policies

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

This objective does not relate to the current amendment for the RLUS. If successful, it will allow the proponents of the request to consider a combined rezoning application and subdivision of the land, under the Act.

- (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation*

The proposal will allow for the rezoning of the subject lands and its subsequent development consistent with modern standards in an area with high lifestyle values and relatively easy access to the natural and recreational resources of the area and region. This will provide for the health, safety and wellbeing of residents and visitors (both tourist and holiday makers) to the area in a pleasant and safe environment close to their families. Additional working and recreation opportunities are also likely to become available within the broader Orford community.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*

The subject site has no such buildings, nor is it a place, of scientific, aesthetic, architectural or historic interest. The scenic values of the site are acknowledged and protected through appropriate overlays under the Interim Scheme and pending Tasmanian Planning Scheme/Local Provisions Schedule.

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

The amendment will allow the future rezoning and subdivision of land that can then require infrastructure for services and recreation to be provided in accordance with the requirements of the relevant agencies. These issues were considered and addressed in the

previous subdivision proposal, which suggests that any future rezoning and subdivision application can address these issues at that time.

- (i) *to provide a planning framework which fully considers land capability*

Land capability will be fully considered through the rezoning process.

Consistency with State Policies

State Policy for the Protection of Agricultural Land 2009

The subject and adjoining lands were identified as potentially constrained under the Land Potentially Suitable for Agriculture Zone project by the State. The Local Provisions Schedule had additional assessment work completed by AK Consultants, to review and ultimately supported application of the Future Urban zone to this land in the short term, on the basis that methodology and assessment completed in the AK Consulting work, combined with the drafting Guidelines for the LPS, with the *State Policy for the Protection of Agricultural Land 2009*. The SGS Report identified that the existing land supply in Orford requires rezoning of this land in the short term to meet the identified needs.

Revision of the growth strategy and scenario for Orford under the RLUS follows development activity over the previous decade and is consistent with the requirements of this Policy

State Coastal Policy 1996

This Policy establishes the following guiding principles:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

This Policy then establishes a framework for delivery of these principles that addresses the following themes through current and future planning schemes:

- Natural Resources & Ecosystems;
- Cultural & Historic Resources;
- Cultural Heritage;
- Coastal Hazards;
- Coastal Uses & Development;
- Marine Farming;
- Tourism;
- Urban & Residential Development;
- Transport;
- Public Access & Safety;
- Public Land; and
- Recreation.

Revision of the growth strategy and scenario for Orford under the RLUS follows development activity over the previous decade. This amendment is consistent with the requirements of this Policy and will not impact delivery of these themes through current and future planning schemes.

The amendment is therefore consistent with the requirements and outcomes of this policy.

State Policy on Water Quality Management 1997

This policy provides a framework for the sustainable management of Tasmania's surface and ground water resources and their qualities consistent with the Schedule 1 Objectives of the Act and planning system. This is delivered through a series of measures and overlays established under the Interim Scheme and LPS.

Revision of the growth strategy and scenario for Orford under the RLUS will not impact the mechanisms established within the Interim Scheme/TPS or overlays applied under the LPS to achieve these outcomes.

This amendment to the RLUS is consistent with the requirements of this Policy and will not impact delivery of these themes through current and future planning schemes.

National Environmental Protection Measures (NEPM's)

- National Environment Protection (Air Toxics) Measure
- National Environment Protection (Ambient Air Quality) Measure
- National Environment Protection (Assessment of Site Contamination) Measure
- National Environment Protection (Diesel Vehicle Emissions) Measure
- National Environment Protection (Movement of Controlled Waste between States and Territories) Measure
- National Environment Protection (National Pollutant Inventory) Measure
- National Environment Protection (Used Packaging Materials) Measure

While many of the requirements of the NEPM's are outside the jurisdiction of the Act, some measures are addressed through standards, overlays, and buffers through the Interim Scheme, LPS and TPS.

Revision of the growth strategy and scenario for Orford under the RLUS will not impact the mechanisms established within the Interim Scheme or overlays applied under the LPS to achieve these outcomes.

This amendment to the RLUS is consistent with the requirements of this Policy and will not impact delivery of these themes through current and future planning schemes.

Tasmanian Planning Policies

Tasmanian Planning Policies have not been established and are not relevant to this assessment.

Consistency with RLUS

The growth projections for Orford contained within the RLUS were a product of their time and have not been maintained by the Government since declaration. The requested amendment seeks to change the growth strategy and growth scenario established for Orford.

The SGS Report provides a detailed examination of the growth strategy and scenario under the RLUS, the development over the previous decade, changes in the market composition and alignment of the revised growth projections with the RLUS. That assessment is supported.

Conclusions

The RLUS allowed for growth within Orford of 10% over the 25-year life of the document, or an annual rate of 0.4%. The Structure Plan established a 15-year planning horizon for land supply, identified an annual growth rate of 0.8% for Orford and that the land subject to this request should be converted to residential purposes in the long term.

The SGS Report identified that growth over the decade since the RLUS was declared has far exceeded the projections that were provided in the document and was effectively taken up within 4 years of its declaration. The SGS Report establishes that the projections for the 15-year horizon established under the Structure Plan are expected to continue at a higher rate of 2% and that there is a shortfall in the land available for development and subdivision to accommodate that growth.

The SGS Report also examined compliance with the RLUS, Structure Plan and objectives established under the Act and was found to comply.

Based on these assessments, the requested amendment to the RLUS can be supported.

A recommendation was provided to support the requested amendment, as follows:

- a) addresses the specific amendments to the RLUS;
- b) provides 28 days to notify and seek advice from other planning authorities within the southern region, with suitable time to allow for any decisions of the respective authorities;

- c) provides 28 days to notify and seek responses from State Agencies, based on the notification requirements for the LPS; and
- d) provides delegation to the General Manager and Director Planning and Development (or person acting in that position), to act upon the decisions of the Planning Authority under components a to c of the decision.

RECOMMENDATION

That the Planning Authority:

- a) submit a request to the Minister for Planning to amend the *Southern Tasmania Regional Land Use Strategy (2010-2035)* under 5A of the *Land Use Planning and Approvals Act 1993* by making the following changes to *Table 3 Growth Management Strategies* at page 89 for Orford:
 - i. Growth Strategy be changed from LOW to HIGH;
 - ii. Growth Scenario be changed from CONSOLIDATION to MIXED; and
 - iii. Add a new footnote to Orford: Note 1: refer to the *Triabunna/Orford Structure Plan 2014* and 2021 addendum.
- b) notify the other Planning Authorities in the Southern Region of the amendment and seek their advice on whether they support the proposed amendment within 28 days; and
- c) notify relevant statutory agencies (as advised for the Local Provisions Schedule) of the amendment and seek their advice on whether they support the proposed amendment within 28 days; and
- d) provide delegation under section 6(3) of the *Land Use Planning and Approvals Act 1993* to the General Manager and Director Planning and Development (or person acting in that position), to submit the amendment to the Tasmanian Planning Commission and any further information that is required to satisfy section 5A of the *Land Use Planning and Approvals Act 1993*.

4.3 Request to amend Triabunna Orford Structure Plan 2014

Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Senior Planning Consultant (Mr Mick Purves)

ATTACHMENTS

1. Addendum to Triabunna/Orford Structure Plan 2014
2. Draft amendments to the Southern Tasmania Regional Land Use Strategy 2010-2035
3. Neil Shephard & Associates covering letter
4. [Southern Tasmania Regional Land Use Strategy 2010-2035](#)
5. [Triabunna/ Orford Structure Plan](#)

PURPOSE

The purpose of this report is for the Planning Authority to consider a request to amend the *Triabunna Orford Structure Plan 2014 Final Report* (Structure Plan) to reflect higher than expected activity and demand for development within the Orford area.

The request was lodged by Neil Shephard and Associates, acting on behalf of the owners of Certificate of Title FR149641/2, Rheban Road, Orford (Site). The amendment to the Structure Plan seeks to insert a new Attachment 1 as an addendum to the Structure Plan, which includes a discrete document and supporting report by SGS Economics and Planning *Orford Residential Capacity and Demand Analysis, final*, January 2021.

The amendments to the Structure Plan required to reflect the request include the following:

Inner cover – include new endorsement:

Amendment 1, August 2021 – updates to page 63 to reflect *Orford Residential Capacity and Demand Analysis, final*, January 2021, SGS Economics and Planning.

Page iii – include Attachment 1 Statement and *Orford Residential Capacity and Demand Analysis, final*, January 2021, SGS Economics and Planning

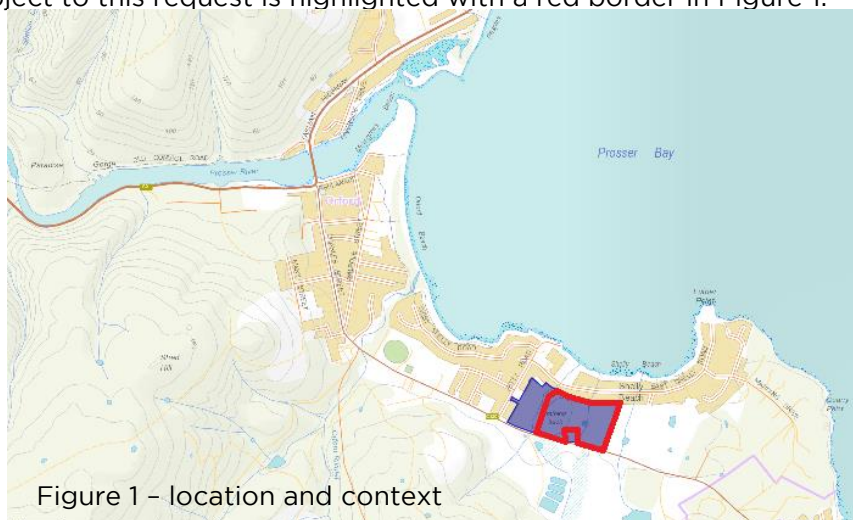
Page 63 – revise recommended action 9.2.2 point 3 to support rezoning land south of Orford to Residential in the short term rather than long term.

Attachment 1 – include additional reference:

SGS Economics and Planning 2021, *Orford Residential Capacity and Demand Analysis, final*, January 2021.

