



GLAMORGAN SPRING BAY
COUNCIL

Minutes

For the Ordinary
Meeting of Council
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 welcomed Councillors and staff and declared the meeting open at 2:09pm.

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

Present

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

Apologies

Nil.

1.3 In Attendance

General Manager, Mr Greg Ingham
Executive Officer, Ms Jazmine Murray
Senior Planning Consultant, Mr Mick Purves
Planner, Mr Peter Coney
Director Works & Infrastructure, Peter Porch
Director Planning & Development, Mr Alex Woodward

1.4 Late Reports

DECISION 09/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Keith Breheny that Council accepts late report item Appointment of Emergency Management Coordinator as late agenda item 7.6

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

DECISION 10/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Grant Robinson that Council accepts late report item Code of Conduct Panel Determination Report as late agenda item 7.7

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

DECISION 11/21

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council accepts late report item Replacement of Fleet Vehicle as late agenda item 7.8

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

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.

Please note that Cllr Cheryl Arnol declared an interest in item 4.4

Please note that Cllr Rob Churchill declared an interest in item 4.3

Please note that Deputy Mayor Jenny Woods declared an interest in item 4.2

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.

DECISION 12/21

Moved Cllr Keith Breheny, seconded Cllr Cheryl Arnol 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.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

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

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.

DECISION 13/21

Moved Clr Grant Robinson, seconded Clr Rob Churchill that Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: 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

Against: Nil

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.

Mrs Debbie Skeggs

My public question time question is in regards to the letter Doctor Naidoo has sent to his patients.

Q1. *Why did the council fail in progressing with the statement shown below?*

"I had hoped to continue caring for you under a reformed structure but despite my efforts, that opportunity has not eventuated."

Response from General Manager, Mr Greg Ingham

Discussions have been had over several years between Glamorgan Spring Bay Council and Doctor Naidoo in regards to 'a reformed structure'. Unfortunately an agreement(s) has not been reached.

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:).

DECISION 14/21

Moved Cllr Michael Symons, seconded Cllr Cheryl Arnol that Council now acts as a Planning Authority at 2:17pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

The Mayor advised that item 4.4 was withdrawn on request of the applicant.

Please note that Cllr Cheryl Arnol's conflict of interest no longer applies due to item 4.4 being withdrawn.

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.

DECISION 15/21

Moved Cllr Annie Browning, seconded Cllr Rob Churchill 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 42 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 CT1023761/1) be approved subject to the conditions 1 to 64 and advice a to m.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

Deputy Mayor Jenny Woods having declared an interest in the following item left the meeting at 2:36pm

Senior Planning Consultant, Mr Mick Purves left the meeting at 2:37pm

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.

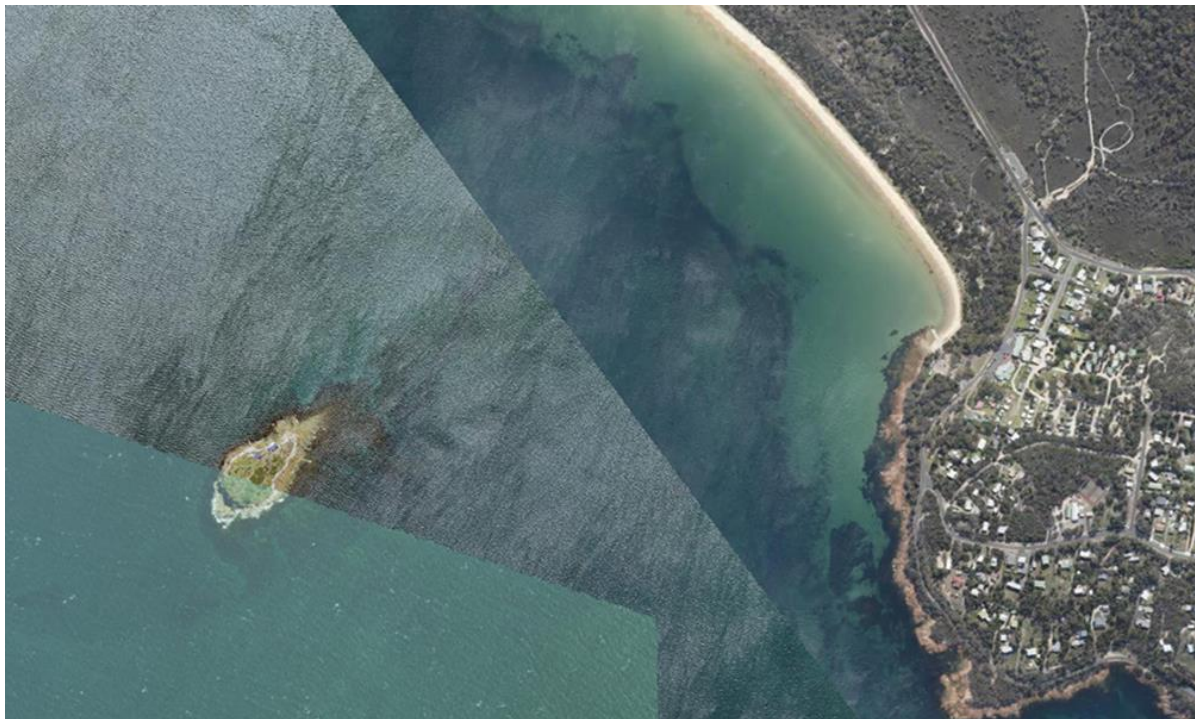


Image 1. Location of Picnic Island in vicinity to Coles Bay (LISTmap).

