



ORDINARY COUNCIL MEETING AGENDA

TUESDAY 24 OCTOBER 2023

2:00 PM

Council Chambers, Triabunna

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 24 October 2023, 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 19 October 2023



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 Acknowledgement of Country

Glamorgan Spring Bay Council acknowledge and pays respect to the Tasmanian Aboriginal people as the traditional and original owners, and continuing custodians of this land on which we gather and acknowledge their Elders - past and present.

1.2 Present

1.3 Apologies and Leave of Absence

1.4 In Attendance

1.5 Late Reports

(Motion to receive required)

1.6 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.

1.7 Declaration of Office

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Certificate of Election – Richard Parker

PURPOSE

To acknowledge the making of the declaration of office by newly elected Councillor, Richard Parker, on Tuesday 10 October 2023 as per the requirement of the *Local Government Act 1993*.

BACKGROUND/OVERVIEW

The General Manager advises that the Certificate of Election for Councillor Richard Parker was issued to Glamorgan Spring Bay Council on 25 September 2023 (as per attached).

Section 321 of the Local Government Act 1993 (Tas) requires that:

- (1) Any person elected as councillor must make a prescribed declaration in a prescribed manner.
- (2) A person elected as a councillor who has not made a declaration must not-
 - (a) act in the office of councillor, mayor or deputy mayor; or
 - (b) take part in the proceedings of any meeting of the council or a committee.
- (3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting

The General Manager advises that Councillor Richard Parker named in the Certificate of Election (as per Attachment 1) made his declaration of office on Tuesday 10 October 2023 at the Council Chambers, Triabunna.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

1. Our Governance and Finance

What we plan to do

- Develop and foster a strong, supportive and respectful organisational culture.

STATUTORY IMPLICATIONS

In accordance with the requirements of s.321(3) of the *Local Government Act 1993*, a Council is to acknowledge the making of a declaration at its meeting and the General Manager is to record that fact in the minutes of that meeting.

BUDGET IMPLICATIONS

N/A

RISK CONSIDERATION/S

N/A

OFFICER'S COMMENTS

As per section 321 (Declaration of Office) of the *Local Government Act 1993* and regulation 40 of the Local Government (General) Regulations 2015, Councillor Richard Parker completed, read the completed prescribed declaration and signed the same in front of the General Manager (as witness).

OFFICER'S RECOMMENDATION

That Council formally acknowledges the making of the declaration by Councillor Richard Parker in the presence of the General Manager at Council Chambers, Triabunna on Tuesday 10 October 2023.

2 CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 26 September 2023

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 26 September 2023 at 2:00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop(s) Held

TUESDAY 10 OCTOBER 2023

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 4:45pm on Tuesday 10 October 2023 at the Council Offices, Triabunna.

Present:

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

Apologies:

Clr Rob Churchill (due to personal reasons)

In Attendance:

Mr Greg Ingham, General Manager
Mr Alex Woodward, Director Planning and Development
Mr Peter Porch, Director Works and Infrastructure
Mrs Elysse Blain, Director Corporate and Community
Ms Laura Small, Planner
Mr Jason Watson, Property & Special Projects Officer

Guests

- Karen White (RAW)
- Ashley Cusick (RAW)

Agenda

- Presentation by RAW
- Land Asset Sale
- DA 2023/161 - Emergency Services (Ambulance Station) - 60A Burgess Street, Bicheno
- DA 2023/184 - Dwelling – 22 Murray Street, Bicheno
- DA 2023/160 - Reinstatement of standing camps - Bluestone Bay and Cooks Corner, Freycinet National Park
- DA 2023/321 - Alterations and Additions to existing building, change of use to food services and hotel industry, construction of wine bar and construction of x5 dwellings (Morris's Store, 13-15 Franklin Street, Swansea)
- Debt Management Policy
- Information & Records Governance Framework

RECOMMENDATION

That Council notes the information.

TUESDAY 17 OCTOBER 2023

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 4:30pm on Tuesday 17 October 2023 at the Council Offices, Triabunna.

Present:

Mayor Cheryl Arnol
Deputy Mayor Michael Symons
Clr Neil Edwards
Clr Carole McQueeney
Clr Jenny Woods
Clr Robert Young

Apologies:

Clr Rob Churchill (due to personal reasons)
Deputy Mayor Michael Symons

In Attendance:

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

Guests

- Dion Lester
- Oliver Strickland

Agenda

- Planning Authority Function
- Presentation by SERDA - South East Mountain Bike Trail
- DRAFT – 2022/23 Annual Report

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 - Nil

Nil.

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 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 DA 2023 /160 - Bluestone Bay and Cooks Corner - Freycinet National Park-Reinstatement of Standing Camps (Tourist Operation)

Proposal:	Reinstatement of Standing Camps (Tourist Operation)
Applicant:	Freycinet Experience Walk Pty Ltd
Application Date:	18 July 2023
Statutory Date:	05 November 2023
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	23.0 Environmental Management Zone
Codes:	C2.0 Parking and Sustainable Transport Code, C7.0 Natural Assets Code, C11.0 Coastal Inundation Hazard Code, C13.0 Bushfire Prone Areas Code, C15.0 Landslip Hazard Code
Specific Area Plans:	N/A
Use:	Tourist Operation
Development:	Reinstatement of Standing Camps
Discretions:	23.4.4 Vegetation Management, C7.6.2 Clearance within a priority vegetation area
Representations:	58
Attachments:	1. De-identified Representations DA 2023/0160 2. Exhibited Documents DA 2023/0160
Author:	Laura Small, Town Planner

Executive Summary

Planning approval is sought for the reinstatement of standing camps and associated infrastructure at Bluestone Bay and Cooks Corner within the Freycinet National Park. Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 07 September 2023 to 21 September 2023. During the advertising period 58 representations were received, 57 objecting to the proposal.

The report assesses the proposal against the standards of the Environmental Management Zone and the Natural Assets Code. It is noted that the application is also subject to the C2.0 Parking and Sustainable Transport Code. The two locations are within the spatial extent of the C11.0 Coastal Inundation Hazard Code, the C13.0 Bushfire Prone Areas Code, and the C15.0 Landslip Hazard Code, however all three codes do not apply to the proposed use and development. The report also 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 05 November 2023.

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 for the reinstatement of standing camps by the way of the installation of temporary infrastructure to facilitate the overnight camping at both the Bluestone Bay and Cooks Corner camps.

The proposal includes the following demountable/ temporary structures to facilitate the overnight camping in both locations-

- Kitchen and Dining Tent;
- 6 x 2 person tents including decking structure; and
- Amenity block including two toilets and two showers.

It is noted that all fresh water, sewerage & grey water will be contained within 1000L IBC containers and removed from each site either by boat or vehicle.

An example of the proposed amenities structure is provided in Figure 1 below.

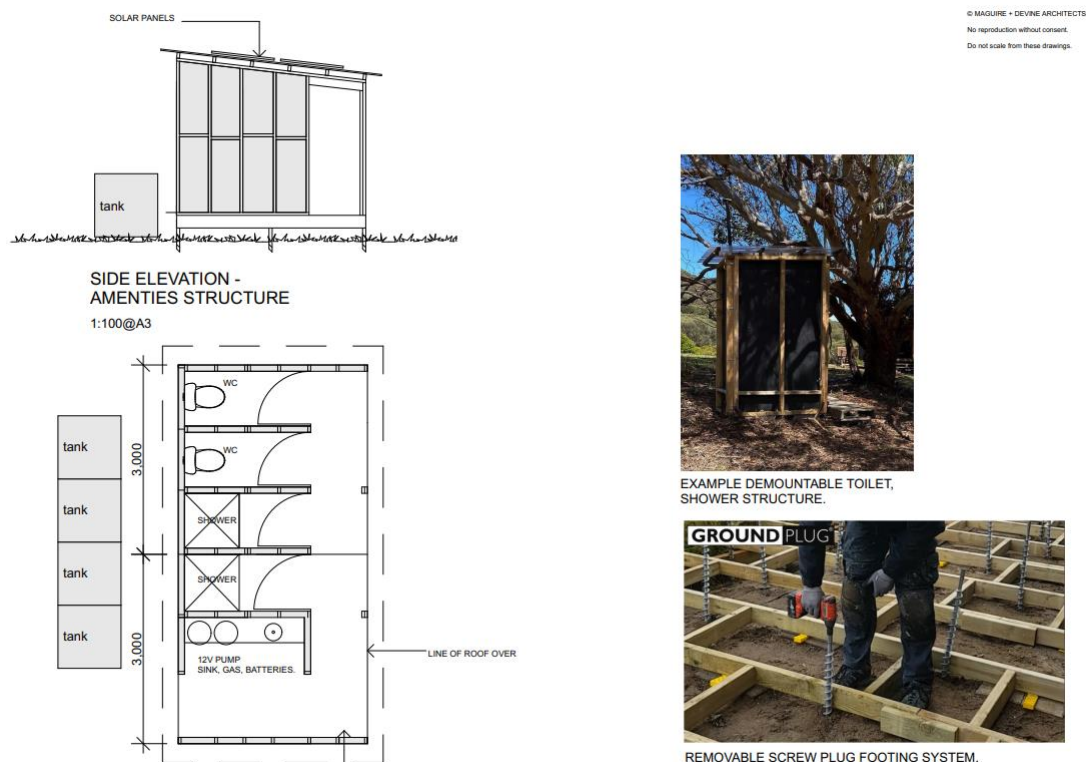


Figure 1: Proposed amenities structure to be installed at both locations (Source: Application Documents submitted as part of DA2023/0160)

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

Freycinet Experience Pty Ltd has operated a 4-day guided nature walk since 1992. The first two nights on the walk are provided at Cooks Corner and Bluestone Bay. The walk operated for approximately 13 years before ceasing use of the Cooks Corner and Bluestone Bay camping areas and relying solely on the purpose built lodge on private land at Friendly Beaches.

It is noted that existing use rights, in accordance with section 12 of the *Land Use Planning and Approvals Act 1993*, are not applicable for the continued use. Therefore, a new planning permit is required.

6. Site Description

The site is made up of two locations within the Freycinet National Park. The locations are shown in Figure 2 and 3 below.

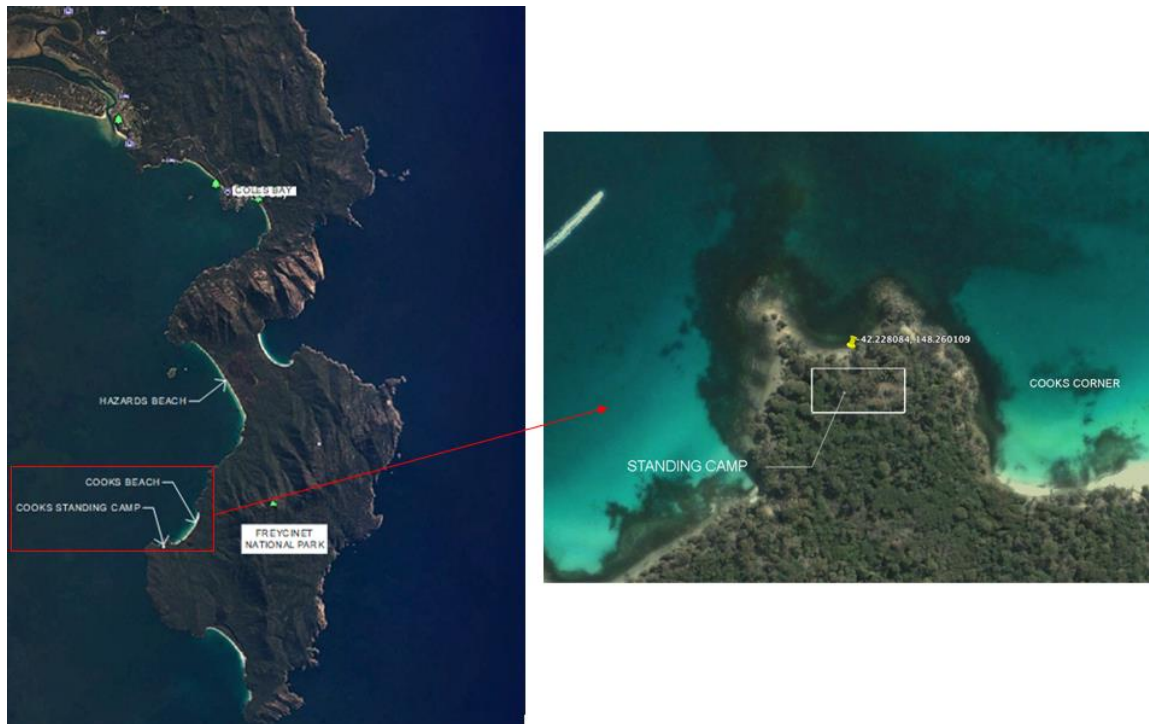


Figure 2: Aerial Image of the Cooks Corner standing camp location (Source: Application Documents submitted as part of DA2023/0160)



Figure 3: Aerial Image of the Bluestone Bay standing camp location (Source: Application Documents submitted as part of DA2023/0160)

Both of the locations are located close to the coast and are accessed as part of the Freycinet Experience Walk 4 day guided walk.

Both sites are within the spatial extent of several overlays, given their coastal location. It is noted that the site is located in the Environmental Management Zone and all land in the surrounding area is part of the same zone.

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

The site is not serviced

9. Covenants

N/A - Crown Land

PART TWO

10. Meeting the Standards via Acceptable Solution

The proposal was assessed against the relevant standards provided in:

- 23.0 Environmental Management Zone;
- C2.0 Parking and Sustainable Transport Code;
- C7.0 Natural Assets Code;

- C11.0 Coastal Inundation Hazard Code;
- C13.0 Bushfire Prone Areas Code; and
- C15.0 Landslip Hazard Code

All Acceptable Solutions were met except those identified below.

11. Meeting the Standards via Performance Criteria

The proposal relies on the Performance Criteria of the following clauses.

- 23.0 Environmental Management Zone
 - 23.4.4 Vegetation Management
- C7.0 Natural Assets Code
 - C7.6.2 Clearance within a priority vegetation area

PART THREE

12. Assessing the Proposal against the Performance Criteria

23.0 Environmental Management Zone

23.4.4 Vegetation Management

The Acceptable Solution requires buildings and works to be located on land where the native vegetation has been lawfully removed.

