

Ordinary Council Meeting - 18 April 2023 Attachments

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GLAMORGAN/SPRING BAY COUNCIL
NOTICE OF PROPOSED DEVELOPMENT

Notice is hereby given that an application has been made for planning approval for the following development:

SITE: **124 Tasman Highway, Bicheno
CT 61231/5**

PROPOSAL: **Change of use to visitor accommodation**

Any person may make representation on the application(s) by letter (PO Box 6, Triabunna) or electronic mail (planning@freycinet.tas.gov.au) addressed to the General Manager. Representations must be received before midnight on 17th March 2023.

APPLICANT: **Lee McWilliams**
DATE: **21/02/2023**
APPLICATION NO: **DA 2023 / 038**



9 Melbourne Street (PO Box 6)
Triabunna TAS 7190
☎ 03 6256 4777
☎ 03 6256 4774
✉ admin@freycinet.tas.gov.au
🌐 www.esbc.tas.gov.au

Application for Planning Approval

Advice:

Use this form for all no permit required, permitted and discretionary planning applications including visitor accommodation, subdivision as well as for planning scheme amendment & minor amendments to permits.

Completing this form in full will help ensure that all necessary information is provided and avoid any delay. The planning scheme in clause 6.0 provides details of other information that may be required. A checklist of application documents is provided on page 4 of this form.

Often, it is beneficial to provide a separate written submission explaining in general terms what is proposed and why and to justify the proposal against any applicable performance criteria.

If you have any queries with the form or what information is required, please contact the office.

Details of Applicant and Owner			
Applicant:	Lee McWilliams and Michael Mercier		
Contact person: (if different from applicant)			
Address:			
Suburb:		Post Code:	
Email:		Phone: / Mobile:	

Note: All correspondence with the applicant will be via email unless otherwise advised

Owner (if different from applicant)	Gorten Pty Ltd - Will Gordon & Michael Batten		
Address:			
Suburb:		Post Code:	
Email:		Phone: / Mobile:	

Details of Site <i>(Note: If your application is discretionary, the following will be placed on public exhibition)</i>			
Address of proposal:	124a (Lot 3) Tasman Highway		
Suburb:	Bicheno	Post Code:	7215
Size of site: (m ² or Ha)	594m ²		
Certificate of Title(s):	Parent Title 61231/5 (Lot 3)		
Current use of site:	Residential dwelling		



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General Application Details <i>Complete for All Applications</i>	
Description of proposed use or development:	Residential and visitor accommodation
Estimated value of works: (design & construction)	\$ NA
Is the property on the State Heritage Register? (Tick one)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For all Non-Residential Applications	
Hours of Operation	
Number of Employees	
Describe any delivery of goods to and from the site, including the types of vehicles used and the estimated average weekly frequency	
Describe any hazardous materials to be used or stored on site	
Type & location of any large plant or machinery used (refrigeration, generators)	
Describe any retail and/or storage of goods or equipment in outdoor areas	
Personal Information Protection Statement	

The personal information requested will be managed in accordance with the *Personal Information Protection Act 2004*. The personal information is being collected by Glamorgan Spring Bay Council for the purposes of managing, assessing, advising on, and determining the relevant application in accordance with the *Land Use Planning and Approvals Act 1993*(LUPPA) and other related purposes, including for the purpose of data collection.

The information may be shared with contractors and agents of the Council for this purpose, law enforcement agencies, courts and other organisations and it may also be made publicly available on the Council's website and available for any person to inspect in accordance with LUPAA. If you do not provide the information sought, Council will be unable to accept and/or process your application.



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Applicant Declaration

I/we hereby apply for planning approval to carry out the use or development described in this application and the accompanying documents and declare that:

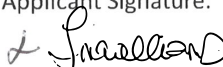

- The information in this application is true and correct.
- I/we authorise Council employees or consultants to enter the site to assess the application.
- I/we have obtained all copy licenses and permission from the copyright owner for the publication, communication and reproduction of the application and reports, plans and materials provided as part of the application and for the purposes of managing, assessing, advising on, and determining the application.

I/we authorise the Council to:

- Make available the application and all information, reports, plans, and materials provided with or as part of the application in electronic form on the Council's website and in hard copy at the Council's office and other locations for public exhibition if and as required;
- Make such copies of the application and all information, reports, plans and materials provided with or as part of the application which are, in the Council's opinion, necessary to facilitate a consideration of the application;
- Publish and or reproduce the application and all information, reports, plans and materials provided with or as part of the application in Council agendas, for representors, referral agencies and other persons interested in the application; and
- provide a copy of any documents relating to this application to any person for the purpose of assessment or public consultation and agree to arrange for the permission of the copyright owner of any part of this application to be obtained.

You indemnify the Council for any claim or action taken against the Council for breach of copyright in respect of the application and all information, report, plan, and material provided with or as part of the application.

I/We declare that the Owner has been notified of the intention to make this application in accordance with section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Applicant Signature: 		Date: 21/02/2023	
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Owners Consent required if application is on or affects Council or Crown owned or administered land

I declare that I have given permission for the making of this application for use and/or development.

Council General Manager or delegate Signature:		Date:	
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If land affected by this application is owned or administered by the Crown or Council, then the written permission of the relevant Minister (or their delegate) and/or the General Manager must be provided. For Crown land, a copy of the instrument of delegation must be provided.

It is the applicant's responsibility to obtain any owners consent prior to lodgement. Written requests for Council consent are via the General Manager. Request for Ministerial consent is to be directed to the relevant department.



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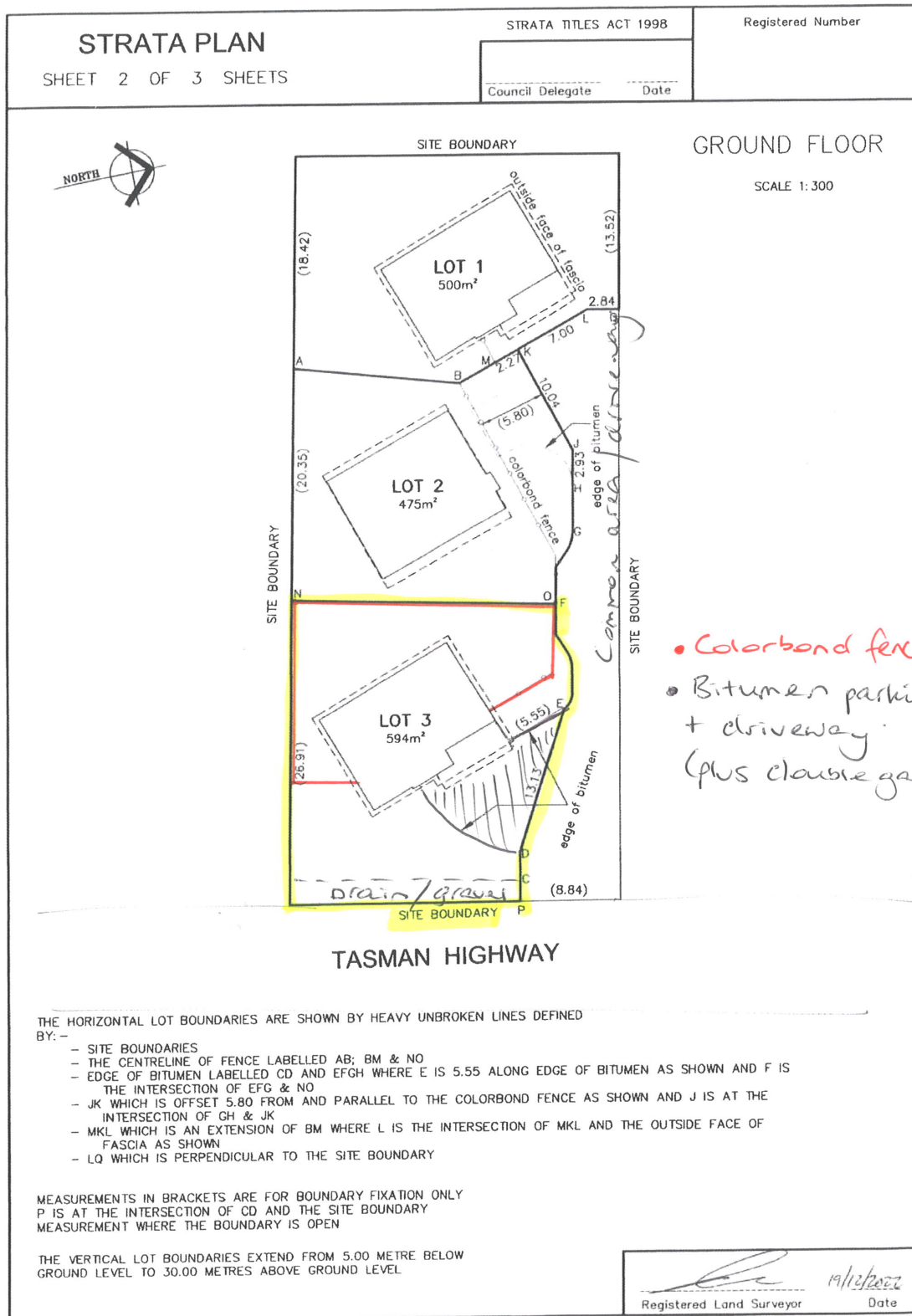
Checklist of application documents: *Taken from Section 6 of the Planning Scheme*

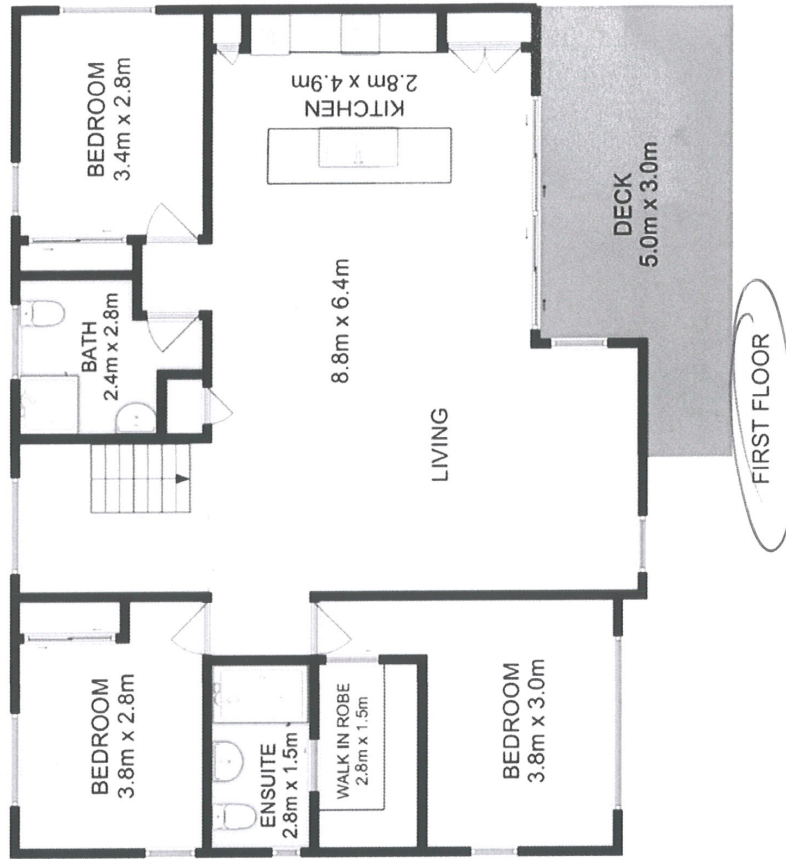
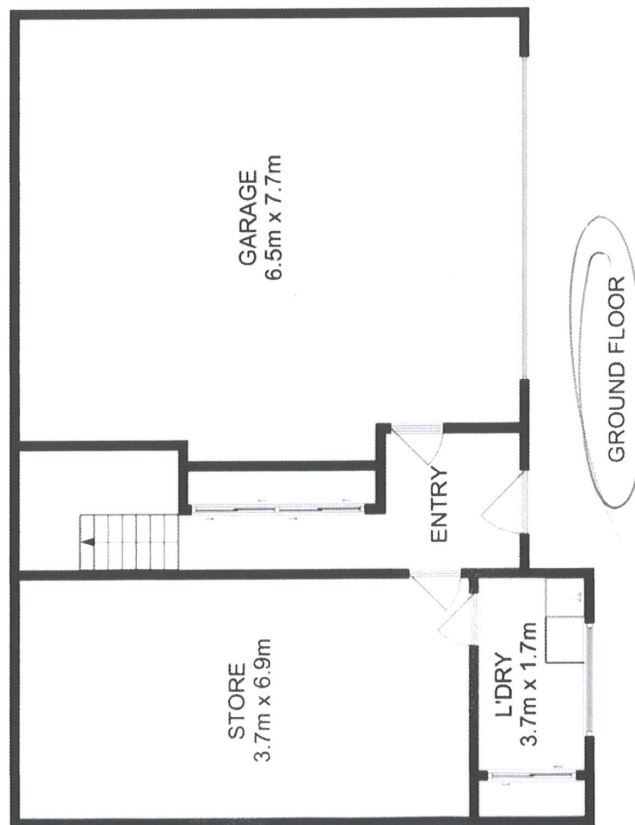
An application must include:

- ☒ a signed application form;
- ☒ any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;
- ☒ details of the location of the proposed use or development;
- ☒ a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and
- ☒ a full description of the proposed use or development.

In addition to the information that is required by clause 6.1.2, a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development including:

- ☒ any schedule of easements if listed in the folio of the title and appear on the plan, where applicable;
- ☒ a site analysis and site plan at a scale acceptable to the planning authority showing, where applicable:
 - (i) the existing and proposed use(s) on the site;
 - (ii) the boundaries and dimensions of the site;
 - (iii) topography including contours showing AHD levels and major site features;
 - (iv) natural drainage lines, watercourses and wetlands on or adjacent to the site;
 - (v) soil type;
 - (vi) vegetation types and distribution including any known threatened species, and trees and vegetation to be removed;
 - (vii) the location and capacity and connection point of any existing services and proposed services;
 - (viii) the location of easements on the site or connected to the site;
 - (ix) existing pedestrian and vehicle access to the site;
 - (x) the location of existing and proposed buildings on the site;
 - (xi) the location of existing adjoining properties, adjacent buildings and their uses;
 - (xii) any natural hazards that may affect use or development on the site;
 - (xiii) proposed roads, driveways, parking areas and footpaths within the site;
 - (xiv) any proposed open space, common space, or facilities on the site; and
 - (xv) proposed subdivision lot boundaries;
- ☐ where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 as required by the planning authority showing, where applicable:
 - (xvi) the internal layout of each building on the site;
 - (xvii) the private open space for each dwelling;
 - (xviii) external storage spaces;
 - (xix) parking space location and layout;
 - (xx) major elevations of every building to be erected;
 - (xxi) the relationship of the elevations to existing ground level, showing any proposed cut or fill;
 - (xxii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites; and
 - (xxiii) materials and colours to be used on roofs and external walls.





All measurements are internal and approximate.
This plan is a sketch for illustration, not valuation.
Produced by Open2view.com for Roberts Real Estate

Approx. floor area : 220 sqm (inc Garage)

Rep 1 –

To: The General Manager

Dear Sir

RE: DA 2023 / 038 for Change of Use to Visitor Accommodation, 124 Tasman Highway, Bicheno

As the owner of a property adjoining the site of the above proposed change of use, I wish to lodge an objection. My objection is based on the following:

- 1) The property exceeds the use standards for Visitor Accommodation as set out in the Tasmanian Planning Scheme of 200m² gross floor area per lot, this property having a gross floor area of 220m². Being so large, the scale of this property is not typical for visitor accommodation units, and such a change would impact the primary residential function of the area where there is incidentally an acute shortage of rental accommodation.
- 2) Experience shows that guests in Visitor Accommodation frequently have no consideration for neighbouring residents with noise and frequent comings and goings, so this change would likely cause a loss of residential amenity.

I would also like to add that the whole development at 124 Tasman Highway has already impacted on the amenity of neighbouring properties with a density of development rarely seen in Bicheno, causing an obliteration of ocean views from three properties which are restricted by height limiting covenants, and all of which have also lost their privacy as a result.

I hope that you will take these concerns into consideration in assessing the application, which is after all discretionary.

Rep 2 –

Dear Sir

RE: DA 2023 / 038 for Change of Use to Visitor Accommodation, [124 Tasman Highway, Bicheno](#)

As the owner of a property I wish to lodge an objection. My objection is based on Visitor Accommodation frequently having no consideration for neighbouring residents as with other properties in the area requiring visiting of police to quieten noise excessive parties and properties having more than the stated tenants staying. The excessive rental of properties is affecting the local neighbours and purchased our properties to enjoy the best of Tasmania not hassled by rental noise and antics which occur.

I would also like to add that the whole development at 124 Tasman Highway has already impacted on the amenity of neighbouring properties with a density of development rarely seen in Bicheno, causing an obliteration of ocean views from three properties which are restricted by height limiting covenants, and all of which have also lost their privacy as a result. It is with great disappointment that our objections to the proposed development was not brought to the table and discussed at council but was circumnavigated by the developer.

Finally from data gathered the property exceeds the use standards for Visitor Accommodation as set out in the Tasmanian Planning Scheme of 200m² gross floor area per lot, this property having a gross floor area of 220m². Being so large, the scale of this property is not typical for visitor accommodation units, and such a change would impact the primary residential function of the area.

I hope that you will take these concerns into consideration

Rep 3 –

To: The General Manager

Planning ref : DA 2023 /038

Property file : 1-3400-290

17 March 2023

Dear Sir

RE: Development Application - Change of Use to Visitor Accommodation, 124 Tasman Highway, Bicheno, CT 61231/5

As the owner of a property adjoining the site of the above proposed change of use, I wish to lodge an objection. My objection is based on the following:

1. The whole development at 124 Tasman Highway should not have gone ahead in its current form in the first instance. Feedback was provided to Council by adjoining property owners in this regard, but simply ignored. It seemed all too convenient that the initial discretionary application moved to an invalid application and when resubmitted a permitted application. None of the adjoining residents, who went to a great deal of effort to provide feedback, were notified of this change. Some of us now live with the obliteration of ocean views, which we once enjoyed.
2. Secondly, the property exceeds the use standards for Visitor Accommodation as set out in the Tasmanian Planning Scheme of 200 square metres gross floor area per lot, this property having a gross floor area of 220 square metres. Being so large, the scale of this property is not typical for visitor accommodation units, and such a change would impact the primary residential function of the area where there is incidentally an acute shortage of rental accommodation.
3. Lastly, experience shows that guests in Visitor Accommodation frequently have less consideration for neighbouring residents with noise and frequent comings and goings, so this change would likely cause a loss of residential amenity.

We will appreciate you taking this feedback into consideration when deliberating over the matter.



GLAMORGAN/SPRING BAY COUNCIL
NOTICE OF PROPOSED DEVELOPMENT

Notice is hereby given that an application has been made for planning approval for the following development:

SITE: RA1 Sally Peak Road, Buckland
CT 241553/1

PROPOSAL: Change of use to function centre, market and
museum

Any person may make representation on the application(s) by letter (PO Box 6, Triabunna) or electronic mail (planning@freycinet.tas.gov.au) addressed to the General Manager. Representations must be received before midnight on 24th March 2023.

APPLICANT: Friends of Buckland Church Inc
DATE: 27/02/2023
APPLICATION NO: DA 2023 / 044



9 Melbourne Street (PO Box 6)
Triabunna TAS 7190

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Application for Planning Approval

Advice:

Use this form for all no permit required, permitted and discretionary planning applications including visitor accommodation, subdivision as well as for planning scheme amendment & minor amendments to permits.

Completing this form in full will help ensure that all necessary information is provided and avoid any delay. The planning scheme in clause 6.0 provides details of other information that may be required. A checklist of application documents is provided on page 4 of this form.

Often, it is beneficial to provide a separate written submission explaining in general terms what is proposed and why and to justify the proposal against any applicable performance criteria.

If you have any queries with the form or what information is required, please contact the office.

Details of Applicant and Owner			
Applicant:	Friends of Buckland Church Inc		
Contact person: (if different from applicant)	John Burke		
Address:			
Suburb:		Post Code:	
Email:		Phone: / Mobile:	
<i>Note: All correspondence with the applicant will be via email unless otherwise advised</i>			
Owner (if different from applicant)			
Address:			
Suburb:		Post Code:	
Email:		Phone: / Mobile:	
Details of Site <i>(Note: If your application is discretionary, the following will be placed on public exhibition)</i>			
Address of proposal:	1 Sally Peak Road		
Suburb:	Buckland	Post Code:	7190
Size of site: (m ² or Ha)	8094 M2		
Certificate of Title(s):	5977988		
Current use of site:	cemetery and former Anglican Church of St John the Baptist		



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General Application Details <i>Complete for All Applications</i>	
Description of proposed use or development:	repurposing of former church building as a community venue for concerts and other events possible future market days use of building as a museum of the history of Buckland area continued use as a local cemetery
Estimated value of works: (design & construction)	\$ 0
Is the property on the State Heritage Register? (Tick one)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
For all Non-Residential Applications	
Hours of Operation	7am until midnight on occasions
Number of Employees	up to 10 volunteers on an irregular basis
Describe any delivery of goods to and from the site, including the types of vehicles used and the estimated average weekly frequency	deliveries will be by light truck [including hearse] using existing driveways. estimated frequency 1 per month = 0.25 per week
Describe any hazardous materials to be used or stored on site	none used or stored
Type & location of any large plant or machinery used (refrigeration, generators)	none used or proposed
Describe any retail and/or storage of goods or equipment in outdoor areas	occasional market stalls and food sales vans to support functions
Personal Information Protection Statement	

The personal information requested will be managed in accordance with the *Personal Information Protection Act 2004*. The personal information is being collected by Glamorgan Spring Bay Council for the purposes of managing, assessing, advising on, and determining the relevant application in accordance with the *Land Use Planning and Approvals Act 1993*(LUPPA) and other related purposes, including for the purpose of data collection.

The information may be shared with contractors and agents of the Council for this purpose, law enforcement agencies, courts and other organisations and it may also be made publicly available on the Council's website and available for any person to inspect in accordance with LUPAA. If you do not provide the information sought, Council will be unable to accept and/or process your application.



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Applicant Declaration

I/we hereby apply for planning approval to carry out the use or development described in this application and the accompanying documents and declare that:

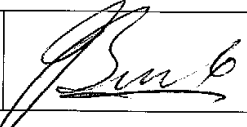
- The information in this application is true and correct.
- I/we authorise Council employees or consultants to enter the site to assess the application.
- I/we have obtained all copy licenses and permission from the copyright owner for the publication, communication and reproduction of the application and reports, plans and materials provided as part of the application and for the purposes of managing, assessing, advising on, and determining the application.

I/we authorise the Council to:

- Make available the application and all information, reports, plans, and materials provided with or as part of the application in electronic form on the Council's website and in hard copy at the Council's office and other locations for public exhibition if and as required;
- Make such copies of the application and all information, reports, plans and materials provided with or as part of the application which are, in the Council's opinion, necessary to facilitate a consideration of the application;
- Publish and or reproduce the application and all information, reports, plans and materials provided with or as part of the application in Council agendas, for representors, referral agencies and other persons interested in the application; and
- provide a copy of any documents relating to this application to any person for the purpose of assessment or public consultation and agree to arrange for the permission of the copyright owner of any part of this application to be obtained.

You indemnify the Council for any claim or action taken against the Council for breach of copyright in respect of the application and all information, report, plan, and material provided with or as part of the application.

I/We declare that the Owner has been notified of the intention to make this application in accordance with section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Applicant Signature:		Date:	26/02/2023	John Burke - Public Officer
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Owners Consent required if application is on or affects Council or Crown owned or administered land

I declare that I have given permission for the making of this application for use and/or development.

Council General Manager or delegate Signature:		Date:	
--	--	-------	--

If land affected by this application is owned or administered by the Crown or Council, then the written permission of the relevant Minister (or their delegate) and/or the General Manager must be provided. For Crown land, a copy of the instrument of delegation must be provided.

It is the applicant's responsibility to obtain any owners consent prior to lodgement. Written requests for Council consent are via the General Manager. Request for Ministerial consent is to be directed to the relevant department.



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Checklist of application documents: *Taken from Section 6 of the Planning Scheme*

An application must include:

- ☐ a signed application form;
- ☐ any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;
- ☐ details of the location of the proposed use or development;
- ☐ a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and
- ☐ a full description of the proposed use or development.

