



GLAMORGAN SPRING BAY
COUNCIL

Notice of Meeting and Agenda

For the Ordinary
Meeting of Council to
be held at the
Triabunna Council
Offices

23 February 2021

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held in the Council Offices, Triabunna on Tuesday 23 February 2021 commencing at 2.00pm.

Please note in response to COVID-19 social gathering regulations, members of the public will be unable to attend the meeting.

Dated this Thursday 18 February 2021.



**Greg Ingham
GENERAL MANAGER**

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and***
- 2. Where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from any appropriately qualified or experienced person. "***

Note : Section 65 of The Local Government Act 1993 states –

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.***
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –***
 - (a) the general manager certifies, in writing –***
 - (i) that such advice was obtained; and***
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and***
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.***



**Greg Ingham
GENERAL MANAGER**

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Audio/Video Recording of Ordinary Meetings of Council

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.

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.

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.

1. Opening

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

1.1 Acknowledgement of Country

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

1.2 Present and Apologies

1.3 In Attendance

1.4 Late Reports

1.5 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

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

in any item included in the Agenda.

2. Confirmation of Minutes

2.1 Ordinary Meeting of Council – 19 January 2021

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 19 January 2021 at 2.00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop/s Held

Tuesday 9 February 2021

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 1.30pm to 5:00pm on Tuesday 9 February 2021 at the Council Offices, Triabunna.

Present

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

Apologies

Clr Michael Symons

In Attendance

Mr Greg Ingham, General Manager
Mr Alex Woodward, Director Planning and Development (in part)
Mr Adrian O'Leary, Manager Building & Marine Infrastructure (in part)
Mr Mick Purves, Senior Planning Consultant (in part)
Mr James Bonner, Senior Planner (in part)
Mr Vince Butler, Project Engineer – Asset Management (in part)

Guests

Ms Rhonda Taylor

Agenda

- East Coast Tourism – Presentation
- Introduction - Mr Alex Woodward, Director Planning and Development
- Tempus Proposal – Presentation
- Draft Asset Management Plan (Coastal Infrastructure)
- Governance Matters
- Other Matters and Councillor Discussion

RECOMMENDATION

That Council notes the information.

Tuesday 16 February 2021

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 1.30pm to 4:20pm on Tuesday 16 February 2021 at the Council Offices, Triabunna.

Present

Mayor Robert Young
Deputy Mayor Jenny Woods
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
Mr Alex Woodward, Director Planning and Development (in part)
Mr Mick Purves, Senior Planning Consultant (in part)
Mr James Bonner, Senior Planner (in part)

Guests

Nil.

Agenda

- Cambria update
- Scenic Assessments – Presentation
- Draft Public Open Space Contribution Policy
- Medical Practices update on current situation
- Councillor Discussion (Confidential, no staff present)

RECOMMENDATION

That Council notes the information.

3. Public Question Time

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

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

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

3.1 Questions without notice

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 or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.

3.3 Questions on Notice

Dr Robyn Moore

- Q1. *In response to a question in the July 2019 Council meeting about funding of \$50 000 that had been allocated to address the seaweed issue in Swansea, then Mayor Wisby explained that instead of commissioning yet another report on the issue, Council would apply to use the funds in a different way, while still addressing the seaweed issue.*

Would you please explain how the \$50 000 has been spent and what impact this has had on the seaweed issue at Swansea to date?

Response from General Manager, Greg Ingham

The General Manager is awaiting a report from the consultant engaged to undertake the investigation into seaweed issues at Swansea. It is unlikely that \$50,000 will be expended on the investigation and report so there may be a need to discuss outcomes further once the report is received.

Mr Yon Kikkert

- Q1. *Could I please be advised as to the number of GSBC staff that have either resigned, retired or been offered redundancies since the last general council elections in 2018?*
- Q2. *What is the total cost of consultancy fees incurred by council since the last general council elections in 2018?*

Response from General Manager, Greg Ingham

The General Manager will provide a written response for Ordinary Council Meeting to be held on Tuesday 23 March 2021.

4. PLANNING AUTHORITY SECTION

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

RECOMMENDATION

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

4.1 Report on Application for Planning Scheme Amendment and Planning Approval – 12371 Tasman Highway, Swansea (Part of)

Responsible Officer – Senior Planning Consultant

The purpose of this report is to determine an application for a planning scheme amendment and planning applications submitted for the Tempus proposal, which includes:

- 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.

Proposal	To rezone land at 12371 Tasman Highway, Swansea from Significant Agriculture to Particular Purpose Zone 8 - Tempus Village
Applicant	Tempus Village Management Pty Ltd C/- Neil Shephard & Associates
Application Ref	AMD 01/21 & DA 2020/080
Application Date	4 December 2020
Statutory Date	15 February 2021 (extended by Tasmanian Planning Commission)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015, <i>Land Use Planning and Approvals Act (Schedule 6)</i>
Zone	Significant Agriculture
Codes	Bushfire, Road and Railway Assets, Parking and Access, Stormwater Management, Scenic Landscape, Signs
Specific Area Plans	NA
Use	Class: Residential. Type: Retirement Village; Residential Aged Care Home; subdivision
Development	Discretionary
Discretions	Fourteen
Representations	Public exhibition is undertaken after determination.
Attachments	A – Tempus – Amendment Report to Tasmanian Planning Commission B – Tempus – DA Assessment Report C - Application documents (provided under separate cover)

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 described in the Integrated Impact Assessment.

The application proposes to subdivide two of the current the current titles (CT240461/1 of approximately 1.7ha and 177646/1 of approximately 680ha) of the Kelvedon farm and a road title (11111/1 of approximately 0.9ha) passing through the site, to create three titles of some:

- 2.4ha for a future nursing home;
- 15.5ha for the Tempus retirement village; and
- 664.5 balance remaining as part of the 5500ha Kelvedon farm.

The Tempus Retirement Village and nursing home proposal is detailed in the proponents Integrated Impact Assessment and supported by extensive professional and expert documents.

The merits of the proposed amendment and the retirement village and nursing home development (Tempus) are analyzed and discussed at length in the planning submission prepared by Neil Shephard and Associates along with an assessment of the s.43A application for a permit for stage 1A of Tempus.

The Tempus development consists of:

- I. A 15.5ha retirement village complex containing:
 - 140 independent living units
 - 12 staff accommodation units
 - A community centre including administration offices, café, gym, theatre, auditorium, and indoor pool
 - Outdoor recreation including bowls, equestrian facilities and walking tracks
 - Workshop buildings
 - Stables
 - Water, power, sewer, and heating infrastructure
 - Internal roadways, parking, and new access to the Tasman Highway; and
- II. A 2.4ha nursing home incorporating 44 beds and 30 assisted living units.

Stage 1A of the Tempus proposal is for the subdivision to create the two required lots and works including:

- Highway access and internal road works
- Part of the community centre building to provide administration facilities
- One independent living unit – as a display home
- Workshop buildings
- Water storage and site infrastructure
- Landscaping and signage

The application documents, including the Planning and Integrated Impact Assessment reports are provided as Attachment C and 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).

The Planning Authority has to determine a request to amend the planning scheme. The Planning Authority can either support the applications and initiate the amendment, or refuse to do so. If the amendment is initiated, then the planning application will also need to be determined.

If supported, the amendment and application must then be notified for at least 28 days, where any person may make representation to the amendment or the permit.

Representations that are lodged must be considered by the Planning Authority to determine if any alterations are required or justified to the amendment or the permit, before being submitted to the Tasmanian Planning Commission. The Commission then complete their own assessment against

the statutory requirements and invite any representors to attend a public hearing to investigate any issues they determine appropriate and determine the amendment and application

The Commission can approve or refuse the amendment and the permit application within 90 days.

The planning scheme amendment must meet the requirements of the former provisions of the Act, that test whether an amendment to a planning scheme should be supported. A detailed assessment was completed and is provided in the report to the Tasmanian Planning Commission (refer to Attachment A of this report). The conclusion of that assessment was that the amendment met the requirements of the act and could be supported. That assessment included the requirements for certification of any planning scheme amendment that it may support.

Stage 1A was assessed against the requirements of the Scheme and is provided in the separate report (refer Attachment B to this report), including Particular Purpose Zone 8 – Tempus Village, as required by the Section 43A process. Discretions were required for 14 standards on the following issues, which were ultimately supported:

- 27.5.2 A1 Reorganisation of Boundaries
- GSB-P7.6.2 A1 Building Height
- GSB-P7.6.4 A1 Exterior Building Finish
- GSB-P7.6.4 A2 New Buildings
- E5.6.2 A1 New Access
- E5.6.4 A1 Sight Distance
- E6.6.3 A1 Number of Motorcycle Parking Spaces
- E6.7.2 A1 Design of Access (Mount Pleasant Road)
- E6.7.5 A1 Parking Layout
- E6.7.10 A2 Design of Bicycle Parking
- E6.7.13 A1 Loading Facilities
- E7.7.1 A1 Stormwater Disposal
- E14.7.4 A1 Visibility from Scenic Road Corridor
- E17.7.1 A1 Size of Wall Sign

The outcome of both assessments was that the amendment and the DA could be supported.

Budget Implications

Budget implications of the subject process form part of Council's operational costs and statutory obligations as a planning authority. The applications included the required application fee.

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

Various forms of the proposal have been around Council since 2019. The one that Council must consider now is for:

- Insert Particular Purpose Zone 8 – Tempus Village to the Interim Scheme;
- Apply Particular Purpose Zone 8 – Tempus Village to a 17.9 ha portion of the Kelvedon property adjacent to the intersection of Tasman Highway and Mount Pleasant Road, Swansea;
- Subdivisions to create lots 50 and 100 for an aged care facility and retirement living complex; and
- Stage 1A of the Tempus village complex as previously described.

The proposal must be considered significant within the local area and the region in terms of its size, the facilities it will provide, the employment it will create and the potential impact it will have on Swansea and the surrounding community.

Separate reports were provided as attachments that assess the planning scheme amendment and the planning application.

Planning Scheme Amendment

The proposed amendment seeks to create a Particular Purpose zone to specifically provide for an integrated retirement village and nursing home concept.

The proposed site is located outside the urban centre of Swansea, but within the fringe of rural lifestyle and tourism operations that exist around the town. It is opposite the Piermont Resort and north of the Gala Vineyard, which effectively form the southern boundary to the greater Swansea area. The proposal identifies clear linkages and sharing of facilities and services between the proposed Tempus village and Swansea. The combination of these factors identify that it is reasonable to acknowledge the proposed site as part of Swansea.

Application documents identify that the proponents completed an assessment of the available land within urban Swansea. That assessment determined that a suitable site was not available within urban Swansea and even if sufficient land could be located, there would be almost no land remaining for current and future residential development. The result of this would be increased pressure for ad hoc rezoning and unplanned urban sprawl. The subject site became both necessary and the most practicable solution.

The details of the intended retirement village and nursing home complex are contained within the Integrated Impact Assessment provided by the proponents and it is recommended that this becomes an incorporated document of the planning scheme to ensure that the intent of the Particular Purpose zone in this location remains clear.

The proponents have noted that it is common, in rural and other locations removed from the major urban areas, that services and facilities for the aged are often not available within their region. Consequently, many are forced to leave their communities and relocate to the cities. This not only disadvantages those individuals, their families, and friends, it also impacts upon the sustainability of the regional communities they are forced to leave.

Tempus is a new concept in retirement living that seeks to provide a broad acre, almost rural lifestyle, solution to attract residents from the wider regional community – as well as interstate – where they can maintain the space to keep a dog or ride a horse and stay in contact with their regional communities and the intricacies of small-town life.

The Act provides a number of matters that a draft amendment must be consistent with in order for an amendment to be initiated and further considered. Principally, these relate to the objectives of the Act, State Policies, and regional and local policies.

Broadly speaking, these seek to provide for fair, orderly, and sustainable development, involving support and input from the public and the various levels of government.

Arguably, the proponents have identified a flaw in the fair, orderly and sustainable treatment of the aged in regional areas. They propose a sustainable solution, proven through a similar development in Berry, NSW, that will increase options for the aged to remain within their own community or region.

The proposal is clearly and demonstrably consistent with the objectives of the Act and with relevant State Policies.

The proposal was also assessed as consistent with the Southern Tasmanian Regional Land Use Strategy (STRLUS) and the Swansea Structure Plan. Both documents provide extensive acknowledgement of the needs of ageing communities and highlight the potential for development to cater for retirees and their positive contribution to the sustainability of rural and regional areas. Neither document provides specific direction on the provision of aged care facilities at Swansea or on the east coast. It is noted that the Structure Plan identifies the opportunity for larger projects to build on the economic, social and cultural resilience of Swansea.

It is also noted that at the time of writing these documents, the concept of an integrated retirement village and nursing home complex to address the needs of our ageing rural and regional communities had not been identified. In particular, the STRULS was prepared following the Global Financial Crisis and did not entertain the economic growth that occurred over the previous decade.

It is clearly a nonsense to suggest that such strategic documents seek to prohibit concepts not thought of at the time they were written. It is recognised that over time the needs and expectations of communities change and that it is important for such documents as these to be flexible and open to amendment or interpretation to maintain relevance to the communities and regions they seek to guide.

It is neither reasonable nor legally sound to expect that these documents be of such detail and foresight that every permutation is either explicitly provided for or intentionally excluded. Both the STRLUS and the Swansea Management Plan identify the growing retirement industry as an opportunity to be seized and developed.

This assessment determined that the proposal was outside the expectations that informed preparation of the STRLUS and the concepts that underpin it. Nonetheless, the proposal meets many specific requirements for delivery of residential, aged care, economic, scenic and other objectives of the STRLUS.

The proposed amendment is considered to be consistent with all of the relevant requirements of the Act and the various strategic documents and therefore able to be initiated.

Planning Application

The planning application before Council is for subdivisions to allow the proposal and stage 1A of the Tempus Village. Stage 1A provides the access from the Tasman Highway, part of the community centre (administration and café), workshops, one unit (as a display home), the observatory and various service functions such as roadways, drainage and electricity supply.

The current application includes new access to the Tasman Highway, constructed to Department of State Growth standards, and the upgrading of the existing TasWater mains from Swansea to Piermont. The latter will have the added advantage of improved water supply between the site and Swansea's urban centre.

The retirement village will integrate with Swansea through resourcing of many staff and the provision of services and facilities to be shared by residents of Swansea, Tempus Village and the surrounding region.

In accordance with the former provisions of the Act, the development proposal was assessed against the planning scheme as if the particular purpose zone was approved. The assessment addressed the fourteen discretions that were required, spread across the Particular Purpose zone and codes of the scheme. It concluded that the proposal met the standards of the planning scheme and it was appropriate to grant a permit, subject to a range of conditions.

This was not an unexpected outcome given that the Particular Purpose Zone 8 – Tempus Village was created specifically to provide for such a development and that extensive reports, prepared by suitably qualified people, were provided to address relevant technical matters and to support the amendment and proposed development.

Separate planning approval will be required for the remainder of the village, which will ultimately include 140 independent living units, staff accommodation, workshops, water storage, sewerage treatment, walking trails, bowls greens, horse riding arena, orchards and an extensive community complex providing administration, function room, pool, gymnasium, and café. The nursing home will provide 30 assisted living units and 44 beds for those residents requiring higher levels of care. Planning applications for these aspects of the proposal will need to be addressed at a future time.

Recommendation

The conclusion of this assessment is that the planning scheme amendment and the planning application comply with their respective requirements and can both be supported.

A recommendation was provided to reflect the outcome of the assessments, as follows:

- item 1 recommended that Council support and initiate the planning scheme amendment, but includes the Integrated Impact Assessment as an incorporated document to the planning scheme;
- item 2 recommended that Council Certify the amendment meets the requirements of the Act;
- item 3 recommends that the amendment be notified for 28 days;
- item 4 recommends delegation is provided to the General Manager and Manager Planning and Development to submit the post notification report on Council's behalf if no representations are submitted; and
- item 5 recommends that the planning application be approved, subject to conditions.

A summary of the conditions required for the planning application follows:

- Conditions 1 and 2 require the development to be completed as proposed, except as modified by the assessment;
- Condition 3 requires land use planning agreements to be registered on the titles that are to be created to reduce the risk of their use for other purposes. Condition 3a specifically requires lot 100 to be used for an aged care home, as outlined in the proposal. Condition 3b requires the managers and residents of the facility to acknowledge the rural interface of the property and the potential impacts the location may have on their residential amenity;
- Conditions 4 to 34 relate to the subdivision and provide for operational matters such as preparation of title documents, dealing with services via easements, the public open space contribution, engineering issues resulting from the subdivision, connection to services including roads, water, electricity and telecommunications and associated matters;
- Conditions 35 – 51 deal with access, parking, stormwater, maintaining water quality and construction matters for the proposal;
- Conditions 52 – 60 deal with biodiversity impacts;
- Conditions 61-64 deal with visual management and landscaping issues;
- Notes are provided to inform the applicant of relevant information to the approval processes and requirements; and
- Schedule 1 provides a complete list of the 47 approved documents that form part of the planning permit.

Recommendation

That Council:

1. Pursuant to Schedule 6 (3)(2)(b) of the *Land Use Planning and Approvals Act 1993* and Section 33(3) of the former provisions, initiate Amendment 01/21 to the Glamorgan Spring Bay Interim Planning Scheme 2015 to:
 - a. insert Particular Purpose Zone 8 – Tempus Village; and
 - b. rezone part of ‘Kelvedon’, 12371 Tasman Highway, Swansea (as shown by lots 50 and 100 on the proposed plan of subdivision and comprised in CT volume 177646 folio 1, CT volume 240461 folio 1 and CT volume 102376 folio 1) from Significant Agriculture to Particular Purpose Zone 8 - Tempus Village;
 - c. Incorporate the document Tempus Integrated Impact Assessment 19 August 2020 into the scheme; and
2. Certify that the amendment 01/21 meets the requirements of Section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*; and
3. In accordance with the former section 38(1)(a) of the *Land Use Planning and Approvals Act 1993*, determine the period for public exhibition to be 28 days; and
4. Provides delegation under section 6(3) of the *Land Use Planning and Approvals Act 1993* to the General Manager and Director Planning and Development, to submit a report to the Tasmanian Planning Commission pursuant to former provision 39 where no representations are received to notification of the amendment.
5. Pursuant to Section 43F of the *Land Use Planning and Approvals Act 1993* and the *Glamorgan Spring Bay Interim Planning Scheme 2015*, Development Application 2020/080 to subdivide, develop and use Stage 1A of the Tempus Village at 12371 Tasman Highway, Swansea (CT 240461/1, CT177646/1 and CT102376/1) be approved subject to the following conditions:

ENDORSED PLANS & DOCUMENTS

- 1) The use and development must be undertaken substantially in accordance with all commitments and recommendations detailed in the proposal documents and endorsed plans identified in Schedule 1 – Approved documents, except as modified by this permit. :

AMENDED PLANS REQUIRED

- 2) Prior to the commencement of any work or use, amended plans must be submitted to the satisfaction of the General Manager to replace plans annotated as “Amended Plans Required” and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:
 - a) Not less than six (6) motorcycle parking spaces in accordance with clause E6.7.9 A1 of the planning scheme.
 - b) Not less than one (1) bicycle parking bay, located at the workshop building and the community centre, and constructed in accordance with the acceptable solutions at clause E6.7.10 of the planning scheme.

