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## **ORDINARY COUNCIL MEETING AGENDA**

TUESDAY 25 JUNE 2024

2:00 PM

Council Chambers, Triabunna

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## ACKNOWLEDGEMENT OF COUNTRY

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

## NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday 25 June 2024, commencing at 2:00 pm.

## QUALIFIED PERSON CERTIFICATION

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

**Dated** this Thursday 20<sup>th</sup> June 2024



Greg Ingham  
**GENERAL MANAGER**

### IMPORTANT INFORMATION

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

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

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## **1 OPENING OF MEETING**

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

### **1.1 Present**

### **1.2 Apologies and Leave of Absence**

### **1.3 In Attendance**

### **1.4 Late Reports**

*(Motion to receive required)*

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

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

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

## **2 CONFIRMATION OF MINUTES**

### **2.1 Ordinary Meeting of Council - 28 May 2024**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 28 May 2024 at 2:00pm be confirmed as a true and correct record.

## **2.2 Date and Purpose of Workshop(s) Held**

### **TUESDAY 11 JUNE 2024**

In accordance with the requirement of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council Workshop was held from 1.30pm to 5.00pm on Tuesday 11 June 2024 at the Council Offices, Triabunna.

#### **Present:**

Mayor Cheryl Arnol  
Deputy Mayor Michael Symons (via remote video conference)  
Clr Rob Churchill  
Clr Neil Edwards  
Clr Kenneth Gregson (via remote video conference)  
Clr Carole McQueeney  
Clr Jenny Woods  
Clr Robert Young

#### **Apologies:**

Nil.

#### **In Attendance:**

Greg Ingham, General Manager  
Alex Woodward, Director Planning and Development  
Peter Porch, Director Works and Infrastructure  
Elysse Blain, Director Corporate and Community  
Mary Oyeyiola, Accountant  
Rachael Stewart, Rates Officer

#### **Guests**

Nil.

#### **Agenda**

- 2024/25 Budget

## **TUESDAY 18 JUNE 2024**

In accordance with the requirement of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council Workshop was held from 1.30pm to 5.00pm on Tuesday 18 June 2024 at the Council Offices, Triabunna.

### **Present:**

Deputy Mayor Michael Symons (via remote video conference)  
Clr Rob Churchill  
Clr Neil Edwards  
Clr Kenneth Gregson  
Clr Carole McQueeney  
Clr Jenny Woods  
Clr Robert Young

### **Apologies:**

Mayor Cheryl Arnol (due to personal medical reasons)

### **In Attendance:**

Greg Ingham, General Manager  
Alex Woodward, Director Planning and Development  
Peter Porch, Director Works and Infrastructure  
Elysse Blain, Director Corporate and Community  
James Bonner, Senior Planner  
Mary Oyeyiola, Accountant  
Rachael Stewart, Rates Officer

### **Guests**

Nil.

### **Agenda**

- 2024/25 Budget
- DA2024/00092 – 3 Jetty Rd, Bicheno - two storey dwelling
- SA 2024 / 00007 - 12 Tarleton Street -Swansea - 3 Lot Subdivision
- East Bicheno Stormwater Catchment Plan

### **RECOMMENDATION**

That Council notes the information.



### 3 PUBLIC QUESTION TIME

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

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

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

#### 3.1 Questions on Notice

##### Westley Button

Q1. *Given that Planning Permit SA 2022/00031 has been issued under Tascat Consent Order, will council give an undertaking to monitor all works associated with future planning permits for these blocks of land and take appropriate steps to issue fines for all and any breaches that are brought to the planning department and General Manager attention by members of the public ?*

##### Response from General Manager, Greg Ingham

Any reports of non-compliance to Council will be investigated by Officers as per the standard processes. Any enforcement actions will be considered on a case-by-case basis.

Q2. *Please advise the total value of fines collected by the compliance officer for breaches of the Glamorgan Spring Bay Planning Scheme for the financial year 2022 / 2023.*

##### Response from General Manager, Greg Ingham

There were no fines issued for breaches of the *Glamorgan Spring Bay Planning Scheme* during the 2022 / 2023 financial year.

#### 3.2 Questions Without Notice

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

## **4 PLANNING AUTHORITY SECTION**

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

### **RECOMMENDATION**

That Council now acts as a Planning Authority at [time].

#### 4.1 DA2024/00092 - 3 Jetty Road, Bicheno - Two Storey Dwelling

<b>Proposal:</b>	Construction of a Two Storey Dwelling
<b>Applicant:</b>	Ancher Architecture Office
<b>Application Date:</b>	14 May 2024
<b>Statutory Date:</b>	26 June 2024
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	8.0 General Residential Zone
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Access Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Residential
<b>Development:</b>	Two Storey Dwelling
<b>Discretions:</b>	8.4.2 Setbacks to primary frontage, side boundary and building envelope 8.4.6 - Balcony <3m to boundary C3.5.1 - new driveway access
<b>Representations:</b>	3
<b>Attachments:</b>	1. Exhibited Documents [4.1.1 - 13 pages] 2. De-identified Representations [4.1.2 - 8 pages]
<b>Author:</b>	James Bonner, Senior Planner

#### Executive Summary

Planning approval is being sought for a two-storey dwelling on a vacant lot. The application was advertised from 16<sup>th</sup> May to 30<sup>th</sup> May 2024. During the representation period three (3) submissions were received objecting to the proposal. The report assesses the proposal against the standards of the relevant zone, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations and the matters raised in the representations and make a final determination by 26 June 2024.

#### PART ONE

##### 1. Statutory Requirements

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

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

The initial assessment of this application identified where the proposal met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This

report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

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

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

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

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

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

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

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

## **3. The Proposal**

The proposal is to build a two-storey dwelling on the vacant lot at 3 Jetty Road, Bicheno.

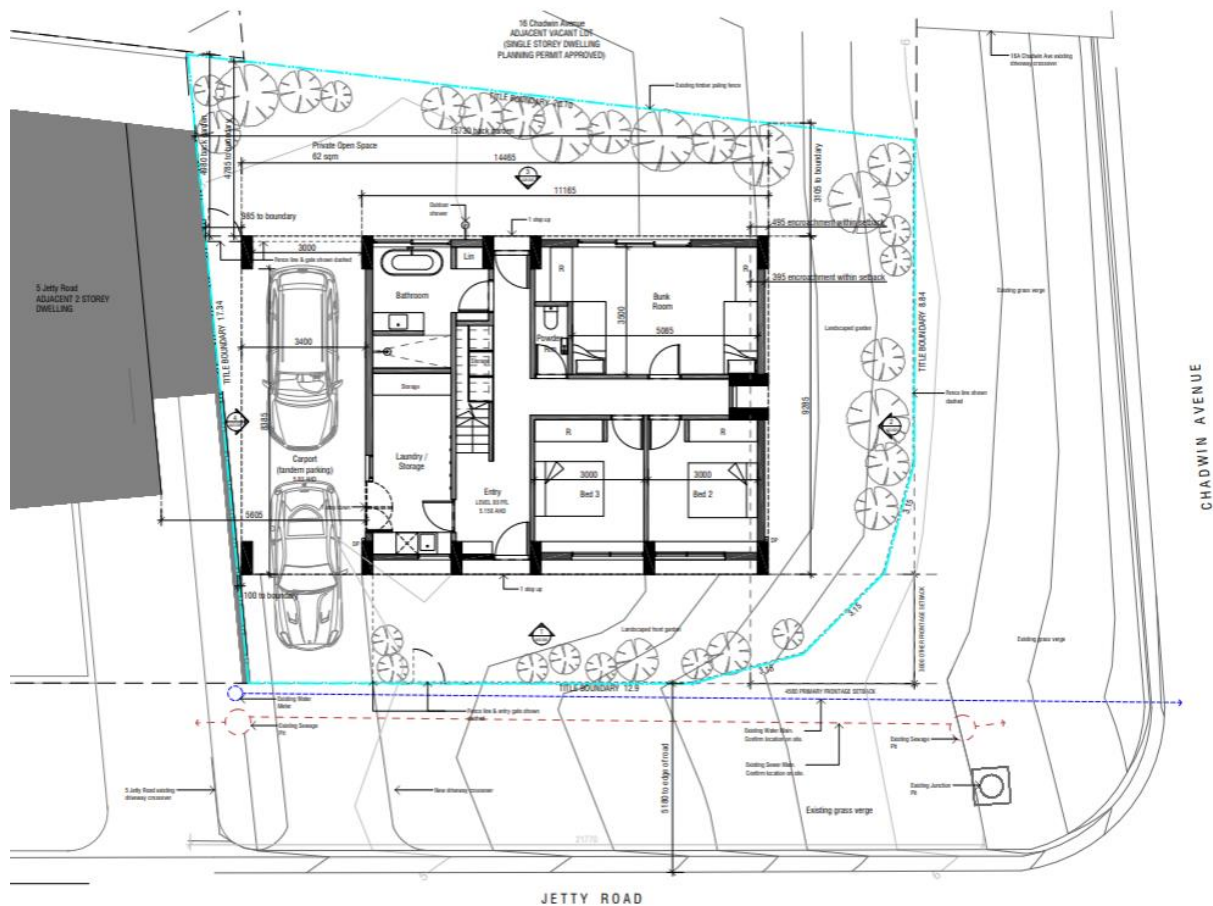


Figure 1 – Site Plan



Figure 2 – Elevations Plan

#### 4. Risk and implications

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

#### 5. Background and past applications

The folio plan indicates that the property was created around 1986. There have been three previous applications for a dwelling.

- DA2024/00048 – two storey dwelling - Withdrawn
- DA2019/00122 – two storey dwelling – Withdrawn
- DA2017/00300 – two storey dwelling – Lapsed

#### 6. Site Description

The subject lot is located on the northern corner of Jetty Road and Chadwin Avenue. The lot is completely cleared of native vegetation and slopes gradually down towards the adjoining lot. The lot has an area of 296m<sup>2</sup>.



Figure 3 – Site Location Source: LISTMap





Figure 4 - Site

## 7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

## 8. Easements and Services

There are no easements shown on the title documents. The property is serviced by reticulated water, sewer and electricity.

## 9. Covenants

There are no covenants relevant to the proposal

## PART TWO

## 10. Meeting the Standards via Acceptable Solution

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

- 8.0 General Residential Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code

## 11. Meeting the Standards via Performance Criteria

The standards below could not meet the Acceptable Solution criteria and have been assessed against the relevant Performance Criteria.