The requested amendments are provided as Attachment 1 to this report, while Attachment 2 provides a copy of the requested amendments to the Southern Tasmanian Regional Land Use Strategy (refer to separate agenda item). Attachment 3 to this report provides a copy of the request to amend the Structure Plan and Regional Land Use Strategy.

The land subject to this request is highlighted with a red border in Figure 1.



BACKGROUND / OVERVIEW

The land subject to this request was part of a 2017 application for rezoning three titles from Rural to General Residential and subdivision that was refused by the Tasmanian Planning Commission. Reasons cited for the refusal by the Commission included the following:

- a lack of demonstrated demand for the rezoning and proposed lots;
- the proposal was not consistent with the low growth scenario established for Orford within the Southern Tasmanian Regional Land Use Strategy;
- the proposal was not considered to represent infill development, as required by the consolidation growth scenario established for Orford within the Southern Tasmanian Regional Land Use Strategy;
- concerns that the proposal would result in an oversupply of land zoned for residential purposes; and
- as a consequence of these findings, the proposal was not consistent with the objectives of the Act and planning System for the orderly release of land.

The lands subject to that decision are identified by blue shading in Figure 1.

The lands are zoned Rural Resource under the *Glamorgan Spring Bay Interim Planning Scheme 2015* (Interim Scheme) and proposed for the Future Urban zone under the *Glamorgan Spring Bay Local Provisions Schedule* (LPS) in the Tasmanian Planning Scheme (TPS).

Three Regional Land Use Strategies operate across Tasmania and establish a broad strategic land use planning policy framework within each region that guide future development of each region over a 25-year horizon. The Strategies were originally declared by the Minister for Planning in 2011, with the most recent Southern RLUS approved in February 2020. The Strategies have not been subject to a major or minor review since their declaration. Revisions have been completed to the RLUS to deal with local and specific issues identified by Councils within the region. *Table 3 Growth Management Strategies* of the RLUS classifies Orford as a Township, with a *Low Growth Strategy and Consolidation Growth Scenario* at page 89.

A separate report was provided for the Planning Authority to consider the request to amend the RLUS to amend *Table 3 Growth Management Strategies* of the RLUS, which classifies Orford as a Township, with a *Low Growth Strategy and Consolidation Growth Scenario* at page 89. The amendments sought changes to a High growth strategy and Mixed growth scenario.

The RLUS was provided as a separate attachment to this report.

Orford Triabunna Structure Plan

Future growth of the Orford settlement was considered in the Triabunna/Orford Structure Plan, updated in June 2014 (Structure Plan). The Structure Plan was prepared by Urbis in 2011 and revised in 2014.

The Structure Plan established growth projections based on the State Demographic Change Advisory Council work developed in 2008, which provided for an exceptionally conservative growth scenario of population growth from 518 permanent residents in 2011 to 600 permanent residents in 2030 at table 15, representing a growth rate of 0.8% and reproduced below:

Table 15 – Triabunna and Orford dwelling projections – place of usual residence

	Triabunna	Orford	Total
Average household size	2.4	2.1	
Projected population growth 2011-2030	122	82	204
Projected new dwellings required for place of usual residence by 2030	51	39	90

The Structure Plan identified recommendations for the future residential growth of Orford at section 9.2, which identifies that a 15-year supply to meet projected demands. The Structure Plan also included recommendations for the Orford settlement under a map

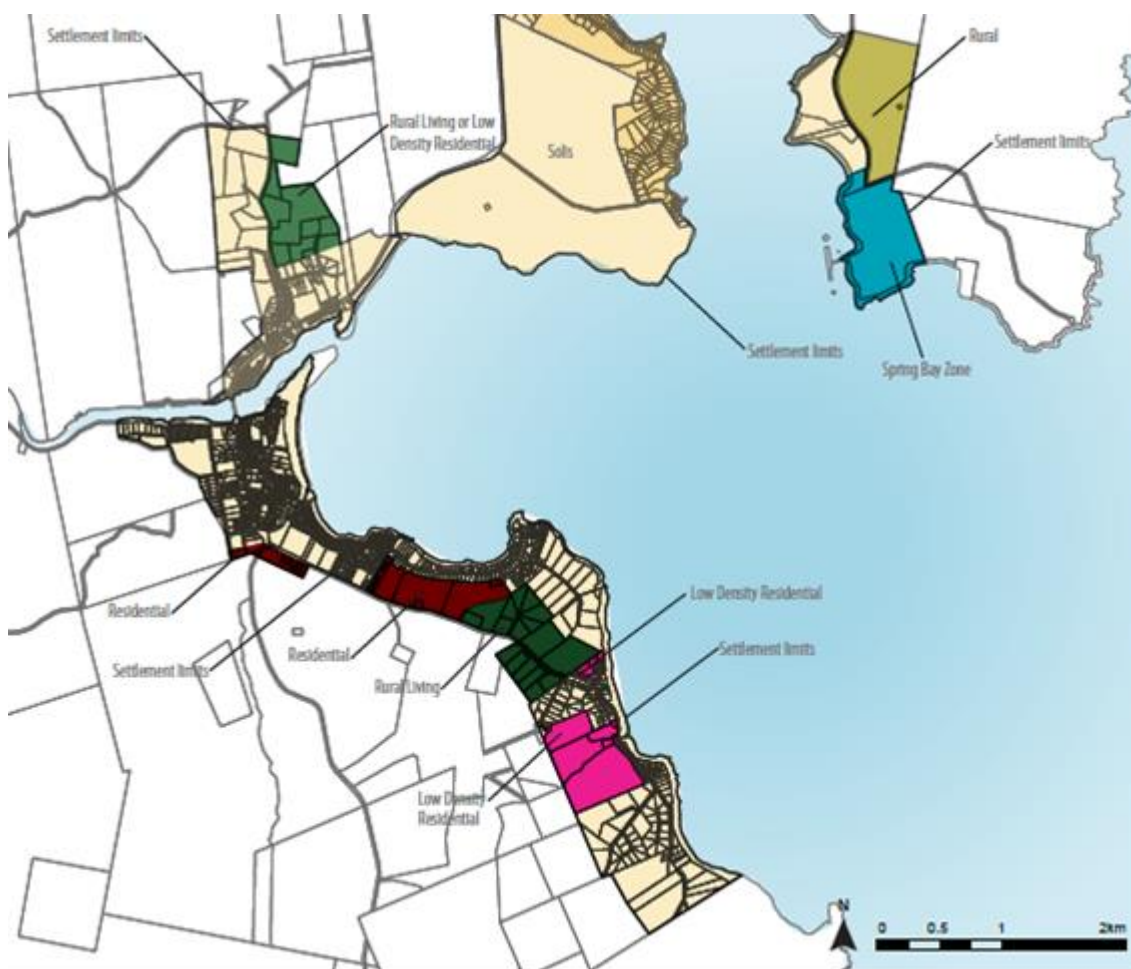
identified as *Proposed Settlement Limits and Zonal Recommendations* (page 60), which worked in conjunction with recommendations at section 9.2.2 (page 63), as follow:

9.2.2 Recommended Actions

The recommended actions relating to residential land uses are as follows:

- Rezone land to the east of Triabunna to residential (refer to Zonal Recommendations map).
- Rezone land to the east and north of Triabunna to rural living (refer to Zonal Recommendations map).
- Rezone land south of Orford to residential in the long term (refer to Zonal Recommendations map).
- Rezone land in the north of Orford to rural living or low density residential in the long term (refer to Zonal Recommendations map).
- Rezone land in the south of Orford to rural living in the long term (refer to Zonal Recommendations map).

An extract of the relevant section of the Zonal Recommendations map follows and clearly identifies that the subject and adjoining lands are within the settlement limits and should be rezoned Residential.



The Structure Plan was provided as a separate attachment to this report.

STATUTORY IMPLICATIONS

Structure plans are not currently subject to a statutory process that governs their preparation, amendment, or consultation. A separate report was provided that contained detailed assessment of the requested amendment to the RLUS against section 5A of the Act.

BUDGET IMPLICATIONS

Budgetary implications of requests to amend the Structure Plan are consequence of the Council's obligations in its function as a Planning Authority under the Act.

No other budget implications were identified during assessment of this request.

RISK CONSIDERATIONS

There are two main risks to the Council in its role as a Planning Authority associated with this request.

Actual growth over the past decade far exceeded the allocations established under the Structure Plan, as detailed in the SGS Report. In addition, the last few years have added significant development pressure on land supplies for development within Tasmania that have impacted the Glamorgan Spring Bay area and Orford.

Failure to amend the Structure Plan to provide for additional growth is likely to exacerbate existing market pressures and result in faster take up existing, available land for development. Should this occur, it is likely to create additional inflation for existing properties and potentially result in the transfer of development pressure to other coastal settlements and rural areas along the east coast. This is likely to have unintended consequences for Orford, the municipal area, the east coast, and the communities within them.

DISCUSSION

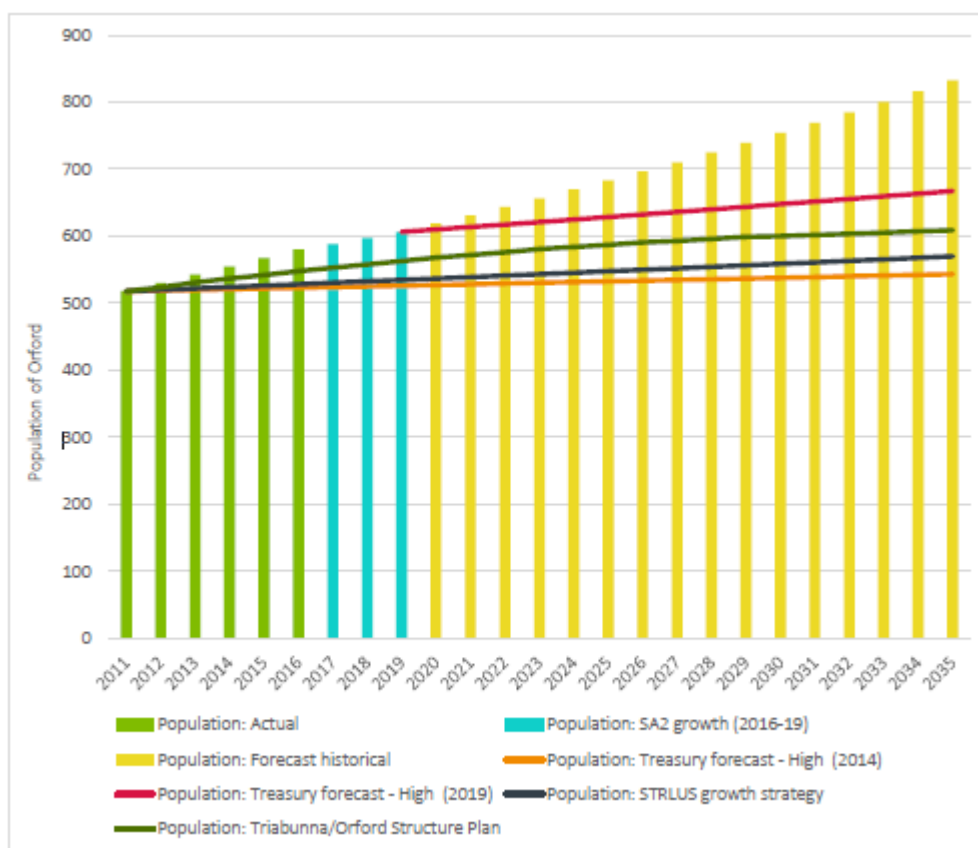
The Structure Plan amendment seeks specific changes to change the reflect the actual demand and uptake of residential property within Orford over the previous 10 years.

