



ORDINARY COUNCIL MEETING AGENDA

TUESDAY 14 DECEMBER 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, 14 December 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 9 December 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 and staff 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 - 23 November 2021

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 23 November 2021 at 2:00pm be confirmed as a true and correct record.

2.2 Special Meeting of Council - 30 November 2021

RECOMMENDATION

That the Minutes of the Special Meeting of Council held on Tuesday 30 November 2021 at 2:00pm be confirmed as a true and correct record.

2.3 Date and Purpose of Workshop/s Held

TUESDAY 7 DECEMBER 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 1:30pm to 4:00pm on Tuesday 7 December 2021 at the Council Offices, Triabunna.

Present

Mayor Robert Young
Clr Cheryl Arnol
Clr Annie Browning
Clr Keith Breheny
Clr Rob Churchill
Clr Grant Robinson

Apologies

Deputy Mayor Jenny Woods
Clr Michael Symons

In Attendance

Mr Greg Ingham, General Manager
Mr Alex Woodward, Director Planning and Development
Mr Peter Porch, Director Works and Infrastructure
Mr James Bonner, Senior Planner
Mr Peter Coney, Town Planner

Guests

Nil.

Agenda

- DA 2021 / 234 – 50 Harveys Farm Road, Bicheno
- SA 2021 / 23 – 44 Burgess Street, Bicheno
- Council Workshop Policy

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 Questions on Notice

Nil.

3.2 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.

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 2021/234 - 44 Burgess Street, Bicheno

Proposal	Subdivision (10 lots), demolition and associated works
Applicant	Brooks, Lark and Carrick Surveyors
Application Date	20 October 2021
Statutory Date	16 December 2021
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	General Residential zone
Codes	5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management.
Specific Area Plans	n.a
Use	Residential
Development	Discretionary
Discretions	3
Representations	4
Attachments	A – Application Documents B – Representations
Author	Peter Coney, Town Planner

Executive Summary

Planning approval is sought for the subdivision of the land at 44 Burgess Street. The subdivision will result in 10 lots.

The proposal was advertised for two weeks from 12 November to the 26 November and 4 representations were received.

This report assesses the proposal against the standards of the relevant zones and codes, 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 16 December 2021.

The recommendation is to approve the application, subject to conditions 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 discretionary consideration is required. This report addresses only the discretionary considerations, 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 subdivision of land at 44 Burgess Street, Bicheno into 10 lots. The proposal includes works associated with the subdivision of land, and the demolition of some structures within the land.

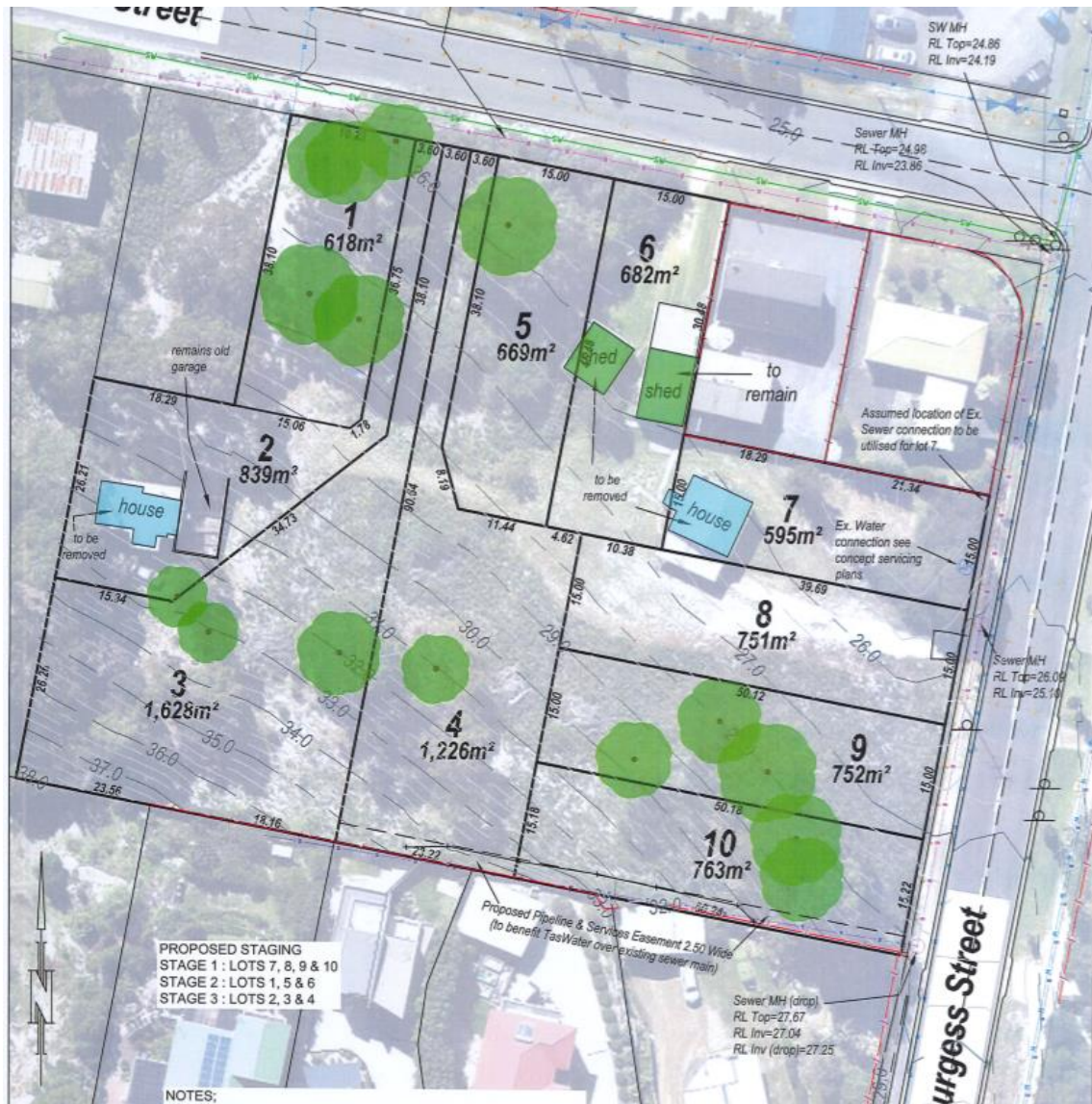


Figure 1. Site Plan

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

Nil

6. Site Description

44 Burgess Street, Bicheno is a large residential allotment. There is presently a single dwelling and associated outbuildings. The site is moderately steep rising to the south west. There is moderate mature vegetation. The surrounding area is residential, with predominately single dwellings. The site has a frontage at both Burgess Street, and Tribe Street.



Figure 2 - Site and locality.

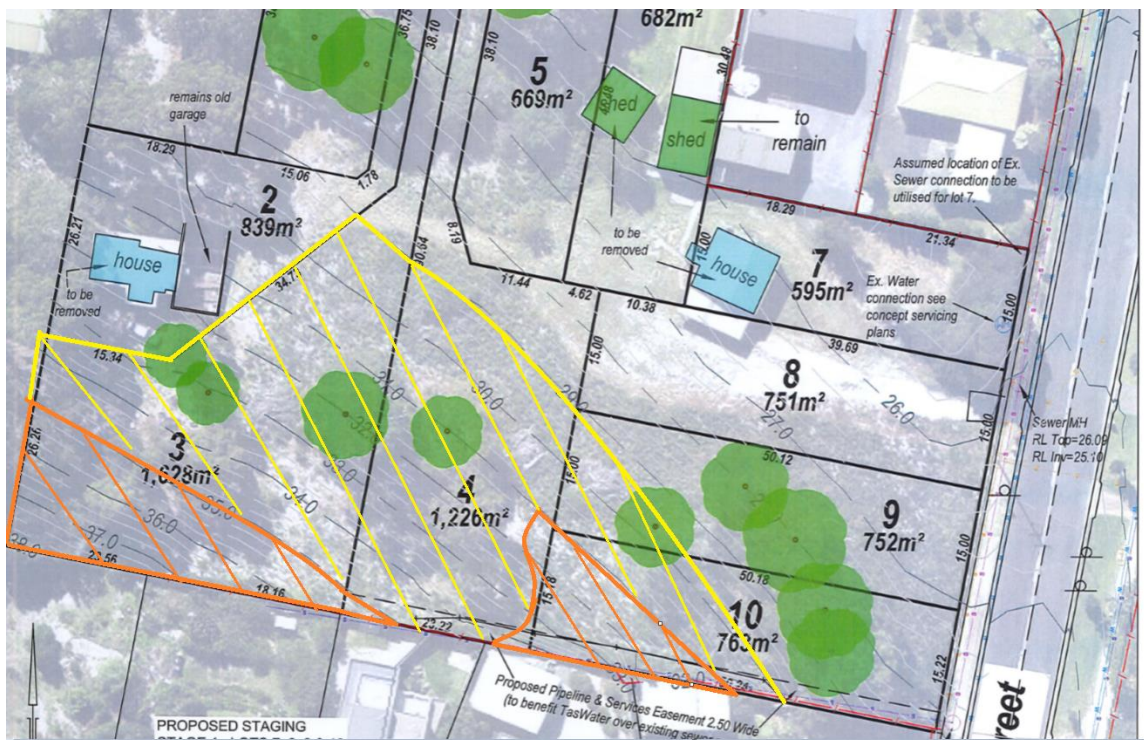


Figure 3 - Approximation of steepness of the site where orange is 20% or higher and yellow is 14% - 20%

7. Planning Instruments

- 1) Glamorgan Spring Bay Planning Scheme 2015
 - 10. General Residential zone
 - E5.0 Road and Railway Assets Code
 - E6.0 Parking and Access Code
 - E7.0 Stormwater Management Code

8. Easements and Services

There are no easements of note.

9. Covenants

Nil

PART TWO

10. Meeting the Standards – via Acceptable Solution

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

- 10.0 General 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 those identified below. These have been assessed against the applicable performance criteria. It is noted here that in all instances a subdivision application requires a discretionary permit application, irrespective of the way in which the proposal complies with an applicable standard.

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:

- 10.0 General Residential zone
 - 10.6.1 (P1), (P2), (P3), (P4) and (P5) Lot Design.
 - 10.6.3 (P1) Ways and Public Open Space
- E5.0 Road and Railway Assets Code
 - E5.6.4 (P1) Existing road accesses and junctions

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 16 December 2021.