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.
- f) The applicant to provide an activity report on events undertaken in each six (6) month period commencing from the date of the first event conducted at the Chapel.

The report is to be directed to the General Manager and is to include dates, times and guest numbers for each event under conditions of use 2a), 2b) and 2c).

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%.

DECISION 16/21

Moved Cllr Rob Churchill, seconded Cllr Annie Browning 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 conditions 1 to 6:

THE MOTION WAS PUT AND CARRIED 5/2

For: Mayor Robert Young, Cllr Cheryl Arnol, Cllr Annie Browning, Cllr Rob Churchill, Cllr Michael Symons

Against: Cllr Grant Robinson, Cllr Keith Breheny

Planner, Mr Peter Coney entered the meeting at 2:40pm

Cllr Rob Churchill having declared an interest in the following item left the meeting at 2:54pm

Deputy Mayor Jenny Woods returned to the meeting at 2:55pm

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.

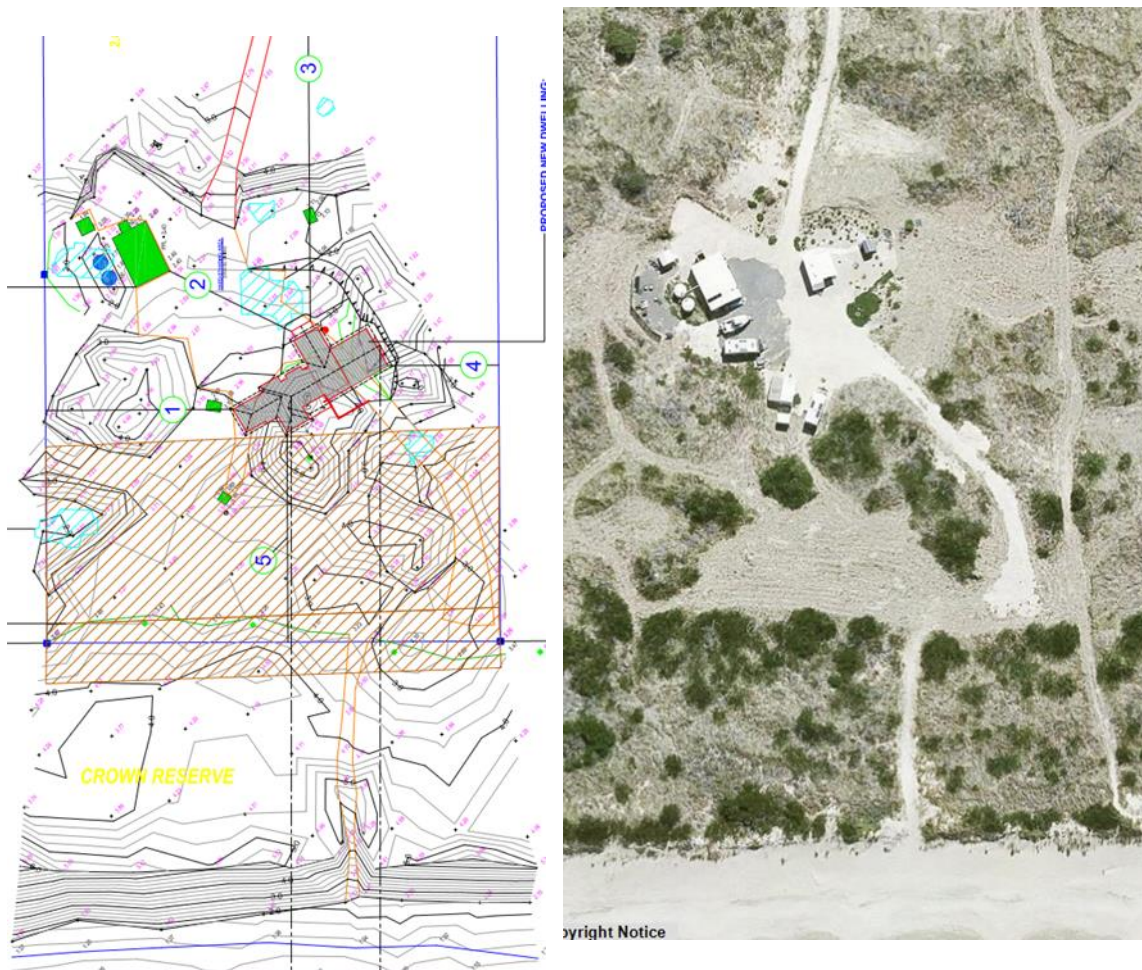
The Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria, and to consider the issues raised in the representations.

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.