Revised demand and supply

The request was supported by the SGS Report, which is an expert assessment of take up, demand and supply statistics and identified the following:

- the low growth strategy allocated under the RLUS reflected a 0.4% growth rate for the life of the document;
- actual demand exceeded the Structure Plan projections from 2012 to 2016 based on ABS data and projections for permanent residents at 2.4% in the 10-years to 2016;
- holiday houses continue to remain a significant factor in dwelling uptake, with 2016 census data identifying that 68% of dwellings were unoccupied against the Tasmanian average of 14%;
- while the Structure Plan recognised holiday houses as a significant housing component of uptake, the document predated the online platforms that emerged over the previous decade;
- resident and visitor populations form part of the dwelling projections for their work;
- future projections allocated a 2% growth rate over 25 years, including dwellings for both permanent, holiday and visitor populations;
- there is an expected short fall of available lots in the short to medium term if the subject land is not rezoned; and
- rezoning the subject land will meet the 15-year supply identified in the Structure Plan, with a buffer of one-to-five-years.

The dwelling supply is summarised at Figure 4 of the report, which is reproduced below:



In terms of the RLUS, the SGS report provides the following commentary at page 19:

A 10 per cent increase over 25 years (the length of the strategy) corresponds to an annual average growth rate of 0.4 per cent per annum for Orford. The number of dwellings at the start date was 716. Therefore, the regional strategy provides for a maximum of 71 new dwellings from 2010 to 2035. As explored in the Housing Demand chapter, this is well below the recent and current experience in Orford. This means that more growth will be needed to be accommodated in Orford than outlined in the STRLUS.

... Even so, residential demand in Orford is well beyond what was anticipated in STRLUS and freeing up more land within the suburb boundary prevents growth spilling over into productive agricultural land, further along the coast and in natural living areas around Orford. This enables the town to retain its character in a natural landscape while improving the towns economic sustainability by adding more residents.

The SGS Report provides the following conclusions at section 5 regarding the subject land:

The proposal is also supported by strategic planning objectives. This includes the intent to consolidate growth into existing towns (urban consolidation) and prevent the continued spread of dwelling growth along the coast and on to productive agricultural land (fragmentation of productive land). It also encourages growth of the permanent population to improve the economic sustainability and vibrancy of Orford.

We observe that residential demand since 2011 has outstripped the assumed growth as described in STRLUS. SGS Economics and Planning recommends that the STRLUS is updated to reflect higher observed growth and related projections, in Orford and other parts of southern Tasmania. Population growth, the success of the Tasmanian tourism industry and the advent of short-term rental accommodation are more prominent factors in driving demand than recognised in STRLUS.

The SGS Report is provided as a separate attachment to this report.

Consistency with RLUS

The growth projections for Orford contained within the RLUS were a product of their time and have not been maintained by the Government since declaration. A separate report was provided for the Planning Authority to seek to change the growth strategy and growth scenario established under the RLUS for Orford.

The SGS Report provides a detailed examination of the growth strategy and scenario under the RLUS, the development over the previous decade, changes in the market composition and alignment of the revised growth projections with the RLUS. That assessment is supported.

Consultation

The Structure Plan was completed following a structured consultation program by the consultants. Council may wish to undertake consultation on the amendments to the Structure Plan.

The exhibition of the LPS resulted in five representations against the use of the Future Urban zone at Rheban Road. The LPS was on exhibition for 60 days, which completed in February 2020. The report on the assessment of those representations identified a range of concerns for the rezoning, summarized as follows.

The Residential zone was refused by the Commission – as noted previously in this report, the decision on the previous amendment was largely based on lack of demonstrated demand and compliance with the Structure Plan and RLUS. The SGS Report provides a clear demonstration that demand has far exceeded the allocations under both documents. A separate report was provided for Council to consider a request of the growth strategy and scenario for Orford under the RLUS. A process is in train to deal with the reasons for refusal of the previous amendment by the Commission.

Traffic and servicing issues with the lands – the requested change to the RLUS and Structure will not affect the ability for a future rezoning to deal with these matters, as identified in the response to the LPS representations.

Changes to the Rural character of the lands – the Structure Plan identified that the subject lands should change to residential use in the long term and that a 15-year supply should be maintained within the area. Given demand and uptake for land in Orford over the previous 10 years and the timeframe since adoption and revision of the Structure Plan, the current request is consistent with both the original recommendations for the future of the land and timeframe established for conversion of the area for residential purposes.

It is suggested that the exhibition of the LPS provides a reasonable basis to inform the decision on the current request.

As a result, it is suggested that additional consultation is not required for requested amendment of the Structure Plan.

Conclusions

The RLUS allowed for growth within Orford of 10% over the 25-year life of the document, or an annual rate of 0.4%.

The Structure Plan established a 15-year planning horizon for land supply, identified an annual growth rate of 0.8% for Orford and that the land subject to this request should be converted to residential purposes in the long term. Both the nature and timing of the requested amendments to the RLUS are consistent with the Structure Plan.

The SGS Report identified that growth over the decade since the RLUS was declared has far exceeded the allocated projections and was effectively taken up within 4 years of its declaration. The SGS Report establishes that the projections for the 15-year horizon established under the Structure Plan are expected to continue at a higher rate of 2% and that there is a shortfall in the land available for development and subdivision to accommodate that growth.

Based on these assessments, the request to amend the Structure Plan can be supported. A recommendation was provided for this.

RECOMMENDATION

That the Planning Authority make the following amendments to the Triabunna Orford Structure Plan 2014:

- a) include a new endorsement to the Inner Cover
Amendment 1, August 2021 – insert Attachment 1 and associated document *Orford Residential Capacity and Demand Analysis, final*, January 2021, SGS Economics and Planning
- b) Page iii – include Attachment 1 Statement and *Orford Residential Capacity and Demand Analysis, final*, January 2021, SGS Economics and Planning;
- c) Page 63 – revise recommended action 9.2.2 point 3 to support rezoning land south of Orford to Residential in the short term rather than long term; and
- d) Page 74 – include additional reference: SGS Economics and Planning 2021, Orford Residential Capacity and Demand Analysis, final, January 2021
- e) insert a new Attachment 1, being the 14 July 2021 Statement - *Addendum to Triabunna/Orford Structure Plan 2014* and the associated document *Orford Residential Capacity and Demand Analysis, final*, January 2021, SGS Economics and Planning

Addendum to Triabunna/Orford Structure Plan 2014 14 July 2021

PREFACE

This Addendum includes and is informed by the SGS ECONOMICS, *Orford Residential Capacity and Demand Analysis*, January 2021 (the **SGS Analysis**).

To the extent of any discrepancy between this Addendum and the *Triabunna/Orford Structure Plan 2014* (the **Structure Plan**), this Addendum will prevail.

REVISED GROWTH STRATEGY FOR ORFORD

Dwelling demand forecasts for Orford in the Structure Plan are at best 7 years old, and at worst 10 years old.

The SGS Analysis has determined that dwelling demand has been higher than forecast in the Structure Plan, and that there is possibly an insufficient supply of land in Orford to meet the 15 year supply established under the Structure Plan and growth strategy and scenario established for Orford under the *Southern Tasmania Regional Land Use Strategy 2010-2035* (**STRLUS**) for residential dwellings (depending on the capacity scenario). Additional residential land within the Orford suburb boundary would need to be released to meet the Structure Plan's objective of a 15-year supply at a conservative growth rate of 2% per annum.

The Structure Plan identifies land in the Solis Estate development as providing future residential land supply. The Solis Estate concept is an integrated lifestyle and tourism development centred around a future 18-hole golf course, commercial activity centre and other recreational facilities. It is delivered through a Specific Area Plan over the Rural Resource zoning of the affected land. It is not an urban residential development in the traditional sense. The Solis Estate has not been effectively implemented to any significant degree since its inception in 2003, and is constrained by lack of major service infrastructure for water and sewer. There are no proposals to remedy the service constraints within the known future.

If regarded as part of the available residential land bank, Solis skews the apparent supply of residential land in the area covered by the Structure Plan, suggesting that a far greater supply of undeveloped residential land is available than in reality. However, Solis cannot be relied upon to provide the necessary capacity for growth either now or in the foreseeable future.

Under the 2014 projections in the Structure Plan there is insufficient land available to meet the projected demand within the suburb boundary, according to the low-capacity scenario. Without further rezoning/land release there is enough supply to last 11 to 15 years; with the rezoning of the land between Rheban Road and East Shelly Road (the **Rheban Road land**), this rises to 16-20 years.

Demand for housing in Orford is strong and is driven by both residential demand and tourism/holiday demand. Between the 2006 and 2016 censuses, the number of dwellings increased by 2.4 % per annum. If this trend were to continue from 2020, available supply would fall short even earlier.

To 2035 it is estimated that there will be demand for another 298 dwellings in the Orford area from 2020, at a conservative 2 % growth rate per annum. This level of demand is higher than foreshadowed in both the STRLUS and the Structure Plan.

Additional land will need to be made available to meet the projected demand for serviced, residential land within the Orford area over the next 15 years.

Inclusion of the Solis land as available to satisfy the projected demands creates an unrealistic impression of land availability, as previously discussed. Other land needs to be identified that is well located and available for development within 15 years.