Performance Criteria	Planner's Response
P1 Building and works must be located to minimise native vegetation removal and the impact on values of the site and surrounding area, having regard to:	The location of the proposed structures is constrained by the existing lease agreement with the land manager (Crown). The location of development is in response to the approved lease area. The native vegetation removal is not expected to have an adverse impact on the native vegetation in the area.
(a) the extent of native vegetation to be removed;	Vegetation removal will result in a limited material loss of native vegetation. The vegetation removal essentially is limited to highly localised disturbance to the understory and limited trimming of branches on low shrubs.
(b) any proposed remedial, mitigation or revegetation measures;	The Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) provides several recommendations to minimise impacts on priority vegetation. A condition to ensure all works and development are in accordance with the findings and

Performance Criteria	Planner's Response
	recommendations made in the report is recommended.
(c) provision for native habitat for native fauna;	As above, The Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) provides several recommendations in relation to the protection of native habitat for native fauna. A condition to ensure all works and development are in accordance with the findings and recommendations made in the report is recommended.
(d) the management and treatment of the balance of the site or native vegetation areas; and	The proposed structures are wholly contained within the existing lease agreement area with the land manager (Crown). The balance of the site is Crown Land managed by the Parks and Wildlife Service. It is assumed that the management and treatment of vegetation within the lease areas will be subject to the requirements and conditions of a Reserve Activity Assessment.
(e) the type, size and design of development.	The proposal includes several demountable/temporary structures to facilitate the overnight camping in both locations. The structures have been designed to be easily removed outside of the tourist season and are of relatively small scale in relation to the National Park. It is noted that each site will not provide for more than 20 persons at any one time.

C7.0 Natural Assets Code

C7.6.2 Clearance within a priority vegetation area

The Acceptable Solution requires the clearance of native vegetation within a priority vegetation area to be within a building area on a sealed plan approved under this planning scheme. No building area is provided on the sealed plan. The application requires reliance on the Performance Criteria.

Performance Criteria	Planner's Response
P1.1 Clearance of native vegetation within a priority vegetation area must be for:	The proposed use and development will result in a limited amount of clearing of native vegetation within the mapped priority vegetation area. The clearance is for:

Performance Criteria	Planner's Response
(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;	The proposal satisfies subclause (f).
(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;	The proposal satisfies subclause (f).
(c) subdivision in the General Residential Zone or Low Density Residential Zone;	The proposal satisfies subclause (f).
(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;	The proposal satisfies subclause (f).
(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or	The proposal satisfies subclause (f).
(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.	Vegetation removal will result in a limited material loss of native vegetation. The vegetation removal essentially is limited to highly localised disturbance to the understory and limited trimming of branches on low shrubs. The Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) concluded that the proposed works would not have a measurable impact (at any practical or reasonable scale) on the extent and/or conservation status of the identified vegetation types.

Performance Criteria	Planner's Response
P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:	The loss of native vegetation within the priority vegetation areas are not expected to have an adverse impact on the priority vegetation in the area.

(a) the design and location of buildings and works and any constraints such as topography or land hazards;	The location of the proposed structures is constrained by the existing lease agreement with the land manager (Crown). The location of development is in response to the approved lease area.
(b) any particular requirements for the buildings and works;	The particular requirements for the proposed buildings and works will be dictated by both the existing lease agreement and through an assumed Reserve Activity Assessment.
(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;	The application was not required to provide a bushfire hazard management assessment and Plan. The application does not provide detail on any potential bushfire hazard management requirements.
(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;	The Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) provides several recommendations to minimise impacts on priority vegetation. A condition to ensure all works and development are in accordance with the findings and recommendations made in the report is recommended.
(e) any on-site biodiversity offsets; and	The Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) did not propose any on-site biodiversity offsets. It is considered that the impact to priority vegetation will be negligible and therefore the potential offsets become impractical. It is noted that the scale of vegetation loss will be minimal compared to the total title area.
(f) any existing cleared areas on the site	There are no existing cleared areas within the lease area. As stated in subclause (a) the location of the proposed structures is constrained by the existing lease agreement with the land manager (Crown). The location of development is in response to the approved lease area.

13. Referrals

No internal or external referrals were considered necessary for the application. It is noted that Crown Land consent to the making of the application was provided.

14. Representations

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 07 September 2023 to 21 September 2023. During the advertising period 58 representation were received, 57 objecting to the proposal. An additional three (3) representations were received after the public notification period ended.

A summary of the concerns raised, and a response are provided in the table below. The table should be read in conjunction with the complete submissions which are provided in the attachments.

Public Land	Response
<ol style="list-style-type: none">1. Against the privatisation of National Parks – taxpayers should not be funding for profit companies2. Keep National Parks for use by all – not just private companies	<p>This is not a matter that the Tasmanian Planning Scheme – Glamorgan Spring Bay considers.</p> <p>The application for the proposed use and development included Crown Consent as the landowner, to the lodging of the development application.</p>
Natural Assets	Response
<ol style="list-style-type: none">1. Infrastructure and foot traffic will have a detrimental impact on flora and fauna	<p>Vegetation Management and Clearance of Vegetation within a Priority Vegetation area have been assessed at clauses 23.4.4 and C7.6.2.</p> <p>The application included a Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) for Freycinet Experience Pty Ltd which provides recommendations for the protection of threatened flora within the Cooks Beach project area.</p>
Access	Response
<ol style="list-style-type: none">1. Their sea vessels are outdated and unsafe.	<p>This is not a matter that the Tasmanian Planning Scheme – Glamorgan Spring Bay considers.</p>
Validity and Jurisdiction of Council	Response
<ol style="list-style-type: none">1. Against Commonwealth Law to close of public areas of a park – Crown Land belongs to all Australians2. Crown consent was not provided- the application is invalid. Does Glamorgan	<p>The application for the proposed use and development included Crown Consent as the landowner, to the lodging of the development application.</p>

Spring Bay have jurisdiction to determine the application given that it is on Crown Land?	It is noted that development on Crown Land is subject to the same provisions as private land.
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15. Conclusion

The assessment of the application provided in Part Three, Section 12, along with consideration of the representations received has demonstrated that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme – Glamorgan Spring Bay and is recommended for approval subject to 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, DA2023/00160 at Bluestone Bay and Cooks Corner – Freycinet National Park for the reinstatement of standing camps (Tourist Operation) 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.

2. 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.

Environmental Management

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

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

4. 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.
5. Prior to the commencement of works, the recommendations made in the Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) dated 15 November 2022 must be adopted acted upon to the satisfaction of Councils General Manager.
6. All works and management of vegetation is to be in accordance with the Natural Values Assessment prepared by Environmental Consulting Options Tasmania (ECOtas) dated 15 November 2022.

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 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.

- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that
 - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site of the transport depot
 - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. 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.
- l. 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 DA 2023/0184 - 22 Murray Street, Bicheno - Residential - Construction of a dwelling

Proposal:	Construction of a dwelling
Applicant:	BVZ Designs
Application Date:	21 August 2023
Statutory Date:	26 October 2023
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	14.0 Local Business
Codes:	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Asset Code
Specific Area Plans:	GSB-14.1 Site Specific Qualification
Use:	Residential
Development:	Construction of a Single Dwelling
Discretions:	14.3.2 Discretionary Uses, 14.4.1 Building Height, 14.4.2 Setbacks, 14.4.3 Design
Representations:	Five (5)
Attachments:	<ol style="list-style-type: none">1. De-identified Representations DA 2023/01842. Exhibited Documents DA 2023/0184
Author:	Laura Small, Town Planner

Executive Summary

Planning approval is sought for the construction of a single dwelling at 22 Murray Street, Bicheno. Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 14 September 2023 to 28 September 2023. During the advertising period five (5) representations were received objecting to the proposal.

The report assesses the proposal against the standards of the Local Business Zone, the C2.0 Parking and Sustainable Transport Code and the C3.0 Road and Railway Assets Code. The report also considers the issues raised in the representations. It is noted that the site is subject to the GSB-14.1 Site Specific Qualification from which that standards do not apply to the proposed use and development.

The Planning Authority must consider the planner's recommendations and the matters raised in the representations and make a final determination by 26 October 2023.

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 for the construction of a single dwelling within the Local Business Zone. The proposed three bedroom dwelling will have a site coverage of approximately 115m² and is of two storey construction. A floor plan is provided in Figure 1.

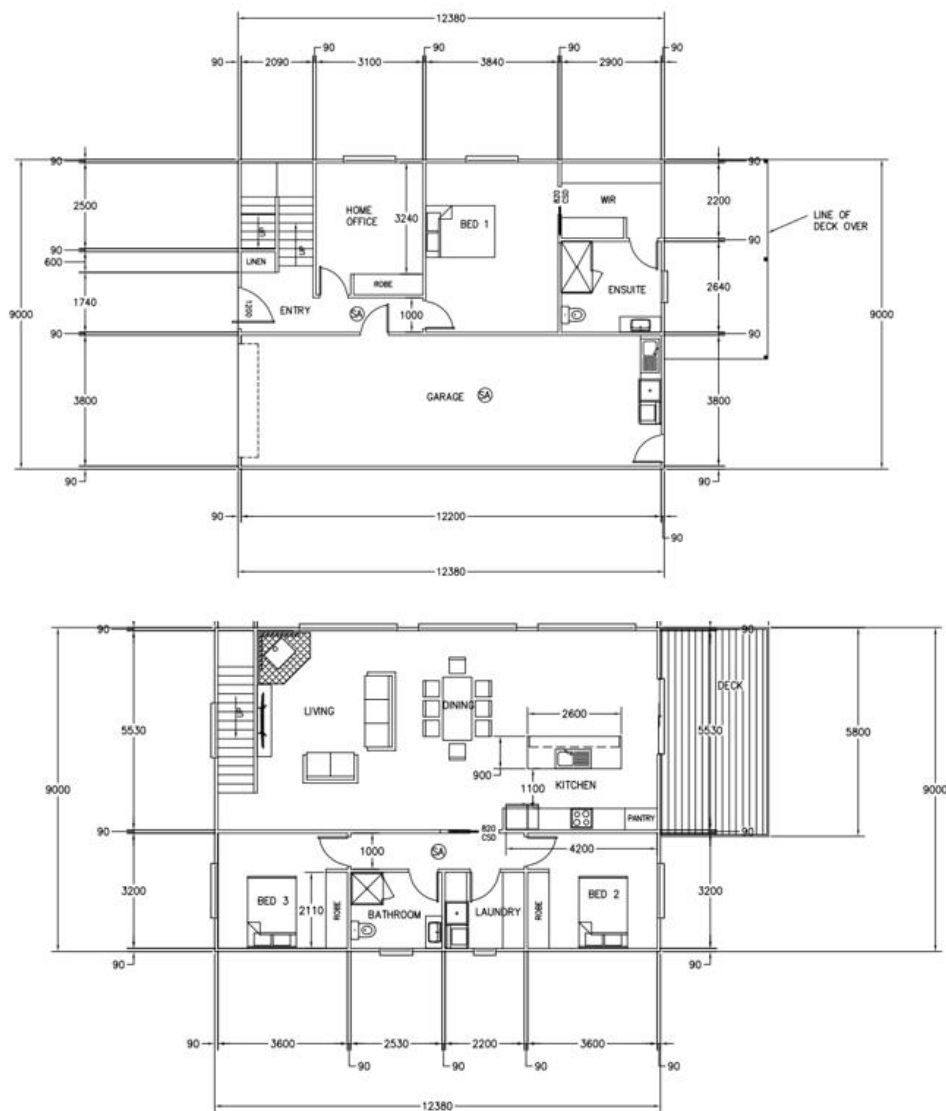


Figure 1: Proposed floor Plan (Source: Application Documents submitted with DA 2023/0184)

The dwelling will occupy approximately 20% of the lot, Figure 2 provides the proposed site plan.

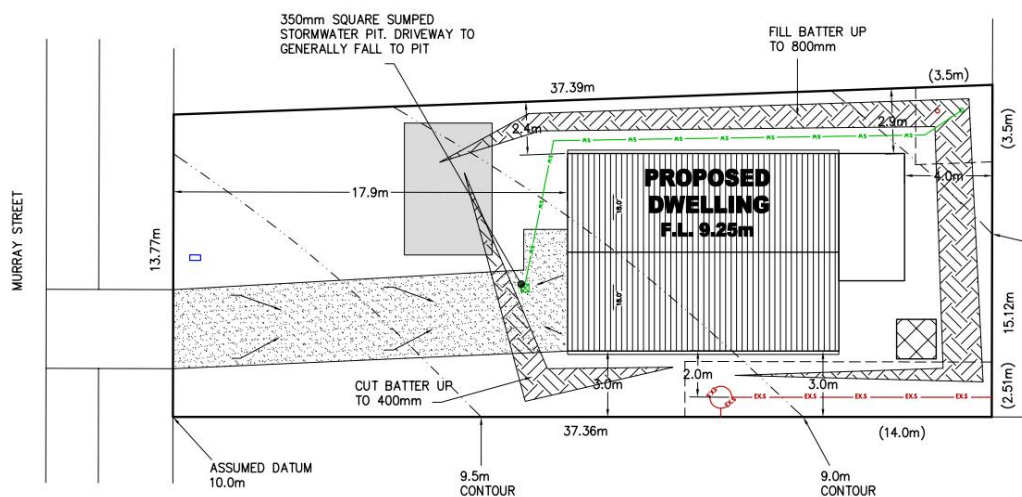


Figure 2: Proposed Site Plan (Source: Application Documents submitted with DA 2023/0184)

It is noted that the roof height of the ground floor level is in response to the design of the garage to be able to accommodate a boat.

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 site previously formed part of the Bicheno Cabin & Tourist Park.

There are no previous applications relevant to the proposal.

6. Site Description

The site has an area of 540m² and is rectangle in shape. The site is accessed via an existing crossover onto Murray Street. Figure 3 provides an aerial view of the site.



Figure 3: Aerial Image of the subject site at 22 Murray Street, Bicheno (Source: LISTmap 2023)

The site is located in the Loal Business Zone and adjoins land in the same zone to the north and east. The land to the south is located in the General Residential Zone. The land in the General Residential Zone is developed with residential dwellings.

The site is relatively flat and is burdened with a pipeline and services easement and a drainage easement along the eastern and southern boundaries. The site is currently undeveloped land.

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

The site is serviced by reticulated sewer, water and electricity. The site is subject to a Pipeline and Services Easement and a Drainage Easement.

9. Covenants

Not Applicable

PART TWO

10. Meeting the Standards via Acceptable Solution

The proposal was assessed against the relevant standards provided in:

- 14.0 Local Business Zone
- C2.0 Parking and Sustainable Transport Code; and
- C3.0 Road and Railway Assets Code

All Acceptable Solutions were met except those identified below.