In addition to the information that is required by clause 6.1.2, a planning authority may, in order to enable it to consider an application, require such further or additional information as the planning authority considers necessary to satisfy it that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or a specific area plan, applicable to the use or development including:

- ☐ any schedule of easements if listed in the folio of the title and appear on the plan, where applicable;
- ☐ a site analysis and site plan at a scale acceptable to the planning authority showing, where applicable:
 - (i) the existing and proposed use(s) on the site;
 - (ii) the boundaries and dimensions of the site;
 - (iii) topography including contours showing AHD levels and major site features;
 - (iv) natural drainage lines, watercourses and wetlands on or adjacent to the site;
 - (v) soil type;
 - (vi) vegetation types and distribution including any known threatened species, and trees and vegetation to be removed;
 - (vii) the location and capacity and connection point of any existing services and proposed services;
 - (viii) the location of easements on the site or connected to the site;
 - (ix) existing pedestrian and vehicle access to the site;
 - (x) the location of existing and proposed buildings on the site;
 - (xi) the location of existing adjoining properties, adjacent buildings and their uses;
 - (xii) any natural hazards that may affect use or development on the site;
 - (xiii) proposed roads, driveways, parking areas and footpaths within the site;
 - (xiv) any proposed open space, common space, or facilities on the site; and
 - (xv) proposed subdivision lot boundaries;
- ☐ where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 as required by the planning authority showing, where applicable:
 - (xvi) the internal layout of each building on the site;
 - (xvii) the private open space for each dwelling;
 - (xviii) external storage spaces;
 - (xix) parking space location and layout;
 - (xx) major elevations of every building to be erected;
 - (xxi) the relationship of the elevations to existing ground level, showing any proposed cut or fill;
 - (xxii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites; and
 - (xxiii) materials and colours to be used on roofs and external walls.





Friends of Buckland Church Inc

Development Application – St John the Baptist Church

Item 6 = Description of the proposed use.

- Continuing operation of the cemetery
- Venue for weddings, funeral services and similar functions as previously held.
- Venue for community events and meetings
- Venue for concerts, proposed to be a regular offering
- Repository of historical documents and artifacts
- Outdoor concerts and events
- Market days
- Filming of special interest and advertising material

Rep 1 - 8

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Rep 9

**OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023**

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

I don't have a problem with having functions or fund raisers at the church, - but I don't like people threading, walking and sitting on the graves

Rep 10

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Rep 11

I object to any the change of use of the cemetery areas in Buckland, both the old part inside the church walls, and the newer part (although there are a lot of old graves there too) outside the church walls.

I live in Buckland and have done for 57 years. I grew up here.

I know that the new owner has applied to Council to change the use of the whole church site, including the old and new cemetery, to a function centre, museum and market.

The church and surrounds have always been treated with respect by locals and visitors, especially the old and new cemeteries. It's a solemn experience just to visit them.

I have seen photos of the outdoor concert held by the new owners in the old cemetery. People are sitting around the graves eating and drinking, there are stalls selling food and alcohol, and a band. There are portaloos in the newer cemetery. I couldn't believe my eyes. It came as a complete shock to me that anyone would treat the cemetery with such disrespect. I think it is intrusive and disgraceful and Council shouldn't let that happen.

I know about Buckland's history, and you can see quite a bit of what life was like in the early years of Buckland in the headstones on the old graves in the cemetery. I am ex-military and have personally visited military graves all over the world. If anyone behaved in the way the people at the concert did at a military cemetery, to put it mildly, they would be abruptly, and not gently, ejected. Why should the graves of the early settlers of Buckland not be due the same respect?

There are thousands of empty acres all around Buckland where outdoor concerts could be held. A local farmer used to hold one on his property and no-one had any issues with that. We also have a community hall that sits empty most of the time. If they must have concerts and markets to raise money, why can't they do that on one of the farms.

Rep 12

OBJECTIONS TO CHANGE OF USE APPLICATION FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

Two of my aunts and two uncles, and cousins, are either buried or their ashes are interred at the Church cemetery in Buckland.

I know about the concert in the cemetery at Buckland on 22 January. I have seen photographs of a stall selling alcohol in that part of the cemetery inside the church walls, of concert goers sitting about the graves, other stalls selling food, and Portaloos in the main cemetery.

The cemetery is a spiritual place and I think that the concert was disrespectful to those buried there and their families.

I object to the use of the Buckland cemetery as anything other than a cemetery, which the families of those buried there and the public can visit whenever they want.

I object to any part of the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

Name:

Address

Date:

Rep 13

I object to the change of use application made by the Friends of the Buckland Church Inc.

I have lived in Buckland since 1969. My late husband parents were great supporters of the Church, as were and I. parents and grandparents, two of my aunts and two uncles, and cousins are either buried or their ashes are interred at the cemetery. It is a place of great importance to me and my family.

I have seen the application. I have been told by who has corresponded with Council's planner, that he has advised her that the application covers the whole of the site and if it is approved, the applicant can do any of the things mentioned in the application wherever they want to on the site, including in the cemetery and the graveyard. The part I'm calling the graveyard is the area inside the walls surrounding the church building.

In the past, the cemetery and graveyard have always been treated with respect. The graveyard is important historically as well for its old graves. The monuments and surrounds are very old and easily damaged. People who visit it are usually affected by it. Some of the gravestones tell a very sad story of how hard life was back in the days of early settlement. It is a peaceful place.

I worked for years with who took care of the cemetery records. I know from my work and talks with her, that there are unmarked graves in the graveyard, and that is another reason to treat it with respect.

I object to the cemetery or the graveyard being used for any other purpose than burials in the cemetery and places for families and others to visit.

I have been told about the concert on 22 January 2023. I have seen photographs of people sitting among the graves in the graveyard, eating and drinking. I saw one of a stall selling alcohol inside the graveyard which I thought disrespectful. A band was also set up in the graveyard. I have been told of the noise, but as I don't live in the township, I didn't hear it. Portaloos were set up in the cemetery – so unsightly!

The people in the photos, which I understand were taken by the applicant or one of the concert goers and posted on facebook, were either in folding chairs set up around and between the graves or strolling about. One man at least seems to be resting his foot on the stonework around a grave. Many may have been sitting on the unmarked graves.

I think having a concert in the graveyard and or the cemetery is inappropriate and disrespectful.

There are quite a lot of visitors to the Buckland cemetery. I think if any had gone there on the day of the concert, they would likely have become distressed. How could they have peace visiting a family member or friend with that going on? I think if Council lets the applicant have outdoor concerts it should insist on the cemetery being cordoned off and the concert goers kept out of the graveyard. Obviously, if the concert is in the church building, they would have to use the path from the gate to the door of the church. I am told though that Council's planner has said that Council can't

impose any conditions on how the applicant uses the cemetery and graveyard if Council approves the application.

The cemetery is a working cemetery with both old and new graves. Those who buried their loved ones in the cemetery and graveyard did so believing they would be able to rest in peace. It's not appropriate for Council to allow the applicant to change that now when it's too late for the families to do anything about it.

I ask Council to protect the cemetery and only allow it to be used for burials. I ask that Council ensure that the graveyard is only used for access to and from the church building and for visitors and tourists to look at the graves.

I make no comment on how the applicant wants to use the church building and the front of the site.

Rep 14 - 22

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Rep 23

OBJECTIONS TO CHANGE OF USE APPLICATION FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a working cemetery and a graveyard, the specified 'church yard' is actually a graveyard which has both marked and unmarked graves inside the walled area, where families of those buried there and the general public can visit.

In particular, I strongly object to the working cemetery and graveyard being used as a function centre, a market, for concerts, for port-a-loos or a place to sell alcohol, food or other items

This objection is limited to the area of the Church land where people are buried.

Rep 24

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

Two of my aunts and two uncles, and cousins, are either buried or their ashes are interred at the Church cemetery in Buckland.

I know about the concert in the cemetery at Buckland on 22 January. I have seen photographs of a stall selling alcohol in that part of the cemetery inside the church walls, of concert goers sitting about the graves, other stalls selling food, and Portaloos in the main cemetery.

The cemetery is a spiritual place and I think that the concert was disrespectful to those buried there and their families.

I object to the use of the Buckland cemetery as anything other than a cemetery, which the families of those buried there and the public can visit whenever they want.

I object to any part of the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

Rep 25 - 26

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Rep 27

We object to the change of use application made by the Friends of the Buckland Church Inc.

We have lived in Buckland for 43 years. grandparents, parents, her brother and sister-in-law and niece, and her uncle and more distant relatives, together with mother, father and brother are all either buried or their ashes are in the wall in the Buckland Cemetery. For more than 30 years, supported the Buckland church, raised money for it, and cleaned and maintained it. The church building, and the cemetery, are very important to us.

We have seen the application for a change of use of the church site to a function centre, museum and market. We understand that the application is not just for the church building and vacant land at the front of the site but includes the cemetery to the east of the church and inside the church walls (areas B and C on the site plan).

We have always treated the cemetery with respect and we've not seen anyone do anything different before the applicant's concert in January. There are lots of visitors, but there's something about the cemetery that is peaceful. Visitors come from all over the State and Interstate to visit the graves of their relatives, sometimes in big family groups. It is very popular with tourists. People who visit it, particularly the old part inside the church walls, are generally reflective and quiet. Some of the old gravestones are upsetting as they relate the deaths of young children, probably from causes preventable today. The monuments are old, and at risk of damage. They are irreplaceable.

 worked alongside ; who maintained the cemetery records. We therefore know that there are unmarked graves in the old part of the cemetery.

We object to any part of the cemetery being used as a function centre, museum or market. We believe it should be used and maintained as the cemetery it is, and open always for visits from the public, especially the families of those buried there.

We live some distance from the church so while we heard the noise from the concert on 22 January 2023, it didn't bother us. It must have been very loud at the cemetery though for the sound to reach us. What has upset us is that we now know that the concert was in the cemetery not on the front block. We've seen the photographs a friend copied from the applicant's facebook page. People were sitting among the graves, and may have been on the unmarked graves, eating, drinking, and listening to loud music from a band which was also in the cemetery. Alcohol was sold from a stall in the cemetery near the church gate called the 'vestibule bar'. It looks as though there was at least one other stall in the cemetery. Portaloos were in that part of the cemetery marked C on the site plan. All of this could have been done on the turning circle (G on the site plan) and the vacant lot at the front abutting the Tasman Highway instead.

We also know about what we regard as an offensive comment on the applicant's facebook page about including the 'passed' in their concert. Our grandparents, parents and siblings are the people that person is talking about as the 'passed'. The response from the applicant was more than disappointing. We know how our families would have reacted to the concert taking place in the cemetery.

We think the whole episode was terrible. It was disrespectful to both our deceased family members and us. We also want to know what would have happened if anyone tried to visit a grave on that day. How could anyone possibly do that? They would have been faced with Portaloos and the concert people using them, the blasting music, the stalls selling food and wine. How dreadful that would have been for them, especially if the death was recent or if, as many people do, they had travelled from a distance.

When our families were buried or their ashes put in the cemetery wall at Buckland, we believed they would be able to rest there in peace and that their graves could be visited at any time. We ask council not to let the new owner change the use of the cemetery now. It is a cemetery, and they knew that when they bought it. If the applicant wants to have concerts, and we are not saying we think that is a good thing, there is the church building and the front block they could use, but please keep them out of the cemetery.

Rep 28

OBJECTIONS TO CHANGE OF USE APPLICATION FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

We have lived in Buckland all our lives and in our present home for 57 years.
It is on the Tasman Highway.

We were christened in the Church and married there as well. Our parents were great supporters of the Church and paid a regular stipend for its maintenance as well as undertaking physical work to maintain it. They are all buried in the Buckland cemetery along with many friends of ours.

We were both involved with the Church over the years, but especially who did a lot of work raising money for the maintenance of the church and physically cleaning it. Our children and even our grandchildren worked to maintain the Church, mowing and cleaning and the like.

We understand that the application is to use the entire site as a function centre, museum and market. We have seen the application. We object to that, particularly as that as it includes the cemetery and the graveyard inside the walls of the Church.

Our concern is the use of the cemetery and the graveyard for anything other than burials, and the amenity of our home.

We experienced what a change of use to a function centre would mean on 22 January 2023. A band or bands set themselves up in the graveyard and played amplified music. Chairs were set up in the graveyard (and possibly the cemetery but we don't know that) and people sat among the graves. Potatoes were set up in the cemetery. Alcohol was sold in the graveyard. Food was also sold. The noise, which went from early afternoon to around 6 pm was terrible. No-one from Council or the applicant gave us any notice that they were going to do this and we now see from the application that they want to do it regularly.

maintained the cemetery records for more than 30 years. She knows there are unmarked as well as marked graves around the Church. The concert goers were likely to have been sitting on them while they were drinking alcohol, eating and listening to the bands. The cemetery itself has a mix of old and new graves, some very recent.

There are frequent visitors to Buckland cemetery. They come singly or in groups to visit and maintain the graves. Sometimes they come from a long way off and they can, especially with a recent burial, be very distressed. How can that happen when there are loud concerts going on there and people wandering about with glasses of wine and food in hand?

We think the concert was disrespectful to the dead in both the cemetery and the graveyard, including our family and friends, and hurtful to the families of those buried in Buckland. We are not on social media, but we have seen photographs of concert goers which were put up on the applicant's facebook

page. They are sitting amongst the graves with wine and food. One even commented on facebook that "love the inclusion of those who have passed". The Applicant replied "We are very inclusive on Tassies East Coast". They are talking about our family and our friends.

When people decided to bury their family members in the Buckland cemetery, they had no idea that it could be used for outdoor concerts. It's not appropriate for Council to allow the applicant to change that now when it's too late for the families to do anything about it.

We are [redacted] the Church and couldn't hear ourselves think during the concert because of the band noise. We couldn't even escape it inside. We have seen the application. The applicant wants to be able to do this regularly until midnight. We're farmers. We wouldn't be able to sleep and any repetition of what happened on 22 January, would harm us.

Rep 29

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Rep 30

I live in Buckland. My father is buried in the Buckland cemetery, and my mother will be buried there too with Dad. I go to the cemetery with Mum, and together we clean up around Dad's grave. We also try to keep the other graves tidy.

I have been told that the new owners want to change the use of the Buckland church and grounds, including the old and new cemetery, into a function centre, market and museum.

I also know that they held a concert in the old cemetery in January with a band and food and alcohol sales. I don't want them or anyone else partying around or near my father's grave. It is disrespectful, and wrong. Cemeteries should be quiet places.

I object to Council letting this happen again, or changing the use to allow it, or anything like it, to happen in the cemeteries.

Rep 31

I live in Buckland. My late husband is buried in the Buckland cemetery, and I have made arrangements to be buried there too. Until recently when I became unwell, I visited grave every fortnight.

I believe the new owners want to change the use of the church grounds at Buckland into a function centre, market and museum. I understand that includes the cemeteries. I also know that they held a concert in the old cemetery in January. They sold alcohol there and had food stalls and a band. I don't think that should have been allowed. It is disrespectful, and no-one would have been able to visit a grave while the concert was going on. I would have been upset if I had gone to visit while this was happening. The cemeteries should be quiet places, and should only be for burials and visitors, especially the families of the dead.

I object to Council letting this happen.

Rep 32

30th
March 2023

Glamorgan Spring Bay
Council

PO Box 6

TRIABUNNA TAS
7190

To
whom it may concern

I
am writing to object to Council approving a change of use of the Buckland cemetery, both the old part and the new, to a function centre, market and museum. I ask Council to reject the application and to ensure that the cemetery is used solely for burials, and for the families and the public to visit.

I
want to express my disgust and disappointment in the recent holding of a most inappropriate function in the forecourt and cemetery of St John's Anglican Church at Buckland.

This
comprised loud music, various stalls including food and liquor, all set among the very old graves and headstones, including those of my great-great grandparents. I regard this as a most ignorant, irreverent and calloused attitude to a much loved and respected Mother Church of our parish.

What
happens if a similar function is booked as a wedding, funeral, christening or memorial service? Which has precedence and who decides? We were assured these functions would all be available as normal and with usual church practices.

Unfortunately,
this venture seems to be developing into a blatant tourism business with no respect or regard towards people who have worshipped and lovingly and trustingly laid their loved ones to rest in a beautiful and peaceful last resting place in these hallowed grounds.

I
find it hard to comprehend how anyone could inflict such heartless disrespect on the memory of our and their loved ones.

Rep 33 - 35

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Part 2 of Rep 35

Dear General Manager

I'm making an objection in regards to DA2023/044 "Change of use to function centre, market and museum" at RA1 Sally Peak Road, Buckland CT 241553/1.

My objections relate to

- Not enough information provided to understand the request for change of use
- Proposal description of advertisement misleading and confusing/misrepresented
- The use of burial areas in a manner that is upsetting and disrespectful to families and restricting access at times.

I live at [REDACTED]. I was married in the church, I've attended many funerals and christening at the Buckland Church and we have several family member buried in the cemetery.

I feel that this development application itself is very broad and general and prompted more questions than it gave answers. I also am not happy with a change of use applying to the cemetery areas which apply to approximately 50% of the land. In particular areas B, C and F in the applicants site plan.

The wording of the advertisement was for a change of use to a function centre, market and museum. There was no mention of this to include the continual use in the advertisement and I think this is misleading and confusing.

There was no detail in the application as to what was meant by a function centre. Under the state planning scheme the definition of function centre is *"the use of land, by arrangement, to cater for functions, and in which food and drink may be served. It may include entertainment and dancing."*

I was left wondering how this would take place at the Buckland Church site? Were they planning on constructing a building, or offering people to hire a marque to be assembled on the property for wedding receptions for example? If so, whereabouts would this happen? 50 % of the church's land consists of cemetery, and I feel that a change of use should not be applied to burial ground/cemeteries, as I don't feel the proposed change of use is at all appropriate for these areas at all.

What facility and amenities would be required if a function was held on site?

How often were these functions to be held?

I decided to speak to the GSBC planner, James for further clarity.

Firstly I asked him how often the functions were to be held. He explained to me that there is no requirement under the act to confirm this and that if the change of use is approved, they can have functions as they like. He gave the example of a vineyard and said that the council has no say in how many functions they can hold and when so long as it's within their hours of operation.

I questioned the hours of operation that was included on the application of 7am to midnight. My understanding was that the zoning of the church was community services zoning and the hours of operation permitted in this type of zone was from 8am-midnight. James explained that the zoning of Buckland was a village and that because the site is in excess of 50m from this zoning the hours of operation could be 7am-12 midnight.

I then asked what amenities will the FOBC Inc need, would there need to be toilets on site? James said it depends on what they were doing, they wouldn't need them for a market.

I asked him would they need it for a function centre and his comment was that would be a Building Application that would address that.

I asked him what the maximum capacity would be allowed on site for the function centre and if there was parking considered with this application. He couldn't answer any of these questions. He did say that due to the village zoning of Buckland parking could actually be on the street, and may not need dedicated parking areas, but council would need to look into this.

I would have thought this would have been addressed before the advertising stages.

I asked James what sort of functions were the FOBC intending to hold on site. He said that he wasn't sure and didn't need to know this and that if I needed further information then I could ask the FOBC. I find this response a little odd. Perhaps I'm expecting more that I should, however I feel these questions are valid and I don't feel they have been answered at a level that I'm content with.

I asked James would they be needing a liquor licence, he told me that this wasn't assessed by council, which I knew, however I did wonder if council had really taken the time to understand how they FOBC were intending on using such a historical site.

I have looked at a map of the church and 50% of the land on CT241553/1 is being used as a cemetery. On the Map submitted by the applicant Areas B, F and C are burial/cemetery areas. I don't believe these areas should be considered under an application for a change of use.

I did note that a jazz concert at the Church in January was amongst the headstones around the church yard area B on the applicants map, with the band and some food and drink stalls in this area, along with audience sitting around gravestones and some food vans in area G. I was also told that some portaloos were also onsite in area C.

I don't feel there was much consideration of the families of those whom are buried in the church yard where the concert was held and I feel this application hasn't really been respectful and considerate of families of loved ones that have been laid to rest at the Buckland Church.

I note the concert was for ticket holders, so people visiting the church the day of the concern in January could access that part of the church yard.

I really feel that a change of use to a Function Centre, Museum and Market is not viable given that 50% of the land is used as a burial ground/cemetery and the history of these need to be protected and access to these areas need to be available at all times for those whom wish to attend to loved ones graves or explore the history of the town of Buckland and surrounds.

Is there some way that this could be done as an application for permitted use for areas A and G?

Rep 36

We object to the application by Friends of the Buckland Church Inc for a change of use of 1 Sally Peak Road, Buckland to a Function Centre, Museum and Market for the reasons set out below. We particularly object:

- to outdoor concerts which are not subject to reasonable conditions as to noise, time and frequency and
- to the use of burial areas for anything other than burials, unrestricted visits by families and the public and to access the church building.

Our attitude would be significantly different in part if the new cemetery (C and F on the site plan) and the old cemetery (B), which are registered as a single cemetery on the Tasmanian Register of Cemeteries, were excluded from the application.

Noise

On 22 January 2023, when there was an outdoor concert in the old cemetery, we found out what the future holds for us if Council approves the application. Not long after midday, we were overwhelmed by the sound of instruments being tuned and then our home was flooded with unwanted sound to late afternoon. We could not get away from it. This would not have been an issue if the concert was held inside the church building.

Council's Planner has advised that if the application is approved, the applicant can conduct the new 'uses' as often and wherever on the site it wants, all and any day of the week, with no restrictions as to noise or hours. The applicant has disclosed its intention to have 'regular' concerts and its proposed operating hours as 7.00am-midnight. Unrestricted regular outdoor concerts will significantly diminish the amenity of our home and our enjoyment of life.

Restrictions on Use

As we understand the Planner, because the applicant has applied for a change of use, their activities can't be conditioned by Council. Instead, Council staff will determine questions of parking, toilets, disabled access and the like, without hearing from residents. I refer to objection which records her unsuccessful efforts to obtain information on these issues from Council. Parking for example, may be important to us as our land Sally Peak Road to both the of the site. To be clear though: we are not saying we would not co-operate with or assist the applicant with parking, just that this is being determined by a Council officer without reference to us or other residents and a plan or proposal has not been disclosed in the application.

Use of burial areas

We've been shown photographs of the January concert which we believe to have been posted on the applicant's facebook page. We do not have family buried at Buckland but do stand with those who regard the way the applicant and concert goers treated the old cemetery as disrespectful and inappropriate. The photographs show the concert was principally held there and it may have spilt over to the new cemetery and memorial wall area. I've been informed by a resident that portaloos were put in the operating cemetery. There were food stalls and a stall selling alcohol was in the old cemetery. Concert goers were sitting amongst the graves, eating and drinking.

There are both old and recent burials in the new cemetery. To those without relations in that part of the cemetery, the old cemetery is perhaps the most important area and, for visitors, the most affecting. Some of the gravestones are extraordinary. They date back to the 1880s and speak to the history of Buckland and the harshness of early life here. There are many and frequent visitors, including tourists. Of concern, is the protection of both the unmarked graves and the gravestones and monuments in the old cemetery.¹

Living where we do, we pass the church daily. We know the extent of visits to the burial areas is significant and regular. We see visitors come singly and in large groups. We see people in highly distressed states, others quiet and reflective or even celebratory. These visitors are exercising a right to visit graves and monuments which is universal in Australia.²

A fee was charged for entry to the January concert. A look at the photographs reveals that it would have been impossible to visit the graves in the old cemetery that day and potentially very difficult to visit the graves in the new cemetery.³ We recognize that the cemetery manager (the applicant) had power to grant itself the right to close the cemetery to the public while it held its concert, but given the strong feelings of many locals, query if that was appropriate. There is plenty of space in the area between the northern church wall and the Tasman Highway for concerts. As one local resident commented there are thousands of empty hectares around Buckland where unrestricted outdoor concerts could be held without disturbing anyone, disrupting visits to the cemetery or risking damage to the old gravestones and unmarked graves. A local farmer hosted outdoor concerts for years, and no-one had a problem with that. Buckland is also well endowed with facilities. It has a community hall, with good modern facilities (heating, kitchen and toilets, disabled access and parking. That is where the community meets and where the applicant has also held meetings. There is a reserve with good toilets installed not long ago by Council. There is a cricket club and field. There are plenty of suitable concert venues.

The families who buried their dead at Buckland could have no foreknowledge of the applicant's present intention to turn that beautiful peaceful place into a function centre and to use it as a venue for outdoor concerts.

The Burial and Cremation Act

Under the Burial and Cremation Act 2019, the registration of all parts of the Buckland cemetery as a cemetery mean that unless it or part of it is formally closed in accordance with the Act, or ceases to be a cemetery (which requires the removal of all human remains), it remains a

¹ Some years ago, we participated in discussions concerning the erection of toilets behind the church in B (the church site does not have any toilets). The proposal was abandoned after discussions with the Heritage Council and the holder of the church records, because of the unmarked graves.

² *A cemetery manager must permit any person to have access free of charge at any reasonable time to visit monuments and graves in any portion of the cemetery.* Burial and Cremation Act 2019.

³ As the band set up on the low cemetery wall between B and C, that would likely inhibit visitors to C, if not effectively exclude them. Any potential visitor would have been faced with portaloos, people wandering around with wine and food in hand, stalls selling food and wine. That risk, relatively high, could have been addressed if functions were inside the church building, or on the turning circle or the front block (which is a large open area), perhaps with appropriate signage relating to areas B and C or even a temporary cordon blocking concert goers from entering C.

cemetery and Council cannot cancel that use. Further, under the Act, the applicant as manager must ensure that monuments and gravestones are not defaced or otherwise interfered with. Holding open air concerts at night might affect its ability to do that.