PART THREE

12. Assessing the proposal against the Performance Criteria

Development Standards for Buildings and Works

Zone Standards

Performance Criteria	Planner's response
Clause 10.6.1 (P1) Lot Design	<p>The Acceptable Solution for the standard requires that the size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.</p> <p>Lots 1, 2, 5, 6, 8, 9 and 10 exceed the maximum for development within 200m² of a local business zone (pursuant to the table 10.1). The proposal is therefore reliant on the performance criteria outlined below.</p>
P1 The size of each lot must satisfy all of the following: (a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints (b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area.	<p>With respect to the performance criteria, the site has multiple constraints relating to stormwater capacity in the downstream network, access to the State Highway, and moderately steep sections to the south (particularly lot 10).</p> <p>Broadly, despite being within 200m of a local business zone, to provide a density that accords with the acceptable solution would present challenges in the developable area of each lot and services.</p> <p>The proposal is considered to comply when appreciating these site constraints in accordance with (a). for (b) there are no Local Area Objectives or Desired Future Character Statements.</p>
Clause 10.6.1 (P2) Lot Design	<p>The Acceptable Solution for the standard requires that the design of each lot must provide a minimum building area that is rectangular in shape and complies with a number of criteria in respect to the siting of that building area.</p> <p>Lots 1, 5 and 6, owing to their 15m wide frontage, are unable to provide a 10mx15m area clear of the side boundary setbacks, whilst having the long axis of that area orientated toward north. All other lots would ordinarily comply with the acceptable solution.</p> <p>The proposal is therefore reliant on the performance criteria as outlined below.</p>

<p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following:</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	<p>With respect to the performance criteria, it is evident that the lots are able to be developed. A dwelling need only be 9m in length rather than 10m at a single story to comply with the acceptable solution of the standard. Further, dwelling design is unrestricted and often open plan living areas allow for solar access despite narrow facades.</p> <p>The proposal is considered to comply</p>
<p>Clause 10.6.1 (P3) Lot Design</p>	<p>The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p> <p>The proposal presents a slight variance above the frontage requirements for Lot 1 and Lot 10, and so is reliant on the performance criteria as outlined below.</p>
<p>P3</p> <p>The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p>	<p>Each lot is, despite a variance above the maximum frontage requirements capable of vehicle access. Advice from StateGrowth and Council's Development Engineer has been provided.</p>

<p>(b)</p> <p>provides opportunity for passive surveillance between residential development on the lot and the public road;</p> <p>(c) is no less than 6m.</p>	<p>The proposal is considered to comply</p>
<p>Clause 10.6.1 (P4) Lot Design</p>	<p>The Acceptable Solution is for no lot to be an internal lot. The proposal includes three internal lots and so is reliant on the performance criteria.</p>
<p>An internal lot must satisfy all of the following:</p> <p>(a)</p> <p>the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b)</p> <p>it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c)</p> <p>the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d)</p> <p>the lot will contribute to the more efficient utilisation of residential land and infrastructure;</p> <p>(e)</p> <p>the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f)</p> <p>the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p>	<p>The proposed internal lots are to be provided a shared access arrangement over access strips fronting Tribe Street.</p> <p>It is considered that bulk earthworks for the provision of a road would be excessive and evidently unnecessary for the provision of three internal lots.</p> <p>Excepting provision of a road which would reduce available frontage to lots 1 and 5, the inclusion of internal lots provides a sensible way of having an efficient utilisation of land for residential purposes.</p> <p>With regard to (e) it is not considered unreasonable that residential development should occur on the subject site. The definitive impact of residential develop cannot be fully quantified at the stage of subdivision, though it is appreciated that the combination of an internal lot, and an oversized lot designated for multiple dwellings has a likely potential for an adverse impact with regard to the reciprocal rights of way in the access strip.</p> <p>In this respect it is a recommended condition of approval that a covenant be entered into between the future lot owners and the Glamorgan Spring Bay Council that no more than two multiple dwellings may be constructed on either lot 2, 3 or 4 as shown on the subdivision plan.</p> <p>For (f) the internal lots have shared access over access strips, benefiting from reciprocal rights of way</p> <p>For (g) the access is 5.5m wide and reciprocal rights of way are expected for the utilisation for the full width of this access for each lot.</p> <p>For (h), the combined number of access strips does not exceed 3.</p> <p>For (i) the access is proposed to be sealed</p>

<p>(g)</p> <p>passing bays are provided at appropriate distances to service the likely future use of the lot;</p> <p>(h)</p> <p>the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	<p>(j) is not considered relevant</p> <p>With respect to the above, and subject to recommended conditions, the proposal is considered to comply.</p>
<p>Clause 10.6.1 (P5) Lot design</p>	<p>The Acceptable Solution requires a subdivision be for no more than 3 lots. The proposal is for 10 lots, and as such is reliant on the performance criteria, as outlined below.</p>
<p>P5</p> <p>Arrangement and provision of lots must satisfy all of the following;</p> <p>(a) have regard to providing a higher net density of dwellings along;</p> <p>(i) public transport corridors;</p> <p>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</p> <p>(iii) within 200 m of business zones and local shops;</p>	<p>The proposal presents a medium density development of residential land within 200m of a local business zone. The lot is to be fully realised by the subdivision and the density is considered appropriate noting site constraints.</p> <p>The staging presents an orderly development based on frontages, and the development of access for the proposed internal lots. (d) is relevant insofar as the proposal relates to the public roads.</p> <p>(e) is not considered relevant.</p>

<p>(b)will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;</p> <p>(c)staging, if any, provides for the efficient and ordered provision of new infrastructure;</p> <p>(d)opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</p> <p>(e)is consistent with any applicable Local Area Objectives or Desired Future.</p>	
10.6.3 (P1) Ways and Public Open Space	For this standard there is no Acceptable Solution. The proposal is reliant on the performance criteria as outlined below.
<p>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <p>(a)</p> <p>connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</p> <p>(b)</p> <p>connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</p> <p>(c)</p> <p>connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</p> <p>(d)</p> <p>convenient access to local shops, community facilities, public open space and public transport routes is provided;</p>	<p>No ways or public open space are proposed as part of the proposal. therefore (a) – (g) are not considered relevant. With respect to (h) a condition is recommended to be imposed requiring payment of cash in lieu, in accordance with Council policy.</p> <p>(i) is of no relevance in that no ways or open space are proposed.</p>

<p>(e)</p> <p>new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</p> <p>(f)</p> <p>provides for a legible movement network;</p> <p>(g)the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</p> <p>(h)Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</p> <p>(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</p> <p>(i) the width of the way;</p> <p>(ii)the length of the way;</p> <p>(iii) landscaping within the way;</p> <p>(iv) lighting;</p> <p>(v)provision of opportunities for 'loitering';</p> <p>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</p>	
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Performance Criteria	Planner's response
E5.6.4 (P1)	The Acceptable Solution requires new accesses comply with the SISD. The anticipated vehicle speed in Tribe Street is between 40 and 50km/h the proposed access for lot 5 is below 80m and therefore is reliant on the performance criteria as outlined below.
<p>P1</p> <p>The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>	The proposal has been referred to Council's development Engineer who has provided comment in the referrals section of this report. Broadly, it is considered that actual vehicle speed will be lower than the sign marked speed limit. Further there is a recommended condition of approval regarding accesses

PART FOUR

13. Referrals

The proposal has been referred to Council's Development Engineer who has made the following comments:

The development involves the subdivision of an existing lot with frontage to Burgess Street and Tribe Street.

E5.0 Road and Railway Assets Code & E6.0 Parking and Access Code

To access to the road, the proposed subdivision complies with the E6.7.14 clause of the Parking and access code.

Lot 1,5 and 6 has individual access to Tribe Street. Lot 7 to 10 has individual access to Burgess Street.

The shared 5.5m wide driveway has been proposed for the Lot 2,3 and 4 should be constructed for the full length of the access strip as part of the subdivision. The surface treatment of the driveway is proposed to be all weather pavement. This complies with the standards and also meets the Australian/New Zealand Standards (AS/NZS 2890.1:2004) requirements.

The proposed subdivision complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected. The additional traffic generated by this subdivision along Tribe Street and Burgess Street will not create any operational or efficiency problems at the subdivisional junctions or along the road.

E7.0 Stormwater Management Code

The applicant proposes to direct stormwater from the subdivision to Councils existing drainage network via gravity at Tribe Street and at Burgess Street and therefore, it complies with the Acceptable solution A1 of E7.7.1.

As a recommended condition of approval, prior to the commencement of any works, Council require detailed engineering drawings with the stormwater management report with calculations. The purpose of stormwater management report is to ensure that the proposed stormwater management system is appropriate and does not overload the existing system and no nuisance is passed to neighbouring properties. The application involves more than 5 lots. As such WSUD principles are required for the treatment and disposal of SW. The applicant has not provided details of WSUD treatment however a condition requiring WSUD or the payment of a contribution so that treatment can be implemented downstream is recommended.

14. Representations

The Proposal has been advertised for the statutory 14 day period and 4 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.

With respect to these representations, matters to be considered in the planning scheme are outlined below, and a response is provided. The representations in their entirety have been appended to this report.

Representation 1 points (objecting)	Response
Regarding stormwater for shed to be retained.	It is a recommended condition of approval that the shed be demolished. It is not permissible to have a shed on an otherwise vacant residential lot.
Regarding services in the road reserve and the retention of an existing driveway.	Noted. The concern will be passed on to Councils Development Engineer who can consider it during any access works permit.
Representation 2 points (objecting)	Response
Density of dwellings at rearward lots	The proposed internal lots are oversized and internal lots. There is provision for the amenity of neighboring land to be considered where internal lots are proposed. It is considered reasonable that a condition be imposed in this respect, limiting the number of dwellings able to be constructed to two per internal lot. This will reduce the number of vehicle movements over shared rights of way. The condition is intended to be effected by way of a restrictive covenant.
Building envelope	Any development will be required to comply with the development standards of the zone. It is not considered appropriate to restrict development on these lots with respect to the building envelope, though noting above, the outcome would be a more modest development for what is otherwise an oversized lot.
Noise	The land is zoned General Residential. The use of the land for multiple dwellings is permitted. The noise of human behavior is not considered for residential uses in the zone.
Water pressure	The proposal has been referred to TasWater who have consented to the issuing of a permit subject to recommended conditions.
Representation 3 points (objecting)	Response
Negative impact of building density, height and materials	See above regarding building envelope.
Water Pressure	The proposal has been referred to TasWater who have consented to the issuing of a permit subject to recommended conditions.
Representation 4 points (objecting)	Response
Concern regarding future development of lots.	The proposed ordinary lots will at some time be developed. The regulation of development on these lots is pursuant to the planning scheme, which may allow for development which demonstrates compliance with an

	applicable standard either through the acceptable solution or the performance criteria. It is noted that owing to the internal lots having a shared access arrangement, the restriction on the number of dwellings is a reasonable step, which may alleviate this concern.
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15. 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 approved.

16. Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Subdivision application 2021/26 be approved for reasons outlined in the officers report, subject to the following conditions.

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.

Advice: Any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.

