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## **ORDINARY COUNCIL MEETING AGENDA**

TUESDAY 25 MAY 2021

2:00PM

Council Chambers, Triabunna

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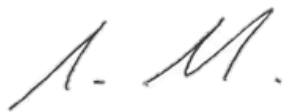
## NOTICE OF MEETING

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, 25 May 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 20 May 2021



Greg Ingham  
**GENERAL MANAGER**

### IMPORTANT INFORMATION

- In response to COVID-19 social gathering regulations, members of the public will not be able to attend the meeting. Where possible a live stream of the meeting will be made available.
- 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**

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

### **1.1 Acknowledgement of Country**

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*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**

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### **1.3 In Attendance**

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### **1.4 Late Reports**

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### **1.5 Declaration of Interest or Conflict**

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*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.*

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## **2. CONFIRMATION OF MINUTES**

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### **2.1 Ordinary Meeting of Council - 27 April 2021**

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#### **RECOMMENDATION**

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

## **2.2 Date and Purpose of Workshop/s Held**

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### **TUESDAY 27 APRIL 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 11:00am to 1:00pm on Tuesday 27 April 2021 at the Council Offices, Triabunna.

#### **Present**

Mayor Robert Young  
Deputy Mayor Jenny Woods (in part)  
Clr Keith Breheny (via telephone link)  
Clr Michael Symons  
Clr Rob Churchill

#### **Apologies**

Clr Annie Browning  
Clr Cheryl Arnol  
Clr Grant Robinson

#### **In Attendance**

Mr Greg Ingham, General Manager  
Mrs Marissa Walters, Consultant Accountant  
Mr Alex Woodward, Director Planning and Development  
Mr Peter Porch, Director Works and Infrastructure (in part)

#### **Guests**

Nil

#### **Agenda**

- Rates Review

## **TUESDAY 11 MAY 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 12:30pm to 5:00pm on Tuesday 11 May 2021 at the Council Offices, Triabunna.

### **Present**

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

### **Apologies**

Nil

### **In Attendance**

Mr Greg Ingham, General Manager  
Mrs Marissa Walters, Consultant Accountant  
Mr Vince Butler, Project Engineer – Asset Management (in part)  
Mr Mick Purves, Senior Planning Consultant (in part)  
Mr Alex Woodward, Director Planning and Development (in part)  
Mr Peter Porch, Director of Works and Infrastructure (in part)

### **Guests**

Nil

### **Agenda**

- Introduction - Mr Usman Ali, Development Engineer and Mr Yasir Qayyum, Accountant
- Rating Review and Communication Plan
- Draft Overall Strategic Asset Management Plan
- Tempus Scheme Amendment and Planning Permits – Update

### **RECOMMENDATION**

That Council notes the information.

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### **3. PUBLIC QUESTION TIME**

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

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

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

#### **3.1 Question without Notice**

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*In response to COVID-19 social gathering regulations, Council meetings will be held remotely via video conference until further notice and therefore members of the public are unable to attend the meetings.*

*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](mailto:general.manager@freycinet.tas.gov.au) or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.*



### **3.2 Questions on Notice**

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#### **Mr Roger L G Martin**

- Q1. *In what way does this council adopt a culture of continuous improvement and how does it implement continuous improvement within council for the council as a whole, for individual departments, services and procedures as specified in the Good Governance Guide for Local Government in Tasmania?*

#### **Response from General Manager, Greg Ingham**

Council has room to improve its attention and deliberate commitment to continuous improvement practices. Whilst it is an expectation created through position descriptions and the Local Government Act, to me it is more a leadership responsibility to drive.

To that end I am looking forward with my new leadership team (one more to commence in the coming week) to start incorporating a specified agenda item in our Manex meetings. Doing this will build a united and considered effort in the continuous improvement area to ensure ideas are recorded, prioritised with respect of benefit and resource commitment to achieve.

As for benchmarking, this often occurs however at an activity level. This can occur within Local Government in Tasmania and abroad and also outside of our industry.

So in short, I agree with you continuous improvement is more about a culture than an activity to demonstrate compliance. The culture needs to be driven by the leadership team which I hope in the months ahead will have an opportunity to work to and make a difference in.

- Q2. *Benchmarking is an integral and essential component of any continuous improvement program. If the Glamorgan Spring Bay Council has a culture and program of continuous improvement, what independent benchmarking is used to promote improvements in processes and operations?*

#### **Response from General Manager, Greg Ingham**

See above response to Q1.

### **3.3 Responses to previous Questions without Notice taken on Notice – 27 April 2021**

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#### **Ms. Jen Hackett**

*I am sorry that my last question on stating rate revenue wasn't clear enough for Council. That is my fault.*

*I am wanting to see the rate revenue in dollar value for GSBC rate regions for the 2019 and 2020 financial year, plus budgeted for the 2021 financial year.*

*Please complete the following dollar values for each region below. I have copied these rate regions from the partial answer provided in February 2020. Please include all rate types as described in my prior question printed April 2021. I think the ratepayers have a right to know where the rate revenue comes from, per GSBC rate region. This will help stop the "us and them" discussions that occur between GSBC rate regions about who pays more or less in rates and make it clear for all where the rate revenue is sourced from. It can only be seen as a positive for all ratepayers to know this information.*

*Please include the rate types of General, Commercial, Industrial, Primary Production & Sport and Recreation for each rate region in your answer. The totals for each year (i.e. each rate region added up per year) should be able to match back to the budget and/or rate revenue stated in the completed financial reports. That is the only way readers will understand the values stated for each rate region.*

*I will understand if you again take this on notice and provide an answer in the May meeting agenda.*

*General rates Received 2019 Financial Year*

*General, Commercial, Industrial, Primary Production & Sport and Recreation*

*Apslawn: \$  
Bicheno: \$  
Buckland: \$  
Coles Bay: \$  
Cranbrook: \$  
Dolphin Sands: \$  
Douglas River: \$  
Friendly Beaches: \$  
Lake Leake: \$  
Levendale: \$  
Little Swanport: \$  
Nugent: \$  
Orford: \$  
Pontypool: \$  
Rheban: \$  
Rocky Hills: \$  
Spring Beach: \$  
Swansea: \$  
Triabunna: \$*

*General Rates Received 2020 Financial Year*

*General, Commercial, Industrial, Primary Production & Sport and Recreation*

*Apslawn: \$  
Bicheno: \$  
Buckland: \$  
Coles Bay: \$  
Cranbrook: \$  
Dolphin Sands: \$  
Douglas River: \$  
Friendly Beaches: \$  
Lake Leake: \$  
Levendale: \$  
Little Swanport: \$  
Nugent: \$  
Orford: \$  
Pontypool: \$  
Rheban: \$*

Rocky Hills: \$  
 Spring Beach: \$  
 Swansea: \$  
 Triabunna: \$

*General Rates Budgeted for 2021 Financial Year  
 General, Commercial, Industrial, Primary Production & Sport and Recreation*

Apslawn: \$  
 Bicheno: \$  
 Buckland: \$  
 Coles Bay: \$  
 Cranbrook: \$  
 Dolphin Sands: \$  
 Douglas River: \$  
 Friendly Beaches: \$  
 Lake Leake: \$  
 Levendale: \$  
 Little Swanport: \$  
 Nugent: \$  
 Orford: \$  
 Pontypool: \$  
 Rheban: \$  
 Rocky Hills: \$  
 Spring Beach: \$  
 Swansea: \$  
 Triabunna: \$

**Response from General Manager, Greg Ingham**

The below rate types are grouped as a Glamorgan Spring Bay Council municipal area total.  
 Values have not been stated for each area or location.

Rate Type	Sum of 2020/21	Sum of 2020/21_2
<b>Commercial</b>	<b>100.00%</b>	<b>\$1,192,905</b>
<b>Industrial</b>	<b>100.00%</b>	<b>\$100,958</b>
<b>Primary Production</b>	<b>100.00%</b>	<b>\$810,187</b>
<b>Sport &amp; Recreation</b>	<b>100.00%</b>	<b>\$89,122</b>
<b>Grand Total</b>		<b>\$2,193,172</b>

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#### **4. PLANNING AUTHORITY SECTION**

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*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 Report on Representations to Planning Scheme Amendment and Planning Approval – 12371 Tasman Highway, Swansea (part of)**

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Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Senior Planning Consultant (Mr Mick Purves)

The purpose of this report is to consider the representations that were received during the statutory exhibition of an application for a planning scheme amendment and planning applications submitted for the Tempus proposal.

#### **ATTACHMENT/S**

Attachment 1 - Consideration of Representations to Draft Amendment AMD 2021/01

#### **EXECUTIVE SUMMARY**

An application was lodged under sections 33(3) and 43(A) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) for a combined planning scheme amendment and a development application for a subdivision and the development of stage 1A of the Tempus Retirement Village and nursing home proposal, which included:

- Establishing a new Particular Purpose zone in the Glamorgan Spring Bay Interim Planning Scheme 2015;
- Rezoning approximately 17 hectares of land to the newly established Particular Purpose zone;
- Subdivision of land to create two new land titles for the Tempus proposal;
- Determination of the planning application for stage 1A of the proposal.

Council initiated the amendment at its February 2021 meeting and the application was placed on public exhibition for a period of 42 days in accordance with the requirements of the Act.

45 representation were received during the exhibition period both for and against the application.

Copies of the representations were provided under separate cover to this report.

#### **STATUTORY IMPLICATIONS**

The process to amend a planning scheme is established at Schedule 6 of the Act until a local provisions schedule is declared within a municipal area and the Tasmanian Planning Scheme becomes effective.

Schedule 6 reinstates the process established under the former division 2 of the Act (the former provisions). Section 39 of the Former Provisions requires that the Planning Authority consider the representations that were received, as follows:

##### **39. *Representations in respect of draft amendments***

- (1) *Where a draft amendment of a planning scheme is placed on public exhibition by a planning authority in accordance with [section 38](#), representations in relation to that draft amendment may be submitted to the authority by any person before the expiration of the exhibition period referred to in [section 38\(1\)\(a\)](#).*
- (2) *The planning authority must, not later than the expiration of 35 days after the exhibition period referred to in [section 38\(1\)\(a\)](#) or such further period as the Commission allows, forward to the Commission a report comprising-*
  - (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*

- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to-*
  - (i) *the need for modification of the draft amendment in the light of that representation; and*
  - (ii) *the impact of that representation on the draft amendment as a whole; and*
- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

The 35-day timeline established under s.39(2) expires on 28 May 2021. Copies of the representations that were received during the exhibition period were provided under separate cover to this report.

The balance of this report provides statements on the merit of each representation, the need to modify the amendment, a statement on the impact of each representation on the operation of the amendment and recommendations in relation to the draft amendment.

### **BUDGET IMPLICATIONS**

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

### **RISK CONSIDERATIONS**

Identified risks are considered to be addressed by the Planning Authority observing the statutory process. This includes the assessment of economic, environmental and social impacts as established through the statutory assessment process.

Planning Scheme amendments are assessed by the Tasmanian Planning Commission, which includes compliance with the STRLUS. There is a risk that the Commission will take a conservative interpretation of the Southern Tasmania Regional Land Use Strategy. If that occurs, the application is likely to be refused.

A recommendation is provided to deal with these matters and provide delegations for operational functions of the decision and subsequent process for the hearings.

### **DISCUSSION**

As previously noted, the representations raised a range of relevant planning issues and other matters. Relevant matters for consideration include the following:

- compliance with the RLUS and Swansea Structure Plan;
- scale and location of the site;
- medical facilities;
- the town boundary;
- compliance with the *State Policy for the Protection of Agricultural Land 2009* and conversion of agricultural land;
- Tempus creating precedent for the Cambria Green amendment;
- 'road' owner consent;
- provision of services and infrastructure;
- visual impacts of the proposal;
- light pollution and impacts
- community access to the facilities within the proposal;
- use for visitor accommodation;
- project staging and completion; and
- subdivision of land;

A discussion of the issues and detailed response to each representation is provided in Attachment 1.

## **Recommendation**

That the Council:

1. Endorse Attachment 1: Consideration of Representations to Draft Amendment AMD 2021/01 as its report in response to the representations in accordance with Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993; and
2. Recommend to the Tasmanian Planning Commission the following modifications to Draft Amendment AMD 2021/01 – Tempus Particular Purpose zone as detailed in Attachment 1:
  - a. obtain further expert analysis from the applicant to investigate and advise on the conflicting statements by qualified or experienced parties within representations regarding conflicting statements and impacts on:
    - i. the potential for and the ability to manage land use conflicts around spraying, noise, competing demands and fettering; and
    - ii. the nature of the soils on the Tempus site and their ability to sustain viticulture and therefore, their value as agricultural lands; and
  - b. revise criterion GSB-P7.6.3 A3(b) to recognise existing setbacks for sensitive use;
  - c. refers concerns regarding water service capacity for existing and future urban and rural customers to Taswater for response; and
  - d. obtains expert analysis from the applicant to identify visual impacts of the proposal within the wider landscape and determine alterations to the finishes and colours for the project to minimise visual contrast with the surrounding day and nighttime landscape; and
3. Recommend to the Tasmanian Planning Commission the following modifications to Draft Planning Permit DA2020/080 as detailed in Attachment 1:
  - a. insert a new condition to the permit that limits stormwater discharges to the public system from the site to pre-development volumes; and
  - b. insert a new condition to the permit that requires materials, colours and finishes to minimise visual impacts to the surrounding landscape; and
  - c. insert a new condition to the permit that requires lighting to be baffled to minimise lighting impacts to the area and night sky; and
  - d. insert a new condition to the permit that ensures access for the wider community to the facilities within Tempus.

#### **4.2 Subdivision Application 2019 / 17 - Tasman Highway, Orford (part of CT 139972/1, adjoining Louisville Road and Bernacchi Drive, Orford)**

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<b>Proposal</b>	Subdivision into 47 lots in 3 stages
<b>Applicant</b>	Andy Hamilton & Associates Pty Ltd
<b>Application Date</b>	19 August 2020
<b>Statutory Date</b>	1 July 2021 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	Rural Resource
<b>Codes</b>	1.0 Bushfire-Prone Areas, 5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management
<b>Specific Area Plans</b>	F3.0 Louisville Road Specific Area Plan
<b>Use</b>	Class: residential subdivision.
<b>Development</b>	Discretionary
<b>Discretions</b>	Seven
<b>Representations</b>	One
<b>Attachments</b>	A – Application Documents B – Representations
<b>Author</b>	James Bonner, Senior Planner

#### **EXECUTIVE SUMMARY**

Planning approval is sought for a 47 lot residential subdivision on part of CT139972/1, Orford (the subject site), comprising approximately 12.2 hectares of land fronting Louisville Road and Bernacchi Drive, together with the required works and development for the provision of associated services and infrastructure. Stormwater is proposed to be drained to existing Council infrastructure across Bernacchi Drive to the east of the site, which discharges into Alginate Bay.

The Glamorgan Spring Bay Interim Planning Scheme 2015 identifies the site is subject to the following controls:

- the Rural Resource zone;
- F3 Louisville Road Specific Area Plan; and
- parts of the development area are within the Biodiversity Protection overlay and Landslide Hazard Area (low) overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.7.2 of the planning scheme. It is noted that in accordance with section 7.4.2 of the planning scheme where there is a conflict between a provision in a specific area plan and a provision in a zone or code, the specific area plan provision prevails. The proposal does not meet the Acceptable Solution of the following development standards:



E3.8.1 P1 Landslide

E5.5.1 P2 Existing Accesses and junctions

E5.6.2 P1 Road accesses and junctions

E10.7.1 Buildings and works

E10.8.1 Subdivision standards – clearance of High Priority vegetation

F3.7.1 P1 lot orientation

F3.7.4 P2 lighting impacts

The proposal was advertised for two weeks from 1 July to 15 July 2020 and one representation was received.

This report assesses the proposal against the Performance Criteria for the standards listed above and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 1 July 2021.

The recommendation is to approve the application with 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 a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

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

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

### **2. Approving applications under the planning scheme**

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

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

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

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

### **3. The Proposal**

Approval is sought for a 47 lot residential subdivision in three stages with vehicular access provided off Louisville Road for stage 1 (shown as 5A on the proposal plan), Bernacchi Drive for stage 2 (shown as 5B) and new roads within the subdivision for stage 3 (shown as 5C), refer figure 3. The proposed lots range in size from 1613 m<sup>2</sup> (lot 515) to 6536 m<sup>2</sup> (lot 544). The proposal includes the development and works required for the provision of roads and services to all lots and a new road connection to each of Louisville Road and Bernacchi Drive. Stormwater is proposed to be drained to existing Council infrastructure across Bernacchi Drive to the east of the site, which discharges into Alginat Bay.

### **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.

Recommended conditions include options for financial contributions to be made to Council for stormwater treatment and stormwater capacity upgrades. The contribution for treatment imposes no timeframe on Council to undertake works or spend the contribution. The contribution for capacity upgrades is only applicable if Council already has an approved works programme. The acceptance of any financial contribution is solely at Council's discretion and as such is not considered to pose any risk.

### **5. Background and past applications**

The property forms part of the Solis Site and has been subject to special controls under the planning schemes that reflect the intended developments for the Solis projects under the current and previous planning schemes.

The current owner developed a revised masterplan for the site, which confirmed the residential use of the subject lands and ultimately saw the documents lodged with Council for subdivision of the land in July 2019. Information requests were issued to the applicant and the application became valid on August of 2020. Additional reports were provided to deal with lighting and landscaping of the site, traffic management on Council roads and the Tasman Highway, landslide risk and Taswater requirements for reticulated water supply.

### **6. Location**

The subject site is located on the northern side of the intersection of Louisville Road and Bernacchi Drive, and forms part of a larger title of 241 hectares that comprises the majority of the headland between the northern end of Rospin's Beach and Bogan Creek, refer figure 1.

The site is approximately 3.5 km north east of the Orford local business area and approximately 3.7 km south of Triabunna town centre. Louisville Road provides access to Bernacchi Drive and the Eastcoaster Resort, which is approximately 300m east of the subject site.

Stormwater from this area drains to existing Council infrastructure across Bernacchi Drive to the east of the site, which discharges into Alginat Bay.