Change of use of property listed on the Heritage Register

We ask that Council, pursuant to clause 7.4 of the TPS, consider whether the proposed change may impact on the old cemetery (gravestones, monuments and unmarked graves). We respectfully submit that if Council is mindful to approve the change of use to function centre, or allow concerts in that area, that the applicant or Council first obtain a heritage impact statement.

The application and notice

As manager of the cemetery, the applicant must know that B is a cemetery and as the principal proponents within FOBC participated in the discussions referred to in footnote 1, also that the old cemetery has unmarked graves. Despite this, the old cemetery is designated as a Churchyard only in the application.

We found the application so lacking in detail that we had difficulty understanding it, and we think that would apply to most people. Only because we sought information from Council's planner have we become aware that if Council approves the application, there will be no restrictions on the activities allowed on the site and all further decisions will be administrative.

The applicant defines the current use as 'cemetery and former Anglican Church', which is plainly right. The front page of the application and the notice to the public defines the application as for *Change of use to function centre, market and museum*. That suggests those uses replace the use as church and cemetery. Insofar as the cemetery is concerned, the use as a cemetery can't be extinguished save in accordance with the Burial and Cremation Act. In any event, the application proper reveals that may not be right, because the applicant there proposes to continue to manage the cemetery and lists uses not covered by the front page description.

Nothing is ticked on page 4 (the checklist of application documents), a certificate of title has not been provided and nowhere in the application proper is there a reference to an attachment or a further page. The last page isn't signed or dated and it comes after the execution page. It doesn't appear to form part of the application. Nevertheless, Council's planner has advised that the 'uses' listed on this page will be assessed. Those uses are different again to those set out in the general application details.

Taken together, we are faced with multiple versions of what the application is about.

The greatest impediment to anyone wanting to meaningfully engage in the process is that the applicant does not disclose the basis for the change of use: it doesn't say what the current zone is or point to the provisions of the scheme which govern the proposed new uses or give any clue as to how it says the new uses do or don't conform to the Scheme. It is silent as to parking, toilets, disabled access, intensity of the various uses proposed, days of week and times of day events are proposed, noise levels, external lighting for night events, and the like. Mr Bonner advised that the applicant doesn't need to make these disclosures because of the nature of the application: a change of use. Isn't the problem here though that without the further information,

neither the public nor councillors will have sufficient information to know what the consequences of approving the application may be? For example, the applicant says it intends concerts as a regular offering but what does that mean? Once a year? Once a week?

The Planning Scheme

We now understand from the Planner that what will be before Council is:

- an application to change the use of the 1 Sally Peak Road site in its entirety, including the cemetery to Function Centre, Market and Museum and
- an assessment of whether each of the proposed uses referred to in the application are either exempt or allowable under Function Centre, Market or Museum use.

Function Centre *means use of land, by arrangement, to cater for functions, and in which food and drink may be served. It may include entertainment and dancing.* TPS 3.1. We read this to mean a third party function (that is, *by arrangement*) and the entertainment is ancillary to the function and not the function itself. Function isn't defined, but social event or ceremony is a common understanding, such as the wedding receptions and funerals mentioned on the last page of the application. Market and Museum are straightforward concepts.

We could not find either 'Function Centre' or 'Museum' in the lists of permitted or discretionary uses in the Community Purpose Zone. Market is a discretionary use. Nor could we find an exemption for either Function Centre or Museum.

The uses listed in the application are:

- (a) Repurposing of former church building for concerts and other events. This use doesn't fall under any of the new uses but may be covered in the Scheme exemptions. Subject to compliance with any Heritage requirements, we don't object.
- (b) Possible future market days. This is a discretionary use in the community purpose zone and subject to markets being held other than in the cemetery and in daylight hours, we do not object to this use.
- (c) Use of building as a museum. We could not find a statutory basis for this use anywhere in the TPS and so believe it to be prohibited. It is something we otherwise would have supported.
- (d) Continued use as local cemetery. We support this use.

The uses listed on the last page of the application not covered above:

- (a) Venue for wedding, funeral services and similar functions as previously held.
We anticipate that this use falls under 'function centre'. As said, we cannot find a statutory basis for a function centre in the Zone. We otherwise would support weddings and funerals as previously held. We object to 'similar functions' because we don't know what that means. We also note our understanding of the words 'weddings and funerals' and 'as previously held' means that this proposed use does not include receptions and wakes, which in Buckland are held in the community hall.
- (b) Venue for community events and meetings.
We think, but can't be sure, that this use relates solely to the church hall. If so, we don't wish to comment. We note that the Buckland community meets in the Community Hall,

which has all necessary facilities. However, if this use includes holding 'events' outside the church building, we object because we don't know what 'events' in this context means, and further object if it is proposed to do that on any part of the cemetery.

(c) Venue for concerts proposed to be a regular offering.

Regular concerts are not exempt under the TPS. The application confirms the current use to be cemetery and former Anglican Church of St John the Baptist. The application before Council is for three new uses only. Concerts don't come under the statutory definitions of any of the three proposed new uses and two of those proposed uses appear to be prohibited anyway. We don't otherwise object to concerts in the Church building. We do object to concerts in the cemetery and due to the noise impact on us, to outdoor concerts not subject to reasonable noise, time, and intensity of activity conditions.

(d) Repository of historical documents and artifacts.

We don't know where this sits in the change of use application, but if there is a statutory basis for it, we support this use.

(e) Outdoor concerts and events.

As to outdoor concerts, see (b) above. As to 'events', we assume them to be of the same ilk as outdoor concerts, although what they could be is not apparent to us. We make the same objection as we do out outdoor concerns in the cemetery and to any 'event' not subject to reasonable noise, time, and intensity of activity conditions.

(f) Filming of special interest and advertising material.

This does not appear to fit either the current or proposed new three uses and does not appear to be exempt. We otherwise make no comment.

Rep 37

OBJECTIONS TO CHANGE OF USE APPLICATION
FRIENDS OF THE BUCKLAND CHURCH INC 27 FEBRUARY 2023

I object to the use of the Buckland cemetery (that part of the church site which lies between the church building and Sally Peak Road and inside the church walls) as anything other than a cemetery, which families of those buried there and the general public can visit.

In particular, I object to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.

This objection is limited to the area of the Church land where people are buried.

Name:

Address:

Date:

Rep 1 –

Dear General Manager,

I wish to make a representation in support of GSBC's proposed amendment AM2022-02 to the Glamorgan Spring Bay Local Provisions Schedule, Dolphin Sands PPZ.

As a resident of Dolphin Sands over the last ~3years, it is clear to me that the inclusion of the word "or" in the development standards was an error and importantly was not intended.

My understanding was that sub-division of residential land for further residential development was not permissible in Dolphin Sands, unless the subdivision was to create public parks, reserves or the like for services, with size and frontage limitations on the created lots. The intent of the development standards for Dolphin Sands is made clear in the previous provisions under the Glamorgan Spring Bay Interim Planning Scheme 2015 and the Glamorgan Spring Bay Planning Scheme 1994.

I also understand that the current planning provisions are the result of moving to The Tasmanian Planning Scheme – Glamorgan Spring Bay (the combination of the Local Provisions Schedule and the State Planning Provisions) that formally came into effect for Glamorgan Spring Bay Local Government area on 30 March 2022 and replaced the former Glamorgan Spring Bay Interim Planning Scheme 2015.

There has certainly not been any community consultation regarding changing the zoning rules to more broadly permit residential 1ha sub-divisions in Dolphin Sands. Further, my initial research of the TPC website indicates that there is not any record of this amendment in the log of changes that the TPC considered and approved in moving to the new GSB Planning Scheme. Surely, this change would have drawn attention and necessitated recording and discussion, had it been intended.

There is also no public record of GSBC specifically considering this very significant change to the intent and impact on the Dolphin Sands development standards.

Further, this inclusion of the word "or" results in a non-sensical situation where the intent of the Performance Criteria is lost as it effectively gives a choice between creation of public spaces and residential development to meet the development standards.

Errors have consequences and I have no doubt that for the applications that were made under the erroneously published development standards, some party or parties will be responsible for the applicant's costs associated with preparing and making the submissions to meet published criteria that were incorrect.

However, the responsibility and compensation for making of the error should not cloud the consideration of whether this change to the development standards was ever intended. It was clearly never intended and should be corrected accordingly in order to maintain the integrity and intent of the planning provisions for Dolphin Sands.

Regards,

Peter Coon
638 Dolphin Sands Rd
Dolphin Sands TAS 7190

Rep 2



COMMERCIAL
LITIGATION
PROPERTY
LAWYERS

Greg Ingham
General Manager
Glamorgan Spring Bay Council

30 January 2023

by email: planning@freycinet.tas.gov.au

Dear Mr Ingham

Draft Amendment AM 2022-02

I act for Jahan Patterson-Were, registered proprietor of 945 Dolphin Sands Road, Dolphin Sands. Mr Patterson-Were makes the following representation pursuant to s 40J of the *Land Use Planning and Approvals Act 1993* (Tas) in relation to draft amendment AM 2022-02.

As you may be aware, Mr Patterson-Were has applied to subdivide the above land (application SA 2022/34), in accordance with clause GSB-P1.7.1P1 of the *Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme)*. On 13 December 2022, Council as planning authority summarily refused his application pursuant to s 57(2) of the LUPAA on the basis his application did not meet GSB-P1.7.1P1 of the Scheme. My client understands that the basis for his subdivision not 'meeting' that standard is because Council considers that GSB-P1.7.1P1 to be invalid due to amendments which were made it during its transition from the *Glamorgan Spring Bay Interim Planning Scheme 2015* to the Scheme.

On 15 August 2022, the Tasmanian Planning Commission (**Commission**) wrote to Council and stated, categorically, that the amendments were not inadvertent and they were not in error. That is, the Scheme as it stands was a deliberate enactment of delegated legislation by the Commission. It would seem that the Commission therefore considers that the current clause to be valid and appropriate, given the lengthy process of exhibition, hearings and deliberations which occurred recently and led to the enactment of the Scheme under Part 3A of the LUPAA.

My client does not consider that AM 2022-02 is appropriate. My client submits that GSB-P1.7.1 is both valid and appropriate in its current form.

The following addresses specific LPS criteria and whether AM 2022-02 meets that criteria.

Section 34(2)(b): compliance with s 32 of the LUPAA

Subsections 32(3) and (4) of the LUPAA make special provisions for particular purpose zones (**PPZs**). A PPZ may be included in a LPS if the following conditions are met in subs 32(4):

Our Ref: JCO:22003503:JCO 3461-8576-0544, v. 1

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

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

Therefore, a question arises as to whether AM 2022-02 meets this subsection, in order for there to be a departure from GSB-P1.7.1. Council's Planning Scheme Amendment Assessment Report (**Report**) does not answer this question. My client submits that the area does not have particular environmental economic, social or spatial qualities that lead to the conclusion that an amendment in the nature of AM 2022-02 is required.

Indeed, it can be seen from the Report that there are lots of various sizes throughout the PPZ. I understand that the original subdivision plan, SP2798 (**enclosed**) from 1979 shows a total of 240 residential lots with a range of lot sizes.

The majority of those lots (approximately 164) are 'small', being around 2ha. These are located on the waterfront side of Dolphin Sands Road, both sides of Yellow Sandbanks Road and the terminus loop at Bagots Point. Of these, only 20 have sufficient frontage for an additional lot under GSB-P1.7.1. However, due to existing houses and improvements on these lots, this greatly restricts their subdivision potential. My client has received preliminary advice that the reality is that only 5 to 6 lots have genuine subdivision potential.

A further 63 lots are between around 2.8ha and 6.1ha. Of these, approximately half have sufficient frontage for an additional lot. A very small number (including Mr Patterson-Were's land) have the potential for more than an additional lot. My client has received an estimate that the potential for additional lots is approximately 35.

Fourteen lots are of a larger size, being 9.1ha to 14.1ha. Of these, only 14 have frontage which makes them amenable to subdivision. My client has received advice that a maximum of 41 additional lots could be generated from these.

In all, the total number of lots which are capable of subdivision is around 65 of the 240 original lots. Though that is the number in theory, in practice the number will be much less. There are certain economic and practical matters which motivate some people to subdivide land. However, for others, that motivation does not exist. Indeed, there are factors which pull landowners the other way, such as privacy and space.

The neighbouring land area of Cambria Drive is zoned Rural Living Zone A. This has a minimum lot size of 1ha. The current GSB-P1.7.1 allow for maximum densities similar to those at Cambria Drive.

It is submitted that though the format of the PPZ might be in accordance with s 32(2) of the LUPAA (which is expressly dealt with in the Report), the requisite justification for *amending* a PPZ in the manner suggested is found in s 32(4) of the LUPAA and there is no such justification here.

Section 34(2)(c): furthering the objectives in Schedule 1

AM 2022-02 might be said to meet the objectives Part 1 of Schedule 1 to the LUPAA on one level, however, when comparing it to the current iteration of GSB-P1.7.1P1, it is difficult to see how it '*further*s' those objectives as compared to that clause.

In relation to (a), of Schedule 1, the Report states that the objectives include *'to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity'*. Council has said AM 2022-02 seeks to improve sustainable development for subdivision *'through limiting subdivision'*. It is submitted that in practice, AM 2022-02 will not allow any subdivision for development at all. It is difficult to see how sustainable development is promoted, when there is no development 'promoted' by AM 2022-02. That objective is better achieved by the limited subdivision now possible under GSB-P1.7.1.

In relation to (b), Council has said that *'The regulatory change was completed through an administrative process during the development of the LPS. It was not subject to any consultation processes during assessment...'*. That statement is incorrect. The LPS was on exhibition for a two month period. Fifty-eight representations were received in response to that exhibition. Hearings then occurred over multiple days. GSB-P1.7.1 was subject to a great deal of public scrutiny, yet no issue was identified with it and the Commission has confirmed its current form was intentional.

In relation to (c), Council has said that AM 2022-02 was *'prepared in response to strong public objections to a change in the regulatory approach within the zone under the LPS'*. My client is aware of three applications for subdivision submitted following the enactment of GSB-P1.7.1. One was advertised; two were summarily dismissed, including my client's. Of the one which was advertised, Council's meeting minutes indicate that only two representations were received. One would not necessarily characterise their objections as 'strong'.

The limited subdivision now allowed by GSB-P1.7.1P1 (referred to above) strikes the correct balance when considering (d) as against (a) to (c).

Section 34(2)(d): compliance with state policies, including the Southern Tasmania Regional Land Use Strategy ("STRLUS")

19.5.2 Regional Growth Management Strategy

The Report identifies that Dolphin Sands has a *'rural living rather than a low density residential character'*. It also identifies that rural living zones have densities of 1, 2, 5 or 10 ha lots. It is appropriate then, that the minimum lot size for subdivision be 1ha.

The Report also states that Dolphin Sands is subject to *'Very Low Growth'* strategy. Note that this strategy does allow *'existing low density subdivision potential'*. Again, AM 2022-02 will allow no subdivision in practice. However, the limited subdivision possible under GSB-1.7.1 does align with this standard of very low growth.

SRD 1.3 and 1.4

SRD 1.4 states an objective is to *'Increase densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow'*.

As noted above, the Report considers that the PPZ is analogous to a rural living area. My client agrees. That objective is furthered by the current GSB-P1.7.1, which allows for the consolidation of what is effectively a 'rural living' area (also in accordance with SRD 1.3(a) and (c)) but provides that consolidation cannot offend the 1 dwelling per hectare ratio. AM 2022-02 effectively prevents that consolidation. Put another way, it blocks the objective of increasing densities in a rural living area to an average of 1 dwelling per hectare.

Thank you for taking the time to consider this representation. My client would like to stay abreast of any developments in this matter. At this stage, he wishes to be heard before the Commission.

4

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. O'Farrell', with a stylized flourish at the end.

Dobson Mitchell Allport

Jennifer O'Farrell

SPECIAL COUNSEL

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jennifer.ofarrell@doma.com.au

Rep 3

30 January 2023

Greg Ingham
General Manager
Glamorgan Spring Bay Council

by email: planning@freycinet.tas.gov.au

Dear Mr Ingham

Draft Amendment AM 2022-02

I am the owner of a property in Dolphin Sands located at 154 Cambria Drive and a Registered Land Surveyor and Director of PDA Surveyors Engineers & Planners that operates a land consultancy business in Swansea.

I am the consultant that has prepared the three subdivision applications that have recently been refused by council on the grounds that they did not meet the planning scheme requirements, which is now a matter to be decided on by the Planning Tribunal separately to the Draft Amendment.

I wish to make a representation against the proposed changes in the Draft Amendment AM 2022-02 on the following grounds;

1. The use of the Dolphin Sands PPZ is almost identical to that of the adjoining land area of Cambria Drive, Dolphin Sands which is zoned Rural Living (Zone A), this land has a minimum lot size of 1ha and minimum frontage of 40m.
2. Many of the environmental values that exist in the PPZ also exist in the Rural Living Zone of Cambria Drive, in particular the underground aquifer, native vegetation and once mobile sand formations.
3. There is a natural Assets Code overlay that covers not only the Dolphin Sands PPZ but also the adjoining Rural Living & Rural zoned land of Dolphins Sands. This code requires that the environmental values of the land code are taken into consideration when any development, not just subdivision is applied for. As a requirement of this code, we have commissioned three Natural Values Reports within the existing PPZ by a highly respected consultant and in none of these reports were there any issues raised that would preclude subdivision at an appropriate scale

4. It would appear that the LPS of the current scheme has been written to appropriately control subdivision in the PPZ to a scale that is in line with the neighbouring Rural Living Zone of Cambria Drive albeit with a slightly larger frontage requirement of 60m, which given the original subdivision layout of Dolphin Sands Road seems appropriate. The majority of the lots in the original subdivision are approximately 2ha in size and have a frontage that is less than 120m thus the controls of the current PPZ preclude over development.

5. Below is a preliminary summary of the possible subdivision potential under the current LPS criteria which I have provided to my clients previously;
The original subdivision plan, SP2798, shows a total of 240 residential lots with a range of lot sizes that can be categorised as small, medium & large lots in the context of the PPZ.
The majority of lots (approx. 164) fall into the small category which are approximately 2.0ha (5 Acres). Of these lots only 20 have enough frontage to allow an additional lot and the majority of these have existing houses & improvements located in such a location (generally central on the lot) that would limit this potential number about 5 or 6 based on my assessment.

There are approximately 63 lots which fall into the medium category being generally between 2.8ha & 6.1ha. Of these lots approximately half have enough frontage to allow one additional lot to be created, a very small number have the potential for more than a single additional lot. The total of additional lots possible from these lots is 35.

There are 14 lots that fall within the large lot size of 8.1ha to 14.1ha. Of these 14 lots based on frontage restrictions only could generate a maximum of 41 additional lots based on frontage to a road, the reality is that this would likely be a smaller number due to other site constraints. The reality is that the maximum lot yield is not a true indicator of the "real lot yield" as many lots will either not be subdivided to the minimum lot size possible or they will not be subdivided at all. From experience this figure is approximately 50% of the maximum possible.

6. The Dolphin Sands PPZ has an area of 726ha thus the current average lot density is $726\text{ha}/240\text{ lots} = 3.025\text{ha per lot}$. Given the above maximum lot yield estimates in the point above the maximum total possible lots in the PPZ would be 321 lots. If this were to occur the average lot density would be $726\text{ha}/321\text{ lots} = 2.26\text{ha per lot}$. This is greater than minimum lot size allowable under both the Rural Living Zone A being 1ha & Zone B which is 2ha. This average lot size allowable under the current LPS closely equates to the current 2ha lot size of the majority of lots in the PPZ (approx. 144) and so would seem logical and appropriate.

7. The Tasmanian Planning Scheme TPS provides protection against the fragmentation of rural & agricultural land caused by inappropriate subdivision that was not commonly in place in previous planning schemes. The effect of this is to encourage consolidation in existing areas of development away from productive rural land. Thus it is fair to assume that with appropriate controls and measures in place that infill development should be facilitated in areas that have the capacity for further development. This would also include land used for rural living purposes such as the Dolphin Sands PPZ.
8. It would appear that aside from a clerical error, being the admission of the word "or" in the Interim Planning Scheme (which has been corrected by the Tasmanian Planning Commission in the LPS) the intention of the 2015 Interim Scheme Dolphin Sands PPZ was to allow appropriate and controlled infill development of the Dolphin Sands PPZ. To contend otherwise would make the wording of the subdivision control clause non-sensical to say the least. I would argue that careful consideration was put into these controls to ensure that any future subdivision was limited to an appropriate scale, the scale of which similar to the adjoining Rural Living Zone of Cambria Drive. If this were not the case then the performance criteria to allow subdivision under 34.5.1 P2 would not have existed at all. For council to contend that the subdivision controls under 34.5.1 P2, as currently drafted, were written this way accidentally or in error of the intended controls seems extremely unlikely especially as it was a marked departure from what had previously been allowed under the 1994 Glamorgan Spring Bay Planning Scheme which precluded any subdivision. The enacted in the 2015 interim Scheme from the previous 1994 Scheme which explicitly stated "There will be no further subdivision within the zone" would have resulted in a high level of scrutiny by all involved in the process which includes the professional planners & consultants employed by the planning authority at the time of implementation of the 2015 Scheme, the planning authority acting at this time which had to approve the PPZ, the residents of the Dolphin Sands area which provided representations at the time and not least of all the Planning Commission themselves.

It is worth noting that the current subdivision clauses of the Dolphin Sands PPZ have effectively been advertised at least three times, once during the Interim Scheme advertising with a clerical error that no-body picked up on and twice as part of the LPS advertising with the clerical error having been corrected by the TPC, this level of community engagement would point to the fact that the community as a whole believes that the current provisions are appropriate.

I believe that the Draft Amendment being tabled by council acting as the planning authority is unwarranted and has not been properly thought through and that the current controls under the LPS are fair and adequate.

Thank you for taking the time to consider this representation, and I would like to be heard by the Commission on this matter.

Kind regards,

Hugh Clement

Rep 3 a

14 March 2023

Greg Ingham
General Manager
Glamorgan Spring Bay Council

by email: planning@freycinet.tas.gov.au

Dear Mr Ingham

Draft Amendment AM 2022-02

In response to the additional advertising period for this Draft Amendment I would like to add some additional points to my original representation of 30 January 2022. These additional point 9 below.

I am the owner of a property in Dolphin Sands located at 154 Cambria Drive and a Registered Land Surveyor and Director of PDA Surveyors Engineers & Planners that operates a land consultancy business in Swansea.

I am the consultant that has prepared the three subdivision applications that have recently been refused by council on the grounds that they did not meet the planning scheme requirements, which is now a matter to be decided on by the Planning Tribunal separately to the Draft Amendment.

I wish to make a representation against the proposed changes in the Draft Amendment AM 2022-02 on the following grounds;

1. The use of the Dolphin Sands PPZ is almost identical to that of the adjoining land area of Cambria Drive, Dolphin Sands which is zoned Rural Living (Zone A), this land has a minimum lot size of 1ha and minimum frontage of 40m.
2. Many of the environmental values that exist in the PPZ also exist in the Rural Living Zone of Cambria Drive, in particular the underground aquifer, native vegetation and once mobile sand formations.
3. There is a natural Assets Code overlay that covers not only the Dolphin Sands PPZ but also the adjoining Rural Living & Rural zoned land of Dolphins Sands. This code requires that the environmental values of the land code are taken into consideration when any development, not just subdivision is applied for. As a requirement of this code, we have commissioned three Natural Values Reports within the existing PPZ by a highly respected consultant and in none of these reports were there any issues raised that would preclude subdivision at an appropriate scale

4. It would appear that the LPS of the current scheme has been written to appropriately control subdivision in the PPZ to a scale that is in line with the neighbouring Rural Living Zone of Cambria Drive albeit with a slightly larger frontage requirement of 60m, which given the original subdivision layout of Dolphin Sands Road seems appropriate. The majority of the lots in the original subdivision are approximately 2ha in size and have a frontage that is less than 120m thus the controls of the current PPZ preclude over development.

5. Below is a preliminary summary of the possible subdivision potential under the current LPS criteria which I have provided to my clients previously;
The original subdivision plan, SP2798, shows a total of 240 residential lots with a range of lot sizes that can be categorised as small, medium & large lots in the context of the PPZ.
The majority of lots (approx. 164) fall into the small category which are approximately 2.0ha (5 Acres). Of these lots only 20 have enough frontage to allow an additional lot and the majority of these have existing houses & improvements located in such a location (generally central on the lot) that would limit this potential number about 5 or 6 based on my assessment.

There are approximately 63 lots which fall into the medium category being generally between 2.8ha & 6.1ha. Of these lots approximately half have enough frontage to allow one additional lot to be created, a very small number have the potential for more than a single additional lot. The total of additional lots possible from these lots is 35.

There are 14 lots that fall within the large lot size of 8.1ha to 14.1ha. Of these 14 lots based on frontage restrictions only could generate a maximum of 41 additional lots based on frontage to a road, the reality is that this would likely be a smaller number due to other site constraints. The reality is that the maximum lot yield is not a true indicator of the "real lot yield" as many lots will either not be subdivided to the minimum lot size possible or they will not be subdivided at all. From experience this figure is approximately 50% of the maximum possible.