2. Use and development must be undertaken in the manner of stages as identified on the subdivision plan.
3. Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number, TWDA 2021/01572-GSB dated 27 October 2021 and attached to this permit.
4. Prior to the sealing of the final plan all dwellings including outbuildings must be demolished, and the areas of ground disturbance associated with the demolition of those structures must rehabilitated with grass.
5. A covenant must be prepared and entered into between the relevant lot owners and the Glamorgan Spring Bay Council, to the effect that the owners of lots 2, 3 and 4 will not construct more than two dwellings per lot.

Final Plan

6. A final approved plan of survey and schedule of easements as necessary must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
7. All land noted as roadway, footway, and open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

8. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's Municipal Engineer.
9. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
10. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the Final Plan of Survey.
11. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Public Open Space

12. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the whole plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001.

Advice: this condition is imposed pursuant to section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

Environment Management

13. The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.

Stategrowth

14. Provision of the new accesses along Burgess Street must be undertaken in accordance with Department of State Growth specifications and standards. Engineering drawings showing the extent of the accesses and associated works must be provided to the Department of Stategrowth for review and acceptance. These drawings will form part of an access works permit application, see Note.

Engineering

15. The developer must provide a piped stormwater property connection to each lot capable of servicing the entirety of that lot by gravity, in accordance with Council standards and to the satisfaction of Council's General Manager.
16. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
 - (a) be able to accommodate a storm with an Average Recurrence Interval (ARI) of 20 years.
 - (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

17. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles must be in accordance with, and meet the treatment targets specified within the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania, and be to the satisfaction of the Council's General Manager.

Please note the developer may, at the discretion of Council's General Manager, make a financial contribution for the provision of stormwater treatment downstream of the proposed subdivision. The value of the contribution must be equal to the cost of implementing on site treatment to meet the targets specified in Table E7.1 Acceptable Stormwater Quality and Quantity Targets of the Glamorgan Spring Bay Interim Planning Scheme 2015, or as otherwise agreed by Council's General Manager.

18. The internal driveway and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and must include all of the following:
 - (a) Have a minimum sealed carriageway width of 5.5m;
 - (b) Have a sealed surface of asphalt, concrete or equivalent approved by Council's General Manager;
 - (c) Be Drained to an approved stormwater system;
19. Sealed vehicle accesses must be located and constructed for those lots fronting Tribe Street, in accordance with the standards shown on standard drawings TSD-R09-v3, Urban Roads TSD-R06-v3 and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's General Manager.
20. The existing crossovers along Tribe Street must be upgraded to meet the current requirements of LGAT standard drawing TSD-R09-v3.
21. The location of vehicle access must be revised with respect to the Safe Intersection Sight Distances and the proximity to the Burgess Street intersection.
22. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Engineering Drawings

23. The subdivision must be carried out in accordance with the current LGAT standard drawings and Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
24. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, these drawings must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences. The detailed engineering drawings must show the following–
 - (a) all existing and proposed services required by this permit;
 - (b) all proposed stormwater infrastructure;
 - (c) all existing and proposed roadwork required by this permit;
 - (d) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - (e) measures to be taken to limit or control erosion and sedimentation;

- (f) any other work required by this permit;
- (g) all finished floor levels (FFL) must in Australian Height Datum (AHD);

Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

Construction

- 25. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway. Advice Prior to commence of any works, the developer must obtain a Works in Road Reserve Permit for any works within the road reserve and for the connection into a Council stormwater network.
- 26. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring hold point inspections by Council unless otherwise agreed by the Council's General Manager.
- 27. Subdivision works must be carried out under the direct supervision of an approved practicing professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

'As constructed' Drawings

- 28. Prior to the works being placed on the maintenance and defects liability period an 'as constructed' drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's General Manager. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the General Manager in accordance with Council's Guidelines for As Constructed Data.

Maintenance and Defects Liability Period

- 29. The subdivision must be placed onto a twelve-month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- 30. Prior to placing the subdivision onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

Telecommunications and Electrical Reticulation

- 31. Underground electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority.

The following advice is provided for information and assistance only.

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. Drainage discharge consent is required under Section 17B (1) of the Roads and Jetties Act 1935 for the concentration and discharge of drainage in the State road reservation. Application must be made to the Department of State Growth at prior to the commencement of works at;

www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/stormwater_discharge_only. Subsequent engineering drawings showing the

extent of all service works, inclusive of any construction activity associated with drainage, sewer, water or utility connections must be provided to the Department for review and acceptance as part of a service works permit application.

- c. A valid works permit is required for all works undertaken in the State Road (Burgess Street) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/service_works_gas_water_electricity_for_service_works and www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways for access works.

Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

- d. All costs associated with acting on this permit are borne by the person(s) acting on it.
- e. The permit does not take effect until 15 days after the date that it was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- f. This permit is valid for two years from the date of approval and will lapse unless it has been substantially commenced to the satisfaction of the Council Senior Planner or otherwise extended by written consent.
- g. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- h. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- i. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- j. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to www.gsbc.tas.gov.au for the fee current at the date of lodgement of the final plan or survey.
- k. Land Title Office fees must be paid directly to the Recorder of Titles.
- l. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- m. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- n. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- o. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.

- p. The applicant is advised to contact Aurora Energy on 1300 137 008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- q. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

4.2 Development Application 2021/234 - 50 Harveys Farm Road, Bicheno

Proposal	Visitor Accommodation Units (x3) and Dwelling
Applicant	Mr Danny McGregor
Application Date	30 August 2021
Statutory Date	16 December 2021
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	D13.0 Rural Living zone
Codes	5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management, 11.0 Waterway and Coastal Protection Code.
Specific Area Plans	n.a
Use	Visitor Accommodation and Single Dwelling (Residential)
Development	Discretionary
Discretions	cl 3.1 (e) Visitor Accommodation (P1) 13.4.2 Setbacks (P2) 13.4.3 Design (P3) E6.7.5 Layout (1) E6.7.6 Surfacing (P1) E6.7.7 Lighting (P1) E7.7.1 Stormwater Drainage and Disposal (P2)
Representations	8
Attachments	A – Application Documents B – Representations Appendix - C.1 Appendix - C.2
Author	Peter Coney, Town Planner

Executive Summary

Planning approval is sought for three visitor accommodation units and a dwelling at 50 Harveys Farm Road, Bicheno. It is noted one visitor accommodation unit currently exists. As the proposal includes an increase to the total floor area of the use on site, though the existing use cannot be prevented, the existing use as a factor which contributes to the total use is of relevance to cl 3.1 (e).

The proposal was advertised for two weeks from 22 October to the 05 November and 8 representations were received.

This report assesses the proposal against the standards of the relevant zones and codes, 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 16 December 2021.

The recommendation is to refuse the application for reasons 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 discretionary consideration is required. This report addresses the discretionary consideration 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 Visitor Accommodation Units (x3) and a Dwelling at 50 Harveys Farm Road.

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

A planning application (DA2019/238) for a dwelling was approved and permit issued under section 57 of the Act on 18 November 2019.

An application (DA2020/307) to change the use of the dwelling was approved and a permit issued under s58 of the Act on 04 January 2021.

6. Site and Locality

The proposal is to be sited on a predominately cleared allotment at 50 Harveys Farm Road, Bicheno. There is presently a single visitor accommodation unit sited at the front of the block. The immediate vicinity is characterised by lots with varying degrees of vegetation and single dwellings. There is an abalone farm to the east. A broader examination of the surrounding area includes more heavily vegetated lots.

Of known operating visitor accommodation uses at other sites on Harveys Farm Road, there is one existing visitor accommodation use in the immediate area at 20 Harveys Farm Road approved in 2002 (DA2002/99). This approval shows 3 bedrooms. Some 2.4km away, at 287 Harveys Farm Road an accommodation use was approved in 2004 (DA2004/29). Stage one shows 1 bedroom. For 365 Harveys Farm an approval was issued in 2015 with a condition regarding maximum occupancy at 6 persons (DA2015/71).

A survey of approvals issued at Harveys Farm Road which are not evidently advertised for use otherwise indicates permits have been issued for;

- 43 Harveys farm road (8 Persons DA2015/78) – This permit has since lapsed.
- 299 Harveys Farm Road (6 Persons DA2021/246) – unknown currency
- 309 Harveys Farm Road (4 Persons DA2003/17) – unknown currency



Figure 1 – Site and locality.



Figure 2. Graphic denoting the site and overlays. Note, though a Waterway Coastal Protection Area is shown over the creek, this is a drain and the code does not apply (cl E11.3 Definition of terms).



Figure 3. View of site relative to existing visitor accommodation Unit.



Figure 4. Site looking west

7. Planning Instruments

- 1) Glamorgan Spring Bay Planning Scheme 2015

8. Easements and Services

The subject site has a burdening drainage easement appurtenant to lot 4. This easement is of relevance in that the waterway coastal protection area (which is overlaid the site) does not apply to a drain.

9. Covenants

Nil

PART TWO

10. Meeting the Standards – via Acceptable Solution

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

- CI 3.1 Planning Directive No. 6; Exemption and Standards for Visitor Accommodation in Planning Schemes
- 13.0 Rural Living 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 those 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:

- CI 3.1 (e) Visitor Accommodation (P1)
- 13.4.2 Setbacks (P2)
- 13.4.3 Design (P3)
- E6.7.5 Layout (1)
- E6.7.6 Surfacing (P1)
- E6.7.7 Lighting (P1)
- E7.7.1 Stormwater Drainage and Disposal (P2)

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 16 December 2021

PART THREE

12. Assessing the proposal against the Performance Criteria

Use Standards

cl 3.1 (e) (P1) Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes.

The proposal is for Visitor Accommodation in proposed habitable buildings, as well as relying on an existing habitable building with a valid permit for its use. The gross floor area as a result of this proposal will exceed 200m²; as such the proposal does not comply with the acceptable solution, and must meet the following performance criteria:

Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;
- (b) any likely increase in noise to adjoining properties;
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;
- (d) retaining the primary residential function of an area;
- (e) the impact on the safety and efficiency of the local road network; and
- (f) any impact on the owners and users rights of way.

Comment

In determining compliance with this standard, an assessment of the character of the area has been undertaken (see figure 4).

In understanding the first part of the overarching requirement of the standard that visitor accommodation must be “compatible”, it is important to note that the understanding of whether a use or development is compatible is whether it is capable of existing together in harmony with the surrounding area. Finding compatibility is not an exercise in finding if the proposal is the same as existing uses and developments in the surrounding area, but it needs to be harmonious with the existing uses, with specific regard to the area.

The second part of the overarching requirement of the criteria is that the use (which must be found to be compatible), must not cause an unreasonable loss of residential amenity. A proposal needs to do both things. The degree which the proposal differs from the existing pattern of development is relevant in considering whether the impact is reasonable. It is understood the impact in a different area may be more or less reasonable, though quantifiably the same.