SECTION 71 AGREEMENTS

- 3) Prior to the permit becoming effective, agreements under Section 71 of the *Land Use Planning and Approvals Act 1993* shall be prepared, executed and registered on the respective titles to achieve the following outcomes:

- a) that lot 100 can only be developed and used for the purposes of an aged care facility under the *Aged Care Act 1997* and as identified in the Integrated Impact Assessment submitted as part of the application, and that this agreement terminates on completion of the aged care facility; and
- b) that residents on lot 50 acknowledge the Tempus site is located adjoining an area used for primary industry and agriculture, they accept that the site will not enjoy an amenity consistent with an urban residential area and that agricultural uses nearby and in the area will have detrimental impacts on amenity from time to time.

SUBDIVISION CONDITIONS

- 4) The subdivision must be carried out substantially in accordance with the application for planning approval, the endorsed drawings, the bushfire hazard management report and plan, and with conditions 4 to 34 of this permit and must not be altered or extended without the further written approval of Council.
- 5) Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2020/00706, dated 25/05/2020 and attached to this permit.

EASEMENTS

- 6) Property services must be contained wholly within each lot served or an easement to the satisfaction of Council's General Manager or responsible authority.
- 7) The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
- 8) Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

FINAL PLAN

- 9) A final approved plan of survey and schedule of easements as necessary, together with two copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 10) 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 and Miscellaneous Provisions) Act 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.
- 11) 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. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.

PUBLIC OPEN SPACE

- 12) Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in lot 50 on the plan of subdivision as at the date of lodgment of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

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

ENGINEERING

- 13) The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).
- 14) Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.
- 15) 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.
- 16) Approved engineering design drawings will remain valid for a period of two years from the date of approval of the engineering drawings.
- 17) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

SERVICES

- 18) TasWater service connection must be provided to the lots in accordance with TWDA 2020/00706-GSB, dated 25/05/2020.
- 19) Property services must be contained wholly within each lot served or within an easement to the satisfaction of the Council's General Manager or responsible authority.
- 20) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the applications. Any work required is to be specified or undertaken by the authority concerned.

Advice: The developer may submit photographs showing the existing condition of roads, footpaths, kerb and gutter and similar in the nearby area as evidence of the existing conditions prior to any works occurring.

DRAINAGE

- 21) The developer is to provide stormwater services to each in accordance with the endorsed plans.
- 22) The stormwater services must be capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.

TELECOMMUNICATIONS AND ELECTRICAL RETICULATION

- 23) 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.
- 24) Prior to the work being carried out a drawing of the electrical and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's General Manager.
- 25) 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 or Telstra; and
 - c) A Letter of Release 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.

VEHICLE ACCESS

- 26) Lot 50 must be provided with a new vehicle crossover to Tasman Highway to allow two separate vehicles to pass at the same time when entering and exiting the subdivision, to the satisfaction of Council and the Department of State Growth.

Advice: no works are allowed within the State Road reservation without first obtaining relevant permits from the Department of State Growth.

- 27) Lot 100 must be provided with a right of way over the full width of the proposed internal road on lot 50, to provide access to the Tasman Highway.
- 28) All proposed vehicle access to Mount Pleasant Road shall be constructed to an appropriate rural road standard to the satisfaction of Council's General Manager and include:
 - a) A gravel surface or other material approved by Council's General Manager.
 - b) A minimum carriageway width of 4m;
 - c) Stormwater drainage; and
 - d) Any requirements of the approved Bushfire Hazard Report
- 29) 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.

'AS-CONSTRUCTED' DRAWINGS

- 30) Prior to the works being placed on the maintenance and defects liability period an 'as constructed' drawing set 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 DEFECT LIABILITY PERIOD

- 31) The subdivision must be placed onto a twelve-month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- 32) Prior to placing the subdivision onto the twelve-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.

INTERSECTION SIGHT LINES

- 33) Prior to the commencement of the works on site, sight lines to and from the intersection with the Tasman Highway shall be cleared and maintained in accordance with the recommendations of the endorsed Traffic Impact Assessment.

SERVICES

- 34) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Advice: The developer may submit photographs showing the existing condition of roads, footpaths, kerb and gutter and similar in the nearby area as evidence of the existing conditions prior to any works occurring.

PARKING AND ACCESS

- 35) Prior to the commencement of use, at least Thirty-two (32) car parking spaces must be provided on site and must be available for car parking at all times. Within three months of the use commencing, all 139 car parking spaces proposed in the endorsed Stage 1A Integrated Impact Assessment must be provided.
- 36) Car parking spaces must be provided for people with a disability in accordance with the relevant provisions of the Building Code of Australia.
- 37) Parking and vehicle circulation roadways and pedestrian paths serving five or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in *AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting*, or as otherwise approved by Council's General Manager.
- 38) To the satisfaction of Council's General Manager or their delegate, the internal roadway and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney and the endorsed plans.
- 39) The central roadway must be completed prior to the commencement of use.
- 40) To the satisfaction of Council's General Manager or their delegate, surface water runoff from the internal driveways and areas set-aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.

Advice: The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016 and may require a Certificate of Likely Compliance or Plumbing Permit under the Building Act 2016.

- 41) Car parking spaces, vehicular access and vehicular turning areas, including line marking, signage and drainage, and access to all such areas, must be constructed and maintained to the satisfaction of Council's General Manager.
- 42) The proposed access off the Tasman Highway must be designed and constructed in accordance with a Works Permit issued by the Department of State Growth prior to the commencement of use.

Advice: A permit in accordance with the Roads and Jetties Act - Section 16 will be required prior to any works being undertaken within the State road reservation, application is available via <http://www.transport.tas.gov.au/road/permits>.

- 43) Prior to the commencement of works, plans for the proposed accesses to Mount Pleasant Road must be submitted to the Road Authority for approval. Construction of the accesses shall be in accordance with those approved plans.
- 44) On completion of internal roads and car parking and prior to the commencement of use, a practicing civil engineer must provide certification to Council stating that the works have been constructed in accordance with the endorsed drawings and specifications approved by Council.

STORMWATER

- 45) The Developer is to incorporate Water Sensitive Urban Design Principles into the development for the treatment and re-use or disposal of stormwater. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager or their delegate.
- 46) Stormwater drainage must be disposed of on site by means of detention ponds and irrigation or other means approved by the General Manager or the Department of State as appropriate.

SOIL AND WATER MANAGEMENT

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

Advice: information on Soil and Water Management Plans on construction sites is available at <https://epa.tas.gov.au/epa/water/stormwater/soil-and-water-management-on-building-sites>

CONSTRUCTION

- 48) The subdivider must provide not less than forty eight hours written notice to Council's General Manager before commencing construction works onsite or within a council roadway.
- 49) The subdivider must provide not less than forty eight 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.
- 50) 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 to be 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.

CONSTRUCTION WASTE

- 51) The developer must provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and re-use or disposal of the waste to an approved landfill site by private contract.

BIODIVERSITY

- 52) Prior to the commencement of construction, the following must occur:
 - a) all trees (irrespective of species) with diameter at breast height over bark (DBHOB) of ≥ 60 cm must be flagged by use of plastic flagging tape;
 - b) all trees so identified must be inspected by a suitably qualified arborist to determine which individual specimens may be removed due to public / private / building safety hazards; and
 - c) all trees identified, other than those identified for removal, will be clearly marked for protection, identified on the site plan, and subject to barrier protection (e.g. stakes and barrier mesh) which must be installed prior to the commencement of construction to minimise the risk of inadvertent disturbance during works.
- 53) Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.
- 54) The approved removal of native vegetation must minimise impact to retained native vegetation, soils and watercourses to the satisfaction of the Council's General Manager or their delegate.

WEED MANAGEMENT

- 55) Prior to the commencement of any work and/or use, hygiene, and weed and disease management plans, prepared by a suitably qualified person must be submitted to the satisfaction of the General Manager. Once approved by the General Manager, the plans will be endorsed and will then form part of the Permit.
- 56) The Hygiene and Weed & Disease Management Plans must be prepared with regard to the Department of Primary Industries, Parks, Water and Environment (2015). Weed and Disease Planning and Hygiene Guidelines – Preventing the spread of weeds and diseases in Tasmania. (Eds.) Karen Stewart and Michael Askey-Doran. Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania.
- 57) All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases including *Phytophthora cinnamomi* to the satisfaction of the Council's General Manager or their delegate.
- 58) Prior to commencement of construction, an appropriate machinery wash-down facility will be identified and indicated on a site plan.
- 59) Prior to commencement of construction, a "hygiene register" must be developed that specifies vehicle (make, model, registration), date of entry, and

acknowledgement by driver that wash-down has occurred at the specified facility (or that the vehicle has been previously washed down and only travelled on sealed roads and the existing well-formed and weed-free access road).

- 60) Within 12 months of completion of construction, the development area should be subject to a follow-up weed survey to identify species requiring follow-up treatment. All such species/sites identified should be treated within 12 months of identification. A record of the monitoring and treatment should be kept.

Advice: 'Weed and Disease Planning and Hygiene Guidelines' can be found at: <http://dpiwwe.tas.gov.au/invasive-species/weeds/weed-hygiene/weed-and-disease-planning-and-hygiene-guidelines>.

VISUAL IMPACT

- 61) Any variation to the colour scheme or external cladding shown on the endorsed plans must be approved in writing by Council's General Manager. Where the finishes of external surfaces are yet to be determined, they must be finished using colours with limited light reflectance value the details of which must be submitted to, and approved by, Council's General Manager or their delegate prior to commencement of works.
- 62) All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting at all times, for the duration of the development and use.
- 63) Before the approved development commences, landscaping plans must be submitted for approval by Council's General Manager. The landscape plan must be prepared by a suitably qualified person, be at a suitable scale, and indicate the following:
- a) outline of the proposed buildings;
 - b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
 - c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
 - d) earth shaping proposals, including any retaining wall(s);
 - e) fencing, paths and paving (indicating materials and surface finish);
 - f) irrigation system; and
 - g) proposed maintenance program
- 64) Landscaping must be maintained for the duration of the use.

ADVICE:

- 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) Further and separate approval or consent will be required for:
 - Building and plumbing approval from Council under the Building Act 2016
 - Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*
 - Work in a State Road reservation under the *Roads and Jetties Act 1935*
- d) The permit does not take effect until such date as may be prescribed by the Tasmanian Planning Commission.
- e) 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 Council's General Manager, or otherwise extended by written consent.

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- f) 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.
- g) It is recommended that information sessions be provided for all contractors before commencement of work to become familiar with the protection mechanisms required for nearby Aboriginal heritage sites and contingencies in case of unanticipated discovery of Aboriginal materials or remains.
- h) A copy of the Aboriginal heritage assessment prepared by Cultural Heritage Management Australia and dated 23/10/2019, should be kept on site at all times.
- i) In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <https://www.aboriginalheritage.tas.gov.au>
- j) Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k) The issue of this permit does not ensure compliance with the provisions of the Tasmanian Threatened Species Protection Act 1995 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- l) To minimise the spread of weeds and plant diseases through the site and region it is recommended that
- Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site or the transport depot
 - Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- m) 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.

Schedule 1 – Approved documents

- a) Subdivision Proposal Plan, prepared by Andy Hamilton & Associates, ref. 8190, dated 17/10/2019
- b) Stage 1A – Set-out plan, Tempus, Swansea, version H, dated 3/11/2020
- c) Stage 1A – Site plan, Tempus, Swansea, version H, dated 3/11/2020
- d) Stage 1A – The Enclave, Ground Floor plan, Tempus, Swansea, drawing no. TEN2 DA01, version A, dated 15/10/2020
- e) Stage 1A – The Enclave, Basement plan, Tempus, Swansea, drawing no. TEN1 DA02, version A, dated 18/10/2020
- f) Stage 1A – The Enclave, Sections, Tempus, Swansea, drawing no. TEN2 DA05, version M, dated 12/11/2020
- g) Stage 1A – The Enclave, E & W Elevations, Tempus, Swansea, drawing no. TEN2 DA04, version M, dated 15/10/2020
- h) Stage 1A – The Enclave, N & S Elevations, Tempus, Swansea, drawing no. TEN2 DA03, version M, dated 15/10/2020
- i) Stage 1A – The Enclave, Interiors, Tempus, Swansea, drawing no. TEN2 DA07, version M, dated 18/10/2020
- j) Stage 1A – The Enclave, Exteriors, Tempus, Swansea, drawing no. TEN2 DA07, version M, dated 18/10/2020
- k) Stage 1A – Display Home, Ground Floor plan, Tempus, Swansea, drawing no. THB1 DA01, version A, dated 12/11/2020
- l) Stage 1A – Display Home, Basement plan, Tempus, Swansea, drawing no. THB1 DA02, version A, dated 12/11/2020
- m) Stage 1A – Display Home, E & W Elevations, Tempus, Swansea, drawing no. THB1 DA04, version C, dated 13/11/2020
- n) Stage 1A – Display Home, N&S Elevations, Tempus, Swansea, drawing no. THB1 DA05, version C, dated 13/11/2020
- o) Stage 1A – Display Home, Section, Tempus, Swansea, drawing no. THB1 DA03, version A, dated 13/11/2020
- p) Stage 1A – Workshops, Site Plan, Tempus, Swansea, drawing no. TWO2 DA00, version C, dated 18/10/2020
- q) Stage 1A – Workshops, Plan, Tempus, Swansea, drawing no. TWO2 DA01, version M, dated 18/10/2020
- r) Stage 1A – Workshops, N & S Elevations, Tempus, Swansea, drawing no. TWO1 DA03, version C, dated 03/11/2020
- s) Stage 1A – Workshops, E & W Elevations, Tempus, Swansea, drawing no. TWO1 DA02, version C, dated 03/11/2020
- t) Stage 1A – Workshops, Carport Elevations & N/S Elevations, Tempus, Swansea, drawing no. TWO1 DA04, version C, dated 03/11/2020
- u) Fire Protection Report, prepared by Castellon Consulting, Retirement & Aged Care Facility, 12371 Tasman Highway, Swansea, project no. 19068, revision 00, dated 14/07/2020
- v) Stage 1A – Header Tank, Elevations, Tempus, Swansea, drawing no. TWO1 DA03, version B, dated 09/10/2020
- w) Stage 1A – Header Tank, Plan Sections, Tempus, Swansea, drawing no. TWO1 DA01, version B, dated 08/10/2020
- x) Stage 1A – Header Tank, Sections & Site Plan, Tempus, Swansea, drawing no. TWO1 DA02, version B, dated 08/10/2020

- y) Stage 1A – Front Sign, Entry Drive, Tempus, Swansea, drawing no. TRP1 DA04, version A, dated 14/08/2020
- z) Stage 1A – Entry Sign, Images, Tempus, Swansea, drawing no. TEM1 ENTY DA02, dated 14/08/2020
- aa) Stage 1A – Finishes Schedule, Tempus, Swansea, version C, dated 06/11/2020
- bb) Stage 1A – Landscape Plans, Entry Avenue, Tempus, Swansea, drawing no. TEM1 LAND DA01, version C, dated 07/11/2020
- cc) Stage 1A – Landscape Plans, Enclave Environs, Tempus, Swansea, drawing no. TEM1 LAND DA02, version C, dated 07/11/2020
- dd) Stage 1A – Landscape Plan, Workshops Environs, Tempus, Swansea, drawing no. TEM1 LAND DA03, version B, dated 22/08/2020
- ee) Stage 1A – Landscape Strategy, Tempus, Swansea, version C, dated 01/11/2020
- ff) Stage 1A – Utilities Yard, Site Plan, Tempus, Swansea, drawing no. TUT1 DA00, version A, dated 13/10/2020
- gg) Stage 1A – Plant Shed, Plan, Tempus, Swansea, drawing no. TUT1 DA01, version A, dated 13/10/2020
- hh) Stage 1A – Plant Shed, E & W Elevations, Tempus, Swansea, drawing no. TUT1 DA02, version A, dated 06/11/2020
- ii) Stage 1A – Plant Shed, N & S Elevations, Tempus, Swansea, drawing no. TUT1 DA03, version A, dated 06/11/2020
- jj) Stage 1A – Plant Shed, Sections, Tempus, Swansea, drawing no. TUT1 DA04, version A, dated 06/11/2020
- kk) Intersection Overall Plan, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C025, version B, dated 05/11/2020
- ll) Intersection Layout Plan, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C026, version B, dated 05/11/2020
- mm) Building Services, Stage 1A, Proposed Layouts, prepared by Coordinated Engineering Services, Tempus, Swansea, drawing no. 196103–DA-EL, version DA2, dated 06/11/2020
- nn) Stage 1A -Hydraulic - Activated Sludge Bio-Reactor Image
- oo) Stage 1A -Hydraulic - Activated Sludge Bio-Reactor Image, Mak Water product Data Sheet
- pp) Concept Sewer, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C022, version D, dated 07/08/2020
- qq) Concept Fire Service, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C024, version C, dated 05/08/2020
- rr) Concept Stormwater, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C021, version D, dated 07/08/2020
- ss) Addendum to Traffic Impact Assessment, prepared by Milan Prodanovic, Tempus, Swansea, dated July 2020
- tt) Traffic Impact Assessment, prepared by Milan Prodanovic, Tempus, Swansea, dated November 2020
- uu) Submission to Planning Authority Notice, TWDA 2020/00706, dated 26/08/2020.

4.2 Development Application 2020 / 150

Picnic Island (CT127120/1)

Outbuilding/addition & change of use in addition to Visitor Accommodation

Applicant	Natural Heritage Pty Ltd c/o Clem Newton-Brown
Lodged	24 August 2020
Statutory Date	28 February 2021
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	29.0 Environmental Management
Codes	E6.0 Parking and Access Code, E7.0 Stormwater Management, E11.0 Waterway and Coastal Protection Code, E15.0 Inundation Prone Areas Code
Use	Class: Community Meeting and Entertainment. Type: Chapel
Development	Chapel building
Discretions	29.2 Use Table, 29.4.2 (A2) Setback, 29.4.3 (A2) Design, E6.6.1 (A1) Number of Car Parking Spaces E7.7.1 (A1) Stormwater Drainage and Disposal, E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas
Representations	Five
Attachments	A - Application Documents B - Representations C - Letters of Support
Author	Peter Coney, Planner

Executive Summary

Planning approval is sought to construct an addition of a Chapel building to an existing deck on Picnic Island. The proposal is discretionary under the planning scheme because it relies on the performance criteria to comply with the applicable standards for:

- 29.4.2 (P1) Setback;
- 29.4.3 (P2) Design;
- E6.6.1 (P1) Number of Car Parking Spaces;
- E7.7.1 (P1) Stormwater Drainage and Disposal;
- E15.7.5 (P1) and (P2) Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas.

The proposal was on public exhibition from 8 January – 22 February 2021. Five representations were received.

The Planning Authority must consider the planner's comments, the representations, the recommendation, and make a final determination by 28 February 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 meets the Acceptable Solutions, and where discretionary consideration is required. This report comprises a discussion of the matters to be considered in exercising discretion only, and makes a final recommendation.

The report considers the five representations received.

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).

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

2. Approving applications under the planning scheme

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

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

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

The Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria, and to consider the issues raised in the representations.

3. The Proposal

The proposal is for the addition of a Chapel to an existing Activities Deck on Picnic Island. The Chapel is proposed to be constructed of timber, and roofed in Colorbond (Deep Ocean). Further, the proposal seeks approval for an additional use under the use class of Community Meeting and Entertainment. This is in addition to the existing Visitor Accommodation use. Specifically the use proposed is to cater for 'events' such as weddings, yoga or otherwise. Importantly, this is a second use and not an ancillary use. It is understood people who are not guests to the accommodation on the island may attend these 'events' and then leave within a single day. The use is not exempt as occasional (per clause 5.1) in that approval is sought for 12 events per year, which is of a frequency considered as regular.

4. Location

Picnic Island lay approximately one kilometer west of Coles Bay. The entirety of the island is zoned Environmental Management.



Image 1. Location of Picnic Island in vicinity to Coles Bay (LISTmap).