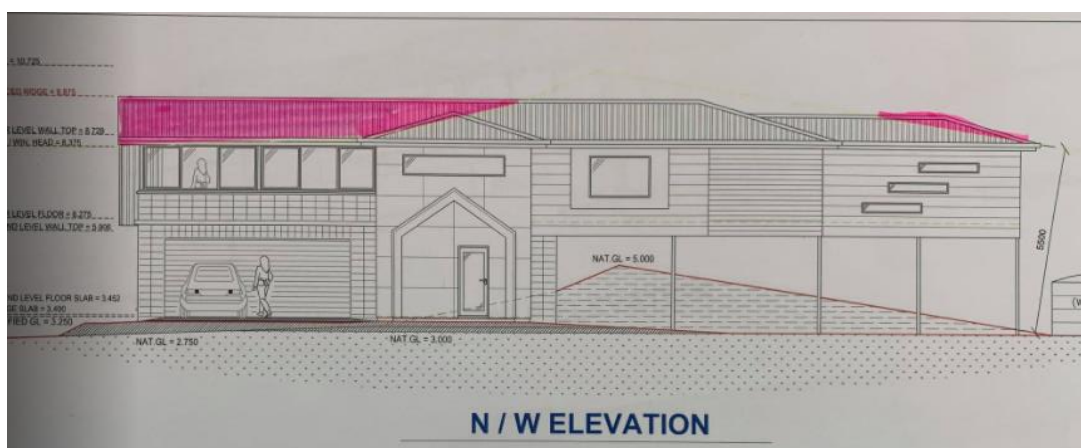


Image 4. Identifying the greatest extent of the protrusion from the building envelope.

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.

DECISION 17/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Michael Symons 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 conditions 1 to 8.

THE MOTION WAS PUT AND CARRIED 5/2

For: Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Annie Browning,
Cllr Grant Robinson, Cllr Michael Symons

Against: Mayor Robert Young, Cllr Keith Breheny

Planner, Mr Peter Coney left the meeting at 3:10pm

Cllr Rob Churchill returned to the meeting at 3:11pm

4.4 Development Application 2020 / 172

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

This item was withdrawn on request of the applicant.

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:).

DECISION 18/21

Moved Cllr Michael Symons, seconded Cllr Annie Browning that Council no longer acts as a Planning Authority at 3:10pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

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

DECISION 19/21

Moved Cllr Grant Robinson, seconded Cllr Cheryl Arnol that Council receives and notes the Financial Reports as attached to this report for the period ended 31 January 2021.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

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	-	115,000	115,000		Procurement in Progress Drought Relief Grant
Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	2,829	403,000	403,000		Project manager & designer awarded Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, incl Pullout Bay	103,537	100,000	100,000		Complete Community Infrastructure Fund
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF	50,000	50,000	40,775	9,225	Complete \$12,775,RTR + EMF \$28k
Dolphin Sands Share Pathway	258,899	374,608	374,608		95% Complete Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	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 DPIPWE Funds
Swansea Boat Trailer Parking	4,719	500,000	500,000		Detailed design underway & Crown land approvals in progress. DPIPWE 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.

DECISION 20/21

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that the Minutes of the Spring Bay Eldercare Special Committee meeting held on the 27 January 2021 be received and noted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

Director of Works and Infrastructure, Mr Peter Porch entered the meeting at 3:14pm

7. Officers' Reports Requiring a Decision

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

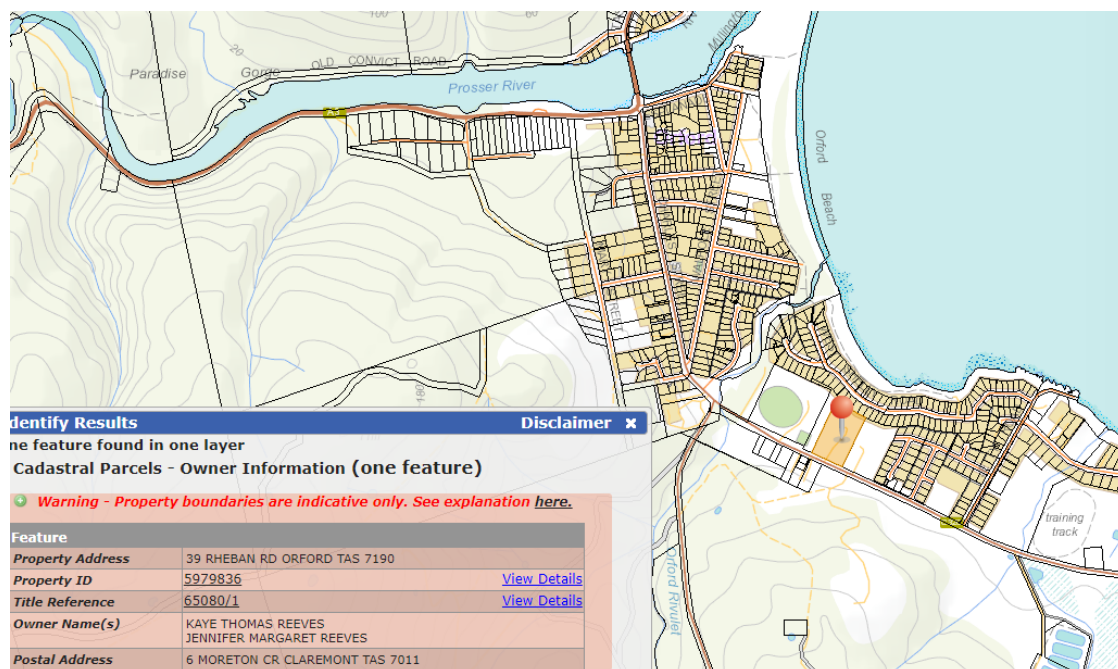
Responsible Officer – Robyn Bevilacqua (Planner)

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 municipality³. 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.

³ 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 naming⁴.

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.