*Figure 1 – Overall site, subdivision area outlined in red, Orford (LISTmap)*

## **7. Site Description**

The overall site has frontage to Tasman Highway, Benacchi Drive and Barton Avenue and crosses Louisville Road. It has an overall area of 241 hectares and is comprised of a mix of cleared areas and remnant or standing vegetation. The overall site also contains a former gravel pit.

The subject of the current planning application is located adjacent to the intersection of Louisville Road and Bernacchi Drive. The area subject to the proposed subdivision has area of 121,866 m<sup>2</sup> or 12.18 hectares and is outlined in red on Figure 1.

The site contains a mix of cleared areas and standing vegetation but is otherwise undeveloped (Figure 2). The site rises approximately 60 m from the south eastern frontage on Bernacchi Drive to the northernmost part of the site.





Figure 2 – Subdivision area outlined in red. (LISTmap)



Figure 3 – Subdivision stage 5 lot plan

## **8. Planning Instruments**

- 1) Glamorgan Spring Bay Planning Scheme 2015
  - D10.0 Rural Resource Zone
  - E1.0 Bushfire-Prone Areas Code
  - E3.0 Landslide Code
  - E5.0 Road and Railway Assets Code
  - E6.0 Parking and Access Code
  - E7.0 Stormwater Management Code
  - E10 Biodiversity Code
  - F3.0 Louisville Road Specific Area Plan (Note: The Specific Area Plan takes precedence over those in the zone and codes pursuant to clause 7.4.2 of the Scheme)

## **9. Easements and Services**

- A pipeline easement is located along the southern boundary of the subject site and Louisville Road.

## **10. Covenants**

- The title has covenants listed on the title for fencing, pipelines for burdening and benefitting easements, rights of way, and adhesion order.

## **PART TWO**

### **11. Meeting the Standards - via Acceptable Solution**

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

- 10.0 Rural Resource Zone
- E1.0 Bushfire-Prone Areas Code
- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10 Biodiversity Code
- F3.0 Louisville Road Specific Area Plan (Note: the provisions of the Specific Area Plan take precedence over those in the zone and codes pursuant to clause 7.4.2 of the Scheme)

All bar seven standards were met by Acceptable Solution. These have been assessed against the applicable performance criteria below.

## 12. Meeting the Standards – via Performance Criteria

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

- E3.8.1 P1 Subdivision (within a low landslide hazard risk overlay)
- E5.5.1 P1 Increased use of existing road access Cat 1 or 2 road >60km/h
- E5.5.1 P2 Increased use of existing road access >60km/h
- E5.6.2 P1 Road accesses and junctions
- E10.8.1 P1 Subdivision (within High Priority Biodiversity Protection area)
- F3.7.1 P4 Lot Design (orientation of lots)
- F3.7.4 P2 Landscaping and Lighting

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 1 July 2021.

## PART THREE

### 13. Assessing the proposal against the Performance Criteria

#### Use and Development Standards under the Landslide Code

#### Development Standards for Subdivision (E3.8.1)

The objective is:

To ensure that landslide risk associated with subdivision in Landslide Hazard Areas is:

- (a) *Acceptable risk; or*
- (b) *Tolerable risk, having regard to the feasibility and effectiveness of any measures required to manage the landslide hazard.*

Performance Criteria	Planner's response
<b>Clause E3.8.1 A1</b>	Around eight lots in the north-eastern portion of the subdivision are identified as being in a low risk landslide hazard area. As such, the proposed subdivision does not meet the criteria under Clause E3.8.1 A1 and has been assessed against the corresponding performance criteria.
<b>P1</b> Subdivision of a lot, all or part of which is within a Landslide Hazard Area must be for the purpose of one of the following:  (a) separation of existing dwellings;  (b) creation of a lot for the purposes of public open space, public reserves or utilities;  (c) creation of a lot in which the building area, access and	Performance criteria (a) and (b) are not applicable to the proposal.  In regard to performance criteria (c) the applicant submitted a Landslide Risk Assessment by GEO-Environmental Solutions, dated March 2021. The assessment concluded that: <ul style="list-style-type: none"><li>• <i>The field investigations revealed slightly to moderately dispersive soils on site (Emersons Class 2:1 and 2:2). As the distribution of dispersive clays can vary spatially, and the excavations for future development can also vary in depth it is recommended that the whole site be treated as a low-moderate risk of dispersive soil induced</i></li></ul>

Performance Criteria	Planner's response
<p>services are outside the High Landslide Hazard Area and the landslide risk associated with the subdivision is either:</p> <p>(i) acceptable risk, or</p> <p>(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.</p>	<p><i>erosion.</i></p> <ul style="list-style-type: none"> <li>• <i>Further information on management of dispersive soils can also be found in the publication "Dispersive soils and their management - Technical manual" (DPIWE Tas 2009).</i></li> <li>• <i>The geotechnical risk to property (assuming residential dwellings on each proposed lot) is considered low and acceptable;</i></li> <li>• <i>Proposed development satisfies the performance criteria for E3.8.1 P1 as per Glamorgan Spring Bay Council Interim Scheme 2015.</i></li> </ul> <p>The assessment included recommendations for construction works, which are recommended for inclusion as conditions in any permit.</p> <p>It is therefore considered that in accordance with P1(c)(i) the landslide risk associated with the subdivision meets the performance criteria of being an acceptable risk.</p>

## Use and Development Standards under the Road and Railway Assets Code

### Use Standards – Existing road accesses and junctions (E5.5.1)

The objective of the use standard is:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Performance Criteria	Planner's response
<b>Clause 5.5.1 A1</b>	The daily vehicle movements from the site onto the Tasman Highway has been estimated to increase by more than 10%. As such, the proposed subdivision does not meet the criteria under Clause 5.5.1 A1 and has been assessed against the corresponding performance criteria.
<p><b>P1</b></p> <p>Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60 km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use.</p> <p>(b) the nature of the traffic generated by the use.</p> <p>(c) the nature of the road.</p> <p>(e) the speed limit and traffic flow of the road.</p> <p>(f) any alternative access to a road.</p>	<p>Since the application was lodged State Growth have upgraded the intersection of Louisville Road and Tasman Highway. State Growth being the road authority have advised Council that they have no further comments or recommendations.</p> <p>The proposal satisfies performance criteria P1.</p>



<p>(g) the need for the use.</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	
<b>Performance Criteria</b>	<b>Planner's response</b>
<b>Clause 5.5.1 A2</b>	The daily vehicle movements from the site onto Louisville Road, which is subject to a speed limit of more than 60km/h, has been estimated to increase by more than 10%. As such, the proposed subdivision does not meet the criteria under Clause 5.5.1 A2 and has been assessed against the corresponding performance criteria.
<p><b>P2</b></p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60 km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use.</p> <p>(b) the nature of the traffic generated by the use.</p> <p>(c) the nature and efficiency of the access or the junction.</p> <p>(d) the nature and category of the road.</p> <p>(e) the speed limit and traffic flow of the road.</p> <p>(f) any alternative access to a road.</p> <p>(g) the need for the use.</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	<p>The assessment of the application by Council's engineers has determined that the new junction is acceptable provided that a roundabout is provided at the new intersection of the subdivision and Louisville Road with a resultant reduction in the speed limit on Louisville Road.</p> <p>The proposed subdivision and road network is consistent with the Specific Area Plan which envisaged residential development in this locality.</p> <p>The proposal satisfies performance criteria P2.</p>

#### **Use Standards – Development adjacent to roads and railways (E5.6.2)**

The objective of the use standard is:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

<b>Performance Criteria</b>	<b>Planner's response</b>
<b>Clause 5.6.2 A1</b>	A new junction is proposed onto Louisville Road which is subject to a speed limit of more than 60km/h. As such, the proposed subdivision does



Performance Criteria	Planner's response
	not meet the criteria under Clause 5.6.2 A1 and has been assessed against the corresponding performance criteria.
<p><b>P1</b></p> <p>For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access;</p> <p>(e) the need for the access or junction;</p> <p>(f) any traffic impact assessment; and</p> <p>(g) any written advice received from the road authority.</p>	<p>The assessment of the application by Council's engineers has determined that the new junction is acceptable provided that a roundabout is provided at the new intersection of the subdivision and Louisville Road with a resultant reduction in the speed limit on Louisville Road.</p> <p>The proposed subdivision and road network is consistent with the Specific Area Plan which envisaged residential development in this locality.</p> <p>The proposal satisfies performance criteria P1.</p>

## Use and Development Standards under the Biodiversity Code

### Development Standards – Subdivision Standards (E10.8.1)

The objective of the use standard is:

To ensure that:

- (a) *works associated with subdivision resulting in clearance and conversion or disturbance will not have an unnecessary or unacceptable impact on priority biodiversity values.*
- (b) *future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority biodiversity values.*

Performance Criteria	Planner's response
<b>Clause E10.8.1 A1</b>	Parts of the proposed subdivision are located within a Biodiversity Protection Area and do not meet the listed acceptable solutions. As such, the proposed subdivision does not meet the criteria under Clause E10.8.1 A1 and has been assessed against the corresponding performance criteria.
<p><b>P1</b></p> <p>Clearance and conversion or disturbance must satisfy the following:</p> <p>(a) if low priority biodiversity</p>	<p>The applicant submitted a Natural Values Report by Livingston Natural Resource Services which assessed the flora and fauna within the biodiversity areas. The assessment found the development area contains two stands of a threatened vegetation community that also provides foraging habitat for the swift parrot. The report identified</p>

<b>Performance Criteria</b>	<b>Planner's response</b>
<p>values:</p> <p>N/A – identified as being high priority</p> <p>(b) if moderate priority biodiversity values:</p> <p>N/A – identified as being high priority</p> <p>(c) if high priority biodiversity values:</p> <p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p> <p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p> <p>(iii) high priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;</p> <p>(iv) special circumstances exist;</p> <p>(v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.</p>	<p>that the area has suitable habitat for threatened flora known within 5km although no threatened flora was identified.</p> <p>Council's Biodiversity Officer undertook a review of the submitted report and assessment of the locality. This assessment identified the biodiversity areas as having a High Priority Biodiversity Value and as such recommended an offset plan be developed. It is intended to place a restriction on the Title around removal and management of vegetation in the proposed offset area.</p> <p>The proposal satisfies performance criteria P1.</p>

## **Use and Development Standards under Louisville Road Specific Area Plan**

### **Development Standards for Subdivision – Lot Design (F3.7.1)**

The objective is:

To provide for new lots that have appropriate area and dimensions to accommodate development consistent with the Purpose and Desired Future Character Statements for this Specific Area Plan.

Performance Criteria	Planner's response
<b>Clause F3.7.1 A4</b>	Not all lots have a long axis within the range of 30 degrees west of north to 30 degrees east of north. As such, the proposed subdivision does not meet the criteria under Clause F3.7.1 A4 and has been assessed against the corresponding performance criteria.
<p><b>P1</b></p> <p>Each lot has a long axis oriented to maximise solar access for future development having regard to all of the following:</p> <p>(a) the proportion of lots within the Precinct that have a long axis oriented between 30 degrees west of north and 30 degrees east of north and the extent to which this is maximised</p> <p>(b) the characteristics of the site including slope, vegetation and views.</p>	<p>The subdivision is for 47 lots of which 40 meet the acceptable solution. Seven lots do not meet the acceptable solution however; they are between 1,600m<sup>2</sup> and 1,900m<sup>2</sup> and around 29m wide. Given the overall size and width of each lot and the slope of the land solar access can be maximised through site treatment and future building design.</p> <p>The proposal satisfies performance criteria P1.</p>

#### **Development Standards for Subdivision – Landscaping and Lighting (F3.7.4)**

The objective is:

To ensure that a safe and attractive landscaping treatment enhances the appearance of the site, minimises visual impact of development and enhances natural values and night glare associated with landscape lighting is minimised.

Performance Criteria	Planner's response
<b>Clause F3.7.4 A2</b>	There is no acceptable solution. As such, the proposed subdivision does not meet the criteria under Clause F3.7.4 A2 and has been assessed against the corresponding performance criteria.
<p><b>P2</b></p> <p>Street lighting, flood lighting and landscape lighting must minimise the impact of 'night light' and must satisfy all of the following:</p> <p>(a) be baffled to prevent upward projection;</p> <p>(b) minimise light spillage;</p> <p>(c) minimise reflections from paved surfaces;</p> <p>(d) be installed in ground wherever possible.</p>	<p>A conceptual landscaping and lighting plan was submitted with the application outlines that street lighting will meet the requirements of the performance criteria.. Any permit to be conditioned to require detailed plans be provided at engineering design stage.</p> <p>The proposal satisfies performance criteria P2.</p>

#### 14. Referrals

The application was referred to State Growth, DPIPWE (Aboriginal Heritage), TasWater and Council's Engineers and Biodiversity Officer who have provided advice and recommended conditions.

#### 15. Concerns raised by representors

The following table summarises the issues raised by the representor. The representation is provided in full at Attachment B.

Representation 1	Response
<p>1) The Specific Area Plan is meant to provide a high quality tourism, recreational and residential estate that will create a major visitor attraction that will encourage visitors to stay longer in the area. SA2019/17 is an application only for a residential subdivision and promises to add nothing to the tourism or recreation experience.</p> <p>2) It is clear that SA 2019/17 is the first part of the development of said 609 Lots. There appears to be no progress on the simultaneously to be developed long promised world class 18 hole golf course, the land on which this would occur has NOT been donated to Council, and Council is so much trying to get its inherited disastrous financial affairs in order it should not be simultaneously be shouldered with the task of taking responsibility for a golf course development that has already cost it considerable time and money.</p>	<p>1) The Specific Area Plan (SAP) divides the area into five precincts of which one is the residential precinct. There is nothing in the SAP that requires the development of these precincts simultaneously or in any specific order. The proposed subdivision is consistent with the desired future character statement for the residential precinct and the development standards for subdivision.</p> <p>2) The application is for a 47 lot residential subdivision only. Any proposals for the future golf course and other precincts will be the subject of future development applications.</p>

#### **CONCLUSION**

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

#### **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 2019 / 17, to subdivide an existing lot into 47 residential allotments at Lot 1 Tasman Highway, Orford (CT 139972/1) be approved with the following conditions:

##### **Subdivision**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

*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. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
4. The development must be in accordance with the Bushfire Hazard Management Plan and Report by GEO - Environmental Solutions, GES04539, dated July 2019, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
5. All land noted as roadway, footway, 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.
6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
7. 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 plan of subdivision as at the date of lodgement of the final plan or survey, unless other arrangements that meet the requirements of Council's Public Open Space Contributions Policy are agreed to in writing by Council's General Manager. 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.*

### **Staged Development**

8. Staged development of the subdivision shall include all works to be completed in each stage required for the completed subdivision as shown on the engineering design drawings and approved by Council's General Manager.

### **Engineering**

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

12. The engineering drawings and works must be consistent with the recommendations contained within Landslide Risk Assessment, Version 3.0, dated March 2021, by Geo-Environmental Solutions Pty Ltd.
13. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings unless otherwise agreed to in writing by Council's General Manager.

## **Drainage**

14. The developer is to provide a piped stormwater property connection to each lot capable of servicing any development located within each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
15. 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 ARI of 20 years, when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

*Advice: The stormwater networks downstream of the subdivision have insufficient capacity to accommodate increased runoff from the subdivision. The developer will need to provide detention to limit flows from the subdivision and/or upgrade downstream infrastructure to accommodate any increase in flows generated by the subdivision. Any detention or upgrades are to be based on detailed design calculations submitted in conjunction with engineering plans for approval by Council. Council may, at the discretion of the Works and Infrastructure Director, accept a financial contribution, equal to no less than the total cost of implementing detention to limit flows from the subdivision to pre-existing, subject to Council having a stormwater management plan in place for the catchment and works programme approved for capacity upgrades.*

16. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an [ARI](#) of 100 years.
17. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively:

The developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment. 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, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to sealing the Plan of Survey.

18. Prior to, or in conjunction with, the submission of Engineering Design Drawings the developer must submit an amended Stormwater Infrastructure Drainage Report, including detailed calculations, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
19. Upon completion of works the engineer certifying the Stormwater Infrastructure Drainage Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

## **Vegetation**

20. The areas of retained native vegetation (blue gum dry forest) identified in the Natural Values Offsetting Report, dated 30/01/2020 are to be protected by a restrictive covenant on title identified within the schedule of easements. The restriction specifying as a minimum that there will be no clearance or disturbance of native vegetation within the area identified except as permitted by the Tasmanian Fire Service or without the written consent of the Glamorgan Spring Bay Council.
21. A Vegetation Management Plan (VMP) for the area of land covered by the restrictive covenant is to be developed and implemented prior to the commencement of any works. The VMP must be approved by Council's General Manager and identify actions to maximise the opportunity for the ecological values to be maintained and/or improved including weed management.
22. A maintenance report on the implementation of the VMP is to be submitted to Council's General Manager on an annual basis for the first five years from the commencement of the use.

## **TasWater**

23. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2019/01028-GSB, dated 10/01/2020.

## **Telecommunications and Electrical Reticulation**

24. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
25. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
26. Prior to sealing the final plan of survey the developer must submit to Council:
  - a) Evidence that each lot has existing electrical and telecommunication connections; or
  - b) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - c) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or 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.

## **Road and Access**

27. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
28. Unless approved otherwise by Council's General Manager roadworks must include -
  - a) Minimum road reserve of 18 metres;
  - b) Fully paved, sealed and drained carriageway with a minimum carriageway width (face of kerb to face of kerb) of 8.9 metres;
  - c) A circular or tee style turning head is required at all temporary or permanent no through roads;
  - d) Concrete kerb and channel;

- e) Reinforced concrete footpaths 1.50 metres wide on one side of all roadways;
  - f) Underground stormwater drainage.
29. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with LGAT Tasmanian Standard Drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
30. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with LGAT Tasmanian Standard Drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

### **Landscaping and Street Lighting**

31. The road reserves must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council, and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.
32. Street lighting must minimise the impact of 'night light' by incorporating baffles to prevent upward projection and through other design features that minimise light spillage and reflections from paved surfaces.