With respect to the compatibility (particularly regarding criterion (c)), the following is of relevance: The area is predominately Residential. The Rural Living zone is a residential zone. visitor accommodation is permitted in the zone, subject to a use standard pursuant to Planning Directive 6, which the proposal is reliant on the performance criteria for. When comparing the proposal to the character of the area, it is evident it is significantly divergent. This is by virtue of the intensity of occupancies on a single lot. The additional visitor accommodation units will cause for three units in total, totalling eight bedrooms (potentially 16 adults). The outcome of this is that the instance of emissions relating to human behaviour will be magnified above the established character of the area, where it is established that people presently reside at lesser concentration, inclusive of existing visitor accommodation uses.

The intensity of the use tends toward it being incompatible, by virtue of its significant divergence from the established character of the surrounding area. It is for this reason that the proposal fails to comply with the first part of the overarching requirement of the standard.

With respect to amenity, the standard contemplates that some loss of amenity may be acceptable. The assessment is one of the “reasonableness” of that loss. To ascertain whether the loss is unreasonable, it is an established practice that one must undertake a comparative analysis between the existing level of amenity and the level of amenity post development.

Amenity is defined by a persons perception of both positive and negative aspects of the setting. The result is a level of pleasantness of the place. The increase of emissions relating to human behaviour, appurtenant to the visitor accommodation occupancies (the scale of the use) as proposed, are beyond the established scale, and so introduce an impact which is divergent from the existing character of the area. The reasonableness of this impact is dependant on the degree to which it deviates from the established character. It is considered that the proposed use totalling three visitor accommodation units will cause for likely emissions of noise and light, significantly beyond the established character of the area, and the unreasonableness is evident in the degree from which the proposal diverges from the existing occupancy of lots in the area. In short, the propensity for amenity impacts as a result of the number of people, with respect to the surrounding area tends toward it being considered as unreasonable.

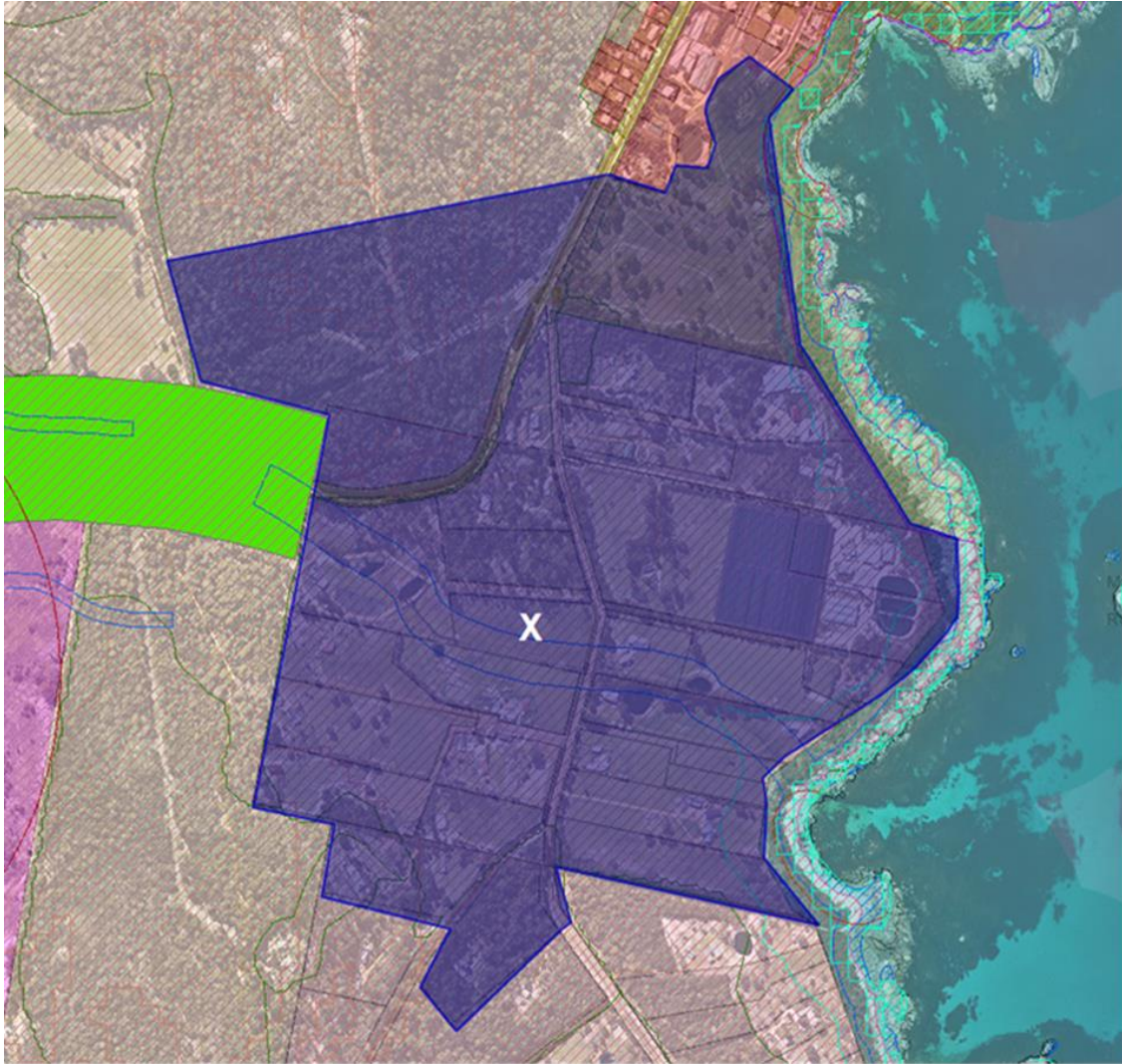


Image 4. The 'area' surrounding the development. Taken to be those parcels in the immediate vicinity of Harveys Farm Road, larger holdings (or parts thereof) toward the Tasman Highway as far as the township of Bicheno. The delineation of the 'area' to the south is inconsequential in that to expand further would include similar attributes to those understood from the area shown.

With respect to the remaining criteria, the proposal is sited on a cleared lot. The siting of the buildings includes sufficient separation and vegetative screening to mitigate any potential for incursions into privacy. It is considered that as the development is sited to the northern edge of the block, this increases the distance of the access and primary use of the proposal from the adjoining property south.

The building design is not considered to cause issues of privacy to the north, in that the land rises to the north and there is an access strip with moderate vegetation separating residential uses of adjoining property at 32 Harveys Farm Road. It is noted the outdoor areas of the proposal are sited at this elevation.

For (d) the proposal does not fetter residential use, excepting where a degree of residential amenity is unreasonably impacted by the proposal.

For (e), vehicle movements are within the number specified as part of the acceptable solution for the Road and Railway Assets code.

For (f) There are no burdening rights of way at the subject site.

Notwithstanding the criteria which the proposal sufficiently addresses, overall, the proposal is considered to be incompatible by virtue of the intensity of use. It is considered the proposal does not comply with the performance criteria of the standard for reasons outlined above, and a permit should not be granted.

Development Standards for Buildings and Works

Zone Standards

D13.4.2 Setback

The proposal is setback approximately 10m from the northern boundary. As such the proposal is reliant on the performance criteria which require;

Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:

- (a) the topography of the site;
- (b) the size and shape of the site;
- (c) the location of existing buildings on the site;
- (d) the proposed colours and external materials of the building;
- (e) visual impact on skylines and prominent ridgelines;
- (f) impact on native vegetation;
- (g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:
 - (i) overlooking and loss of privacy;
 - (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.

Comment

The proposal is setback 10m from the northern boundary. It is considered that the location, albeit not in accordance with the acceptable solution is the preferable location of buildings when regard is had for the topography, and surrounds. Particularly the northern boundary being shared with an access strip (undevelopable) and the land rising to the north, thereby reducing the prominence of the proposal when viewable from that adjoining lot.

It is noted the proposal plans show landscaping as well as wastewater areas at the north. It is anticipated that the wastewater trenches cannot be vegetated, any approval if made contrary to the recommendation of this report should require that a revised landscaping plan be provided prior to the commencement of works. Further, in appreciating the proposed landscaping has an effect of mitigating the appearance of the proposal.

The proposal is assessed as complying with the standard.

D13.4.3 (P3) Design

The combined gross floor area of buildings exceeds 375m². The proposal is for a new 456m², and this is in addition to the existing 105m² (Total 561m²). The proposal therefore is reliant on the performance criteria which require;

The combined gross floor area of buildings must satisfy all of the following:

- (a) there is no unreasonable adverse impact on the landscape;
- (b) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;
- (c) be consistent with any Desired Future Character Statements provided for the area;

Comment

For (a) It is considered that the siting of the buildings, and the proposed landscaping will be sufficient to avoid an unreasonable impact on the landscape. The site is large, and considering that the gross floor area is divided among four buildings, this assists to reduce the apparentness of the combined gross floor area.

For (b), individually the proposed buildings are of a domestic scale. There is ambiguity as to whether the standard is requiring the development as a whole to be of a domestic scale (which it is not), or whether individual buildings are to be of a domestic scale, irrespective of their number.

It is considered the better view is that this criterion relates to buildings individually. The wholistic impact is considered under criterion (a), and it is considered that it would be nonsensical for a development to have a tolerable impact on the landscape by virtue of separating massing amongst multiple buildings, but be refused because the scale is beyond domestic (typically dwelling and outbuilding). This view is supported on reading the objective of the standard, which relates to adverse impacts on the landscape primarily, which non domestically scaled buildings are more likely to cause.

Broadly the impact on the landscape is ameliorated by the gross floor area being separated into multiple structures (albeit uncommon in a domestic setting), and the provision of landscaping.

For (c), there are no desired future character statements.

The proposal is assessed to comply with the standard.

Use and Development Standards under the Parking and Access Code

Performance Criteria	Planner's response
E6.7.5 Layout (1)	The acceptable solution requires carparking areas and the like to comply with the Australian standard. The proposal does not clearly demonstrate the intention to meet the Australian Standard; as such it is reliant on the performance criteria as outlined below.
The layout of car parking spaces, access aisles, circulation roadways and ramps must	The proposal has sufficient room for manoeuvring, inclusive of a sufficiently wide access for passing.

be safe and must ensure ease of access, egress and manoeuvring on-site.	The proposal has been referred to Council's development engineer who is satisfied the proposal complies.
E6.7.6 Surfacing (P1)	<p>The acceptable solution requires parking spaces and vehicle circulation roadways be paved and drained to an approved stormwater system.</p> <p>The proposal is for parking areas to be concrete and driveways to be of compacted gravel. As such the proposal is reliant on the performance criteria as outlined below;</p>
<p>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:</p> <p>(a) the suitability of the surface treatment;</p> <p>(b) the characteristics of the use or development;</p> <p>(c) measures to mitigate mud or dust generation or sediment transport.</p>	The use of compacted gravel is considered appropriate in a rural area where the existing cross over is concrete.
E6.7.7 Lighting (P1)	The Acceptable Solution requires that areas serving 5 or more car parking spaces must have lighting in accordance with the Australian Standard. As this is not proposed, the proposal is reliant on the performance criteria as outlined below.
<p>Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to a standard which satisfies all of the following:</p> <p>(a) enables easy and efficient use of the area;</p> <p>(b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;</p> <p>(c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;</p> <p>(d) prevents unreasonable impact on the amenity of adjoining users through light overspill;</p>	<p>The proposal is conducive to a moderate number of vehicle movements. Security lighting from the accommodation units will be satisfactory in the instance of persons parking and walking from parking areas.</p> <p>Pedestrian use of driveways is unlikely.</p> <p>The proposal is considered to comply.</p>

(e) is appropriate to the hours of operation of the use.	
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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 of the standard requires all new impervious surfaces to be drained to public infrastructure. The proposal is for a combination of onsite storage, and connection to the existing swale in Harveys Farm Road. The proposal is therefore reliant on the performance criteria as outlined below.
<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>	The proposal has been referred to Councils development engineer who has provided comments in the referrals section of this report. In short a combined arrangement of storage for onsite reuse, and draining hardstand and circulation areas to Harveys Farm road is considered sufficient to adequately manage stormwater.