6. The Dolphin Sands PPZ has an area of 726ha thus the current average lot density is $726\text{ha}/240\text{ lots} = 3.025\text{ha per lot}$. Given the above maximum lot yield estimates in the point above the maximum total possible lots in the PPZ would be 321 lots. If this were to occur the average lot density would be $726\text{ha}/321\text{ lots} = 2.26\text{ha per lot}$. This is greater than minimum lot size allowable under both the Rural Living Zone A being 1ha & Zone B which is 2ha. This average lot size allowable under the current LPS closely equates to the current 2ha lot size of the majority of lots in the PPZ (approx. 144) and so would seem logical and appropriate.

7. The Tasmanian Planning Scheme TPS provides protection against the fragmentation of rural & agricultural land caused by inappropriate subdivision that was not commonly in place in previous planning schemes. The effect of this is to encourage consolidation in existing areas of development away from productive rural land. Thus it is fair to assume that with appropriate controls and measures in place that infill development should be facilitated in areas that have the capacity for further development. This would also include land used for rural living purposes such as the Dolphin Sands PPZ.
8. It would appear that aside from a clerical error, being the admission of the word "or" in the Interim Planning Scheme (which has been corrected by the Tasmanian Planning Commission in the LPS) the intention of the 2015 Interim Scheme Dolphin Sands PPZ was to allow appropriate and controlled infill development of the Dolphin Sands PPZ. To contend otherwise would make the wording of the subdivision control clause non-sensical to say the least. I would argue that careful consideration was put into these controls to ensure that any future subdivision was limited to an appropriate scale, the scale of which similar to the adjoining Rural Living Zone of Cambria Drive. If this were not the case then the performance criteria to allow subdivision under 34.5.1 P2 would not have existed at all. For council to contend that the subdivision controls under 34.5.1 P2, as currently drafted, were written this way accidentally or in error of the intended controls seems extremely unlikely especially as it was a marked departure from what had previously been allowed under the 1994 Glamorgan Spring Bay Planning Scheme which precluded any subdivision. The enacted in the 2015 interim Scheme from the previous 1994 Scheme which explicitly stated "There will be no further subdivision within the zone" would have resulted in a high level of scrutiny by all involved in the process which includes the professional planners & consultants employed by the planning authority at the time of implementation of the 2015 Scheme, the planning authority acting at this time which had to approve the PPZ, the residents of the Dolphin Sands area which provided representations at the time and not least of all the Planning Commission themselves.
9. Further to point 3 above I have spoken to Mr Mark Wapstra of Eco Tas, the ecologist that has completed all three of the recent Natural Values Assessments that I have been directly responsible for commissioning in my work as a consulting land surveyor. Mr Wapstra has agreed to provide a statement regarding the ecological values of the Dolphin Sands PPZ based on his extensive experience with the area having done approximately 10-20 similar assessments for development applications in the Dolphin Sands PPZ. This assessment will deal with the flora & fauna only as these are his areas of expertise, the statement will be forwarded to council as soon as it is available.

It is worth noting that the current subdivision clauses of the Dolphin Sands PPZ have effectively been advertised at least three times, once during the Interim Scheme advertising with a clerical error that no-body picked up on and twice as part of the LPS advertising with the clerical error having been corrected by the TPC, this level of community engagement would point to the fact that the community as a whole believes that the current provisions are appropriate.

I believe that the Draft Amendment being tabled by council acting as the planning authority is unwarranted and has not been properly thought through and that the current controls under the LPS are fair and adequate.

Thank you for taking the time to consider this representation, and I would like to be heard by the Commission on this matter.

Kind regards,

Hugh Clement

Rep 4



COMMERCIAL
LITIGATION
PROPERTY
LAWYERS

Greg Ingham
General Manager
Glamorgan Spring Bay Council

30 January 2023

by email: planning@freycinet.tas.gov.au

Dear Mr Ingham

Draft Amendment AM 2022-02

I act for Peter Rooke, registered proprietor of 1433 Dolphin Sands Road, Dolphin Sands. Mr Rooke makes the following representation pursuant to s 40J of the *Land Use Planning and Approvals Act 1993* (Tas) in relation to draft amendment AM 2022-02.

As you may be aware, Mr Rooke has applied to subdivide the above land (application SA 2022/31), in accordance with clause GSB-P1.7.1P1 of the *Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme)*. On 13 December 2022, Council as planning authority summarily refused his application pursuant to s 57(2) of the LUPAA on the basis his application did not meet GSB-P1.7.1P1 of the Scheme. My client understands that the basis for his subdivision not 'meeting' that standard is because Council considers that GSB-P1.7.1P1 to be invalid due to amendments which were made it during its transition from the *Glamorgan Spring Bay Interim Planning Scheme 2015* to the Scheme.

On 15 August 2022, the Tasmanian Planning Commission (**Commission**) wrote to Council and stated, categorically, that the amendments were not inadvertent and they were not in error. That is, the Scheme as it stands was a deliberate enactment of delegated legislation by the Commission. It would seem that the Commission therefore considers that the current clause to be valid and appropriate, given the lengthy process of exhibition, hearings and deliberations which occurred recently and led to the enactment of the Scheme under Part 3A of the LUPAA.

My client does not consider that AM 2022-02 is appropriate. My client submits that GSB-P1.7.1 is both valid and appropriate in its current form.

The following addresses specific LPS criteria and whether AM 2022-02 meets that criteria.

Section 34(2)(b): compliance with s 32 of the LUPAA

Subsections 32(3) and (4) of the LUPAA make special provisions for particular purpose zones (**PPZs**). A PPZ may be included in a LPS if the following conditions are met in subs 32(4):

Our Ref: JCO:22003503:JCO 3463-5294-2880, v. 1

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

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

Therefore, a question arises as to whether AM 2022-02 meets this subsection, in order for there to be a departure from GSB-P1.7.1. Council's Planning Scheme Amendment Assessment Report (**Report**) does not answer this question. My client submits that the area does not have particular environmental economic, social or spatial qualities that lead to the conclusion that an amendment in the nature of AM 2022-02 is required.

Indeed, it can be seen from the Report that there are lots of various sizes throughout the PPZ. I understand that the original subdivision plan, SP2798 (**enclosed**) from 1979 shows a total of 240 residential lots with a range of lot sizes.

The majority of those lots (approximately 164) are 'small', being around 2ha. These are located on the waterfront side of Dolphin Sands Road, both sides of Yellow Sandbanks Road and the terminus loop at Bagots Point. Of these, only 20 have sufficient frontage for an additional lot under GSB-P1.7.1. However, due to existing houses and improvements on these lots, this greatly restricts their subdivision potential. My client has received preliminary advice that the reality is that only 5 to 6 lots have genuine subdivision potential.

A further 63 lots are between around 2.8ha and 6.1ha. Of these, approximately half have sufficient frontage for an additional lot. A very small number (including Mr Rooke's land) have the potential for more than an additional lot. My client has received an estimate that the potential for additional lots is approximately 35.

Fourteen lots are of a larger size, being 9.1ha to 14.1ha. Of these, only 14 have frontage which makes them amenable to subdivision. My client has received advice that a maximum of 41 additional lots could be generated from these.

In all, the total number of lots which are capable of subdivision is around 65 of the 240 original lots. Though that is the number in theory, in practice the number will be much less. There are certain economic and practical matters which motivate some people to subdivide land. However, for others, that motivation does not exist. Indeed, there are factors which pull landowners the other way, such as privacy and space.

The neighbouring land area of Cambria Drive is zoned Rural Living Zone A. This has a minimum lot size of 1ha. The current GSB-P1.7.1 allow for maximum densities similar to those at Cambria Drive.

It is submitted that though the format of the PPZ might be in accordance with s 32(2) of the LUPAA (which is expressly dealt with in the Report), the requisite justification for *amending* a PPZ in the manner suggested is found in s 32(4) of the LUPAA and there is no such justification here.

Section 34(2)(c): furthering the objectives in Schedule 1

AM 2022-02 might be said to meet the objectives Part 1 of Schedule 1 to the LUPAA on one level, however, when comparing it to the current iteration of GSB-P1.7.1P1, it is difficult to see how it '*further*s' those objectives as compared to that clause.

In relation to (a), of Schedule 1, the Report states that the objectives include *'to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity'*. Council has said AM 2022-02 seeks to improve sustainable development for subdivision *'through limiting subdivision'*. It is submitted that in practice, AM 2022-02 will not allow any subdivision for development at all. It is difficult to see how sustainable development is promoted, when there is no development 'promoted' by AM 2022-02. That objective is better achieved by the limited subdivision now possible under GSB-P1.7.1.

In relation to (b), Council has said that *'The regulatory change was completed through an administrative process during the development of the LPS. It was not subject to any consultation processes during assessment...'*. That statement is incorrect. The LPS was on exhibition for a two month period. Fifty-eight representations were received in response to that exhibition. Hearings then occurred over multiple days. GSB-P1.7.1 was subject to a great deal of public scrutiny, yet no issue was identified with it and the Commission has confirmed its current form was intentional.

In relation to (c), Council has said that AM 2022-02 was *'prepared in response to strong public objections to a change in the regulatory approach within the zone under the LPS'*. My client is aware of three applications for subdivision submitted following the enactment of GSB-P1.7.1. One was advertised; two were summarily dismissed, including my client's. Of the one which was advertised, Council's meeting minutes indicate that only two representations were received. One would not necessarily characterise their objections as 'strong'.

The limited subdivision now allowed by GSB-P1.7.1P1 (referred to above) strikes the correct balance when considering (d) as against (a) to (c).

Section 34(2)(d): compliance with state policies, including the Southern Tasmania Regional Land Use Strategy ("STRLUS")

19.5.2 Regional Growth Management Strategy

The Report identifies that Dolphin Sands has a *'rural living rather than a low density residential character'*. It also identifies that rural living zones have densities of 1, 2, 5 or 10 ha lots. It is appropriate then, that the minimum lot size for subdivision be 1ha.

The Report also states that Dolphin Sands is subject to *'Very Low Growth'* strategy. Note that this strategy does allow *'existing low density subdivision potential'*. Again, AM 2022-02 will allow no subdivision in practice. However, the limited subdivision possible under GSB-1.7.1 does align with this standard of very low growth.

SRD 1.3 and 1.4

SRD 1.4 states an objective is to *'Increase densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow'*.

As noted above, the Report considers that the PPZ is analogous to a rural living area. My client agrees. That objective is furthered by the current GSB-P1.7.1, which allows for the consolidation of what is effectively a 'rural living' area (also in accordance with SRD 1.3(a) and (c)) but provides that consolidation cannot offend the 1 dwelling per hectare ratio. AM 2022-02 effectively prevents that consolidation. Put another way, it blocks the objective of increasing densities in a rural living area to an average of 1 dwelling per hectare.

Thank you for taking the time to consider this representation. My client would like to stay abreast of any developments in this matter. At this stage, he wishes to be heard before the Commission.

4

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. O'Farrell', with a stylized flourish at the end.

Dobson Mitchell Allport

Jennifer O'Farrell

SPECIAL COUNSEL

T. +61 3 6210 0016

jennifer.ofarrell@doma.com.au

Rep 5 –

Mr Greg Ingham
General manager
GSBC

Dear sir ,

I am in receipt of you post advice dated 09 February 2023 .

I make this submission as a lay person on a "without prejudice" basis.

I strongly oppose this amendment .

Given all the work in 2019 for a new state planning scheme , of which this Council could make submissions ,i question the legality and powers of the Council to do so.

Notwithstanding it is a back door attempt to thwart already accepted proposals at Dolphin sands , this is to satisfy 1 or more Councillors not represent the rate payers .

I find this proposal underhanded and a disgrace .

The Council has previously asked the state planning scheme authors whether the 2019 scheme was a mistake or not. It was told it wasnt a mistake .

There are in all areas and more so Dolphin sands strict criteria concerning planning and building .

The question follows why does the Council want stricter control ?

How much of rate payers money are Council spending not only on this ammendment proposal but existing court actions ? This i would like answered .

Surely Council is not so financially wealthy to be launching into this purely because they or a couple of Councillors dont like the current legislation ?

My personal circumstances are documented before the courts so i wont repeat them here , suffice to say this action by Council will , if passed , cause me financial hardship.

I purchased here in good faith having been told the legislation allows for subdivision .

Please formally accept this as a submission and please answer the questions ive asked .

Sincerely

Peter Rooke
1433 Dolphin Sands Rd Dolphin Sands 7190
post box 28 Swansea Tas
pdrooke@gmail.com
0438507418

Relating to Rep 5

18.02.23

To councillors

Glamorgan spring bay council .

Dear representatives of rate payers ,

I have already lodged an objection with Council concerning the attempt to change the state planning scheme specific to this council.

Let me say I am disgusted with this back door attempt to please some councillors not rate payers. I find it un- Australian and question your purpose in standing for council .

I find that Council have already been advised in writing that the 2019 change was not a mistake, yet the Council clearly have surplus funds to support this action .

I am a 66 year old born and bred Tasmanian, retired , self funded.

I have served Tasmania as a police officer for 14 years, 9 of which was as a detective investigating serious crimes . I hold a queens commendation for bravery and Royal society of Australasia silver medal for life saving.

My evidence is mentioned in case law and civil law . When you purchase a residence the clarification of stamp duty was a result of my actions .

I am a multiple state sporting representative.

I only purchased 1433 Dolphin Sands road after being told the land was subdividable. Financially it has stretched me and the shack is falling apart. This is my permanent residence . I have met some wonderful people since moving here .

I currently am fighting a life threatening condition having been told I have up to 3 years to live without intervention. I visit the rhh weekly.

I am scheduled for an interim procedure 21.03 at the Austin hospital Victoria then await a transplant which could extend my life if I survive the 12 hours operation .

Dolphin sands is highly governed with severe restrictions . Does the Council want it to close down or prosper with significant local employment . ?

I'm not seeking to corrupt the system, eg Cambria, I just want the existing law to be allowed to guide council not personal agendas .

After all, Councillor are there to guide and help rate payers not play Mafia tactics , which have so far cost me \$30,000.00 . If necessary I'll take this to the supreme Court then courts of appeal , then high courts.

I am available any time should any councillor wish to talk to me , something the Council doesn't seem to option.

I ask you all individually to look in the mirror and question who and what you are , and if dominated by 1 or 2 , get a back bone or get out of council .

I thank you for reading this .

Rep 6 –

The General Manager
Glamorgan Spring Bay Council
PO Box 6
Triabunna 7190
17 February 2023

Draft Planning Scheme Amendment AM2022-02

We strongly support the Draft Planning Scheme Amendment AM2022-02 and its intent to delete the existing provisions of GSB-P1.7 and replace with alternate provisions that will reinstate the previous prohibition on subdivisions within Dolphin Sands.

For the past 35 plus years we have owned property at Dolphin Sands. Our family and friends have holidayed and grown up loving the magnificent natural beauty of this coastal area, along with its quiet peaceful life style.

We believe that the residential subdivision on Dolphin Sands needs firm restrictions and any provisions for expansion of the current allotments would lead to severely damaging consequences, including:

- Disturbance to the fragile environment and wildlife, including increased traffic and road kill incidents,
- Increased risk of contamination and draining of the existing natural underground water supply (aquifer),
- Increased risk of fire,
- Increased demand for existing infrastructure including roads, water, power and fire management.
- Diminishing community amenity and well-being.

We appreciate your consideration to our concerns.

Yours sincerely,



Alan & Kaye Swan
8 Napier Street
Geilston Bay 7015
Email: akswan@netspace.net.au
(RSD 442 Dolphin Sands Road, Swansea)

Rep 7 –

Dear Sir,

Please note our support for AM2022-02 to reinstate the previous prohibition on subdivision within the Dolphin Sands Zone.

As long standing residents of Dolphin Sands, it has always been our understanding that Dolphin Sands lots would not be subject to subdivision to create additional lots.

We support Council's provision of 'acceptable solutions' via AM2022-02 to reinstate the previous prohibition on subdivisions within Dolphin Sands.

Kind regards, Gary Stoward, Lorna Turner

357 Dolphin Sands Road
Dolphin Sands. Tas 7190
Mobile: 0412012756
grstoward@hotmail.com

Rep 8 –

The General Manager,
Glamorgan Spring Bay Council.

Re:
Draft Planning Scheme Amendment AM2022-02

Dear Sir,

We write in support of the proposed amendment re-instating the previous prohibition on subdivision of residential lots in the Dolphin Sands PPZ together with the advised Acceptable Solutions.

This would re-establish the historical subdivision provisions which aimed to protect the fragile littoral landscape of Dolphin Sands. In recent years this has become a matter of some urgency as Dolphin Sands has experienced significant development, much of it catering to strong growth in tourism. This is highlighted by a noticeable growth in traffic along Dolphin Sands Road, itself not designed to carry heavy traffic loads.

There is a constant risk that the character of the spit will be fatally compromised as a result of over-development and insensitive development. Issues include

- threat to the aquifer from increased and potentially inappropriate use
- increased fire risk in a high risk zone
- damage to vegetation protecting the stability of the dunes
- disturbance to wildlife
- loss of general amenity (the privacy and tranquility typically resulting from a dispersed, low population)

Thankyou for taking the time to consider this representation.

Dr Paul McGillick, Ms Charmaine Zheng (168 Dolphin Sands Road).

Rep 9 -

Jenny Topfer
465 Dolphin Sands Rd
Dolphin Sands TAS 7190

Mail: PO Box 303 Brighton TAS 7030
Email: cloudstonehill@gmail.com

Mr Greg Ingham, General Manager
Glamorgan Spring Bay Council
PO Box 6 Triabunna TAS 7190

March 7 2023

RE: Draft planning scheme amendment AM2022-02

Dear Mr Ingham,

I would like to support the proposal to change clause GSB-P1.7.1 Subdivision in line with the proposed Council amendment AM2022-02, as set out in your letter of February 9.

Dolphin Sands is recognised under the local planning scheme as an area requiring diligent management to protect the inherent ecological, and environmental values unique to this area. The Zone Particular Purpose – Dolphin Sands has been established for this exact purpose.

As such, it is vital that the previous prohibition on residential subdivision, following an inadvertent change in the wording of the planning schedule during the transfer from the Interim Planning Scheme to the current Tasmanian Planning Scheme, is re-instated.

Further development along Dolphins Sands Road has the potential to significantly impact the protected sand dunes as well as the local bird and wildlife populations.

An increase in the number of residents along the road is also likely to adversely affect the quality and quantity of water in the aquifer. Not only do many of the residents rely on the aquifer for drinking water, but the many beautiful banksias and white gums are dependent on the aquifer to survive through the extensive dry periods to which the area is prone. Recent testing of the aquifer has shown that there are levels of undesirable chemicals in the water, including arsenic, which could well be attributed to the large increase in population along the road in the last decade.

Finally, I am concerned that an increase in density for housing along Dolphin Sands Road will exacerbate the fire risks of living or visiting here. Practically, Dolphin Sands Road is a bush fire trap, as we have unfortunately experienced on too many occasions. We are in a high bush fire zone, with

only one access road. Increased housing brings with it significant safety risks to existing and new residents, and to the people defending those properties.

Indeed, I would like to draw the Council's attention to this particular issue beyond the present context of the undesirability and impracticality of further development of Dolphin Sands Road. Sadly, with only one exception, the fires that have threatened and destroyed homes have been the result of human carelessness. I believe a responsible Council should take steps to alter the Dolphin Sands Particular Purpose Zone such that the area is subject to a permanent fire ban. The cost of providing alternative means of removing green waste would surely be dwarfed by the economic cost and personal risk involved in fighting these fires.

I trust that the Council will rule to amend clause GSB-P1.7.1 as stated, in order to uphold the intent of the Particular Purpose Zoning – Dolphin Sands to prevent further subdivision, in order to protect the natural values of this beautiful coastal area.

Yours sincerely,

Jenny Topfer

Rep 10 -

Alex Wilson
452 Dolphin Sands Rd
Dolphin Sands TAS 7190

Mail: PO Box 303 Brighton TAS 7030
Email: cloudstonehill@gmail.com

Mr Greg Ingham, General Manager
Glamorgan Spring Bay Council
PO Box 6 Triabunna TAS 7190

March 7 2023

RE: Draft planning scheme amendment AM2022-02

Dear Mr Ingham,

I would like to support the proposal to change clause GSB-P1.7.1 Subdivision in line with the proposed Council amendment AM2022-02, as set out in your letter of February 9.

Dolphin Sands is recognised under the local planning scheme as an area requiring diligent management to protect the inherent ecological, and environmental values unique to this area. The Zone Particular Purpose – Dolphin Sands has been established for this exact purpose.

As such, it is vital that the previous prohibition on residential subdivision, following an inadvertent change in the wording of the planning schedule during the transfer from the Interim Planning Scheme to the current Tasmanian Planning Scheme, is re-instated.

Further development along Dolphins Sands Road has the potential to significantly impact the protected sand dunes as well as the local bird and wild life populations.

Practically, Dolphin Sands Road is a bush fire trap, as we have unfortunately experienced on too many occasions. We are in a high bush fire zone, with only one access road. Increased housing brings with it significant safety risks to existing and new residents, and to the people defending those properties.

Finally, I am concerned that an increase in density of housing along Dolphin Sands Roads will adversely affect the quality and quantity of water in the aquifer. Not only do many of the residents rely on the aquifer for drinking water, but the many beautiful banksias and white gums are dependent on the aquifer to survive through the extensive dry periods to which the area is prone.

I trust that the Council will rule to amend clause GSB-P1.7.1 as stated, in order to uphold the intent of the Particular Purpose Zoning – Dolphin Sands to prevent further subdivision, in order to protect the natural values of this beautiful coastal area.

Yours sincerely,

Alex Wilson

Rep 11

Representation for Amendment AM2022-02

I wish to support the planned amendment.

A large factor in my choice to buy land and live at Dolphin Sands was the large block sizes (approx. 2 hectares or more) and the consequent low population density. Allowing subdivision will lead to a larger population and change in the character of the region.

More people = more stress on wildlife.

Apart from the inevitable domestic pets there will be an increase in traffic on Dolphin Sands Rd, already a cause of a great number of wildlife deaths. The wildlife is a big part of my enjoyment in living here.

More people = more fires.

As a member of the Swansea Fire Brigade, I am well aware of the high fire risk of the Dolphin Sands area. Most fires are caused by human agency. Usually escaped burns.

More people = less solitude.

The peace and solitude that the region provides are a large part of my reason to live here. It is an essential aspect of the amenity that drew me here. Subdivision will permanently degrade this.

Please reinstate the previous prohibition on subdivision.

Ian Helmond

PO Box 332

Swansea 7190

TAS

Rep 12

Dear General Manager,

Re: Draft Amendment 2022-02

Thank you for the opportunity to comment on Draft Amendment AM2022-02, clause GSB-P1.7.1.

I support the amendment to reinstate the previous prohibition on subdivision of Dolphin Sands.

Design of the original Dolphin Sands subdivision in the late 1960s was to provide a low-density rural residential development. The surveyor (E. Barrie Valentine) considered the design of lots (2 ha along the foreshore and larger lots across the road, as compensation for their being 'less attractive') to provide for enjoyment of the area by landholders and to encourage restoration of natural environment with native trees and shrubs following many years of grazing by sheep and cattle.

In early 1992 I moved to Dolphin Sands because of the solitude it provided and the opportunity to live surrounded by native birds, animals and vegetation.

Further subdivision would:

- erode the relative peace of the area
- destroy the values many of us sought in living here
- increase traffic and therefore slaughter of native birds and animals
- Increase the already high bushfire risk (most bushfires in Dolphin Sands are started by people burning off)

I strongly oppose any subdivision and therefore support the planned amendment.

Yours sincerely,

Stevie Davenport

-

Rep 13
09 March 2023

General Manager
Glamorgan Spring Bay Council
PO Box 6, Triabunna, TAS 7190

Re: Planning Ref DA2022/319 – Draft Planning Scheme Amendment, Dolphin Sands
Particular Purpose zone, subdivision requirements

Dear Mr Ingham

I am writing to give our support to the intention of Draft Amendment AM2022-02 that seeks to change clause GSB-P.1.7.1 so that it is updated to remove the opportunity for subdivision of new lots unless for public purposes or infrastructure, and retain the 1 hectare minimum lot size and retain the 60-m minimum frontage.

I have a concern with the actual language used in updating the language as provided in the letter to residents on 09 February of this year, as the three components A1, A2 and A3 are provided as '**Acceptable Solutions**'. Using the plural here, rather than the singular **Acceptable Solution** would suggest to me that any one of A1, A2 or A3 would suffice to meet the objective, i.e. A1 or A2 or A3, whereas the intention of the objective as I understand it is for A1 and A2 and A3.

The attraction of living at Dolphin Sands is the large block size (≥ 2 hectares), the resulting low population density (including lack of predatory domestic pets) and the opportunity to interact with the environment and wildlife. It provides the perfect counterbalance to existing and proposed higher density developments at Swansea and Swanwick.

Additionally, the relatively high risk of bushfires (our property was burnt out in 2019) would only increase with higher population densities and a population less connected to the environment. The Dolphin Sands environment is fragile and slow growing. There is a long delay between replanting after a bushfire and the return of any semblance of natural flora and fauna. Higher population densities would inevitably lead to the gradual weakening and eventual loss of this sensitive habitat.