### **Vehicular Access**

33. A reinforced concrete vehicle access must be provided from the road carriageway to each lot in accordance with LGAT Tasmanian Standard Drawings and to the satisfaction of Council's General Manager.

### **Water Quality**

34. A soil and water management plan (here referred to as a '**SWMP**') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
35. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
36. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
37. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

### **Construction**

38. The developer 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.
39. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
40. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the developer and approved by the Council's General Manager.



41. Vehicles associated with construction workers must be parked on site.
42. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
- a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.
  - b) Not burn debris or waste on site
  - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
  - d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
  - e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.
  - f) Erect suitable barriers to ensure native vegetation is not damaged during construction works.
  - g) Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

*Advice: Construction waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.*

43. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.
44. Native vegetation must not be removed, lopped, ring-barked or otherwise wilfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.

#### **'As constructed' drawings**

45. 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**

46. The subdivision must be placed onto a twelve (12) 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.
47. Prior to placing the subdivision onto the twelve (12) month 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.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date it was issued to 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*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council General Manager or otherwise extended by written consent.
- e. 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.
- f. 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.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- i. All approved engineering design drawings will form part of this permit on and from the date of approval.
- j. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)
  - *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- k. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
- l. Land Title Office fees must be paid directly to the Recorder of Titles.
- m. 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.
- n. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- o. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- p. 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.

- q. 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.
- r. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
- s. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
- t. 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.

#### **4.3 Subdivision Application 2018 / 06 - 46 Charles Street and 5 Prosser Street, Orford (CT 135657/2, CT 252719/5 and CT 8012/4)**

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<b>Proposal</b>	Subdivision into 13 lots plus road
<b>Applicant</b>	Andy Hamilton and Associates
<b>Application Date</b>	21 March 2018
<b>Statutory Date</b>	1 June 2021 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	General Residential
<b>Codes</b>	Bushfire Prone Areas, Landslide, Road and Railway Assets, Parking and Access, and Stormwater Management
<b>Development</b>	Subdivision: Discretionary
<b>Discretions</b>	Five
<b>Representations</b>	Five
<b>Attachments</b>	A – Application Documents B – Representations C – Engineering Report
<b>Author</b>	James Bonner, Senior Planner

#### **EXECUTIVE SUMMARY**

Planning approval is sought for a 12 lot plus balance (13 lots in total) residential subdivision at 46 Charles Street, Orford (the subject site). Stormwater is proposed to be drained across 5 Prosser Street to the north of the site. The subject site is zoned General Residential zone and is partially within the Landslide Hazard Area (low) overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.10 of the planning scheme. The proposal does not meet the Acceptable Solution of the following development standards:

D10.6.1 A2 Minimum building area (all lots are subject to Codes)

D10.6.1 A3 Minimum frontage for 5 lots

D10.6.1 A4 Internal lots are proposed

D10.6.1 A5 Subdivision is for more than 3 lots

D10.6.2 A1 New road proposed

The proposal was advertised for two weeks from 22 January to 5 February 2021. Five representations were received. This report assesses the proposal against the Performance Criteria for the standards listed above and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 1 June 2021.

The recommendation is to approve the application with conditions.

## **PART ONE**

### **1. Statutory Requirements**

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

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

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

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

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

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

### **2. Approving applications under the planning scheme**

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

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

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

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

### **3. The Proposal**

Approval is sought for a 13 lot residential subdivision with vehicular access provided off Mary Street for all the lots via a new road except for proposed lot 7 which will continue to access off Charles Street. The proposed lots range in size from 506 m<sup>2</sup> (lot 9) to 958 m<sup>2</sup> (lot 5) with the balance lot 7 being 1768m<sup>2</sup>. Stormwater generated by the subdivision is proposed to be drained through 5 Prosser Street via a drainage easement to Prosser Street.

### **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.

Recommended conditions include options for financial contributions to be made to Council for stormwater treatment and stormwater capacity upgrades. The contribution for treatment imposes no timeframe on Council to undertake works or spend the contribution. The contribution for capacity upgrades is

only applicable if Council already has an approved works programme. The acceptance of any financial contribution is solely at Council's discretion and as such is not considered to pose any risk.

## 5. Location

The subject site is located at 46 Charles Street and has dual frontage with Mary Street which adjoins the sites western boundary. The site is approximately 500 m south of the Orford local business area and 520 m west of Orford Beach (see Figure 1).

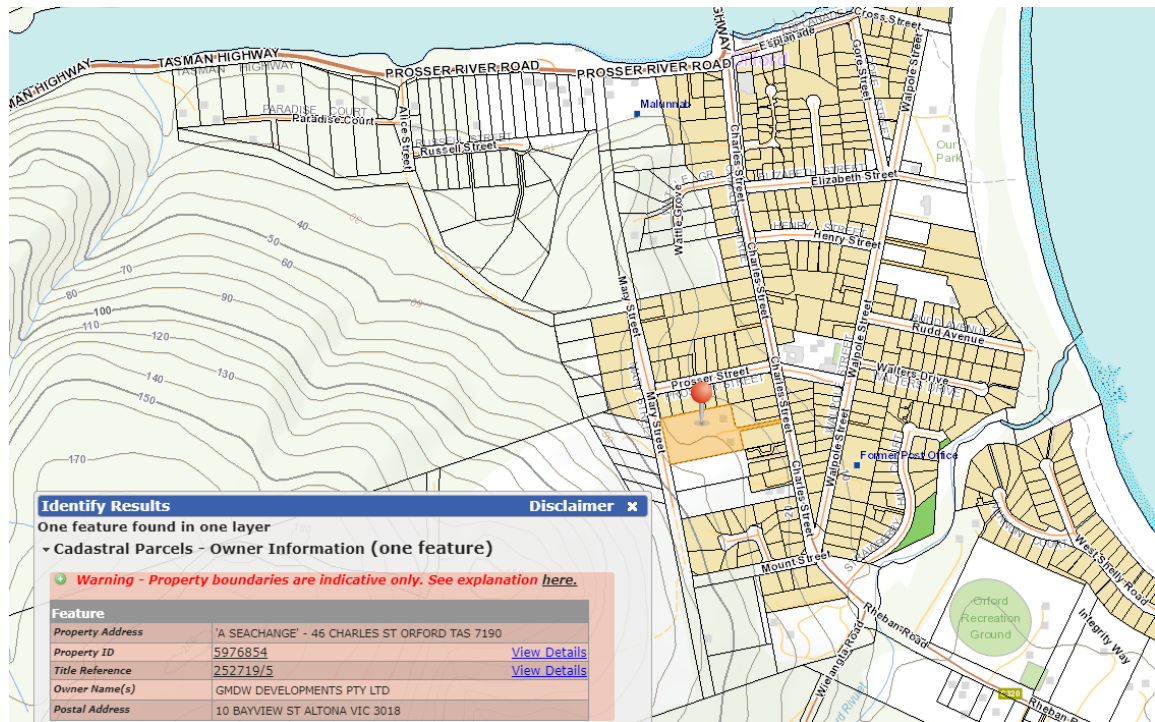


Figure 1 - 46 Charles Street, Orford (LISTmap)

## 6. Site Description

The site has dual street frontage to both Charles Street to the east and Mary Street to the west and has an overall area of 10,426 m<sup>2</sup>. The site contains three dwellings (located on proposed lots 5, 6 and 7), an outbuilding (located on proposed lot 10) and scattered vegetation (Figure 2). The site is a regular rectangular shaped lot with an approximately 70 m x 6 m access handle connecting to Charles Street at the eastern boundary. The site rises approximately 25 m from the eastern frontage to the southeast corner. The site is fully serviced with reticulated water and sewer.





Figure 2 – 46 Charles Street, Orford outlined in orange. Lot subject to the proposed stormwater drainage easement outlined in blue (LISTmap)

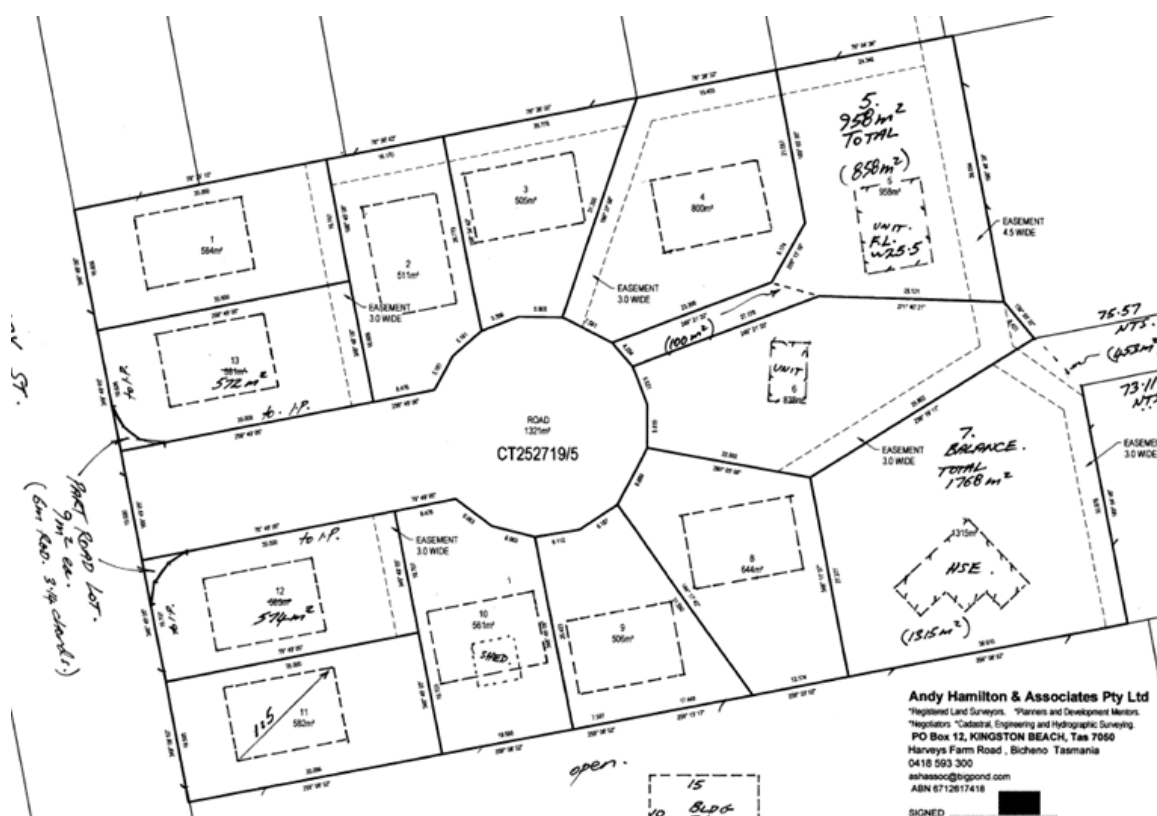


Figure 3 – Subdivision lot plan

## **7. Planning Instruments**

### **1) Glamorgan Spring Bay Planning Scheme 2015**

- D10.0 General Residential Zone
- E1.0 Bushfire-Prone Areas Code
- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

## **8. Easements and Services**

- Proposed drainage easement through 5 Prosser Street.
- TasWater sewer and water mains within the Charles Street road reserve.
- TasWater water mains within the Mary Street road reserve.

## **9. Background and past applications**

The property has three approved dwellings and a shed. The property has previously been subject of an 8 lot subdivision application (SA2020/7) over 52 Charles Street which relied on drainage through 46 Charles Street and then through 5 Prosser Street. The application was determined by the Planning Authority by way of approval on 27 August 2020.

## **10. 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.

Recommended conditions include options for financial contributions to be made to Council for stormwater treatment and stormwater capacity upgrades. The contribution for treatment imposes no timeframe on Council to undertake works or spend the contribution. The contribution for capacity upgrades is only applicable if Council already has an approved works programme. The acceptance of any financial contribution is solely at Council's discretion and as such is not considered to pose any risk.

## **PART TWO**

## **11. Meeting the Standards - via Acceptable Solution**

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

- D10.0 General Residential Zone
- E1.0 Bushfire-Prone Areas Code

All bar five standards were met by Acceptable Solution. These are assessed against the applicable performance criteria below.



## 12. Meeting the Standards – via Performance Criteria

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

D10.6.1 A2 Minimum building area (all lots are subject to Codes)

D10.6.1 A3 Minimum frontage for 5 lots

D10.6.1 A4 Internal lots are proposed

D10.6.1 A5 Subdivision is for more than 3 lots

D10.6.2 A1 New road proposed

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 01 June 2021.

## PART THREE

### 13. Assessing the proposal against the Performance Criteria

#### Use and Development Standards under the General Residential Zone

#### Development Standards for Subdivision - Lot Design (D10.6.1)

The objective of the lot design standards is:

To provide for new lots that:

- (a) *have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;*
- (b) *contain building areas which are suitable for residential development, located to avoid hazards;*
- (c) *are a mixed of lot sizes to enable a variety of dwelling and household types;*
- (d) *are capable of providing for a high level of residential amenity including privacy, good solar access, and passive surveillance of public spaces;*
- (e) *ensure an average net density for new suburban areas no less than 15 dwellings per hectare with higher densities close to services, facilities and public transport corridors;*
- (f) *are not internal lots, except if the only reasonable way to provide for desired residential amenity;*
- (g) *are provided in a manner that provides for the efficient and ordered provision of infrastructure.*

Performance Criteria	Planner's response
<b>Clause 10.6.1 A2</b>	All building areas within the proposed subdivision are subject to the Bushfire-Prone Area Code. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A2 and has been assessed against the corresponding performance criteria.

Performance Criteria	Planner's response
<p><b>P2</b></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>Each lot within the proposed subdivision is capable of accommodating a 10 x 15 m building area on lots ranging from 505m<sup>2</sup> to 838m<sup>2</sup>, excluding the balance lot.</p> <p>Future residential development on all lots will be serviced by reticulated water, sewer and stormwater infrastructure.</p> <p>It is considered that each lot is reasonably capable of accommodating residential use and development.</p> <p>The proposal satisfies performance criteria P2(a).</p>
<p>(b) meets any applicable standards in codes in this planning scheme.</p>	<p>The proposed subdivision meets all applicable standards under the following codes:</p> <ul style="list-style-type: none"> <li>• Bushfire-Prone Areas</li> <li>• Landslide</li> <li>• Road and Railway Assets</li> <li>• Parking and Access</li> <li>• Stormwater Management</li> </ul> <p>The proposal satisfies performance criteria P2(b).</p>
<p>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land.</p>	<p>The site slopes down towards the eastern boundary and the size and arrangement of each lot provides opportunity for maximum solar access for future dwellings given the slope and aspect of the land.</p> <p>The proposal satisfies performance criteria P2(c).</p>
<p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development.</p>	<p>Sufficient area is provided on each lot so as to allow development to be positioned and designed in a way that minimises the need for earthworks taking into consideration the slope of the land.</p> <p>The proposal satisfies performance criteria P2(d).</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>The proposed lots range in size from 506 m<sup>2</sup> (lot 9) to 958 m<sup>2</sup> (lot 5) which is more than the minimum lot size required under Table 10.1 but does not exceed the maximum lot size allowable.</p> <p>The lots are of a varying sizes and shapes that will provide for sufficient useable areas for parking and private open space for future dwellings.</p> <p>The proposal satisfies performance criteria P2(e).</p>
<p><b>Clause 10.6.1 A3</b></p>	<p>Lots 3, 4, 6, 8 and 9 are less than the minimum frontage of 15m specified in Table 10.2.</p>
<p><b>P3</b></p> <p>The frontage of each lot must satisfy all of the following:</p> <p>(a) <i>provides opportunity for</i></p>	<p>The frontage of each lot is wide enough to allow for safe and practical access.</p> <p>The proposal satisfies performance criteria P3(a).</p>

<b>Performance Criteria</b>	<b>Planner's response</b>
<i>practical and safe vehicular and pedestrian access;</i>	
<i>(b) provides opportunity for passive surveillance between residential development on the lot and the public road;</i>	<p>The frontage of each lot, excluding the two internal lots, provides opportunity for passive surveillance to the public road being Mary Street and the new cul-de-sac.</p> <p>The proposal satisfies performance criteria P3(b).</p>
<i>(c) is no less than 6m.</i>	<p>All lots, excluding the internal lots have a frontage more than 6m.</p> <p>The proposal satisfies performance criteria P3(c).</p>
<b>Clause 10.6.1 A4</b>	Proposed lots 5 and 7 are internal lots. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A4 and has been assessed against the corresponding performance criteria.
<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(a) 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>Proposed lot 5 will gain access from the new cul-de-sac and is the only reasonable option to efficiently utilise the land.</p> <p>Proposed lot 7 continues to gain access from Charles Street to the east which existed prior to the current planning scheme coming into effect.</p> <p>The proposal satisfies performance criteria P4(a).</p>
<i>(b) it is not reasonably possible to provide a new road to create a standard frontage lot.</i>	<p>The new road provides access to eight of the lots with only one of those lots being internal. The only other approach would be to extend the length of the new road, substantially reducing the lot sizes without providing an improved outcome.</p> <p>The proposal satisfies performance criteria P4(b).</p>
<i>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot.</i>	<p>The proposed subdivision layout is considered the only reasonable way to subdivide the land efficiently and provide suitably sized and shaped lots.</p> <p>The proposal satisfies performance criteria P4(c).</p>
<i>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure.</i>	<p>The proposed subdivision layout is considered to efficiently utilise the land available and achieve the anticipated lot density envisaged in the general residential zone.</p> <p>The proposal satisfies performance criteria P4(d).</p>
<i>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use.</i>	<p>Sufficient area is available on the internal lots so that future development of the land will readily achieve the minimum setback requirements from side, rear and front boundaries.</p> <p>As a result, the amenity of neighbouring land is considered unlikely to be adversely affected in terms of amenity (noise, overshadowing, visual intrusion) impacts.</p>

Performance Criteria	Planner's response
	The proposal satisfies performance criteria P4(e).
(f) 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 3.6 m.	Each internal lot is provided with a minimum 3.6 m wide access strip.  The proposal satisfies performance criteria P4(f).
(g) passing bays are provided at appropriate distances to service the likely future use of the lot.	The length of the access handle for lot 5 is less than 30m and a passing bay is not required as per the Parking and Access Code. The access handle for lot 7 is existing and is of sufficient width that passing of vehicles is possible if required.  The proposal satisfies performance criteria P4(g).
(h) 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.	Access to lots 5 and 7 is via individual access strips and direct access to a public road is not available.  The proposal satisfies performance criteria P4(h).
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	Lot 7 is existing and is unsealed. Lot 5 will be subject to conditions of consent to seal the access strip.  The proposal satisfies performance criteria P4(i).
(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.	The internal lots do not front public open space.  Performance criteria P4(j) is not applicable.
<b>Clause 10.6.1 A5</b>	The proposed subdivision is for a total of 13 lots which exceeds that under the acceptable solution.  As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A5 and has been assessed against the corresponding performance criteria.
<b>P5</b>  Arrangement and provision of lots must satisfy all of the following:  (a) have regard to providing a higher net density of dwellings along;  (i) public transport corridors;  (ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;  (iii) within 200 m of business zones and local	The site with access via Mary Street is not located on a public transport corridor, does not adjoin or is opposite public open space and is not within 200m of a business zone or local shops.  The density of the lots is appropriate to the location.  Performance criteria P5(a) is not applicable.