DECISION 21/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Cheryl Arnol that the road authority approves the name 'Integrity Way' for the new subdivision road at 39 Rheban Road Orford.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

⁴ 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 Buttreass 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: Buttreass 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.

DECISION 22/21

Moved Cllr Grant Robinson, seconded Cllr Rob Churchill:

- a) That the works that have been undertaken for Stage 1 of the Buckland Walking Trail be abandoned and the related land vegetation and flora be reinstated as near as practicable to its original condition.
- b) That a future walking trail at Buckland be considered in the context of a local precinct plan or an overall municipal strategic plan.

THE MOTION WAS PUT AND CARRIED 7/1

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson

Against: Nil

Abstention: Cllr Michael Symons

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

OFFICER'S COMMENTS

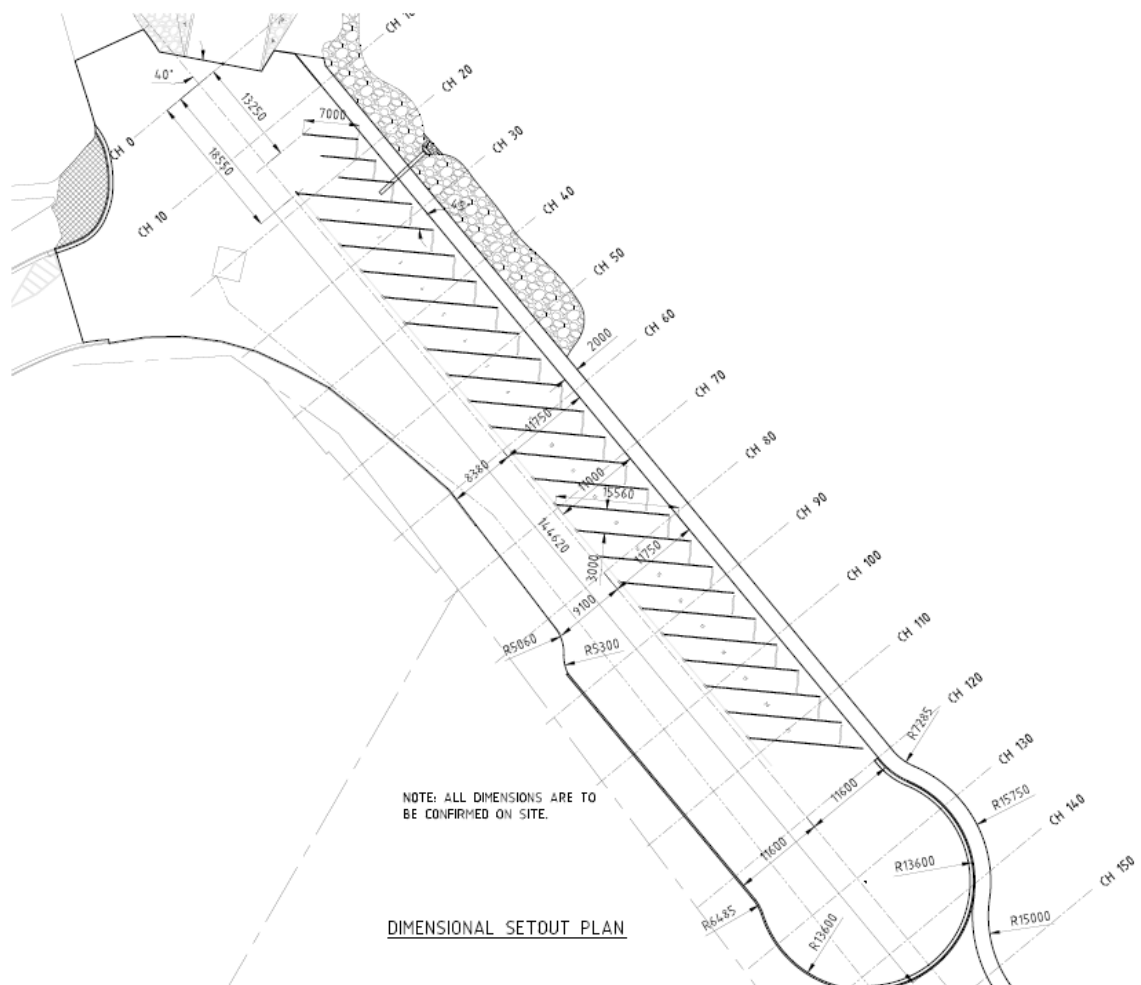
The project will increase the parking on the direct foreshore to double the current capacity. The footpath is formalized along the beach front to join in to existing on either end and a low retaining wall is required at the grass embankment on the southern end of the parking area where it will cut a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

DECISION 23/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Michael Symons that Council note the report advising works will commence before the end of February.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

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.

DECISION 24/21

Moved Cllr Cheryl Arnol, seconded Cllr Grant Robinson 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.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

Director of Works and Infrastructure, Mr Peter Porch left the meeting at 3:37pm

Director Planning and Development, Mr Alex Woodward entered the meeting at 3:38pm

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.

DECISION 25/21

Moved Cllr Michael Symons, seconded Cllr Keith Breheny that Council adopt the Public Open Space Contribution Policy as attached to this report effective 23 February 2021.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

Director Planning and Development, Mr Alex Woodward left the meeting at 3:40pm

7.6 Late Report Item - Appointment of Emergency Management Coordinator

Responsible Officer – General Manager

This Late Agenda Report Item is submitted in accordance with r.8(6) of the Local Government (Meeting Procedures) 2015.