11. Meeting the Standards via Performance Criteria

The proposal relies on the Performance Criteria of the following clauses. It is noted that some clauses do not provide an Acceptable Solution and reliance on the Performance Criteria is therefore required.

- 14.0 Local Business Zone
 - 14.3.2 Discretionary Uses
 - 14.4.1 Building Height
 - 14.4.2 Setbacks
 - 14.4.3 Design

PART THREE

12. Assessing the Proposal against the Performance Criteria

14.0 Local Business Zone

14.3.2 Discretionary Uses A1 & A2

The objective of the clause is that uses listed as Discretionary do not cause an unreasonable loss of amenity to adjoining residential uses and do not compromise or distort the activity centre hierarchy.

The Residential Use is a Discretionary Use as it will not be located above ground floor level. A1 and A2 do not provide an Acceptable Solution and therefore the proposal must satisfy the following Performance Criteria.

Performance Criteria	Planner's Response
P1 A use listed as Discretionary must:	The application is for a residential use, not located above ground. The discretionary residential use is compatible with the adjoining residential zone.
(a)not cause an unreasonable loss of amenity to adjoining residential zones; and	The site adjoins the Local Business Zone to the north and east and the General Residential Zone to the south. The use of the land for residential use, is expected to result in an enhancement of amenity of the adjoining residential properties as a conflict in use is not likely to occur.
(b)be of an intensity that respects the character of the area	The proposed single dwelling has a site coverage of approximately 115m ² . The character of use in the area is predominately residential and the intensity of the proposed residential use on the subject site is consistent with the intensity of use in the area.

Performance Criteria	Planner's Response
P2 A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:	The eight (8) parcels of land, including the subject site, located in the Local Business Zone, previously operated as the Bicheno Cabins & Tourist Park. The current activity centre network, is best described as a minor or neighbourhood centre ¹ and is currently distorted due to the existing use. The proposed residential use is not expected compromise or distort the activity centre hierarchy of Murray Street and will allow for residential use to be interspersed.
(a)the characteristics of the site;	The site is located in the Local Business Zone however is of a size that is similar to residential lots in the surrounding area. The site is connected to services and is provided with an existing access from Murray Street. The characteristics of the site are consistent with those of a residential zoned lot and therefore a residential use is considered appropriate.
(b)the need to encourage activity at pedestrian levels;	The application is for a single residential dwelling. It is not considered appropriate or necessary for the residential dwelling to provide pedestrian interaction or activity.
(c)the size and scale of the proposed use	The proposed single dwelling has a site coverage of approximately 115m ² . The scale and size of the dwelling is

¹ Southern Tasmania Regional Land Use Strategy 2010-2035. Table 1 – Activity Centre Network

	consistent with the development standards of dwellings in both the Local Business Zone and the adjoining General Residential Zone.
(d)the functions of the activity centre and the surrounding activity centres; and	The Southern Tasmanian Regional Land Use Strategy defines the activity centre network and provides the associated functions of activity centres. The previous nature of use, along with the location of the site from the centre of the Bicheno Township has resulted in a distorted activity centre within the Murray Street Local Business Zone. With consideration of the existing functions of the activity centre it is considered appropriate for a residential use to be interspersed within the minor activity centre.
(e)the extent that the proposed use impacts on other activity centres.	The proposal is for the construction of a single residential dwelling. The proposed residential use is not expected to impact on the existing activity centres in the Bicheno township.

14.4.1 Building Height

The Acceptable Solution in A1 states that building height must be not more than 9m. The plans received and advertised with the application show a maximum building height of 9.2m.

In response to representations received, the applicant provided revised drawings showing the dwelling having a maximum building height of 8.5m.

The revised plans, which can be endorsed through an amended plan condition, will allow the proposal to comply with the Acceptable Solution (A1) for building height.

14.4.2 Setbacks

The objective of the clause states that building setback is compatible with the streetscape, does not cause an unreasonable loss of amenity to adjoining residential zones and minimises the opportunities for crime and anti-social behaviour through setback of buildings.

A1 requires buildings to be either built to the frontage at ground level or have a setback not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.

The proposed dwelling will be setback approximately 17.9m from the frontage, more than the maximum of the buildings on adjoining lots. The proposal must satisfy the following Performance Criteria.

Performance Criteria	Planner's Response
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Performance Criteria	Planner's Response
P1 Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to:	The proposed setback of the dwelling is considered compatible ² with the streetscape and will minimise opportunities for crime and antisocial behaviour.
(a)providing small variations in building alignment to break up long facades;	Although located in the Local Business Zone, the site was previously part of the Bicheno Cabin and Tourist Park. The site and adjoining lots in the Local Business Zone are not developed with typical buildings built to frontages. A long façade does not exist along the Murray Street Local Business Zone and the setback of the building does not attempt to break up a long façade.
(b)providing variations in building alignment to provide a forecourt space for public use, such as outdoor dinging or landscaping;	The subject site proposes a residential use (single dwelling). Private open space for the dwelling is provided in the front setback and it is not considered appropriate or necessary for the residential dwelling to provide an area for public use on the site.
(c)the avoidance of concealment spaces;	The proposed setback will minimise concealed spaces behind and to the side of the building. Territoriality is a key element of CPTED ³ design principles, the setback of the dwelling allows for a clear boundary of private land.
(d)the ability to achieve passive surveillance; and	The proposed setback will provide a large open area between the dwelling and the frontage of Murray Street, allowing for passive surveillance both onsite and for adjoining sites.
(e)the availability of lighting	Murray Street is a typical urban street and street lighting is provided within 50m of the site in both directions.

A2 requires buildings to have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, of not less than 4m or half the wall height of the building, whichever is greater.

In response to representations received, the applicant provided amended plans which show the proposed dwelling to be setback 3.5m from the adjoining property at 24 Murray Street

² Defined in the Oxford Dictionary to mean- (of two things) able to exist or occur together without problems or conflict

³ CPTED – Crime Prevention through Environmental Design

and therefore does not comply with the Acceptable Solution of A2. Reliance on the Performance Criteria below is required.

Performance Criteria	Planner's Response
<p>P2 Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, having regard to:</p>	<p>Amenity is defined in the scheme as “means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable”. Whether there has been an unreasonable loss of amenity is a qualitative assessment. It requires an assessment of the existing amenity, what, if any, loss of that existing amenity may arise as a result of the siting and scale of the proposal and where any loss occurs, if it is unreasonable.</p> <p>In undertaking an analysis of what would constitute an ‘unreasonable loss of amenity’, we rely on the approach of the Tribunal in the <i>Dunn v Central Coast Council</i> and PLA Design [2018] TASRMPAT 27 decision. The Tribunal’s decision considered unreasonable to be something that is ‘immoderate’ or ‘exorbitant’. When assessing the existing amenity, the existing development on the site and in the surrounding area should be considered along with the development potential of the site i.e. permissible use and development in the zone.</p> <p>The site is currently undeveloped and previously operated as the Bicheno Cabin and Tourist Park. The site is located within the Local Business Zone and therefore the level of amenity, based on permitted uses, is different to that you would expect in a Residential zone.</p> <p>The site adjoins the Local Business Zone to the north and east and the General Residential Zone to the south. The use of the land for the development of a residential dwelling, is expected to increase the amenity of the adjoining residential properties as a conflict in use is not likely to occur.</p> <p>The proposed dwelling is not expected to cause an unreasonable loss of amenity to the properties at 24 and 26 Murray Street.</p>
<p>(a)overshadowing and reduction in sunlight to habitable rooms and</p>	<p>Sun calculations⁴ suggest that sunlight to habitable room windows and the private open space of the dwelling at 24 Murray Street will be reduced between the hours of 7:30am – 11am. The adjoining property at 26 Murray Street is expected</p>

⁴ Shadow Predictions accessed online via www.suncalc.org. Solar Data for the shortest day of the year (June 21) was viewed to establish the potential reduction in sunlight.

private open space of dwellings;	to experience a reduction in sunlight to the area of private open space between the hours of 11am – 3pm on the shortest day of the year.
(b)overlooking and reduction of privacy to the adjoining properties; or	The southern elevation of the dwelling shows two small windows on the upper floor only. The windows are for a bathroom and laundry, rooms that are not used frequently or for a long period of time. The upper floor plan also provides a deck to the rear of the dwelling, accessible from the dining and kitchen area. The deck will be located approximately 6.7m from the southern side boundary however due to its orientation and height, a condition requiring a privacy screen is recommended to minimise the reduction of privacy to the dwelling at 26 Murray Street.
(c)visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.	<p>Given that the land is currently undeveloped, it is expected that the proposed dwelling will decrease the current visual amenity of the area particularly when viewed from the dwellings at 24 and 26 Murray Street.</p> <p>The dwelling has a building height less than the acceptable solution in the zone and consistent with that allowed in the General Residential Zone.</p> <p>The design of the southern elevation has considered the privacy of the adjoining dwellings and therefore windows are kept to a minimum. In minimising impacts on the privacy of adjoining dwellings, it is noted that the bulk of dwelling is exaggerated due to an almost solid wall on the southern elevation.</p> <p>The visual impact however, is not considered to be unreasonable noting the assessment provided above.</p>

14.4.3 Design

The objective of the clause states that building facades promote and maintain high levels of pedestrian interaction, amenity, and safety, and are compatible with the streetscape.

A2 requires new buildings to be designed to provide a pedestrian entrance to the building and to have not less than 40% of the total surface area of the façade facing the frontage consisting of windows or doorways.

The proposal is for the construction of a single residential dwelling and the standards of A1 cannot be met. Reliance on the Performance Criteria (P2) is therefore required.

Performance Criteria	Planner's Response
P2 New buildings or alterations to an existing façade must be designed to be	The proposed building will be compatible with the streetscape, having regard to:

compatible with the streetscape, having regard to:	
(a)how the main pedestrian access to the building addresses the street or other public places;	The proposal is for the construction and use of a residential dwelling. Public access to the site is not encouraged, it is noted that the dwelling is orientated to face Murray Street.
(b)windows on the façade facing the frontage for visual interest and passive surveillance of public spaces;	The façade of the dwelling provides two windows on the upper floor and the front door on the ground level. The setback of the dwelling provides a large open area between the dwelling and the frontage of Murray Street, allowing for passive surveillance both onsite and for adjoining sites. The proposal is for a residential use and visual interest is not considered necessary or appropriate.
(c)providing architectural detail or public art on large expanses of blank walls on the façade facing the frontage and other public spaces so as to contribute positively to the streetscape and public spaces;	The proposal is for a residential dwelling and architectural detail or public art on the dwelling façade is not considered necessary. The site adjoins the General Residential Zone to the south and the construction of a dwelling on the subject site is expected to be consistent with the existing streetscape. The façade of the dwelling provides windows and doors, and the dwelling is not considered to have a large expanse of blank wall.
(d)installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and any other alternatives are not practical; and	The application does not propose the installation of security shutters or grilles over windows or doors.
(e)the need for provision of awnings over a public footpath.	The proposal is for the construction and use of a residential dwelling. Public access to the site is not encouraged and no public footpath is provided on site.

13. Referrals

No referrals were required for the consideration of the application.

14. Representations

Pursuant to section 57 of the Land Use Planning and Approvals Act 1993, the application was advertised for a 14-day period from 14 September 2023 to 28 September 2023. During the advertising period five (5) representations were received objecting to the proposal.

A summary of the concerns raised, and a response are provided in the table below. The table should be read in conjunction with the complete submissions which are provided in the attachments.

Building Height	Response
<ol style="list-style-type: none"> 1. No indication of the building envelope on the exhibited plans. The dwelling appears to be significantly outside of the building envelope and excessively high. 2. The height exceeds the acceptable limit of 9m in the Local Business Zone and will not be compatible with the streetscape as it will be much higher than other existing structures. 3. The proposed development is a holiday home that will be much taller than any of the surrounding buildings that are occupied permanently. 4. The height of the building will impact on- <ol style="list-style-type: none"> a) House value; b) Visual amenity (blocking view) and the overall streetscape; c) Privacy; and d) Fruit trees and plants from overshadowing 	<p>The exhibited plans showed a maximum building height of 9.2m.</p> <p>In response to representations received, the applicant provided revised drawings showing the dwelling having a maximum building height of 8.5m.</p> <p>The revised plans, which can be endorsed through an amended plan condition, will allow the proposal to comply with the Acceptable Solution (A1) for building height.</p> <p>The application proposed a residential use, the occupancy rate of the dwelling is not a planning matter dealt with in the Tasmanian Planning Scheme – Glamorgan Spring Bay.</p> <p>It is noted that an assessment of the setback (clause 14.4.2) is provided in section 12 of the report.</p>
Setbacks	Response
<ol style="list-style-type: none"> 1. Clause 14.4.2 states that setback from a neighbouring property must be a minimum of 4m or half the wall height. The plans show a minimum setback of 3m to the south and 2.4 to the North. The setback will cause overshadowing and reduction in sunlight to habitable rooms and private open spaces during winter. 2. Request for the developer to provide a shadow diagram to understand impacts before a decision is made 	<p>In response to representations received, the applicant provided revised drawings showing the dwelling having a setback from the southern side boundary of 3.5m, 500mm greater than that exhibited.</p> <p>Sun calculations were undertaken in the assessment to understand the potential impact on overshadowing as a result of the proposed dwelling, section 12 provides the assessment of clause 14.4.2.</p>

Building Height	Response
<p>3. The setback of the building will cause an unreasonable loss of amenity to adjoining properties by –</p> <ul style="list-style-type: none"> a) Overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; b) Overlooking and reduction of privacy to the adjoining properties; and c) Visual impacts cause by scale, bulk and proportions 	<p>The proposal does not meet the acceptable solution for setback and therefore reliance on the Performance Criteria is required.</p>
Design	Response
<ul style="list-style-type: none"> 1. Clause 14.4.3 Design – The west elevation shows that windows and doors cover less than 40% of the façade. 2. Appearance of the building will have a negative influence on the types of people and businesses who are drawn to the area over time. 	<p>An assessment of clause 14.4.3 is provided in section 12 of the report. The proposal is for a residential dwelling and the building design standards of the Local Business Zone aim to encourage pedestrian activity. The design standards, when applied to residential dwellings are difficult to achieve, reliance on the Performance Criteria was therefore required.</p>
Discretionary Use	Response
<ul style="list-style-type: none"> 1. Does not comply with clause 14.3.2 Discretionary Uses – the proposal will cause an unreasonable loss of amenity to surrounding properties and wont respect the character of the area. 2. The proposal does not comply with the Zone Purpose (clause 14.1) 	<p>As assessment of clause 14.3.2 is provided in Section 12 of the report. Discretion has been exercised to assess the appropriateness of the proposed residential use against the provisions of the relevant clauses.</p>
Zoning	Response
<p>Why hasn't the classification of the land been changed from Local Business to Residential if the plan is to build a house on the lot.</p>	<p>The Local Business Zone provides a Discretionary Planning Pathway for a Residential Use.</p> <p>The application does not propose the rezoning of land and given that the Use is not prohibited, the rezoning of land is not considered necessary.</p>

15. Conclusion

The assessment of the application provided in Part Three, Section 12, along with consideration of the representations received has demonstrated that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme – Glamorgan Spring Bay and is recommended for approval subject to 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, DA2023/00184 at 22 Murray Street, Bicheno (CT: 185003/1) for the construction of a 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.