We support the Council's amendment to reinstate the previous prohibition on subdivision that appears to be at risk from a previous and accidental choice of words.

Best



For: Nicholas Bax & Pamela Lovell
1182 Dolphin Sands Road, TAS 7190.

Rep 14

To the General Manager

I would like to support the proposal for the Glamorgan Spring Bay Council Draft Planning Scheme Amendment AM2022-02, that is

“support the intent of AM2022-02 to delete the existing provisions of GSB-P1.7 and replace with alternate provisions that will reinstate the previous prohibition on subdivision within Dolphin Sands, as well as addressing other drafting requirements for planning scheme amendments”.

I feel very strongly that the infrastructure in the Dolphin Sands area does not support any more density than there is currently given that there is no town water or sewage and the resource of aquifer water is limited as is the average rainfall.

The ever present threat of fire in this environmentally sensitive area should not be increased by allowing a higher housing density. Increased traffic flows would threaten the already vulnerable wildlife and see more roadkill and more likely chance of accidental fires.

Dolphin Sands is a quite unique area that will only remain so with a very low housing density which does not threaten its vulnerable ecosystem of coastal plants, bird and animal life.

Maura Chamberlain
876 Dolphin Sands Road
Dolphin Sands
Tas 7190
0417600016

Rep 15

To the general manager:

I am a novelist and biographer, and have had a house on Dolphin Sands since 1999. I yield to no one in my passionate love for the area, where I shortly hope to retire after recently completing the authorised life of the James Bond author, Ian Fleming. As I have written in books, magazines and newspapers, and broadcast on the radio, Dolphin Sands and the Swansea area are one of the most beautiful and precious environments I have been fortunate enough to visit after a lifetime spent travelling the world, but it is also one of the most fragile. There are too many regrettable examples to show that it needs only one incautious move for it to be ruined forever.

That is why I give my absolute support to the proposal for the Glamorgan Spring Bay Council Draft Planning Scheme Amendment AM2022-02 – which is to “support the intent of AM2022-02 to delete the existing provisions of GSB-P1.7 and replace with alternate provisions that will reinstate the previous prohibition on subdivision within Dolphin Sands, as well as addressing other drafting requirements for planning scheme amendments”.

Like an overwhelming majority of my neighbours, I feel very strongly that the infrastructure in the Dolphin Sands area does not support any more density than there is currently, given that there is no town water or sewage and the resource of aquifer water is limited as is the average rainfall. The aquifer is already vulnerable to contamination.

Above ground, as you will know, there is also the very real danger of fire. There have been several recent outbreaks. The ever present threat of fire in this environmentally sensitive area should not be increased by allowing a higher housing density. Increased traffic flows would threaten the already vulnerable wildlife and see more roadkill and more likely chance of accidental fires.

Dolphin Sands is a quite unique area that will only remain so with a very low housing density which does not threaten its vulnerable ecosystem of coastal plants, bird and animal life.

I urge you to protect it not merely for future generations but also for the healthy future of the whole community. There are other areas of this matchless coast which might benefit from subdivisions. For all the reasons above and more, Dolphin Sands emphatically would not.

With best wishes,

Nicholas Shakespeare and Gillian Johnson
444 Dolphin Sands Road
Swansea 7190

Rep 16

Dear General Manager,

We are totally opposed to any subdivision in Dolphin Sands (either along Nine Mile Beach, or Cambria Dr.)

Subdivision would increase the already high bushfire risk, as most bushfires are initiated by property owners. They would increase pressure on the aquifer which is sustainable with the current population. Higher traffic levels would increase wildlife kills and injury.

We built here in 2016, because of the peaceful nature of the neighbourhood, and would be bitterly disappointed if this were to change. Currently families walk/ cycle/ ride horses along the roads in relative safety and this would not be the case with a larger population and increased building works.

Yours sincerely,

Sue and Steve Barrett

Rep 17

March 12th, 2023

Attn : Planning Department
Your Planning ref : DA 2022/ 319

To whoever might be taking care of this correspondance,

Thank you for your letter dated 09 February 2023.
Good to read that the GSBC is changing its approach with the Community from '*We know what is good for you*' (see the costly and still pending exercise regarding the originally fast-tracked 'Cambria Green') to '*We only tell you what you need to know*'.

Concerning the 'Dolphin Sands Particular Purpose Zone (or PPZ) - Subdivision requirements', it would have been good to see in your correspondance what could be then the impact of potential new subdivisions : what would be the consequences on the aquifer, what would be then the increase in vegetation fire danger (already two this summer season at weekender places), the car trafic, etc...

Saying all that, the current proposed Amendment to the Dolphin Sands PPZ is at least an improvement on what has inadvertently been changed and is on record at the moment.

Cheers
Alain Coltier
(Properties : 221 and 235 Dolphin Sands Rd).

Rep 18

The General Manager
Glamorgan Spring Bay Council
PO Box 6 Triabunna, 7910.

March 13, 2023

Dear Sir,

We wish to express our strong support for Draft Planning Scheme Amendment AM2022-02 which if approved would reinstate the previous prohibition on residential subdivision within Dolphin Sands.

We purchased our beach shack at Dolphin Sands more than 20 years ago. In that time, we have come to learn first-hand just how fragile the eco-system at Dolphin Sands is.

- Initially we drew water from the aquifer for all our domestic needs. We now only use rainwater stored in tanks. We received notification several years ago that the aquifer in some places was contaminated and not safe for domestic consumption. Allowing blocks to be subdivided would we believe put further pressure on the aquifer. Which must be preserved in the most pristine state possible.
- In our 20 years at Dolphin Sands, our property has been directly affected by fire on three occasions. One of those was minor with some vegetation loss at the entrance to our property. The most recent, in December last year resulted in a significant loss of vegetation to our property and that next door. The most serious, was in November 2009 when our neighbours lost their permanent home and all vegetation on their block. Our shack was saved but we lost decks, tanks and everything stored within, a shed, sea kayak and 5 acres of vegetation. It is not an exaggeration to say that our property and that next door looked like the Somme in WW1. I cannot stress how volatile the vegetation is at Dolphin Sands. In February this year there was another fire about a kilometre east of us. The ever present risk of fire is a cause of great concern and nervousness during the summer months. All of the fires that we have experienced, have been the result of human error. The reality is that the Dolphin Sands vegetation is highly flammable, and it burns easily.

If blocks are able to be subdivided, it is logical to conclude that, there will be more dwellings, more occupants and more potential for human error and fires. The many short term accommodation places in Dolphin Sands already increase the potential for fire as visiting occupants lack sufficient knowledge of the flammability of the vegetation. They are understandably less cognisant of the strict bush fire guidelines to which local residents adhere.

- We are always saddened by the number of native animals lying dead on Dolphin Sands Road. The area is rich with wildlife and any increase in traffic that subdivision

would bring would inevitably impact wildlife and certainly contribute to increased roadkill.

- At present Dolphin Sands Road has a relatively low population. That is one of the reasons that we were attracted to the area. While roads and rubbish collection are provided, there is no street lighting and no sewerage. Rates are a significant cost given a relative lack of infrastructure. Any subdivision and the resultant increase in dwellings and population would increase the need for the provision of additional infrastructure.
- Dolphin Sands is a very special and fragile environment. It must be nurtured and preserved. It would be disastrous for the environment if Dolphin Sands were allowed to become a comparatively populous suburb of Swansea.

We commend the Council for seeking to prevent subdivision within Dolphin Sands by proposing the Draft Planning Scheme Amendment AM2022 - 2 . We fully support the intent of AM2022-02 to delete the existing provisions of GSB-P1.7 and replace with alternate provisions that would reinstate the previous prohibition on subdivision in Dolphin Sands.

Yours sincerely,

Martin and Polly Flanagan
674 Dolphin Sands Road.

Rep 19

To the General Manager,

I have been a property owner and permanent resident of Dolphin Sands for 35 years. I am an amateur botanist and take great interest in the local flora and fauna. I have always believed and accepted that subdivision wasn't allowed at Dolphin Sands and am surprised to suddenly find it is possible to subdivide.

More houses mean more clearing of native habitat, more mowing, more trees chopped down or simply not allowed to grow, less hollows for wildlife, more traffic, more roadkill, more wildfires, more strain on the aquifer.

I do not support any subdivision in Dolphin Sands and agree that the previous prohibition should be reinstated.

Yours sincerely,

Jennifer Kay

PO Box 157 Swansea, Tas 7190

189 Dolphin Sands Road,

Swansea, Tas 7190

12 March 2023

Mobile: 0476 116 861

Rep 20

March 14, 2023

Mr Greg Ingham,
General Manager
Glamorgan Spring Bay Council
PO Box 6 Triabunna, 7910.

Dear Mr Ingham,

We are writing to you to express our support for Draft Planning Scheme Amendment AM2022-02, which if approved would reinstate the previous prohibition on residential subdivision within the Dolphin Sands precinct.

We first camped with our then small children at Dolphin Sands, on friends' property, nearly 30 years ago, and first purchased a shack there in 2000. We now have had the good fortune to have two adjoining blocks at Dolphin Sands, each with shacks on them, which we share with our two adult children and their families; and many other families who are friends, or friends of friends all of whom we welcome to stay at our shacks, charging them nothing so they too can enjoy this magnificent environment and vista. All we ask of them is that they respect the wildlife, trees and other plants.

It is a very delicate environment.

Our major concerns are:

- The **sand dunes** which are already degraded with innumerable low level access points put through by property owners, seemingly without any regulator making them make good their damage.
- The already **fragmented habitat** for wildlife as some landowners remove all vegetation bar large trees, and put up wallaby proof fences.
- For those who wish to discount those issues, the problem of **bushfires** does not bear contemplating. If there were large numbers of people trying to evacuate over summer if yet another bushfire (which is nigh on inevitable) strikes, and fire services were stretched; the outcome especially with respect to having only one road in and out, is too ghastly to contemplate.

Yours sincerely,

Tim Flanagan & Fiona Joske
308 and 296 Dolphin Sands Road, Dolphin Sands

Rep 21

To The General Manager,

Re: AM2022-02 clause GSB-P1.7.1 Subdivision

I, Gynes Isherwood, of 750 Dolphin Sands Rd, Dolphin Sands, support the amendment to reinstate the previous prohibition on subdivision of Dolphin Sands.

I am confused as to why submissions have been sought, when the previous prohibition on subdivision was removed without consultation, as far as I am aware?

Regardless, Swansea and its surrounds has a level of beauty that future residents and visitors to the area can all share in. It will be this natural beauty that can see Swansea thrive as an important tourism hub, strategically placed midpoint between Launceston and Hobart. An increase in the density of housing along Dolphin Sands Rd, will be detrimental to the natural beauty of the area.

Please reinstate the previous prohibition as a matter of urgency.

Yours sincerely,

Gynes Isherwood

**PO Box 10
Swansea
TAS 7190**

Mob: 0424 249 989

Rep 22

Submission re Draft Planning Scheme Amendment - AM2022-02 Dolphin Sands PPZ – Subdivision Requirements

NOTE: GSB-P1.0 Particular Purpose Zone – Dolphin Sands

GSB-P1.1 Zone Purpose

The purpose of the Particular Purpose Zone – Dolphin Sands is:

GSB-P1.1.1 To protect the environmentally fragile nature of the Dolphin Sands area particularly with respect to land stability, vegetation, wildlife and landscape amenity.

GSB-P1.1.2 To ensure that use or development has minimal disturbance to the natural environment and visual amenity of the area.

Thank-you for the opportunity to present a submission on the Draft Planning Scheme Amendment AM2022-02 concerning Dolphin Sands, Particular Purpose Zone regarding subdivision requirements.

There are two comments that I would like to make, prior to dealing with the actual proposed Amendment AM2022-02.

Firstly, I commend Council for seeking feedback from Dolphin Sands property owners, however considering many, if not most property owners would find it difficult to decipher the nuances of the Planning Scheme, I wonder why Council couldn't have initiated a better/fairer/simpler solution to gain feedback from the property owners and thus had more owners contribute their view on the Amendment.

Secondly, I am mystified by how the change to the original Dolphin Sands PPZ re subdivision has occurred. As a councillor during the time of transition from the GSB Planning Scheme 1994 and the Interim Scheme 2013, I was told on many occasions that basically all PPZs and SAPs would transition across to the new State Scheme unchanged; no modifications, no additions. It appears that what I, and Council, was told was incorrect.

The Proposed Amendment as proclaimed by Council (AM2022-02)

Objective: To prevent subdivision within Dolphin Sands other than that incidental to existing lots.

Acceptable solutions

Performance Criteria

A1

P1

Subdivision must:

No performance criteria

- (a) Be for the consolidation of lots with no additional lots created; **OR**
- (b) Provide for public open space, a public reserve, public services, or utilities.

A2

P2

Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral
No performance criteria
reserves or utilities, must have an area not less than 1 hectare.

A3

P3

Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral
No performance criteria
reserves or utilities, must have a minimum frontage of 60m.

NOTE: I think 'OR' should be removed from A1(a) because

If 'OR' is not deleted, A1 may be open to (mis)interpretation, e.g. if someone wants to subdivide their land and 'gift' public open space to the community they may argue they could subdivide their land because it could be seen to comply with A1(b) because they have provided public open space.

I have read and reread the proposed Amendment and am still confused with the proposed (subdivision) Amendment wording.

In A1 it mentions no additional lots being created except for public open space, public reserve, public services or utilities yet then in A2 a 'plan of subdivision' is mentioned... ('must have an area of not less than 1 hectare') and then in A3 'a plan of subdivision' is mentioned again ('must have a minimum frontage of 60m'). How? Why? mention a 'plan of subdivision' when the proposal is to have none?

- Why is there any reference to a plan of subdivision at all after A1? I found this rather disconcerting given the intent is for no subdivision to occur except for the management of environmental values or public services or utilities. The Subdivision objective/s, acceptable solutions and performance criteria re the Dolphin Sands PPZ needs to be clearly stated and worded correctly. There should be absolutely no room for a smart operator to wriggle themselves into a position where they are able to subdivide/develop property that was not intended to be further fragmented.

In the proposed Amendment consolidation is mentioned however surely, there is no need to cover consolidation of lots in the Dolphin Sands PPZ as this appears to be covered sufficiently under **7.3 Adjustment of a Boundary**, in the General Provisions section of the Scheme.

7.3.1 States An application for a boundary adjustment is Permitted and a permit must be granted if:

- (a) no additional lots are created;
 - (b) there is only minor change to the relevant size, shape and orientation of the existing lots;
- Wouldn't this cover anyone that needs to deal with consolidation of their land?

In summary

- I do not support any further subdivision in the Dolphin Sands PPZ for any reason other than for the management of environmental values or public services or utilities
- That I support the proposed AM2022-02 if the 'or' at the end of A1(a) is deleted

- That A1(b) be deleted also – so there can be absolutely no misinterpretation of this sub-clause.

I am a permanent resident of Dolphin Sands and have lived here for 29 years. Dolphin Sands was originally sub-divided in the 1960s. Then, over 50 years ago before climate change was recognised by most and few people were aware of the vulnerability of many species found in the vicinity. Dolphin Sands has always been acknowledged as a unique and fragile environment with a diverse ecology. Today people are much more aware of climate change, sea level rise and the risk our flora and fauna face in our changing world. Any modern and informed community would not support any further subdivision of any land on the Dolphin Sands sandspit. The Dolphin Sands sandspit adjoins a world renowned Ramsar wetlands (Moulting Lagoon) and is only a little over 7,000 years old. An aquifer, that basically runs the length of the sandspit is often under threat, both from sea level rise and constant domestic use, particularly in times of drought.

Nicholas Shakespeare in a ***Nine Mile Beach*** – *A guide to living at Great Oyster Bay Estate & Dolphin Sands*, eloquently sums up why there should be no further fragmentation of Dolphin Sands.

“...As those fortunate to live here know this is a unique and precious spot, the rareness of whose beauty is matched only by its fragility. That’s why it falls on us to guard it well, so that future generations can also have the opportunity to enjoy Nine Mile Beach (Dolphin Sands) in the same life-altering way”

J. Crawford
192 Dolphin Sands Rd
Dolphin Sands 7190
14th March 2023

Rep 23

Gavin Harrison

1487 Dolphin Sands Rd
Dolphin Sands TAS 7190

Date: March 10th, 2023

Glamorgan Spring Bay Council 9 Melbourne Street Triabunna TAS 7190 Australia

Attention: Greg Ingham, General Manager

Dear Greg,

I, Gavin Harrison of 1487 Dolphin Sands Rd, Dolphin Sands TAS 7190, am writing to express my support for Council's proposal to correct the unintended error in the Draft Planning Scheme Amendment – Glamorgan Spring Bay Dolphin Sands Particular Purpose zone – subdivision requirements. Draft Amendment AM2022-02.

I agree that the inclusion of the word "or" in the transitioned development standards was an error and was never intended by Council nor The Tasmanian Planning Commission. The absence of community engagement and discussion at a Council or TPC level further highlights the need for correction.

I am also concerned that an increase in the resident population in the area will impact and disturb the fragile environment and wildlife. It may also increase the risk of fire in the area.

I appreciate Council's time in proposing the amendments to maintain the integrity of the development standards for the Dolphin Sands PPZ.

Thank you for considering my views on this matter.

Sincerely,

Gavin Harrison



40K REPORT
Amendment AM2022-02

Tasmanian Planning Scheme –
Glamorgan Spring Bay
Local Provisions Schedule
Planning Scheme Amendment

Amendment to revise clause GSB-P1.7.1
Subdivision



Glamorgan Spring Bay Council

Senior Planning Consultant

6 April 2023, V1.1

AMD 2022-02 – GSB-P1 Dolphin Sands Particular Purpose zone - Subdivision
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Executive Summary

The purpose of this report is to consider representations that were received to AM2022-02 following completion of the statutory exhibition process under the *Land Use Planning and Approvals Act 1993* (Act).

AM2022-02 was initiated by the Glamorgan Spring Bay Planning Authority (Planning Authority) to revise the provisions of the *Glamorgan Spring Bay Local Provisions Schedule* (LPS) at clause GSB-P1.7.1 Subdivision P1(a) by deleting the existing provisions and replacing them with the following:

Objective:	To prevent subdivision within Dolphin Sands other than that incidental to existing lots.	
Acceptable Solutions	Performance Criteria	
A1 Subdivision must: (a) be for the consolidation of lots with no additional lots are created; or (b) provide for public open space, a public reserve, public services or utilities.	P1 No performance criteria.	
A2 Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have an area of not less than 1 hectare.	P2 No performance criterion.	
A3 Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have a minimum frontage of 60m.	P3 No performance criterion.	

Abbreviations

1994 Scheme	Glamorgan Spring Bay Planning Scheme 1994
Act	Land Use Planning and Approvals Act 1993
AM2022-02	draft amendment AM2022-02
Planning Authority	Glamorgan Spring Bay Planning Authority
Commission	Tasmanian Planning Commission
Council	Glamorgan Spring Bay Council
Interim Scheme	Glamorgan Spring Bay Interim Planning Scheme 2015
LPS	Local Provisions Schedule
PPZ	Dolphin Sands Particular Purpose zone
Practice Note 8	Practice Note 8 – Drafting written LPS
Scheme	Tasmanian Planning Scheme – Glamorgan Spring Bay
STRLUS	Southern Tasmanian Regional Land Use Strategy
Subject provision	clause GSB-P1.7.1 Subdivision
TPS	Tasmanian Planning Scheme





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Document Issue Status

Ver	Issue Date	Description	Originator	Checked	Approved
1	21 Mar 2023	Council Agenda 28 Mar 2023	MP		GSB
1.1	6 Apr 2023	Council Agenda 18 April 2023	MP		GSB





Introduction

The purpose of this report is to consider representations that were received to the statutory exhibition of planning scheme amendment AM2022-02 to the Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme).

The exhibition process for amendments to a LPS was established at section 40 of the Act, subsections G to J, and summarized as follows:

- exhibition was completed for the required period of 28 days;
- a notice was placed in the local papers on two separate occasions;
- copies of AM2022-02 were available for viewing at the Council office for the notification period; and
- AM2022-02 was available from Council website for this period, with advice on how to make a representation.

AM2022-02 was exhibited for the statutory period of 28 days in accordance with the requirements of sections 40 G and H. This period ran from 23 December 2022 to 30 January 2023, to account for the office closures over the Christmas and New Year period.

Four representation was received during that period.

Section 40K(2)(b) allows the Planning Authority to consider representations that are received after the exhibition. An extension of time was obtained from the Commission to allow property owners to be directly contacted about AM2022-02.

An additional 19 representations were received following the close of the representation period. The Planning Authority must formally determine whether to receive and consider those representations as part of this process.

Section 40K of the Act requires the planning authority to submit a report to the Commission containing the following:

- a copy of each representation made during the exhibition period under s.40K(2)(a);
- a copy of any representations made following the exhibition period that the Planning Authority determines to include under s.40K(2)(b);
- a statement of the planning authority's opinion as to the merit of each representation made under s.40K(2)(c), in particular as to:
 - whether the draft Amendment should be modified; and
 - if recommended to be modified, the effect on the draft Amendment as a whole;
- a statement as to whether the planning authority is satisfied that the draft amendment meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft amendment.

This report includes recommendations that address the planning authority's report under Section 40K.

Following receipt of the planning authority report, the TPC will hold hearings into the draft amendments. The TPC will then retire to determine the draft amendments. That decision may be to approve, refuse or modify all or parts of each draft amendment.

Full copies of the representations were provided as a separate attachment to this report.



Assessment of Representations

1. PJ Coon

The representation supports AM2022-02, citing the following:

- the change affected to the subdivision controls under the Scheme was, in Mr Coon's view, an error and unintended change;
- the change was not identified or documented in the allowable changes that were considered and approved by the Commission;
- no records that identify the Council considered and supported the change; and
- the amendment needs to be determined regardless of the potential impacts to current applications.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

2. Dobson Mitchell Allport for J Patterson-Were

The representation opposes AM2022-02, citing the following reasons:

- They dispute the change was inadvertent or an error, citing the advice of the Tasmanian Planning Commission;
- AM2022-02 fails the statutory tests at Section 34(2) and section 32 of the Act, contending that the amendment does not meet those requirements;
- They content that the area has limited subdivision potential as follows:
 - There are approximately 164 small lots (less 2ha or less) and only 5 or 6 lots have real subdivision potential;
 - Approximately 163 lots are between 2.8 and 6.1 ha, which may result in an additional 35 lots;
 - The 14 larger lots (between 9.1 and 14.1 ha) may result in an additional 41 lots;
 - Approximately 65 of the original 240 lots have subdivision potential;
 - The adjoining Cambria Drive area suggests that the 1ha minimum lot size is appropriate;
- They content the amendment does not further the Schedule 1 objectives of the Act;
- The amendment fails to further the objectives as it will prevent rather than promote development;
- The objections to planning applications are low (2 representations for the one exhibited subdivision application);
- The provision was subject to extensive exhibition, assessment, representation and review through the LPS process and ultimately approved by the Commission;
- The existing provision complies with the STRLUS, particularly SRD1.3 & 1.4

The following is noted in response to these points:

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- Legal advice was obtained before AM2022-02 was commenced that informed the decision to commence the current process;
- The Planning Authority respectfully disagrees with the advice of the Commission that the change was not an error is noted;
- It is not clear to the Planning Authority how a substantial change could be made to the planning scheme under the Transitional process as part of the LPS process;
- The previous and supporting reports clearly identify that the Planning Authority did not strategically consider the change that occurred to the specific provisions through the Local Provisions Schedule process;
- the Transitional status afforded by the Ministerial declaration meant that the provisions were not subject to the formal exhibition, representation, assessment and submission process as all other parts of the LPS were during that process;
- statements in the representations that the subject provisions were open to assessment multiple times through the LPS process are incorrect;
- statements that the Scheme must allow further subdivision to comply with the Schedule 1 Objectives of the Act disregard multiple objectives across a range of matters, most specifically 2g for the conservation of areas or places with specific values;
- SRD1.3 addresses the rezoning of land to Rural Living and does not address the subdivision potential within existing areas. SRD1.3 is not relevant to the Dolphin Sands Particular Purpose zone; and
- SRD1.4 promotes densities of 1 dwelling per hectare for rural living areas where site conditions allow. The site conditions do not support intensification of subdivision within the Dolphin Sands Particular Purpose zone having regard to:
 - the lack of strategic assessment of the change;
 - the lack of supporting information to identify and consider the potential and likely impacts of the change; and
 - consideration against the Schedule 1 objectives of the Act.

As noted within the assessment documents and elsewhere within this report, and indicated by the volume of representations supporting AM2022-02, the amendment was initiated to reflect the intent of the Planning Authority and wider community to retain the existing character and density at Dolphin Sands.

The Dolphin Sands area is considered to have particular environmental, spatial and social qualities that require revision of the subject provision within clause GSB-P1.7.1 Subdivision of the Dolphin Sands Particular Purpose zone.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.