ATTACHMENT/S

Nil

BACKGROUND / OVERVIEW

The Emergency Management Act 2006 (the Act) came into effect on 20 October 2006. The Act, under section 23(1), requires the Minister for Police and Emergency Management to appoint a Municipal Emergency Management Coordinator (Municipal Coordinator) and a Deputy Municipal Emergency Management Coordinator (Deputy Municipal Coordinator) for each municipal area. As per section 23(9) of the Act - the State Emergency Management Controller will provide the nomination, together with his or her recommendations, to the Minister.

The Minister for Police, Fire and Emergency Management is to appoint as Municipal Emergency Management Coordinator, for a municipal area a person nominated by the council in that municipal area.

Under section 23(8) of the Act, a Council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.

Under section 24(2) of the Act, a Municipal Coordinator has the following powers:

- (a) to utilise the resources of the municipal volunteer SES units in support of statutory services for emergency purposes within the municipal area;
- (b) to advise the Council and Councillors in the municipal area in respect of the facilities required for effective operation of the municipal volunteer SES units;
- (c) determined by the Regional Controller by notice provided to the Municipal Coordinator;
- (d) prescribed powers;
- (e) to do all other things necessary or convenient to perform his or her functions.

The Municipal Coordinator is also responsible for the following:-

1. Coordinate Municipal Council's response to emergency events in the municipal or combined area, in accordance with relevant plans including:
 - a) arranging access to Municipal Council resources
 - b) advising a Municipal Council, the Regional Emergency Management Controller and/or State Emergency Service Regional Planning Officer regarding:
 - i) Municipal Council's capacity for response and recovery
 - ii) the need or otherwise to sanction/withdraw emergency powers.
2. Act as the Executive Officer for the Municipal Emergency Management Committee.
3. Facilitate emergency risk management programs including the development, implementation and monitoring of appropriate risk treatment programs.
4. Advise the Municipal Committee on recommended approaches for comprehensive emergency management (PPRR), including membership of the committee, meeting

Municipal Council training needs and facilitating the delivery of community awareness programs.

5. Develop, review and arrange the validation of relevant emergency management plans and/or arrangements for the municipal area/s in accordance with legislative requirements and the arrangements outlined in the relevant regional plan.
6. Liaise between Municipal Council, State Emergency Service regional staff and the State Emergency Service Unit Manager of the relevant State Emergency Service Unit/s about developing and maintaining resource agreements, and the delivery of a Municipal Council's responsibilities.
7. Represent Municipal Council/the Municipal Committee at the Regional Committee, and as required at State forums, working cooperatively with the regional emergency management authorities; for example, Regional Community Recovery Coordinator, State Emergency Service Regional Planning Officer, Regional Emergency Management Controller.
8. Support other Council Emergency Management Officers, including the Deputy Coordinator and Municipal Community Recovery Coordinator/s.

With the impending departure of Ms Beverly Allen who held the position of Municipal Emergency Management Coordinator, a vacancy has been left for this position. Also with the retirement of Mrs Lona Turvey, who held the Deputy Municipal Emergency Management Coordinator role, a vacancy has been left for this position.

Peter Porch, Council's Director of Works and Infrastructure is recommended for the Municipal Emergency Management Coordinator position. Mr Porch has held similar roles at Burnie City Council and Northern Areas Council. Peter has chaired various Emergency Management Committees and has relevant training competencies.

Darren Smith, Council's Works Manager is recommended for the Deputy Municipal Emergency Coordinator position. Mr Smith has significant Emergency Management experience in the private sector.

The Emergency Management Committee convened in September 2020 after a long period of inactivity. The Committee which is chaired by the Mayor will meet twice yearly in September and March.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

1. Our Governance and Finance

What we plan to do

- Accountable and good governance
- Strong stewardship and leadership
- Ensure policies, procedures and practices are effective

STATUTORY IMPLICATIONS

Emergency Management Act 2006
Local Government Act 1993

BUDGET IMPLICATIONS

No budget implications are identified in these appointments.

RISK CONSIDERATION/S

If a council fails to nominate a Municipal Coordinator, the Minister may appoint a person he or she considers suitable to be the Municipal Emergency Management Coordinator for the municipal area governed by that Council.

Should an emergency take place in the Municipality there would be no one in a position to coordinate Council's overall response to the event and liaise and work with emergency service organisations.

OFFICER'S RECOMMENDATION

That Council

1. Nominate Mr Peter Porch as the Municipal Emergency Management Coordinator, with his name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the Emergency Management Act 2006.
2. Nominate Mr Darren Smith as the Deputy Municipal Emergency Management Coordinator, with his name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the Emergency Management Act 2006.
3. Recommends the appointments be for a period of three years as per section 23(4) of the *Emergency Management Act 2006*.

DECISION 26/21

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council

1. Nominate Mr Peter Porch as the Municipal Emergency Management Coordinator, with his name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the Emergency Management Act 2006.
2. Nominate Mr Darren Smith as the Deputy Municipal Emergency Management Coordinator, with his name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the Emergency Management Act 2006.
3. Recommends the appointments be for a period of three years as per section 23(4) of the *Emergency Management Act 2006*.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

7.7 Late Report Item – Code of Conduct Panel Determination Report

Responsible Officer – General Manager

This Late Agenda Report Item is submitted in accordance with r.8(6) of the Local Government (Meeting Procedures) 2015.

