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## **ORDINARY COUNCIL MEETING AGENDA**

TUESDAY 22 JUNE 2021

2:00PM

Council Chambers, Triabunna

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## NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday, 22 June 2021, commencing at 2:00pm

## QUALIFIED PERSON CERTIFICATION

I hereby certify that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

**Dated** this Thursday 17 June 2021



Greg Ingham  
**GENERAL MANAGER**

### IMPORTANT INFORMATION

- As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.
- A recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website following the meeting.

In accordance with the *Local Government Act 1993* and Regulation 33, these video/audio files will be retained by Council for at least 6 months and made available for viewing live, as well as online within 5 days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the video/audio recording of the meeting.

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## **1. OPENING OF MEETING**

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

### **1.1 Acknowledgement of Country**

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

### **1.2 Present and Apologies**

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### **1.3 In Attendance**

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### **1.4 Late Reports**

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

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*The Mayor requests Elected Members to indicate whether they have:*

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

*in any item included in the Agenda.*

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## **2. CONFIRMATION OF MINUTES**

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### **2.1 Ordinary Meeting of Council - 25 May 2021**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 25 May 2021 at 2:00pm be confirmed as a true and correct record.

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

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### **TUESDAY 1 JUNE 2021**

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 1:30pm to 4:00pm on Tuesday 1 June 2021 at the Council Offices, Triabunna.

#### **Present**

Mayor Robert Young  
Deputy Mayor Jenny Woods  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Grant Robinson  
Clr Michael Symons

#### **Apologies**

Clr Annie Browning  
Clr Rob Churchill

#### **In Attendance**

Mr Greg Ingham, General Manager  
Mrs Marissa Walters, Consultant Accountant  
Mr Alex Woodward, Director Planning and Development  
Mrs Elysse Blain, Director Corporate and Community  
Mr Peter Porch, Director Works and Infrastructure

#### **Guests**

Nil

#### **Agenda**

- 2021/2022 Budget

## **TUESDAY 8 JUNE 2021**

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 1:30pm to 4:30pm on Tuesday 8 June 2021 at the Council Offices, Triabunna.

### **Present**

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

### **Apologies**

Clr Michael Symons

### **In Attendance**

Mr Greg Ingham, General Manager  
Mr Alex Woodward, Director Planning and Development  
Mrs Elysse Blain, Director Corporate and Community  
Mr Peter Porch, Director of Works and Infrastructure

### **Guests**

Nil

### **Agenda**

- Waste and Cemeteries – Fees and Charges
- Council Logo Policy
- Update on Medical Practice Expression of Interest progress (not on original agenda)

### **RECOMMENDATION**

That Council notes the information.

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

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

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

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

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

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*Glamorgan Spring Bay Council will allow questions to be provided by written notice by 12 noon the day before the ordinary council meeting by either emailing [general.manager@freycinet.tas.gov.au](mailto:general.manager@freycinet.tas.gov.au) or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.*



### 3.2 Questions on Notice

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Mr Roger L G Martin

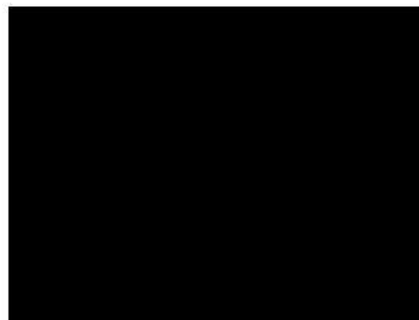
**RLG Martin**

B.Ec., FCPA.

[REDACTED]

2 May 2021

The General Manager  
Glamorgan Spring Bay Council  
PO Box 6  
Triabunna 7190



Dear Mr Ingham,

Please place the following questions (together with the background comments in order to give ratepayers an understanding of the issues) on the agenda for the June 2021 council meeting.

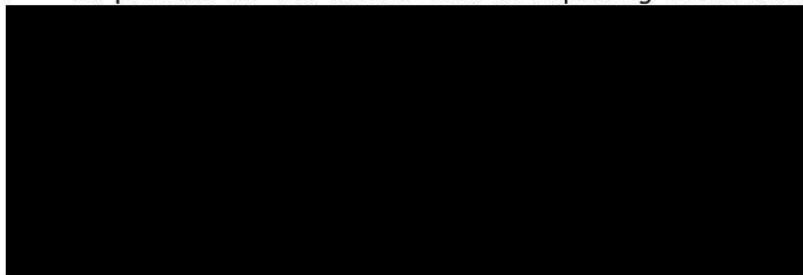
I read the Long Term Financial Plan (LTFP) for the Glamorgan Spring Bay Council (GSBC) and I was alarmed to find that it is based upon charging existing ratepayers by way of a huge 50% increase in rates over the next 4 years and increasing every year thereafter, an amount to pay for the replacement of existing assets at some time in the future.

I have pointed out to you, the Mayor and Councillors that no company in Australia would adopt such a policy by way of additional depreciation (let alone jam it all into just 4 years as the LTFP states) and the Australian Tax Office would certainly not accept such an inflated figure for depreciation or any other provision for asset replacement.

My first question is:-

Could Councillors please explain to existing ratepayers who are already being charged for the use of existing assets by way of depreciation, why it is appropriate and fair for them to also pay for the eventual replacement of these assets so that they can be "gifted/ provided" free of cost, to future ratepayers and how can they possibly justify this?

The GSBC policy of inflating the cost of depreciation by way of an additional component to provide for the future cost of replacing those assets, does not comply with the



# RLG Martin

Australian Accounting Standard on depreciation, which defines depreciation as follows:-  
*"Depreciation (Amortisation) is the systematic allocation of the depreciable amount of an asset over its useful life".* No more, no less.

My second question is:-

Will Councillors accept and approve a budget for 2021/22 and future years, in which the charge for depreciation and other expenses are based upon the Australian Accounting Standards and if not, why not?

Respectfully

Roger L G Martin  
B.Ec., FCPA

## **Response from General Manager, Greg Ingham (Question 1)**

Depreciation refers to the actual decrease of value of an asset as it is used and deteriorates over its useful life, for example a bitumen road surface, and to the allocation in accounting statements of the original cost of the assets. The asset (road) is maintained and renewed over an assigned life period, say 30 years at which point the road may need an entire reconstruction.

Council's Asset Management Plans (AMP's), available on the Council website, detail information on how Council manages its core business infrastructure assets. The Plans detail actions required to provide an agreed level of service in the most cost-effective manner, while outlining associated risks. The Plans define the services to be provided, how the services are provided and what funds are required.

Importantly the AMP's link to Council's Long Term Financial Management Plan (also available on the Council website) which covers a 10 year period. The infrastructure reality is that only what is funded in the LTFMP can be provided. The AMPs therefore inform Council's budgeting.

Council does not inflate the cost of depreciation to provide for the future cost of replacing assets. Rather depreciation is based on asset condition knowledge and best practice asset mgt principles. Councils Plans comply with Australian best practice asset and financial management.

You may be referring to Depreciation and Amortisation as one and the same in your question. They are not the same. Depreciation refers to tangible physical assets/infrastructure as mentioned above and covered in Councils AMP's. Amortisation is an accounting term that essentially depreciates intangible assets such as intellectual property or loan interest over time.

## **Response from General Manager, Greg Ingham (Question 2)**

Council budgeting process and accounting practices are based upon Australian and International Accounting and Asset Management standards where applicable. Therefore, Council decisions around the 2021/22 budget and future years will be informed by best practice accounting and asset management standards and practices.

Finally it should be noted that Glamorgan Spring Bay Council was served with a Performance Improvement Direction in July 2020 that identified the need for the organisation to improve its financial and asset management practices. Council has complied with this Improvement Direction.

**Dr Robyn Moore**

In response to council's notice in issue 24 of the GOBC news regarding coastal wattle mulching in Dolphin Sands, my question is:

Please identify the relevant by-law which requires ratepayers to apply for permission to clear coastal wattle from their properties.

**Response from General Manager, Greg Ingham**

It was stated in the article by Steve Barrett (GOBN Issue 22) that "The D.S.R.A. has obtained another grant which we can use to mulch coastal wattle that has become a fire hazard along your entry and exit routes and around building on your property." In Council's response (GOBN Issue 24) the community was thanked for their efforts in removing fire hazards around dwelling but highlighted that a permit was required to clear native vegetation in excess of that referred to in Steve Barrett's article. Such permits are required under the Glamorgan Spring Bay Interim Planning Scheme 2015 as detailed below.

*Except as provided in subclauses 8.5 and 8.6 (which includes very limited circumstances), use or **development** of land must not be commenced or carried out:*

- (a) without a permit granted and in effect in accordance with **'the Act'** and the provisions of this planning scheme; or*
- (b) in a manner contrary to the conditions and restrictions of a permit.*

Under **'the Act'** (Land Use Planning and Approvals Act 1993) **development** includes **works**.

Under the 'the Act' **works** are defined as:

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

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

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

#### **RECOMMENDATION**

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

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

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

#### **EXECUTIVE SUMMARY**

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

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

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

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

E3.8.1 P1 Landslide

E5.5.1 P2 Existing Accesses and junctions

E5.6.2 P1 Road accesses and junctions

E10.7.1 Buildings and works

E10.8.1 Subdivision standards – clearance of High Priority vegetation

F3.7.1 P1 lot orientation

F3.7.4 P2 lighting impacts

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

This report assesses the proposal against the Performance Criteria for the standards listed above and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 01 July 2021.

The recommendation is to approve the application with conditions as detailed at the end of this report.

## **PART ONE**

### **1. Statutory Requirements**

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

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

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

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

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

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

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

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

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

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

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

### **3. The Proposal**

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

### **4. Risk and implications**

Approval or refusal of this application should have no direct financial risk for Council, other than should an appeal against the Authority's decision be lodged or should the Planning Authority fail to determine the application within the statutory timeframe.

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

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

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

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

### **6. Location**

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

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

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





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

## **7. Site Description**

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

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

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





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



Figure 3 - Subdivision stage 5 lot plan

## **8. Planning Instruments**

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

## **9. Easements and Services**

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

## **10. Covenants**

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

## **PART TWO**

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

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

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

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

## 12. Meeting the Standards – via Performance Criteria

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

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

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

## PART THREE

### 13. Assessing the proposal against the Performance Criteria Use and Development Standards under the Landslide Code Development Standards for Subdivision (E3.8.1)

The objective is:

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

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

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

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

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

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

The objective of the use standard is:

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

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



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

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

The objective of the use standard is:

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

<b>Performance Criteria</b>	<b>Planner's response</b>
<b>Clause 5.6.2 A1</b>	A new junction is proposed onto Louisville Road which is subject to a speed limit of more than 60km/h. As such, the proposed subdivision does not meet the criteria under Clause 5.6.2 A1 and has been assessed against the corresponding performance criteria.

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

## Use and Development Standards under the Biodiversity Code

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

The objective of the use standard is:

To ensure that:

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

Performance Criteria	Planner's response
<b>Clause E10.8.1 A1</b>	Parts of the proposed subdivision are located within a Biodiversity Protection Area and do not meet the listed acceptable solutions. As such, the proposed subdivision does not meet the criteria under Clause E10.8.1 A1 and has been assessed against the corresponding performance criteria.
<p><b>P1</b></p> <p>Clearance and conversion or disturbance must satisfy the following:</p> <p>(a) if low priority biodiversity values:</p> <p>N/A – identified as being high priority</p>	<p>The applicant submitted a Natural Values Report by Livingston Natural Resource Services which assessed the flora and fauna within the biodiversity areas. The assessment found the development area contains two stands of a threatened vegetation community that also provides foraging habitat for the swift parrot. The report identified that the area has suitable habitat for threatened flora known within 5km although no threatened flora was identified.</p>

<b>Performance Criteria</b>	<b>Planner's response</b>
<p>(b) if moderate priority biodiversity values:</p> <p>N/A – identified as being high priority</p> <p>(c) if high priority biodiversity values:</p> <p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p> <p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p> <p>(iii) high priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;</p> <p>(iv) special circumstances exist;</p> <p>(v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.</p>	<p>Council's Biodiversity Officer undertook a review of the submitted report and assessment of the locality. This assessment identified the biodiversity areas as having a High Priority Biodiversity Value and as such recommended an offset plan be developed. The applicant subsequently proposed entering into a Part 5 agreement with Council to protect 4 ha of similar forest and habitat values located to the immediate north of the proposed subdivision.</p> <p>The proposal satisfies performance criteria P1.</p>

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

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

The objective is:

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

<b>Performance Criteria</b>	<b>Planner's response</b>
<b>Clause F3.7.1 A4</b>	Not all lots have a long axis within the range of 30 degrees west of north to 30 degrees east of north. As such, the proposed subdivision does not meet the criteria under Clause F3.7.1 A4 and has been assessed against the corresponding performance criteria.