5. Site Description

The site is an island with an area of approximately 1 hectare, bound by the water of the Great Oyster Bay. The area outside of the freehold is administered by the Crown. Of note, the Crown was contacted and were able to confirm that the proposal is not one which requires Crown consent. Presently, the land has existing development of two guest houses, duckboard type access ways, two jetties and the 'Activities deck' to which the proposal relates.



Image 2. Aerial view of Picnic Island showing existing developments.

6. Overlays

The site is subject to the Biodiversity code. However, the code is only applicable where development involves clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area (per cl.E10.2.1 Application). As the proposal is an addition to an existing structure without the need for either of the above, the code does not apply.

The site is subject to a Waterway Coastal Protection Code, though the proposal is exempt from the code in that there is no proposed clearing of vegetation or soil disturbance.

The site is subject to the Inundation Prone Areas Code by virtue of being mapped as a high class area vulnerable to the highest astronomical tide now, and 0.2m sea level rise by 2050. An analysis of the proposal against the performance criteria of the applicable standards of this code is provided in Part Two of this report. These are contingent on the classification made by the suitably qualified author of that report.

7. Easements and covenants

The land is subject to an agreement made between the owner and the Glamorgan Spring Bay Council which is registered on the title of the land per s78 of the Land Use Planning and Approvals Act 1993 (LUPAA: Part 5). This agreement stipulates that;

The owner must not carry out or permit to be carried out any works on the Land, including but not limited to vegetation clearance and other disturbance of the natural condition of the land which is not authorised by the Permit.

The proposal is for an addition to a deck; this will not alter the natural condition of the land, and is not, by definition per s3 of LUPAA works. The covenant therefore remains.

8. Services

The site is reliant on rain capture and offsite stores for potable water. There are presently composting toilets which serve the guest houses. The proposed use will require the input of an accredited person to assess the suitability of this system for the number of attendees to events as proposed. A special plumbing permit is likely to be required if the system requires upgrading. Importantly, this application does not seek approval for such a system upgrade and future approval may be required in the event new plumbing work involves ground disturbance.

9. Background and previous applications

A planning permit was issued in 2009 (DA2009/116) which has been relied upon for all development at Picnic Island. This permit has been amended three times (2012, 2018, and 2020); the latter approving the deck. Establishing the existing approvals at the site is important in assessing the proposal, which is considered an addition to the already approved deck.

10. Risk and implications

The site is subject to the Inundation Prone Areas Code. An assessment of the risk has been undertaken by a suitably qualified person, and has been provided by the applicant. In short, the assessment concludes that the proposal ought to be classified as low risk, as the existing structure and elevation levels are “higher than the worst case scenario for inundation”. An assessment of the proposal with regard to the applicable standards is required to be undertaken noting the low risk categorisation, and this is included in Part Two of this report.

PART TWO

11. Meeting the Standards – via Acceptable Solution

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

D29.0 Environmental Management Zone;

E6.0 Parking and Access Code;

E7.0 Stormwater Management Code;

E15.0 Inundation Prone Areas Code;

The proposal did not meet the Acceptable Solutions in five instances and will need to satisfy the Performance Criteria listed below to be approved. The proposal also is for a discretionary use, and so is considered with regard to the purpose of the Environmental Management zone.

12. Meeting the Standards – via Performance Criteria

The proposal will need to satisfy the following Performance Criteria to be approved:

29.4.2 (A2) Setback

29.4.3 (A2) Design,

E6.6.1 (A1) Number of Car Parking Spaces

E7.7.1 (A1) Stormwater Drainage and Disposal,

E15.7.5 (A1) and (A2) Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas

The Planning Authority must consider the planner's comments and the performance criteria associated with the six discretions.

PART THREE

13. Assessing a Discretionary Use with Regard to the Purpose of the Zone.

Pursuant to clause 8.10.2 of the Planning Scheme, in determining an application for a permit for a discretionary use, the planning authority must in addition to the matters referred to in subclause 8.10.1, have regard to:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective or desired future character statement for the applicable zone;
- (c) the purpose of any applicable code; and
- (d) the purpose of any applicable specific area plan,

but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised.

In this respect, it is relevant to assess the proposed discretionary use with regard to the purpose of the Environmental Management Zone, which is to be understood from the zone purpose statements listed at clause 29.1.1, these are;

29.1.1.1 To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.

29.1.1.3 To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.

29.1.1.4 To recognise and protect highly significant natural values on private land.

29.1.1.5 To protect natural values in un-developed areas of the coast.

29.1.1.6 To recognise and protect reserved natural areas as great natural assets.

Though the proposal for a Chapel does not actively provide for the protection, conservation or management of Picnic Island's environmental values, it could be argued the patronage of the site promotes an awareness, and instils a value of the environment among patrons. The proposal is also consistent with a Part 5 agreement which runs with the land regarding ground disturbance.

In addition, there is a Management Plan which applies to the operation of use in the land. This Plan addresses impacts from visitation and development, as required by a condition from the previous planning permit. This Plan identifies potential impacts and control measures to mitigate the risks, including the confining of patrons to activities areas. It is considered relevant that the Chapel on the existing deck reinforces the use of existing activities areas.

The use of the site for wedding events is not recreation, though yoga arguably is. The minimal physical disturbance of the site to facilitate the use is considered as offering some protection for values such as Penguin nesting areas by virtue of building in an already disturbed area. It is noted the increased patronage of the site at a given event may have some impact, and for this reason the numbers are recommended as a condition of approval to not exceed 30 additional people. For 29.1.1.6, the site is not a reserve.

With regard to the above it is considered that though the use is not a positive outcome with regard to the environmental values of the site, it is no less a tolerable complementary use, provided the control and mitigation measures of the existing Management Plan and the recommended conditions are adhered to.

14. Assessing the proposal against the Performance Criteria

Standard 1: Clause 29.4.2 Setback

The site is unique in that it is an island, nevertheless as the title still has a boundary, it is considered that the setback standard for side and rear boundaries is an applicable standard. The acceptable solution is that a development be setback 30m. As the proposal offers a setback of approximately 9m, the proposal is reliant on the performance criteria.

Performance Criterion	Planner's comments
P1 <i>Building setback from frontage must satisfy all of the following:</i>	
<i>(a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape;</i>	<p>There are no desired future character statements.</p> <p>With regard to the landscape, the siting of the building is the least disruptive to the natural condition of the island, as it is an addition to an existing structure. Visually, the materials are sympathetic as natural products, or products which borrow their colour from the natural palette in the vicinity. As the site rises toward the centre of the land, to setback the structure further would result in greater prominence and would not be allowed per the Part 5 Agreement registered on the land. Co-locating built structures is an effective means of minimising impacts to the landscape.</p>
<i>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i> <i>(i) overlooking and loss of privacy;</i> <i>(ii) visual impact, when viewed from adjoining lots, through building bulk and massing.</i>	<p>The site does not adjoin any residential lots.</p>

Standard 2: 29.4.3 Design

The proposal is for a timber structure with a Colorbond (Deep Ocean) roof. The roof materials comply with the acceptable solution, but arguably oiled timber (until it dulls with time) has a Light Reflectance Value (LRV) greater than 40%. The precise LRV of timber can be difficult to obtain based on the cut, it is estimated that the LRV of Tasmanian Oak for example ranges between 30% - 50%¹.

Performance Criterion	Planner's comments
P2 <i>Exterior building surfaces must;</i>	
<i>Avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.</i>	Timber is a sympathetic material with regard to landscape values of the environment. It is a recommended condition of approval that the hardwood be finished with an oil to offer protection against the marine environment, while still allowing for the cladding to somewhat weather over time to a less reflective colouration.

Standard 3: •E6.6.1 Number of Car Parking Spaces

The proposal has a floor area of approximately 20.4m², which requires one car parking space per the table E6.1 Number of Car Parking Spaces Required. The site is not conducive to the provision of onsite car parking spaces; rather it is reliant on offsite parking in the Coles Bay area. The application is supported by a Parking Assessment.

Performance Criterion	Planner's comments
P1 <i>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i>	
<i>(a) car parking demand;</i>	The proposal, pursuant to the table E6.1 generates a requirement of one car parking spaces (1/15m ² rounded to the nearest whole number). It is expected the patronage of the use will demand more car parking (see Parking Assessment), though as the demand is calculated on floor area or seats (none are shown), the number per the table is the most relevant consideration in assessing the proposal.
<i>(b) the availability of on-street and public car parking in the locality;</i>	A Traffic Impact Assessment has been provided in support of the proposal. Specifically, the assessment cites an availability of spaces within 400m of collection points identified in the assessment. For each relevant month there is a capacity for the shortfall of parking demand to be catered for by public spaces, noting Garnet Avenue is not proposed to be relied on except for the off-peak. It is a recommended condition of approval that patronage for the approved events on the island must only be undertaken in accordance with the strategies outlined in the Parking Assessment.

¹ <https://www.polytec.com.au/docs/technical/polytec-technical-light-reflectance-value.pdf>

<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	Public transport is not available
<i>(d) the availability and likely use of other modes of transport;</i>	As the subject site is an island, other modes of transport are unlikely and are not proposed.
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	Not applicable
<i>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	It is a reasonable consideration that guests to events on Picnic Island will otherwise be accommodated within Coles Bay and may walk or carpool to collection points; thereby reducing the demand.
<i>(g) any car parking deficiency or surplus associated with the existing use of the land</i>	The existing use is deficient in the provision of parking.
<i>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	Not applicable, existing credits for parking shortfalls are calculated on the number of beds.
<i>(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	The use will generate an additional 360 visitors to the island over the course of a year. The parking demand is assessed (as based on floor area) as being 1.25 spaces (rounded to the nearest whole number is 1 space). Council has a policy which requires for cash in lieu to be provided when a use or development does not provide the number of car parking spaces per the Table E6.1. As such, it is recommended, as in accordance with this policy that a cash in lieu contribution stipulated within the Fees and Charges Schedule be required of the applicant prior to the commencement of the use.
<i>(j) any verified prior payment of a financial contribution in lieu of parking for the land;</i>	There is no record of a prior payment of a financial contribution in lieu of parking for the land.
<i>(k) any relevant parking plan for the area adopted by Council;</i>	There is no parking plan for the site or Coles Bay
<i>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</i>	Not applicable

Standard 4: E7.7.1 Stormwater Drainage and Disposal

The proposal is for stormwater generated by new impervious surfaces to be directed to two 1000L water tanks for reuse on site which is a sufficient manner of use with respect to criterion (b) of this standard.

Performance Criterion	Comments
P1 <i>Stormwater from new impervious surfaces must be managed by any of the following:</i>	
(a) <i>disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>	Not proposed
(b) <i>collected for re-use on the site;</i>	Proposed
(c) <i>disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i>	Not proposed

Standard 6: E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas

The proposal falls within an area which is mapped as a Coastal Inundation High Hazard Area. Ordinarily there is no Acceptable Solution for this standard.

Pursuant to clause E15.3 Definition of terms, a Coastal Inundation High Hazard Area is defined as an area forecast to be subject to 0.2 m sea level rise from the Mean High Tide by 2050 and a rounding up to the nearest highest 0.1 m.

The proposal is supported by an assessment of likely sea-level rise at the site, concluding that the site instead meets the definition of a Coastal Inundation Low Hazard Area, which is an area forecast to be subject to inundation from a 1% AEP storm tide event in 2100, including, the 0.3 m free board, and a rounding up to the nearest highest 0.1 m. As such, the proposal is required to comply with E15.7.3 Coastal Inundation Low Hazard Area, which it does through the Acceptable Solution, by virtue of having a finished floor level above 2.5m (3.2m AHD).

The remaining Applicable Standards of this code do not have Acceptable Solutions and so the proposal is reliant on the Performance Criteria.

Performance Criterion	Comments
P1 <i>Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:</i>	
(a) <i>no adverse affect on flood flow over other property through displacement of overland flows;</i>	The proposed Chapel rests on an existing structure.
(b) <i>the rate of stormwater discharge from the property must not increase;</i>	Stormwater is proposed to be detained. It is a recommended condition of approval that the overflow be connected to existing stormwater infrastructure so as to not present an additional discharge point but

	rely on the existing, which would provide a consistent rate of discharge.
<i>(c) stormwater quality must not be reduced from pre-development levels.</i>	The proposal does not impact water quality.

Referrals

No referrals were required as part of assessing this application

Representations

The proposal has been advertised for the statutory 14 day period and five representations have been received.

Representation 1 points (objecting)	Response
The materials of the proposal are unclear.	The application form states the chapel is to be constructed of timber and roofed in colorbond 'deep ocean'. It is a recommended condition of approval that the proposal be constructed of hardwood and finished with oil. The roofing material is considered appropriate.
Representation 2 Points (objecting)	Response
The proposal is an over intensification at a vulnerable site (ie storm events and climate change).	The use of the Chapel is discretionary within the Environmental Management zone. Pursuant to clause 8.10 of the Glamorgan Spring Bay Interim Planning Scheme, the planning authority must consider the purpose of the applicable zone in determining an application for a permit for a discretionary use. An analysis of the suitability of the use with regard to clause 29.1.1 Zone purpose statements is provided in the body of this report. Regarding the vulnerability of the site, the proposal is supported by a report authored by a suitably qualified person which categorises the area of development as being a 'Low Hazard Area'.
Parking is not provided for onsite.	The proposal does not provide any onsite parking, though seeks to rely on public car parking, and management practices of picking up guests from various points (dependent on their circumstances) using the water taxi. The use is recommended to be restricted to 12 events in calendar year, which is relevant in considering the car parking demand. It is not considered feasible to provide car parking on site.
Visual impact as viewable from Freycinet Peninsula and the wineglass bay lookout.	The proposed materials are complementary to the surrounds. With regard to visual bulk, the performance criteria (regarding setback) relate specifically to residential amenity. The

	proposal is not greater than 7.5m in height and so complies with the acceptable solution of the standard.
Car parking	See above
Visitor numbers (and existing facilities)	A special plumbing permit will be required for any additional load to the existing septic system. Further planning approval may be required where a new system requires works. Further, It is a recommended condition of approval that the number of participants to an event not exceed 30.
On the use of the Chapel and incremental development.	The proposal is for events, these are not limited to weddings, but the number of events (of whichever type) must not exceed 12 in a calendar year. Noting the Part 5 agreement per s78 of LUPAA it is unlikely any future development excepting additions will be allowed on the island.
Representation 3 Points	Response
Car Parking	Previously addressed
Visitor Numbers to the Island	It is noted the Parking Assessment cites 30 visitors, and the application supporting document cites the Chapel can accommodate 30 people, though a total of 50 are proposed. With regard to the Parking Strategy and the Zone Purpose, it is a recommended condition of approval that the number of visitors be restricted to 30 additional people.
Incremental development and helicopter flights.	It is noted there has been a pattern of incremental development to the island. With regard to helicopter flights, it is understood this would not be in accordance with the management plan from the previous development application which must minimise disturbance and restrict visitors to 'activity zones'. As such helicopter flights (which are not proposed as part of this application) for the purpose of guests arriving would be considered to fail to minimise disturbance given the availability of the Freycinet Aqua Taxi. Further, the accompanying Parking Assessment makes it clear that the Taxi will be relied upon for the arrival of guests and it is a recommended condition of approval that patronage for the approved events on the island must be undertaken in accordance with the strategies outlined in that assessment.
Representation 4 Points	Response

Car Parking	Previously addressed
Guest Numbers	Previously addressed (conditioned at 30).
Need for the Chapel	The need of a development, taste or demand is not a matter for planning. It is noted the appearance of the structure is considered to comply.
Guidelines for development in a biodiversity area.	These guidelines are related to development which is considered under the Biodiversity Code. As the proposal does not involve ground disturbance or the clearance and conversion of vegetation this is not an applicable code and the guidelines are not relevant.
Air ambulance pad	Previously addressed
Representation 5	Response
Flooding and Climate Change	Previously addressed
Car Parking	Previously addressed
Water and Sewage	Not applicable, note a special plumbing permit may be required

Conclusion

The assessment of the application identifies that the proposal satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and is recommended for approval subject to conditions to mitigate the impacts of the proposed use.

Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 150 Outbuilding/addition & change of use in addition to visitor accommodation at Picnic Island (CT 127120/1) be approved subject to the following conditions:

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

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

Use

2. The use of the Chapel as approved must only be undertaken in accordance with the following;
 - a) No more than twelve events are permitted to be undertaken per calendar year.
 - b) No event may run for more than one day.
 - c) The number of guests to any single event must not exceed 30.
 - d) Transport for guests must only be undertaken in accordance with the strategies outlined in the Parking Assessment dated 23 September 2020.
 - e) The control and mitigation measures as outlined in the Management Plan dated June 2018 must be observed ongoing for visitors to events.
3. Prior to the commencement of the use, a contribution of \$4200 must be provided to the Glamorgan Spring Bay Council in lieu of the provision of parking spaces required by the use.

Development

4. The cladding and detailing of the Chapel building excluding roofing iron and rainwater goods must be constructed of hardwood and finished with an oil.
5. Stormwater generated by new impervious surfaces must be collected in the proposed tanks and connected by the overflow to existing stormwater infrastructure. No ground disturbance, new discharge points or the like for the provision of connections is permitted.
6. The material finish of the proposed water tanks must have a light reflectance value of less than 40%.

4.3 Development Application 2020 / 299

632 Dolphin Sands Road, Dolphin Sands (CT54666/94)

Dwelling	
Applicant	Gavin Henderson
Lodged	17 December 2020
Statutory Date	25 February 2021
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	34.0 Particular Purpose Zone 3 – Dolphin Sands
Codes	E5.0 Road and Railway Assets Code, E6.0 Parking and Access Code, E7.0 Stormwater Management Code E10.0 Biodiversity Code E15.0 Inundation Prone Areas Code
Use	Class: Residential, Type: Single Dwelling
Development	Single Dwelling
Discretions	34.4.1 Building Height E7.7.1 Stormwater Drainage and Disposal
Representations	Four
Attachments	A - Application documents B – Representations
Author	Peter Coney, Planner

Executive Summary

Planning approval is sought to construct a single dwelling on a partially vacant lot at 632 Dolphin sands. The proposal is discretionary under the planning scheme because it relies on the performance criteria to comply with the applicable standards for:

- D34.4.1 (P1) Building Height
- E7.7.1 (P1) Stormwater Drainage and Disposal

The Planning Authority must consider the planner's comments, the representations, the recommendation, and make a final determination by 25 February 2021.

The recommendation is to approve the application with conditions.

The proposal was on public exhibition from 8 January – 22 January 2021. Four representations were received.

The Planning Authority must consider the planner's comments, the representations, the recommendation, and make a final determination by the 28 February 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 meets the Acceptable Solutions, and where discretionary consideration is required. This report comprises a discussion of the matters to be considered in exercising discretion only, and makes a final recommendation.

The report considers the four representations received.

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).

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

2. Approving applications under the planning scheme

A Development Application must meet every relevant standard in the planning scheme to be approved. 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.