ATTACHMENT/S

Code of Conduct Panel Determination Report, 18 February 2021

BACKGROUND / OVERVIEW

In accordance with section 28ZK of the Local Government Act 1993 (the Act) the Code of Conduct Panel has made a determination in relation to a complaint lodged by Mr Yon Kikkert against Councillor Rob Churchill.

In accordance with section 28ZK (4) of the Act, Council must ensure that the determination report is tabled at the first meeting of Council at which it is practicable to do so and which is open to the public.

STATUTORY IMPLICATIONS

As outlined above.

BUDGET IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

That Council receives and notes the Determination Report made 18 February 2021 in relation to the complaint by Mr Yon Kikkert against Cllr Rob Churchill.

DECISION 27/21

Moved Cllr Grant Robinson, seconded Cllr Annie Browning that Council receives and notes the Determination Report made 18 February 2021 in relation to the complaint by Mr Yon Kikkert against Cllr Rob Churchill.

THE MOTION WAS PUT AND CARRIED 7/1

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Grant Robinson,
Cllr Michael Symons

Against: Nil

Abstention: Cllr Churchill

CODE OF CONDUCT PANEL DETERMINATION REPORT
GLAMORGAN SPRING BAY COUNCIL CODE OF CONDUCT
Complaint brought by Yon Kikkert against Councillor (Cr) Rob Churchill

Code of Conduct Panel

- Jill Taylor (Chairperson),
- Katherine Schaefer (Local Government Member)
- Phillip Zeeman (Legal Member)

Date of Determination: 18 February 2021

Content Manager Reference: c21480

Summary of the complaint

A code of conduct complaint was submitted by Mr Yon Kikkert to the General Manager of the Glamorgan Spring Bay Council on 4 November 2020.

On 10 November 2021 the Chairperson was appointed to undertake initial assessment of the complaint.

The complaint alleges that at a Special Council Meeting held on 15 May 2020 Cr Churchill breached parts of the Glamorgan Spring Bay Council's Model Code of Conduct adopted by Council on 26 February 2019. Mr Kikkert alleged that Cr Churchill had breached Part 2 Sections 1-6 of the Code.

PART 2 – Conflicts of Interest that are not pecuniary

1. When carrying out his or her public duty, a councillor must not be unduly influenced, not be seen to be unduly influenced or personal or private interest that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself

or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.

Initial assessment

Following receipt of the complaint, the Chairperson conducted an initial assessment of the complaint in accordance with the requirements of section 28ZA of the *Local Government Act 1993* (the Act). Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that the complaint should be investigated.

The Chairperson arrived at this conclusion for the following reasons;

- The complainant had made a reasonable effort to resolve the complaint. On 24 September 2020, Mr Kikkert raised a "question on notice request" addressed to Cr Churchill in relation to the matter discussed at the Special General Council Meeting held on 15 May 2020. Cr Churchill did not respond to that question.
- The complaint substantially related to a contravention of Glamorgan Spring Bay Council's Code of Conduct, namely Model Code of Conduct Minute dated 26 February 2019. Mr Kikkert alleged that Cr Churchill should have declared a conflict of interest in the subject matter of the Special Council Meeting because there was a perception, he could have been influenced by his wife's involvement in three organisations that had opposed the draft legislation.
- Having made enquiries of the Code of Conduct Executive Officer, there was no relevant direction under section 28ZB(2) or 28ZI of the Act that would apply to the complainant and the complaint.¹

The complainant, respondent councillor and the General Manager were notified of the outcome of the outcome of the initial assessment by letter dated 25 November 2020.

Investigation

In accordance with section 28ZE of the Act, the Code of Conduct Panel investigated the complaint. The Panel met on 11 January 2021 to consider the complaint and Cr Churchill's response, which included a letter dated 8 December 2020 from his legal representative, Mr R Browne. Essentially Mr Kikkert's allegation was that Cr Churchill had a perceived conflict of interest in relation to a debate at the Special Council meeting held on 15 May 2020. The matter being debated related to Council's response to the draft LUPAA Major Projects Bill 2020 which had been circulated by the Government for comment. Mr Kikkert based his allegation of perceived conflict of interest on the fact that Cr Churchill's wife was a member of three organisations who had opposed the proposed legislation. Mr Kikkert supported his complaint by referring to the Department of Premier and Cabinet's "Good Governance Guide June 2018" which stated that a conflict of interest may arise if "other emotional or social ties might influence your decision". Mr Kikkert stated that Cr Churchill should have exercised "reasonable judgement and declared the conflict of interest".

Cr Churchill provided a statutory declaration dated 23 December 2020, together with a statement from his legal representative Mr Browne, , rejecting the allegation that he had breached Part 2 (Conflict of Interest) of Council's Code of Conduct.

¹ Section 28ZB(2) and 28ZI of the Act enable the Chairperson or the Panel (as applicable) to issue a direction to a complainant in prescribed circumstances not to make a further complaint in relation to the same matter unless the complainant provides substantive new information in the further complaint.

In accordance with section 28ZG(2)(b) of the Act, the Code of Conduct Panel considered that a hearing would be unnecessary in the circumstances because the investigation could be determined based on the written material provided and, in the Panel's view, neither party would be disadvantaged.

