

## Ordinary Council Meeting - 27 June 2023 Attachments

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## MINUTES OF MEETING

**Committee:** Glamorgan Spring Bay Council Audit Panel  
**Chairperson:** Heather Salisbury  
**Executive Officer:** Greg Ingham  
**Meeting Date:** Wed 24<sup>th</sup> May 2023 2.05pm  
**Location:** Council Office Triabunna and online via Microsoft Teams  
**Invitees:**

Heather Salisbury	Independent Panel member (Chair)	Present
Ric de Santi	Independent Panel member	Present
Clr Rob Churchill	GSBC Councillor Panel member	Present
DM Clr Mike Symonds	GSBC Councillor Panel member	Apology
Greg Ingham	GSBC General Manager	Present
Elysse Blain	GSBC Director Corporate & Community (Minutes)	Present
Brendan Ryan	GSBC Accountant	Via Teams
Clr Carole McQueeney	GSBC Councillor (Guest Observer)	Present

### 1. Preliminaries

a) Conflict of interest declaration.

Person	Association	Risk/Conflict
Ric de Santi (additional)	Brighton Council Audit Panel Chair	Nil
	South Australian Auditor General office audit committee member	Nil
	UTAS casual academic	Nil
	GSBC tender assessment panel chair	Nil

### 2. Confirmation of previous minutes 22 Feb 2023.

a) Note to amend date from 2022, otherwise accepted as true and correct record.

### 3. Actions arising from previous Minutes

- a) Risk framework review to occur after budget completion.
- b) Debt collection policy review on hold to next meeting.

### 4. Financial Reports 30 April 2023

- a) Discussion on personnel vacancies and issues affecting underspend on expenditure.
- b) Noted underspend on Capex and expected position at end of financial year.

### 5. Budget 2023/24

- a) A summary of the Audit Panel's consideration of the draft 2023/24 budget was prepared and provided to the Council Workshops on 9<sup>th</sup> & 16<sup>th</sup> May 2023 and is attached to these minutes.
- b) The 2023-24 Budget appears to have been constructed well. Assumptions are solid and evidence based. Base assumption is to continue service levels from current year with clear prioritisation based on community expectations of the levels of service determined in part from the Community Survey for Budget 2023-24.
- c) Asset Renewal
  - 80% asset renewal target in the draft budget is not sustainable in the longer-term. The concerns are that assets are being run down and the ability to catch up the shortfall, ie having to self-fund or borrow, to pay for the deficit between works required and works performed.
  - There is limited borrowing capacity and limited cash reserves to pay it back. Recommended to consider review to increase the asset renewal funding in the future.



- d) Cash position
- Cash is recovering and now positive however is still very low with limited capacity to address any unexpected cost shocks. Uncommitted cash balance is well below the Tas Audit Office Local Government Cash Expense Ratio minimum cash holding benchmark of 3 months of expenses (approx \$3M). Also noting the volatility of unforeseen events occurring such as weather damage to assets, staff recruitment issues etc.
  - Noting at this point there is nothing in the draft budget being allocated to the considerable asset maintenance backlog. Need to show the 15 year asset maintenance backlog. Suggest showing what a 20% impact on cash would look like.
- e) The panel noted options under consideration by Council to address low cash and low asset maintenance funding:
- Target options for cost reduction, reviewing non-core services such as \$300k spending on mowing of private verges.
  - Review holding of council land that is not suitable for public use, possible better uses.
- f) One of the key roles of council is to maintain their assets. It appears that the GSB plans are current and actively being actioned. It is important that the endorsed budget aligns with the Financial Strategy and Asset Management Plan requirements with clarity on how this is being funded, particularly to allow for effective service delivery into the future. Services and asset management needs to be balanced with community capacity to pay.
- g) 10 year financial modelling has been updated to follow from this budget.
- h) Consider document merging of the Long Term Financial Management Plan with the Financial Strategy as they overlap.
- 6. Auditor General Report**
- Noted 2022-23 report. 'See Item 5 (above) for comments regarding uncommitted cash position'.
- 7. TAO Client Information Session 4 May 2023**
- Upcoming future obligations relating to sustainability reporting. The field is moving quickly, draft accounting standards expected next year. Heavy focus on climate at the moment. Social responsibility to come.
  - Significant concerns about the capacity to resource this requirement noting particularly the need for a new set of technical skills.
- 8. External Audit - Tas Audit Office plan for 2023 audit**
- Yet to be received.
  - This year TAO will likely be looking deeper into IT governance. Again this additional level of security and complexity of processes all comes at a cost to the business.
- 9. Audit Panel Charter – proposed update**
- a) Small amendments being made to the updated version
- Added 'Key Areas' section including a reference to internal and external audit.
  - Agreed separate Code of Conduct not required as this is sufficiently covered in the Charter but reference to invitees and observers requires some clarification.
- b) Plan to get revised charter up at time that works for Council to consider.
- c) Suggest consideration for Council to electing a proxy for when a member is not available.
- 10. Annual Audit Work Plan**
- a) Provide feedback on when Insurance, legal claims, employee leave balances items would best fall in calendar.
- b) Customising of TAO model accounts before 30 June 2023.





- c) Discussion on pre planning for any Accounting standard changes, large unusual transactions, changes to policies shown then with draft financial reports.
- d) Heather to send draft of plan for EB to amend.

#### 11. General Manager's update – emerging risks

- Medical tender underway. Risk is that we need to take a sensible path for managing medical services and the significant risks created if the tender is not awarded.
- 150 days LTI free. Commendation to the significant progress taken in addressing workplace safety made by Works.
- Issues with doctor absences in Bicheno, issue with lack of backup options and cooperation with other stakeholders.
- Discussion of debtor Invoice outstanding for medical services from Feb 2023.

#### 12. Local Government Reform

- Catchment packs from the LG Board delayed, expected next week to assist in discussions.
- GSBC have met neighbouring councils to discuss the topic.

#### 13. Items referred to Audit Panel (if any)

- Nil

#### 14. Other business and close of meeting

- Nil

#### 15. Next Meeting:

- Wed 23 August 2.00pm TBC

#### 16. Close

Closed 4.40pm

#### 17. Action Summary

Meeting	Item	Action Item	Who	Status
Nov 22	9.1	Update annual work plan for Audit Panel	Panel	Underway
Nov 22	10.3	Discuss further action re shortfall of State Grants Commission funding	Greg	Underway
Nov 22	11.3	Update draft debtors policy with emphasis on Rates separated from other debtors	Brendan	After budget
Feb 23	6	Follow up with KPMG on TAO Audit timelines for EOFY	Elysse	Underway
Feb 23	7	Progress to WLF phase 2 support	Elysse	After budget
Feb 23	11	Update Calendar for new Panel meeting dates	Elysse	Underway

Presented at Council meeting dated: 27 June 2023

Signed by Audit Panel Chairperson:

Heather Salisbury

Dated

**Glamorgan Spring Bay Audit Panel Meeting 24 May 2023**  
**Review of Draft 2023/24 Budget and 10 Year financial forecast**

At its meeting on 24 May 2023, the Glamorgan Spring Bay Audit Panel considered the process and information provided to Council to date in preparing the 2023/24 Annual Plan, 2023/24 Budget estimates and reviewing the 10 year financial forecast.

The Audit Panel commends the Council on the process undertaken so far. Presentations to Council workshops were considered to be some of the best seen across local government.

The Audit Panel offers the following comment to the Council in its further deliberations on the draft 2023/24 budget and the 10 year financial forecast.

Draft 2023/24 Budget

Rate Revenue

- The proposed rate increase remains broadly in line with the estimate for 2023/24 within Council's previously approved Long Term Financial Management Plan (LTFMP) from 2021, taking in to account the unforeseen increases of CPI from 3% to 6.9% and Landfill fees of \$600k.
  - The Panel acknowledges the Council's concerns to restrict rate increases, balancing funding required for service delivery and maintenance of assets with the community's capacity to pay
  - The current LTFMP provides for higher rate increases in early years, maximising cumulative benefits for rate revenue.

Underlying Surplus / Deficit

- The Audit Panel commends the Council's move over recent years to reduce underlying annual deficits and move to a surplus position.
  - The draft budget maintains this position, providing for a modest surplus, contributing to available cash

Uncommitted Cash

- The Panel notes that the draft budget provides for increasing uncommitted cash
  - The Auditor General sets a desired benchmark (Cash Expense Ratio) equivalent to three months cash, which for GSB would be \$3.6M.
  - While this is an arbitrary benchmark, the Audit Panel strongly supports a move to build Council's available cash both to deal with any unforeseen events / failures and to fund asset renewal liability into the future.
- The Panel notes the intent of the Council to consider sale of some surplus assets to boost cash reserves as a 'once-off' initiative.

Capital

- The Panel acknowledges the proposed focus on asset renewal over construction of new assets but notes that asset renewal is only being funded to 80 per cent of identified requirements lower than the Asset Management Plan recommendations.

- The Audit Panel encourages the Council to continue to strive to provide sufficient funding for appropriate maintenance and renewal of its asset portfolio, acknowledging that this is an ongoing challenge for local government generally.
- Further refinement of Council's asset management plans over time will also better inform decisions about funding.

#### 10 Year Financial Forecast

- The Audit Panel highlights that the current review of the 10 year financial forecast does not appear to provide for any increase in asset renewal funding – the Panel was advised that this had been assumed to continue at 80 per cent. The Panel is concerned that this assumption is unsustainable ongoing and represents a significant risk to Council and the community. The Panel recommends that this assumption be reviewed with a view to increasing over time.
- Furthermore, the LTFMP provides for net surplus and cash reserves to increase in the short-term (Year 2 / 3) and then decline. This would be exacerbated if asset renewal is to be fully funded. Council may consider reviewing the assumption relating to rate increases (which falls back to 3.5 per cent and currently sits below estimated wages growth) in future years of the Plan.

## **Draft Tasmanian Planning Policies**

### **Representation to Statutory Exhibition under section 12E of the Act**



For Planning Authority consideration

15 June 2023

V1 Council Meeting 27/06/2023

Glamorgan Spring Bay Council  
S.12E Representation to draft Tasmanian Planning Policies



## Executive summary

The draft Tasmanian Planning Policies (Policies) address a significant omission in the Tasmanian Planning system and must be progressed. Key outcomes for the Policies for Council are:

- the need for a clear and robust way to resolve application of and conflicts within the Policies;
- specific recognition of the ability to plan for the future needs of remote and less urban communities through the Policies and strategic documents;
- ensuring the Policies enable growth outside the major metro urban growth areas that currently provide the focus of the Policies;
- to ensure that the Policies reflect the demographic changes identified in the draft Population Strategy, with increasing significance of the regions and lifestyle precincts in accommodating population growth through the Policies and subordinate documents;
- concerns over compliance with the RMPS objectives, particularly around consultation and engagement, the sharing of responsibility between government, industry and community, their role in establishing a coordinated approvals system and the easy integration to planning policy and decisions;
- recognition of State role in developing, providing and maintaining ongoing support for key data sets, particularly around natural hazards and values;
- the way Aboriginal heritage is addressed through the Policies and incorporated into the planning system;
- critical integration of meaningful community visioning to the land use planning process, consistent with the Schedule Objective 1c;
- the ongoing role of State in supporting implementation of the Policies through the subordinate statutory tools: the Regional Land Use Strategies (RLUS), State Planning Provisions (SPP), major projects assessments and the various iterations of the Tasmanian Planning Scheme (TPS) and Local Provisions Schedules (LPS); and
- the need to plan for resident, weekender, worker and visitor population sectors into the future.
- the exhibited Policies are contrary to the definition of sustainable development provided in Schedule 1 of the Act and without a reasonable justification for this discrepancy;

This report provides the representation under section 12E of the Act to the statutory exhibition of the Policies for consideration by the Tasmania Planning Commission (Commission).

The assessment must still function at a relatively high level, due to the nature of the current process. Key points identified in this representation include:

- Significant concerns over whether the exhibited Policies to deliver the legislated intent at section 12B of the Act and can be implemented in a way that is consistent with and furthers delivery of the Schedule 1 Objectives of the Act for all levels of assessments;
- The lack of available supporting material for the exhibited Policies, particularly the technical information and assessments necessary to support the positions established under many of the Policies, in stark contrast to the requirements of Policies 7.2 and 7.3 for Strategic Planning and Regulation;
- The lack of recognition of the role of local strategy in determining future growth across the region and more specifically, the realistic provision for growth outside urban areas;
- The ability of the General Application section to facilitate implementation of the Policies and reasonably provide for their application through the subordinate mechanisms, particularly noting removal of the single implementation strategy in response to the previous consultation process;
- The lack of meaningful community consultation on the content and impact of Policies as requested in Council's previous representation and in contrast to the requirements of the Schedule 1 objectives and the specific Policies on public consultation;
- The lack of a clear way to establish satisfaction of the Objectives or Strategies in a binding way through the Policies and decisions on assessments under them;
- A general approach that mandates compliance with criteria under specific strategies, rather than consideration of them to achieve a strategic outcome;



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- The mandated reliance on cooperation, input and strategic recognition of key situations/responses by State Agencies, given their well-established reluctance to state or support such requirements;
- The collective impact of objectives and strategies in managing growth and the direction to higher order settlements at the expense of development within the Glamorgan Spring Bay area;
- Objection to the prioritization of growth to higher order settlements with high levels of amenity and services (particularly accessibility by public transport and other transport options) at the expense of allowing local development and in contravention of the definition of sustainable development provided under the Act;
- The general approach under the Policies to identify, allocate and map all growth within a rigid settlement hierarchy and urban growth boundaries through the RLUS, given issues with this approach in operation of the existing Southern Regional Land Use Strategy;
- The inclusion of numerous Strategies that cannot be delivered through the subordinate delivery mechanisms, being the RLUS, SPP, TPS and LPS;
- The routine failure to identify delivery mechanisms for strategies, which will unreasonably complicate all assessments under the Policies and frustrate delivery of specific strategies;
- The restrictive nature of responses to the existing State Policies through the Policies, particularly noting the statutory test of consistency with rather than rigid compliance;
- The failure to establish higher order policy positions by reference to existing policy regimes at the State and National levels, particularly on natural and environmental hazards and management frameworks;
- Strategies that appear to directly conflict with the coordinated delivery of regulatory tools across different regimes (such as mandating consideration of bushfire at every level of the planning process, despite a structured approach to implementation across different regimes);
- The routine provision of identification and mapping as the first strategies on multiple issues, which are implementation issues that rely on a higher order policy position that is not clearly established at an appropriate level (such as establishment of management controls through the SPP);
- The routine omission of climate responsive strategies within relevant policy areas by favouring a non-binding climate change statement at each section;
- A consistent lack of consideration of the changing nature of population patterns and the resulting impact on demands, business, and the requirements on land use planning; and
- The lack of identification of roles and responsibilities through the policies, combined with their mandatory application to every assessment for RLUS, SPP, TPS and amendments to LPS and the resulting impacts on the cost and time for planning scheme amendments that must be borne by the Council and development community as a direct result.



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## Recommendations

Glamorgan Spring Bay Council has significant concerns that the exhibited Policies will frustrate and potentially prohibit the fair, orderly and coordinated delivery of planning and development processes at the regional, municipal levels and provides the following recommendations to the Tasmanian Planning Commission in its assessment of the Policies:

1. The exhibited Policies do not reasonably further the Schedule 1 Objectives and therefore, comply with the TPP criteria at section 12B(4) of the Act in a way that is clearly established, fairly implemented, coordinated in delivery across State and Local Government, is likely to reasonably facilitate economic development, enables sustainable development as defined in the Act, or provides for the easy integration and consolidation of land use planning and policy to be implemented at State, regional and municipal levels;
2. The exhibited Policies do not deliver their statutory requirements by allowing the range of lifestyle, economic, environmental and social opportunities that are recognised as part of the Council's, or Tasmania's, future;
3. The Policies must be completed in a timely way and provide a policy and strategy framework that enables the Council and the Local Government sector to achieve sustainable outcomes by being able to plan for the growth and future needs of its communities;
4. The General Application section must be revised to reflect the requirements of the Act;
5. The Objectives and Strategies are revised to enable growth and remove matters that are beyond the scope of the implementation tools (RLUS, Major projects, SPP, TPS/LPS);
6. The Commission must thoroughly investigate and assess the ability of the Policies to fully implement the Schedule 1 Objectives through the statutory mechanisms, being the RLUS, SPP, Major Projects and TPS/LPS;
7. That an extension of time is obtained to allow hearings to inform consideration of the implementation and operation of the Policies through the subordinate instruments, drawing on the experience of Council and the Local Government sector;
8. The Commission use its powers under section 12F of the Act to advise the Minister that the exhibited Policies can and should be modified to address the following:
  - Redraft the General Application section to reflect the statutory mandate for direction through application of the Objectives;
  - The role of strategies is reviewed so that all strategy statements are clear, specify their level of implementation, their satisfaction can be clearly documented within decisions in a binding way and can be applied in future assessments as directed under the Act;
  - Establish clear levels for implementation through the objectives and strategies to guide the preparation, assessment and determination of assessments for subordinate documents, and specifically amendments to LPS;
  - Establish clear requirements to establish where the Policies are satisfied through the implementation tools, and any role of lower order tools supporting those decisions;
  - Revise the structural approach to growth within the Policies to reflect the recognised projected growth that is expected over the coming decades and enable sustainable development, rather than the apparent approach to protect and restrict based on historical development models;
  - Remove the allocation of future growth through the RLUS as an artificial construct that has likely resulted in the restriction of the development process and likely resulted in the constraint of development and property markets where it was applied within the State, adversely impacting housing affordability and availability;
  - Establish local strategy and aspiration as a key determinant for growth and sustainable development throughout the implementation tools;
  - Remove all lower order matters or directions regarding implementation to Section 8A Guidelines or Practice Notes and other such supporting documents;
  - Remove all matters that cannot be delivered through the RLUS, major projects, the SPP or TPS/LPS;
  - Establish guidelines under section 8A of the Act or practice notes to deal with matters regarding implementation;

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- Review the information required to address and implement the objectives and strategies to ensure they are appropriate and reasonable to the range of processes that apply to implementation tools;
- Provide a legally functional way to resolve conflicts between and within policy areas; and
- Other specific responses to objectives and strategies as noted within this representation.

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S.12E Representation to draft Tasmanian Planning Policies



## Background

The Glamorgan Spring Bay area comprises an extensive land mass along the east coast of Tasmania, with diverse values across geomorphology, history and heritage, scenic landscapes, recreation areas, agricultural and rural areas, with a vibrant network of coastal and lifestyle settlements.

Development within the Glamorgan Spring Bay area is expected to largely reinforce the existing network of settlements and areas, with increased recognition of the role of the regions in accommodating future population growth. This is reflected in the Discussion Paper for Refreshing Tasmania's Population Strategy, the draft Housing Strategy (currently on consultation).

The Minister for Planning (Minister) instructed the Commission to exhibit the Policies, with the statutory exhibition period running from 28 March to 26 June 2023. The Commission will then consider the representations and is likely to hold public hearings.

The Policy documents were available from the assessment section of the Commission website. Supporting documents were not available from that site.

The documents supporting the development of the exhibited Policies were available from the Planning in Tasmania website and included the following:

- Background Report and Explanatory Document 12C(3);
- State Planning Office Opinion of Compliance with TPP Criteria;
- Report on Consultation February 2023; and
- Report on Consultation Appendix 1 February 2023.

For the purposes of this representation and as discussed later, those documents were not considered to form part of the statutory exhibition package.

The outcomes identified in the recently consulted paper on Refreshing Tasmania's Population Strategy, which highlighted:

- the increasing pace of population growth, with population growth hitting the 2030 target by 2022 and projections that we will reach the 650,000 targets by 2033 (17 years ahead of the identified target);
- the increasing role of migration as a driver of population growth; and
- the increasing trend for population growth outside the greater Hobart area, with 54% of the population expected to live outside Hobart by 2033.

The State recognised the increasing role of regions and lifestyle areas in accommodating future population growth.

Council made a representation to the previous consultation (December 2022) that identified support for the timing and completion of the Policies, but supported concerns within the sector for the content of the Policies and risks they provided to the strategic planning processes. The following items were specifically identified:

- The clarity and legal operation of the aims, outcomes and policy statements;
- Considered assessment of issues against criteria, particularly noting the mandatory compliance required under section 32(4)(da) of the Act;
- Remove overly restrictive language such as the directive to avoid where growth and development will be allowed to occur;
- Establish a framework for balancing competing interests between and within policy areas;
- Increase the use of Implementation Guidelines; and
- Improve public engagement and participation through the formal consultation process under section 12D of the Act, by including multiple information sessions with Q&A sessions, both in person and online.



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The Act establishes a hierarchy of planning instruments to operate at different levels and provide different functions<sup>1</sup>:

Hierarchy of Tasmanian planning instruments

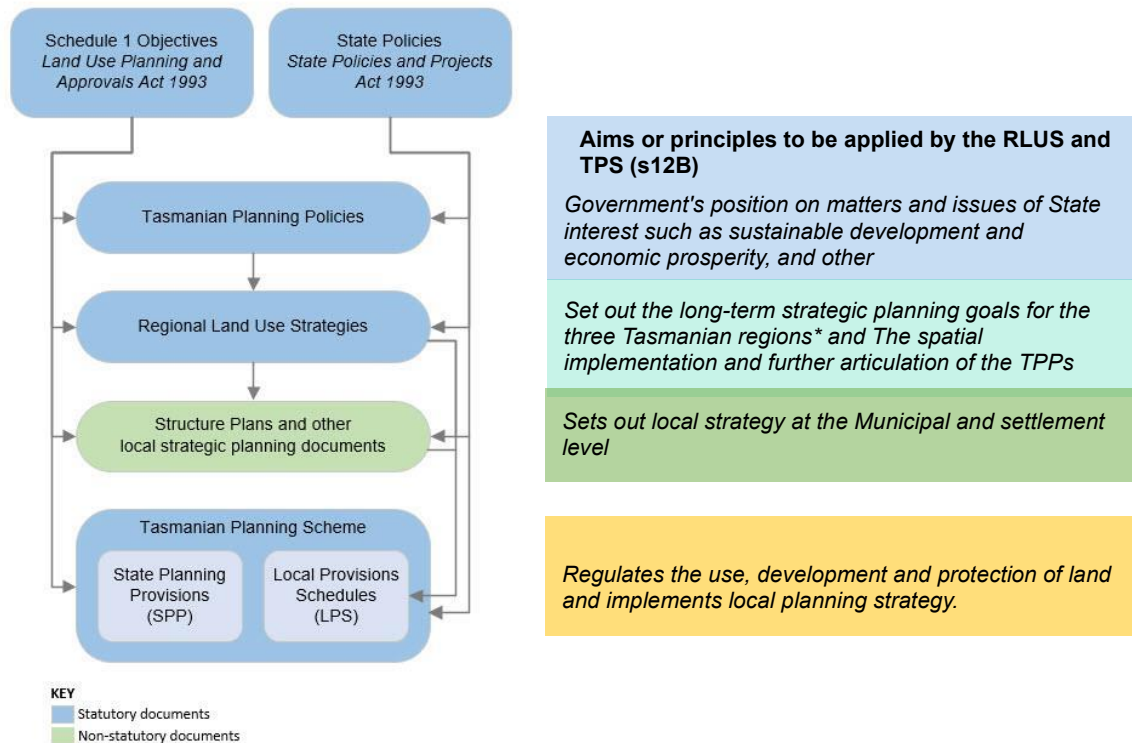


Figure 1 - Hierarchy of Planning Instruments

This hierarchy establishes the highest strategic principles through the Policies at the state level with progressively more detail in the RLUS and TPS to achieve the principles and express the community's vision at the regional and local levels.

Local strategy is implemented through Structure Plans, local strategic planning documents and the Local Provisions Schedule.

<sup>1</sup> Adapted from the [Planning Reform website](#), [Regional Planning Framework Discussion Paper](#)



## Assessment Criteria

The assessment criteria for the Policies are established at section 12F of the *Land Use Planning and Approvals Act 1993* (Act). The Commission must determine whether:

- i) it is satisfied that the draft meets the TPP Criteria specified in the LUPAA;
- ii) there are any matters of a technical nature, or that may be relevant, in relation to the application of the Policies to the SPP & TPS (including LPS's) or to each RLUS; and
- iii) all representations.

The TPP Criteria are established at section 12B(4) of the Act and require that the Policies:

- i) further the objectives set out in Schedule 1 of the Act; and
- ii) are consistent with any relevant State Policy.

Other provisions of this section of the Act define aspects of the Policies including what they may include 12B(2) and how they may be implemented 12B(3) through the SPP's, LPS and RLUS.

## General Comments

### RMPS Objectives

The Schedule 1 Objectives of the Act form part of the assessment criteria and establish high level policy statements about how the planning system should operate. Significantly, they define sustainable development as follows:

*managing the use, development and protection of natural and physical resources in a way, or at a rate, **which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety** while:*

- a. *sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- b. *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Multiple RMPS objectives are relevant to the structure and implementation of the Policies, which are summarised as follows:

- promote fair, orderly and sustainable development (1a, 1b);
- a coordinated suite of land use planning instruments across state and local government (1b and 2b);
- encouraging public involvement in planning (1c);
- facilitate economic development (1d);
- the sharing of responsibility for decision making across government and the community (1e);
- to require sound strategic planning and coordinated action between State and local government (2a) through planning instruments (2b);
- Sound strategic planning and coordinated action by State and local government (2a);
- the easy integration of land use and development planning and policy to policies at state, regional and municipal levels (2d); and
- the consolidation and coordination of approvals across the land use planning system, which includes the planning scheme amendment process (2e).

Council makes the following representations regarding assessment against the Schedule 1 objectives:

Part 1:

- a. the promotion of sustainable development, as defined in the Act, was not established in the Policies. The supporting documents, which sit outside the formal exhibition process, do not demonstrate delivery of the objective, aside from the most abstract of concepts. There are

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significant concerns that the Policies when considered in their entirety, do not **enable people and communities to provide for their social, economic and cultural well-being and for their health and safety** as required by the definition of sustainable development within Schedule 1 and have the potential to restrict or prevent strategic changes to communities outside the greater Hobart area;

- b. the internal contradictions and lack of a functional mechanism to resolve those contradictions within and between policy areas does not establish framework to provide for the fair, orderly and sustainable use and development of land, air and water;
- c. public involvement in the development of the policy and provisions in the Policies was not demonstrated, which is complicated by the lack of a shared vision that identifies the future of Tasmania (such as Tasmania Together), the convoluted process for development of the TPS and LPS, and the lack of public education and communication by the State on planning issues/reform. It is difficult to understand how public participation was encouraged within that environment. Statutory exhibition is of little value to public involvement as identified in the objective;
- d. it is unclear that the implementation methodology within the Policies will facilitate economic development, particularly noting the concerns within this representation, the complicated nature of assessments under a similar process with the existing RLUS and the expected frustrations they will create for every assessment they are applied to;
- e. as exhibited, it is difficult to establish that the differing levels of government, community and industry are able to share responsibility for resource management decisions, until a clear process is established for consideration and resolution of competition and contradiction within and between policy areas under the Policies.

#### Part 2

- a. the exhibited Policies do not provide a framework for coordinated action between different levels of government, or delivery of sound strategic planning processes until the internal contradictions between and within policy areas are resolved and clear direction is provided at which level policies and strategies are intended to operate;
- b. the Policies further delivery of this objective, when read in isolation from other objectives.
- c. The Policies arguably further this objective,
- d. The inadequate process to resolve internal conflicts within and between policy areas and strategies does not enable easy integration of policy from state to regional and local levels;
- e. It is unclear how the internal contradictions within and between policy areas will consolidate or coordinate planning assessments and approvals for strategic matters, particularly when considering Aboriginal heritage issues under the draft Policies.
- f-i. the Policies appear to be neutral or positive when considered against these objectives, noting the concerns regarding incorporation of aboriginal heritage to the land use planning system.

#### Implementation

Section 12B(3) provides:

- (3) *The TPPs may specify the manner in which the TPPs are to be implemented into the SPPs, LPSs and regional land use strategies.*

The Policies propose that the General Application section addresses the requirements of section 12B(3) and do not provide any specify detail on how and where the Policies are to be implemented.

Council makes the following representations on this section of the Act:

- in order to comply with the combined intent and obligations established under Schedule 1 of the Act, the *may* under this provision provides a clear instruction to identify the various levels at which the Policies are to be implemented and does not, as suggested, allow the various objectives and strategies to avoid identification of the intended level of implementation;
- the General Application section of the Policies does not do this in a way that allows the clear interpretation of each objective or strategy to understand how and where it is to be implemented; and



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- the Policies do not deliver this requirement of the Act as drafted, but this can be addressed through revisions and thereby enable specific decisions to clearly define the delivery mechanisms for the Policies.

Section 12F(3) requires the Commission to report on various matters, including:

- (c) *a statement as to whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
  - (i) *the Tasmanian Planning Scheme; or*
  - (ii) *each regional land use strategy...*

Council request that the Commission specifically addresses the technical implementation of each policy, inclusive of the objective and strategy in response to this section of the Act through:

- the hearings for this current process with the ultimate users of the Policies being planning authorities in preparing and assessing amendments, and planning consultants/developers;
- requests for planning scheme amendments and assessments, by reference to examples and case studies; and
- the reporting on these matters as part of the examination and determination of the Policies against the statutory criteria.

Further, Council requests that the Commission consider how implementation may be improved by expanding the opportunity under the Act for the Commission to issue Guidelines or practice notes to inform applications and assessments under section 8A of the Act to include the Policies.

#### Exhibition

The current statutory exhibition process does not include any supporting documents. The available documents suggest that meaningful consultation and engagement as requested in our previous representation was not completed.

Supporting documents are located on the Planning in Tasmania website. Their status within the statutory exhibition process is unclear. As a result and as previously noted, the Background Report was therefore afforded lesser consideration as it is not part of the exhibited Policies.

Council submits that this is not appropriate for:

- a document that will drive strategic land use planning in Tasmania for the next decades;
- a process where issues associated with implementation form part of the statutory assessment criteria;
- nor a reform that is attempting to establish evidence based decisions as part of its implementation.

#### General Application

The consulted Policies include a preliminary section on General Application, which establishes a process for implementation of the Policies through all planning instruments (seven principles) and additional provisions for LPS.

Principles 1 -4 appear to contradict each other and do not assist with implementation or interpretation as there is no precedent to them.

Principle 3 suggests that strategies are not absolute and should not be interpreted literally or rigidly, but this is contrary to principle 4 (which requires consideration of the Policies in their entirety) and the legislative structure they operate under within the act which require compliance with the Policies as a whole and each part under them.

Principle 5 suggest that not all strategies are relevant, but is contrary to other principles and legislative requirements.



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Principle 6 attempts to address internal conflicts within the Policies by reference to 6 criteria, which is contrary to the legislated instruction for operation of and compliance with the Policies. The function and wording of strategies requires redrafting to reflect this intent;.

Principle 7 identifies that competing interests should be made on balanced consideration and judgement derived from evidence, subject to 8 criteria. The following is noted:

- the provision of evidence is likely to be problematic in many areas within Glamorgan Spring Bay;
- the criteria prioritise development to higher order settlements and away from regions and lifestyle areas when considered against the Policies requirements;
- the consideration and integration of regional, local and site specific interests and demands in criterion g is similarly likely to disadvantage the Glamorgan Spring Bay area and prioritise development to higher order settlements, as drafted; and
- there is insufficient provision for local strategy to inform decisions and the balancing of competing interests.

Page 5 of the consulted document states that the decision maker may consider that compliance was delivered through the RLUS, SPP's or the LPS. Under the General Application to LPS's statement, the decision maker is unclear, but is most likely the Commission under the relevant sections of the Act.

Council is concerned at how these principles may function for high level documents such as the RLUS or even the SPP's, and whether they can function for assessment of a planning scheme amendment.

The Glossary is not specified as an operative part of the Policies, which questions its function in implementation. This must be clarified.

Following the processes established under the Act, the proponent and Planning Authority (PA) have no way to reasonably determine what parts of the Policies do or do not apply to an amendment application until the amendment has been submitted to the Commission for assessment and potentially, its final determination by the Commission.

This raises significant concern over the ability to validly compose, assess and initiate any planning scheme amendment:

- PA's are required to certify that any AMD meets the Policies once they are made – how can this be completed in a way that is legally robust when there is no process for the relevant decision maker (most likely the Commission for an AMD) to advise which of the Policies are relevant?
- Significant requirements are established under the Policies that cannot be delivered by a PA and require a State and/or regional response, significant policy, data, decisions and support from State agencies, and may require decisions at the State or regional level. The PA's must guess the relevance of and compliance with many strategies until the Commission can complete initial assessment and confirm the relevance and compliance of specific requirements can be determined and directions may be issued;
- The Policies do not address the mechanisms through which the various strategies are to be implemented or establish a process to clearly define when they have been implemented, as required under (s.12B(3)).

The process proposed under the exhibited Policies is not consistent with the requirements and obligations established on the State for the system and decisions through the RMPS objectives.

The General Application statements are not functionally competent for assessment of local planning scheme amendments and create confusion with the legal provisions they operate under in addition to within the General Application section.



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The General Application section does not establish a clear and robust framework for technical application of the Policies to local planning scheme amendment in a way that is consistent with the RMPS objectives.

There appear to be limited options to address this situation:

- Option 1 – the State is required to provide a binding statement on the relevance of the policies and strategies under the Policies to specific amendments, either as part of a decision on the relevant mechanism (RLUS, SPP or LPS) or alternatively the preliminary processing of an amendment, which would require legislative change to make happen. The decision maker also needs to be defined, as it may mean the Commission or arguably, the Minister/SPO as the owner/developer of the Policies;
- Option 2 – the Policies must be revised to clearly specify where Policies and Strategies are to be addressed (as identified in the Act); or
- Some other response is established to address the issue.

#### Directions for application through LPS

The intent of this section appears relatively clear, noting the following:

- drafting issues that confuse implementation previously identified;
- the nature of the discretion under 12B(3) and the requirement to clearly specify what level of subordinate document the Policies must be addressed; and
- the identification of the relevant decision maker.

The concerns can be addressed by redrafting the section.

#### Status of objectives and strategies

The Act provides that the Objectives and strategies have statutory weight as part of the Policies.

The status of objectives and strategies within the Policies are confusing between the discretion identified in the General Application principles and the statutory requirements for the Policies and assessment of compliance with them.

As exhibited, all objectives and strategies apply to every amendment, and require evidence to demonstrate compliance or arguably, relevance (noting the previous discussion contesting this capacity). The collective impact of the objectives and strategies must be considered.

Objectives set the aims of the policy (table, page 3). The language of objectives is inconsistent and varies across the Policies. Objectives should clearly specify the intended outcome of the particular issue. Objective statements should be redrafted to reflect this outcome.

Strategies specify how policy objectives can be achieved (table, page 3). This statement is inconsistent with the statutory structure of the Policies and infers a discretion that does not exist in the exhibited document. The full range of strategies will not be appropriate across all communities and towns, particularly in more remote areas. An example follows.

The Policies establish an unreasonable bias prioritising growth in urban areas with access to a wide range of facilities, infrastructure, public transport. This is addressed by the following objectives and strategies:

- 1.1 Growth
  - 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.10
- 1.2 Liveability
  - 1.2.3.1, 1.2.3.2, 1.2.3.5, 1.2.3.6,
- 1.3 Social Infrastructure
  - 1.3.3.1,
- 1.4 Settlement Types
  - 1.4.3.1, 1.4.3.5,



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- 1.5. Housing
  - 1.5.3.1, 1.5.3.3, 1.5.3.5,
- 2.2 Waterways, Wetlands and Estuaries
  - 2.2.3.2,
- 5.4 Passenger Transport Modes
  - 5.4.3.1.

The Act and exhibited Policies direct compliance with every objective and strategy. The full range of such amenities are not available on to all communities outside the metro urban areas and as such the collective assessment effectively prohibits rezoning in more remote areas and development outside the terms established under the relevant planning scheme. A residential rezoning at Swansea, Bicheno, Orford or Triabunna may not strictly comply with the combined requirements of the collective assessment and is therefore highly likely to be refused based on the Policies.

This is contrary to the opportunity provided in the definition of sustainable development (*enabling people and communities to provide for their social, economic and cultural well-being and for their health and safety*) and the objectives established under Schedule 1 of the Act.

Council makes the following representations on the General Application section:

- The Principles must be revised to clarify the role of subordinate documents in delivery of the objectives and strategies under the Policies to comply with s.12B(3) of the Act;
- The objectives and strategies do not provide a framework that enables the legally certain determination of subordinate documents and delivery of fair and orderly decisions and a coordinated regulatory framework for strategic planning matters;
- Objectives must be established as mandatory statements of policy outcome;
- Strategies cannot function as exhibited and must be restructured to inform consideration on a similar basis to performance criteria under planning schemes, on balance of assessment;
- Strategies must also provide recognition for local strategy as part of determination criteria;
- Principles must support identification of the level of response to the subordinate documents (RLUS, SPP's or LPS);
- Principles must enable decisions under the Policies to specify a level of response and/or satisfaction of a specific policy or strategy in a legally robust way; and
- The Commission must conduct and document a detailed review of the operation of the General Application principles across the full range of assessments for RLUS, SPP, LPS and major projects to identify and address:
  - the technical requirements for implementation of the Principles
  - the differing requirements, problems and opportunities that are likely to impact assessments of the various subordinate documents;
  - the likely information or evidence that is required for operation of the principles across the regional, local and consulting sectors through an assessment; and
  - the revisions that are required to clearly deliver the Schedule 1 objectives through the principles.

#### Policies generally

The Objective and strategy statements within the Policies assume that all future proposals will be identified, allocated and mapped at the commencement of the strategic process, presumed within the RLUS. We note this approach underpinned the Southern Tasmanian Regional Land Use Strategy and resulted in operational problems in application of that document to statutory assessments.

The assessment by the Commission and recommendations to the Minister must address how this existing problem will not be carried into the next RLUS and restrict sustainable development.

The Objectives and Strategies appear to assume they will be applied to new areas or greenfield development, rather than the existing developed areas that comprise the majority of the Glamorgan Spring Bay area, and many other areas within Tasmania where the Policies will be applied.

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Council requests that the Commission and the Minister, as the statutory decision makers on assessments, provides a detailed review of these two approaches in implementation of the existing RLUS and its suitability for the review/development of future RLUS and the assessment of planning scheme amendments under LPS to ensure they are technically competent for application into and through the RLUS and TPS/LPS.

The Objectives and Strategies universally fail to acknowledge the role of local strategy in determining the future growth of our communities. This is combined with the lack of a shared State vision on how Tasmania will develop, which highlights the need for local strategy to inform growth. The Commission must ensure that the Policies enable implementation of local strategy to comply with the Schedule 1 Objectives and enable public participation in the land use process.

Many objectives and strategies address matters outside the purview of the RLUS, TPS and LPS. Matters that are outside delivery through the specified tools must be removed from the Policies, or they risk creating problems for implementation and confusion about the legal veracity of applications, assessments and decisions.

## 1 Settlement

### 1.1 Growth

#### 1.1.3 Strategies

1. Current 'shortages' suggest that the 15 year horizon should be zoned and available for development, but this is not clear. How is the rolling reserve for strategic management of staging and infrastructure addressed? What is environmental functioning and how is it assessed? Growth needs to reflect the recognised development trends and options to avoid unsustainable restriction of supply and exacerbate housing supply shortages and resultant economic impacts and restrictions to other sectors.
2. the prioritisation of infill development and consolidation of existing development areas:
  - a & b suggest that rezoning must demonstrate there is no land available for redevelopment before allocation of greenfield lands can occur. The policy basis for this mandate was not established through this or any other process. This is problematic given the lack of mechanisms at state and local levels to affect that intent, as suggested in the PESRAC Report.
  - d) The following policy impost to discourage development in existing areas was neither documented nor demonstrated through this process:
    - i. well serviced and social infrastructure are not defined, servicing costs are a commercial consideration for developers and the relevant infrastructure managers (under separate statutory powers outside the Act) as part of the development process;
    - ii/i. the discouragement of development in existing areas that have high environmental or landscape hazards/values;
    - iv. removal of opportunity for expansion of existing settlements where they adjoin agricultural land is contrary to the policies established under the State Policy for the protection of Agricultural Land 2009;
3. The Policies do not demonstrate a case for extension of the rigid hierarchy approach under the STRLUS across the State, nor a review of the alternatives such as the settlement network under the NTRLUS. We request the Commission review implementation of the various approaches across the state to determine the suitable response under the Schedule 1 objectives, and ensure the implementation issues that result from the STRLUS approach are not extended across the State through the Policies and subordinate documents.

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4. Prioritisation of growth to higher order settlements is likely to remove growth from the Glamorgan Spring Bay area and is contrary to the trends for increasing population growth outside Hobart identified in the recent Consultation Paper on the Tasmanian Population Strategy and is contrary to post covid trends for increasing regionalisation of the population and changing work location trends. The binding nature of this strategy is also contrary to the opportunity provided under the definition of sustainable development within the Act. This strategy must be revised to reflect growth across the network of settlements within the regions.
5. Please explain how impediments to infill development can be addressed through land use planning (noting the findings in the PESRAC Report on this set of issues). If this cannot be done through the RLUS SPP and LPS without curtaining the opportunity established under the Schedule 1 objectives, it must be removed.
6. The policy and regulatory basis to mandate structure planning for every settlement (and potentially every planning scheme amendment following the statutory obligations for implementation of the Policies under the Act) was not established through this process, nor the establishment of minimum requirements identified in criteria a through g. The criteria should operate similar to performance criteria under planning schemes, by consideration of rather than mandatory instruction.
7. The policy basis for the mandatory up-front identification, allocation and mapping of growth through establishing Urban Growth Boundaries (UGB) was not established through this process. Operation of UGB's within the southern region suggests there are significant issues that are relevant to implementation through RLUS, the TPS and LPS that require review to ensure they are not simply transferred across Tasmania. Obstructions are expected from many State Agencies and authorities, given their lack of available plans for growth. The likely outcomes in application of the Policies through the RLUS, TPS and LPS is significant constraint across the Glamorgan Spring Bay area and many other areas of Tasmania.
8. This strategy should support the use of local strategy and must provide consideration of criteria rather than mandated compliance. Criterion f must consider the impacts on other settlements rather than prevention of impacts, or it becomes prohibitive.
10. Reliance on high accessibility by public transport is expected to result in an effective prohibition across the Glamorgan Spring Bay area, noting the limited services within the area (and across much of Tasmania).
11. The mandatory identification of development sequencing in RLUS is an absurd concept, noting the difficulties that occur through local strategy and structure planning. Implementation tools will require amendments to update sequencing for specific amendments to enable development or risk becoming an effective prohibition (particularly noting the lack of ownership and complex process for revision of RLUS).

The higher order strategy to enable growth through local strategy and/or structure planning must be established through this section of the Policies and was not. Other strategies assume its operation, but the primary power should be established and must refer to both local strategy and structure plans to reflect the full ambit of opportunity provided through the Schedule 1 Objectives and changing nature of projected growth on the ground and reflected in State documents.

## 1.2 Liveability

The exclusion of rural living and lifestyle areas from liveability strategies is unclear and is questionable when considering the scope and significance of the development type to Tasmania and consideration of the RMPS objectives and the changing patterns of settlement and work identified in Government documents. The rural lifestyle sector delivers a significant component of liveable outcomes for many residents across Tasmania, which is projected to increase.

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- 1-6 The collective mandate of these strategies is to limit or prohibit the strategic expansion of existing settlements within the smaller settlements within the Glamorgan Spring Bay area and other such rural areas and communities. It cannot be supported and must be revised to reflect the critical roles and functions of these networks within remote communities and enable rather than prohibit sustainable development.
4. The SPP and TPS/LPS do not provide a regulatory framework for public open space and rely on dated provisions under the *Local Government (Building & Miscellaneous Provisions) Act 1993*, despite identification of necessary reforms in the PESRAC Report.
7. Strategy provides climate change considerations to urban areas only but must be applied universally. The Strategy should set a climate change response, with a separate strategy addressing urban areas. The prescription of specific mechanisms and outcomes within this type of strategy is also questioned in terms of the impacts for implementation. The mandated integration of water features into public spaces is questioned, given the range of functions and authorities that are required to make decisions on the form and content of public space outside the operation of the Act and therefore, the Policies.
9. This strategy establishes mandatory requirements for cultural, recreational and community facilities that cannot be universally delivered across all settlements within Tasmania and must be revised to refine application and remove matters that complicate implementation.
10. While the intent of this strategy is clear, community identity and sense of place are new terms to land use planning in Tasmania, are unclear in their intent/meaning and will create problems for assessments, decisions and implementation through RLUS, TPS and LPS.
11. While the intent of the Strategy is clear, it must be limited to the scope relevant to the implementation tools and ultimately, the TPS/LPS. Inclusion of extraneous material and criteria is expected to complicate assessments, decisions and implementation through subordinate documents.

### 1.3 Social Infrastructure

The ability of RLUS and TPS/LPS to deliver many of these strategies is unclear, if possible at all. They require revision to reflect the scope and capacity of land use planning and delivery through the RLUS, TPS and LPS.

The strategies are written for the end outcome without first establishing an appropriate strategic policy basis for delivery through the RLUS and TPS/LPS.

Delivery of these strategies rely heavily on the cooperation of State Agencies. It is unclear how the strategies can be achieved through the RLUS and planning schemes.

Given the mandatory nature of compliance through LPS amendments, all matters extraneous to the delivery mechanisms must be deleted.

### 1.4 Settlement types

- 1.4.2 the objective (settlements with particular environmental characteristics) appears contrary to many of the strategies that focus on urban areas/issues.
- 1.4.3 The strategies again frustrate assessment through competing requirements that contradict each other within the Policy area and with other Policy areas.
  1. must be applied universally due to wording but establishes requirements that relate only to urban environments.
  - 2 & 3. Relate to and duplicate other policy areas. The components of demand are a fundamental consideration of Growth.

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5. Commencement with a prohibition is not appropriate to the function of the document, particularly around such a significant component of dwelling provision across the regions that with recognised significance for accommodating growth in coming decades. This issue relates to growth. The policy basis for such prohibitive strategy was not established through this process. A better approach is to establish sustainability criteria for growth in Rural Residential areas like the NTRLUS within the Growth policy area.

## 1.5 Housing

- 1.5.1 Application and objective do not reflect the established range of housing options for lifestyle purposes and in rural living areas, nor the projected role of this form already recognised by State.
- 1.5.3 The strategies must provide for local strategy to drive or inform implementation of the various statements, particularly on the type and location of housing, and densification, to comply with the Schedule 1 objectives. Matters beyond the regulatory regime of planning schemes must be removed, such as housing availability and affordability, social housing programs, crisis and disabled accommodation and co-living.

## 1.6 Design

- 1.6.3 Strategies need to operate within the limitations of the Act and particularly those established under the *Building Act 2016* on technical requirements and construction, and the ability for planning authority to establish conditions and undertake enforcement.

## 2 Environmental Values

### 2.1 Biodiversity

#### 2.1.3 Strategies

1. Identification and ranking of biodiversity values cannot be realistically implemented through RLUS, TPS or LPS or the Local Government Sector in a way that is consistent with the Schedule 1 Objectives and requires significant coordination and commitment from various State agencies to address. Strategy must be directed at the State level and delivery through the SPP.
- 2, 3 4 5. Strategies contradict and confuse each other.
4. Implementation can only be achieved through the SPP, which must be clarified, or implementation will be compromised and assessments unnecessarily complicated.
- 6, 7. Implementation through the SPP & TPS must be proven or the strategies require deletion. Otherwise, implementation will require all landscaping involving environmental weeds or disease to be prohibited. Assessment against the precautionary principle at strategic and development levels will be difficult if not impossible and preparation of applications is also expected to become problematic if not prohibitive.
- 8-13. Implementation of these strategies must be examined in detail to ensure that the resultant planning provisions do not become prohibitive for the preparation and assessment of applications and enforcement through TASCAT.

The Strategies also fail to establish a strategic approach for biodiversity offsets. The Policies should enable consideration:

- in a strategic way that goes beyond the individual site and is delivered across the subregional, regional and state levels;
- is based on biodiversity values that enable identification and protection; and
- enables offset contributions to be used to acquire significant lands supported by overlays and planning controls.



## 2.2 Waterways, wetlands and estuaries

### 2.2.3 Strategies

1. Identification and regulation of relevant values cannot be realistically implemented through RLUS, TPS or LPS or the Local Government Sector in a way that is consistent with the Schedule 1 Objectives and requires significant coordination and commitment from various State agencies to address. Strategy must be directed at the State level and delivery through the SPP.
- 2-7. Implementation in a way consistent with the Schedule 1 objectives can only be delivered through the SPP and strategy must reflect this to minimise unintended regulatory impact. Multiple strategies specify the regulatory outcome.
- 5, 8. Strategy is simply beyond the scope of land use planning and must be deleted.

## 2.3 Geodiversity

Inclusion of the policy area is supported.

- 1, 2 1. Identification and regulation of relevant values cannot be realistically implemented through RLUS, TPS or LPS or the Local Government Sector in a way that is consistent with the Schedule 1 Objectives and requires significant coordination and commitment from various State agencies to address. Strategy must be directed at the State level and delivery through the SPP.
- 3-5. Implementation is unclear through the available tools. Please determine how this can be achieved in a way consistent with the Schedule 1 Objectives.

## 2.4 Landscape Values

Inclusion of the policy area is supported.

Landscape values highlight the need for inter and intra-regional responses to be clearly identified and established in support of the Policies. Examples include the Tamar and Midlands Valleys, various coastal landscapes around the state (particularly the east, northwest and lower Derwent/coastal areas and highlands). Implementation must be addressed as part of the assessment, with clear guidance provided across State, Councils and the community.

Implementation is also likely to require Guidelines or Practice Notes under the Act that are not part of this process. Council requests the Commission address this requirement as part of its assessment.

### 2.4.3 Strategies

- 1, 2. Identification and mapping of various landscape values is a significant issue that State has never addressed and ought to be removed unless the State will resource identification and management of them. The relationship of landscapes to other policy areas needs to be reviewed and established or removed from this sector, particularly for cultural, ecological, geological issues that are addressed under other policy areas.  
  
Implementation must be addressed through regulatory tools within the SPP, identification processes that include meaningful community consultation and supporting tools for the end users.
4. Does not provide for the range of scenic values, such as the potential for significant value that may be attributed to a 'degraded' landscape as part of the scenic values.

## 2.5 Coasts

The GSB area has significant coastal values, many of which relate to how the coast is used and extend beyond the natural values. Following the requirements of 7.2.3.1, the precautionary principle may well require the removal of some or all use and development to satisfy this objective and associated strategies.





### 2.5.3 Strategies

- 1, 2. Strategies must be delivered by mapping completed at the State level and regulation delivered through the SPP. Otherwise, implementation is likely to become frustrated and contrary to Schedule 1 Objectives. Revise to reflect capacity of available tools.
1. The suitability of unfettered recognition of engineering works to protect coasts is question and conflicts with the intent and requirements of multiple other Policy areas, objectives, strategies and potentially the Schedule 1 Objectives. Implementation in this form must be subject to detailed consideration and recommendations by the Commission.
- 3 & 4. Conflict with 1 & 2 and most likely the burden established under 7.2.3.1.

Strategies fail to address the considerable progress made on coastal management through the Interim Schemes and first round of LPS. Policies should be consistent with the established Policy basis such as the [DPAC Principles for consideration of natural hazards](#) or one of the nationally recognised frameworks.

## 3 Environmental hazards

Establishing Policies without defining the general principles, objectives and strategies to apply across the policy area is contrary to the Schedule 1 Objectives and requires duplication of the general principles to each category.

The first strategy under many issues, to identify and map, is an implementation issue and does not reflect a policy basis consistent with the nature of the Policies or implementation in accordance with the Schedule 1 Objectives.

The strategies do not reflect the coordination of regulatory intervention across different regimes. A number of strategies need to be consolidated to reflect the implantation tools through RLUS and planning schemes.

Avoid, adapt and retreat are critical considerations for implementation within this policy area, as are the relevant risk management frameworks established through State and National bodies for management. They must be reflected in the policy framework.

### 3.1 Bushfire

#### 3.1.3 Strategies

1. Strategies must be delivered by mapping completed at the State level and regulation delivered through the SPP. Otherwise, implementation is likely to become frustrated and contrary to Schedule 1 Objectives. Revise to reflect capacity of available tools. Identification and mapping are an implementation issues.
2. Implementation requires that any potential bushfire hazard will be prioritised at every level of planning process, mandating elevation of bushfire assessment above every other issue in the Policies and duplicating assessments and regulations. The implementation of this strategy was not considered and must be addressed in a way that is consistent to application across the RLUS, SPP, TPS and LPS. This is a significant change in policy and strategy for planning regulation.
- 3 & 4 Strategies contradict each other and should be combined to clearly establish a clear policy approach to bushfire planning through RLUS and planning schemes. 3 contains a clear prohibition through the term avoid that cannot be balanced with other requirements, even if the General Application section of the Policies were legally functional.
- 5 & 6 are not relevant to the operation of RLUS and planning schemes. The emergency management response is not capable of being regulated through planning schemes, aside from the allowance for use and development as established through the TPS. The policy framework needs to reflect this, or this proposal needs to establish how this issue is to be



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addressed through the planning processes and what can reasonably be expected to support RLUS, planning schemes, and ultimately planning applications.

- 9 This is in part a regulatory outcome managed under the Building Act process and in part beyond the scope of planning schemes.

The suggested changes in policy approach are significant and will require further examination and explanation before their impact in the development and operation of RLUS and planning schemes can be considered.

Implementation will be critical for the suggested changes in policy and approach.

### 3.2 Landslip

#### 3.2.3 Strategies

1. Identification and mapping are implementation issues. Policy approach should be to plan for risks and management of landslip hazards with the delivery mechanisms.
3. The acceptable risk thresholds are not established and should be by reference to an assessment process and established risk management framework. The concept of *more susceptible* is unclear.
- 4 & 5 These are perhaps better suited to implementation and require coordination with other regulatory regimes to comply with the Schedule 1 Objectives. They should be supported by a higher order policy statement.

Implementation guidelines are critical for this issue and should be established at this level to deal with implementation of the policy through RLUS, planning schemes and where suitable, assessment of DA's.

### 3.3 Flooding

#### 3.4.3 Strategies

- 2&3 contradict each other.
- 2, 4 & 5 establish a prohibition similar to previous strategies.
- 6 This is an emergency management issue beyond the scope of the Policies and available delivery mechanisms.
- 7d This criterion does not reflect the developing recognition of the need to begin planning to avoid creating future problems. A policy framework is required that clearly says avoid flood risk, where response to existing areas is considered and clearly established (including when additional risk will not be tolerated).
8. Strategy is beyond the scope and legislated power of the Policies and planning schemes to implement. Given other strategies within the Policies, was the impact of this strategy approved by the relevant statutory decision makers across the various levels of Government? Is it technically feasible for management of flood events?
9. Strategy does not reflect the operation of the Water Management Act outside the planning system and the opportunities that it provides and manages. Can this Strategy even be delivered through RLUS, SPP, TPS and LPS?

### 3.4 Coastal Hazards

Application based on the SCP is not acceptable, as previously discussed. The policy, science and supporting information has developed significantly since the SCP was made and is necessary to reflect the intent of the Schedule 1 Objectives. A better definition is required that is not limited to the SCP.

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The Policies also fail to progress response to emerging climate issues around coastal communities and specific matters such as the management of new development in areas known to be at risk from climate change impacts (or redevelopment in existing areas) in a way that delivers the Schedule 1 Objectives.

### 3.4.3 Strategies

Some of the policy statements appear to suggest that coastal reinforcement is suitable for protection of private property. This statement is not appropriate to intended function of the Policies and is questioned for compliance with the State Coastal Policy and suitability for the Policies absent Implementation Guidelines to inform the development and operation of RLUS and planning schemes.

A policy basis for retreat in response to progressive coastal management must be established through the Policies, even if only for this specific issue.

The policy basis for managing coastal hazards ought to establish a more dynamic head of power for consideration of issues so that the Policies is not limited to an already dated threshold and does not require amendment each time science on the issue is updated.

Similar comments apply as identified for other issues within this section.

8. This should establish a clear benefit for implementation of engineered coastal defences, rather than just requiring consideration of social, environmental and economics. Better definition of *when they are appropriate* is required rather than simply enabling them following an assessment process.

## 3.5 Contaminated air and land

### 3.5.3 Strategies

1. This is an implementation issue. How this is done is unclear and how it can be reflected through RLUS, SPP's, TPS and LPS must be established as part of the assessment of this strategy.
- 2, 3 need to reflect the policy environment they function within.

Generally, some reflection of existing activities in compromised locations is required through the policy and regulatory tools.

The TPS implemented a significant policy change in establishing buffers from title boundaries rather than the activities involved. This position needs to be reviewed and its compliance with the various prohibitions on polluting/emitting outside a title boundary. If it remains, it should be established through the Policies (either as a dedicated strategy or through an implementation guideline).

Assessment by the Commission must clarify how these issues are addressed. Examples include:

- How the sites in Strategy 1 are identified and by whom;
- whether buffers should be mapped or not and at what scale;
- whether any maps are a statutory overlay or an information overlay;

## 4 Sustainable economic development

### 4.1 Agriculture

Issues with the operation of the State Policy on the Protection of Agricultural Land 2009 have been around the following:

- interpretation of what is and what is not agricultural land;
- difficulties with application and veracity of the LCCS;
- the apparent prioritisation of Prime Ag Land where class 4 is the most significant contributor to the agricultural economy;

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- conflicts with non-agricultural use and designation as prime agricultural land or as within an irrigation district; and
- application of the policy to non-agriculture uses in potential agricultural areas.

The strategies do not appear to progress to these issues but do appear to remove much of the flexibility provided under the Policy. The strategy statements need to set some clear positions around these matters. They also ignore more recent developments such as controlled environment and hydroponic agriculture and land based aquaculture.

- 2-12 Primary response will be through the SPP to enable land use and regulatory outcomes, but this applies to all levels of implementation universally. Compliance cannot be delivered where the SPP do not establish appropriate controls.
9. Strategy confuses the classification of workers accommodation with residential use, which it is not where it is ancillary. No provisions were made for offsite worker accommodation.
10. This appears to restrict small farm operations to sites that are close to urban areas, where the reality is they are scattered all over the place and in many cases coincide with Rural Living areas in addition to Rural and Agricultural.
- 11, 12. Strategies do not reflect the operation of the Water Management Act and other legislation outside the planning system and the opportunities that it provides and manages. Can this Strategy even be delivered through land use planning and if so, where must response be directed to comply with the Schedule 1 Objectives? The RLUS, SPP, TPS and LPS?

The lack of implementation guidelines on this policy area is not acceptable.

#### 4.2 Timber Production

Issues associated with timber production do not appear to have justified the separate response to this specific crop to others within the agricultural sector.

The purpose, intent and outcomes of this Policy area were not established. A detailed assessment is required to demonstrate this Policy area will deliver the Schedule 1 Objectives.

#### 4.3 Extractive Industry

4.3.2 Objective statement should refer to sustainable rather than urban development.

##### 4.3.3 Strategies

Strategies protect anything and everything with any extractive potential, which is concerning given concerns over the General Application section and implementation of all Policies and Strategies under the Act. Implementation on that basis will be problematic and is likely conflict with other Policy areas and the Schedule 1 Objectives for sustainable development.

Strategies do not recognise existing situations and conflicts.

The MRT *Strategic Resources – Draft and Strategic Prospectively* zone layers on the list cover significant urban and other areas. Clarification is required on how they are to be used under RLUS, planning schemes and ultimately, planning applications. While this is unlikely to be a significant issue for Glamorgan Spring Bay, it demonstrates the implementation issues expected to impact RLUS, SPP, TPS, LPS and the subsequent use of those documents to determine planning applications.

#### 4.4 Tourism

##### 4.4.3 Strategies

1. The up front identification (and most likely mapping) within the RLUS is concerning and implementation of this approach through the existing RLUS has been problematic. This has been a significant problem with operation of the current STRLUS and highlights difficulties with the maintenance and amendment of the document. The ability to comply with this strategy is concerning, particularly as the strategies do not address how unique and

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unexpected opportunities should be addressed, or if they are even possible under strategy 1. Multiple strategies support this concept, but it must be addressed to ensure that strategy 1 does not prohibit it.