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

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

The objective is:

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

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

#### **14. Referrals**

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

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

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



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

## **CONCLUSION**

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

## **RECOMMENDATION**

### **That:**

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Subdivision Application 2019 / 17, to subdivide an existing lot into 47 residential allotments at Lot 1 Tasman Highway, Orford (CT 139972/1) be approved with the following conditions:

### **Subdivision**

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

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

2. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

4. The development must be in accordance with the Bushfire Hazard Management Plan and Report by GEO – Environmental Solutions, GES04539, dated July 2019, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
5. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
7. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the plan of subdivision as at the date of lodgement of the final plan or survey, unless other arrangements that meet the requirements of Council's Public Open Space Contributions Policy are agreed to in writing by Council's General Manager. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

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

### **Staged Development**

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

### **Engineering**

9. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or require by conditions of this permit.
10. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
11. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - a) all existing and proposed services required by this permit;
  - b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.
12. The engineering drawings and works must be consistent with the recommendations contained within Landslide Risk Assessment, Version 3.0, dated March 2021, by Geo-Environmental Solutions Pty Ltd.
13. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings unless otherwise agreed to in writing by Council's General Manager.

### **Drainage**

14. The developer is to provide a piped stormwater property connection to each lot capable of servicing any development located within each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
15. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:

- a) be designed so that stormwater drainage from the development is able to be reused on the golf course when it is constructed and returned to natural watercourses entering the Prosser River or Spring Bay in accordance with the Louisville Specific Area Plan.
- b) be designed to 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.
- c) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed.
- d) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

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

- 16. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an [ARI](#) of 100 years.
- 17. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.  
Alternatively:  
The developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment. The value of the contribution must be equal to the cost of implementing on site treatment to meet the targets specified in Table E7.1 Acceptable Stormwater Quality and Quantity Targets of the Glamorgan Spring bay Interim Planning Scheme, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to sealing the Plan of Survey.
- 18. Prior to, or in conjunction with, the submission of Engineering Design Drawings the developer must submit an amended Stormwater Infrastructure Drainage Report, including detailed calculations, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
- 19. Upon completion of works the engineer certifying the Stormwater Infrastructure Drainage Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

## **Vegetation**

- 20. The areas of retained native vegetation (blue gum dry forest) identified in the Natural Values Offsetting Report, dated 30/01/2020 are to be protected by a restrictive covenant on title identified within the schedule of easements. The restriction specifying as a minimum that there will be no clearance or disturbance of native vegetation within the area identified except as permitted by the Tasmanian Fire Service or without the written consent of the Glamorgan Spring Bay Council.
- 21. A Vegetation Management Plan (VMP) for the area of land covered by the restrictive covenant is to be developed and implemented prior to the commencement of any works. The VMP must be approved by Council's General Manager and identify actions

to maximise the opportunity for the ecological values to be maintained and/or improved including weed management.

22. A maintenance report on the implementation of the VMP is to be submitted to Council's General Manager on an annual basis for the first five years from the commencement of the use.

### **TasWater**

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

### **Telecommunications and Electrical Reticulation**

24. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
25. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
26. Prior to sealing the final plan of survey the developer must submit to Council:
  - a) Evidence that each lot has existing electrical and telecommunication connections; or
  - b) A "Provisioning of Telecommunications Infrastructure - Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - c) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

### **Road and Access**

27. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
28. Unless approved otherwise by Council's General Manager roadworks must include -
  - a) Minimum road reserve of 18 metres;
  - b) Fully paved, sealed and drained carriageway with a minimum carriageway width (face of kerb to face of kerb) of 8.9 metres;
  - c) A circular or tee style turning head is required at all temporary or permanent no through roads;
  - d) Concrete kerb and channel;
  - e) Reinforced concrete footpaths 1.50 metres wide on one side of all roadways;
  - f) Underground stormwater drainage.
29. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with LGAT Tasmanian Standard Drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
30. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with LGAT Tasmanian Standard Drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

## **Landscaping and Street Lighting**

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

## **Vehicular Access**

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

## **Water Quality**

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

## **Construction**

38. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
39. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
40. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the developer and approved by the Council's General Manager.
41. Vehicles associated with construction workers must be parked on site.
42. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.
  - b) Not burn debris or waste on site
  - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
  - d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage

- e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.
- f) Erect suitable barriers to ensure native vegetation is not damaged during construction works.
- g) Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

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

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

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

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

#### **Maintenance and Defects Liability Period**

- 46. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- 47. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

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

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date it was issued to you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council General Manager or otherwise extended by written consent.
- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.

- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- i. All approved engineering design drawings will form part of this permit on and from the date of approval.
- j. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)
  - *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- k. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
- l. Land Title Office fees must be paid directly to the Recorder of Titles.
- m. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- n. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- o. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- p. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
- q. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- r. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
- s. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dpiiwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
- t. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

## 4.2 Development Application 2020/288 - 42 Gordon Street, Bicheno.

<b>Dwelling</b>	
<b>Applicant</b>	Laura Wycherley
<b>Lodged</b>	3 December 2020 (valid 19 May 2021)
<b>Statutory Date</b>	29 June 2021
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	D10.0 General Residential
<b>Codes</b>	E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater
<b>Use Class</b>	Residential (Single Dwelling)
<b>Development</b>	Dwelling
<b>Performance Criteria</b>	10.4.2 (P3) Setbacks and Building Envelope 10.4.6 (P1) Privacy for all dwellings E6.6.1 Number of Car Parking Spaces
<b>Representations</b>	Total 7
<b>Attachments</b>	A - Application documents B - Representations
<b>Author</b>	Peter Coney – Town Planner

### **EXECUTIVE SUMMARY**

Planning approval is sought to construct a dwelling on a residential allotment at 42 Gordon Street, Bicheno. The proposal is discretionary under the planning scheme because it relies on the performance criteria to comply with the applicable standards:

10.4.2 (P3) Setbacks and Building Envelope  
10.4.6 (P1) Privacy for all dwellings  
E6.6.1 (P1) Number of Car Parking Spaces

The recommendation is to grant the permit subject to conditions.

Notification of the application was made for the statutory 14 day period and 7 representations were received.

The Planning Authority must consider the planner's comments, the representations, the recommendation, and make a final determination by 29 June 2021.

### **PART ONE**

#### **1. Statutory Requirements**

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



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

The initial assessment of this application has identified where the proposal meets the Acceptable Solutions, and where discretionary consideration is required. This report comprises a discussion of the matters to be considered in exercising discretion, and makes a final recommendation. Owing to the nature of the proposal some commentary has been provided on how the proposal complies with the acceptable solutions of the standards in the relevant parts of this report.

Further, this report takes into consideration the representations received.

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

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

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

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

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

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

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

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

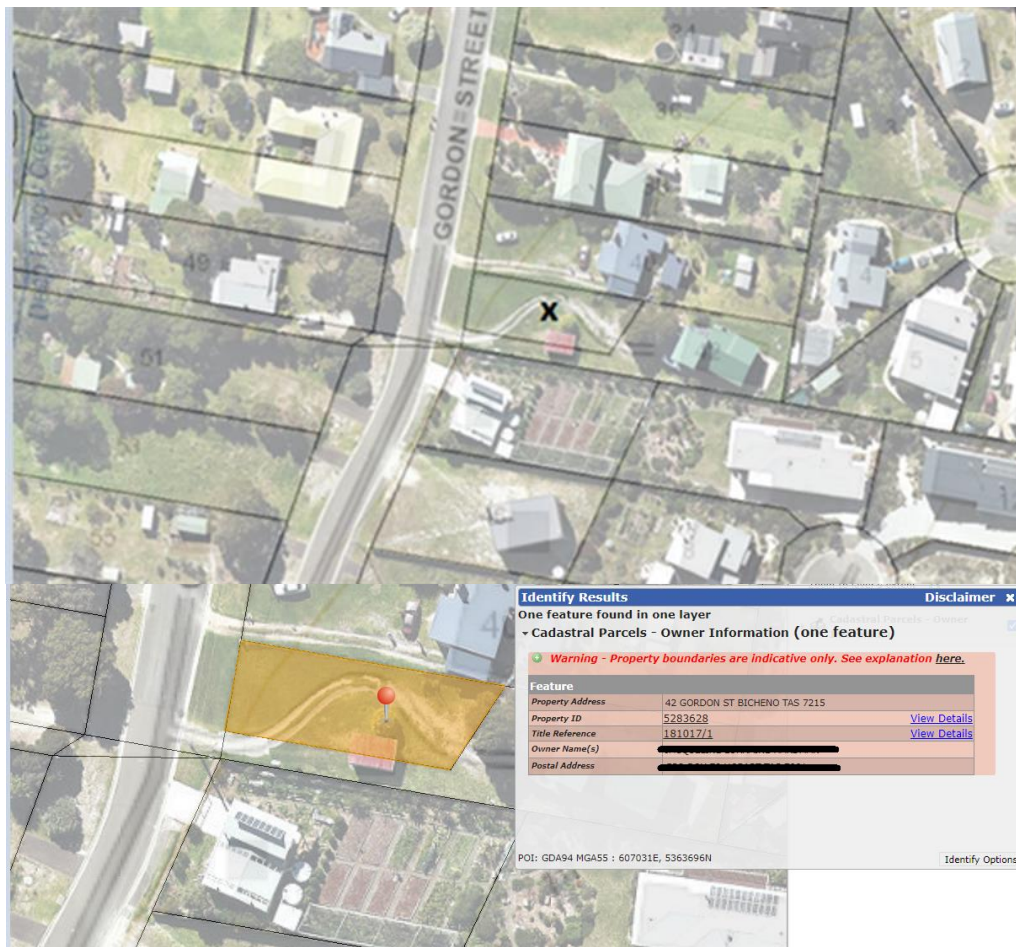
## **3. The Proposal**

The proposal is for a dwelling to be constructed at CT181017/1, 42 Gordon Street, Bicheno.

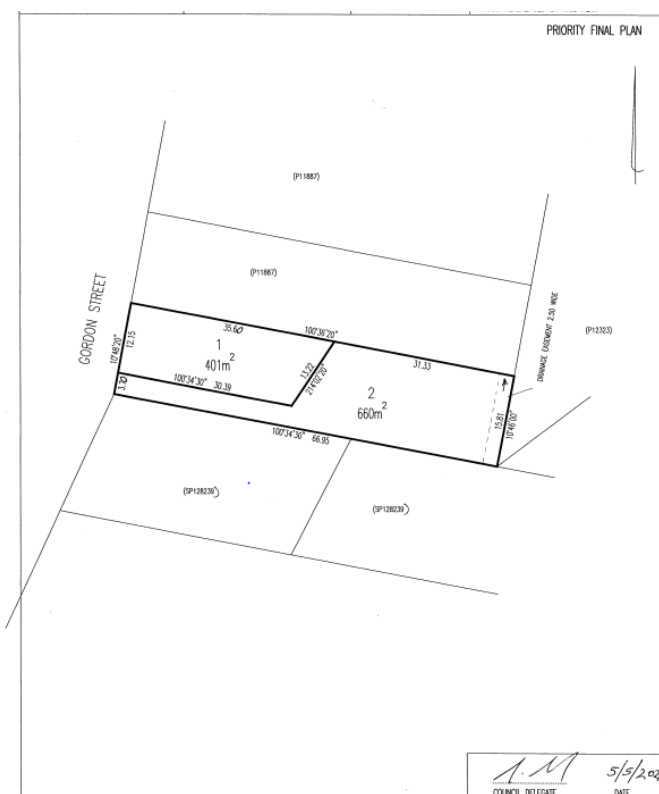
## **4. Location**

The subject site is an allotment created by subdivision of the former CT11887/13. The former allotment was subdivided to create a 401m<sup>2</sup> parcel to the fore (subject site) and a 660m<sup>2</sup> parcel to the rear. Presently, both these parcels are known as 42 Gordon Street.