2. Prior to the commencement of works, the endorsed plans or documents must be amended to show or provide for:
 - a. A maximum building height of not more than 8.5m;
 - b. A minimum building setback of 3.5m from the southern side boundary;
 - c. A permanently fixed screen with a uniform transparency of no more than 25% to at least 1.7m in height above the finished floor level of the balcony facing the southern side boundary. The screen must be maintained to the satisfaction of Council's General Manager.

If considered satisfactory, the plans or documents will be endorsed by Council's General Manager and will form part of the permit.

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

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

Access, Driveway and Parking

4. 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.
5. Prior to the commencement of the use, at least two car parking spaces must be provided on site and must be available for car parking at all times.

Each space must be at least 5.4m long and 2.4m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction.

The maximum gradient of each space is 1 in 20 measured parallel to the angle of parking and 1 in 16 in any other direction.

6. Prior to the commencement of the use the internal driveway must have a sealed surface of either concrete, pavers or equivalent approved by Council's General Manager and be drained to an approved stormwater system drainage.

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

7. 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.

8. 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.

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

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

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 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.
- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the Tasmanian Threatened Species Protection Act 1995 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that:
 - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site of the transport depot
 - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. The granting of this permit takes 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.

- I. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

4.3 DA 2023/0161 - 60A Burgess Street, Bicheno - Emergency Services - Ambulance Station with Staff Amenities

Proposal:	Emergency Services - Construction of an Ambulance Station with Staff Amenities
Applicant:	Archadia Architecture
Application Date:	18 July 2023
Statutory Date:	26 October 2023
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	14.0 Local Business Zone
Codes:	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code
Specific Area Plans:	N/A
Use:	Emergency Services
Development:	Construction of an Ambulance Station
Discretions:	14.4.2 Setbacks, 14.4.3 Design
Representations:	Nine (9)
Attachments:	<ol style="list-style-type: none">1. De-identified Representations DA 2023/01612. Exhibited Documents DA 2023/0161
Author:	Laura Small, Town Planner

Executive Summary

Planning approval is sought for the construction of an Ambulance Station which includes Staff Amenities at 60A Burgess Street, Bicheno. Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 21 September 2023 to 05 October 2023. During the advertising period eight (8) representatives were received objecting to the proposal. An extension of time of seven (7) days for representations was granted by Councils Director Development & Planning, during the extended period of time, one (1) additional representation was received.

The report assesses the proposal against the standards of the Local Business Zone, the C2.0 Parking and Sustainable Transport Code and the C3.0 Road and Railway Assets Code. The report also 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 October 2023.

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 for the construction of an ambulance station at 60A Burgess Street, Bicheno. The ambulance station includes staff amenities for use by those on night shift at the station. Permanent residency is not proposed.

The ambulance station provides car parking to service the use on site and a Traffic Impact Assessment provided demonstrates that the proposed use is appropriate for the area and the

The site is located within an established activity centre of the Bicheno township and is located on the main road which transects the Local Business Zone in Bicheno.

An aerial view of the site is provided in figure 2.



Figure 2: Aerial View of the subject site at 60A Burgess Street, Bicheno (Source: LISTmap)

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

The site is serviced by reticulated sewer, water and electricity. The site is subject to a 3m wide Drainage Easement along the Burgess Street frontage.

9. Covenants

Not Applicable

PART TWO

10. Meeting the Standards via Acceptable Solution

The proposal was assessed against the relevant standards provided in:

- 14.0 Local Business Zone;
- C2.0 Parking and Sustainable Transport Code; and
- C3.0 Road and Railway Assets Code

All Acceptable Solutions were met except those identified below.

11. Meeting the Standards via Performance Criteria

The proposal relies on the Performance Criteria of the following clauses. It is noted that some clauses do not provide an Acceptable Solution and reliance on the Performance Criteria is therefore required.

- 14.0 Local Business Zone
 - 14.4.2 Setbacks

PART THREE

12. Assessing the Proposal against the Performance Criteria

14.4.2 Setbacks

The objective of the clause states that building setback is compatible with the streetscape, does not cause an unreasonable loss of amenity to adjoining residential zones and minimises the opportunities for crime and anti-social behaviour through setback of buildings.

A1 requires buildings to be either built to the frontage at ground level or have a setback not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.

The proposed ambulance station will be setback approximately 6m from the frontage of Burgess Street and 6m from the frontage of Morrison Street. The site adjoins vacant land and is not built to the frontage, therefore the proposal must satisfy the following Performance Criteria.

Performance Criteria	Planner's Response
P1 Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to:	The proposed setback of the ambulance station is considered compatible ⁵ with the streetscape and will minimise opportunities for crime and antisocial behaviour.
(a)providing small variations in building alignment to break up long facades;	The site adjoins the East Coast Holiday Park to the west separated by an access handle. The site to the north vacant land. The building setback is in response to the operational requirements of the site along with a burdening easement to the east of the title. The proposal will not result in a long façade along either frontage.
(b)providing variations in building alignment to provide a forecourt space for public use, such as outdoor dinging or landscaping;	The proposal is for an Emergency Services, the provision of a public forecourt for public use is not considered appropriate or

⁵ Defined in the Oxford Dictionary to mean- (of two things) able to exist or occur together without problems or conflict

	necessary for the use. The streetscape will not be compromised as a result of the site not providing an area for public use. It is noted that landscaping is provided on site and a planting plan was submitted with the application.
(c)the avoidance of concealment spaces;	The proposed setbacks will minimise concealed spaces behind and to the side of the building. CPTED ⁶ design principles have been considered in the design and it is noted that security is a key element of the Emergency Services Use.
(d)the ability to achieve passive surveillance; and	The increased setbacks provide a greater opportunity for passive surveillance compared to if the building was built to the frontage of both Morrison Street and Burgess Street. Windows and doors on the façade also provide an opportunity for passive surveillance.
(e)the availability of lighting	The site is located on the corner of Burgess Street, the main street running through Bicheno. On-street lighting is provided in accordance with the relevant Australian Standards and additional lighting on site is provided in response to the operational requirements of the use.

13. Referrals

The application was referred to State Growth, for which no objection was received. The application was referred to Councils Development Engineer, conditions of approval were provided.

14. Representations

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 21 September 2023 to 05 October 2023. During the advertising period eight (8) representations were received objecting to the proposal. An extension of time of seven (7) days for representations was granted by Councils Director Development & Planning, during the extended period of time, one (1) additional representation was received.

⁶ CPTED – Crime Prevention through Environmental Design

A summary of the concerns raised, and a response are provided in the table below. The table should be read in conjunction with the complete submissions which are provided in the attachments.

Traffic & Parking	Response
<ol style="list-style-type: none"> 1. Concerns of safety due to the proposed location on the main road. 2. There is no traffic plan and traffic will be significantly increased 3. There will be a loss of parking in the area as a result of the development 4. The use will impact on small businesses in the area. 	<p>A traffic impact assessment was prepared by RJK Consulting which assessed the proposal in relation to traffic.</p> <p>The proposal complies with the relevant standards of the Parking and Sustainable Transport Code and the Road and Railway Assets Code.</p> <p>The site provides an appropriate level of car parking spaces to service the use.</p>
Prime Commercial Space	Response
<ol style="list-style-type: none"> 1. The chosen site is prime commercial space and is not ideal for emergency services 2. The commercial land is this location would have come at a high cost – how is this good value for the Tasmanian Taxpayer? 	<p>An Emergency Services Use is a Permitted Use in the Local Business Zone.</p> <p>The Tasmanian Planning Scheme – Glamorgan Spring Bay does not consider the impact that use and development may have on the value of land.</p>
Stormwater Concerns	Response
<ol style="list-style-type: none"> 1. There is not enough capacity in the existing system to cater for this additional development 	<p>Please refer to the recommended conditions relating to Stormwater in response to the current and expected capacity of the existing stormwater system.</p> <p>It is noted that the Local Business Zone does not provide a direct standard relating to stormwater</p>
Ignores Local Stakeholders	Response
<ol style="list-style-type: none"> 1. Stakeholder engagement was undertaken however the proposal ignores all of the concerns of those who engaged and gave feedback 	<p>Pursuant to section 57 of the <i>Land Use Planning and Approvals Act 1993</i>, the application was advertised for a 14-day period from 21 September 2023 to 05 October 2023.</p> <p>Additional public stakeholder engagement is not a matter the Tasmanian Planning Scheme – Glamorgan Spring Bay or the <i>Land Use Planning and Approvals Act 1993</i> requires or assesses.</p>

15. Conclusion

The assessment of the application provided in Part Three, Section 12, along with consideration of the representations received has demonstrated that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme – Glamorgan Spring Bay and is recommended for approval subject to 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, DA2023/00161 at 60A Burgess Street, Bicheno (CT: 185285/1) for the construction of an ambulance station (Emergency Services) 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.

2. 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.

Engineering Drawings

3. 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; and
 - f. any other work required by this permit.

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

Stormwater

4. The developer must provide a piped minor stormwater drainage system designed to comply with the following:
 - a. Be able to accommodate a storm with an Average Recurrence Interval (ARI) of 20 years; and
 - b. Stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
5. A Stormwater Management Report must be submitted along with engineering drawings.
 - a. The report must be undertaken in accordance with the recommendations and procedures contained in the Australian Rainfall and Runoff 2019 Guidelines, and in particular Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches. This report, and any associated designs, must clearly show that the proposed minor drainage system within the subject property, extending into, and replacing the existing public stormwater system must be designed to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed. This report, and any associated designs, must also clearly show that the proposed major stormwater drainage system is designed to accommodate a storm with an ARI of 100 years (inclusive of climate change);
 - b. The report must be prepared and certified by an experienced and licensed practicing Civil Engineer;
 - c. any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved and there is no increase in risk from flood for adjacent land must be included in the engineering design drawings and implemented in the construction of the development; and
 - d. to the satisfaction of Council's General Manager.
6. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively, the developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment downstream of the proposed development. The value of the contribution must be equal to the cost of implementing on site treatment to meet the targets specified in Table E7.1 Acceptable Stormwater Quality and Quantity Targets of the Glamorgan Spring Bay Interim Planning Scheme 2015, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to issue of a Building Permit.

Road Access and Parking

7. 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.
8. Kerb and channel must be provided along the frontage of the property. The kerb and channel must be constructed in accordance with LGAT Standard Drawing TSD-R16-v3. The kerb and channel must be appropriately drained, in accordance with Council standards and to the satisfaction of Council's General Manager
9. To the satisfaction of the Council's General Manager, the internal driveways and areas set aside for vehicle parking and associated access and turning must be provided, controlled and drained to a stormwater system to avoid unreasonable impact to adjoining land and layout must be in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; and must include all of the following:
 - a. Have a minimum driveway width as provided in AS 2890.1;
 - b. Have a sealed surface of asphalt, concrete or equivalent approved by Council's General Manager;
 - c. Drain to an approved stormwater system;
10. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
11. The developer must provide a reinforced concrete footpath 1.50 metres minimum width along the frontage of the property in accordance with the standards shown on standard drawings TSD-R11-v3.
12. A reinforced concrete vehicle access must be 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. Any redundant kerb crossover and driveway shall be reinstated with kerb & channel and footpath to match existing.

Construction

13. 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.
14. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of the lot during all works on the site. These works are to comply with the approved Soil and Water Management Plan

developed for the site. The approved erosion and sedimentation control measures shall be maintained for the duration of the construction works.

15. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil and debris 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.
16. Avoid any non-essential removal of Oyster Bay Pines (*Callitris rhomboidea*) and Black Peppermint (*Eucalyptus amygdalina*) trees.
17. No topsoil is to be removed from the site.
18. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or works within a council roadway.
19. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring hold point inspections by Council unless otherwise agreed by the Council's General Manager.
20. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed development works. Any work required is to be specified or undertaken by the authority concerned.

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.

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 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.
- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the Tasmanian Threatened Species Protection Act 1995 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that:
 - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site or the transport depot
 - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. 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.
- l. 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>

4.4 DA 2022/321 - 13-15 Franklin Street, Swansea - Alterations and additions to an existing building, change of use to food services and hotel industry, construction of a wine bar, and construction of five dwellings

Proposal:	Alterations and additions to an existing building, change of use to food services and hotel industry, construction of a wine bar, and construction of five dwellings
Applicant:	The Morris at Swansea Pty Ltd
Application Date:	22 December 2022
Statutory Date:	25 October 2023
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	14.0 Local Business
Codes:	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, 10.0 Coastal Erosion Hazard Code
Specific Area Plans:	N/A
Use:	Food Services, Hotel Industry, General Retail & Hire and Residential
Development:	Alterations and additions to an existing building, change of use to food services and hotel industry, construction of a wine bar, and construction of five dwellings
Discretions:	14.3.1 All Uses, 14.3.2 Discretionary Uses, 14.4.2 Setbacks, C2.5.1 Car Parking Numbers
Representations:	Five (5)
Attachments:	1. De-identified Representations DA 2022/0321 2. Exhibited Documents DA 2022/0321
Author:	Laura Small, Town Planner

Executive Summary

Planning approval is sought for the alterations and additions to an existing building (IGA Supermarket and Morris Store), the change of use to food services and hotel industry, the construction of a wine bar, and the construction of five dwellings at 13-15 Franklin Street, Swansea. Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 21 September 2023 to 05 October 2023. During the advertising period five (5) representations were received objecting to the proposal.