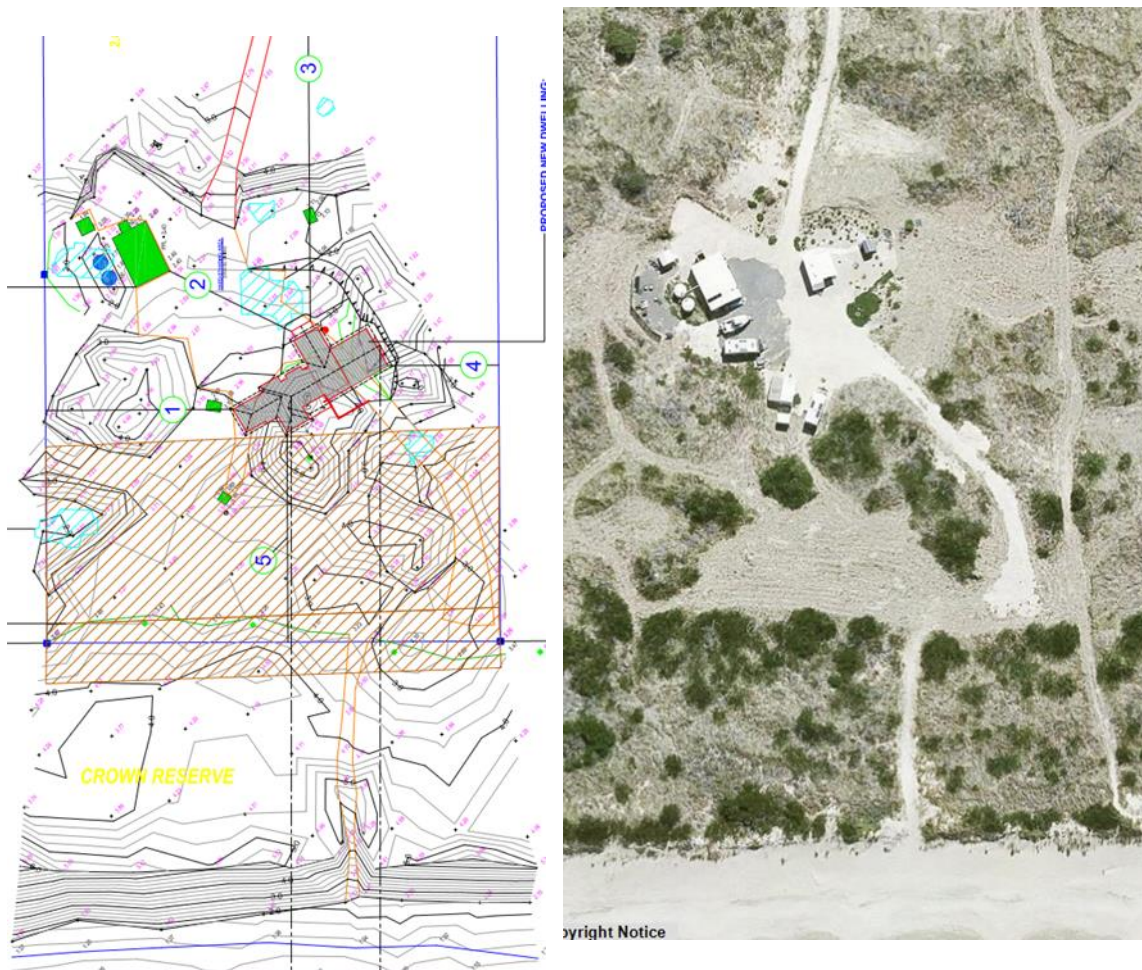
The Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria, and to consider the issues raised in the representations.

3. The Proposal

The proposal is for the construction of a Single Dwelling at 632 Dolphin Sands Road, Dolphin Sands.

4. Location

The subject site is located on the southern side of Dolphin Sands Road.



Images 1 and 2. Identifying the location of the development with respect to existing improvements onsite. (Applicant and LISTmap)



Image 3. Identifying subject site in relation its surroundings

5. Site Description

The site is a 2ha lot situated on Dolphin Sands Road. The site is partially vegetated with coastal scrub *Acacia Longiflora*. The ground is undulating with a general fall to the south. There is an access way to the east, and a residential lot to the west

6. Overlays

The site is subject to the Biodiversity code, Coastal Inundation Hazard code and Bushfire Prone Areas code. For the latter two, the codes are not applicable by virtue of the development site being outside the Coastal Inundation Hazard area, and a Single Dwelling not being considered a hazardous or vulnerable use (with respect to the bushfire prone areas code).

7. Easements and covenants

There are no relevant easements or covenants on the land to which this application relates.

8. Services

The future occupants of the dwelling will be reliant on rainwater capture and storage for potable water. The proposal is also reliant on onsite soakage trenches and wastewater systems for dispersal as there are no services in the vicinity.

9. Background and previous applications

There are no relevant planning permits on file for the property.

10. Risk and implications

There are no associated risks with the proposal to be considered with respect to the applicable standards of the planning scheme.

PART TWO

11. Meeting the Standards – via Acceptable Solution

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

34.0 Particular Purpose Zone 3 - Dolphin Sands.

E5.0 Road and Railway Assets Code.

E6.0 Parking and Access Code.

E10.0 Biodiversity Code.

The proposal did not meet the Acceptable Solutions in two instances and will need to satisfy the Performance Criteria listed below to be approved.

12. Meeting the Standards – via Performance Criteria

The proposal will need to satisfy the following Performance Criteria to be approved:

34.4.1 (P1) Building Height

E7.7.1 Stormwater Drainage and Disposal

The Planning Authority must consider the planner's comments and the performance criteria associated with the discretions.

PART THREE

13. Assessing the proposal against the Performance Criteria

Standard 1: Clause 34.4.1 (P1) Building Height

On first application, the proposal presented a significant divergence from the Acceptable Solution of the Planning Scheme (approximately 3m). Subsequent to the advertisement of the proposal, the applicant has submitted amended plans which demonstrate that the roof pitch has been reduced, though the overall building height at a maximum still exceeds 2.225m beyond the envelope (total 7.225m above natural ground level). This is largely for a section of the gable at the north eastern end of the dwelling, and a small hipped section to the south (see image 4). This is partially owed to the various peaks and troughs among the undulating dunes of Dolphin Sands, but is exacerbated by the 500mm or so area of fill required to create a level building platform, and the design of the balcony roof being a gable. It is a recommended condition of approval that the development not rely on fill to achieve the modified ground level and that an amended roof design be submitted which demonstrates that the roof over the internal dining area will terminate with a hipped roof form, and the roof over the balcony will be flat (i.e. 5 degrees) not exceeding 8700mm (AHD). This will result in a building height at the southern end of 5950mm, presenting an acceptable protrusion.

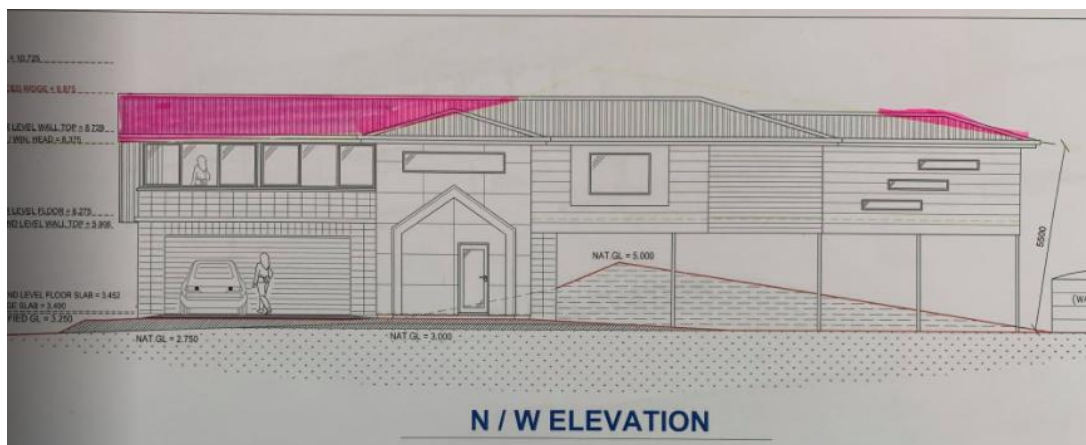


Image 4. Identifying the greatest extent of the protrusion from the building envelope.

Performance Criterion	Planner's comments
P1 <i>Building height must:</i>	
<i>(a) be unobtrusive within the surrounding landscape;</i>	<p>The proposal will certainly be visible from some vantage points within the landscape. The degree to which this visibility is obtrusive, meaning unpleasantly or unduly noticeable² will vary, dependent on the vantage point.</p> <p>From the beach and Dolphin Sands Road, the pattern of development of one dwelling per lot is a reasonable expectation. Largely, the dwelling will be inconspicuous from the road: though will be potentially visible from the</p>

² The Australian Concise Oxford Dictionary., Oxford University Press 1992.

	<p>beach, depending how far a person may climb the dune. Again, this is not necessarily undue, considering these are residential lots, though the projection reasonably may be reduced to better respond to the landscape.</p> <p>From the adjoining access way, the degree to which the dwelling will be clearly visible will increase on approach to the foreshore. On balance, the projection of the gable alone makes the dwelling most noticeable, and this design has not been demonstrated as having regard for the impact on the surrounding landscape. For this reason the projection is considered to be undue.</p> <p>Subject to a recommended condition that the development primarily rely on natural ground level to achieve a level building area and the roof form be modified, the projection beyond the building envelope will be reduced to approximately 1m for an acceptable portion of the dwelling and the proposal is considered to comply.</p>
<i>(b) be consistent with the surrounding pattern of development;</i>	<p>There is no precedence in the immediate vicinity for a dwelling to project over 2m beyond the building envelope. Further within the locality, approval was issued for a development to project 400mm at 750 Dolphin Sands Road, and 3m at 1208 Dolphin Sands Road. The topography for the latter was quite unlike the site which this proposal is for, and so it would be unreasonable to draw precedence from this.</p> <p>In the event recommended conditions are adhered to, the proposal is considered to present consistency and harmony with the surrounding pattern of development which protrude only where undulation of ground level is a factor rather than design.</p>
<i>(c) not unreasonably impact on the amenity of adjoining lots from overshadowing, overlooking or visual bulk.</i>	<p>The proposal will not contribute to any overshadowing or overlooking of adjoining lots. The visual bulk when viewed from the adjoining access way will be pronounced by virtue of the gable presenting to that elevation. Nevertheless, the amenity drawn from that parcel of land by any user is considered minimal, in that it is an access way and appears to be fenced.</p> <p>The lot at 622 Dolphin Sands Road is vacant and the impact on the amenity of the bulk of the proposal is unascertainable, though it is noted that the section of dwelling with the smallest protrusion presents at this end <500mm.</p> <p>In this regard the proposal is considered to comply.</p>



Image 6. View of the site from the road, the development site is 214m south and located behind the dune in the background.

Standard 2: Clause E7.7.1 Stormwater

Performance Criterion	Planner's comments
P1 <i>Stormwater from new impervious surfaces must be managed by any of the following:</i>	
<i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>	Not applicable
<i>(b) collected for re-use on the site;</i>	Proposed
<i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i>	Not applicable

Referrals

No referrals were required for the assessment of this development.

Representations

The proposal has been advertised for the statutory 14 day period and five representations have been received.

Representation 1 points (objecting)	Response
Height exceeds allowable limit	Noted, recommended conditions of approval and an amended design supplied by the applicant will reduce the proposed height
View of the proposal from neighbouring properties.	It is noted the dwelling will be visible from the adjoining access way and adjoining vacant lot. This visibility however is not considered as presenting an unreasonable loss of amenity, though it is considered inconsistent and obtrusive. Subject to recommended conditions of approval the height will be reduced
No precedent for double storey gabled roofs in area.	It is agreed that a two storey building with a gable presents a greater degree of visual bulk than a hipped or flat roof. It is a recommended condition of approval that the bulk of the dwelling terminate with a hipped roof form and the roof over the balcony be designed as effectively flat.
Representation 2 points (objecting)	Response
The proposal does not respect the ability for other properties to have a clear line of sight.	The degree to which an impact of visibility becomes obtrusive or undue is not considered as being due to visibility alone but rather whether it is clearly visible and inappropriate by virtue of gross proportions or massing. The degree to which the amended design and recommended conditions of approval reduce the height of the building are considered sufficient to ensure the proposal is not obtrusive.
Only existing dwellings can exceed the height limitation	The planning scheme operates in a manner where a person may rely on the performance criteria to comply with an applicable standard. Any dwelling may exceed 5m if it is deemed to comply with those criteria, an assessment of the proposal against the performance criteria is outlined in Part Three of report.
Representation 3 Points (objecting)	Response
The building exceeds the height limit for the area.	Previously addressed

Gable roof presents a solid mass.	Previously addressed
Concerns regarding the planning process and precedence for buildings to exceed 5m.	As outlined previously the Planning Scheme operation allows for a person to rely on the performance criteria to satisfy the applicable standards. It is not an absolute requirement that a building not exceed 5m.
Representation 4 Points (objecting)	Response
The building is too high and obtrusive	Previously addressed

Conclusion

The assessment of the application identifies that subject to recommended conditions, the proposal satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and should be recommended for approval.

Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 299 for a Dwelling at 632 Dolphin Sands Road, Dolphin Sands be approved subject to the following conditions:

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

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

2. Prior to the commencement of works, construction drawings must be submitted to the General Manager of the Glamorgan Spring Bay Council which demonstrate that;

- a) The modified ground level will be no higher than 2750mm AHD.
- b) The roof design over the internal dining area will terminate with a hipped roof form.
- c) The roof design over the balcony will be designed as flat, and must be no higher than 8700mm AHD.

Once these drawings are received and endorsed they will form part of this permit and must be adhered to.

3. Prior to the pouring of the slab for building foundations, a survey must be provided to the General Manager of the Glamorgan Spring Bay Council which demonstrates the modified ground level required by condition 2 (a) of this permit has been achieved.
4. Prior to the commencement of any works on site, a plan must be provided to the General Manager of the Glamorgan Spring Bay Council which demonstrates that the design of the dwelling will be such that the reliance on clearance and conversion of vegetation is minimised as far as practicable. This plan will form part of this approval and must be complied with.
5. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases to the satisfaction of Council's General Manager.
6. Prior to the commencement of use, at least two car parking spaces must be provided on site and must be available for car parking at all times. Each space must be at least 5.4m long and 2.4m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction. The maximum gradient of each space is 1 in 20 measured parallel to the angle of parking and 1 in 16 in any other direction.
7. Extensions to the internal driveway and areas set aside for vehicle turning must have a minimum width driveway of 3.6m.
8. The material finishes of the dwelling and appurtenances must accord with the following;
 - a) Where clad in iron, materials must be coloured with a paint finish of a light reflectance value no greater than 40, and of a colour which borrows from the palette of nature evident in the immediate vicinity.
 - b) Where clad in timber, materials are to be oiled.

- c) Rainwater goods, window frames, roofing iron and balustrades must be of a colour which similarly accords with a) though need not be the same colour as wall cladding.

4.4 Development Application 2020 / 172

74 River and Rocks Road, Swanwick (CT 164464/2)

Clearing of land to return it to previous agricultural use and reduce fire hazard

Applicant	Gregory Neil Cash
Lodged	25 August 2020
Statutory timeframe	27 February 2021 (extended with consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	Rural Resource
Relevant codes	Biodiversity Protection, Coastal Erosion, Waterways and Coastal Protection.
Proposed use	Resource development (No Permit Required)
Development	Clearing of native vegetation (Discretionary)
Discretions	Five standards involving multiple performance criteria
Representations	Fifteen
Attachments	A – Application Documents B – Representations
Author	Robyn Bevilacqua, Planner

Executive Summary

Approval is sought to clear a 20 hectare lot at 74 River and Rocks Road, Swanwick to 1) rehabilitate previously cleared farmland and return it to its previous agricultural use, and 2) reduce fire hazard.

The proposal is discretionary under the planning scheme as it relies on discretions for five standards:

1. D26.4.2 A4 Setback from land zoned Environmental Management
2. D26.4.3 A1 Vegetation removal not within a building area on a title
3. E10.7.1 A1 Clearing of native vegetation in a Biodiversity Protection Area
4. E11.7.1 A1 Works within a Waterway and Coastal Protection Area
5. E16.7.1 A1 Works within a Coastal Erosion Hazard Area

The proposal was placed on public exhibition from 22 January to 5 February 2021. Fifteen representations were received.

The recommendation is to refuse the application.

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 Glamorgan Spring Bay Interim Planning Scheme 2015 (the planning scheme).

The planning scheme provides the overriding considerations in determining 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 meets the Acceptable Solutions. Where the proposal does not meet an Acceptable Solution, the Planning Authority's discretion is required to establish if the proposal meets the corresponding Performance Criteria. This report addresses the discretions only and makes a final recommendation. It also considers the fifteen representations received.

The Planning Authority must consider the report but is not bound to it. It may adopt or vary the recommendation, or replace an approval with a refusal (or vice versa).

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

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 Criterion (discretion).

If a proposal meets an Acceptable Solution, it does not need to be assessed against the associated Performance Criteria.

3. The Proposal

The proposal is to clear all vegetation bar large eucalypts on a 20 hectare lot zoned Rural Resource abutting Moulting Lagoon at Swanwick. The proposed clearing would extend across the entire site, and the volume of vegetation would consist of all 1-2m high vegetation, as shown in Figure 1 below. The stated objective is to rehabilitate the land and return it to its previously cleared farmland state, and to reduce fire hazard.

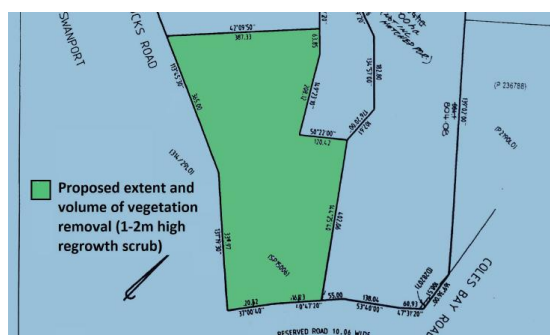


Figure 1: Proposed extent and volume of vegetation removal (from the application documents).

4. Location

The site is located at 'Great Swanport' near Swanwick /Coles Bay, on the southern end of Moulting Lagoon, opposite the eastern end of the Dolphin Sands peninsula, as shown in Figure 2.



Figure 2: the subject site (blue pin) relative to Moulting Lagoon, Dolphin Sands and Great Swanport (LISTmap)

Moulting Lagoon is a Ramsar Wetland (Site 251), shown in Figure 3 below. Ramsar Sites are subject to the Environment Protection and Biodiversity Conservation Act 1999 (Cwth) in Australia. Under the planning scheme, Moulting Lagoon is zoned Environmental Management.

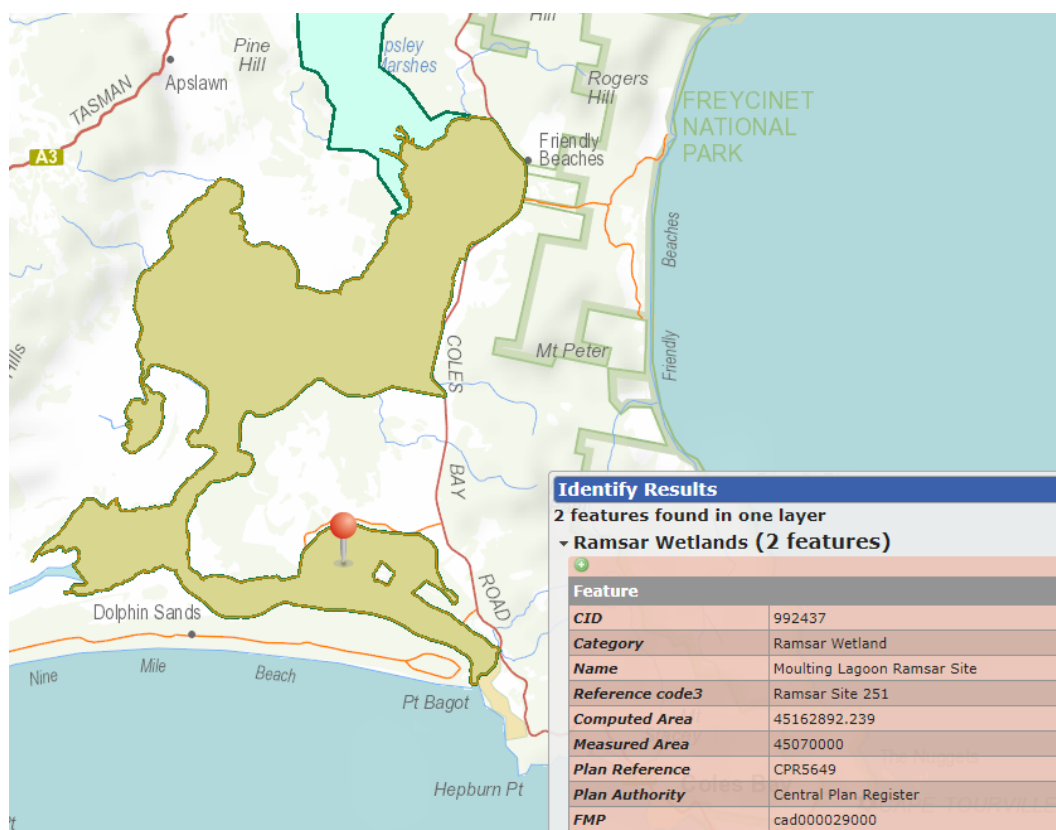


Figure 3: Moulting Lagoon - Ramsar Site 251 (LISTmap).