It is noted the drawing for the development incorrectly states the lot size is 396m<sup>2</sup>. The lot area is clearly defined on the title plan as 401m<sup>2</sup> which is to be given more weight, in that it has been surveyed by a registered land surveyor. Critically, the lot size is not the subject of this assessment (except in calculating site area ratios) a margin of error equating to 1% is considered inconsequential to this assessment.



**Images 1 and 2** Identifying the location of the development (LISTmap)



**Image 3.** Folio plan identifying the lot area as being 401m<sup>2</sup> (as approved per SA2020/31). (LIST)

## 5. Overlays

The site is unencumbered by any overlays.

## 6. Easements and covenants

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

## 7. Services

The lot is fully serviced for Water, Sewer and Stormwater, the proposal is reliant on those existing service connections.

## 8. Background and previous applications

The subject site was created as part of the subdivision of the former CT11887/13, known as 42 Gordon Street, Bicheno. The approval was for the creation of a 400m<sup>2</sup> lot to the fore, with the existing dwelling to be retained on a 662m<sup>2</sup> lot. The creation of a 400m<sup>2</sup> lot is, when within the General Residential zone, compliant with the minimum lot size, where that lot is within 200m walking distance of a Local Business zone. As such, the proposed lot size met the acceptable solution for that zone.

During the survey for the final plan, the total area of the former CT was found to be 1061m<sup>2</sup> rather than the 1062m<sup>2</sup> as shown on the former title. Notwithstanding this reduction of 1m<sup>2</sup> for the block, the lot sizes still accord with the minimum lot sizes as required by the Scheme.



**Image 4.** Extract of the approved plan from SA2020/31

## 9. Risk and implications

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

## PART TWO

### 10. Meeting the Standards – via Acceptable Solution

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

10.4.2 Setbacks and Building Envelope for all dwellings.

*Comment:*

Acceptable Solutions	
<b>A1</b>	
Unless within a <u>building area</u> on a sealed plan, a <u>dwelling</u> , excluding garages, carports and protrusions that extend not more than 0.9m into the <u>frontage setback</u> , must have a <u>setback</u> from a <u>frontage</u> that is:	
(a) if the <u>frontage</u> is a <u>primary frontage</u> , not less than 4.5m, or, if the <u>setback</u> from the <u>primary frontage</u> is less than 4.5m, not less than the <u>setback</u> , from the <u>primary frontage</u> , of any existing <u>dwelling</u> on the <u>site</u> ;	
(b) if the <u>frontage</u> is not a <u>primary frontage</u> , not less than 3m, or, if the <u>setback</u> from the <u>frontage</u> is less than 3m, not less than the <u>setback</u> , from a <u>frontage</u> that is not a <u>primary frontage</u> , of any existing <u>dwelling</u> on the <u>site</u> ;	
(c) if for a vacant <u>site</u> and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, <u>setback</u> for the equivalent <u>frontage</u> of the dwellings on the adjoining sites on the same street;	
(d) if located above a <u>non-residential</u> use at ground floor level, not less than the <u>setback</u> from the <u>frontage</u> of the ground floor level; or	
(e) if the <u>development</u> is on land that abuts a <u>road</u> specified in Table 10.4.2, at least that specified for the <u>road</u> .	

**Image 5.** Extract of the planning scheme relating to the acceptable solution for setbacks and Building Envelopes.

With respect to the frontage setback:

Noting the lot is a vacant lot, with a frontage that shares a boundary with both 40 Gordon Street and the access strip for lot 2, 42 Gordon Street, and noting the items of the acceptable solution in Image 5 are considered exclusive of each other; the 'best fit' for determining compliance with the Acceptable solution is (c).

To require the development be not less than the setback of the dwelling at the rearward lot is nonsensical, in that it does not contribute to a continuous building line evident from the street, which is the objective of the standard.

Further, the setback from the rear boundary of the forward lot is not a 'frontage', and so applying (c) with respect to the rearward adjoining lot is not appropriate.



With respect to finding an adjoining lot<sup>1</sup>, the structure to the fore of 10 Gordon Heights is not a dwelling, but an outbuilding, with the parent dwelling at the rearward lot addressing Gordon Heights. In this respect, noting the definition of a dwelling *includes an outbuilding*, the setback of this structure reasonably may be relied upon in finding the 'less than the lesser' frontage setback.

The proposal therefore is compliant with (c) by virtue of having a proposed setback which is not less than D and not greater than C (see image below).



**Image 6.** Aerial denoting adjoining properties (note relative setbacks)

The same could be said in noting the degree to which the deck does not comply with the acceptable solution which is sub 3m setback from the access strip and a height of 1200mm.

If not for the access strip which provides for the boundary which causes the discretion, the development is in excess of 4.5m from the boundary of 10 Gordon Heights. Such a separation would comply with the acceptable solution if that boundary were the only boundary, and so in this regard, a 4.5m separation from a 1.2m deck is something which the planning scheme anticipates is acceptable.

The access strip provides such separation and so by the decks siting adjacent to this strip, which otherwise offers no contribution to the amenity of the owner of lot 2 is considered to be designed (by virtue of siting) to minimise overlooking.

In addition to the above. The proposal demonstrates compliance with the acceptable solutions as follows:

10.4.3 Site Coverage and Private Open Space for all Dwellings.

10.4.6 (A2) Privacy for all dwellings

No windows of the proposal above 1m natural ground level are within 3m of the side boundary.

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<sup>1</sup> Break O'Day Council v Resource Management and Planning Appeal Tribunal [2009] TASSC 59 at [20-21]

E5.5.1 (A3) Existing road accesses and junctions

E.6.7.1 Number of Vehicle Accesses

E6.7.2 Design of Vehicular Accesses

E6.7.5 Layout of Parking Areas

E6.7.6 Surface Treatment of Parking Areas

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

E6.7.14 Access to a road

The proposal is in accordance with the requirements of the road authority, advice and appropriate conditions are recommended to be appended to the permit such that those requirements are met ongoing.

E7.7.1 Stormwater Drainage and Disposal

All new impervious surfaces are proposed to be directed to the legal discharge point (kerb adapter in the street).

#### **11. Meeting the Standards – via Performance Criteria**

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

10.4.2 (P3) Setbacks and Building Envelope

10.4.6 (P1) Privacy for all Dwellings

E6.6.1 (P1) Number of Car Parking Spaces

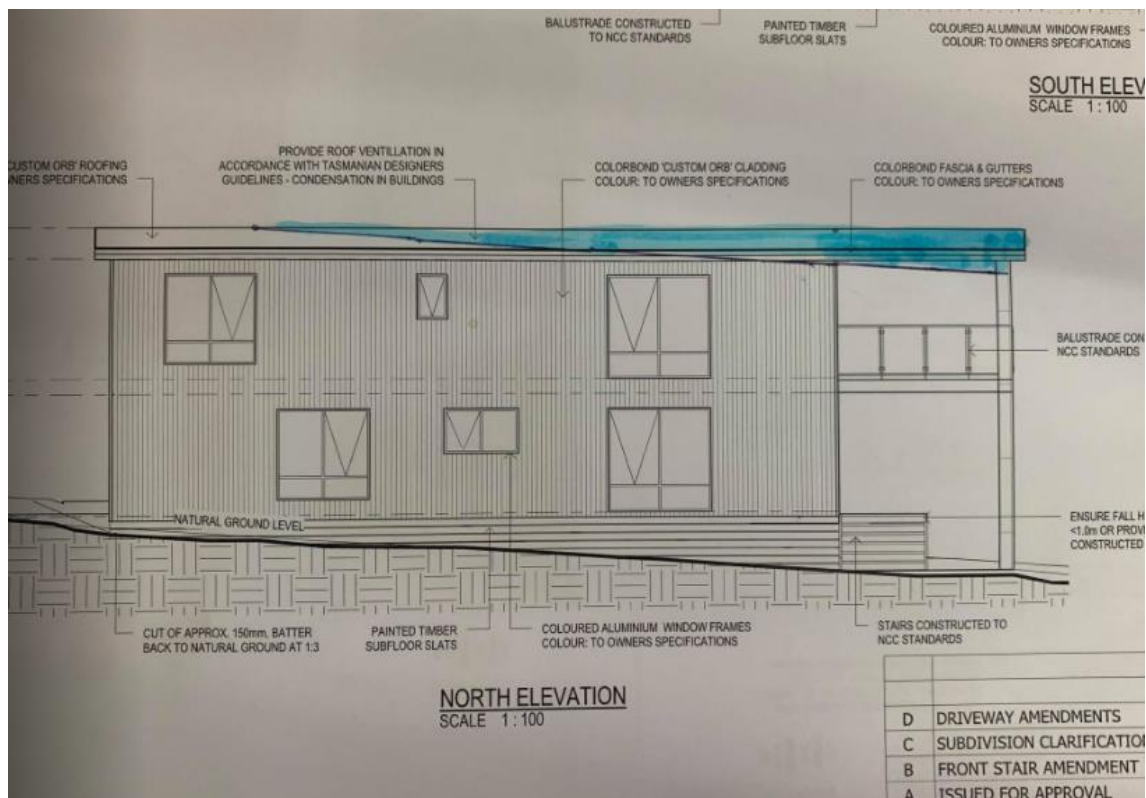
The Planning Authority must consider the planner's comments and the performance criteria associated with the discretions.