- 8.0 General Residential Zone – 8.4.2 Setbacks to primary frontage, side boundary and building envelope, 8.4.6 - balcony <3m to boundary;
- C3.0 Road and Railway Assets Code – C3.5.1 – new driveway access

## PART THREE

### 12. Assessing the Proposal against the Performance Criteria

#### 8.0 General Residential Zone

8.4.2 Setbacks and building envelope (A1) – The acceptable solution is that the setback to a primary frontage is not less than 4.5m. The primary frontage is the frontage with the shortest dimensions which is Chadwin Avenue. The setback to Chadwin Avenue is less than 4.5m and as such the proposal does not meet the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1 - A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.	<p>The lot is constrained by its size of only 296m<sup>2</sup> and being a corner lot. The proposed setback to Chadwin Ave, which is the primary frontage, is 4.0m instead of the acceptable solution of 4.5m. The setback to Jetty Road meets the secondary frontage setback requirement of 3m.</p> <p>The adjoining lot at 16A Chadwin Avenue has a site area of 314m<sup>2</sup> on which a dwelling is currently under construction with a setback of 4.5m.</p> <p>It is considered that the proposed setback of 4.0m to Chadwin Avenue is compatible with the immediate streetscape having regard to the site constraints.</p>

#### 8.0 General Residential Zone

8.4.2 Setbacks and building envelope (A3) – The acceptable solution is that a building must be contained within the building envelope described in the clause and only have a setback less than 1.5m to the side boundary if the dwelling does not extend beyond an existing building built on or within 0.2m of the boundary on the adjoining property or does not exceed 9m or one third of the length of the side boundary. The dwelling is located closer than 1.5m to the side boundary, is located outside of the building envelope and does not meet the acceptable solution requirements. As such the proposal must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P3 - The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p>	<p>It is considered that the dwelling will not cause an unreasonable loss of amenity to adjoining properties for the following reasons.</p> <p>(a) It will not result in an unreasonable loss of sunlight to a habitable room, overshadow a private open space area, or vacant land, or cause an unreasonable loss of amenity through visual impacts caused by bulk and scale when viewed from an adjoining property.</p> <p>(b) The first floor is setback 1.9m to the side boundary with an open carport below. The separation between dwellings on the adjoining</p>



Performance Criteria	Planner's Response
<p>(iii) overshadowing of an adjoining vacant property; and</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>	<p>properties is consistent for those properties that are of similar size in the area. It is unreasonable to expect a property with a size of 296m<sup>2</sup> to achieve the same setbacks as properties with a lot size of 900m<sup>2</sup> plus.</p> <p>(c) The dwelling will not result in an unreasonable impact on solar energy installations on adjoining properties which are located to the north of the subject lot.</p>

## 8.0 General Residential Zone

8.4.6 Privacy (A1) – The acceptable solution is that a balcony with a finished floor level more than 1m above ground level must have a permanently fixed screen to a height of 1.7m on the sides facing the side boundary unless it is not less than 3m from the boundary. The deck facing Jetty Road is not screened and is less than 3m from the side boundary and does not meet the acceptable solution requirements. As such the proposal must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1 - A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>	<p>(a) The balcony runs along the frontage facing Jetty Road with only a small portion located within 3m of the boundary. The balcony is 2.4m wide and is located 1.85m from the side boundary. The distance to the closest wall of the adjoining dwelling is 4m and is approximately a further 3m to the closest window giving a distance of around 7m from the end of the balcony to the closest window on the adjoining property.</p> <p>It is considered that the balcony has been designed to minimise overlooking of the dwelling and that screening of the balcony is not required.</p>

## C3.0 Road and Railway Assets Code

C3.5.1 – vehicle crossing (A1.2) – The acceptable solution is that written consent for a new vehicle crossing to serve the use and development has been issued by the road authority.

Council as the road authority has not issued written consent for the new vehicle crossing onto Jetty Road. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1 - Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>	<p>The vehicle crossing is required for the development of the lot and is associated with the residential use. The road is a local no through road and the vehicular traffic to and from the dwelling will have a minimal, if any, adverse impact on traffic safety.</p>

### 13. Referrals

The application was not required to be referred.

### 14. Representations

The application was advertised for two weeks from 16<sup>th</sup> May to 30<sup>th</sup> May 2024. During the representation period three (3) submissions were received objecting to the proposal. A summary of concerns raised related to planning matters and responses, are included in the Table below. The complete submissions are included in the attachments to the report with personal details redacted for privacy reasons.

Setbacks	Response
<p>1 Dwelling does not meet the mandated setback to Chadwin Avenue.</p> <p>2 Jetty Road should be considered to be the primary frontage.</p>	<p>1 See 8.4.2 (A1) assessment above which considers the reduced setback.</p> <p>2 The primary frontage is the frontage with the shortest dimensions measured parallel to the road. Chadwin avenue frontage has the shortest dimension and is therefore the primary frontage.</p>

<b>Building Envelope</b>	<b>Response</b>
The building does not sit within the three-dimensional building envelope.	See 8.4.2 (A3) assessment above which considers the building envelope and reduced side boundary setback.
<b>Privacy</b>	<b>Response</b>
The 3m setback to Jetty Road impinges on my privacy as I was clearly able to look through my west facing living room window and out through my north facing windows when standing at the 3m setback.	See 8.4.6 (A1) above which considers the privacy of the adjoining lot.
<b>Other Issues</b>	<b>Response</b>
1 Property on Jetty Road was not notified of the proposal. 2 Application form was not signed.	1 Council notified adjoining properties in accordance with the legislation. There is no requirement to notify properties that do not adjoin the subject lot. 2 The application form was signed digitally.

## 15. Conclusion

The assessment of the application taken in association with the representations received has identified that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme - Glamorgan Spring Bay and the application is recommended to be approved subject to the recommended conditions.

## 16. Recommendation

**That:**

Pursuant to section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2024/00092 at 3 Jetty Road, Bicheno (CT 28836/2) for a 2 storey dwelling be approved with the following conditions:

### Endorsed Plans and Documents

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

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

### Access and Driveway

2. Surface water runoff from the internal driveway and areas set aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.

3. Prior to the commencement of the use the internal driveway must have a sealed surface of either concrete, asphalt, two-coat spray seal, pavers or equivalent approved by Council's General Manager and be drained to an approved stormwater system drainage.
4. Prior to the commencement of the use the vehicular access must be constructed from the edge of the public road to the boundary of the lot in accordance with IPWEA (Tasmania) Urban Roads – Driveways TSD-R09, and Urban Roads – Footpaths TSD-R11 and to the requirements of Council's General Manager (see advice below). A Council inspection of the works is required prior to concrete pour or bituminous surfacing and at completion unless alternative arrangements have been made with Council. Forty-eight hours' notice is to be provided prior to inspection.

*Advice: Standard drawings are available at [www.lgat.tas.gov.au/](http://www.lgat.tas.gov.au/)*

*Advice: Prior to commence of any works, the developer must obtain a Works in Road Reserve Permit for any works within the road reserve and for the connection into a Council stormwater network.*

### **Environmental Management**

5. Plans submitted for building approval must include a Soil and Water Management Plan (SWMP) and this must be implemented to ensure soil and sediment does not leave the site during the construction process.

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

6. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
  - b) not burn debris or waste on site;
  - c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;
  - d) pay the costs associated with any alteration, extension, reinstatement and repair or cleaning of Council infrastructure or public land.
7. The developer must provide a commercial skip (or similar) for the storage of builders waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

*Advice: Builders waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres.*

### **The following advice is provided for information and assistance only**

- a. Please read all conditions of this permit and contact the planner for clarification if required.

- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent may be required for the following:
  - i. Building and plumbing approval from Council under the *Building Act 2016*
  - ii. Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*.
- d. The permit does not take effect until 15 days after the date it was served on you the applicant and the representor provided no appeal is lodged, as provided by s.53 of the *Land Use Planning and Approvals Act 1993*.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- f. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- g. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- h. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

## 4.2 SA2024/00007 - 12 Tarleton Street, Swansea - 3 Lot Subdivision

<b>Proposal:</b>	3 Lot Subdivision
<b>Applicant:</b>	Red Panda Property Group Pty Ltd
<b>Application Date:</b>	15 March 2024
<b>Statutory Date:</b>	28 June 2024
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	11.0 Rural Living Zone
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code, C13.0 Bushfire-Prone Areas Code
<b>Specific Area Plans:</b>	Nil
<b>Use:</b>	N/A
<b>Development:</b>	3 Lot Subdivision
<b>Discretions:</b>	11.5.1 - A1 - minimum lot size, A2 - minimum frontage width, A3 - access via Right of Way, 11.5.3 - On-site effluent management; C3.0 Road and Railway Assets Code – C3.5.1 - new vehicle crossing; C7.0 Natural Assets Code - C7.7.1 subdivision in priority vegetation area
<b>Representations:</b>	4
<b>Attachments:</b>	1. Exhibited Documents - SA2024/0007 [4.2.1 - 42 pages] 2. De-identified Representor Letters - SA20204/0007 [4.2.2 - 5 pages]
<b>Author:</b>	James Bonner, Senior Planner

### Executive Summary

Planning approval is being sought for a 3-lot subdivision. The application was advertised from 16<sup>th</sup> May to 30<sup>th</sup> May 2024. During the representation period four (4) submissions were received objecting to the proposal. The report assesses the proposal against the standards of the relevant zone, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations and the matters raised in the representations and make a final determination by 28 June 2024.

### PART ONE

#### 1. Statutory Requirements

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

The planning scheme provides the overriding considerations for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme. The initial assessment of this application identified where the proposal met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

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

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

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

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

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

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

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

## **3. The Proposal**

The proposal is to subdivide the existing lot into 3 lots. The proposed lot sizes being, Lot 1 – 8,855m<sup>2</sup> (contains existing dwelling and outbuilding), Lot 2 – 8,806m<sup>2</sup> and Lot 3 – 8,021m<sup>2</sup>. Access to Tarleton Street is to be obtained via a Right of Way (ROW) for lots 2 and 3, with Lot 1 to use the existing access.