5. Site Description

The site is around 20 hectares of vacant land zoned Rural Resource. It is bordered on the south west and south east by River and Rocks Road and to the west and north east by private land and Moulting Lagoon. It is one of three lots subdivided in 2012. These are encircled by the Ramsar Wetland, as shown below in Figure 4.

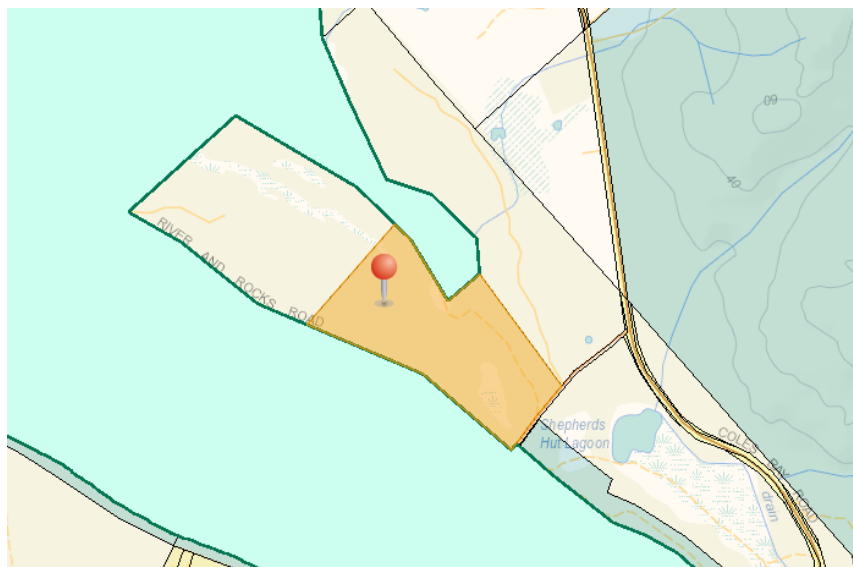


Figure 4: The three lots created in 2012 with the subject site pinned. The aqua area is the Ramsar Wetland, weaving in and around the lots (LISTmap)

The applicant claims that the land was completely cleared in the past until around 1985, and used for cattle grazing. Several of the representations raise the issue of the viability of the land as farmland. The applicant did not state what the intended agricultural use would be.

The current situation is that the land has not been used for agriculture for some decades. There is a couple of decades of native vegetation regrowth. There are several tracks criss-crossing the land. The land is subject in part to the acid sulphate soils overlay, but that code is not used in Glamorgan Spring Bay's interim planning scheme, so there is no assessment against that code here. Figure 5 below provides an aerial view of the site.

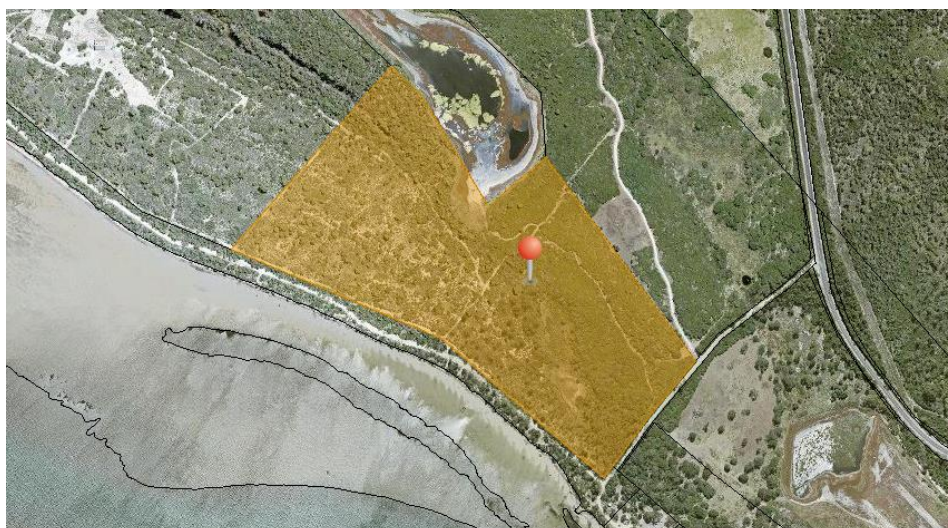


Figure 5: the subject site pinned and highlighted (LISTmap)

6. Overlays

There are several overlays on the site, as shown in Figure 6 below. These include: Biodiversity Protection, Waterway and Coastal Protection, Inundation Prone Area, and Coastal Erosion Hazard Area.

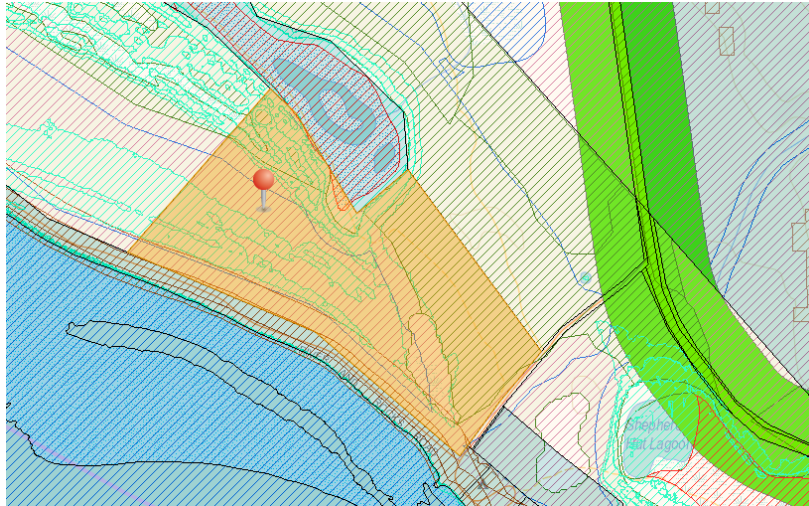


Figure 6: The overlays (LISTmap)

7. Easements

There are no easements on the title.

8. Services

Other than power, there are no services to the site.

9. Covenants

There is a Part 5 Agreement in place, with Council as the other party, which restricts development on the site in several ways. The pertinent ones here are items (e), that 'native vegetation must not be removed, destroyed or lopped without separate Council planning approval' and item (f), 'each lot is to have a building envelope which is to contain all buildings and wastewater disposal areas'. The remaining restrictions relate to dwellings.

Having said that, it is the case that Council, when acting as the Planning Authority, ought not take covenants into account when determining development applications, even if it is the other party to the agreement. If clearing were to occur without a planning permit in place, firstly the Planning Authority could take enforcement action for a potential breach under the Land Use Planning and Approvals Act 1993, and secondly Council (not acting as the Planning Authority) could take action in the Supreme Court for breach of covenant.

10. Background and previous applications

The subject lot is one of three subdivided under Planning Permit SU 2009/ 21, approved in 2010. Final Plans were stamped in 2012. There are no other development applications since then on file for the subject lot.

11. Risk and implications

There is likely to be a significant amount of community backlash should this application be approved considering the number of representations received.

Should the Planning Authority approve this proposal based on the documents and assertions made by the applicant, who does not appear to have the required credentials or levels of authority in at least two areas (natural values and bushfire risk), and if that decision were appealed, it may be difficult to defend the accepting of such reports.

Should this application be approved there may be higher-level implications due to the site sharing a boundary with Ramsar Site 251 (Moulting Lagoon).

PART TWO

12. Meeting the Standards – via Acceptable Solution

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

- D26.0 Rural Resource zone
- E10.0 Biodiversity Protection code
- E11.0 Waterway and Coastal Protection code
- E15.0 Inundation Prone Areas code
- E16.0 Coastal Erosion code

The proposal did not meet Acceptable Solutions under five standards and will need to satisfy the Performance Criteria for all those to be approved.

13. Meeting the Standards – via Performance Criteria

The proposal will need to satisfy the following Performance Criteria to be approved:

- | | |
|---------------|---|
| 1. D26.4.2 P4 | Setback from land zoned Environmental Management |
| 2. D26.4.3 P1 | Vegetation removal not within a building area |
| 3. E10.7.1 P1 | Clearing of native vegetation in a Biodiversity Protection Area |
| 4. E11.7.1 P1 | Works within a Waterway and Coastal Protection Area |
| 5. E16.7.1 P1 | Works within a Coastal Erosion Hazard Area |

In the next section, the Planning Authority must consider the performance criteria associated with the five standards, the planner's comments, and the representations to exercise its discretion as to whether or not each standard is satisfied.

PART THREE

14. Assessing the discretions with the Performance Criteria

Standard 1: D26.4.2 – Setback from land zoned Environmental Management

The objective of this standard is 'to minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management'.

Acceptable Solution A4 of this standard requires that works³ must be set back a minimum of 100m from land zoned Environmental Management. Moulting Lagoon protrudes into the northern portion of the site and is zoned Environmental Management.

Figure 7 below shows a dashed line extending 100m into the subject site from the land zoned Environmental Management. Following that line around parallel with the two relevant boundaries will give an indication of where the proposal does not meet the Acceptable Solution and will need to meet the Performance Criteria at D26.4.2 P4 to be approved.



Figure 7: the dashed pink line, circled, shows the 100m mark from land zoned Environmental Management.

Assessing the performance criteria

D26.4.2 P4 Buildings and works must be set back from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following:	
	Planner's comments

³ Works includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests (LUPAA 1993).

a) the size of the site;	<p>At 20 hectares the site provides more than enough area outside of the 100m buffer where works and development could occur. There is no size restriction requiring disturbance to be within that buffer zone.</p> <p>This Performance Criterion is not considered satisfied.</p>
(b) the potential for the spread of weeds or soil pathogens;	<p>Council's biodiversity officer, who is a suitably-qualified person, advises that 'wholesale clearing of vegetation and the consequent soil disturbance increases the potential for weed invasion and establishment across the property and potentially into the land zoned Environmental Management'.</p> <p>This Performance Criterion is not considered satisfied.</p>
(c) the potential for contamination or sedimentation from water runoff;	<p>Council's biodiversity officer advises that 'loss of vegetation will leave the soil exposed to the risk of runoff and potential sedimentation into the saltmarsh community on the property that is contiguous with the same community in the adjacent Moulting Lagoon Ramsar Wetland ... Any impacts on the saltmarsh community and the Ramsar Wetland would be unreasonable and may need a referral under the Environment Protection and Biodiversity Conservation Act 1999.'</p> <p>Council's stormwater consultant advises that clearing the entire lot would result in increased stormwater runoff due to reduced barriers to water flow. The application is to clear the entire site (bar a couple of small areas that will be discussed later) and does not consider potential contamination or sedimentation, that will be exacerbated by increased water runoff.</p> <p>This Performance Criterion is not considered satisfied.</p>
(d) any alternatives for development.	<p>The site provides plenty alternatives for development rather than clearing within 100m of the land zoned Environmental Management. One alternative would be to limit clearing to the building area specified on the title, and as required by a Bushfire Hazard Management Plan prepared by a suitably-qualified person.</p> <p>This Performance Criterion is not considered satisfied.</p>

Standard 2: Clause 26.4.3 – Vegetation removal not within a building area

The objective of this standard is 'to ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape'.

Acceptable Solution A1 of this standard requires that works must (a) be located within a building area if provided on a title, (b) be an addition or alteration to an existing building, or (c) be located in an area that does not require the clearing of native vegetation and not on a skyline or ridgeline.

The proposal does not meet any of the above and therefore must satisfy the Performance Criteria to be approved.

Assessing the performance criteria

D26.4.3 P1	
The location of buildings and works must satisfy all of the following:	
	Planner's comments
(a) <i>be located on a skyline or ridgeline only if ...</i>	The site is not on a skyline or ridgeline. This Performance Criterion is satisfied.
(b) be consistent with any Desired Future Character Statements provided for the area;	There are no Desired Future Character Statements provided for the zone. This Performance Criterion is not applicable.
(c) be located in an area requiring the clearing of native vegetation only if: (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;	The site is not subject to constraints such as access difficulties or excessive slope, nor is the clearing required for a dwelling and associated infrastructure. This Performance Criterion is not considered satisfied.
(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.	The extent of clearing is significantly more than the minimum necessary to provide for buildings, associated works and associated bushfire protection measures. The applicant claims the clearing is for bushfire hazard reduction, however no bushfire hazard management plan prepared by a suitably-qualified person was submitted, or provided upon request. It is not accepted that clearance of the entire site is required for bushfire hazard reduction. This Performance Criterion is considered not satisfied.

Standard 3: Clause E10.7.1 – Clearing of native vegetation in a Biodiversity Protection Area

The objective of this standard is 'to ensure that development for buildings and works that involves clearance and conversion or disturbance within a Biodiversity Protection Area does not result in unnecessary or unacceptable loss of priority biodiversity values'.

Acceptable Solution A1 of this standard requires that clearance and conversion or disturbance within a biodiversity protection area must be (a) within a building area on a title, (b) for a single dwelling on an existing lot within the Low Density Residential, Rural Living or Environmental Living zones [...] or (c) be for other than a single dwelling in the Low Density Residential, Rural Living or Environmental Living zones and [...]

The property is not in any of the applicable zones and clearing is not restricted to the building area, so the Performance Criteria need to be satisfied for the proposal to be approved.

To assess the proposal against the Performance Criteria it is necessary to 'ground-test' and ascertain the Priority Biodiversity Value of the flora and fauna present on the site. This is usually informed by a Natural Values Assessment (NVA) submitted with the application. The NVA must be prepared in accordance with the Guidelines for Natural Values Surveys – Terrestrial Development Proposals (the Guidelines),

developed by the Policy and Conservation Advice Branch of the Department of Primary Industry, Parks, Water and the Environment (DPIPWE).

The purpose of the NVA is to ascertain the native flora and fauna species present, as well as any weeds. The Priority Biodiversity Value (either low, medium or high) is then established by referring to Table E10.1 of the planning scheme. Table E10.1 refers to legislation such as the Nature Conservation Act 2002 (Tas), the Threatened Species Protection Act 1995 (Tas), and the Environment Protection and Biodiversity Conservation Act 1999 (Cwth) – (EPBCA). These all contain schedules of threatened flora, fauna and native vegetation communities.

The applicant did not submit a satisfactory Natural Values Assessment (NVA). He conducted the assessment himself stating that he has the relevant qualifications to do so. While it is acceptable for a suitably-qualified person to conduct their own assessment, the assessment must be in line with the DPIPWE Guidelines and must be peer reviewed. Despite several requests, the NVA was not produced according to the DPIPWE guidelines and was not peer reviewed. It is not considered satisfactory by either Council's biodiversity officer or the Policy and Conservation Advice Branch (PCAB) of DPIPWE. The PCAB found multiple issues with the NVA. These issues were conveyed to the applicant along with the opportunity to re-submit. A satisfactory updated NVA was not submitted.

Several of the representations provide observations of flora and fauna that were not identified in the NVA, as did Council's biodiversity officer who conducted her own assessment of the site. This section will rely on the observations of Council's biodiversity officer as a suitably-qualified person. She advises that:

'The vegetation and flora across the property is varied. It is largely dominated by Low Priority Biodiversity Values but there are sections of Moderate and High Priority Values. The dominant low priority native vegetation provides a buffer for the areas of moderate and high priority values.

Moderate to high priority biodiversity values present include:

- 42 *Thryptomene micrantha* plants – listed as vulnerable under the *Threatened Species Protection Act 1995* (TSPA) – covering an area of at least 100 m².
- Tasmanian Devil – listed as endangered under the TSPA and EPBCA – evidence of the presence of the Devil were observed on 4-2-2021 in the form of scats. No den sites were observed but could possibly be present.

High Priority Biodiversity values present include:

- Saltmarsh vegetation (Tasveg v4: ASS - Succulent Saline Herbland) – approx. 0.35 ha.
- Wetland (Tasveg v4: AHL – Lacustrine Herbland) – approx. 1 ha
- Wetland (Tasveg v4: AHF – Freshwater Aquatic Herbland) - approx. 0.12 ha'

Assessing the performance criteria

Performance Criterion E10.7.1 P1 provides criteria relevant to each of the categories – low, medium and high priority biodiversity values, as follows:

E10.7.1 P1 Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings

(b) if moderate priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings
- (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values
- (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets

(c) if high priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings
- (iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values
- (iv) special circumstances exist
- (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

Assessing the performance criteria

It is fair to say the proposal was not designed or located to minimise impact on Priority Biodiversity Values. Even if the priority biodiversity value were 'low' across the entire site, no steps have been proposed to mitigate impact, as required by the Performance Criterion. Rather, the applicant states in his NVA that 'no natural vegetation community exists on the property and no threatened plant or animal species were observed in four field inspections'. The conclusion was that 'removal of non-forest regrowth vegetation will not have significant impacts on threatened flora or fauna or other natural values'.

This Performance Criterion is considered to be not satisfied.


Standard 4: E11.7.1 – Works within a Waterway and Coastal Protection Area


The objective of this standard is 'to ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia, and potable water supply areas will not have an unnecessary or unacceptable impact on natural values'.

Acceptable Solution A1 of this standard requires building and works within a Waterway and Coastal Protection Area to be restricted to a building area on a title.

The application is to clear the entire site therefore does not meet the Acceptable Solution. It must satisfy the Performance Criteria to be approved.