Performance Criteria	Planner's response
shops.	
(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone.	The proposed subdivision will not compromise any future subdivision of the balance lot which will be 1768m <sup>2</sup> .  The proposal satisfies performance criteria P5(b).
(c) staging, if any, provides for the efficient and ordered provision of new infrastructure.	No staging is proposed.  Performance criteria P5(c) is not applicable.
(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces.	The only public space is the road reserves of Mary Street and the new road and there is opportunity for passive surveillance of these public road reserves from future dwellings.  The proposal satisfies performance criteria P5(d).
(e) is consistent with any applicable Local Area Objectives or Desired Future.	There are no local area objectives or desired future character statements applicable to the zone.  Performance criteria P5(e) is not applicable.

#### Development Standards for Subdivision - Roads (D10.6.2)

The objective of the roads standards is:

To ensure that the arrangement of new roads within a subdivision provides for all of the following:

- (a) *the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;*
- (b) *the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;*
- (c) *the efficient ultimate subdivision of the entirety of the land and of neighbouring land.*

Performance Criteria	Planner's response
<b>Clause 10.6.2 A1</b>	The subdivision includes a new road. As such, the proposed subdivision does not meet the criteria under Clause 10.6.2 A2 and has been assessed against the corresponding performance criteria.
<b>P1</b>  The arrangement and construction of roads within a subdivision must satisfy all of the following:  (a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;	The route and standard of the road does not conflict with the road network plan.  The proposal satisfies performance criteria P1(a).

<b>Performance Criteria</b>	<b>Planner's response</b>
(b) the appropriate and reasonable future subdivision of the entirety of nay balance lot is not compromised;	The new road does not compromise the future subdivision of the balance lot.  The proposal satisfies performance criteria P1(b).
(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;	The new road is a cul-de-sac that is contained within the proposed subdivision.  Performance criteria P1(c) is not applicable.
(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;	The new road is a standard cul-de-sac that meets the performance criteria.  The proposal satisfies performance criteria P1(d).
(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;	The creation of the cul-de-sac is the most efficient way to develop the land.  The proposal satisfies performance criteria P1(e).
(f) connectivity with the neighbourhood road network is maximised;	The road can only connect to Mary Street.  The proposal satisfies performance criteria P1(f).
(g) the travel distance between key destinations such as shops and services is minimised;	The subdivision can only connect to Mary Street via the new road and travel distances have been minimised.  The proposal satisfies performance criteria P1(g).
(h) walking, cycling and the efficient movement of public transport is facilitated;	Walking, cycling and access to public transport is facilitated as much as practicable through the road connections to Charles Street.  The proposal satisfies performance criteria P1(h).
(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;	The new road is a local road.  Performance criteria P1(i) is not applicable.
Any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.	The new road is a cul-de-sac and an extension of the existing grid pattern of streets is not achievable.  Performance criteria P1(j) is not applicable.

#### **14. Referrals**

The application was referred to TasWater and Council's Engineers who have provided advice and recommended conditions.

#### **15. Concerns raised by representors**

The following table summarises the issues raised by the representors. Matters relating to the management of stormwater have been responded to with input

from Council's engineers. The representations are provided in full at Attachment B.

Representation 1	Council response
<p>1. "On April 2 2020 I witnessed the spectacular failure of the Prosser St stormwater system and the subsequent flooding of 2 and 4 Prosser St and...knee-deep water through the Orford Library and nearby blocks on Charles Street"</p> <p>2. "The SWMR [Stormwater Management Report]... shows a plan to lead all of the stormwater gathered from the 13 lot development... and feed it into the existing stormwater system opposite 5 Prosser St... The current SW system is inadequate to meet the intensity and volume of SW".</p> <p>3. "I note the SWMR has not any regard for the events of 2020 nor the capacity of the existing SW system"</p> <p>4. "I am aware...GSBC have employed a hydrologist to prepare a SW Management Plan. Has this been completed and does GSBC have sufficient information at its disposal to consider the subdivision plan before it?"</p>	<p>1. The event in April 2020 was somewhere between the 1 in 1000 and 1 in 2000 year event. Public stormwater systems are unable to cope with such extreme events.</p> <p>2. The applicant has demonstrated that the proposal is capable of meeting the acceptable solutions within code E7.7.1 Stormwater Drainage and Disposal of the Planning Scheme. Essentially the subdivision itself, through the use of stormwater detention, will result in no increase in pre-existing runoff. The recommended conditions ensure compliance with E7.7.1 Stormwater Drainage and Disposal of the Planning Scheme.</p> <p>3. &amp; 4 Council is currently undertaking survey of the stormwater system in the area. This will enable modelling to be undertaken which will then inform the Stormwater System Management Plan. The detention detailed in the Stormwater Management Report was assessed independently and will ensure no net increase in demands on the downstream system.</p>
Representation 2	Council response
<p>1. Can the Council guarantee that our water pressure will not be diminished and that there are sufficient water resources to satisfy the large increase in household use.</p> <p>2. There have been three major weather events that have caused flooding in our backyard and damage to the dwelling. On one of these events drains in Mary Street became quickly inadequate to deal with the amount of water and Mary Street and Prosser Street flowed like a river.</p> <p>3. Concerns about the removal of native trees during the subdivision and are there any plans to replace any of these trees.</p> <p>4. "Mary Street is a small street with a number of elderly people living in it". Concerns that 13 additional residences will equate to the addition of 26 cars plus visitors. "And will considerably add to the risks of walking along the street (given that there is little provision for sidewalks". "Will there be any traffic calming infrastructure?" Will there be sufficient parking for the proposed residences?</p> <p>5. Has the Council made provision for sewerage requirements?</p>	<p>1. Water pressure and supply is a matter for TasWater who have provided their conditions.</p> <p>2. The existing road infrastructure has sufficient capacity to cater for the additional vehicle movements from this development without causing traffic congestion or safety issues.</p> <p>3. Each lot is of sufficient size to provide required parking on site.</p> <p>4. A footpath will be required linking the new cul-de-sac with the existing footpath in Mary Street. There is currently no footpath linking Mary Street to Charles Street via Prosser St.</p> <p>5. The adequacy of the sewerage system is a matter for TasWater who have not raised any concerns.</p>

Representation 3	Council response
<p>1. The stormwater report for the proposed subdivision details a 5% AEP and it appears to assume that the current residential area above the proposal has no excess run off relating to stormwater.</p> <p>2. "A 5% AEP expects a major flood event of 1 in 20 years. It is more likely with changing weather patterns and with the resulting east coast lows, these flood events are becoming much more frequent."</p> <p>3. "The hill to the west and behind Mary Street "Shed Hill" has significant issues relating to water runoff. The steep terrain and black shallow clay soils means that any heavy rains run directly off site."</p> <p>4. "This is exacerbated by the Council approved Telstra and Optus towers sites located in the saddle behind Shed Hill. The main fibre optic underground communication cable runs from the tower site downhill through the properties of 7, 9 and 11 Mary Street to the junction of Prosser Street. This underground line has formed a depression in the ground which channels water into and through the three properties."</p> <p>5. "A cross drain required by the council as part of the original subdivision is meant to stop the flow of water across the properties but with limited capacity it overflows after significant rain. A major flood in April 2020 saw flooding occur with flow rates of 3-5m<sup>3</sup>/sec in the top drain and water flowing down Mary Street at a rate of 1m<sup>3</sup>/sec."</p> <p>6. There are four 400mm culverts in the road which drains water into Wielangta Creek below. The road is not maintained by either the landowner, the tower operators or council and results in the culverts being regularly blocked.</p>	<p>1. The proponent's stormwater report shows no net increase resulting from the 5% AEP (1 in 20) and 1% AEP events.</p> <p>2. There is a 5% chance in any one year of experiencing a rainfall intensity equal to or greater than the 20 year Annual Rainfall Incidence (ARI) value for a number of different durations for which the rainfalls are independent, or nearly so.</p> <p>3. The topography hydrology of the hill means that significant natural runoff can be generated.</p> <p>4. This is not related to the current subdivision proposal. This is an issue that should be referred to Optus and Telstra for investigation.</p> <p>5. These flows have the potential to enter the proposed cul-de-sac. Treatment of the cul-de-sac's entry from Mary Street must ensure flows are contained in Mary Street and do not pass to the cul-de-sac head.</p> <p>6. This is a private access/nuisance issue and not necessarily Council responsibility. This issue does not affect the proposed subdivision.</p>
Representation 4	Council response
<p>1. Concerns about stormwater flooding of their property "which has caused significant damage to our lower level, outbuilding and gardens in the last twelve months". "Our main concern is whether stormwater will be directed efficiently. We note that the scheduled "easements" at the rear of lot 13 and 1 flow directly toward the lower quarter of our property, and connect with "easements" at the rear of lots 2, 3, 4 and 5. Will these "easements" be able to cope with the amount of run off we have seen in recent years?"</p> <p>2. How regularly will these "easements" be maintained? Having owned a property containing "easements", it is our observation</p>	<p>1. These are stormwater and sewer pipeline easements. The stormwater pipeline will carry stormwater generated within the subdivision and will be required to accommodate the 1 in 20 year (5% AEP) storm.</p> <p>The Mary Street road profile and kerb and channel appears unable to contain flooding from Shed Hill during the 1% AEP. Without addressing these upper catchment flows and/or the design of Mary Street the flooding incidences reported are likely to continue.</p> <p>2. As per the above, the easements are for pipes only and not designed to carry</p>



that maintenance is largely forgotten by council.	overland flooding and therefore will not be maintained by Council.
<b>Representation 5</b>	<b>Council response</b>
1. The proposal is seeking to impose high density city living in a regional Tasmanian Country Town. Approval will open the flood gates for other developers to follow, proposing small blocks in order to maximise profits at the expense of residents and the environment. Other issues include that such small blocks will not allow room for sufficient greenery and will negatively affect the surrounding neighbourhood microclimate which will be exacerbated by the removal of current vegetation.	1. The lot sizes are consistent with the requirements of the zone and the planning scheme.

## **CONCLUSION**

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

## **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 2018 / 6, to subdivide an existing lot into 13 residential allotments at 46 Charles Street, Orford (CT 252719/5) with services from 52 Charles Street, Orford (CT135657/2) and stormwater drainage across 5 Prosser Street (CT 8012/4) be approved with the following conditions:

### **Subdivision**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

*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. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

*Advice:* The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.

3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

4. In accordance with the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be 5% of the value of the total land area described in the plan of the subdivision at the date of lodgement of the Final Plan of Survey. The value is to be determined by a Land Valuer within the meaning of the Land Values Act 2001 at the developer's expense.
5. The cash-in-lieu of public open space must be in the form of a direct payment made before sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.
6. The development must be in accordance with the Bushfire Hazard Management Plan and Report prepared by GEO Environmental Solutions), dated August 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
7. All land noted as roadway, footway, 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 General Manager.
9. The corners of the property boundaries at the road intersection with Mary Street (Lots 12 and 13 on the Lot Plan) must be splayed or rounded by chords of a circle with a radius of not less than 6.00 metres in accordance with Sections 85(d)(viii) and 108 of the Local Government (Building & Miscellaneous Provisions) Act 1993 and the requirements of Council's General Manager.

#### **Engineering**

10. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or require by conditions of this permit.
11. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
12. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - a) all existing and proposed services required by this permit;
  - b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.
13. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

#### **Drainage**

14. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
15. 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 ARI of 20 years, when the land serviced by the system is fully developed;

- b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

*Advice: The stormwater network downstream of the subdivision has insufficient capacity to accommodate increased runoff from the subdivision. The developer will need to provide detention to limit flows from the subdivision and/or upgrade downstream infrastructure to accommodate any increase in flows generated by the subdivision. Any detention or upgrades are to be based on detailed design calculations submitted in conjunction with engineering plans for approval by Council. Council may, at the discretion of the Works Manager, accept a financial contribution, equal to no less than the total cost of implementing detention to limit flows from the subdivision to pre-existing, subject to Council having a stormwater management plan in place for the catchment and works programme approved for capacity upgrades.*

- 16. New stormwater pipework within the subject property and extending to the existing public stormwater system in Prosser Street must be designed to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed, irrespective of whether private stormwater detention is to be provided on individual lots.
- 17. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an [ARI](#) of 100 years.
- 18. Where on site detention is provided or required on individual lots each lot must be subject to an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 that is entered into prior to the sealing of the final plan of survey in order to manage the installation and maintenance of on-site stormwater detention to the effect that:
  - a) the owners of each lot must install and maintain rainwater detention tanks with diversion devices to collect all stormwater runoff from roofed areas, of a size and type to be determined and shown in the engineering design drawings;
  - b) The design details for (a) above are included in the agreement in a clear, readily understandable manner.

The agreement must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles at no cost to Council.

- 19. Prior to the approval of Engineering Design Drawings, the developer must submit a Flood Hazard Report, prepared in accordance with Australian Rainfall and Runoff 2019 (ARR2019), in in particular, with reference to Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches'. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents. It must demonstrate the following:
  - a) that overland flows intercepted by Mary Street are contained within the existing road easement, and will not pass down the proposed cul-de-sac.
  - b) that there is no increase in overland flooding and flood hazard within and external to the subdivision as a consequence of the development
- 20. The stormwater system for the development must be designed in accordance with
  - a) the principles set out in the document "46 Charles Street, Orford Stormwater Management Report, Revision 3" prepared by Flussig Spatial, dated 14 January 2019;
  - b) the drawing titled 'Concept Lot and Services Plan' drawing No. 1718-P4 Revision 1 dated 23/06/2020 and issued 15/01/2021;
  - c) Australian Rainfall and Runoff 2019 (ARR2019), in in particular, with reference to Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches';

- d) the Flood Hazard Report;
  - e) any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved and there is no increase in risk from flood for adjacent land must be included in the engineering design drawings and implemented prior to the sealing of the Plan of Survey for any stage of the subdivision;
  - f) or as otherwise required by conditions of this permit;
  - g) and to the satisfaction of Council's General Manager.
21. The developer is to make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment. 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, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to sealing the Plan of Survey.
22. Upon completion of works the engineer certifying the Stormwater Infrastructure Drainage Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **Services**

23. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
24. The Subdivider 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.
25. Property services to internal lots must be extended to the lot proper to the satisfaction of Council's General Manager.

#### **TasWater**

26. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2018/00472-GSB, dated 12/11/2019.

#### **Telecommunications and Electrical Reticulation**

27. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
28. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
29. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
30. Prior to sealing the final plan of survey, the developer must submit to Council:
- a) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - b) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or 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.

### **Road and Access**

31. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
32. Unless approved otherwise by Council's General Manager roadworks must include:
  - a) Minimum road reserve of 16 metres;
  - b) Fully paved, sealed and drained carriageway with a minimum carriageway width (face of kerb to face of kerb) of 6.9 metres;
  - c) Cul-de-sac turning head with a radius of 17.5m to face of kerb;
  - d) Concrete kerb and channel;
  - e) Concrete footpath 1.50 metres wide;
  - f) Underground stormwater drainage.
33. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
34. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

### **Vehicular Access**

35. A vehicular access including concrete driveway apron and kerb crossover must be provided to each lot from the road carriageway to the property boundary, in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.
36. To the satisfaction of Council's General Manager, shared vehicular accesses must be constructed for the entire length of the access strips to the lot proper. The driveways 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, Council standards, and must include:
  - a) 5.5 metre minimum width carriageway to provide 2 way access located at least 0.3m from any side boundary;
  - b) Constructed with a durable all weather pavement;
  - c) Sealed Surface (The surfacing material must be concrete, asphalt, pavers or other equivalent approved material.)
  - d) Stormwater drainage; and
  - e) As required by an approved Bushfire Hazard Management Plan.

### **Landscaping**

37. The road reserves must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council, and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.

### **Water Quality**

38. A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be

approved by Council's General Manager before development of the land commences.

39. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
40. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
41. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

### **Construction**

42. 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.
43. 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 inspection by Council unless otherwise agreed by the Council's General Manager.
44. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.
45. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.
  - b) Not burn debris or waste on site
  - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
  - d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
  - e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.
  - f) Erect suitable barriers to ensure native vegetation is not damaged during construction works.
  - g) Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

*Advice: Construction waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.*

46. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

#### **'As Constructed' Drawings**

47. 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**

48. The subdivision must be placed onto a twelve (12) 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.
49. Prior to placing the subdivision onto the twelve (12) month 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.

#### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date it was issued to 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*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council General Manager or otherwise extended by written consent.
- e. 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.
- f. 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.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- i. All approved engineering design drawings will form part of this permit on and from the date of approval.
- j. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)

- *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- k. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m<sup>2</sup> and the burning of plastics, and other non-wood or non-vegetative material.
  - l. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
  - m. Land Title Office fees must be paid directly to the Recorder of Titles.
  - n. 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.
  - o. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
  - p. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
  - q. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
  - r. 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.
  - s. The applicant is advised to contact Aurora Energy on 1300 137008 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.
  - t. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
  - u. The applicant is advised to contact Private Forests Tasmania (03 62337640) to discuss alterations to the existing Private Timber Reserve boundary to exclude the area required for the dwelling.
  - v. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
  - w. 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.