- 3 This is supported to enable the review of planning scheme provisions to inform dwelling allocations. Some additional information is required to provide meaningful comment and further information on implementation will be critical to what this means for both the initial and ongoing review of RLUS and planning schemes.
5. As with many similar strategies under other policy areas, this is an implementation matter for the SPP to address, but is listed for all assessments to respond to.
6. This strategy is unclear in its meaning and intent. How this can be implemented is unclear and what would it mean for RLUS and planning schemes?
- 7-9. The ability of these strategies to be implemented through the statutory mechanisms is questioned. If possible, in any meaningful way, they must be clarified to specify which level they operate at and if not, they must be deleted.

#### 4.5 Renewable Energy

##### 4.5.3 Strategies

1. As with other similar strategies, identification is a matter that must be addressed through the SPP with cooperation of various state agencies and authorities. Delivery through Local Government is not consistent with the Schedule 1 Objectives. The strategy should be written to take consideration of matters rather than mandating compliance with them to enable balancing of issues, with the delivery mechanisms specified.
- 2-5 Address matters that can only be delivered through the SPP with information and commitment from State Agencies and Authorities.
6. As with many similar strategies under other policy areas, this is an implementation matter for the SPP to address, but is listed for all assessments to respond to.

#### 4.6 Industry

This section highlights the largely urban focus of the Policies at the expense of non-urban areas. Significant industrial activity occurs in rural areas across the State and must be enabled.

The Policies require redrafting to enable the strategic consideration of issues across the variety of rather than mandated compliance.

##### 4.6.3 Strategies

- 1, 2 conflict with 3 as written within the Policies, where a higher order strategy is required to implement both responses and provide for balancing the potential conflicts. This may include some consideration of the types of industrial activities within versus outside of UGA's.
- 1 & 3. Strategies appear to assume that industry is based on historical models of 'dirty' operations and do not appear to consider newer and emerging clean industry sectors. The assessment will need to ensure that implementation is not restrictive to clean industry models and therefore contrary to the Schedule 1 Objectives. Local Strategy must be considered in this strategy.
2. This strategy is relevant inside and outside UGA's. The timeline is too short to provide for any strategic identification and management of infrastructure and coordination of large scale land acquisition.
3. The examples within a) do not reflect emerging industries and are inappropriate to the operation of the Policies. The closing statement is self-conflicting and ought properly to be addressed under the relevant Policies. Is the test avoided or minimise and how is the right

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term identified for implementation? When is each option acceptable? This issue applies universally through implementation, but requires some direction from State and may even reference consideration of other Policies or specific strategies.

- 4 & 5. Implementation requires examination to confirm the appropriate tools to manage conflict through both the statutory implementation (RLUS, SPP, TPS, LPS) and other options available to the Commission including Guidelines and Practice Notes.
6. Implementation requires examination to determine the most effective of the available delivery mechanisms (RLUS, SPP, TPS, LPS). The Strategy must then be revised to reflect that tool to maintain compliance with the Schedule 1 Objectives.

#### 4.7 Business and Commercial

Small and rural towns and villages are an important part of the Tasmanian landscape and economic sector, yet they are not adequately addressed in the Policies. The Strategies do not deal with existing centres outside urban and settlement growth boundaries in a way that is consistent with the Schedule 1 definition of sustainable development. Are they to be extinguished or closed down through the prohibition of expansion or growth by omission?

1. As with many similar strategies under other policy areas, this is an implementation matter for the SPP to address, but is listed for all assessments to respond to. Criterion g discriminates against local centres and must be replaced with local strategy to reflect the opportunity provided under the Schedule 1 Objective definition of sustainable development. Local Strategy must be considered in this strategy.
2. This strategy is a function of settlements and/or growth and should be removed from this Policy.
3. Use of the term avoid is inappropriate to the strategy. Where possible is an unsuitable test to the nature of the strategy. Implementation is likely to result in an effective prohibition as it is always possible to avoid competition. The Commission must examine how this strategy would be implemented in real life to determine the appropriate operation through the range of statutory implementation measures.
4. Growth should be enabled dependent on local strategy where it supports the function of the centres. How can local centres obtain growth when it is mandated to higher order settlements at the expense of lower order centres?
5. Activity centres should be enabled where consistent with Local Strategy.
6. The definition of Activity Centre is not clear and must not become an effective prohibition to the establishment/expansion/intensification of existing tourism or agri/tourism operations. Glamorgan Spring Bay has many such businesses operations that are outside established settlements and often located near each other. Implementation of the Activity Centre concept must ensure that the intent and application of the term is clear and does not have unintended consequences for the full range of activities that comprise the Glamorgan Spring Bay economy and experience.
7. Strategy does not reflect the changing nature of business and significant swing to home based operations since Covid.

#### 4.8 Innovation and Research

Strategies within this section relate largely to matters that are outside the operation of the statutory delivery mechanisms. Many appear to require considerable collaboration with and between State Agencies, which is an unreasonable mandate to establish for delivery through the Council.

Implementation of this set of strategies must consider whether the strategies can be delivered through the statutory mechanisms and if so, define the implementation process and tools as part of the specific strategy statements.



If, as suspected, this cannot be done, Council submits this set of Policies must be removed or deferred for later consideration and development.

## 5 Physical Infrastructure

### 5.1 Provision of Services

Generally, the strategies are too specific and do not reflect the opportunity for growth based on local strategy provided in the Schedule 1 definition of sustainable development. As written, implementation is expected to result in infrastructure considerations driving growth, rather than being a function of strategic growth.

#### 5.1.3 Strategies

2. This issue requires a response across parts of a region or between regions. A framework is required under the Policies to enable this. Implementation requires coordination and input across a range of State Agencies and cannot be delivered by the Council or Local Government sector.
3. This strategy is similarly outside the function of planning schemes and subject to other statutory regimes. Land use planning deals with the consequences of those decisions, it does not drive them. The assessment of implementation must specify how this strategy would be addressed and at which level it is functionally competent within the range of statutory delivery mechanisms.
4. This strategy is outside the operation of planning schemes.
5. Developer contributions were addressed in the PESRAC report and require revision of statutory powers outside the land use planning system. Planning provisions may result from the completion of that process through amendments to the SPP, but that detail is not appropriate to the Policies. There are also concerns over the limitation of developer contributions to infrastructure, which is inconsistent with the definition of sustainable development and delivery of the objectives within Schedule 1 of the Act.
6. The intent of this strategy is unclear, outside the scope of the statutory delivery mechanisms and subject to decisions by other sectors under legislation that is not within the RMPS.
7. Strategy is unachievable and outside the scope of the statutory delivery mechanisms as domestic wastewater is subject to design by licensed practitioners and exempt from detailed consideration under the Building Act 2016.
- 7-14. Strategies require considerable review to reflect implementation through the statutory mechanisms and may be better suited to a Guideline or Practice Note for specific consideration, combined with revision of clause 6.11 of the SPP to confirm the ability to provide conditions on planning permits.
9. This has a mandated protection, where 10 has encouraged minimisation for very similar issues. Which is it? 9 also provides no recognition of existing circumstances, which raises the risk of prohibitions being forced through new planning schemes and amendments to meet the statutory implementation.
11. Strategy is better expressed through other Policies and should be deleted. .
- 12 & 13 require redrafting to reflect their intended delivery mechanisms.

Many of these strategies require the input and cooperation of external agencies to affect implementation.

Operation of the current RLUS confirm the need to deal with the very real lack of input or cooperation of external agencies to the preparation of RLUS/Planning Schemes and ultimately, the assessment of

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DA's. The Commissions assessment must consider practical implementation to prevent this set of strategies becoming an effective prohibition on strategic measures and projects.

## 5.2 Energy Infrastructure

Many of these statements require the input and cooperation of external agencies and statutory assessment regimes to affect implementation. Mandatory implementation through amendments to LPS and the assessment DA's is questioned, if possible at all.

### 5.2.3 Strategies

1. The ability of the statutory tools to implement promotion is challenged, if possible at all.
- 2, 3. The ability of this strategy to be implemented through the statutory mechanisms is unrealistic and appears to be more suited to a technical assessment under the Building Act 2016 and National Construction Code to comply with the Schedule 1 Objectives for a coordinated and structured regulatory system, particularly noting recent reforms to get normal housing out of the planning application process.
4. Assessment must ensure that implementation does not become an effective prohibition in many areas of Tasmania that are without public/alternative transport modes. Implementation is questioned through much of the Council area, which suggests it should be deleted.

## 5.3 Roads

The majority of strategies under this section are beyond the scope of the statutory implementation tools to address and are regulated outside the planning scheme (heavy vehicle network and State/Council/City engineer).

Implementation through RLUS and planning schemes is unrealistic. The strategic component is for planning schemes to facilitate improvements to transport infrastructure and changing transport modes over time.

## 5.4 Transport modes

Strategies under this section assume an urban location with access to the full range of facilities and options they provide.

Refinement is required to ensure implementation of these strategies does not become effective prohibitions for rezoning and strategic expansion of settlements without the full range of specified infrastructure and growth is enabled consistent with the Schedule 1 definition of sustainable development across the network of settlements within the Council area.

Identification of target strategies for specific areas may be suitable to allow detailed responses through strategies, such as urban or remote locations, those with or those without such facilities, to prevent an unintended prohibition on future development.

As exhibited, implementation is expected to become problematic for Council, if not prohibitive. Language within strategies needs to be appropriate to the statutory delivery mechanisms.

## 5.5 Ports and Strategic Transport Networks

Strategies under this section assume an urban location with access to the full range of facilities and options they provide.

Refinement is required to ensure implementation of these strategies does not become effective prohibitions for rezoning and strategic expansion of settlements without the full range of specified infrastructure and growth is enabled consistent with the Schedule 1 definition of sustainable development across the network of settlements within the Council area.

Identification of target strategies for specific areas may be suitable to allow detailed responses through strategies, such as urban or remote locations, those with or those without such facilities, to prevent an unintended prohibition on future development.



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As exhibited, implementation is expected to become problematic for Council, if not prohibitive. Language within strategies needs to be appropriate to the statutory delivery mechanisms.

The Commission must consider whether application/implementation of this set of Policies is better suited to urban areas and/or urban growth boundaries and is appropriate to the projected growth patterns within Tasmania without becoming an effective prohibition.

## 6 Heritage

### 6.1 Aboriginal Cultural Heritage

Aboriginal heritage is reflected through the RMPS objectives but is not addressed through the existing land use planning system.

Experience from hearings identified that the lack of coordination between planning and other processes frustrates and complicates assessment of strategic processes. Policy 6.1 seeks to address the existing situation.

While the intent of Policy 6.1 is supported, the outcomes of the exhibited Policies is unclear.

It is understood that there are fundamental and irreconcilable legal conflicts between the availability of the relevant records and the intent of the Policies, particularly around:

- The structure of the Policies and their ability to integrate with Aboriginal Cultural Heritage values, particularly on public disclosure of sites and values through planning schemes;
- The apparent lack of consultation with Aboriginal communities about inclusion of Aboriginal Heritage in the land use planning system and the requirements for public disclosure of heritage values, sites and locations; and
- The outcomes of current reviews of the Aboriginal Land Act and Aboriginal Heritage Act and what/how Aboriginal heritage will be managed. For example, will assessments under the Aboriginal Heritage Act be recognised under LUPAA in a similar way to those under the Historic Cultural Heritage Act?
- The dual regulation of impacts under legislated management regimes between the Aboriginal Land Act, Aboriginal Heritage Act and the Land Use Planning and Approvals Act;
- The separate statutory authority provided under the Aboriginal Lands Act 1976 and how that is reflected through the Policies and land use planning system, such as is done for crown and authority lands under the SPP's;
- The lack of clarity about when Policy 6.1 would be implemented and how, which would require unrelated planning scheme amendments to either establish a system to address these matters or justify, in every case and based on evidence, why the specific amendment should not have to comply with the obligations under Policy 6.1.
- Aboriginal Heritage Tasmania is one of the relevant bodies that ought to be consulted for application to Aboriginal Heritage. Lack of consultation with other key organisations and communities is inconsistent with multiple RMPS objectives and the Policies for planning processes at section 7 of the exhibited document.

Much of this could be avoided if a staged approach was established to the Policies. This would allow outcomes of current legislative review processes for Aboriginal Heritage, consultation over how and where Aboriginal heritage to be completed and consultation to occur to enable incorporation into strategic and statutory assessments under the land use planning system. The initial 5 year period would then establish and implement a strategic and statutory process, with the first review redefining those strategies to improve implementation, management and outcomes.

Policy 6.1 must be reviewed to address the lack of integration of Aboriginal heritage to the land use planning system, using the first iteration of Policies to:

- consult and identify how Aboriginal peoples' connections to country and their internationally recognised rights to self-determination and free, prior and informed consent (consistent with the



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UN Declaration on the Rights of Indigenous Peoples and following the Uluru Statement from the Heart) can be integrated to the land use planning system;

- establish strategic and statutory processes and how the statutory authorities interact with land use planning;
- revise the SPP's to reflect the outcomes of that process; and
- establish supporting material and processes to implement the process, similar to what was done with the Western Sydney Aerotropolis and the guidelines to recognise country and inform development assessment (available [here](#)).

The second iteration of Policies then provide for implementation and refinement of those provisions. Suggested revisions were provided as **Attachment 1** to this report.

## 6.2 Historic Cultural Heritage

The requirements of many Strategies simply cannot be delivered through the regulatory regime of planning schemes, while others are more appropriate to development standards under a code rather than informing the strategic management of cultural heritage through the RLUS, SPP, TPS and LPS.

The Burra Charter and ICOMOS are not referenced, yet myriad other requirements are established based on an undefined concept of significance.

Council has concerns that the implementation of these Policies will require it to commit significant resources and funding to the detailed survey and assessment of all potential heritage sites within the municipality and then establish and implementation programs for the ongoing protection and maintenance of heritage as a direct result of the Policies.

Assessment must detail and document how the Policies will be implemented through the various levels of government.

## 7 Planning process

The Policies for planning process add nothing to the requirements established under the Schedule 1 objectives and various requirements of the Act. The policies and strategies are expected to frustrate implementation if many can even be delivered. The section should be deleted from the Policies as it is not appropriate to the function and operation of the Policies and subordinate delivery mechanisms.

The Commission may wish to consider delivery this policy intent through other mechanisms such as Guidelines or Practice Notes or even revisions to the Act itself. Implementation is likely to be significantly improved.

### 7.1 Public Engagement

The strategies address matters outside the land use planning system and are not consistent with the practices employed by State through planning reform. They conflict with the functional power of strategic planning process and implementation through subordinate mechanisms. Experience suggests they will be difficult if not impossible to deliver through planning scheme amendment processes, as they are not employed by State through higher level processes.

Increasing levels of frustration with the implementation of recent planning reforms demonstrate a clear lack of meaningful consultation with and understanding of community expectations at the State level.

The public engagement Policy is likely to cause implementation problems for Council and the local government sector that cannot be resolved at that level but require mandated compliance under the terms of the Policies and the Act.

Council requests that the Commission provide a detailed examination of how they would be implemented, which agencies and levels of government would be required to complete/coordinate those tasks, the types and extent of consultation that would be suitable (but not mandated for) the subordinate tools, and whether public consultation protocols are better suited to Guidelines or Practice Notes issued by the Commission.



Public engagement must be removed from the Policies.

## 7.2 Strategic Planning

### 7.2.3 Strategies

1. Mandated satisfaction of the precautionary principle to all decisions that impact environmental considerations will have significant implications for all strategic planning applications and assessments that respectfully, were not properly considered in formulation of this strategy. The intent is clearly established (the consideration of all regulatory controls for use and development applications under a planning scheme) as is the required outcome (full and complete scientific knowledge and understanding of all impacts now and into the future). Implementation of this strategy will be prohibitive in terms of knowledge, cost, time, process and the future monitoring of impacts. It is not clear what this strategy adds that is not addressed, in a more productive form, in strategy 2. This strategy *must* be removed.
  2. Strategy is resource focussed and not consistent with the Schedule 1 Objectives and definition of sustainable development.
  3. This strategy is redundant when compared with 2.
  4. Requires significant cooperation, coordination and action by State agencies. It is unclear whether State agencies have or are able to provide social and infrastructure planning. Implementation will be problematic and is unlikely to be meaningfully implemented through the subordinate mechanisms.
- 6-8 Cannot be delivered through the intended mechanisms.

Implementation of the strategies through the available tools is questioned.

## 7.3 Regulation

This section is contrary to many other requirements within the Policies. Implementation through the planning system and subject mechanism has not been properly considered and will frustrate the assessment and use of subordinate tools.

The Policy area must be deleted.



## Attachment 1 – Suggested revisions TPP 6.1 Aboriginal Cultural Heritage

### 6.1 Aboriginal Cultural Heritage

#### 6.1.1 Application

Statewide.

#### 6.1.2 Objective

~~Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage values including places, objects and practices. Support, recognise and protect Aboriginal Cultural Heritage within the Tasmanian Resource Management and Planning System and establish and implement measures to provide for the management of Aboriginal heritage.~~

#### 6.1.3 Strategies

##### 1. Land use planning is to:

- a) recognise, ~~respect and accept~~ that Tasmanian Aboriginal people are the custodians of their cultural heritage;
- b) acknowledge that Aboriginal Cultural Heritage is living and enduring;
- c) promote the protection of Aboriginal Cultural Heritage values; and
- d) support Tasmanian Aboriginal people to identify, manage and, ~~where appropriate,~~ continue to use and culturally identify with, Aboriginal Cultural Heritage places.

##### 2. ~~Encourage the understanding and consideration of Aboriginal Cultural Heritage and support the investigation of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially harm any Aboriginal Cultural Heritage values associated with that land. Integrate Aboriginal Heritage into strategic and statutory land use planning processes, through consultation with the affected communities.~~

##### 3. ~~Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or are highly likely to be, Aboriginal Cultural Heritage values unless it is demonstrated that the impact on Aboriginal Cultural Heritage values can be appropriately managed. Establish the role of key statutory agencies and management processes for Aboriginal heritage within the land use planning process.~~

##### 4. ~~Establish mechanisms to integrate Aboriginal cultural heritage to strategic land use planning processes, including the consideration of Aboriginal heritage values, their significance to the relevant community and how they may be conserved through the land use planning process.~~

##### 5. ~~Integrate consideration of Aboriginal Cultural Heritage into the State Planning Provisions and establish guidelines to assist with addressing country and heritage through preparing applications and the assessment of applications.~~

# Draft Tasmanian Planning Policies

## Background Report and Explanatory Document



State Planning Office  
Department of Premier and Cabinet



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## 1.0 Introduction

The Background Report (the report) has been prepared by the Department of Premier and Cabinet's State Planning Office (SPO) to accompany the draft Tasmanian Planning Policies (TPPs).

The *Land Use Planning and Approvals Act 1993* (the Act) establishes the provisions under which the TPPs may be prepared, made, amended, implemented and reviewed.

The TPPs are intended to establish high-level strategic policy directions that will be delivered through the Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS). The Act also requires consideration of the TPPs during the declaration and assessment of major projects under Division 2A of the Act and apply to a housing land supply order made or amended under Part 2, Division 1 of the *Housing Land Supply Act 2018*.

Section 12C(3) of the Act provides for:

- (3) *The Minister, by notice to the Commission, may –*
- a) *provide to the Commission a draft of the TPPs; and*
  - b) *direct the Commission to undertake public exhibition in relation to the draft of the TPPs.*

In accordance with section 12C(3) of the Act, the Minister has given notice to the Tasmanian Planning Commission (the Commission), providing a copy of the draft TPPs and directing it to undertake public exhibition of the draft TPPs.

The section 12C(3) notice signifies the commencement of the independent review and assessment process undertaken by the Commission. This process includes a public exhibition period of 60 days, with the opportunity for anyone to make representations on the draft TPPs and the holding of public hearings in relation to matters raised in the representations.

The Commission is required to provide the Minister with a report on the draft TPPs within 90 days of the completion of the exhibition period. Section 12F(3) of the Act requires the Commission to prepare a report in relation to the draft TPPs that contains:

- (a) *a summary of the issues raised in the representations in relation to the draft of the TPPs; and*
- (b) *a statement as to whether the Commission is satisfied that the draft of the TPPs meet the TPP criteria; and*
- (c) *a statement as to whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
  - i. *the Tasmanian Planning Scheme; or*
  - ii. *each regional land use strategy –*

*if the TPPs were made under section 12G(2) in terms of the draft of the TPPs.*



The Minister may make, or refuse to make the TPPs, after considering the report provided to him by the Commission.

This report provides background information regarding the process and development of the draft TPPs to inform both the statutory assessment of the draft TPPs by the Commission and to support public engagement during the exhibition period.

## 1.1 Glossary

The following acronyms and abbreviations are used in this report.

TPP	–	Tasmanian Planning Policy
Act	–	<i>Land Use Planning and Approvals Act 1993</i>
Commission	-	Tasmanian Planning Commission
RLUS	–	Regional Land Use Strategy
RMPS	-	Resource Management and Planning System
TPS	–	Tasmanian Planning Scheme
SPP	–	State Planning Provision
SPO	-	State Planning Office
LPS	–	Local Provisions Schedule
PESRAC	–	Premier's Economic and Social Recovery Advisory Council

## 1.2 Consultation

When the Minister is preparing the TPPs, the Act requires two rounds of consultation. This is specified in section 12C(2) of the Act that states:

*The Minister must consult with –*

- a) the Commission; and*
- b) the planning authorities; and*
- c) the State Service Agencies, and the State Authorities, as the Minister thinks fit –*

*in relation to the intention to prepare a draft of the TPPs and a draft of the TPPs.*

Consultation of the intention to prepare a draft of the TPPs was undertaken in October and November 2021 with a [Scoping Paper](#) being published on the SPO's website. An invitation to comment on the range of issues and topics that the TPPs should address and other matters expressed in the Scoping Paper was extended to the parties listed under section 12C(2) of the Act and to a broader range of relevant stakeholders.





A total of 108 submissions were received during the scoping consultation. A Report on draft TPP Scoping Consultation was published on the SPO's website in April 2022. The report discussed the issues raised in submissions, summarised responses to them and provided a revised TPP structure and table of TPP topics and issues that formed the basis for more detailed drafting of the TPPs.

Targeted consultation was undertaken between April and August 2022. Various stakeholders provided input into the initial drafting of the TPPs. Given the TPPs are intended to deliver State planning interests, the initial draft set of TPPs were firstly reviewed by State agencies. Agencies nominated a representative to liaise between the divisions within their agencies and the SPO to provide comment and recommendations on the draft TPP content to ensure the Agency's interests were reflected through the draft TPPs.

Once the agency representatives agreed that the draft TPPs were at a standard for broader consultation, sign off was sought from the Deputy Secretary Steering Committee which agreed that draft TPPs were suitable for the second round of consultation under section 12C(2) of the Act.

The SPO recommended to the Minister that the section 12C(2) consultation, regarding a draft of the TPPs, be broadened to include input from a wider range of stakeholders than that listed in the Act. The Minister approved the draft TPPs for consultation and welcomed comments from anyone who may have an interest in the draft TPPs.

On behalf of the Minister for Planning, the SPO notified the Commission, planning authorities, State agencies, those who made a submission during the scoping consultation and all the parties on the SPO's list of planning stakeholders, that the draft TPPs were open for a 6 week consultation period ending on 1 November 2022. The notice included information regarding where the TPPs could be accessed and how submissions could be made.

A link to the section 12C(2) draft TPPs and Supporting Report that informed that consultation process can be found on the SPO website.

A number of parties requested extensions of time to comment. Because the consultation period fell within the period of local government elections, planning authorities were given an extension of time until their November Council Meeting to provide endorsed comments on the draft TPPs. Other parties requesting an extension were given until the 15 November 2022.

A total of 73 submissions were received on the draft TPPs. The issues raised in the submissions have been summarised and modifications made to the draft TPPs where warranted. A summary of the issues raised and the SPO's response to them, can be found in the Report on Consultation, located on the SPO website. The outcomes from the section 12C(2) consultation has informed the preparation of a modified set of draft TPPs for independent review and assessment by the Commission.

### 1.3 Content and Purpose of TPPs

Section 12B of the Act sets out the 'Contents and purpose of the Tasmanian Planning Policies' stating:



- (1) The purpose of the TPPs are to set out the aims, or principles, that are to be achieved or applied by –
- a) the Tasmanian Planning Scheme; and
  - b) the regional land use strategies.
- (2) The TPPs may relate to the following:
- a) the sustainable use, development, protection or conservation of land;
  - b) environmental protection;
  - c) liveability, health and wellbeing of the community;
  - d) any other matter that may be included in a planning scheme or a regional land use strategy.

The TPPs are intended to provide a consistent, overarching policy setting for the State's planning system that will guide planning outcomes mostly delivered through the RLUSs and the TPS.

The policy setting for the current RLUSs and TPS have relied on the broad Schedule 1 Objectives of the Act and a limited number of State Policies. While the intention of the TPS was to achieve regulatory consistency, and the RLUS to deliver strategic consistency across each region, they have not been informed by a common set of planning policies. The TPPs are intended to fill that policy space and deliver a more balanced, informed and mature planning system.

The Act requires a review of the SPPs and RLUSs following the making of the TPPs, and their subsequent modification, to demonstrate consistency with the TPPs<sup>1</sup>.

## 2.0 Development of the draft TPPs

### 2.1 Structure of draft TPPs

A draft suite of TPPs was prepared in 2017 ([click here to view](#)) at the time the amendment to the Act to provide for the necessary legislative mechanisms for the making of the TPPs, was being considered. This was intended to provide an indication of what the TPPs may comprise should the amendments be passed.

The Scoping Paper referenced the 2017 draft TPPs as an example of what the scope and structure of the TPPs might include. It also included the following TPP template and invited comment on its structure to deliver the purpose and content of the TPPs.

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<sup>1</sup>The current draft LPSs that are being assessed by the Tasmanian Planning Commission to bring the TPS into effect in each municipality are not required to be assessed as consistent with the TPPs. This avoids the current assessment processes being altered with further delays to the implementation of the TPS. All amendments to LPSs, once approved, must be assessed as consistent with the TPPs, along with any amendments to any interim planning schemes that remain in effect at the time of the TPPs being made.



TPP Topic	The name of the particular topic covered by the TPP
Issue	Sets out the particular issue(s) under the TPP Topic
Objective	Describes the broad intent of what the issue aims to address
Strategies	Describes how the objective will be achieved – there may be multiple strategies
Implementation Statements	Describes how each individual strategy will be delivered into the planning system, either through strategic planning such as regional land use strategies, or through statutory planning in the Tasmanian Planning Scheme (State Planning Provisions and Local Provision Schedules)

**Table 1.** TPP Template - Extract from page 8 TPP Scoping Paper

Most submissions supported the proposed template. Additional comments were that an introductory component should be included to help set the policy context for each topic.

The Scoping Paper also sought submissions on how climate change should be addressed in the TPPs. Most submissions suggested that climate change issues should be integrated with other policies and not form a stand-alone TPP. This approach was adopted in the revised TPP structure. In addition, and because it is the preeminent policy position, a separate 'Climate Change Statement' was included within the 'Principles and Policy Context' (refer to Figure 2 below) to establish context for the proceeding policies.

For further detail regarding consultation outcomes, including modifications made to the TPP structure, see the [Report on draft TPP Scoping Consultation](#).

The following table was published in the Report on Scoping Consultation and outlined a revised TPP structure.

TPP Structure	Function
<b>Title</b>	Identifies the TPP topic.
<b>Principles and Policy Context</b>	<p>Outlines any overarching principles relating to the TPP topic and provides the policy context to support greater understanding of the planning and regulatory provisions that flow from the particular TPP. It also provides an overview of State endorsed policies relevant to the TPP topic.</p> <p><u>Climate Change Statement</u></p> <p>Within the 'Principles and Policy Context' section there is a subheading called 'Climate Change Statement' that identifies the likely impacts that climate change will have on the TPP topic and describes how the responses to climate change issues are addressed and integrated within the policy content of the TPP.</p>
<b>Policy application</b>	Sets out any application specifications for a TPP, or part of a TPP, which may include a map to spatially define an area, a locality, land with particular characteristics, or a particular type of use or development.

<b>Objective</b>	Expresses what the TPP is intended to achieve and is drafted as an aspirational outcome in response to a broad land use planning issue.
<b>Strategies</b>	Specifies how the TPP is to achieve the objective. It is anticipated that the many of the strategies will be derived in response to the specific issues as identified in Attachment I.
<b>Implementation guidelines</b>	Provides detailed guidance on how a TPP will be implemented through the SPPs, LPSs and RLUSs.

**Table 2.** Proposed Structure of TPPs following Scoping Consultation – (Attachment 2 of Report on Scoping Consultation)

The draft TPPs were drafted in accordance with this structure, however some modifications were made as a result of issues raised in various consultation process that led to the following modifications or qualifications:

- the ‘Principles and Policy Context’ element refers to providing an overview of State endorsed policies relevant to the TPP topic. An overview of this nature was considered to add unnecessary length and complexity to this part of the TPP without adding much value, so the concept was abandoned.
- the ‘Principles and Policy Context’ heading has been modified and shortened to ‘Policy Context’.
- The concept of specific ‘Implementation Guidelines’ for each policy has been abandoned in favour of general directions for implementation provided in a new section (that was called ‘Implementation’ in the section 12C(2) draft TPPs) referred to as ‘General Application’. For further detail regarding this modification please refer to the Report on Consultation found on the [SPO website](#).
- The ‘General Application’ section sets out the operative parts of the TPPs, provides direction on the application of the TPPs and specific directions for the application of the TPPs to LPSs.
- A ‘Foreword’ has been included to provide some overarching information on the TPPs, with references to relevant parts of the Act.
- A ‘Glossary’ has been included to assist interpretation and application of the TPPs.



The structural elements of the current draft of the TPPs, and the function of those elements, are outlined below:

<p><b>FOREWORD</b> – introductory statement and statutory background</p> <p><b>GENERAL APPLICATION</b> – specifies the manner in which the TPPs are to be implemented in accordance with section 12B(3)</p> <p><b>TPP TITLE</b> – identifies the topic that the subsequent policies address. (eg Settlement, Environmental Values, Physical Infrastructure)</p> <ul style="list-style-type: none"> <li>– <b>Policy Context</b> – describes the context for the TPP topic to support understanding of the policy content to follow. Includes a Climate Change Statement.</li> </ul> <p><b>POLICY HEADING</b> – the title of the policy representing a specific issue to be addressed, which relates to the relevant TPP topic.</p> <ul style="list-style-type: none"> <li>– <b>Application</b> – provides any requirements regarding the application of specific policies.</li> <li>– <b>Objective</b> – sets out the aims of the policy.</li> <li>– <b>Strategies</b> – sets out the ways that the policy objective can be achieved.</li> </ul>
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**Table 3.** Structure of draft TPPs.

While the structure of the TPPs includes a number of elements, the policy intent is effectively delivered through the ‘Objective’ and ‘Strategies’. As outlined above, the ‘Objective’ sets the scene for what the policy is trying to achieve. It is an aspirational aim that the TPP is seeking to achieve. The proceeding ‘Strategies’ are that part of the TPPs that establish how those aims, expressed through the ‘Objective’, are intended to be achieved or applied by the TPP.

The use of the terms ‘Objective’ and ‘Strategies’ are consistent with the 2017 draft TPPs that was used as an example to amend the legislation to provide for TPPs, is consistent with many of the State planning policies in other jurisdictions and was supported in the scoping consultation as being an effective way to express planning policy. Further discussion on the use of this terminology can be found in the Report on Consultation found on the [SPO website](#).

## 2.2 Topics and issues framework

The Scoping Paper introduced a list of TPP topics and issues that were subsequently modified based on submissions received during the scoping consultation. Attachment I of the [Report on draft TPP Scoping Consultation](#) provides that modified list which formed the basis for the drafting of the TPPs.

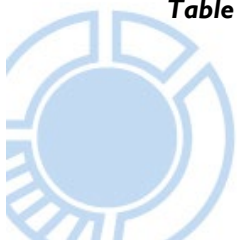


The TPP topics and issues framework was developed considering a 'best fit' approach and having regard to the comments received during the scoping consultation and the way similar planning issues are grouped and addressed in the RLUS or TPS.

As the drafting and consultation progressed, additional matters were identified for inclusion within the framework of topics and issues. The revised framework essentially informs the TPP table of contents as provided below:

Tasmanian Planning Policy (Topic)	Policy heading (issues to be addressed)
1. Settlement	1.1 Growth 1.2 Liveability 1.3 Social Infrastructure 1.4 Settlement Types 1.5 Housing 1.6 Design
2. Environmental Values	2.1 Biodiversity 2.2 Waterways, Wetlands and Estuaries 2.3 Geodiversity 2.4 Landscape Values 2.5 Coast
3. Environmental Hazards	3.1 Bushfire 3.2 Landslide 3.3 Flooding 3.4 Coastal Hazards 3.5 Contaminated Air and Land
4. Sustainable Economic Development	4.1 Agriculture 4.2 Timber production 4.3 Extractive Industry 4.4 Tourism 4.5 Renewable Energy 4.6 Industry 4.7 Business and Commercial 4.8 Innovation and Research
5. Physical Infrastructure	5.1 Provision of Services 5.2 Energy Infrastructure 5.3 Roads 5.4 Passenger Transport Modes 5.5 Ports and Strategic Transport Networks
6. Cultural Heritage	6.1 Aboriginal Cultural Heritage 6.2 Historic Cultural Heritage
7. Planning Processes	7.1 Public Engagement 7.2 Strategic Planning 7.3 Regulation

**Table 4.** Draft TPPs - Topics and Issues Framework



Each topic represents a TPP, for example, the 'Settlement TPP' or the 'Environmental Hazards TPP'. Each TPP includes a number of sub-headings, or broad issues to be addressed, that contain an 'Objective' followed by a number of 'Strategies'. For example, in the 'Environmental Values TPP' under the 'Biodiversity' sub-heading there is a single objective that is followed by a number of 'Strategies' to achieve that 'Objective'. This pattern is repeated under all of the other 4 sub-headings grouped within Environmental Values, including 'Waterways, Wetlands and Estuaries', 'Geodiversity', 'Landscape Values' and 'Coasts', all of which collectively comprise the 'Environmental Values TPP'.

## 2.3 Drafting of policies

### 2.3.1 Policy content

An observation from all consultation processes undertaken to date has been that there are wide and varied opinions on the matters that the TPPs should address, and to what level of detail. To determine this, the following criteria has been used to help guide the range and detail of the policy content expressed through the draft TPPs, and include:

- can only deal with matters provided for in the Act;
- avoid repeating the requirements of the Act or that of other Acts;
- is to be consistent with section 12B of the Act;
- is to further the Schedule 1 Objectives of the Act;
- is to be consistent with a relevant State Policy;
- is to produce a planning outcome that can be achieved or applied through the TPS and RLUS;
- the State has a significant interest in addressing the land use planning issue;
- can only apply to matters in the future and cannot apply retrospectively to address broad scale planning issues or decisions made under a former planning regime; and
- cannot address issues that are too specific or that deliver detailed, predetermined outcomes.

The development of the policy content commenced with an overview of those matters that present reoccurring issues in planning and where a policy foundation is required to provide direction for strategic and statutory planning instruments. The policy content has also been derived through a review, consideration and response to the social, economic and environmental challenges that are facing Tasmania. This has been informed by a review of the existing RLUS where a number of the regional policies have been adopted and modified to suit statewide application. It has also been informed by a review of government policy administered through the agencies and planning policies from other States.

The TPPs do not provide a policy setting for every planning situation that may arise. They typically speak in broad land use planning terms with the intent being to provide policy guidance for the planning system. To achieve this, great care has been taken to pitch the policies in a way that is concise, balanced and, where appropriate, can deliver outcomes through strategic and statutory planning instruments.





Further detail regarding the rationale and justification for the drafting of the policy content is provided in the Policy Context section within each TPP.

### 2.3.2 Climate change

As discussed above, climate change policy has been integrated within each of the TPPs. The way in which this is achieved is outlined in the Climate Change Statement as provided in the Policy Context section of each TPP. Many of the strategies that achieve other planning outcomes, also support mitigation or adaptation responses to climate change. The climate change response is not always explicit in the strategies. However, the Climate Change Statement typically describes how the strategies address climate change either directly or indirectly.

### 2.3.3 Terminology

The TPPs include a Glossary of defined terms to assist with interpretation. Where possible, consistent terminology has been used to align meanings with other planning instruments to provide for greater consistency. New terms that have been introduced that are considered necessary to be defined by the TPPs have been included in the Glossary, such as 'Liveability', 'Social Infrastructure' and 'Sense of Place'.

Other terms or phrases have not been explicitly defined as it is considered that their meaning is generally understood or a dictionary definition should suffice.

The TPPs have deliberately avoided making reference to use classes and zones referred to in the TPS. There are two fundamental reasons for this. Firstly, the TPPs are intentionally kept broad and high level and by referencing specific use classes and zones causes the narrowing of policy considerations. Secondly, the policy content of the TPPs will be implemented through the RLUSs and the TPS. Making broad reference to land uses categories (eg agriculture, tourism, commercial, industrial) and 'designating land' for particular purposes allows the policy intent to be applied to both strategic and statutory planning instruments. To clarify, the RLUS and the TPS can both designate land for a particular purpose however, only the TPS can zone land for a particular purpose. Speaking broadly allows the TPPs to have wider and consistent application across planning instruments.

As mentioned above, the TPPs speak in terms of broad land use categories. Most of these are well understood however, there may be instances where the use of terminology is subject to different interpretations. A specific example in the draft TPPs involves terminology used in the 'Industry' section of the Sustainable Economic Development TPP.

The strategies for 'Industry' within the draft TPPs refer to both traditional industrial uses (such as manufacturing) and industrial uses that are resource dependent (such as sawmill or abattoir). The latter is intended to capture those high impact, industrial 'type' uses that would, under the TPS, fall within the 'Resource Processing' or 'Resource Development' use classes. The reason for addressing them in the same section and collectively referring to them as 'industrial use and development' is because, from a policy context, the planning responses are similar. For instance, both are typically high impact land uses and are best separated from sensitive uses to avoid land use conflict.

The TPPs are an expression of policy, they are not a regulatory planning instrument and therefore are not drafted in a definitive or absolute way. The TPP strategies are typically





drafted with a verb at the beginning of the sentence. These are mostly expressed as encouraging verbs that help the strategies work towards achieving the aspirational outcomes expressed through the objective of the policy. The verb used helps set the direction, strength and intent of the policy statement.

### 2.3.4 Overlap and perceived repetition

It is acknowledged that in certain circumstances there is overlap between strategies. For example, strategy 7 of the Passenger Transport Modes policy within the Physical Infrastructure TPP includes design consideration for subdivision stating:

*Provide for subdivision design that:*

- a) *supports efficient and effective public transport access if located within a serviceable area;*
- b) *encourages walking and cycling, with provision of appropriate and direct site-through links; and*
- c) *considers the subsequent, and surrounding, use and development, promoting the coordinated and efficient provision of passenger transport systems.*

Similarly, strategy 7 of the Design policy in the Settlement TPP also includes considerations for subdivision, stating:

*Promote subdivision design that provides a functional lot layout that:*

- a) *is responsive to topography, site constraints and environmental values and hazards;*
- b) *provides a convenient, efficient and safe road network;*
- c) *supports efficient and effective public transport access;*
- d) *provides safe active transport;*
- e) *uses urban land efficiently;*
- f) *provides for well-located public open space that meets the needs of the local community;*
- g) *supports the intended future use and development of the lot;*
- h) *provide diverse lot sizes for residential use, in appropriate locations, that supports the future provision of diverse housing choices that meets the needs of the local community;*
- i) *promotes climatically responsive orientation of buildings; and*
- j) *allows passive surveillance of public spaces promoting community safety.*

There are explicit and implicit similarities between the two strategies. Both explicitly refer to supporting efficient and effective public transport access. The reason for supporting the repetition in this case is because they both help deliver their respective objectives in terms of subdivision design responses to firstly, creating functional and connected urban spaces for the Settlement TPP, and secondly, supporting efficient and accessible passenger transport systems for the Physical Infrastructure TPP.

The implicit similarities are a result of subdivision design being considered through the lens prescribed by the respective objectives of each policy. Each strategy delivers a design response that satisfies their objective.



The repetition of some strategies is inevitable due to the complex nature of planning and the range of issues the TPPs are addressing. While every attempt has been made to draft the TPPs concisely, some repetition remains where it is considered necessary to reiterate consideration of particular matters and provide additional context to how each strategy contributes to achieving its objective, thereby improving the application of the TPPs.

### 3.0 Implementation

Section 12B(3) states that “the TPPs may specify the manner in which the TPPs are to be implemented into the SPPs, LPSs and regional land use strategies”. The draft TPPs include a ‘General Application’ section that is intended to specify the manner in which the TPPs will be implemented in accordance with section 12B(3) of the Act.

The ‘General Application’ section specifies which parts of the TPPs have operational effect. In addition, it includes directions as to how the policy content is to be applied to all planning instruments through the consideration of application principles. These application principles provide direction on a number of matters including, determining if a strategy is relevant to a particular matter, consideration and application of the range of relevant strategies to a particular matter and resolution of competing interests.

The ‘General Application’ section also includes directions that are specific to the application of the TPPs to LPSs. Section 34(2A) of the Act provides two scenarios for the application of the TPPs to an LPS based on before and after the RLUSs and SPPs have been reviewed after the making of the TPPs (sections 5A(8) and 30T(1) of the Act, respectively). Section 34(2A) of the Act states:

*A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –*

- a) where the SPPs and the relevant regional land use strategy have not been reviewed .... after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument<sup>2</sup> is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
- b) whether or not the SPPs and the applicable regional land use strategy have been reviewed ... after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into LPSs.*

The General Application section includes two directions in accordance with section 34(2A)b) that apply to the manner in which the TPPs are to be implemented once the RLUSs and SPPs have been reviewed following the making of the TPPs.

The intention of these directions is to provide an opportunity for the decision maker to be satisfied that the SPPs or RLUSs adequately addresses the local application of the relevant

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<sup>2</sup> Relevant planning instrument – means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.



TPP strategy and therefore there is no further need to determine compliance with that strategy.

An outcome of the Scoping Consultation was to include 'Implementation Guidelines' under each policy. The draft TPPs that were subject to section 12C(2) consultation included only a single 'Implementation Guideline' under the Growth policy in the Settlement TPP.

Although the initial intention was to provide specific implementation guidance, as drafting of the policy content commenced the strategies were considered to incorporate sufficient detail to guide how they might be implemented into various planning instruments. The reasons for not specifying 'Implementation Guidelines' is because there is no single way that a strategy is intended to apply and the State is more concerned with achieving the outcome rather than how the outcome is achieved.

As already discussed, the TPPs are intended to provide planning policy to guide the planning system. For that policy to be implemented through either the RLUS or the TPS requires further analysis and consideration that will influence how the planning outcome is expressed. Another reason for removing the 'Implementation guidelines' for each policy is because by specifying how a policy is to be implemented might restrict other reasonable approaches from being considered.

The Report on Consultation outlines how the implementation of the policy content can vary based on:

- the purpose of the planning instrument that the strategy is being applied through;
- the characteristics of the site, local area or region that the strategy is being applied to;
- how the consideration of the range of applicable strategies might influence the outcome of another individual strategy; and
- how local or regional policies might influence the outcome of a TPP strategy.

When applying the TPPs in certain circumstances, there may be situations where competing interests are met and need to be resolved. While attempts have been made to limit the potential for competing strategies, it is acknowledged that there may be situations where this occurs. It is not uncommon in planning to experience competing interests. Planners are often required to weigh up competing demands and justify an appropriate course of action. This is often done through the development appraisal process when applying performance criteria to a development application or applying State Policies and the RLUS to a draft LPS. The TPPs are to be applied similarly where resolution relies upon a balanced assessment based on judgement derived from evidence and influenced by local circumstances and contemporary planning practices.

The policies in the draft TPPs are not expressed in absolute terms. They have been drafted so that the policy content can be delivered in multiple ways, allowing for different approaches to be considered when weighing up competing policies.



Resolution between competing policy interests should be found through the consideration of:

- an understanding of the overall combination of interests expressed through the relevant strategies;
- a balanced assessment of all the relevant strategies;
- the objective statement when applying the relevant strategies;
- alternate ways to achieve relevant strategies;
- the locational characteristics of the land, including the scale of land that the relevant strategies are being applied; and
- the planning instrument the strategies are being applied to.

The above points have been reworked to form the basis of the General Application section to inform consideration included in the application principles.

As part of the Commission's consideration of the draft TPPs the Act requires that it:

- (a) must consider whether it is satisfied that the draft TPPs meets the TPP criteria; and*
- (b) is to consider whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
  - i. the Tasmanian Planning Scheme; or*
  - ii. each regional land use strategy.....*

The Commission is therefore directed to turn its attention to the application and implementation of the TPPs and address any matters relating to this in its review and assessment of the TPPs.

Given this is the first set of TPPs to be introduced into the planning system, it is difficult to predict the range of application, interpretation and implementation issues that may arise when being applied to a range of land use planning situations. The Act provides for a 5 yearly review cycle of the TPPs and an amendment process to address issues that might arise once the TPPs are made and become operational.



## 4.0 Premier's Economic and Social Recovery Advisory Council (PESRAC)

The State Government has committed to developing the TPPs in line with the recommendations from the Premier's Economic and Social Recovery Advisory Council (PESRAC).

The following table sets out the recommendations from the [PESRAC Report](#) that are relevant, with a corresponding column to demonstrate how the draft TPPs support the particular recommendation.

**Table 5.** Alignment with PESRAC recommendations

PESRAC Recommendation	Draft TPP Response
(1) Protecting sustainability, community values and Tasmanians' well-being must continue to be at the forefront of regulatory activity.	<p>The draft TPPs support this recommendation by containing various strategies that promote the identification and protection of environmental, cultural heritage, landscape and place values. The Settlement TPP addresses improving the liveability of our cities and towns and include strategies to encourage open space networks, active transport, connection with nature and social interaction to improve our well-being.</p> <p>The TPPs will inform planning regulation through reviews of the RLUS and TPS.</p>
(8) Regional land use strategies should be comprehensively updated.	The draft TPPs provide the planning policy framework for a review of the RLUS that will be undertaken once the TPPs are made.
(9) The State Government should redevelop the 10 year Infrastructure Pipeline as a tool for identifying, and addressing, capacity and delivery constraints.	The draft TPPs provide the planning policies relating to the provision of infrastructure, supporting the redevelopment of the Infrastructure Pipeline.
<p>(32) The State Government should develop a comprehensive Tasmanian Housing Strategy and drive practical actions to deliver more sustainable housing market outcomes across Tasmania for all Tasmanians.</p> <p>The strategy should encompass:</p> <ul style="list-style-type: none"> <li>• population growth and settlement planning;</li> <li>• ageing and shifts in household composition;</li> </ul>	<p>The draft TPPs support the delivery of the Tasmanian Housing Strategy by providing a planning policy framework that:</p> <ul style="list-style-type: none"> <li>• considers land supply and demand analysis and population and demographic projections to determine the amount of land required by settlements within at least a 15 year planning horizon;</li> </ul>

<ul style="list-style-type: none"> <li>• land availability;</li> <li>• the interface between public and private markets;</li> <li>• taxes;</li> <li>• approvals and permitting;</li> <li>• sustainable housing - energy and water efficiency;</li> <li>• construction workforce availability; and</li> <li>• alignment of essential social and economic infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>• acknowledges that social and affordable housing are part of the wider housing market;</li> <li>• promotes energy efficient design; and</li> <li>• locates houses in close proximity to essential social and economic infrastructure, promoting access to employment and education facilities.</li> </ul>
(38) The State Government should develop a sustainability vision and strategy for Tasmania, with ambitious goals, and concrete targets and actions.	The draft TPPs support sustainability principles that are applied through the strategies that will support, where relevant, the sustainability vision and strategy.
<p>(39) The strategy should immediately prioritise specific frameworks for:</p> <ul style="list-style-type: none"> <li>• decarbonising the economy;</li> <li>• water resource allocation, security and quality;</li> <li>• adoption of circular economy principles; and</li> <li>• ensuring a consistent and coordinated government approach to sustainability.</li> </ul>	<p>The draft TPPs support this recommendation by including strategies that reduce emissions, promote carbon storage, improve water quality and supports opportunities for greater economic self-sufficiency and circular economies.</p> <p>The draft TPPs provides a consistent planning policy framework to deliver sustainable use and development through the State's planning system.</p>
(51) The State Government should develop a structured process for identifying high-consequence risks to which the community is exposed and develop and implement mitigating strategies for these risks.	The draft TPPs include strategies for the identification and mitigation of environmental hazards in response to the risks that they may pose to the community.





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Draft Tasmanian Planning Policies

# **Tasmanian Planning Policies**

Draft provided to the Tasmanian Planning Commission  
in accordance with section 12C(3)(a) of the *Land Use  
Planning and Approvals Act 1993*



## Draft Tasmanian Planning Policies

### Foreword

Land use planning seeks to balance the competing demands on land to support the community's environmental, social and economic interests. To achieve this, it applies foresight, strategic thinking and prioritized action to spatially arrange land use and development to avoid conflict and to provide for the protection and allocation of land to accommodate the needs of future generations.

The Tasmanian Planning Policies (TPPs) are a planning instrument made under Part 2A of the *Land Use Planning and Approvals Act 1993* (the Act). The purpose of the TPPs are to provide a consistent planning policy setting that will guide planning outcomes delivered through the strategic and regulatory elements of the planning system, more specifically the Regional Land Use Strategies (RLUSs) and the Tasmanian Planning Scheme (TPS), comprising the State Planning Provisions (SPPs) and Local Provisions Schedule (LPSs). The Act also requires consideration of the TPPs during the declaration and assessment of major projects under Division 2A of the Act and apply to a housing land supply order made or amended under Part 2, Division 1 of the *Housing Land Supply Act 2018*.

The TPPs do not apply to development applications made under Part 4, Division 2 of the Act, however they apply to an application for a combined permit and amendment under Part 3B, Division 4 of the Act but only in so far as the amendment is concerned.

Section 12B of the Act sets out the broad range of matters that a TPP may relate to, including:

- the sustainable use, development, protection or conservation of land;
- environmental protection;
- liveability, health and wellbeing of the community; and
- any other matter that may be included in a planning scheme or regional land use strategy.

The policy content is delivered through seven TPPs that address broad land use planning topics including: Settlement, Environmental Values, Environmental Hazards, Sustainable Economic Development, Physical Infrastructure, Cultural Heritage and Planning Processes.

The effectiveness of the TPPs will be monitored, and to ensure the policy outcomes are responsive to changing circumstances, reviews will be undertaken every five years in accordance with section 12I of the Act.

## Draft Tasmanian Planning Policies

## General Application

In accordance with section 12B(3) of the Act, this section of the TPPs specifies the manner in which the TPPs are to be implemented into the SPPs, LPSs and RLUSs

The Foreword, Table of Contents, headings, footnote and the Policy Context section of each TPP are not intended to have operative effect. These parts or sections of the TPPs provide background or advisory information and have been included to assist users' understanding of the TPPs and how they are intended to inform both the planning system and planning outcomes. They are a guide only and should be read in conjunction with the Act.

The operative parts of the TPPs express the planning policy and the manner in which the planning policy is intended to be applied. The table below sets out those parts of the TPPs that are intended to have operational effect and the purpose of those operational parts.

OPERATIVE PARTS	PURPOSE OF OPERATIVE PARTS
<b>General Application</b>	The General Application section provides details, considerations and principles as to the manner in which the TPPs are to be implemented and applied to RLUS, SPPs and LPSs.
Policy content is provided under subheadings within each of the TPPs. Each subheading represents a policy that comprises the following operative parts:	
<b>Policy Application</b>	Policy Application - provides any requirements regarding the application of specific policies.
<b>Objective</b>	Objective - sets out the aims of the policy.
<b>Strategies</b>	Strategies - sets out ways that the policy objective can be achieved.

### Directions as to the manner of application to all planning instruments

The intent of the TPPs is to provide direction to guide planning outcomes, however, those outcomes will not always be expressed in the same manner. When applying the range of relevant strategies to a particular matter, the planning outcome will be influenced by how those strategies interact, which may result in different planning responses being expressed. Judgement must be exercised when interpreting and applying the TPPs so that a range of alternate approaches and outcomes can be considered where it can be demonstrated that the intent of the strategy, and the objective it seeks to achieve, can be met.

The application of the TPPs to RLUSs, SPPs and LPSs should have regard to the following application principles:

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- 1) There is no order or hierarchy associated with the application of the TPPs.
- 2) No one TPP, policy or strategy should be read in isolation from another to imply a particular action or consequence.
- 3) The TPPs are generally not expressed in absolute terms and should not be interpreted or applied so literally or rigidly that reasonable, alternate approaches to achieve a particular strategy are excluded from consideration.
- 4) Where the Act requires a planning instrument to be consistent with the TPPs, the TPPs must be considered in their entirety to determine those strategies that are relevant to the particular matter.
- 5) Strategies that are relevant to the particular matter should be considered and applied in the context of the objective that the strategy is seeking to achieve.
- 6) In determining what strategies are relevant to a particular matter, regard must be had to:
  - a) the nature of the particular matter being considered;
  - b) the purpose of the applicable planning instrument;
  - c) the Policy Application statement for each policy;
  - d) the scale at which the strategies are being applied (for example at a regional, local or site-specific level); and
  - e) the environmental, social and economic characteristics of the region, local area or site.
- 7) Where the application of relevant strategies to a particular matter causes competing interests to be met, resolution should be based on balanced consideration and judgement derived from evidence, having regard to:
  - a) the overall purpose of the TPPs;
  - b) an understanding of the overall combination of interests expressed through the TPPs;
  - c) the objective of strategies that are subject to competing interests;
  - d) alternate ways to achieve strategies that are subject to competing interests;
  - e) any relevant and applicable regional or local planning policies;
  - f) any characteristics of the land, subject to the competing policy interests, that may influence how the competing interests can be resolved or managed;
  - g) consideration of the regional and local context and how competing interests can be appropriately integrated at the regional, local or site specific level; and
  - h) the purpose of the applicable planning instrument.

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### Directions as to the manner of application specifically to LPSs

In accordance with Schedule 7 clause 1 of the Act, the TPPs do not apply to the first LPSs made but do apply to each amendment or substitution of an LPS.

Following the making of the TPPs, or an amendment to the TPPs, sections 5A(8) and 30T(1) require that the RLUSs and SPPs (respectively) are reviewed for consistency with the TPPs.

Section 34(2A)(a) and (b) of the Act provides for the manner in which the TPPs are to be implemented into LPSs and offers the following two criteria, based on before and after the reviews of the SPPs and RLUSs have occurred, stating:

- a) *where the SPPs and the relevant regional land use strategy have not been reviewed .... after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument<sup>1</sup> is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
- b) *whether or not the SPPs and the applicable regional land use strategy have been reviewed ... after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into LPSs.*

For the purpose of section 34(2A) of the Act, LPSs must comply with each TPP direction contained in the relevant strategies and be implemented in accordance with the guidance and principles outlined in this 'General Application' section.

In addition, for the purpose of section 34(2A)(b) of the Act, where the RLUSs and SPPs have been reviewed following the making of the TPPs, the following additional direction applies to the manner in which the TPPs are to be implemented in to LPSs:

- Where a relevant strategy, or part of a relevant strategy, has been applied regionally through the RLUS, the decision maker may consider that compliance with the RLUS adequately addresses and satisfies the local application of the relevant strategy, and the LPS is deemed to comply with the relevant strategy; and
- Where a relevant strategy, or part of a relevant strategy, has been applied to the SPPs, the decision maker may consider that compliance with the relevant strategy may be adequately addressed through the application of the SPPs, which will satisfy the local application of the relevant strategy through the LPS, then the LPS is deemed to comply with the relevant strategy.

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<sup>1</sup> Relevant planning instrument – means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.

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# 1.0 Settlement

## 1.0.1 Policy context

In Tasmania and around the world, the majority of people live in settlements. The quality of our settlements contributes to our quality of life. Settlements that contain diverse uses, are well planned, serviced, accessible and environmentally attractive stimulates economic growth and community resilience and wellbeing.

Land use planning shapes the existing and future form and function of our settlements. It considers the competing demands on land and aims to balance these demands to spatially arrange land use and development to avoid conflict. Urban environments are highly susceptible to land use conflict due to the interaction of environmental, social and economic forces that create complex spatial relations. Land use planning considers these spatial relations, and in doing so promotes the allocation, co-ordination and efficient use of land to provide for the needs of the existing and future generations.

With the guidance of the TPPs, the planning system will determine how and where growth will occur. The Settlement TPP requires that sufficient land is allocated to meet the community's needs for housing, including social and affordable housing, commerce, recreation, open space and community facilities and is appropriately serviced by social and physical infrastructure. It also supports the planning system to deliver future development in a coordinated, cost effective and environmentally responsible way.

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services.

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements. It emphasises the delivery of social and affordable housing and recognises that these types of housing are essential to improve social and economic resilience. The Settlement TPP acknowledges that designing functional, sustainable and engaging spaces contribute to social inclusion and strengthen connections with place and our cultural identity. The combination of these factors supports healthy communities, attracting more people to live, visit and invest in our settlements.

To achieve these planning outcomes, the Settlement TPP is split into 5 separate policy areas that provide for liveable settlements, mechanisms for directing growth, policies relating to specific settlement types, housing diversity and availability and providing for well- designed built environment and public spaces.

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### 1.0.2 Climate Change Statement

Because settlements concentrate populations and economic activities, they are also drivers of energy and resource consumption and contribute to climate change. Under a changing climate, Tasmania's terrestrial environments are projected to experience a rise in annual average temperatures, significant changes in seasonal and regional rainfall patterns and an increase in rainfall intensity.

In practice this means some of our settlements may experience increased likelihood of:

- localised flooding;
- inundation in coastal areas;
- potential for land slips;
- storm damage to property and infrastructure;
- bushfires in bushland near to settlements;
- social and economic disruption from extreme events;
- hot days and greater runs of hot days; and
- urban heat island effect in highly built-up areas.

Land use planning cannot prevent these events, however it can support measures that help address the causes and impacts of climate change.

While some of these matters are more specifically dealt with under other TPPs, from a settlement perspective many of the strategies to address these impacts also offer other benefits to the community and the environment. For example, strategies that promote networks of green spaces also increases rain-absorbing surfaces, allowing cities to better manage flooding from intense storms. Encouraging urban vegetation that provides shade allows urban environments to better tolerate extreme heat events and contributes to carbon storage in the urban landscape. Both these actions help to reduce the impact of climate change and, in doing so, create a more liveable environment.

Similarly, measures to consolidate settlements, make use of existing infrastructure, promote energy efficient design and improve access to public and active transport networks, while providing for efficient settlement patterns also reduces resource consumption and lowers emissions.

The impact of these predicted changes will not be felt evenly throughout the community. The more vulnerable in our community are likely to experience greater impacts, especially people that are older, have some pre-existing medical conditions, have lower levels of literacy and those on lower incomes or in housing stress.

While the planning system cannot solve these problems, there are strategies within the Settlement TPP that facilitates greater access to health, education and social and affordable housing that will support the vulnerable and build climate change resilience within the community.



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## **I.1 Growth**

### **I.1.1 Application**

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements not included within an urban growth boundary.

### **I.1.2 Objective**

To plan for settlement growth that allocates land to meet the existing and future needs of the community and to deliver a sustainable pattern of development.

### **I.1.3 Strategies**

1. Provide for at least a 15 year supply of land that is available, identified or allocated, for the community's existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements.
2. Plan for growth that will:
  - a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements;
  - b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services;
  - c) integrate with existing transport systems; and
  - d) discourage the development of land that:
    - i. is not well serviced by existing or planned physical and social infrastructure, or that is difficult or costly to service;
    - ii. is subject to environmental hazards where a tolerable level of risk cannot be achieved or maintained;
    - iii. contains high environmental or landscape values;
    - iv. is agricultural land, especially land within the more productive classes of agricultural capabilities; and
    - v. is used for extractive industries or identified as strategic resource areas and deposits.
3. Identify regional settlement hierarchies based on:
  - a) population projections and forecast demographic change;
  - b) the functional characteristics of the settlement and any specific role it plays in the State or region;

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- c) the social, environmental and economic characteristics of the settlement;
  - d) the availability of goods and services, including social infrastructure, to support the needs of the community;
  - e) access to employment and training opportunities;
  - f) efficient and accessible transport systems; and
  - g) capacity and cost-efficient upgrading of physical infrastructure.
- 4. Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy.
  - 5. Actively address impediments to infill development, particularly in the major urban centres.
  - 6. Promote the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:
    - a) the identified values, physical constraints, environmental hazards, and the strategic context of the location;
    - b) urban or settlement growth boundary;
    - c) movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes;
    - d) location of land for the purpose of residential, commercial, open space, recreation and community use and development, the relationship between uses and their positioning to limit or manage land use conflict;
    - e) any staging or sequencing of development of land;
    - f) the use of existing physical infrastructure and the logical and efficient provision of additional physical infrastructure; and
    - g) impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, stormwater, water and sewerage.
  - 7. Create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of sufficient land to meet projected growth.
  - 8. Land identified for proposed growth on land located outside an existing urban or settlement growth boundary must be strategically justified, based on:
    - a) projected population growth;
    - b) site suitability, such as having regard to identified values, agricultural capabilities, physical constraints and environmental hazards
    - c) land supply and demand analysis (including infill and greenfield);
    - d) existing physical and social infrastructure networks and services;
    - e) supporting the regional settlement hierarchy; and

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- f) preventing the distortion of growth strategies in other settlements.
- 9. Identify the role and function of activity centres within settlements and encourage use and development that complements and supports that role and function.
- 10. Encourage the concentration of commercial, administrative, major retail, entertainment and cultural use and development within activity centres that are highly accessible by public and active transport.
- 11. Provide for and identify preferred development sequences in areas of growth to enable better coordination and more cost-effective planning and delivery of physical infrastructure.