Assessing the performance criteria

E11.7.1 P1	
Building and works within a Waterway and Coastal Protection Area must satisfy all the following:	
	Planner's comments
(a) avoid or mitigate impact on natural values;	<p>The NVA submitted with the application provides a diagram showing areas to be excluded from the clearing, replicated in Figure 8 below. Note that these are not shown in the extent and volume of works diagram, and shown in Figure 1. However, the applicant has made an effort via the NVA to exclude some areas of the waterway from the proposed works.</p>  <p>Proposed DA2020/172 includes all of PID#3197347 bounded in green, and</p> <p>Figure 8: areas that will not be part of the proposed works in aqua hatching (from the NVA submitted)</p> <p>Unfortunately, the protected parts are nowhere near the extent of the actual Waterway and Coastal Protection Area, which covers around half the site as shown in Figure 9 below.</p>

	 <p>Whilst an effort has been made to avoid or mitigate impact on natural values by excluding some portions of the waterway, it is not considered enough to satisfy this discretion.</p> <p>This Performance Criterion is not considered satisfied.</p>
<p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p>	<p>The applicant states in his Statement of Compliance (addressing the Coastal Erosion Hazard code), that the proposed works would 'have no negative impact on erosion, or potential erosion, at any place, at any time'.</p> <p>Council's biodiversity officer on the other hand advises that loss of vegetation will 'leave the soil exposed to the risk of runoff and potential sedimentation into the saltmarsh community on the property that is contiguous with the same community in the adjacent Moulting Lagoon Ramsar Wetland'.</p> <p>This Performance Criterion is not considered satisfied.</p>
<p>(c) avoid or mitigate impacts on riparian or littoral vegetation;</p>	<p>Council's biodiversity officer advises that the site is a combination of riparian and littoral vegetation. The applicant has not proposed measures to mitigate negative impacts on this vegetation, other than the small areas to be excluded from clearing.</p> <p>This Performance Criterion is not considered satisfied.</p>
<p>(d) maintain natural streambank and streambed condition, (where it exists);</p> <p>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(f) avoid significantly impeding natural flow and drainage;</p>	<p>Criteria (d)-(g) are not relevant to this site.</p>

(g) maintain fish passage (where applicable);	
(h) avoid landfilling of wetlands;	It is considered that wholesale clearing and conversion to farmland would result in significant disruption to the wetlands and potential landfilling of parts of the wetlands as a result. The applicant has paid no regard to this. This Performance Criterion is not considered satisfied.
(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.	A condition could be included on a permit that work must be undertaken in accordance with the Wetlands and Waterways Works Manual. However, the proposal has not avoided the unnecessary use of machinery within the watercourse or wetland, as required by the Performance Criterion. In this regard, Council's biodiversity officer advises 'the use of machinery to clear the vegetation also has the potential to introduce root rot fungus (<i>Phytophthora cinnamomi</i>) to the area that is dominated by coastland heathland vegetation which is known to be highly susceptible to this fungus'. This Performance Criterion is not considered satisfied.

Standard 5: Clause E16.7.1 – Works within a Coastal Erosion Hazard Area

The Coastal Erosion Hazard on the site is classified as 'low risk' and restricted to a strip along the southern boundary of the site as shown highlighted in brown in Figure below. It is proposed to clear the site to the boundary, therefore the standard applies.

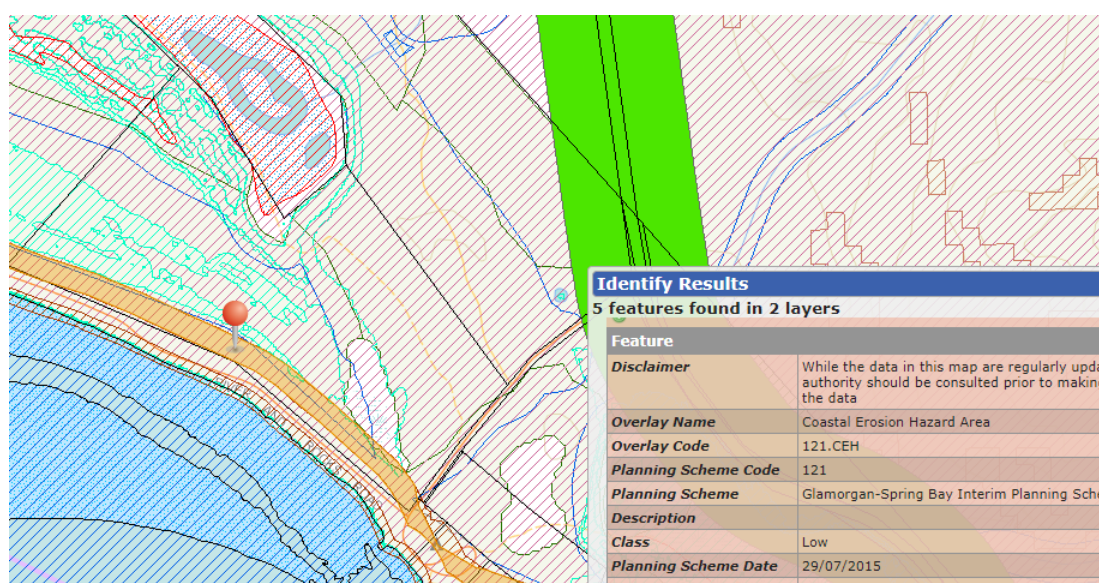


Figure 9: The Coastal Erosion Hazard Area – low risk (LISTmap)

The objective of this standard is 'to ensure that development in Coastal Erosion Hazard Areas is fit for purpose and appropriately managed based on the level of exposure to the hazard'.

There is no Acceptable Solution for building and works within a Coastal Erosion Hazard Area so the proposal must satisfy the Performance Criteria to be approved.

The applicant provided a Statement of Compliance with E16.7.1 P1, wherein he states that the 'proposed works would have no negative impact on erosion, or potential erosion, at any place, at any time for the following reasons:

- 1) The works would involve a tractor fitted with a mulching machine. No bulldozer, tracked vehicle or heavy machinery would be used. Disturbance to top soil would be minimal.
- 2) Mulching returns organic matter to the soil, which reduces likelihood of erosion
- 3) The land is relatively flat, so runoff is unlikely. No part of the subject site is actively mobile.
- 4) The works will be undertaken at the start of summer when rainfall is minimal
- 5) It is effectively impossible for the proposed works to cause erosion, and therefore presents no associated risk to life or property'.

Assessing the performance criteria

E16.7.1 P1	
Building and works must satisfy all the following:	
	Planner's comments
(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;	As noted by the applicant, the clearing would not increase the level of risk to the life of users of the site or adjoining properties. This Performance Criterion is considered satisfied.
(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;	The risk of wave run up is considered minimal given the sheltered location. This Performance Criterion is considered satisfied.
(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;	Risk is not considered enough to warrant engineering solutions. This Performance Criterion is considered satisfied.
(d) need for future remediation works is minimised;	If mediation works are required in the future, they are likely to be required along the Crown land foreshore and the reserved road before impacting on the subject site.
(e) health and safety of people is not placed at risk;	The proposal does not place the health and safety of people at risk.
(f) important natural features are adequately protected;	The narrow strip of land does not contain an important natural feature in and of itself.

	The Performance Criterion is not applicable.
(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;	The proposed work would not restrict access to the foreshore. This Performance Criterion is considered satisfied.
(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;	The site would remain accessible from the other part of River and Rocks Road if future erosion were to affect access from the coastal part of the road. This Performance Criterion is considered satisfied.
(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;	n/a
(j) not be located on an actively mobile landform.	It is unlikely to be an actively-mobile landform. These Performance Criteria are considered satisfied.

Referrals

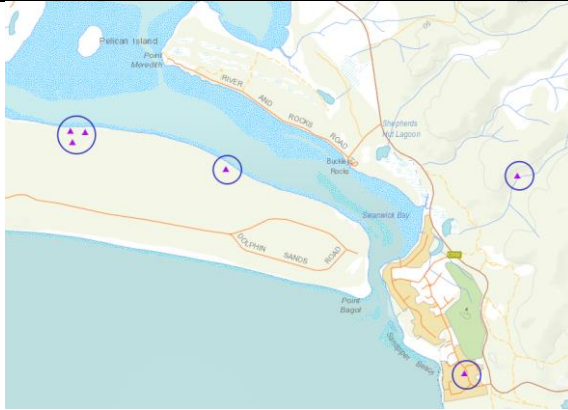
The application was referred to Council's biodiversity officer and the Conservation Assessment and Wildlife Management Section of the Department of DPIPWE. Feedback from both referrals is contained in the body of the report.

Representations

Fifteen representations were received. They are addressed here in summary form, and provided in full (de-identified) at Attachment B.

Representation points	Response
Rep 1	
Clearing the land will	Unfortunately, the visual amenity provisions provided by the planning scheme in the Rural Resource zone relate only to buildings.
a) <i>severely reduce the visual amenity of the area,</i>	
b) <i>severely reduce the property price of the neighbouring properties,</i>	Planning cannot take into consideration property values
c) <i>remove the habitat of healthy Tasmanian devils that live on the land and</i>	The land is likely to provide habitat for Tasmanian devils. Council's biodiversity officer found devil scat on the site.
d) <i>ignores the conservation covenant on that land that the three blocks were sold under (attached to the representation).</i>	The conservation covenant, while it may have been intended to be on all three lots when subdivided, is not registered on the subject lot.
Rep 2	

Use of this property for agriculture has already been proven unsustainable.	Sustainability of agriculture cannot be taken into account at the statutory planning stage. It is a matter for municipal and regional strategic planning.
Impact on birds, native animals, reptiles and insects.	Agreed. There would be an impact on native flora and fauna should the clearing go ahead.
Loss of threatened vegetation.	Agreed. Council's biodiversity officer identified several instances of moderate and high priority biodiversity values on the site.
Proposal not permitted under zoning.	Agreed. The proposal fails to satisfy performance criteria of the Rural Resource zone at D26.4.2 and D26.4.3 and is recommended for refusal on those grounds, amongst others.
Lack of independence of Natural Values Assessment.	A proponent can prepare their own NVA, as long as they are suitably qualified, however it would need to be peer reviewed. This did not occur in this case. A referral to the conservation assessment branch in DPIPWE, and Council's biodiversity officer, identified significant issues with the report provided.
RAMSAR site and sedimentation	<p>The site adjoins Ramsar Site 251, which in Australia is protected under the Environment Protection and Biodiversity Conservation Act 1999 (Cwth).</p> <p>One of the reasons for refusal is the potential for sedimentation and run off into the Lagoon.</p>
Rep 3	
The property is to be used solely for residential use and cannot be subdivided.	There is no requirement for the property to be used solely for residential use. It is the case that the property cannot be further subdivided.
The only development that can be considered for approval must occur within the allocated building area.	Council can approve works outside of building areas, as long as all the relevant performance criteria are met. In this case the relevant standards are not met and the proposal is recommended for refusal.
Property adjoins a Ramsar site and there would be considerable impact from runoff after heavy rains if the land were cleared.	Agreed. Sedimentation and runoff is one of the grounds for refusal.
Rep 4	
It is untrue that the land is covered by weeds.	Agreed. Most of the plants listed by the applicant as weeds are native vegetation.
There are many animal species on the block – wedge tailed eagles and sea eagles, wallabies, wombats, a quoll, and a masked owl.	Agreed. There are likely to be many animal and bird species on and around the block. LISTmap identifies six raptor nests in the vicinity.

	
<p>The land is subject to State Government environmental protection.</p>	<p>Whilst it may have been the intent at the time to extend the Nature Conservation Plan to the three lots of the subdivision, for unknown reasons this did not occur. The document provided by the representors is not found on or linked to the title of the subject property.</p>
<p>Rep 5</p>	
<p>No volunteer member of the Tasmanian Fire Service (TFS) has the right to make representation on behalf of the TFS.</p>	<p>Noted</p>
<p>The subject area is already under the purview of the agencies responsible for managing bushfire risk.</p>	<p>Noted</p>
<p>Clearing of the site would not increase fire safety as regards Swanwick – there is already a significant cleared area between the subject site and Swanwick.</p>	<p>Noted</p>
<p>The site is not under heightened risk from escaped camp fires. The predominant fire danger wind direction is north-westerly. The property is on the upwind side.</p>	<p>Noted</p>
<p>The list of fire incidents provided by the proponent arising in the campground were all a case of the TFS or DPIWE extinguishing non-permitted campfires and in no case did they eventuate in uncontrolled fire.</p>	<p>Noted</p>
<p>Rep 6</p>	
<p>The land in question has been the subject of a number of attempts to develop and/or subdivide.</p>	<p>There are no records on file for development or further subdivision of the subject lot.</p>
<p>While some clearing to create a fire-protected home site, the broad scale clearing of the entire lot should not be permitted.</p>	<p>Agreed.</p>
<p>There is a condition imposed on the original subdivision approval whereby clearing is limited to no more than 10ha.</p>	<p>There is not a condition on the subdivision permit restricting clearing to 10ha. However, there is a building area on the title.</p>

The nearby camping ground is subject to high use. If the subject site is cleared it will be perceived as an overflow area from the camping ground, for as long as there is no dwelling on the site.	This would be a matter for the owners and managers of the Crown land.
It is unclear who the fire reduction is intended to benefit. It is suggested that a 'cool burn' reduction of fire hazard, the approach taken by the agencies charged with fire management in the area, would be preferable.	Noted
If the application is approved, it should be: <ul style="list-style-type: none"> i. <i>Limited to a cleared area intended to protect a single dwelling</i> ii. <i>carried out by a controlled 'cool burn' rather than by tractor</i> iii. <i>subject to conditions directed to minimal impact on vegetation, flora and fauna</i> iv. <i>subject to fencing conditions to prevent its use once cleared as an illicit camping area.</i> 	Noted
Rep 7	
Statement of compliance – vegetation clearing for access refers to an application that appears not to be a part of the exhibited documents.	The Statement of Compliance is part of the Exhibited Documents (Attachment A), page 42 and forms part of the subject application. It is addressing the coastal erosion code.
The submitted NVA does not meet the test of independent advice nor the relevant guidelines.	Agreed
The NVA fails to acknowledge the presence of <i>Exocarpos cupressiformis</i> and if this is the case, then it is likely that other plant species have been missed.	Noted.
The risk of fire at this site is no greater than most of the Freycinet Peninsula. Reducing fuel load would have little impact on the overall fire risk on the peninsula. The application for fire hazard reduction should be refused.	Noted.
Setback from land zoned Environmental Management. The application fails to meet the setback requirements of the scheme at D26.4.2 A4 either by Acceptable Solution or Performance Criterion.	Agreed. This is one of the grounds for refusal
Location on a site that does not require clearing of native vegetation. The application fails to meet the standard at D26.4.3 either by Acceptable Solution or Performance Criterion.	Agreed. This is one of the grounds for refusal
The NVA does not adequately identify the priority biodiversity values of the site.	Agreed.

Nevertheless, even if the entire site were determined to have low priority biodiversity values, the proposal does not meet the standards at E10.7.1 either by Acceptable Solution or Performance Criterion.	Agreed. This is one of the grounds for refusal
Waterway and Coastal Protection: the development does not comply with the standard requiring works to be limited to the building area either by Acceptable Solution or Performance Criteria	Agreed. This is one of the grounds for refusal.
Use of the land: the proposed use – to rehabilitate previously cleared farmland – is unlikely to be viable.	Whether the land would provide viable farmland is not an issue that can be considered in this statutory assessment of the application.
The property changed hands for \$300,000 in March 2020 and is currently on the market for \$1.2m. The promotional material states that it 'makes perfect harmless sense to rezone and develop this property. There is no mention of the property's actual farming potential, which at that price would value the land at several orders of magnitude higher than the price of the best farmland in Tasmania.	As above.
Rep 8	
Many planning criteria are not addressed by the application, including the biodiversity, waterway and coastal protection, coastal inundation, environmental management and coastal erosion codes.	Agreed, and these form the grounds for refusal. Whilst there is a coastal inundation overlay on the site, the standards are not relevant in this instance because they relate to habitable buildings in inundation prone areas. This application does not include a dwelling.
Rep 9	
The land is located within the Freycinet National Park so it would be an injustice to the land and defeat the purpose of the land by enabling the proposed clearing.	While it is close by, 74 River and Rocks Road is not located within Freycinet National Park.
The purpose of the national park is to preserve its natural state for flora, fauna and animals to inhabit. This couldn't occur if it is cleared.	As above.
The land also borders Moulting Lagoon Reserve.	Agreed.
River and Rocks road is a unique part of Coles Bay and home to locals for many years.	Agreed.
Rep 10	
Rep 10 appears to be a copy of a real estate advertisement.	It is unclear what representation 10 is addressing.
Reps 11 – 15	

Reps 11-15 raise similar issues, all of which are addressed in the planning report.	
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Conclusion

Assessment of the application identifies that the proposal does not satisfy all the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and should be refused.

Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application DA 2020/172 to clear the land at 74 River and Rocks Road, Coles Bay (CT 164464/2) be refused for the following reasons:

1. D26.4.2 P4(a) – the site is large enough to provide for a dwelling and associated clearing outside of the 100m buffer zone from the land zoned Environmental Management.
2. D26.4.2 P4(b) - wholesale clearance of the land would be likely to increase the potential for the spread of weeds or soil pathogens into the area zoned Environmental Management
3. D26.4.2 P4(c) – wholesale clearance of the land would increase the potential for contamination and / or sedimentation from water runoff into the area zoned Environmental Management
4. D26.4.2 P4(d) – the site does provide areas for development outside of the 100m buffer zone from the land zoned Environmental Management.
5. D26.4.3 P1(c)(i) – the site is not subject to constraints such as excessive slope or access difficulties that render it necessary to clear native vegetation in areas outside of the building area
6. D26.4.3 P1(c)(ii) – the extent of clearing proposed is significantly more than the minimum necessary to provide for buildings, associated works and bushfire management.
7. E10.7.1 P1(a) – works were not designed to minimise impact on low priority biodiversity values
8. E107.1 P1(b) – works were not designed to minimise impact on medium priority biodiversity values
9. E10.7.1 P1(c) – works were not designed to minimise impact on high priority biodiversity values
10. E11.7.1 P1(a) – adequate measures to avoid or mitigate impact on natural values in the waterway and coastal protection area were proposed
11. E11.7.1 P1(b) – adequate measures to mitigate and manage adverse erosion, sedimentation and runoff impacts in the waterway and coastal protection area were proposed
12. E11.7.1 P1(c) – adequate measures to avoid or mitigate impacts on riparian or littoral vegetation were proposed
13. E11.7.1 P1(h) – no measures to avoid potential landfilling of wetlands were proposed
14. E11.7.1 P1(i) – the proposal does not avoid unnecessary use of machinery within the waterways and coastal protection areas on the property.

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 3 of the Agenda.