### **PART THREE**

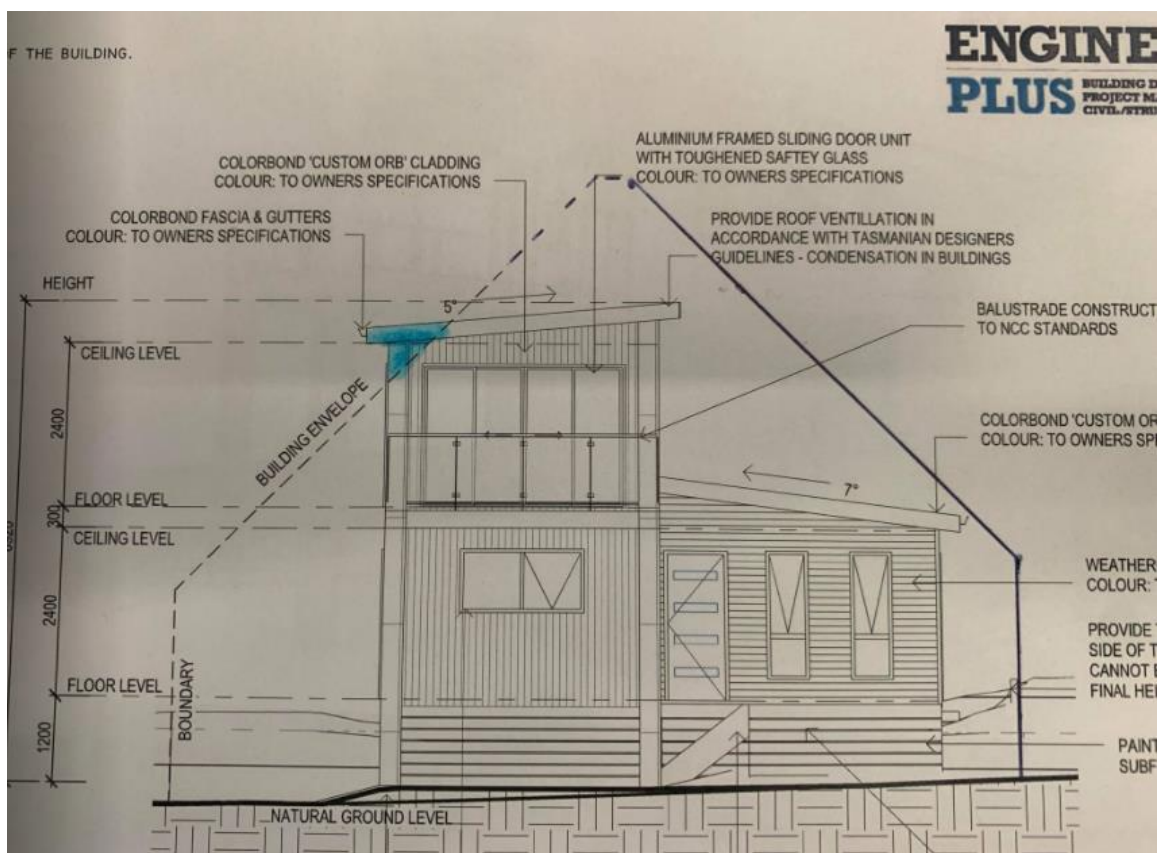
#### **12. Assessing the proposal against the Performance Criteria**

10.4.2 (P3) Setbacks and building envelope for all dwellings

The proposal both protrudes from the building envelope at the northern boundary (see images 7 and 8), and is longer than 9m and within 1.5m of the southern boundary. The proposal is therefore reliant on the performance criteria (see table 1)



**Image 7.** Extent of protrusion from the building envelope at the northern elevation (adjacent to 40 Gordon Street)



**Image 8.** Extent of protrusion from the building envelope per 10.4.2



With respect to the protrusion from the building envelope at the northern elevation, it is considered this is minor, and will have a negligible effect on overshadowing of 40 Gordon Street by virtue of being to the south of that lot. The bulk which presents beyond the envelope is not considered excessive, by reference to what otherwise is allowable<sup>2</sup>.

With regard to the length of the building within 1.5m of the southern boundary, it is noted that this boundary forms an access strip, the sole purpose of which is for providing access to the rearward lot. The nearest structure is on the other side of this access strip and this is not a habitable structure (see Image 9).

Despite this outbuilding not being habitable, there are relevant considerations as a structure which is part of a dwelling. It is considered correct to assess 10 Gordon Heights as being an adjoining property, albeit separated by an access strip. Be that as it may, it is not the separation from the boundary with 10 Gordon Street which invokes discretionary consideration. The separation for the proposal from the outbuilding at 10 Gordon Heights is in excess of 10m; this is considered acceptable, and consistent with separation distances which the standards of the zone ordinarily would deem compliant with the acceptable solution.

It is further noted that the section of the outbuilding at 10 Gordon Heights which presents to the north is an open walled section of shed for vehicle/boat storage, which offers no residential amenity to the owners of that lot. For a full assessment of the proposal with respect to these performance criteria see Table 1.



**Image 9.** View over subject site identifying the outbuilding at 10 Gordon Heights, relative to the parent dwelling to the rear

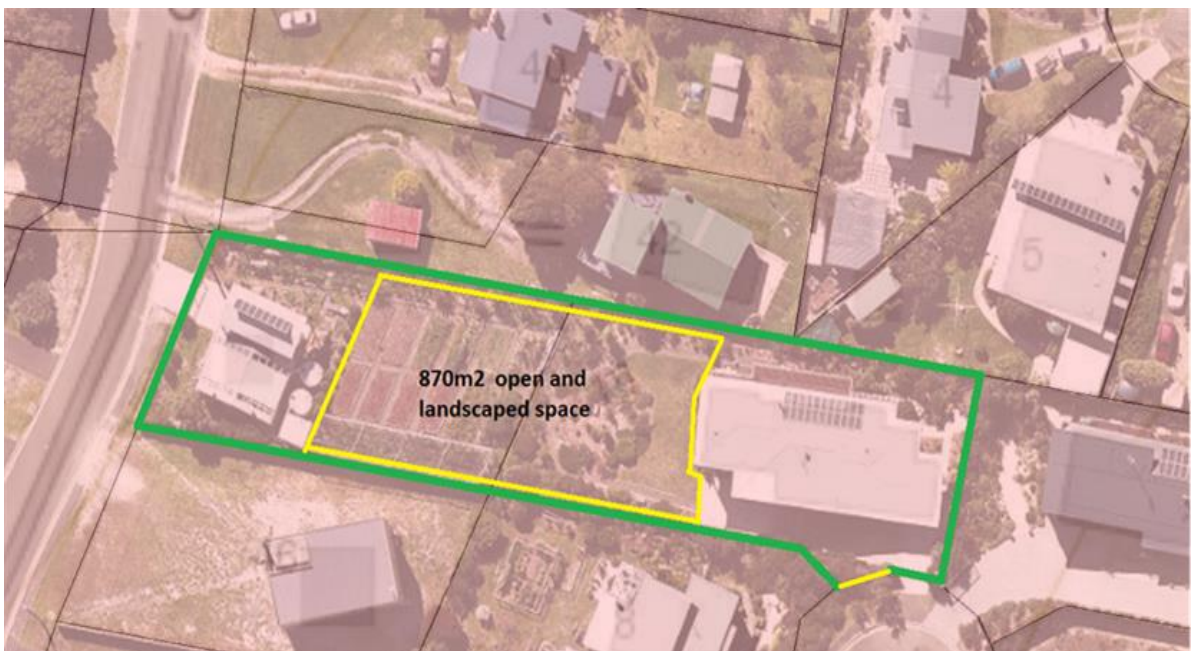
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<sup>2</sup> Rowell v Clarence City Council [2012] TASRMPAT 94 at [13]





**Image 10.** View of adjacent property, note the dwelling at 38 Gordon Street is two storey and has a side longer than 9m within 1.5m of the side boundary



**Image 11.** Open space available to 10 Gordon Heights, Bicheno

Performance Criterion	Planner's comments
<b>10.4.2 (P3) Setbacks and Building Envelope</b>	
<p>The siting and scale of a dwelling must:</p> <p>(a) Not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p>	<p>It is understood the proposal will be a prominent visual element in the streetscape. What is important though is whether the dwelling will cause for an unreasonable loss of amenity. It is considered, with regard to the below that the prominence of a building does not equate to an unreasonable impact, except where the prominence causes an unacceptable reduction in sunlight, increase in overshadowing or incongruous bulk and scale when viewed from an adjoining property.</p> <p>The predominate overshadowing of the proposal relates to a neighbouring outbuilding used for boat storage. This is not a habitable room.</p> <p>The site known as 10 Gordon Heights is a residential block made of two lots. Though the forward allotment will experience some overshadowing, this is localised to the portion of land between the outbuilding and the subject site/access strip. On balance, bearing in mind the open space available to the owner of 10 Gordon Heights is in excess of 870m<sup>2</sup> (See image 11), the overshadowing is not unreasonable.</p> <p>n.a</p> <p>The degree to which the proposal protrudes from the building envelope is minimal (see image 8). The precedence for two storey dwellings in the vicinity is low, but it is considered that the prominence of a dwelling does not equate to an unreasonable impact on amenity by that prominence alone. The massing of the structure is varied, where the second storey does not occupy the entirety of the ground floor footprint. The roof is relatively flat.</p>



#### 10.4.6 (P1) Privacy for all dwellings

The proposal is within 1100mm of the southern boundary, and includes a front deck which has a nominal height of 1200mm. The proposal therefore is reliant on the performance criteria, by virtue of this deck not being setback 3m, nor including a privacy screen.

For a full assessment of the proposal with respect to these performance criteria see Table 2.

Performance Criterion	Planner's comments
<b>10.4.6 P3 Privacy for all dwellings</b>	
A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:  (a) a dwelling on an adjoining property or its private open space; or  (b) another dwelling on the same site or its private open space.	Noting that 10 Gordon Heights does not share a common boundary, but ought to be considered as adjoining, the impact of the deck with regard to this property is required to be considered.  Noting the deck is adjacent to an access strip which cannot be developed, and in addition, is approximately 10m from the outbuilding at 10 Gordon Heights, it is considered that the siting of the deck in this location, as an element of its' design, is sufficient to satisfy the performance criteria.

**Table 2.** *assessment against relevant performance criteria.*

#### E6.6.1 (P1) Number of Car Parking Spaces

The proposal has provided one car parking space onsite. The acceptable solution is for two car parking spaces. the proposal is reliant on the performance criteria.

For a full assessment of the proposal with respect to these performance criteria see Table 3.

Performance Criterion	Planner's comments
<b>E6.6.1 Number of Car Parking Spaces</b>	
<p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <p>(a) car parking demand;</p> <p>(b) the availability of on-street and public car parking in the locality;</p> <p>(c) the availability and frequency of public transport within a 400m walking distance of the site;</p> <p>(d) the availability and likely use of other modes of transport;</p> <p>(e) the availability and suitability of alternative arrangements for car parking provision;</p> <p>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p> <p>(g) any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of</p>	<p>The proposal is for one car parking space. The length of the driveway is not sufficient to allow for a jockey space. It is expected that a three bedroom house will require two car parking spaces to meet the reasonable needs of users. It is therefore a recommended condition of approval that prior to the commencement of works, amended drawings are provided which demonstrate that two car parking spaces will be provided for the use of the occupants of the dwelling.</p> <p>The demand is anticipated to be two spaces at a minimum</p> <p>The section of road immediately to the front is not suitable owing to the driveway for the rearward lot precluding a full carpark length</p> <p>is considered that a financial contribution is inappropriate in the absence of a car parking area in the vicinity, and the unsuitability of relying on the road for car parking.</p> <p>Though there is always an opportunity for cycling and walking, it is considered as the site is in excess of 1km from the activity centre of Bicheno, the likely use of other modes of transport is low.</p> <p>n.a</p> <p>n.a</p> <p>n.a</p> <p>n.a</p>

parking requirement, except in the case of substantial redevelopment of a site;	
(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;	This is not considered appropriate, though it is noted a policy does exist.
(j) any verified prior payment of a financial contribution in lieu of parking for the land;	n.a
(k) any relevant parking plan for the area adopted by Council;	n.a
(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code	n.a

**Table 3.** Assessment against relevant performance criteria.

### 13. Referrals

No Referrals were required for the assessment of this development.

### 14. Representations

Notice of the application was given and 7 representations have been received. Pursuant to clause 8.10.1 of the Scheme, In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration any representations received pursuant to and in conformity with ss57(5) of the Act.

Representation 1 points (objecting)	Response
lot size is sub-minimum	The application is for a single dwelling on an existing lot. Notwithstanding this, it is useful to respond that the lot size as surveyed is 401m <sup>2</sup> , which meets the qualities of a minimum lot.
Deck and windows will cause for an issue of loss of privacy	The proposal is assessed as compliant with the performance criteria
Potential for the development to concentrate winds to the detriment of nearby developments	Not a consideration within the planning scheme.
Potential for future short term rental of the property.	The future use is not the subject of this application. The application is being assessed as a dwelling which has a No Permit Required use status pursuant to the table.