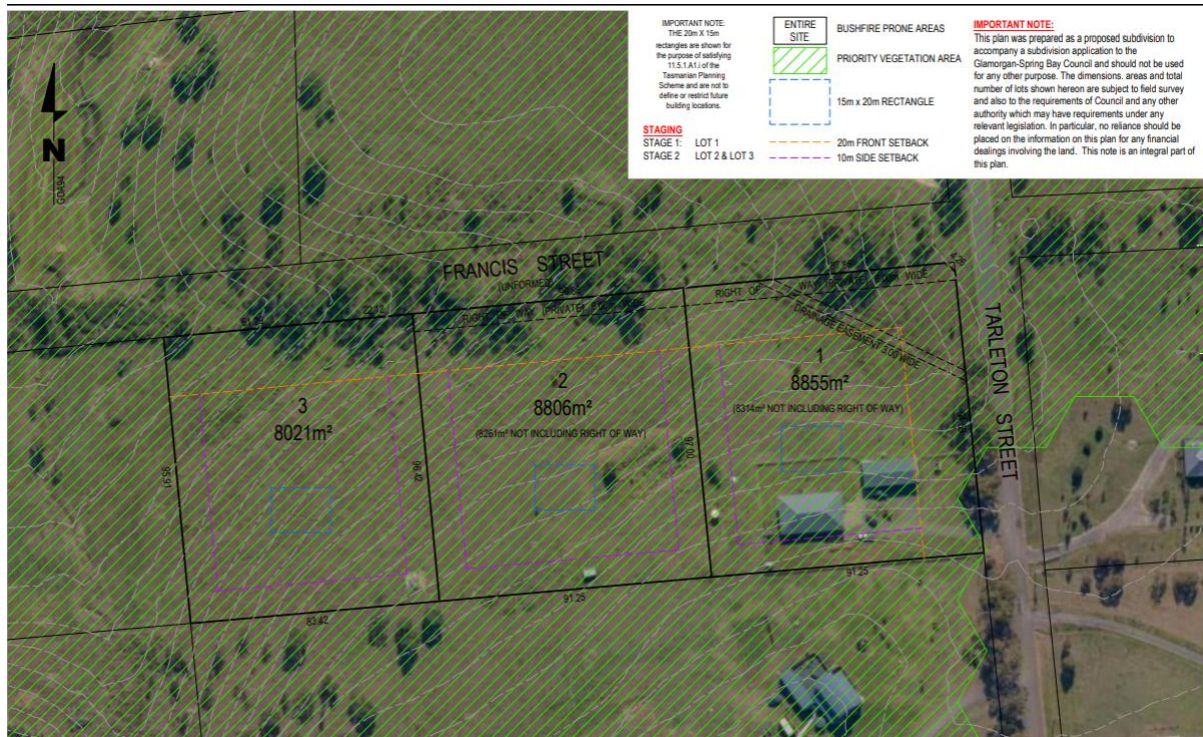


Figure 1 – Subdivision Plan

#### 4. Risk and implications

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

#### 5. Background and past applications

The following planning applications have been approved on the subject lot:

- DA2014/00215 – Dwelling and Outbuilding
- DA2020/00052 - Outbuilding

#### 6. Site Description

The subject lot is located on the western side of Tarleton Street and adjoins an unformed Crown reserved road to the north. There is an existing dwelling and outbuilding located at the front of the lot with the remainder of the property being vacant managed pasture. The lot is relatively level with a gentle grade down towards the unformed road.



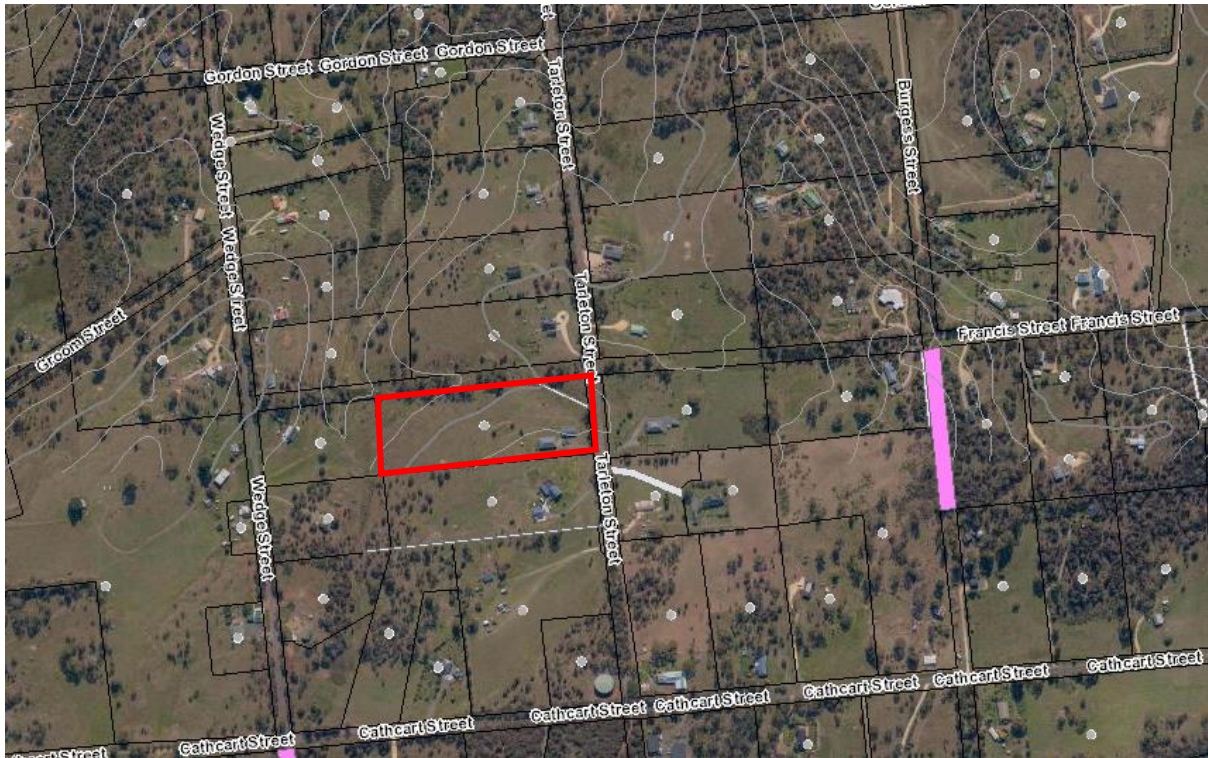


Figure 2 – Locality Source: LISTMaps



Figure 3 – site

## 7. Planning Instruments

Tasmanian Planning Scheme - Glamorgan Spring Bay

## 8. Easements and Services

The lot is burdened by a drainage easement that benefits Council. The lot is serviced by reticulated water and electricity.

## 9. Covenants

The title documents did not identify any covenants relevant to the proposal.

## PART TWO

### 10. Meeting the Standards via Acceptable Solution

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

- 11.0 Rural Living Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C13.0 Bushfire-Prone Areas Code

All standards were met by acceptable solution excepting those identified below which were assessed against the applicable performance criteria

### 11. Meeting the Standards via Performance Criteria

The standards below could not meet the Acceptable Solution criteria and have been assessed against the relevant Performance Criteria.

- 11.0 Rural Living Zone - 11.5.1 - A1 - minimum lot size, A2 - minimum frontage width, A3 - access via Right of Way
- 11.0 Rural Living Zone - 11.5.3 - On-site effluent management
- C3.0 Road and Railway Assets Code – C3.5.1 - new vehicle crossing
- C7.0 Natural Assets Code - C7.7.1 subdivision in priority vegetation area

## PART THREE

### 12. Assessing the Proposal against the Performance Criteria

#### 11.0 Rural Living Zone

11.5.1 Lot Design (A1) – The acceptable solution is that each lot has a minimum area not less than 1ha (10,000m<sup>2</sup>). All the proposed lots are below 1ha and as such the proposal does not meet the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1 - Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to: (a) the relevant requirements for development of existing buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site;	(a) The existing buildings on proposed Lot 1 meet the setback requirements, though the on-site effluent management system will be required to be relocated to be within the new lot boundaries. (b) There are multiple areas on each lot where buildings could be located and meet the setback requirements of the zone. (c) The topography of the site does not overly restrict building locations. (d) There are no natural or landscape values that would restrict the useable area. There is a priority vegetation overlay for grassland over the property. The bushfire hazard management plan would require

Performance Criteria	Planner's Response
<p>(d) any natural or landscape values;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</p>	<p>a portion of this grassland to be maintained to a similar slashed standard as it currently is, though large areas of each proposed lot are outside of the hazard management area. See the photos in the bushfire report for an example of the current maintenance regime.</p> <p>(e) There is adequate area available for private open space on each lot.</p> <p>(f) The pattern of development on surrounding lots is a single dwelling with outbuildings which is anticipated would occur on the proposed lots.</p> <p>Each lot is greater than 80% of the applicable lot size in the acceptable solution.</p> <p>It is considered that the performance criteria has been met.</p>

## 11.0 Rural Living Zone

11.5.1 Lot Design (A2) – The acceptable solution is that each lot has a frontage not less than 40m. Lots 2 and 3 are internal lots and do not have a frontage, as they are access via a ROW, and as such do not meet the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P2 - Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</p>	<p>All the lots have frontage to the unformed Crown reserved road to the north. However, as there is no constructed road that is open to the public it does not meet the definition of "road" in the planning scheme and therefore they are considered to not have a frontage.</p> <p>Lots 2 and 3 are to be provided access to Tarleton Street via a 6m wide Right of Way (ROW) that is sufficient for the intended use. The ROW will permit two-way movement of vehicles with room for manoeuvring on each lot.</p> <p>It is recommended that the ROW be constructed to a sealed standard.</p> <p>It is considered that, subject to recommended conditions, the performance criteria is met.</p>

### 11.0 Rural Living Zone

11.5.1 Lot Design (A3) – The acceptable solution is that each lot is provided with vehicular access from the boundary of the lot to a road. Lots 2 and 3 access the road via a ROW and as such the lots do not meet the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P3 - Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"><li>(a) the topography of the site;</li><li>(b) the length of the access;</li><li>(c) the distance between the lot or building area and the carriageway;</li><li>(d) the nature of the road and the traffic;</li><li>(e) the anticipated nature of vehicles likely to access the site;</li><li>and</li><li>(f) the ability for emergency services to access the site.</li></ul>	<p>Lots 2 and 3 will be provided with a 6m wide ROW which will provide reasonable vehicular and emergency vehicle access to the boundary of the lots taking into consideration the topography, length of the access, distance to building areas and the nature of vehicles accessing each lot.</p> <p>It is recommended that the ROW be constructed to a sealed standard.</p> <p>It is considered that, subject to recommended conditions, the performance criteria is met.</p>

### C3.0 Road and Railway Assets Code

C3.5.1 - vehicle crossing (A1.2) – The acceptable solution is that the written consent from the road authority has been provided for a new vehicle crossing. Written consent has not been provided and as such the acceptable solution has not been met and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"><li>(a) any increase in traffic caused by the use;</li><li>(b) the nature of the traffic generated by the use;</li><li>(c) the nature of the road;</li><li>(d) the speed limit and traffic flow of the road;</li></ul>	<p>The new access for proposed lots 2 and 3 is required to provide access to those lots. The access and increased traffic from the two lots will have minimal impact on Tarleton Street as the road and local network have capacity to accommodate the additional traffic.</p> <p>Council's Infrastructure &amp; Works Department have provided recommended conditions for the access.</p> <p>It is considered that, subject to recommended conditions, the performance criteria is met.</p>

Performance Criteria	Planner's Response
(e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.	