By letters dated 13 January 2021, the complainant and respondent councillor were notified of the Panel's intention to proceed to determine the complaint without a hearing. Both parties were invited to submit, in writing, any final information in relation to the complaint or objection to the proposed process. This information was required within 10 working days. On 18 January 2021 Mr Browne emailed on behalf of Cr Churchill saying the Cr Churchill did not object to the Panel not holding a hearing.

By email on 27 January 2021 Mr Kikkert submitted a seven (7) page statement. He did not state any objection to the Panel not holding a hearing.

Determination

As per section 28ZI of the Act the Code of Conduct Panel determines that Cr Churchill has not breached the Code of Conduct, and therefore the Code of Conduct Panel dismisses the complaint.

Reasons for determination

The Code of Conduct Panel considered the information provided by Mr Kikkert and the response by Cr Churchill, along with supporting statements by Cr Churchill's legal representative as detailed below.

- Mr Kikkert's complaint dated 2 November 2020 together with Attachments A-G
- Mr Kikkert's statutory declaration signed on 2 November 2020;
- Letter dated 8 December 2020 from Cr Churchill's legal representative, Mr Roland Browne to the Chairperson, Code of Conduct Panel;
- Response dated 10 December 2020 from Chairperson to Mr Roland Browne;
- Statutory declaration made by Cr Churchill on 23 December 2020;
- Submission by Mr Roland Browne on behalf of Cr Churchill which was attached to Cr Churchill's statutory declaration;
- Glamorgan Sprig Bay Council's Model Code of Conduct dated 26 February 2019, and
- Statement by Mr Kikkert emailed on 27 January 2021.

The Panel had regard to the context of the matter being debated by Council. It was not a development application which could conceivably have negative and positive results for various constituents, but rather a discussion/debate for Council to determine a position on proposed Government legislation.

Mr Kikkert's complaint alleges that because of Cr Churchill's relationship with his wife, who is a member of three organisations opposing the proposed legislation, the councillor should have declared a conflict of interest at the meeting held on 15 May 2020. Mr Churchill responded to this allegation saying that he "had no personal or private interest in any of these matters" and therefore, did not consider that he had any interest to declare.

Following an invitation by the Panel to submit any final information, Mr Kikkert provided a further statement on 27 January 2021 re-stating similar views he expressed previously and providing a response to Cr Churchill's statutory declaration and the statement provided by Mr Browne. In essence Mr Kikkert asserted that a "reasonable and informed person would have drawn the conclusion that Cr Churchill's wife's interests could have influenced his decision..." The Panel does not accept this assertion.

Reasons for dismissal of the complaint against relevant Parts of the Code follows:

Part 2.1

This Part of the Code requires that a councillor not be unduly influenced by personal and private interests. Mr Kikkert alleges that Cr Churchill “could have” been influenced because of his wife’s involvement in three organisations opposing the draft legislation. However, no evidence was produced that showed Cr Churchill was influenced by his wife’s views on this matter. In fact, Cr Churchill denied this was the case.

Part 2.2

The matter being discussed at the Special Council Meeting took place in an open forum. Cr Churchill and his colleagues were able to present their respective views in an open and transparent manner. There was no evidence produced to suggest that Cr Churchill did not act openly and honestly in his contribution to the debate.

Part 2.3

This Part requires councillors to declare actual, potential or perceived conflicts of interest when they believe one exists. Mr Kikkert claimed that Cr Churchill should have declared an interest because of his (Cr Churchill’s) wife’s involvement in organisations opposing the draft legislation. However, in his statutory declaration dated 23 December 2020, Cr Churchill noted that the purpose of the meeting was to consider the Planning Consultant’s recommendations outlining the impact on Council should the Bill be legislated in its current draft form. Cr Churchill stated that he did not have a conflict and pointed to the fact that the motion was passed by all six councillors. It is the Panel’s view that the onus is on the councillor to determine if a conflict exists and, in this case, Cr Churchill said that he did not have a conflict. As no evidence to the contrary was provided, the Panel accepts Cr Churchill’s assessment that he did not have a conflict in relation to this matter.

Part 2.4

This Part goes to a requirement that a councillor must act in good faith and exercise reasonable judgement to determine whether they have a conflict. As mentioned previously, Cr Churchill did not consider he had such a conflict, and no evidence was presented to suggest otherwise. The Panel accepts that Cr Churchill arrived at what he considered to be the right decision.

Part 2.5

This Part requires a councillor to remove themselves from positions of conflict. The Panel accepts, based on the information before it, that Cr Churchill did not have a conflict of interest in relation to the matter before Council on 15 May 2020 and as a consequence there was no need for him to remove himself from participating in Council discussion regarding the draft legislation.

Part 2.6

When a councillor determines that they have a conflict, they must declare the conflict and, possibly, remove themselves from discussion/debate on the matter. As indicated previously, the Panel determined that as Cr Churchill did not have a conflict, he did not need to remove himself from the discussion and resolution of a motion at the meeting on 15 May 2020.

Direction regarding further complaints

Under Section 28ZI (3) of the Act the Code of Conduct Panel instructs Mr Yon Kikkert not to make a further complaint in relation to the same matter for a period not exceeding 12 months unless Mr Kikkert provides substantive new information in the further complaint.

Right to review

A person aggrieved by the determination of the Code of Conduct Panel on the basis that the Panel has failed to comply with the rules of natural justice may apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination, Section 28ZP.