Representation 2 points (objecting)	Response
Relates to the lot size being sub-minimum	The application is for a single dwelling on an existing lot. Notwithstanding this, it is useful to respond that the lot size as surveyed is 401m <sup>2</sup> , which meets the qualities of a minimum lot for the general residential zone where within 200m of a local business zone.
<p>The representation lists a number of standards to which they purport the development fails to meet the requirements of the planning scheme. These are,</p> <ol style="list-style-type: none"> <li>1. Building envelope</li> <li>2. Front setback</li> <li>3. Length of building in relation to side setback and boundary length</li> <li>4. Overshadowing of adjacent properties</li> <li>5. Visual impacts caused by the scale and proportion of the dwelling when viewed from adjoining properties.</li> </ol>	See below individual responses.
<p>1. Building Envelope</p> <p>The development should be no more than a small single storey...</p>	The General Residential zone does not regulate storeys, but rather height. The maximum height per the building envelope is 8.5m, which would comfortably allow for a two storey dwelling. The proposal however does protrude from the building envelope by virtue of the lot being somewhat narrow. The planning scheme operation allows for consideration against the performance criteria.
Front setback should be equivalent to the dwellings on adjoining sites.	<p>The proposed setback is 6m. As a vacant lot with adjoining properties at 10 Gordon Heights, and 40 Gordon Street, this frontage setback is neither greater than the greater (at 24m) or less than the lesser (at 4.5m). therefore the proposal complies with the acceptable solution.</p> <p>see part 10 of this report for a rationale of the assessment of the Front Boundary setback.</p>
Length of the building fails to meet the acceptable solution.	This is understood and the proposal is reliant on the performance criteria in this regard.
Overshadowing of 44 Gordon Street (sic)	An assessment regarding the overshadowing of 10 Gordon Heights (which is understood to be known by some as 44 Gordon Street), has been made in the body of the report.
It is proposed that this tiny block (which is less than the minimum size allowed by the Planning Scheme) is to have a house built on it that also does not fit the requirements of the Planning Scheme (on several fronts)	<p>The proposal is for a single dwelling. The lot size has been approved and meets the qualities of a minimum lot for the general residential zone where within 200m of a local business zone.</p> <p>The operation of the Planning Scheme allows for</p>

and will impact on all neighbouring residents.	consideration of a development with regard to the performance criteria.
The dwelling will impact on the privacy of the occupant.	The proposed separation of dwellings from the representor and the subject site is in excess of 75m.
High density development is not appropriate.	The lot has the qualities of a minimum lot, the density is compatible with the expectation of the General Residential zone. There are no specific considerations for Bicheno.
Single Storey would be more suitable	The number of storeys is not in itself a consideration, though it is noted the building protrudes from the building envelope.
<b>Representation 4, points (objecting)</b>	<b>Response</b>
The block that this new house is to be built on is very small.	The proposal is for a single dwelling. The lot size has been approved and meets the qualities of a minimum lot for the general residential zone where within 200m of a local business zone.
This proposed house is too big, for the site and will impact negatively on the street scape and overshadow my veggie patch.	The proposal is considered with respect to the performance criteria as being allowable, albeit outside the building envelope per the acceptable solution.
Some of the aspects of this house, also, fall outside Planning requirements ie setbacks, length of house in relation to side boundary, proximity to road. Are these not considered when approval is given?	The proposal has been assessed with regard to the applicable standards in the body of this report.
<b>Representation 5, points (objecting)</b>	<b>Response</b>
Lot size	The application is for a single dwelling on an existing lot. Notwithstanding this, it is useful to respond that the lot size as surveyed is 401m <sup>2</sup> , which meets the qualities of a minimum lot.
Two storey	The General Residential zone does not regulate storeys, but rather height. The maximum height per the building envelope is 8.5m, which would comfortably allow for a two storey dwelling. The proposal however does protrude from the building envelope by virtue of the lot being somewhat narrow (though meeting the minimum frontage width requirement of 12m). The planning scheme operation allows for consideration against the performance criteria.
Looming nature of the development	The visual bulk forms part of the assessment
<b>Representation 6, points (objecting)</b>	<b>Response</b>
Lot size	The application is for a single dwelling on an existing lot. Notwithstanding this, it is useful to respond that the lot size as surveyed is 401m <sup>2</sup> , which meets the qualities of a minimum lot.



It is unreasonable to develop such a small lot by way of recent subdivision which then results in future development requiring further relaxations in development standards.	The operation of the planning scheme allows for development to comply with an applicable standard by demonstrating compliance with the performance criteria.
Proposed ground level deck is higher than 1m above NGL and within 3m of the boundary. The representor notes that the mere separation of the subject site and 10 Gordon heights does not preclude consideration of that site as 'adjoining'.	See report - generally the siting of the deck adjacent to an access strip provides sufficient separation from the adjoining property at 10 Gordon Heights.
Building envelope	See body of report.
Advertising	<p>The proposal was advertised for the statutory 14 day period. The description of the location of the development is based on the address of the site, as provided by Land Information Services Tasmania.</p> <p>This is consistent with the approach for all notifications made, irrespective of whether multiple titles have the same postal address. It is understood this a sufficient specification of the location of the area affected by the proposal as required by the Act.</p>
Future use of land for Air BNB	The application is solely for a dwelling.
<b>Representation 7, points (objecting)</b>	<b>Response</b>
The development is not appropriate in terms of the building envelope, front setback, length of the building, overshadowing of adjacent and adjoining properties and visual impact caused by the size of the proposed building.	The proposal is reliant on a number of performance criteria for compliance with the scheme. These are outlined in the body of the report.
The proximity of the house to the front boundary, and its size in relation to the lot size and the fact that it will loom over our properties directly across the road, will impact significantly on our privacy, enjoyment of our outdoor spaces and noise.	The setback is assessed to comply with the acceptable solution.
The lot size on which this proposed development is smaller than the minimum size permitted by the Planning Scheme, and as such is not suitable for anything other than a small single storey dwelling at most.	The lot size has the qualities of a minimum lot. the General Residential zone allows for a max building height of 8.5m there is no restriction on the number of storeys. The planning scheme is concerned with height.

## **CONCLUSION**

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

## **RECOMMENDATION**

### **That:**

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 288 for a Dwelling at 42 Gordon St, Bicheno be approved subject to the following conditions:

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

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

2. Prior to the commencement of works, construction drawings must be provided to the General Manager of the Glamorgan Spring Bay Council, which demonstrate no less than two car parking spaces, designed such that they are efficient and useable are to be provided on site. These plans once endorsed will form part of the permit.
3. Plans submitted for building approval must include a Soil and Water Management Plan (SWMP) and this must be implemented to ensure soil and sediment does not leave the site during the construction process.

*Advice: a series of Fact Sheets on [Soil and Water Management on Building Sites](#) and how to develop a SWMP is available on the Environment Protection Authority website.*

4. No top soil is to be removed from the site.
5. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
  - b) not burn debris or waste on site;
  - c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage.

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

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

7. Stormwater drainage must drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with a Plumbing Permit issued by the Permit Authority in accordance with the *Building Act 2016*.

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

**RECOMMENDATION**

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

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## 5. FINANCIAL REPORTS

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### 5.1 Financial Reports for the period ending 31 May 2021

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Author: Contract Accountant (Mrs Marissa Walters)

Responsible Officer: General Manager (Mr Greg Ingham)

#### **ATTACHMENT/S**

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

#### **BACKGROUND/OVERVIEW**

The financial reports for the period ended 31 May 2021 as attached to this report are presented for the information of Council.

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

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

#### **STATUTORY IMPLICATIONS**

Various legislation.

#### **BUDGET IMPLICATIONS**

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

#### **RISK CONSIDERATIONS**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
There are no immaterial risks from adopting this recommendation.				
<b>Do not adopt the recommendation</b>				
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending the 31 May 2021. Council needs to endorse.

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

That Council receives and notes the Financial Reports as attached to this report for the period ended 31 May 2021.

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## **6. SECTION 24 COMMITTEES**

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### **6.1 Minutes of Spring Bay Eldercare Committee Meeting – 31 May 2021**

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**MINUTES OF THE SPRING BAY ELDERCARE  
COMMITTEE MEETING TO BE HELD AT THE COUNCIL OFFICES,  
TRIABUNNA ON MONDAY 31<sup>ST</sup> MAY 2021 COMMENCING AT 9.00 AM.**

**1. PRESENT**

Cheryl Arnol (Chair), Mrs Kath Fergusson (in chambers)  
Mrs Lona Turvey and Cllr Keith Breheny (on telephone link)

Chair welcomed Mrs Turvey to her first meeting as a Committee member

**2. APOLOGIES**

Mr Mick Fama  
Mr Tony Brown

Note Mr Brown was telephoned as he had not arrived at the meeting. He was unaware of the meeting as the Chair failed to include Mr Brown in the emailed agenda. As he was unable to stay on the line for the meeting, he was offered the opportunity to make comment on any matter of interest on the agenda.

**3. CONFIRMATION OF MINUTES**

4/21

*Moved: Cllr Breheny*

*Seconded: Mrs Fergusson*

*that the minutes of the Spring Bay Eldercare Committee Meeting held on 1<sup>st</sup> March 2021 be confirmed as a true record of proceedings.*

*Carried*

**4. BUSINESS ARISING**

**Transfer of funds to Reserve Account**

The Senior Finance Officer to advise that the investment funds which were due to mature in April had been transferred.

The Chair advised that the Senior Finance Officer left Council employ and this information was not at hand.

Chair advised that the General Manager had advised that the recently appointed Director Corporate and Community would attend meetings. Chair further advised that she had a meeting organised with the Director Corporate and Community and would raise staff support for the committee with her.

No finance report had been prepared for the meeting.

**5. GENERAL BUSINESS**

Discussion on the need to formulate a recommendation to Council for the June Council meeting for future rent increases (if any)

Tony Brown had provided comment by phone that he considered that a rate increase was not appropriate at this time.

Discussion was held in relation to the impact of rental increases on the residents and whether there had been any increases in rentals by the Housing Department.

The Chair to raise the matter with the Director Corporate and Community to review the finances and determine whether there had been rental increases in public housing during Covid.

5/21 *Moved: Mrs Fergusson; Seconded: Mrs Turvey*

*That rent be retained at its current level and a review be done in September following consultation with the Director Corporate and Community.*

*Carried*

## **6. OTHER BUSINESS**

Clr Breheny requested that the General Manager ensure that the needs of the elderly residents have been considered with the closure of the Tasman Highway.

Mrs Turvey raised that the Unit 4 occupant has now vacated and is going into a nursing home.

Chair advised that a condition report had been prepared by Manager Marine and Infrastructure and outlined what was needed to be done.

The Committee agreed that the unit should be refurbished as per the report prior to re-letting.

6/21 *Moved: Kath Fergusson;  
Seconded: Lona Turvey*

*That the committee recommends to Council that Adrian's report be approved for action subject to the approval of the Director Corporate and Community.*

*Carried*

Mrs Turvey raised that there were times when units are not left in a very good state because of lack of support and questioned whether a small bond should be placed on the unit to cover the cost of cleaning if necessary but refundable if property is cleaned. It was suggested that if this is implemented that the bond be set at a maximum of 2 weeks' rental.

Mrs Fergusson noted the vacancy and questioned whether the committee would continue to be responsible for letting units.

Mrs Turvey suggested that the vacant units should only be placed on the local noticeboards and in local newspapers.

Chair will raise staff support with the Director Corporate and Community in relation to future letting of the units. Interviews to be conducted by Mrs Fergusson and Mrs Turvey as has been the process in the past if approved by the Director Corporate and Community.

Chair will report to the committee following the meeting with the Director Corporate and Community.