## C7.0 Natural Assets Code

C7.7.1 subdivision in priority vegetation area (A1) – The acceptable solution is that a plan of subdivision does not include any works, building area, bushfire hazard management area or vehicular access within a priority vegetation area. The subdivision plan requires works within the priority vegetation area and as such the acceptable solution has not been met and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1.1 - Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for: (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.	P1.1 – The subdivision meets (f) in that it involves clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.  Required clearance is for the ROW access and future building areas which is of limited scale to the extent of the grassland on the proposed lots.  It is considered that the performance criteria is met.
P1.2 Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to: (a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards; (b) any particular requirements for the works and future development likely to be facilitated by the subdivision; (c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;	P1.2 – The subdivision minimises impacts on the priority vegetation (grassland) by the following: <ul style="list-style-type: none"> <li>• The land is already being maintained to a slashed condition as evidenced by the photos included in the bushfire hazard management report.</li> <li>• The hazard management requirements for a future dwelling on each lot is to maintain the hazard management areas to a minimum fuel condition which is similar to what is currently being undertaken on the subject lot.</li> <li>• Hazard management areas are contained within each lot within existing cleared areas with large areas of the lots outside of the hazard management area as shown hatched in the hazard management plan.</li> <li>• Access is limited to a 6m wide ROW that services lots 2 and 3.</li> </ul> It is considered that the performance criteria is met.

<b>Performance Criteria</b>	<b>Planner's Response</b>
(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation; (e) any on-site biodiversity offsets; and (f) any existing cleared areas on the site	

### 13. Referrals

The application was referred to TasNetworks, TasWater and Councils Infrastructure and Works Department. Referral responses were received with advice and recommendations.

### 14. Representations

The application was advertised from 16<sup>th</sup> May to 30<sup>th</sup> May 2024. During the representation period four (4) submissions were received objecting to the proposal. A summary of concerns raised related to planning matters and responses, are included in the table below. The complete submissions are included in the attachments to the report with personal details redacted for privacy reasons.

<b>Lot sizes</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>• People have previously been told they cannot subdivide below 1ha.</li> <li>• Lot sizes less than 1 ha takeaway from the rural residential living appeal of this area.</li> </ul>	<ul style="list-style-type: none"> <li>• Under the Interim Tasmanian Planning Scheme the minimum lot size allowed was 1ha. Under the current scheme the minimum lot size allowed is 8,000m<sup>2</sup>.</li> <li>• See assessment of lot sizes above under 11.5.1.</li> </ul>
<b>Impacts on road infrastructure</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>• The increased volume of traffic means the road will need more maintenance. Who funds the infrastructure for the roads and guttering?</li> </ul>	<ul style="list-style-type: none"> <li>• The increased volume of traffic is within the limits for a local road.</li> <li>• Maintenance of roads is a routine activity undertaken by Council.</li> </ul>
<b>Water pressure</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>• Water pressure is terrible and this will make it worse.</li> </ul>	<ul style="list-style-type: none"> <li>• TasWater have assessed the application and have not raised any concerns with impacts on water pressure.</li> </ul>
<b>Economic impacts</b>	<b>Response</b>

<ul style="list-style-type: none"> <li>• The additional dwellings and smaller lot sizes will decrease the value of surrounding properties in the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Economic impacts are not a matter that can be considered under the planning scheme or Act.</li> </ul>
<b>Future residential development</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>• Concerned that blocks of flats or strata titles will be constructed on the lots.</li> </ul>	<ul style="list-style-type: none"> <li>• The zone only permits single dwellings and does not permit multiple dwellings.</li> </ul>

## 15. Conclusion

The assessment of the application taken in association with the representations received has identified that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme - Glamorgan Spring Bay and therefore the application is recommended to be approved subject to the recommended conditions.

## 16. Recommendation

**That:**

Pursuant to section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2024/00007 at 12 Tarleton Street, Swansea (CT148627/11) for a 3 lot subdivision be approved with the following conditions:

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

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

2. Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2024/00506-GSB, dated 10/05/2024 and attached to this permit.

### **Final Plan**

3. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
4. All land noted as roadway, footway, and open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
5. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's Municipal Engineer.
6. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.



## **Bushfire Certification**

7. Prior to sealing the Final Plan of Survey or execution of the Schedule of Easements and associated documents, certification must be provided from an accredited bushfire practitioner that all requirements of the Bushfire Hazard Report by Rebecca Green & Associates, Version 1, dated 12 April 2024 have been implemented and complied with.

## **Public Open Space**

8. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land of each lot as described by lots 2 and 3 on the approved plan as at the date of lodgment of the final plan of survey.

The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001* and as agreed to by the Council's General Manager.

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

## **Environment Management**

9. All work must be generally in compliance with the Tasmanian Coastal Works Manual, available at. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
10. The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.
11. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot and outside the Waterway and Coastal Protection Area during all works on the site. These works are to comply with a Stormwater Management Plan developed for the site.
12. No top soil is to be removed from the site unless otherwise agreed to in writing by Council's General Manager.
13. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases to the satisfaction of Council's General Manager.

## **On-Site Wastewater Management**

14. The existing wastewater management system for proposed lot 1 is to be decommissioned and a new system installed that is located completely within the boundaries of Lot 1 in accordance with an on-site effluent management report.



## Engineering

15. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
16. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, these drawings must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences. The detailed engineering drawings must show the following:
  - a) all existing and proposed services required by this permit;
  - b) all proposed stormwater infrastructure.
  - c) all existing and proposed roadwork required by this permit;
  - d) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - e) measures to be taken to limit or control erosion and sedimentation;
  - f) any other work required by this permit.

*Advice: Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.*

17. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
18. The ROW access for lots 2 and 3 is to be constructed to a sealed standard for its full length with a minimum sealed width of 6m to allow for two-way vehicle movement.
19. The ROW access handle is to be designed and constructed to allow for the continued operation of the drainage easement that crosses the access.
20. A reinforced concrete vehicle access must be provided to each lot and located and constructed in accordance with the standards shown on standard drawings TSD-R09-v3, Urban Roads TSD-R06-v3 and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's General Manager.

*Advice: Prior to commencement of any works, the developer must obtain a Works in Road Reserve Permit for any works within the road reserve and for the connection into a Council stormwater network. <https://gsbc.tas.gov.au/wp-content/uploads/2016/06/Work-Within-Road-Reserve-Permit.pdf>*

## Drainage

21. The developer must provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.

22. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
- a) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

### **Construction**

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

### **Sealing of Final Plan**

27. All conditions of this permit, including the completion of all works and maintenance in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
28. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the Final Plan of Survey.
29. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed

subdivision works. Any work required is to be specified or undertaken by the authority concerned.

### **Telecommunications and Electrical Reticulation**

30. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

### **'As constructed' Drawings**

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

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

32. Works within the road reserve are subject to a twelve-month maintenance and defects liability period commencing from the date of the submission of the notice of completion of works in accordance with the approved engineering plans and permit conditions.
33. If Water Sensitive Urban Design elements provided as part of the subdivision, then WSUD elements are to be placed on an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty-four (24) months.
34. Prior to placing the subdivision onto the twelve-month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.
35. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot during all works on the site and for the entire Defects Liability Period. These works are to comply with the approved Soil and Water Management Plan developed for the site.

**The following advice is provided for information and assistance only and imposes no direct obligation on the developer.**

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date that it was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council Senior Planner or otherwise extended by written consent.

- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The native vegetation approved for removal is limited to that necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of the Bushfire Hazard Management Plan. Clearing or adversely impacting other native vegetation on the property at any stage in the future may require a separate planning permit and advice should be sought from the Glamorgan Spring Bay Council prior to commencing any additional works.
- i. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)
  - *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- j. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m<sup>2</sup> and the burning of plastics, and other non-wood or non-vegetative material.
- k. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
- l. Land Title Office fees must be paid directly to the Recorder of Titles.
- m. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- n. The Final Plan of Survey will not be sealed until all works required by this permit are complete.

- o. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- p. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
- q. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
- r. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- s. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dipwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
- t. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

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

**RECOMMENDATION**

That Council no longer acts as a Planning Authority at [time].

## 5 FINANCIAL REPORTS

### 5.1 Financial Reports for May 2024

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### ATTACHMENT/S

1. Group Financial Statements 2024-05 [5.1.1 - 3 pages]
2. Capital Works Projects 2024-05 [5.1.2 - 2 pages]

#### BACKGROUND/OVERVIEW

The financial reports for the period ended May 2024 as attached to this report are presented for the information of Council.

#### STATUTORY IMPLICATIONS

- Australian Accounting Standards Board (AASB)
- International Financial Reporting Standards (IFRS)

#### BUDGET IMPLICATIONS

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

#### RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
There are no material risks from adopting this recommendation.				
<b>Do not adopt the recommendation</b>	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending May 2024. Council needs to endorse.
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.				

### **OFFICER'S RECOMMENDATION**

That Council receives and notes the Financial Reports as attached to this report for the period ended May 2024.