The report assesses the proposal against the standards of the Local Business Zone, the C2.0 Parking and Sustainable Transport Code, the C3.0 Road and Railway Assets Code and the C10.0 Coastal Erosion Hazard Code. The report also 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 October 2023.

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 for the alteration and additions to an existing building (IGA Supermarket and Morris Store), the change of use to food services and hotel industry, the construction of a wine bar, and the construction of five dwellings at 13-15 Franklin Street, Swansea.

A site plan showing the proposed uses on site is provided in Figure 1.



Figure 1: Proposed site plan (Source: Application documents submitted with DA 2022/0321)

The application will result in a range of business, retail, community, function, residential and entertainment uses that are not expected to distort the activity centre hierarchy.

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

There are no relevant past applications.

6. Site Description

The site has an area of approximately 2250m² and is irregular in shape. An aerial view of the site is provided in Figure 2. The site is relatively flat, and slopes gently toward the coastline.



Figure 2: Aerial Image of the subject site at 13-15 Franklin Street, Swansea (Source: LISTmap 2023)

The site is developed with the historic Morris Store General Store and with an IGA supermarket and is accessed via an existing crossover from both Franklin Street and Maria Street, with conditions requiring the upgrading recommended.

The site is located in the Local Business Zone and adjoins the Open Space Zone to the north. The site to the west, adjacent to Maria Street is located in the Local Business Zone. It is noted that there are properties in the General Residential Zone within 100m of the site.

The site is permanently listed on the Tasmanian Heritage Register.

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

The site is serviced and is not subject to any burdening or benefiting easements.

9. Covenants

Not Applicable

PART TWO

10. Meeting the Standards via Acceptable Solution

The proposal was assessed against the relevant standards provided in:

- 14.0 Local Business Zone;
- C2.0 Parking and Sustainable Transport Code;
- C3.0 Road and Railway Assets Code; and
- C10. Coastal Erosion Hazard Code

All Acceptable Solutions were met except those identified below.

11. Meeting the Standards via Performance Criteria

The proposal relies on the Performance Criteria of the following clauses. It is noted that some clauses do not provide an Acceptable Solution and reliance on the Performance Criteria is therefore required.

- 14.0 Local Business Zone
 - 14.3.1 All Uses
 - 14.3.2 Discretionary Use
 - 14.4.2 Setbacks
 - 14.4.3 Design
- C2.0 Parking and Sustainable Transport Code
 - C2.5.1 Car Parking Numbers

PART THREE

12. Assessing the Proposal against the Performance Criteria

14.0 Local Business Zone

14.3.1 All Uses

The site is partially within 50m of a General Residential Zone. It is expected that, at times, the uses on site will operate past 9pm. The proposal therefore does not comply with The acceptable solution and reliance on the Performance Criteria is required.

Performance Criteria	Planner's Response
P1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:	The site is partially located within 50m of a General Residential Zone. It is noted that within 50m of the site is the access to dwellings only and residential dwellings are setback greater than 50m from the proposed uses on site.

(a) the timing, duration or extent of vehicle movements; and	<p>Vehicle movements to and from the site after 9pm are expected to be for the purposes of picking up and/or dropping off patrons and the duration of vehicle movements is expected to be short.</p> <p>The type of event or use operating past 9am will likely change the extent of vehicle movements.</p> <p>Residential dwellings are setback a minimum distance of 60m from the site and vehicle movements are not expected to cause an unreasonable loss of amenity.</p> <p>It is noted that the site is located on Franklin Street, which is a National / State Highway and the main road in and out of Swansea. The anticipated vehicle movements outside of general business hours are not likely to be noticeable to occupiers of the General Residential Zone.</p>
(b) noise, lighting or other emissions.	<p>As above, the closest residential dwellings are located approximately 60m – 90m from the subject site and therefore noise, lighting or other emissions are not expected to impact the amenity of the occupiers of these dwellings.</p>

14.3.2 Discretionary Uses A1 & A2

The objective of the clause is that uses listed as Discretionary do not cause an unreasonable loss of amenity to adjoining residential uses and do not compromise or distort the activity centre hierarchy.

The Residential Use is a Discretionary Use as it will not be located above ground floor level. A1 and A2 do not provide an Acceptable Solution and therefore the proposal must satisfy the following Performance Criteria.

Performance Criteria	Planner's Response
<p>P1 A use listed as Discretionary must:</p>	<p>A residential use is a Discretionary use when not provided above ground level.</p>
(a) not cause an unreasonable loss of amenity to adjoining residential zones; and	<p>The site does not adjoin residential zoned land. The proposed residential component of the application will not cause an unreasonable loss of amenity to adjoining residential zones.</p>

(b) be of an intensity that respects the character of the area	<p>The proposed residential dwellings will occupy approximately 30% of the total site. The character of use in the surrounding area is predominately commercial and the intensity of the proposed residential use on the subject site is considered consistent with the intensity of use in the area.</p> <p>It is noted that the residential dwellings comply with the building height standards of the Local Business Zone.</p>
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Performance Criteria	Planner's Response
<p>P2 A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:</p>	<p>The current activity centre network, is best described as a minor or neighbourhood centre⁷ and currently supports a range of uses.</p> <p>The proposed residential component of the development will not compromise or distort the activity centre hierarchy of Franklin Street and will allow for residential use to be interspersed both on the site and in the surrounding area.</p>
(a) the characteristics of the site;	<p>The proposal will result in a range of uses on the subject site including, Residential, General Retail & Hire, Hotel Industry and Food Services. The site has an area just over 2250m², is serviced and is located within walking distance of a range of neighbourhood level services.</p>
(b) the need to encourage activity at pedestrian levels;	<p>The application includes the construction of five (5) dwellings to the rear of the site. The mixed use nature of the site will encourage pedestrian activity where appropriate while providing for residential amenity for the occupiers of the residential dwellings on site. It is not considered appropriate or necessary for the residential dwellings to provide pedestrian interaction or activity at the Maria Street entrance.</p>

⁷ Southern Tasmania Regional Land Use Strategy 2010-2035. Table 1 – Activity Centre Network

(c)the size and scale of the proposed use;	The proposed dwellings will occupy approximately 30% of the total site area. The scale and size of the dwellings are consistent with the development standards of dwellings in both the Local Business Zone and the nearby General Residential Zone.
(d)the functions of the activity centre and the surrounding activity centres; and	The Southern Tasmanian Regional Land Use Strategy defines the activity centre network and provides the associated functions of activity centres. The current use of the site, along with the location of the site along the main street of the Swansea Township provides for a high functioning minor activity centre. With consideration of the existing function of the activity centre it is considered appropriate for a residential use to be interspersed within the minor activity centre.
(e)the extent that the proposed use impacts on other activity centres.	The proposal is for a range of uses including a residential use (construction of five (5) dwellings). The proposed residential use is not expected to impact on the existing activity centres in the Swansea township and the residential use is expected to increase pedestrian activity and interaction on the site.

14.4.2 Setbacks

The objective of the clause states that building setback is compatible with the streetscape, does not cause an unreasonable loss of amenity to adjoining residential zones and minimises the opportunities for crime and anti-social behaviour through setback of buildings.

A1 requires buildings to be either built to the frontage at ground level or have a setback not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.

The design of the new building element has been designed to respond to the setback of the existing Morris General Store along with creating an opportunity for the buildings and site to contribute positively to the streetscape. The application does not satisfy the Acceptable Solution and therefore must satisfy the following Performance Criteria.

Performance Criteria	Planner's Response
<p>P1</p> <p>Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to:</p>	<p>The proposed setback of the dwelling is considered compatible¹ with the streetscape and will minimise opportunities for crime and antisocial behaviour.</p>
<p>(a)providing small variations in building alignment to break up long facades;</p>	<p>The proposed new building, alongside the existing building provides for a continuation in building alignment, with small variations only. The current Morris Store Building is setback approximately 4m from the frontage of Franklin Street.</p>
<p>(b)providing variations in building alignment to provide a forecourt space for public use, such as outdoor dining or landscaping;</p>	<p>The setback of the new buildings is expected to encourage pedestrian activity and interaction and allows for landscaping and the opportunity for outdoor dining (subject to the Glamorgan Spring Bay on street dining policy).</p>
<p>(c)the avoidance of concealment spaces;</p>	<p>The proposed setback will minimise concealed spaces while allowing for the onsite pedestrian navigation between uses.</p>
<p>(d)the ability to achieve passive surveillance; and</p>	<p>The proposed setback will not impact on the opportunity for passive surveillance. The landscaping treatment provided between the building setback and the Franklin Street frontage will encourage pedestrian activity, contributing further to passive surveillance.</p>
<p>(e)the availability of lighting</p>	<p>Franklin Street is a typical urban street and street lighting is provided in accordance with the relevant Australian Standards. The uses on site provide appropriate lighting for the safe use and navigation by users of the site.</p>

C2.0 Parking and Sustainable Transport Code

C2.5.1 Car Parking Numbers

The car parking numbers do not comply with the Acceptable Solution and reliance on the Performance Criteria is therefore required.

Performance Criteria	Planner's Response
<p>P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p>	<p>The proposal includes use and development in the following use classes: Residential; General Retail & Hire; Food Services; and Hotel Industry.</p> <p>An assessment of the demand and supply of car parking for the proposed uses was undertaken and as a result, a condition requiring a cash in lieu contribution for car parking is provided in the recommendation. The proposed on-site car parking spaces, excluding those for exclusive use for the proposed dwellings, are considered to meet the reasonable needs of the use (with conditions), having regard to:</p>
<p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p>	<p>Off- street dedicated parking bays are provided throughout the Swansea township. A spatial study undertaken demonstrated that are 50 on-street car parking spaces within a 125m radius of the site.</p>
<p>(b) the ability of multiple users to share spaces because of: (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces;</p>	<p>Car parking spaces both on site and on-street are likely to be shared by multiple users throughout the day due to the range in uses on the site and varying opening hours.</p>
<p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p>	<p>The township of Swansea is not serviced with frequent public transport and therefore public transport cannot be relied upon for users.</p>
<p>(d) the availability and frequency of other transport alternatives;</p>	<p>As noted in subclause (c), the township of Swansea is not serviced with frequent public transport. In addition to this, rideshare options and taxi services are limited and therefore should not be relied upon users of the site.</p> <p>It is noted however that the nature of some of the uses (function centre, wine bar) may require alternative transport solutions in response to consumption of alcohol.</p>

Performance Criteria	Planner's Response
(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;	<p>The site has an area of approximately 2250m². The site and the existing building on site (Morris Store) is listed on the Tasmanian Heritage Register and therefore works and development of the site are subject to the assessment of the Tasmanian Heritage Council.</p> <p>Apart from existing development and Heritage requirements, the site is not subject to constraints that would hinder the construction of car parking onsite.</p>
(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;	<p>On- street dedicated parking bays are provided throughout the Swansea township. A spatial study undertaken demonstrated that are 50 on-street car parking spaces within a 125m radius of the site. The site is located on the main Street, where a shopping zone speed limit of 50km p/h is enforced.</p>
(g) the effect on streetscape; and	<p>The site is listed on the Tasmanian Heritage Register and the design of the proposed buildings has considered the heritage values of the site.</p> <p>Car parking in the front setback, although not proposed would be likely to have a negative effect of the streetscape and the heritage values of the site.</p> <p>On-street car parking adjacent to the street is already utilised for existing uses on the site. The continued use of these spaces is not expected to effect the streetscape.</p>
(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.	<p>The application included the submission of a Traffic Impact Assessment prepared by Traffic & Civil Services. The Traffic Impact Assessment provides an assessment of car parking demand and supply in the locality. In addition to the assessment by a suitably qualified traffic engineer, Council undertook a spatial study to ensure an appropriate level of car parking was, or could be made available within the vicinity of the site.</p>

13. Referrals

The application was referred externally to TasWater, TasNetworks and The Tasmanian Heritage Council. The application was referred internally to Councils Development Engineer.

14. Representations

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14-day period from 21 September 2023 to 05 October 2023. During the advertising period five (5) representations were received objecting to the proposal.

A summary of the concerns raised, and a response are provided in the table below. The table should be read in conjunction with the complete submissions which are provided in the attachments.

Traffic & Parking	Response
<ol style="list-style-type: none">1. Parking and space for deliveries and waste collection have not been considered2. Not enough parking spaces for all of the proposed development and use	The proposal includes the provision of a total of 18 car parking spaces. In accordance with the <i>Glamorgan Spring Bay Car Parking Cash-In-Lieu Contribution Policy 2022</i> , the recommendation include a condition that requires the developer to pay a cash in lieu contribution, equivalent to 23 car parking spaces.
Zoning & Use	Response
<ol style="list-style-type: none">1. Inappropriate to have a residential use on a site in the Local Business Zone2. Why is the IGA being removed?3. The proposal will have an adverse impact on the economic and social wellbeing of the Swansea community	<p>As assessment of clause 14.3.2 is provided in Section 12 of the report. Discretion has being exercised to assess the appropriateness of the proposed residential use against the provisions of the relevant clauses.</p> <p>The Tasmanian Planning Scheme – Glamorgan Spring Bay does not assess the removal of an existing use (in this case the IGA). The proposed uses on site, with the exception of the residential use, fall within a no permit required or a permitted use class.</p>
Natural Values	Response
<ol style="list-style-type: none">1. Misrepresentation of the Eucalyptus Tree adjacent to the site	The site is not subject to the natural assets code and the application does not include the removal of vegetation on adjoining land.
Heritage	Response

Traffic & Parking	Response
<ol style="list-style-type: none"> 1. Morris General Store is a listed Heritage building and historic landmark and should not be redeveloped 2. The bulky modern building diminishes the prominence of the Morris General Store 	<p>The subject site is permanently listed on the Tasmanian Heritage Register, and therefore assessment against the provisions of Part 6 of the Historic Cultural Heritage Act 1995 is required.</p> <p>Council as the Planning Authority do not have jurisdiction to determine the Heritage Works proposed in the application.</p>

15. Conclusion

The assessment of the application provided in Part Three, Section 12, along with consideration of the representations received has demonstrated that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme – Glamorgan Spring Bay and is recommended for approval subject to 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, DA2022/00321 at 13-15 Franklin Street, Swansea (CT: 140386/1) for the alterations and additions to an existing building, change of use to food services and hotel industry, construction of a wine bar, and construction of five dwellings 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.

1. Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2023/00044-GSB, dated 11/09/2023 and attached to this permit.
2. Use and development must comply with the requirements of the Tasmanian Heritage Council specified in the Notice of Heritage Decision (File no. 06-96-59THC) and attached to this permit.
3. Plans submitted for building approval must include a Soil and Water Management Plan (SWMP) and this must be implemented to ensure soil and sediment does not leave the site during the construction process.