RECOMMENDATION

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

5. Financial Reports

5.1 Financial Reports for the period ending 31 January 2021

Responsible Officer – General Manager

ATTACHMENT/S

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

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 January 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 31 January 2021

Profit and Loss

Glamorgan Spring Bay Council

For the 7 months ended 31 January 2021

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
Trading Income						
Rate Revenue	8,731,026	8,663,463	67,563	1%	8,663,463	1
Statutory Charges	398,733	270,430	128,303	47%	448,549	2
User Charges	431,284	396,500	34,784	9%	618,300	
Grants	654,387	487,892	166,495	34%	1,465,667	3
Interest & Investment Revenue	11,989	7,350	4,639	63%	17,850	
Contributions	67,369	18,000	49,369	274%	30,000	
Other Revenue	1,048,701	1,054,152	(5,451)	-1%	1,507,278	
Net Gain (Loss) on Disposal of Assets	25,620	0	25,620	0%	0	
Statutory Charges - Code of Conduct Complaint	162	0	162	0%	0	
Total Trading Income	11,369,270	10,897,787	471,483	4%	12,751,107	
Gross Profit	11,369,270	10,897,787	471,483	4%	12,751,107	
Capital Grants						
Grants Commonw ealth Capital - Other	2,000,543	2,900,000	(899,457)	-31%	4,644,337	4
Grants Commonw ealth Capital - Roads to Recovery	222,723	301,734	(79,011)	-26%	601,631	4
Grants State Capital - Other	146,000	600,000	(454,000)	-76%	600,000	4
Total Capital Grants	2,369,266	3,801,734	(1,432,468)	-38%	5,845,968	
Other Income						
Other Income - PPRWS Reimbursement of Principal Loan	0	0	0	0%	99,690	
Total Other Income	0	0	0	0%	99,690	
Operating Expenses						
Employee Costs	3,168,056	3,176,918	(8,862)	0%	5,487,953	
Materials & Services	4,504,746	4,189,988	314,758	8%	6,916,442	5
Depreciation	1,375,115	1,375,115	0	0%	2,357,337	
Interest	69,596	140,867	(71,271)	-51%	238,131	6
Other Expenses	112,509	118,921	(6,412)	-5%	227,429	
Internal Plant used on Capital Jobs	(56,373)	(72,919)	16,546	-23%	(125,000)	
Employee Oncosts	(22,194)	81,305	(103,499)	-127%	63,299	7
Total Operating Expenses	9,151,455	9,010,195	141,260	2%	15,165,591	
Net Profit	2,217,815	1,887,592	330,223	17%	(2,414,484)	
Total Comprehensive Result (incl Capital Income)	4,587,081	5,689,326	(1,102,245)	-19%	3,531,174	
Capital Works Program (Current Year WIP)						
Work in Progress Capital Works - Plant Internal	56,373	0	56,373	0%	0	
Work In Progress Payroll - Salaries and Wages	134,389	0	134,389	0%	0	
Work in Progress Capital Works - On Costs	66,991	0	66,991	0%	0	
Work in Progress Capital Works - Contractor Costs	1,223,762	0	1,223,762	0%	0	
Work in Progress Capital Works - Materials	576,095	0	576,095	0%	0	
Work in Progress Capital Works - Consultancy	145,737	0	145,737	0%	0	
Work in Progress Capital Works - Plant Hire External	41,755	0	41,755	0%	0	
Total Capital Works Program (Current Year WIP)	2,245,102	0	2,245,102	0%	0	

Notes

1. Rate revenue is up \$68k on budget YTD due to supplementary valuations.
2. Statutory charges are up \$128k (47%) on budget YTD due to higher than expected level of development applications.
3. Grant (operating) revenue is up \$166k on budget YTD, primarily due to the change in recognition of grants received in the prior financial year that remained unspent at year end, these are now included in revenue in the current year.
4. Capital Grants are \$1.4m below budget estimates for the YTD due to the timing of milestone achievements and related grant payments.
5. Materials & services are up \$315k on budget YTD this primarily relates to higher costs in Development Services and Medical Centres which are both largely offset by higher income.
6. Interest expense is down \$71k on budget YTD due to the reversals of accrued interest at the start of the year and the timing of loan repayments, it is expected to be in line with budget at year end.
7. Employee on costs are down \$103k on budget YTD due to the timing of workers compensation insurance now being quarterly rather than annually.

Statement of Financial Position

Glamorgan Spring Bay Council
As at 31 January 2021

	31 JAN 2021	30 JUN 2020
Assets		
Current Assets		
Cash & Cash Equivalents	1,609,225	1,683,196
Trade & Other Receivables	3,256,171	658,232
Inventories	22,402	23,755
Other Assets	91,155	81,600
Total Current Assets	4,978,953	2,446,782
Non-current Assets		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
Property, Infrastructure, Plant & Equipment	126,725,355	126,700,280
Total Non-current Assets	154,874,676	154,849,601
Total Assets	159,853,628	157,296,383
Liabilities		
Current Liabilities		
Trade & Other Payables	941,258	1,207,652
Trust Funds & Deposits	343,662	534,472
Provisions	614,714	614,714
Contract Liabilities	-	421,919
Interest bearing Loans & Borrowings	348,409	512,113
Total Current Liabilities	2,248,043	3,290,870
Non-current Liabilities		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	6,606,937	6,723,587
Total Non-current Liabilities	6,724,326	6,840,975
Total Liabilities	8,972,369	10,131,845
Net Assets	150,881,259	147,164,538
Equity		
Current Year Earnings	3,716,721	1,214,901
Retained Earnings	78,367,502	77,152,601
Equity - Asset Revaluation Reserve	68,381,239	68,381,239
Equity - Restricted Reserves	415,797	415,797
Total Equity	150,881,259	147,164,538

Statement of Cash Flows

Glamorgan Spring Bay Council
For the 7 months ended 31 January 2021

	JUL 2020-JAN 2021	2020
Operating Activities		
Receipts from customers	8,063,006	12,032,686
Payments to suppliers and employees	(8,337,785)	(12,601,575)
Receipts from operating grants	660,187	1,359,203
Cash receipts from other operating activities	678,843	870,199
Net Cash Flows from Operating Activities	1,064,250	1,660,514
Investing Activities		
Proceeds from sale of property, plant and equipment	28,437	774,845
Payment for property, plant and equipment	(2,642,842)	(7,636,926)
Receipts from capital grants	2,369,266	2,345,631
Other cash items from investing activities	-	8,561,427
Net Cash Flows from Investing Activities	(245,139)	4,044,977
Financing Activities		
Trust funds & deposits	(190,810)	365,036
Net Proceeds/(Repayment) of Loans	(280,353)	197,089
Other cash items from financing activities	(421,919)	(8,321,569)
Net Cash Flows from Financing Activities	(893,082)	(7,759,444)
Net Cash Flows	(73,971)	(2,053,953)
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	1,623,245	3,677,197
Cash and cash equivalents at end of period	1,549,274	1,623,245
Net change in cash for period	(73,971)	(2,053,953)

Budget Capital Works Detail

Glamorgan Spring Bay Council
as at 31 January 2021

New Capital	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress
Roads, Footpaths, Kerbs					
Swanwick Rd, Swanwick - Swanwick Dr to Hazards View Dr - Concrete Footpath approx. 400m. Southern side.	-	95,000	95,000		Procurement in Progress Drought Relief Grant
Wellington St, Swansea - Noyes St to Vistoria St - Concrete Footpath approx. 220m. Southern side.	302	60,000	60,000		Complete Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	43,112	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 Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	-	115,000	115,000		Procurement in Progress Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, incl Pullout Bay	2,829	403,000	403,000		Project manager & designer awarded Drought Relief Grant
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF	103,537	100,000	100,000		Complete Community Infrastructure Fund
Dolphin Sands Share Pathway	50,000	50,000	40,775	9,225	Complete \$12,775, RTR + EMF \$28k
Swansea Main Street Upgrade	258,899	374,608	374,608		95% Complete Fed Grant Fund (\$1.0m commenced 19/20)
	17,600	400,000	400,000		Project manager & designer awarded. Fed Grant Funding in 21/22
Total Roads, Footpaths, Kerbs	616,128	1,819,608	1,810,383	9,225	
Parks, Reserves, Walking Tracks, Cemeteries					
Coles Bay Trailer Parking - c/fwd project	150,505	155,462	155,462		Complete DPIPE Funds
Swansea Boat Trailer Parking	4,719	500,000	500,000		Detailed design underway & Crown land approvals in progress. DPIPE Funds
Bicheno Triangle	7,536	600,000	600,000		Project manager & designer awarded. Fed Grant Fund
Bicheno Gulch	4,566				Project manager & designer awarded. Fed Grant Fund
Coles Bay Foreshore	9,068	800,000	800,000		Project manager & designer awarded Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	-	25,000	25,000		Procurement in progress Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	12,288	25,000	25,000		30% complete Drought Relief Grant
Buckland Walk	-	60,000	-	60,000	Pending Council decision
Total Parks, Reserves, Walking Tracks, Cemeteries	188,681	2,165,462	2,105,462	60,000	
Plant & Equipment					
Small plant	-	31,000		31,000	Ordered
Skidsteer	41,500	41,000		41,000	Complete
New Vehicle GM	44,568	45,000		45,000	Complete
IT Computer Equipment	8,567	30,000		30,000	29%
Total Plant & Equipment	94,635	147,000	-	147,000	
Total New Capital	899,445	4,132,070	3,915,845	216,225	



Renewal of Assets	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Roads, Footpaths, Kerbs						
RTR - RSPG Rheban Rd Resheeting / realignment for bridge	-	100,000	50,000	50,000		RTR
Emergency Repairs - Old Coach Rd Resheet	88,197	210,000	157,500	52,500	80% Complete	75% funded by EMF
Emergency Repairs - McNiels Rd Resheet 3.1km	-	60,000	45,000	15,000		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	7,581	17,000	12,750	4,250		45% 75% funded by EMF
Emergency Repairs - Rosedale Rd Resheet 4.4km	88,844	80,000	60,000	20,000	Complete	75% funded by EMF
Emergency Repairs - Nugent Rd Resheet	18,070	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				Commenced	R2R project reallocation, from RTR Charles St Triabunna below.
R2R - Charles St Orford 150m Reconstruction, Reseal, Kerb, Channel & Footpath (Henry St to Elizabeth St)	180,968	150,000	150,000		Complete	
R2R - Charles St Triabunna (Vicary to Espl. W. Waterfront Drive), reconstruct, Reseal & Streetscape	-	326,631	326,631			May need additional funds in 21/22 RTR allocation
Total Roads, Footpaths, Kerbs	457,543	1,172,656	931,881	240,775		
Parks, Reserves, Walking Tracks, Cemeteries						
Bicheno Walk - Bridge replacement - carried forward from 2019/20	5,557	30,000	20,000	10,000	30% Complete	Community Infrastructure Fund
Total Parks, Reserves, Walking Tracks, Cemeteries	5,557	30,000	20,000	10,000		
Stormwater, Drainage						
Mount St Orford - Kerb & channel	10,135				Complete	
Nailer Ave & Gamble St Bicheno - New culvert	270				In progress	
Address stormwater infrastructure issues - projects to be determined and approved by Council	103,467	500,000		500,000		21%
Total Stormwater, Drainage	113,872	500,000	-	500,000		
Council Buildings						
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	544	7,000		7,000	Procurement in Progress	
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	-	7,000		7,000	Procurement in Progress	
RSL Cenotaph - new memorial and relocate plaques - c/fw project	1,182	35,000		35,000	New cenotaph ordered	
Buckland Community Hall - replacement of steps to the entrance	-	55,000	55,000		Plans & engineering design done	Drought Relief Grant
Buckland Community Hall - ramp access	-	45,000	45,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Coles Bay Tennis Courts - Resurface/Reconstruct+B19	-	65,000	65,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Replace Fencing, paving & awning Swansea Child Care Centre	-	25,000	25,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Bicheno Medical Centre - Refurb Treatment Room	-	25,000	25,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Swansea Courthouse Drainage Works	-	25,000	25,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Swansea Community Hall - Toilet Refurbishment	-	40,000	40,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Total Council Buildings	1,726	340,000	280,000	60,000		
Bridges, Culverts						
Orford Bridge Replacement	586,046	990,840	990,840		90% Complete, bridge works done. Road works commenced.	\$1.02m project started May 2019. Fully Federal Grant funded
Holkham Crt Culvert	3,500	56,087	56,087		Design commenced	Community Infrastructure Fund
RTR - BRP Rheban Rd Griffith River Bridge	17,069	300,000	300,000		Commenced preliminaries	RTR 25% EMF75%
Total Bridges, Culverts	606,615	1,346,927	1,346,927	-		



Plant & Equipment	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Wheel loader (replace backhoe)	121,996	122,000		122,000	Complete	
Replace Animal Control Vehicle	31,635	35,000		35,000	Complete	
Plant replacement - replace 3 utes/works vehicles	29,734	109,230		109,230	Ordered Nov, 1 of 3 Delivered	
Total Plant & Equipment	183,365	266,230	-	266,230		
Total Renewal Capital	1,368,678	3,655,813	2,578,808	1,077,005		
Total Capital Works	2,268,123	7,787,883	6,494,653	1,293,230		

6. Section 24 Committees

6.1 Minutes of the Section 24 Spring Bay Eldercare Special Committee Meeting – 27 January 2021

**MINUTES OF THE SPRING BAY ELDERCARE
COMMITTEE MEETING HELD AT THE COUNCIL
OFFICES, TRIABUNNA, ON WEDNESDAY,
27TH JANUARY, 2021 COMMENCING AT 9.00 AM.**

PRESENT

Cheryl Arnol (Chairperson), Cr. Keith Breheny, Kathleen Fergusson, and Tony Brown.

IN ATTENDANCE

Lona Turvey, Manager Community Development.

APOLOGIES

Mick Fama

CONFIRMATION OF MINUTES

1/21 *Moved K. Breheny, seconded T. Brown, that the minutes of the Spring Bay Eldercare Committee Meeting held on 13 May, 2019, be confirmed as a true record of proceedings.*

CARRIED

BUSINESS ARISING

5.1 Heat Pumps

L. Turvey advised that the heat pumps had been installed in all units.

GENERAL BUSINESS

6.1 Unit Occupation

L. Turvey advised that all units were currently occupied.

6.2 Rent Review

The committee discussed a rental increase

- 2/21** *Moved T. Brown, seconded K. Breheny, that there be no rental increase at the present time and that it be reviewed again at the end of June, 2021.*

CARRIED

FINANCIAL REPORT

Senior Finance Officer, Jenny Roy, attended the meeting at 9.35 am.

Financial reports for 1st July, 2019 – 30th June, 2020 and 1st July, 2020 – 31st December, 2020 were presented (copies attached).

J. Roy advised that there is \$164,967 in the reserve account.

- 3/21** *Moved K. Fergusson, seconded T. Brown,*
- 1. That it be noted that there is a balance of \$164,967 in the Reserve Account;*
 - 2. That the committee requests confirmation from Council that the Reserve Account is cash-backed*
 - 3. That it be recommended to Council that the net profit for the year 1/7/2019 – 30/6/20 of \$10,759.46 be transferred to the Reserve Account.*

CARRIED

ANY OTHER BUSINESS

Resignation – John Castle

A letter of resignation dated 21st January, 2021 was received from Mr John Castle advising that he was no longer able to be a member of the Spring Bay Eldercare Committee and that he had enjoyed being part of the committee since the establishment of the units.

Resolved that the committee accepts, with much regret, the resignation of long-term member Mr. John Castle and that a letter signed by the Chair and also a letter from the General

Manager be written to Mr. Castle thanking him for his dedicated service over many years.

The committee notes that a recommendation will be presented to Council at the March meeting for a new community member to replace Mr. Castle.

NEXT MEETING

Resolved that the next meeting of the committee be held on 1st March, 2021 at 9.00 am. (Cr. Breheny to do a telephone hook-up.)

There being no further business, the meeting closed at 10.15 am.

Confirmed
Chairperson

Eldercare Triabunna

1st July 2019-30th June 2020

REVENUE

Interest - Interest Received	\$2,569.28
Other Revenue - Rentals Received	\$23,307.31

TOTAL REVENUE	\$25,876.59
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OPERATING EXPENSES

Bank Charges	\$42.57
Cleaning Costs	\$140.00
Contractor Services	\$2,285.00
Electricity Costs	\$0.00
General Advertising	\$45.00
Maintenance Buildings and Property	\$0.00
Purchases Materials	\$0.00
Reimbursements and Refunds	\$400.00

TOTAL OPERATING EXPENDITURE	\$2,912.57
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CAPITAL EXPENDITURE

Depreciation Expenses	\$12,204.56
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TOTAL CAPITAL	\$12,204.56
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NET PROFIT	\$10,759.46
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Notes:

Bank Charges - Centrepay fees

Cleaning Costs-Carpet cleaning Unit 4 and water extraction after flooding in Unit 6

Contractor Expenses - Painting

Reimbursements - refund to resident due to excessive power consumption caused by leaking hot water system



Eldercare Triabunna

1st July 2020 - 30th December 2020

REVENUE

Interest - Interest Received	\$514.86
Other Revenue - Rentals Received	\$19,056.92

TOTAL REVENUE **\$19,571.78**

OPERATING EXPENSES

Bank Charges	\$12.87
Cleaning Costs	\$0.00
Contractor Services	\$1,207.00
Maintenance Buildings and Property	\$761.50

TOTAL OPERATING EXPENDITURE **\$1,981.37**

CAPITAL EXPENDITURE

Depreciation Expenses	\$6,102.28
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TOTAL CAPITAL **\$6,102.28**

NET PROFIT **\$11,488.13**

Notes:

<u>Contractor Services:</u>	
Electrical	\$187.00
Excavation for Plumbing	\$1,020.00

<u>Maintenance:</u>	
TasFire	\$585.50
Gary L	\$176.00

RECOMMENDATION

That the Minutes of the Spring Bay Eldercare Special Committee meeting held on the 27 January 2021 be received and noted.

7. Officers' Reports Requiring a Decision

7.1 Proposed name for new subdivision road at 39 Rheban Road, Orford

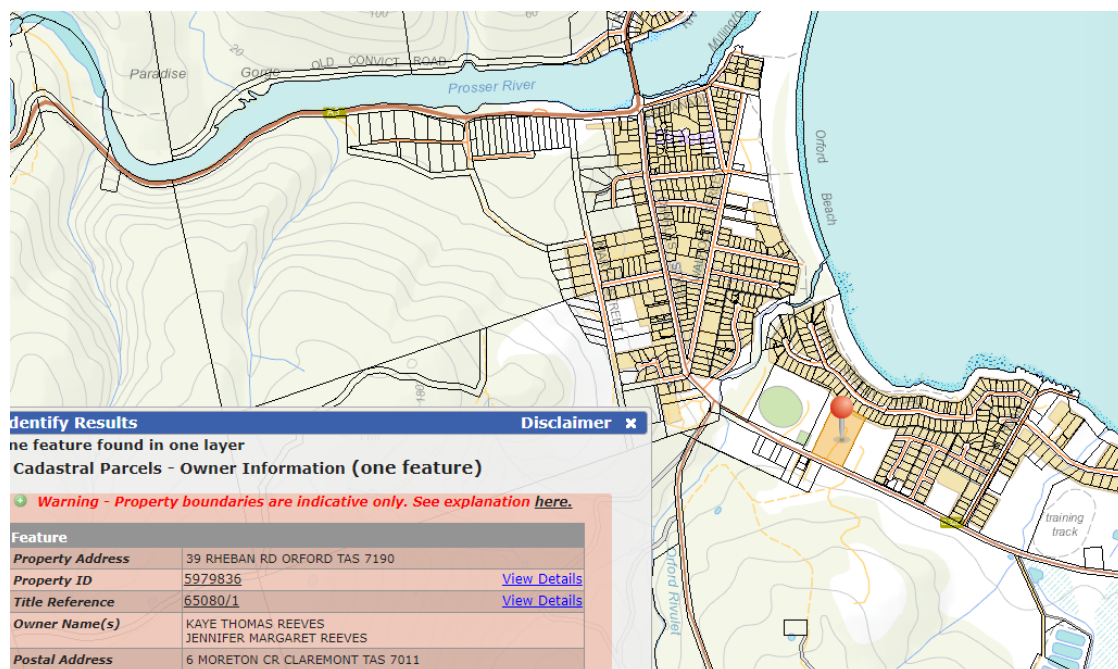
Responsible Officer – Robyn Bevilacqua (Planner)

ATTACHMENT/S

What the introduction of the *Place Names Act 2020* means for Council

BACKGROUND

In November 2019, the Planning Authority approved a 20-lot-plus-road subdivision at 39 Rheban Road, Orford, next to the Orford Bowls and Cricket Club. Planning Permit SA 2019/19. The subject lot is pinned in the image below.



The subdivision will contain a new road, shown in green in the Plan of Survey, below. The road provides for future connection to the lots either side.



The engineering plans for the subdivision have been approved, and construction is expected to start soon. The property owners have proposed a name for the new road.

LEGISLATION: PLACE NAMES ACT 2020

The [Place Names Act 2020](#) (the Act) came into effect in July 2020. Under the Act, Local Government is the responsible authority for council-maintained roads, state-maintained roads and highways, private roads, and public thoroughfares in the municipality⁴. Road name proposals must be endorsed by elected council members.

Attachment A to this paper is a two-page information sheet published by the State Government entitled '[What the introduction of the Place Names Act 2020 means for Council](#)'.