## 6 SECTION 24 COMMITTEES

### 6.1 Minutes of Tasmanian Seafarers' Memorial Committee Meeting - 29 September 2023

**DATE:** Monday 25 September 2023, 9:00am  
**LOCATION:** Meeting Room, Triabunna Council Offices

#### 1. PRESENT:

Councillor Neil Edwards, **Chair**  
Councillor Carole McQueeny, **Member**  
Graeme Elphinstone, **Member**  
Kath Fergusson, **Member**  
John Hall, **Member** (via remote video conference)  
Eliza Hazelwood, **Council Officer**  
Pam Corkhill, **Guest** (via remote video conference)

#### 2. APOLOGIES:

Mick Desmond, **Member**  
Toni Parker, **Member**  
Mark Slater, **Guest**

#### 3. CONFIRMATION OF MINUTES:

Graeme Elphinstone moved that the minutes of the Tasmanian Seafarers Memorial on 17 July 2023 be confirmed, seconded Neil Edwards. **CARRIED**

#### 4. APPOINTMENTS:

Nil

#### 5. BUSINESS ARISING:

##### 5.1 TSM Service – Sunday 15 October 2023

##### 5.2 Lunch by the Spring Bay Boat Club (SBBC)

The Spring Bay Boat Club will be increasing the price of the lunch from \$10 to \$15. No longer BYO. (The invitations will need to be updated with this information) **ACTION** – Kath

##### 5.3 New Members – Expression of Interest (EOI)

The Tasmanian Seafarers Memorial will need to put out an EOI on the Council website when seeking new members. This will provide equal opportunity for all members in the community with an interest to apply. **ACTION** – Eliza/Neil

## **6. GENERAL BUSINESS:**

### **6.1 Annual Service Correspondence**

### **6.2 Communication**

### **6.3 Seating Arrangements**

### **6.4 Official Positions at the Memorial**

- Committee agreed that Mayor Cheryl Arnol would make a great MC for the event.  
**ACTION** - Neil
- Mrs Sue O'Rourke (Minister role)
- Odes – RSL representative (Rob Hutchings)
- Governor's escort – Graeme & Sylvia Elphinstone & Sue O'Rourke
- Governor's Meet & Greet – Carole McQueeny, Neil Edwards, Toni Parker, Kath Fergusson, Pam Corkhill.
- Pam Corkhill's grandchildren to meet the Governor at some point during the event.

### **6.7 Website**

- The Tasmanian Seafarers Memorial website is currently managed by Mr Alastair Douglas. It is suggested that the committee begins thinking about making connections with the Tasmanian Maritime Museum to take over the management of the website.

### **6.8 Plaque Requests**

- Preliminary discussions have been had with Greg Atkins re SBPF plaque for his father Reg Atkins and has not progressed. The applications have been sent, Kath is still awaiting response.

## **7. NEXT MEETING**

11 December - 9:00am at the Council Chambers.

## **8. MEETING CLOSED**

Meeting closed at 10:00am

## **RECOMMENDATION**

That the Minutes of the Tasmanian Seafarers' Memorial Committee meeting held on 29 September 2023 be received and noted.

## 6.2 Minutes of Triabunna Recreation Ground Advisory Committee - 12 October 2023



### GLAMORGAN SPRING BAY COUNCIL

Section 24 Advisory Committee Meeting  
Triabunna Recreation Ground

## MINUTES

**MEETING HELD** – Thursday 12<sup>th</sup> October 2023 - Recreation Room

**MEETING OPENED:** 5.45 pm

**PRESENT:** Mandy Raspin, Councillor Neil Edwards, Councillor Jenny Woods,  
Jan Sweet

**APOLOGIES:** Geoff Gadd, Nerissa Alomes

**ABSENT:**

**CONFIRMATION OF LAST MINUTES:** (7<sup>th</sup> September, 2023 )

Moved: Mandy Raspin

Seconded: Jan Sweet

Carried

#### **CORRESPONDENCE IN:**

- COD form for Hunters
- Invoice from Tas Pest
- Email from Danni Tuck (GSBC) re; Aurora account (May-July)
- Email re: from Christmas Parade Committee re: using rec. ground on 15<sup>th</sup> Dec '24
- Email from Peter Porch re: electrician, cameras, rubbish bins & timekeepers box.

#### **CORRESPONDENCE OUT:**

- Completed COD form to Hunters
- Email to GSBC re: Aurora account (May-July)

#### **MATTERS ARISING FROM PREVIOUS MINUTES**

- Jan organised ordering of cleaning products and supplies from Hunters
- Jan forwarded cleaning checklists to senior and junior football and cricket clubs
- Cleaner – discussion held around individual clubs perhaps engaging cleaner not S24 committee.
- Steve Davies to purchase bain marie & fryers
- Mandy Raspin has purchased a new microwave.

- Electrician (Tom Pyke?) to have a look at coffee machine to determine problem.
- Jan advised Cheryl Wylie re: offer of BBQ from Geoff Gadd
- Plans/suggestions for entrance to facility

## **TREASURERS REPORT**

### Working Financial

Opening Balance	\$ 10266.77
Income	\$ 1500.00
Expenditure	\$ 3430.72
<b>Closing Balance</b>	<b>\$ 8336.05</b>

Moved: Mandy Raspin

Seconded: Councillor Jenny Woods

Carried

## **NEW BUSINESS**

- Discussion regarding sound proofing of main room.
- Possible sale of obsolete tv and microwave
- Sink in cleaners cupboard – no running water whatsoever - needs to have hot water installed for cleaners.
- Raylene Crosswell requested to hire clubrooms on Christmas Day.
- Request from Christmas Parade Committee to use recreation ground on 15<sup>th</sup> December 2023 for Christmas Parade.
- Steve Davies advised Cricket Club are hosting Cars on the Coast – 29<sup>th</sup> Oct 2023 and Hogs Rally on 17<sup>th</sup> Feb 2024 at the recreation ground.
- Discussion re enhancement of entrance to recreation ground. Suggestions were: widen entrance to dual access, chop down all trees (dangerous in windy weather – have already had large branches fall) & if successful with Tas Community Fund Grant (Neil Edwards to apply) purchase a 3 bay shed for use by both senior & junior footy and cricket club.

**NEXT MEETING:** 4<sup>th</sup> June 2024 at 5.30pm

There being no further business, the meeting was declared closed at 6.55pm

## **RECOMMENDATION**

That the Minutes of the Triabunna Recreation Ground Advisory Committee meeting held on 12 October 2023 be received and noted.

### 6.3 Minutes of Marine Infrastructure Committee - 21 May 2024



## MARINE INFRASTRUCTURE COMMITTEE MINUTES

---

<b>Date:</b>	<b>Tuesday 21 May 2024</b>
<b>Time:</b>	<b>1:30pm</b>
<b>Location:</b>	<b>Council Chambers, 9 Melbourne St, Triabunna</b>

---

**MEETING OPENED: 1:31pm**

### 1. PRESENT AND APOLOGIES

**Present:**

Clr J Woods (Chair)  
P Aulich  
C Barney  
J Hall  
G Kennedy  
P Warner

**Apologies:**

Clr N Edwards

**Absent:**

D Goodfellow  
S Thompson

**In Attendance:**

P Porch, Director Works and Infrastructure  
D Herman, Facilities Coordinator  
J Kerr (Minutes Secretary)

**Members of Public:**

K Hursey

## 2. CONFIRMATION OF MINUTES TUESDAY 5 MARCH 2024

**MOVED:** P Warner    **SECONDED:** J Hall

That the minutes of the previous meeting be confirmed as a true and correct record.

**CARRIED UNANIMOUSLY 6/0**

## 3. MARINA OPERTIONS

### a) LIVING ON BOARD VESSELS

- D Herman discussed people living on board vessels within the marina and opened the floor for committee discussion. P Porch mentioned that managing sullage is the main concern and highlighted the issue of homelessness.
- G Kennedy asked how to determine which boats are eligible for live-aboard status. D Herman suggested that live-aboard boats should have a holding tank.
- D Herman noted that there are currently four boats with live-aboard residents in the marina.
- P Porch proposed setting a policy to establish rules and regulations for live-aboard residents and mentioned that the committee's feedback would be presented to the Council for consideration.
- J Hall mentioned that further research is necessary. He noted that live-aboard residents in other Queensland marinas pay an additional \$10 per day fee to live on their boats.
- G Kennedy asked for a clear definition of a live-aboard, such as whether it is more than three months or one month etc.

**ACTION:** D Herman to gather more details for the committee to consider and present them at a future Council Workshop.

### b) CARPARK – EASTERN SIDE, MARINA TRIABUNNA

- P Porch advised that the capital works project for the carpark on the eastern side of the marina is complete.

### c) PROSSER RIVER SANDBAGS

- D Herman advised that MAST are currently working on Prosser River sandbags at Orford.

**d) COLES BAY JETTY**

- D Herman advised that the Coles Bay Jetty extension has commenced.

**4. CAPITAL WORKS UPDATE**

- P Porch reported that the Council is still awaiting approval from Parks and Wildlife regarding Saltworks boat ramp.
- P Porch also mentioned that the soil on the eastern side of the marina has now been spread.
- D Herman noted that the Swanwick jetty recently underwent some repairs.

**5. OTHER BUSINESS**

- J Hall brought up the transportable toilet on the western side of the marina and asked about the timeline for relocating it to the eastern side. P Porch responded that they are waiting for grant funding and need to consider the plan for the eastern side. J Hall emphasized that the toilet on the eastern side should be a priority.
- D Herman mentioned that the Council might consider purchasing a dinghy for the marina to deploy spill kits and other equipment.
- G Kennedy pointed out the absence of a wash-down station at the Triabunna boat ramp and suggested that fish cleaning facilities there would be beneficial. P. Porch noted this suggestion.
- J Woods shared the draft Marine Infrastructure Fees with the committee for their information and discussed the status of the cameras and youth activities at the marina.

**NEXT MEETING:**

The next scheduled meeting will be held on **Tuesday 20 August 2024 at 1:30pm** in the Triabunna Council Chambers.

**MEETING CLOSED: 2:12pm**

**RECOMMENDATION**

That the Minutes of the Marine Infrastructure Committee meeting held on 21 May 2024 be received and noted.

## 6.4 Minutes of Triabunna Recreation Ground Advisory Committee - 4 June 2024



### **GLAMORGAN SPRING BAY COUNCIL**

Section 24 Advisory Committee Meeting  
Triabunna Recreation Ground

## **MINUTES**

**MEETING HELD** – Tuesday 4<sup>th</sup> June, 2024 - Recreation Room

**MEETING OPENED:** 5.35 pm

**PRESENT:** Mandy Raspin, Councillor Jenny Woods, Councillor Neil Edwards, Nerissa Alomes, Steve Davies, Jan Sweet

**APOLOGIES:** Geoff Gadd

**ABSENT:**

Guest: Mayor Cheryl Arnol

**CONFIRMATION OF LAST MINUTES:** (12<sup>th</sup> October 2023 )

Moved: Councillor Jenny Woods      Seconded: Councillor Neil Edwards

Carried

#### **CORRESPONDENCE IN:**

- Aurora Energy accounts
- Email from Rikki Murray (DOE) requesting use of recreation ground for primary cricket gala day on 17<sup>th</sup> November 2023
- Email from Councillor Jenny Woods confirming her meeting with Peter Porch from GSBC to address maintenance items from discussions at 12<sup>th</sup> October meeting.
- Email from Treasurer – Pop Up Book Stall requesting completed Grant Acquittal Form for purchase of chairs & trestles.
- Email from Rikki Murray (DOE) requesting use of recreation ground for East Coast Cluster Sports Day on 28<sup>th</sup> June, 2024.
- Email advising S24 committee of TasNetworks power outage on Mon 8<sup>th</sup> July 2024 – 0900 -1600 hrs.