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

Engineering Drawings

4. 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.
5. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

Stormwater

6. The developer must provide a piped minor stormwater drainage system designed to comply with the following:
 - a. Be able to accommodate a storm with an Average Recurrence Interval (ARI) of 20 years,
 - a. Stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
7. A Stormwater Management Report must be submitted along with engineering drawings.
 - a. The report must be undertaken in accordance with the recommendations and procedures contained in the Australian Rainfall and Runoff 2019 Guidelines, and in particular Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches. This report, and any associated designs, must clearly show that the proposed minor drainage system within the subject property, extending into, and replacing the existing public stormwater system must be designed to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed. This report, and any associated designs, must also clearly show that the proposed major stormwater drainage system is designed to accommodate a storm with an ARI of 100 years (inclusive of climate change);
 - b. The report must be prepared and certified by an experienced and licensed practicing Civil Engineer.

- c. any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved and there is no increase in risk from flood for adjacent land must be included in the engineering design drawings and implemented in the construction of the development;
 - d. and to the satisfaction of Council's General Manager.
8. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively, the developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment downstream of the proposed development. The value of the contribution must be equal to the cost of implementing on site treatment to meet the targets specified in Table E7.1 Acceptable Stormwater Quality and Quantity Targets of the Glamorgan Spring Bay Interim Planning Scheme 2015, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to issue of a Building Permit.

Road Access and Parking

- 9. Prior to the commencement of works, the developer must pay a cash in lieu contribution, equivalent to 23 car parking spaces. The cash in lieu amount is to be calculated in accordance with the *Glamorgan Spring Bay Car Parking Cash-In-Lieu Contribution Policy 2022* to the satisfaction of Council's General Manager.
- 10. 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.
- 11. To the satisfaction of the Council's General Manager, the internal driveways and areas set aside for vehicle parking and associated access and turning must be provided, controlled and drained to a stormwater system to avoid unreasonable impact to adjoining land and layout must be in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; and must include all of the following:
 - a. Have a minimum driveway width as provided in AS 2890.1;
 - b. Have a sealed surface of asphalt, concrete or equivalent approved by Council's General Manager;
 - c. Drain to an approved stormwater system;
- 12. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
- 13. The developer must provide a reinforced concrete footpath 1.50 metres minimum width along the frontage of the property in accordance with the standards shown on standard drawings TSD-R11-v3

14. A reinforced concrete vehicle access must be 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. Any redundant kerb crossover and driveway shall be reinstated with kerb & channel and footpath to match existing.

Construction

15. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or works within a council roadway.
16. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring hold point inspections by Council unless otherwise agreed by the Council's General Manager.
17. 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 development works. Any work required is to be specified or undertaken by the authority concerned.

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.

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 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.
- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the Tasmanian Threatened Species Protection Act 1995 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that:
 - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site of the transport depot
 - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. 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.
- l. 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>

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 September 2023

Author: Executive Officer (Jazmine Kerr)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Group Financial Statements 2023-09 0 [5.1.1 - 3 pages]

BACKGROUND/OVERVIEW

The financial reports for the period ended September 2023 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
Adopt the recommendation				
There are no material risks from adopting this recommendation.				
Do not adopt the recommendation	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period. 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 September 2023.

6 SECTION 24 COMMITTEES

6.1 Triabunna Hall Committee Minutes - 19 September 2023

Triabunna Community Hall Committee (TCHC)

Meeting Minutes
19/9/23

Opening

The regular meeting of the Triabunna Community Hall Committee (TCHC) was called to order at 11:05pm on 19/9/23 in the TCH by Chairperson David Kirk.

Present

Malcolm Bishop, Kaylene Lee, Chairperson David Kirk, Secretary/Treasurer Gavan Barber & guest Greg Crump (Triabunna Tivoli Theatre)

Council General Manager – Greg Ingham as a guest (arrived at meeting 11:20am)

Apologies

Council Rep Robert Young

Declaration of Interest/Conflict

Nil

Approval of Minutes

Minutes of committee meeting on 7/2/23, as circulated, were accepted.

MOVED: Kaylene Lee

SECONDED: Malcolm Bishop

CARRIED: Unanimously

Business Arising from Minutes

- Promotional Brochure & Open Day
it was decided not to go ahead with these items.
- Meals on Wheels invoices
Kaylene apologised for not forwarding the invoices for 21/22 & 22/23 financial years to Meals on Wheels for processing. Kaylene will now forward them.
- Refundable deposit for cleaning - it was decided not to go ahead with this item.

Correspondence

- Email to General Manager re internet in hall
Council disconnected the internet from the hall due to the cost (& lack of use), without any communication with the TCH Committee. All the technical equipment in the hall requires an internet connection to function fully. OPTUS Nighthawk modem solution proposed to go to Council for approval.
- Email to General Manager re mould in box-office
- Emails to Local Govt Division re hiring TCH on 28/8/23
- Emails to/from Frances Butler – Community Producer TSO

- Email from Robert Young re commercial classification of kitchen

Financial Report

Balance in account at date of meeting is \$11,285.71.

Acceptance of Financial Report

MOVED: Kaylene Lee
SECONDED: Malcolm Bishop
CARRIED: Unanimously

New Business

- Reimbursement to Gavan Barber for purchase of modem, internet & HDMI wall plates for projector.
 Total: \$193.85
MOVED: Kaylene Lee
SECONDED: Malcolm Bishop
CARRIED: Unanimously
- TSO Screenings/Performances
 David Kirk reported that he & Gavan Barber had met Frances Butler (Community Producer TSO) at the TCH to show her the facilities. The TSO may be able to have small ensemble performances in the hall next year, but they also provide films of their performances that can be streamed from the TSO for no charge to community groups.
- Triabunna Tivoli Theatre.
 Greg Crump was invited to speak to this topic. Triabunna Tivoli Theatre has been incorporated as a not-for-profit organisation and intends to screen films once per month on a Tuesday evening. The first screening (Elvis) will be on 10/10/23. They are applying for a liquor licence and require a letter from the TCH stating that they can use the hall and serve alcohol, they also need a plan of the hall to support the application.
ACTION: - Gavan Barber to provide letter and plan of TCH.
- Kitchen Renovations
 Robert Young sent an email suggesting that the Committee should investigate getting the kitchen upgraded and certified for commercial use. Discussion with GM & Committee ensued and it was decided that given all the new strict regulations concerning commercial kitchens it was not feasible to go down that path.

Other Business

- Malcolm Bishop brought to the attention of the Committee that the exterior security flood lights are still faulty.

ACTION: GM Greg Ingham to follow up on this.

- Scratch on floor of auditorium – caused by the brakes on chair trolleys being activated.

ACTION: Gavan Barber to disable brakes on chair trolleys.

- Vandalism to air-conditioning units – can a cage be put around the units.

ACTION: GM Greg Ingham to follow up on this.

- Doors not being closed properly – thus effectively unlocked. Doors have always been difficult.

ACTION: GM Greg Ingham to follow up on this.

- Ballet Barres – discussion as to where they are going to be installed, at this stage there only seems to be a concept and no information/plan has been received by the TCH Committee.

ACTION: David Kirk to follow up on this.

- Internet at TCH

- **ACTION:** GM Greg Ingham to follow up on this.

- Invoice from Almighty Services for cleaning of hall 29/8/23.

Total \$150.00

MOVED: Kaylene Lee

SECONDED: Malcolm Bishop

CARRIED: Unanimously

Cheque written and countersigned by Malcolm Bishop

Close

Meeting was closed at 11:41pm by Chairperson David Kirk.

Next meeting - 11:00am on October 24, 2023, @ the TCH

Minutes submitted by: Gavan Barber

Approved by: David Kirk

Motion / Action Tracking

ACTION: Gavan to contact Council as to why there are no hall hire fees in the 22/23 Fees and Charges schedule form Council.

ACTION: Gavan to send an email to Danielle Crack re the cleanliness of the Hall, lights being left on and doors left unsecure (especially external kitchen door), after dance group on Thursday afternoons.

ACTION: - Gavan Barber to provide letter and plan of TCH to support Triabunna Tivoli liquor licence application.

ACTION: Faulty exterior security lights - GM Greg Ingham to follow up on this.

ACTION: Scratches on floors - Gavan Barber to disable brakes on chair trolleys.

ACTION: Vandalism to air-conditioning units - GM Greg Ingham to follow up on this.

ACTION: Doors not closing properly - GM Greg Ingham to follow up on this.

ACTION: Ballet barres - David Kirk to follow up on this.

ACTION: Internet at hall - GM Greg Ingham to follow up on this.

RECOMMENDATION

That the Minutes of the Triabunna Hall Committee meeting held on 19 September 2023 be received and noted.

6.2 Coles Bay Hall Committee Minutes - 25 September 2023

Coles Bay Community Hall Committee Meeting Minutes

5pm, 25th September 2023

Meeting Facilitator: Nigel Carins

1. Nigel Carins called to order the regular meeting of the Coles Bay Community Hall Committee at 5pm on Monday, 25th September, at the Coles Bay Community Hall.
2. **Present:** Nigel Carins, Kristin Hoerlein, Barb Barrett, Kathryn Whitchurch. Liz Swain, Anne Melrose via phone link.

Apologies: Rob Churchill.

3. **Minutes** approved as circulated.

Moved Liz Swain, 2nd Anne Melrose. Carried.

4. **Treasurer's Report:** The term deposit has been reinvested for a further 12 months, at a rate of 4.9%.

Signatories for the Bank account have been updated, they are Barb Barrett, Nigel Carins, Kristin Hoerlein, Kathryn Whitchurch. Anne Melrose has withdrawn. Signatories need to download the Bendigo Bank APP, plus visit the branch to have it synced to our account.

Of note for the last financial year is the payment contribution of pickle ball for the Hall, it was more than the Hall hire.

Treasurer's report is endorsed. Please see attached.

Moved Liz Swain, 2nd Kathryn Whitchurch. Carried.

5. Open issues:

- a. Update on Annex renovation: the building approval process is still being worked through, with permits being sought E.g., from Parks re Fire hazard approval and there are also some compliances issues. A tender application may be approved by Council at their next meeting.
- b. **Question for Council re the Annex Grant:** Do we have a timeline for using the Grant? Are we meeting the deadlines? Can the council monitor and go for an extension if necessary?

Kristin will email council; we need some re-assurance that the grant will not slip away after our hard work and the expense of the application.

- c. **Works request:** to fix Hall back door, to remedy the too heavy door on the disabled toilets and look at the breezeway roof. Works have been completed.
- d. The Hall and Annex are available for the referendum 14th October. The relevant forms have been submitted, as well as the Bank account details.

6. General discussion

- a. FAI Report, for cross reference only. Projects for the year include the water refilling stations, the interactive maps, Information set up at new locations, and the walkway is now underway.
- b. Input and reactions from the fire event of last week.

The community in general has raised concern for the emergency management plan in place for Coles Bay.

Does the Hall have a role to play in future emergency events?

The hall committee does appreciate that the hall and annex are not designated evacuation points. It is understood that safety is paramount in this type of situation.

However, it did play a role and was very useful to provide shelter for stranded visitors to the area. The presence of locals with advice and blankets and food offered reassurance for people who are not locals.

An indoor refuge place is considered important for the future.

With the renovations to the annex, and the connected spaces it is a great resource to be used if appropriate to the situation, in service to the community.

7. New issues:

- a. Nola Cooke for the Ambulance service has requested a key to the hall and Annex, to use the space if needed after an accident event.

Moved Barb Barret, 2nd Kathryn Whitchurch. Carried

Nigel to source a key for Nola.

- b. Kristin to check with the council whether the air conditioning in the Hall has had its yearly service.
- c. Liz has proposed our next meeting, the AGM, be held in the Pub. Carried.
- d. Anne has requested the Hit-up wall be back on the agenda.

8. Next meeting: the Annual AGM: Monday 4th December 2023. 5pm in the Pub

Nigel Carins adjourned the meeting at 5.45pm

Minutes submitted by Kristin Hoerlein.
Minutes approved by Nigel Carins.

RECOMMENDATION

That the Minutes of the Coles Bay Hall Committee meeting held on Monday 25 September 2023 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, Buildings & Marine Infrastructure, 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; Buildings & Marine Infrastructure; Parks, Reserves and Walking Tracks; 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.

- Ongoing responses to the ATO relating to auditing of end of year financial reports.
- Inspection of donated assets prior to hand over / release of bonds
- Determining bond values and advising developers

CONSULTANT SERVICES

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

- Civil engineering supervision
- Contract Management
- Development engineering

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

Unsealed Road Maintenance:

- Wielangta Rd maintenance grade- underway.
- Rheban Road landslide detour construction- completed.

Sealed Road Maintenance and Re-Sealing:

- Cold mixing of potholes across the municipality- Ongoing across municipality- approx 7 tonne of cold mix placed for September.
- Milling/box outs and reseal of pavement failures:
 - Seaford/Banwell Rd pavement failures- 10 box outs completed, reseal when weather warms up.
 - Sally Peak Rd failures- box outs completed, re-seal to be completed in the Capital program at a later date in 2023.
 - Nugent Rd- box outs- 17 box outs re-hot mixed, 2 remaining to hot mix.

Number of Road (un-sealed) Inspections Completed:

- 3

Number of Bridge Inspections and maintenance completed:

- Mount Pleasant Rd, Swansea. Bridge deck replacement (Minor Bridge) - now changed to bridge removal and floodway install- to be scheduled.
- Replace decking boards on Brockley Rd bridge- completed.

STORMWATER, DRAINAGE

- Open drain and culvert/cross over maintenance - ongoing across municipality
- End of East Shelly Rd, stormwater extension to foreshore at Luther Pt to mitigate property flooding - awaiting cultural permit.
- Blockage issues at Swansea Rec ground public toilets - underway.
- Installation of V drain on Esplanade, Coles Bay opposite access road to Muirs Beach- V grate/pit installed, V drain underway.
- Riverside Drive, Orford - shared zone signage and advisory speed reduction signage- completed.
- SW pit replacements (3 of) in Cooks Crt, Swansea- underway
- Repair manhole and SW drainage behind Bicheno Bakery- completed.