Suitable areas exist that have existing capacity in North Orford and at the Rheban Road land. Further development of the North Orford land (centred around Holkham Court) is constrained by stormwater drainage and inundation issues. Council is progressing a project to address these matters, but delivery is likely to be complicated due to fragmented ownership and requirements to upgrade existing infrastructure.

The Rheban Road land has existing service capacity, is located adjacent existing urban residential land and represents a suitable strategic option to address the projected short term demands for residential development.

COMPARISON WITH STRLUS GROWTH STRATEGIES

STRLUS indicates a 'Low Growth Strategy' for Orford from 2010 to 2035 (25 years). This is defined to mean <10% over the entire period.

Alternative Growth Strategies are Medium Growth (10-20%) and High Growth (20-30%). Assuming 1 dwelling per lot, starting from a generally accepted base of 716 dwellings in 2010, the alternative growth scenarios are:

Low Growth (<10%) = 71 new dwellings = 787 dwellings in 2035

Medium Growth (10-20%) = max. 142 dwellings = 858 dwellings in 2035

High Growth (20-30%) = max. 214 dwellings = 930 dwellings in 2035

It is clear that the conservative 2% growth rate per annum projected by the SGS Analysis from 2020 onwards, resulting in another 298 dwellings can only be met by a 'High Growth Strategy'.

4.4 Report on Representations to Substantial Modifications of the Draft Glamorgan Spring Bay Council Local Provisions Schedule

Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Senior Planning Consultant (Mr Mick Purves)

ATTACHMENTS

1. Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule, August 2021
2. Substantially Modified Part of the Glamorgan Spring Bay Draft Local Provisions Schedule Direction under section 35B(4) – Public Exhibition
3. Substantially modified part of the Glamorgan Spring Bay draft Local Provisions Schedule
4. Representation 1
5. Representation 2

PURPOSE

The purpose of this report is to consider issues raised in representations that were submitted to the exhibition the substantial modifications of the Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (Commission) pursuant to section 35F and 35G of the *Land Use Planning and Approvals Act 1993* (Act).

BACKGROUND / OVERVIEW

Council endorsed the draft LPS, which was exhibited and received 58 representations. Those representations were considered by the Council and then the Commission, who held public hearings in December 2020.

As a result of those decisions and discussions, the Commission determined that the proposals to remove the Coles Bay/Swanwick Specific Area Plan and insert a new Particular Purpose Zone for The Fisheries were substantial modifications then directed the Council to complete exhibition of those changes. A copy of the directions issued by the Commission and the substantially modified provisions for the LPS were provided as separate attachments to this report.

The substantial modifications to the LPS were notified in accordance with the Act from Wednesday 19 May to Wednesday 19 July 2021.

During this period, two representations were received. Copies of the representations were provided as a separate attachment to this report.

STATUTORY IMPLICATIONS

The substantial modifications were submitted to the Commission following directions issued by the Commission under Section 35K of the Act.

The Commission then directed Council to exhibit the substantial modifications to draft LPS under section 35B(4), which required the following:

- it is on exhibition for a period of 60 days (19 May to Wednesday 19 July 2021);
- a notice was placed in the local papers on 19 and 22 May 2021;
- the draft LPS and substantial modifications were available from Council and Commission websites; and
- Copies of the draft LPS and substantial modifications were available for viewing at the Council office in Triabunna.

As with the original exhibition of the LPS, Section 35F of the Act requires the planning authority to prepare a report on the representations containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
 - whether the draft LPS should be modified; and
 - if recommended to be modified, the effect on the draft LPS as a whole;

- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft LPS.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made.

The Commission will then seek the agreement of the Minister for Planning for the final form of the Glamorgan Spring Bay LPS before it is approved and commences operation.

It is possible the LPS and Tasmanian Planning Scheme may be operational prior to 2022.

The existing delegations provided to staff for this process following the previous exhibition process remain in force and will assist with the current process.

BUDGET IMPLICATIONS

Budget implications of the current process form part of Council's operational costs and statutory obligations as a planning authority.

RISK CONSIDERATIONS

Identified risks are considered to be addressed by the Planning Authority observing the statutory process.

A recommendation is provided to deal with the assessment of the representations, serve notice on the Commission for changes to the SPP's and provide delegations for operational functions of the decision and subsequent process for the hearings.

DISCUSSION

The two representations that were lodged against the substantial modifications to the LPS raised a range of matters, some of which were supported. The report that assessed these representations in detail was provided as Attachment 1 to this report.

The key issue in representation 1 from Freycinet Action Network relates to the reduction in the Impact Assessment Area that the Commission directed the Council to exhibit. Consistent with the Council's previous decisions on this issue, the recommendation for this concern is that the original area be reinstated and if this is not possible, then key viewing locations with public access be provided within the Impact Assessment Area. Other issues that were supported in this representation included revisions to the Acceptable Solution for colours and finishes, and night lighting.

Representation 2 raised matters that relate to the operation of Codes under the TPS and did not raise any specific issues that related to the substantial modifications. Pursuant to the restrictions provided under the Act, these issues could not be considered under this process.

A recommendation was provided to support the assessment of the representation provided as Attachment 1 to this report.

RECOMMENDATION

That the Planning Authority endorse Attachment 1 '*Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule, August 2021*' as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015, the Chairperson hereby declares that the Council is no longer now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 4 of the Agenda.

RECOMMENDATION

That Council no longer acts as a Planning Authority at (Time:)

5. FINANCIAL REPORTS

5.1 Financial Reports for the period ending 31 July 2021

Author: Accountant (Mr Yasir Qayyum)

Responsible Officer: General Manager (Mr Greg Ingham)

ATTACHMENT/S

1. Profit & Loss for the period ending 31 July 2021
2. Balance Sheet as at 31 July 2021
3. Statement of Cash Flows for the period ending 31 July 2021
4. Capital Works as at 31 July 2021

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 July 2021 as attached to this report are presented for the information of Council.

As discussed at the Council workshop held on 7 May 2020 Council's management information reports including departmental financial reports, will in future not be submitted to Council via the Council Meeting Agenda. These information reports will be included in a Councillor Briefing Document which will be circulated bi-monthly initially for the first six months effective this month, then quarterly thereafter and will be publicly available on the website.

Council's major financial reports will continue to be reported in the monthly Council agenda.

STATUTORY IMPLICATIONS

Various legislation.

BUDGET IMPLICATIONS

There are no budget implications recognised in the receipt and noting of these reports by Council.

RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
There are no material risks from adopting this recommendation.				
Do not adopt the recommendation				
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending the 31 July 2021. Council needs to endorse.

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended 31 July 2021.

6. SECTION 24 COMMITTEES

Nil.

7. INFORMATION REPORTS

7.1 Director Works and Infrastructure - Mr Peter Porch

Asset Management; Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; Cemeteries

ASSET MANAGEMENT

Asset Management practice is the strategic driver for the activities of the department and is partnered by works that operate to maintain essential services to the community.

Asset management activities required for the implementation and development of the set of asset management plans include asset locations in Geospatial mapping (GIS). The collection of council stormwater assets in GIS continues with unmapped assets being identified and mapped regularly.

End of year asset take up activities continued with adjustments made to financial records for completed projects in council's asset data base through Brighton Council resources.

CONSULTANT SERVICES

Consultant services are required to deliver specialized services to council for a range of generally short term requirements. Current consultant activities comprise:

- Aus-span engaged to provide tender specification for the repairs to bridges damaged in the March 2021 flood event. Vince Butler engaged to develop specifications for repairs to road infrastructure damaged in the same event. Funding for the repairs to the identified damage has been approved by State Government. Activity continuing.
- Stormwater Management Plan: Cameron Oakley continues to work through a multitude of inundation issues with the outcome to be a schedule of future works encompassing a number of years of forward works. Each of these projects will come before council for consideration in future capital works programs. Projects will be assessed on the basis of risk to form a priority for scheduling the program that will be presented to council.
A component of this work is the South Orford Stormwater System Study. This is to assess the stormwater system capacity and function from Shed Hill through Mary St to Walters Drive and Strawberry Hill Court. This will ensure the design proposed for a levy along the Orford Rivulet does not have any negative consequences. AD Design and Consulting are carrying out these works. Ongoing.
The Stormwater Management Plan is being developed for presentation to council in coming months.
- Grant fund project delivery: Graeme Edwards is retained to deliver a range of projects funded by commonwealth Grants. A number of sub-consultants are involved in these works also. Ongoing.
- Pitt and Sherry are developing tender design and specification for Vicary Street and The Esplanade intersection in Triabunna. Ongoing.

OPERATIONAL WORKS

- Work Requests: 25 recorded for the month. 60% from internal inspections.
- 8 unsealed road inspections completed.

ROADS, BRIDGES, FOOTPATHS, KERBS

- Greenhill Road- patching of worst sections of unsealed road- completed
- Nugent Road, Buckland- repair of unsealed complete
- Scheduled maintenance grading of unsealed roads in the Buckland area - complete
- Parsons Lane, Coles Bay- road maintenance- complete

- Woodsden Road bridge- re-concrete approaches to timber bridge- completed. Decking in poor condition - Quote received in the order of - \$34,000 to renew timber deck, runners, kerbs and guideposts. No current budget. Works deferred.
- Brockley Road bridges (X3) - design being developed to form concrete approaches to bridges to mitigate flood damage and reduce frequent reconstruction expenses.
- Nugent Road Bridge - 8 running boards require replacement. Road is currently carrying large volume of heavy traffic (log trucks) Programming replacement.