3. H Clement

The representation opposes AM2022-02, citing the following reasons:

- 1 & 2. use and values of the area are almost identical to the nearby Cambria Drive area;
3. Environmental values are addressed through the LPS overlays for natural values;
4. He considers that the current scheme provisions provide for appropriate subdivision controls;
- 5-6. suggests that the existing controls have the potential to generate an additional 49 lots, with his experience as a surveyor suggesting this may result in a realisation of approximately 50% over time (25 lots);
7. Notes that the current scheme promotes infill development, which supports the existing LPS provisions;
8. Contends that the *or* was an intentional change, citing the high level of assessment that occurred with the Interim Scheme;
9. Will be providing expert supporting evidence from Mr Mark Wapstra on ecological values;
10. Cites the general lack of opposition to the subdivisions and changes to the provisions through the LPS and this process as a general support for the current provisions; and
11. Cites the assessment process through the Interim Scheme and LPS assessments demonstrating on-whole community support for the controls.

Mr Clement's views are noted.

The Interim Scheme controls were prepared, exhibited and the representations were assessed by the Planning Authority and submitted to the Commission. The public record identifies that assessment of the Interim Scheme was not completed in the traditional form (that is, public hearings were not scheduled or held, any queries of the Commission were not interrogated through a public process with the opportunity for responses and further investigations and the Commission never prepared nor published a detailed assessment or set of determinations).

Council staff advise that the Interim Scheme controls were interpreted to retain the prohibition on subdivision.

As noted within the assessment documents and elsewhere within this report, and indicated by the volume of representations supporting AM2022-02, the amendment was initiated to reflect the intent of the Planning Authority and wider community to retain the existing character and density at Dolphin Sands.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.



4. Dobson Mitchell Allport for Rooke

The representation opposes AM2022-02, citing the following reasons:

- They dispute the change was inadvertent or an error, citing the advice of the Tasmanian Planning Commission;
- They consider that AM2022-02 fails the statutory tests at Section 34(2) and section 32 of the Act, contending that the amendment does not meet those requirements;
- They content that the area has limited subdivision potential as follows:
 - There are approximately 164 small lots (less 2ha or less) and only 5 or 6 lots have real subdivision potential;
 - Approximately 163 lots are between 2.8 and 6.1 ha, which may result in an additional 35 lots;
 - The 14 larger lots (between 9.1 and 14.1 ha) may result in an additional 41 lots;
 - Approximately 65 of the original 240 lots have subdivision potential;
 - The adjoining Cambria Drive area suggests that the 1ha minimum lot size is appropriate;
- The amendment does not further the Schedule 1 objectives of the Act, as it will prevent rather than promote development;
- The objections to planning applications are low (2 representations for the one exhibited subdivision application)
- The provision was subject to extensive exhibition, assessment, representation and review through the LPS process and ultimately approved by the Commission;
- The existing provision complies with the STRLUS, particularly SRD1.3 & 1.4

The following is noted in response to these points:

- Legal advice was obtained before AM2022-02 was commenced that informed the decision to commence the current process;
- The Planning Authority respectfully disagrees with the advice of the Commission that the change was not an error is noted;
- It is not clear to the Planning Authority how a substantial change could be made to the planning scheme under the Transitional process as part of the LPS process;
- The previous and supporting reports clearly identify that the Planning Authority did not strategically consider the change that occurred to the specific provisions through the Local Provisions Schedule process;
- the Transitional status afforded by the Ministerial declaration meant that the provisions were not subject to the formal exhibition, representation, assessment and submission process as all other parts of the LPS were during that process;
- statements in the representations that the subject provisions were open to assessment multiple times through the LPS process are incorrect;
- statements that the Scheme must allow further subdivision to comply with the Schedule 1 Objectives of the Act disregard multiple objectives across a range of matters, most specifically 2g for the conservation of areas or places with specific values;
- SRD1.3 addresses the rezoning of land to Rural Living and does not address the subdivision potential within existing areas. SRD1.3 is not relevant to the Dolphin Sands Particular Purpose zone; and
- SRD1.4 promotes densities of 1 dwelling per hectare for rural living areas where site conditions allow. The Council is of the opinion that site conditions do not support



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intensification of subdivision within the Dolphin Sands Particular Purpose zone having regard to:

- the lack of strategic assessment of the change;
- the lack of supporting information to identify and consider the potential and likely impacts of the change; and
- consideration against the Schedule 1 objectives of the Act.

As noted within the assessment documents and elsewhere within this report, and indicated by the volume of representations supporting AM2022-02, the amendment was initiated to reflect the intent of the Planning Authority and wider community to retain the existing character and density at Dolphin Sands.

The Dolphin Sands area is considered to have particular environmental, spatial and social qualities that require revision of the subject provision within clause GSB-P1.7.1 Subdivision of the Dolphin Sands Particular Purpose zone.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

5. P Rooke

The representation opposes AM2022-02 through two submissions, citing the following:

- The existing controls under the Scheme and advice of the Commission;
- The desired future for the Dolphin Sands area through shutting it down for subdivision against opening it up;
- His existing subdivision application and planning appeal; and
- A range of personal reasons.

Mr Rooke questions why regulation in the area should be increased and the previous prohibition reinstated.

As noted within the assessment documents and elsewhere within this report, and indicated by the volume of representations supporting AM2022-02, the amendment was initiated to reflect the intent of the Planning Authority and wider community to retain the existing character and density at Dolphin Sands.

The Council accepts the view of the Commission regarding the change that was affected through introduction of the LPS and respectfully disagrees.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.



6. A & K Swan

The representation strongly supports AM2022-02, citing the following:

- Disturbance of the local environment and wildlife from increased traffic and particularly from roadkill;
- Increased risk of draining and contamination of the aquifer;
- Increased risk of fire;
- Increased demand for infrastructure;
- Diminished community amenity and well-being; and
- The long standing prohibition on further subdivision of the area.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

7. G Stoward, L Turner

The representation supports AM2022-02, citing the long standing prohibition on further subdivision of the area.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

8. Dr Gillick & Ms Zeng

The representation supports AM2022-02, citing the following:

- The sensitive littoral landscape;
- Recent increases in development, particularly around tourism;
- Risk of over-development;
- threat to the aquifer from increased and potentially inappropriate use;
- increased fire risk in a high risk zone;
- damage to vegetation protecting the stability of the dunes;
- disturbance to wildlife; and
- loss of general amenity (the privacy and tranquillity typically resulting from a dispersed, low population).

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

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Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

9. J Topfer

The representation supports AM2022-02, citing the following:

- Potential impacts from further subdivision and development on the sand dunes and local bird and wildlife populations;
- Impacts on the quality of the aquifer and bushfire risk within the area from increased population; and
- The inherent lifestyle benefits of the area.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

10. A Wilson

The representation supports AM2022-02, citing the following:

- Impact to the local area from further subdivision and development;
- Sensitivity of the sand dunes, ecological and environmental values of the area; and
- Potential impacts to the aquifer from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

11. I Helmond

The representation supports AM2022-02, citing the following:

- The lifestyle created by the existing subdivision pattern, with mostly 2+ hectare lots;
- The impact of additional population and traffic on wildlife;
- The increased risk of fire from a higher population; and
- The loss of solitude and lifestyle benefits of the area from further subdivision.

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The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

12. S Davenport

The representation supports AM2022-02, citing the following:

- The master planned nature of the original subdivision by Mr E Barrie Valentine;
- The qualities of the area that make it a desirable place to be;
- Impacts from additional dwellings and traffic on local birds, animals and vegetation;
- The lifestyle benefits of the area and risk from further subdivision; and
- The sensitivity of the area to bushfire.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

13. N Bax & P Lovell

The representation supports AM2022-02, citing the following:

- The lifestyle of the area with lots greater than 2 hectares and the opportunity that creates to manage environmental values and wildlife;
- The character of Dolphin Sands provides a counterbalance to more intensive areas at Swansea and Swanwick;
- Risk within the area of bushfires;
- The sensitive nature of the local environment, particularly the slow growth of many local species; and
- The loss of environmental values that increased subdivision would create.

The representor questioned terminology used in the letters to residents advising the amendment was underway. Those objections are noted and do not relate to the detailed assessment of AM2022-02.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.



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14. M Chamberlain

The representation supports AM2022-02, citing the following:

- The lack of infrastructure in the area and particularly water;
- The environmental sensitivity of Dolphin Sands;
- Increased risk to wildlife from increased density;
- Bushfire risk
- The vulnerable nature of the local ecosystem from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

15. N Shakespear & G Johnson

The representation supports AM2022-02, citing the following:

- The fragile character of the area and risk to it from one incautious move;
- The existing lack of infrastructure;
- Potential for contamination of the aquifer;
- Bushfire hazards within the area;
- Impacts of increased development and traffic on local wildlife; and
- The lifestyle benefits that result from the very low density of the area and risk to it from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

16. S & S Barrett

The representation supports AM2022-02, citing the following:

- Increased risk from further subdivision on bushfire
- Potential impacts to the aquifer;
- Increased road kills resulting from further subdivision and development; and
- The lifestyle benefits of the area.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

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Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

17. A Coltier

The representation supports AM2022-02 and cites the following:

- The change in approach by Council; and
- Questioning the lack of information on the potential impacts that would result from further subdivision.

AM2022-02 results from an unintended change to the subdivision opportunity within the zone from implementation of the LPS. The Planning Authority decision followed legal advice. Detailed analysis of the consequences of further subdivision of the area was not considered necessary to inform that decision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

18. M & P Flanagan

The representation strongly supports AM2022-02, citing the following:

- The fragile ecosystem;
- Potential impacts to the aquifer from residential use and development;
- The increased bushfire risk in the area from the vegetation and further subdivision;
- The increased loss of local wildlife;
- The low level of services in the area; and
- The risk of further environmental impacts from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.



19. J Kay

The representation supports AM2022-02, citing the following:

- The local flora and fauna;
- The impact of further subdivision and development on the area; and
- Support for the previous prohibition on subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

20. T Flanagan & F Joske

The representation supports AM2022-02, citing the following:

- The fragile sand dunes that are subject to development by property owners;
- The fragmented habitat that is subject to clearance and wallaby proof fencing; and
- The lifestyle benefits of the area and risk from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

21. G Isherwood

The representation supports AM2022-02, citing the following:

- Confusion over why the previous prohibition was removed without consultation; and
- The lifestyle benefits of the area and risk from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.



22 J Crawford

The representation supports the amendment, noting the following points:

- Questions why a simpler process wasn't used to get owner feedback;
- Does not understand how the change was affected given the impact of transitional provisions as explained to Council and the community;
- Objects to the use of Plan of Subdivision and considers that it creates uncertainty for creation of additional lots;
- Submits that A1a and b should be deleted as they create uncertainty in the interpretation of the provisions and are addressed at clause 7.3 Adjustment of A Boundary; and
- Cites the lifestyle and environmental benefits of the area and proximity to Moulting Lagoon to support retention of the existing subdivision density.

In response to the issues raised:

- The process is established under the Act and must be followed;
- The views of the local community were thought to be well understood following the LSP process and reaction against subdivision proposals in the area;
- Plan of subdivision is terminology used for similar provisions throughout the TPS and was used in AM2022-02 for that reason; and
- Clauses A1 a and b require subdivision to be for consolidation, public open space, a public reserve, public services or utilities. AS there are no performance criteria, no lots can be approved for any other purpose; and
- Consolidation of lots is not addressed at clause 7.3 of the TPS, which provides for adjustment of a boundary and not consolidation of lots.

Following the representor's concerns, it was noted that the terminology in A1 is dated and inconsistent with the terminology used within the TPS and requirements of Practice Not 8, such as the terms *public reserve* and *public services*. As a result, the wording of A1 should be revised to reflect the structure of the TPS and requirements of Practice Note 8.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and the wording of criteria at A1 revised as follows:

- be for the consolidation of lots with no additional lots created; or
- be for public open space or utilities.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines. Implementation of the LPS will be improved through revision of the relevant criteria.

LPS Criteria: the recommended change to the amendment is consistent with the LPS criteria.

23. G Harrison

The representation supports AM2022-02, citing the following:

- Inclusion of the word or to P1 was an error; and

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- The impacts to the environmental values, lifestyle of the area and bushfire risk from further subdivision.

The representation did not raise any matters that challenge the previous assessment against the LPS Criteria, Guidelines or Practice Note 8.

Recommendation: That the representation be accepted, determined to have merit, and that no modifications are required to AM2022-02.

Effect on Draft LPS as a whole: The recommendation provides effect to the policies of the statements in the Tasmanian Planning Scheme and Guidelines.

LPS Criteria: the amendment is consistent with the LPS criteria.

Other matters

Section 40K(2)(e) allows the Planning Authority to make any recommendations in respect of the draft amendment that it considers fit.

Representations 2 and 4 claim AM2022-02 did not comply with the requirements of section 32(4) of the Act, which establishes the following test for local provisions such as GSB-P1.7.1 Subdivision:

- (4) *An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
- (a) *a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
 - (b) *the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

AM2022-02 seeks to revise an existing clause under the GSB-P1.7 Dolphin Sands Particular Purpose zone.

The Minister for Planning and the Commission effectively determined compliance with the requirements of section 32(4) of the Act through the declaration of the GSB-P1.7 Dolphin Sands Particular Purpose zone and the specific controls at clause GSB-P1.7.1 Subdivision as Transitional Provisions during initial assessment of the LPS.

As extensively noted in the Planning Scheme Amendment Assessment Report, the area is considered to have particular values that do not support further subdivision within the zone. This position reflects an understanding from multiple sources including:

- the prohibition on further subdivision under previous planning schemes;
- representations and hearings for the LPS;
- representations and hearings for AM2018-03 Cambria SAP;
- the understanding of the values of the community obtained by the members of the Planning Authority;
- the lack of any strategic consideration of the additional subdivision potential that was affected through implementation of the LPS;
- the lack of any strategic plan for improvements to infrastructure within the Dolphin Sands area to support the additional subdivision opportunity; and
- compliance of AM2022-02 with the relevant components of the Southern Tasmanian Regional Land Use Strategy.

Significant guidance was provided by the zone purpose statements, which provide the following:



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- GSB-P1.1.1 *To protect the environmentally fragile nature of the Dolphin Sands area particularly with respect to land stability, vegetation, wildlife and landscape amenity.*
- GSB-P1.1.2 *To ensure that use or development has minimal disturbance to the natural environment and visual amenity.*

The first zone purpose statement under the range of the SPP zones is typically, to provide for a specific type of use and development within the zone. GSB-P1 Dolphin Sands Particular Purpose zone, in contrast to the structure of the SPP provisions, directs the protection of the area and minimal disturbance from use and development.

Subdivision is, by definition, development and must be assessed against the purpose of the zone (following clause SPP 7.10) and may be considered against the specific objective for the standard (following SPP clause 5.6.4) to determine compliance.

The objective at GSB-P1.7.1 Subdivision provides the following:

To prevent subdivision of land other than that necessary for existing or approved uses or for the management of environmental values.

AM2022-02 seeks to remove an inherent conflict between the zone purpose statements and objective for the specific standard under GSB-P1.7.1 Subdivision, and the provisions under that standard.

The demonstration of compliance against the requirements of section 32(4)(b) was established through the zone purpose statements at GSB-P1.1.

Following review of the representations, no further matters were identified for consideration.

Recommendation: That no further modifications are required to AM2022-02 under section 40K(2)(e) of the Act.

Conclusion

That, as a result of matters raised in the representations, AM2022-02 be modified as follows:

GSB-P1.7.1 Subdivision

Objective:	To prevent subdivision within Dolphin Sands other than that incidental to existing lots.	
Acceptable Solutions		Performance Criteria
A1	Subdivision must: (a) be for the consolidation of lots with no additional lots are created; or (b) provide for public open space, a public reserve, public services or utilities.	P1 No performance criteria.
A2	Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have an area of not less than 1 hectare.	P2 No performance criterion.
A3	Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have a minimum frontage of 60m.	P3 No performance criterion.

Profit and Loss

Glamorgan Spring Bay Council

For the 9 months ended 31 March 2023

Account	YTD Actual	YTD Budget	Budget Var	Var %	2022/23 Budget	Notes
Trading Income						
Rate Revenue	11,280,415	11,114,746	165,669	1%	11,114,746	1
Statutory Charges	524,578	587,519	(62,941)	-11%	777,716	2
User Charges	761,412	724,248	37,164	5%	999,658	
Grants	1,254,767	1,107,521	147,246	13%	1,845,049	3
Interest & Investment Revenue	437,378	326,466	110,912	34%	518,088	4
Contributions	558,546	154,329	404,217	262%	185,772	5
Other Revenue	1,645,636	968,788	676,848	70%	1,304,595	6
Total Trading Income	16,462,732	14,983,617	1,479,115	10%	16,745,624	
Gross Profit	16,462,732	14,983,617	1,479,115	10%	16,745,624	
Capital Grants						
Grants Commonwealth Capital - Other	935,832	1,383,883	(448,051)	-32%	5,756,383	7
Grants Commonwealth Capital - Roads to Recovery	354,587	300,816	53,771	18%	401,088	8
Grants State Capital - Other	215,381	49,123	166,258	338%	260,123	9
Total Capital Grants	1,505,799	1,733,822	(228,023)	-13%	6,417,594	
Other Income						
Net Gain (Loss) on Disposal of Assets	(15,731)	25,000	(40,731)	-163%	53,000	
Total Other Income	(15,731)	25,000	(40,731)	-163%	53,000	
Operating Expenses						
Employee Costs	3,718,768	3,898,322	(179,554)	-5%	5,234,096	10
Materials & Services	5,990,913	6,600,326	(609,413)	-9%	8,289,660	11
Depreciation	2,387,474	2,397,042	(9,568)	0%	3,196,056	
Interest	89,721	90,120	(399)	0%	213,820	
Other Expenses	163,996	159,507	4,489	3%	212,676	
Total Operating Expenses	12,350,871	13,145,317	(794,446)	-6%	17,146,308	
Net Profit	4,111,862	1,838,300	2,273,562	124%	(400,684)	
Total Comprehensive Result (incl Capital Income)	5,601,930	3,597,122	2,004,808	56%	6,069,910	

NOTES OF BUDGET VARIANCES > \$50k.

1. Additional unbudgeted revenue from significant supplementary rate revaluations on individual properties due to ownership transfers occurring post 30 June 2022 property ratings.
2. Lower than budgeted Development Applications, Plumbing Permit Applications and 132/337 Certificates.
3. 2021/22 carry over unspent Parks grant funds \$93k not forecast. Federal Assistance Grants \$50k above forecast.
4. Higher than expected interest income due to increasing interest rates.
5. Public Open space contribution \$286k (increase of \$155k) and Subdivision contribution \$141k (increase of \$22k) higher than budget. Stormwater contribution budgeted of (\$25k) will not occur as developers are funding their own solution.
6. Medical income \$465k (increase of \$118k) higher than estimate from high patient throughput eg winter demand, additional locum (ie 5 doctors) on board and covid vaccinations income. Received bank fees refund \$100k in September not budgeted.
7. Works budgeted but not complete Local Roads & Community Infrastructure Grant; for Buildings: [Courthouse amenities, Coles Bay Annexe, Swansea Cricket nets, Spring Bay toilets, Saltworks toilet] \$455k below forecast due to delay in getting works underway; for Marine: [Triabunna Marine shelter] \$15k below forecast due to delays in getting works underway.
8. Roads to Recovery instalments received are \$50k more than expected through March 2023.
9. Carry forward unspent grant funds, not forecast: Spring Bay Recreation Ground \$137k work delayed. Received \$29k payment from State Emergency Services grant funding for Holkum Court works completed last year.
10. Staff vacancies and unplanned covid leave reflecting shortfall in capacity of available staff.
11. Black Summer Bushfire Recovery Grant for Telstra works received and being held to pay to Telstra when required (\$417k). Contractor costs and materials (\$402k) and (\$303) less than forecast indicating delays in market availability. Doctors expenses and Locum costs over budget by \$159k and \$180k.

Statement of Financial Position

Glamorgan Spring Bay Council
As at 31 March 2023

Account	31 Mar 2023	30 Jun 2022
Assets		
Current Assets		
Cash & Cash Equivalents	7,736,097	4,275,310
Trade & Other Receivables	2,599,809	663,874
Other Assets	20,400	40,800
Total Current Assets	10,356,306	4,979,984
Non-current Assets		
Investment in Water Corporation	31,282,379	31,282,379
Property, Infrastructure, Plant & Equipment	155,520,919	157,048,476
Total Non-current Assets	186,803,298	188,330,854
Total Assets	197,159,604	193,310,838
Liabilities		
Current Liabilities		
Trade & Other Payables	1,075,491	648,824
Trust Funds & Deposits	433,148	428,299
Provisions	648,576	648,576
Contract Liabilities	0	1,384,139
Interest bearing Loans & Borrowings	535,242	697,774
Total Current Liabilities	2,692,458	3,807,612
Non-current Liabilities		
Provisions	74,762	74,762
Interest Bearing Loans & Borrowings	7,146,395	7,146,395
Total Non-current Liabilities	7,221,157	7,221,157
Total Liabilities	9,913,615	11,028,769
Net Assets	187,245,989	182,282,069
Equity		
Current Year Earnings	4,963,920	2,994,018
Retained Earnings	85,489,429	82,495,412
Equity - Asset Revaluation Reserve	96,077,994	96,077,994
Equity - Restricted Reserves	714,645	714,645
Total Equity	187,245,989	182,282,069

Statement of Cash Flows

Glamorgan Spring Bay Council

For the 9 months ended 31 March 2023

Account	YTD Actual	2021/2022 Actual
Operating Activities		
Receipts from customers		
Rates	9,292,063	9,787,616
Contributions	580,046	270,350
Other Income	1,615,877	3,566,080
Statutory Charges	530,622	836,366
User Charges	849,690	768,436
Total Receipts from customers	12,868,298	15,228,849
Payments to suppliers and employees		
Employee Costs	(3,763,986)	(5,122,083)
Payments to Suppliers	(6,588,023)	(8,101,789)
Other Expenses	(166,858)	(205,047)
Total Payments to suppliers and employees	(10,518,866)	(13,428,919)
Receipts from operating grants	540,690	1,845,087
Dividends received	310,500	496,800
Interest received	126,878	26,034
Finance Costs Paid	(89,721)	(232,520)
Cash receipts from other operating activities	463,268	789,806
Net Cash Flows from Operating Activities	3,701,046	4,725,136
Investing Activities		
Proceeds from sale of property, plant and equipment	421,928	140,116
Payment for property, plant and equipment	(1,128,044)	(5,947,748)
Receipts from capital grants	639,141	2,059,491
Other cash items from investing activities	0	195,321
Net Cash Flows from Investing Activities	(66,975)	(3,552,820)
Financing Activities		
Trust funds & deposits	(10,753)	54,414
Net Proceeds/(Repayment) of Loans	(162,532)	(458,263)
Other cash items from financing activities	0	468,081
Net Cash Flows from Financing Activities	(173,285)	64,231
Net Cash Flows	3,460,787	1,236,547
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	4,188,352	2,951,806
Cash and cash equivalents at end of period	7,649,139	4,188,352
Net change in cash for period	3,460,787	1,236,547