PART THREE

13. Referrals

The proposal has been referred to Council's Development Engineer who has made the following comments:

The development application seeks an approval for a single dwelling and two visitor accommodation units.

E5.0 Road and Railway Assets Code

The development complies with the Code. The proposed development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day and therefore complies with the Acceptable solution A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with A2, E5.6.2. Sight distance also complies with the Acceptable solution, A1 E5.6.4.

E6.0 Parking and Access Code

The site can be accessed off the vehicular access which will be widened onto the driveway, parking spaces and passing bays. The requirement under the E6.6.1, A1 requires the total of two (2) car parking spaces for dwelling and 1 per visitor accommodation. The applicant proposes to provide the total of eight (8) spaces. The layout and gradients of parking and driveway areas complies with the performance criteria. The surface treatment of the driveway is proposed to be all weather pavement. These comply with the standards. The proposal provided on-site turning, and landscaping in the development application. The development complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

The carriageway of Harvey farm road is 5.5m wide with gravel shoulders, which meet the minimum Australian/New Zealand Standards (AS/NZS 2890.1:2004) requirements for two-way traffic. Please note Harvey Farm Road is No through road and proposed development is 500m away from the Tasman Highway.

E7.0 Stormwater Management Code

All rainwater tanks will take the roof water runoff from all dwellings and driveway surface runoff going into spoon drain along the driveway which leads to with the existing swale drain located at the frontage of the property at the low point. There is no new connection proposed. Therefore, the SW arrangement is considered comply with the acceptable solution, A1.

The development also considered comply with the acceptable solution A2 and a stormwater system require to corporate water sensitive urban design for treatment, as the size of the new impervious area is more than 600 sq.m subject to recommended conditions at permit. The drainage plan shows the development proposes 4 tanks to capture the runoff from the new roof area created from the development. Therefore, the acceptable solution, A3 is met.

As a recommended condition of approval, prior to the commencement of any works, Council require detailed engineering drawings with the stormwater management report with calculations. The purpose of stormwater management report is to ensure that the proposed stormwater management system is appropriate and does not overload the existing system and no nuisance is passed to neighbouring properties.

14. Representations

The Proposal has been advertised for the statutory 14 day period¹ and 8 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.

With respect to these representations, matters to be considered in the planning scheme are outlined below, and a response is provided. The representations in their entirety have been appended to this report.

Representation 1 points (objecting)	Response
Vehicle movements and headlight shine.	The number of vehicle movements anticipated comply with the acceptable solution. It is a relevant consideration regarding the time and duration of movements in considering amenity impacts and a condition is recommended relating to a vehicle movement curfew between 10pm and 5am.
Noisy behaviour	Noise is a relevant consideration given the potential occupancy of the site. It is a recommended condition of approval that no amplified musical equipment may operate between 10pm and 5am and at no times may amplified musical equipment operate outside of the buildings. Further, it is a recommended condition of approval that noise measurable at the boundary at any time must not exceed the levels stipulated within clause 13.3.1 (A2).
Representation 2 points (objecting)	Response
Loss of privacy and security	Impacts relating to privacy are considered to be not unreasonable by virtue of the separation of the proposal. Issues relating to security are a matter of the Police.
Wastewater	There is no onsite waste water code in the planning scheme. The proposal will be required to have a special plumbing permit and this is a requirement of the Building Act 2016.
Services and traffic	The proposal is reliant on onsite waste and potable water. With respect to traffic the proposal has been referred to Councils Development Engineer who has made comment in the body of this report.

¹ One representation was received outside of the 14 day period, though it is considered reasonable that the representation be considered as if it had been, in that the proposal in any event was required to be determined at a Council meeting. Therefore there is no injury to any party by way of delay in accepting this representation.

Representation 3 points (objecting)	Response
The proposal causes a loss of amenity	It is understood an impact will be caused by the proposal. The degree of the impact however is not considered unreasonable as a result of conditions to ameliorate the impacts and the separation of the buildings from nearby residences.
Impacts on the road network	The proposal has been referred to Council's development Engineer who has made comment in the body of this report.
Serviceability of water	The proposal does not show connection to the reticulated system. Further, this is within the remit of TasWater.
Stormwater	The proposal has been referred to Council's development Engineer who has made comment in the body of this report.

15. 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.

In the interests of natural justice the concern with this proposal was conveyed to the applicant and addenda to the application has since been supplied. These addenda (appendix C) outline the rationale for the proposal and design, as well as articulating that there will be a management plan or house rules. The addenda include representative examples, but a management plan has not been supplied.

In response, it is considered that the need for the use to be so actively managed by a management plan which has not been provided, as well as the likely burden the enforcement of a management plan as a condition of approval would bear on the planning authority, the application should not be approved subject to the implementation and observance of a future management plan.

16. 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 / 234 be refused for the following reason;

- a) The proposed use of the land for visitor accommodation is by virtue of its intensity, incompatible with the existing character and use of the area.

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015 the Chairperson hereby declares that the Council is no longer 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 30 November 2021

Author: Director Corporate & Community (Mrs Elysse Blain)

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

ATTACHMENT/S

1. Profit & Loss for the period ending 30 November 2021
2. Balance Sheet as at 30 November 2021
3. Statement of Cash Flows for the period ending 30 November 2021
4. Capital Works as at 30 November 2021

BACKGROUND/OVERVIEW

The financial reports for the period ended 30 November 2021 as attached to this report are presented for the information of Council.

STATUTORY IMPLICATIONS

- Australian Accounting Standards Board (AASB)
- International Financial Reporting Standards (IFRS)

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 30 November 2021.

6. SECTION 24 COMMITTEES

6.1 Minutes of Bicheno Memorial Hall Committee Meeting – 9 November 2021

BICHENO MEMORIAL HALL COMMITTEE

MONDAY 9 November 2021
5:30 – 6:30 pm

Attendance: Anna King (Chair) Kathleen Davis (Secretary) Leon Yates, Mick Ciavarella

Apologies: Michael Symons (GSBC), Kerry Smith, Nick Wardlaw, Helen Wise, Amelia Ramsay (Treasurer)

Item	Discussion and outcome	Moved/Seconded	Action
Meeting opened 5:30pm	Welcome from Anna and discussion if the group had a quorum. Attendance of committee members has become an issues as some members regularly not attending meetings. Decision to enact the attendance requirements as set out in Section 24 Guidelines. It was recommended to write to nonn-attending members to outline the attendance requirements, withdraw membership and suggest that if they wish to be active participatants in the future they could nominate to rejoin the committee. It was noted that some members find it difficult to attend regularly due to conflicts, but always manage to notify their absences. This is in accordance with S24 Guidelines. Welcome Kathleen to the position of secretary and vote on her nomination for the committee and position of secretary.	Mick/Leon Anna /Leon	Letter to be sent to Kym and Laura Passed Unanimously
Previous Minutes	Previous minutes circulated and accurate Business Arising: Discussion about developing a work plan for the hall as there is so much work to do. Need for hiring meet and greet, induction and organising cleaning. Also if the work is documented then the roles can be easily shared with others.	Leon/Mick	Passed
Report from the Chair	Usage of the hall is increasing as the weather is improving. There are larger one off groups coming through and it is apparent that tighter guidelenes of usage is needed. Concern about the carpet in the main annex is costly to keep in a clean condition as the kitchen is next door. Need to investigate if the flooring as it would be best to replace the carpet with a more serviceable surface.		

	<p>The policy of cleaning the hall works well for some but not for others. Most regular users leave the space in a good condition however the areas used are not always getting a covid clean after use. Investigation in to the cost of professional cleaners was investigated and the cost would consume all the profit from hall hire. The cost of professional clean of toilets on a weekly basis is \$50.</p> <p>There was a difficulty when the airconditioner was fixed and the mess not cleaned.</p> <p>Most of the kitchen has been itemised with the exception of cutlery and the hall cupboard.</p> <p>A new keybox has been installed inside for all keys. At the moment the Treasurer and Chair have access to the code.</p> <p>Discussion about a problematic incident when there was a quick change between users. We need all users to stick to their exact times and ensure all keys are returned on time.</p>		
Treasurers Report	<p>Report given by the Chair. Tabled document showing receipts and expenditure from 1st July to the 30th of October. There are a few bills outstanding that have not come in. Bonds are being held for the Bicheno Food and Wine Festival and the Ange Boxall Concert.</p> <p>Bluecoast Yoga received a refund of \$232 is on now a week by week payment. \$200 refund for the lake Pedder group as there was difficulties with the AV gear.</p> <p>New Hall website now working well</p> <p>Report accepted</p>	Mick/Kathleen	
General Business	<p>A) Secretary position now filled</p> <p>B) AV Equipment has been checked by a technician and the splitter does not work, HDMI cord is incorrect needs a data cord, or a laptop to be used, also the projector screen is not correctly aligned.</p>		<p>Kathleen to forward forms to council to be a member.</p> <p>Kathleen going to check for a donation of a laptop. Meantime people</p>

	<p>C) Fee schedule suggested changes. Concern that one off hiring needs a lot of support. Regular users are relatively easy however one time users need a lot of time</p> <p>D) Cleaning is a concern that the cleaning of the hall is not Covid adequate, especially the toilets for groups over 25 persons. Decision to lock the male and female toilets and leave only the disability access available for small regular groups. The other toilets will be opened when a large group is booked. The upfront booking free to reflect the cleaning costs (\$50 toilet and \$50 hall) and to be non refundable. Forster's Cleaning service already cleaning the toilet weekly for the Paramedics and Library. Moved that Forster's Cleaning Service be contacted for cleaning after each irregular event. Passed Moved large groups are charged a booking fee to cover the cost of cleaning the toilets.</p> <p>E) Piano and Stainless Steel bench. Plan to sell these items by tender. The piano was not the property of the Hall but belonged to Mick and colleagues but he felt it could be sold. Anna declared an interest in the piano.</p>	Mick/Leon	<p>encouraged to bring their own. Mick to contact council and align screen</p> <p>Anna to provide a suggested list of fees to the committee</p> <p>Forster's Cleaning to be used after large bookings. Large bookings to pay a \$50 fee to pay for the cost of cleaning the toilets. Toilets to be locked at other times.</p> <p>Leon manage the sale by listing the items for sale by tender in Bicheno Buy/Swap/Sell.</p>
Other Business	<p>Local council maintains the hall and the committee can apply to the council for funds.</p> <p>Query about first Aide and AED machine.</p> <p>Regular updates in the Bicheno Forward</p> <p>Website has been created with freeware however if we pay \$35 (? amount need a month there would be a considerable advantage to the committee in managing bookings. Passed unanimously to upgrade to pay for the internet site.</p>	Mick/Leon	<p>Kathleen to speak to BChEalt Group about AED machine on the outside.</p> <p>Anna and Kathleen to draft information and provide to the Forward</p> <p>Anna and Amelia to arrange.</p>

Meeting closed 6:50pm

Next Meeting: to be announced

RECOMMENDATION

That the Minutes of the Bicheno Memorial Hall Committee meeting held on 9 November 2021 be received, and that the appointment of Kathleen Davis as Secretary to the Committee be approved.