## 1.2 Liveability

### 1.2.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements.

### 1.2.2 Objective

To improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community.

### 1.2.3 Strategies

- 1. Promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources.
- 2. Facilitate access to, and a diverse range of, employment opportunities in settlements by:
  - a) promoting the provision of, and access to, safe and efficient public transport;
  - b) encouraging telecommunications infrastructure to support the ability to work remotely and access global markets; and
  - c) enabling businesses that promote local characteristics, resources and produce.
- 3. Support growth in the skilled workforce and increase opportunities for innovation, research and technology by encouraging tertiary education and vocational training institutions to be located:
  - a) in settlements that are within the higher tiers of the settlement hierarchy; and
  - b) within close proximity to residential areas, or highly accessible by public transport;

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unless the particular educational or training course requires a remote location or an area with particular characteristics to teach the particular skills being offered.

4. Provide for a network of accessible, interlinked and inviting open and green spaces close to and within residential areas and activity centres to encourage active lifestyles, connection with nature and social interaction.
5. Provide for connectivity within settlements, especially between residential areas, activity centres and open space networks, through a network of legible and accessible infrastructure dedicated to active transport modes, including end of trip facilities.
6. Provide integrated transport networks that allow people to move safely and efficiently between and within settlements utilising different transport modes, including public transport, cycling and walking, to reduce car dependency.
7. Support measures to mitigate the impacts of climate change on urban environments by encouraging urban forests, community gardens, street plantings, garden roof tops (green roof), water sensitive urban design and integration of shade and water features into public spaces.
8. Improve neighbourhood amenity by managing incompatible use and development.
9. Provide for a range of cultural, recreational and community facilities that support wellbeing, social cohesion and cultural identity and understanding.
10. Protect and enhance those settlements, or part of settlements, that contain unique or distinctive local characteristics that contribute, or have the potential to contribute to, the community's identity and sense of place.
11. Facilitate place-making and recognise the contribution it makes to the local economy, environmental amenity and social wellbeing of the community.

### 1.3 Social Infrastructure

#### 1.3.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements.

#### 1.3.2 Objective

To support the provision of adequate and accessible social infrastructure to promote the health, education, safety and wellbeing of the community.

#### 1.3.3 Strategies

1. Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, schools, health care, libraries, social services and child and aged care.

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2. Facilitate the co-location of suitable and compatible social infrastructure.
3. Maximise the use of existing well-located social infrastructure, including the re-use and multi-use of sites, to meet the changing needs of the community.
4. Integrate public and active transport networks with major social infrastructure.
5. Promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas.
6. Facilitate the provision of services that support vulnerable or at-risk people, including crisis accommodation, neighbourhood houses, youth-at-risk centres, women's shelters and men's shelters.
7. Protect major health and emergency services facilities (including associated airspace) from land use conflict by limiting the encroachment or intensification of surrounding incompatible use and development.
8. Support the temporary or intermittent use of recreational, educational and community facilities for a range of cultural and creative activities that promote community participation and social inclusion.
9. Encourage the provision of housing to accommodate employees that support essential social infrastructure in remote areas<sup>2</sup>.

## I.4 Settlement Types

### I.4.1 Application

Applies to all existing settlements and all land that is proposed, allocated or identified for future settlement growth including rural residential development.

### I.4.2 Objective

To plan for the sustainable use and development of settlements that have particular environmental characteristics or values.

### I.4.3 Strategies

- I. Promote the vibrancy and character of specific activity centres, hubs or inner-city locations that have good connectivity, housing choices and access to goods and services that support urban lifestyles, where the impacts associated with mixed use and higher density residential use can be managed.

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<sup>2</sup> Strategies to accommodate housing for employees in the tourism, agriculture and extractive industries sectors in remote areas are addressed under their respective policies.

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2. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing settlements areas and prevents linear development along the coast.
3. Facilitate the provision of social and physical infrastructure to support the seasonal fluctuations in populations experienced by coastal or other settlements that are characterised by holiday homes.
4. Identify and protect the key values and activities of rural towns and villages, and support use and development that enhances these values and activities.
5. Avoid allocating additional land for the purpose of rural residential use and development, unless:
  - a) the amount of land to be allocated is minimal and does not constitute a significant increase in the immediate vicinity, or the existing pattern of development reflects rural residential type settlement;
  - b) the land is not within an urban growth boundary or settlement growth boundary;
  - c) the location of the land represents an incremental, strategic and natural progression of an existing rural residential settlement;
  - d) the land is not strategically identified for future development at urban densities, or has the potential for future development at urban densities;
  - e) growth opportunities maximise the efficiency of existing services and physical infrastructure;
  - f) agricultural land, especially land within the more productive classes of agricultural capabilities, cultural heritage values, landscape values, environmental values and land subject to environmental hazards are, where possible, avoided;
  - g) the potential for land use conflict with surrounding incompatible uses, such as extractive industries and agricultural production is avoided or managed; and
  - h) it contributes to providing for a mix of housing choices that attracts or retains a diverse population.

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## **1.5. Housing**

### **1.5.1 Application**

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth.

### **1.5.2 Objective**

To provide for a sufficient supply of diverse housing stock, including social and affordable housing, that is well-located and well-served to meet the existing and future needs of the Tasmanians.

### **1.5.3 Strategies**

1. Provide the timely supply of land for housing in locations that are, or can be, easily connected to, and integrated with, the range of services including social and physical infrastructure, access to community, health and education facilities, public transport, and employment, consistent with the policy outcomes that deliver liveable settlements.
2. Supply land, including infill, reuse and greenfield sites, for housing that meets the projected housing demand, which is to be based on the best available evidence, to improve housing availability and affordability.
3. Facilitate social and affordable housing to meet the needs of the community that is located close to services, employment and public transport networks.
4. Plan and provide for a diverse range of quality housing types that meet the needs of the community by:
  - a) responding to demographic trends including changing household size and composition;
  - b) supporting the provision of well-designed social and affordable housing;
  - c) promoting good amenity through the provision of solar access and quality private open space relative to the density and location;
  - d) catering for the ageing population, including facilitating ageing in place and providing for different levels of dependency and transitioning between them;
  - e) catering for people requiring crisis accommodation;
  - f) considering the needs of people living with disability, including the level of support and care required for different levels of dependent and independent living options; and
  - g) supporting co-living scenarios to help address housing availability and affordability.
5. Encourage higher density housing in suitable locations that:
  - a) have been identified for urban consolidation;

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- b) are within close proximity to an activity centre;
- c) have good access to employment, social and physical infrastructure, open space and active and public transport networks;
- d) the potential impacts associated with increased residential density and land use conflict can be managed; and
- e) do not significantly impact environmental values and are not constrained by topography and environmental hazards.

## **I.6 Design**

### **I.6.1 Application**

Applies to existing and proposed urban spaces.

### **I.6.2 Objective**

To create functional, connected and safe urban spaces that positively contribute to the amenity, sense of place and enjoyment experienced by the community.

### **I.6.3 Strategies**

1. Encourage the use of urban design principles that creates, or enhances, community identity, sense of place, liveability, social interaction and climate change resilience.
2. Respect the characteristics and identities of neighbourhoods, suburbs and precincts that have unique characteristics by supporting development that considers the existing and desired future character of the place.
3. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:
  - a) reduce the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate;
  - b) implement sustainable water and energy solutions for climate change adaptation, including water sensitive urban design and renewable energy production;
  - c) promote consolidation of urban development;
  - d) integrate land use and transport; and
  - e) encourage active transport through the provision of safe and shaded rest areas with urban furniture, drinking fountains and similar amenity measures.
4. Provide public places that are designed to connect with, and respond to, their natural and built environments, enhancing and integrating environmental values that contribute to a sense of place and cultural identity.

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5. Encourage public places that are designed to promote:
  - a) equal access and opportunity and to cater for the various needs and abilities of the community; and
  - b) safety, social interaction and cultural activities, enabling a sense of wellbeing and belonging.
6. Promote subdivision design that considers the existing and future surrounding pattern of development and provides for connection and integration of street networks, pedestrian and bicycle paths and the efficient provision of services.
7. Promote subdivision design that provides a functional lot layout that:
  - a) is responsive to topography, site constraints and environmental values and hazards;
  - b) provides a convenient, efficient and safe road network;
  - c) supports efficient and effective public transport access;
  - d) provides safe active transport;
  - e) uses urban land efficiently;
  - f) provides for well-located public open space that meets the needs of the local community;
  - g) supports the intended future use and development of the lot;
  - h) provide diverse lot sizes for residential use, in appropriate locations, that supports the future provision of diverse housing choices that meets the needs of the local community;
  - i) promotes climatically responsive orientation of buildings; and
  - j) allows passive surveillance of public spaces promoting community safety;
8. Encourage the design, siting and construction of buildings to positively contribute to:
  - a) the site and surrounds;
  - b) the wellbeing of the occupants including the provision of solar access and private open space, considering the proposed use of the building and the context of the site and surrounds;
  - c) the public realm;
  - d) neighbourhood amenity and safety;
  - e) incorporate energy efficient measures;
  - f) maintaining water quality by promoting best practice stormwater management approaches; and
  - g) safe access and egress for pedestrian, cyclists and vehicles.

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## 2.0 Environmental Values

### 2.0.1 Policy Context

Tasmania's natural environment is diverse, rich and unique. It provides the backdrop to our settlements, it is where we choose to engage in recreational pursuits and our connection with nature contributes to our quality of life, general wellbeing and how we identify as Tasmanians.

Land use planning seeks to recognise the functional, aesthetic and intrinsic value of the natural environment. It also acknowledges that by protecting these values it can support those sectors that rely on healthy ecosystems and intact landscapes to produce goods and services that stimulates our economy and supports the general wellbeing of the community.

A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system. Land use planning can play a strategic role in identifying and prioritising other environmental values and apply measures to protect them. In doing so, it can help address the broad scale, cumulative effects associated with land use and its impacts on environmental values.

The Environmental Values TPP seeks to protect environmental values by adopting, where relevant to the specific environmental value, the following principles:

1. identify environmental values and determine their significance;
2. avoid designating land, that contains significant environmental values, for land use and development that will detrimentally impact those values;
3. minimise the impact of land use and development on environmental values where avoidance is not possible or impracticable; and
4. where possible, apply offset where the impacts cannot be minimised.

These principles have been broadly applied to five categories of environmental values being:

- Biodiversity;
- Waterways, wetlands and estuaries;
- Geodiversity;
- Landscape values; and
- Coasts

While the primary outcome of the Environmental Values TPP is to establish the strategies by which the planning system can play its role in protecting and conserving Tasmania's environmental values, it also contributes to broadening the community's understanding and appreciation of natural systems which in turn promotes their health and resilience.

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### 2.0.2 Climate change statement

Projected changes to Tasmania's future climate will have a variety of impacts on our environmental values. These include:

- significant changes in the amount of rainfall, including seasonal variation and spatial distribution;
- changes in runoff and consequential erosion impacting water quality and flow regime;
- increased frequency and intensity of bushfires;
- increased frequency and intensity of extreme weather events;
- increased average temperatures and longer runs of days at higher temperatures; and
- sea level rise and increased storm surge.

Future climatic conditions will impact the five categories within the Environmental Values TPP differently. These changes are unlikely to be linear and predictable, and the interactions between effects may introduce additional uncertainty.

Coastal environments are projected to experience sea level rise, ocean warming, increased frequency and intensity of marine heatwaves and storm events. The latter will accelerate coastal erosion in vulnerable areas, potentially threatening coastal habitats.

Waterways and wetlands may experience times of flooding or reduced flow rates. This may impact aquatic habitats and present issues for water security. Periods of either excessive high or low soil moisture may stress native flora and fauna.

Ecosystems may also be exposed to climatic conditions that they are not adapted to, potentially disrupting ecological processes. Changed environmental conditions may also favour and potentially increase the spread of invasive plant and animal species. More frequent fires will also impact and damage habitat, and while many of our native flora and fauna have adapted to fire, a significantly altered fire regime may also affect the abundance and distribution of species and the relationship between them.

Because there are many unknowns regarding climate change, the planning system needs to plan for both predicted scenarios and remain responsive to unforeseen circumstances. The Environmental Values TPP seeks to address this by:

- supporting early action against native habitat loss;
- promoting connectivity between vegetation to support viable ecological processes and build climate change resilience;
- protecting water quality and flow regimes to build the resilience of aquatic ecosystems;
- protecting wetlands, riparian and foreshore areas including intertidal areas;

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- considering the vulnerabilities of ecosystems and natural processes to the projected future climate and spatially applying parameters to identify, protect and prioritise communities at high risk; and
- enabling retreat pathways for ecosystems.

Land use planning can also support measures to reduce emissions. The Environmental Values TPP supports this by promoting the protection of biodiversity values and ecological services that maximise opportunities for carbon storage.

## 2.1 Biodiversity

### 2.1.1 Application

Statewide.

### 2.1.2 Objective

To contribute to the protection and conservation of Tasmania's biodiversity.

### 2.1.3 Strategies

1. Identify biodiversity values, appropriately rank the significance of those values and map their location.
2. Unless there are significant social or economic benefits, avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.
3. Prior to designating land for a particular purpose:
  - a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and
  - b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity values.
4. Provide for a level of restriction and regulation of use and development that will reflect its potential impact on, and be relative to, the biodiversity value.
5. Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset.
6. Promote and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.
7. Promote use and development of land that prevents or minimises the spread of environmental weeds and disease.

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8. Protect and enhance areas that provide biodiversity and ecological services that maximise opportunities for carbon storage.
9. Support early action against loss of biodiversity as a result of climate change.
10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, thereby increasing the ability of species, ecological communities and ecosystems to adapt to climate changes.
11. Identify ecological communities that are most vulnerable to climate change and develop strategies that consider improving resilience, mitigating impacts, planning retreat and facilitating adaptation to support their long-term survival.
12. Identify and enable retreat pathways for endangered ecosystems in coastal zones.
13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.

## 2.2 Waterways, Wetlands and Estuaries

### 2.2.1 Application

Statewide

### 2.2.2 Objective

To protect and improve the quality of Tasmania's waterways, wetlands and estuaries.

### 2.2.3 Strategies

1. Identify areas that support natural systems within waterways, wetlands and estuaries, including their riparian zones and groundwater recharge areas.
2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:
  - a) relies specifically on being located within close proximity to aquatic environments;
  - b) is for flood mitigation measures; or
  - c) has considerable social, economic and environmental benefits; and can demonstrate that the risk of environmental harm can be managed.
3. Encourage the protection of waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise

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unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.

4. Use and development located on land in, or around, waterways, wetlands and estuaries will:
  - a) minimise the clearance of native vegetation;
  - b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;
  - c) protect the natural form and process of the landform assemblage, including aquatic areas;
  - d) avoid land disturbance or manage soil erosion and changes in sediment loads entering the water caused by land disturbance;
  - e) not significantly change the rate and quantity of stormwater or increase pollutants entering the water; and
  - f) be designed and sited to maintain or enhance significant views and landscape values.
5. Promote the collaboration and coordination of catchment management across the State and the implementation of integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.
6. Promote the protection of the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to construction activities, point source pollution, diffuse land use impacts, or chemical reactions such as acidification.
7. Provide for the availability of clean, high-quality drinking water by promoting the protection of water catchments and water supply facilities.
8. Promote and encourage the efficient and effective use of water resources.

## 2.3 Geodiversity

### 2.3.1 Application

Statewide.

### 2.3.2 Objective

To protect and conserve land containing high conservation value geodiversity and to promote natural geological, geomorphological and soil processes that support broader, and more balanced, ecological functions.

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### 2.3.3 Strategies

1. Identify and map land containing high conservation value geodiversity and discourage designating land for use and development that will impact those values, including through the modification of natural processes and functions that prevents geological, geomorphological or soil features from evolving naturally, unless the impacts can be managed to support the values.
2. Promote the protection of high conservation value geodiversity by avoiding, or if not practicable minimising, the impacts of land use and development on the feature and the natural processes and functions that support the feature's evolution.
3. Encourage integrated management of geodiversity and biodiversity to enhance efficient function of ecological processes.
4. Support the protection of places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites from human induced impacts.
5. Support the protection of geological features, such as peat, that provide opportunities for carbon storage.

## 2.4 Landscape Values

### 2.4.1 Application

Statewide.

### 2.4.2 Objective

To protect and enhance significant landscapes that contribute to the scenic value, character and identity of a place.

### 2.4.3 Strategies

1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.
2. Promote the protection of significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to encourage use and development that respects, and is sensitive to, the character and quality of those scenic values.
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:

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- a) relies specifically on being located within a significant landscape; or
  - b) has overriding social, economic and environmental benefits;
- and includes specific measure to minimise the impact on the significant landscape.
- 4. Promote the retention and natural revegetation of degraded sites that will contribute to the overall improvement of the scenic quality of a significant landscape, scenic area or scenic corridor, where vegetation cover is an element of the scenic quality.

## 2.5 Coasts

### 2.5.1 Application

Applies to the Coastal Zone as defined in the *State Coastal Policy 1996*, which is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

### 2.5.2 Objective

To promote the protection, conservation and management of natural coastal values.

### 2.5.3 Strategies

- 1. Protect natural coastal processes and coastal landforms from use and development that will prevent natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise, unless engineering or remediation works are required to protect land, property, infrastructure and human life.
- 2. Strengthen the resilience of coastal processes to climate change by reducing threats and protecting the natural coastal environment, such as wetlands, estuaries, marine-protected areas, intertidal areas, sand dunes, cliff tops, beaches, native vegetation, and other important habitats.
- 3. Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (such as jetties and wharfs), marine industries, ports and other land use that explicitly rely on a coastal location where the impact on the coastal values and coastal processes are minimal or can be appropriately managed.
- 4. Support the location of use and development on the coast that:
  - a) promotes the maintenance of biodiversity, ecological functions, natural coastal processes and coastal resources; and
  - b) complements or enhances the coastal environment in terms of its landscape, amenity and cultural values.



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## 3.0 Environmental Hazards

### 3.0.1 Policy Context

Environmental hazards are a natural part of the Tasmanian landscape. Significant environmental hazard events, or natural disasters, have the potential to impact people, property, infrastructure, the economy and the natural environment.

Traditionally governments have focussed attention on emergency response and recovery from natural disasters and typically overlooked mitigation strategies. As a result of enquiries into natural disasters in recent decades, governments are focussing more attention on building community resilience and capacity to prepare for environmental hazards and include regulatory measures to reduce their associated impact. Environmental hazard management and policy is now delivered through a range of institutions at a range of scales, from international to local.

Land use planning is one of the tools available to government to help reduce the impact of environmental hazards. From a strategic perspective, land use planning can identify land that is subject to hazards and avoid zoning that land for incompatible purposes thereby directing inappropriate development away from high-risk areas. Regulation through statutory planning provisions can ensure specific developments incorporate hazard protection or mitigation measures, such as adequate water supply for firefighting in a bushfire-prone area, to reduce the risk of harm caused by environmental hazards. It can also support the necessary emergency responses and community recovery from events by facilitating the provision of emergency and community infrastructure.

While the planning system has a role to play, it is also limited in what it can achieve. It cannot apply retrospectively to address planning decisions that were made under former planning regimes but it can provide for current and future land use planning decisions to respond to risks.

Planning is one component of an integrated system that operates in conjunction with others to reduce the risks arising from natural disasters from occurring and reduce the risk of harm caused by these events. For example, The *Mineral Resources Development Act 1995* regulates the management of landslip hazards and controls are imposed under the *Building Act 2016*, *Building Regulations 2016* and associated Determinations issued by the Director of Building Control. The *Land Use Planning and Approvals Act 1993* provides guidance on addressing issues relating to natural and environmental hazards including public health, public safety or other prescribed circumstances. Also, the *Environmental Management and Pollution Control Act 1994* include provisions to protect and enhance the quality of the environment to prevent any adverse impact and maintain environmental quality.

The Environmental Hazards TPP seeks to consider hazards early in the planning system which will assist in protecting life and property, reducing the financial and emotional cost to the community and decreasing the burden for emergency management caused by environmental hazards. To achieve this, the TPPs apply the following set of principles to drive the planning policy response to environmental hazards:

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- prioritise the protection of human life;
- support disaster resilience of communities;
- identify and map the environmental hazard;
- avoid designating land for incompatible use or development in hazard prone areas;
- use and development, including intensification of existing use and development, does not increase the risk of environmental hazards or the harm caused by environmental hazards;
- hazard mitigation measures are to be applied to use and development exposed to unacceptable levels of hazard risk to reduce that risk to a tolerable level;
- hazard mitigation measures must consider and seek to minimise the impacts on other identified values; and
- regulation of use and development in areas subject to environmental hazards will reflect the level of exposure to the risk of harm caused by the environmental hazard.

### 3.0.2 Climate change statement

Significant changes in seasonal and regional rainfall patterns, an increase in rainfall intensity and associated flooding, higher average and more extreme temperatures, storms and wind and longer, more intense fire seasons will impact the frequency and intensity of hazard events.

Tasmania's coastal zone is projected to be impacted by rising sea levels and an increase in the frequency and intensity of storm events. This will exacerbate the impacts from coastal hazards such as coastal erosion and inundation.

The Tasmanian Government has developed sea level rise planning allowances for all coastal municipalities, and statewide mapping of natural hazards including, coastal erosion and inundation, and bushfire risk.

These measures demonstrate how land use planning can contribute to climate resilience, enable adaptation to the risks from a changing climate, minimise risks from natural hazards to settlements and built form, and support the health and safety of communities in the long-term.

By managing the risks from a changing climate and building a climate-resilient economy, the economic and ecological impacts from extreme weather events can be reduced, and impacted communities can recover faster.

With advancements in GIS and greater access to evidence-based data relating to future climate change scenarios, land use planning, through the guidance of the Environmental Hazards TTP, can:

- identify and map risks from natural hazards and avoid locating incompatible use and development in areas subject to risk;
- strategically consider how risks are best managed;

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- apply climate change adaptation responses through statutory provisions; and
- consider protective works.

### 3.1 Bushfire

#### 3.1.1 Application

Statewide.

#### 3.1.2 Objective

To prioritise the protection of human life and to support the resilience of settlements and communities by reducing the potential impacts of bushfire on life, property and infrastructure.

#### 3.1.3 Strategies

1. Identify and map land that is exposed to bushfire hazards, including consideration of the potential impacts of future bushfire conditions as a result of climate change, based on the best available scientific evidence.
2. The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process.
3. Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks.
4. Where it is not practical to avoid bushfire hazards, use and development is to:
  - a) identify the risk of harm to human life, property and infrastructure caused by bushfire;
  - b) incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and
  - c) provide a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous.
5. Support the efficient and safe intervention of firefighting personnel and emergency evacuation.
6. Facilitate the provision of firefighting infrastructure and support emergency services and the community to prevent, prepare, respond and recover from bushfire events.
7. Consider the cumulative effects of planning decisions so new use and development will not result in an unacceptable increase to bushfire risks for existing use and development.
8. When designating land for particular purposes and considering use and development in areas subject to bushfire hazards:

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- a) priority should be given to minimising the impacts, associated with implementing future bushfire protection measures, on environmental values and on the cost to the community as a result of defending properties from bushfire; and
  - b) where possible, avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes.
9. Allow the implementation of bushfire protection measures that are carried out in accordance with an endorsed plan, including hazard reduction burns.

## 3.2 Landslip

### 3.2.1 Application

Statewide.

### 3.2.2 Objective

To reduce the risk of harm to human life, property and infrastructure from the adverse impacts of landslip hazards.

### 3.2.3 Strategies

1. Identify and map susceptibility to landslip hazards, including consideration of the impacts of predicted climate change induced increased rainfall and sea level rise on landslip hazards.
2. Use and development on land at risk of landslip, including the provision of physical infrastructure, is of a type, scale and in a location that avoids triggering or exacerbating the risk of landslip, unless a tolerable level of risk can be achieved or maintained.
3. Avoid designating land that is more susceptible to landslip hazards for purposes that have the potential to expose people and property to landslip hazard where it does not achieve and maintain a level of tolerable risk from landslip.
4. Avoid designating land for use and development that involves significant soil disturbance, major construction or adding significant quantities of water to soil on land that is identified as being prone to landslip hazards, unless hazard reduction or protection measures can be applied to demonstrate that the risk of harm to people and property associated with the landslip hazard is tolerable.
5. Promote use and development that maintains or enhances the protective function of landforms and vegetation that can mitigate risks associated with landslip hazards.

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6. Ensure the risk to human life and property resulting from use and development on land that is more susceptible to landslip hazards is identified and addressed through hazard reduction or protection measures that reduce the level to a tolerable risk.

### 3.3 Flooding

#### 3.3.1 Application

Statewide.

#### 3.3.2 Objective

To minimise the impact of flood hazards that have the potential to cause harm to human life, property and infrastructure and to reduce the cost to the community as a result of flood events.

#### 3.3.3 Strategies

1. Identify and map land that is subject to flooding based, as a minimum, on land inundated by the 1% Annual Exceedance Probability (AEP), or an alternative as determined by the State Government in response to climate change.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to flood hazards that cannot achieve and maintain a level of tolerable risk from flood.
3. Consider and plan for the cumulative impacts of use and development on flooding behaviour.
4. Avoid locating, or intensifying, incompatible use and development on land subject to flood hazards unless hazard reduction and protection measures are considered and, where appropriate, incorporated into the planning and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a tolerable risk level.
5. Avoid locating use and development on land subject to flood hazards, where a level of tolerable risk cannot be achieved and maintained, that involves:
  - a) the storage of hazardous materials that if impacted by flooding may result in the release of materials, increasing the risk to public health and the environment caused by the flood hazards;
  - b) activities where vulnerable people are gathered, who may not be able to respond, evacuate or protect themselves in the event of a flood; and
  - c) public infrastructure that is required to be functional to assist in the delivery of emergency responses during and in the recovery phase of a flood event.

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6. Consider and support use and development that will assist in managing emergency responses and recovery to flood events including the provision of, and safe and efficient access to, evacuation centres, emergency accommodation and medical centres.
7. Support the development of flood mitigation infrastructure that has the capacity to lower the risk of flood hazards and provide greater protection to human life, property and infrastructure, if:
  - a) the flood hazard is not diverted to an area that will expose people, property and infrastructure to an increased risk of harm where a level of tolerable risk cannot be achieved and maintained;
  - b) the impact on environmental values are considered and minimised;
  - c) the cost to the community is considered and minimised; and
  - d) careful consideration is given to the appropriateness of intensifying the use and development of the area being protected to avoid exposing additional people, property and infrastructure to flood hazards, especially considering the unpredictability of climate change induced flood events.
8. Support the use of Water Sensitive Urban Design systems to mitigate flooding and manage peak flows in urban catchments.
9. Consider any upstream dam infrastructure when strategically planning land use to protect the viability of the dam infrastructure, and the impacts on human life, property, critical infrastructure and community assets as a result of potential dam failure.

## 3.4 Coastal Hazards

### 3.4.1 Application

Applies to the Coastal Zone as defined in the *State Coastal Policy 1996*, which is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

### 3.4.2 Objective

To minimise the risks associated with coastal erosion and coastal inundation caused by climate change induced sea level rise by incorporating avoidance, mitigation and adaptation strategies into land use planning to reduce the harm to human life, property and infrastructure.

### 3.4.3 Strategies

1. Identify and map land that is subject to coastal erosion and coastal inundation, based on a projected sea level rise of not less than 0.8 metres by 2100 or the latest adopted State Government sea level rise measurements, that considers the effects

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- of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to coastal hazards that cannot achieve and maintain a level of tolerable risk from coastal erosion or coastal inundation.
  3. Avoid incompatible use and development of land subject to coastal erosion or coastal inundation where a level of tolerable risk cannot be achieved and maintained, or that is not feasible or desirable to be located elsewhere, unless the use and development is:
    - a) dependent on a coastal location;
    - b) temporary, readily locatable or able to be abandoned;
    - c) essential public infrastructure; or
    - d) minor redevelopment or intensification of an existing use involving a building or structure that cannot be relocated or abandoned.
  4. Where incompatible use and development cannot avoid being located on land subject to coastal erosion or coastal inundation, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the siting, design, construction and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a level of tolerable risk.
  5. Promote strategic responses for existing settlements that are at risk of being impacted by coastal erosion or coastal inundation by considering the effectiveness and the social, environmental and economic viability of one, or a combination, of the following strategic responses:
    - a) adaptation to changing conditions over time;
    - b) planned retreat; and
    - c) protective works.
  6. Where possible, avoid use and development that will;
    - a) increase the rate of coastal erosion or coastal inundation; or
    - b) increase the risk of exposing existing people, property or infrastructure to coastal erosion or coastal inundation, especially vulnerable and hazardous uses.
  7. Encourage coastal defences that work with natural processes to protect human life, property and infrastructure or mitigate coastal erosion and coastal inundation risks where possible.
  8. Facilitate the provision of engineered coastal defences to protect human life, property and infrastructure from coastal inundation and coastal erosion, where the social, environmental and economic considerations are included in the planning and decision-making process.

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### **3.5 Contaminated Air and Land**

#### **3.5.1 Application**

Statewide.

#### **3.5.2 Objective**

To consider the impacts of past, present and future land use and development that has involved, or is proposed to involve, potentially contaminating activities, and to minimise the risk of harm to human health, property and the environment arising from exposure, or potential exposure, to contaminants or nuisances caused by those activities.

#### **3.5.3 Strategies**

1. Identify and map land that has been used, or is being used, or has been affected by use and development involving potentially contaminating activities.
2. Avoid allowing incompatible use or development on contaminated or potentially contaminated sites, unless, where appropriate measures such as remediation works, protection measures and a site assessment demonstrates the land is suitable for the future intended use and development.
3. Manage land use conflict by applying and maintaining appropriate separation between potentially contaminating activities and incompatible use.



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## 4.0 Sustainable Economic Development

### 4.0.1 Policy Context

The Sustainable Economic Development TPP focuses on identifying and supporting our economic advantages, to deliver economic growth in a socially and environmentally responsible way.

Tasmania's natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural and timber production sectors while our pristine air quality, unique landscapes and ecological diversity attract visitors from around the world. Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities. Our world-class wind, deep hydro storages and 100% renewable-energy status provide opportunities to attract industry looking for clean energy and have been identified as a key economic and emissions reduction driver both for Tasmania and Australia.

While our geographic location has advantages, it also presents some economic challenges. Being the only island state of an island nation, Tasmania's isolation from mainland Australia and the rest of the world puts us at an economic disadvantage in an era of globalisation and globalised economies. Our physical distance from the northern hemisphere and Asian markets adds to complexities for maintaining competitive in trading commodities and accessing markets. In addition, our ageing population is likely to present future economic challenges through a decline in the skilled workforce.

While the planning system alone cannot drive the State's sustainable economic growth, it still has an important role to play. We will remain geographically isolated, but we can plan for and support the provision of digital infrastructure, to ensure our businesses have access to online global markets. Planning for ports and strategic transport networks can improve efficiency in physically accessing global markets. It can also facilitate infrastructure development in areas best aligned with environmental, social and economic values, provide for strategic co-location of new infrastructure with existing infrastructure and promote circular economies.

Similarly, planning cannot prevent the declining workforce. However, it can support the creation of liveable cities that encourage migration and the retention of our young adults. It can also support the establishment of higher education institutions that are easily accessible, which also helps increase the skilled workforce.

The Sustainable Economic Development TPP supports economic activity through the planning system by embedding the following principles:

- allocating sufficient land in appropriate locations to support various economic activities;
- protecting allocated land from incompatible use and development;

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- supporting the efficient use of infrastructure and coordinated delivery of new infrastructure, including digital infrastructure;
- identifying and supporting emerging and innovative industries;
- promoting diversification to strengthen the resilience of the economy; and
- protecting the resources and values that are relied on for sustainable economic development.

The Sustainable Economic Development TPP provides initiatives to protect assets and guide economic growth in our agriculture, tourism, renewable energy, industry, extractive industries, business and commercial and research and innovation industries. It provides for flexibility in responding to new opportunities and changing economic conditions, supporting a diverse and more resilient economy.

It also addresses the production of timber on land which, although regulated by the forest practices system, is a land use that warrants proper consideration from a comprehensive strategic land use planning perspective.

#### **4.0.2 Climate change statement**

Tasmania's economy is likely to face challenges as a result of the predicted effects of climate change however, we also have some significant advantages. Our greenhouse gas emissions profile is unique among Australian jurisdictions, due to a high proportion of renewable energy generation and high levels of carbon sequestration from the State's managed forest estate

Each economic sector in the Sustainable Economic Development TPP will be impacted differently by climate change and will need to respond to issues as they emerge. For example, the agricultural sector will need to reconsider traditional crops and favour those that respond better to warmer conditions. Areas that may have been ideal for low chill varieties of fruit may need to consider trials and progressive replacement of orchards. Primary production is also at risk from increased storm damage, unpredictable rainfall and more extreme high temperature events.

While it is difficult to predict the range and extent of the potential impact climate change will have across all economic sectors, land use planning can play a strategic role in facilitating economic resilience and help to address the impacts and causes of climate change.

The Sustainable Economic Development TPP addresses these issues by:

- protecting agricultural resources and promoting diversification within the industry which will help the industry respond to changing climatic and economic conditions;
- strategically considering and protecting land designated for timber production because of its contribution to carbon sequestration;
- promoting efficient use and consolidation of land, infrastructure and transport networks to reduce emissions;

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- supporting innovation and research opportunities to diversify and contribute to a more resilient economy; and
- supporting opportunities for greater economic self-sufficiency and circular economies to help reduce the impact of unexpected, external forces on the economy.

### 4.1 Agriculture

#### 4.1.1 Application

Statewide.

#### 4.1.2 Objective

To promote a diverse and highly productive agricultural sector by protecting agriculture land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

#### 4.1.3 Strategies

1. Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that includes access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criterion, including under forecast climate change scenarios.
2. Protect land that is identified as being within the higher classes of agricultural capability by designating it specifically for agricultural use and development or for purposes that prevent the permanent loss or conversion of the land's agricultural potential.
3. Allow compatible land uses to operate on agricultural land, where they do not cause unreasonable fettering or fragmentation and minimises the sterilisation of agricultural land.
4. Protect land with significant agricultural capabilities, and agricultural land within irrigation districts, by affording them the highest level of protection from fettering, fragmentation or conversion to non-agricultural uses.
5. Prevent fettering of agricultural land by considering the impacts of agricultural uses on surrounding future use and development to prevent land use conflict and protect the productivity and viability of agricultural uses.
6. Encourage the protection of viable agricultural uses by preventing the fragmentation of agricultural land.
7. Protect agricultural land by avoiding the permanent conversion of agricultural land to non-agricultural land uses unless:

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- a) the land is strategically identified for growth;
  - b) the scale of the conversion or sterilisation is minor in terms of the overall agricultural operation of the site, local area or region; or
  - c) the conversion contributes to the viability of the agricultural use of the site, local area or region;
- and the intended use will not cause land use conflict, fetter or impact the viability of surrounding agricultural uses.
- 8. Support diversification and value-adding of the primary industries sector by supporting effective agricultural production and processing, innovation in rural industries and farm-related retailing and agritourism that is ancillary to the principal use, to enable sustainable growth of the sector and strengthen its ability to adapt to climate change, natural disasters and market challenges.
  - 9. Allow residential use where it is part of, or supports, an agricultural use, such as workers' accommodation, where it does not unreasonably fetter, fragment or convert agricultural land uses.
  - 10. Support the retention of small farms close to urban areas and acknowledge the contribution, or potential contribution, that they make in supplying local produce to farm gate market, agrifood economy and tourism.
  - 11. Facilitate the provision and protection of infrastructure that supports the diversification and improved productivity of the primary industries sector.
  - 12. Encourage the protection of the viability of upstream dam infrastructure when strategically planning land use and development.

## 4.2 Timber Production

### 4.2.1 Application

Statewide.

### 4.2.2 Objective

To contribute to the protection of Tasmania's timber resources.

### 4.2.3 Strategies

- 1. Encourage the protection of timber production areas including plantation and native forests by identifying land dedicated for timber production and support designating that land for purposes that are compatible with timber production.
- 2. Encourage surrounding land, that is likely to be impacted by the activities associated with timber production on land dedicated for timber production, to:

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- a) be designated for purposes that are compatible with timber production; or
- b) consider incorporating measures to mitigate, manage or avoid any environmental hazards and social and environmental impacts associated with timber production.

### 4.3 Extractive Industry

#### 4.3.1 Application

Statewide.

#### 4.3.2 Objective

To identify and protect existing and potential extractive industry resources, and supporting infrastructure, to facilitate economic growth and support efficient infrastructure and urban development.

#### 4.3.3 Strategies

1. Identify and protect strategic resource areas and deposits, including areas of known mineral resources and strategically important construction materials, such as sand.
2. Promote the protection of existing extractive industries from encroachment by residential and other incompatible use.
3. Support the long-term viability of existing operations and access to future mineral resources.
4. Enable the provision and protection of supporting infrastructure for extractive and related resource industries so that access can be facilitated and maintained.
5. Support future mineral extraction on land available for mineral exploration by, prior to designating the land for a purpose that removes the ability of that land to be used and developed for mineral extraction, consideration of the following:
  - a) the nature and scale of the mineral resource;
  - b) the viability of extracting the mineral resource; and
  - c) the social, economic and environmental benefits of the mineral resource compared to that of the alternative land use.
6. Plan for and encourage the use of suitable mineral resources that can provide for a viable resource supply to be extracted consistent with relevant planning policies, considering:
  - a) the benefits to the community;
  - b) the provision of energy and infrastructure;
  - c) access to a skilled workforce;

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- d) risks to public health and safety are managed to within acceptable levels; and
  - e) environmental impacts are minimal and provisions are made for the rehabilitation of the site.
7. Facilitate the provision of housing and services to support mining employees and their families in remote settlements.

## 4.4 Tourism

### 4.4.1 Application

Statewide.

### 4.4.2 Objective

To promote the sustainable development of the State's tourism industry.

### 4.4.3 Strategies

1. Identify existing and potential key tourism sites or destinations and investigate the role of these sites or destinations from a State, regional and local perspective to help plan where they are best located and how they can be sustainably developed, taking into consideration:
  - a) visitor demand and forecast trends of visitation across the State;
  - b) existing supply of tourism product, services and infrastructure;
  - c) appropriateness of the scale and nature of the tourism use;
  - d) the impact on the environmental, landscape, intrinsic and local character values of the place;
  - e) the use and development being displaced;
  - f) alignment with and promotion of the Tasmanian brand;
  - g) alignment with regional destination plans supporting the visitor economy;
  - h) the contribution to the local, regional and State economy; and
  - i) integration with the local community.
2. Promote tourism use and development that protects, is compatible with and builds on the assets and qualities of the events, activities and attractions underpinning them.
3. Manage visitor accommodation so it does not significantly impact the supply of housing for the local community.
4. Support unique, diverse and innovative tourism experiences that support the Tasmanian brand.

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5. Facilitate the provision of infrastructure, housing and services, where appropriate, to support tourism and hospitality employees, to meet the demand for, and support the growth of, sustainable tourism use and development.
6. Identify and promote the protection of attributes that attract and enhance tourism experience.
7. Prevent the cumulative impacts of tourism use and development from unreasonably detracting from how the local community engages and identifies with their local surrounds.
8. Promote growth and investment in recreational, art and cultural activities that attracts tourism growth and supports the local community's access to these facilities.
9. Promote the integration of tourism infrastructure into activity centres to support and reinforce the economic function of activity centres.

## 4.5 Renewable Energy

### 4.5.1 Application

Statewide.

### 4.5.2 Objective

To promote renewable energy use and development to support economic and employment opportunities and strengthen the State's economy, while also supporting emissions reduction.

### 4.5.3 Strategies

1. Identify renewable resource areas to prioritise the location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development taking into consideration:
  - a) the quality of the energy resource;
  - b) economic and social value and the impact on the community
  - c) investor interest; and
  - d) environmental, cultural heritage and land-use constraints.
2. Identify and plan for supporting transmission infrastructure required to connect renewable resource areas to the existing network, taking into consideration the ancillary infrastructure that may be required to provide for a reliable and secure network.
3. Recognise the quality and diversity of Tasmania's renewable energy resources and the role it can play in limiting greenhouse gas emissions and supporting the

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transition to national low carbon economy through existing and future interconnection to Tasmania.

4. Facilitate local, neighbourhood and specific site renewable energy generation, including the potential use of green hydrogen and bioenergy, to help diversify the local economy, improve sustainability outcomes and build resilience and diversification around energy supply.
5. Support infrastructure enabling distributed energy resources.
6. Facilitate the provision of housing, including temporary housing, required to accommodate workers, particularly during the construction phase, to support the development of renewable generation sources within regional areas.

## 4.6 Industry

### 4.6.1 Application

Statewide.

### 4.6.2 Objective

To protect industrial land, facilitate sustainable industrial use and development and ensure there is sufficient availability of suitable industrial land to meet the existing and future needs of Tasmania.

### 4.6.3 Strategies

- I. Identify and allocate land within urban growth boundaries that is suitable for industrial use and development, considering:
  - a) analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;
  - b) topography and physical site constraints;
  - c) compatibility of surrounding land use;
  - d) provision of adequate buffer areas to separate incompatible uses;
  - e) access to workforce;
  - f) supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;
  - g) the ability to and cost of, servicing with physical infrastructure; and
  - h) avoidance of environmental hazards and environmental values.



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2. Provide for at least a 15 year supply of industrial land, that is located within urban growth boundaries, that is based on projected demand to meet the economic needs of Tasmania.
3. Enable industrial use and development, outside urban growth boundaries, where:
  - a) the use is resource dependent, including, but not limited to, abattoir, onshore marine farm or sawmill, and required to be located with the resource to provide for more sustainable outcomes;
  - b) high impact industrial use warrants separation from settlements;
  - c) the land has formerly been developed and is no longer being used to its full capacity, such as a brownfield site, and is proposed to be re-purposed for industrial use and development; or
  - d) the land is identified as being strategically located, such as having access to supporting infrastructure or freight routes and has State or regional industrial importance;and environmental hazards and the impact on environmental values are avoided or can be appropriately managed.
4. Promote the protection of existing and future industrial land by preventing encroachment from incompatible use and development.
5. Where appropriate, protect land surrounding industrial estates by designating it for a compatible land use that does not prejudice the future availability of that land for industrial use and development.
6. Encourage the co-location of similar industrial uses within existing or future strategic industrial precincts.

## 4.7 Business and Commercial

### 4.7.1 Application

Statewide.

### 4.7.2 Objective

To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

### 4.7.3 Strategies

1. Identify and allocate a sufficient supply of land within existing settlements or areas identified for future growth of settlements, to provide for commercial and business use and development based on existing and projected demands, considering:
  - a) the nature and scale of the catchment being serviced;

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- b) consumer demand and demographic forecast;
  - c) efficient use of existing infrastructure;
  - d) accessibility to existing transport networks and services;
  - e) access to workforce;
  - f) activity centre hierarchy; and
  - g) regional settlement hierarchy.
2. Identify an activity centre hierarchy that is based on the scale, role, function and accessibility of activity centres.
  3. Support the activity centre hierarchy by promoting complimentary use and development to strengthen efficiencies within activity centres and, where possible, avoid unnecessary competition between activity centres.
  4. Encourage the intensification and growth in, and around, higher order activity centres that are highly accessible and which promote the efficient use of infrastructure and services.
  5. Support the redevelopment of commercial and business use and development in existing activity centres prior to considering the establishment of new activity centres, unless it is part of a new greenfield development or a natural progression of an existing activity centre, and is highly accessible to its catchment of users.
  6. Discourage activity centres from being located outside urban or settlement growth boundaries.
  7. Support home-based businesses where the impact does not cause an unreasonable loss of residential amenity to the surrounding area.
  8. Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, does not cause an unreasonable loss of residential amenity.
  9. Support mixed use, including residential uses, in activity centres that are highly accessible and where the potential for land use conflict can be managed.

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## **4.8 Innovation and Research**

### **4.8.1 Application**

Statewide.

### **4.8.2 Objective**

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that will support existing and emerging opportunities and contribute to a diverse and resilient economy.

### **4.8.3 Strategies**

1. Support the provision and expansion of logistics and digital infrastructure to promote the information and communications technologies (ICT) industry that provides opportunities to drive learning, productivity, innovation and access to online global markets.
2. Support accessible and well-connected tertiary education and training institutions that fosters innovation and career diversity while supporting the existing and emerging needs of the State's employment sectors.
3. Promote existing and emerging innovation and research opportunities, especially those that promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and furthers our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise.
4. Provide for precinct planning that allows for collaborations between industry, science, research and education institutions to be co-located to facilitate and promote learning, on the job training, collaboration and shared access to resources.
5. Support opportunities for greater economic self-sufficiency, diversification and circular economies to help reduce the impacts of external forces on the State economy.

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## 5.0 Physical Infrastructure

### 5.0.1 Policy Context

Tasmania has extensive physical infrastructure networks, across transport, stormwater, water and sewerage, energy and telecommunications. These networks underpin a wide range of social, environmental and economic outcomes for the State, including population growth, sanitation, job creation, productivity improvements, efficient market access and community connectivity.

Physical infrastructure assets have a long-life span and are expensive to provide and maintain. Maximising the outcomes of these assets requires long-term planning and a sound evidence base. Physical infrastructure planning must consider the many factors influencing why, where and when infrastructure is provided, for example, demographics, economics, climate, and technological change and how the infrastructure is currently or likely to be used.

Land use planning has a direct impact on infrastructure efficiency, safety and performance. It is important that use and development aligns with the function and capacity of existing infrastructure, protects key assets from encroachment by incompatible use and protects current and future infrastructure corridors.

Economies of scale are critical to infrastructure delivery. Where possible, land use planning frameworks should facilitate the consolidation of use and development in locations close to key and existing infrastructure and services where there is available capacity.

Land use planning should be flexible in responding to changes in community preferences, technology and demand affecting the type of infrastructure required and how it is used.

### 5.0.2 Climate change statement

The projected changes to the State's climate can affect the lifespan and viability of infrastructure networks and assets.

Older infrastructure was typically designed before climate change was accepted and understood. Greater extremes and longer periods of higher temperatures, and more violent weather events, will impact the capacity of these older systems. Combined with wear and tear over time and changes in technology, many forms of infrastructure will need to be adapted, or replaced.

Climate-resilient infrastructure refers to how well infrastructure networks and assets continue to function while under greater stress, including the ability to withstand, and recover from, natural hazards made worse by climate change. The TPPs can promote climate-resilient infrastructure by:

- minimising the need for future adaptation by considering the best available climate science to inform decision-making early in the planning process;

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- identifying and mapping current and projected areas subject to hazards, such as coastal erosion and inundation, flooding and bushfire;
- strengthening the framework for identifying appropriate location of land use and development; and
- inclusion of risk mitigation measures.

The Physical Infrastructure TPP supports the provision of well-planned and well-designed infrastructure that can reduce emissions and take advantage of emerging opportunities in a low-emissions future by:

- enabling the sustainable development of existing and emerging low-emissions technologies (for example: renewable energy generation and renewable hydrogen), and ensuring development is planned for in an appropriate manner;
- protecting the efficiency and functioning of freight routes and strategic transport networks;
- Supporting integration of infrastructure providers' strategic planning into land use planning strategy and decision making;
- supporting the uptake of low and zero emissions vehicles by enabling the siting of charging and refuelling infrastructure in developments and the public domain; and
- better sharing of road space to support increased uptake of more sustainable transport modes.

## 5.1 Provision of Services

### 5.1.1 Application

Statewide.

### 5.1.2 Objective

To promote the efficient, effective, sustainable and safe delivery of services including reticulated water and sewerage, stormwater management, electricity, gas, telecommunications and recycling and waste management.

### 5.1.3 Strategies

1. Identify, allocate and protect a sufficient amount of appropriately located land to accommodate servicing infrastructure that will provide for the existing and future service needs of the community.
2. Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity.

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3. Where there is no infrastructure, no available infrastructure capacity or no non-infrastructure solution, promote the most logical and effective solution to deliver services to growth areas while minimising environmental impacts.
4. Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community and the environment, including under climate change conditions.
5. Facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users.
6. Provide an integrated approach to the planning and engineering design of new subdivision and subsequent use and development, promoting the coordinated and efficient provision of physical infrastructure.
7. Provide for reticulated sewerage at the time of subdivision or require lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
8. Provide for reticulated electricity supply at the time of subdivision or require lots created by the subdivision are capable of accommodating an alternative source of power adequate for the future use and development of the land.
9. Encourage the connection of new lots, or provide for potential future connection to, telecommunication services at the time of subdivision, where the land is in a serviceable area and there is a reasonable expectation that the future use of the lot will require telecommunications services.
10. Encourage the protection of significant existing and future water, gas, electricity, sewerage, stormwater and telecommunications infrastructure assets and waste disposal and resource recovery facilities, sites and infrastructure corridors from sensitive and incompatible use and development encroaching those assets, facilities, sites or corridors.
11. Encourage the siting, design, management and rehabilitation of waste disposal facilities to prevent or minimise contamination of groundwater and surface waters; and minimise litter, odour, dust and noise.
12. Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction.
13. Support the provision of contemporary telecommunications and information technology that are widely accessible and meet the needs of business, industry, public infrastructure and domestic users.
14. Where appropriate, promote service corridors that support the co-location of physical infrastructure, including roads, to service use and development.

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## **5.2 Energy Infrastructure**

### **5.2.1 Application**

Statewide.

### **5.2.2 Objective**

To protect electricity infrastructure, including infrastructure to support energy efficiency and renewable energy, and provide for a safe, secure and reliable energy system to meet the needs of the community, businesses and industry.

### **5.2.3 Strategies**

1. Promote the protection of existing energy infrastructure corridors and ancillary facilities from conflicting and incompatible land use and development.
2. Plan for and facilitate energy-related use and development (including ancillary facilities) in appropriate locations.
3. Support infrastructure required for distributed energy resources including rooftop solar, battery storage and at home electric vehicle chargers.
4. Contribute to improved energy efficiency through urban design and urban settlement pattern, and support for the use of alternative transport modes.

## **5.3 Roads**

### **5.3.1 Application**

Statewide.

### **5.3.2 Objective**

To plan, manage and maintain an integrated road network that supports efficiency, connectivity, travel reliability and safety.

### **5.3.3 Strategies**

1. Identify and promote the protection of the following key road corridors from encroachment by incompatible land use and development:
  - a) Burnie to Hobart transport corridor, Tasmania's premier passenger and freight corridor, facilitating the movement of high volumes of people and heavy freight between major ports, intermodal hubs, population and industrial centres;

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- b) Key urban passenger transport corridors; and
  - c) Last mile urban freight routes.
- 2. Identify and promote the protection of future road corridors.
- 3. Recognise the role of Tasmania's regional road network in providing connectivity and access between regional and rural communities, major production and processing centres and tourism destinations.
- 4. Support heavy vehicle access that is responsive to industry needs and appropriate to the use and function of a road.
- 5. Provide for new and upgraded road infrastructure on key urban and local corridors to allocate space for servicing infrastructure, public transport, walking and cycling modes.
- 6. Provide for land use planning frameworks and decisions to support, and be informed by, road investment programs.
- 7. Support the targeted expansion and improvement of the urban road network based on future use, safety, and in response to strategic urban growth corridors.
- 8. Provide for road networks to be protected from incompatible use and development.
- 9. Minimise the environmental, heritage and social impacts associated with new and upgraded transport infrastructure and services.

## 5.4 Passenger Transport Modes

### 5.4.1 Application

Statewide.

### 5.4.2 Objective

To support a safe, reliable, efficient and accessible passenger transport system that provides people with modal choice and is well integrated with land use.

### 5.4.3 Strategies

- 1. Support integrated land use and infrastructure and network planning that increases mode choice to access employment and essential services and encourages community participation in different modes of transport.
- 2. Promote medium to high density development and mixed use in proximity to high frequency passenger transport corridors.
- 3. Integrate land use with existing and planned passenger transport infrastructure and services.



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4. Identify and promote the protection of key sites required to support the expansion of public transport services and modes.
5. Provide an active transport network within key urban areas that is integrated across State and local government networks, and which includes dedicated infrastructure, appropriate signage, and end of trip facilities.
6. Encourage public transport corridors to be supported by active transport networks and bus stops that are safe, accessible and provide for better passenger amenity.
7. Provide for subdivision design that:
  - a) supports efficient and effective public transport access if located within a serviceable area;
  - b) encourages walking and cycling, with the provision of appropriate and direct site-through links; and
  - c) considers the subsequent, and surrounding, use and development, promoting the coordinated and efficient provision of passenger transport systems.
8. Promote the location of use and development that attracts high numbers of people within existing activity centres, in areas adjacent to major urban public transport corridors or in areas that support the logical extension of existing public transport services, unless the use and development relies on a non-urban setting.
9. Support the targeted expansion and improvement of public transport services, and supporting infrastructure, based on travel demand, including latent demand, and in support of strategic urban growth corridors.
10. Encourage land use planning frameworks that can support and adapt to changing passenger transport needs, modal options, and technologies.
11. Recognise carparking as a key travel demand management measure, and appropriately manage carparking provision to support a modal shift.
12. Provide infrastructure to support the use of electric vehicles, including a public network of high-quality electric vehicle charging stations, and the inclusion of 'electric vehicle ready' carparking as part of new residential and commercial developments.

## 5.5 Ports and Strategic Transport Networks

### 5.5.1 Application

Statewide.

### 5.5.2 Objective

To recognise and protect Tasmania's strategic freight system, including key freight networks, rail, airports, ports, intermodal hubs and industrial estates.

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**5.5.3 Strategies**

1. Identify and promote the protection of existing and future freight infrastructure and industrial and distribution centres.
2. Promote use and development at, and adjacent to, the Burnie, Devonport, Launceston and Hobart ports, and the Brighton Transport Hub, that is compatible with proximity to a major port and reinforces the role of these ports as freight and logistics hubs.
3. Recognise the regional ports at Grassy, Lady Barron and Cape Barren as critical links in the freight supply chains of the Bass Strait Islands.
4. Encourage the protection of key freight corridors and assets from encroachment by incompatible land use and development.
5. Protect major airports by applying appropriate buffers that prevent the encroachment of incompatible use and development.
6. Support major airports by designating adjacent land to accommodate complementary use and development.
7. Locate industrial, freight and intermodal developments in areas with good access to existing, high-volume freight networks.
8. Support the protection of the Burnie to Hobart freight corridor as Tasmania's premier land transport network for both road and rail.
9. Encourage land use planning frameworks that can support and adapt to a changing freight system, including changes to freight volumes and demand, and emerging technologies.
10. Support major freight generating activities by designating land for purposes that protect the on-site operational efficiency.
11. Identify and safeguard locations along key freight corridors for heavy vehicle rest areas.
12. Recognise the strategic value of non-operational rail corridors.
13. Support the operational rail network by:
  - a) recognising that it is an important strategic infrastructure asset for the distribution of freight; and
  - b) protecting its safety, efficiency and operability by:
    - i. applying appropriate measures to prevent the encroachment of incompatible use and development;
    - ii. recognising that land within the defined rail corridor is for the exclusive purpose of supporting safe and efficient rail operations and activities; and
    - iii. considering the compatibility of the range of allowable uses when designating surrounding land for particular purposes.

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## 6.0 Cultural Heritage

### 6.0.1 Policy Context

Tasmania's cultural heritage is diverse and unique. It provides valuable insight into the lives of past generations and contributes to our identity and connection with place and helps give our communities their character and distinctiveness. It is a unique asset that needs to be recognised, protected and well managed so it maintains its appeal to locals and visitors.

The Cultural Heritage TPP addresses Aboriginal Cultural Heritage values and non-Indigenous cultural heritage values (referred to as historic cultural heritage). The land use planning response to Aboriginal Cultural Heritage and historic cultural heritage differs to reflect the different ways these values are found in the landscape, recorded and managed. It also acknowledges the distinctive relationship and understanding Aboriginal people have of their heritage and aspirations for its protection and promotion.

A core practical difference is that historic cultural heritage tends to be visible, known, accepted and valued, and easily identifiable for protection, whereas much Aboriginal Cultural Heritage is often not formally identified until rediscovered, commonly in the course of development preparation. While the significance of tangible assets tend to be recognised and valued, lesser known archaeological values, research potential and intangible values associated with cultural heritage should also be recognised, protected and managed.

Land use planning should acknowledge and respect the Tasmanian Aboriginal people as being the custodians of their living and enduring cultural heritage, seeking to improve its protection and where possible supporting ongoing Aboriginal Cultural Heritage practices and custodianship. In the past the main or only emphasis has been on identifying Aboriginal Cultural Heritage in a reactive manner at the development stage, with subsequent management in accordance with the relevant state Aboriginal heritage legislation<sup>3</sup>. The Cultural Heritage TPP seeks to mitigate this reactive approach by encouraging the consideration of Aboriginal Cultural Heritage values proactively and more strategically when land is being designated for particular use and development.

Tasmania also has a rich source of historic cultural heritage which is represented in certain buildings, parts of buildings, places/features, precincts and landscapes. Often the best-preserved historical suburbs and towns are the places that attract us to visit, work and live.

The historic cultural heritage component of the Cultural Heritage TPP is focused on local places and precincts of historic cultural heritage values, because places of historic cultural heritage significance to the whole of Tasmania are entered on the Tasmanian Heritage Register and are protected under the provision in the *Historic Cultural Heritage Act 1995*.

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<sup>3</sup> Currently the *Aboriginal Heritage Act 1975*, although new legislation is expected in 2024.

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The contextual landscape occupied by local historic cultural heritage values and the protection of local places and precincts is multi-layered and fundamentally connected to places of State significance entered on the Tasmanian Heritage Register, the National or a Commonwealth Heritage List or on UNESCO's World Heritage List, such as the Australian Convict Sites World Heritage Property or the Tasmania Wilderness World Heritage Area. The tiered system of heritage identification, protection and management helps to recognise each level plays a unique role in telling Tasmania's cultural heritage story.

Local historic cultural heritage places and precincts play an important role in helping to define the identity and character of local communities and regional areas. They also contribute to the economic prosperity of Tasmania and local places through tourism. This justifies supporting the protection of these values for the benefit of present and future generations.

The underlying principle of the Cultural Heritage TPP is to promote early and proactive consideration of cultural heritage values in land use planning strategies and decisions to manage and protect these values more efficiently and effectively. An approach of this nature will also reduce the risk of heritage being a risk or barrier to new development.

### 6.0.1 Climate Change Statement

Tasmania's cultural heritage sites are located in a range of settings across the State, including but not limited to the coastal fringe of our land mass. Like other aspects of our natural and built environments, they will be impacted by climate change.

Climate change will impact environmental processes which may affect the cultural heritage values of a site. For example, archaeological sites may be compromised because of changes in soil chemistry. Changes in the water table can affect older buildings and structures, and new pest species may threaten structures constructed with organic material.

This is in addition to the better understood threats of flooding, fire, wind events, heatwaves and other forms of extreme weather events. Increased thermal stress can accelerate the deterioration process, and increased periods under water threaten structural integrity. Some sites may be permanently lost due to sea level rise.

The management of cultural heritage sites requires consideration and response to the projected changes to Tasmania's environments. Management responses require site-specific approaches and a good understanding of the projected risks from natural hazards for a given location. Other components of the TPPs support this, particularly the Environmental Hazards TPP.