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

**RECOMMENDATION**

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

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## **5. FINANCIAL REPORTS**

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### **5.1 Financial Reports for the period ending 31 March 2021**

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Author: Contract Accountant (Mrs Marissa Walters)

Responsible Officer: General Manager (Mr Greg Ingham)

#### **ATTACHMENT/S**

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

#### **BACKGROUND/OVERVIEW**

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

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

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

#### **STATUTORY IMPLICATIONS**

Various legislation.

#### **BUDGET IMPLICATIONS**

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

#### **RISK CONSIDERATIONS**

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.

#### **OFFICER'S RECOMMENDATION**

That Council receives and notes the Financial Reports as attached to this report for the period ended 30 April 2021.

# Profit and Loss

Glamorgan Spring Bay Council

For the 10 months ended 30 April 2021

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
<b>Trading Income</b>						
Rate Revenue	8,741,666	8,663,463	78,203	1%	8,663,463	1
Statutory Charges	605,148	379,830	225,318	59%	448,549	2
User Charges	501,369	502,750	(1,381)	0%	618,300	
Grants	756,602	644,688	111,914	17%	1,465,667	3
Interest & Investment Revenue	120,867	13,350	107,517	805%	17,850	4
Contributions	110,841	27,000	83,841	311%	30,000	5
Other Revenue	1,346,834	1,318,842	27,992	2%	1,507,278	
<b>Total Trading Income</b>	<b>12,183,327</b>	<b>11,549,923</b>	<b>633,404</b>	<b>5%</b>	<b>12,751,107</b>	
<b>Gross Profit</b>	<b>12,183,327</b>	<b>11,549,923</b>	<b>633,404</b>	<b>5%</b>	<b>12,751,107</b>	
<b>Capital Grants</b>						
Grants Commonwealth Capital - Other	3,162,398	2,900,000	262,398	9%	4,644,337	
Grants Commonwealth Capital - Roads to Recovery	483,690	601,631	(117,941)	-20%	601,631	
Grants State Capital - Other	631,180	600,000	31,180	5%	600,000	
<b>Total Capital Grants</b>	<b>4,277,268</b>	<b>4,101,631</b>	<b>175,637</b>	<b>4%</b>	<b>5,845,968</b>	<b>6</b>
<b>Other Income</b>						
Net Gain (Loss) on Disposal of Assets	91,938	0	91,938	0%	0	7
Other Income - PPRWS Reimbursement of Principal Loan	0	0	0	0%	99,690	
<b>Total Other Income</b>	<b>91,938</b>	<b>0</b>	<b>91,938</b>	<b>0%</b>	<b>99,690</b>	
<b>Operating Expenses</b>						
Employee Costs	4,170,748	4,386,971	(216,223)	-5%	5,487,953	8
Materials & Services	5,947,996	5,826,955	121,041	2%	6,916,442	9
Depreciation	2,170,968	1,964,449	206,519	11%	2,357,337	10
Interest	132,455	202,122	(69,667)	-34%	238,131	11
Other Expenses	149,645	174,526	(24,881)	-14%	227,429	
Internal Plant used on Capital Jobs	(76,848)	(104,168)	27,320	-26%	(125,000)	
Employee Oncosts	91,143	122,131	(30,988)	-25%	63,299	
<b>Total Operating Expenses</b>	<b>12,586,108</b>	<b>12,572,986</b>	<b>13,122</b>	<b>0%</b>	<b>15,165,591</b>	
<b>Net Profit</b>	<b>(402,781)</b>	<b>(1,023,063)</b>	<b>620,282</b>	<b>-61%</b>	<b>(2,414,484)</b>	
<b>Total Comprehensive Result (incl Capital Income)</b>	<b>3,966,426</b>	<b>3,078,568</b>	<b>887,858</b>	<b>29%</b>	<b>3,531,174</b>	
<b>Capital Works Program (Current Year WIP)</b>						
Work in Progress Capital Works - Plant Internal	76,848	0	76,848	0%	0	
Work In Progress Payroll - Salaries and Wages	183,741	0	183,741	0%	0	
Work in Progress Capital Works - On Costs	89,450	0	89,450	0%	0	
Work in Progress Capital Works - Contractor Costs	2,033,943	0	2,033,943	0%	0	
Work in Progress Capital Works - Other Costs	49,850	0	49,850	0%	0	
Work in Progress Capital Works - Materials	989,504	0	989,504	0%	0	
Work in Progress Capital Works - Consultancy	181,909	0	181,909	0%	0	
Work in Progress Capital Works - Plant Hire External	64,168	0	64,168	0%	0	
<b>Total Capital Works Program (Current Year WIP)</b>	<b>3,669,412</b>	<b>0</b>	<b>3,669,412</b>	<b>0%</b>	<b>0</b>	

## Notes

1. Rate revenue is up 1% (\$78k) on budget YTD due to a higher than forecast level of supplementary valuations.
2. Statutory charges are up 59% (\$225k) on budget YTD due to a higher than forecast level of development applications.
3. Operational grant revenue is up \$112k on budget YTD primarily due to the carried forward of grant revenue from the prior financial year.
4. Interest and investment revenue is up \$108k on budget YTD due to the receipt a partial interim TasWater dividend, which was not budgeted to be received this financial year.
5. Contribution revenue is up \$84k on budget YTD which is due to the higher level of development applications than originally forecast.
6. Capital grant revenue is up \$176k on budget YTD primarily due to the carried forward of grant revenue from the prior financial year.
7. Net gain (loss) on disposal of assets is up \$92k on budget YTD due to the trade-in of a number of older vehicles and plant.
8. Employee Costs are down \$216k (5%) on budget YTD primarily due to vacancies during the year.
9. Materials and services are up \$121k (2%) on budget YTD, primarily due to increased contractor costs to cover staff vacancies earlier in the year.
10. Depreciation is up 11% on budget YTD, forecasting based on actual depreciation for the prior financial year.
11. Interest expense is down \$70k on budget YTD due to the timing of loan repayment and the reversal of accrued interest at 1 July. Interest expense is expected to be in line with budget at end of year.

# Statement of Financial Position

Glamorgan Spring Bay Council  
As at 30 April 2021

	30 APR 2021	30 JUN 2020
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	3,812,189	1,683,196
Trade & Other Receivables	1,086,793	658,232
Inventories	22,402	23,755
Other Assets	91,155	81,600
<b>Total Current Assets</b>	<b>5,012,539</b>	<b>2,446,782</b>
<b>Non-current Assets</b>		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
Property, Infrastructure, Plant & Equipment	125,727,917	126,700,280
<b>Total Non-current Assets</b>	<b>153,877,238</b>	<b>154,849,601</b>
<b>Total Assets</b>	<b>158,889,777</b>	<b>157,296,383</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	784,822	1,207,652
Trust Funds & Deposits	343,662	534,472
Provisions	636,254	614,714
Contract Liabilities	-	421,919
Interest bearing Loans & Borrowings	238,829	512,113
<b>Total Current Liabilities</b>	<b>2,003,568</b>	<b>3,290,870</b>
<b>Non-current Liabilities</b>		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	8,106,937	6,723,587
<b>Total Non-current Liabilities</b>	<b>8,224,326</b>	<b>6,840,975</b>
<b>Total Liabilities</b>	<b>10,227,894</b>	<b>10,131,845</b>
<b>Net Assets</b>	<b>148,661,883</b>	<b>147,164,538</b>
<b>Equity</b>		
Current Year Earnings	1,497,345	1,214,901
Retained Earnings	78,352,191	77,152,601
Equity - Asset Revaluation Reserve	68,381,239	68,381,239
Equity - Restricted Reserves	431,109	415,797
<b>Total Equity</b>	<b>148,661,883</b>	<b>147,164,538</b>

# Statement of Cash Flows

Glamorgan Spring Bay Council  
For the 10 months ended 30 April 2021

	JUL 2020-APR 2021	2020
<b>Operating Activities</b>		
Receipts from customers	11,013,927	12,032,686
Payments to suppliers and employees	(11,046,923)	(12,601,575)
Receipts from operating grants	757,402	1,359,203
Cash receipts from other operating activities	880,258	870,199
<b>Net Cash Flows from Operating Activities</b>	<b>1,604,663</b>	<b>1,660,514</b>
<b>Investing Activities</b>		
Proceeds from sale of property, plant and equipment	97,946	774,845
Payment for property, plant and equipment	(4,373,500)	(7,636,926)
Receipts from capital grants	4,272,088	2,345,631
Other cash items from investing activities	-	73,969
<b>Net Cash Flows from Investing Activities</b>	<b>(3,466)</b>	<b>(4,442,481)</b>
<b>Financing Activities</b>		
Trust funds & deposits	(190,810)	365,036
Net Proceeds/(Repayment) of Loans	1,140,525	197,089
Other cash items from financing activities	(421,919)	165,889
<b>Net Cash Flows from Financing Activities</b>	<b>527,796</b>	<b>728,014</b>
<b>Net Cash Flows</b>	<b>2,128,993</b>	<b>(2,053,953)</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	1,623,245	3,677,197
Cash and cash equivalents at end of period	3,752,238	1,623,245
<b>Net change in cash for period</b>	<b>2,128,993</b>	<b>(2,053,953)</b>

## Budget Capital Works Detail

Glamorgan Spring Bay Council

as at 30 April 2021

New Capital	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress
<b>Roads, Footpaths, Kerbs</b>					
Swanwick Rd, Swanwick - Swanwick Dr to Hazards View Dr - Concrete Footpath approx. 400m. Southern side.	16,350	95,000	95,000		Contract awarded - scope reduced to suit budget Drought Relief Grant
Wellington St, Swansea - Noyes St to Vistoria St - Concrete Footpath approx. 220m. Southern side.	64,802	60,000	60,000		Complete Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	59,558	65,000	65,000		Complete Drought Relief Grant
Elizabeth St, Orford - Charles St to Gore St - Concrete Footpath approx. 220m Northern Side	35,500	54,000	54,000		Complete Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	104,350	103,000	103,000		Complete Drought Relief Grant
Vicary St, Triabunna - Esplanade intersection - Realignment and paving RSL cenotaph	-	115,000	115,000		Detailed design progressing Drought Relief Grant
Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	12,089	403,000	403,000		Tenders closed Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, incl Pullout Bay	105,580	100,000	100,000		Complete Community Infrastructure Fund
Freycinet Drive - Kerb at Kayak Rental to stop flooding	-	30,000	30,000		Planning commenced Community Infrastructure Fund - Round 2
Strip Rd Little Swanport - concrete overlay to hardstand floodway	-	30,000	30,000		planning commenced Community Infrastructure Fund - Round 2
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF	50,000	50,000	40,775	9,225	Complete \$12,775.RTR + EMF \$28k
Dolphin Sands Share Pathway	352,092	374,608	374,608		Complete Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	49,724	400,000	400,000		Community engagement to be progressed. Fed Grant Funding in 21/22
<b>Total Roads, Footpaths, Kerbs</b>	<b>850,045</b>	<b>1,879,608</b>	<b>1,870,383</b>	<b>9,225</b>	
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>					
Coles Bay Trailer Parking - ofwd project	167,045	155,462	155,462		Complete DPI/PWE Funds
Swansea Boat Trailer Parking	83,920	500,000	500,000		Work continuing DPI/PWE Funds
Bicheno Triangle	34,486	600,000	600,000		Design progressing Fed Grant Fund
Bicheno Gulch	14,025				Reviewing final design Fed Grant Fund
Coles Bay Foreshore	51,981	800,000	800,000		Concept design commenced on basis of TIA and consultation Fed Grant Fund
Saltworks Boat Ramp Upgrade	877	100,000	100,000		State Grant
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	21,570	25,000	25,000		80% complete Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	30,834	25,000	25,000		Complete Drought Relief Grant
Jetty Rd Bicheno - Beach Access, timber walkway installation		10,500	10,500		Submitted for approval Community Infrastructure Fund - Round 2
Buckland Walk - rehabilitation	-	60,000	-	60,000	Planning commenced for rehabilitation
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>404,737</b>	<b>2,275,962</b>	<b>2,215,962</b>	<b>60,000</b>	
<b>Plant &amp; Equipment</b>					
Small plant	10,327	31,000		31,000	80% complete
Skidsteer	41,500	41,000		41,000	Complete
New Vehicle GM	44,568	45,000		45,000	Complete
IT Computer Equipment	22,615	30,000		30,000	75%
<b>Total Plant &amp; Equipment</b>	<b>119,011</b>	<b>147,000</b>	<b>-</b>	<b>147,000</b>	
<b>Total New Capital</b>	<b>1,373,793</b>	<b>4,302,570</b>	<b>4,086,345</b>	<b>216,225</b>	

Renewal of Assets	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
<b>Roads, Footpaths, Kerbs</b>						
RTR - RSPG Rheban Rd Resheeting / realignment for bridge	-	100,000	50,000	50,000		RTR
Emergency Repairs - Old Coach Rd Resheet	276,929	210,000	157,500	52,500	Complete	75% funded by EMF
Emergency Repairs - McNiels Rd Resheet 3.1km	20,995	60,000	45,000	15,000	Complete	75% funded by EMF
Emergency Repairs - Wielangta Rd Resheet 7km	3,680	125,000	100,000	25,000	40% Complete	75% funded by EMF
Emergency Repairs - Springs & Crossins Rd Resheet	38,004	17,000	12,750	4,250	Complete	75% funded by EMF
Emergency Repairs - Rosedale Rd Resheet 4.4km	113,072	80,000	60,000	20,000	Complete	75% funded by EMF
Emergency Repairs - Nugent Rd Resheet	18070	45,000	30,000	15,000	Complete	75% funded by EMF
Resheet - to be allocated	-	59,025		59,025		
R2R - Wielangta Road resheet southern end	70,204		75,000		Complete	R2R project reallocation, from RTR Charles St Triabunna below.
R2R - Charles St Orford 150m Reconstruction, Reseal, Kerb, Channel & Footpath (Henry St to Elizabeth St)	181,207	150,000	150,000		Complete	
R2R - Charles St Triabunna (Vicary to Espl. W. Waterfront Drive), reconstruct, Reseal & Streetscape	-	326,631	251,631			May need additional funds in 21/22 RTR allocation
<b>Total Roads, Footpaths, Kerbs</b>	<b>722,160</b>	<b>1,172,656</b>	<b>931,881</b>	<b>240,775</b>		
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>						
Bicheno BMX track refurbishment		20,000	20,000		planning commenced	Community Infrastructure Fund - Round 2
Bicheno Walk - Bridge replacement - carried forward from 2019/20	23,694	30,000	20,000	10,000	Complete	Community Infrastructure Fund
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>23,694</b>	<b>50,000</b>	<b>40,000</b>	<b>10,000</b>		
<b>Stormwater, Drainage</b>						
Alma Rd and Fieldwick Lane - Rockline drain and culvert improvements	-	125,000	125,000		planning commenced	Community Infrastructure Fund - Round 2
Mount St Orford - Kerb & channel	14,720	15,000		15,000	Complete	
Nailer Ave & Gamble St Bicheno - New culvert	32,347	30,000		30,000	In progress	
Stormwater management planning, investigation & design	131,799	275,000		275,000	50% complete	
Orford Main upgrade & pit installation 39 West Shelley Beach	-	35,000		35,000		
Freyrcinet Drive Coles Bay Rock line drains and reform road falls	-	30,000		30,000		
Bicheno Esplanade - install new mains to 3 houses	-	15,000		15,000	letters sent to owner for easement	
Assess and desing stormwater system upgrade - from 49 Rheban Rd to West Shelley Beach. Construct new pipe/overland flow linkages and expansion of Nautilus Drive detention basin	-	70,000		70,000		
Triabunna Yacht Club - main	-	30,000		30,000	communicating with Yacht Club	
<b>Total Stormwater, Drainage</b>	<b>178,866</b>	<b>625,000</b>	<b>125,000</b>	<b>500,000</b>		
<b>Council Buildings</b>						
Triabunna Depot - Dog Pound Upgrades - carried forward from 2019/20	-	11,000		11,000	Commenced	
Swansea Depot - Dog Pound Upgrades - carried forward from 2019/20	579	7,000		7,000	Commenced	
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	77	7,000		7,000	Commenced	
RSL Cenotaph - new memorial and relocate plaques - c/fw project	15,678	35,000		35,000	40% Complete	
Buckland Community Hall - replacement of steps to the entrance	3,770	55,000	55,000		Procurement in progress	Drought Relief Grant
Swansea Museum - CCTV Installation	8,940	11,000	11,000		Complete	Community Infrastructure Fund - Round 2
Swansea SES CCTV installation	-	3,000	3,000		In progress	Community Infrastructure Fund - Round 2
Triabunna Medical Centre - Car Park reseal and line mark	-	45,000	45,000		Design phase	Community Infrastructure Fund - Round 2
Bicheno Medical Centre - Car Park reseal and line mark	-	55,000	55,000		Design phase	Community Infrastructure Fund - Round 2
Triabunna Wharf Public Toilet Block - instal hands free washing station	#REF!	15,000	15,000		In progress	Community Infrastructure Fund - Round 2



Triabunna Marina - Improve public facilities and shelters		40,863	40,863	Design phase	Community Infrastructure Fund - Round 2
Coles Bay Tennis Courts - Basketball hoop installation		3,000	3,000	Requesting quotes	Community Infrastructure Fund - Round 2
Buckland Community Hall - ramp access	2,155	45,000	45,000	Procurement in progress	Community Infrastructure Fund
Coles Bay Tennis Courts - Resurface/Reconstruct	65,827	65,000	65,000	Complete	Community Infrastructure Fund
Replace Fencing, paving & awning Swansea Child Care Centre	3,812	25,000	25,000	In Progress	Community Infrastructure Fund
Bichen Medical Centre - Refurb Treatment Room	-	25,000	25,000	Getting quotes	Community Infrastructure Fund
Swansea Courthouse Drainage Works	5,585	25,000	25,000	50% Complete	Community Infrastructure Fund
Swansea Community Hall - Toilet Refurbishment	-	40,000	40,000	In Progress	Community Infrastructure Fund
<b>Total Council Buildings</b>	<b>#REF!</b>	<b>512,863</b>	<b>452,863</b>	<b>60,000</b>	
<b>Bridges, Culverts</b>					
Orford Bridge Replacement	958,459	990,840	990,840	Contract Complete. Rehabilitation to finalise project	\$1.02m project started May 2019. Fully Federal Grant funded
Holkham Crt Culvert	6,500	56,087	56,087	Design continued	Community Infrastructure Fund
RTR - BRP Rheban Rd Griffith River Bridge	21,266	300,000	300,000	Survey for design revision complete, developing scope for tender	RTR 25% EMF75%
<b>Total Bridges, Culverts</b>	<b>986,226</b>	<b>1,346,927</b>	<b>1,346,927</b>	<b>-</b>	
<b>Plant &amp; Equipment</b>	<b>Actual YTD</b>	<b>2020/21 Revised Budget</b>	<b>Government Funding</b>	<b>Council Funding</b>	<b>Project Progress</b>
Wheel loader (replace backhoe)	121,996	122,000		122,000	Complete
Replace Animal Control Vehicle	40,739	35,000		35,000	Complete
Plant replacement - replace 3 utes/works vehicles	107,965	109,230		109,230	Ordered Nov, 2 of 3 Delivered
<b>Total Plant &amp; Equipment</b>	<b>270,700</b>	<b>266,230</b>	<b>-</b>	<b>266,230</b>	
<b>Total Renewal Capital</b>	<b>#REF!</b>	<b>3,973,676</b>	<b>2,896,671</b>	<b>1,077,005</b>	
<b>Total Capital Works</b>	<b>#REF!</b>	<b>8,276,246</b>	<b>6,983,016</b>	<b>1,293,230</b>	

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## 6. SECTION 24 COMMITTEES

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### 6.1 Minutes of Marine Infrastructure Committee Meeting – 4 May 2021

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## MARINE INFRASTRUCTURE COMMITTEE MINUTES

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**Date:** Tuesday 4<sup>th</sup> May 2021  
**Time:** 10:00am  
**Location:** Council Chambers, 9 Melbourne St, Triabunna

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### 1. PRESENT AND APOLOGIES

**Present:**

J Hall (Chair)  
Clr K Breheny  
C Barney  
J Burke  
M Fama  
P Warner

**Apologies:**

Clr G Robinson  
N Carins

**In Attendance:**

Mr G Ingham (GSBC General Manager)  
A O'Leary (Manager Building & Marine Infrastructure)  
J Murray (Minutes Secretary)

### 2. CONFIRMATION OF MINUTES TUESDAY 2<sup>ND</sup> MARCH 2021

MOVED: Clr Keith Breheny

SECONDED: Col Barney

That the minutes of the previous meeting be confirmed as a true and correct record.