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

ATTACHMENTS

Nil

PURPOSE

This report provides information on the ongoing tasks of the Department in relation to Asset Management; Emergency Management, Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; Cemeteries

OFFICERS COMMENTS

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.

Council "Takes-up" donated (or contributed) assets associated with development of subdivisions as new roads, cul-de-sacs and associated stormwater are opened to the public. Neither the Long-Term Financial Plan nor the asset management plans make any allowance for donated assets.

This financial year, the value of donated assets is likely to be around 3.3% of councils existing road and hydraulic infrastructure value. Nine completed subdivisions will contribute \$3.635M in new assets. Between depreciation and maintenance costs the additional impost on operating budgets will be in the order of \$72,000 per year.

CONSULTANT SERVICES

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

- Vince Butler engaged to develop specifications for repairs to road infrastructure damaged in the March 2021 flood event. Activity continuing. Wielangta Rd solution report delivered.
- 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.
The South Orford Stormwater System Study - Ongoing.
The North Orford study continued in conjunction with the Department of State Growth (DSG) who are jointly funding this project.
Holkham Court culvert and drain works continued.
The Stormwater Management Plan is being developed for presentation to council in coming months. Development of Stormwater Policy is progressing with new information and legal opinion being provided by the Derwent Estuary Project and the LGA.
- 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.
- Andrew Walter Constructions are carrying out test pits and developing a design report to inform repair options and costs for Nugent Road.

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- Unsealed road inspections: 5 carried out
- Wielangta Road and Earlham Rd maintenance grading underway
- Green Hill Road maintenance grading carried out
- Old Coach Road priority repairs carried out
- Flacks Rd Coles Bay repairs completed
- Youngs Road Cranbrook repairs completed
- Warning signs erected on Buckland Rd in two locations due to seal failures
- Sealed road maintenance pot-holing ongoing
- Road shouldering numerous locations
- Storm clean up numerous areas
- Bresnehans Road drainage works completed

STORMWATER, DRAINAGE

- Investigations, locations and repairs continued
- Pre-rainfall event storm checklist for problem locations implemented
- Clean up following major weather events twice in October
- Murray Street Swansea additional culvert installed and open drains cleaned out
- Initiating a trial of flexible concrete matting to prevent return visits to reinstate erosion at bridge verges
- Clearing blocked culverts, side entry pits and drains Orford & Triabunna

WASTE MANAGEMENT

- Eftpos arrangements being implemented at transfer stations – implementation continued.
- Summer Hours commenced for all Transfer stations from 24th October.
- Fermentation of green waste trial No.2 planning commenced
- Minor vandalism occurred at Orford WTS – incident reported to police
- Green waste mulching scheduled for Coles Bay
- 2nd topsoil screen constructed and implemented at Swansea WTS

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERY

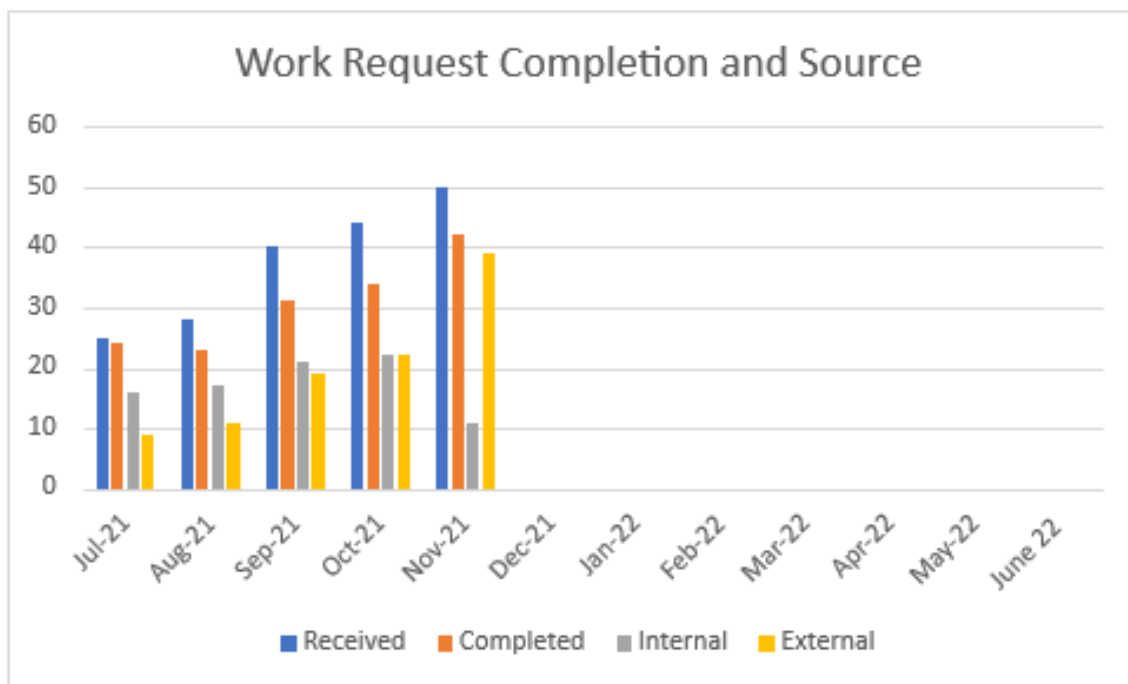
- 10 inspections for playgrounds the month completed
- Duck park playground equipment corrosion repair painting continued
- Nature strip and park/Reserve mowing continued
- Softfall for playground top ups delivered to store. Playgrounds to be topped up early summer.
- Tree trimming park and reserve areas – identified tree hazards numerous areas
- Garnet Ave Coles Bay septic tank crack repaired and holding tanks cleaned out
- Roadside slashing up to date
- Beach access signage for Dolphin Sands installed
- Roadside spraying Dolphin Sands and Cambria Drive completed
- Walking track maintenance underway – Orford, Bicheno, Triabunna, Swansea

EMERGENCY MANAGEMENT:

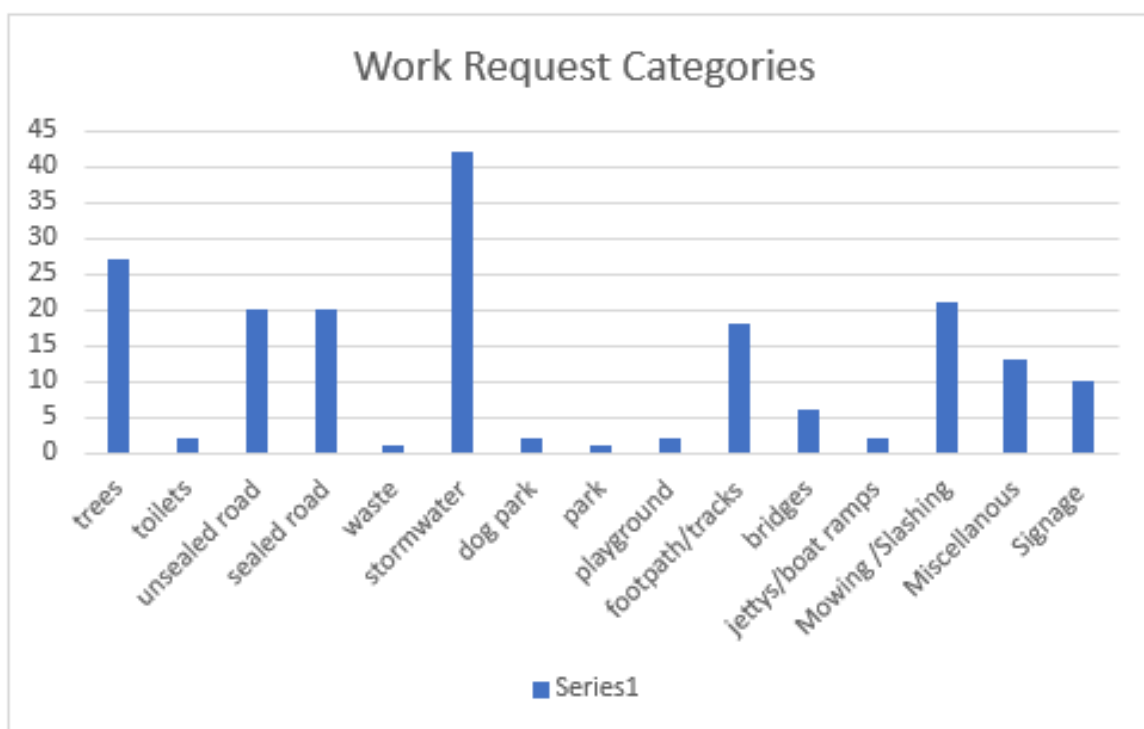
After hours rostering carried out as scheduled.

CUSTOMER REQUESTS

The Chart below summarises the requests received year to date by the total numbers received; the number completed; those generated by the public and those generated by officers.



The requests are sorted into categories to provide an overview of the areas showing the most interest or greatest need for attention as per the bar chart below:



CAPITAL WORKS

- Alma Rd and Fieldwick Drive drainage works ongoing
- Griffiths Rivulet Bridge - Precast works occurred in the contractors casting yard. TasNetworks relocation of power pole commenced.
- Bicheno BMX Track upgrade -Licence over area signed - construction to commence.
- Design for Triabunna School Crossing 99% - confirming details with school representatives prior to quotations
- Reseal program scope finalized. Contracts signed and works programmed for completion by 30th March 2022

Grant funded

Generally the grant funded projects are experiencing delays as consultation with major stakeholders is slower to progress than anticipated.