While it is premature to accurately predict what, and how, cultural heritage sites might be impacted by climate change and therefore propose specific strategies to protect them, land use planning in general has a role to play by:

- providing spatial identification of cultural sites, and projected risks from natural hazards;

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- ensuring the projected impacts of climate change on cultural heritage sites and practises is considered early in the planning process; and
- supporting processes to protect significant cultural heritage sites and practises.

## 6.1 Aboriginal Cultural Heritage

### 6.1.1 Application

Statewide.

### 6.1.2 Objective

Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage values including places, objects and practices.

### 6.1.3 Strategies

1. Land use planning is to:
  - a) recognise, respect and accept that Tasmanian Aboriginal people are the custodians of their cultural heritage;
  - b) acknowledge that Aboriginal Cultural Heritage is living and enduring;
  - c) promote the protection of Aboriginal Cultural Heritage values; and
  - d) support Tasmanian Aboriginal people to identify, manage and, where appropriate, continue to use and culturally identify with, Aboriginal Cultural Heritage places.
2. Encourage the understanding and consideration of Aboriginal Cultural Heritage and support the investigation<sup>4</sup> of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially harm any Aboriginal Cultural Heritage values associated with that land.
3. Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or are highly likely to be, Aboriginal Cultural Heritage values unless it is demonstrated that the impact on Aboriginal Cultural Heritage values can be appropriately managed.

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<sup>4</sup> Aboriginal Heritage Tasmania provides advice on investigations and management of Aboriginal Cultural Heritage and the operation of relevant Aboriginal Heritage legislation.

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## **6.2 Historic Cultural Heritage**

### **6.2.1 Application**

Statewide

### **6.2.2 Objective**

To support the identification and conservation of significant local historic cultural heritage buildings, part of buildings, infrastructure (for example bridges), places/features, precincts and landscapes and promote sympathetic design solutions and responses that preserve or complement those cultural heritage values, and facilitate appropriate adaptive reuse.

### **6.2.3 Strategies**

1. Identify land that has potential archaeological local cultural heritage value or has research potential and prior to designating it for incompatible use and development that would damage the archaeological values, establish the significance of those values and how they can be appropriately managed.
2. Identify buildings, part of buildings, places/features, infrastructure, precincts and landscapes that contain significant local historic cultural heritage values, describe the significance of those values, and promote access to this information to ensure identified values are considered early in strategic and statutory planning processes.
3. Provide for the protection, and encourage the restoration of identified buildings, part of buildings, infrastructure, places/features, precincts and landscapes that contain local historic cultural heritage significance.
4. Encourage appropriate development and adaptive reuse of buildings, part of buildings, infrastructure, places/features, precincts and landscapes of local historic cultural heritage significance by promoting innovative and complementary design responses that conserves, restore and retain cultural heritage values.
5. Support the retention of appropriate surrounding settings and site context that contributes to the significance of the local historic cultural heritage values of buildings, part of buildings, infrastructure, places/features, precincts and landscapes.
6. Encourage the initiation and implementation of local heritage surveys to proactively identify and manage historic heritage places of local historic cultural heritage significance and to clearly articulate the heritage values of places and precincts listed as having local historic cultural heritage significance.
7. Encourage the preparation and publishing of conservation policies for heritage precincts; development, in-fill, and pre-development assessment guidelines; and similar guidelines for places and precincts of local significance to foster understanding and awareness of the importance of cultural heritage, and provide greater clarity, consistency, and certainty in the management of these values.

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## 7.0 Planning Processes

### 7.0.1 Policy Context

The Planning Processes TPP seeks to ensure that best practice, contemporary planning processes are adopted and applied in the planning system.

The *Land Use Planning and Approvals Act 1993* (the Act) is the primary legislation controlling most of land use planning in Tasmania. It establishes the framework for the development, assessment and implementation of various statutory instruments.

As such, the TPPs are subordinate to the provisions in the Act and cannot modify the planning processes that it specifies.

The planning system also relies on processes that either sit outside the Act, or are less explicit in the Act. For example, these processes include the preparation of local plans such as settlement strategies, structure plans and precinct plans that potentially inform RLUSs and LPSs. The Planning Processes TPP can support improved processes at this level of planning.

A fundamental element of land use planning is to understand the needs, expectations and values of the community. To obtain this information planners must engage with the community. At its best, meaningful engagement in planning allows the community to discuss issues, share experiences, expand their understanding, develop empathy with competing stakeholders and help find collaborative solutions that can be expressed through strategic and statutory planning processes.

However, not all people within the community share the same needs, expectations and values. The role of planning is to fairly and transparently evaluate these competing demands to deliver outcomes in the best interest of the broader community, balancing social, environmental and economic considerations. Strategically planning land use and development lowers the risk and likelihood of land use conflict by giving a structured process to handle disagreement, providing for the more sustainable use of land and resources

To achieve this, land use planning considers a variety of opinions and complex arguments to reach a mediated outcome. In trying to address concerns and to ensure desired outcomes are achieved, planning has been criticised for over regulation and 'red tape'. The Planning Processes TPP seeks to acknowledge the issue and responds by including strategies that seek to align the degree of regulation to the scale of the impact potentially caused by the use and development.

### 7.0.2 Climate change statement

Resilience is the capacity to maintain function in the face of disturbance. Land use planning is a mechanism with considerable potential to improve social, economic and environmental resilience to climate change.

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The scale of the transition facing the Tasmanian community is large. The impacts of climate change will not be evenly distributed amongst the community with the vulnerable being disproportionately affected. Planning processes that are collaborative, consultative, evidence based and responsive to change are essential for navigating an unpredictable future and taking care of the more vulnerable within the community.

Land use planning also plays a significant role in mitigating and adapting to climate change. Robust planning processes are required to achieve these responses. The Planning Processes TPP promotes information provision, consultation, strategic considerations of issues and collaborations between regulatory regimes, and in doing so increases the capacity of the community to understand, respond and build resilience to climate change.

## 7.1 Public Engagement

### 7.1.1 Application

Statewide.

### 7.1.2 Objective

To improve and promote public engagement processes to provide for the community's needs, expectations and values to be identified and considered in land use planning.

### 7.1.3 Strategies

1. Facilitate the community's understanding of the planning system, land use planning issues and how they might be impacted, to encourage meaningful public engagement in land use planning.
2. Promote public engagement that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.
3. Support public engagement processes, and the outcomes generated from them, that are informative and transparent.
4. Provide supporting information that adequately explains and justifies the reasons for proposed planning policies, strategies and regulation to facilitate public engagement and understanding of planning process.
5. Acknowledge that planning outcomes, derived through public engagement processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests.



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## **7.2 Strategic Planning**

### **7.2.1 Application**

Statewide.

### **7.2.2 Objective**

To encourage the strategic consideration of land use planning issues by promoting integrated and coordinated responses that balance competing social, economic, environmental and inter-generational interests to provide for the long-term sustainable use and development of land.

### **7.2.3 Strategies**

1. Support the application of the precautionary principle where the implications of planning decisions on the environment, now and into the future, is not fully known or understood.
2. Promote the identification, establishment and implementation of long-term land use planning priorities, that are environmentally sound, to strengthen inter-generational equity, allowing future generations to have access to the resources they need.
3. Strengthen the use of scientific-based evidence to make informed decisions about land use planning.
4. Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.
5. Promote collaboration and coordination between, and within, Commonwealth, State and local government to deliver integrated, efficient and effective planning outcomes.
6. Facilitate coordinated approaches between public and private investment to achieve common planning goals.
7. Adopt and implement best practice governance structures to provide strategic and innovative leadership within communities that will effectively inform land use planning.
8. Promote the regular review of land use strategies so that they remain current, adaptive and responsive to planning issues as they arise.

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## **7.3 Regulation**

### **7.3.1 Application**

Statewide.

### **7.3.2 Objective**

To avoid over regulation by aligning the level of regulation to the scale of the potential impact associated with use and development.

### **7.3.3 Strategies**

1. Allow use and development that has little or no impact to proceed without requiring planning approval.
2. Reduce planning regulation to the amount necessary to reflect, manage and be proportionate to, the level of impact that might be caused by the use and development.
3. Support the maintenance of regulatory consistency unless there is a demonstrated need that warrants a more specific or different approach.
4. Encourage mechanisms that allow for timely adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.
5. Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other regulatory regimes.

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## GLOSSARY

**Active transport** – means physical activity undertaken as a means of transport and includes travel by foot, bicycle and other non-motorised vehicles,

**Activity centre** – means a place that provides a focus for retail, commercial, services, employment, and social interaction in cities and towns.

**Affordable housing** – means rental homes or home purchases that are affordable to low-income households, meaning that the housing costs are low enough that the household is not in housing stress or crisis.

**AIDR** – Australian Institute for Disaster Resilience.

**Agricultural land** – means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

**Agricultural use** – means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animal, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.

**Agritourism** – means a tourism-related experience that connects agricultural or aquaculture products, people or places with visitors on a farm, including marine farms.

**Amenity** – means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place of building harmonious, pleasant or enjoyable.

**Assisted housing** – means housing provided by an organisation for higher needs tenants or residents, including those with physical or intellectual disabilities, and may include associated support services.

**Brownfield site** – means underutilised, vacant or derelict former industrial or commercial land typically located in an urban environment and often characterised by contamination

**Circular economy** – means a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products as long as possible.<sup>5</sup>

**Coastal protection work** – means structure or works aimed at protecting land, property and human life from adverse impacts caused by erosion or inundation in the coastal zone.

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<sup>5</sup> <https://www.europarl.europa.eu/news/en/headlines/economy/20151201STO05603/circular-economy-definition-importance-and-benefits>

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**Coastal Zone** - means as described in section 5 of the State Coastal Policy Validation Act 2003.

**Communal residence** – means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building such as a boarding house, residential college and residential care facility.

**Community** – means a social group with a commonality of association and generally defined by location, shared experience, or function and with a number of things in common, such as culture, heritage, language, ethnicity, pastimes, occupation, or workplace. (AIDR 2019)

**Distributed energy resources** – means consumer-owned devices that, as individual units, can generate or store electricity or have the 'smarts' to actively manage energy demand. This includes small-scale embedded generation such as residential and commercial rooftop photovoltaic systems (less than 100 kilowatts [kW]), non-scheduled generation (NSG, up to 30 megawatts [MW]), distributed battery storage, virtual power plant and electric vehicles.

**Electricity Infrastructure** - means anything used for, or in connection with, the generation, transmission or distribution of electricity including, but not limited to –

- (a) electricity generating plant; and
- (b) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
- (c) powerlines; and
- (d) substations for converting, transforming or controlling electricity; and
- (e) equipment for metering, monitoring or controlling electricity;

**Environmental Hazard** – means a natural or human-made condition or event that has the potential to expose people, property, infrastructure or the environment to danger or harm.

**Geodiversity** – means 'the range (or diversity) of geological (bedrock), geomorphological (landforms) and soil features, assemblages, systems and processes'.<sup>6</sup>

**Groundwater** - means any water contained in or occurring in a geological formation.

**Habitat corridor** – means an area of natural habitat that provides connections between larger areas of natural habitat to enable movement of flora and fauna between these areas and to maintain natural processes such as pollination, seed dispersal and genetic exchange.

**Housing stress** – means housing costs that are over 30% of the income of a low-income household.

**Land** – means as defined by the Act.

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<sup>6</sup> SHARPLES, C., 1995a: Geoconservation in forest management - principles and procedures; Tasforests, Vol. 7, p. 37 - 50, Forestry Tasmania, Hobart, Dec. 1995. (<https://nre.tas.gov.au/Documents/geoconservation.pdf>)

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**Liveability** – means the degree to which a place is suitable or good for living in.

**Low-income household** – means the lowest 40% of households based on income.

**Physical infrastructure** – means the basic physical structures required for an economy to function and survive and includes transportation networks, water supply, sewers, stormwater, waste disposal systems, power and telecommunications.

**Place-making** – means a collaborative process that strengthens the connection between people and the places they share, to shape the public realm in order to promote community identity and maximise shared values and aspirations.

**Potentially contaminating activities** – means an activity listed in Table C14.2 [of the Tasmanian Planning Scheme] as a potentially contaminating activity that is not directly associated with and subservient to Residential [Use Class].

**Precautionary principle** – means where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- ii. an assessment of the risk-weighted consequences of various options.

**Resource dependent** – means, in the case of a use, is one that relies on being located close to the source or supply of a particular primary produce or resource.

**Resilience** – means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effect of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and function through risk management. (UNDRR 2017)

**Rural residential settlement**– means an area of land that is characterised by a pattern of development involving residential use on larger lots in a rural or non-urban setting.

**Sense of place** – means the felt or meaningful character of a place that makes it distinctive as a place<sup>7</sup>.

**Sensitive use** – means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.

**Servicing infrastructure** – means a type of physical infrastructure comprising a pipeline, wire, cable, electronic communications facility, conduit pipe, tunnel, tube, manhole, antenna, mast,

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<sup>7</sup> Malpas, J., 2018. Place and Experience: a philosophical topography, Routledge, New York

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designated space for rubbish and recycling collection points, or similar infrastructure, that can be used for the provision of electricity, water, gas, telecommunications or in connection with sewerage disposal, stormwater drainage, recycling and waste management, or a similar service.

**Settlement** – means land developed, or designated for, the concentration of occupation by human activity in urban or rural areas and which may contain a mix of land use. While predominantly referring to land developed as cities, towns and villages, it also includes land that has been modified from its natural state to provide for a mix of land uses which are not reliant upon natural resources, such as rural residential, utility and industrial uses.

**Significant risk** – means exposure to a level of risk that is higher than what is considered a tolerable risk level.

**Social housing** – means both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.

**Social infrastructure** - means facilities and spaces where the community can access social services. These include emergency and health-related services, education and training, social housing programs, police, courts and other justice and public safety provisions, as well as arts, culture and recreational facilities.<sup>8</sup>

**Structure plan** - means a plan of a settlement, or part of a settlement, that is proposed for growth or renewal and which describes how use, development and infrastructure will be integrated in an orderly manner.

**Tolerable risk** – means the lowest level of likely risk from the relevant hazard:

- a) to secure the benefits of a use or development in a relevant hazard area; and
- b) which can be managed through:
  - i. routine regulatory measures; or
  - ii. by specific hazard management measures for the intended life of each use or development.

**Water-Sensitive Urban Design<sup>9</sup>** – means the integration of urban planning with the management, protection and conservation of the urban water cycle that ensures urban water management is sensitive to the natural hydrological and ecological cycles.

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<sup>8</sup> <https://www.statedevelopment.qld.gov.au/industry/infrastructure/infrastructure-planning-and-policy/social-infrastructure>

<sup>9</sup> Council of Australia Governments (COAG), 2004, National Water Initiative

**JMG ENGINEERS & PLANNERS**

# Section 37 Application

## Spring Bay - Louisville Road Specific Area Plan

Spring Bay Estate, Tasman Hwy, Orford

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**PREPARED FOR**

Spring Bay (TASMANIA) PTY LTD  
MAY 2023



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## Executive Summary

This report has been prepared in support of a Section 37 application under the *Land Use Planning and Approvals Act 1993* for a proposed amendment to the *Glamorgan-Spring Bay Local Provisions Schedule*. The application is to be lodged with the Glamorgan-Spring Bay Planning Authority for assessment.

Section 37 of the LUPAA allows for a request to be made to a planning authority to amend an LPS. This report has been prepared in support of the proposed amendment to the LPS, namely the Louisville Road Specific Area Plan. The proposed amendments relate to:

GSB-S3.7.5 Energy and water efficiency

- delete A2/P2 and A3/P3;

GSB-S3.8.3 Services Energy and water efficiency

- delete A3/P3 and A4/P4; and
- insert a new A3/P3 for stormwater connection through subdivision, based on the equivalent provisions under the Tasmanian Planning Scheme and the statutory obligations on Council.

It is submitted that the proposed amendment ought to be considered under Section 37 of the *Land Use Planning and Approvals Act 1993* on the basis that it is consistent with the requirements of Section 32 and the objectives of the Act.

## 1. Introduction

Johnstone McGee & Gandy Pty Ltd (JMG) Engineers and Planners have been engaged by Spring Bay (Tasmania) Pty Ltd (Spring Bay) to prepare a proposed amendment to the Glamorgan-Spring Bay Local Provisions Schedule (GSBLPS) in relation to the Louisville Road Specific Area Plan (SAP) and is proposed to be lodged with the Glamorgan-Spring Bay Council for assessment.

The proposal seeks to amend provisions within the Louisville Road Specific Area Plan (SAP) related to Energy and water efficiency [A3/A4] of GSB-S3.7.5, and Services [A4/P4] of GSB-S3.8.3. This follows on from the submission made by JMG on behalf of Spring Bay concerning the Draft LPS to ensure the delivery of the Louisville Road SAP and in response to issues raised at Appeal.

Appendix A contains the relevant certificate of titles, Appendix B contains the relevant owner's consent, and Appendix C contains a letter of support (from Dobson Mitchell Allport) that outlines support of the request pursuant to Section 37 of the *Land Use Planning and Approvals Act 1993* (Tas) (LUPAA) for amendments to the Louisville Road Specific Area Plan, and by way of background as to why an amendment to the GSBLPS is necessary to ensure that the SAP's purpose and objectives can be carried into effect.

## 2. Background to the proposal

The purpose of the Louisville Road SAP is set out in clause GSB-S3.1, and includes amongst other things:

- GSB-S3.1.1 *To provide for a sustainable, high-quality tourism, recreational and residential estate that is developed in accordance with the relevant Local Area Objectives for each precinct.*
- GSB-S3.1.3 *To create a major visitor attraction that will encourage visitors to stay longer in the area.*
- GSB-S3.1.7 *To minimise the environmental footprint of development through energy efficiency, water sensitive urban design and reuse of waste and construction materials.*

GSB-S3.1.9 *To encourage best practice sustainable design for the built environment.*

During the Appeal *Wyminga v Glamorgan Spring Bay Council* [2022] TASCAT 4) against a subdivision development proposed within the SAP (the subdivision proposed was within an area specifically reserved in the Louisville Road Precinct Plan for residential development) the Tasmanian Civil and Administrative Appeals Tribunal in its reasons for allowing the Appeal (on ground 4 only), found as follows:

*[57] The meaning of A4(b) is not uncertain. It means what it says. It's [sic] operation is not uncertain, in that a proposal can be measured against the development standard, which is how a performance-based planning system works. The uncertainty lies in how difficult it might be to comply with. Establishing that a particular proposal will comply with A4(b) may well be onerous, and it clearly is in this case. No performance criteria are provided to ameliorate this. Identifying the hypothetical concentration, condition, volume and velocity of historic flows, and regulating contemporary flows to achieve equivalence may be so difficult that compliance will not be achieved however a subdivision is formulated for the site. The degree of difficulty for compliance might not have been the intention of the makers of the Scheme, but that is not a matter to be discerned by the Tribunal. That is a matter that may be best resolved by seeking an amendment of the Scheme. As observed above, the terms of A4 have been carried into the new planning scheme without amendment. (Emphasis added.)*

That is, the Tribunal has suggested that a subdivision - however configured - may not be able to meet the relevant standard now in GSB-S3.7.5 and GSB-S3.8.3 of the GSBLPS, so if a subdivision is to proceed, it will necessitate an amendment to the GSBLPS. Given the standards now in GSB-S3.7.5 and



GSB-S3.8.3 of the GSBLPS and the Tribunal's decision, it will be practically impossible to develop the residential areas of the SAP absent an amendment to the GSBLPS. This will have the effect of stifling the objectives of the overall SAP.

The proposed scheme amendment also seeks to amend the standard in subparagraph (a) to address uncertainty and difficulties within the current wording and provision requirements. This uncertainty (as to whether those clauses are cumulative or alternative requirements) and the difficulty in complying with the standard was outlined by the Tribunal, which noted:

*[30] Clause F3.7.3A4(a) gives rise to a number of difficulties on its face. The first difficulty is that it requires that stormwater from the proposal be reused on the golf course. No golf course has been developed on the land in the [SAP]...*

*[31] The next difficulty with A4(a) is that it provides that stormwater from the proposal must be reused on the golf course and returned to natural water courses. Self-evidently, doing both will not be possible...*

*[32] The third difficulty with A4(a) is the requirement that stormwater be returned to natural watercourses entering the Prosser River or Spring Bay. Spring Bay is to the East... Prosser Bay is to the south of the site, but Prosser River is outside the [SAP] and is approximately 2.5km south west of the site... Indeed, while watercourses in the SAP would clearly drain into Prosser Bay, it is not apparent that any could drain into the Prosser River.*

Given that the Tribunal noted considerable issues inherent in subparagraph (a), these should also be amended now that the opportunity has arisen.

Without the proposed planning scheme amendment many of the SAP's objectives will be stifled because, as the Tribunal has noted, a residential subdivision is likely to be onerous to the point that it may be practically impossible. The proposed amendment, therefore, seeks to ensure that the SAP's purpose and objectives can be carried into effect.

Further details relevant to the proposed draft scheme amendment and background to the Appeal are contained in Appendix C.

### 3. Site Location & Context

The subject site is located at Spring Bay Estate (Tasman Hwy, Orford, TAS 7190) Glamorgan-Spring Bay (see Figure 1). The site is located immediately to the west of Tasman Hwy and extends out into Spring Bay/Prossers Bay. The site is subject to the Louisville Road SAP which broadly seeks to enable high-quality tourism and a major visitor attraction, recreational, and residential estate with public access to open space areas and to the foreshore, in a highly sustainable form that minimises visual impact, restores native vegetation, and protects and enhances natural and cultural values.

The proposed planning scheme amendment includes the titles shown in Table 1. Title searches and owners' consent can be found in Appendix A and B respectively.

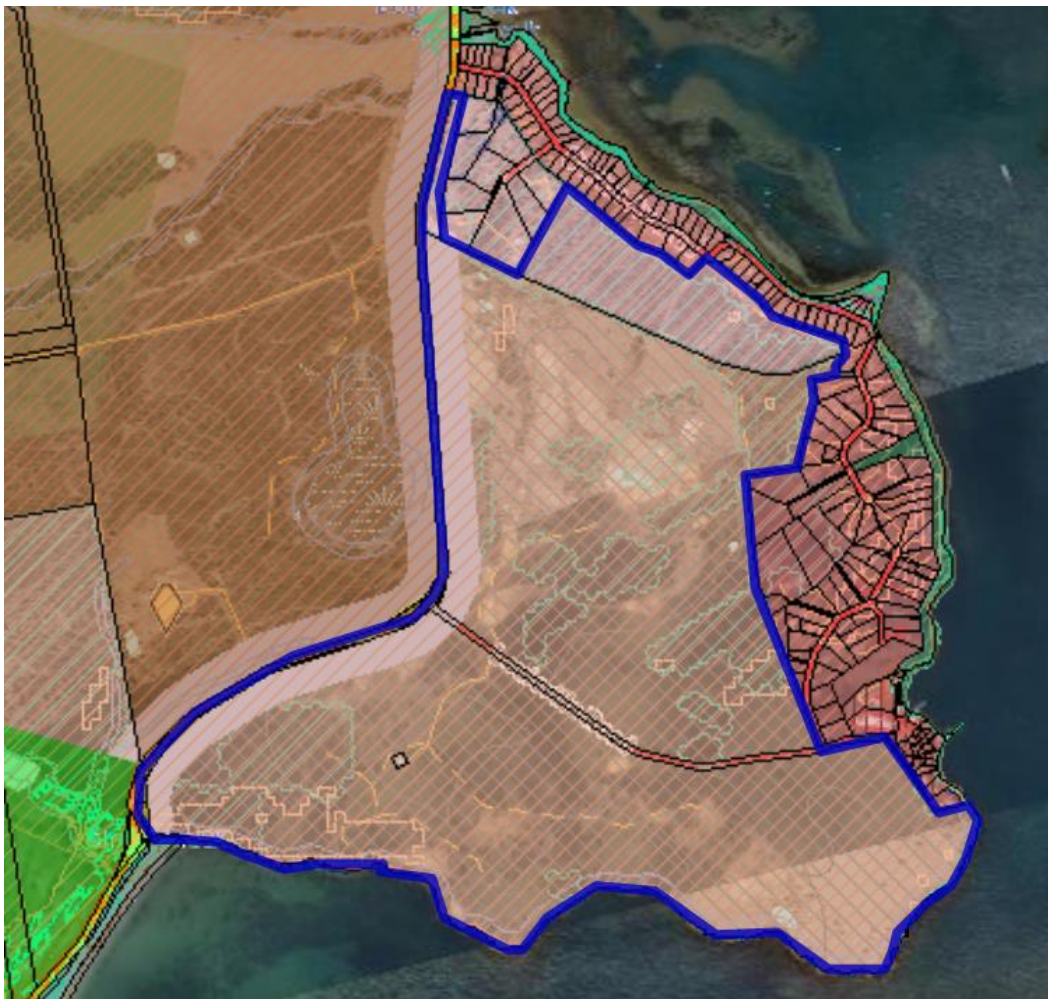

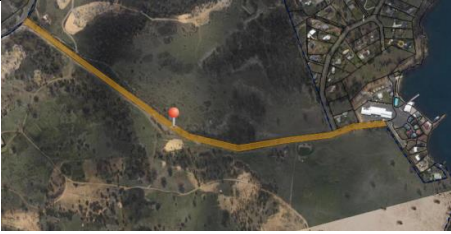




Figure 1 - Subject Site outlined in blue (source: LISTmap April 2023)

Table 1: SAP Titles subject to the proposed planning scheme amendment

TITLE	ADDRESS	OWNER	LOCATION
178781/1	LOT 1 TASMAN HWY ORFORD TAS 7190	SPRING BAY (TASMANIA) PTY LTD	
178781/1	SUBDIVISION ROAD	SPRING BAY (TASMANIA) PTY LTD	
105304/1	BARTON AV TRIABUNNA TAS 7190	SPRING BAY (TASMANIA) PTY LTD	
148465/1	20 LOUISVILLE RD ORFORD TAS 7190	TASMANIAN WATER AND SEWERAGE CORPORATION PTY LIMITED (Taswater)	

Taswater land (CT 148465/1) is to be excluded as it is not owned by Spring Bay (Tasmania) Pty Ltd and it will not be developed as part of the Solis project.

8B Barton Avenue (CT 104181/2) is located within the current SAP; however, despite numerous attempts, the owner has not provided their consent and questioned the need to be involved in the proposed planning scheme amendment. This title is excluded from the proposed planning scheme amendment by the applicant.



## 2. Planning Context

Most of the subject site is zoned as 'Rural', with a portion of the north of the site zoned 'Rural Living Zone A'. Land adjoining the site is zoned 'Utilities' along the Tasman Highway, and 'Low Density Residential' to the east. On the other side of the highway, the land is zoned 'Agriculture', 'Recreation', and 'Rural'. Beyond the 'Low Density Residential' there is a strip of land zoned 'Open Space'.

The site is subject to the following overlays: 'Future coastal refugia area', 'Waterway and coastal protection area', 'Scenic road corridor', 'Coastal inundation hazard', 'Bushfire-prone areas', and 'Landslip hazard'.

The site is also subject to a general overlay that outlines the extent of the 'Louisville Road Specific Area Plan', as well as other general overlays that identify the coverage of each of the 'Louisville Road local area objective' precinct areas, namely the 'Golf Precinct', 'Residential Precinct', 'Hub Precinct', 'Eco Cabin Precinct', and the 'Open Space and Reserves Precinct'. These Local Area Objective precinct areas cover all the land within the Louisville SAP other than Louisville Road, and the TasWater land (148465/1).

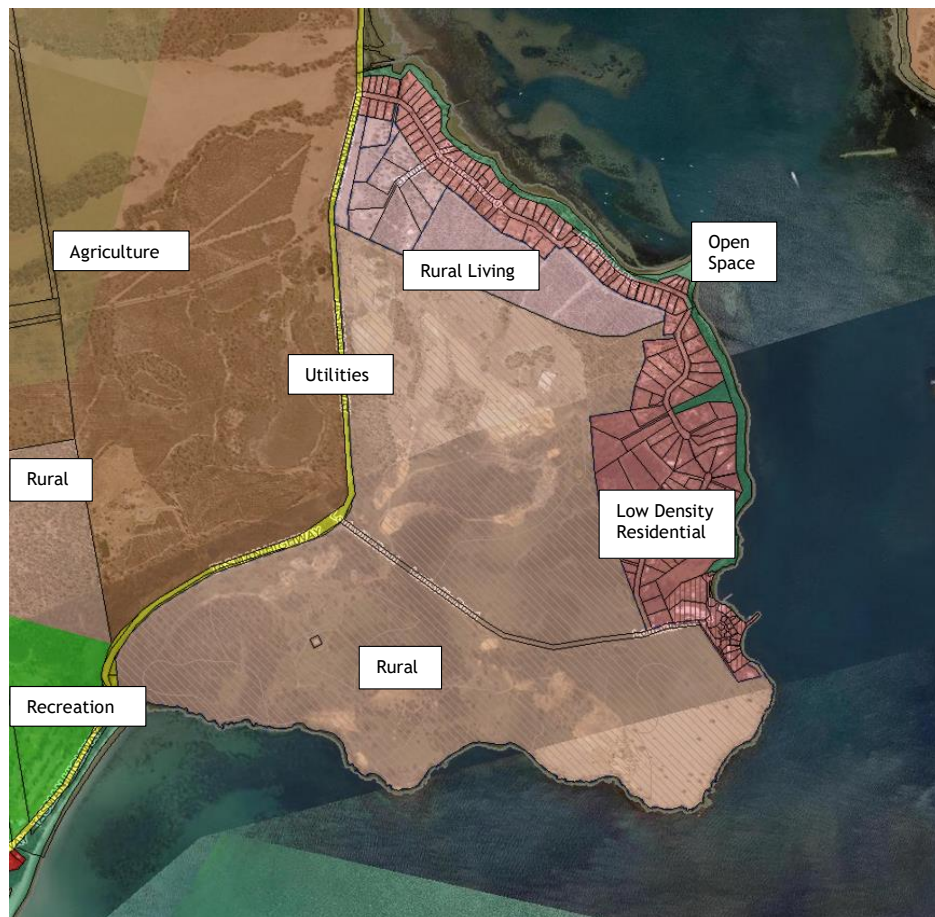


Figure 2 - Planning context - zoning

### 3. The Proposed Scheme Amendment

The specific existing controls of the Louisville SAP (GSB-S3.0 - Louisville Road Specific Area Plan) subject to the proposed scheme amendment include the following:

GSB-S3.7.5 Energy and water efficiency

- delete A2/P2 and A3/P3;

GSB-S3.8.3 Services Energy and water efficiency

- delete A3/P3 and A4/P4; and
- insert a new A3/P3 for stormwater connection through subdivision, based on the equivalent provisions under the Tasmanian Planning Scheme and the statutory obligations of Council.

The deletion of GSB-S3.7.5 A2/P2 is proposed as this matter cannot be practically enforced by Council. Whilst the developer remains committed to solar power, the need to justify a 15% solar energy contribution is an unnecessary complication and expense during the development application phase. Solar energy contribution is not a matter regulated by the Tasmanian Planning Scheme provisions.

The deletion of GSB-S3.7.5 A3/P3 is proposed as the regulation of stormwater with respect to buildings will be addressed through the subdivision clause GSB-S3.8.3 A3/P3. Buildings will simply discharge into the reticulated system, which in itself will cater for overland flow, and stormwater detention/treatment.

The clause objective has been updated to reflect the deletions above.

The intent of GSB-S3.8.3 A3/P3 is the same in that lots need to connect to an existing reticulated system or meet a Performance Criteria test, however, the clause has been updated to be consistent with the Southern Beaches Specific Area Plan clause *SOR-S2.7.2 Stormwater Management* regulating the same issue. It also addresses issues raised at Appeal (*Wyminga v Glamorgan Spring Bay Council* [2022] TASCAT 41) regarding the arrangements contained within the current provisions, including both the provisions contained within the Acceptable Solution and by introducing a Performance Criteria to further manage and control works and development (refer to Appendix C).

The deletion of GSB-S3.8.3 A4/P4 is proposed as this clause is both superseded by the new A3/P3 and impossible to implement in practice (stormwater velocities, quantities and quality will never be exactly the same as pre-development levels assuming vegetation coverage if that could be quantified from an engineering perspective). The developer remains committed to water reuse on the golf course, but this cannot occur in every instance.

No changes are proposed to any other clauses, or to the precinct plans within the SAP.

Each of these proposed amendments is outlined below with text to be removed denoted by a strikethrough (~~strikethrough~~), and new text denoted in red (**red**).



**GSB-S3.7.5 Energy and water efficiency Solar Access**

This clause is in addition to Rural Zone - clause 20.4 Development Standards for Buildings and Works.

<b>Objective:</b>	
That buildings maximise <del>minimise energy and water use</del> solar access.	
Acceptable Solution	Performance Criteria
<b>A1</b> Residential buildings must have at least one living room window facing within the range of 30 degree east of north and 30 degree west of north.	<b>P1</b> Buildings must: (a) minimise energy use through internal layout, positioning and shading of windows, and use of building materials; and (b) provide for a reasonable level of solar access to living areas.
<b>A2</b> <del>Buildings must source not less than 15% of all projected energy use from renewable sources such as photovoltaic cells, wind turbines or other means incorporated into the building or obtained from shared infrastructure located within the Specific Area Plan.</del>	<b>P2</b> <del>No Performance Criterion.</del>
<b>A3</b> <del>Stormwater drainage from development must;</del> <del>(a) be reused on the golf course and returned to natural watercourses entering the Prosser River or Spring Bay; or</del>  <del>(b) exit the land subject to the Specific Area Plan at an equivalent concentration, condition, volume and velocity as would have occurred in the absence of any development, assuming a continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use.</del>	<b>P3</b> <del>No Performance Criterion.</del>

**GSB-S3.8.3 Services Energy and water efficiency**

This clause is in addition to Rural Zone - clause 20.5 Development Standards for Subdivision.

<b>Objective:</b>	
That subdivision of land provides services for the future use and development of the specific area plan.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<b>A1</b> Each lot must be connected to a reticulated potable water supply.	<b>P1</b> No Performance Criterion.
<b>A2</b> Each lot must be connected to a reticulated sewerage system where available.	<b>P2</b> Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.
<b>A3</b> <del>Each lot must be connected to a stormwater system able to service the building area by gravity.</del> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	<b>P3</b> <del>Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.</del> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: (a) the size of the lot; (b) topography of the site; (c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.
<b>A4</b> <del>Stormwater drainage from development must;</del> <del>(a) be reused on the golf course and returned to natural watercourses entering the Prosser River or Spring Bay; or</del>  <del>(b) exit the land subject to the Specific Area Plan at an equivalent concentration, condition, volume and velocity as would have occurred in the absence of any development, assuming a continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use.</del>	<b>P4</b> <del>No Performance Criterion.</del>



### Consideration of Alternative Forms of Amendment

Alternative amendments were reviewed in relation to the Acceptable Solution, however, it was considered the:

- the original principle of reuse of water on the golf course for irrigation remained broadly relevant
- changes should seek to address issues raised at Appeal
- inclusion of a Performance Criteria where there are currently no performance criteria would better reflect ambitions for stormwater management whilst allowing for the development of the land as envisaged by the Louisville Road SAP.
- The southern regional stormwater code provisions were considered, but the more recent Southern Beaches provision was considered less complicated and more current.

As such the SAP wording is amended, and there is the addition of a revised provision to regulate subdivision stormwater.

### Consideration of Potential Land Use Implications

The proposed scheme amendment will not modify the use classes that are permissible on the site by virtue of the Louisville Road SAP, and as such there are no potential land use implications.

### Assessment against Section 34 of the Land Use Planning and Approvals Act 1993

#### Assessment against Section 34(2)(a)

Section 34(2)(a) requires the proposed amendment to contain all the provisions that the State Planning Provisions (SPPs) specify must be contained in an LPS. The proposed amendment contains all the necessary provisions based on the existing Louisville Road SAP and thus meets this criterion.

#### Assessment against Section 34(2)(b)

Section 34(2)(b) requires the proposed amendment to be in accordance with section 32. The relevant part is S32(4) which requires that a SAP only be applied as follows:

*An LPS may only include a provision referred to in subsection (3) in relation to an area of land if -*

*(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*

*(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The SAP is already adopted within the LPS, and the proposed amendments will underpin the delivery of the wider site (by ensuring appropriate stormwater management) thus enabling significant residential and economic development of the site, furthering the purpose identified in the Louisville Road SAP.

#### Assessment against Section 34(2)(c)

Section 34(2)(c) requires the proposed amendment furthers the objectives set out in Schedule 1 of the Act. These are assessed in the table below.



Table 2: Schedule 1, Part 1 Objectives

Part 1	Amendment Response
<i>(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The proposed amendments will ensure the sustainable development of natural and physical resources and ecological processes by maintaining modified land uses within the land currently identified for such uses within the Precinct Plan, thus not increasing the impact on natural areas.</p> <p>Amendments to the 'Energy and water efficiency' and 'Services' sub-clauses will ensure that stormwater is managed appropriately.</p> <p>The development will have minimal impact with regards to ecological processes and genetic diversity and accordingly satisfies Objective (a) of Part 1.</p>
<i>(b) To provide for the fair, orderly and sustainable use and development of air, land, and water; and</i>	<p>The proposed amendments are to facilitate the sustainable development of the land within the Louisville SAP in accordance with the Plan Purpose to provide for high-quality tourism and a major visitor attraction, recreational, and residential estate with public access to open space areas and to the foreshore, in a highly sustainable form that minimises visual impact, restores native vegetation, and protects and enhances natural and cultural values.</p> <p>The amendments as proposed will minimise potential conflict with adjoining land uses and services. The amendment is accordingly considered to satisfy Objective (b) of Part 1.</p>
<i>(c) to encourage public involvement in resource management and planning; and</i>	<p>A public notification period will be conducted in accordance with the requirements of the <i>Land Use Planning and Approvals Act 1993</i>. Accordingly, the amendment is considered to further Objective (c) of Part 1.</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	<p>The likely economic impact of the proposed amendments will flow from development which has the potential to encourage visitors to stay longer in the area, generates new employment uses, and increase the residential population of the area. This will likely have a positive impact on the economic development of the area.</p> <p>Furthermore, the development construction stage will create employment and economic stimulation in the local community in the short term.</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 1.</p>
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	<p>The scheme amendment process is demonstrative of the sharing of responsibility for planning.</p> <p>Accordingly, the amendment is considered to further Objective (e) of Part 1.</p>

Table 3: Schedule 1, Part 2 Objectives

Part 2	Amendment Response
<i>(a) to require sound strategic planning and coordinated action by State and local government; and</i>	<p>The proposed amendments have been considered against the Southern Tasmania Regional Land Use Strategy, as outlined within this report.</p> <p>The proposed amendments have also been considered against the relevant strategic documents for the Glamorgan Spring Bay Municipality within this report.</p> <p>Accordingly, the amendment is considered to further Objective (a) of Part 2.</p>
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	<p>The proposed amendments will modify how stormwater is managed on-site. The uses and development will be similar to, and compatible with adjoining land uses, and control stormwater impacts on surrounding sites. The implications of this have been addressed within this report and are considered to be acceptable.</p> <p>The proposed amendment is considered to further Objective (b) of Part 2.</p>
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	<p>The proposed amendments will not result in additional areas of development or the loss of vegetation/natural habitat outside of that already considered within the existing Precinct Plan and SAP and will accord with the sustainability objectives outlined in the Plan Purpose.</p> <p>The social benefits of providing additional visitor attractions, residential estate, recreational uses, and publicly accessible open spaces, and the restoration of native vegetation are considered to be significant.</p> <p>In the short term, the development of the site will create jobs and will stimulate the local economy. In the long term, the increase in population and visitor attractions are expected to have a positive economic effect on local service providers and businesses in the area.</p> <p>The proposed amendments are considered to generate positive economic and social outcomes without causing negative environmental impacts. The proposal is therefore considered to further Objective (c) of Part 2.</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	<p>The amendment is consistent with State, regional and municipal policy. The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 2.</p>
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	<p>The proposal does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective (e) of Part 2.</p>

Part 2	Amendment Response
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	The development of the site will directly provide a pleasant, efficient and safe environment for working, living, and recreation by providing high-quality tourism and a major visitor attraction, recreational, and residential estate with public access to open space areas and to the foreshore, in a highly sustainable form that minimises visual impact, restores native vegetation, and protects and enhances natural and cultural values.  Accordingly, the amendment is considered to further Objective (f) of Part 2.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The proposed amendments will not change how the SAP area seeks to minimise visual impact and protect the site's rural landscape, vistas from the Tasman Highway, the scenic values of Meredith Point and existing ridgelines, or the protection and enhancement of natural and cultural values, as outlined in the Plan Purpose.  Accordingly, the amendment is considered to further Objective (g) of Part 2.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The proposed amendments will protect public infrastructure and other assets by effectively managing stormwater on-site. As detailed in this report the subsequent increase in population, visitor attractions, and other social and cultural impacts will enable the provision of facilities for the benefit of the community. The proposal is therefore considered to further objective (h) of Part 2.
<i>(i) to provide a planning framework which fully considers land capability.</i>	The proposed amendment does not alter the land capability beyond that already contemplated in the existing SAP. Accordingly, the amendment is considered to further Objective (i) of Part 2.

#### Assessment against Section 34(2)(d)

Section 34(2)(d) requires the proposed amendment is consistent with each State policy. These are assessed in turn below.

#### The Tasmanian State Coastal Policy 1996

The site is on the coast and the proposed amendment requires assessment against the State Coastal Policy 1996. Three main principles guide Tasmania's State Coastal Policy:

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

The proposed amendment is consistent with this policy as the proposed amendments will not materially alter how the existing SAP protects the values of the coast, develops the coast in a sustainable manner, and allows for the shared management and protection of the coastal zone. The proposed amendment also relates to land that is located away from threatened species, coastal recreational land, cultural and historic heritage, and any potential coastal hazards.

The proposed amendment will not alter the Natural Assets Code (Future coastal refugia area) or the Coastal Inundation Hazard Code overlay which covers part of the land. The provisions of this code will continue to regulate use and development through the existing provisions within the Planning Scheme.

Facilitating the use and development of the land as outlined in the proposed amendment is not expected to have a detrimental impact on the natural and aesthetic qualities of the coastal environment.

In addition, any future development of the sites will require stormwater to be drained in a manner that does not conflict with the provisions of the *Environmental Management and Pollution Act 1994* (EPMCA).

#### **Water Quality Management 1997**

The proposed amendment seeks to clarify how stormwater will be managed on-site. The amendment will not introduce any new point discharges and will ensure that each lot will be connected to a stormwater system able to service the building area via gravity, and the stormwater system for a incorporates a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, unless it is not feasible to do so.

The proposed amendment supports the achievement of water quality and quantity targets outlined in the State Stormwater Strategy 2010, and is consistent with the purpose and objectives of the *State Policy on Water Quality Management 1997*.

#### **State Policy on the Protection of Agricultural Land 2009**

The subject site is not considered agricultural land for the purposes of the *State Policy on the Protection of Agricultural Land 2009* ('PAL'), nor is it located near agricultural land.

#### **National Environmental Protection Measures (NEPMs)**

NEPMs are considered as having the status of a State Policy under the *State Policies and Projects Act 1993* and are administered by the Environmental Protection Agency (EPA). None of the NEPMs are considered relevant to the proposed amendment.

#### **Assessment against Section 34(2)(da)**

Section 34(2)(da) requires that the proposed amendment satisfies the relevant criteria in relation to the Tasmanian Planning Policies (TPPs). There are currently no TPPs adopted in the state.

#### **Assessment against Section 34(2)(e)**

Section 34(2)(e) requires that the proposed amendment is, as far as practicable, consistent with the regional land use strategy.

The *Southern Tasmania Regional Land Use Strategy 2010-2035* ('the Strategy') is the relevant regional level policy document providing policies and strategies to guide future land use and development of Southern Tasmania. The document is principally intended to inform the development of interim planning schemes within the region.

The proposed amendments are in general conformity with the Strategy including:

- Part 6 - Water Resources
- Part 10 - Recreation and Open Space
- Part 12 - Physical Infrastructure
- SD1: Adopting a more Integrated Approach to Planning and Infrastructure
- SD7: Improving Management of our Water Resources

The proposed amendments will enable the delivery of the Louisville Road SAP which will further the vision identified in the Strategy including providing a reasonable lifestyle and standard of living for all; creating confident, friendly and safe communities; active and healthy Tasmanians; vibrant, inclusive and growing communities; growing tourism and sporting industries; and the sustainable management of natural resources.

#### **SD1: Adopting a more Integrated Approach to Planning and Infrastructure**

The proposed amendment seeks to ensure that new development and the demands on physical infrastructure, make use of excess capacity, and to avoid and minimise potential infrastructure problems. This will be achieved through the effective management of stormwater.





**SD7: Improving Management of our Water Resources**

The proposed amendment seeks to ensure the efficient re-use of water resources where possible, and the management of water resources as a productive resource. This will be achieved through the effective management of stormwater.

**Water Resources**

This section identifies that water quality is important for the maintenance of healthy ecosystems and human consumption, and considers the flows of stormwater runoff, which can have impacts on important coastal habitats and groundwater resources, ecological health, environmental values and water quality. The proposed amendments will ensure that the SAP area and subsequent use and development is undertaken in accordance with the *State Policy on Water Quality Management*.

**The Coast**

This section identifies that open spaces and recreational facilities contribute to the quality of life enjoyed by the Tasmanian community and considers open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy (ROS1). The proposed amendments will protect the coastal environment in accordance with the *Tasmanian State Coastal Policy 1996* through the effective management of stormwater on site.

**Physical Infrastructure**

This section identifies that a strategic approach to infrastructure needs to be adopted, including efficient use of existing infrastructure and planning any new infrastructure with consideration of projected future demand. The proposed amendments will be consistent with the regional policy in the proposed approach to addressing stormwater on-site (PI1 and PI2).

**Assessment against Section 34(2)(f)**

Section 34(2)(f) requires that the proposed amendment has regard to the strategic plan that applies in relation to the land.

The relevant strategic plan is the 'Triabunna/Orford Structure Plan' (Final Report Updated June 2014). The proposed amendment is in general conformity with this plan as it furthers the goals of *Southern Tasmania Regional Land Use Strategy 2010-2035* (as outlined above), it enables residential and commercial land use, ensures that future development is of high quality, increases the economic viability of the area including tourism activities, and ensures community access to a range of facilities.

Specifically, the proposed amendment will enable the delivery of the SAP and further the objectives identified under 'Tourism land use' [9.4.1] which are uses likely to bring substantial economic and employment benefits and enhance the range of tourism activities available.

The amendment also manages stormwater so as to minimise environmental impacts, and to ensure that the residential land uses are delivered within the SAP area in accordance with the objectives identified under 'Residential land use' [9.2.1] that seeks to 'Promote the Spring Bay development as one of the primary residential growth areas'.

**Assessment against Section 34(2)(g)**

Section 34(2)(g) requires that the proposed amendment, as far as practicable, is consistent with and coordinated with any LPSs that apply to adjacent municipal areas. The site is not adjacent to another local government area therefore there are no LPSs of relevance for consideration.

**Assessment against Section 34(2)(h)**

Section 34(2)(g) requires that the proposed amendment has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*. The site is not located within the 'Declared Gas Pipeline Planning Corridor' therefore the proposal does not materially impact on the attainment of the identified standards.



## 4. Conclusion

The proposed scheme amendment involves a Section 37 application under the LUPAA to amend the Louisville Road Specific Area Plan (GSB-S3.0 - Louisville Road Specific Area Plan) including amendments to the Energy and water efficiency (GSB-S3.7.5), and amendments to the Services (GSB-S3.8.3). Section 37 of the LUPAA allows for a request to be made to a planning authority to amend a planning scheme administered by it.

The proposed amendments seek to ensure the long-term delivery of the Louisville Road SAP, which will contribute to the delivery of a high-quality, sustainable, major visitor attraction and tourism facility in the area. The proposed amendments also seek to provide for the effective management of stormwater and use of physical infrastructure, to ensure that use and development within the area are effectively controlled. The proposed amendments effectively address the concerns identified at Appeal by the Tasmanian Civil and Administrative Appeals Tribunal (*Wyminga v Glamorgan Spring Bay Council* [2022] TASCAT 41) in relation to the difficulty in meeting the relevant standard in GSB-S3.7.5 and GSB-S3.8.3 of the GSBLPS. The proposed amendments will enable the delivery of the SAP which has the purpose, of amongst other things:

- GSB-S3.1.1 To provide for a sustainable, high quality tourism, recreational and residential estate that is developed in accordance with the relevant Local Area Objectives for each precinct.*
- GSB-S3.1.3 To create a major visitor attraction that will encourage visitors to stay longer in the area.*
- GSB-S3.1.7 To minimise the environmental footprint of development through energy efficiency, water sensitive urban design and reuse of waste and construction materials.*
- GSB-S3.1.9 To encourage best practice sustainable design for the built environment.*

It is submitted that the proposed amendment ought to be considered under Section 37 of the LUPAA on the basis that it is consistent with the requirements of this section and the objectives of the Act, and will enable the delivery of the SAP as intended when the SAP was first introduced.

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## APPENDIX A

### Certificate of Title





## RESULT OF SEARCH

### RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



#### SEARCH OF TORRENS TITLE

VOLUME 178781	FOLIO 1
EDITION 1	DATE OF ISSUE 24-Mar-2021

SEARCH DATE : 17-Oct-2022

SEARCH TIME : 10.15 AM

#### DESCRIPTION OF LAND

Parish of TRIABUNNA Land District of PEMBROKE  
 Lot 1 on Plan 178781  
 Derivation : Part of 2560 acres Gtd to Peter McLaine.  
 A12192  
 Being the land firstly described in Conveyance 34/914  
 Excepting thereout 36/2976 (P894 DO), 40/4216 (P960 DO)  
 41/6361 (P974DO), 54/4033 (P894DO), Lots 1 & 2 (SP23016), Lots  
 1 to 7, 19 to 26 & 100 (SP25463), Lot 101 (SP26460) & Lot 1  
 (SP28460) & Lot 1 (SP111777), Lots 1 & 2 (P136508) & Lot 1  
 (P178780)  
 Prior CT 139972/1

#### SCHEDULE 1

C527628 TRANSFER to SOLIS (TASMANIA) PTY LTD Registered  
 28-Oct-2004 at noon

#### SCHEDULE 2

C413766 Land is limited in depth to 15 metres, excludes  
 minerals and is subject to reservations relating to  
 drains sewers and waterways in favour of the Crown  
 C413766 FENCING PROVISION in Transfer  
 41/6361 CONVEYANCE: Burdening Easement: Pipeline right for  
 The Rivers and Water Supply Commission over the  
 Pipeline Easements shown passing through Lot 1 on P.  
 178781  
 41/6361 INDENTURE: BURDENING EASEMENT: a right of carriageway  
 for The Rivers and Water Supply Commission over the  
 Right of Way 10.06 Wide on P178781  
 54/4331 INDENTURE: Benefiting Easement: (appurtenant to the  
 said land within described except the land marked ABC  
 & DEF on P.178781) Right of Supply of Water from the  
 land comprised in Conveyance 54/4033 to the troughs  
 situated on the said land within described  
 SP 26460 Benefiting Easement: Right of Carriageway over the  
 Right of Way shown thereon  
 C413767 ADHESION ORDER under Section 110 of the Local



## RESULT OF SEARCH

### RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

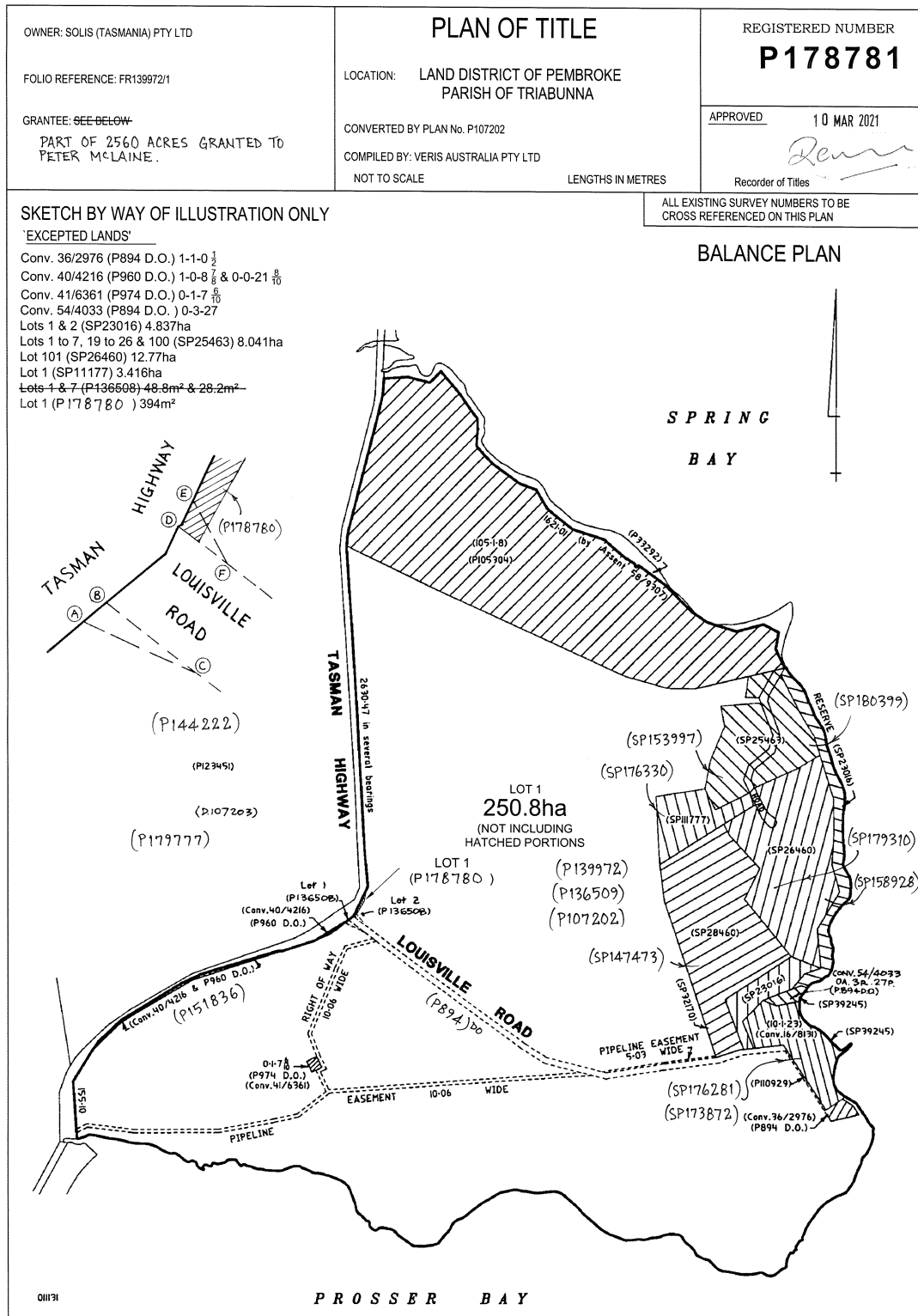


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Government (Building and Miscellaneous Provisions)  
Act 1993 Registered 09-Dec-2003 at 12.01 PM

### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





## RESULT OF SEARCH

### RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



#### SEARCH OF TORRENS TITLE

VOLUME 148465	FOLIO 1
EDITION 3	DATE OF ISSUE 10-Dec-2013

SEARCH DATE : 17-Oct-2022

SEARCH TIME : 10.15 AM

#### DESCRIPTION OF LAND

Parish of TRIABUNNA Land District of PEMBROKE  
 Lot 1 on Plan 148465  
 Being the land described in Conveyance No.41/6361  
 Derivation : Part of 2560A-0R-0P Gtd to Peter McLaine  
 Derived from A22018

#### SCHEDULE 1

D103983 TASMANIAN WATER AND SEWERAGE CORPORATION PTY LIMITED  
 Registered 10-Dec-2013 at noon

#### SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 41/6361 CONVEYANCE Made Subject to Boundary Fences & other  
 Conditions  
 41/6361 BENEFITING EASEMENT: Right of Carriageway over the  
 Right of Way 10.06 Wide shown on Plan No.148465  
 41/6361 CONVEYANCE: Benefiting Easement: Pipeline Easement  
 over the Pipeline Easement 10.06 Wide shown on Plan  
 No.148465  
 41/6361 CONVEYANCE: Benefiting Easement: Pipeline Easement  
 over the Pipeline Easement 5.03 Wide shown on Plan No.  
 148465

#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



**FOLIO PLAN**  
RECORDER OF TITLES  
Issued Pursuant to the Land Titles Act 1980



FILE NUMBER A19893  GRANTEE PART OF 2560 ACRES GRANTED TO PETER McLAINE		<b>CONVERSION PLAN</b> LOCATION PEMBROKE - TRIABUNNA  CONVERTED FROM CONV.41/6361  NOT TO SCALE LENGTHS IN METRES		Registered Number <b>P.148465</b>  APPROVED 23 FEB 2007 <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 112 (5628-14)	LAST UP1 No. 3002361	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN AC

SKETCH BY WAY OF ILLUSTRATION ONLY  
"EXCEPTED LANDS"



## RESULT OF SEARCH

### RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



#### SEARCH OF TORRENS TITLE

VOLUME 105304	FOLIO 1
EDITION 3	DATE OF ISSUE 28-Oct-2004

SEARCH DATE : 17-Oct-2022

SEARCH TIME : 10.16 AM

#### DESCRIPTION OF LAND

Parish of TRIABUNNA, Land District of PEMBROKE  
 Lot 1 on Plan 105304  
 Being the land described in Assent No.58/9307  
 Excepting thereout Conveyance No.59/2757,Lots 101 to 104 on  
 Sealed Plan No.22921,Lots 102 & 103 on Sealed Plan No.25463  
 and Lots 1 to 9 and 100 on Sealed Plan 104181  
 Derivation : Part of 2560 Acres Granted to P.McLaine  
 Derived from Sealed Plan No.104181

#### SCHEDULE 1

C527625 TRANSFER to SOLIS (TASMANIA) PTY LTD Registered  
 28-Oct-2004 at noon

#### SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP22921 BENEFITING EASEMENT: Right of Drainage over the  
 drainage easement shown on Plan No.105034

#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## APPENDIX B

### Owner Consent





**Australian Company**

SPRING BAY (TASMANIA) PTY LTD  
ACN 105 085 952

Extracted from ASIC's database at AEST 15:06:20 on 22/10/2021

Company Summary	
Name:	SPRING BAY (TASMANIA) PTY LTD
ACN:	105 085 952
ABN:	95 105 085 952
Registration Date:	13/06/2003
Next Review Date:	13/06/2022
Former Name(s):	SOLIS (TASMANIA) PTY LTD
Status:	Registered
Type:	Australian Proprietary Company, Limited By Shares
Locality of Registered Office:	CARRUM DOWNS VIC 3201
Regulator:	Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

TASMANIAN PLANNING COMMISSION

## Form No. 1

### Owners' consent

Accompanying draft planning scheme amendment requests under section 33(1), including combined permit applications under section 43A of the *Land Use Planning and Approvals Act 1993*.

Requests for draft amendments or combined permit applications require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

#### 1. Request made by:

Name(s): Daniel Petroni

Address: Bayport  
55 Colemans Road  
Carrum Downs VIC 3201

Email address: dpetroni@bayport.com.au

Contact number: 0412 300 760

#### 2. Site address:

Address:  
Lot 1 Tasman Highway, Orford 7190 (178781/1)  
20 Lousville Road, Orford 7190 (148465/1)

Barton Avenue, Triabunna 7190 (105304/1)  
Subdivision Road (178781/1)

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

### 3. Consent of registered land owner(s):

**Every owner, joint or part owner** of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner : Spring Bay (Tasmania) Pty Ltd

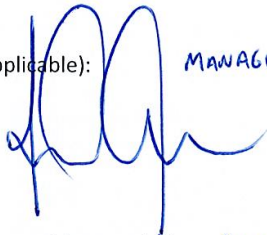
Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

178781/1  
105304/1

Position (if applicable):

MANAGING DIRECTOR.

Signature:



Date:

26/10/22

Registered owner (please print):

RICHARD TOROSSI.