Capital Works Detail

Glamorgan Spring Bay Council

For the period 1 July 2022 to 31 March 2023

	Cost YTD	Status	Carry Fwd Last Year	Renewal Works	New Works	Adj Budget 2022/23	Original Budget 2022/23	Council Funded	External Funded	External Funding Source	Details	Comments
Roads, Footpaths, Kerbs												
Road accessibility (Black Summer)	34,053	In progress		64,100	158,200	222,300	222,300		222,300	Black summer bushfire recovery Emergency management fund (TRRA)		Progressing
Wielangta Road Corner Stabilisation	150	In progress		140,000	140,000	280,000	280,000	140,000	140,000	NDRLGP)	50% 50% co contribution.	Tenders closed
Swansea Main Street Paving	486,999	In progress	870,000	76,500		946,500	870,000	76,500	870,000	Community Development Cwth	Carried Fwd 20/21. Budget	Project progressing
Alma Rd Rehabilitation Orford	1,651	In progress	50,000			50,000	50,000		50,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Complete
Sand River Road Buckland	-	Cancelled		73,000		73,000	73,000	36,500	36,500	Assumes co-contr heavy vehicle fund	Reassess reallocation Mar 23	Grant not approved
Resheet Program	84,343	Completed		100,000		100,000	100,000	100,000				Complete
Reseal Program	712,718	In progress		613,300		613,300	443,300	212,213	401,087	Roads to recovery	Budget topup	80% complete
Pavement renewal Program	-	Not started		50,000		50,000	50,000					Complete
Design 2022-23	13,689	In progress		30,000		30,000	30,000	30,000				Various design elements
Total Roads, Footpaths, Kerbs	1,333,602	-	920,000	1,146,900	298,200	2,365,100	2,118,600	645,213	1,719,887			
Bridges, Culverts												
Bridge No 2902, Prosser, Woodsden Road	33,635	In progress		55,000		55,000	55,000	44,000	11,000	Tas Relief & Recovery Arrangements	TRRA	Complete
Bridge Renewal Storm Repair Mar 2021	-	Completed		66,000		66,000	66,000	56,000	10,000	Tas Relief & Recovery Arrangements	TRRA	Awaiting fair weather
17 Acre Creek Bridge Wielangta Rd	-	Deferred				-	315,000			Bridge renewal program	Unsuccessful grant.	Grant unsuccessful
Total Bridges, Culverts	48,471	-	-	121,000	-	121,000	436,000	100,000	21,000			
Parks, Reserves, Walking Tracks, Cemeteries												
Bichen Triangle	24,272	In progress	520,000			520,000	520,000		520,000	Community Development Cwth	Carried Fwd 2020/21	Tenders closed
Bichen Gulch	33,333	In progress	1,350,000			1,350,000	1,350,000		1,350,000	Community Development Cwth	Carried Fwd 2020/21	DA preparation continues
Coles Bay Foreshore	35,890	In progress	865,000			865,000	865,000		865,000	Community Development Cwth	Carried Fwd 2020/21	Public consultation No2
Walking bridge Bichen (timber)	-	Not started		27,000		27,000	27,000	27,000				preparing works
Triabunna Recreation Ground Clubhouse	140,356	Completed	135,000			135,000	135,000		135,000	State Government	Carried Fwd 2020/21	Complete
Triabunna Marina Carpark	17,667	In progress				-						
Total Parks, Reserves, Walking Tracks, Cemeteries	251,518	-	2,870,000	27,000	-	2,897,000	2,897,000	27,000	2,870,000			
Stormwater & Drainage												
Pit and Pipe infill works	-	Not started		55,500	35,000	90,500	70,000	90,500			Budget topup	Design progressing
Sewerage - Swanwick entry road	3,550	In progress			12,000	12,000	12,000	12,000				DA lodged
49 Rheban Rd design to West Shelley Boh Nautilus Detention Basin	-	In progress	35,000			35,000	35,000	35,000			Carried Fwd 2021/22	Design options underway
Holkham Court	91,692	In progress	160,000			160,000	160,000	160,000			Carried Fwd 2020/21	Culvert component complete
Upgrade Culvert 15 Old Spring Bay Rd Swansea	-	Not started				-	97,000			Expecting 60k developer contribution	Not occurring. Cash impact.	Design underway
Stormwater management planning, investigation & design	13,060	In progress	25,000			25,000	25,000	25,000			Carried Fwd 2020/21	Final catchment plans in
Total Stormwater & Drainage	108,303	-	220,000	55,500	47,000	322,500	399,000	322,500	-			
Building												
Heli-pad Swansea Emergency Services	1,742	In progress			107,000	107,000	107,000		107,000	Black summer bushfire recovery		Concept design for DA
Triabunna Depot kitchen bathroom	-	In progress	15,000		-	15,000	10,000	15,000			Carried Fwd 2021/22 Budget	
Triabunna Marina Shelter	-	In progress	15,000			15,000	15,000		15,000	Community Infrastructure Round 3	Carried Fwd 2020/21	
Install Solar Panels on the Swansea Community Hub building	636	Completed	636			636	636		636	Men's Shed grant fund	Carried Fwd 2020/21	
Swansea Cricket Practice Nets	15,665	In progress	35,000			35,000	35,000	35,000	35,000	Community Infrastructure Round 3	Carried Fwd 2020/21	
Swansea Courthouse refurbish toilet	11,150	In progress	75,000			75,000	75,000	75,000	75,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Seeking contractors
Coles Bay Hall - Replace Annexe	4,000	In progress	180,000			180,000	180,000	180,000	180,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Additional Cth- Grant applied
Spring Beach Toilet Refurbishment	-	In progress	65,000			65,000	65,000	65,000	65,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Scoping works
Upgrade Triabunna office heating system	-	Not started		30,300		30,300	-	30300			Budget topup	Ordered
Total Building	33,193	-	385,636	30,300	107,000	522,936	487,636	45,300	477,636			
Marine Infrastructure												
Pylon Replacement - Marina	8,207	In progress	20,000			20,000	20,000	20,000			Carried Fwd 2021/22	Design in progress
Saltworks Toilet	-	In progress	100,000			100,000	100,000		100,000	Community Infrastructure Round 3	Carried Fwd 2020/21	Waiting for PWS to lodge DA
Saltworks Boat Ramp Upgrade	-	In progress	99,123			99,123	99,123		99,123	State Grant MAST	Carried Fwd 2020/21	Waiting for PWS to lodge DA
Total Marine Infrastructure	8,207	-	219,123	-	-	219,123	219,123	20,000	199,123			

11/04/2023

Capital Works Projects 2023-03

Capital Works Detail

Glamorgan Spring Bay Council

For the period 1 July 2022 to 31 March 2023

	Cost YTD	Status	Carry Fwd Last Year	Renewal Works	New Works	Adj Budget 2022/23	Original Budget 2022/23	Council Funded	External Funded	External Funding Source	Details	Comments
Plant & Equipment												
IT Computer Equipment	9,786	In progress			30,000	30,000	30,000	30,000				
General	4,440	In progress			4,300	4,300	-	4,300			Budget topup	Councillor chairs unbudgeted
Medical Equipment	-	Not started			15,000	15,000	15,000	15,000				
2017 Mazda BT 50 dual cab F92RK - Works mgr	40,442	Completed			43,000	43,000	43,000	43,000				Complete
2018 Ford Ranger dual cab H67MH - Works Sup	-	Not started			43,000	43,000	43,000	43,000				Mower replacement in lieu
2010 Ford Ranger B03UD Triabunna	32,215	Completed			32,000	32,000	32,000	32,000				complete
2007 Hino 16t Tipper FR1649 swansea	-	In progress			171,000	171,000	171,000	171,000				Ordered
2017 1570 terrain John Deere mower FA0800 Tri	26,750	In progress			30,000	30,000	30,000	30,000				Ordered
Total Plant & Equipment	113,633	-	-	-	368,300	368,300	364,000	368,300	-			
Total Capital Works	1,896,927		4,614,759	1,380,700	820,500	6,815,959	6,921,359	1,528,313	5,287,646			

DRAFT Swansea Courthouse Management Committee Inc.'s 2022 Annual Report to Glamorgan Spring Bay Council

Background

The Glamorgan Spring Bay Council resolved at their meeting on 25 January 2022 that Council:

- 1. Receives and notes the Swansea Courthouse 2021/22 Annual Report;*
- 2. Endorses the Swansea Courthouse Management Committee Inc. to manage the Courthouse building for a further four years until 31 December 2025*

This 2022 annual report describes the achievements, current financial position, and alignment to the business plan.

Achievements

1. The Swansea Courthouse Management Committee (SCMC) met on five occasions in 2022 including for the AGM held on 29 November 2022. Eight Executive members stood for re-election and were duly elected.
2. In 2022 the voluntary labour contribution of Executive committee members and others totalled 160 hours @ \$30 per hour worth an estimated \$4,850. This was comprised of: working bees at the Courthouse (14 hours); attendance at 5 meetings (125 hours); grant applications (?) and administration.
3. Council's 2022/23 budget included an allocation of \$75,000 for major works to the building including the provision of disabled access toilets, refurbishment of the existing toilets and associated works including installation of NBN connection (and Wi-Fi) to the building. Council's Manager of Buildings and Marine Infrastructure, Adrian O'Leary, is responsible for managing these works and has prepared a scope of works in consultation with the SCMC.
4. The committee has prepared a brief for the development of a website to publicise the facilities and provide an automated booking service. The SCMC has purchased the Domain Name XXXXXXXX. The availability of the website is awaiting the installation of Wi-Fi within the Courthouse. It is anticipated that the website together with completion of the major works will result in increased useage of the facilities.
5. The Covid-19 pandemic continued to impact on the use of the Courthouse, reducing income from hire due to the cancellation of events.

Current Financial Position

In 2021 the SCMC Inc.'s total income was -\$428.81 due to the purchase of three block out blinds (\$555.29); a subscription for a Domain Name (\$65.35); annual return for Incorporation (\$68.00) and cleaning equipment (\$16.69). The total liabilities and equity were \$5,029.06 as at 31st December 2022. The 2022 **Profit and Loss Statement, Balance Sheet and List of Courthouse Bookings** are appended.

Wi-Fi, disabled access including a disabled toilet facility are required for a conference centre, wedding venue and to lease a portion of the building as office space.

Alignment to Business Plan

The existing Swansea Courthouse is building a reputation as a venue for meetings and concerts. The Courthouse was hired on 10 occasions in 2022. Future income is limited by the non-availability of Wi-Fi, the internal and external appearance of the building complex, and the lack of disabled access facilities. The cost of maintenance works and the upgrading of the facility to provide a facility suitable for conferences and weddings are impediments to realizing the full potential and reuse of the facility.

Last October the then Curator of the East Coast Heritage Museum used her authority as a Council employee to deposit furniture from Morris's Store in the Courthouse claiming there was no other available Council storage space. Other Council employees also use the Courthouse for storing equipment. This means that not all of the Courthouse is available for hire and is an impediment to implementing the Business Plan.

Prepared by R. Bartlett
SCMC Secretary
15.2.2023

APPENDICES

22/01/23	Swansea Courthouse Management Committee Inc IA12171 Profit and Loss January through December 2022	
		<u>Jan - Dec '...</u>
	Ordinary Income/Expense	
	Income	
	Courthouse Hire	275.00
	Total Income	275.00
	Expense	
	Annual Return for Incorporat...	68.00
	Blockout Blinds	555.29
	Cleaning Equipment	15.69
	Domain Name Subscription	65.35
	Total Expense	704.33
	Net Ordinary Income	-429.33
	Other Income/Expense	
	Other Income	
	Interest Income	0.52
	Total Other Income	0.52
	Net Other Income	0.52
	Net Income	-428.81

22/01/23

Swansea Courthouse Management Committee Inc
IA12171
Balance Sheet
 As of December 31, 2022

	<u>Dec 31, '22</u>
ASSETS	
Current Assets	
Current/Savings	
Working Account	5,029.06
Total Current/Savings	5,029.06
Total Current Assets	5,029.06
TOTAL ASSETS	<u>5,029.06</u>
LIABILITIES & EQUITY	
Equity	
Opening Bal Equity	983.80
Retained Earnings	4,449.00
Net Income	-403.74
Total Equity	5,029.06
TOTAL LIABILITIES & EQUI...	<u>5,029.06</u>

BOOKINGS, EVENTS AND TIMES FOR SWANSEA COURTHOUSE

[illegible]

APPENDIX "C"

Swansea Courthouse Management Committee Terms of Reference

Background

Glamorgan Spring Bay Council resolved at their meeting of 26th September 2017 that:

1. The current Swansea Courthouse Management Committee (SCMC) form a new Management Committee with ten members selected for their skills and representative of local and wider community and business interests no later than 30th November 2017;
2. Terms of Reference for the committee should be established and submitted to Council within three months of the formation of the committee;
3. That Council retain the Swansea Courthouse and Council Office in public ownership until 30 December 2021 to allow the new committee time to prove their business plan; and
4. That SCMC presents an Annual Report to Council that includes their current financial position, future intentions and alignment to their business plan to the year 2021.

Mission

The mission of the SCMC is to manage the Swansea Courthouse and Council Chambers as a valuable and valued community asset.

Vision

The vision of the SCMC is that the Swansea Courthouse and Council Chambers will:

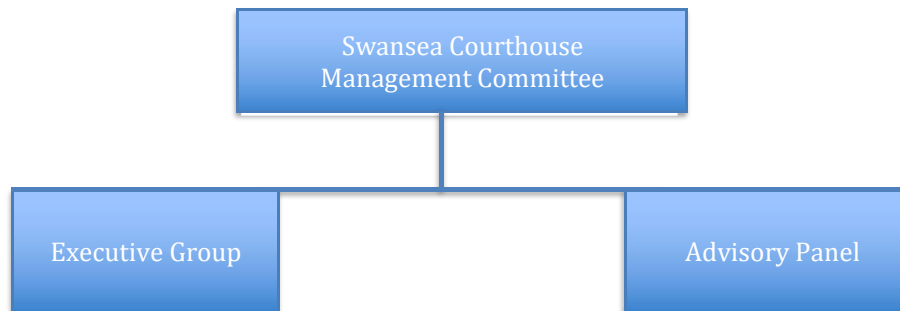
- be retained as a community asset through its use;
- will be maintained and preserved for future generations by restoring its heritage values;
- will support local business and employment through integration of events and activities with local service providers.

Functions of the SCMC

The functions of the SCMC are to work in partnership with Council to obtain funds for building works and take responsibility for the day to day management of the Courthouse and management of building works. The SCMC will restore community optimism for the on-going use of an upgraded building for community activities and events. The SCMC will regularly review and amend their business plan

and present an annual report to Council that includes their current financial position, future intentions and alignment of outcomes to their business plan.

Structure of the SCMC



The Swansea Courthouse Management Committee (SCMC) is comprised of sixteen persons nominated and elected at the 27-11-17 public meeting due to their skills and interest in the project. The SCMC is made up of an Executive Group and Advisory Panel. The purpose of this structure is to ensure an effective and efficient use of committee members voluntary time and resources. There may also be working groups of volunteers formed to undertake specific tasks.

Role of the SCMC

The role of the SCMC is as follows.

- take on the responsibility for: the regular review of the business plan; hiring out of the Courthouse facilities; supervising the preparation of a Heritage Conservation Plan; applying for building permits; applying for funding assistance; overseeing conservation and improvement works; and providing an Annual Report to Council on the SCMC activities.
- ensure community commitment to support the on-going use of an upgraded building for community activities and events.
- work in partnership with Council to obtain funds for the Heritage Conservation Plan and for building works.
- apply for incorporation and to that end vote on and accept a constitution.

Role of individual SCMC members

The role of individual SCMC members includes:

- appreciating the significance of the project for some or all stakeholders and representing their interests

- be genuinely interested in the initiative and the outcomes being pursued in the project
- be an advocate for the project's outcomes
- have a broad understanding of project management issues and the approach being adopted
- be committed to, and actively involved in pursuing the project's outcomes

In practice, this means they:

- ensure the requirements of all stakeholders are met by the project's outcomes
- liaise with relevant associated organisations and stakeholders
- help balance conflicting priorities and resources
- provide guidance to the Executive Group
- consider ideas and issues raised
- review the progress of the project
- check adherence of project activities to standards of best practice

SCMC Membership

The membership of the SCMC includes members (listed in alphabetical order) with expertise and knowledge in:

1. Architectural Design
2. Business Enterprise
3. Chair/Convenor
4. Community Services
5. Community Arts
6. Finance and Funding Bids
7. Heritage and Local History
8. Local Government Advisor
9. Publicity and Communications
10. Restoration Project Management
11. Tourism Opportunities
12. Secretary
13. Treasurer
14. Wine Grower

The Executive Group will include the Chair, Secretary, Treasurer, and two other members, and will invite members of the Advisory Panel to attend meetings when their specialist knowledge is required.

All SCMC Meetings are however open to any committee member to attend.

Chair

The Chair shall convene the SCMC meetings. If the designated Chair is unavailable then an Acting Chair will be responsible for convening and conducting that meeting.

Agenda Items, Minutes & Meeting Papers

The SCMC agenda will be prepared by the Secretary and issued a week before the meeting date. Any business papers shall also be circulated with the agenda. Any additional matter can be raised as a part of General Business.

Minutes of each meeting will be circulated to all committee members within a week of the date of the meeting held.

Frequency of Meetings

The SCMC shall meet monthly at a time suitable for all members to attend.

Proxies to Meetings

Members shall not nominate a proxy to attend a meeting if the member is unable to attend.

Quorum Requirements

A minimum of four SCMC members is required for the meeting to be recognised as an authorised meeting for the recommendations or resolutions to be valid.

Replacing SCMC members

The SCMC is to be advised in writing by the member resigning from the committee.

Any such resignation is to be formally accepted by the SCMC.

Any nomination for SCMC replacements is to be discussed by the committee before a potential replacement person is invited by the Chair to serve on the SCMC.

Term of SCMC membership

All members elected at the Public Meeting held in the Swansea Courthouse on 12th November 2017 are expected to serve for one year. Following this one year period all members shall stand down and may stand for re-election at the Annual General Meeting to be held in September 2018.

Adoption of the Terms of Reference

These Terms of Reference were adopted by the SCMC at the committee meeting of 27th November 2017.



CARBON AND ENERGY FOOTPRINT

GLAMORGAN SPRING BAY COUNCIL CORPORATE
INVENTORY AND OPPORTUNITIES REPORT



ABOUT THE COUNCIL CARBON AND ENERGY FOOTPRINT

The Council Carbon and Energy Footprint (CEF) has been developed as part of the Southern Councils Climate Collaboration. The Collaboration is an initiative of the Southern Tasmanian Councils Authority climate program, the Regional Climate Change Initiative. It is supporting the 12 southern councils to build capacity and capability to develop climate responses, to reduce their carbon emissions, and respond to the challenges and opportunities of a changing climate.

The Collaboration uses a common and consistent approach to work with councils to find local solutions. The approaches and resources used in the Collaboration have been developed specifically to meet the role and functions of councils and enable actions to be scaled between councils or regionally resulting in greater efficiencies and avoid duplication and maladaptive responses.

To support councils in understanding their carbon footprints and energy use the Collaboration purposely built a Tasmanian Councils Carbon Calculator that can readily be used in-house by councils to regularly update their Carbon Footprints. It can inform the development of science based targets and is leveraged from the City of Hobart's climate program that has resulted in savings on their energy bills of over \$1 million annually since 2014.

The Calculator's data inputs are from sources already collected, or can be accessed by the councils, such as bills: electricity and fuel (petrol, diesel, LPG) and waste tonnages from council kerbside collection services and waste delivered to waste transfer stations or landfills. It emphasises operations and services that the councils are directly responsible for and can take action to reduce greenhouse gas emissions and energy use. It is straight forward to use and flexible, which means that councils can readily calculate their annual Footprint and track progress towards targets to reduce emissions.

The Calculator uses national carbon accounting methods set out by the Australian Government in its National Greenhouse and Energy Reporting (Measurement) Determination 2008 legislation

This Carbon and Energy Footprint has been prepared by:

Scott Morgan Principal Engineer; BEng, GradDipBus, MEnvSt, Sugden & Gee Pty Ltd; and Katrina Graham, Senior Climate Change Officer, City of Hobart, and STCA RCCI Program Coordinator

March 2023

Acknowledgments

The STCA acknowledges organisations and individuals that assisted with the finalisation of the Carbon and Energy Footprint:

- Aurora Energy provided a bulk extraction of the southern councils' electricity accounts.
- Alison Johnson, Climate Resilience Officer, Brighton Council, provided in-kind expertise and technical support.
- John Hueston, Climate Change Officer, Tasman Council who reviewed the draft methods and results and provided valuable feedback.
- City of Hobart experiences based on its delivery of corporate energy and greenhouse targets from 2010 to 2020 and its Global Covenant of Mayors reporting commitments.

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AT A GLANCE

Glamorgan Spring Bay Council's Greenhouse Gas Emissions and Energy Use

Table 1: Greenhouse Gas Emissions (in tonnes CO₂-e)

Year	Total GHG Emissions	Landfilled Waste	Non-landfill Organic Waste	Metered Electricity	Street Lighting	Fleet Fuel	Other Fuel
2019/20	1,737.6	1,349.3	-	53.7	16.5	317.8	0.3
2020/21	1,934.9	1,522.1	-	52.2	18.7	341.5	0.3
2021/22	1,692.3	1,282.4	-	56.4	17.7	335.6	0.3
Change 19/20 to 21/22	-45.4	-66.9	-	2.7	1.1	17.8	-
% change 19/20 to 21/22	-2.6%	-5.0%		5.0%	6.7%	5.6%	0.0%

Table 2: Energy Use (in gigajoules)

Year	Total Energy Use	Mains Electricity	Street Lighting	Fleet Fuel	Other Fuel
2019/20	6,211	1,289	397	4,520	5
2020/21	6,364	1,106	396	4,857	5
2021/22	6,442	1,269	397	4,772	5
Change 19/20 to 21/22	231	-20	0	252	-
% change 19/20 to 21/22	3.7%	-1.6%	0.0%	5.6%	0.0%

Table 3: Ten Highest Electricity Usage Sites in 2021/22

Site	Electricity Use (kWh)
Council Offices, 9 Melbourne St, Triabunna	57,640
Marina Power Point P355247, 2 Charles St, Triabunna	46,102
14 Esplanade East, Triabunna	44,385
7469 Tasman Hwy, Orford	40,467
22 Franklin St, Swansea	29,032
18 Esplanade West, Triabunna	26,480
94 Foster St, Bicheno	12,634
Marina, 28 Esplanade West, Triabunna	11,454
Tourist Centre, 2 Charles St, Triabunna	11,144
51 Charles St, Triabunna	10,612

Table 4: Solar Power Systems and Generation in 2021/22

Site	Capacity (kW)	2021/22 Electricity (kWh)	2021/22 Electricity (GJ)
Council Offices, 9 Melbourne St, Triabunna	30.0	39,365	141.7
Works Depot, 4A Arnol St, Swansea	7.4	9,710	35.0

Table 5: Solar Power Generation, Use and Export 2019/20 to 2021/22

Year	Solar Generation (GJ)	Solar Power Used on Site (GJ)	Solar Power Export (GJ)
2019/20	141.7	86.8	54.9
2020/21	143.2	73.1	70.0
2021/22	176.7	107.0	69.6

GLAMORGAN SPRING BAY COUNCIL – CARBON INVENTORY AND OPPORTUNITIES REPORT

INTRODUCTION

This Carbon and Energy Footprint (CEF) provides a summary of the Glamorgan Spring Bay Council's corporate greenhouse gas emissions and energy consumption over the three financial years 2019/20, 2020/21 and 2021/22. It also provides some potential opportunities to reduce emissions, energy use and/or associated costs.

The CEF inventory covers all of the significant sources which result from the council's operations and from its role in the management of wastes generated in the municipality.

The sources include:

- Use of fuels, which generate carbon dioxide and minor amounts of other greenhouse gases when combusted such as in vehicle engines, generators or gas fired heating or hot water systems.
These are known as Scope 1 emissions, which are directly emitted from owned or controlled sources.
- Electricity used in metered supplies to council sites and that used by unmetered public lighting assigned to the council.
These emissions do not arise directly from the council's own operations, they are created in the generation of electricity. While nearly all of Tasmania's electricity is generated from hydroelectricity and wind, this does not mean that the electricity in Tasmania has net zero emissions. At times some electricity (including from coal fired power stations) is imported via Basslink, the gas-fired power stations at Bell Bay are operated when required and there are some greenhouse gas emissions associated with hydroelectricity including methane emissions from storage reservoirs.

These are known as Scope 2 emissions which are indirect through the purchase of electricity.

- Waste that is managed or controlled by the council, including from kerbside collection and waste which is delivered to council managed waste transfer stations. The waste related emissions covered in this Footprint are those from the treatment, processing or disposal of the waste, including landfill gas and emissions from composting operations. These emissions have been calculated as equivalent to Scope 1 emissions at the facilities which process the waste. The emissions generated by contractors engaged by the council to collect or transport waste are not included.

This Footprint does not include emissions generated in the provision of goods and services to the council apart from those listed above. These "third party" emissions could be considered to be part of the council's greenhouse gas emissions footprint. However, it is challenging to obtain such information, as many providers do not currently have relevant data. In addition, councils purchase a wide range of goods and services meaning that there would need to be engagement with numerous providers to calculate these emissions.

A summary of greenhouse gas emissions and energy usage for the 2021/22 is provided initially, followed by a summary for the three years 2019/20 to 2021/22, and a list of general opportunities to reduce emissions and energy.

SUMMARY FOR 2021/22

Greenhouse Gas Emissions

The greenhouse gas emissions from Glamorgan Spring Bay Council's corporate operations totalled 1,692 tonnes carbon dioxide equivalent (tCO₂-e) in the 2021/22 financial year.

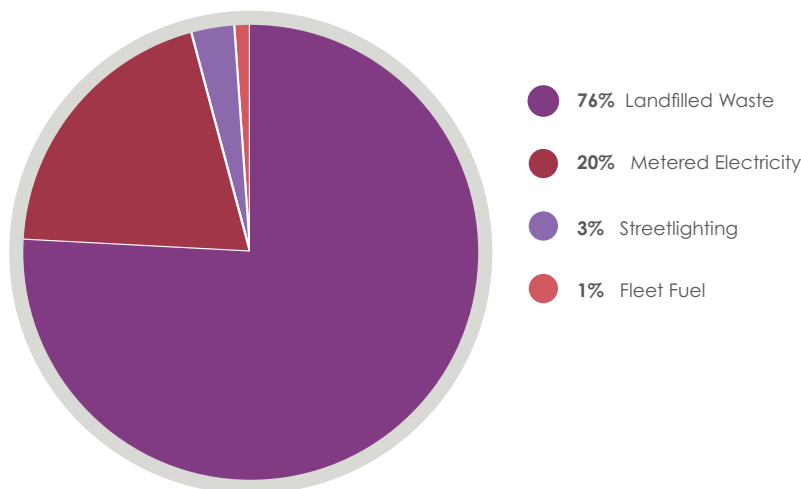
Of this total about 76% of the emissions (1,282 tCO₂-e) were from disposal and treatment of waste managed by the council. A total of 2,605 tonnes of waste was managed by the council through roadside collection service and at waste transfer stations. This waste was disposed of at the Southern Waste Solutions landfill at Copping.