STORMWATER, DRAINAGE

- Sally Peak Road culverts cleaning- completed
- Sand River Road culverts cleaning and roadside drainage works- completed
- Bicheno foreshore walking tracks repaired in multiple locations after recent rain event.
- Swanwick foreshore reserve- clearing of open drains- completed
- Swanwick Rd- clearing of drain from basin to Swanwick Rd - completed
- Parsons Lane, Coles Bay- road side drainage maintenance - completed
- Open drain cleaning in Bicheno park near Sea Life centre - completed
- Ryan's Road, Spring Beach- clear open drains- completed
- Harvey Farm Rd, Bicheno- culvert drain cleaning as requested by residents- completed
- Nailer Avenue, Bicheno. Open drain cleaning- completed

WASTE MANAGEMENT

- In the process of installing posts and security cameras at Orford and Coles Bay WTS following unauthorised dumping - Orford camera to be installed early August
- All WTS stations operating on Winter opening hours.
- Looking at ROSCO bin placements that council pay for to identify savings- removed ROSCO bin from Deep Water Jetty, Triabunna
- Investigating recycling of waste paint at WTS's through PaintBack.
- New WTS entrance and site signage at all sites updated to reflect green waste and tyre fee changes- completed
- Removal of all scrap metal from Swansea, Bicheno and Coles Bay WTS's by Recycal - completed
- Sourcing open skip bin to store tyres in at Orford WTS to keep them uncontaminated for recycling- underway
- Replacing cardboard recycle bin at Orford WTS with lidded bin as wet cardboard can't be recycled - underway
- Mulcher booked for trial fermentation of green waste at Orford WTS- underway

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERY

- 13 weekly inspections for the month completed
- Painting underway on play/gym equipment at Duck Park, Swansea to protect from corrosion and extend service life. This was a recommendation from last annual inspections- **ongoing.**
- Roadside weed spraying of unsealed roads re-introduced to achieve higher quality maintenance grades, along with pre grading culvert cleaning- **ongoing.**
- Painting underway on play/gym equipment at Duck Park, Swansea to protect from corrosion and extend service life. - ongoing.
- Annual playground inspection to occur mid-August to complete safety/compliance inspections of all the municipalities playgrounds.
- National tree day activities delivered in partnership with community groups – 3 sites, Triabunna, Swansea and Bicheno
- Flat weed (cape weed etc) spray program across the Municipal Area 95% complete with exception of ovals
- 12 Drought Affected Farms - activities conducted under the Tasmanian Weed Action Fund

- Communities combating Pest and Weeds grant works continuing through to December.
- Private works conducted through Weed Action Fund

EMERGENCY MANAGEMENT:

After hours rostering carried out as scheduled.

SES Activity

- Since July 1st one assist police with an abandoned house at Dolphin sands.
- A drive vehicles course conducted for members
- Assisted land care and council with tree planting days at Bicheno and Dolphin sands.
- Unit has received new cordless Milwaukee lighting.
- The unit is tracking well with 16 members.
- Traffic management to be provided at the upcoming Great Eastern Wine weekend at Springvale vineyard for the Wolf Bros concert.

CAPITAL WORKS

- Planning for Spring Bay boat club storm water main continued.
- Seal inspections continued for formation of reseal program for 2021-22
- Freycinet Drive Kerb and Channel – complete
- Jetty Rd Bicheno beach access track works – 90%
- Triabunna Medical Centre asphalt car park – 90 %
- Bicheno Medical Centre car park asphalt – 90%
- Re-Sheet 1klm of Nugent road - completed
- Sally Peak Road Re-Sheet 1klm - completed
- Sand River Rd Re-Sheet 1klm - completed

Grant funded

- Swansea Main St Paving: Concept nearing Community engagement phase.
- Bicheno Tasman Highway Footpath: Contract awarded
- Coles Bay Foreshore Footpath: Concept design developing to inform consultation.
- Bicheno Gulch Foreshore and Esplanade Upgrade: Awaiting approvals prior to final design.
- Bicheno Triangle Upgrade: Design and consultation ongoing.
- Swansea boat ramp parking extension – complete.

PLANT AND VEHICLES

- Planned trade and sale of vehicles continued.
- Development of council small plant and equipment inventory progressed 80%

GENERAL

- Officers are investigating options for an application associated with the Black Summer Bushfire Recovery Grant program. Glamorgan Spring Bay is named within the grant arrangements as a council area impacted and therefore eligible to submit applications. Officers met with fund administrators for a briefing and site visit to better understand the funding priorities.
- Reviewing options for an additional car charging station location through the Electric Vehicle Charging Grants – Fast Charging, under the Tasmanian Climate Change Office. Grant applications close 10th September.

RESERVE BOOKINGS AND ROAD CLOSURES

Road closures for the events noted will be carried out under section 19.1,(a) of the Local Government Highways Act 1982 requiring consultation with the Commissioner of Police.

- Seafarers Memorial Sunday 17th October – road closure required
- Swansea Christmas Parade by SES – Road closure required
- Freycinet Challenge 2nd and 3rd October - Road closure required
- Orienteering Bicheno Oval 27/28 September
- Bicheno Beams sound and light show Lions Park August/September each night ten minutes sound by earphones via Bluetooth or app

RECOMMENDATION

That Council notes the information.

8. OFFICERS' REPORT REQUIRING A DECISION

8.1 Bicheno Skate Park

Author: Director Works & Infrastructure (Mr Peter Porch)

Responsible Officer: Director Works & Infrastructure (Mr Peter Porch)

ATTACHMENT/S

1. Bicheno Skate Park assessment

PURPOSE

To provide information on a long-standing community driven project proposed for Bicheno to enable council to consider a resolution of support for the project.

BACKGROUND / OVERVIEW

The Bicheno Community Development Association (BCDA) has been active for some 18 years in promoting the development of a skatepark in Bicheno to provide a recreational facility for residents and the many visitors to the area each year. The committee has raised in the order of \$50,000 towards the facility and is preparing a grant application to the Tasmanian Community Fund (closing in September). For the application the committee requires a letter of support from council for the project. A previous application to the fund by the group was refused because the application did not have the approval of council.

While skate parks have been around for several year's we can see from the inclusion of skating at the Olympic Games that the activity has wide appeal and acceptance as a recreational sport.

At a recent Community Connect meeting in Bicheno council received a delegation of students from the local school with placards seeking to advance the project. There was strong community support expressed by many at the meeting for the project. Council indicated a level of support for the project with reservation about the proposed location.

It is recognized that there are positive and negative aspects to any proposed site with respect to its development because of the activity it generates and the impacts it might produce on existing activity and or use. Since the meeting, an alternative site on the Esplanade next to the school has been identified which has many positive aspects.

A report has been sought to review the pros and cons of both sites and is provided as an attachment to this report to further inform a decision on the preferred location.

Previous public consultation has been carried out by the BCDA with supporters identified for and against the BCDA preferred site. If council, on review of the independent report provided, prefers the Esplanade site, public consultation on the preferred location for the Bicheno community is recommended to determine the resident population view on the options.

To site the facility next to the school has some advantages associated with alternative activity linkage however it is not preferred by the school administration who have been contacted regarding the impact of the site on their operations. They have advised their concerns that this site is not visible enough. Their infrastructure includes a new basketball court surface which shouldn't have small wheels like scooters and skateboards on it. After hours school access is an issue with no supervision to ensure the surface is not misused.

The locating of the site next to the highway will increase the existing need for toilet facilities in the area. There is presently frequent evidence left in the bushes along the walking track of a need both at this location and at Redbill Beach for public amenities for human waste.

STRATEGIC PLAN

4. Infrastructure and Services

Key Foundation:

Delivering high quality, cost-effective infrastructure and services that meet the needs of our communities, residents and visitors.

What we plan to do to achieve the results:

Maintain public amenities and recreational facilities

Apply for relevant grants applications and aim to achieve at least 50% success rate.

STATUTORY IMPLICATIONS

- Local Government Act 1993

20. Functions and powers of councils

- (1) The council of a municipal area has the following functions:
 - (a) to formulate, implement and monitor policies, plans and programmes for the provision of appropriate services and facilities to meet the present and future needs of the community;
 - (b) to facilitate and encourage the proper planning and development of the municipal area in the best interests of the community;
 - (c) to manage, improve and develop efficiently and effectively the resources available to the municipal area;
 - (f) to represent and promote the interests of the community;
- (2) In performing its functions, the council may do any one or more of the following either within or outside its municipal area:
 - (a) develop, implement and monitor programmes to ensure adequate levels of its accountability to the community;
 - (c) develop, implement and monitor procedures for effective consultation between the council and the community;
 - (d) inform the community of its activities and provide reasonable opportunities for involvement in those activities

BUDGET IMPLICATIONS

The project is likely to have to be staged as funds provide for various elements in the overall plan. All stages combined are likely to cost in the order of \$750,000, funded predominantly by grants through community initiative.

Additional costs to the annual budget on completion of the asset development are in the order described in the table below:

Item	Cost type	Budget impact
Depreciation	40 year life nominal	18750
Service Level	Public amenity servicing	22000
Service Level	Building maintenance annual	2000
	Total annual addition to budget	\$42,750

The costs above have included establishment of public amenities at the Highway site. Included in issues raised to council for management of this area through to Redbill Beach are already a need for public facilities in the area. Walking track users, council staff and residents report human waste deposited along the sides of the track indicating a lack of amenities for the present level of use.

The establishment of a skatepark at the site provides an impetus to the existing need rather than creating a need where none exists at present.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Low	Low	Low	
Approve the BCDA				
Do not adopt the recommendation	Moderate	Moderate	Moderate	Carry out consultation and survey on the preferred location
Delay the grant application further Community expectations frustrated				

OFFICER'S ADVICE

The project does not require a development application for either site, given the land designation and the recreation purpose proposed.

The Department of State Growth will have to be consulted with respect to the Tasman Highway site entry requirements however, given there is already access to informal parking it is unlikely an upgrade to the entry will be opposed.

Either site has positive and negative attributes and various voices will prefer one over the other. A satisfactory design could be developed for either site for users however the Highway site would more easily facilitate a bowl style design popular with users. The BCDA has determined through processes over a number of years that their preference is the Tasman Highway Site. This project would tidy up what is presently an informal parking area with little amenity to recommend it at present.

RECOMMENDATION

That Council:

1. Provide the BCDA with a letter of In Principle support for the establishment of a skatepark in Bicheno.
2. Endorse the Tasman Highway site as the preferred location for the skatepark; or
3. Proceed to public consultation and survey on the community's preferred site for the skatepark. Seek a further report at the conclusion of that consultation providing council with the outcome of a survey and associated comments from the community to inform the decision on the preferred location.



8.2 Unsealed Roads Policy

Author: Director Works & Infrastructure (Mr Peter Porch)

Responsible Officer: Director Works & Infrastructure (Mr Peter Porch)

ATTACHMENT/S

1. Draft – Unsealed Roads Policy

PURPOSE

To provide a draft of a new policy, as identified in the Asset Management Plan for Road Infrastructure, for adoption by council.