#### **CORRESPONDENCE OUT:**

- Emails from Mandy Raspin to committee re: confusion about the supply and refilling of soap dispensers in the toilets.



- Acquittal form and receipt for purchase of chairs to Pop Up Book Stalls (PUBS)

### **MATTERS ARISING FROM PREVIOUS MINUTES**

- Sound proofing of function room discussed further. Jan to enquire re: price of acoustic sound absorbing ceiling panels and blinds.
- Steve Davies to arrange replacement coffee machine and disposal of existing machine prior to home game for senior club on 22<sup>nd</sup> June and to collect new deep fryers.
- Mayor Cheryl Arnol addressed the meeting on behalf of interested community members who are offering materials and labour to update and improve the main entrance to the recreation ground. It was agreed  
Chairperson Mandy Raspin contact the General Manager Greg Ingham requesting widening of entrance, removal of tree and upgrading of stormwater and gutters by Council to enable the entrance enhancement. (Mayor Cheryl Arnol left meeting)

### **TREASURERS REPORT**

#### **Working Financial**

Opening Balance	\$ 8,336.05
Income	\$ 10,600.00
Expenditure	\$ 9,456.53
<b>Closing Balance</b>	<b>\$ 9,479.52</b>

Moved: Steve Davies    Seconded: Councillor Jenny Wood    Carried

### **NEW BUSINESS**

- Discussion held around committee's responsibilities for maintaining recreation ground. Jan Sweet to forward Terms of Reference to all committee members for comment on updates and clarification.
- Councillors Jenny Woods & Neil Edwards to organise a meeting with General Manager Greg Ingham to discuss increase of Council's annual maintenance payment to S24 advisory committee.
- Chairperson Mandy Raspin to organise meeting with Peter Porch – Director Works & Infrastructure, Darren Smith – Manager of Works and Dan Herman to discuss maintenance issues.

**NEXT MEETING:**                      TBA                      2024

There being no further business, the meeting was declared closed at 7.20pm

### **RECOMMENDATION**

That the Minutes of the Triabunna Recreation Ground Advisory Committee meeting held on 4 June 2024 be received and noted.

## **7 INFORMATION REPORTS**

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

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

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

This report provides information on the ongoing tasks of the Department in relation to Asset Management; Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; Buildings, Coastal Infrastructure and Cemeteries.

#### **OFFICER'S COMMENTS**

##### **ASSET MANAGEMENT**

Asset Management practice is the strategic driver for the activities of the Department and is partnered by works that operate to maintain essential services to the community as described throughout this report.

Tasks are underway to collect data on new (donated assets) from subdivision and Council projects for updating of the asset registers at end of financial year (EOFY). Capitalisation of assets renewed and created from the 2023-24 capital program has commenced.

##### **CONSULTANT SERVICES**

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

- Hydraulic engineering – catchment modelling
- Project Management
- Civil engineering permit conditioning
- Fire Management – Dolphin Sands
- Building Surveying
- Bridge Inspections
- Asset Data Base & associated Financial Statements

##### **OPERATIONAL WORKS**

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

- Maintenance grade of Wielangta Rd and Rheban Rd- commenced.
- Old Coach Rd maintenance grade- commenced.

- 2 unsealed road inspections for April.
- Cold mixing of potholes across the municipality- Ongoing across municipality- approx. 6 ton of cold mix placed for May.
- Maintenance grade of Crossin's and Springs roads completed.
- West Shelly Rd cul-de-sac repairs- completed
- Seal repairs corner Alma Rd and Tasman Hwy- contractor to complete under warranty (SPA).
- Lord St, Triabunna near Esplanade East asphalt failure- to be completed.
- Wielangta Rd seal failures, box out, install geo-grid and re-seal- planned for May/June 2024.
- Roadside spraying of sealed and unsealed roads- ongoing
- Roadside spraying contract for State Growth- completed.
- Street sign survey for Orford/Buckland/Triabunna completed and missing signs ordered.

## **STORMWATER, DRAINAGE**

- Open drain and culvert/cross over maintenance- ongoing across municipality
- Draft Catchment plan for the first of the Bicheno catchments received and being reviewed.
- Kerb and channel failed section replacements on Franklin, Victoria and Bridge St underway.
- Headwalls to culvert on Rheban Rd installed.
- Freycinet Drive open drain cleaning completed.
- Construct new open drain along front of #'s 100, 108 and 116 Alma Rd including 3 new driveway culverts- completed.

## **WASTE MANAGEMENT**

- Mulching green waste completed across all 4 transfer stations. Attention given to removal of contaminants to ensure a better product achieved.
- Slashing Orford Transfer Station property highway frontage being programmed
- Street sweeping conducted across municipality completed.

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

- 13 playground inspections completed for May
- Walking track between Erica Crt and Riverside Drive re-sheeting- currently been planned.
- Bike rack installations complete at Triabunna and Bicheno skate bowls.
- Footpath infill connections and kerb from Esplanade East and Boyle St completed.
- Footpath kerb ramp to Marina installed.
- 2 quantified tree risk assessments carried out
- Removal of dangerous trees and stumps in Tram Road Bicheno programmed for June.

- Park bench at Garnet Avenue Coles Bay removed with replacement programmed for June.

## **MARINE INFRASTRUCTURE**

- Marina bookings, wharf charges and billings, liaison with berth holders continues as daily operations. Numerous issues with vessels in the Marina are an ongoing management task.
- Liaison with MAST on various maintenance projects.
- Coles bay jetty extension progressing on site.
- Prices being sought for attendance to identified items from the maintenance report conducted by our contracted divers.
- Seafarers Memorial wall plaques to be cleaned ahead of October ceremony.

## **BUILDINGS**

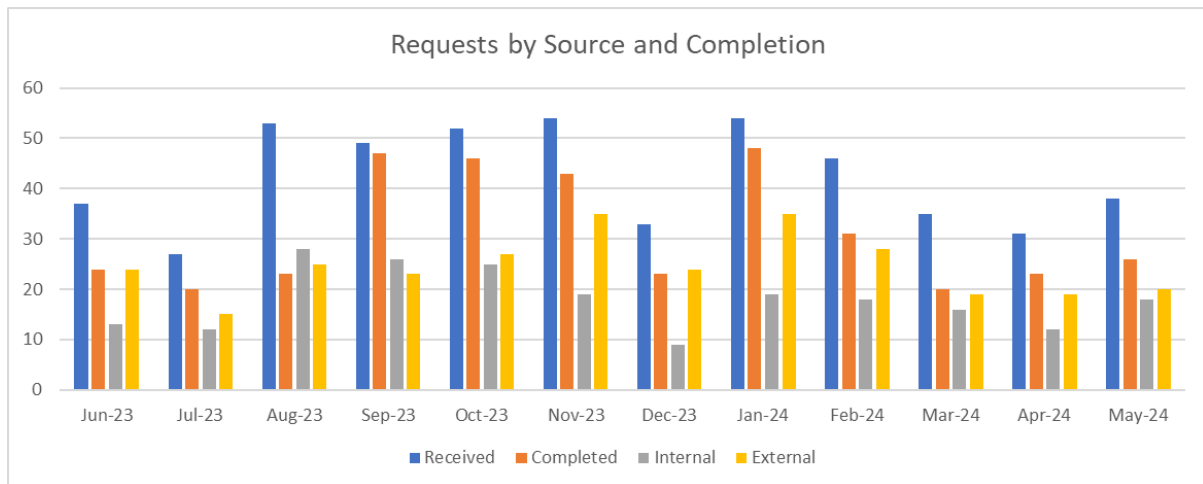
- Various maintenance items at the Bicheno Hall are being investigated and programmed as necessary in consultation with the Hall committee.
- Key registers and security arrangements being reviewed and updated.
- Water and electricity bills and meters being checked for location and confirmation of ownership. One board in Bicheno has been identified with no usage where a connection fee has been paid regularly although unused. This is being disconnected.
- Power board at Swansea recreation ground replaced/upgraded to standard.
- Swansea courthouse external painting continued with stonework yet to complete.
- Garnet Avenue toilets review has been completed. The outcome is that a new soakage bed is required to be established to manage the loads of the system and the existing beds rehabilitated. This work is required to be carried out in tandem with the hall upgrade to ensure the facilities can meet the required standards, as the hall uses the existing substandard system.
- Bicheno Hall suffered damage to heat pumps and Library communications on voting day due to TasNetworks power outage supplemented by faulty generator sets. Repair costs are being met by TasNetworks.

## **EMERGENCY MANAGEMENT**

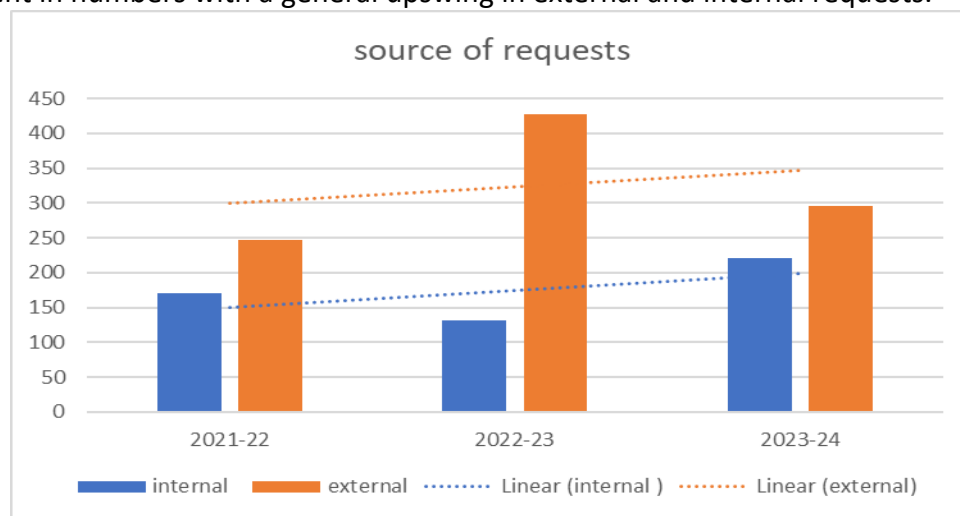
- Basic preparedness activities continued.
- Red Cross facilitation of Redi-communities program in Triabunna concluded.