While this landfill has landfill gas collection where the gas is either used to generate electricity or flared, there are residual emissions of methane which it is not possible to collect and these residual emissions are included in the council's inventory.

The next largest category of corporate emissions was from fuel being used by vehicles and plant. The emissions generated from this source were 336 tCO₂-e in 2021/22 (about 20% of the total). The majority of these emissions were from the major plant and large trucks. A small quantity of bottled LPG was used at Raspins Beach.

Emissions from the use of metered electricity amounted to 56 tCO₂-e, while an amount of 18 tCO₂-e was from electricity used by unmetered public streetlighting. The combined electricity use comprised about 4% of the emissions total. Electricity exported to the grid from solar panel systems at council facilities reduced emissions by to 3.1 tCO₂-e using the state coefficient for electricity and this has been incorporated into the metered electricity information.

Figure 1. Greenhouse Gas Emissions Percentage by Category for 2021/22 Year



Energy Use

The total net energy use in corporate operations was 6,442 gigajoules (GJ) in 2021/22. For comparison the typical energy usage of a household with a three bedroom house and two cars is about 100 GJ, with annual use of about 30 GJ for electricity in the house and about 35 GJ per car.

The split up of use by energy type was 74.2% fuels and 25.8% electricity.

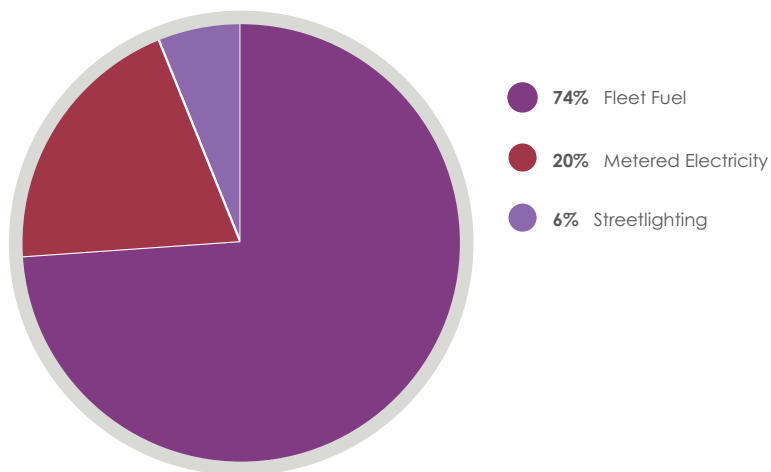
Fleet fuel use was the single biggest category with 4,772 GJ having been used, which represented just over 74% of the total energy consumption. The small usage of bottled LPG totalled 5 GJ.

Electricity consumption at metered sites was 1,269 GJ or just over 20% of the total energy usage. Electricity used for unmetered public streetlighting totalled 397 GJ (6.2% of total use).

The council had four solar panel systems installed at its facilities as at June 2022. In the 2021/22 year total generation was 49,075 kWh (177 GJ) and of this 19,346 kWh (70 GJ) was fed in to the grid.

While electricity is measured in kilowatt-hours (kWh) this unit is specific to electricity only. To more generally compare different types of energy the unit of gigajoules (GJ) is used in this report, with 1,000 kWh equating to 3.6 GJ.

Figure 2. Energy Use Percentage by Category for 2021/22 Year



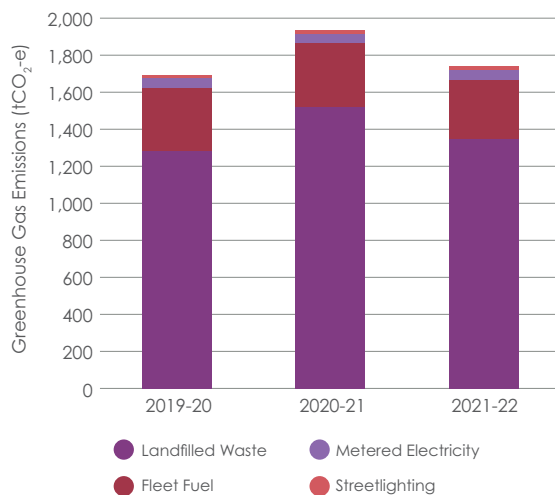
SUMMARY OF 2019/20 TO 2021/22

Greenhouse Gas Emissions

The total greenhouse gas emissions from the council's operations reduced slightly over the three years, though were higher in 2020/21 than the other two years. The emissions in 2019/20 were 1,738 tCO₂-e, increasing to 1,935 tCO₂-e in 2020/21 before dropping to 1,692 tCO₂-e in 2021/22.

The largest component of the emissions is that from waste to landfill which was in the range of 76-79% over the three years. Emissions from fleet fuel use were in the range of 18-20% of the emissions. Electricity use contributed about 4% of emissions across the three years.

Figure 3. Annual Greenhouse Gas Emissions from 2019/20 to 2021/22



Over the three years the trend in emissions from waste to landfill is similar to that in overall emissions total, with a decrease from 1,349 tCO₂-e in 2019/20 to 1,282 tCO₂-e in 2021/22, in line with the reduction in waste quantities.

Fleet fuel emissions increased by 5.6% from 318 tCO₂-e in 2019/20 to 336 tCO₂-e 2021/22. Increased emissions from greater usage of diesel were partially offset by lower volumes of petrol consumption.

Emissions from metered mains electricity usage rose from 53.7 tCO₂-e to 56.4 tCO₂-e over the same period, which was almost entirely due to an increase in Tasmania's greenhouse gas coefficient for electricity between 2019/20 and 2021/22. Emissions from electricity used for streetlighting increased by 6%, again due to the change in greenhouse gas coefficient for electricity as usage remained constant.

A table summarising data for the three years is provided in At a Glance.

Energy Use

From 2019/20 to 2021/22, overall energy use increased slightly from 6,207 gigajoules (GJ) to 6,438 GJ, or a rise of slightly under 4%.

Fleet fuel averaged about 75% of energy use over the three years, while the rest is from electricity, apart from the small usage of bottled LPG.

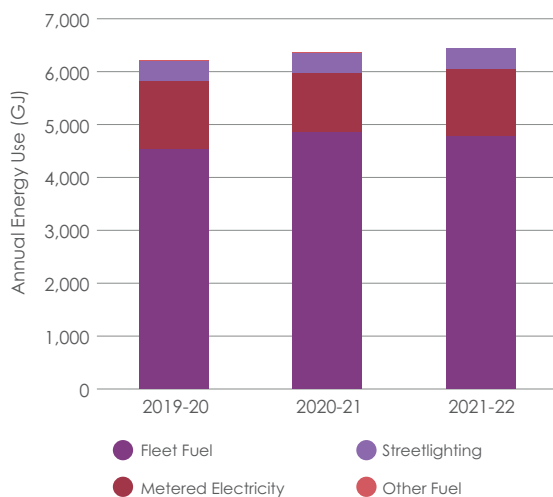
Fleet fuel use rose by 252 GJ over the period, equivalent to a 5.6% increase. There was a 9.5% increase in use of diesel, with this being partially offset by a reduction in petrol consumption.

Metered electricity usage dropped by 20 GJ (about 1.6%) between 2019/20 and 2021/22.

Electricity used for unmetered public streetlighting was constant over the period, with the addition of about 15 streetlights having been offset by the upgrade of over 80 lights to more energy-efficient LED technology.

A table with the energy usage data for the three-year period is provided in At a Glance.

Figure 4. Annual Energy Use from 2019/20 to 2021/22



OPPORTUNITIES FOR REDUCING GREENHOUSE GAS EMISSIONS AND ENERGY USE

WASTE

As the major source of greenhouse gas emissions is waste to landfill, alternatives to reduce the amount of waste should be considered. Increases to the range of materials which can be recycled would result in lower greenhouse gas emissions. For instance greater diversion of waste types such as food waste, green waste and paper and cardboard would provide a significant reduction, but most building demolition materials only generate minor emissions in a landfill. There would however require suitable recycling options for those materials to be available at a reasonable cost to the council's ratepayers.

The state-wide waste levy commenced on 1 July 2022 at \$20 per tonne of waste to landfill, and the levy will rise to \$40 per tonne in 2024 and \$60 per tonne in 2026. While this levy will increase the cost of waste disposal, it will also improve the economics for actions which divert waste from landfill disposal.

It is considered that a review of potential waste reduction actions could be undertaken in light of the introduction of the levy to minimise overall waste management costs, if the council is not already taking action on this front.

FUEL

Along with being a significant contributor to greenhouse gas emissions fleet fuel use is the largest component of the council's energy consumption. This is as expected due to the municipality encompassing a largely rural area and having an extensive length of roads compared to its population base to the amount of vehicle and plant use needed to deliver the services being provided to the community.

Trucks and major plant are typically the largest users of fuel for councils for works for rural councils such as road maintenance.

There are several options to reduce greenhouse gas emissions from fleet operations. The two main categories are fuel substitution from fossil fuels to electricity or other low-emission technologies and the other is to minimise the consumption of diesel and petrol.

In regard to fuel substitution the technology considered to have the most potential at this time is battery-powered electric vehicles and plant. The other main alternative, hydrogen fuel cell technology, is far less advanced and is more problematic given the issues with distribution and storage of hydrogen and that there is little "green" hydrogen currently being made.

While electric vehicle technology is advancing, there are several issues which mean that currently it is not generally viable for the council's fleet. These issues include the purchase cost, supply constraints, a limited range of vehicles available in Australia, particularly in the commercial and utility types of vehicles, and travel range of electric vehicles, though this is improving.

Thus there are some significant limitations, including capital cost, in moving towards fleet electrification at present, though the council may wish to trial a vehicle to commence familiarisation with the technology. Recent changes to fringe benefits tax arrangements for electric vehicles have reduced the net cost to local government for those vehicles to which the tax applies. This factor, along with lower fuel and maintenance costs, means that overall life cycles may be similar or cheaper in some instances than the equivalent petrol/diesel alternatives.

Over the next few years it is anticipated that battery-electric options will become the preferred technology as prices drop, the types of vehicles and plant that are battery powered expands and battery capacity increases.

There are several actions that can be considered with respect to vehicles and plant which use diesel or petrol, as listed below.

- Fuel efficiency should be included as a significant factor in assessing the purchase of new or replacement vehicles
- Vehicles should undergo regular maintenance, including correct inflation pressure of tyres
- Regularly review of fuel use performance (eg litres per 100 kilometres or per hour of operation) for individual items of fleet and plant to identify reductions in fuel efficiency
- Driver education in fuel efficient driving techniques could be provided
- The distances being travelled by vehicles or hours of operation of plant should be optimised, such as including this issue in route and works planning and reviewing the frequencies of regular activities such as inspections.
- Identify where it may be possible to reduce travel through the use of technology such as virtual meetings

ELECTRICITY

While electricity use makes a relatively small contribution to council's greenhouse gas emissions, it comprises about 26% of the total energy use.

A table is provided in At a Glance listing the ten sites that used the most electricity in 2021/22 year. In total these sites combined consumed 78% of the metered electricity total and are the sites where potential for savings is likely to be the most significant.

The main options to reduce electricity use are to undertake energy efficiency upgrades and to install renewable energy such as solar photovoltaic systems.

Energy Efficiency

With respect to energy efficiency, it is usually possible to identify measures with payback periods of 5 years or less for up to 30% of the electricity used at a site, where there hasn't been a recent upgrade and there haven't been recent works undertaken to reduce electricity use. The particular actions which are financially viable depend on the type of fittings, equipment and appliances that are installed and how many hours a year the facility operates.

Some of the typical actions that can reduce energy use are:

- Upgrading all lighting to LED technology, in many instances this only involves replacing the light bulb or tube with an LED equivalent, but can involve replacing whole fittings (LEDs reduce electricity use by 60-90% depending on the technology it replaces, and also have a significantly longer life thus reducing maintenance costs)
- Installing lighting controls such as timers or motion sensors
- Replacing hot water services with solar or heat pump technology or small instantaneous on demand systems
- Replacing direct electric space heating with heat pumps, which can also provide cooling
- Replacing appliances that are used regularly or continuously such as refrigerators with higher energy star rating models
- Reducing leaks and draughts in buildings
- Installing insulation in the ceiling cavity for buildings which do not have insulation and the roof space is readily accessible
- Installation of skylights may reduce the need for lighting during the daytime

Many buildings, particularly those constructed prior to the last few years, have poor thermal efficiency thus requiring more heating and cooling than would otherwise be the case. With the possible exception of installing ceiling insulation, it is generally not cost effective to undertake specific works to the building fabric to improve the situation such as the installation of double glazing or insulation in walls or floor. However, where a building is to undergo a major refurbishment then the opportunity should be taken to improve the energy rating of the building.

Renewable Energy

Another alternative to reduce net electricity use is to install renewable energy generation at council facilities. The only economically viable technology is currently solar panels with small scale wind generation generally not being cost effective.

As at the end of June 2022, there were two council facilities at which solar photovoltaic (PV) panel systems were installed including a 30kW system at the council offices in Triabunna and a 7.4 kW system at the Swansea works depot.

Given the likely future increases in electricity prices, the viability of installing solar PV systems should be reviewed for some of the other sites with higher electricity use, such as:

- Marina Power Point, 2 Charles St, Triabunna
- 14 Esplanade East, Triabunna
- 7469 Tasman Hwy, Orford
- 22 Franklin St, Swansea
- 18 Esplanade West, Triabunna
- Health and Resource Centre, 94 Foster St, Bicheno
- Marina, 28 Esplanade West, Triabunna
- Tourist Centre, 2 Charles St, Triabunna
- 51 Charles St, Triabunna

These sites each has usage of over 10,000 kWh per annum and all appear to have reasonable solar access and sufficient roof area with suitable orientation for solar access. Some of the council's smaller electricity consumption sites may also be suited, but generally the smaller the usage the less cost effective the installation. At very low usage sites there can be instances where a mains electricity supply could be cost effectively replaced by a solar and battery combination, depending on the specific circumstances.

The cost to install a solar power system is about \$1,000 to \$1,500 per kW depending on site issues, with savings in the order of 15c/kWh, which is equivalent to about \$180 per year per kW.

Solar power is more cost effective where the predominant usage at a site is during daylight hours, such as offices and works depots. It is likely not to be viable where most of the electricity use is at night such as metered outdoor public lighting.

At current costs, the installation of a battery to store excess electricity from the solar panels is usually not cost effective, but may be option to consider if there are frequent outages of mains electricity and the facility needs to have a more reliable power supply. The battery can provide power during the outages, as long as the site electrical load is not excessive relative to the battery size.

At some sites a solar panel and battery combination may potentially be used to replace a mains electricity connection and thus save the daily connection charges.

Electricity Tariffs

A review of electricity tariffs will not reduce energy use, but may provide an opportunity to lower energy costs.

A preliminary review of the tariffs that council sites are on shows all except six sites are on the standard business tariff (22), with some of the exceptions appearing to be those with recent connections to mains electricity.

There is the alternative of a peak/shoulder/off-peak tariff (tariff 94) which may achieve lower costs for sites with significant usage at night (such as park lighting) or a facility mostly used on weekends. The shoulder (7am to 10pm on weekends) and off-peak (10pm to 7am all days) charges are significantly lower than the standard business rate).

It is recommended that a tariff review across the council's facilities be undertaken every couple of years to ensure that each site is on the most economical tariff.

Streetlighting

As at May 2022 over 80% of the unmetered streetlights that the council pays for had been upgraded to energy efficient LED technology. There were still 44 mercury vapour lights and 54 compact fluorescent lights, which could also be replaced with LED lights. The other non-LED lights are sodium vapour lights, which are relatively energy efficient. TasNetworks is replacing the older technology lights with LED as the existing lights fail, which over time will further reduce electricity use. However there may be the possibility of negotiating earlier upgrade of some lights. If all of the remaining mercury vapour and compact fluorescent lights were upgraded to LED, then this would save approximately 20,000 kWh per annum (equivalent to about 80 GJ) and in the order of \$3,000 per year.



The Corporate inventories and Opportunities Report has been prepared under the auspices of the Southern Tasmanian Councils Authority, Regional Climate Change Initiative by the 12 Councils of southern Tasmania: Brighton, Clarence City, Central Highlands, Derwent Valley, Glamorgan Spring Bay, Glenorchy City, City of Hobart, Huon Valley, Kingborough, Sorell, Southern Midlands and Tasman.

It was endorsed by the STCA Board on 23 August 2022.

Southern Tasmanian Councils Authority
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stca.tas.gov.au

Photography unless otherwise indicated: Katrina Graham, Senior Climate Change Officer, City of Hobart.

DISCLAIMER

While reasonable efforts have been made to ensure that the contents of the Report are correct, the Southern Tasmanian Councils Authority does not accept responsibility for the accuracy or completeness of its contents and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the report.





Glamorgan Spring Bay Council

Leasing and Licensing of Council Owned and Managed Property Policy

Version [1.0]

Adopted:
Minute No.:

Document Control

Policy Name	
First issued/approved	
Source of approval/authority	Council
Last reviewed	Nil
Next review date	
Version number	1.0
Responsible Officer	Director Planning & Development
Department responsible for policy development	Planning & Development
Related policies	Privacy Policy
Publication of policy	Website

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1. Introduction

1.1 Purpose

Council owns and manages a diverse suite of properties for the benefit of the community, including sporting clubs, community organisations, private and commercial entities, and other parties. This policy sets out the Council's position to allocating its community properties and facilities to provide a consistent, equitable and transparent approach.

1.2 Scope

This policy applies to all groups, entities, and individuals (users) wishing to access a Council owned or managed community property or facility. All real property assets and facilities that are owned and/or managed by the Council are covered by this policy.

The following are outside the scope of the policy:

- tenders.
- major or minor events.
- Halls managed by Section 24 committees.
- outdoor dining; and
- busking and street vending.

1.3 Definitions

Council property	means property, including land and buildings, owned, or managed by Council. This includes, sports fields, and community centers.
Facilities	means buildings or structures built on Council land.
Lease	means a formal agreement for the exclusive occupation and/or long-term use of a Council property or a specified area within a Council property. A lease can be commercial, residential, or retail.
Licence	means a formal agreement for non-exclusive, intermittent, or shared use of a Council facility, including casual hire (e.g., the use of sports grounds).

1.4 Related Policies and Legislation

- *Local Government Act 1993*
- *Residential Tenancy Act 1997*
- *Local Government (General) Regulations 2015*
- *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998*

1.5 Policy Review and Update Cycle

This policy is to be reviewed initially in March 2024 and thereafter, every four years.

2. Policy Statement

2.1 General approach

- 2.1.1 Council will manage its property resources efficiently, equitably, and transparently, including how we allocate facilities and charge for their usage.
- 2.1.2 Council encourages use of its facilities and properties by a broad range of groups and organisations where they provide for a need within the community, provide required services or aid in building a strong and connected community.
- 2.1.3 Council will comply with all relevant legislation in relation to the use of its property.

2.2 Appropriate use of Council property

- 2.2.1 In allocating its property for community use, Council will endeavour to provide the most appropriate available Council facility to meet the needs of the user.
- 2.2.2 Council will promote and arrange shared use of public facilities where feasible and within the carrying capacity of the facility. This may involve sharing buildings or spaces at the same time or at separate times.
- 2.2.3 Council will maximise the use of vacant or underutilised land to provide greater community benefit as opportunities are identified.
- 2.2.4 Council reserves the right to refuse to lease or license any property or facility for events or activities that do not meet its criteria or conflict with its plans and strategies.

2.3 Allocations

In allocating its properties and facilities, Council will take into consideration:

- the type of use deemed most appropriate for the facility.
- availability of alternative facilities.
- whether applicants or their memberships are predominantly based in Glamorgan Bay area.
- any prior tenancy history of the applicant.
- existing seasonal use.
- applicants' willingness to share facilities with other user groups where feasible; and
- uses that align with Council's strategic plan regarding achieving our community's goals.

2.4 Agreements to lease or license Council property.

- 2.4.1 All occupancy arrangements will be subject to formal written agreements reflecting appropriate legal and commercial standards and reviewed by Council's Director Planning & Development or external solicitors prior to finalising.

Types of Agreements

Hire Agreement – appropriate for intermittent usage by the same group.

Licence – appropriate for non-exclusive, intermittent, or shared usage including casual hire.

Lease – appropriate for exclusive occupation and/or long-term use. A lease can be commercial, residential, or retail. If residential the *Residential Tenancy Act 1997* applies and if retail the fair trading (*Code of Practice for Retail Tenancies*)

- 2.4.2 All lease and license agreements will reflect the nature of the occupancy and contain terms and conditions that comply with this policy.
- 2.4.3 The term of a lease or license must not exceed 5 years unless this would cause unreasonable inconvenience or disadvantage to either party. Terms exceeding 5 years must be approved by the Council as per Section 179 of the *Local Government Act 1993*.
- 2.4.4 Lessees must provide public liability insurance and comply with legal work health and safety requirements.
- 2.4.5 Lessees will not be permitted to sublease without Council's express written consent.

2.5 Income from use of Council Property

- 2.5.1 To help ensure continued provision of appropriate, well-maintained facilities for the foreseeable future, Council will generally aim to obtain a market commercial return on the use of its properties. However, Council recognises that some groups receive no or minimal profit and provide particular benefits to the community and takes this into account when reviewing the agreements.
- 2.5.2 Wherever possible, Council will recover its costs in supplying a property.
- 2.5.4 Council reserves the right to complete a credit check of lessees in accordance with legislative controls.

2.6 Fees and Charges

- 2.6.1 Rent will be charged according to the following user group categories

- 1. Charitable not for profit groups

Groups that may or may not be a registered charity but hold as their main purpose provision of relief or benefit to underprivileged members of the public and which have at least one of the following goals or attributes:

- a. the relief of poverty
- b. advancement of education
- c. registered with the Australian taxation office as a charity.

- 2. Community and Sporting Groups

Means a sporting, social or similar organisation that are operating on a not-for-profit basis and may or may not be incorporated and who are not making a profit over and above that required to sustain the group as ascertained by their current financial statements.

3. Commercial Groups

Means a corporation or business that operates on a commercial basis for the purpose of making a profit.

4. Residential

Residential tenancy which is governed by the *Residential Tenancy Act 1997*.

- 2.6.2 The rent for each location will be assessed each individual application. Consideration will be given to the type of user group category. Charitable not for profit groups, Community and Sporting Groups will be provided concessions due to the benefit they provide to the community.

2.7 Capital works by lessee or licensee.

- 2.7.1 Capital works must not be carried out on land leased or licensed from Council without first obtaining the written consent of the Manager of Buildings & Marine Infrastructure.
- 2.7.2 If planning approval is required, the lessee/licensee is responsible for lodging a planning application and meeting all the requirements including payment of fees associated with the applications. Planning applications are not to be made until the General Manager's consent has been obtained as above.
- 2.7.3 If all necessary approvals have been obtained, the lessee/licensee ensure the works are carried out efficiently, to required standards and within a reasonable time frame.
- 2.7.4 All new assets built legally on Council land will become the property of Council upon completion.

3. Implementation

Implementation of this Policy rests with the General Manager.

4. Attachments (if applicable)

DRAFT



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COMMUNITY SMALL GRANTS APPLICATION FORM	
Name of applicant	BICHENO COMMUNITY DEVELOPMENT ASSOCIATION
Postal address	PO BOX 85, BICHENO TAS 7215
Contact person	GLENDA ANDERSON
Role if group applying	BICHENO BEAMS
Contact number	0459 321 004
Email address	g.anderson@yahoo.com.au (all lower case)
Is your organisation an incorporated body?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Project title and brief description (If insufficient space, please attach additional sheet)	
BICHENO BEAMS IS AN INITIATIVE OF BICHENO COMMUNITY DEVELOPMENT ASSOCIATION INC. BICHENO BEAMS IS A WORLD CLASS LASER LIGHT SHOW CHOREOGRAPHED TO MUSIC THAT APPEALS TO ALL AGES, IS A FREE, FAMILY FRIENDLY EVENT. RUNNING NIGHTLY FROM 6pm (13th JULY - 22nd JULY) Held in a viewing area at Lion's Park, Bicheno.	
Outline intended outcomes of the project (for example, benefits of the project to the community, support from any other groups or organisations.)	
<ul style="list-style-type: none"> • TO INCREASE WINTER VISITATION • SUPPORT LOCAL BUSINESSES THROUGHOUT THE GSBC AREA. • ECONOMIC RETURNS FOR ACCOMMODATION PROVIDORS. 	
Funding sought from Council	\$ 2,500.00
Funding to be contributed by you or your organisation	\$ 12,000.00
Funding to be contributed from other organisations (Provide details below of confirmed or anticipated contributions.)*	GRANT APPLICATION \$ PENDING.
Total Project Expenses	\$ 145,000.00
Signed	
Name (Please print)	Glenda ANDERSON
Date	21/2/23
*Details of other contributors:	