## **7. NEXT MEETING**

**Monday 30<sup>th</sup> August 9.00 am**



## Eldercare Unit – Property Inspection

**Property Address:** Unit 4 Eldercare Circuit

**Date:** 28 May 2021

**Landlord/Manager Name:** Glamorgan Spring Bay Council

**Ref:** 20210528-02

**Tenants Name:** [REDACTED]

### Inspection Notes / Maintenance

Replace door glazing panel <b>Approx. \$120</b>	General Maintenance
Patch small hole in wall & re-paint <b>Approx. \$150</b>	Small hole in wall and scuff marks
Replace Carpet <b>Quote required</b>	There are some small burn holes on the carpet, but (Adrian & Lona agreed that the carpet was old and would need replacing at this time anyway)
New Vinyl <b>Quote will be sort if Eldercare Committee agree to the suggestion.</b>	Vinyl in practical condition, but outdated. Possibly a suitable time for replacement while the carpet is being replaced.
New Toilet Seat <b>Approx. \$30</b>	General Maintenance – Time for replacement (Not due to tenant)
New Shower curtain <b>Approx. \$30</b>	General Maintenance
New Extractor Fan in Kitchen <b>Quote Required</b>	Time for replacement

### General Council Maintenance & Cleaning

<input type="checkbox"/> Remove outdoor chair from front patio & x2 chairs in the kitchen	Remove free of charge
<input type="checkbox"/> Mow Lawns, Weeding & General Tidy of back & front yard.	General Maintenance
<input type="checkbox"/> Clean Fan/Heater in the bathroom	General Maintenance Cleaning
<input type="checkbox"/> Cleaning of washing machine (Tablet)	General Maintenance Cleaning
<input type="checkbox"/> Put Cupboard freshener in all cupboards	General Maintenance Cleaning
<input type="checkbox"/> Vacuum Airconditioning & Wipe Dust	General Maintenance Cleaning
<input type="checkbox"/> Clean outside of back windows	General Maintenance Cleaning
<input type="checkbox"/> Replace Smoke Alarm Battery	General Maintenance

### Comments

Unit 4 at Eldercare Circuit was inspected on 28<sup>th</sup> of May 2021. Inspected by Adrian O'Leary Manager Buildings & Marine Infrastructure & Eliza Hazelwood Community & Communications Officer. The property was in a generally good condition. The premises have been well kept and cleaned prior to vacating.

General Maintenance report above with observations and suggestions for the Committee.



## RECOMMENDATION

That:

1. The Minutes of the Spring Bay Eldercare Committee meeting held on 31 May 2021 be received and noted, and;
2. The recommendation contained therein for unit four (4) to be refurbished as per the attached condition report, submitted by Mr Adrian O'Leary, be approved for action.

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## **7. INFORMATION REPORTS**

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### **7.1 Director Works and Infrastructure - Mr Peter Porch**

Asset Management; Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; Cemeteries

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#### **ATTACHMENT**

1. AusSpan Flooding Report 2021

#### **ASSET MANAGEMENT**

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

Asset management activities required for the implementation and development of the set of asset management plans include asset locations in Geospatial mapping (GIS). The collection of council stormwater assets in GIS continues.

The data associated with the discovered assets in developing the asset management plans is currently being processed for inclusion in councils asset management system software.

#### **CONSULTANT SERVICES**

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

- Annual Bridge maintenance report provided by Aus-span. Specific Report relating to bridge damage attributable in part to the March 24-25 flood event - See Attachment.
- Stormwater Management Plan: Cameron Oakley continues to work through a multitude of inundation issues with the outcome to be a schedule of future works encompassing a number of years of forward works. Each of these projects will come before council for consideration in future capital works programs. Projects will be assessed on the basis of risk to form a priority for scheduling the program that will be presented to council.  
A component of this work is the South Orford Stormwater System Study. This is to assess the stormwater system capacity and function from Shed Hill through Mary St to Walters Drive and Strawberry Hill Court. This will ensure the design proposed for a levy along the Orford Rivulet does not have any negative consequences. AD Design and Consulting are carrying out these works. Ongoing.
- Grant fund project delivery: Graeme Edwards is retained to deliver a range of projects funded by commonwealth Grants. A number of sub-consultants are involved in these works also. Ongoing.
- Rheban Road Griffiths Rivulet Bridge tender being developed.
- Pitt and Sherry are developing tender design and specification for Vicary Street and The Esplanade intersection in Triabunna. Ongoing.

#### **OPERATIONAL WORKS**

- Work Requests: 33 recorded for the month. 66% from internal inspections.
- 11 unsealed road inspections completed.

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

- Glen Gala Rd bridge- removed flood debris
- Met with TasSpan inspector to review bridge inspection reports.
- Integrity inspection of timber pedestrian bridge on Tasman Hwy walking track in Bicheno. Minor repairs required.
- Seaford Road - maintenance grade- completed
- Wielangta Road - maintenance grade- completed
- Strip Road re-sheet and repairs around floodway due to flood damage- completed
- Hermitage Road maintenance grade-completed



- Sand River Rd- maintenance grade completed.
- Strip Rd, Swanson Rd, Greenhill Rd and numerous small, unsealed roads around Triabunna maintenance grades- June 2021
- Scheduled maintenance grading of unsealed roads in the Buckland area currently postponed due to Tasman Hwy closure.
- Louisville road pavement and seal repairs
- Roadside slashing as scheduled.
- Reviewing road condition of sealed sections of Sally Peak Rd, Twamley Rd and Court Farm Rd. A report will be provided to council in due course to consider future maintenance options for these roads.
- Roadside weed spraying of unsealed roads re-introduced to achieve higher quality maintenance grades, along with pre grading culvert cleaning.
- Unsealed road maintenance schedule developed for June and July.

## **STORMWATER, DRAINAGE**

- Normal maintenance activities
- Hermitage Road culvert cleaning prior to maintenance grade.
- Completed installation of footpath at Kent Street, Buckland.
- Extra toilet roll dispensers installed at Triabunna Marina and Raspins Beach to reduce weekend overtime to maintain this service.
- Swanson Rd culvert cleaning.
- Open drain cleaning in Bicheno park near Sea Life centre. Cultural Heritage survey completed on area, awaiting PWS approvals to undertake. Drains are badly silted up and retaining stagnant water.

## **WASTE MANAGEMENT**

- Nets installed over Orford WTS cardboard recycling skip bin to avoid being blown around the site.
- In the process of installing posts and security cameras at Orford and Coles Bay WTS following unauthorised dumping- ongoing.
- Working with Swansea Men's shed to finalise access arrangements to Swansea WTS for recycling/re-purposing dumped items- this is now completed, men's shed is taking items from WTS's to reuse/repurpose.
- All WTS stations operating on Winter opening hours.
- Reviewing contract bin placements to identify excess services.
- Orford WTS- RECYCAL have removed all scrap metal for recycling.
- Orford WTS- All old tyres sent to Barwicks at Bridgewater for recycling. Cost associated with tyre receipt higher than anticipated due to contamination of tyres. Reviewing methodology for tyre storage to alleviate this cost in future.
- Screen moved from Swansea to Orford WTS to screen green waste burn material to recover all topsoil for future use and save purchasing topsoil for council usage.

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

- 13 weekly playground inspections for the month across the municipality.
- New seat installed at Riverside Park playground due to old timber seat being deemed unsafe.
- Painting underway on play/gym equipment at Duck Park, Swansea to protect from corrosion and extend service life. This was a recommendation from last annual inspections.
- Purchasing an All-Abilities swing seat for Duck Park to replace an existing seat. Multiple swings at this location provide the opportunity for the option. Response to customer feedback.
- 5 X bench seats installed by GSBC on behalf of Bicheno DAP group along Tasman Hwy walking track
- Timber bollards and chain installed on foreshore in Wellington St, Swansea to eliminate vehicles driving on grass/footpath to bench seat that is used by patients from medical centre.

- Roadside weed spraying of unsealed roads re-introduced to achieve higher quality maintenance grades, along with pre grading culvert cleaning.
- Unsealed road maintenance schedule developed for June and July.

## **EMERGENCY MANAGEMENT:**

### **Council response**

Council administrative response to traffic light failures on Shea's creek bridge project. Contact made with State Growth's contractor to repair defective lights.

With the receipt of the AusSpan bridge report on damage associated with the March 24-25 flooding, a preliminary application for State Emergency Management funding has been made for remediation works.

A special meeting of the Municipal Emergency Management Committee was called on Friday 28<sup>th</sup> May 2021. The meeting purpose was to discuss the emergency service agency preparedness for response to emerging issues from the Tasman Highway closure at Paradise Gorge. The meeting was held through Microsoft Teams with an excellent response from all agencies. Plans for managing the impacts were reviewed and a number of issues were identified for follow up. The shared information provided enhancement of integrated agency action.

## **CAPITAL WORKS**

- Wielangta Road- re-sheeting commenced and works closed down due to State Growth intervention associated with Tasman Highway detour.
- Swansea boat ramp parking extension- Project is ready to seal 90% completed.

### **Grant funded**

- Swansea Main St Paving: Concept nearing Community engagement phase.
- Bicheno Tasman Highway Footpath: Tenders closed.
- Coles Bay Foreshore Footpath: Concept design developing to inform consultation.
- Bicheno Gulch Foreshore and Esplanade Upgrade: Awaiting approval prior to final design.
- Bicheno Triangle Upgrade: Design and consultation ongoing.
- Swansea Boat Ramp Car Parking ready to seal.
- Swanwick footpath – complete as far as funding allows. Project to have a second stage in the future to complete the designed works.

## **PLANT AND VEHICLES**

- Planned trade and sale of vehicles continued.
- Scheduled Plant replacement and upgrade continuing
- Development of council small plant and equipment register underway
- Utility vehicle replacement expected mid-June

## **GENERAL**

- State Growth has closed the Tasman Highway at short notice to remove boulders flanking the road just out of Orford. This has resulted in Wielangta Road being upgraded by State Growth to be used as a detour. Planned capital resheeting by council has been cut short as a result with State Growth contractors being deployed to manage the road condition over the period of the detour.

## **RECOMMENDATION**

That Council notes the information.

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

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### **8.1 Water Management Plan for the Swan River**

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Author: Director Works & Infrastructure (Mr Peter Porch)

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

#### **ATTACHMENT/S**

Nil

#### **PURPOSE**

To present a report recommended by Council's S24 NRM Committee with recommendations for State Government action.

#### **BACKGROUND/OVERVIEW**

A recommendation has come from the S24 NRM committee stemming from concerns of depleted water flows brought on by uncontrolled irrigation demands for East Coast river systems.

Community concern about the availability, allocation and use of water from the Swan River is well known and continues to increase.

At a public meeting organized by DPIPWE held in Cranbrook in February 2019, the lack of monitoring and accountability of historical licenses was front and center of discussions, with Councillors present offering to seek funding to purchase meters for the irrigation offtakes.

The need to maintain environmental flows to sustain Moulting Lagoon was also raised.

In October 2005 Council signed off on a document called *Environmental Management Goals for Tasmanian Surface Waters*. In that document under Water Quantity Values section 5.1 it states:

*"An appraisal of water quantity values will be undertaken in order to develop water management goals for the catchment. This will be undertaken during the water management planning process".*

In 2013 Council signed off on the Glamorgan Spring Bay Natural Resource Management Committee document: *Swan Apsley Catchment Plan*. Under the Recommended Actions in that document for water quantity, it states:

*"Continue to liaise with DPIPWE with regards to ongoing water monitoring activities and any future Water Management Planning activities in the catchment".*

The Swan River has essentially ceased running. The remaining pools in the Swan River are stagnating and full of algae.

The "environmental flow" at The Grange metering station on 24 January 2020 was 0.02 ML per day - that is a 200 litre drum full of water per day. Environmental flows are required to sustain the Moulting Lagoon Ramsar wetland and this volume is clearly inadequate. At the same time pivot irrigation direct from the Swan River was happening less than 1 km upstream.

As historical license offtakes are not metered or monitored by DPIPWE (possible) unmonitored irrigation is taking water from the Swan River on a regular basis.

Under the *Water Management Act 1999* the Minister may determine that a water management plan is to be prepared in respect of a water resource or water resources in Tasmania. A water management plan (WMP) is a statutory document which has compliance implications.

DPIPWE published its Rural Water Use Strategy in March 2021. This document states that:

*“Statutory Water Management Plans are prepared where there is economic, social or environmental complexity associated with water resource management decisions.”*

With established shellfish industries operating in the estuaries, wetlands, agriculture, tourism and associated social elements these criteria are met.