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

TASMANIAN PLANNING COMMISSION

## Form No. 1

### Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

#### 1. Request made by:

Name(s):

Daniel Petroni on behalf of Spring Bay (Tasmania) Pty Ltd

Email address

dpetroni@bayport.com.au

Contact number:

03 9770 3700

#### 2. Site address:

Address:

Lot 1 Tasman HWY, Orford Tas 7190

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

2549195

## 3. Consent of registered land owner(s):

**Every owner, joint or part owner** of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner : Spring Bay (Tasmania) Pty Ltd

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

2549195 - Lot 1 Tasman HWY, Orford Tas 7190

Position  
(if applicable):

GM Development

Signature:

Date:

Registered owner  
(please print):

Tasmanian Water and Sewerage Corporation Limited  
(Taswater)

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

148465/1 - 20 Louisville Road Orford Tas 7190

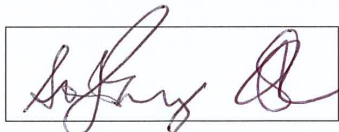
Position  
(if applicable):

DR STEPHEN J GUMLEY AO  
DIRECTOR

Ailsa M. Sypkes  
Company Secretary

Signature:

Date:



4 October 2022

Registered owner  
(please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position  
(if applicable):

Signature:

Date:

**NOTES:**

**a. When is owners' consent required?**

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule<sup>1</sup>; or
- combined permits and amendments<sup>2</sup>.

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

**b. Who can sign as owner?**

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

**c. Strata title lots**

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- the consent of each owner of each lot on the strata plan.

**d. Companies**

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

**e. Associations**

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

**f. Council or the Crown**

If the land is owned by a council or the Crown then form is to be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: September 2021

<sup>1</sup> under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 37 of the current provisions.

<sup>2</sup> under section 43A of the former provisions or section 40T of the current provisions of the Act

## APPENDIX C

### Letter of Support (Dobson Mitchell Allport)







COMMERCIAL  
LITIGATION  
PROPERTY  
LAWYERS

To the Manager, Planning  
Glamorgan Spring Bay Council

18 October 2022

To be appended to JMG Engineers & Planners' submission

Dear Sir/Madam

### **Louisville Road Specific Area Plan**

I act for Spring Bay (Tasmania) Pty Ltd (**Proponent**). I am the solicitor who had carriage of the matter *Wyminga v Glamorgan Spring Bay Council* [2022] TASCAT 41 (**Appeal**) on behalf of the Proponent. This letter is:

1. in support of the Proponent's request pursuant to s 37 of the *Land Use Planning and Approvals Act 1993* (Tas) (**LUPAA**) for amendments to the Louisville Road Specific Area Plan (**SAP**) in the *Glamorgan Spring Bay Local Provisions Schedule* (**GSBLPS**) and specifically, those set out in a report prepared by JMG Engineers & Planners dated July 2022; and
2. by way of background as to why an amendment to the GSBLPS is necessary to ensure that the SAP's purpose and objectives can be carried into effect. Without the amendment, many of the SAP's objectives will be stifled, because, as the Tribunal has noted, subdivision for the purposes of residential is onerous to the point that it may be practically impossible.

The Appeal was brought by Andrew Wyminga against a subdivision development proposed by my client within the SAP. The Council, being satisfied that all relevant controls were satisfied, granted the Proponent a permit pursuant to s 57 of the LUPAA. The subdivision proposed was within an area specifically reserved in the Louisville Road Precinct Plan for residential development.

At the hearing of the Appeal, my client was represented by Shaun McElwaine SC and Andrew Walker of Counsel. Mr Wyminga was ultimately successful on his ground of appeal no. 4, which alleged that my client's application failed to demonstrate compliance with clause F3.7.3 A4(b) of the then *Glamorgan Spring Bay Interim Planning Scheme 2015* (**Interim Scheme**). Mr Wyminga's ground of appeal no. 3 related to the standards in clause F3.7.3A4(a). Together, those two standards are now largely replicated in GSB-S3.7.5 and GSB-S3.8.3 of the GSBLPS, which the Proponent seeks to amend.

In its reasons allowing the Appeal (on ground 4 only), the Tasmanian Civil and Administrative Appeals Tribunal (**Tribunal**) found as follows:

Our Ref: JCO:21001942:JCO T-T2570852-1

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*[57] The meaning of A4(b) is not uncertain. It means what it says. It's [sic] operation is not uncertain, in that a proposal can be measured against the development standard, which is how a performance-based planning system works. The uncertainty lies in how difficult it might be to comply with. Establishing that a particular proposal will comply with A4(b) may well be onerous, and it clearly is in this case. No performance criteria are provided to ameliorate this. Identifying the hypothetical concentration, condition, volume and velocity of historic flows, and regulating contemporary flows to achieve equivalence may be so difficult that compliance will not be achieved however a subdivision is formulated for the site. The degree of difficulty for compliance might not have been the intention of the makers of the Scheme, but that is not a matter to be discerned by the Tribunal. That is a matter that may be best be resolved by seeking an amendment of the Scheme. As observed above, the terms of A4 have been carried into the new planning scheme without amendment. (Emphasis added.)*

That is, the Tribunal has suggested that a subdivision – however configured – may not be able to meet the relevant standard now in GSB-S3.7.5 and GSB-S3.8.3 of the GSBLPS, so if a subdivision is to proceed, that will necessitate an amendment to the GSBLPS. Thus, the Proponent says an amendment should now follow in the form proposed in the JMG submission.

It is therefore important that Council considers the proposal carefully. This is particularly so in the case of a SAP, the objective of which is to provide for special and particular development objectives outside of ordinary zoning standards which would otherwise apply. The purpose of the Louisville Road SAP is set out in clause GSB-S3.1, and includes amongst other things:

- GSB-S3.1.1 To provide for a sustainable, high quality tourism, recreational and residential estate that is developed in accordance with the relevant Local Area Objectives for each precinct.*
- GSB-S3.1.3 To create a major visitor attraction that will encourage visitors to stay longer in the area.*
- GSB-S3.1.7 To minimise the environmental footprint of development through energy efficiency, water sensitive urban design and reuse of waste and construction materials.*
- GSB-S3.1.9 To encourage best practice sustainable design for the built environment.*

Moreover, the relevant Local Area Objectives for Residential Precinct 3 include that the precinct is to provide for future development that will, amongst other things, 'provide a residential coastal community comprised of a variety of dwelling types and sizes designed to respond to the needs and lifestyle of visitors and residents'. Residential Precinct 3 is evidently an integral (arguably, the main) part of the overall SAP, both in terms of size and characteristics.

Given the standards now in GSB-S3.7.5 and GSB-S3.8.3 of the GSBLPS and the Tribunal's decision, it will be practically impossible for my client to develop the residential areas of the SAP absent an amendment to the GSBLPS. This will have the effect of stifling the objectives of the overall SAP, which could not have been the intention when the SAP was first introduced.

For these reasons, a draft amendment of the GSBLPS should be prepared, subject to Council's satisfaction of the LPS criteria. Those are set out more fully in the JMG submission.

Should you have any questions in relation to the above, do not hesitate to contact me.

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Yours faithfully

A handwritten signature in black ink, appearing to read 'J. O'Farrell', with a stylized flourish at the end.

**Dobson Mitchell Allport**

Jennifer O'Farrell

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## **GSB-S3.0 Louisville Road Specific Area Plan**

### **GSB-S3.1 Plan Purpose**

The purpose of the Louisville Road Specific Area Plan is:

- GSB-S3.1.1 To provide for a sustainable, high quality tourism, recreational and residential estate that is developed in accordance with the relevant Local Area Objectives for each precinct.
- GSB-S3.1.2 To provide for public access to open space areas and to the foreshore, and formed shared trails for public access and recreational use.
- GSB-S3.1.3 To create a major visitor attraction that will encourage visitors to stay longer in the area.
- GSB-S3.1.4 To establish and maintain connections between the site and Orford.
- GSB-S3.1.5 To minimise visual impact and protect the sites rural landscape, vistas from the Tasman Highway, the scenic values of Meredith Point and existing ridgelines.
- GSB-S3.1.6 To provide for the restoration of native vegetation to increase habitat and screen development.
- GSB-S3.1.7 To minimise the environmental footprint of development through energy efficiency, water sensitive urban design and reuse of waste and construction materials.
- GSB-S3.1.8 To protect and enhance natural and cultural values.
- GSB-S3.1.9 To encourage best practice sustainable design for the built environment.

### **GSB-S3.2 Application of this Plan**

- GSB-S3.2.1 The specific area plan applies to the area of land designated as GLA-S3.0 Louisville Road Specific Area Plan on the overlay maps and in Figure GSB-S3.1.
- GSB-S3.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of the Rural Zone as specified in the relevant provision.
- GSB-S3.2.3 In the area of land to which this specific are plan applies, the planning authority may require the provision of:
  - (a) a landscape plan as defined below; and
  - (b) a statement from a suitably qualified person that considers the impact of proposed development on coastal landscape values and may include measures to avoid, mitigate or minimise impacts.
- GSB-S3.2.4 Any application for use or development that does not comply with the precinct or area boundaries shall be considered as a discretionary application pursuant to section 57 of the Act and must be consistent with the Purpose of the specific area plan and any applicable Local Area Objectives.

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**GSB-S3.3 Local Area Objectives**

## GSB-S3.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
GSB-S3.3.1.1	Golf Precinct, as shown in Figure GSB-S3.1 and on an overlay map as GSB-S3.3.1.1.	<p>The Local Area Objective for the Golf Precinct is to provide for future development that will:</p> <ul style="list-style-type: none"> <li>(a) consist of an international standard woodland golf course to service the visitor as well as the local community; and</li> <li>(b) achieve the highest standard in environmental design and management in terms of water usage and treatment, tree preservation, management of native flora and fauna and enhancement of existing landscape.</li> </ul>
GSB-S3.3.1.2	Open Space and Reserves Precinct, as shown in Figure GSB-S3.1 and on an overlay map as GSB-S3.3.1.2.	<p>The Local Area Objective for the Open Space and Reserves Precinct is to provide for future development that will:</p> <ul style="list-style-type: none"> <li>(a) provide for unimpeded public access through the site; and</li> <li>(b) use local provenance species in landscaping.</li> </ul>
GSB-S3.3.1.3	Residential Precinct, as shown in Figure GSB-S3.1 and on an overlay map as GSB-S3.3.1.3.	<p>The Local Area Objective for the Residential Precinct is to provide for future development that will:</p> <ul style="list-style-type: none"> <li>(a) provide a residential coastal community comprised of a variety of dwelling types and sizes designed to respond to the needs and lifestyle of visitors and residents;</li> <li>(b) develop dwellings, roads and infrastructure within a vegetated setting, with retention of bushland and vegetation;</li> <li>(c) include substantial areas of vegetation planting of local provenance with a mixture of permaculture/edible landscape elements;</li> <li>(d) provide pedestrian links to encourage walking and assist with the building of a neighbourhood community;</li> </ul>

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		<ul style="list-style-type: none"> <li>(e) maximise energy efficiency in the design and construction of buildings;</li> <li>(f) provide for a retirement village;</li> <li>(g) minimise visual impact upon surrounding locations particularly in terms of impacts upon the skyline or tree canopy when viewed from surrounding land; and</li> <li>(h) provide buildings that complement the surrounding natural environment.</li> </ul>
GSB-S3.3.1.4	Hub Precinct, as shown in Figure GSB-S3.1 and further described by Figure GSB-S3.2 and on an overlay map as GSB-S3.3.1.4.	<p>The Local Area Objective of the Hub Precinct is to provide for future development that will:</p> <ul style="list-style-type: none"> <li>(a) create a central place of activity made up of varying density uses clustered around a wood / heathland open space;</li> <li>(b) encourage the development of administration, restaurants, shops, golf club house, tourist retail and community entertainment facilities;</li> <li>(c) provide attractions and amenities such as a health spa, maritime museum, art gallery and other cultural activities with a range of accommodation types including golf edge duplex, single dwellings, grouped courtyard accommodation and park front dwellings above ground level tourist and retail uses;</li> <li>(d) promote pedestrian activity through creating dynamic and accessible people oriented mix-use spaces with awnings, verandas, colonnades, shaded walks and wide landscaped footpaths;</li> <li>(e) include parking areas that are provided mid-block and carefully arranged to maintain a courtyard feel to the surrounding accommodation; and</li> <li>(f) distinguish differing components within the Hub as shown on The Hub Component Layout and including: <ul style="list-style-type: none"> <li>(i) the Entry Way; dwelling; visitor accommodation and retail;</li> <li>(ii) golf Accommodation; dwelling and visitor accommodation;</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>(iii) the Arts Precinct; dwelling, retail and workshop</li> <li>(iv) the Golf Club House;</li> <li>(v) accommodation on Common; dwelling and visitor accommodation;</li> <li>(vi) the Jetty;</li> <li>(vii) the Aquatic Club; and</li> <li>(viii) the Maritime Museum.</li> </ul>
S3.3.1.5	Eco Cabin Precinct, as shown in Figure GSB-S3.1 and on an overlay map as GSB-S3.3.1.5.	<p>The Local Area Objective of the Eco Cabin Precinct is to provide for future development that will:</p> <ul style="list-style-type: none"> <li>(a) comprise separate title only under the <i>Strata Titles Act 1998</i>;</li> <li>(b) provide for single and double dwelling retreat style accommodation integrated into the natural environment with minimal visual impact on the surrounding area;</li> <li>(c) ensure buildings are designed in accordance with the Australian Council of Building Design Professionals LTD (BPD) Environment Design Guide</li> <li>(d) require car parking within communal landscaped car courts to minimise vegetation disturbance; and</li> <li>(e) ensure all servicing of the eco cabins is via a minimum width pedestrian track linking the dwellings to a minimum width road network.</li> </ul>

**GSB-S3.4 Definition of Terms**

GSB-S3.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Landscape Plan	Means a plan prepared by a suitably qualified and experienced landscape architect, or other person approved by the Council, that may show, as relevant, the overall landscaping theme for development within and across each Precinct which reduces the visual impact of development and is sympathetic to the characteristics of the site and surroundings; or how landscaping of part of the specific area plan is consistent with the overall theme.



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	<p>The plan should show details on:</p> <ul style="list-style-type: none"> <li>(a) site dimensions and existing and proposed surface levels;</li> <li>(b) existing drainage and vegetation;</li> <li>(c) planting concept;</li> <li>(d) paving material and drainage treatments and lighting for vehicle areas and footpaths;</li> <li>(e) location, species (preferably locally indigenous species) and characteristics of proposed plantings and other forms of landscaping;</li> <li>(f) screening of development;</li> <li>(g) how incompatible activities are separated;</li> <li>(h) passive and/or active recreation facilities must be provided for the use of the occupants of the complex;</li> <li>(i) provision of a pedestrian network with associated landscaping to link residential units and facilities; and</li> <li>(j) soil and water management measures.</li> </ul>
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**GSB-S3.5 Use Table**

This clause is in substitution for Rural Zone – clause 20.2 Use Table.

Use Class	Qualification
<b>No Permit Required</b>	
Utilities	If for minor utilities.
<b>Permitted</b>	
Business and Professional Services	If for a consulting room located within the Hub Precinct.
Community Meeting and Entertainment	If for a civic building located within the Hub Precinct.
Educational and Occasional Care	If for a child care located within the Hub Precinct.
Food Services	If located in the Entry Way or Arts Space areas within the Hub Precinct.
General Retail and Hire	If for a local shop within the Hub Precinct.
Hotel Industry	If located within the Hub Precinct.
Passive Recreation	If for a public park or playground.
Residential	If for a single dwelling located in the Residential Precinct or in the Entry Way or Golf Accommodation areas within the Hub Precinct.

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Use Class	Qualification
Sport and Recreation	If for a golf course located within the Golf Precinct.
Vehicle Parking	If located within the Golf Precinct.
Visitor Accommodation	If located within the Residential Precinct, Hub Precinct or Eco Cabin Precinct.
<b>Discretionary</b>	
Sports and Recreation	If not listed as Permitted.
Residential	If located within the Residential Precinct or Hub Precinct and if not listed as Permitted.
Tourist Operation	If located within the Hub Precinct.
Utilities	If not listed as No Permit Required.
<b>Prohibited</b>	
All other uses	

**GSB-S3.6 Use Standards**

## GSB-S3.6.1 Non-residential use

This clause is in substitution to Rural Zone – clause 20.3.1 Discretionary use.

Objective:	That non-residential uses do not cause an unreasonable loss of residential amenity.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  Hours of operation of a non-residential use, excluding office and administrative tasks, sensitive uses and Visitor Accommodation, must be within: <ul style="list-style-type: none"> <li>(a) 7.00am to 8.00pm Monday to Friday;</li> <li>(b) 8.00am to 6.00pm Saturday; and</li> <li>(c) 9.00am to 5.00pm Sunday and public holidays.</li> </ul>		<b>P1</b>  Hours of operation of a non-residential use, excluding office and administrative tasks, sensitive uses and Visitor Accommodation, must not cause an unreasonable loss of residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.
<b>A2</b>  Noise emissions for non-residential use, excluding sensitive uses and Visitor Accommodation, measured at the boundary of the site must not exceed the following: <ul style="list-style-type: none"> <li>(a) 55 d(B(A) (LAeq) between the hours of 8.00am to 6.00pm;</li> </ul>		<b>P2</b>  Noise emissions for non-residential use, excluding sensitive uses and Visitor Accommodation, measured at the boundary of the site must not cause environmental harm.

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<p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00pm to 8.00am; and</p> <p>(c) 65dB(A) (LMax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the <i>Noise Measurement Procedures Manual, 2nd edition, July 2008</i>, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p><b>A3</b></p> <p>External lighting for non-residential uses, excluding sensitive uses and Visitor Accommodation, must:</p> <p>(a) be turned off between 9.00pm and 6.00am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure it does not cause emission of light into adjoining private land.</p>	<p><b>P3</b></p> <p>External lighting for non-residential uses, excluding sensitive uses and Visitor Accommodation, must not cause an unreasonable loss of existing or future residential amenity, having regard to:</p> <p>(a) the level of illumination and duration of lighting; and</p> <p>(b) the distance to habitable rooms in an adjacent dwelling.</p>
<p><b>A4</b></p> <p>Commercial vehicle movements, excluding those associated with sensitive uses and Visitor Accommodation, including loading and unloading and garbage removal, to or from a site must be limited to 40 vehicle movements per day and be within the hours of:</p> <p>(a) 7.00am to 8.00pm Monday to Friday;</p> <p>(b) 8.00am to 6.00pm Saturday; and</p> <p>(c) 9.00am to 5.00pm on Sunday and public holidays.</p>	<p><b>P4</b></p> <p>Commercial vehicle movements, excluding those associated with sensitive uses and Visitor Accommodation, including loading and unloading and garbage removal, must not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) the level of traffic on the road; and</p> <p>(f) the potential for conflict with other traffic.</p>

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**GSB-S3.7 Development Standards for Buildings and Works**

## GSB-S3.7.1 Building height

This clause is a substitution to Rural Zone – clause 20.4.1 Building height.

Objective:	That building height contributes positively to the landscape, minimises visual impact and does not cause an unreasonable loss of residential amenity of land.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building height must be not more than 8m.</p> <p>On reclaimed or filled land the existing ground level is taken to be the natural ground level.</p>	<p><b>P1</b></p> <p>Building height must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with any Local Area Objectives provided for the area;</li> <li>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining properties by: <ul style="list-style-type: none"> <li>(i) overlooking and loss of privacy;</li> <li>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining properties to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; and</li> <li>(iii) visual impact when viewed from adjoining properties, due to bulk and height;</li> </ul> </li> <li>(c) not unreasonably overshadow adjacent public space;</li> <li>(d) buildings stepping down the slope if appropriate;</li> <li>(e) allow for a transition in height between adjoining buildings, if appropriate; and</li> <li>(f) if for a non-residential use, the height is necessary for that use.</li> </ul>

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## GSB-S3.7.2 Building setback

This clause is in substitution for Rural Zone – clause 20.4.2 Setbacks.

Objective:	That setback of buildings contributes positively to the streetscape, protects coastal vistas, minimises potential for conflict with uses of the golf course and does not result in unreasonable impact on the residential amenity of adjoining land.
Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings must have a setback from frontage of: <ul style="list-style-type: none"> <li>(a) not less than 9m to Louisville Road;</li> <li>(b) not less than 5m to any other road.</li> </ul>	<b>P1</b> Buildings must have a setback from frontage that: <ul style="list-style-type: none"> <li>(a) is consistent with any Local Area Objective provided for the area;</li> <li>(b) is compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape; and</li> <li>(c) enhances the characteristics of the site, adjoining properties and the streetscape.</li> </ul>
<b>A2</b> Buildings must have a setback from side and rear boundaries of not less than: <ul style="list-style-type: none"> <li>(a) 1.5m to a side boundary;</li> <li>(b) 3.0m to a rear boundary;</li> <li>(c) 6.0m to a side or rear boundary abutting the Golf Course Precinct;</li> <li>(d) 15m to a side or rear boundary abutting a coastal reserve or which is formed by the high water mark.</li> </ul>	<b>P2</b> Buildings setback from side and rear boundaries must: <ul style="list-style-type: none"> <li>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining properties, having regard to:               <ul style="list-style-type: none"> <li>(i) overlooking and loss of privacy;</li> <li>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; and</li> <li>(iii) visual impact, when viewed from adjoining properties, through building bulk and massing;</li> </ul> </li> <li>(b) be sufficient to provide adequate private open space for the dwelling unit;</li> <li>(c) be sufficient to minimise conflict with the Golf Precinct; and</li> <li>(d) not cause an unreasonable loss of amenity on adjoining properties or adjoining coastal land, having regard to:               <ul style="list-style-type: none"> <li>(i) overlooking and loss of privacy to adjoining residential or coastal land; and</li> </ul> </li> </ul>

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	(ii) visual impacts when viewed from adjoining coastal land.
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## GSB-S3.7.3 Building design

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works.

Objective:	That the location and appearance of buildings and works minimises adverse impact on the rural landscape.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Exterior finishes of buildings, if not natural or untreated, must be coloured using colours with a light reflectance value not greater than 40 percent.		<b>P1</b> Buildings must: <ul style="list-style-type: none"> <li>(a) be consistent with any Local Area Objective provided for the area; and</li> <li>(b) have external finishes that are non-reflective and coloured to blend with the rural landscape.</li> </ul>
<b>A2</b> Building walls parallel to frontage must contain two or more windows and balconies, decks or wall offsets.		<b>P2</b> Building frontages must: <ul style="list-style-type: none"> <li>(a) be consistent with any Local Area Objective provided for the area;</li> <li>(b) be articulated to avoid large expanses of blank wall. Design features used to achieve this may include articulation, fenestration, use of colours and materials and other devices.</li> </ul>
<b>A3</b> Fill and excavation must: <ul style="list-style-type: none"> <li>(a) be not more than 1m from natural ground level, excluding if required for any building foundations;</li> <li>(b) be limited to the extent required for the construction of buildings or vehicular access.</li> </ul>		<b>P3</b> Fill and excavation must: <ul style="list-style-type: none"> <li>(a) not unreasonably impact on natural values;</li> <li>(b) not detract from the landscape character of the area;</li> <li>(c) not unreasonably impact upon the privacy of adjoining properties; and</li> <li>(d) not affect land stability on the lot or adjoining properties.</li> </ul>
<b>A4</b> The combined gross floor area of buildings must be not more than: <ul style="list-style-type: none"> <li>(a) 350m<sup>2</sup>, if on a lot less than 800m<sup>2</sup>;</li> </ul>		<b>P4</b> The combined gross floor area of buildings must: <ul style="list-style-type: none"> <li>(a) be sufficient for the recreation, service facilities and landscaping needs of the development;</li> </ul>

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<p>(b) 400m<sup>2</sup>, if on a lot greater than 800m<sup>2</sup>; or</p> <p>(c) 150m<sup>2</sup>, if on a lot within the Eco Cabin Precinct.</p>	<p>(b) be compatible with the scale of buildings on the site and nearby properties;</p> <p>(c) not cause an unreasonable impact on the landscape;</p> <p>(d) not cause an unreasonable impact on the natural environment; and</p> <p>(e) be not greater than 150m<sup>2</sup> if located within the Eco Cabin Precinct.</p>
<p><b>A5</b></p> <p>Residential buildings must be provided with private open space that:</p> <p>(a) is not less than 50m<sup>2</sup>;</p> <p>(b) has a horizontal dimension of not less than 5m;</p> <p>(c) is not located between the dwelling and the frontage; and</p> <p>(d) is directly accessible from, and adjacent to, a habitable room (other than a bedroom).</p>	<p><b>P5</b></p> <p>Residential use must have:</p> <p>(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(b) reasonable space for the planting of gardens and landscaping.</p>
<p><b>A6</b></p> <p>Dwellings without direct access to ground level must have a balcony or deck with a minimum area of 10m<sup>2</sup> and a minimum horizontal dimension of 2m.</p>	<p><b>P6</b></p> <p>Dwellings without direct access to ground level must have a balcony or deck with a minimum area of 5m<sup>2</sup> and a minimum horizontal dimension of 1m.</p>

## GSB-S3.7.4 Landscaping

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works.

Objective:	That safe and attractive landscaping treatment enhances the appearance of the site, minimises visual impact of development and enhances natural values.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>All development must be accompanied by a landscape plan.</p>	<p><b>P1</b></p> <p>No Performance Criterion.</p>

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## GSB-S3.7.5 Energy and water efficiency

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works.

Objective:	That buildings minimise energy and water use.
Acceptable Solutions	Performance Criteria
<b>A1</b>  Residential buildings must have at least one living room window facing within the range of 30 degree east of north and 30 degree west of north.	<b>P1</b>  Buildings must: <ul style="list-style-type: none"> <li>(a) minimise energy use through internal layout, positioning and shading of windows, and use of building materials; and</li> <li>(b) provide for a reasonable level of solar access to living areas.</li> </ul>
<b>A2</b>  Buildings must source not less than 15% of all projected energy use from renewable sources such as photovoltaic cells, wind turbines or other means incorporated into the building or obtained from shared infrastructure located within the Specific Area Plan.	<b>P2</b>  No Performance Criterion.
<b>A3</b>  Stormwater drainage from development must: <ul style="list-style-type: none"> <li>(a) be reused on the golf course and returned to natural watercourses entering the Prosser River or Spring Bay;</li> <li>(b) exit the land subject to the Specific Area Plan at an equivalent concentration, condition, volume and velocity as would have occurred in the absence of any development, assuming a continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use.</li> </ul>	<b>P3</b>  No Performance Criterion.

## GSB-S3.7.6 Outbuildings

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works.

Objective:	That the size and number of outbuildings does not detract from the amenity of the area and does not visually dominate an associated dwelling.
Acceptable Solutions	Performance Criteria
<b>A1</b>	<b>P1</b>



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<p>Outbuildings, that are freestanding, must:</p> <ul style="list-style-type: none"> <li>(a) have a combined gross floor area not more than 100m<sup>2</sup>;</li> <li>(b) have a wall height not more than 3.5m and a building height not more than 4.5m;</li> <li>(c) have setback from frontage not less than 1m more than that of the dominant wall of an existing or proposed dwelling on the site.</li> </ul>	<p>Outbuildings, that are freestanding, must be designed and located to:</p> <ul style="list-style-type: none"> <li>(a) be less visually prominent than the existing or proposed dwelling on the site;</li> <li>(b) be consistent with the scale of outbuildings on the site or in close visual proximity;</li> <li>(c) be consistent with any Local Area Objectives provided for the area.</li> </ul>
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**GSB-S3.8 Development Standards for Subdivision**

## GSB-S3.8.1 Lot design

This clause is in substitution for Rural Zone – clause 20.5.1 Lot design.

Objective:	To provide for new lots that have appropriate areas and dimensions to accommodate development consistent with the Purpose and Local Area Objectives for this Specific Area Plan.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot must have an area not less than:</p> <ul style="list-style-type: none"> <li>(a) 450m<sup>2</sup>, if in the Residential Precinct;</li> <li>(b) 250m<sup>2</sup>, if in the Hub Precinct; and</li> <li>(c) 100ha, if in the Golf Precinct or Eco Cabin Precinct or Open Space and Reserves Precinct except for a lot for the purposes of creating precinct boundaries.</li> </ul>	<p><b>P1</b></p> <p>No Performance Criterion.</p>
<p><b>A2</b></p> <p>Each lot, except if for public open space, a riparian or littoral reserve or utilities, and except if an internal lot, must have a frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 12m, if located in the Residential Precinct; or</li> <li>(b) 3.6m, if located in any precinct other than the Residential Precinct.</li> </ul>	<p><b>P2</b></p> <p>The frontage of each lot must:</p> <ul style="list-style-type: none"> <li>(a) provide opportunity for practical and safe vehicular access;</li> <li>(b) provide opportunity for passive surveillance between residential development on the lot and the road; and</li> <li>(c) be not less than 6m.</li> </ul>
<p><b>A3</b></p> <p>No lot is an internal lot.</p>	<p><b>P3</b></p> <p>Each internal lot, or an internal lot proposed in a plan of subdivision, must:</p>

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	<ul style="list-style-type: none"> <li>(a) demonstrate the presence of site constraints that make an internal lot configuration the only reasonable option to efficiently utilise the land;</li> <li>(b) demonstrate that it is not reasonably possible to provide a new road to create a standard frontage;</li> <li>(c) be the only reasonable way to subdivide the rear of an existing lot;</li> <li>(d) not cause an unreasonable loss of amenity to neighbouring land as a result of subsequent use and development;</li> <li>(e) have access to a road via an access strip, which is part of the lot, or a right-of-way, with a width access of not less than 4m;</li> <li>(f) provide passing bays as appropriate distances along the access strip to service the likely future use of the lot;</li> <li>(g) have the access strip adjacent to or combined with not more than three other internal lot access strips and it is not appropriate to provide access via a public road;</li> <li>(h) have a sealed driveway on the access strip prior to the sealing of the final plan of subdivision; and</li> <li>(i) address and provide for passive surveillance of public open space and public rights of way if it fronts such public spaces.</li> </ul>
<p><b>A4</b></p> <p>Each lot must have a long axis that is within the range of 30 degrees west of north to 30 degrees east of north.</p>	<p><b>P4</b></p> <p>Each lot has a long axis oriented to maximise solar access for future development, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the proportion of lots within the Precinct that have a long axis oriented between 30 degrees west of north and 30 degrees east of north and the extent to which this is maximised; and</li> <li>(b) the characteristics of the site including slope, vegetation and views.</li> </ul>

## Tasmanian Planning Scheme – Glamorgan Spring Bay draft LPS

## GSB-S3.8.2 Ways and open space

This clause is in addition to Rural Zone – clause 20.5 Development Standards for Subdivision.

Objective:	That the arrangement of ways and public open space provides for safe, convenient and efficient connections for accessibility, mobility and recreational opportunities consistent with the Purpose and Local Area Objectives for the Specific Area Plan.	
Acceptable Solutions		Performance Criteria
<b>A1</b>	Public shared trails through and between precincts must be provided consistent with the access routes shown on Figure GSB-S3.1 Precinct Plan.	<b>P1</b> No Performance Criterion.
<b>A2</b>	Public shared trails must be designed and constructed in accordance with <i>AS2156.1 2001 Walking Tracks Part 1: Classification and Signage</i> and <i>AS2156.2 -2001 Walking Tracks Part 2: Infrastructure Design</i> .	<b>P2</b> No Performance Criterion.
<b>A3</b>	Emergency vehicle access must be provided between Barton Avenue and the Residential Precinct.	<b>P3</b> No Performance Criterion.
<b>A4</b>	Public shared trails must be provided to connect Raspins Beach with Meredith Point and the Eastcoaster Resort.	<b>P4</b> No Performance Criterion.

## GSB-S3.8.3 Services

This clause is in addition to Rural Zone – clause 20.5 Development Standards for Subdivision.

Objective:	That subdivision of land provides services for the future use and development of the specific area plan.	
Acceptable Solutions		Performance Criteria
<b>A1</b>	Each lot must be connected to a reticulated potable water supply.	<b>P1</b> No Performance Criterion.
<b>A2</b>		<b>P2</b> Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-

## Tasmanian Planning Scheme – Glamorgan Spring Bay draft LPS

Each lot must be connected to a reticulated sewerage system where available.	site wastewater treatment system adequate for the future use and development of the land.
<b>A3</b> Each lot must be connected to a stormwater system able to service the building area by gravity.	<b>P3</b> Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.
<b>A4</b> Stormwater drainage must: <ul style="list-style-type: none"> <li>(a) be reused on the golf course and returned to natural watercourses entering the Prosser River or Spring Bay;</li> <li>(b) exit the Specific Area Plan area at an equivalent concentration, condition, volume and velocity as would have occurred in the absence of any development assuming a continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use.</li> </ul>	<b>P4</b> No Performance Criterion.

## GSB-S3.8.4 Subdivision landscaping and lighting

This clause is in addition to Rural Zone – clause 20.5 Development Standards Subdivision.

Objective:	That a safe and attractive landscaping treatment enhances the appearance of the site, minimises visual impact of development and enhances natural values, and that night glare associated with landscape lighting is minimised.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Roads, ways and public open space and associated works must be landscaped.	<b>P1</b> No Performance Criterion.
<b>A2</b> No Acceptable Solution.	<b>P2</b> Street lighting, flood lighting and landscape lighting must minimise the impact of 'night light' and must: <ul style="list-style-type: none"> <li>(a) be baffled to prevent upward projection;</li> <li>(b) minimise light spillage;</li> <li>(c) minimise reflections from paved surfaces; and</li> <li>(d) be installed in the ground if possible.</li> </ul>

### GSB-S3.9 Tables

This clause is not used in this specific area plan.

### Precinct Plan

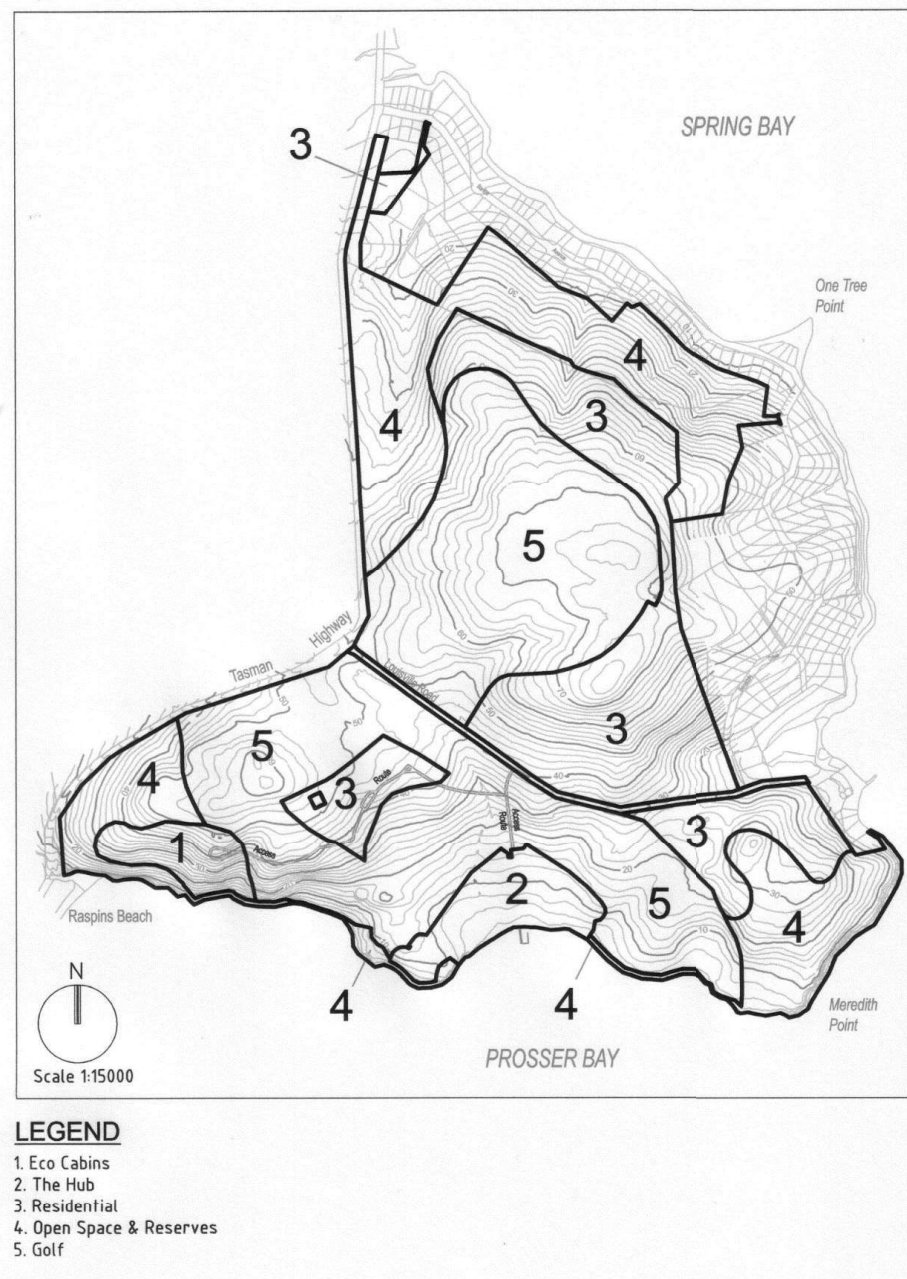
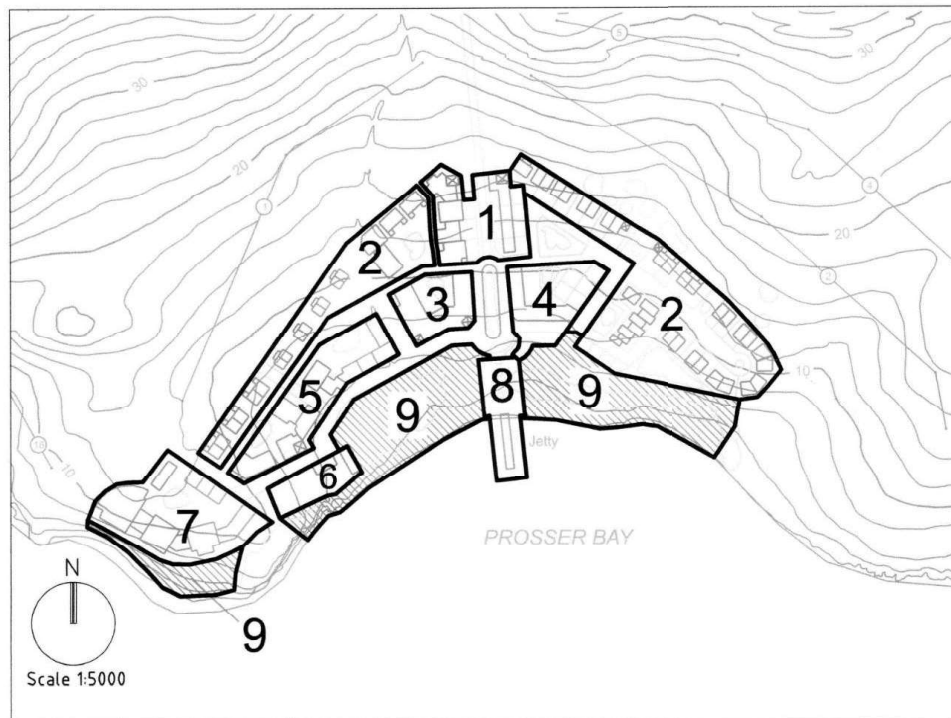


Figure GSB-S3.1 Louisville Road Precinct Plan

## Hub Component Layout



### LEGEND

1. The Entry Way – Accommodation / Retail
2. Golf Accommodation
3. Arts Precinct
4. Maritime Museum
5. Accommodation on Common
6. Aquatic Club
7. Golf Club House
8. Jetty
9. Hub Open Space

Figure GSB-S3.2 The Hub Component Layout

AustLII

Tasmanian Civil and Administrative Tribunal

**A Wyminga v Glamorgan Spring Bay Council and Spring Bay (Tasmania) Pty Ltd [2022] TASCAT 41 (28 April 2022)**

Last Updated: 29 September 2022



**Citation:** A Wyminga v Glamorgan Spring Bay Council and Spring Bay (Tasmania) Pty Ltd [2022] TASCAT 41

**Division:** General

**Stream:** Resource & Planning

**Parties:** *Appellant:* Andrew Wyminga

*First Respondent:* Glamorgan Spring Bay Council

*Second Respondent:* Spring Bay (Tasmania) Pty Ltd

**Hearing Date(s):** 17 September 2021, 18 February 2022

**Hearing Location:** Hobart

**Date of Orders:** 28 April 2022

**Date Reasons Issued:** 28 April 2022

**Panel:** M Duvnjak, Deputy President (part)



R Grueber, Senior Member (part)

K Loveday, Member

P Spratt, Member

**Orders Made:** The Tribunal orders that:

1. The development application SA2019/17 is amended by including the JMG drawings numbered D01, D02 and D04 dated 3 September 2021 and D03P2 dated 17 November 2021.
2. The decision of the Glamorgan Spring Bay Council made 22 June 2021 to grant a permit in respect to development application SA2019/17 is set aside and substituted with a decision to refuse a permit.
3. The Tribunal will entertain any application for an order for costs in this appeal if made to the Tribunal in writing with supporting submissions within the next 21 days. If requested, the Tribunal may reconvene to hear any evidence in respect of any matter bearing upon an order for costs. In no such application and submissions are filed within that time, the order of the Tribunal is that each party bear its own costs.

**Catchwords:** Planning Appeal – Glamorgan Spring Bay Interim Planning Scheme 2015 -  **Louisville**  Road Specific Area Plan – subdivision – stormwater – whether provision is void for uncertainty

**Legislation Cited:** *Tasmanian Civil & Administrative Tribunal Act 2020*; *Resource Management & Planning Appeal Tribunal Act 1993*; *Land Use Planning and Approvals Act 1993*

**Cases Cited:** *R v Resource Planning and Development Commission; Ex parte Dorney (No 2)* [2003] TASSC 69; *St Helens Area Landcare & Coast Care Group Inc v Break O'Day Council* [2007] TASSC 15; *Tomaszewski v Hobart City Council* [2020] TASSC 48; *Tomaszewski v Hobart City Council (No 2)* [2021] TASSC 15; *Acton View Tas Pty Ltd and Ors v Clarence City Council and Ors* [2020] TASRMPAT 29; *House of Peace Pty Ltd v Bankstown City Council* [2000] NSWCA 44; *Provincial Insurance Australia Pty Ltd v Consolidated Wood Products Pty Ltd* (1991) 25 NSWLR 541; *Kuzmanovski v New South Wales Lotteries Corporation* [2010] FCA 876; *Wilderness Society (Tasmania) Inc v Wild Drake Pty Ltd* [2021] TASFC 12; *AAD Design Pty Ltd v Brisbane City Council* [2012] QCA 44; *ZW Pty Ltd v Peter R Hughes and Partners Pty Ltd* [1992] 1 D R 352; *King Eeducational Service Pty Ltd v Chief Executive Officer of the Australian Skills Quality Authority (No 3)* [2021] FCA 692; *Elimatta Pty Ltd v Read and Anor* [2021] NSWLEC 75; *Minister for Immigration and Citizenship v SZJGV*; *Minister for Immigration and Citizenship v SZJXO* [2009] HCA 40; *Von Witt v Hobart City Council and Ors* [1995] TASSC 12; *Robt Nettlefold Pty Ltd v Hobart City Council* [2001] TASSC 120; *Mison v Randwick Municipal Council* (1991) 23 NSWLR 734; *Hurstville City Council v Renaldo Plus 3 Pty Ltd* [2006] NSWCA 248; in *King Gee Clothing Company Pty Ltd v The Commonwealth* [1945] HCA 23; *Richard G Bejah Insurance & Financial Services Pty Ltd v Maning & Ors* [2002] TASSC 36; *Timber World Pty Ltd v Meander Valley Council* [2020] TASSC 27; *: Television Corporation Ltd v. The Commonwealth* [1963] HCA 30; (1963) 109 CLR 59; *Comcare v Lilley* [2013] FCAFC 121; *Clarence City Council v Resource Management and Planning Appeal Tribunal* [2018] TASSC 41

**Representation:** Appellants: Billett Legal

First Respondent: Page Seager

Second Respondent: Dobson Mitchell & Allport

**File No:** 87/21S

**Publication Restriction:** Nil

Amended pursuant to s119 of the Tasmanian Civil & Administrative Tribunal Act 2020

Clerical error, name of case omitted on page 11

Dated this 2<sup>nd</sup> day of May, 2020

R Grueber,

Senior Member

## REASONS FOR DECISION

### Background

1. On 22 June 2021 the First Respondent, the Glamorgan Spring Bay Council (the Council), granted a permit in respect to a development application SA2019/17 (the development application) for a subdivision and associated works lodged on behalf of the Second Respondent, Spring Bay (Tasmania) Pty Ltd. On 12 July 2021 the Appellant, Andrew Wyminga, filed an appeal with the Resource Management and Planning Appeal Tribunal.



2. Section 152 of the *Tasmanian Civil & Administrative Tribunal Act 2020* (the TASCAT Act) applies to the appeal as it was instituted before the TASCAT Act commenced on 5 November 2021. Pursuant to that section, the appeal is to be heard and determined by the Tasmanian Civil & Administrative Tribunal (the Tribunal) established under the TASCAT Act, notwithstanding that the appeal was lodged with the Resource Management and Planning Appeal Tribunal. Pursuant to s152(4) of the TASCAT Act, the Tribunal may perform and exercise all the functions and powers that the Resource Management and Planning Appeal Tribunal had prior to the commencement of the Tribunal and the provisions of any relevant Act or instrument of a legislative character prior to the commencement of the Tribunal will apply.


3. On 3 September 2021 the Second Respondent filed an application to amend the development application. The amendment sought to add to the development application four drawings providing a more detailed design in respect to drainage and catchment of stormwater. The appeal came on for hearing by the Resource Management and Planning Appeal Tribunal (referred to in this determination tautologically but conveniently as the RMPAT Tribunal) on 17 September 2021. As a result of the late filing of the application to amend, the RMPAT Tribunal determined that it would hear the application to amend on the hearing of the substantive appeal and determine the application following the hearing. At the hearing the Appellant submitted that the amendment might require the proposal to be assessed under Clause E11 – Waterways & Coastal Protection Code of the Glamorgan Spring Bay Interim Planning Scheme 2015. That code had not been identified by the expert planners who gave evidence at the hearing as applicable, and as such there was insufficient evidence for the RMPAT Tribunal to determine whether a discretion was invoked under the code. On 15 October 2021 the RMPAT Tribunal published an interim determination *A Wyminga v Glamorgan Spring Bay Council and Spring Bay (Tasmania) Pty Ltd* [2021] TASRMPAT 74B. The RMPAT Tribunal deferred determination of the appeal to enable the parties to file evidence and submissions in respect to the application of and compliance with the code. The Tribunal made directions on 9 November 2021 in respect to filing and exchange of evidence and submissions, and relisting of the hearing.



4. The Second Respondent filed a statement of evidence and a supplementary statement of evidence by Dr Stephen Mallick, an expert in freshwater ecology. On 27 January 2022 the Second Respondent applied to amend its application to amend the development application to correct the date identifying the drawings and by replacing one of the four proposed drawings to correct descriptions in the drawing. Those issues were identified in the course of instructing Dr Mallick.

5. On 21 January 2022 the panel of the Tribunal was reconstituted by direction of the President of the Tribunal pursuant to s65(1)(a) of the TASCAT Act as a consequence of the chair being appointed as a magistrate.

6. The hearing resumed on 18 February before the Tribunal. Neither the Appellant nor the Council sought to cross examine Dr Mallick at the resumed hearing.

### **The Subdivision Proposal**

7. The proposal is for a 47 lot residential subdivision and associated works on part of land situated at Tasman Highway Orford comprising 241ha of the headland between the northern end of Raspins Beach and Bogan Creek. The proposed lots range in size from 1613m<sup>2</sup> to 6536m<sup>2</sup>. The total area of the residential lots would be approximately 12.2ha. That land has frontage to  **Louisville**  Road and Bernacchi Drive. The subdivision would be completed in three stages. The site is approximately 3.5km north east of the Orford local business area and approximately 3.7km south of the Triabunna town centre. There is existing residential use and development to the east of the proposal site.

8. The site contains a mixture of cleared areas and standing vegetation. The proposal includes vegetation clearance and construction of roads and infrastructure services. No public open space lots are proposed. Access to the new lots will be via new roads to be connected to  **Louisville**  Road and Bernacchi Drive. The site is sloping with the land rising approximately 60m in elevation from the south eastern frontage on Bernacchi Drive to the northern most part of the site.

### **Application to amend the development application**

9. The Second Respondent's application to amend the development application was made pursuant to s22(3) of the now repealed *Resource Management and Planning Appeal Tribunal Act 1993*. Section 22(3) provided:

(3) *Where a person appeals to the Appeal Tribunal and it appears to the Appeal Tribunal that –*

*(a) the appeal relates to an application made by one party to the appeal to another party to the appeal; and*

*(b) the appeal could be resolved in a manner that is fair to all parties if certain modifications to the application were made; and*

*(c) it would be conducive to the expeditious administration of justice if the powers conferred by this subsection were exercised –*

*the Appeal Tribunal may, by order, amend the application accordingly.*

10. The Appellant opposed the application to amend the development application, although not the application to amend the application to amend. The Council did not oppose either application. The amended new plan redefines areas shown on the plan and adds an existing watercourse to the south of the site.

11. Section 22(3)(a) is clearly satisfied. Section 22(3)(b) is in issue. The Appellant contends that the plans introduce a new development in the form of a stormwater drainage design, and that this is not a modification within the meaning of s22(3)(b). The usual meaning of 'modification' is *the state of being modified; partial alteration; a modified form; a variety*.<sup>[1]</sup> 'Modify' means *to change somewhat the form or qualities of; alter somewhat*.<sup>[2]</sup> These meanings appear consistent with the context of the clause, which does not indicate a meaning other than the usual meaning.<sup>[3]</sup> The adjective 'certain', which qualifies 'modifications', has a range of meanings, but in the context of s22(3) would mean specific or particular or defined, such that the proposed modifications can be identified and assessed. The Second Respondent points to the decision of Blow J who considered modification of a draft amendment to a planning scheme under s41 (as it was then) of the *Land Use Planning and Development Act 1993* in *R v Resource Planning and Development Commission; Ex parte Dorney (No 2)*<sup>[4]</sup>. His Honour distinguished between modification and alteration to a substantial degree, which were expressly referred to in the section, and also transformation into something new or different as separate degrees of change.<sup>[5]</sup> Under the section, alteration to a substantial degree required repeating steps for public exhibition and comment. Alteration to a substantial degree and, no doubt, transformation have some equivalence to the type of significant change to a development application considered in cases such as *St Helens Area Landcare & Coast Care Group Inc v Break O'Day Council*<sup>[6]</sup> and *Tomaszewski v Hobart City Council*.<sup>[7]</sup>

12. The amended application seeks to include four plans that provide greater detail as to the methodology for the disposal of stormwater. Following the application to amend the application to amend, the plans are identified as JMG drawings numbered D01, D02 and D04 dated 3 September 2021 and D03P2 dated 17 November 2021. The modifications are certain in that they are clearly identified. They will inform the evidence of Mr Geoff Brayford, a civil engineer called by the Second Respondent, who addressed the works in respect to stormwater drainage. They are modifications within the meaning discussed above. They do not alter the lot layout of the subdivision, its area or the proposed roads. The Appellant does not contend that any new discretion under the Glamorgan Spring Bay Interim Planning Scheme 2015 is triggered by the proposed amendment. Based on Dr Mallick's uncontested evidence both the Appellant and the Council say that the relevant acceptable solutions in Clause E11.7.1 are satisfied. The Second Respondent says that the performance criterion P4 of that clause might be triggered,<sup>[8]</sup> but it is Dr Mallick's evidence that the performance criterion<sup>[9]</sup> is satisfied, and there is no evidence to the contrary. No additional ground of appeal arises. There is no potential unfairness to third parties. As to the Appellant and the Council, no unfairness arises in connection with the amendments per se. In respect to timing of the application, modifications may be made at any time in the hearing process, including by conditioning, subject to affording the parties procedural fairness.<sup>[10]</sup> The application was made after the filing of evidence, but the other parties had notice of the application, issues arising could be raised in examination and cross-examination of the witnesses and they were afforded the opportunity to make submissions. Although the parties take an adversarial position, a

planning appeal is not ordinary inter partes civil litigation and there is a public interest in the Tribunal making the correct or preferable decision.<sup>[11]</sup> Section 22(3)(b) is satisfied.

13. In respect to whether the amendment would be conducive to the expeditious administration of justice, granting the application would not undermine the objectives of the *Land Use Plannings and Appeals Act* 1993 or the RMPAT Act or result in detriment to any party or disadvantage to the public,<sup>[12]</sup> and the application did not result in delay or adjournment of the hearing. Section 22(3)(c) is satisfied.

14. The application to amend the application is granted. The s22(3) application to amend the development application is granted.

### The Grounds of Appeal

15. Ground 2 of the appeal was abandoned by the Appellant. The remaining grounds are:

**Ground 1:** *The application is required and fails to demonstrate compliance with Clause F3.7.3 A2/P2 because it has not been demonstrated that no reticulated sewerage system is available.*

**Ground 3:** *The application is required and fails to demonstrate compliance with Clause F3.7.3 A4(a) because it has not been demonstrated that stormwater drainage from the development will not be re-used on the golf course and returned to natural watercourses entering the Prosser River and Spring Bay.*

Particulars:


(i) *There is currently no developed golf course and the application does not propose the development of a golf course upon which stormwater is required to be reused.*


(ii) *The north eastern extent of the area proposed for subdivision incorporates a natural low point in the land from which stormwater cannot be directed for reuse on the golf course.*

(iii) *The application includes no information which demonstrates that stormwater will be returned to natural watercourses entering the Prosser River or Spring Bay.*

**Ground 4:** *The application is required to and fails to demonstrate compliance with Clause F3.7.3 A4(b) because it has not been demonstrated that stormwater drainage from the development will exit the Specific Area Plan at an equivalent concentration, condition, volume and velocity as would have occurred in the absence of any development assuming a continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use.*

### The planning controls

16. The site of the proposal is located within the Rural Resource Zone of the Glamorgan Spring Bay Interim Planning Scheme 2015 (the Scheme) and is within the area subject to Part F – Specific Area Plan F3.0 – 

**Louisville**  Road Specific Area Plan (the Specific Area Plan). The Scheme was superseded by the Tasmanian Planning Scheme - Glamorgan Spring Bay on 30 March 2022, however the Tribunal is required to determine the appeal in accordance with the planning scheme in force at the time the council determined the development application.<sup>[13]</sup>

17. Clause F3.7.3 of the Scheme is the only development standard invoked by the grounds of appeal. Compliance with the acceptable solution A2 and the performance criterion P2 and the acceptable solution A4(a) and (b) of that clause is challenged. Clause F3.7.3 provides:

<b>Objective:</b>	
To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>

<b>A1</b> Each lot must be connected to a reticulated potable water supply.	<b>P1</b> No Performance Criteria.
<b>A2</b> Each lot must be connected to a reticulated sewerage system where available.	<b>P2</b> Where a reticulated sewerage system is not available each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.
<b>A3</b> Each lot must be connected to a stormwater system able to service the building area by gravity.	<b>P3</b> Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land
<b>A4</b> Stormwater drainage from development must comply with all of the following:  (a) be reused on the golf course and returned to natural watercourses entering the Prosser River or Spring Bay; (b) exit the Specific Area Plan at a equivalent concentration, condition, volume and velocity as would have occurred in the absence of any development assuming a continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use.	<b>P4</b> No Performance Criteria.

#### Ground 1 - Connection to a reticulated sewerage system

18. The Second Respondent relies on compliance with P2 of Clause F3.3.3 in respect to sewerage services. It is not disputed that each lot of the subdivision is capable of accommodating an on-site wastewater treatment system as required in P2. However, P2 can only be relied on if a reticulated sewerage system is not available. If a reticulated sewerage system is available each lot must be connected to it. The Appellant contends that connection to a reticulated sewerage system is available. The site does not border an existing reticulated sewerage system. The nearest existing sewer line is approximately 2km away. The Appellant's contends that giving 'available' its ordinary meaning, the reticulated sewerage system is available and, as such, the proposal cannot rely on P2.

19. To be 'available' is to be "*suitable or ready for use; at hand; of use or service: available resources.*"<sup>[14]</sup> The Appellant referred the Tribunal to the Oxford Dictionary definition: "*at one's disposal, obtainable; free; not committed*". There is no indication in the arrangement of the clause within the Scheme that suggests that 'available' has a meaning other than its natural meaning.<sup>[15]</sup>

20. The Appellant says that the availability of connection to a reticulated sewerage system is to be determined by reference to the capacity of the system in the area of the development and the capacity to extend that system to the subject land. It was submitted that evidence of capacity was demonstrated by the evidence before the Tribunal and that there was no evidence before the Tribunal that no connection was available.

21. The Council's position was that 'availability' for the purposes of an assessment of compliance with Clause F3.7.3 A2 and P2 involves a consideration of 'proximity' to the nearest sewerage service and the capacity of that service, and that a facility 2km away is not 'available'. Mr Bonner, a planning expert called by the Council noted that the nearest sewerage main was 2km away. He also noted that a Submission to Planning Authority Notice by

TasWater included a condition that "... TasWater cannot provide a sewerage service to all lots on the plan." Mr Bonner considered that the proposal was required to satisfy P2, and that it did so as each lot is capable of accommodating an onsite wastewater treatment system.

22. The Second Respondent referred to the Oxford Dictionary definition and contended that to be available the reticulated sewerage system must be "*capable of being used; at one's disposal*". It submitted that a reticulated sewerage system more than 2km was clearly not available for connection to the proposed lots.

23. The Appellant relied on evidence of Mr James Stewart, a planning expert. Mr Stewart had regard to the 'TasWater – Sewerage Main Layout' on LISTmap which identified that a TasWater reticulated sewerage system was located approximately 2km southeast of the site. He considered that, while the property the subject of the proposal was not shown as land which is currently serviced by TasWater's reticulated sewerage system, it is possible to service land which is not currently included in the area identified as 'Sewer Serviced Land' in the LISTmap, and that it is the responsibility of the Second Respondent to demonstrate that no sewerage service is available for connection to the lots. His evidence included the following:

*"It is my opinion that in order for the development application to have been assessed against the performance criteria under clause F3.7.3 P2, the proposed subdivision would have had to demonstrate that it was not possible to connect to the reticulated sewerage system located adjacent the Orford Golf Club at 79 Tasman Highway, Orford.*

*The development application for 47 lots over three stages has not provided any engineering assessment which demonstrates that connecting to the existing sewerage system within Orford is not possible.*

*The JMG concept services report states that Spring Bay Pty Ltd and the Glamorgan Spring Bay Council had been examining various mechanisms to deliver sewerage services to this area for several years. This mechanism would have involved the construction of a new reticulation network, which includes a number of pump stations and rising mains. The JMG concept services report refers to two options, these being, the construction of a new sewerage treatment plant, or connecting to existing sewer infrastructure in Orford."*

24. Mr Stewart's response evidence stated that he made inquiries with Mr Jason Taylor, the Development Assessment Manager at TasWater, regarding the availability of a connection to the reticulated sewerage system. He asked Mr Taylor a number of questions which Mr Taylor responded to and the answers to those questions were set out in Mr Stewart's evidence. The Appellant did not lead evidence from Mr Taylor, but called him to make him available for cross-examination at the hearing of the appeal. The Second Respondent objected to the tendering of those parts of Mr Stewart's evidence that referred to Mr Taylor's responses to the questions put to him by Mr Stewart. The Tribunal received the evidence *de bene esse*. Having heard the evidence, the Tribunal determines that the evidence is admissible and relevant to the matters called up for consideration by the grounds of appeal. The Tribunal is not bound by the rules of evidence and can receive hearsay evidence. Mr Taylor's evidence was relevant to the issues arising in ground 1, and insofar as it was comprised in hearsay statements by Mr Stewart that evidence was given weight by Mr Taylor being called and cross examined.

25. Mr Taylor identified capacity of the existing infrastructure to accommodate a connection to the proposal. Connection would require an extension to an existing sewerage main. The nearest such main is approximately 2.5km from the proposal. A connection would require the laying of 2.5km of poly pipe, and potentially the construction of a pump station and rising main. Parts of the highway, road reservation and, potentially, private property would need to be excavated to accommodate a connection. Mr Taylor noted that there were no existing easements to accommodate such a connection. He was not aware of any consent or permission granted by the Council or any the other highway authority for such work.

26. Mr Taylor gave evidence about negotiations having occurred some years ago, perhaps as early as 2010-11, which identified that approximately \$7million of capital expenditure would be required for a connection to the area of the Specific Area Plan. A Government grant might be obtained to contribute to such a cost, but no agreement was reached at that time. While much of Mr Taylor's evidence was general in nature, given that he was not assessing a specific proposal for sewerage connection, it was apparent from his evidence that any extension of





infrastructure that would allow for a connection of the proposal to the existing reticulated sewerage system would involve significant infrastructure works at significant cost, and require permission from third parties.