- Swansea Main Street Paving: Concept commenced Community engagement phase commenced.
- Bicheno Tasman Highway Footpath: 95% complete.
- 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

GENERAL

- A new Grant has opened for Preparing Australian Communities Program (PACP) Round 1. This fund round opens on the 10th December and includes eligibility of projects like the Orford Levy and associated flood mitigation works at Strawberry Court Orford. It is proposed to develop a grant for this location. Council will be required to take a licence from Crown over the area to do so and enquiries have been commenced with this in mind.
- Significant work for engineering staff resources continues to be generated by development activity with assessment of development plans and accountability of developers site works being upheld. Few developments have simple solutions for stormwater management with officers periodically relying on powers under the Urban Drainage to achieve appropriate design for proposed solutions and conformance.

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.

- Swansea Christmas Parade by SES – Road closure required

RECOMMENDATION

That Council notes the information.

7.2 Manager Buildings and Marine Infrastructure - Mr Adrian O'Leary

Boat Ramps & Jetties · Triabunna Marina · Council Buildings ·

PUBLIC AMENITIES AND BUILDINGS

General building maintenance is being undertaken to all buildings as required.

- **Drought Communities Programme Round 2**

Projects under the Drought communities funding round 2 will be completed by the end of December except for one project.

The project to upgrade the intersection of Vicary Street and the Esplanade Triabunna has been delayed due to availability of contractors.

- **Local Roads and Community Infrastructure Program Phase 1**

Most projects under phase 1 of the LRCI program are complete.

Work to replace the entrance of the Buckland Hall is under way and should be completed by January 2022.

Work to improve the treatment room at the Bicheno Medical Centre has commenced. This will eventually allow for a second treatment bed to be installed there.

- **Local Roads and Community Infrastructure Program Phase 2**

Projects funded by Phase 2 of the Local Roads and Infrastructure grant program by the Federal Government are progressing with most of them completed.

- **Coles Bay Hall**

Plans for the replacement of the Coles Bay Hall annex have been finalised.

Pricing for the build, which will replace the library and medical room, is being sort from local builders within the municipality. A community grant application will be applied for to help with the costs of the construction.

- **Buckland Hall**

Work to replace the entrance stairs at the Buckland Hall is continuing.

The stairs will be replaced with new stairs and an access ramp for people with disabilities to the front of the building as well as the emergency exit at the side of the building.

MARINE INFRASTRUCTURE

Boat Ramps and Jetties:

General maintenance is carried out on Council owned boat ramps and jetties.

- **Bicheno Boat Ramp**

Marine and Safety Tasmania are currently tendering for quotes to extend the jetties at the Bicheno boat ramp. Work on these jetty extensions will commence well into the new year.

- **Yellow Sand Banks Boat Ramp**

An application was lodged with Marine and Safety Tasmania under the Recreation boating fund to replace the broken deck at the Yellow Sand banks boat ramp at a cost of \$7,000. This was approved by MAST.

Triabunna Wharf and Marina:

Ongoing general maintenance and inspections are carried out as required.

- **Triabunna Marina**

The Triabunna Marina has full occupancy except for 5 small 8 metre berths that are available adjacent to the boat ramp.

The Council currently has 36 people on the waiting list for a marina berth for vessels more than 10 Metres in length.

Casual berthing is available for shorts stays through sub-leasing.

- Some worn and damaged piles at the original section of the Triabunna Marina have been replaced.

The six stern piles were replaced because they were worn and there was a risk of collapse. This expenditure was accounted for under the current budget.

RECOMMENDATION

That Council notes the information.

8. OFFICERS' REPORT REQUIRING A DECISION

8.1 Community Small Grant Application – Maria Voices

Author: Community & Communications Officer (Ms Eliza Hazelwood)

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

ATTACHMENT/S

1. Submitted application from
2. Quotation (Public Liability Insurance) \$316.25
3. Quotation (PA System) \$898.00
4. Quotation (Gazebo) \$179.00

PURPOSE

Recommendation for Council to approve a Small Grant application of \$1,000 to assist the not for profit local choir group Maria Voices, with the purchase of public liability insurance, PA system and gazebo.

BACKGROUND / OVERVIEW

Small Grant funding is available to assist the undertaking of programs and activities within the Glamorgan Spring Bay municipal area. The assessment criteria is outlined in the Community Small Grants Fund policy, including:

- Grants are restricted to \$1,000, with exceptions up to \$1,500 at Councils discretion.
- Grants are available to not for profit individuals, community organisations and groups.
- Grants are intended to assist projects that (1) address relevant community issues of significance (2) are initiated within the community and actively involve local people and (3) improve access and encourage wider use of facilities.

This application from dated 19 November 2021 is to assist the Maria Voices choir group to attend venues and perform for community events. The group seeks a contribution towards the purchase of equipment:

1. Public Liability Insurance, PA System and small Gazebo

STRATEGIC PLAN REFERENCE

Guiding Principles

Reinforce and draw on the strengths of our communities at both a local and regional level.

Key Foundations

Cohesive, inclusive and resilient communities that work together across the region to make the most of our collective talents, skills and resources and help and support each other.

STATUTORY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$25,000 Community Small Grants Program provision in the 2021/22 budget. At 30 November 2021, \$15,200 of the budget is available to support this application.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Nil	Nil	Nil	
Nil.				
Do not adopt the recommendation	Possible	Low	Low	Council provide support for alternative fund raising.
The community group will not have public liability insurance which may discourage performances.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy.

OFFICER'S RECOMMENDATION

That Council approve the application for Small Grant funding of \$1,000 for the Maria Voices.

8.2 Coles Bay Maintenance Services Contract

Author: Director Works and Infrastructure (Mr Peter Porch)

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

ATTACHMENT/S

Nil

PURPOSE

To present a summary of a Request for Quotation process for Operational activities at Coles Bay and Bicheno and seek Council's endorsement of the recommended submission.

BACKGROUND/OVERVIEW

Council carries out General town maintenance, Parks and Reserves maintenance and back-up Transfer Station services at Coles Bay and Swanwick through contracted services and has done so for a few years. Also assistance is sought from this contract for peak season demands at Bicheno.

There has been a contract for services provided at Bicheno however none for Coles Bay and Swanwick to date. On discovering the absence of a contract staff have developed a scope of work based on existing services and gone through a request for quotation process to obtain best value and appropriate governance processes for the service contract.

Council does not have any staff in the Coles Bay, Swanwick area for these services. A part time, casual transfer station position is the only employed person in that area. While the Swansea crew carry out capital and civil works in this area operational works are carried out by a service provider.

The supply of services under this RFQ are for the Coles Bay/Swanwick/Bicheno area for Glamorgan Spring Bay Council owned/maintained facilities and public spaces.

The workload varies, however average hours per month are expected to be in the range of:

- Coles Bay/Swanwick- 150 to 200 hours/month
- Bicheno (if required in peak season)- 90 to 100 hours/month

This includes:

- Coles Bay/Swanwick- Mowing and vegetation management of parks and other GSBC public spaces as directed by Works Supervisor. GSBC supply and maintain suitable mower, brush cutter and all fuel/oils required for execution of these tasks.
- Coles Bay/Swanwick- Cleaning and general maintenance of public toilet facilities, park bench's/seats, boat ramps and playgrounds. GSBC supply all consumables and cleaning equipment/products for execution of these tasks. These tasks may need to be serviced 7 days per week in peak season and sometimes twice per day.
- Coles Bay/Swanwick- General town maintenance tasks, such as removal of fallen tree's/branch's, walking track repairs and emptying of all public non-residential waste bins operated by GSBC. After hours/weekend work may be required to respond to emergency or urgent works following inclement weather or public reports. As directed by Works Supervisor.
- Coles Bay/Swanwick- If/when required, relief waste transfer station attendant at the Coles Bay facility. As directed by Works Supervisor.
- Bicheno- As required support Bicheno town maintenance team with emptying public non-residential waste bins operated by GSBC and public toilet facility cleaning/maintenance. For example through the tourism peak period of November to April each year if required. These tasks may need to be serviced 7 days per week in peak season and sometimes twice per day.
- Successful respondent is to supply suitable motor vehicle/s (including fuel and maintenance costs) in safe, road worthy condition to execute the tasks.

STRATEGIC PLAN

Key Foundation/s 4.

Infrastructure and Services

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

What we plan to do

- Set clear annual budget priorities to meet needs and community expectations in consultation with the community.

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*

BUDGET IMPLICATIONS

Council currently funds the contract works from existing operational budgets. The contract was based on a schedule of rates for the hours worked. The extent of hours worked is monitored and controlled by the Works Manager within budget. The value of the services provided under this contract for 2020-21 year was in the order of \$183,000 plus GST.

RISK CONSIDERATIONS

Key risks to Council include risks associated with tendering and contract management which incorporate required insurance certification for Public and Products Liability; Plant and Equipment; Vehicles and Workers Compensation.

Other risks include compliance with the requirements of the Local Government Act and Regulations and Councils Code for Tenders and Contracts for establishing contracts and tenders over \$100,000. Council's code for tenders and contracts requires that at least 3 written quotations be obtained for works between \$100,000 and \$250,000. Having identified in the procurement plan that alternative providers may be difficult to lure, Staff advertised the contract through the Public Tender process which isn't mandatory until \$250,000 threshold to ensure a wider coverage of potentially interested parties.

This RFQ process complies with the code for tenders and contracts and is implemented to manage these risks of non-conformance with the Act and Regulations.

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
Financial and legal Risks associated with tender and contract management	Moderate	Unlikely	Low	Follow governance processes including code for tenders and contracts. Staff trained and competent in managing contracts
Do not adopt the recommendation				
No alternative capacity to provide the services	Likely	Likely	High	Continue the services on a month by month basis without contract protections

OFFICER'S COMMENTS

The Tender

The Request for Quotation was advertised in the Mercury and Examiner newspapers to cover the widest area possible and useful. Also the contract was advertised on Council's website. The specification was developed to provide an opportunity for potential new providers to consider establishing to carry out the service.

At the close of the quotation period Council received only the one submission from the current contractor who operates from Coles Bay and has a couple of staff in their employ.

The rates tendered are mostly unaltered from the present arrangement and the service provided is high quality and responsive to reactive works. Rates are similar to Council's cost of employment for direct employees with overheads and oncosts included. The contractor is familiar with the duties and locations works; is a well-known community member in Coles Bay and requires little supervision.

Certification for all required tasks e.g. spray certificate and chainsaw are covered as are insurances. The contract requires a mixture of works with Council equipment and works with contractor supplied vehicles, mowers etc and rates in the contract schedule vary subject to the provision of equipment.

The contract period is 1 year, plus 1 year, plus 1 year, giving a potential contract period of three years based on satisfactory performance in preceding years of contract anniversary. It also provides for contract termination in the event other alternative and cost-effective arrangements materialize.