Applications for more water licenses are still being sent to DPIPWE despite there being no WMP to base allocations on in a transparent way.

Council needs to act on the commitments made in 2005 and 2013 to follow up with the relevant DPIPWE Minister to get a WMP in place for the Swan River. WMP are also required for the Apsley and Prosser Rivers. The Little Swanport Water Management Plan was written in 2006 and needs to be reviewed.

The Swan River is a priority due to the ongoing impact on its health, the international significance of the Moulting Lagoon wetland, and the Swansea township now being Stage Two Water Restrictions.

The NRM Committee has long advocated for all major river catchments on the East Coast to have WMP's as they are a key mechanism under the *Water Management Act 1999* to ensure the transparent allocation and use of surface water resources. Under the Natural Resources Management Act 2002 S18. “The Minister is to –

- (a) determine the priorities for natural resource management for the State; and
- (b) advise the relevant committees accordingly.”

Water is a finite and valuable resource, its use must be fair equitable and sustainable and to achieve this it must be managed, monitored and enforced and this is a priority for environmental management for this municipal area.

## **STRATEGIC PLAN**

### **Key Foundation**

#### **1. Our Governance and Finance**

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

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

- Advocate and lobby effectively on behalf of the community

### **Key Foundation**

#### **5. Our Environment**

Collaborating with our communities to value, manage and improve our natural resources

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

- Involve, engage and equip groups and individuals in natural resource management
- Invest in external expertise and capacity to complement GSBC resources

## **STATUTORY IMPLICATIONS**

*The Local Government Act 1993*

Part 3. Division 2.

20. Functions and Powers

(1) In addition to any functions of a council in this or any other Act, a council has the following functions:

- (a) to provide for the health, safety and welfare of the community;
- (b) to represent and promote the interests of the community;

Natural Resource Management Act 2002

Section 18. Priorities for natural resource management.

## **BUDGET IMPLICATIONS**

Operating cost for officer time.

## **RISK CONSIDERATIONS**

Key risks to council include risks associated with officer resourcing and operating budget pressures particularly where community concerns are not elevated to the appropriate Government agencies.

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
Stakeholders concerns supported	Moderate	Unlikely	Low	Risk issues advocated for to responsible State Government agencies
<b>Do not adopt the recommendation</b>				
Environmental risks exist. Primacy of the risks to riverine environments not advocated for	Likely	Likely	High	No risk mitigation achieved

## **OFFICER'S COMMENTS**

The concerns raised by the S24 NRM committee have impacts to community through impacted land owners and business operators. The concerns raised with respect to managing the water flows within the east coast rivers do not seem to be adequately addressed in existing State Government agency plans however the mechanism exists for developing them.

DPIPWE Rural Water Use Strategy published in March 2021 provide the mechanism for addressing these concerns through Water Management Plans.

## **OFFICERS RECOMMENDATION**

That:

1. Council write to the Minister responsible for the *Water Management Act 1999* requesting the allocation of funding and resources to develop and implement a water management plan for the Swan River as a matter of urgency.
2. Council write to the Minister responsible for the *Water Management Act 1999* requesting the allocation of funding and resources to develop and implement a water management plan for the Apsley and Prosser Rivers, and to review the *Little Swanport Water Management Plan 2006*.
3. Council write to the Minister responsible for DPIPWE requesting that the requirement for metering, monitoring and enforcement on all irrigation license offtakes on all east coast waterways is progressed as a matter of urgency.
4. Council write to the Minister responsible for the *Natural Resources Management Act 2002* and request the prioritization of funding for a Statutory Water Management Plan for the Swan River through NRM South.

## **8.2 Application under the Community Small Grants Program – East Coast Community Arts Initiative**

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Author: Director Corporate and Community (Mrs Elysse Blain)

Responsible Officer: General Manager (Mr Greg Ingham)

### **ATTACHMENT/S**

1. Submitted application form

### **PURPOSE**

Recommendation for Council to approve the Small Grant application for \$1,000 from the East Coast Community Arts Initiative.

### **BACKGROUND / OVERVIEW**

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

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

This application dated 18 May 2021 from East Coast Community Arts Initiative is for a contribution towards the purchase of mobile stage platform equipment with an indicative cost is \$1,521. The stage is used for performances and events held at the Swansea Courthouse and Swansea Townhall. This purchase will add to the existing portable stages which currently do not provide sufficient space/coverage to service the larger performances/events.

### **STRATEGIC PLAN**

#### **Guiding Principles**

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

#### **Key Foundations – 2. Our Community’s Health & Wellbeing**

4. Support and facilitate social and community events that promote community health and wellbeing

### **STATUTORY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

Applications for funding assistance are considered throughout the financial year until such time as the available funds have been exhausted. There is provision of \$25,000 in the 2020/21 budget for the Community Small Grants Program and as at 31 May 2021, there is sufficient funding available within the remaining budget to support this application.

## **RISK CONSIDERATION/S**

<b>Risk</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>	<b>Risk Mitigation Treatment</b>
<b>Adopt the recommendation</b>				
There are no immaterial risks from adopting this recommendation.				
<b>Do not adopt the recommendation</b>				
By not approving this application there is a risk that Council may receive negative publicity from the community for not supporting the East Coast Community Arts Initiative.	Moderate	Unlikely	Moderate	Council reviews the application and reasons for not adopting the recommendation and informs East Coast Community Arts Initiative accordingly.

## **OFFICER'S COMMENTS**

The applicant advises the existing portable stages have been much appreciated by performances and audiences alike, and a larger available staged area would allow a greater range of events to be presented to the community. The applicant has support from the Swansea Hall committee, the Swansea Revue and the Swansea Courthouse Management Committee.

This application satisfies the necessary criteria of the relevant policy.

## **OFFICER'S RECOMMENDATION**

That Council approve the application by East Coast Community Arts Initiative for Small Grant funding of \$1,000.

### **8.3 Budget 2021/22**

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Author: Consultant Accountant (Mrs Marissa Walters)

Responsible Officer: General Manager (Mr Greg Ingham)

#### **ATTACHMENT/S**

1. Budget 2021/22

#### **PURPOSE**

To recommend that Council adopts the 2021/22 Budget.

#### **BACKGROUND / OVERVIEW**

Over the past 12 months, Council has been through a period of significant review and restructure to reduce spending on non-core areas and increase resources for core functions of Council to enable it to successfully operate and serve the Glamorgan Spring Bay community and municipal area well into the future.

As part of this review and addressing the requirements of the Performance Improvement Directive issued by the Minister Local Government, Council have reviewed and adopted several Strategic Asset Management Plans and the Long-Term Financial Management Plan. As expected, all these reports highlighted the need for Council to invest further in the renewal of existing assets like roads, stormwater infrastructure and buildings, and the need for rate increases over the coming years to reach a level of financial sustainability.

Fortunately, Council and the Glamorgan Spring Bay community have survived the last year of COVID-19 uncertainty in a better position than was predicted 12 months ago. Council is forecasting a continued year of recovery, strong growth and relatively high level of development activity within the municipal area for 2021/22.

Like many in the community, Council are appreciative of the level of support provided by the State and Federal Governments to local residents, workers and businesses. With the high level of grants secured by Council, \$6.7m of capital grant funded projects are expected to be delivered in 2021/22, with some of these projects already underway. Council will fund a further \$1.4m of capital works which will primarily go towards the renewal of roads, stormwater infrastructure and replacement of aging plant and equipment.

Council's Statement of Cash Flow shows that Council has sufficient cash on hand to meet its obligations during 2021/22 financial year and cover Council's short-term liabilities forecast at 30 June 2022. No new loan borrowings are forecast for the coming year. Historically, Council has had relatively low level of cash and cash equivalents at year end that has not been underpinned by short term loan funds. Over the coming years Council will need to gradually build up the level of cash on hand to meet operational requirements and preparedness for unexpected events or natural disasters.

#### **STRATEGIC PLAN**

##### **1. Our Governance and Finances**

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

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1993 S.82 Estimates*

#### **BUDGET IMPLICATIONS**

As outlined in the attached budget estimates:

- 2021/22 Operational Budget, including Balance Sheet and Cash Flow Forecast
- 2021/22 Capital Works Budget
- 2020/2021 Loan Borrowings



## RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Minor	Unlikely	Moderate	Regular reviews of the budget are updated through the year and reported to Council.
Economic changes result in estimates that are not materially accurate, leading to a need to revise estimates either up or down during the year.				
<b>Do not adopt the recommendation</b>	Major	Likely	Extreme	Immediately workshop a revised budget for consideration at the next Council Meeting.
An alternative draft Annual Budget would need to be developed and endorsed, resulting in delayed implementation of revenue raising in the 2021/22 year and financial uncertainty.				
Ongoing substantial budget deficits leading to depleted cash reserves leads to a loss of financial sustainability.	Catastrophic	Likely	Extreme	Immediately workshop a revised budget for consideration at the next Council Meeting.

## OFFICER'S COMMENTS

### OPERATING BUDGET

Council's estimated underlying financial result for 2021/22 (excluding capital grants) is a net deficit of \$0.787m. This net deficit figure includes depreciation of \$2.76 million. Whilst depreciation is a non-cash item, funding of depreciation is a legislated requirement and it enables Council to fund the replacement of existing assets. The funding of depreciation is derived from rates income. The 2021/22 Capital Works budget includes \$1.4m in Council funded projects.

In addition to this, Council will be required to make principal loan repayments of \$0.458m in 2021/22.

The Long-Term Financial Management Plan identifies a path forward that will see Council reach sustainability within the next 4 years. Careful management, continuous improvement and hard decisions will continue to be required to reach this position.

The Annual Plan will be presented in the coming months which will highlight the key operational projects planned for 2021/22.

### CAPITAL WORKS

The total Capital Works program for 2021/22 is \$8.5million.

A summary of the program is shown below:

New Capital	\$
Roads, Footpaths, Kerbs	1,578,000
Stormwater & Drainage	265,000
Parks, Reserves, Walking Tracks, Cemeteries	3,540,500
Buildings & Facilities	-

Plant & Equipment	20,000
<b>Total New Capital</b>	<b>5,403,500</b>
<b>Renewal of Assets</b>	<b>\$</b>
Roads, Footpaths, Kerbs	1,058,174
Parks, Reserves, Walking Tracks, Cemeteries	20,000
Stormwater, Drainage	302,000
Marine Infrastructure	445,000
Buildings & Facilities	593,863
Bridges, Culverts	330,000
Plant & Equipment	300,000
Medical Equipment	20,000
IT Equipment	30,000
<b>Total Renewal Capital</b>	<b>3,099,037</b>
<b>Total Capital Works</b>	<b>8,502,537</b>

## **RATES AND CHARGES**

Included in the budget is an increase in rate revenue in line with the Long-Term Financial Management Plan and forecast additional supplementary valuations (growth in property valuations) during the coming year in the order of 1%.

The proposed change in rating methodology from AAR to AAV for residential properties will see a shift in distribution of rates across ratepayers. The impact of this change will be different for different properties. It is proposed to have a General Rate with 2 components for all rateable properties, one which is a fixed amount and the other part which is based on the valuation of the rateable property.

To mitigate the impact of the change, a cap of on the general rate component for residential rateable land will apply to ensure that any land used for residential purposes with a doubling or more in the general rate will have this increase phased in over 2 years. The cost of capping the increase is \$52k, which will be covered by forecast natural growth for 2021/22.

There is no change in the Medical Levy proposed for 2021/22 from the previous financial year.

There is a \$10 increase per rateable property for Waste Management. This is specifically to fund the Waste Management Levy being phased in by the State Government, this is proposed to gradually increase over the coming years from \$20 per tonne to \$60 per tonne. There is a 3% increase on the collection of waste and recycling bins.

## **OFFICER'S RECOMMENDATION**

That Council by absolute majority adopt the 2021/22 Budget as attached to this report.