While the previous place naming guidelines provided a list of sources for new names, the new Guidelines do not. Instead, they note that:

Road and street names are needed to uniquely and clearly identify roads and streets, and must be clear and unambiguous. A road or street name should be easily pronounced and spelt, easily understood when written or spoken in conversation, and the length of a road name should be shorter rather than longer. The name element (specific of a road or street, regardless of any difference in road type (generic) must not be duplicated or similar in spelling or sound to an existing road or street name within the same region (North-West, North and South).

As per the previous legislation, consultation must be undertaken for proposed place names.

INTEGRITY WAY

The Reeves family has proposed the name 'Integrity Way' for the new road, in honour of Kaye Thomas Reeves who owned the land, and who passed away a little over a year ago.

Kaye's family have proposed the name 'Integrity Way' because:

- Kaye Reeves was a man of great integrity.

⁴ Tasmanian Place Naming Guidelines p.37

- Integrity is what he stood for.
- The family desires the subdivision to be established with Integrity.
- 'Way' indicates a way of life.

CONSIDERATION

In line with the requirements of the Act and the associated guidelines, the name 'Integrity' is clear and unambiguous. It is short, easily pronounced and spelled, and easily understood when written or spoken.

Under the Act, a name cannot be used elsewhere in the same region (north, south or north-west). The Placenames Tasmania database contains two other entries for the specific name 'Integrity'. Neither are in the southern region, which leaves it available to be used in Orford.

The Guidelines provide descriptions of the many generics that may be used (e.g. 'road', 'street', 'court' or 'lane'). The generic 'Way' is described as a 'roadway affording passage from one place to another - usually not as straight as an avenue or street'. The generic is correctly applied in this case. The new road provides the ability for connection (either pedestrian or vehicular) to the lots on either side.

CONSULTATION

A new subdivision road name endorsed by the elected members who represent the community is considered sufficient consultation for subdivision road naming⁵.

NEXT STEPS

If the name is approved by the road authority, it will be submitted to the Registrar of Place Names via [Placenames Tasmania](#).

As long as the name adheres to the Guidelines, it will be accepted by the Registrar of Place Names and approved from that point. Under the new Act there is no requirement for gazettal.

OFFICER'S RECOMMENDATION

That the road authority approves the name 'Integrity Way' for the new subdivision road at 39 Rheban Road Orford.

⁵ Advice from the Registrar of Place Names 14.12.2020

7.2 Buckland Walking Trail

Responsible Officer – Peter Porch (Director Works and Infrastructure)

ATTACHMENT/S

December 2020 Report to Council

PURPOSE

To present recommendations to Council in respect to Buckland Walking Trail for a decision of council.

BACKGROUND/OVERVIEW

Background to this report is contained in the attachment.

STRATEGIC PLAN

Key Foundation/s

1. Sound governance and financial management.

What we plan to do

- Planned asset renewal expenditure based on agreed asset management plans

STATUTORY IMPLICATIONS

- *Land Use Planning and Approvals Act 1993*
- *Local Government act 1993*
- *GSBC Interim Planning Scheme*

BUDGET IMPLICATIONS

Council allowed a budget of \$60,000 in its 2020-21 capital program with \$10,000 grant funded. New maintenance expenses are added to operational allocations through the creation of new infrastructure.

Option 1:

Estimated construction cost to finish **Stage 1** of the Buckland Walking Trail is \$45,000 including other non-construction contingencies however a number of identified risk issues are not addressed in this cost. The ongoing maintenance cost would be not less than \$2,000 a year for re-gravelling, managing wash outs and weed control of portions. The LOS standard of ongoing maintenance would be similar to other bush tracks such as those found in National Parks.

It is difficult to quantify exact annual maintenance costs of the track because weather impacts would affect the condition of the track. The costs would increase Council's existing and ongoing general maintenance budget.

No allowance has been considered to fence the existing buttress from an earlier bridge across the river. This will be necessary to manage risks as people are invited by the trail to this location and may cost an additional \$10,000 nominally, to tidy up the buttress, make fencing attractive and adequate.

Option 2:

Based on the Lange Report an estimate of \$50,000 to rehabilitate the site plus return of grant funds of \$10,000 (if required). Making a total of \$60,000. A review of the consultants estimate suggests there may be savings in the estimate, particularly with collaboration from the community on tasks involved. There would be an ongoing minor cost to control weeds.

It should also be noted that there is a possibility of ground slumping occurring after rehabilitation of the site is completed, particularly with rain events.

RISK CONSIDERATIONS

The following risks associated with the existing constructed trail were identified in previous Officer's report to Council:

- Lack of community consultation.
- Insufficient planning permits have been sought.
- Lack of engineering design.
- Lack of consultation and approval from Council.
- The current cutting into the bank is a safety risk.
- The site is at risk of erosion.
- The site is at risk of flooding and requiring ongoing maintenance. The extent and frequency of flooding warrants further investigation.
- There is concern over private property encroaching on the planned walkway or that the walkway crosses private land, further survey and rectification may be required.
- Insufficient budget to complete the works to an appropriate standard.
- Appropriate drainage and stormwater management needs to be factored into any design.

Additionally, the trail links an old bridge Buttress which forms a hazard to the public being drawn to the location. To manage risks to the public enhanced by the paths linkage, the bridge buttress should have sufficient barriers installed and these present an additional cost.

A number of these risks have since been addressed, with further project requirements or constraints to be considered to eliminate or reduce the risk to Council, should Council determine to proceed with the finalisation of **Stage 1** of the Buckland Walking Trail.



Photo: Buttress requiring fencing



Photo's: Erosion controls required to manage storm water

OFFICER'S COMMENTS

Further to the attached report and in accord with resolution 381/20: "*Item 7.4 Buckland Walking Trail be deferred to the February 2021 Ordinary Meeting of Council for the purpose of gaining more information and reconsidering the matter*", Officers have inspected the site and reviewed the concept design and community sentiment.

A meeting was held with opponents of the walk on site in November. Various phone discussions with both sides have followed with the General Manager.

A review of the project suggests that there was limited planning and ineffective community consultation undertaken before the project commenced.

The proposed trail has some support and merit but introduces maintenance costs and additional hazards to manage. Already, the effectively complete sections of compacted base show significant washing out bringing into question the practicality of the proposed surface and limitations of drainage included in the concept. In addition and most importantly, the walk will attract very little use, much like the dog off leash area in the same township.

The trail leads to the remnants of a former bridge with high buttresses that require some barricading. The cost of barricading has not been considered and as an additional capital cost may be in the order of \$10,000. The cost of maintaining the trail is expected to come from existing maintenance budgets where pressures already exist to service all community requirements.

There is merit in site rehabilitation.

A summary view of maintenance budgets suggests that there has not been a comprehensive accounting for all maintenance activities required to maintain council's existing infrastructure, particularly storm water, given the lack of information in the past about what assets council owns.

The recent funding from grants resulting in additional new infrastructure also places pressure on existing maintenance budgets as new infrastructure impacts depreciation and renewal expenditure.

The long term costs will be less if rehabilitated but more importantly it's about usage and value to the community.

The estimated rehabilitation cost provided by the consultant may be reduced, especially with community collaboration.

OFFICER'S RECOMMENDATION

That Council:

- a) Reinstates Stage 1 of the Buckland Walking Trail to an acceptable form from existing project funds.
- b) That any future walking trails at Buckland or elsewhere in the Glamorgan Spring Bay municipality are considered in the context of a precinct plan or overall municipal strategic plan.

7.3 Swansea Boat Trailer Parking

Responsible Officer – Peter Porch (Director Works and Infrastructure)

ATTACHMENT/S

N/A

PURPOSE

To present Information to Council in respect to Council's Swansea Boat Ramp Car Park development prior to construction.

BACKGROUND/OVERVIEW

Within council's current capital works program is a \$500,000 grant funded allocation for the construction of additional parking at the Swansea Boat Ramp. A Deed has been prepared and is ready to sign for the funding. Requirements include works completion by the end of May 2021.

Design has been carried out and construction has undergone pre-planning with site works ready to commence.

While there are ongoing issues with the tidal movement of sand at the boat ramp there is significant use of the facility with numbers of trailers parking at the oval reported to occur with great frequency. Ongoing issues relating to sand deposit and wave action acknowledged, there is still a demand to be met for boat trailer parking.

STRATEGIC PLAN

Key Foundation/s

4. Infrastructure and Services

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

What we plan to do

- Maintain public amenities and recreational facilities.

STATUTORY IMPLICATIONS

- *Land Use Planning and Approvals Act 1993*
- *Local Government act 1993*

BUDGET IMPLICATIONS

Council allowed a budget of \$500,000 in its 2020-21 capital program fully funded from a grant through DPIPWE. Updated estimates on the design indicate a likely construction cost of \$400,000 indicating the project can be delivered within grant allocation.

RISK CONSIDERATIONS

The following risks associated with the project:

There is a risk that community consultation over the project may have been insufficient from adoption in the budget to construction commencing. There will be people who are for and against the project and some level of community dissent is anticipated if the project progresses or if it does not.

There is a risk of loss of future grant funds from the Department if the project is not progressed.

There are risks to the users of the boat ramp where local conditions are not known or understood.

OFFICER'S COMMENTS

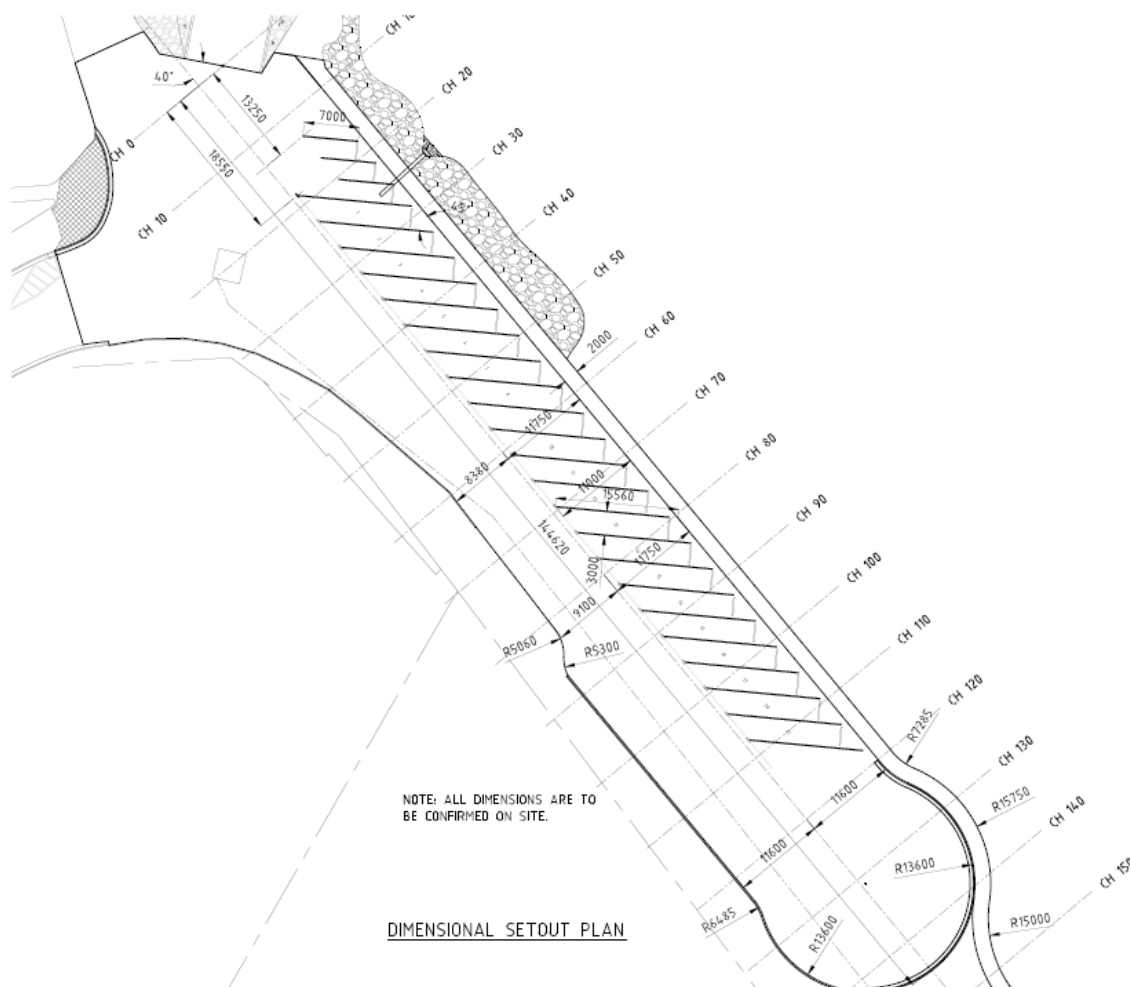
The project will increase the parking on the direct foreshore to double the current capacity. The footpath is formalized along the beach front to join in to existing on either end and a low retaining wall is required at the grass embankment on the southern end of the parking area where it will cut a little into the bank.

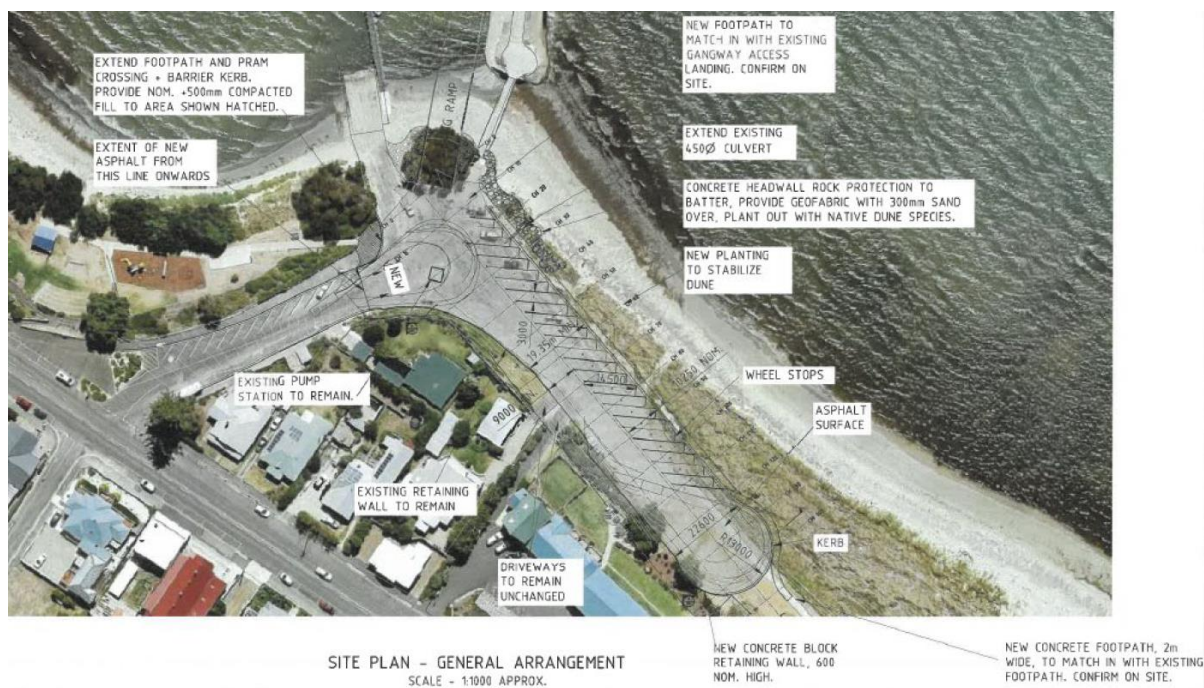
Additional works required are sealing and line marking an area between the football oval and golf club to provide overflow trailer parking capacity. Crown consent has been received as has a deed with Parks for the land use.

This work is exempt under cl. 5.4.1(b) and (c) of the planning scheme.

In accordance with the grant deed and approved budget, officers propose to commence construction before the end of February to meet the deed time frame.

The image below shows the proposed car park lay out while the super imposed photo image shows the design footprint against existing surfaces.





While not included in the project brief for design, the addition of signage within the project budget to warn boat ramp users of the limitations of the facility may eliminate potential incidents and reduce complaints. Officers propose to develop signage for this purpose as a component of the works.

OFFICER'S RECOMMENDATION

That Council note the report advising works will commence before the end of February.

7.4 Asset Management Plan – Coastal Infrastructure

Responsible Officer - Vince Butler (Project Engineer - Asset Management)

ATTACHMENT

Asset Management Plan – Coastal Infrastructure

BACKGROUND / OVERVIEW

The *Asset Management Plan – Coastal Infrastructure* 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 February 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 Asset Management Plan to allow informed decisions to be made regarding the sustainable provision of coastal infrastructure 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 5 and 1.6.2 on Page 7.

RISK CONSIDERATIONS

Not adopting the plan will contribute to a non-compliance with the Performance Improvement Direction issued by the state government. Refer also to *Table 6.2 Risk and Treatment Plans* on Page 37 for risks associated with the plan.

OFFICER'S RECOMMENDATION

That Council adopt the *Asset Management Plan – Coastal Infrastructure* 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.

7.5 Public Open Space Contribution Policy

Responsible Officer – Alex Woodward (Director Planning & Development)

ATTACHMENT/S

Public Open Space Contribution Policy

BACKGROUND / OVERVIEW

The purpose of this report is to recommend that Council adopts a Public Open Space Contributions Policy. This Policy will provide a strategic approach on Council's decisions regarding the provision of public open space in new subdivisions, and to clarify the process of determining when a cash in lieu contribution will be sought from subdivision developments. It will also provide direction on how funds obtained through cash in lieu contributions will be managed and utilised.

The *Local Government (Building and Miscellaneous Provisions) Act 1993* enables Council to acquire public open space as a part of any subdivision proposal, to require cash in lieu of open space, or to refuse a subdivision application because it should include or omit public open space. The percentage required for the contribution is five percent of the unimproved value of the land.

The Public Open Space Contribution Policy provides a clear rationale for decisions, based on objectives regarding the provision of well-designed and located open space in new subdivisions, as well as a consistent approach to requiring cash in lieu of open space. The Policy also provides guidance on how funds received from cash in lieu contributions will be accounted for and expended on open space.

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

Local Government (Building and Miscellaneous Provisions) Act 1993

Local Government Act 1993

Land Use Planning and Approvals Act 1993

Tasmanian Open Space Policy and Planning Framework

BUDGET IMPLICATIONS

The policy does not impact on the quantum of revenue or expenditure but provides parameters around how proceeds are to be managed and expended spent.

RISK CONSIDERATION/S

By not having a Public Open Space Contribution Policy in place, governance control is reduced which also leads to confusion and ambiguity

OFFICER'S RECOMMENDATION

That Council adopt the Public Open Space Contribution Policy as attached to this report effective 23 February 2021.

8. Notices of Motion

Nil.

9. Petitions

Nil.

10. Questions without Notice from Councillors

Questions without Notice by Councillors taken on notice – 19 January 2021

Clr Cheryl Arnol

Through the Chair, Cllr Cheryl Arnol asked the following question which was taken on notice by the General Manager:

My question is in relation to the Performance Improvement Direction.

The Performance Improvement Direction (PID) was issued under part 12B section 214M of the Local Government Act following a Council in confidence letter from the Minister advising of his intention to issue it.

We have been reporting on the timelines for the Performance Improvement Direction and outcomes that have now created some interest in the community as to what the Performance Improvement Direction actually consist of.

My question is:

- Q1. *Is there any reason why the Performance Improvement Direction should not be publicly released?*

Response from General Manager, Mr Greg Ingham

The Performance Improvement Direction is publicly advertised and is now available on Council's website.

11. Close

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

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young

The Mayor to confirm that the recording has been terminated.