27. No doubt connection to the existing sewerage system is able to be achieved from an engineering perspective. However, whatever definition of 'available' is applied, connection to a reticulated sewerage system some 2.5km away requiring major works at significant cost and requiring permission from third part highway authorities and private landowners is not an 'available' connection within the meaning of Clause F3.7.3 A2 and P2.

28. The proposal triggers Clause F3.7.3 P2 and satisfies the performance criteria. Ground 1 is not made out.

### Grounds 3 – Clause F3.7.3 A4(a) Reuse and return of stormwater to natural watercourses

29. Grounds 3 and 4 of the appeal assert that Clause F3.7.3 A4(a) and (b) respectively are not met by the proposal. A4 is expressed in conjunctive terms, such that both parts (a) and (b) must be complied with. No performance criteria are provided in the event that the acceptable solution is not met.

30. Clause F3.7.3 A4(a) gives rise to a number of difficulties on its face. The first difficulty is that it requires that stormwater from the proposal be reused on the golf course. No golf course has been developed on the land in the Specific Area Plan. An area on the Specific Area Plan Map identifies a Precinct Area 5 as 'golf' and the 'Golf Precinct' is referred to in the Desired Future Character Statement at Clause F3.1.1 of the Scheme. The Golf Precinct is in part located to the south of the site of the proposal, between  Louisville  Road and Prosser Bay, generally sloping down to the coastline. The Desired Future Character Statement for the Golf Precinct provides:

Desired Future Character Statement	Implementation Strategy
Golf Precinct	Use and Development
Future development of the Golf Precinct is to:	Standards
(a) consist of an international standard woodland golf course to service the visitor as well as the local community; and	
(b) achieve the highest standard in environmental design and management in terms of water usage and treatment, tree preservation, management of native flora and fauna and enhancement of existing landscape.	

31. The next difficulty with A4(a) is that it provides that stormwater from the proposal must be reused on the golf course and returned to natural water courses. Self-evidently, doing both will not be possible. While some stormwater used on the golf course could then drain into natural water courses some will inevitably be lost through natural processes such as uptake by grass and trees, absorption by the soil and evaporation. Further, if a golf course is developed it might be that the operator does not want to utilise stormwater from the site in management of the course.

32. The third difficulty with A4(a) is the requirement that stormwater be returned to natural watercourses entering the Prosser River or Spring Bay. Spring Bay is to the East of the site beyond Bernachi Drive. Prosser Bay is to the south of the site, but Prosser River is outside the Specific Area Plan and is approximately 2.5km south west of the site. The drainage plans in evidence showed no watercourses relevant to the site draining into Prosser River. Indeed, while watercourses in the Specific Area Plan would clearly drain into Prosser Bay, it is not apparent that any could drain into the Prosser River.

33. In *Wilderness Society (Tasmania) Inc v Wild Drake Pty Ltd*<sup>[16]</sup> Porter AJ observed that the construction of planning schemes should be approached in the same way as statutes:<sup>[17]</sup>

*112 As a provision of a planning scheme, it should be interpreted in accordance with the ordinary rules of statutory interpretation: AAD Nominees Pty Ltd v Resource Management and Planning Appeal Tribunal [2011] TASFC 5 at [10]; Raff Angus Pty Ltd v Resource Management and Planning Appeal Tribunal [2018] TASSC 60, 28 Tas R 224 at [20].*

113 That means starting with the ordinary and grammatical meaning of the text, with assistance to be gained from context; context includes surrounding provisions and the instrument as a whole, as well as purpose. The language actually employed is the surest guide: *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue (NT)* [2009] HCA 41, 239 CLR 27 at [4] per French CJ, at [47] per Hayne, Heydon, Crennan and Kiefel JJ. Words that have an apparently clear, ordinary or grammatical meaning may be given a different legal meaning after the process of construction is complete: *R v A2* [2019] HCA 35, 373 ALR 214 at [32].

Unfortunately, it is not unknown for planning schemes to be drafted without the rigour applied to statutes.<sup>[18]</sup> In *AAD Design Pty Ltd v Brisbane City Council*<sup>[19]</sup> Chesterman JA observed that:<sup>[20]</sup>

*“Planning schemes, and the definitions found in them, often lack clarity, contain ambiguities and sometimes appear contradictory. The attempt to make sense of them gives rise, on occasions, to expressions of judicial exasperation.”*

His Honour cited Thomas J in *ZW Pty Ltd v Peter R Hughes and Partners Pty Ltd*:<sup>[21]</sup>

*“To arrive at the so-called proper construction of such provisions involves a good deal of guess-work. In the end courts endeavour to give some meaning to such provisions and endeavour to adopt a commonsense approach, or the approach which seems to make the most sense out of provisions which may be contradictory as well as obscure (cf. *Pacific Seven Pty Ltd v City of Sandringham* [1982] VicRp 14; [1982] VR 157, 162; *Brown v Idofill Pty Ltd* [1987] NTSC 55; (1987) 64 LGRA 218, 227; *Tainui Pty Ltd v Brown* (1988) 65 LGRA 22, 27).”*

A practical approach to interpretation is required, but as observed by Robson J in *Elimatta Pty Ltd v Read and Anor.*<sup>[22]</sup>

*“...while environmental planning instruments should be interpreted in a practical manner (such that meticulous examination of language is avoided), it is clear that this does not override general principles of statutory interpretation nor require “laxity or flexibility” when construing environmental planning instruments: *Tovir Investments Pty Ltd v Waverley Council* [2014] NSWCA 379 at [54]; *Wingecarribee Shire Council v De Angelis* [2016] NSWCA 189 at [20]; *4nature Incorporated v Centennial Springvale Pty Ltd* (2017) 95 NSWLR 361; [2017] NSWCA 191 at [45].”*

Notwithstanding the difficulties identified, a practical approach to interpreting A4(a) consistent with general principles does result in a construction that can be applied to the proposal.

34. Particular (i) of the ground of appeal points to there being no existing golf course. The reference to stormwater being reused on the golf course indicates a reference to a geographic area. It is apparent from the Specific Area Plan that that area would be the Golf Precinct, within which the use and development of the golf course is permitted.<sup>[23]</sup> Mr Brayford’s evidence included that *“construction of some of the course facilities appears to have commenced some years ago. Initial earthworks, topsoil recovery and the commencement of the formation of some water storage features have been observed on site.”* The Scheme does not provide for staging of the development contemplated for the Specific Area Plan. The Scheme does not provide that Development of the Golf Precinct is a prerequisite for residential development. There is sufficient information available within the Specific Area Plan to enable the design of a stormwater drainage system to enable stormwater to be reused on the Golf Precinct and on a future golf course. Particular (i) of the ground of appeal is not made out.

35. Particulars (ii) and (iii) of the ground of appeal go to whether the proposal will reuse stormwater on the golf course or return stormwater that is not used on the golf course to natural water courses entering Spring Bay or Prosser Bay.

36. The use of ‘and’ in respect to using stormwater on the golf course and returning it to natural water courses would on its face indicate a conjunctive interpretation. As noted above that is not possible. Reuse on the golf course and return to natural watercourses can be seen as a short list of alternatives such that ‘and’ has in practice a disjunctive meaning.<sup>[24]</sup> The reference to Prosser River rather than Prosser Bay in a A4(a) can only be a drafting error. It should be read as Prosser Bay. In *Minister for Immigration and Citizenship v SZJGV*; *Minister for*

*Immigration and Citizenship v SZJXO*<sup>[25]</sup> French CJ and Bell J considered a section of the *Migration Act 1958* with a clearly irrational literal meaning and said (footnotes omitted):<sup>[26]</sup>

*Such a result would be irrational. A construction of s 91R(3) to avoid that result may properly encompass a departure from the literal or natural and ordinary meaning of the text*[8]. *If the language be so intractable that it requires a word or words to be given a meaning necessary to serve the evident purpose of the provision, then such a course may be permissible as a "realistic solution" to the difficulty*[9]. *In the 12th edition of Maxwell's On the Interpretation of Statutes the approaches which can be taken in dealing with statutory language whose ordinary meaning is plainly at odds with the statutory purpose were explained:*



*"Where the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity which can hardly have been intended, a construction may be put upon it which modifies the meaning of the words and even the structure of the sentence. This may be done by departing from the rules of grammar, by giving an unusual meaning to particular words, or by rejecting them altogether, on the ground that the legislature could not possibly have intended what its words signify, and that the modifications made are mere corrections of careless language and really give the true meaning."* (footnote omitted)

*This approach is reflected in decisions of the Courts of the United Kingdom. In Inco Europe Ltd v First Choice Distribution, Lord Nicholls of Birkenhead restated the need for the Court to correct obvious drafting errors. He referred to the third edition of Cross' Statutory Interpretation:*


*"In omitting or inserting words the judge is not really engaged in a hypothetical reconstruction of the intentions of the drafter or the legislature, but is simply making as much sense as he can of the text of the statutory provision read in its appropriate context and within the limits of the judicial role."*

37. Mr Brayford addressed the area referred to in particular (ii) in detail. His opinion was not countered with any other expert engineering evidence. He considered that the relevant low point in the site adjoining Bernachi Drive does not prevent compliance with A4(a). He described a relatively simple response comprising the installation of stormwater storage (for flow balancing), a stormwater pump in the road reservation and a rising main to pump water to a higher point to exit the site to comply with the standard. This could be the subject of a condition. Such a condition would not result in a significantly different development,<sup>[27]</sup> nor would it result in uncertainty constituting a lack of finality.<sup>[28]</sup>

38. Mr Brayford's response to particular (iii) of the ground was pithy:

*"This is not correct. There are many natural water courses within the land south of  Louisville  Road. Some of these were shown in the figure at paragraph 10 and Paragraph 21 showed the Outlets A, C & D. These piped outlets terminate at natural water courses and flow to and through the golf course. The stormwater is available for re-use, and eventually exits the SPA and enter Prosser Bay."*

39. Mr Brayford was the only witness with civil engineering and hydrology expertise who gave evidence at the hearing of the appeal. He was involved in providing information at the development application stage, which he described as "concept diagrams" and "rudimentary" pipe network plans. The figure he refers to above as being at paragraph 10 is reproduced below. It shows natural drainage pathways, catchment boundaries, proposed drainage lines and the proposed diversion drains to a potential catch point within the future golf course.

2022\_4101.jpg

The more detailed drainage plans which were the subject of the s22(3) application define with greater precision the drainage generally identified in that figure.



40. What constitutes a natural water course is not defined in the Scheme. A water course is defined as “a defined channel with a natural or modified bed and banks that carry surface water flows”.<sup>[29]</sup> The Appellant submitted, and the Tribunal accepts, that a natural water course is a defined channel with natural beds and banks that carry surface water flows. It is a self-evident proposition that water flows downhill. In response to questions from the Tribunal, Mr Brayford accepted that widely spaced contours with both horizontal and vertical separation will likely not create a creek whereas closely spaced contours will. He accepted that concave contours indicate low points and convex contours indicate high points. He agreed that a natural water course is defined by the spacing of concave contours. This was consistent with the location of natural drainage pathways identified in the plans that formed part of Mr Brayford's evidence. The proposal will satisfy particular (iii) of the ground.

41. Ground 3 is not made out.

#### **Ground 4 – Clause F3.7.3 A4(b) Exit concentration, condition, volume and velocity of stormwater**

42. Clause F3.7.3 A4(b) provides that stormwater from the development must exit the Specific Area Plan at equivalent the concentration, condition, volume and velocity as would have occurred in the absence of any development, assuming continuous cover of natural vegetation as would have occurred prior to the clearing of land for agricultural use. The application of A4(b) is problematic. The Second Respondent described that meaning of A4(b) as transcending Delphic obscurity.

43. Read together with A4(a), A4(b) regulates discharge of stormwater drainage from the area of the Specific Area Plan via the natural watercourses entering Prosser Bay and Spring Bay. At the points of exit, the concentration, condition, volume and velocity of stormwater must be the equivalent of the concentration, condition, volume and velocity:

- (a) as would have occurred in the absence of any development; and
- (b) as if the natural vegetation cover was as it was prior to the land being cleared for agricultural use.



The reference to ‘any development’ suggests that the hypothetical flow is to be determined as though there was no development of any kind within the Specific Area Plan, not just the relevant proposal being assessed. The evidence of Mr Scott Livingston, an expert on natural resource management and forest practices was called by the Second Respondent. In respect to current and pre-clearing vegetation his evidence was:

*“The vegetation in the locality is a mosaic of native forest / woodland and cleared land some of which is regenerating, portions are developed as residential/ urban areas. Forest is defined by having a projected foliage cover (tree canopy) of greater than 30%, while woodland has a tree canopy cover of between 10% and 30%.*



*Remaining forested vegetation in the area is a mixture of species and canopy densities ranging from open grassy woodland to open forest with a shrubby / scrubby understorey. TasVeg -The Digital Vegetation map of Tasmania. (4.0)1 shows remnant forested areas to be a range of vegetation communities, including (DAS) Eucalyptus amygdalina forest and woodland on sandstone, with both forest and woodland facies. (DGL) Eucalyptus globulus dry forest and woodland, with both forest and woodland facies. (DPU) Eucalyptus pulchella forest and woodland, (generally forest).*

*It is likely that prior to clearing a similar mosaic of woodland and forest cover existed, with changes in understorey cover related to soil types, aspect and disturbance such as fire. This is supported by mapping in the National Vegetation Information System, Pre 170 Major Vegetation Groups2 which show the SAP to be a mixture of Eucalypt Woodland and Eucalypt Open Forest. The proposed development area and its catchment area are predominately mapped as Eucalypt Woodland, and this is considered to be the “best guess” for the natural vegetation cover of the development area and associated catchment.”*



44. In response to questions from the Tribunal, Mr Brayford agreed that ground contours define the water concentration and velocity and affect soil. It was evident from Mr Brayford's evidence and his catchment plan that the original water flows are already altered by a drain discharging across the contours diverting water to a storage


dam. The watercourse flows and discharge locations to Prosser Bay are different to what they would have been originally. Proposed water storage and basins south of  **Louisville**  Road to facilitate use on the golf course will further alter flows to water courses and water storages. This will bring about alterations to flow velocity. Mr Brayford's proposal dramatically alters the catchment flows in three catchments marked A, C and D on the plan D03P2, with a decrease of a 20 ARI<sup>[30]</sup> in Catchment A of 19%, in Catchment C of 6%, and an increase of 237% in Catchment D. Mr Brayford's design is one where water would be caught and stored from Catchments A and D in water storage dams. A 2,110m<sup>3</sup> dam for water storages would be established, which Mr Brayford explained would be a series of inter-catchment cascading basins to manage peak flows and protect the natural creek.

45. Mr Brayford's evidence established that stormwater runoff could be managed satisfactorily from an engineering perspective:

*"There is sufficient room to control runoff south of  **Louisville**  Road and on the golf course land. Downstream of Outlets A, C & D there is a total of some 20 Ha and over 1.2 km of water courses to manage runoff before arriving at an existing farm dam and future major storage to be used for stormwater harvesting. Virtually immediately downstream of this farm dam stormwater will exit the SAP to the Sea."*

However, that is not the same as compliance with the particular requirements of A4(b).

46. Compliance with the provision is complicated by the requirement that stormwater be reused on the golf course and the existing infrastructure, and in particular by the existence of  **Louisville**  Road, which bisects the Specific Area Plan immediately south of the proposal. The evidence before the Tribunal did not establish whether the road was constructed before or after the clearing of the land. Mr Brayford's evidence identified the complicating effect of the road:

*"Preclearing may well have to be interpreted as pre-European, but further to that it is unsure whether  **Louisville**  Road was created pre or post clearing for agricultural use. Road construction involves table drains, crossroad culverts at various intervals and the road will cross many natural water courses and interfere with drainage pathways."*

He also addressed the difficulty of establishing the hypothetical levels of concentration, condition, volume and velocity against which the exit of stormwater is to be compared, and so the difficulty of complying with the exit flow requirements of A4(b), notwithstanding the ability to manage flows:

*"It may be impossible to cause concentrations, conditions, volumes, and velocities to be equivalent to an unknown point in time when the catchment may or may not have been partially developed (by road construction) with many natural watercourses having been already significantly altered. Accurate acceptable solution requirements of A4 may be uninterpretable."*

47. Given the evidence, the Second Respondent based its response to ground 4 not on asserted compliance with A4(b), but on a submission that A4(b) is on its face absurd, incapable of being satisfied and void for uncertainty.

48. Interpretation of a provision can be aided by context and purpose discerned from the structure of the surrounding provisions. The purpose of the Specific Area Plan in Clause F3.1.1 of the Scheme includes to: (a) *provide for a sustainable, high quality tourism, recreational and residential estate that is developed consistent with the Desired Future Character Statements for the five precincts and nine sub-areas that comprise the Specific Area Plan;* (g) *minimise the environmental footprint of development through water sensitive urban design and reuse of waste and construction materials;* and (h) *protect and enhance natural values.* The Objective of Clause F3.7.3 is to *ensure that the subdivision of land provides adequate services to meet the projected needs of future development*, which can only refer to the future development contemplated by the Specific Area Plan. The standards in A1, A2 and A3 of Clause F3.7.3 relate to service connections to sewer and stormwater and A4 relates to stormwater drainage. The structure of the Specific Area Plan does not assist in the interpretation of Clause F3.7.3 A4, other than identifying some focus on environmental factors. Clause F3.3.3 A4 is reproduced in identical terms in clause

GSB-S3.7.5 A3 and P3 of the new Tasmanian Planning Scheme – Glamorgan Spring Bay, but there is nothing in that scheme that aids in interpretation of the clause.

49. A4(b) does not correspond with the Objective, which is concerned with the provision of adequate services.

Clause 7.5 of the Scheme requires that use or development comply with each “*applicable standard*” in the Zone. A ‘standard’ is defined in Clause 4.1.3 of the Scheme as meaning:

*“... in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.”*

It was submitted by the Second Respondent that as A4(b) does not correspond with the Objective, it is not an applicable standard within the meaning of Clause 7.5 of the Scheme. However, Clause 4.1.3 provides expressly that the definitions it contains are subject to the proviso that they apply in the Scheme “*unless the contrary intention appears*”. Specific provisions of a planning scheme will override more general objectives.<sup>[31]</sup> Clause F3.7.3 is located within Clause F3.7 which is headed “*Development Standards for Subdivision*”. Clearly Clause F3.7.3 establishes A4 as a standard applicable to be applied to subdivision within the Specific Area Plan.

50. The requirement that stormwater drainage must be reused on the golf course is apparently inconsistent with the requirement that stormwater drainage must exit the specific area plan at equivalent concentration, volume and velocity as would have occurred in undeveloped and uncleared land. Mr Brayford’s uncontradicted evidence was that collection by drainage and reuse of stormwater will necessarily impact the concentration volume and velocity of stormwater flow. Mr Brayford’s evidence identified that stormwater reuse on the golf course in compliance with A4(a) will require catchment of water, which will reduce flow. The Second Respondent’s submission is that compliance with both subparagraph (a) and (b) is impossible and that A4 is inherently and irreconcilably internally inconsistent. The Second Respondents submitted that A4(b) is void for legal uncertainty.

51. The Second Respondent cited the decision of the High Court in *King Gee Clothing Company Pty Ltd v The Commonwealth*<sup>[32]</sup> as authority that ambiguity is a ground for finding delegated legislation void for uncertainty. However, while uncertainty might constitute a failure to exercise power, none of the judges in that case expressed a view that there exists, as Dixon J expressed it, as “*a general rule of law the proposition that subordinate or delegated legislation is invalid if uncertain*”. That approach was applied by Crawford J in *Richard G Bejah Insurance & Financial Services Pty Ltd v Maning & Ors* in considering the effect on the validity of a statutory policy of elements of a definition in the policy of ‘coastal zone’ that His Honour described as “impossible to understand”:<sup>[33]</sup>

*“40 of the 85 outcomes expressly refer to “coastal zone” and almost all of those depend on the meaning of that expression for their own meaning and effect. The uncertainty concerning the meaning of it is substantial, to the extent that I have concluded that it is impossible to determine the extent of the areas included within it. So much of the Policy depends on the expression for its effect that I have also concluded that all of the Policy is ultra vires for uncertainty, or perhaps it is better expressed as being ultra vires because, as a consequence of the impossibility of understanding objectively what is encompassed by the expression “coastal zone”, the Policy is not a true exercise of the policy making power in the State Policies and Projects Act. See *King Gee Clothing Co Pty Ltd v Commonwealth* [1945] HCA 23; (1945) 71 CLR 184, particularly the judgment of Dixon J; *Cann’s Pty Ltd v Commonwealth* [1946] HCA 5; (1946) 71 CLR 210; and the discussion in *Delegated Legislation in Australia* by Pearce and Argument, 2nd ed at 243 - 244.”* (Emphasis added)

52. The Second Respondent referred to the decision of Blow CJ in *Timber World Pty Ltd v Meander Valley Council*<sup>[34]</sup> and made the following submission:

*“More recently, Blow CJ in *Timber World Pty Ltd v. Meander Valley Council* [2020] TASSC 27 reasoned, particularly at [18] that delegated legislation can only be void for uncertainty if ambiguous. If that is a correct statement of the extent of the uncertainty principle, it is plainly the case that subparagraph (b) is entirely*

*ambiguous and irreconcilable with subparagraph (a). However, and with respect, Blow CJ overlooked that the principle is not confined to ambiguity. Uncertainty may lead to invalidity where a provision 'is so vaguely expressed that either its meaning or its application is a matter of real uncertainty': Television Corporation Ltd v. The Commonwealth [1963] HCA 30; (1963) 109 CLR 59 at 70, Kitto J and ComCare v. Lilley [2013] FCAFC at 121; [2013] FCAFC 121; (2013) 216 FCR 214 at [84], Kerr, Farrell and Mortimer JJ. In this case at subparagraph (b) in its application is entirely uncertain, is inconsistent with subparagraph (a) and compliance is impossible."*

The Second Respondent's characterisation of Blow CJ's determination is, with respect, too narrow. His Honour did indeed expressly refer to ambiguity or uncertainty about meaning.<sup>[35]</sup>

9. *Planning schemes are a type of delegated legislation. As a general rule, an ambiguity or uncertainty about the meaning of a provision in a piece of delegated legislation will not result in invalidity. Thus in Cann's Pty Ltd v Commonwealth [1946] HCA 5; (1946) 71 CLR 210, Dixon J (as he then was) said, at 227-228:*

*"But to resolve ambiguities and uncertainties about the meaning of any writing is a function of interpretation and, unless the power under which a legislative or administrative order is made is read as requiring certainty of expression as a condition of its valid exercise, as the by-law-making powers of certain corporations have been understood to do, the meaning of the order must be ascertained according to the rules of construction and the principles of interpretation as with any other document."*

10. *However, there have been cases when legislative instruments have been so uncertain or unintelligible that applying the rules of construction and the principles of interpretation has been to no avail. King Gee Clothing Co Pty Ltd v Commonwealth [1945] HCA 23; (1945) 71 CLR 184 was such a case. That case concerned the validity of an administrative order fixing the maximum prices of certain types of clothing. Dixon J said, at 197:*

*"It needs no imagination to see that in drafting an order for the fixing of prices for an important trade many difficulties must be encountered and it would be impossible to avoid ambiguities and uncertainties which are bound to arise both from forms of expression and from the intricacies of the subject. But it is not to matters of that sort that I refer. They depend upon the meaning of the instrument and they must be resolved by construction and interpretation as in the case of other documents. They do not go to power. But it is another matter when the basis of the price, however clearly described, involves some matter which is not an ascertainable fact or figure but a matter of estimate, assessment, discretionary allocation, or apportionment, resulting in the attribution of an amount or figure as a matter of judgment. When that is done no certain objective standard is prescribed; it is not a calculation and the result is not a price fixed or a fixed price. That, I think, means that the power has not been pursued and is not well exercised."*

11. *In Richard Bejah Insurance and Financial Services Pty Ltd v Maning [2002] TASSC 36, 123 LGERA 349, Crawford J (as he then was) held that an instrument called the State Coastal Policy was ultra vires because most of its provisions related to something called the "coastal zone", and it was not possible to understand objectively what was encompassed by that expression.*

However, the central difficulty with the provision in Timber World was not uncertainty of meaning but uncertainty of application, which His Honour clearly identified as the central consideration on the appeal.<sup>[36]</sup>

*"In its decision, the Tribunal held, at [32], that performance criterion P1(b) was so uncertain that it was "incapable of application in an objective sense", and therefore "beyond the power to make delegated legislation". It went on to conclude, at [45], that P1(b) could not be severed and that, as a result, the whole of performance criterion P1 was ultra vires."*

53. *In Television Corporation Ltd v The Commonwealth,*<sup>[37]</sup> Kitto J considered the imposition of conditions by a Minister with respect to licences issued and had regard to uncertainty of application as well as meaning. His Honour said:<sup>[38]</sup>



*“In this context it seems to me a necessary conclusion that what the Act means by a “condition” is a specification of acts to be done or abstained from by the licensee company - a specification telling the company what it is to do or refrain from doing, and thus on the one hand enabling it in regulating its conduct to know whether it is imperilling the licence or not, and on the other hand making clear to the Minister for the time being what test he is to apply in order that any judgment he may form as to compliance or non-compliance may not be vitiated by error of law. A specification cannot, I think, fulfil this dual function if it is so vaguely expressed that either its meaning or its application is a matter of real uncertainty; and for that reason it seems to me that on the proper construction of the Act the Minister’s power to impose conditions is to be understood as limited to the imposition of conditions that are reasonably certain - that is to say (as has been said in a long line of cases with respect to conditions of forfeiture created by the dealings of private persons with other forms of property) conditions such that from the moment of their creation the Court can say with reasonable certainty in what events forfeiture will be incurred: cf. *In re Sandbrook*; *Noel v. Sandbrook* [1912] UKLawRpCh 95; (1912) 2 Ch 471, at p 477 Such certainty includes both certainty of expression and certainty in operation; *In re Exmouth*; *Exmouth v. Praed* [1883] UKLawRpCh 65; (1883) 23 Ch D 158, at p 164; *Sifton v Sifton* (1938) AC 656, at pp 670, 671; *Clayton v Ramsden* (1943) AC 320, at pp 326, 329, 332 (at p70)”* (Emphasis added)

54. The Tribunal was also referred to the decision of the Full Court of the Federal Court in *ComCare v Lilley*,<sup>[39]</sup> a joint judgement of Jerr, Farrell and Mortimer JJ, in which their Honours considered judgements in *King Gee Clothing Company Pty Ltd v The Commonwealth* and *Television Corporation Ltd v The Commonwealth*.<sup>[40]</sup>

*“86. For present purposes, it is more important to pay attention to the observation of principle by Dixon J in King Gee. His Honour held (at 194, 196) there is no “doctrine” that certainty is a separate requirement that all forms of subordinate legislation must fulfil, a proposition endorsed by Kitto J in Television Corporation Ltd [1963] HCA 30; 109 CLR 59 at 71; see also Cann’s Pty Ltd [1946] HCA 5; 71 CLR 210 at 227. Rather, if uncertainty can be a test of validity it is only because of the nature of the particular rule-making power under consideration, and the “meaning and operation” of the authorising provisions themselves.*

87. *The point is, uncertainty (which may often be a synonym for lack of precision) is not some kind of freestanding criterion for invalidity. Uncertainty will only invalidate because one can derive from the text, context and purpose of the statute an intention by Parliament that the power be confined in a way which requires a high level of certainty (or precision). That will not always be the case, and in our opinion it is not the case in respect of the Guide.*

88. *Some of the other authorities referred to by the learned trial judge bear out an approach that certainty as an invalidating criterion depends very much on language and context. In Television Corporation Ltd, the “wide and uncertain” language used in conditions attached by the responsible Minister to a television licence was held expressly by only one justice to invalidate the condition. Kitto J examined what a “condition” on a licence in the particular legislative scheme was intended to mean and held that it meant a “specification of acts to be done or abstained from by the licensee company — a specification telling the company what it is to do or refrain from doing”, for the purpose of enabling the Minister to determine, lawfully, whether there is compliance with the condition or not. It was this purposive aspect which led Kitto J to find that the impugned conditions needed to be “reasonably certain” in both expression and operation and that they failed that test because they were too vague. The language used in the conditions was to prohibit licensees from “obstructing, prejudicing or interfering” with four listed kinds of activities by other licensees. Kitto J found that identifying the limits of the conduct subject to the prohibition was impossible. This case illustrates how critical language, statutory context and purpose are to determinations of validity.*

89. *Dixon J reiterated this in Cann’s Pty Ltd [1946] HCA 5; 71 CLR 210 at 227-228:*

*The interpretation of all written documents is liable to be attended with difficulty, and it is not my opinion that doubts and misgivings as to what the instrument intends, however heavily they may weigh upon a court of construction, authorize the conclusion that an order made under reg 23 is ultra vires or otherwise void. If in some respects its meaning is unascertainable, then, no doubt, it fails to that extent to prescribe effectively rights or*

*liabilities, but that is because no particular act or thing can be brought within the scope of what is expressed unintelligibly. But to resolve ambiguities and uncertainties about the meaning of any writing is a function of interpretation and, unless the power under which a legislative or administrative order is made is read as requiring certainty of expression as a condition of its valid exercise, as the by-law-making powers of certain corporations have been understood to do, the meaning of the order must be ascertained according to the rules of construction and the principles of interpretation as with any other document."*

55. The Tribunal's obligation is to determine the construction of A4(b), not to repair difficulty arising from that construction. In *Wilderness Society (Tasmania) Inc v Wild Drake Pty Ltd*<sup>[41]</sup> Porter JA said:

*"The constructional task remains throughout to expound the meaning of the statutory text, not to divine unexpressed legislative intention or to remedy perceived legislative inattention. Construction is not speculation, and it is not repair: Taylor v The Owners - Strata Plan No 11564 [2014] HCA 9, 253 CLR 531 at [65] per Gageler and Keane JJ (dissenting as to the outcome)."*

In *Timber World Pty Ltd v Meander Valley Council* Blow CJ observed:<sup>[42]</sup>

*"In Ex parte Zietsch; re Craig [1944] NSWStRp 29; (1944) 44 SR (NSW) 360 at 365-366, Jordan CJ, with whom Davidson and Street JJ concurred, stated a number of considerations relevant to the question whether a provision in delegated legislation is void for uncertainty. The third of those principles, was expressed as follows, at 365:*

*"(3) If the provision itself is clear, the fact that its application, generally or in particular cases, may be difficult or burdensome, is immaterial."*

56. Voidness for uncertainty in respect to a planning scheme may arise from failure to properly exercise the delegated legislative power, as occurred in *Richard G Bejah Insurance & Financial Services Pty Ltd*, but it is clear from *Timber World Pty Ltd v Meander Valley Council* that difficulty in satisfying a provision which is capable of construction will not render the provision void. The Second Respondent invited the Tribunal to not follow *Timber World Pty Ltd v Meander Valley Council* on the basis that its formulation is inconsistent with *Television Corporation Ltd v The Commonwealth*. It is not apparent that Timber World was wrongly decided, His Honour's analysis was consistent with authority and it would be presumptive for the Tribunal to determine otherwise. The Tribunal is bound by that decision.

57. The meaning of A4(b) is not uncertain. It means what it says. It's operation is not uncertain, in that a proposal can be measured against the development standard, which is how a performance-based planning system works.<sup>[43]</sup> The uncertainty lies in how difficult it might be to comply with. Establishing that a particular proposal will comply with A4(b) may well be onerous, and it clearly is in this case. No performance criteria are provided to ameliorate this. Identifying the hypothetical concentration, condition, volume and velocity of historic flows, and regulating contemporary flows to achieve equivalence may be so difficult that compliance will not be achieved however a subdivision is formulated for the site. The degree of difficulty for compliance might not have been the intention of the makers of the Scheme, but that is not a matter to be discerned by the Tribunal. That is a matter that may best be resolved by seeking an amendment of the Scheme. As observed above, the terms of A4 have been carried into the new planning scheme without amendment.

58. Clause F3.7.3 A4(b) is not void for uncertainty. The proposal must satisfy the acceptable solution. The evidence does not establish that the acceptable solution is satisfied.

59. Ground 4 is made out.

## Determination

60. The appeal is upheld.

61. The Tribunal orders that:

1. The development application SA2019/17 is amended by including the JMG drawings numbered D01, D02 and D04 dated 3 September 2021 and D03P2 dated 17 November 2021.

2. The decision of the Glamorgan Spring Bay Council made on 22 June 2021 to grant a permit in respect to development application SA2019/17 is set aside and substituted with a decision to refuse a permit.
  3. The Tribunal will entertain any application for an order for costs in this appeal if made to the Tribunal in writing with supporting submissions within the next 21 days. If requested, the Tribunal may reconvene to hear any evidence in respect of any matter bearing upon an order for costs. In no such application and submissions are filed within that time, the order of the Tribunal is that each party bear its own costs.
- 

<sup>[1]</sup> Macquarie Dictionary

<sup>[2]</sup> Macquarie Dictionary

<sup>[3]</sup> *Wilderness Society (Tasmania) Inc v Wild Drake Pty Ltd* [2021] TASFC 12 [115]

<sup>[4]</sup> [2003] TASSC 69

<sup>[5]</sup> At [28]

<sup>[6]</sup> [2007] TASSC 15

<sup>[7]</sup> [2020] TASSC 48

<sup>[8]</sup> The acceptable solution A4 provides: *Development must involve no new stormwater point discharge into a watercourse, wetland or lake.*

<sup>[9]</sup> P4 provides: *Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:*

- (a) *risk of erosion and sedimentation is minimised;*
- (b) *any impacts on natural values likely to arise from erosion, sedimentation, and runoff are mitigated and managed;*
- (c) *potential for significant adverse impact on natural values is avoided.*

<sup>[10]</sup> *Acton View Tas Pty Ltd and Ors v Clarence City Council and Ors* [2020] TASRMPAT 29 at [39]

<sup>[11]</sup> *Tomaszewski v Hobart City Council (No 2)* [2021] TASSC 15 at [17]

<sup>[12]</sup> *Fragrance Tas-Hobart (Elizabeth) Pty Ltd v Hobart City Council and Ors* [2021] TASRMPAT 12 at [23]

<sup>[13]</sup> See s62(3) *Land Use Planning and Appeals Act* 1993

<sup>[14]</sup> Macquarie Dictionary. As to the authority of the Macquarie Dictionary in Australia see *House of Peace Pty Ltd v Bankstown City Council* [2000] NSWCA 44 [33], *Provincial Insurance Australia Pty Ltd v Consolidated Wood Products Pty Ltd* (1991) 25 NSWLR 541 at 553 and *Kuzmanovski v New South Wales Lotteries Corporation* [2010] FCA 876

<sup>[15]</sup> *Wilderness Society (Tasmania) Inc v Wild Drake Pty Ltd* [2021] TASFC 12 at [115]

[16] [2021] TASFC 12

[17] At [112] – [113]

[18] For example, see the comments of Blow J in *AAD Nominees Pty Ltd v Resource Management and Planning Appeal Tribunal* [2011] TASFC 5 at [2] – [3]

[19] [2012] QCA 44

[20] At [18]

[21] [1992] 1 Qd R 352 at 360

[22] [2021] NSWLEC 75 at [44]

[23] The Scheme: Clause F3.3 Use Table

[24] *King Eeducational Service Pty Ltd v Chief Executive Officer of the Australian Skills Quality Authority (No 3)* [2021] FCA 692 at [77]

[25] [2009] HCA 40

[26] At [9]

[27] Of the type offending the Mison principle identified in *Mison v Randwick Municipal Council* (1991) 23 NSWLR 734

[28] For discussion of finality see *Hurstville City Council v Renaldo Plus 3 Pty Ltd* [2006] NSWCA 248 at [3]- [5], [62], [64], [86], and [90]

[29] Clause 4.1.3 of the Scheme.

[30] Average Recurrence Interval of 20 years.

[31] *Von Witt v Hobart City Council and Ors* [1995] TASSC 12 at [13]; *Robt Nettlefold Pty Ltd v Hobart City Council* [2001] TASSC 120 [14] and [50]

[32] [1945] HCA 23; (1945) 71 CLR 184

[33] [2002] TASSC 36 at [24]

[34] [2020] TASSC 27.

[35] At [9] – [11]

[36] At [8]



[37] [1963] HCA 30; (1963) 109 CLR 59

[38] At [1963] HCA 30; (1963) 109 CLR 59 p70

[39] [2013] FCAFC 121

[40] [18] – [89]

[41] [2021] TASFC 12 at [114]

[42] [2020] TASSC 27 at [16]

[43] *Clarence City Council v Resource Management and Planning Appeal Tribunal* [2018] TASSC 41 at [56]

# **PLANNING SCHEME AMENDMENT ASSESSMENT REPORT**

## **Glamorgan Spring Bay Local Provisions Schedule**

### **Draft Amendment AM2023-02**

#### **Amendment to revise provisions under GSB-S3 Louisville Road Specific Area Plan**



Glamorgan Spring Bay Council  
Senior Planning Consultant  
15 June 2023  
V1 Council meeting 26/06/2023



## Executive Summary

JMG (Applicant) lodged an application under Section 37 of the *Land Use Planning and Approvals Act 1993* (Act) to revise provisions for subdivision and energy efficiency in GSB-S3 – Louisville Road Specific Area Plan (SAP) under the *Glamorgan Spring Bay Local Provisions Schedule* (LPS) within the Tasmanian Planning Scheme (TPS).

The SAP was transitioned from the former Glamorgan Spring Bay Interim Planning Scheme 2015 (Interim Scheme) as part of the approval process for the LPS. As a transitional provision, changes to the substantive content of the SAP were not allowed.

A recent appeal identified operational problems with the ability to meet the requirements established under GSB-S3.7.5 and GSB-S3.8.3 of the LPS. *Wyminga v Glamorgan Spring Bay Council* [2022] TASCAT 4) (*Wyminga v GSB*) contested compliance with the subject clauses and identified that the requirements of clause F3.7.3 A4(b) regarding stormwater management were not met. The decision on *Wyminga GSB* identified that the subject clauses were clear and certain in their outcome, though they may be onerous and that resolution of the subject issue may require an amendment to the Scheme (refer paragraph 57).

Draft AM2023-02 seeks to make the following changes to the LPS:

GSB-S3.7.5 Energy and water efficiency

- rename the standard GSB-S3.7.5 Solar Access;
- delete minimise energy and water use from the objective and replace with solar access; and
- delete A2/P2 and A3/P3;

GSB-S3.8.3 Services Energy and water efficiency

- • delete A3/P3 and A4/P4; and
- • insert a new A3/P3 for stormwater connection through subdivision, based on the equivalent provisions under the Tasmanian Planning Scheme and the statutory obligations on Council.

JMG provided a report to support the request, *Section 37 Application, Spring Bay – Louisville Road Specific Area Plan, Spring Bay Estate, Tasman Highway, May 2023* (JMG Report)

This report considers the merits and statutory requirements of the request.



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AMD 2023-02 – Revisions to GSB-S3 Louisville Road Specific Area Plan

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## Abbreviations

Act	<i>Land Use Planning and Approvals Act 1993</i>
AM2023-02	draft amendment AM2023-02
Applicant	JMG Engineers & Planners for Spring Bay (Tasmania) Pty Ltd
Authority	Glamorgan Spring Bay Planning Authority
Commission	Tasmanian Planning Commission
Council	Glamorgan Spring Bay Council
Guideline No.1	<i>Guideline No. 1 Local Provisions Schedule (LPS): zone and code application</i>
JMG Report	<i>Section 37 Application, Spring Bay – Louisville Road Specific Area Plan, Spring Bay Estate, Tasman Highway, May 2023</i>
Interim Scheme	<i>Glamorgan Spring Bay Interim Planning Scheme 2015</i>
Listmap	<a href="http://www.theList.tas.gov.au">www.theList.tas.gov.au</a>
LPS	<i>Glamorgan Spring Bay Local Provisions Schedule</i>
NEPM's	National Environmental Protection Mechanisms
SAP	<i>GSB-S3 Louisville Road Specific Area Plan</i>
Strategic Plan	<i>Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029</i>
STRLUS	<i>Southern Tasmanian Regional Land Use Strategy</i>
Structure Plan	<i>Triabunna-Orford Structure Plan 2014</i>
Subject land/site	land within GSB-S3 Louisville Road Specific Area Plan
TPS	<i>Tasmanian Planning Scheme</i>
Wyominga v GSB	<i>Wyominga v Glamorgan Spring Bay Council [2022] TASCAT 4)</i>





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## 1 INTRODUCTION

The Glamorgan Spring Bay Planning Authority (Authority) received an application for a planning scheme amendment to make the following revisions to the provisions under the provisions at GSB-S3 Louisville Road Specific Area Plan:

### GSB-S3.7.5 Energy and water efficiency

- rename the standard GSB-S3.7.5 Solar Access;
- delete *minimise energy and water* use from the objective and replace with *solar access*; and
- delete A2/P2 and A3/P3;

### GSB-S3.8.3 Services Energy and water efficiency

- delete A3/P3 and replace with the following:

A3	P3
Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:
	(a) the size of the lot;
	(b) topography of the site;
	(c) soil conditions;
	(d) any existing buildings on the site;
	(e) any area of the site covered by impervious surfaces; and
	(f) any watercourse on the land.

and

- delete A4/P4.

AM2023-02 was prepared in response to an application that was lodged with the Council for the rezoning and subdivision, under section 37 of the Act. The applicant, JMG, provided a more detailed description of the background to AM2023-02 at sections 1 and 2 of the JMG Report that is supported.

The applicant provided the following documents to support the application:

- Section 37 Application - Planning report v2.1, JMG, 100323 (JMG Report)
- Tasmanian Planning Commission Form No.1 Owners Consent (executed)
- Copies of affected land titles



## 2 SITE ANALYSIS & CHARACTERISTICS

The assessment of site and context provided at section 3 within the JMG Report provides a detailed summary of existing character, context, available infrastructure and facilities. That assessment is supported.

### 3.1 Subject titles

The subject lands are contained within the following titles:

Title	PID	Address	Owner
178781/1	9073218	Lot 1 Tasman Hwy Orford TAS 7190	Spring Bay (Tasmania) PTY LTD
178781/1	9073218	Subdivision Road	Spring Bay (Tasmania) PTY LTD
105304/1	7189758	Barton Av Triabunna TAS 7190	Spring Bay (Tasmania) PTY LTD
148465/1	5972749	20 Louisville Rd Orford TAS 7190	Tasmanian Water And Sewerage Corporation PTY LTD (Taswater)

### 2.2 Context

The subject lands are located on a headland at Spring Bay, known as Louisville.

They are located on the eastern side of the Tasman Highway and to the south and west of the existing residential areas in Barton Avenue and Bernacchi Drive, as highlighted by the red outlines in Figure 1. The Eastcoaster Resort is located at the eastern end of Louisville Road.

The subject lands and titles to the west are larger lots that retain rural uses. Triabunna lies to the north of the subject headland and Orford lies to the south west. The wider site conditions are shown at Figure 1, with more detail shown in aerial photography of the site at Figure 2.

A detailed description of the planning and site context was provided at section 2 of the JMG Report. That assessment is supported.

### 2.3 Scenic Values

The nature and location of the landform provide significant scenic values to the surrounding areas, particularly given its location on Prosser/Spring Bays and proximity to Mercury Passage and Maria Island. It is understood that these landscapes are valued by the local population and visitors to the area. Visually, the site is exposed to traffic on Tasman Highway from Rospin's Beach and many other areas within Orford.

Scenic values are not considered to be relevant to assessment of AM2023-02

### 3.4 Surrounding Facilities

The subject lands are connected to the existing villages of Orford and Triabunna by road. Both Orford and Triabunna offer primary education, commercial, police and social/recreation facilities. Extensive recreation facilities are available within the wider area and east coast region generally.

### 3.5 Land Capability

The State based Land Capability mapping identified the subject lands as predominantly class 6 lands (approximately 244ha), with small portions of class 5 lands (total 20ha).

Lands subject to AM2023-02 shown with red boundary





Figure 2 – existing site conditions

### 3.6 Natural and Environmental Hazards

Listmap identifies that the site has the following attributes:

- it is subject to the Bushfire Hazard overlay under the Scheme;
- there are four small creeks through the property (as reflected by the Waterway & Coastal Protection Area overlay, identifiers 653264, 1754073, 653275, 1697510);
- there are multiple threatened native vegetation communities of Eucalyptus amygdalina forest and woodland on sandstone on the site;
- there are small areas of land identified as subject to landslip .

Listmap does not identify the site as subject to any overlays for flood or other environmental hazards or values.



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### 3.7 Special or significant features

Neither Listmap, Council records nor the supporting information identify the site contains any known scientific, aesthetic, architectural, historical and cultural values on the land that need consideration for AM2023-02.

### 3.8 Buildings and other improvements

The proposal documents, Listmap and Council records confirm the lands within AM2023-02 contains the following improvements:

Title	PID	Address	Improvements
178781/1	9073218	Lot 1 Tasman Hwy Orford TAS 7190	Mix pasture and native vegetation Cleared areas, dam, water holes, former gravel pit, access tracks
178781/1	9073218	Subdivision Road	Louisville road pavement
105304/1	7189758	Barton Av Triabunna TAS 7190	Native vegetation
148465/1	5972749	20 Louisville Rd Orford TAS 7190	Water service infrastructure (Taswater)

Aerial photography identifies that 8b Barton Ave contains no buildings or other improvements.

### 3.9 Land use history

The known land use history for the lands within of AM2023-02 include rural activities including grazing and land clearance.

### 3.10 Referrals

The final form of AM2023-02 was developed in consultation with the applicant (JMG) and the infrastructure section of Council. Statutory referrals will be completed if AM2023-02 is initiated.



### 3 PLANNING CONTROLS

The subject site is located within the Glamorgan Spring Bay Municipality and therefore subject to the provisions of the Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme).

#### 3.1 Zoning

Listmap identifies that the Barton Ave properties are zoned Rural Living A, with the balance of the subject land is in the Rural zone. The zoning of the subject site and surrounding area is shown in Figure 3.

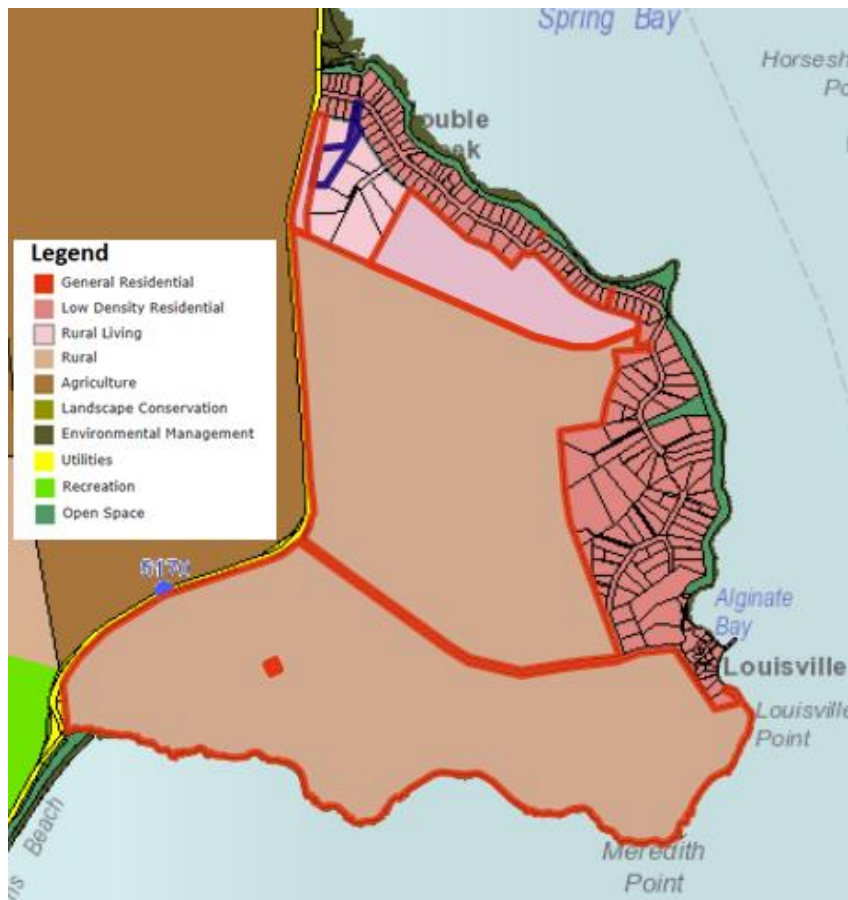


Figure 3 – Zoning extract

#### 3.2 Codes/Overlays

Listmap identifies the following overlays apply within the site:

- The entire site is identified as a Bushfire prone area (not shown for clarity);
- The existing creek and dam are subject to the Waterway and coastal protection area overlay;
- Much of the existing native vegetation is within with the Priority Vegetation Area Overlay;
- There are small areas of Landslip Hazard area overlay; and
- The Tasman Highway is subject to a Scenic Protection Corridor area overlay.

These are shown at Figure 4.



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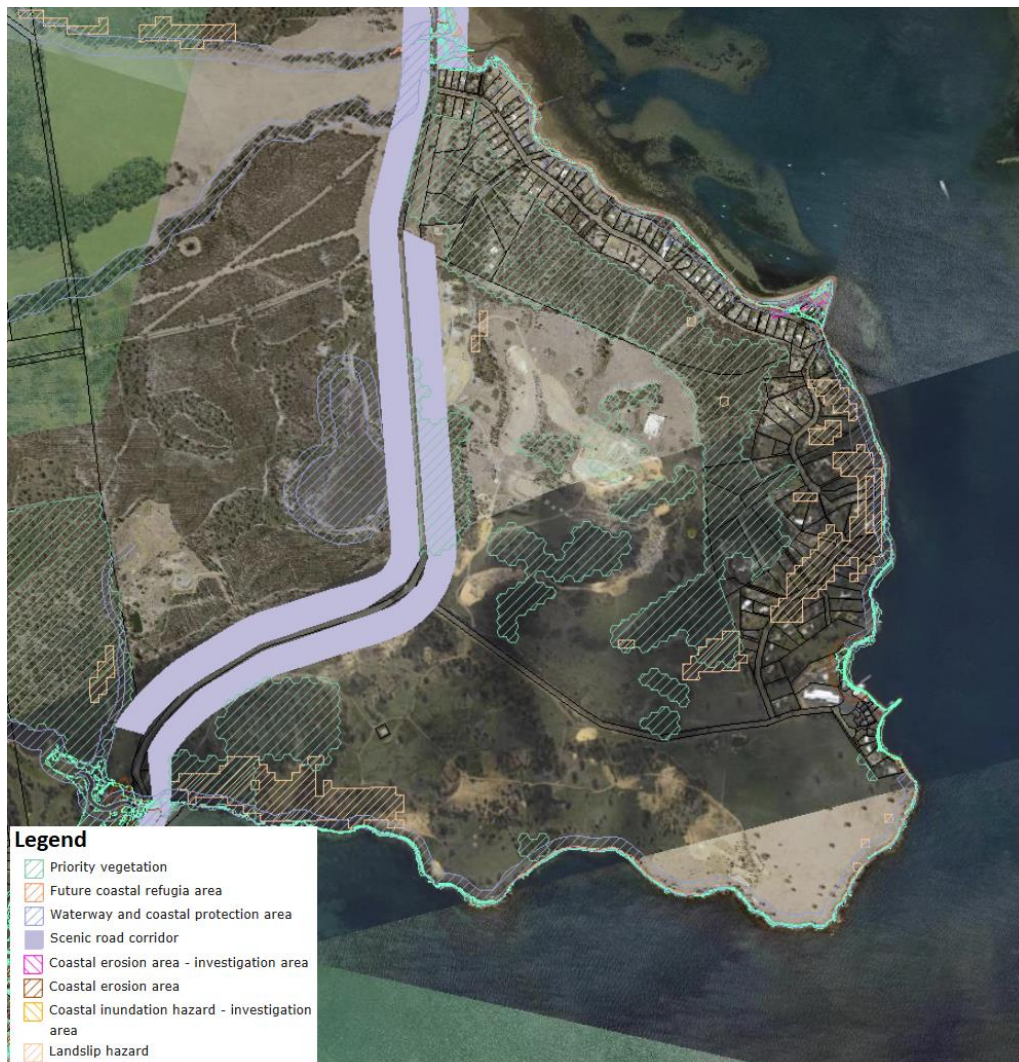


Figure 4 - Overlays within site

LISTmap identifies that the subject lands are within GSB-P3 Louisville Road Specific Area Plan, as shown on Figure 5. The SAP establishes standards in place of the Rural zone (GSB-S3.2.2) on the following matters:

- Local area objectives for the Golf, Open Space and Reserves, Residential, Hub and Eco Cabin precincts;
- Uses within the SAP;
- Use standards for precincts and non-residential use;
- Development standards for precincts, building height, building setback, building design, landscaping, energy & water efficiency and outbuildings;
- Subdivision for lot design, ways & open space, services, subdivision landscaping & lighting; and
- Precinct boundaries.



*Figure 5 – Specific Area Plan*

AM2023-02 does not seek to alter the zoning or overlays that apply under the LPS.  
There are no general overlays for Site Specific Qualifications or defined areas.



## 4 THE PROPOSAL

### 4.1 Brief description

AM2023-02 was made for a planning scheme amendment to make the following changes to GSB-S3 – Louisville Road Specific Area Plan:

- GSB-S3.7.5 Energy and water efficiency
  - rename the standard GSB-S3.7.5 Solar Access;
  - delete *minimise energy and water* use from the objective and replace with *solar access*; and
  - delete A2/P2 and A3/P3;
- GSB-S3.8.3 Services Energy and water efficiency
  - delete A3/P3 and A4/P4; and
  - insert a new A3/P3 for stormwater connection through subdivision, based on the equivalent provisions under the Tasmanian Planning Scheme and the statutory obligations on Council.

A detailed description of the amendment, options and reasons was provided at section 5 of the JMG Report. That assessment is accepted.

AM2023-02 addresses the requested amendment. A draft Instrument of Certification was provided as Attachment 1 to this report.

### 4.2 Reasons for AM2023-02

The JMG Report identified the reasons for the amendment at section 2, which essentially follows the difficulties complying with the subject provisions that were tested in Wyminga v GSB. That assessment is accepted.

In part, AM2023-02 results from a change to the approach for development of the Solis site. The original proposal is understood to have been for a complete, integrated residential community, golf course estate and eco-retreat that was to be developed as whole project without staging.

While the concept is understood to remain consistent with the original, recent applications identify that a staged approach will be taken towards development of the site. This is a departure from the original concept.

### 4.3 Request and Supporting Information

The JMG Report provides the written request for the amendment and supporting information for AM2023-02.

### 4.4 Owners Consent

Landowner consent was provided by the applicant for the titles as part of the documentation in the JMG Report.

### 4.5 Land Use Conflict

AM2023-02 seeks to change provisions that address sustainability and stormwater management through the development process. The requested changes do not increase the opportunity for use and development provided under other provisions of the SAP or the underlying Rural zone over the land.

As a result, AM2023-02 is not expected to impact the opportunity for land use conflict.

AM2023-02 was not identified as increasing opportunity for land use conflict.

### 4.6 Environmental, Economic and Social impacts

AM2023-02 seeks to:



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- remove provisions at GSB-S3.7.5 Energy and water efficiency that are no longer relevant to the statutory planning assessment process; and
- remove and revise provisions at GSB-S3.8.3 Services Energy and water efficiency to reflect current regulatory regimes.

Environmental impacts from the changes are addressed through other statutory regulatory regimes under the Building Act 2016 for the development process and various heads of power for the design and construction of infrastructure through the subdivision process.

AM2023-02 is not expected to create or increase the risk for adverse impacts on the environmental, economic and social conditions within the SAP.

#### **4.7 Referral to Government Agencies and authorities**

Since commencement of the LPS and operation of the Tasmanian Planning Scheme, referral of planning scheme amendments to Taswater is limited to combined amendments and planning applications under section 56N or 56O of the *Water and Sewerage Industry Act 2008*.

If initiated by the Planning Authority, AM2023-02 will be referred to Taswater as an affected property owner and as a relevant agency.

Other referrals will be required to relevant agencies if AM2023-02 is initiated by the Planning Authority.



## 5 CONSIDERATIONS FOR THE AMENDMENT

### 5.1 Overview

AM2023-02 seeks to:

- remove provisions at GSB-S3.7.5 Energy and water efficiency that are no longer relevant to the statutory planning assessment process; and
- remove and revise provisions at GSB-S3.8.3 Services Energy and water efficiency to reflect current regulatory regimes.

The JMG Report provides an analysis of various options for AM2023-02 at Section 3. That assessment is supported.

### 5.2 Request to amend

Section 37 of the Act provides for a person to request an amendment to the LPS. Section 38 requires a decision to be made within 42 days of that request being lodged and notification to the Tasmanian Planning Commission.

The JMG Report provides the request for the amendment under section 37(1) of the Act.

The documentation was lodged with the Council over a few months, with fees paid on ???. Requests for information and detail regarding parts of the amendment were addressed by the applicant.

### 5.3 Commission Publications

The Commission publication, Section 8A Guideline No. 1 Local Provisions Schedule (LPS): zone and code application (Guideline No.1) informs the zoning process under the Scheme. Guideline No.1 does not relate to AM2023-02.

The Commission published Practice Notes for the preparation and development of planning schemes and amendments. Practice Note 5 relates to drafting conventions for the Tasmanian Planning Scheme and is therefore relevant to AM2023-02.

Drafting Principle 7 establishes that *specific area plans, and site-specific qualifications are additional mechanisms for delivering planning policy and strategy.*

AM2023-02 seeks to remove and revise provisions that have become either redundant or outdated from the SAP. They reflect operation maintenance of provisions that was not possible under the Transitional Status declared to the subject provisions through the LPS process.

AM2023-02 was assessed as consistent with the drafting conventions and writing style sections of Practice Note 5. AM2023-02 does not impact applied, adopted or incorporated documents.

AM2023-02 was assessed as consistent with the requirements of Practice Note 5.

Practice Note 8 provides technical advice on the LPS written document and is therefore relevant to AM2023-02.

Section 4.6 of Practice Note 8 provides specific advice for drafting standards within a Specific Area Plans. The alterations proposed under AM2023-02 were assessed as consistent with section 4.6 of Practice Note 8.

AM2023-02 is therefore consistent with the requirements of the Commission publications.

### 5.4 Preparation and Certification

Section 38 requires the following:

- that a decision to support or refuse the amendment be made on the request within 42 days of that request being lodged;
- if supported, a decision confirming that the amendment meets the LPS criteria (as defined under section 32, and identified at Section 40F of the Act); and
- notification of the decision to the Tasmanian Planning Commission within 7 days.





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Section 40D allows the draft amendment to be prepared following a decision on a request under section 37(1). Section 40F requires that the draft amendment is certified as meeting the LPS Criteria.

The applicant worked with Council staff extensively to compose the request and satisfy questions regarding the details of the subdivision and associated infrastructure.

## 5.5 Section 32 – Contents of LPS

Section 32 of the Act regulates what a LPS can contain. These are addressed as follows.

- (1) *An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.*

AM2023-02 does not impact compliance with this requirement through the LPS.

- (2) *An LPS –*

- (a) *must specify the municipal area to which its provisions apply; and*

AM2023-02 does not impact the naming of the LPS.

- (b) *must contain a provision that the SPPs require to be included in an LPS; and*

AM2023-02 does not impact the SPP provisions required to be included within a LPS.

- (c) *must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and*

AM2023-02 does not impact the maps, overlays, lists or other provisions that provide for application of the SPP's to land.

- (d) *may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme; and*

AM2023-02 seeks revisions to the provisions within the SAP under the LPS. Compliance with sections 11 and 12 of the Act is not impacted.

- (e) *may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and*

AM2023-02 affects the provisions within an existing SAP through the LPS and does not impact spatial application of the SPP's.

- (f) *must not contain a provision that is inconsistent with a provision of section 11 or 12; and*

AM2023-02 seeks revisions to provisions within an existing SAP through the LPS. Compliance with sections 11 and 12 of the Act is not impacted.

- (g) *may designate land as being reserved for public purposes; and*

AM2023-02 does not seek to designate reserve status to land for public purposes.

- (h) *may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and*

AM2023-02 does not seek to alter the detailed application of the SPP's to a place or a specific matter.

- (i) *may, if permitted to do so by the SPPs, override a provision of the SPPs; and*

AM2023-02 does not seek to override any provision of the SPP's through the LPS.