## 8.4 Rates and Charges Policy

Author: Consultant Accountant (Mrs Marissa Walters)

Responsible Officer: General Manager (Mr Greg Ingham)

### **ATTACHMENT/S**

1. DRAFT Rates and Charges Policy

### **PURPOSE**

To recommend that Council adopts the Rates and Charges Policy as presented in the attachments.

### **BACKGROUND / OVERVIEW**

Council are required to review the Rates and Charges Policy every 4 years or more frequently if necessary. With the proposed change in rating methodology being considered by Council at this meeting at item 8.5 it is therefore necessary to review the rating policy.

### **STRATEGIC PLAN**

#### **1. Our Governance and Finances**

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

### **STATUTORY IMPLICATIONS**

Section 86B (1) of the *Local Government Act 1993*.

### **BUDGET IMPLICATIONS**

No impact

### **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> The Policy does not adequately reflect community expectations	Minor	Possible	Moderate	Regular reviews of the Policy are undertaken.
<b>Do not adopt the recommendation</b> Rating processes and procedures are not properly documented leading to a breach of Council's statutory obligation to have a formal Rates and Charges Policy.	Moderate	Likely	High	Immediately workshop a revised Policy for consideration at the next Council Meeting.

## **OFFICER'S COMMENTS**

The most significant change to the policy is to move to AAV rating for residential properties.

As explained in the Rates Resolution agenda item various models have been considered and discussed with Councillors at a number of workshops. The changes in the policy attached to this agenda item are deemed to comply with the following principles set out in S.86A(1) of the Act:

- a) Rates constitute taxation for the purposes of local government, rather than a fee for service;
- b) The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

A fixed component to the General Rate is proposed to apply equally to all rateable land. This ensures a base line level of contribution to the community services and infrastructure provided by Council. This replaces any minimum; no other minimums on general rates apply. This is a regressive form of taxation as it reduces the reliance on valuation-based rating and somewhat minimises the impact on higher valued properties.

Differential rates continue to apply for land used for Industrial and Commercial purposes, including vacant Commercial land.

Whilst all caps included in previous rates resolutions have been removed, it is proposed that Council consider a cap on certain uses of land or localities if required in times of extreme change, for example when there is a municipal revaluation or change in rating methodology to phase in the change over more than one year. The major downside to capping rate increases is that it can increase the rates that need to be charged to other properties to ensure that Council are able to raise the same amount of revenue.

No significant changes apply to the policy in regards to service charges, interest charges on overdue amounts or collection of overdue rates.

## **OFFICER'S RECOMMENDATION**

That Council adopt the Rate and Charges Policy attached to this item.

## **8.5 2021/22 Rates Resolutions and Fees and Charges**

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Author: Consultant Accountant (Mrs Marissa Walters)

Responsible Officer: General Manager (Mr Greg Ingham)

### **ATTACHMENT/S**

1. Glamorgan Spring Bay Council Rates Resolutions
2. Fees and Charges Register 2021/22
3. Rating changes by location

### **PURPOSE**

To recommend that Council adopts the Rates Resolutions and Fees and Charges for 2021/22 financial year.

### **BACKGROUND / OVERVIEW**

Over recent years Council staff and elected members have identified a need to review the rating methodology for the municipal area. The main drivers of the review have been:

1. To ensure that the rating methodology is equitable and in line with the rating principles of the Local Government Act (Act).
2. Funding to Council for general operations from the Financial Assistance Grants has been decreasing over recent years due to Council's increasing property valuations in the municipal area and the ability for Council to reasonably increase rating revenue
3. To achieve the financial sustainability of Council in accordance with the Long-Term Financial Management Plan. Through the developments of Council's Long Term Financial Plan and Strategic Asset Management Plans and post the review of Council's operations and organisational structure it has become clear the increases required in Council's rating revenue to ensure the Financial Sustainability of Council, and the intent is to phase these increases over the coming 3-4 years.

Due to COVID and the need to place restrictions on rate increases last financial year Council deferred the review of rates. In recent years Council's rate revenue, particularly for residential properties, has not been keeping pace with the increase in property valuations or the cost of providing core services and infrastructure to the community. If Council can not demonstrate that it can achieve financial sustainability it is at significant risk of amalgamation and or administration. Therefore, Council have made some very difficult decisions over the past 12-18 months to divest itself of a number of non-core services and reinvest these resources into the core functions of Council. This is to ensure adequate services levels, good governance and compliance can be met. Whilst this has gone some way to mitigate the impact that would have otherwise occurred to rate increases, it is still necessary.

Over several months Council have been modelling various rating options and the model presented in the rates resolutions attached to this agenda item are deemed to comply with the following principles set out in S.86A(1) of the Act:

- a) Rates constitute taxation for the purposes of local government, rather than a fee for service;
- b) The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

There are several key changes proposed in the rates resolution: (see attachment 3)

1. Industrial and Commercial properties, both vacant and non-vacant, have been bought in line with each other; but continue to be a differential, higher rate in the dollar per AAV than other rateable properties.
2. A fixed general charge of \$300 has been introduced which applies to all rateable properties equally. This ensures a base line level of contribution to the community services and infrastructure provided by Council. This replaces any minimum; no other minimums on general rates apply. This is a regressive form of taxation as it reduces the reliance on valuation-based rating and somewhat minimises the impact on higher valued properties.
3. All other properties, i.e. used for primary-production, residential and sport and recreation paying the same rate in the dollar per AAV.

Council previously had a rating methodology which included a mix of AAV plus minimums for non-residential properties and Average Area Rates (AAR) for residential properties. This meant that a fixed residential rate was set for each location or town. As Council needs to raise a certain amount of revenue regardless, by doing this meant that lower valued properties were subsidising the rates otherwise charged by higher valued properties under a valuation method. The principles of the Act, as outlined above, have been reviewed and the proposed mix of fixed and variable based charging of the general rate is considered to be more equitable and appropriate to the ever-changing mix of property valuations within the Glamorgan Spring Bay municipal area.

By changing rating methodology, it will mean that some ratepayer will see a significant increase in their rates, others will see no or little change and some will even see a decrease in their rates. In all the models that Council have looked at, this one has been selected for recommendation as it minimises the change more than others and meets the objectives of the review.

A cap on the increase of the general rate for occupied residential properties of 99% is proposed to phase in any increase for those substantially impacted over 2 years.

Whilst change is always difficult this model is simple and effective and will provide Council with a good platform moving forward. In undertaking the modelling, it became evident that Council's rating is considerably low compared to other, more financial sustainable, councils. The model proposed is still very reasonable in comparison, to particularly our neighbouring councils, who whilst having different models both use a valuation-based method.

In terms of other rates and charges, there is no change proposed to the Medical Levy a 3% increase on the waste charges for bin collection and a \$10 increase per rateable property to the waste management charge to cover the cost of the waste levy being introduced by the State Government. Council will need to pay a levy to the State Government for all waste taken to landfill. The State Government Fire Levy will increase by around 2% for most rateable properties.

## **STRATEGIC PLAN**

### **1. Our Governance and Finances**

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

## **STATUTORY IMPLICATIONS**

Fees and Charges – S.205 and S.206 of the *Local Government Act 1993*

Rates Resolution – various section of the *Local Government Act 1993* and *Local Government Regulations 2015* as identified in the attachments to this agenda item.

## **BUDGET IMPLICATIONS**

Both the rates and charge and the fees and charges proposed are in alignment with Annual Budget presented to Council at this meeting.

## **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Moderate	Possible	High	Explain the rationale as to the reasons for the recommendations and ensure that adequate information is provided to the community.
There may be some members of the community who do not support the proposed recommendations which could result in negative publicity for Council.				
<b>Do not adopt the recommendation</b>	Major	Likely	Extreme	A revised Rates Resolution and Fees and Charges should be workshopped with Council and presented to the next available Council Meeting.
Not adopting could place Council in breach of various sections of the <i>Local Government Act 1993</i> and the <i>Local Regulations Act 2015</i> .				

## **OFFICER'S COMMENTS**

### **FEES AND CHARGES**

Fees and Charges have been reviewed and whilst most areas have no change or minimal change some fees are proposed to increase on the principle of user pays and trying to get to a level of full cost recovery.

Whilst full cost recovery is not achievable in some areas, like planning and development, they continue to be subsidised by general rate revenue.

The marina and wharf fees are an example of where Council have tried to maintain a level of user pays and full cost recovery; however rising costs and depreciation mean that an average increase of 15% is proposed for 2021/22.

Managing Waste is an area that is growing in complexity. Council will incur additional costs in the coming year to manage green waste in particular, it is therefore proposed to introduce fees and charges for green waste disposal. The fees proposed are intended to be a contribution from users towards the cost and the remaining costs will need to be covered by the existing waste management charge included in the rates. The fee also ensures that higher volume or more frequent users and commercial operators pay a fair share. The fee has been kept low to encourage people to continue using the transfer stations rather than illegal dumping of waste into the environment. The fees remain similar or low in comparison to other councils.

The full fees and charges register is presented for ease of administration and transparency; however, some fees and charges for 2021/22 have been recently adopted by Council at previous meetings.

### **OFFICER'S RECOMMENDATION**

That Council by absolute majority:

1. Adopt the Glamorgan Spring Bay Council Rates Resolution for 2021/22 as attached to this item.
2. Adopt the Fees and Charges register for 2021/22 as attached to this item.

## **8.6 Rate Relief for Community Groups Policy**

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Author: Consultant Accountant (Mrs Marissa Walters)

Responsible Officer: General Manager (Mr Greg Ingham)

### **ATTACHMENT/S**

1. DRAFT Rate Relief for Community Groups Policy

### **BACKGROUND / OVERVIEW**

Under the Rate Relief for Community Groups Policy, Council previously provided a 50% remission on the General Rate to Sporting Groups, Community Organisations and Charitable Organisations.

The policy has been updated in respect to sporting groups due to the change in rating methodology for 2021/22, sport and recreation land used by sporting groups will generally see a substantial decrease in rates. Therefore, it is recommended to remove this remission.

The policy has also been updated in respect to charitable organisation as they are entitled to an exemption from the general rate under Section 87 of the Local Government Act 1993, therefore a remission by policy is not required.

There is no change in the policy for community organisations or clubs.

### **STRATEGIC PLAN**

#### **1. Our Governance and Finances**

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

### **STATUTORY IMPLICATIONS**

Section 87 *Local Government Act 1993*  
Section 129 *Local Government Act 1993*

### **BUDGET IMPLICATIONS**

Remissions to Sporting Groups would be in the order of \$7-10k per annum. If it were to remain for 2021/22 the remission would be in order of \$3-5k.



## **RISK CONSIDERATION/S**

<b>Risk</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>	<b>Risk Mitigation Treatment</b>
<b>Adopt the recommendation</b>				
The risk to approving the policy is that these organisations may not feel that they are receiving the same level of support from Council despite the decrease in rates.	Moderate	Possible	Moderate	Regular reviews of the Policy are undertaken.
<b>Do not adopt the recommendation</b>				
The risk to not approving the change in policy will be financial in the order of \$3-5k per annum and it may not be seen as equitable by other ratepayers given the substantial decrease these properties will see with the change in rating methodology.	Moderate	Likely	High	Immediately workshop a revised Policy for consideration at the next Council Meeting.

## **OFFICER'S RECOMMENDATION**

That Council by absolute majority adopt the Rate Relief for Community Group Policy as attached to this agenda item.

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**9. NOTICES OF MOTION**

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Nil.

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## **10. PETITIONS**

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Nil.

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**11. QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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## 12. CONFIDENTIAL ITEMS (CLOSED SESSION)

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

**Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 25 May 2021**  
As per the provisions of regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.

**Item 2: Bicheno Footpath Tender**  
As per the provisions of regulation 15(2)(d) of the *Local Government (Meeting Procedures) Regulations 2015*.

### **RECOMMENDATION**

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

***The Mayor to confirm that the recording has been terminated.***

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**13. CLOSE**

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

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

**Date:**

**Mayor Robert Young**