## **CUSTOMER REQUESTS**

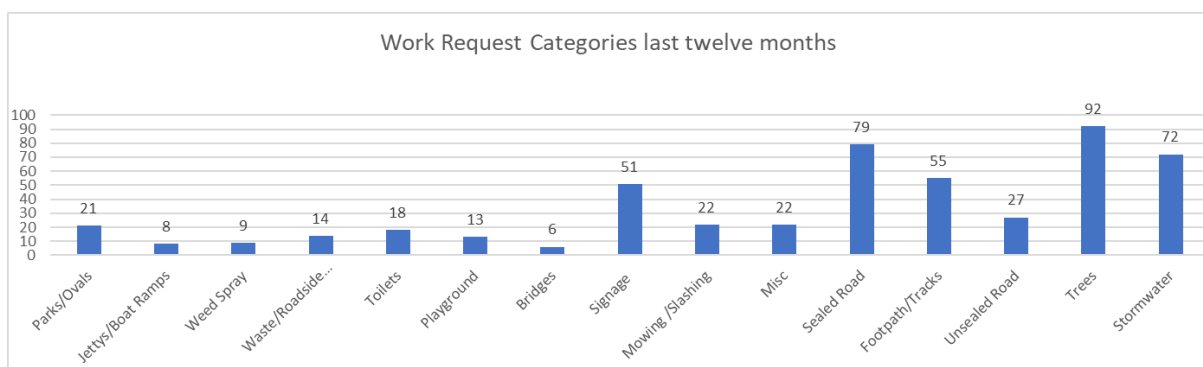
The chart below summarises the requests received year to date by the total numbers received; the number completed; those generated by the public and those generated by officers.



In analysis of the customer generated requests, the past three years have seen considerable movement in numbers with a general upswing in external and internal requests.



The requests are sorted into categories to provide an overview of the areas showing the most interest or greatest need for attention as per the bar chart below:



## CAPITAL WORKS

- Re-sheet of part of Wielangta Rd- commenced.
- 700m upgrade of Crossings Rd through Road accessibility - completed
- End of East Shelly Rd, stormwater extension to foreshore at Luther Pt to mitigate property flooding completed
- Rosedale Rd bridge 100% deck replacement completed.
- Spring Beach toilet outdoor shower installation – Tank Installed. Progressing shower

- Footing and frame design for the “Loo with a view” commenced.
- Construct new open drain along front of #’s 100, 108 and 116 Alma Rd including 3 new driveway culverts- completed.
- Mount Pleasant Road Bridge deck replacement has become a full replacement of bridge with a floodway. Photos below show the bridge condition. Minimal transport makes a floodway a better long-term proposition. Works have commenced on the floodway.



#### **Grant funded**

- Gulch construction works progressing with completion likely in August.
- Coles Bay Hall Annex – Parks approval letter received – Building Permit lodged for assessment. Negotiations for contract commenced with preferred tenderer.
- Coles Bay Walking track –Lease adjustments being finalised so final section works may be completed by end of August.
- Bicheno Triangle – Award of Contract progressing

#### **RECOMMENDATION**

That Council notes the information.

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

### **8.1 Audit Panel Charter Review**

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Audit Panel Charter - revised June 2024 [8.1.1 - 7 pages]

#### **PURPOSE**

To review and update the Audit Panel Charter.

#### **BACKGROUND/OVERVIEW**

The Glamorgan Spring Bay Council has established an Audit Panel in compliance with Division 4 of the Local Government Act 1993 (the Act), the Local Government (Audit Panels) Order 2014 and the Local Government (Audit Panels) Amendment Order 2015. The Panel uses a Charter that sets out the Panel's objectives, composition, tenure, functions, reporting and administrative arrangements.

The Charter is due for an update and a recent review by the current Panel has assisted to better align the document with the Local Government Association of Tasmania model document, remove elements that were unnecessary and provide clarity on some areas that were unclear.

#### **STRATEGIC PLAN REFERENCE**

##### **Guiding Principles**

5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.

##### **Key Foundations**

1. Our Governance and Finance

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

- Set realistic budgets and monitor income and expenditure closely.

#### **STATUTORY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Nil

### **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				Nil
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Seek an alternative group to review the charter.
The Audit Panel expertise is not accepted and will require the Panel to operate to a document that is not reflecting the requirements of the Panel.				

### **OFFICER'S COMMENTS**

The Charter is an important document that provides the necessary guidance on the formation and management of such a critical group.

### **OFFICER'S RECOMMENDATION**

That Council adopts the updated Audit Panel Charter.



## **8.2 Request Approval for Buildings Within Covenanted Area (284 Rheban Road, Orford)**

Author: James Bonner – Senior Planner

Responsible Officer: Director Planning and Development (Alex Woodward)

### **ATTACHMENT/S**

1. Cover letter buildings in covenanted area - 284 Rheban Road, Spring Beach [8.2.1 - 10 pages]
2. Natural Values Assessment - 284 Rheban Road, Spring Beach [8.2.2 - 13 pages]
3. Natural Values Atlas - 284 Rheban Road, Spring Beach [8.2.3 - 50 pages]

### **PURPOSE**

A request has been received seeking approval for buildings to be located within the covenant area on the folio plan at 284 Rheban Road, Orford (CT169414/1). The covenant binds the owner and benefits every other lot on the plan by restricting development of a portion of the land by the following stipulation:

*Not to build any building or structure south of the line marked A-B on the plan, unless approved by the Glamorgan Spring Bay Council.*

The applicant states that the covenant is superfluous to the primary instruments, being the *Tasmanian Planning Scheme* and the *Land Use Planning and Approvals Act, 1993* which regulate the development of land.

Council has received advice that a development approval by the Planning Authority under the *Tasmanian Planning Scheme* would not satisfy the terms of the covenant as covenants are not matters that are regulated under the *Tasmanian Planning Scheme* or the *Land Use Planning and Approvals Act, 1993*.

As the Planning Authority cannot make a determination in relation to the covenant this report has been prepared for Councils consideration.

### **BACKGROUND/OVERVIEW**

#### **Previous Application to Amend the Sealed Plan**

In April 2024 the owner of 284 Rheban Road submitted a petition to amend the sealed plan. The petition was requesting the removal of the covenanted area in accordance with section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* to allow future development of the lot. In accordance with the provisions of the Act Council notified landowners the subject of the covenant and received two submissions objecting to the removal of the covenant.

The applicant has since determined that the petition to amend the sealed plan is not required as the terms of the covenant states that a building or structure cannot be built within the covenanted area unless approved by the Glamorgan Spring Bay Council. Hence the current

request for Council to approve future buildings in the covenanted area, which does not require the sealed plan to be amended.

### **Background to Covenant**

The three lots the subject of the sealed plan were created by a subdivision of the parent lot under SA2013/00017 dated 10 December 2013. A review of the Natural Values Assessment (NVA) submitted with the subdivision application did not find any threatened flora or fauna species on the subject site, though the subdivision occurred within a vegetation community (*Eucalyptus amygdalina* forest and woodland) listed as “vulnerable” under Schedule 3A of the Nature Conservation Act 2002. The NVA recommended that building envelopes on the lots be provided to minimise vegetation removal and that all vegetation outside of the building envelopes be retained.

During Council’s assessment the application was referred to the then Department of Primary Industries, Parks, Water and Environment for advice on the NVA. The Department responded by advising that the recommendations of the NVA to minimise impacts to the threatened vegetation community were supported by the department. However, the department concluded “...that the threatened vegetation community DAS is reasonably well reserved at both the State and Regional level. One of the key threats to threatened vegetation communities is fragmentation of existing areas. In this instance it is concluded that the loss of most, or all, of the DAS community on the two properties will not reduce the connectivity of the larger, contiguous area of DAS in the general area.”

Council’s then Natural Resources Manager recommended conditions be included in any permit that the vegetation be retained and the development footprint be contained within the building envelope.

The subdivision permit (SA2013/00017) included the following conditions.

15. Building envelopes as designated in the Environmental Values Assessment (Welling Consulting October 2013) be specified in the schedule of easements on each title. All of the development footprint including accesses and bushfire protection must be maintained within the building envelopes.
16. All vegetation within the *Eucalyptus amygdalina* forest and woodland (a threatened forest community under Schedule 3A of the Nature Conservation Act 2002) outside of the building envelopes must be retained in its current condition.

Even though the permit did not include a condition requiring a restriction on title, the schedule of easements subsequently included the following covenant over lot 1, the subject of the current request.

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 3 OF 3 PAGES 4	Registered Number <b>SP 169414</b>
SUBDIVIDER: L & I WRIGHT FOLIO REFERENCE: CT 27494-12	

**Covenants**

The Owner of lot 1 on the Plan covenants with the subdivider, and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every lot shown on the plan to observe the following stipulation: Not to build any building or structure south of the line A-B marked on the plan unless approved by the Glamorgan Spring Bay Council.

The Owner of lot 2 on the Plan covenants with the subdivider, and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every lot shown on the plan to observe the following stipulation: Not to build any building or structure south of the line C-D marked on the plan unless approved by the Glamorgan Spring Bay Council.

The Owner of lot 3 on the Plan covenants with the subdivider, and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every lot shown on the plan to observe the following stipulation: Not to build any building or structure south of the line E-F marked on the plan unless approved by the Glamorgan Spring Bay Council.