**CARRIED UNANIMOUSLY 6/0**

### 3. BUSINESS ARISING FROM LAST MEETING

- a) M Fama asked if there was an update in relation to the \$100,000 for Saltworks Jetty. A O'Leary advised that he would discuss this in his update under agenda item 4.

#### **4. OTHER BUSINESS:**

##### **UPDATE FROM A O'LEARY:**

##### **1. Saltworks Boat Ramp**

- a) A O'Leary advised that he has asked MAST for a deferral to the completion date to the 30<sup>th</sup> June 2022 which has been approved. Parks and Wildlife would like to see a holistic approach to the parking and toilet block. One of the local Oyster Farms rented a transportable toilet a few years ago which Parks and Wildlife maintained, however the toilet was stolen. A O'Leary advised that he had applied for a fishing and camping grant, however we were unsuccessful in receiving the grant.
- b) A O'Leary further advised that he has been liaising with Parks and Wildlife and that Parks and Wildlife will provide funding for the Aboriginal archaeological Report which needs to be prepared in order for Parks and Wildlife to consent to lodging the development application for the jetty proposal.
- c) M Fama suggested that signage be erected to indicate the location of the toilet for visitors. A O'Leary advised that once the location of the toilet block had been determined the appropriate signage will be erected.

##### **2. Triabunna Wharf and Marina**

- a) A O'Leary advised that grant funding has been secured to spend on the waiting area for the Ferry terminal at the Triabunna Marina. This will enable the Maria Island Gateway to be interconnected with a waiting area.
- b) G Ingham advised that the \$6.8million the Liberals have promised is to be spent on Maria Island, not in Triabunna Marina and Wharf Precinct at Triabunna. The Committee discussed the need for the Government to spend the money at the Triabunna Wharf and Marina to accommodate for the further visitors that will be travelling to Maria Island as there is already an ongoing issue with parking at the Marina.
- c) A O'Leary informed the Committee that he had a meeting with Crown Land Services 2-3 years ago and Crown were thinking that the Ferry Terminal would have toilets, showers, food outlets etc, however it is important that the port be planned out holistically. Cllr K Breheny discussed the importance of having a Masterplan which incorporates the limitations that the Marina has and considers the new and existing businesses.
- d) M Fama queried whether commercial businesses can operate on Crown Land. A O'Leary advised that when it comes to the new Ferry Terminal it is Crown's responsibility to lodge the development application with Council.
- e) G Ingham informed the Committee that the *Triabunna Tomorrow Plan* recognises the linkage between the port and the township. The port cannot be developed without considering the town and it needs to be recognised that the town centre and port are linked together. A O'Leary concurred stating that there should be a holistic approach with stakeholder discussion.

##### **3. Bicheno Gulch Parking Update**

- a) A O'Leary advised that he has circulated a report to Committee members in regards to the foreshore and Esplanade upgrade at Bicheno and indicated that parking is an issue for the Bicheno Gulch.
- b) P Warner queried if there was grant money available to help solve the parking issue. A O'Leary advised that there was grant money to extend the toilets which is separate to the grant money to develop the parking at Bicheno Gulch.

- c) Cllr K Breheny advised that he was involved in the original proposal and that \$1 million worth of grant money will not fix the parking issue at Bicheno Gulch. Council have investigated the availability of the land close by and it was determined that there were some road reserves, however it would still not solve the problem. If we want to cater for the full time use of the ramp in summer, the solution to the problem is not clear. We need to come up with a solution for vehicle parking, however Council does not have the land or space to accommodate for more parking.
- d) P Warner raised that there are no footpaths around the Bicheno Gulch, so if boaters were to park some distance away they either need to use the road or a track on the rocky foreshore. P Warner further discussed that there are days where it is just not possible to cater for everyone, however the boaters will more than likely find a park and it is more so the tourist visiting the area cannot find a park. Cllr K Breheny concurred with P Warner's comments and added that an adequate Masterplan should be developed to help assist with a solution similar to what Parks and Wildlife have created for the Freycinet National Park. P Warner further added that it is important that the plan does not discourage tourists from the area.
- e) J Hall queried whether Council had given any thought to developing a service where boats could be launched and then the trailers parked well away from the boat ramp and retrieved upon return. M Fama added that in the mainland there are boat ramps where payment is required to use the boat ramp and associated parking.

*Greg Ingham left the meeting at 10.57am*

- f) Cllr K Breheny suggested that if the Committee have any ideas for Council that this Committee is a good forum to get ideas across collectively.
- g) P Warner advised that there could be more parking issues from a potential new business in the Gulch area. M Fama queried the Bicheno Blowhole Carpark and whether it was part of a Masterplan. A O'Leary advised that the parking for Bicheno Gulch area, including the Bicheno Blowhole will be addressed in a Masterplan.

#### **4. Swan River Boat ramp**

- a) A O'Leary advised that two bins have been placed at the Swan River Boat Ramp.
- b) P Warner requested that the chair provide details of the next Maine Infrastructure Committee meeting. It was agreed that the next meeting will be held on Monday 1 November 2021 at 10:00am, Triabunna Council Chambers.

#### **5. Fee Structure Review**

- a) A O'Leary advised that Council Management would like to see a substantial fee increase. The Accounts Department have suggested that an increase of 15% be applied across the board and for commercial fisherman to receive a discount.
- b) P Warner queried the power charge. A O'Leary advised that Council do bill for three-phase power however he would prefer the power to be pay-as-you-go to alleviate any problems. A O'Leary further advised that Commercial Berths do tend to draw more power through the three-phase power.
- c) J Burke queried that the fees may be too low compared to other areas in Australia.
- d) M Fama queried whether 5 year leases were still an option for berth holders. J Hall advised that this was investigated some years ago, however nothing eventuated. A O'Leary advised that there are still some people on a 5 year lease and that a report could be presented to Council with a recommendation to remove the 5 year lease if that is what the Committee would recommend. P Warner advised that with the one year lease Council have the opportunity to increase the fees across the board. Cllr K Breheny added that what Council are looking at is a very lean financial situation. Simply to cover the depreciation values the Accountant has suggested a 15% increase which is what Council

be will considering. A O'Leary clarified that he had suggested to the Accountant that the fees be increased over two stages.

- e) J Burke added that the Committee should be mindful that we should be charging fees to make sure that the maintenance fees are covered. J Hall concurred.
- f) In light of Council's Accountants department wanting to raise the fees and charges by an approximate 15% across the board, A O'Leary has suggested that the increase be done over two years with 10% this upcoming financial year and then 5% plus CPI in the next financial year. M Fama agreed that the two-year approach to the increase in the fees and charges would be more suitable and advised that he was not supportive of the 15% rise in a single increase. A O'Leary stated that if the fees were to be increased by 15%, he is worried that some people may vacate their berth. In addition, A O'Leary is also concerned that the lease increase might have an impact on some of the fisherman which have suffered during the COVID-19 pandemic. P Warner advised that there has been no significant alterations to the fees and charges for a long time. A O'Leary clarified that the fees were not increased last year due to COVID-19. M Fama queried whether the fees could be paid in installments. A O'Leary advised most berth holders pay quarterly. P Warner added that he would be happy to see 15% increase and would like to get rid of the 5 year lease. A O'Leary advise that this could be put to the Council.

*P Warner left the meeting at 11.40am*

MOVED: J Burke

SECONDED: Col Barney

To recommend to Council that Council raise the fees by approximately 15% to the current fees and charges list from the Fisherman's Wharf fee upwards.

#### **6. Review of Triabunna Marina & Wharf Precinct Policy**

- a) A O'Leary advised that he will circulate the policy in a word document to the Committee for the comment and consideration.

#### **7. Maritime Museum proposal to locate display in Marina Precinct**

- a) A O'Leary advised the Committee that Maritime Museum proposal will keep a lot of interest in the port. M Fama advised that people waiting for the ferry can view the proposal while they wait. A O'Leary informed the Committee of the proposed location of the display and that there was scope for the proposal to move should there be a need.

*J Burke left the meeting at 11.58am.*

- b) Clr K Breheny advised that from Council's point of view, they have visited the site and were asked to comment, however it was perceived by people who were there that the proposal was only taking place due to the Maritime Museum potentially closing. Clr K Breheny then asked the Committee if the Museum was going to continue at its current location. M Fama stated that the Museum had not closed, and that the signage directs people to the rear of the building and that he was acting coordinator for the Maritime Museum. M Fama also stated that he is against the proposed location for the display near the Seafarers Memorial. J Hall advised that there is a need for more consultation as there are conflicting views on the proposal to install the containers near the Seafarers Memorial.

*M Fama left the meeting at 12.05pm.*

### **5. ROUND TABLE DISCUSSION/ANY OTHER BUSINESS:**

- a) C Barney reported that excavation of the sand build-up on the ramp was continuing. This appears to have resulted in scouring of the sand alongside the jetty, to a depth where rocks are exposed on the seabed, but hasn't resolved the sand build-up on the ramp. A O'Leary advised that he will contact the relevant authority to report the issue. C Barney further asked if it was possible to put indicators where the concrete ends at the boat ramp to assist boaters. A O'Leary advised that he will follow this up with relevant authority. Clr K Breheny advised that MAST are engaging consultant engineers to revisit the Swansea boat ramp.

### **6. DATE OF NEXT MEETING**

The next scheduled meeting will be held on **Monday 1 November 2021 at 10:00am**, Triabunna Council Chambers.

**Meeting closed: 12.27pm**

**RECOMMENDATION**

That the Minutes of the Marine Infrastructure Committee meeting held on 4 May 2021 be received and noted.

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## **7. INFORMATION REPORTS**

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### **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

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#### **ASSET MANAGEMENT**

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

Asset management activities continue with the development of a Strategic Asset Management Plan as the last of the required set for Council. Other activities required for the implementation and development of these plans include asset locations in Geospatial mapping (GIS). The collection of council stormwater assets in GIS continues.

#### **CONSULTANT SERVICES**

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

- Stormwater Management Plan: Cameron Oakley continues to work through a multitude of inundation issues with the outcome to be a schedule of future works encompassing a number of years of forward works. Each of these projects will come before council for consideration in future capital works programs. Projects will be assessed on the basis of risk to form a priority for scheduling the program that will be presented to council.  
A component of this work is the South Orford Stormwater System Study. This is to assess the stormwater system capacity and function from Shed Hill through Mary Street to Walters Drive and Strawberry Hill Court. This will ensure the design proposed for a levy along the Orford Rivulet does not have any negative consequences. AD Design and Consulting are carrying out these works. Ongoing.
- Asset Management Plan development: Vincent Butler has developed a Strategic Asset Management Plan for Council consideration and adoption.
- Development engineering assessment: Various consultants are being engaged for this function to date with a high load of development works being managed between the available time of consultants working with council on other major tasks at present. A Development Engineer has been recruited which will see this reduce significantly from next month.
- 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.
- Further investigation to inform an appropriate design solution for the Griffiths Rivulet bridge on Rheban Road is being pursued through Hydraulic Engineers. Ongoing. This project is expected to be able to be tendered again on a revised scope very soon.
- Pitt and Sherry are developing tender design and specification for Vicary Street and The Esplanade intersection in Triabunna. Ongoing.

#### **OPERATIONAL WORKS**

- Work Requests: 38 recorded for the month. 18% from internal inspections.

#### **ROADS, BRIDGES, FOOTPATHS, KERBS**

- 12 unsealed road inspections conducted
- Bresnehans Road - maintenance grade
- Elizabeth and High Streets, Pontypool- maintenance grade.
- Young Street, Burgess Street and Gordon Street, Swansea- maintenance grades.
- Nugent Road bridge- new signs erected.



- Triabunna bridge (Vicary Street) update signage
- Tree trimming along Strip Road in preparation for school buses travelling the road for School cross country carnival at Wind Song property.
- Roadside slashing up to date and on schedule.

## **STORMWATER, DRAINAGE**

- Normal maintenance activities
- Elizabeth Street, Pontypool – Table drain and culvert cleaning.
- Alma Road- clearing of all culverts.
- Seaford Road culvert/drain clearing
- Rudd Street, Orford stormwater maintenance on foreshore/beach- ongoing consultation with Parks and Wildlife

## **WASTE MANAGEMENT**

- Recycling bins in public areas in Swansea are being temporarily removed due to constant contamination. Bins have been used for soiled nappies and general waste on a regular basis contaminating the recycling. It is proposed to remove them for a period to break the cycle of behaviour and reinstall them in a number of months. Consideration is being given to reinstallation with restricted access chute.
- Installing posts and security cameras at Orford and Coles Bay Waste Transfer Station following unauthorised dumping.
- Working with Swansea Men's shed to finalise process for access to Swansea Waste Transfer Station for recycling/re-purposing items.
- Swansea Waste Transfer Station green waste burn- completed.
- Orford Waste Transfer Station green waste burn- completed.
- Bicheno Waste Transfer Station green waste burn- completed.
- All Waste Transfer Station stations operating on Winter opening hours from 1 May 2021.

## **PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERY**

- 5 X bench seats been installed by GSBC on behalf of Bicheno DAP group along Tasman Hwy walking track- underway
- Corroded roofs (3) replaced on Play equipment in Lion's Park, Bicheno as per audit findings.
- Preventative Tree trimming of trees around Duck Park, Swansea play equipment- completed.
- 15 weekly inspections for the month across the municipality.
- Installing bins at Swan River boat ramp- completed
- New bin stand installed at Jetty Road, Swansea- completed.

## **EMERGENCY MANAGEMENT:**

### **Council response**

No requests were received by council after hours roster team members during April.

## **CAPITAL WORKS**

- Bicheno- replace 2 pedestrian bridges- new precast bridge platforms delivered and put in place, new handrails fabricated in house and fitted, outstanding is constructing of gravel ramps on each side of platforms- completed
- Swansea boat ramp parking extension- Project is underway and progressing as planned 65% completed.

### **Grant funded**

- Swansea Main Street Paving: Concept nearing Community engagement phase.
- Bicheno Tasman Highway Footpath: Tenders closed.



- Coles Bay Foreshore Footpath: Traffic Impact Assessment data collection completed and report imminent.
- Bicheno Gulch Foreshore and Esplanade Upgrade: Site survey completed awaiting approval prior to final design.
- Bicheno Triangle Upgrade: Design and consultation ongoing.
- Swansea Boat Ramp Car Parking construction continued. A sewer pipe was found to be conflicting with design. Minor amendments have been made to the lay-out and TasWater have moved the main as far as practical.

## **PLANT AND VEHICLES**

- Planned trade and sale of vehicles continued.
- Scheduled Plant replacement and upgrade continuing
- Preparing Council's old John Deere 570B grader to be sold at auction

## **GENERAL**

- State Growth have been advised of Council decision to accept Shea's Bridge. State Growth now reviewing the design of the new structure to assess what will be left after the new bridge is complete. Some deck is to be removed in the new bridge construction process. This may limit the remaining infrastructure value to council. Officers will liaise with State Growth to achieve a beneficial outcome to a future bike trail.
- A grant application made through the State Emergency Services, to the *National Flood Mitigation Infrastructure Program*, was unsuccessful. The proposed project entitled: North Orford Stormwater System Assessment, was to fund the design report for the Tasman Highway near Blue Waters in Orford. State Growth have agreed to pay half the report cost. Alternative options for funding council's contribution are now being sought.

## **RECOMMENDATION**

That Council notes the information.