Jill Taylor
Chairperson



Phillip Zeeman
Member



Katherine Schaefer
Member

7.8 Late Report Item - Replacement of Fleet Vehicle

Responsible Officer – General Manager

This Late Agenda Report Item is submitted in accordance with r.8(6) of the Local Government (Meeting Procedures) 2015.

ATTACHMENT/S

Nil

BACKGROUND / OVERVIEW

Council is due to replace a vehicle within Council's current fleet. The vehicle is a Nissan X-Trail that has over 140,000km's registered on the odometer and is overdue to be replaced. This will be used as the Pool vehicle for internal staff during the day to conduct general business and also to be used as a Private Use vehicle for the Director after hours as per a condition of their contract for employment. A need has been identified for this vehicle to be a 4x4 dual cab utility vehicle that can be used to access difficult terrain which exists throughout the municipality. This also satisfies the requirement for the condition of employment contract for the Director. To address known risk issues (such as damage from wildlife) and to allow for appropriate use it is also recommended that the utility be fitted with a bull-bar and a tow bar. This utility would fall into the 'Category B' vehicles identified in the General Supplies Contract V672 issued by the Tasmanian Government.

The nominated prices for a dual cab mid-range 4x4 utilities with identified accessories are approximately \$50,000 exc GST. The trade in value for the current X-Trail is estimated at \$14,000 leaving a change-over price of \$36,000 exc GST.

Council does not have funds identified within this year's budget for the replacement of these vehicle and therefore a budget variation is required. However some additional funds will be obtained by the disposal of another vehicle which is no longer required. This is the Honda Odyssey that was previously supplied to a medical practitioner. The estimated income for the disposal of this vehicle is approximated to be \$18,000. The total amount sought is then estimated to be approximately \$20,000 for the vehicle.

It is noted that Glamorgan Spring Bay Council currently has a Council Owned Vehicles Policy which was adopted in September 2019 (the Policy). The Policy was created to ensure that the provision, maintenance and replacement of the vehicle fleet will be undertaken in an efficient, equitable, fair and transparent manner, whilst considering financial implications.

The Policy states that 'all vehicles purchased by Council will be the most fuel efficient type and configuration suited to the needs of Council and in the future may include the consideration of electric vehicles. Vehicles will be purchased in accordance with the General Supplies Contract V672 issued by the Tasmanian Government. In choosing the most appropriate vehicle regard shall be had for achieving the best financial outcome for Council. The maximum value of any car will be \$34,000 excluding GST unless endorsed by Council'.

It is recommended to proceed with a mid-range Ford Ranger or Isuzu D-Max 4x4 diesel utility to ensure best value is obtained. These vehicles have solid re-sale value, good fuel efficiency and are identified in the General Supplies Contract V672 as a 'category B' vehicle, which is suitable for the equivalent role of a Director position. It is noted that a suitable 4x4 utility with the above mentioned specifications would not be able to be purchased within the \$34,000 price limit.

As such, endorsement is sought from Council to approve the purchase of a mid-range 4x4 utility through a budget variation.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation

2. Our Governance and Finance

What we plan to do

- Be accountable and ensure good governance practice

STATUTORY IMPLICATIONS

- *Local Government Act 1993*
- Council Owned Vehicle Policy

BUDGET IMPLICATIONS

A capital budget variation of \$50,000 for the vehicle is required, this will be partially offset by the trade-in of two vehicles for approximately \$30-32,000. The cash implication is approximately \$20,000. Both vehicles are fully depreciated, any proceeds from the trade-in will be a profit on sale of assets.

RISK CONSIDERATION/S

The Council Owned Vehicles Policy states that vehicles will generally be traded at 60,000 – 80,000 kilometer's. This is completed to achieve the best value for the community along with ensuring the vehicles are operating well. As the vehicles age, deterioration naturally occurs and results in higher risk of breakdown or other incidents.

OFFICER'S RECOMMENDATION

That Council approves the purchase of one dual cab 4x4 mid-range utility through a capital budget variation of \$50,000 and a net profit on sale of assets budget variation of \$30,000.

DECISION 28/21

Moved Cllr Michael Symons, seconded Cllr Rob Churchill that Council approves the purchase of one dual cab 4x4 mid-range utility through a capital budget variation of \$50,000 and a net profit on sale of assets budget variation of \$30,000.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill,
Cllr Grant Robinson, Cllr Michael Symons

Against: Nil

8. Notices of Motion

Nil.

9. Petitions

Nil.

10. Questions without Notice from Councillors

Clr Cheryl ArnoI

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

Following the Deputy Mayor's question at our last meeting in relation to the attendance of the public at Council meetings and taking account of the General Manager's response in relation to the capacity of this Chamber, my question relates to the purchase of microphones last year that could be used in the Triabunna Hall for Council meetings; noting that we did hold at least one meeting in that hall at the very beginning of the COVID restrictions.

- Q1. *To enable the return to public attendance at meetings is there any reason why the motion of Council in April 2017 to live stream meetings could not be deferred during the COVID era and meetings be held in the Triabunna Hall where there is sufficient space for public attendance and the meeting can be recorded and uploaded to the website?*

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

Clr Cheryl ArnoI

Through the Chair, Clr Cheryl ArnoI 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 declared the meeting closed at 3.51pm.

The Mayor confirmed that the recording of the meeting was terminated and the microphones were switched off.

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young