- (j) *may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and*

AM2023-02 does not seek to modify application of the SPP's to a part of the municipal area.

- (k) *may, subject to this Act, include any other provision that –*

- (i) *is not a provision of the SPPs or inconsistent with a provision of the SPPs; and*



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- (ii) *is permitted by the SPPs to be included in an LPS; and*

AM2023-02 seeks changes to provisions within an existing SAP under the LPS. Consistency with provisions under the SPP's is not impacted. .

- (i) *must not contain a provision that the SPPs specify must not be contained in an LPS.*

SAP's are enabled through section LP1.5 of the SPP's.

- (3) *Without limiting subsection (2) but subject to subsection (4) , an LPS may, if permitted to do so by the SPPs, include –*
- (a) *a particular purpose zone, being a group of provisions consisting of*
    - (i) *a zone that is particular to an area of land; and*
    - (ii) *the provisions that are to apply in relation to that zone; or*
  - (b) *a specific area plan, being a plan consisting of –*
    - (i) *a map or overlay that delineates a particular area of land; and*
    - (ii) *the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or*
  - (c) *a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs*

AM2023-02 relates to an existing SAP under the LPS. The requirements of subsection 3 are not relevant to this assessment.

- (4) *An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
- (a) *a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
  - (b) *the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

AM2023-02 relates to an existing SAP under the LPS. The requirements of subsection 4 are not relevant to this assessment.

- (5) *An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.*

AM2023-02 is consistent with the requirements established at section LP1.5 Specific Area Plans of the SPP's.

- (6) *A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.*

AM2023-02 is consistent with the requirements established at section LP1.5 Specific Area Plans of the SPP's.

- (7) *A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area.*

This clause is not relevant to AM2023-02.

The conclusion of this assessment is that AM2023-02 complies with section 32 of the Act.



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## 5.6 Section 40F – Certification Criteria

Section 40F(1) of the Act requires that draft amendments must meet the LPS criteria at section 34(2) of the Act. These are addressed as follows.

- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*

AM2023-02 contains all the provisions that the SPP's specify must be contained in an LPS.

- (b) *is in accordance with section 32 ; and*

AM2023-02 complies with section 32 of the Act, as detailed at section 5.4 of this report.

- (c) *further the objectives set out in Schedule 1 ; and*

An assessment of AM2023-02 against the Schedule 1 Objectives was provided at section 5.7 of this report and found to comply.

- (d) *is consistent with each State policy; and*

AM2023-02 was assessed against the current State Policies at section 7 of this report and determined to be consistent with them.

- (da) *satisfies the relevant criteria in relation to the TPPs; and*

Tasmanian Planning Policies have not been established and are not relevant to AM2023-02.

- (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*

The nature of AM2023-02 does not impact compliance with the STRLUS at section 6.1 of this report and found to comply.

- (f) *has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*

AM2023-02 was assessed against the relevant sections of the Council Strategic Plan at section 6.3 of this report and found to comply.

- (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*

AM2023-02 proposes to change provisions under a SAP that is not located near the municipal boundary and adjoining LPS. AM2023-02 does not impact the operation of LPS in adjoining municipal areas. Complies.

- (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019 .*

AM2023-02 does not impact lands subject to the *Gas Safety Act 2019* (refer also section 7.5).

AM2023-02 complies with the requirements of the certification criteria under the Act.

## 5.7 Objectives of the Land Use Planning and Approvals Act 1993

Schedule 1 establishes the objectives of the Resource Management and Planning system of Tasmania. The JMG Report provided a detailed assessment against the objectives of the Act and determined that AM2023-02 complied (refer Tables 2 and 3). That assessment is supported.

The nature of the changes proposed under AM2023-02 does not require further consideration of the Part 1 Objectives.

It is submitted that the proposal meets each of the Part 1 Objectives.

The JMG assessment of the objectives set out in Part 2 of Schedule 1 is similarly supported. The following is noted.

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

AM2023-02 will remove the duplication of assessment and revise standards for assessment of stormwater infrastructure through the subdivision process to reflect specific statutory regimes.

AM2023-02 seeks to remove the duplication of assessment for stormwater management established under the *Building Act 2016* through the development and subdivision of land and as such, improves delivery of objective (e).

The examination of AM2023-02 confirmed compliance with the objectives of the Act.

It is submitted that AM2023-02 meets each of the stated objectives, and satisfies the objectives of the Resource Management and Planning System.



## 6. PLANNING STRATEGIES

### 6.1 Southern Tasmanian Regional Land Use Strategy

The *Southern Tasmanian Regional Land Use Strategy* (STRLUS) identifies itself as a high level strategic document to guide the future development of the southern region and provides the following definition:

*This Regional Land Use Strategy is a broad policy document that will facilitate and manage change, growth, and development within Southern Tasmania over the next 25 years ...*

*this document is the first iteration in an ongoing process...*

*the scope and detail of analysis supporting this document will need to be further progressed in the future.*

*(Southern Tasmania Regional Land Use Strategy 2010-2035, amended 19 February 2020, Page 1, Southern Tasmanian Councils Authority)*

The STRLUS provides a framework for consideration of proposals at the strategic level. Noting that it cannot reasonably be expected that strategic documents, such as the STRLUS, could possibly hope to anticipate, much less specifically support or reject every new proposal or concept that might eventuate over its projected 25-year lifetime, the STRLUS was amended in 2022 to provide some additional flexibility.

The JMG Report provided a detailed response to the relevant numerous criteria under SD1, SD7 and relevant policy statements (fere pages 17/18). That assessment is supported.

The nature of the changes proposed under AM2023-02 does not impact material compliance with the STRLUS.

The conclusion of this assessment was that AM2023-02 is consistent with the STRLUS.

### 6.2 Triabunna Orford Structure Plan 2016

Future growth of the Orford settlement was considered in the *Triabunna/Orford Structure Plan*, updated in June 2014 (Structure Plan). The Structure Plan provides the local strategy for Orford.

The Solis project was recognised in the Structure Plan as one of three key projects that would drive economic development, population growth and dwelling demands for permanent and visitor/holiday sectors.

The Structure Plan addressed the Solis site as follows:

- Solis was recognised as an approved area for residential expansion (section 3 figure 8);
- allocations addressed the Solis project as part of its future planning (section 5); and
- Solis was identified as the primary residential growth area under the Structure Plan (9.2.1).

AM2023-02 does not propose any alterations that would impact recognition of the Solis site as an approved residential area under the Structure Pan or delivery of its future development.

As a result, it is submitted that AM2023-02 complies with the intent and detailed recommendations within the Structure Plan.

### 6.3 Glamorgan Spring Bay Council Strategic Plan 2020-2029

The Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029 establishes the long term priorities for the organisation and region. The sections on guiding principles and key foundations are considered relevant to AM2023-02. AM2023-02 is consistent with the following:

Guiding Principles:

1. Balance economic and tourism growth with preserving our lifestyle, celebrating



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- our rich history and protecting the region's unique and precious characteristics.
2. Reinforce and draw on the strengths of our communities at both a local and regional level.
  6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

AM2023-02 is considered to be consistent with the Council Strategic Plan.



## 7. STATE POLICIES

State Policies were addressed at section 3 of the JMG Report. That assessment is supported.

### 7.1 State Policy on the Protection of Agricultural Land 2009

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture.

The land within the SAP was strategically recognised for its residential development potential in 2005 when the (then) Resource Planning and Development Commission approved AM04/04 to establish Schedule 7.2: Development Plan No.2 North & South of Louisville Road. That recognition was carried through to the LPS when the SAP was declared as a Transitional Provision by the Minister for Planning during the assessment process for the LPS.

It is noted that the lands were identified as unconstrained in the State project Land Potentially Suitable for Agriculture Zone that informed development of the SPP's and TPS. This was addressed through the LPS declaration process and saw the Rural zone retained over the lands, rather than the Agriculture zone applied to lands on the western side of the Tasman Highway.

Agricultural use of the land subject to the SAP is a legacy rather than a strategic consideration.

Section 3 of the JMG Report identified that the land subject to the SAP was not agricultural land within the meaning of the Policy.

Given the strategic recognition provided through Amendment 04/04 and extended through the LPS declaration process, that assessment and conclusion is supported.

This Policy is not relevant to AM2023-02.

### 7.2 State Coastal Policy 1996

The purpose of the policy is to protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection. The subject site is within 1 kilometre of the coast and the Policy therefore applies.

The technical response to development within coastal areas under the Policy was provided through the SPP's, which established a management regime through zones and codes that was assessed as compliant with the requirements of this policy. AM2023-02 does not seek to alter the regime established under the TPS.

AM2023-02 relates to the detailed wording of provisions that regulate development under the SAP and does not seek to alter the development opportunity established through the SAP.

As such, The State Coastal Policy was assessed as not relevant to assessment of AM2023-02.

The State Coastal Policy is not relevant to the assessment of AM2023-02.

### 7.3 State Policy on Water Quality Management 1997

The purpose of the Policy is to identify and maintain water quality at appropriate levels to the expected use.

The SPP's addressed the requirements of this Policy through the inclusion of zone and codes that addressed the specific requirements of the Policy. AM2023-02 does not seek to alter the regime established under the TPS.

AM2023-02 is considered to comply with this Policy.

### 7.4 National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* defines that a National Environment Protection Measure (NEPM) are taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002



- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The NEPM's were addressed by the SPP's. AM2023-02 does not alter the responses through the TPS. None of the NEPMs are known to apply within the SAP.

The NEPM's are not relevant to the assessment of AM2023-02.

#### **7.5 Gas Pipelines Act 2000**

The pipeline corridor is not in the vicinity of the subject site.

The Gas Pipelines Act 2000 is not a relevant consideration for AM2023-02.





## 9. CONCLUSION

AM2023-02 seeks to address operational issues with provisions under clauses GSB-S3.7.5 and SGB-S3.8.3 within GSB-S3 Louisville Specific Area Plan that were identified in the recent planning appeal decision *Wyminga v Glamorgan Spring Bay Council* [2022] TASCAT 4).

Assessment against the Act identified that AM2023-02 complied with:

- the LPS criteria at section 32 of the Act;
- the certification criteria at section 40F of the Act;
- the Schedule 1 objectives of the Act;
- the Southern Tasmanian Regional Land Use Strategy;
- the Council Strategic Plan 2020-2029; and
- current State Policies.

As demonstrated above, AM2023-02 is consistent with the relevant provisions of the Act.

Certification of AM2023-02 can be supported, with an appropriate instrument provided as Attachment 1 to this report.



## Attachment 1 – Draft Instrument of Certification

### Amendment AM 2023/02 Tasmanian Planning Scheme - Glamorgan Spring Bay

Amend provisions at GSB-S3 Louisville Road Specific Area Plan as follows::

1. delete the heading *GSB-S3.7.5 Energy and water efficiency* and insert *GSB-S3.7.5 Solar Access*; and
2. delete minimise energy and water use from the objective and replace with solar access; and
3. delete A2/P2 and A3/P3 at clause GSB-S3.7.5 Energy and water efficiency; and
4. delete A3/P3 at GSB-S3.8.3 Services Energy and water efficiency and insert:

<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <p>(a) the size of the lot;</p> <p>(b) topography of the site;</p> <p>(c) soil conditions;</p> <p>(d) any existing buildings on the site;</p> <p>(e) any area of the site covered by impervious surfaces; and</p> <p>(f) any watercourse on the land.</p>
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5. Delete A4/P4 at GSB-S3.8.3 Services Energy and water efficiency.

The common seal of Glamorgan Spring Bay Council  
is affixed below pursuant to the Council resolutions of  
of ~~xxxxx~~ 2023 and 27 July 2022 in the presence of:

General Manager (... June 2023)  
(minute reference ??/23)



## Profit and Loss

Glamorgan Spring Bay Council

For the 11 months ended 31 May 2023

Account	YTD Actual	YTD Budget	Budget Var	Var %	2022/23 Budget	Notes
<b>Trading Income</b>						
Rate Revenue	11,282,841	11,114,746	168,095	2%	11,114,746	1
Statutory Charges	656,251	714,317	(58,067)	-8%	777,716	2
User Charges	885,837	875,102	10,735	1%	999,658	
Grants	1,373,495	1,189,469	184,026	15%	1,845,049	3
Interest & Investment Revenue	482,440	330,014	152,426	46%	518,088	4
Contributions	625,392	175,291	450,101	257%	185,772	5
Other Revenue	1,927,833	1,122,250	805,583	72%	1,304,595	6
<b>Total Trading Income</b>	<b>17,234,088</b>	<b>15,521,189</b>	<b>1,712,899</b>	<b>11%</b>	<b>16,745,624</b>	
<b>Gross Profit</b>	<b>17,234,088</b>	<b>15,521,189</b>	<b>1,712,899</b>	<b>11%</b>	<b>16,745,624</b>	
<b>Capital Grants</b>						
Grants Commonwealth Capital - Other	935,832	1,420,383	(484,551)	-34%	5,756,383	7
Grants Commonwealth Capital - Roads to Recovery	491,545	300,816	190,729	63%	401,088	8
Grants State Capital - Other	218,381	49,123	169,258	345%	260,123	9
<b>Total Capital Grants</b>	<b>1,645,757</b>	<b>1,770,322</b>	<b>(124,565)</b>	<b>-7%</b>	<b>6,417,594</b>	
<b>Other Income</b>						
Net Gain (Loss) on Disposal of Assets	8,934	31,000	(22,066)	-71%	53,000	10
<b>Total Other Income</b>	<b>8,934</b>	<b>31,000</b>	<b>(22,066)</b>	<b>-71%</b>	<b>53,000</b>	
<b>Operating Expenses</b>						
Employee Costs	4,660,543	4,771,395	(110,853)	-2%	5,234,096	11
Materials & Services	7,481,585	7,623,950	(142,365)	-2%	8,289,660	12
Depreciation	2,918,456	2,929,718	(11,262)	0%	3,196,056	
Interest	142,763	161,605	(18,842)	-12%	213,820	
Other Expenses	210,199	194,953	15,246	8%	212,676	
<b>Total Operating Expenses</b>	<b>15,413,545</b>	<b>15,681,621</b>	<b>(268,076)</b>	<b>-2%</b>	<b>17,146,308</b>	
<b>Net Profit</b>	<b>1,820,543</b>	<b>(160,432)</b>	<b>1,980,975</b>	<b>-1235%</b>	<b>(400,684)</b>	
<b>Total Comprehensive Result (incl Capital Income)</b>	<b>3,475,235</b>	<b>1,640,890</b>	<b>1,834,345</b>	<b>112%</b>	<b>6,069,910</b>	

### NOTES OF BUDGET VARIANCES > \$50k.

1. Additional unbudgeted revenue from significant supplementary rate revaluations on individual properties due to ownership transfers occurring post 30 June 2022 property ratings.
2. Lower than budgeted Development Applications, Plumbing Permit Applications and 132/337 Certificates.
3. 2021/22 carry over unspent Parks grant funds \$93k not forecast. Federal Assistance Grants \$63k above forecast. Department of Health Grant of \$22k (Walking & Cycling Strategy) received not budgeted.
4. Higher than expected interest income due to increasing interest rates.
5. Public Open space contribution \$314k (increase of \$6k) and Subdivision contribution \$159k (increase of \$7k) higher than budget. Stormwater contribution budgeted of (\$25k) will not occur as developers are funding their own solution.
6. Medical turnover higher than estimate from higher patient throughput eg winter demand, additional locum (ie 5 doctors) on board, covid vaccinations etc \$584k (increase of \$80k). Received bank fees refund \$100k in September not budgeted.
7. Works budgeted but not complete Local Roads & Community Infrastructure Grant; for Buildings \$455k below forecast due to delay in getting works underway [includes Courthouse amenities, Coles Bay Annexe, Swansea Cricket nets, Spring Beach toilets, Saltworks toilet]; for Marine \$15k below forecast due to delays in getting works underway [includes Triabunna Marine shelter]. This is caused by revenue milestones not being achieved.
8. Roads to Recovery instalments received are \$190k more than expected through May 2023 due to work accelerated from 2023-24 program for pavement and reseal works.
9. Carry forward unspent grant funds, not forecast: Triabunna Recreation Ground \$137k work delayed. Received \$29k payment from State Emergency Services grant funding for Holkum Court works completed last year.
10. Sale of land (Spencer Street)
11. Staff vacancies and unplanned covid leave reflecting shortfall in capacity of available staff.
12. Black Summer Bushfire Recovery Grant for Telstra works received and being held to pay to Telstra when required (\$417k). Contractor costs and materials (\$76k) and (\$307) less than forecast indicating delays in market availability. Doctors cost and Locum cost over budget by \$234k & \$207k.

**Statement of Financial Position**

Glamorgan Spring Bay Council

As at 31 May 2023

<b>Account</b>	<b>31 May 2023</b>	<b>30 Jun 2022</b>
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	7,369,538	4,275,310
Trade & Other Receivables	629,407	663,874
Other Assets	20,400	40,800
<b>Total Current Assets</b>	<b>8,019,345</b>	<b>4,979,984</b>
<b>Non-current Assets</b>		
Investment in Water Corporation	31,282,379	31,282,379
Property, Infrastructure, Plant & Equipment	155,342,319	157,048,476
<b>Total Non-current Assets</b>	<b>186,624,697</b>	<b>188,330,854</b>
<b>Total Assets</b>	<b>194,644,042</b>	<b>193,310,838</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	931,581	648,824
Trust Funds & Deposits	420,825	428,299
Provisions	648,576	648,576
Contract Liabilities	0	1,384,139
Interest bearing Loans & Borrowings	419,110	697,774
<b>Total Current Liabilities</b>	<b>2,420,092</b>	<b>3,807,612</b>
<b>Non-current Liabilities</b>		
Provisions	74,762	74,762
Interest Bearing Loans & Borrowings	7,146,395	7,146,395
<b>Total Non-current Liabilities</b>	<b>7,221,157</b>	<b>7,221,157</b>
<b>Total Liabilities</b>	<b>9,641,249</b>	<b>11,028,769</b>
<b>Net Assets</b>	<b>185,002,793</b>	<b>182,282,069</b>
<b>Equity</b>		
Current Year Earnings	2,720,724	2,994,018
Retained Earnings	85,489,429	82,495,412
Equity - Asset Revaluation Reserve	96,077,994	96,077,994
Equity - Restricted Reserves	714,645	714,645
<b>Total Equity</b>	<b>185,002,793</b>	<b>182,282,069</b>

**Statement of Cash Flows**

Glamorgan Spring Bay Council

For the 11 months ended 31 May 2023

<b>Account</b>	<b>YTD Actual</b>	<b>2021/2022 Actual</b>
<b>Operating Activities</b>		
<b>Receipts from customers</b>		
Rates	10,967,678	9,787,616
Contributions	646,892	270,350
Other Income	1,908,344	3,566,080
Statutory Charges	662,656	836,366
User Charges	1,019,957	768,436
<b>Total Receipts from customers</b>	<b>15,205,527</b>	<b>15,228,849</b>
<b>Payments to suppliers and employees</b>		
Employee Costs	(4,631,701)	(5,122,083)
Payments to Suppliers	(7,777,981)	(8,101,789)
Other Expenses	(198,058)	(205,047)
<b>Total Payments to suppliers and employees</b>	<b>(12,607,740)</b>	<b>(13,428,919)</b>
Receipts from operating grants	659,418	1,845,087
Dividends received	310,500	496,800
Interest received	171,940	26,034
Finance Costs Paid	(142,763)	(232,520)
Cash receipts from other operating activities	644,399	789,806
<b>Net Cash Flows from Operating Activities</b>	<b>4,241,281</b>	<b>4,725,136</b>
<b>Investing Activities</b>		
Proceeds from sale of property, plant and equipment	449,060	140,116
Payment for property, plant and equipment	(2,267,068)	(5,947,748)
Receipts from capital grants	972,695	2,059,491
Other cash items from investing activities	0	195,321
<b>Net Cash Flows from Investing Activities</b>	<b>(845,313)</b>	<b>(3,552,820)</b>
<b>Financing Activities</b>		
Trust funds & deposits	(23,076)	54,414
Net Proceeds/(Repayment) of Loans	(278,665)	(458,263)
Other cash items from financing activities	0	468,081
<b>Net Cash Flows from Financing Activities</b>	<b>(301,741)</b>	<b>64,231</b>
<b>Net Cash Flows</b>	<b>3,094,228</b>	<b>1,236,547</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	4,188,352	2,951,806
Cash and cash equivalents at end of period	7,282,580	4,188,352
<b>Net change in cash for period</b>	<b>3,094,228</b>	<b>1,236,547</b>

**Capital Works Detail**

Glamorgan Spring Bay Council  
For the period 1 July 2022 to 31 May 2023

	Cost YTD	% cost spent	Status	Carry Fwd Last Year	Renewal Works	New Works	Adj Budget 2022/23	Original Budget 2022/23	Council Funded	External Funded	External Funding Source	Details	Comments
<b>Roads, Footpaths, Kerbs</b>													
Road accessibility (Black Summer)	89,950	40%	In progress		64,100	158,200	222,300	222,300		222,300	Black summer bushfire recovery		Progressing
Wielangta Road Corner Stabilisation	69,479	25%	In progress		140,000	140,000	280,000	280,000	140,000	140,000	Emergency management fund (TRRA NDRLGP)	50% 50% co contribution.	Tenders closed
Swansea Main Street Paving	691,182	73%	In progress	870,000	76,500		946,500	870,000	76,500	870,000	Community Development Cwth	Carried Fwd 20/21. Budget	Project progressing
Alma Rd Rehabilitation Orford	50,000	100%	Completed	50,000			50,000	50,000		50,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Complete
Sand River Road Buckland	-	0%	Not started		73,000		73,000	73,000	36,500	36,500	Assumes co-contr heavy vehicle fund		Co-funding by Defence
Resheet Program	84,343	100%	Completed		84,300		84,300	100,000	84,300			Reassess reallocation	Complete, excess to Carpark
Reseal Program	615,733	100%	Completed		613,300		613,300	443,300	212,213	401,087	Roads to recovery	Budget topup	Complete
Pavement renewal Program	50,000	100%	Completed		50,000		50,000	50,000	50,000				Complete
Design 2022-23	18,439	61%	In progress		30,000		30,000	30,000	30,000				Various design elements
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,669,126</b>		-	<b>920,000</b>	<b>1,131,200</b>	<b>298,200</b>	<b>2,349,400</b>	<b>2,118,600</b>	<b>629,513</b>	<b>1,719,887</b>			
<b>Bridges, Culverts</b>													
Bridge No 2902, Prosser, Woodsden Road	33,635	61%	Completed		55,000		55,000	55,000	44,000	11,000	Tas Relief & Recovery Arrangements	TRRA	Complete
Bridge Renewal Storm Repair Mar 2021	-	0%	Not started		66,000		66,000	66,000	56,000	10,000	Tas Relief & Recovery Arrangements	TRRA	Awaiting fair weather
17 Acre Creek Bridge Wielangta Rd	-	0%	Deferred				-	315,000			Bridge renewal program	Unsuccessful grant.	Grant unsuccessful
<b>Total Bridges, Culverts</b>	<b>51,693</b>		-	-	<b>121,000</b>	-	<b>121,000</b>	<b>436,000</b>	<b>100,000</b>	<b>21,000</b>			
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>													
Bicheno Triangle	24,679	5%	In progress	520,000			520,000	520,000		520,000	Community Development Cwth	Carried Fwd 2020/21	Tenders closed
Bicheno Gulch	44,038	3%	In progress	1,350,000			1,350,000	1,350,000		1,350,000	Community Development Cwth	Carried Fwd 2020/21	DA preparation continues
Coles Bay Foreshore	44,256	5%	In progress	865,000			865,000	865,000		865,000	Community Development Cwth	Carried Fwd 2020/21	Public consultation No2
Walking bridge Bicheno (timber)	2,429	9%	In progress		27,000		27,000	27,000	27,000				preparing works
Triabunna Recreation Ground Clubhouse	140,356	104%	Completed	135,000			135,000	135,000		135,000	State Government	Carried Fwd 2020/21	Complete
Triabunna Marina Carpark	17,667	113%	Completed	-	15,700	-	15,700	-	15,700	-			Reallocated from Resheet Program
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>273,425</b>		-	<b>2,870,000</b>	<b>42,700</b>	-	<b>2,912,700</b>	<b>2,897,000</b>	<b>42,700</b>	<b>2,870,000</b>			
<b>Stormwater &amp; Drainage</b>													
Pit and Pipe Infill works	581	1%	In progress	-	55,500	35,000	90,500	70,000	90,500			Budget topup	Design progressing
Sewerage - Swanwick entry road	7,138	59%	Completed	-		12,000	12,000	12,000	12,000				DA lodged
49 Rheban Rd design to West Shelley Bch Nautilus Detention Basin	-	0%	In progress	35,000			35,000	35,000	35,000			Carried Fwd 2021/22	Design options underway
Holkham Court	91,692	57%	In progress	160,000			160,000	160,000	160,000			Carried Fwd 2020/21	Culvert component complete
Upgrade Culvert 15 Old Spring Bay Rd Swansea	-	0%	Not started	-			-	97,000			Expecting 60k developer contribution	Not occurring. Cash impact.	Design underway
Stormwater management planning, investigation & design	14,425	58%	In progress	25,000			25,000	25,000	25,000			Carried Fwd 2020/21	Final catchment plans in
<b>Total Stormwater &amp; Drainage</b>	<b>113,836</b>		-	<b>220,000</b>	<b>55,500</b>	<b>47,000</b>	<b>322,500</b>	<b>399,000</b>	<b>322,500</b>	<b>-</b>			
<b>Building</b>													
Heli-pad Swansea Emergency Services	1,742	2%	In progress			107,000	107,000	107,000		107,000	Black summer bushfire recovery		Concept design for DA
Triabunna Depot kitchen bathroom	-	0%	In progress	15,000		-	15,000	10,000	15,000			Carried Fwd 2021/22 Budget	
Triabunna Marina Shelter	14,520	97%	In progress	15,000			15,000	15,000		15,000	Community Infrastructure Round 3	Carried Fwd 2020/21	
Install Solar Panels on the Swansea Community Hub building	636	100%	Completed	636			636	636		636	Men's Shed grant fund	Carried Fwd 2020/21	
Swansea Cricket Practice Nets	34,508	99%	In progress	35,000			35,000	35,000		35,000	Community Infrastructure Round 3	Carried Fwd 2020/21	
Swansea Courthouse refurbish toilet	31,267	42%	In progress	75,000			75,000	75,000		75,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Seeking contractors
Coles Bay Hall - Replace Annex	5,364	3%	Design	180,000			180,000	180,000		180,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Additional Cth- Grant applied
Spring Beach Toilet Refurbishment	-	0%	In progress	65,000			65,000	65,000		65,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Scoping works
Upgrade Triabunna office heating system	29,811	98%	Completed		30,300		30,300	-	30,300			Budget topup	Ordered
<b>Total Building</b>	<b>117,848</b>		-	<b>385,636</b>	<b>30,300</b>	<b>107,000</b>	<b>522,936</b>	<b>487,636</b>	<b>45,300</b>	<b>477,636</b>			
<b>Marine Infrastructure</b>													
Pylon Replacement - Marina	8,207	41%	In progress	20,000			20,000	20,000	20,000			Carried Fwd 2021/22	Design in progress
Saltworks Toilet	-	0%	In progress	100,000			100,000	100,000		100,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Waiting for PWS to lodge DA
Saltworks Boat Ramp Upgrade	-	0%	In progress	99,123			99,123	99,123		99,123	State Grant MAST	Carried Fwd 2020/21	Waiting for PWS to lodge DA
<b>Total Marine Infrastructure</b>	<b>8,207</b>		-	<b>219,123</b>	-	-	<b>219,123</b>	<b>219,123</b>	<b>20,000</b>	<b>199,123</b>			

**Capital Works Detail**

Glamorgan Spring Bay Council

For the period 1 July 2022 to 31 May 2023

	Cost YTD	% cost spent	Status	Carry Fwd Last Year	Renewal Works	New Works	Adj Budget 2022/23	Original Budget 2022/23	Council Funded	External Funded	External Funding Source	Details	Comments
<b>Plant &amp; Equipment</b>													
IT Computer Equipment	25,599	85%	In progress			30,000	30,000	30,000	30,000				
General	4,440	103%	Completed			4,300	4,300	-	4,300			Budget topup	Councillor chairs unbudgeted
Medical Equipment	-	0%	Not started			15,000	15,000	15,000	15,000				
2017 Mazda BT 50 dual cab F92RK - Works mgr	40,442	94%	Completed			43,000	43,000	43,000	43,000				Complete
2018 Ford Ranger dual cab H67MH - Works Sup	-	0%	Deferred			43,000	43,000	43,000	43,000				Mower replacement in lieu
2010 Ford Ranger B03UD Triabunna	32,215	101%	Completed			32,000	32,000	32,000	32,000				complete
2007 Hino 16t Tipper FR1649 swansea	-	0%	In progress			171,000	171,000	171,000	171,000				Ordered
2017 1570 terrain John Deere mower FA0800 Tri	26,750	89%	Completed			30,000	30,000	30,000	30,000				Ordered
<b>Total Plant &amp; Equipment</b>	<b>129,445</b>		-	-	-	<b>368,300</b>	<b>368,300</b>	<b>364,000</b>	<b>368,300</b>	-			
<b>Total Capital Works</b>	<b>2,363,580</b>	<b>35%</b>		<b>4,614,759</b>	<b>1,380,700</b>	<b>820,500</b>	<b>6,815,959</b>	<b>6,921,359</b>	<b>1,528,313</b>	<b>5,287,646</b>			



# Bicheno Memorial Hall Update

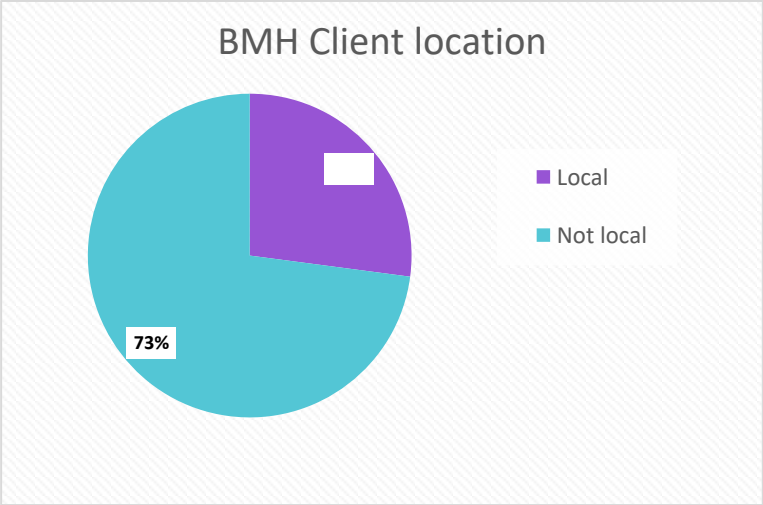
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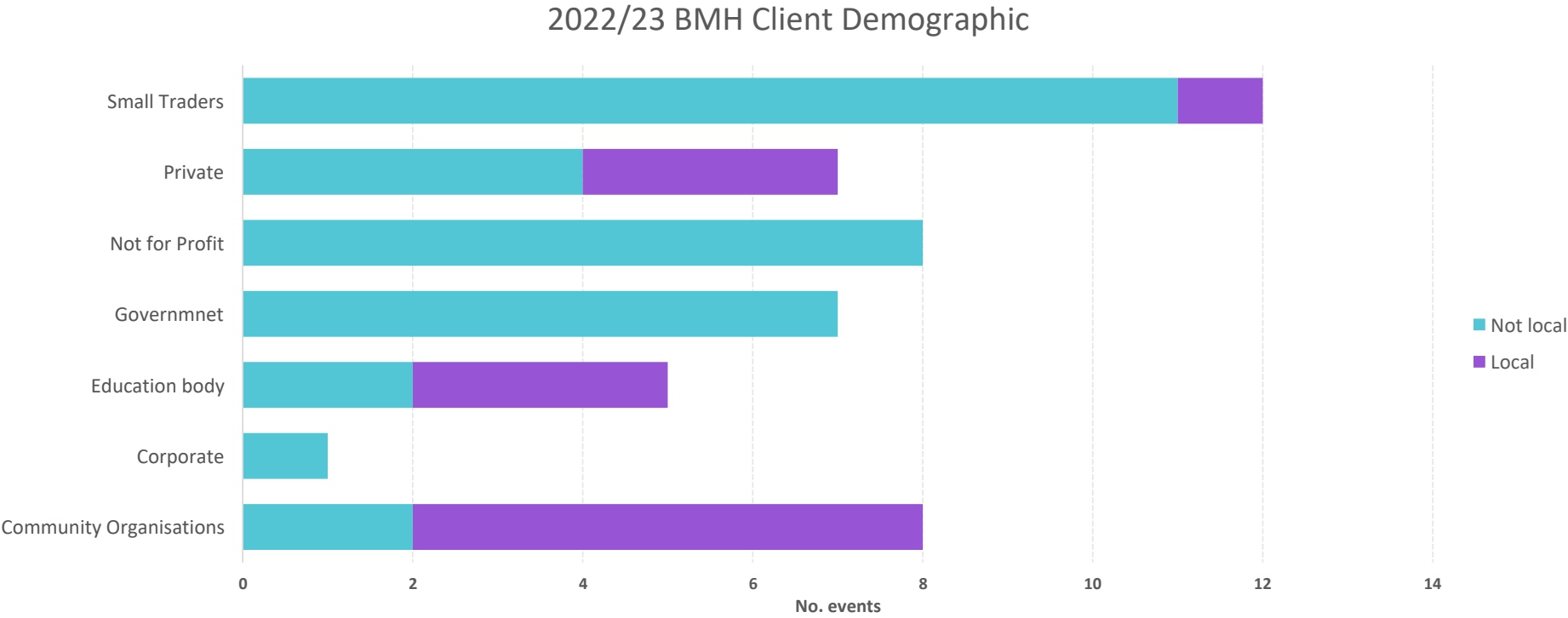
MARCH 2023

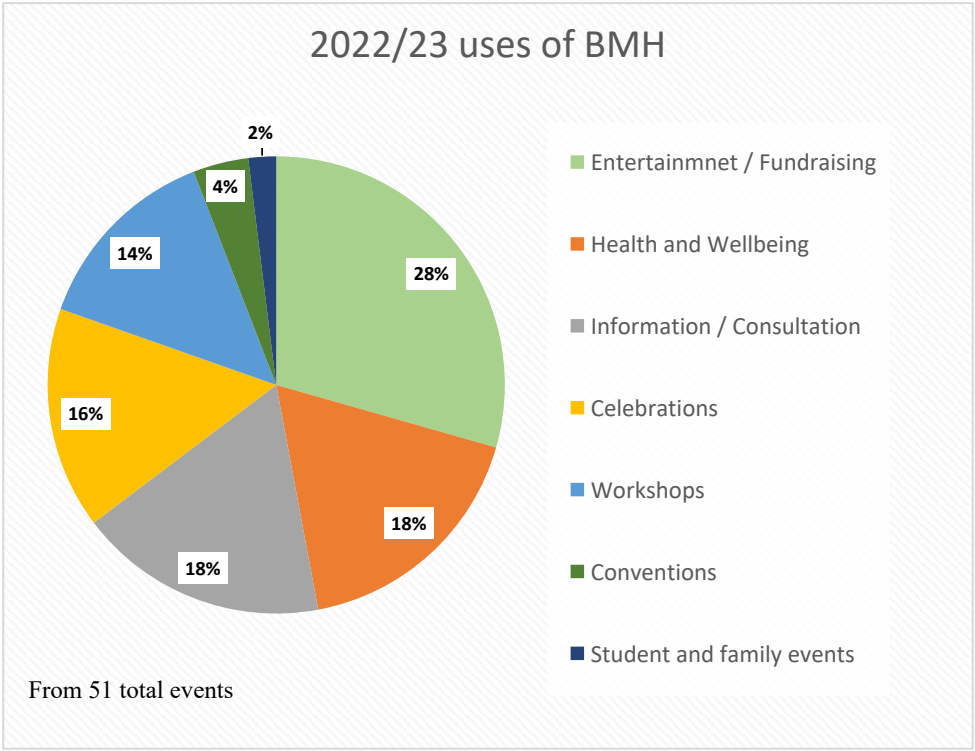


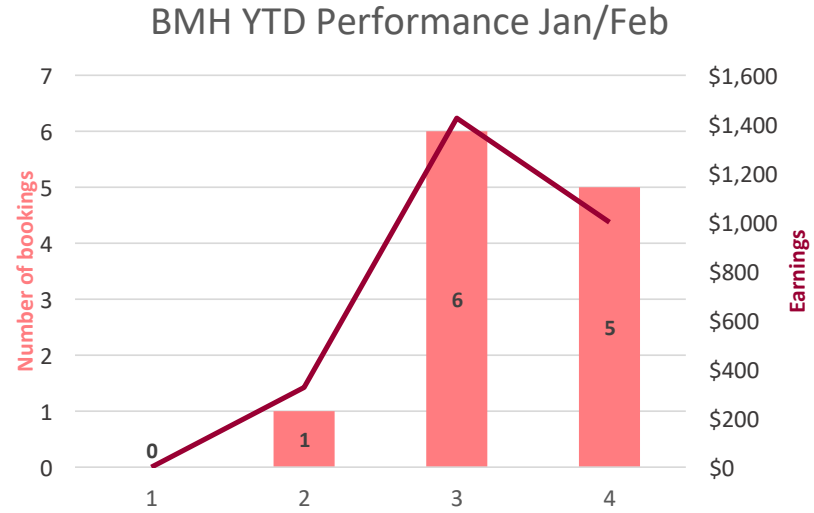
# survey

- [https://www.surveymonkey.com/analyze/data-trends/CQ440fMv70pT\\_2BX0GdKDot2a8eFY4Q4EpOvaitsy2yUk\\_3D](https://www.surveymonkey.com/analyze/data-trends/CQ440fMv70pT_2BX0GdKDot2a8eFY4Q4EpOvaitsy2yUk_3D)







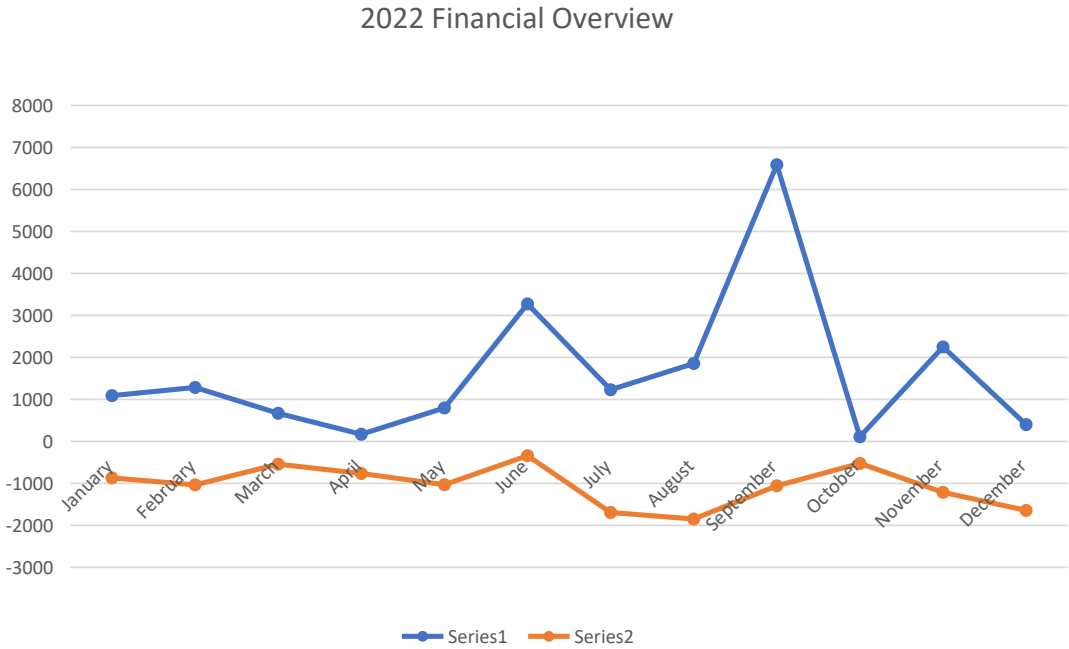


# AV AND LIGHTING

- After talking to Greg he had a few ideas for the hall.
- Need to run an Audio lead from the Projector to the control room, otherwise the PC used to project will need to be plugged into the mixer in that room.
- A master controller panel for Projector, screen, inputs, AV. We have one at school, is the size of a light switch with 9 touch switches.
- He suggested a JED Controller T 440.
- As for lights, he suggested 3×100watt warm white Fresnel LEDs across the front, 6 x coloured Led par cans on the stage lights bar. Note: this really needs to be refitted as not secure to standard according to him.
- A digital Light Desk Mixer. Same as Springbay Mill. Minimal training to operate.
- Cost of lights and desk currently \$8400 + fitting, cables. Greg reckons \$10,000 all up, bit more than I thought but it's good gear.

# Financial Performance 2022

Income      \$19 723  
Expenditure \$12 559  
**Nett                      \$ 7 164**



# The Committee

## Legal / Governance

- Manages the hall on behalf of the Council as a Section 24 Committee under the *Local Government Act 1993*

## *Public good purpose*

- Ensure the hall provides the most benefit to the Bicheno Community by: offering health, wellbeing, recreational and engagement opportunities; provide for functions and events that draw together locals as well as visitors.



# BMH Committee Reforms 2021

## Changes

- New [website](#)
- Revised fee schedule
- New booking and payment arrangements – everything done on-line / electronically
- Hall email address and calendar
- Function ready kitchen

## Results

- Increased use for events and functions
- Net profit of aprox \$6000 in 2022 FY
- Enquiries from around Australia as a result of the website

# BMH Workplan 2022

- improve the functionality and appeal of the facility
- market and promote the venue as desirable for functions and events for both local and external groups
- refine systems, processes and arrangements to ensure they are user-friendly, sustainable and provide financial stability

# Challenges

- Finding active committee members to progress ambitious agenda
- Ensuring good financial governance in a transactional environment
- Ensuring the focus and aims of the BMH committee are in strategic alignment with the broader community



9 Melbourne Street (PO Box 6)  
Triabunna TAS 7190

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✉ [admin@freycinet.tas.gov.au](mailto:admin@freycinet.tas.gov.au)

🌐 [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au)

## Application Form for Membership Section 24 Special Committees of Council

### Personal information:

Name	David Goodfellow				
Address	[REDACTED]				
Suburb				Postcode	7190
Phone					
Email					

### Name of Section 24 Special Committee of Council:

Marine Infrastructure Committee

### Please briefly describe your reasons for wanting to be a member of this Committee:

As a GSBC property owner for 17 years and a resident in Triabunna for 3 years, I have a keen interest in the development of the Port of Triabunna. There have been many improvements in recent years from Bicheno to Triabunna. In my opinion there is a lot that could be done to continue to improve facilities for the commercial and recreational boating communities. I would like to join the committee to add my maritime experience to create positive outcomes for the GSBC and the boating public.

## Relevant skills, interests or expertise you will bring to the committee:

I have worked in the maritime industry for the past 30 years as a professional yachtsman and in boat building/repairs and maintenance. For the past 20 years I have been a Master Mariner with various companies. I spent 7 years in Strahan as Master/Manager of Gordon River Cruises. For the past 12 years I have been a Master with Hobart based Offshore Unlimited on their vessels around the Australian coast. During a quiet period in the Oil & Gas industry I held a position with Navigators on the MONA ferries and also Osprey 5 on the Maria Island ferry service.

I also hold a marina berth lease in Triabunna with the GSBC.

## Please list any potential conflicts of interest:

NIL

## Applicant Declaration:

*I have read the Glamorgan Spring Bay Council Guidelines for Section 24 Special Committees of Council and understand that should my application be successful as a volunteer member of a Section 24 Special Committee of Council I would be expected to behave in accordance with these guidelines and the Terms of Reference for the committee I am a member of.*

Print Name:

DAVID GOODFELLOW

Signed:

Date:

24/4/2023



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 [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au)

## Application Form for Membership Section 24 Special Committees of Council

Personal information:	
Name	Geoff Kennedy
Address	
Suburb	Postcode 7190
Phone	
Email	

Name of Section 24 Special Committee of Council:

**Marine Infrastructure Committee**

Please briefly describe your reasons for wanting to be a member of this Committee:

I feel strongly about being involved in the local community and I feel that I can bring a diverse range of skills and experience to enable me to be an effective member of the committee.

Relevant skills, interests or expertise you will bring to the committee:

Five years as a project manager within the building industry enables me to understand planning and construction processes and costs.  
Extensive sailing and power boating experience across a range of recreational and commercial marine activities including Coxwain grade 1 qualification.  
I am respectful of environmental and community expectations.

Please list any potential conflicts of interest:

I own a 6.4m Trailer Boat.

Applicant Declaration:

*I have read the Glamorgan Spring Bay Council Guidelines for Section 24 Special Committees of Council and understand that should my application be successful as a volunteer member of a Section 24 Special Committee of Council I would be expected to behave in accordance with these guidelines and the Terms of Reference for the committee I am a member of.*

Print Name: G.D. Kennedy

Signed:

Date: 23.04.2023





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## Application Form for Membership Section 24 Special Committees of Council

### Personal information:

Name Peter Aulich

Address

Suburb

Phone

Email

### Name of Section 24 Special Committee of Council:

Marine infrastructure

### Please briefly describe your reasons for wanting to be a member of this Committee:

I have always been a keen boater in the area, 29 years. I use both Bichenor + Coles Bay Facilities & will have time available in the future to engage in this committee. I would like to see all boating facilities in the municipality maximise their potential & work to achieve more funding for all the facilities.



Relevant skills, interests or expertise you will bring to the committee:

I have excellent business skills having operated Bicheno LGA for 27 years. I have been on two business boards for large companies & chair of one. I was also on Little penguins child care board during Startup. I have a reasonable knowledge of construction & earth moving having owned my own Machinery. I am a keen fisher & boater.

Please list any potential conflicts of interest:

I have an expression of interest to obtain a berth at the Triabunna marina.

Applicant Declaration:

*I have read the Glamorgan Spring Bay Council Guidelines for Section 24 Special Committees of Council and understand that should my application be successful as a volunteer member of a Section 24 Special Committee of Council I would be expected to behave in accordance with these guidelines and the Terms of Reference for the committee I am a member of.*

Print Name:

Peter Aulich

Signed:



Date:

16-6-23



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🌐 [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au)

**Application Form for Membership  
Section 24 Special Committees of Council**

Personal information:	
Name	Steven Thompson
Address	
Suburb	
Phone	
Email	

Name of Section 24 Special Committee of Council:
Marine Infrastructure Committee

Please briefly describe your reasons for wanting to be a member of this Committee:
I wish to sit on this committee as I believe that given my Aquaculture experience I can provide back to the committee and community my knowledge and experience. Alongside this, having grown up in Strahan, I have a passion for the water and an even bigger passion to give back to small communities. I have been looking for a way for me to be able to provide back to the community I work in and, given my reasons above I believe that I am well suited to this role.

Relevant skills, interests or expertise you will bring to the committee:

I have been working on the water for most of my adult life. I currently manage a fleet of 10 vessels and barges varying in size from 7m to 27m, this also includes the management of the land and sea based infrastructure. I have also had extensive experience dealing with Tassal's larger vessels including our 86m Well Boat. I am well versed in the National Standard for Commercial Vessels (NSCV) and with MaST requirements locally. I understand that as time goes on, vessel and personal water craft are being more and more popular and, the infrastructure need to meet these requirements and, the requirements into the future while still being a viable and widely used public asset

Please list any potential conflicts of interest:

Although I do not believe this to be a conflict of interest as such but rather for noting, I am the current Site Manager for Tassal's Triabunna Marine Operations. It also pays to note that although I do not reside in the GSBC area full time, I work in Triabunna 5 days a week and have a vested interest in the community and future of the GSBC area.

Applicant Declaration:

*I have read the Glamorgan Spring Bay Council Guidelines for Section 24 Special Committees of Council and understand that should my application be successful as a volunteer member of a Section 24 Special Committee of Council I would be expected to behave in accordance with these guidelines and the Terms of Reference for the committee I am a member of.*

Print Name:	STEVEN THOMPSON
Signed:	
Date:	18/4/2023



# 2023/2024 COMMUNITY BUDGET SURVEY REPORT

PREPARED BY



Wineglass Bay, Freycinet National Park





## EXECUTIVE SUMMARY

Glamorgan Spring Bay Council conducted its inaugural Community Budget Survey over four weeks - from 20 February to 20 March 2023. The survey attracted 452 responses across 16 locations. This equates to 9% of the municipality's total population.<sup>1</sup>

Over 57% of respondents were aged 55+ which reflects the Council's aging population which has a median age of 57 years.<sup>2</sup>

The survey was designed to identify the community's priority spending areas and to understand their perceptions of the Council and its service delivery.

The Council's vision is to be, "Prosperous, vibrant and inclusive. A place where people want to live, work and visit."<sup>3</sup> This vision is shared by the community who prioritises spending on roads, maintenance and cleaning of public spaces, drainage and stormwater management. These priorities were reinforced through the community's low satisfaction levels towards the condition of local roads, the maintenance of public spaces and stormwater management. The community does not seek increased investment in public art, sport and the maintenance of town halls and expressed higher satisfaction in these areas.

The community prefers to receive Council-related information via social media (specifically Facebook) rather than Council meetings. The research outlines the community's spending preferences for FY 2023/2024 and provides a strong foundation for Council's planning priorities moving forward.

*This report provides a snapshot of the survey data. The full dataset including the breakdown of responses to each question is available via SurveyMonkey. Unless otherwise stated, statistics have been rounded to the nearest whole number.*

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<sup>1/2/3</sup> Source: Glamorgan Spring Bay Council Annual Report 2021/2022



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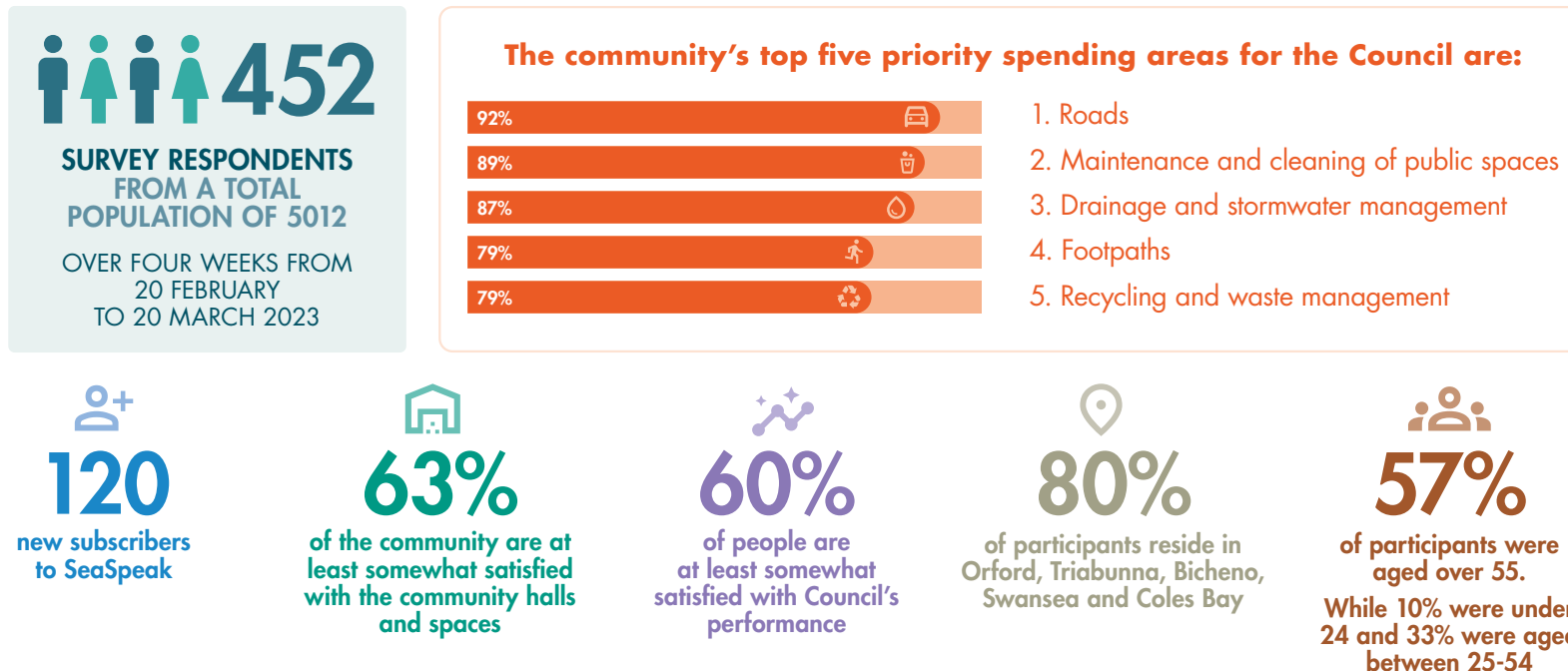
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# SURVEY SNAPSHOT

The aim of the survey was to identify the community's priority spending areas for Council in 2023/2024.

The survey was open to all community members and was promoted via seven channels including the Council's website and Facebook page. To maximise participation the survey was available online and in hard copy. Council records show that 19% of respondents completed the survey in hard copy.



The community prefers to receive information from the Council via social media (specifically Facebook), the Council's website and SeaSpeak.





# COMMON THEMES

The Council received over 200 written comments. 10 common themes emerged:

- ✓ Improve the roads
- ✓ Prioritise stormwater drains and sewerage management
- ✓ Build more footpaths, walkways and cycle tracks and fix the existing ones
- ✓ Increase waste management services through green waste and hard rubbish collections, and the installation of recycling bins in public places
- ✓ Lift the presentation and cleanliness of public spaces and toilets
- ✓ Upgrade playgrounds and open spaces
- ✓ Build new recreational facilities including a skatepark and swimming pool
- ✓ Improve healthcare services and accessibility
- ✓ Develop a long-term Strategic Plan for the municipality
- ✓ Protect the community's heritage and promote its future

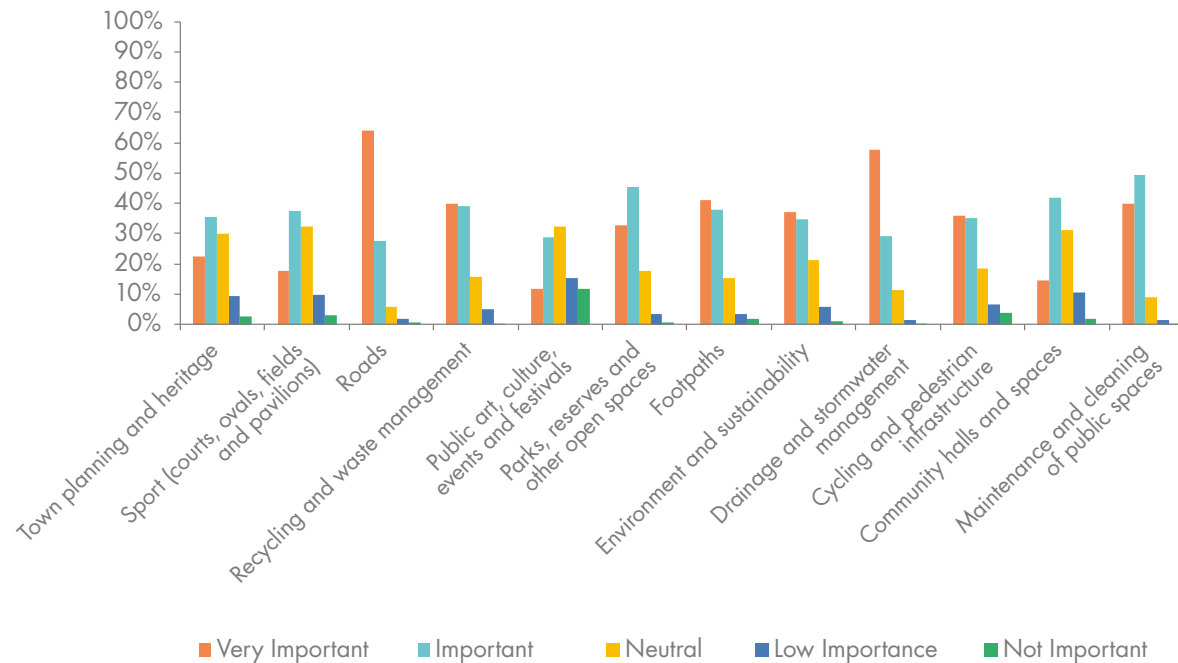




# COMMUNITY EXPECTATIONS ON COUNCIL SPENDING

**Q1: Council delivers many services and maintains an extensive network of community assets. All of these areas of Council service are important, but if you had to prioritise spending where would you like to see more attention in the coming year?**

Answered: 452 Skipped: 0





# COMMUNITY EXPECTATIONS ON COUNCIL SPENDING – ANALYSIS

The Council received 117 comments to Q1. Roads are the community's biggest priority with 91.63% of people classifying it as important or very important. They would like the maintenance and cleaning of public spaces; drainage and stormwater management; footpaths; recycling and waste management to be prioritised. This sentiment is reinforced in the written feedback.

Overall, the community expects Council to prioritise spending in the following areas:

Highest Priority	Council Service	Result <sup>4</sup>
1	Roads	91.63%
2	Maintenance and cleaning of public spaces	89.06%
3	Drainage and stormwater management	86.80%
4	Footpaths	79.19%
5	Recycling and waste management	78.97%
6	Parks, reserves and other open spaces	78.16%
7	Environment and sustainability	71.69%
8	Cycling and pedestrian infrastructure	71.10%
9	Town planning and heritage	57.95%
10	Community Halls and Spaces	56.41%
11	Sport (courts, ovals, fields and pavilions)	55.25%
12	Public art, culture, events and festivals	40.49%

<sup>4</sup> The results combine responses that prioritised the spending as either important or very important. These statistics have not been rounded to the nearest whole number due to the small variance between the results.



# COMMUNITY EXPECTATIONS ON COUNCIL SPENDING – ANALYSIS cont.

The community's lowest spending priorities are:

Lowest Priority	Council Service	Result <sup>5</sup>
1	Public art, culture, events and festivals	27.07%
2	Sport (courts, ovals, fields and pavilions)	12.53%
3	Community Halls and Spaces	12.36%
4	Town planning and heritage	12.26%
5	Cycling and pedestrian infrastructure	10.93%
6	Environment and sustainability	6.96%
7	Footpaths	5.43%
8	Recycling and waste management	5.14%
9	Parks, reserves and other open spaces	4.28%
10	Roads	2.49%
11	Drainage and stormwater management	2.02%
12	Maintenance and cleaning of public spaces	1.78%

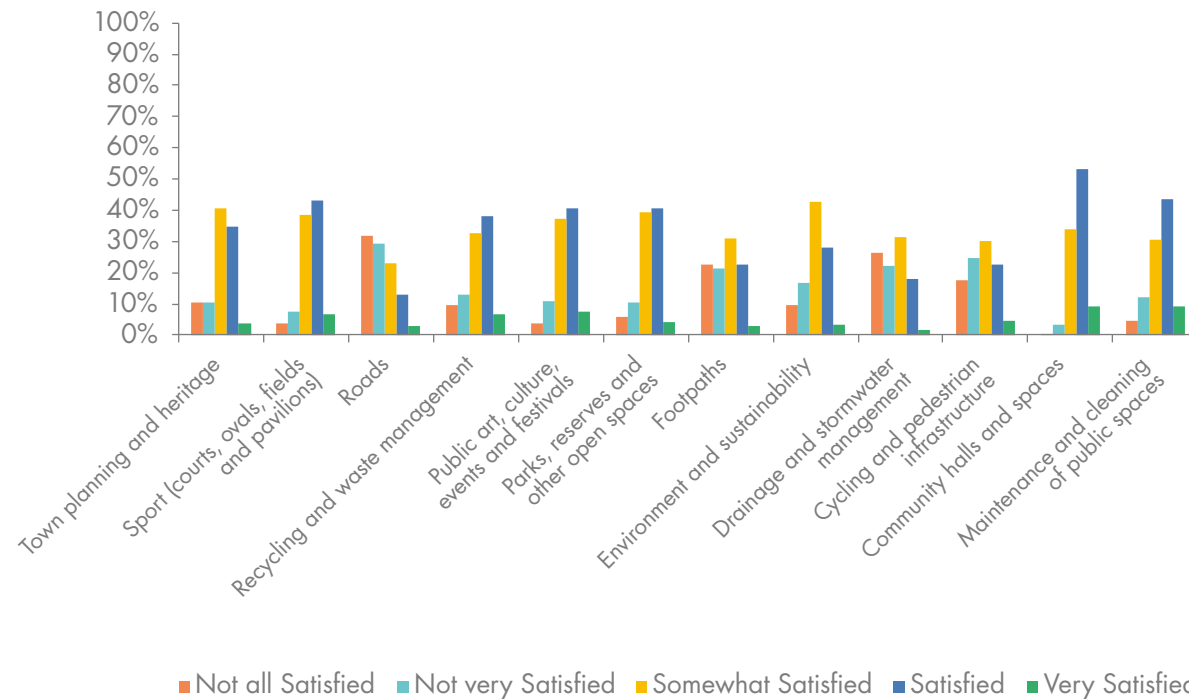
<sup>5</sup> The results combine responses that classified the spending as either low importance or not important. These statistics have not been rounded to the nearest whole number due to the small variance between the results.