BACKGROUND / OVERVIEW

Council has recently adopted a suite of strategic documents, including the Asset Management Plan for Road Infrastructure, which provide direction on managing its critical assets.

The asset management plan contains an improvement plan at section 8.2 which contains a number of proposed actions which will contribute to improved asset management practice over time. One of those actions is:

- To develop an Unmaintained Roads Policy for Council review.

In developing a policy relating to unmaintained roads, consideration of the gaps in governance associated with the roads asset portfolio more broadly led to the development of this policy which encompasses the requisite governance for unmaintained roads.

This DRAFT policy was discussed at a Council Workshop on 10 August 2021.

STRATEGIC PLAN

1. Our Governance and Finance

Key Foundations:

- Sound Governance and financial management that shows council is using ratepayer funds to deliver best value and impact for the GSBC community.
- Planned asset renewal expenditure based on agreed asset management plans.

STATUTORY IMPLICATIONS

- Local Government Highways Act (1982)
- Roads & Jetties Act (1935)
- Local Government Act (1993)

BUDGET IMPLICATIONS

The policy provides positive guidance on ways to work within budget to assist council in operating within the limitations of the adopted Long Term Financial Plan.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation Policy becomes current.				Positive consequence achieved. Guidance to direct a considered and consistent approach is provided.
Do not adopt the recommendation Policy review date overdue – non-adoption likely due to concerns over content	Low	low	Low	Review wording and re-present policy to council at future meeting.

OFFICER'S ADVICE

The draft policy has been developed after reviewing similar types of policy developed by other councils. Each council has its own suite of governance documents and locally unique circumstances requiring a particular focus of their policy. This municipality is no different and so this policy is developed to cover a range of issues pertinent to and complimentary to governance documents and needs here.

The policy and the subservient suite of procedures, maps and schedules provides critical linkage to other complimentary external publications and guidance. These include the Tasmanian Municipal Standards developed by the Institute of Public Works Engineers Australia, Tasmanian Branch, and the State and Local Government road hierarchies developed by the Department of State Growth and Local Government Association of Tasmania respectively.

Collectively, and with reference to the applicable publications, the policy document suite provides a comprehensive response to the missing governance within Council's road infrastructure systems.

The policy and its attachments are developed in accord with the Local Government Highways Act 1982 in which Council has the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map in accordance with the Local Government Highways Act 1982, S21.

RECOMMENDATION

That Council adopt the draft Unsealed Roads Policy.

8.3 Southern Recycling Tender and Joint Authority

Author: Director Works & Infrastructure (Mr Peter Porch)

Responsible Officer: Director Works & Infrastructure (Mr Peter Porch)

ATTACHMENTS

Nil

PURPOSE

The purpose of this report is to seek approval to proceed, as a Local Government Municipality participant, with a tender to secure a new contract for the processing of Recyclable Materials within Southern Tasmania.

The report also seeks approval for the establishment of a new Joint Authority (with other Southern Tasmanian councils) to manage the new recycling contract (and other waste related issues) on behalf of the region.

BACKGROUND/OVERVIEW

Council has received advice that the Local Government Association of Tasmania (LGAT) has engaged with southern Tasmanian councils to develop solutions to waste recycling options.

- 1.1. Council's former contractor for the processing of co-mingled recycled materials (SKM Industries, Pty Ltd) (SKM) was placed into administration in late 2019.
- 1.2. Cleanaway Pty Ltd took over the operation of the Derwent Park Materials Recycling Facility in December 2019 with a 'Receipt of Recyclable Agreement' entered into between the Council and Cleanaway on 6 November 2020 to cover the period December 2019 to December 2021.
 - 1.2.1 This agreement is an interim measure to ensure recycling continues to be able to be processed in southern Tasmania.
- 1.3. The 12 Southern Tasmanian councils are working together to enable the procurement of a new contract for the processing of co-mingled recyclable materials to take effect late 2021.

This partnership is being coordinated (on an interim basis) through the Waste Management Memorandum of Understanding, with support from the Local Government Association of Tasmania (LGAT).

- 1.4. It has been identified that there is a need for the establishment of a Joint Authority to be formed by the councils in the southern region of Tasmania to manage the new recycling contract and progress other waste related issues for the region.

STRATEGIC PLAN

4. Infrastructure and Services

Key Foundation/s

Delivering high quality, cost-effective infrastructure and services that meet the needs of our communities, residents and visitors.

STATUTORY IMPLICATIONS

- *Local Government Act 1993 under Section 333A - Division 2A Tenders and Contracts for goods and services.*
- *Local Government Regulations 2015 (S.R 2015, No.37) 28. Code for Tenders and Contracts*
- *Policy - Code for Tenders and Contracts*
- *Competition and Consumer Act 2010 (Cmwltth)*

BUDGET IMPLICATIONS

- 1.5. Funding Source and Impact on Current Year Operating Result
 - 1.5.1 The processing of co-mingled recycled materials currently costs Council \$139 per tonne.
 - 1.5.2 Costs associated with processing recycling are recovered through a waste management service charge on the Council's rates notices.
 - 1.5.3 The costs associated with the establishment of new tender documentation have been estimated at \$70,000 with the Council's share of that cost being \$1400.
 - 1.5.4 The costs associated with the establishment of a new Joint Authority will be the subject of a subsequent report.
- 1.6. Impact on Future Years' Financial Result
 - 1.6.1 The operational costs of a new joint authority could be in the order of \$200,000 per annum with those costs shared.

It is anticipated that these costs could be covered by the State Government through the allocation of a portion of the new waste levy.

RISK CONSIDERATIONS

- 1.7. As with all tendering processes there are some risks associated with this matter.
 - 1.7.1 There is always a risk there will be limited interest from service providers meaning the cost could be expensive or the contract provisions unattractive.
 - 1.7.2 Initial conversations with service providers however suggest that this will not be the case and there will be interest from service providers who may be prepared to provide a service at a cost similar to the existing arrangement.
 - 1.7.3 The Council working with 11 other local government partners introduces a level of risk, however there has been significant goodwill expressed between the councils in southern Tasmania.

That level of cooperation and goodwill suggests that this risk is also low.
 - 1.7.4 With the 12 councils working together there is a need for ACCC requirements to be satisfied.

There is a risk this approval will not be secured.

Again, this risk is considered low as a similar approval has been secured previously and there is nothing to suggest that the approval will not be again provided.
 - 1.7.5 As indicated earlier in this report Joint Authorities have been established previously in the southern region.

These Authorities have not been as successful as they could have been.

There is a risk any newly establish Joint Authority might not be as effective as it should be.

The establishment of the Joint Authority however with the appropriate governance arrangements (including the establishment of an expert Board) and appropriate membership will minimise this risk.
 - 1.7.6 On balance it is considered each of the risks identified can be appropriately mitigated to a level within the Council's risk appetite.

1.7.7 The *Local Government Act 1993* provides the ability for the establishment of a single or a Joint Authority:

30. *Single and joint authorities*

- (1) *A council, by a resolution of an absolute majority, may resolve to establish –*
 (a) *a single authority; or*
 (b) *a joint authority with one or more other councils.*
 (2) *A single authority or joint authority may be established –*
 (a) *to carry out any scheme, work or undertaking; and*
 (b) *to provide facilities or services; and*
 (c) *to perform any function or exercise any power of a council under this or any other Act.*

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Moderate	Unlikely	Low	ACCC authorization for the tender and joint authority model
Financial and legal Risks associated with tender and contract management and market competition				
Do not adopt the recommendation	Likely	Likely	High	Adopting the recommendation is the risk mitigation strategy
Fail to support the joint council initiative and be left to find alternative solutions independently.				

OFFICER'S COMMENTS

1.8 There have been numerous changes associated with the processing of recyclables over recent years, these include:

1.8.1 Impacts of a decision by China to restrict the import of material

1.8.2 Decisions by the Australian Government to restrict the export of recyclables

1.8.3 The Council's (then) contractor for the processing of recyclables, SKM Industries Pty Ltd (SKM) being placed into administration.

1.8.4 The subsequent acquisition of SKMs assets by Cleanaway Pty Ltd.

1.8.5 Agreement (in December 2019) that Cleanaway Pty Ltd would accept the Councils recyclables for 2 years.

This arrangement allowed the Council (and region) time to prepare to procure a new contract for the processing of recyclables whilst service continuity was maintained.

1.9 The 12 southern councils collectively signed a Memorandum of Understanding (MOU) to enter into an arrangement to work co-operatively on waste management and resource recovery issues and projects for the southern Tasmanian region.

1.9.1 Under this MOU, the Southern Tasmanian Waste Management Group (STWMG) (facilitated by the LGAT) committed to a range of activities including supporting councils in securing efficient, sustainable and suitably

scaled end-of-collection facilities for processing materials including co-mingled recycling

- 1.10 The LGAT was also successful in obtaining assistance from the State Government (Department of State Growth and EPA) to help fund a Southern Tasmanian Strategic Recycling Analysis.
- 1.11 With the completion of the analysis, the region has direction to enable the development of tender specifications.
- 1.12 The analysis identified the following:
 - 1.12.1 A preferred contract duration of 10-15 years
 - 1.12.2 Recycling service administration and management via a dedicated third party
 - 1.12.3 Benefits of expanded reporting and disclosure settings
 - 1.12.4 Capacity to influence products and end buyers
 - 1.12.5 Gate fees to incorporate price transparency and shared ownership
- 1.13 20,300 tonnes of recycling is currently collected and delivered for processing by the 12 councils in the southern region.
 - 1.13.1 This equates to a total cost of just over \$2.81m per year, based on the current gate fee of \$139 per tonne.
 - 1.13.2 The volume of recycling in the south exceeds the combined total of both the North (11,000 tpa) and the North West (6,700 tpa) regions, with each of those regions running a single contract administration through its Regional Waste Authority.
- 1.14 It is noted that the collection of recycling is outside the scope of this proposal, with collection arrangements of each council area to remain separately determined/administered by each council, to their own satisfaction and requirements.

Details of the findings follow:

- 1.15 Contract duration of 10-15 years
 - 1.15.1 The study recommends the councils acquire a recycling service operating for between 10-15 years' duration.