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## **8. OFFICERS' REPORT REQUIRING A DECISION**

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### **8.1 Notice of Motion – Review of Planning Delegations**

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Author: Director Planning & Development (Mr Alex Woodward)

Responsible Officer: Director Planning & Development (Mr Alex Woodward)

#### **ATTACHMENT/S**

Nil

#### **PURPOSE**

This report is to review the current planning delegations and to provide a recommendation to Council to retain the existing delegations. However it is also recommended that a monthly report be provided to Councillors which details assessed discretionary planning applications and how many representations were considered.

#### **BACKGROUND/OVERVIEW**

At the April 2021 Council meeting the following motion was moved:

*“That the General Manager undertake a review of the planning delegation as initiated by Decision 250/20 and report to Council on alternative delegations.”*

This notice of motion by Cllr Symons outlined the following:

*In July 2020, Council considered the workload on the then planning staff and determined that unless there were greater than 2 representations the approval/refusal could be done under delegation.*

#### ***DECISION 250/20***

*Moved Cllr Keith Breheny, seconded Cllr Rob Churchill that the Planning Authority, pursuant to section 6 of the Land Use Planning and Approvals Act 1993, delegate the following powers to the Executive Manager Development and General Manager upon the recommendation of a planner:*

<i>Section 57</i>	<i>To approve an application, with or without conditions, where no more than two representations are lodged against the application</i>
<i>Section 57</i>	<i>Section 57 To refuse an application where the applicant will not agree to an extension of time in accordance with section 57(6) or section 57(6A)</i>

*And review the instrument of delegations accordingly.*

#### ***THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0***

*For: Acting Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons*

*Against: Nil.*

*As Councillors we are not receiving any reports on those matters that have been determined under delegation where there has been two representations made. I believe this situation has the potential to leave Councillors uninformed of concerns being raised by representors. Councillors need to be aware and able to respond to concerns if raised with them by the representors and community members. Given that Council now has more resources in the planning department, it would be opportune to review this delegation. There are a number of potential options for Council to consider:*

1. *Receive a regular report with a copy of the redacted representations where a matter has been determined under delegation. This would provide certainty to members of the community that elected members are aware of concerns they may have on a particular DA.*
2. *Revoke the delegation and initiate a new one where one representation is the trigger for the matter to come to the planning authority; essentially a return to the former process.*
3. *Provide delegation where one or more representation is in support. This would allow planning staff to approve, if the application meets the appropriate planning regulations, without the need for a report to Council.*

## **REVIEW**

In considering whether a change is appropriate, it is necessary to balance the efficiency gain against the need to maintain an adequate level of public and community participation in the decision making process. It is important for Council to consider the current workload and the difference in assessment time any changes will make. This may have impacts on current resourcing and service levels to the community.

From 1 January 2021 to 30 April 2021 Council received 125 Development Applications. In comparison, during the same time period in 2020, Council only received 73 applications. As such, there has been a significant increase in overall applications to Council. Whilst Council does have an additional position in the Planning section from previous years, this has since reduced as a result of staff member leaving Council in early March. At present Council is resourced with 1 Full Time Equivalent (FTE) Senior Statutory Planner, a 0.8 FTE Planner and 0.8 FTE Administration Officer which is shared between sections. Council is currently advertising for a 0.6 FTE Planner/Graduate Planner, but this is yet to be filled.

An analysis has been completed on the assessments that have been completed January 1, 2021 to 30 April 2021.

- 125 Development Applications received
- 145 approved during that time (some were lodged before 01/01/2021)
- 93 were discretionary under the Planning Scheme
- 8 applications received more than 1 but less than 2 representations and were approved by Officers under delegation.
- 4 applications were considered by Council during this time.
- The average assessment time for permitted applications was 17.61 days
- The average assessment time for discretionary applications was 38.80 days
- All assessments met the 42 day statutory timeframe.

As noted above, if the current delegation level was changed, this would have seen an additional 8 applications being presented to Council for consideration. The outcomes would result in the following:

- Extended assessment time to meet the monthly Council meetings. It is estimated that at least 6 of the 8 discretionary applications would have required an extension of time request to the applicant.
- Officers spending an additional 4 hours (estimated) per report that is presented to Council – Total 24 hours (estimated).
- Increased average assessment time.

There are potential advantages for changing the current delegation levels which should be considered. These include:

- A potential decrease in appeals to the Resource Management and Planning Appeals Tribunal if decisions for applications for which representations have been received are considered by Council instead of Officers, and
- There may be a perceived increase in community participation, resulting in less complaints to Councillors.

The other option that was presented in the motion by Cllr Symons was that Council receive a regular report with a copy of the redacted representations where a matter has been determined under delegation. This option as pointed out by Cllr Symons would provide certainty to members of the community that elected members are aware of concerns they may have on a particular DA.

This report could be easily prepared on a regular basis for Councillors.

By providing this report, Councillors will be regularly kept up to date with discretionary planning applications and how representations were considered.

## **STRATEGIC PLAN**

### **Guiding Principle**

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

### **Key Foundation**

1. Our Governance and Finance

### **What we plan to do**

- Be accountable and ensure good governance practice

## **STATUTORY IMPLICATIONS**

Section 6(3) of the *Land Use Planning and Approvals Act 1993*, provides that Council may, by resolution, delegate any of its functions or powers under LUPAA (other than the power of delegation) to a person employed by Council. Accordingly, Council has the power to delegate its powers under the *Land Use Planning and Approvals Act 1993* directly to Senior Staff.

## **BUDGET IMPLICATIONS**

At present, there are adequate positions within the planning section to ensure that Council meets its statutory requirements under the *Land Use Planning and Approvals Act 1993*. If there is an amendment to existing delegation, this will increase the workload for the Planning section. As a result it is likely that additional resources would be required, which would come at a cost to Council. Due to difficulties in obtaining Planning Staff, this may require assistance from a Planning Consultant.

## **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Minor	Unlikely	Low	Provide an explanation of the rational and improve communications to developers.
There may be feedback from the community that the existing delegation is too broad, resulting in reduced customer expectations				
<b>Do not adopt the recommendation</b>	Moderate	Likely	High	Ensure that adequate resources are available to address this issue. In addition Special Council Meetings can be held for applications at risk of running over time.
Changes to the existing delegation level may result in difficulty in meeting the statutory timeframes and leaving Council to be liable for litigation.				

## **OFFICER'S COMMENTS**

On the above assessment it is Officer's advice that the current delegation remain the same for the following reasons:

- Maintain a quality service level with reduced timeframes for applications
- Maintain the current resource levels and cost to Council and the community
- Reduces the risk of Council exceeding the statutory timeframes associated with application assessment.

It is also recommended that a regular report be provided to Councillors to ensure they are informed of discretionary applications and how representations have been considered. This report is recommended to be sent to Councillors on a monthly basis.

**OFFICER'S RECOMMENDATION**

That Council:

1. RECEIVE and NOTE the attached report on the Notice of Motion – Review of Planning Delegations, and
2. RESOLVE to retain the current planning delegations and for a monthly update to be provided to Councillors commencing June 2021.

## **8.2 Petition to Amend Sealed Plan - 14 French Street, Orford**

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Author: Director Planning & Development (Mr Alex Woodward)

Responsible Officer: Director Planning & Development (Mr Alex Woodward)

### **ATTACHMENT/S**

Nil

### **PURPOSE**

The purpose of this report is to note that the Petition to Amend a Sealed Plan at 14 French Street, Orford, was considered at the Council meeting held on the 23 March 2021, but was not determined as the motion was lost. The report recommends that the item be reconsidered at a future Council meeting.

### **BACKGROUND / OVERVIEW**

In March 2020, having successfully obtained planning approval to develop the property at 14 French Street, Orford ("the **Property**"), the applicant petitioned Council to remove covenants over the Property that prevent the construction of the approved dwelling.

On 30 October 2020, the then planner provided the applicant a draft Planner's Report and requested he provide submissions in support of the Petition. The applicant engaged legal representation to prepare those submissions.

Soon after, the planning officer informed the applicant's legal representative that it would be necessary for a new draft report to be prepared. The timeline to deliver submissions was suspended at that point. It was explicitly agreed at that time that the applicant would have the opportunity to provide submissions in support of the Petition and to comment on the report to be considered by Council, before the petition was put before Council to be determined.

Subsequently there was a change in the planning staff and in March a report was presented to Council recommending that the petition to amend the sealed plan be approved. The motion was put, however it was lost 1/6. Unfortunately the applicant was not made aware at the time that the report was being presented to Council which did not provide the applicant any opportunity to make submissions. This was an administrative oversight and the applicant has sighted a denial of natural justice. The applicant made Officers aware of this and wrote to Council advising that if the decision was not rescinded they will seek a judicial review of Council's decision.

Whilst in the review of the Minutes it was noted that the motion was lost and an alternate motion was not put. It is noted that if a motion is lost, no decision is made. A lost motion should not be regarded as the Council having made a decision on the matter (i.e. an opposite decision to the motion's intent). Therefore in effect no decision has been made on this matter.

To address these issues it is recommended that Council allow for a revised report with a new recommendation to be presented at a later date.

### **STRATEGIC PLAN**

#### **Guiding Principle**

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

#### **Key Foundation**

2. Our Governance and Finance

#### **What we plan to do**

- Be accountable and ensure good governance practice

## **STATUTORY IMPLICATIONS**

The applicant has advised that if the decision was not rescinded they will seek a judicial review of Council's decision. The application would simply be made pursuant to the grounds set out in section 17(2)(a) *Judicial Review Act 2000* (Tas): that a breach of the rules of natural justice happened relating to the making of Council's decision. Whilst a formal decision has not been made due to the motion being lost, it is considered that a judicial review is still available to the applicants.

## **BUDGET IMPLICATIONS**

If a judicial review is sought, the applicant may seek indemnity costs.

## **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> The administrative oversight may result in poor public relations for council.	Minor	Unlikely	Low	Detail circumstances surrounding the issue and implement future procedures to prevent from occurring again.
<b>Do not adopt the recommendation</b> A judicial review may be sought, the applicant may seek indemnity costs	Moderate	Likely	High	Obtain legal representation for any future judicial reviews.

## **OFFICER'S COMMENTS:**

On the basis of the review and administrative oversight, it is recommended that the decision be rescinded to allow for the applicant to make a submission at a future Council meeting.

## **RECOMMENDATION:**

That Council:

1. RECEIVE the above report and NOTE that a decision was not made the 23 March 2021 Council Meeting for the Petition to Amend Sealed Plan at 14 French Street, Orford, as the motion was lost and an alternate motion was not put.
2. RESOLVE that an additional report be presented to Council at a future meeting and that the applicant be provided with an opportunity to provide submissions in support of the petition to amend the Sealed Plan 168707 as applied for under SA 2020/11.

### 8.3 Dog Management & Environmental Health Fees and Charges 2021/2022

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Author: Director Planning & Development (Mr Alex Woodward)

Responsible Officer: Director Planning & Development (Mr Alex Woodward)

#### **ATTACHMENT/S**

Nil

#### **PURPOSE**

This report seeks Council approval for fees and charges for 2021/22 in respect of Dog Registration and Environmental Health. This approval is required outside of and prior to the budget report (fees and charges) to Council in June to enable licence renewal forms to be developed and distributed prior to the end of this current financial year.

#### **BACKGROUND / OVERVIEW**

The report will deal with the Dog Management and Environmental Health services fees and charges as separate items, however the respective fees for 2021/22 have been proposed in accordance with Council's Long Term Financial Management Plan to ensure that appropriate levels of funding are maintained in real terms.

##### **Dog Registration Fees:**

All dogs over the age of six (6) months must be registered with Council as per section 8 of the *Dog Control Act 2000* (the Act). Section 9 of the Act provides:

- (1) *The owner of a dog required to be registered is to apply for registration to the general manager of the council in the municipal area in which –*
  - (a) *the owner resides; or*
  - (b) *if the dog is a guard dog, the premises guarded by the dog are situated.*
- (2) *An application for registration is to –*
  - (a) *be in an approved form; and*
  - (b) *be accompanied by the appropriate registration fee; and*
  - (c) *include the microchip number of the dog*

Council takes into consideration a number of factors when setting the relevant dog registration fees under Council's Dog Management Policy, including:

1. The entire system of Dog Control throughout the municipality is dependent on the ability of Council Officers to identify a dog's owner via the dog registration system which is a vital link needed to enforce the regulations and provisions of the Dog Control Act 2000.
2. All dogs six months of age or over are required to be registered.
3. The Council will continue to provide reduced registration fees for desexed dogs in order to reduce the instances of unwanted or abandoned dogs. Fees will be reduced for persons registering their dog before 31st July.
4. A discount will also be offered to pensioners for one dog only, any other dog incurs standard registration fees.
5. All relevant fees will be reviewed annually. The Council will take into consideration other Council's proposed fee structure to ensure all related dog fees maintain a level of consistency.
6. The Council will transfer dog registrations from other Tasmanian Council's at no cost to the dog owner, provided the registration is for the same registration period.
7. A maintenance (pound keeping fee) will be charged for every day impounded. An infringement notice will be issued in accordance with the Dog Control Act 2000 Section 16(1) "failure to ensure a dog is not at large". All fees must be paid before the dog will be released.

The following table outlines the current charges for dog registrations and licenses for Glamorgan Spring Bay and a number of other nearby Councils. It can be seen from this table that Glamorgan Spring Bay generally offers reduced fees in comparison to neighboring Councils.



Type	GSBC	BOD	Tasman	Clarence
Non-Desexed Dog (before 31/07/20)	\$35	\$45	\$50.50	\$112
Non-Desexed Dog (after 31/07/20)	\$50	\$65	\$76	\$117
Desexed dog (before 31/07/20)	\$20	\$25	\$24.50	\$30
Desexed dog (after 31/07/20)	\$30	\$35	\$34.50	\$35
*Working dogs (before 31/07/20)	\$15	\$20	\$24.50	\$41.80
*Working dogs (after 31/07/20)	\$30	\$35	\$34.50	\$46.80
Dog owned by a pensioner (one dog only) (before 31/07/20)	\$8	\$12	\$17.50	20% off applicable fee
Dog owned by a pensioner (one dog only) (after 31/07/20)	\$20	\$15	\$22.50	20% off applicable fee
Declared dangerous dog & Restricted Breeds (before 31/07/20)	\$250	\$250	\$240	\$585 - \$1170
Declared dangerous dog & Restricted Breeds (after 31/07/20)	\$450	\$300	\$263	\$585 - \$1170
Registered guide dog/assistance dog	Free	Free	Free	Free
Replacement tag	\$5	\$5	\$11	\$5
Release of dog from pound 1 <sup>st</sup> offence	\$40	\$50	-	\$75
Release of dog from pound 2 <sup>nd</sup> and subsequent offences	\$150	\$100	-	\$75
Daily maintenance charge whilst impounded	\$40	\$25	\$22.50	-
Kennel Licence - New >2 dogs	\$70	\$70	\$82 - \$106	\$292
Kennel Licence - Renewal	\$30	\$50	\$37.50	\$117

As at 14 May 2021 Council had registered a total of 1,029 dogs and have received \$11,289 income from registrations. This income is GST exempt. Council has traditionally set two scales of fees, a prescribed and discounted fee in accordance with Council's Dog Management Policy. The schedule of fees is designed to encourage dog owners to register their dogs within the discounted period and therefore reduce enforcement costs to Council. The principle of setting registration fees will remain as it has done in recent years, with a two tier payment system i.e. a lower fee if paid on time and a higher fee if not paid on time.

Council has also recently employed a permanent full-time Compliance Officer to have a greater presence in relation to animal control. A key component of this role is to enforce the Dog Management Act and to educate people on responsible dog management. As this comes with an increase in expenditure it is recommended that the fees be slightly increased to reflect this.

The proposed dog registration fees for 2021/22 are as follows:

Type	Budget 2021-2022
Non-Desexed Dog (before 30/06/21)	\$40
Non-Desexed Dog (after 30/06/21)	\$55
Desexed dog (before 30/06/21)	\$25
Desexed dog (after 30/06/21)	\$35
*Working dogs (before 30/06/21)	\$20
*Working dogs (after 30/06/21)	\$35
Dog owned by a pensioner (one desexed dog only) (before 30/06/21)	\$9
Dog owned by a pensioner (one desexed dog only) (after 30/06/21)	\$21
Declared dangerous dog & Restricted Breeds (before 30/06/21)	\$255
Declared dangerous dog & Restricted Breeds (after 30/06/21)	\$455
Registered guide dog/assistance dog	FREE
Replacement tag	\$6

Release of dog from pound 1 <sup>st</sup> offence	\$41
Release of dog from pound 2 <sup>nd</sup> and subsequent offences	\$152
Daily maintenance charge whilst impounded	\$41
Kennel Licence - New >2 dogs	\$120 + Advertising Costs
Kennel Licence - Renewal	\$35

## **ENVIRONMENTAL HEALTH CHARGES**

The following table outlines the current charges for Environmental Health for Glamorgan Spring Bay and a number of other nearby Councils. It can be seen from this table that Glamorgan Spring Bay offers reduced fees in comparison to neighboring Councils.