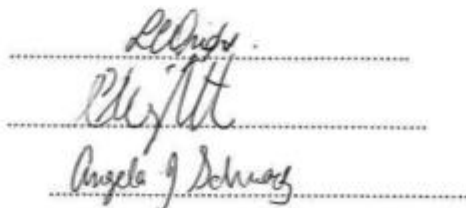
Signed by the Registered Proprietors

Leanne Wright and

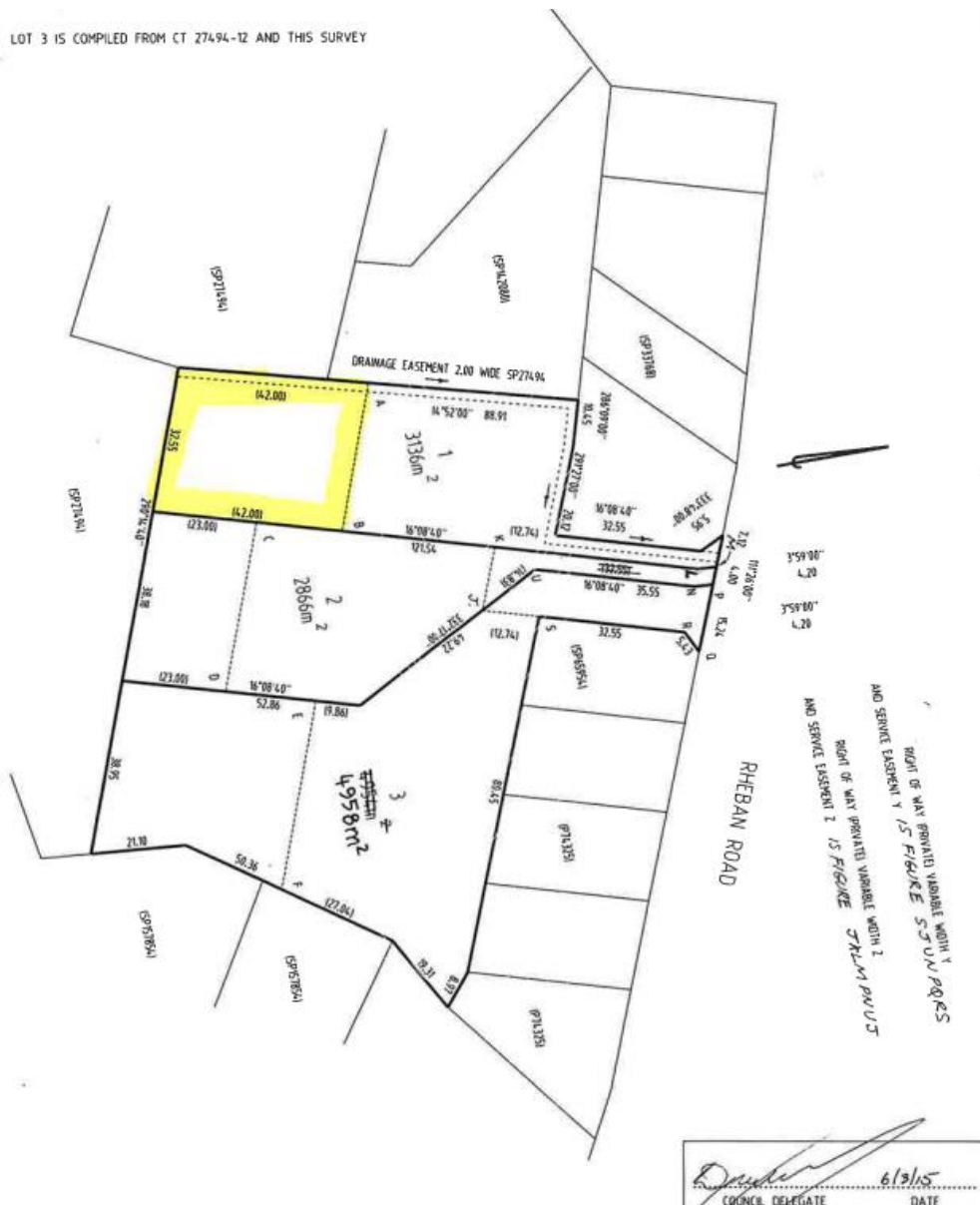
Christopher Ian Wright

In the presence of witness (sign)

Witness Name ANGELA SCHWARTZ  
 Address 7 HARRIS ROAD BRIGHTON TAS 7030  
 occupation TEACHER ASSISTANT



**Figure 1 – Extract of Schedule of Easements with covenant highlighted**



**Figure 2 - Extract of Folio Plan with covenanted area highlighted**

It is noted that Lot 3 was further subdivided into 2 lots in 2015 by SA2015/10 and while the restrictive covenant applies to both the lots created by that subdivision in effect it only affects Lot 102 located to the rear.



**Figure 3 – Extract of folio plan for Lots 101 and 102 (previously Lot 3)**

### **APPLICANT SUBMISSION**

The applicant states that in a general sense the covenant seeks to manage dwelling development, for the purpose of retaining natural values, when these values are not considered to be sufficient to be included in the TASVEG overlay in the LIST or be included as a priority vegetation overlay in the Glamorgan Spring Bay Local Provisions Schedule.

As such, the applicant has requested Council approval for building within the covenanted area, as allowed for in the covenant, and has suggested the following terms:

That the Glamorgan Spring Bay Council resolve to approve the development of any building or structure at 284 Rheban Road, Spring Beach insofar as that building or structure may otherwise proceed where in accordance with a permit issued under the *Land Use Planning and Approval Act, 1993*, or where no permit is required, in accordance with a design which is endorsed by the planning authority as being one which does not require an application for a permit.

The applicant states that the above is proposed to provide certainty that future dwelling development will be subject to the requirements of the *Land Use Planning and Approval Act, 1993* and planning scheme in force at that time.

### **STRATEGIC PLAN REFERENCE**

#### **Key Foundations**

1. Our Governance and Finance

#### **This means**

Best practice governance, risk, and financial management.

### **STATUTORY IMPLICATIONS**

Section 103 of the *Local Government (Building and Miscellaneous Provisions) Act, 1993* (the Act) states a sealed plan may be amended by the council on application of any person having

an interest in land subject to the plan. However, as the applicant is not proposing to amend the sealed plan the provisions of section 103 do not apply to the current request.

### **BUDGET IMPLICATIONS**

There are no budget considerations.

### **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>			Low	Future development could occur in accordance with any permit issued.
This will allow future development to occur as envisaged by the planning scheme				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	A planning permit may still be issued for development however this would conflict with the covenant on title.
The covenanted restriction will remain				

### **OFFICER'S COMMENTS**

The 2013 subdivision application was assessed under the Glamorgan Spring Bay Planning Scheme 1994 which was in force at that time. The land was identified in that scheme as containing priority vegetation and an assessment of potential impacts was required to be undertaken and subsequently conditions were imposed.

Under the current Tasmanian Planning Scheme the lot and surrounding land is zoned Low Density Residential, is not identified as containing priority vegetation and the Natural Assets Code does not apply to the property. It is noted that there is no priority vegetation overlay within 100m of the property, as indicated below in figure 4 where the red border shows the extent of the priority vegetation overlay. The removal of the priority vegetation overlay in the current scheme may be due to surrounding land being developed after the subdivision in 2013 occurred.





**Figure 4 – Proximity of priority vegetation to property**

The applicant has provided a Natural Values Assessment (NVA) which found that the site has been extensively cleared in the past and has regenerated over time, though the surrounding landscape is highly disturbed. The NVA states that no threatened flora or fauna is known on the site and while the site supports a very small patch of what may be considered to represent a threatened vegetation community this should be subsumed into the wider vegetation type of Urban Miscellaneous. The NVA concluded that there is no direct benefit to environmental values from continued constraint on building within the covenanted area.

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

The covenant was a result of an assessment under a previous planning scheme that no longer exists. The current scheme has no controls on the property relating to priority vegetation and the restriction on building in the covenanted area is at odds with the current scheme.

It is recommended that Council approves buildings within in the covenanted area as follows:

That the Glamorgan Spring Bay Council resolve to approve the development of any building or structure located within the covenanted area on 284 Rheban Road, Spring Beach in accordance with a permit issued under the *Land Use Planning and Approval Act, 1993*, or where no permit is required, in accordance with a design endorsed by the planning authority as being a No Permit Required development or for a development which is exempt from requiring a planning permit.

### **8.3 Swanwick Community Garden**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

#### **ATTACHMENT/S**

1. Council proposal community garden [8.3.1 - 3 pages]
2. Aerial map [8.3.2 - 1 page]
3. Plan [8.3.3 - 1 page]

#### **PURPOSE**

To inform Council of a community initiative in the public open space in Swanwick and provide details and commentary for reference.

#### **BACKGROUND/OVERVIEW**

There is a reserve designated public open space within Swanwick which includes an open field area for ball sports, a toilet and shelter with BBQ and seating, and a children's playground.

Until recently there has been little information relating to additional needs and uses identified by the community for increased usage and value adding the park can provide to the Swanwick community. As a result, no additional development of the reserve has been considered in recent times.

Council has now received a formal request from the Swanwick Community Association in addition to individual community members recent lobbying for increased amenity at the reserve.

The community association outlines in the letter (attached) the level of financial and labour support they bring to the establishment of a community garden within the reserve.

There are some matters for consideration for the community in establishing the garden.

- Water is only available through rainfall. The nearby shelter feeds a tank which provides water to the toilet at the site. The roof is not large providing only a limited volume of water that is likely all required to supply the amenities. The group will have to consider how it will provide water for the garden.
- The toilets are connected to a septic system which filters through the ground. The location of the gardens will need to consider an appropriate distance if ground planting is proposed to avoid potential flooding of the trenches or contamination of garden produce.
- The location for helicopter landing for medical emergency has been raised as a consideration. As long as the location of the garden does not compromise helicopter evacuation there is no conflict. There will be clear land in the order of 6500m<sup>2</sup> within the grassed area for this purpose, with clearance to the garden and amenities. The garden is proposed at around 400m<sup>2</sup>.



## **STRATEGIC PLAN REFERENCE**

### **Key Foundations**

#### **2. Our Community**

### **This means**

Developing our facilities to be accessible and inclusive for all.  
Support and facilitation of social activities that promote community wellbeing.

## **STATUTORY IMPLICATIONS**

Establishing a community garden is exempt under the planning scheme.

## **BUDGET IMPLICATIONS**

No council funds have been requested to establish or maintain the garden.

## **RISK CONSIDERATION/S**

No new risks associated with reserve usage identified.

## **OFFICER'S COMMENTS**

The reserve is a considerable size and public land for community use is limited in Swanwick with no other sites identified for such a use. The location within the park provides a good location for community integration likely to build resilience within the permanent community.

It is proposed that officers will work with the community on the initiative and monitor the impacts on the park and community, anticipating that the impacts will be positive.

## **OFFICER'S RECOMMENDATION**

That council notes the report.

## **9       NOTICES OF MOTION**

Nil.

## **10     PETITIONS**

Nil.

## **11 COUNCILLORS**

### **11.1 Questions on Notice by Councillors**

Nil.

### **11.2 Comments/statements**

## 12 CLOSE

The Mayor to declare the meeting closed at [time].

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

**Date:**

**Mayor Cheryl Arnol**