# COUNCIL'S SERVICE DELIVERY

**Q2: For each of the following Council services, please rate the level of satisfaction with the Council's delivery.**

Answered: 452 Skipped: 0





# COUNCIL'S SERVICE DELIVERY – ANALYSIS

Overall, the satisfaction ratings are consistent with the community's spending priorities noted in Q1 – the higher the satisfaction level – the lower the investment needed in the upcoming financial year. Similarly, the lower the satisfaction level, the greater investment the community would like to see in these areas. This was clearly demonstrated in relation to roads, drainage and stormwater management and footpaths.

The community's satisfaction ratings across the Council's service delivery are:

Highest Priority	Council Service	Result <sup>6</sup>
1	Community Halls and Spaces	63%
2	Maintenance and cleaning of public spaces	53%
3	Sport (courts, ovals, fields and pavilions)	50%
4	Public art, culture, events and festivals	48%
5	Recycling and waste management	45%
6	Parks, reserves and other open spaces	45%
7	Town planning and heritage	38%
8	Cycling and pedestrian infrastructure	31%
9	Environment and sustainability	27%
10	Footpaths	25%
11	Drainage and stormwater management	20%
12	Roads	16%

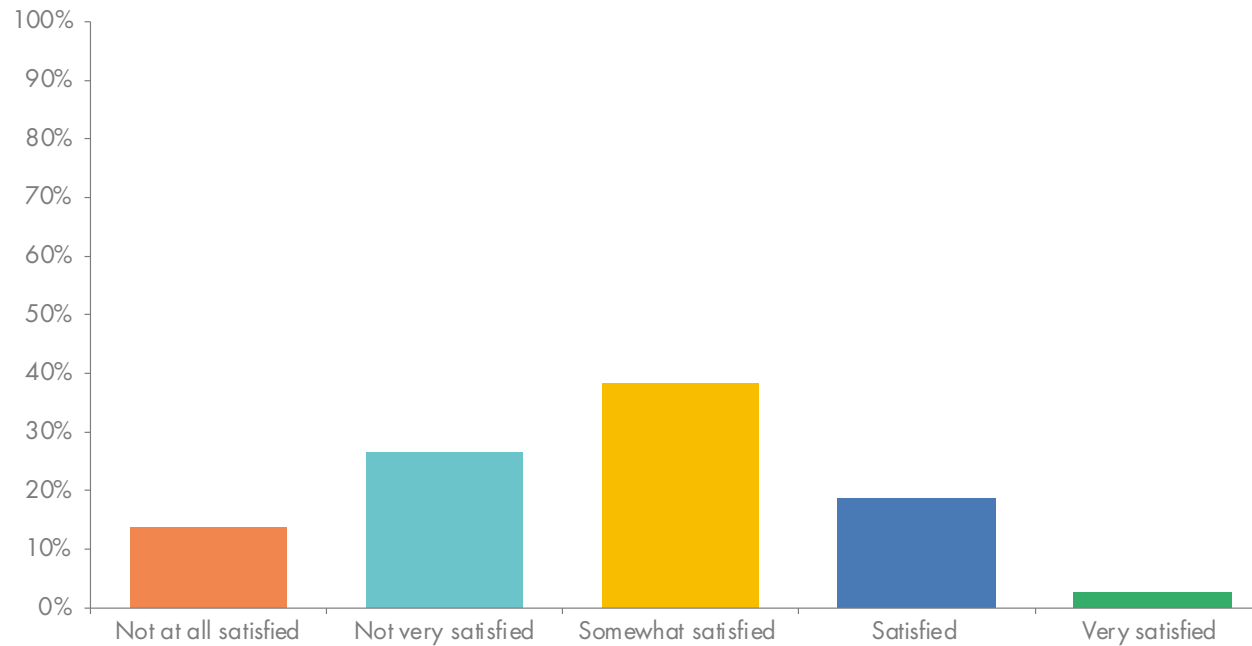
<sup>6</sup> The results combine responses that prioritised satisfaction as either satisfied or very satisfied.



# COMMUNITY SATISFACTION

**Q3: Overall for the last 12 months, how satisfied are you with the performance of Council, not just on one or two issues but across all responsibilities?**

Answered: 452 Skipped: 0





# COMMUNITY SATISFACTION – ANALYSIS

The data indicates that 60% of people are at least somewhat satisfied with Council's performance. When narrowing the data into smaller categories, it illustrates that:

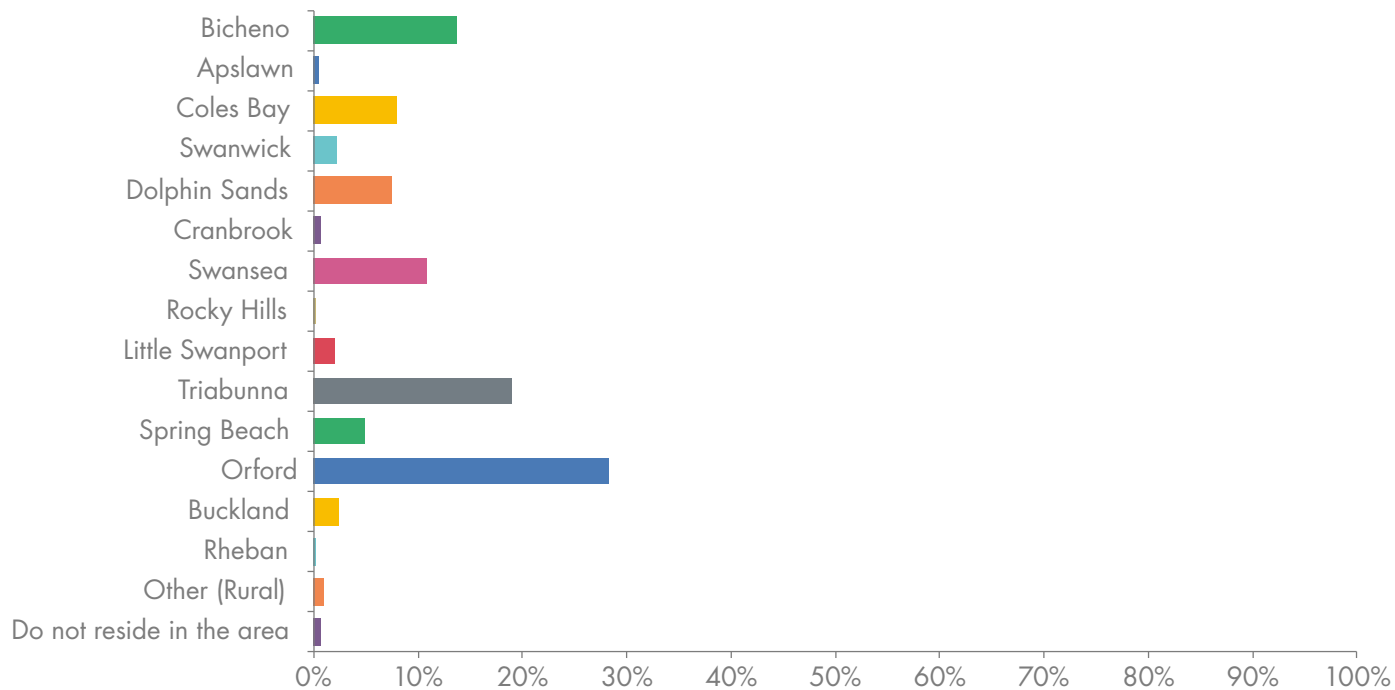
- ✓ 22% of people are either very satisfied or satisfied with Council's performance.
- ✓ 38% of people are somewhat satisfied with Council's performance.
- ✓ 40% of people are dissatisfied (not very satisfied or not at all satisfied) with Council's performance.



# SURVEY DEMOGRAPHICS – LOCATION

**Q4: Please indicate where you reside.**

Answered: 452 Skipped: 0







## SURVEY DEMOGRAPHICS – LOCATION – ANALYSIS

The five suburbs with the highest responses rates were:

1. Orford – 28%
2. Triabunna – 19%
3. Bicheno – 14%
4. Swansea – 11%
5. Coles Bay – 8%

The people in these suburbs accounted for 80% of the total survey responses.

Rheban and Rocky Hills had the lowest response rates with only one person from each community recorded as having completed the survey.

Of note, there is an anomaly or margin of error in the data for this question as the Council received 461 answers, despite only 452 people completing the survey.

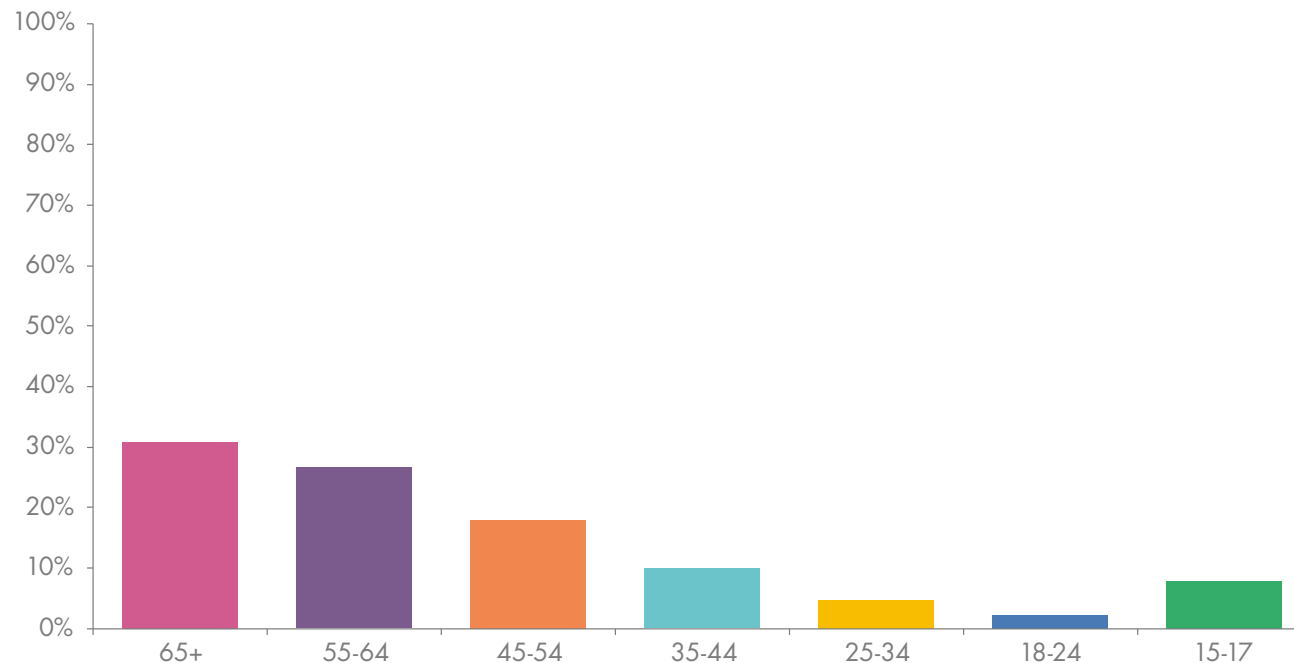


## SURVEY DEMOGRAPHICS – AGE

### Q5: What is your age group?

Answered: 452 Skipped: 0

57% of the respondents were over the age of 55 compared with 10% who were under 24. Those aged between 25-54 accounted for 33% of the people surveyed.

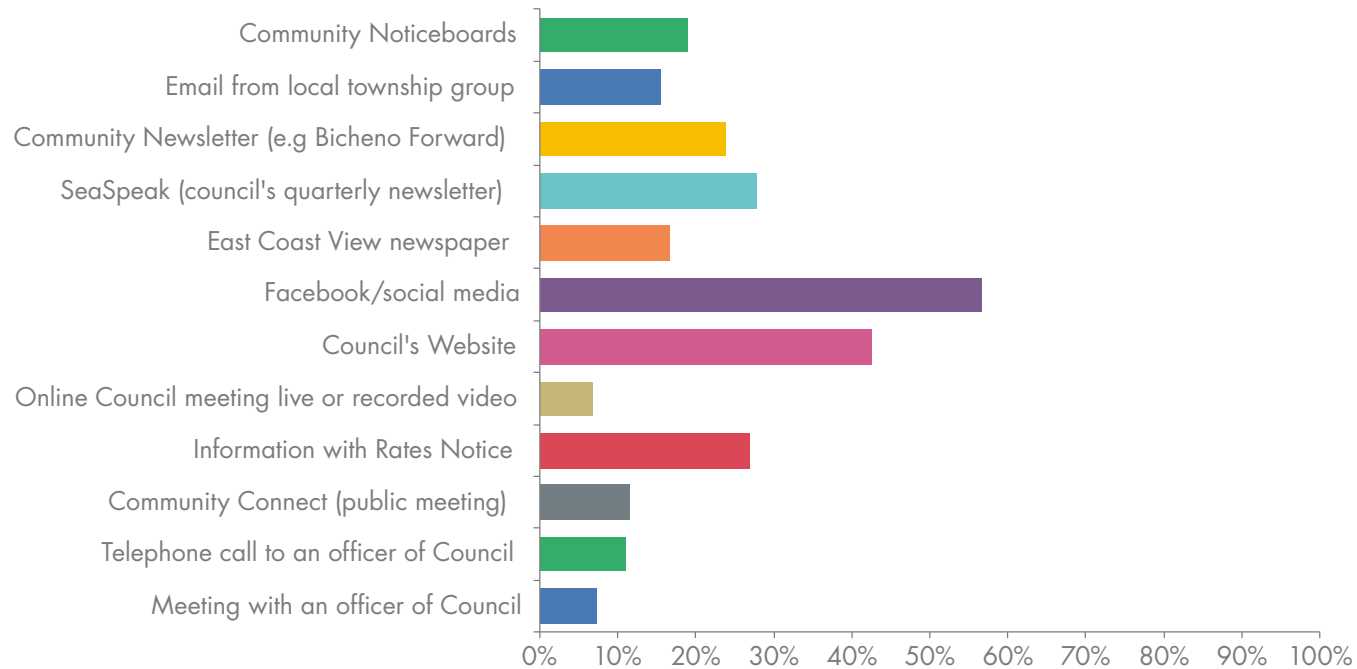




# COMMUNICATION PREFERENCES

**Q6: Council has a number of ways of reaching out with information to the community for engagement or simply to inform. Where do you prefer to go to find out information from Council? Choose up to 3 responses.**

Answered: 452 Skipped: 0





# COMMUNICATION PREFERENCES – ANALYSIS

The community's top five preferred communication methods are:

1. Social media (Facebook)
2. Council's website
3. SeaSpeak
4. Information with Rates Notice
5. Community newsletter

For general Council news, the community appear unlikely to use the following communication methods:

1. Online Council meetings live or recorded video
2. Meeting with an officer of Council
3. Telephone call to an officer of Council
4. Community Connect (public meeting)
5. Email from local township group

It is likely that when community members seek specific information from the Council, the above communication methods would be relied upon.



## SEASPEAK NEWSLETTER

***Q7: Would you like to receive Glamorgan Spring Bay Council's SeaSpeak Newsletter and other general communications, please provide your email address below in the comment box.***

Answered: 135 Skipped: 317

The survey generated 120 new subscribers to SeaSpeak. While this is positive, some community members feel that SeaSpeak is expensive and offers limited return on investment. Noting the Council's demographic, TriComm Consulting recommends that SeaSpeak be maintained for the benefit of the older community members.

### **Quotes about SeaSpeak:**

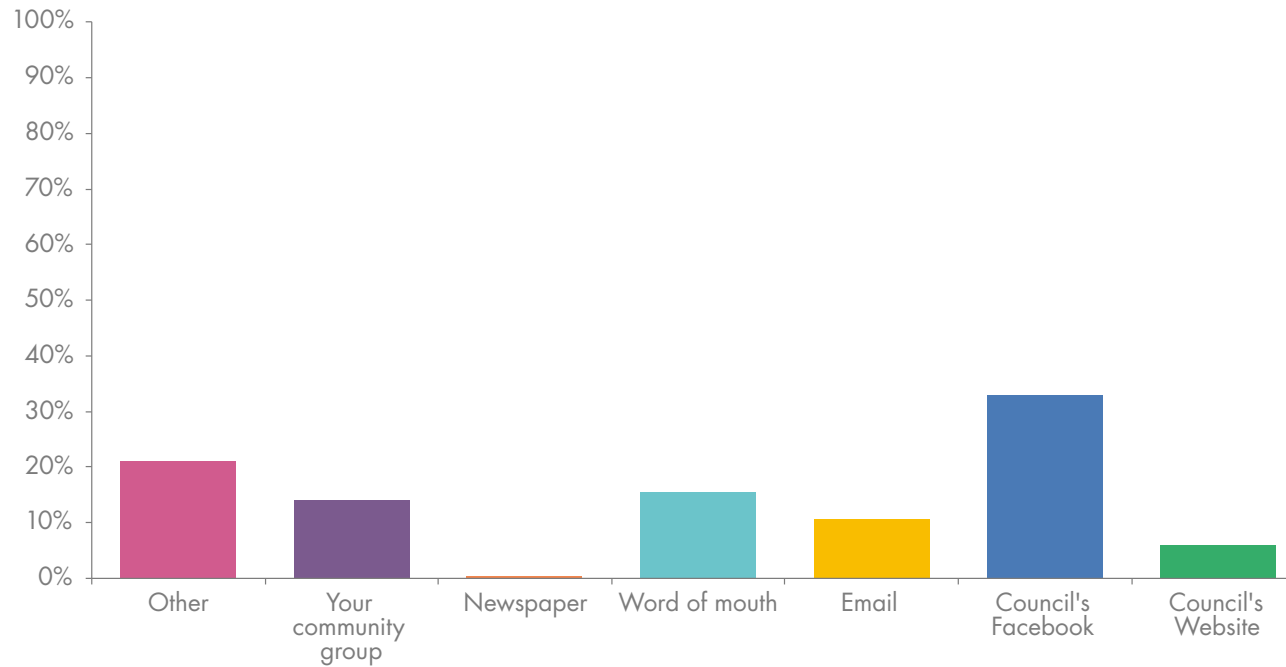
- *"This should be electronic to reduce cost."*
- *"Seaspeak is an unnecessary waste of council money and time. Posts on social media and in local newspapers are better and cheaper. I found out about the survey by Facebook on Voices of Glamorgan Spring Bay."*
- *"Yes, (I want to receive it) but by mail, not email. Internet is still an issue in much of the electorate."*
- *"If you use local groups to communicate to the greater population, please ensure the group is somehow registered, so that it is run appropriately. At the minute any small group can claim to be a 'community group'"*
- *"It's worth noting that your lack of community engagement is below par. There is more you could be doing when it comes to marketing and communications... Posting on Facebook and sending out a newsletter is not community engagement. Get out of your office and make an effort to see people in person more that doesn't involve attending an event just for good PR."*



# SURVEY AWARENESS

**Q8: How did you hear about the survey?**

Answered: 451 Skipped: 1





## SURVEY AWARENESS – ANALYSIS

33% of people heard about the survey through the Council's Facebook page. This was the most effective method of informing and engaging people, particularly when compared with other methods such as 'word of mouth' and 'community groups' which accounted for 15% and 14% respectively. Newsletters were the least effective communication method – reaching less than 1% of survey participants.

Over the four weeks that the survey was open, the Council put out five promotional Facebook posts. On four of the five occasions, the posts were reshared, with a total of 32 reshares over this period.<sup>7</sup>

This data aligns with the response to Q6 which highlighted that the community prefers to be communicated with via social media, specifically Facebook.

As of March, the Council's Facebook page has 797 likes and 976 followers.<sup>8</sup> Considering the responses to Q6 and Q8, the Council could conduct a social media campaign to increase its followers and strengthen engagement within the municipality.

Of note, the second most effective method of promoting the survey was 'other' at 21%, however it is unclear what these methods were. Should future surveys be conducted, it would be worthwhile adding a comments box to this question so that other channels not listed could be captured and analysed.

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<sup>7/8</sup> The data source: Council's Facebook page.



# RECOMMENDATIONS

Glamorgan Spring Bay Council's inaugural Community Budget Survey has laid a strong foundation for future surveys with the data providing insights into the community's funding priorities and expectations.

To strengthen community awareness of the Council's initiatives that are underway or planned, TriComm Consulting recommends:

1. The **Community Budget Survey be conducted annually**, preferably by an independent organisation to ensure the questions are robust, impartially worded and that future data is assessed against the insights from the FY 2023/2024 survey.
2. **Council conducts a communications audit** to identify the effectiveness of its external channels and approach.
3. A **Communications and Engagement Strategy be developed or an existing one refined** to align current and future communications with the community's preferences (i.e. the use of social media, Council website and SeaSpeak).





**Contact us:**

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While TriComm Consulting has made every effort to verify the accuracy of the data and analysis, we do not accept responsibility or liability. TriComm Consulting was not engaged in the development or data collection of the survey. The findings in this report should be considered in the context of Glamorgan Spring Bay Council's existing community data.

# Profit and Loss

Glamorgan Spring Bay Council  
Budget 2023-24 Draft

Account	Actual 2021/2022	Forecast 2022/2023	Budget 2022/23	Budget 2023/2024
<b>Trading Income</b>				
Rate Revenue	9,861,410	11,289,534	11,114,746	12,954,680
Statutory Charges	829,214	778,690	777,716	691,966
User Charges	648,599	865,442	999,658	980,945
Grants	1,834,907	2,094,328	1,845,049	1,863,715
Interest & Investment Revenue	522,834	582,658	518,088	611,200
Contributions	275,850	457,599	185,772	185,000
Other Revenue	3,553,613	1,934,722	1,304,595	1,825,339
<b>Total Trading Income</b>	<b>17,526,428</b>	<b>18,002,974</b>	<b>16,745,624</b>	<b>19,112,845</b>
<b>Gross Profit</b>	<b>17,526,428</b>	<b>18,002,974</b>	<b>16,745,624</b>	<b>19,112,845</b>
<b>Capital Grants</b>				
Grants Commonwealth Capital - Other	501,843	933,832	5,756,383	632,443
Grants Commonwealth Capital - Roads to Recovery	943,183	491,545	401,088	31,510
Grants State Capital - Other	348,765	215,381	260,123	757,500
<b>Total Capital Grants</b>	<b>1,793,791</b>	<b>1,640,757</b>	<b>6,417,594</b>	<b>1,421,453</b>
<b>Other Income</b>				
Net Gain (Loss) on Disposal of Assets	(329,737)	77,758	53,000	0
<b>Total Other Income</b>	<b>(329,737)</b>	<b>77,758</b>	<b>53,000</b>	<b>0</b>
<b>Operating Expenses</b>				
Employee Costs	4,841,334	4,992,027	5,234,096	5,703,597
Materials & Services	7,518,052	7,309,817	8,289,660	8,038,130
Depreciation	3,210,139	3,173,430	3,196,056	3,430,539
Interest	232,520	227,388	213,820	189,543
Other Expenses	194,420	196,369	212,676	219,284
<b>Total Operating Expenses</b>	<b>15,996,464</b>	<b>15,899,031</b>	<b>17,146,308</b>	<b>17,581,093</b>
<b>Net Profit</b>	<b>1,529,963</b>	<b>2,103,942</b>	<b>(400,684)</b>	<b>1,531,752</b>
<b>Total Comprehensive Result (incl Capital Income)</b>	<b>2,994,018</b>	<b>3,822,457</b>	<b>6,069,910</b>	<b>2,953,205</b>

# Statement of Financial Position

Glamorgan Spring Bay Council  
Budget 2023-2024 Draft

Account	Actual 30 Jun 2022	Forecast 30 June 2023	Budget 30 June 2023	Budget 30 June 2024
<b>Assets</b>				
<b>Current Assets</b>				
Cash & Cash Equivalents	4,275,310	6,984,225	3,664,068	3,822,968
Trade & Other Receivables	663,874	638,686	633,442	688,640
Other Assets	40,800	20,400	20,400	20,400
<b>Total Current Assets</b>	<b>4,979,984</b>	<b>7,643,311</b>	<b>4,317,911</b>	<b>4,532,009</b>
<b>Non-current Assets</b>				
Trade & Other Receivables	0	0	0	0
Investment in Water Corpo	31,282,379	31,282,379	30,419,394	31,282,379
Property, Infrastructure, Pl	157,048,476	155,162,170	146,004,022	159,053,798
<b>Total Non-current Assets</b>	<b>188,330,854</b>	<b>186,444,549</b>	<b>176,423,416</b>	<b>190,336,177</b>
<b>Total Assets</b>	<b>193,310,838</b>	<b>194,087,860</b>	<b>180,741,326</b>	<b>194,868,185</b>
<b>Liabilities</b>				
<b>Current Liabilities</b>				
Trade & Other Payables	648,824	1,200,000	1,200,000	1,200,000
Trust Funds & Deposits	428,299	342,000	342,000	342,000
Provisions	648,576	760,000	800,000	800,000
Contract Liabilities	1,384,139	50,000	0	-
Interest bearing Loans & B	697,774	697,774	2,053,467	182,063
<b>Total Current Liabilities</b>	<b>3,807,612</b>	<b>3,049,774</b>	<b>4,395,467</b>	<b>2,524,063</b>
<b>Non-current Liabilities</b>				
Provisions	74,762	100,000	110,000	110,000
Interest Bearing Loans & B	7,146,395	6,448,621	5,532,928	5,276,135
<b>Total Non-current Liabilities</b>	<b>7,221,157</b>	<b>6,548,621</b>	<b>5,642,928</b>	<b>5,386,135</b>
<b>Total Liabilities</b>	<b>11,028,769</b>	<b>9,598,395</b>	<b>10,038,395</b>	<b>7,910,198</b>
<b>Net Assets</b>	<b>182,282,069</b>	<b>184,489,465</b>	<b>170,702,932</b>	<b>186,957,987</b>
<b>Equity</b>				
Current Year Earnings	2,994,018	3,123,452	6,069,896	2,953,205
Retained Earnings	82,495,412	95,520,925	79,280,191	97,974,694
Equity - Asset Revaluation	96,077,994	84,672,844	84,672,844	84,672,844
Equity - Restricted Reserve	714,645	1,172,244	680,000	1,357,244
<b>Total Equity</b>	<b>182,282,069</b>	<b>184,489,465</b>	<b>170,702,932</b>	<b>186,957,987</b>

# Statement of Cash Flows

Glamorgan Spring Bay Council

Budget 2023-24 Draft

Account	Actual 30 Jun 2022	Forecast 30 June 2023	Budget 30 June 2023	Budget 30 June 2024
<b>Operating Activities</b>				
Receipts from customers	11,662,769	12,958,853	12,854,554	14,577,636
Payments to suppliers and employees	(13,428,919)	(12,027,764)	(14,000,274)	(14,200,554)
Receipts from operating grants	1,845,087	1,395,323	1,229,727	1,863,715
Dividends received	496,800	496,800	496,800	496,800
Interest received	26,034	85,858	21,288	114,400
Cash receipts from other operating activities	4,123,366	2,128,195	2,304,596	2,007,873
<b>Net Cash Flows from Operating Activities</b>	<b>4,725,137</b>	<b>5,037,265</b>	<b>2,906,691</b>	<b>4,859,871</b>
<b>Investing Activities</b>				
Proceeds from sale of property, plant and equipment	140,116	77,758	53,000	300,000
Payment for property, plant and equipment	(5,947,748)	(3,615,838)	(9,721,359)	(8,054,384)
Receipts from capital grants	2,059,491	1,640,757	6,016,506	1,421,453
Other cash items from investing activities	195,321	0	0	0
<b>Net Cash Flows from Investing Activities</b>	<b>(3,552,820)</b>	<b>(1,897,323)</b>	<b>(3,651,853)</b>	<b>(6,332,931)</b>
<b>Financing Activities</b>				
Trust funds & deposits	54,414	(86,299)	0	0
Net Proceeds/(Repayment) of Loans	(458,263)	(257,774)	(257,774)	(1,688,197)
Other cash items from financing activities	468,081	0	0	0
<b>Net Cash Flows from Financing Activities</b>	<b>64,232</b>	<b>(344,073)</b>	<b>(257,774)</b>	<b>(1,688,197)</b>
<b>Net Cash Flows</b>	<b>1,236,549</b>	<b>2,795,870</b>	<b>(1,002,936)</b>	<b>(3,161,257)</b>
<b>Cash and Cash Equivalents</b>				
Cash and cash equivalents at beginning of period	2,951,806	4,188,355	4,667,005	6,984,225
Cash and cash equivalents at end of period	4,188,355	6,984,225	3,664,068	3,822,968
<b>Net change in cash for period</b>	<b>1,236,549</b>	<b>2,795,870</b>	<b>(1,002,936)</b>	<b>(3,161,257)</b>

## Budget Capital Works Detail

Glamorgan Spring Bay Council  
2023/24 Budget

	2023/24 Budget	Government Funding	Council Funding	Details	Government Funding
<b>Roads, Footpaths, Kerbs</b>					
Road accessibility (Black Summer)	60,000	60,000		Carried Forward from 2022/23	Black summer bushfire recovery
Wielangta Road Corner Stabilisation	100,000	50,000	50,000	Carried Forward from 2022/23	Emergency management fund
Swansea Main Street Paving	200,000	200,000		Carried Forward from 2020/21	Community Development Grant Cwth
Sand River Road Buckland	40,000	20,000	20,000	Carried Forward from 2022/23	Assumes co-contribution heavy vehicle fund
Resheet Program	150,000		150,000		
Reseal Program	628,300	31,510	596,790		Roads to Recovery
Pavement renewal Program	365,000	231,356	133,644		Community Development Grant Cwth
Rheban Road Reinstatement	401,000	401,000			Community Development Grant Cwth
Footpath and disability compliance renewal	150,000		150,000		
Kerb & Channel Renewal	100,000		100,000		
Storm Damage Projects 2022	250,000	187,500	62,500		Emergency management fund
Design 2023-24	30,000		30,000		
Contingency	40,000		40,000		
<b>Total Roads, Footpaths, Kerbs</b>	<b>2,514,300</b>	<b>1,181,366</b>	<b>1,332,934</b>		
<b>Bridges, Culverts</b>					
Bridge - 17 Acre Creek Bridge Wielangta Rd	400,000	320,000	80,000		Bridge renewal program
Bridge - 24 Ferndale Rd	150,000	100,000	50,000		Bridge renewal program
Bridge - 47 Griffiths Rivulet Wielangta Rd	51,000	30,000	21,000		Bridge renewal program
Rosedale Rd 30% deck renewal	90,000	70,000	20,000		Bridge renewal program
<b>Total Bridges, Culverts</b>	<b>691,000</b>	<b>520,000</b>	<b>171,000</b>		
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>					
Bicheno Triangle	500,000	500,000		Carried Forward from 2020/21	Community Development Grant Cwth
Bicheno Gulch	1,300,000	1,300,000		Carried Forward from 2020/21	Community Development Grant Cwth
Coles Bay Foreshore	600,000	600,000		Carried Forward from 2020/21	Community Development Grant Cwth
Playground Renewals	115,507		115,507		
Walking/Cycling strategy	20,000	20,000			Department of Health
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>2,535,507</b>	<b>2,420,000</b>	<b>115,507</b>		
<b>Stormwater &amp; Drainage</b>					
Pit and Pipe infill works	60,000		60,000	Carried Forward from 2022/23	
49 Rheban Rd design to West Shelley Bch Nautilus Detention Basin	35,000		35,000	Carried Forward from 2022/23	
Holkham Court	40,000		40,000	Carried Forward from 2021/22	
Pit and Pipe Renewal Program	150,000		150,000		
System Upgrade	40,237		40,237		
<b>Total Stormwater &amp; Drainage</b>	<b>325,237</b>	<b>-</b>	<b>325,237</b>		
<b>Building</b>					
Heli-pad Swansea Emergency Services	107,000	107,000		Carried Forward from 2022/23	Black summer bushfire recovery
Triabunna Depot kitchen bathroom	15,000	15,000		Carried Forward from 2022/23	Black summer bushfire recovery
Coles Bay Hall Annexe	430,000	430,000			Community Development Grant Cwth
Public Amenities	100,000		100,000		
Triabunna Depot	65,000		65,000		
<b>Total Building</b>	<b>717,000</b>	<b>552,000</b>	<b>165,000</b>		
<b>Marine Infrastructure</b>					

2023-24 Budget

## Budget Capital Works Detail

Glamorgan Spring Bay Council

2023/24 Budget

	2023/24 Budget	Government Funding	Council Funding	Details	Government Funding
Saltworks Toilet	100,000	100,000		Carried Forward from 2021/22	Community Development Grant Cwth
Saltworks Boat Ramp Upgrade	99,123	99,123		Carried Forward from 2020/21	State Grant MAST
Triabunna Marina Car Park Upgrade	25,000		25,000		
<b>Total Marine Infrastructure</b>	<b>224,123</b>	<b>199,123</b>	<b>25,000</b>		
<b>Sewerage</b>					
Swanwick Waste Water Driveway Seal	10,000		10,000		
<b>Total Marine Infrastructure</b>	<b>10,000</b>	<b>-</b>	<b>10,000</b>		
<b>Plant &amp; Equipment</b>					
IT Computer Equipment	20,000		20,000		
F90LR BT-50 crew cab swansea	45,000		45,000		
MUX I62BW	45,000		45,000		
H92ME BT50 dual cab	45,000		45,000		
Backhoe Bicheno 4x4 JCB DH9566	160,000		160,000		
<b>Total Plant &amp; Equipment</b>	<b>315,000</b>	<b>-</b>	<b>315,000</b>		
<b>Renewal Balance</b>					
<b>Total Capital Works</b>	<b>7,322,167</b>	<b>4,872,489</b>	<b>2,449,678</b>		

2023-24 Budget

## Budget Loan Summary

Glamorgan Spring Bay Council

For the year ended 30 June 2024

Purpose	Opening Balance 1/07/2023	New Borrowings	Principal Repayment	Interest Repayment	Closing Balance 30/06/2024	Maturity Date
Triabunna Marina	1,415,702		79,488	51,409	1,336,214	20/05/2024** & 24/05/2025**
Prosser Plains Raw Water Scheme	4,230,692		108,709	122,535	4,121,984	29/04/2049
General - Interest Free*	1,500,000		1,500,000	15,600	0	31/3/2024
<b>Balance at 30 June</b>	<b>7,146,395</b>	<b>0</b>	<b>1,688,197</b>	<b>189,543</b>	<b>5,458,198</b>	

\*State Government Interest Free Support Loan, interest to be reimbursed from Treasury

\*\* Balloon payments to be refinanced

# GLAMORGAN SPRING BAY COUNCIL

## RATES RESOLUTIONS

### GENERAL RATE

- 1.1 Pursuant to Section 90 and 91 of the Local Government Act 1993 (here referred to as the “Act”), Council makes the following general rate for all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Glamorgan Spring Bay for the period commencing 1 July 2023 and ending 30 June 2024; which consists of:
- (a) A General Rate of 5.74 cents in the dollar of the assessed annual value (here referred to as “AAV”); and
  - (b) A fixed charge of \$330.00.

- 1.2 Pursuant to Section 107(1)(a) and (b) of the Act, by reason of use or predominant use of the land or non use of the land, namely:
- (a) For land within the municipality which is used or predominantly used for commercial purposes.
  - (b) For land within the municipality which is used or predominantly used for industrial purposes.
  - (c) For land within the municipality which is zoned for commercial purposes but which is not used for commercial purposes (i.e. vacant commercial).

Council declares by absolute majority that component (a) of the general rate in clause 1.1 is varied by increasing it by 5.76 cents in the dollar to 11.5 cents in the dollar of the AAV of the land.

- 1.3 Pursuant to Section 107(1)(a) and (b) of the Act, by reason of use or predominant use of the land or non use of the land, namely:
- (a) For land within the municipality which is used or predominantly used for vacant residential purposes.

Council declares by absolute majority that component (a) of the general rate in clause 1.1 is varied by increasing it by 0.94 cents in the dollar to 6.68 cents in the dollar of the AAV of the land.

### SERVICE RATES AND CHARGES

#### 2. WASTE MANAGEMENT SERVICE CHARGE

Pursuant to Section 94 of the Act, the Council makes the following service charges for waste management for rateable land within the municipal area of Glamorgan Spring Bay for the period commencing 1 July 2023 and ending 30 June 2024, namely:

- (a) A general waste management charge of \$158.00 for all rateable land; and
- (b) A charge of \$166.00 for all land that receives a residential waste collection service provided by Council; and
- (c) A charge of \$375.00 for all land that receives a commercial waste collection service provided by Council.



3. FIRE SERVICE RATE

- (a) Pursuant to Section 93 and Section 93A of the Act, Council makes the following fire protection service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the period commencing 1 July 2023 and ending on 30 June 2024, as follows:
  - (i) Urban Rate 0.3313890 cents in the dollar of AAV
  - (ii) Rural Rate 0.3346920 cents in the dollar of AAV
- (b) Pursuant to Section 93(3) of the Act, Council sets a minimum fire service contribution payable in respect of this service rate of \$48.00.

4. COMMUNITY MEDICAL SERVICE CHARGE

Pursuant to Section 94 of the Act, and regulation 32(b) of the *Local Government (General) Regulations 2005*, the Council makes the following service charge for the provision of community medical services for the period commencing 1 July 2023 and ending 30 June 2024 of \$90.00 for each rateable parcel of land.

5. SWANWICK WASTEWATER SYSTEM CHARGE

Pursuant to Section 100 of the Local Government Act 1993, by absolute majority, makes the following charge for the Swanwick Wastewater System for properties connected to the system in Swanwick for the period commencing 1st July 2023 and ending 30th June 2024, namely:

- (a) A charge of \$551.51 for all properties with a connection to the Swanwick wastewater treatment system managed by council.

SEPARATE LAND

- 6. For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

ADJUSTED VALUES

- 7. For the purposes of each of these resolutions any reference to assessed annual value or AAV includes a reference to that value as adjusted pursuant to Section 89 and 89A of the Act.

PAYMENT OF RATES AND CHARGES

- 8. Pursuant to Section 124 of the Act, for the period commencing 1 July 2023 and ending 30 June 2024, Council:
  - (a) Decides that all rates and charges payable to Council shall be payable by four (4) instalments which must be of approximately equal amounts.
  - (b) Determines that the dates by which instalments are to be paid shall be as follows:
    - (i) The first instalment must be made on or before the 31<sup>st</sup> of August 2023;
    - (ii) The second instalment must be made on or before the 30<sup>th</sup> of November 2023;
    - (iii) The third instalment must be made on or before the 29<sup>th</sup> of February 2024; and
    - (iv) The fourth instalment must be made on or before the 30<sup>th</sup> of April 2024.
  - (c) If a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

#### PENALTY AND INTEREST

9. Pursuant to Section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due:
  - (a) There is payable a daily interest charge of 0.02227397% (8.13% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

#### WORDS AND EXPRESSIONS

10. Words and expression used both in these resolutions and in the Local Government Act 1993 or the Fire Services Act 1979 have in these resolutions the same respective meanings as they have in those Acts.



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## **FEES AND CHARGES REGISTER**

**2023/2024**

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**Adopted:  
Minute No.**

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## ADMINISTRATIVE FEES

Type	Unit	2022-2023	2023-2024
Photocopying - Black and White A4	per page	\$0.10	\$ 0.15
Photocopying - Black and White A3	per page	\$0.35	\$ 0.40
Photocopying – Colour A4	per page	\$0.55	\$ 0.60
Photocopying – Colour A3	per page	\$1.25	\$ 1.35
Search and copy of permit and plans	per application	\$53	\$ 57

## MARINE INFRASTRUCTURE FEES

Type	Unit	2022-2023	2023-2024
Marina Berth - Private use Fixed Jetty	per year	\$ 4,313	\$4,464
Marina Berth- Private use Floating Pontoon	per year	\$ 5,405	\$5,594
Marina Berth - Commercial Tour Floating Pontoon (Single phase)	per year	\$ 5,405	\$5,594
Marina Berth - Commercial Fishing Floating Pontoon (Three phase)	per year	\$ 5,693	\$5,892
Marina Berth – Casual Rate (Daily)	per day	\$46	\$48
	per week	\$173	\$179
	per month	\$552	\$ 571
Fisherman's Wharf Fee > 18m length	Annual	\$1,587	\$1,643
Fisherman's Wharf Fee boats >18m length	Annual	\$2,381	\$ 2,464
Fisherman's Wharf – Casual Rate	per day	\$46	\$48
	per week	\$173	\$179
	per month	\$575	\$ 595
Fisherman's Wharf – Unloading Fee	each	\$69	\$71
Fisherman's Wharf – Cleaning Fee (When required)	each	\$92	\$95
Use of Single-phase power at wharf - Per connection	up to 24 hours	N/A	N/A
Use of Three Phase Power - Per connection	up to 24 hours	\$35	\$36
Maintenance work on vessels at wharf	per day	\$92	\$95
	per week	\$575	\$595

## WASTE MANAGEMENT TRANSFER STATION FEES

Type	Unit	2022-2023	2023-2024
General waste (min \$5)	per cubic meter	\$27	\$29
Compactor Vehicle	per cubic meter	\$38	\$41
Recyclable materials		no charge	no charge
Metals / Oils / Batteries		no charge	no charge
Mattresses		-	\$25
<b>Greenwaste:</b>			
Car boot load	each load	\$5	\$6
Utility tub tray / flat tray	each load	\$10	\$11
Trailer single axle (no cage)	each load	\$10	\$11

Trailer single axle (with cage)	each load	\$15	\$17
Trailer double axle (no cage)	each load	\$15	\$17
Trailer double axle (with cage)	each load	\$25	\$27
Loads larger than above	per cubic meter	\$8	\$9
<b>Tyre disposal:</b>			
Car	per tyre	\$15	\$17
Small truck/4WD	per tyre	\$18	\$20
Large truck	per tyre	\$25	\$27

## CEMETERY FEES

Type	Unit	2022-2023	2023-2024
Plot Reservation Certificates - General	each	\$308	\$330
Niche Wall Allocation	each	\$242	\$259
Old / Lawn Section burials	each	\$1,062	\$1,136
Children – max coffin size 1350mm x 450mm	each	\$385	\$412
Re-open Fee (Old / Lawn section)	each	\$869	\$929
Burials outside working hours (additional charge)	each	\$528	\$565

## KERBSIDE VENDOR & STALL FEES

Type	Unit	2022-2023	2023-2024
Kerbside Vending Fees	per year	\$1,058	\$1,132
	per month	\$106	\$114
Stall Holders	per event	\$27	\$29

## PLANNING AND DEVELOPMENT FEES

Type	Unit	2022-2023	2023-2024
Basic Fee	Each	\$140	\$150
<b>Base Application Fee (Required for to all applications)</b>	\$0 - \$100,000	\$161	\$161
Value of Works	\$100,001 - \$499,999	\$802	\$802
	\$500,000 - \$999,999	\$1,497	\$1,497
	\$1,000,000+	\$1,799	\$1,799
<b>Scaled Assessment Fee (Applicable to All Applications)</b>			
For every \$1,000 value of work where value of work is	>\$25,000	\$1.80	\$1.80
<b>Discretionary Assessment Fee</b>			
For all discretionary applications	each	\$182	\$195
<b>Subdivision Assessment Fee</b>			
Minor boundary adjustment	each	\$161	\$173
Base fee	each	\$789	\$844
New lot assessment fee (per lot)	each	\$65	\$70

<b>Public Notification Fee</b>			
For all discretionary applications	each	\$450	\$482
For planning scheme amendment & level 2 activities	each	\$1,176	\$1,258
<b>Minor Amendment Fee</b>			
Permitted Application	each	\$140	\$150
Discretionary Application	each	\$279	\$299
<b>Planning Scheme Amendment</b> (Note: Application assessment fees & TPC fee also payable in addition)			
Assessment Fee	each	\$14,426	\$15,422
<b>Extensions of time</b>			
Extension of 2-year substantial commencement	each	\$138	\$148
<b>Developer Contribution Fee</b>			
Cash in lieu of car parking	each	Per Policy = (cost of land + construction cost) x 0.5	Per Policy = (cost of land + construction cost) x 0.5
<b>Part 5 Agreements</b>			
Execution of Part 5 Agreement	each	\$482	\$516
Or if required by Planning Permit	each	\$321	\$344
<b>Region Land Use Strategy</b>			
Request to amend Regional Land Use Strategy	each	\$2,939	\$3,142
<b>Specialist Assessment of DA Required</b>			
EIA or specialist study to be assessed by suitably qualified person not contained within Council (e.g. archaeologist). Actual amount charged shall be paid by applicant in addition to applicable fee.	each	Cost of the peer review study + 15% administration fee	Cost of the peer review study + 15% administration fee
<b>Development Engineering</b>			
Plan assessment & inspection	each	1% of certified value of work, minimum \$467	1% of certified value of work, minimum \$500
Re-inspection fee		\$191	\$205
Review of updated drawings fee	per set	\$250	\$268
Permit fee - conduct an activity or any work within a council road/street	each (Domestic)	\$125	\$134
	each (Commercial)	\$175	\$188
Stormwater connection and inspection fee	each (Kerb or pit connection)	\$1,100	\$1,176
	each (Drain)	\$250	\$268
Infrastructure protection bond (Protection of existing footpaths, kerbs etc)	each	POA	POA

Contribution fee for WSUD (per lot)	each	\$1,800	\$1,925
<b>Strata Title Act 1998</b>			
Strata scheme assessment	per lot	\$465 plus \$61 per lot	\$498 plus \$66 per lot
All other Strata Title Act 1998 applications		\$321	\$344
<b>Petitions to Amend Sealed Plan</b>			
With written support of all interested parties	each	\$343	\$367
Without written support of all interested parties	each	\$664	\$710
Hearing fee	each	\$557	\$596
<b>Miscellaneous Fee for LUPAA or LGBMP applications</b>			
Miscellaneous		\$236	\$253
<b>For Retrospective Approval</b>			
For all retrospective applications (Illegal Works etc)	each	Plus 50% of the applicable fee	Plus 50% of the applicable fee

## BUILDING FEES

Type	Additional Information	Unit	2022-2023	2023-2024
Building Works under \$19,999 - Class 1, 10, 1 & 10	Application for a Building Permit, Demolition Permit, Permit of Substantial Compliance and Certificate of Completion for all classes	per application	\$300	\$321
Building Works \$20,000 and over for Class 1, 10, 1 & 10	Application, assessment and completion certificate for a Building Permit, Demolition Permit and Permit of Substantial Compliance for the following classes:			
	Class 1 / Classes (1 and 10)	per application	\$460	\$492
	Class 10	per application	\$291	\$312
	Multi-Unit Development (2 or more separate units)	per application	\$460	\$492
Building Permit (Class 2-9)	Application for a Building Permit, Demolition Permit, Permit of Substantial Compliance and Certificate of Completion.	per application	\$566	\$606
Staged Building Permit	Each subsequent stage (1 <sup>st</sup> stage normal fees apply)	Each subsequent stage	-	\$250
Notifiable Building Works	Lodgment, assessment, associated correspondence and record keeping.	per application	\$300	\$321
Amended CLC		each application	\$175	\$188



Extension to building permit		per application	\$117	\$126
Building Certificate		per application	\$524	\$561
Temporary Occupancy Permit Admin Fee		each permit	\$69	\$74
Notification of Low Risk Work (Building and Plumbing)		per application	\$68	\$74
For all retrospective applications		each	Plus 50% of the applicable fee	Plus 50% of the applicable fee

## PLUMBING FEES

Type	Additional Information	Unit	2022-2023	2023-2024
Plumbing - Building Works under \$19,999 - All classes	Application for Certificate of Likely Compliance - Notice of Work, Application for Permit - Plumbing Work, assessment, and Certificate of Completion for all classes. Also includes additions, alterations, and amendments	per application	\$344	\$368
Plumbing - Building Works \$20,000 and over (Classes 1, 10 and multi-unit development)	Class 10 - Application for Certificate of Likely Compliance - Notice of Work, Application for Permit - Plumbing Work, assessment, and Certificate of Completion for all classes. Also includes additions, alterations, and amendments.	per application	\$483	\$517
	Class 1 or Classes 1 and 10 - Application for Certificate of Likely Compliance - Notice of Work, Application for Permit - Plumbing Work, assessment, and Certificate of Completion for all classes. Also includes additions, alterations, and amendments	per application	\$880	\$941
	Class 1 or Classes 1 and 10 with an Onsite Wastewater Management System - Application for Certificate of Likely Compliance - Notice of Work, Application for Permit - Plumbing Work, assessment, and Certificate of Completion for all classes. Also includes additions, alterations, and amendments	per application	\$1,254	\$1,341
	Multi-unit development	2 Units	\$1,254	\$1,341
		Additional unit	\$1,000	\$1,069

Plumbing - Building Works \$20,000 and over (Classes 2 -9)	Application for Certificate of Likely Compliance - Notice of Work, Application for Permit - Plumbing Work, assessment, and Certificate of Completion for all classes. Also includes additions, alterations, and amendments	per application	\$1,000	\$1,069
	With an Onsite Wastewater Management System - Application for Certificate of Likely Compliance - Notice of Work, Application for Permit - Plumbing Work, assessment, and Certificate of Completion for all classes. Also includes additions, alterations, and amendments	per application	\$1,500	\$1,604
Permit Authority Completion Certificates · Building & Demolition · Plumbing		each application	\$117	\$126
Site inspection		per 0.5 hour	\$117	\$126
Amended applications		each drawing	\$175	\$188
Temporary Occupancy Permit Admin Fee		Each permit	\$65	\$70
Extension to plumbing permit		per application	\$117	\$126
Permit of Substantial Compliance		Each	\$495	\$530
For all retrospective applications		each	Plus 50% of the applicable fee	Plus 50% of the applicable fee

## ENVIRONMENTAL HEALTH

Type	Unit	2022-2023	2023-2024
<b>Food Business Registration Fees</b>			
Temporary Food Registration	per event	\$30	\$33
Temporary Food Registration local community (non profit organisation)	per event	FREE	FREE
Classification Priority 1	per licence	\$284	\$304
Classification Priority 2	per licence	\$214	\$229
Classification Priority 3	per licence	\$145	\$156
Classification Priority 3 (notify only)	one off fee	\$30	\$33
Classification Priority 4 (notify only)	one off fee	\$30	\$33
Not for profit (Sporting & Community Groups, Charities etc)	per licence	Free	Free
Assessment of Plans for Commercial Kitchen (Form 49)	per assessment	\$236	\$253
Inspection and Occupancy Report for commercial kitchen (Form 50)	per report	\$236	\$253

<b>Miscellaneous Health Fees</b>			
Place of Assembly Licence – specific event	each licence	\$85	\$91
Place of Assembly Licence – specific event (local community non-for-profit organisation)		FREE	FREE
Swimming pools/spas samples (request /non investigative)		Cost of analysis + \$147 /hr or part there-of	Cost of analysis + \$158 /hr or part there-of
Commercial Water Carriers Permit	for one year	\$85	\$91
Regulated system registration-new	each	\$107	\$115
Public Health Risk Activities (tattooists, skin penetration)– Business application and renewal	each	\$85	\$91
Public Health Risk Activities (tattooists, skin penetration)– Operator application and renewal	each	\$50	\$54
Private Water Supplier Permit	each	\$85	\$91
Caravan Licence	each	\$247	\$265
Permit for burial of human remains on private land	each	\$182	\$195

## DOG MANAGEMENT FEES

Type	Unit	2022-2023	2023-2024
Non-Desexed Dog (before 30/06/23)	per animal	\$42	\$45
Non-Desexed Dog (after 30/06/23)	per animal	\$58	\$63
Desexed dog (before 30/06/23)	per animal	\$26	\$28
Desexed dog (after 30/06/23)	per animal	\$37	\$40
Working dogs (before 30/06/23)	per animal	\$21	\$23
Working dogs (after 30/06/23)	per animal	\$37	\$40
Dog owned by a pensioner (one desexed dog only) (before 30/06/23)	per animal	\$10	\$11
Dog owned by a pensioner (one desexed dog only) (after 30/06/23)	per animal	\$22	\$24
Declared dangerous dog & Restricted Breeds (before 30/06/23)	per animal	\$270	\$515
Declared dangerous dog & Restricted Breeds (after 30/06/23)	per animal	\$481	\$515
Registered guide dog/assistance dog	per animal	FREE	FREE
Replacement tag	per tag	\$7	\$8
Release of dog from pound 1 <sup>st</sup> offence	per release	\$43	\$46
Release of dog from pound 2 <sup>nd</sup> and subsequent offences	per release	\$161	\$173
Daily maintenance charge whilst impounded	per day	\$43	\$46
Dog Nuisance Complaint Fee (refundable upon confirmation)	per complaint	-	\$50
Kennel Licence – New	per licence	\$127 + Advertising Costs	\$136 + Advertising Costs
Kennel Licence – Renewal	per licence	\$38	\$41



### **Decision Sought**

*That LGAT convene an expert reference group from member councils to develop recommendations for the sector to consider on:*

- *What further data and support is required to assist local government in responding to the housing crisis.*
- *What changes are required to manage short stay accommodation's contribution to housing availability, local amenity, economic development and equitable rating.*
- *What tools are available to encourage owners of unoccupied dwellings to make their properties available as long term rentals.*

### **Background Comment**

LGAT has received the attached motion from Clarence City Council and also a request from the City of Launceston to “investigate and report on the implementation of a vacant residential land tax for unoccupied homes within the State.”

It is further noted that the City of Hobart has unsuccessfully sought amendments to their Local Provision Schedule to limit the number of entire home short stay listings in some parts of the city. A number of councils are also investigating the introduction of a differential rate for short stay accommodation, consistent with the information provided by LGAT at the September 2022 General Meeting ([Item 8.1](#)):

Given the breadth of activity occurring across our sector it is proposed to set up an overarching reference group to develop recommendations for how councils respond in a consistent and constructive way.

Clarence City Council has agreed to withdraw its motion, however the contents of this and also the request from the City of Launceston will form the basis for the reference groups initial considerations.



## Details of Motion

**Motion Title** RESTRICTIVE COVENANTS ON USE OF LAND AND PROPERTY

### Decision Sought

“That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:

- a. public, social or affordable housing; or
- b. tenants or occupants based on their source of income, or social or financial circumstances”.

### Background Comment

- It was reported on ABC News Tasmania and ABC Radio’s PM Program on Monday 20 February 2023 that restrictive covenants were being applied to housing estates in Tasmania disallowing the use of properties for public housing or to lease to tenants in receipt of government payments.
- Some people including welfare agencies have expressed concern that allowing such covenants makes it more difficult for Tasmanians who are homeless or at risk of homelessness to secure affordable accommodation.
- While the regulation of covenants is a matter for the Tasmanian Government and Parliament, it is appropriate for local government to adopt a position on this issue as advocates for the rights of people to access affordable housing. Such restrictive covenants also have the potential to curtail efforts by local government to improve the supply of affordable housing through the instruments available to us.
- There appears to be little, if any, legislative restriction on using covenants in this way in either the *Land Titles Act 1980* or other legislation relevant to the administration of land rights. There is also no restriction on covenants being in this way in the *Anti-Discrimination Act 1998* because economic circumstances are not a prescribed attribute. It would be prudent of the Attorney-General to consider whether amendments to both legislative instruments are required.



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## COMMUNITY SMALL GRANTS PROGRAM APPLICATION PACKAGE

A funding scheme initiated by the Glamorgan Spring Bay Council to assist community development in the municipality.

### GUIDELINES FOR APPLICANTS

The Glamorgan Spring Bay Council's Community Small Grants Program provides small grants to individuals and community organisations and groups to assist them to undertake programs and activities within the Glamorgan Spring Bay municipal area.

Council receives requests for more funding than is available and consequently funds under the programs are limited. The majority of grants will be restricted to no more than \$1,000, however, in certain circumstances, Council may consider increasing the allocation.

There is no specific funding period. Applications for funding assistance shall be considered throughout the year until such time as the available funds have been exhausted.

#### ELIGIBILITY

- ❖ Applications must be from not-for-profit organisations as defined as follows:
  - Its main operating purpose is other than to provide goods and services for profit.
  - Other than in the case of winding up, no member/owner has the right to surpluses of the entity.
  - That entity does not have the right to transfer ownership to members/owners.
- ❖ Any resident of the Glamorgan Spring Bay municipal area who has been selected on merit to participate or compete in any event or project of state, national or international significance may seek funding assistance.
- ❖ Projects should aim to:
  - Address relevant community issues of significance.
  - Be initiated within the community and actively involve local people.
  - Improve access and encourage wider use of facilities.

#### COUNCIL PROCESS REQUIREMENTS

- ❖ Application:
  - Complete the Community Small Grants Application form.
  - Provide a plan or sketch of the proposed project (if applicable).
  - Provide a copy of the project budget and evidence of basis of costs.
- ❖ Successful applicants after project completion:
  - Complete the Community Small Grants Acquittal form.
  - Provide a brief written report of the success or otherwise of the project prior to the conclusion of the financial year, together with a photo (if applicable).
  - Provide most recent financial statement or evidence of expenditure.

For further information, please contact the Community & Communications Officer  
Phone: (03) 6256 4777  
Email: [community@freycinet.tas.gov.au](mailto:community@freycinet.tas.gov.au)  
PO Box 6, Triabunna 7190



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COMMUNITY SMALL GRANTS APPLICATION FORM	
Name of applicant	East Coast Anglican
Postal address	1 Franklin Street, Triabunna, 7190
Contact person	Ben Allen
Role if group applying	Lead pastor
Contact number	0407 242 522
Email address	ben@eastcoastanglican.church
Is your organisation an incorporated body?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Project title and brief description (If insufficient space, please attach additional sheet)	
Lunch with Mates	
A weekly, free lunch for anyone. The RSL generously gives us their premises. The Salvos provide leadership.	
Volunteers from the church and some community members prepare meal plans, purchase the	
food locally, prepare the venue and meals, serve and tidy up. Some people contribute vegetables	
from their gardens. The local butcher provides us with discounted meat.	
Costs are covered by the church, with some grants received in the past (from Anglicare and Tas	
Christian Fund). Donations are taken and contribute towards covering costs.	
Our intention is to continue this program indefinitely.	
Outline intended outcomes of the project (for example, benefits of the project to the community, support from any other groups or organisations).	
Three main outcomes are intended and continue to be realised.	
1. Being a place of connection for those who are lonely or often alone. This program is particularly	
serving a significant number of men who live alone.	
2. Mitigating mental health issues prevalent in our community by providing this connection.	
3. Providing substantive, nutritional meals once a week for those who may not cook regularly,	
or for those who can't afford such food.	
The amounts below are for the next three financial years. Costs are increasing due to more people and higher food prices	
Funding sought from Council	\$ 1000
Funding to be contributed by you or your organisation	\$ 3900+
Funding to be contributed from other organisations (Provide details below of confirmed or anticipated contributions *)	\$ 5000
Total Project Expenses	\$ 3300+/year
Signed	
Name (Please print)	Benjamin Allen
Date	25/5/23
*Details of other contributors:	Est. gross costs based on 4 months this year but will increase. Gross costs of \$55/week last year have increased to \$70/week this year. Possible \$5000 grant by Tas Christian Fund to be announced in July.



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<b>COMMUNITY SMALL GRANT ACQUITTAL FORM</b> (To be filled out by successful recipient of Grant Funds)	
Name of successful applicant	
Postal address	
Contact person	
Role if group applying	
Contact number	
Email address	
Is your organisation an incorporated body?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Project title and brief description of how the project achieved the outcomes intended.	
<b>INCOME</b>	
Funds received from Council	\$
Funding from your organisation	\$
Funding from other organisations	\$
TOTAL funding received	\$
<b>EXPENDITURE</b>	
List expenditure receipts	
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL expenditure	\$
Signed by recipient	
Date signed	