<b>Health and By-Laws</b>	<b>GSBC</b>	<b>BOD</b>	<b>Tasman</b>	<b>Clarence</b>
<b>Food Business Registration Fees</b>				
Temporary Food Registration	\$25	\$20	\$40.50	\$35.60
Temporary Food Registration local community non profit organisation)	Free	Free	\$26	Free
Classification Priority 1 *	\$265	\$350	\$260	\$188.30 - \$493.70
Classification Priority 2 *	\$200	\$200	\$210	\$188.30 - \$341
Classification Priority 3 *	\$135	\$100	\$160	\$188.30
Classification Priority 3 (notify only)	\$0	\$0	\$50	\$35.60
Classification Priority 4 (notify only)	\$0	\$0	\$50	\$35.60
Not for profit	\$0	-	\$64.50	\$0
Food Van	\$150	-	\$258	\$35.60 - \$188.30
Assessment of Plans for Commercial Kitchen (Form 49)	\$220	\$100	-	\$134.40 per application + \$92.60 per hr/part thereof for assessment fees
Inspection and Occupancy Report for commercial kitchen (Form 50)	\$220	\$100	-	\$92.60 per hr/part thereof for assessments
*A 50% discount applies for applications for food business registration fees after 31 December.		-	-	-
<b>Miscellaneous Health Fees</b>				
Place of Assembly Licence - specific event	\$60	\$50	\$323	\$92.60
Place of Assembly Licence - specific event (local community non profit organisation)	Free	Free	-	Free
Swimming pools/spas samples (request /non investigative)	\$40 + cost of analysis	\$50 + cost of	\$53 + cost of	\$106.90 per

		analysis	analysis	sample + \$92.60 per hr/part thereof
Water samples (request /non investigative)	\$40 + cost of analysis	\$50 + cost of analysis	\$53 + cost of analysis	\$101.80
Commerical Water Carriers Permit (1 year only)	\$50	\$20	\$111	\$43.80 per vehicle
Regulated system registration-new	\$100	-	\$88	\$92.60
Regulated system registration- renewal	\$80	-	\$88	\$92.60
Food samples (request /non investigative)	\$40.00 + cost of analysis	-	-	-
Public Health Risk Activities (tattooists, skin penetration) - application and renewal	\$70	\$75	\$158	Registrati on of Premises \$92.60 + Licence Fee \$34.60 per person
Private Water Supplier Permit	\$25	\$10	\$111	\$92.60
Caravan Licence	\$230	\$10.50* per week (short stay) or \$260.00 * per year	\$250	-
Permit for burial of human remains on private land	\$170	\$200	\$309	\$198.50
Environmental Protection Notices - investigation, issuing and management charges	\$145.0 0/hr or part there of	\$150.00 per hour or part thereof	\$311	\$92.60
Fire Abatement Notices Follow up letter Initiate works to be undertaken	\$60 \$215 admin fee + contrac tor costs	Cost of Works + \$150.00	-	\$305.40

As seen from the above table it is clear that Council's fees are generally lower or in line with neighboring Councils. Upon review, it is recommended to increase most charges slightly using CPI and rounding up to the nearest dollar. Some other charges have been increased to reflect the cost of delivering the service by Council.

It is also recommended to either delete or combine certain charges that are not used. These changes have been highlighted in red below.

<b>Health and By-Laws</b>	<b>Budget 2021-2022</b>
<b>Food Business Registration Fees</b>	
Temporary Food Registration	\$26
Temporary Food Registration local community non profit organisation)	FREE
New Application registration fee (prior to assessment)	DELETE - AS PART OF NORMAL REGISTRATION CHARGES
Classification Priority 1 *	\$268
Classification Priority 2 *	\$202

Classification Priority 3 *	\$137
Classification Priority 3 (notify only)	\$26 - One off fee
Classification Priority 4 (notify only)	\$26 - One off fee
Not for profit	FREE
Food Van	DELETE - WILL FALL UNDER A CLASSIFICATION PRIORITY
Assessment of Plans for Commercial Kitchen (Form 49)	\$223
Inspection and Occupancy Report for commercial kitchen (Form 50)	\$223
*A 50% discount applies for applications for food business registration fees after 31 December.	DELETE - TO BE PLACED IN A POLICY
<b>Miscellaneous Health Fees</b>	
Place of Assembly Licence - specific event	\$80
Place of Assembly Licence - specific event (local community non-for-profit organisation)	FREE
Swimming pools/spas samples (request /non investigative)	Cost of analysis + \$147.00/hr or part there-of
Water samples (request/non investigative)	DELETE - COMBINE WITH ABOVE
Commerical Water Carriers Permit (1 year only)	\$51
Regulated system registration-new	\$101
Regulated system registration- renewal	DELETE - COMBINE WITH ABOVE
Food samples (request /non investigative)	DELETE - NOT REQUIRED
Public Health Risk Activities (tattooists, skin penetration) - application and renewal	\$71
Private Water Supplier Permit	\$26
Caravan Licence	\$233
Permit for burial of human remains on private land	\$172
Environmental Protection Notices - investigation, issuing and management charges	\$147.00/hr or part there-of
Fire Abatement Notices Follow up letter	\$61
Initiate works to be undertaken	\$218 admin fee + contractor costs

## **STRATEGIC PLAN**

### **Guiding Principle**

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

### **Key Foundation**

- Our Governance and Finance

### **What we plan to do**

- Be accountable and ensure good governance practice

## **STATUTORY IMPLICATIONS**

Section 205 and 206 of the *Local Government Act 1993* outline the requirements in relation to fees and charges.

## **BUDGET IMPLICATIONS**

There are no material human resource implications. In terms of financial implications, it is noted that the fee increases are nominal and align with Council's budget and long-term financial plan.

## RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Minor	Possible	Low	Ensure that the content of the report is considered in open Council to outline the rationale for the increases. Demonstrate that the fees are largely in line or lower than neighboring Councils.
With any increase in fees, there is a risk that some parties may be dissatisfied.				
<b>Do not adopt the recommendation</b>	Minor	Almost Certain	Medium	Council could adopt the proposed fees or provide alternatives.
If identified fee structure is not adopted as recommended, then the reduction of operating deficit of the Development Services Directorate of Council is less optimal				

## OFFICER'S COMMENTS

It is recommended to proceed with the proposed increase to the fees and charges to ensure that some funds are recovered for the work that Council Officers complete. Generally speaking the income received from the licensing/registration process do not cover the costs of delivering the services. However, with slight increases this will go towards an improved model of cost recovery.

## RECOMMENDATION

That Council:

1. APPROVE the following Dog Management fees for the 2021/22 financial year (effective 1 July 2021):

Type	Budget 2021-2022
Non-Desexed Dog (before 30/06/21)	\$40
Non-Desexed Dog (after 30/06/21)	\$55
Desexed dog (before 30/06/21)	\$25
Desexed dog (after 30/06/21)	\$35
*Working dogs (before 30/06/21)	\$20
*Working dogs (after 30/06/21)	\$35
Dog owned by a pensioner (one desexed dog only) (before 30/06/21)	\$9
Dog owned by a pensioner (one desexed dog only) (after 30/06/21)	\$21
Declared dangerous dog & Restricted Breeds (before 30/06/21)	\$255
Declared dangerous dog & Restricted Breeds (after 30/06/21)	\$455
Registered guide dog/assistance dog	FREE
Replacement tag	\$6
Release of dog from pound 1 <sup>st</sup> offence	\$41
Release of dog from pound 2 <sup>nd</sup> and subsequent offences	\$152
Daily maintenance charge whilst impounded	\$41
Kennel Licence - New >2 dogs	\$120 + Advertising Costs
Kennel Licence - Renewal	\$35

2. APPROVE the following Environmental Health fees for the 2021/22 financial year (effective 1 July 2021):

<b>Health and By-Laws</b>	<b>Budget 2021-2022</b>
<b>Food Business Registration Fees</b>	
Temporary Food Registration	\$26
Temporary Food Registration local community non profit organisation)	FREE
Classification Priority 1 *	\$268
Classification Priority 2 *	\$202
Classification Priority 3 *	\$137
Classification Priority 3 (notify only)	\$26 - One off fee
Classification Priority 4 (notify only)	\$26 - One off fee
Not for profit	FREE
Assessment of Plans for Commercial Kitchen (Form 49)	\$223
Inspection and Occupancy Report for commercial kitchen (Form 50)	\$223
<b>Miscellaneous Health Fees</b>	
Place of Assembly Licence - specific event	\$80
Place of Assembly Licence - specific event (local community non-for-profit organisation)	FREE
Swimming pools/spas samples (request /non investigative)	Cost of analysis + \$147.00/hr or part there-of
Commerical Water Carriers Permit (1 year only)	\$51
Regulated system registration-new	\$101
Public Health Risk Activities (tattooists, skin penetration)- application and renewal	\$71
Private Water Supplier Permit	\$26
Caravan Licence	\$233
Permit for burial of human remains on private land	\$172
Environmental Protection Notices - investigation, issuing and management charges	\$147.00/hr or part there-of
Fire Abatement Notices Follow up letter Initiate works to be undertaken	\$61 \$218 admin fee + contractor costs

## 8.4 Southern Tasmanian Regional Cat Management Strategy

Author: Director Planning & Development (Mr Alex Woodward)

Responsible Officer: Director Planning & Development (Mr Alex Woodward)

### **ATTACHMENT/S**

Attachment 1 - Draft Southern Tasmania Regional Cat Management Strategy 2021-2026

### **PURPOSE**

To present the draft Southern Tasmania Regional Cat Management Strategy 2021-2026 (the Strategy), and to obtain Council endorsement of the Strategy.

### **BACKGROUND / OVERVIEW**

In 2018 the Tasmanian Government funded three Regional Cat Management Coordinators across Tasmania to help implement aspects of the Tasmanian Cat Management Plan 2017-2022. Following this funding the Southern Cat Management Working Group was formed to look at cat management at a regional level, identifying shared challenges and possible solutions in relation to cat management. The Working Group is made up of representatives from the majority of the southern Councils, the State Government, Ten Lives Cat Centre, RSPCA, and the Australian Veterinary Association. Glamorgan Spring Bay Council actively participates in the Working Group.

The Working Group identified the potential benefits of developing a Southern Tasmania Cat Management Strategy, and this received in principle support from the twelve southern Councils. Throughout 2020 the Working Group developed the draft Strategy with the assistance of a consultant. The Strategy is intended as a guiding document for key partners and stakeholders, such as Cat Management Facilities, RSPCA, the Australian Veterinary Association, the State Government and Councils.

The Strategy identifies eight areas of focus for cat management across Southern Tasmania, and notes actions relevant to each area. Table 1 (below) shows the eight issues and the desired outcomes as reflected in the draft Strategy.

	Areas of focus	Desired outcome
1	Increasing education and awareness of responsible cat ownership	For all cat owners to understand and practice responsible cat ownership.
2	Protecting significant conservation, commercial and community assets	To have significant conservation, commercial and community assets identified with appropriate strategies developed to mitigate cat related impacts at priority sites.
3	Reducing the stray cat population	To reduce the stray cat population and maintain it at a low level, using best practice cat management techniques.
4	Uncontrolled cat breeding and welfare concerns	For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained, including by addressing cat hoarding cases with a coordinated response.
5	Increasing cat management capacity and accessibility to cat management services throughout the region	To increase cat management capacity and access to cat management services across the region, ensuring rural and remote communities have access to services.
6	Compliance in relation to the <i>Cat Management Act 2009</i>	For all cat owners and community members to comply with their legal obligations for responsible cat ownership and management.
7	Improved knowledge to better inform cat management	To have cat management in the region guided by best available science and regionally-relevant data

		to support evidence-based decision making.
8	Strategic governance and resourcing	For the Southern Cat Management Strategy to be successfully delivered across the region by Strategy participants.

*Table 1: The eight cat management issues and corresponding desired outcomes as identified in the draft Southern Tasmania Regional Cat Management Strategy*

The Strategy provides direction for future cat management activities and encourages collaboration for implementation, while retaining flexibility to enable participants to engage as they require and where resources permit. The Strategy adopts an opt-in approach and does not bind participants to particular actions or resourcing. It also provides a shared focus to coordinate priorities and actions using limited collective resources for greatest effect in the region. This includes:

- A common intent across the region for strategic priorities and joint action, with flexibility for participation;
- Productive use of the resources of Council and others and aligned with state initiatives and investment;
- The right for Council to determine its commitment of resources to actions for priorities it shares with the region;
- Greater capacity for collaboration to address difficult cat management issues and avoid conflicting directions.

## **STRATEGIC PLAN**

### **Guiding Principle**

Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.

### **Key Foundation/s**

5. Our Environment

### **What we plan to do**

- Invest in external expertise and capacity to complement GSBC resources.

## **STATUTORY IMPLICATIONS**

The Strategy and any actions taken in relation to cat management are directed by the *Cat Management Act 2009*. The *Cat Management Act 2009* has recently been amended; some changes commenced on 1 March 2021, and others will come into effect on 1 March 2022.

## **BUDGET IMPLICATIONS**

The adoption of this Strategy does not require specific financial commitments from Council. If Council at any time chooses to undertake certain actions based upon the Strategy, those actions would need to be costed and budgeted at that time.



## **RISK CONSIDERATION/S**

<b>Risk</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>	<b>Risk Mitigation Treatment</b>
<b>Adopt the recommendation</b> Adopting the strategy may increase expectations for Council to act on all aspects of the management of cats.	Minor	Possible	Low	Be clear in communications about Council's role in Cat Management.
<b>Do not adopt the recommendation</b> The Strategy provides a means to cooperate regionally and use resources more efficiently and effectively. It also allows for participation according to individual capacity and priorities. Acting alone would be more costly and risky, with less benefit for people, agriculture and the environment. The Strategy reduces risks of being out of step with community expectations and with other councils, stakeholders and experts	Moderate	Possible	Moderate	Be clear in communications about Council's role in Cat Management and why the decision was made to not endorse the Strategy.

## **OFFICER'S COMMENTS**

By endorsing this Strategy Glamorgan Spring Bay Council will provide a demonstration of Council's commitment to cat management, and provide increased opportunity for partnerships with other key stakeholders.

## **RECOMMENDATION**

That Council:

1. ENDORSE the Southern Tasmania Regional Cat Management Strategy 2021 – 2026 as per Attachment 1.

## **8.5 Strategic Asset Management Plan**

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Author: Project Engineer, Asset Management (Mr Vince Butler)

Responsible Officer: Project Engineer, Asset Management (Mr Vince Butler)

### **ATTACHMENT**

Attachment 1 - Strategic Asset Management Plan

### **BACKGROUND / OVERVIEW**

The *Strategic Asset Management Plan* has been prepared following the receipt of a Performance Improvement Direction notice from the State Government highlighting asset management requirements in the *Local Government Act 1993*. A draft of the plan was presented to Council at the May 2021 workshop.

### **STRATEGIC PLAN**

**Guiding Principles:** (reference *Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029*)

*5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.*

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

**Key Foundations:** (reference *Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029*)

#### **1. OUR GOVERNANCE AND FINANCE**

- *Sound governance and financial management that shows Council is using ratepayer funds to deliver best value and impact for the GSBC community.*

#### **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:**

We plan to adopt and use this *Strategic Asset Management Plan* to allow informed decisions to be made regarding the sustainable provision of services to the community.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1993*

### **BUDGET IMPLICATIONS**

There are no immediate budget implications associated with adopting the plan. However there are future budget decisions to be made relating to level of service provision - note section 1.3 on page 6, 1.5 on page 7, and 1.6 on Page 8.

### **RISK CONSIDERATIONS**

Not adopting the plan will contribute to a non-compliance with the Performance Improvement Direction issued by the State Government. It would also hinder the improvement of Council's asset management practices. Refer also to section 1.6 on page 8, and section 6.0 on risk management planning.

### **OFFICER'S RECOMMENDATION**

That Council adopt the *Strategic Asset Management Plan* and recognise this as a key document in achieving sustainable management of Council's assets. Once adopted the plan will be published on Council's website.

## 8.6 Marine Infrastructure Fees and Charges

Author: Manager Building & Marine Infrastructure (Mr Adrian O'Leary)

Responsible Officer: Manager Building & Marine Infrastructure (Mr Adrian O'Leary)

### **ATTACHMENT/S**

Attachment 1 - 2021/2022 Marine Infrastructure fees and charges

### **PURPOSE**

To present to Council the proposed 2021/2022 Marine Infrastructure fees and charges for Council's consideration and endorsement.

### **BACKGROUND / OVERVIEW**

It has become evident through the recently adopted Coastal Infrastructure Asset Management Plan (AMP) that there was a need for a review of the existing Marine Infrastructure fees. Subsequently the Marine Infrastructure fees have been discussed with the Marine Infrastructure Committee at their meeting on Tuesday 4 May 2021.

The recently adopted AMP identifies the need for funds to be reserved for the future infrastructure replacement and renewal.

### **STRATEGIC PLAN**

#### **Guiding Principle**

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

#### **Key Foundation**

1. Our Governance and Finance

#### **What we plan to do**

- Be accountable and ensure good governance practice

### **STATUTORY IMPLICATIONS**

Section 205 and 206 of the *Local Government Act 1993* outline the requirements in relation to fees and charges.

### **BUDGET IMPLICATIONS**

There are no material human resource implications. In terms of financial implications, it is noted that the fee increases are nominal and align with Council's budget and long-term financial plan.

### **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> There may be feedback from the Marina Berth holders that the increase is too high.	Moderate	Likely	Medium	Provide information as to the reason behind the increase.

<b>Do not adopt the recommendation</b>				Council consider alternative fees and charges for upcoming 2021/2022 budget.
Not increasing the fees in accordance with the Asset Management Plan will mean that there is a shortfall for future renewal.	Likely	Likely	High	

#### **OFFICER'S RECOMMENDATION**

That Council ADOPT the Marine Infrastructure fees and charges as per Attachment 1 for the 2021/22 financial year effective 1 July 2021.

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**9. NOTICES OF MOTION**

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Nil.

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## **10. PETITIONS**

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Nil.

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## **11. QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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### **11.1 Questions without notice by Councillors taken on notice – 27 April 2021**

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#### **Clr Cheryl Arnol**

Through the Chair, Clr Cheryl Arnol directed the following questions to the General Manager:

*On the 27th March Council received an email from the Freycinet Association Incorporated regarding Coles Bay Sewage – Health and Environmental Risks.*

*The FAI requested Council's assistance in lobbying both State and Federal Governments for funding for a sewerage feasibility / costing study for the Freycinet townships of Coles Bay, Swanwick and the Fisheries and to gain a better understanding of the additional infrastructure required for treated drinking water. The pressure that is placed on the area by increased visitor numbers warrants such funding support by the State Government.*

*My questions are:*

*Q1. Will Council support the FAI in their efforts to achieve a feasibility study?*

#### **Response from General Manager, Greg Ingham**

A report will be included in the Agenda for the Ordinary Council Meeting to be held on Tuesday 22 June 2021.

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## **12. CONFIDENTIAL ITEMS (CLOSED SESSION)**

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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 27 April 2021**

As per the provisions of regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.

**Item 2: Personnel Matter**

As per the provisions of regulation 15(2) (a) 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.***



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**13. CLOSE**

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

**CONFIRMED** as a true and correct record.

**Date:**

**Mayor Robert Young**