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES

- Bicheno walking tracks from Murray St to Champ St, southern sides of road - DSG approved TMP.
- Spraying and general maintenance of walking tracks Orford/Triabunna - underway
- Roadside spraying of sealed and unsealed roads - underway
- Disabled beach access ramp extension at Swansea - completed.
- Install bollards around electrical box at Swansea oval - completed.
- Mulching of gardens at Triabunna boat ramp - underway

EMERGENCY MANAGEMENT

- After Hours response roster conducted
- Response to minor issues with tree branches across roads in strong winds
- A Desktop exercise for the Municipal Committee and others is in development
- Municipal Emergency Management Committee meeting deferred due to unavailability of secretary

Response to Fires at Friendly Beaches - Summary

On the 19th September, council was requested to open an evacuation centre in Swansea through the process established under the Tasmanian Emergency Management Arrangements on direction from the Regional Controller. The request is relayed through SES Emergency Management Coordinator (EMC) to councils Municipal Emergency Management Coordinator (MEMC) who then initiates the action.

The hall was opened late afternoon on the 19th and operated into the evening and on the following day. While no-one stayed overnight, some called in and were referred to appropriate other locations. Officers were able to provide some information and advice to those who called in. Services at the hall remained at a minimum due to the limited demand.

At Coles Bay, there were numbers of tourists and visitors who were unable to leave the peninsula and had not planned or prepared to stay overnight. Council has no staff located in Coles Bay and there is no other entry to the area with one road in and out. This prevented the Coles Bay hall from being officially used as an evacuation centre.

Considerable training is required of council officers to establish an evacuation centre and to conduct and supervise the range or required activities. This will involve other agencies with council providing the facility for the centre activities to be conducted.

There are nearby safer places identified at Coles Bay which are exposed to the elements and not designed to be used as evacuation centres. People gathered in these locations initially with no-where else to go.

The hall was opened by a local with a key, unofficially, to provide a better shelter for those stuck overnight. A request came through to the MEMC from SES to open a building for that purpose about the same time as advice came in that the hall had been opened. Consent was given and found to be after the building was opened.

Other people sheltered at the hotel; some were taken to private homes.

Once the state highway was opened to traffic with potential falling trees and debris cleared, council closed Friendly Beaches Road until the same could be carried out there.

The Mayor and General Manager attended a meeting convened by Tas Fire in Coles Bay to hear resident concerns relating to the incident. Issues included the nomenclature of Swanwick and Coles Bay as distinct areas; the confusion between a Nearby Safer Place (NSP) and an evacuation centre; messaging, and how and when an evacuation centre might be established. Tas Fire are taking submissions for their own internal review of the incident.

Council has had one request for assistance to clean up a property at Friendly Beaches which has been resolved through Disaster Relief Australia, a volunteer agency established to carry out recovery task on private land.

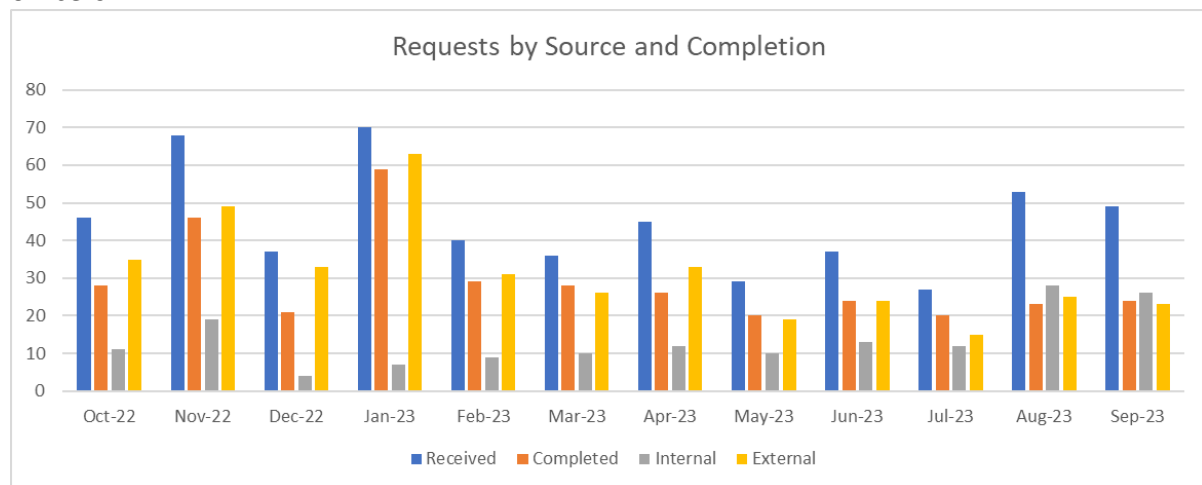
The MEMC is liaising with SES EMC and representatives of Recovery Tasmania, the newly developed State authority under the Department of Premier and Cabinet, reviewing the response arrangements for further development.

Representatives of the emergency management committee are meeting to review aspects of communication and information provision to inform future integrated agency responses.

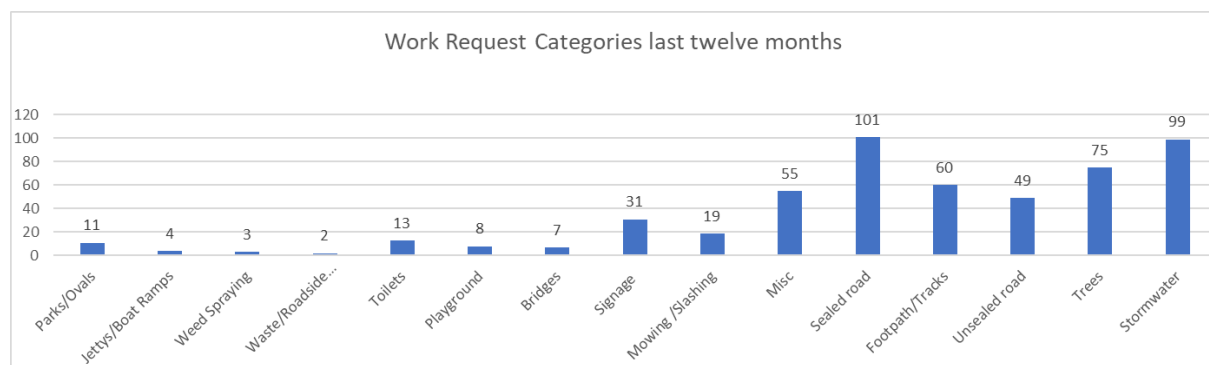
The incident will be reviewed at the rescheduled Municipal Emergency Management Committee meeting.

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.



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:



Largely due to the dryer weather cycle the stormwater requests are reducing internally and externally.

CAPITAL WORKS

- 2023/2024 capital reseal campaign – contract awarded. Works programmed to be complete before the end of 2023.
- Old Coach Rd land slide - approx start date late October 2023.
- Replacement of 8 pram ramps to LGAT standards, Cnr of Vicary St and Charles St, Triabunna - completed except for tactile install.

- Capital allocations for footpath and Kerb renewals (funded from reduced mowing costs)
 - Upgraded kerb ramps Triabunna Vicary and Henry complete
 - Kerb replacements programmed to coincide with reseal program.

Grant funded

- Swansea main street upgrade - completed.
- Spring Beach public toilet refurbishment - underway- 98% completed.
- Wielangta Rd land slip/corner upgrade- completed.
- Coles Bay foreshore tracks - all abilities access 90% complete. Bush track works 50%.
- Rheban Rd landslide - 90% complete.
- Coles Bay Annex Hall – building permit requirements being resolved. Tenders closed.
- Bicheno Triangle – retendering through invitation on reduced scope
- Bicheno Gulch – Contract award progressing

PLANT AND VEHICLES

- Stolen ute replacement obtained
- 2 utility replacements ordered – delivery projected late 2024

RECOMMENDATION

That Council notes the information.

8 OFFICERS' REPORT REQUIRING A DECISION

8.1 Proposed Schedule - 2024 Ordinary Meetings of Council

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

The purpose of this report is to provide a schedule of proposed meeting dates for the 2024 Ordinary Meeting of Council to Council for review, consideration, and adoption.

BACKGROUND/OVERVIEW

Regulation 4(4) of the *Local Government (Meeting Procedures) Regulations 2015* (the "Regulations") requires that an Ordinary Meeting of a Council is to be held in each month.

The proposed dates for Ordinary Council Meetings for 2024 continue to be scheduled for the fourth Tuesday of each month, commencing at 2:00pm in the Council Chambers, except for:

- the December 2024 Ordinary Meeting which is proposed to be held on Tuesday 10 December 2024 due to the Christmas holiday period; and
- the Annual General Meeting which is proposed to be held on Tuesday 10 December commencing at 5:30pm due to the requirement for Council's to hold an Annual General Meeting not later than the 15 December each year.

Meetings will continue to be lived streamed to the public during 2024.

If the proposed meeting dates are adopted by Council, the General Manager will ensure that a public notice containing the times and places of the Ordinary Council Meetings is published in accordance with r7(2) of the Regulations .

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

1. Our Governance and Finance

What we plan to do

- Develop and foster a strong, supportive and respectful organisational culture.

STATUTORY IMPLICATIONS

- *Local Government Act 1993*
- *Local Government (Meeting Procedures) Regulations 2015*

BUDGET IMPLICATIONS

Other than advertising costs, no significant budget implications are identified in Council adopting of the proposed 2024 schedule of Ordinary Meetings of Council and Council's Annual General Meeting as presented.

RISK CONSIDERATION/S

By not adopting and advertising its schedule of dates for the 2024 Ordinary Meetings of Council and the 2024 Annual General Meeting Council risks non-compliance with the requirements of the Regulations.

OFFICER'S COMMENTS

It is recommended that the 2024 Ordinary Meetings of Council continue to be held on the fourth Tuesday of each month commencing at 2.00pm in the Council Chambers, Triabunna (subject to public holidays and COVID-19 restrictions).

It is further recommended that the December 2024 Ordinary Meeting of Council be held on the second Tuesday being the 10 December 2024, and that the 2024 Annual General Meeting be held at 5.30pm on the 10 December following the Ordinary Meeting of Council.

MEETING DATE	TIME
Tuesday 23 January 2024	2:00pm
Tuesday 27 February 2024	2:00pm
Tuesday 26 March 2024	2:00pm
Tuesday 23 April 2024	2:00pm
Tuesday 28 May 2024	2:00pm
Tuesday 25 June 2024	2:00pm
Tuesday 23 July 2024	2:00pm
Tuesday 27 August 2024	2:00pm
Tuesday 24 September 2024	2:00pm
Tuesday 22 October 2024	2:00pm
Tuesday 26 November 2024	2:00pm
Tuesday 10 December 2024	2:00pm
Tuesday 10 December 2024 (Annual General Meeting)	5:30pm

It is also recommended that Special Council Meetings be held at any time.

OFFICER'S RECOMMENDATION

That Council by absolute majority:

1. Adopts the following schedule of dates for the 2024 Ordinary Meetings of Council to commence at 2.00pm; and
2. That the 2024 Annual General Meeting of the Glamorgan Spring Bay Council be held on Tuesday 10 December 2024 commencing at 5.30pm; and
3. That Special Meetings of Council can be held at any time.

MEETING DATE	TIME
Tuesday 23 January 2024	2:00pm
Tuesday 27 February 2024	2:00pm
Tuesday 26 March 2024	2:00pm
Tuesday 23 April 2024	2:00pm
Tuesday 28 May 2024	2:00pm
Tuesday 25 June 2024	2:00pm
Tuesday 23 July 2024	2:00pm
Tuesday 27 August 2024	2:00pm
Tuesday 24 September 2024	2:00pm
Tuesday 22 October 2024	2:00pm
Tuesday 26 November 2024	2:00pm
Tuesday 10 December 2024	2:00pm
Tuesday 10 December 2024 (Annual General Meeting)	5:30pm

8.2 Proposed Council Office Closure – 2023 Christmas / New Year Holiday Period

Author: Executive Officer (Jazmine Kerr)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

The purpose of this report is to request Council's endorsement of the proposed closure of the Council Office over the 2023 Christmas/New Year Holiday period.

BACKGROUND/OVERVIEW

It is proposed that the Christmas/New Year closure period for 2023 is as follows:

- Business closes on Thursday 14 December 2023 at 12:00pm and re-opens on Friday 15 December 2023 at 9:00am.
- Business closes on Friday 22 December 2023 at 4:30pm and re-opens Tuesday 2 January 2024 at 9:00am.

Arrangements will be put in place in respect to the taking of annual leave by staff as required.

As per Council's Enterprise Bargaining Agreement (2022-2025) section 37 states: "The three days between Christmas and New Year will be paid as Christmas gratia leave and will not be deducted from an employee's leave accruals. If the employee is required to work on any of these days or part thereof, they are to be taken in lieu."

Therefore, the following entitled days will be taken as "Christmas Gratia Leave":

- Wednesday 27 December 2023
- Thursday 28 December 2023; and
- Friday 29 December 2023.

As per previous years, a roster system will be developed for the Works staff to ensure essential tasks and emergency work can be carried during this Christmas/New Year period.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

1. Our Governance and Finance

What we plan to do

- Develop and foster a strong, supportive and respectful organisational culture.

STATUTORY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Any costs associated with Annual Leave taken by staff will be in accordance with individual officer entitlements.

RISK CONSIDERATION/S

No risks are identified in closing the Council Office during the Christmas/New Year period.

OFFICER'S COMMENTS

Should Council endorse the proposed office closure, the General Manager will advertise the closure accordingly.

OFFICER'S RECOMMENDATION

That Council endorses the closure of the Triabunna Council Offices from 12:00pm on Thursday 14 December 2023, to reopen on Friday 15 December 2023; and from 4:30pm on Friday 22 December 2023 to re-open on Tuesday 2 January 2024 at 9.00am.

8.3 Nomination of Councillor to Cranbrook Hall Section 24 Special Committee

Author: Executive Officer (Jazmine Kerr)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

To recommend that Council nominates a new Council representative on the Cranbrook Hall Section 24 Special Committees of Council, following the resignation of Cllr Greg Luck.

BACKGROUND/OVERVIEW

Following the Council elections in October 2022, Council appointed Cllr Greg Luck to the Cranbrook Hall Section 24 Special Committees of Council.

On the 12 September 2023, Cllr Greg Luck resigned as an elected member of Glamorgan Spring Bay Council, therefore the Councillor representative position is now vacant for this Committee.

About Section 24 Committees of Council:

The Local Government Act 1993 (the Act) provides Councils with the power to establish Section 24 Special Committees of Council to assist Council to carry out its duties. Council establishes Section 24 Committees to assist with the management of facilities and to carry out other functions on behalf of the Council.