This proposal enables a timeframe that allows operators to invest in modern, high performance plant and equipment needed to produce high quality sorted materials.
 - 1.15.2 High quality products would help diminish market risk arising from strong competing demand for reprocessing capacity on the mainland while positioning the councils to offer material to more local re-processors over coming years.
 - 1.15.3 Equally important, a longer timeframe could also attract new entrants who would need to invest in a complete facility.
 - 1.15.4 While a longer contract represents some risk that the service may grow out of step with market and policy conditions over time, this is itself a more systemic issue caused by a reliance on capital intensive services as a means to deliver resource recovery during a time of market change.
 - 1.15.5 Other recommendations below seek to alleviate this potential disparity, while the State Government may have a role in trialling less capital intensive recycling models with a subset of councils, in parallel to the mainstream use of sorting infrastructure.

- 1.16 Recycling service administration and oversight via a dedicated third party
- 1.16.1 The report determined that the preferred model to administer the recycling service would involve a single entity overseeing the recycling operator's activities on behalf of the 12 councils, joined through a single contract.
 - 1.16.2 This is anticipated to lower the overall administrative burden across the 12 councils, and help to ensure that those communities whose councils have modest internal resources allocated to waste management are able to access a high standard of recycling services.
 - 1.16.3 It is important that a minimum level of expertise and attention be retained from the council sector to oversee the performance of this third party administrator, both to ensure it acquits its duties in line with expectations, and to ensure governance arrangements place councils' priority outcomes at the front and centre of all activities.
 - 1.16.4 The analysis found that in ideal circumstances, this single entity model would undertake the procurement process although timing constraints prevent the southern councils from adopting this option in this instance.
 - 1.16.5 As such, the councils will need to continue to work together to initiate the procurement process in parallel to establishing the third party arrangement (which will include ACCC authorisations and internal sign-offs across the 12 councils).
- 1.17 Expanded reporting and disclosure settings
- 1.17.1 The study recognised a number of councils raised the issues of transparency and the need for a suitably encompassing interpretation of accountability with respect to recycling services.
 - 1.17.2 Councils (and their communities) need to understand destinations involved with recovery of resources downstream of the sorting facility.
 - 1.17.3 Given the situation it was proposed the recycling service involve the following reporting obligations placed on the operator:
 - 1.17.3.1 Volumes received by the operator, reported on a fixed periodic (i.e. monthly) basis,
 - 1.17.3.2 Volumes discarded, processed and consigned, reported on a fixed periodic (i.e. monthly), and covering:
 - a. Tonnages disposed of to landfill
 - b. Tonnages consigned to recovery activities, represented according to material types and their end purchasers (company, location and processing activities/outputs), and including volumes of rejected shipments and shipments handed over at 'no charge' to buyers
 - c. Tonnages stockpiled on site at the end of each reporting period (or sites elsewhere, managed by the operator) awaiting shipment to recovery and disposal facilities as relevant, represented according to material types and intended end markets (subject to sales and acceptance of material)
 - 1.17.3.3 Sales reports and disposal costs pertaining to the materials listed above, represented as average unit pricing (i.e. per tonne) over the period and total payments and charges from sale of material and discard to landfill respectively
 - 1.17.3.4 Major contaminants identified in kerbside materials received by the operator from kerbside collections (as observed during normal operations) over the period, where 'major' may refer to larger volume contaminants and/or those that entail greater commercial risk to the operator

1.17.3.5 Market information and intelligence as relevant, where this information may help the operator and the councils better plan for and address commercial and/or reputational risks and unnecessary cost impacts upon the recycling service, shared on a periodic (e.g. quarterly or six-monthly) basis or as needed to manage undue costs and risks

1.17.3.6 Details of incidents that may have impacts on the operator's social and regulatory licences to operate, including incidents that may give rise to or have given rise to:

- a. Complaints raised by the community
- b. Investigations, official warnings/notices and enforcement actions associated with environmental regulation, occupational health and safety responsibilities, and other potential breaches of law occurring on premises
- c. Planned and unplanned changes to operations where this may have an impact on nearby communities and the environment, and/or deleterious impacts on the quality of materials recovered on councils' behalf and/or stockpiling levels
- d. Other developments and incidents that may impair the social licence of recycling operations conducted by the operator on the councils' behalf.

1.18 Capacity to influence products and end buyers

1.18.1 The study found that expectations on councils have changed, with their exposures to risk and opportunity not as static as in the past.

Further, incidents over recent years reveal that councils cannot be completely insulated from market and policy changes that affect downstream operations.

Rather, there is some need to respond and adapt while staying within the confines of a service agreement with the recycling operator.

1.18.2 Councils need some capacity to influence the pathway that their sorted recyclable materials take once they leave the sorting facility.

1.18.3 Noting the study proposed that the following terms be applied in the relationship between the councils and the recycling operator:

1.18.3.1 The requirement for the recycling service provider to scan for and engage with councils on alternative products sorted from kerbside materials and alternative end markets.

1.18.3.2 Based on 1 above, the capacity for councils to require that the operator undertake commercial investigations (e.g. potentially including market sounding; feasibility studies and business cases within a confined scale) seeking to explore the merit in adjusting products and end markets, noting that this may potentially involve gate fee impacts and/or the need to introduce upgrades to the service

1.18.3.3 Based on 2 above, the capacity for councils and the operator to agree to a schedule of service amendments to bring online new products and/or sales to new end-markets.

1.18.4 It is anticipated that the above terms strike a suitable balance between councils' and commercial operator needs, accounting for the stakes they share in how the recycled material is managed after leaving the recycling facility.

1.19 Gate fees to incorporate price transparency and shared ownership

1.19.1 The current arrangement to set gate fees involves a fixed rate (per tonne received from the kerbside), with the provision for the operator to seek adjustments to the gate fee in response to market conditions.

- 1.19.2 While this provides some price certainty for councils, it may not be wholly adequate given the volatility in demand and pricing for materials sorted by the recycling operator, and given the shared responsibility that the councils and the operator have for ensuring the quality of recovered material.
- 1.19.3 The study identified a more efficient and risk reduced approach to gate fees could involve two components:
 - 1.19.3.1 A fixed (static) cost component applied to cover the relatively stable cost for the recycler to operate recycling services
 - 1.19.3.2 A variable (dynamic or floating) component that covers the sharing of sales revenue between operator and councils for the sorted material sold onto buyers in various end-markets.
- 1.20 These findings will inform the development of the specifications used as a basis of the new tender.
- 1.21 The STWMG has developed a project plan listing all elements of this complex process **(copy attached)**.
The plan identifies timelines for each of the projects to be undertaken and a potential budget associated with those tasks.
- 1.22 One key task is the establishment of a Tender Review Committee (TRC).
This five member Committee would be comprised of representatives of the 12 councils and be supported by a Senior Procurement Officer from the City of Hobart and an external Probity Auditor.
- 1.23 The TRC would provide oversight of the following:
 - 1.23.1 Tender specification development
 - 1.23.2 Tender Process and Documentation
 - 1.23.3 Evaluation of tenders received
 - 1.23.4 Development of recommendations in relation to the determination of the tenders received
 - 1.23.5 Oversight the development of the contract documentation.

Joint Authority

- 1.24 A key finding of the investigations undertaken by the STWMG is the need for the establishment of a single body to manage the recycling contract on behalf of the 12 southern Tasmanian councils.
- 1.25 Whilst there have been bodies established previously to manage regional waste in Southern Tasmania, the current circumstances present a unique opportunity for the creation of a new body.

Those circumstances include:

- 1.21.1 The introduction of a new statewide waste levy that could provide funding to resource the body.
The State Government has committed to the provision of funding to regional bodies in the North and North West of the State, to ensure equity, funding should also be available to southern councils.
- 1.21.2 The experiences of the recycling service demonstrate the need for the region to 'work as one'.

- 1.21.3 There are numerous other waste related changes facing the region (and Tasmania) in coming months, the region must be well positioned to take advantage of these changes.
- 1.21.4 A range of joint (or regional) procurement opportunities could be available for organics, green waste, collection services, education and community awareness programs.
- 1.22 The MoU as an interim measure, has allowed the 12 councils to more formally work together while a long term structure was being considered and developed, being this the proposed Joint Authority.
- 1.23 The Joint Authority will
 - 1.23.1 provide a direct link to the State Government for discussion and collaboration and funding opportunities) in the waste sector,
 - 1.23.2 coordinate responses to proposed actions arising from the State's Draft Waste Action Plan (including proposed legislation), providing one source of negotiation on behalf of the 12 councils.
 - 1.23.3 provide a formal structure and administrative body to assist and/or take the place of regional projects and tenders across the region, whereby previously this has been left to a single Council to initiate, coordinate, request involvement of others, and administer (various examples of this being the recycling contract, FOGO processing, compostable bags, recycling units, education programs and collateral, state-wide communications program (Rethink etc).
 - 1.23.4 Improve the ability to secure/access funding, particularly through the levy, but also grant programs.
- 1.24 Objectives and Terms of Reference for such a body should also include specific reference to the management of the recycling contract on behalf of the southern councils, to ensure compliance and to ensure contract provisions are utilised to deliver on priority outcomes for the councils.
 - 1.24.1 With an annual value in excess of \$2.8M, a 10-year contract will have a value of \$28M and is a significant financial undertaking.
 - 1.24.2 More specific reference to the management of the elements of the recycling contract can be included if considered necessary.

Australian Competition and Consumer Commission

- 1.25 The Australian Competition and Consumer Commission (ACCC) granted an authorisation in June 2014 for the Hobart, Glenorchy and Clarence City Councils to jointly tender and subsequently enter into individual contracts comprising common terms for recycling.
- 1.26 The ACCC determined that the proposed arrangements were likely to result in a public benefit that would outweigh the detriment to the public constituted by any lessening of competition arising from the contract.
- 1.27 In preparation for the current tender process, legal advice was sought by the City of Hobart that indicated:
 - (a) Councils may be viewed as competitors where they are seeking to acquire the same goods or services; and
 - (b) By undertaking joint tendering, councils are aggregating their buying power, which may be seen to have a potential anti-competitive effect on the market.
- 1.28 Given the advice received, it is recommended the councils lodge an application for authorisation of the Proposal with the ACCC.

The ACCC has recently granted authorisations for a number of similar proposals.

If granted by the ACCC, authorisation will provide the participating councils with complete immunity from potential contraventions of the *Competition and Consumer Act 2010 (Cmwltth)*

2. Proposal and Implementation

2.1 This is a complex matter with the following key elements:

- 2.1.1 Proceeding with the procurement of a new contract for the processing of co-mingled recyclable materials
- 2.1.2 Agreeing to work with other councils in Southern Tasmania to secure the new service.
- 2.1.3 Seeking ACCC approval to proceed with a joint tender
- 2.1.4 Agreeing to establish a new Joint Authority with other councils in Southern Tasmania to progress waste related issues.