The contract is likely to cost in the order of \$190,000 plus gst per year and is encompassed in the present budget allocations for operational works.

OFFICER'S RECOMMENDATION

That Council award the contract for Coles Bay Maintenance Services to "Leave It To Me", Mowing Maintenance and Cleaning.

8.3 Disposal of land – Spencer Street, Triabunna

Author: Director Planning and Development (Mr Alex Woodward)

Responsible Officer: General Manager (Mr Greg Ingham)

ATTACHMENT/S

1. Valuation, Office of the Valuer General

PURPOSE

To recommend that Council approve a variation to decision 256/20, made at the July 2020 meeting to dispose of lots at Spencer Street, Triabunna (CT62-72/55156 and CT98/55156) by way of direct sale for market valuation.

BACKGROUND / OVERVIEW

At the 28 July 2020 meeting, Council resolved that in accordance with s.177 of the *Local Government Act 1993*, that Council by absolute majority authorise the Acting General Manager, to develop a contract to transfer lots 62-72/55156 and 98/55156 to Centacare Evolve Housing for a proposed unit development. This was in return for development of lots 25-28/55156 into fully serviced (power, water and sewer) lots with road access in Spencer Street formed to a standard acceptable by Council's Engineer, from the Boyle Street intersection past the access to lot 28. This was also subject to a condition that the transfer of ownership being subject to the Development Application for the community housing units being approved.

Following this meeting, Centacare Evolve proceeded with the lodgement of the Development Application (DA 2021/32) and associated design and this was subsequently approved by Council at the September meeting. During the advertising period for this application a number of submissions were made concerning the suitability of the development and the perceived inadequate return for Council and the community. Following the Council meeting in September, Council staff met with several concerned residents and listened to their concerns. From this meeting staff then met with the proponents and discussed some of the concerns with the proponent. It was agreed that a new valuation be obtained to determine the current valuation of the property. At this stage a valuation was sought and produced by the Office of the Valuer General (See Attachment 1). An additional valuation was then sought to confirm the initial valuation by a local real estate agent. As observed in the report, the valuation of \$375,000 was the figure that was considered most accurate.

Whilst Council obtained the latest valuation, Centacare Evolve met with the Director of Housing and sought approval for the Director to purchase the land directly, rather than undertake the works to service the lots 25-28 as outlined in the original decision. This approval has now been granted. If a motion is passed then the plan for Centacare Evolve will still be to develop the lots as per the approved DA 2021/32, but to effectively purchase the block for the valuation of \$375,000.

Whilst this resolution goes some way to address the concerns of value for money, it does not address the concerns of some members about the type of development this proposal presents.

STRATEGIC PLAN

Guiding Principle

3. Attract and welcome people of all backgrounds, cultures and ages to live in our region
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

Key Foundation/s

1. Our Governance and Finance
2. Our Community's Health & Wellbeing

What we plan to do

- Manage cash flow tightly to ensure current liabilities can be paid from unrestricted (available) cash.
- Work with health professionals to enhance the physical and mental health of ageing people.

STATUTORY IMPLICATIONS

Part 12, Division 1 outlines the requirements for the Purchase, acquisition, sale and lease of property. It is noted that Council previously made a decision to dispose of land at at Spencer Street, Triabunna (CT62-72/55156 and CT98/55156). The initial resolution was under s177 of the Act and did not recognise this land as Public Land as identified in s177A of the Act.

It is further noted that as this is a change to the original motion, it requires a partial overturning of a decision, therefore regulation 18 of the Local Government (Meeting Procedures) Regulations 2015 will apply:

18. Motion to overturn decision

- (1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –
 - (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or
 - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.
- (2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –
 - (a) by an absolute majority, in the case of a council; or
 - (b) by a simple majority, in the case of a council committee.
- (3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –
 - (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
 - (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and
 - (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
 - (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out

BUDGET IMPLICATIONS

Once lots 25, 26 and 27/555156 are sold this will assist Council's cash flow by \$375,000. In addition, the transfer of lots will be subject to rates payable each year.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Negligible	Likely	Moderate	Ensure that the reasons for the decisions are adequately communicated.
Some community members may still not be satisfied with the proposed development.				
Do not adopt the recommendation	Minor	Possible	Moderate	Ensure that the original agreed works are carried out to a high standard.
The original motion will stand and not present the best value for the Council or the community.				
Failure to continue with the disposal may place Council at litigation risk from the proponent.	Minor	Possible	Moderate	Seek legal advice on this matter.

OFFICERS COMMENT

The previous decision on 28 July 2020 specifically stated that 'In accordance with s.177 of the Local Government Act 1993, that Council by absolute majority authorise the Acting General Manager, to develop a contract to transfer lots 62-72/55156 and 98/55156 to Centacare Evolve Housing for a proposed unit development in return for development of lots 25-28/55156 into fully serviced (power, water and sewer) lots with road access in Spencer St formed to a standard acceptable by Council's engineer, from the Boyle Street intersection passed the access to lot 28. With a condition that the transfer of ownership being subject to the Development Application for the community housing units being approved'.

It is recommended that the original decision 256/2020 in July 2020 be overturned to instead sell lots CT62-72/55156 and CT98/55156 directly to the Director of Housing for \$375,000.

If Council votes in the affirmative of the Officers recommendation, this will overturn the decision 256/2020 made on 28 July 2020.

There will be a new recommendation that the land be sold directly to the Director of Housing, instead of being transferred to Centacare Evolve for the servicing of lots CT25-28/55156.

The previous decision authorised the Acting General Manager, to develop a contract to transfer lots 62-72/55156 and 98/55156 to Centacare Evolve Housing condition that the transfer of ownership being subject to the Development Application for the community housing units being approved. As the Development Application has only recently been approved and these recent discussions taking place, this action has not occurred.

RECOMMENDATION

That Council:

1. NOTE the Council report and Officers Comments, specifically that If Council votes in the affirmative of the Officers recommendation, this will partially overturn the decision 256/20 made on 28 July 2020, being the land will be sold directly to the Director of Housing, instead of being transferred to Centacare Evolve for the servicing of lots CT25-28/55156.
2. RESOLVE to overturn decision 256/20, made at the 28 July 2020 ordinary Council meeting to *authorise the Acting General Manager, to develop a contract to transfer lots CT62-72/55156 and CT98/55156 to Centacare Evolve Housing for a proposed unit development in return for development of lots CT25-28/55156 into fully serviced (power, water and sewer) lots with road access in Spencer St formed to a standard acceptable by Council's engineer, from the Boyle Street intersection passed the access to lot 28. With a condition that the transfer of ownership being subject to the Development Application for the community housing units being approved.*
3. Further RESOLVE to direct the General Manager to develop a contract with the Director of Housing Tasmania to sell lots in Spencer Street (CT62-72/55156 and CT98/55156) for an amount of \$375,000.

8.4 Revised Budget 2021/22

Author: Director Corporate and Community (Mrs Elysse Blain)

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

ATTACHMENT/S

1. Revised Budget 2021/22

PURPOSE

To recommend that Council adopts the Revised Budget 2021/22.

BACKGROUND / OVERVIEW

The main purpose of the budget review is to update carry forward capital works project amounts and grants from last financial year. Other changes include the updated TasWater dividend now advised and an update to depreciation due to asset revaluations.

It is not the intent of this budget review to revise the whole budget, it is still managements intent to manage operational activities within the budget originally set by Council. The changes included are only high level in nature and/or in relation to capital work and grant specific projects.

STRATEGIC PLAN

Guiding Principle

7. Communicate and explain Council's decisions and reasons in an open and timely manner.

Key Foundation/s

1. Our Governance and Finance

What we plan to do

- Manage cash flow tightly to ensure current liabilities can be paid from unrestricted (available) cash.

STATUTORY IMPLICATIONS

Local Government Act 1993

BUDGET IMPLICATIONS

The following changes to the budget have been included:

1. Update to TasWater dividend forecast to receive for this financial year. TasWater have advised councils that they can now expect a normal full year dividend allocation for 21/22, compared to the 50% allocated budgeted, plus councils may receive a back payment of missed dividends spread of the next 5 years depending on year end performance.
2. Allocation of specific capital works projects not identified in the original budget, for example Roads to Recovery resheeting projects and Local Roads and Community Infrastructure Round 3 projects have now been identified and included.
3. Change to capital works projects budgets where estimates are now different than the original budget. All capital projects with a revised budget are highlighted.
4. Update to Grant income, based on final carried forward grant figures from the prior financial year.
5. Update to depreciation due to revaluation of assets last financial year plus a 2% increase for 21/22 movements.
6. Update to balance sheet and cashflow respectively based on end of year performance (20/21) and budget changes noted above.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
1. This will increase transparency, both internally and externally, in relation to the capital works program being undertaken in 21/22. 2. Will be easier to manage individual project budgets. 3. Provide a current update on Councils likely financial position at 30 June 2022.	Negligible	Unlikely	Low	To mitigate these risks, it is recommended that Council adopted the Revised Budget 21/22 as presented.
Do not adopt the recommendation				
1. The capital works program will lack transparency and difficult to manage to budget without the revised carry forward figures listed. 2. There would be a large variance, actual to budget, for depreciation and investment revenue. 3. Risk to poor decision making, which may impact cashflow and stretch working capital beyond capacity.	Moderate	Possible	High	To mitigate these risks, it is recommended that Council adopted the Revised Budget 21/22 as presented

OFFICER'S COMMENTS

In summary, the following high-level comments are provided on the Revised Budget 21/22 compared to the original budget:

1. Operating net profit/loss for in the revised budget is expected to be \$450k loss, compared to \$787k loss in the original budget. Total Comprehensive Result (including capital income) is \$6.56m profit compared to \$6.06m in the original budget.
2. The capital works program will be similar at \$8.50m.
3. The final cash position is expected to be \$2.55m, compared to \$2.77m in the original budget.
4. Other actual to budget movements will be managed within the original budget allocations.

OFFICER'S RECOMMENDATION

That Council approve the Revised Budget 21/22 as presented in the attachments.

9. NOTICES OF MOTION

Nil.

10. PETITIONS

Nil.

11. QUESTIONS FROM COUNCILLORS

11.1 Questions on notice by Councillors

Nil.

11.2 Questions without notice by Councillors

12. CONFIDENTIAL ITEMS (CLOSED SESSION)

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Mayor is to declare the meeting closed to the public in order to discuss the following matter/s:

- Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 23 November 2021**
As per the provisions of regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 2: Australia Day Awards**
As per the provisions of regulation 15 (2) (g) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 3: Financial Hardship Application**
As per the provisions of regulation 15 (2) (j) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 4: Commercial arrangements – Triabunna Marina**
As per the provisions of regulation 15 (2) (c) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That Council moves into closed session at (Time:).

The Mayor to confirm that the recording has been terminated.

13. CLOSE

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

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young