2.2 This report provides a detailed analysis of issues surrounding the above and proposes the General Manager be delegated authority to undertake all actions necessary to enable:

- 2.2.1 Tender specification to be developed and advertised
- 2.2.2 ACCC approval to be pursued
- 2.2.3 Arrangements for the establishment of a new Joint Authority with other Southern Tasmanian councils to be progressed.

OFFICER'S RECOMMENDATION

That:

1. The update on the Council's arrangements for the acceptance and processing of its co-mingled recyclable materials be received and noted.
2. Authority be provided to the General Manager to proceed with the procurement of a new contract for the processing of co-mingled recyclable materials.
 - (i) In doing so, the General Manager be authorised to work with other councils in Southern Tasmania to develop specifications, call tenders and award the tender in accordance with the assessment of the submissions received by the Tender Review Committee.
 - (ii) The General Manager be authorised to work with other councils in Southern Tasmania to secure ACCC approval to proceed with a joint tender.
3. In accordance with Section 30 of the Local Government Act 1993, the Council resolve to establish a Joint Authority with other Southern Tasmanian councils to progress waste related issues.
 - (i) The General Manager be authorised to work with other councils in Southern Tasmania to progress the establishment of a new Joint Authority including the development of rules and governance arrangements for the new Joint Authority.
4. A further report be provided to the Council detailing the outcome of the tender process and seeking formal approval of the membership of the Joint Authority, within the next 6-months.

8.4 Gifts and Donations Policy

Author: Director Corporate & Community (Mrs Elysse Blain)

Responsible Officer: Director Corporate & Community (Mrs Elysse Blain)

ATTACHMENT/S

1. Draft – Gifts and Donations Policy

PURPOSE

To provide a draft of a new policy supporting the requirement by Local Government Act 1993 (the Act) in maintaining a transparent record of all gifts and donations, for adoption by Council.

BACKGROUND / OVERVIEW

Council is going through the process of reviewing and adopting relevant and necessary policies to ensure compliance with necessary legislation and establishment of good governance.

This policy is to address the requirement by the Act part 5, requiring elected members to provide notification of gifts and donations received, and a register of such declarations to be maintained by General Manager that is reviewed monthly.

In developing a policy to support requirements of the Act, it was considered appropriate to increase the scope of who the policy applies to including Mayor, Councillors, Council staff (including staff engaged through an employment agency), Council Committee members, volunteers and contractors, referred to as *council officials* with the intent to ensure that appropriate disclosure requirements are understood and are made by all council representatives.

This approach aligns with integrity commission expectations where public sector employees do and will have personal interests, therefore it is important to manage appropriately to ensure such interests or influences don't affect the ability to make necessary decisions in delivering the best possible outcomes for the community.

The policy and its attachments are developed to align with the Local Government Association Tasmania guidance document.

STRATEGIC PLAN

Key Foundation: 3 Our People

Define a clear set of organizational values and behaviours.

STATUTORY IMPLICATIONS

- Local Government Act (1993)

BUDGET IMPLICATIONS

Nil.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation Compliance to disclosure instances allow for management intervention if required.	Low	Low	Low	Utilize process of transparency to encourage a fair and reasonable outcomes
Do not adopt the recommendation Recipients of gifts / donations are not disclosed and cannot be managed.	Low	Low	Low	Deal with instances when they arise, most likely when perception of inequity is revealed.

OFFICER'S ADVICE

The draft policy has been developed in recognition of the need to comply with requirements of the Act and align with generally expected practices for management of gifts and donations by employees.

RECOMMENDATION

That Council adopt the draft Gifts and Donations Policy.

9. NOTICES OF MOTION

Nil.

10. PETITIONS

Nil.

11. QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Questions without notice by Councillors taken on notice – 27 July 2021

Clr Michael Symons

Through the Chair, Clr Michael Symons directed the following questions to the General Manager:

These questions are in regard to the narrative and advice that has been given to Councillors in workshops and repeated to community by the administration and Mayor Young on several occasions with regards to moving from an AAR rating to AAV rating.

The advice given was that Council was not abiding with the Act and each year required a certificate from the Director of Local Government to allow rates to be raised after conducting yearly public consultation. Mayor Young stated the decision was based upon advice that it would not be legal if Council raised rates through the previous AAR rating method.

In an effort to help me understand that position my questions are:

- Q1. *What professional advice did Council receive on the matter?*
- Q2. *Who provided that advice?*
- Q3. *What form did that advice take?*
- Q4. *How was that advice conveyed to Councillors?*

Response from General Manager, Greg Ingham

The below response encompasses all four questions listed above:

Council had received informal advice that indicated the process Council would need to undertake to meet the requirements of setting an AAR. It would have been difficult to meet the Statutory timeframes for Council to set its rates by 31 August. As per Regulation requirements this would have included a period of public consultation (6 weeks) and an application to the Director of Local Government seeking endorsement. Setting the rates this late would also have had cashflow implications that would have put Council at financial risk.

This matter was discussed at length at Council Workshops leading up to the rates resolution formal adoption. Councillors and staff conceded that given the likely outcome and timeframes involved that this was not the preferred path of action.

Some sitting Councillors have previously, and as recently as the last Council meeting made the following comments stating that the current Council had "inherited unserviceable debt", "had failed and non-existent asset management" "disastrous financial strategy" and "failed management of basic essential Council policies."

From these comments I believe it is clear some sitting Councillors blame this current Council's reported perilous financial position on decisions made by the previous administration and former Councillors.

I have heard this view repeated within some sections of the community.

If these claims are not valid it is an unreasonable slur against the performance of previous staff and Councillors.

In an effort for myself and others within the municipality to understand if this is a valid or reasonable view, I ask the following:

NOTE: My comparative figures are drawn from the audited results of 2018/ 2019 accounts as they would reflect the previous administration and Council's decisions. Those figures are compared to the approved budget figures for 2021/2022.

- Q1. Wages in the audited accounts at June 2019 was \$3.859 million.
(Figure is less V.I.C wages of \$.489 million- Would the General Manager be able to confirm what wage amount would have been apportioned from the N.R.M department in this figure? And are there any other wages or salaries that should be included or not included?)
Budget for wages and salaries for 2021/2022 is \$4.976 million.
An increase of \$1.117 million over 2019 wages. What explanation can be given for this 29 % increase?

Response from General Manager, Greg Ingham

Actual wages in 2019/20 was actually \$4.351 million not \$3.859 million as stated. The budget for wages in 2019/20 was actually \$4.875 million but there was a number of vacancies during the year resulting in a lower actual wage figures. The budget this year of \$4.976 million is only \$101,000 (2%) higher which is in line with the EBA increase. The wages from the NRM department for 2019/20 was \$176,000 and VIC's \$474,000, all savings from redundant position has gone into new positions in the current structure, more planners, works staff, safety, records management, accounting and corporate services to name a few. These are all required for the delivery of core Council services and responsibilities under legislation.

- Q2. Audited Materials and services in July 2019 was \$5.713 million. Budget 2021/2022 is \$7.952 million.
An increase of \$2.239 million over 2019 material and services expenses.
What explanation can be given for this 39% increase?
I am interested and somewhat concerned at why Council has a \$3.356 million increase in the wages and operational costs over a 3 year period, when inflation and wage increases are at a historical low.

Response from General Manager, Greg Ingham

Material and services actual costs in 2019/20 was \$7.252 million and in 2020/21 was \$7.423 million (2.4% increase year on year). In 2021/22 the Budget is \$7.952 million (an increase of 7%), this is due to a number of factors including increased insurance costs, additional spending in our infrastructure departments, like roads, stormwater and park and rec and PPRWS coming online. Some of these areas have offsets with increased income from user fees and the like.

- Q3. Can it be placed on the public record in simple and unambiguous terms what Asset borrowings Council has loans in place for, which the repayments of principal, interest and operational costs ,are covered by the income and revenue that the asset generates?
The two of particular interest would be The Triabunna Marina and Prosser River Raw Water Scheme.

Response from General Manager, Greg Ingham

A table of loan borrowing for each area is provided in the annual report each year.

Here are the current figures:

Loan Summary 2020-21

Purpose	Loan Amount	Opening Balance 1/07/2020	New Borrowings	Principal Repayment	Interest Repayment	Closing Balance 30/06/2021
Orford Bowls Club	70,000	9,435	0	6,192	497	3,243
Marina	3,097,578	2,352,183		168,404	94,949	2,183,779
General	1,500,000		1,500,000	0	0	1,500,000
Plant	2,059,531	335,475	0	158,981	11,177	176,494
Prosser Plains Raw Water Scheme	4,600,000	4,538,606		99,690	131,553	4,438,916
Total		7,235,699	1,500,000	433,267	238,176	8,302,432

The interest and principal for the Prosser Plains Raw Scheme is currently been fully funded by Tassal, including all operation costs.

The Marina and wharf fees last year (2020/21) covered most of the operating and interest costs of the Marina, there was a shortfall of \$46,000 and none of the principal loan repayment amounts were covered by Marina user fees. Hence why the need to review fees and charges for the Marina for 2021/22 to try and get back to a cost recovery basis. See attached.

Profit and Loss

Glamorgan Spring Bay Council
For the year ended 30 June 2021

Department is Build-Triabunna Marina, Build-Spring Bay Commercial Wharf.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget
Trading Income					
User Charges	309,726	363,700	(53,974)	-15%	363,700
Total Trading Income	309,726	363,700	(53,974)	-15%	363,700
Gross Profit	309,726	363,700	(53,974)	-15%	363,700
Operating Expenses					
Employee Costs	47,834	30,000	17,834	59%	30,000
Materials & Services	75,876	107,150	(31,274)	-29%	107,150
Depreciation	136,563	102,188	34,375	34%	102,188
Interest	95,574	87,150	8,424	10%	87,150
Total Operating Expenses	355,847	326,488	29,359	9%	326,488
Net Profit	(46,121)	37,212	(83,333)	-224%	37,212

12. CLOSE

The Mayor to declare the meeting closed at (Time).

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young

The Mayor to confirm that the recording has been terminated.