The role of the Councillor/s on a Section 24 Committee is to act on behalf of Council and in the best interests of the residents and ratepayers of Glamorgan Spring Bay. Councillors communicate between the elected members of Council and the Committee. Councillors need to be cognisant of the Local Government Act to ensure that all legislative requirements are met.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

- Create an informed and involved community by developing relevant and accessible communication channels.

STATUTORY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

There are no budget implications to Council apart from any out-of-pocket travel expenses to be reimbursed to Councillors if required.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil.
No material risk associated with adopting the recommendation.				
Do not adopt the recommendation	Possible	Moderate	Moderate	Review and present to Council at a future Council Meeting.
Council may not have representation on the above-mentioned committees, boards, or associations.				

OFFICER'S COMMENTS

To ensure there is adequate representation by Council on the above-mentioned committee it is recommended that Council appoints a Council representative as soon as possible.

OFFICER'S RECOMMENDATION

That Council appoint Cllr Richard Parker to the Cranbrook Hall Committee, effective 24 October 2023.

8.4 Community Small Grant Application - Triabunna Christmas Crew

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Community Small Grant Application - Triabunna Christmas Crew [8.4.1 - 2 pages]

PURPOSE

Recommendation for Council to approve a Community Small Grant application for \$1,000 and in kind support for road closure for the group “**Triabunna Christmas Crew**” for contribution towards the Triabunna Christmas Parade and festivities.

BACKGROUND/OVERVIEW

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

- Grants are restricted to \$1,000, with exceptions up to \$1,500 at Councils discretion.
- Grants are available to not for profit individuals, community organisations and groups.
- Grants are intended to assist projects that (1) address relevant community issues of significance (2) are initiated within the community and actively involve local people and (3) improve access and encourage wider use of facilities.

This application from Triabunna Christmas Crew, is for a contribution towards restarting the Triabunna Annual Christmas Parade. This group ‘Triabunna Christmas Crew’ are not currently a registered incorporated association but are undertaking the process of becoming one. The group representative, Amanda Wilson, has agreed that the funds will be held by Council until the group confirms that the incorporation has been completed.

The primary objective of the Triabunna Christmas Crew is to reintroduce the Christmas Parade to Triabunna. The plan involves decorating Vicary Street in Triabunna, as well as some adjacent streets, with crafted decorations, many of which will be handmade by group members. The centerpiece of the celebration will be the Christmas Parade, followed by an afternoon event for families to attend with a series of engaging activities hosted at the Triabunna Recreational Ground.

Christmas Parades and decorations bring numerous benefits to the community. They foster unity and a festive spirit among residents, offering family-friendly entertainment and creating lasting holiday memories.

Triabunna Christmas Crew plans to seek funding and donations through local businesses and Council. The intention is that any excess proceeds will go towards the following year's expenses.

The Triabunna Christmas Crew seek funding to help start the Christmas Parade event particularly initial set up and fixed costs such as Insurance, Incorporation costs, decorations

etc. Triabunna Christmas crew also request in-kind assistance from Council for the temporary road closure from 4:45pm – 6:30pm on Friday 15 December 2023 effecting Victoria St, Melbourne Street, Vicary Street and Charles Street.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

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

STATUTORY IMPLICATIONS

Section 77 of the Local Government Act 1993 outlines the statutory requirements in relation to grants.

77. Grants and benefits

(1) A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.

(1A) A benefit provided under subsection (1) may include –

- a. in-kind assistance; and*
- b. fully or partially reduced fees, rates or charges; and*
- c. remission of rates or charges under Part 9.*

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.

BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$15,000 Community Small Grants Program provision in the 2023/24 budget. As at 30 September 2023 there is \$10,677 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil.
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Assist the Triabunna Christmas Crew to seek alternative funding opportunities.
Not approving the recommended grant may result in missed opportunities for community engagement.				

OFFICER'S COMMENTS

Regarding the road closure, there is likely to be a vehicle detour around The Esplanade for effected local traffic. The in-kind support for this activity will require 4 staff to attend for 3 hours costing approximately \$1,000.

The Community Small Grants Fund policy is restricted to providing support to \$1,000 or up to \$1,500 with Council discretion. This request of in kind support and cash exceeds the limit provide by the Policy. It is therefore recommended that Council exercise their discretion and provide support up the maximum allowance of \$1,500, which includes \$1,000 labour and \$500 cash.

This application satisfies the necessary criteria of the relevant policy.

Integrity Assessment:

The 'Triabunna Christmas Crew' are not a registered incorporated association but are currently undertaking the process of becoming one.

Criteria Assessment:

Funding value is within the acceptable allowance	Yes
Applicant is a not-for-profit community organisations and groups or individual	Yes
Grant is to assist projects that: 1. address relevant community issues of significance – 2. are initiated within the community and actively involve local people (3) improve access and encourage wider use of facilities	Yes

OFFICER'S RECOMMENDATION

That Council approve the application for Community Small Grant funding to **Triabunna Christmas Crew** of \$500 for the Triabunna Christmas Parade and Festivities plus in kind support valued at \$1,000 for local road closure from 4:45pm – 6:30pm on Friday 15 December effecting Victoria St, Melbourne Street, Vicary Street and Charles Street.

8.5 Council Owned Vehicles Policy

Author: Director Planning & Development (Alex Woodward)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Attachment 1 - Council- Owned- Vehicles- Policy [8.5.1 - 7 pages]

PURPOSE

To recommend that Council's 'Council Owned Vehicle Policy' is rescinded.

BACKGROUND/OVERVIEW

In September 2019 Council adopted a 'Council Owned Vehicle Policy' (See Attachment 1). The objectives of this Policy were to define the use and purchase arrangements for council owned vehicles.

An internal review of the Policy has identified that the detail within is now outdated and is generally managed through other procedures, contracts and legislation. For example, all employee's have contracts which specify how Council owned vehicles are to be used etc. In addition, the purchase of vehicles is governed by Council's Code for Tenders and Contracts which ensures Council receives the best value for money.

Finally, Council makes use of best practice fleet management and government fleet purchasing guidelines, and this Policy at times could be at odds with this process.

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

- Planned asset renewal expenditure based on agreed asset management plans.

STATUTORY IMPLICATIONS

All vehicle purchasing and use is conducted in accordance with the Local Government Act 1993 and Council's Code for Tenders and Contracts.

BUDGET IMPLICATIONS

By rescinding this Policy, there will be no material impacts on Council's budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation There may be concern that fleet management is not transparent	Rare	Negligible	Low	All expenses are provided in various Council reports.
Do not adopt the recommendation Council may not achieve the best value for money when managing its fleet.	Likely	Moderate	Moderate	Attempt to incorporate best practice into a Policy.

OFFICER'S COMMENTS

Council has several procedures and guidelines that it already uses in relation to manage its fleet. The current policy is out of date and not considered necessary moving forward.

OFFICER'S RECOMMENDATION

That Council rescind the Council Owned Vehicle Policy and note that fleet management will be managed in accordance with best practice guidelines and internal processes.

8.6 Disposal of Council Land - Spencer Street, Triabunna

Author: Property Officer (Jason Watson)

Responsible Officer: Director Planning and Development (Alex Woodward)

ATTACHMENT/S

Nil

PURPOSE

To recommend that Council forms an intention under section 178 of the *Local Government Act 1993* to dispose, exchange or lease public land at Spencer Street, Triabunna.

BACKGROUND/OVERVIEW

Under section 178 of the Local Government Act 1993 (the Act), Council can sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with the process set out in that section.

This report recommends that Council forms an intention under section 178 to exchange, lease or dispose of a 7444 m² parcel of public land at Spencer Street, Triabunna (the Land) (CT 55156/25, 55156/26, 55156/27, 55156/28, 55156/29, 55156/30, 55156/31, 55156/32, 55156/33, 55156/34, 55156/35).

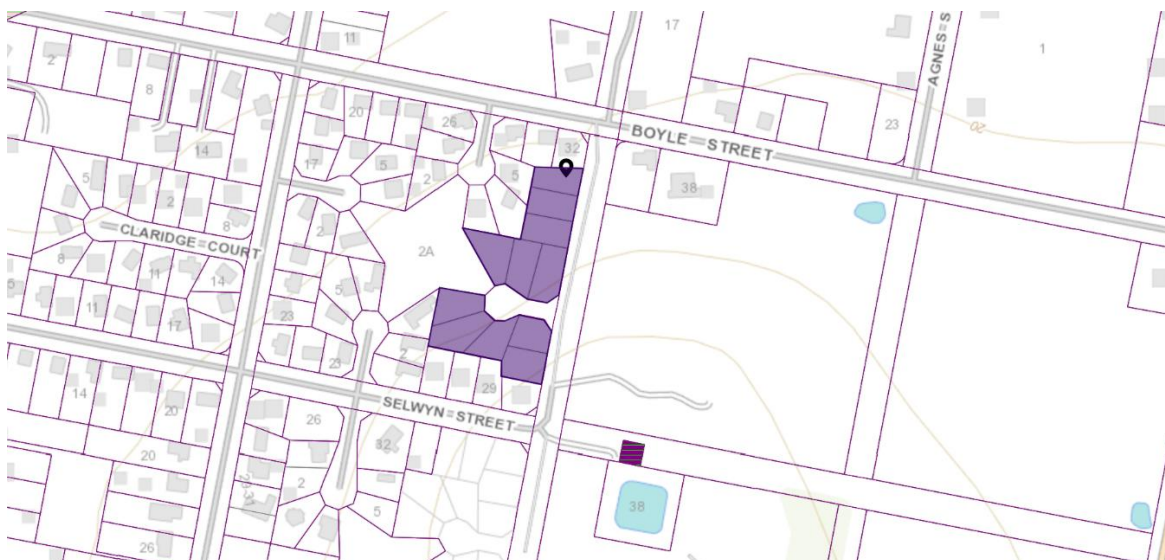
The current use and history of the Council Land:

The land is currently unused and has not been previously used by the Council. The land was originally owned by Housing Services from 1982 – 2013, and then passed to the Council.

The parcel of land consists of 11 lots, that have been subdivided and titles issued, but the civil infrastructure (roads, kerb and guttering and power etc) has not been completed onsite.

The land is zoned General Residential under the Tasmanian Planning Scheme – Glamorgan Spring Bay.

Council has no intention or plans to redevelop the site. Officers have evaluated the site and determined that the land serves no strategic purpose for future open space development.



Details of the cultural, heritage, environmental, recreation, landscape values of the Council Land:

1. Minor recreation purposes.
2. The land has no known cultural, heritage or environmental values.
3. The land cannot be used for any recreational use, due to the limited access and concealed nature of the block.
4. Open space already exists close to the land.

The consultation process and statutory requirements

Section 178 of the Act sets out the process that must be followed by a council which intends to dispose of public land. A resolution of Council to dispose of public land is required to be passed by an absolute majority of Council. If such a resolution is passed:

- the intention must be advertised on two (2) occasions in a daily newspaper circulating in the municipal area, and
- a copy of the notice must be displayed on any boundary of the public land that abuts a highway and notifies the public that objection to the proposal may be made to the General Manager within 21 days of the date of the first publication.

In addition to the notification requirements in section 178, it is recommended that Council:

- display a plan and relevant property information on the community notice board in Council's chambers (near the chambers' public entrance) as well as on Council's website, and
- notify the owners of neighbouring and affected properties advising of the proposed disposal.

If Council resolves to commence the public notification and consultation process, officers will ensure that the requirements of section 178 are complied with. Following the completion of the notification, Council is required to consider any objections lodged with objectors having an opportunity to appeal a decision to dispose of the land. This will be provided in a future report to Council.

STRATEGIC PLAN REFERENCE

Guiding Principles

4. Take an East Coast perspective but also acknowledge the differing needs and priorities of each town or area.
5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.
7. Communicate and explain the Council's decisions and reasons in an open and timely manner.

Key Foundations

2. Our Community's Health and Wellbeing
4. Infrastructure and Services

What we plan to do

- Create an informed and involved community by developing relevant and accessible communication channels.
- Maintain public amenities and recreational facilities.

BUDGET IMPLICATIONS

The cost of advertising the proposal will be approximately \$700. Financial details on the proposed exchange will be provided in a future report to Council after the completion of the statutory advertising period.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Negligible	Possible	Low	Council considers all objections received during the statutory consultation process, as required under s. 178 of the Act.
Adverse public reaction of decision to advertise Council's intention of disposal				
Do not adopt the recommendation	Moderate	Likely	High	Council gives consideration to a strategy for realising land assets that are not required for strategic purposes. Council articulates any issues with the proposed disposal and instructs officers to address these in a future report.
Council will delay the opportunity to potentially dispose of surplus land that serves no strategic purpose and may be able to be disposed of for money or land with greater strategic benefits.				

OFFICER'S COMMENTS

There are no material risks associated with selling the land parcel, other than some objections from residents who may currently use the land as an informal open space. The use of the land is limited to those properties that border the block and as such is not utilised as a community asset. It is not considered to be suitable to be converted into an open space or play area, given its location and site restrictions. It is recommended that an investigation into the disposal of this land be commenced as the land is being underutilised and has no significant value to the Council as a parcel of land.

OFFICER'S RECOMMENDATION

That Council:

1. RESOLVE under section 178 of the Local Government Act 1993 (the Act) to form an intention to dispose, exchange or lease of public land, being 25 – 35 Spencer Street, Triabunna (Title Ref: 55156/25 - 35) (the Land)
2. AUTHORISE the General Manager to take all actions necessary to complete public notification of Council's intent to exchange, sell or lease the land in accordance with section 178 of the Act, and
3. AUTHORISE the General Manager to consider and acknowledge any objection received pursuant to section 178(6) of the Act and report to a future Council meeting.

8.7 Disposal of Council Land - 50 Beattie Avenue, Bicheno

Author: Property Officer (Jason Watson)

Responsible Officer: Director Planning and Development (Alex Woodward)

ATTACHMENT/S

Nil

PURPOSE

To recommend that Council forms an intention under section 178 of the *Local Government Act 1993* to dispose, exchange or lease public land at 50 Beattie Avenue, Bicheno.

BACKGROUND/OVERVIEW

Under section 178 of the *Local Government Act 1993* (the Act), Council can sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with the process set out in that section.

This report recommends that Council forms an intention under section 178 to exchange, lease or dispose of a 1824m² parcel of public land at Beattie Avenue, Bicheno (the Land) (CT 62307/50).

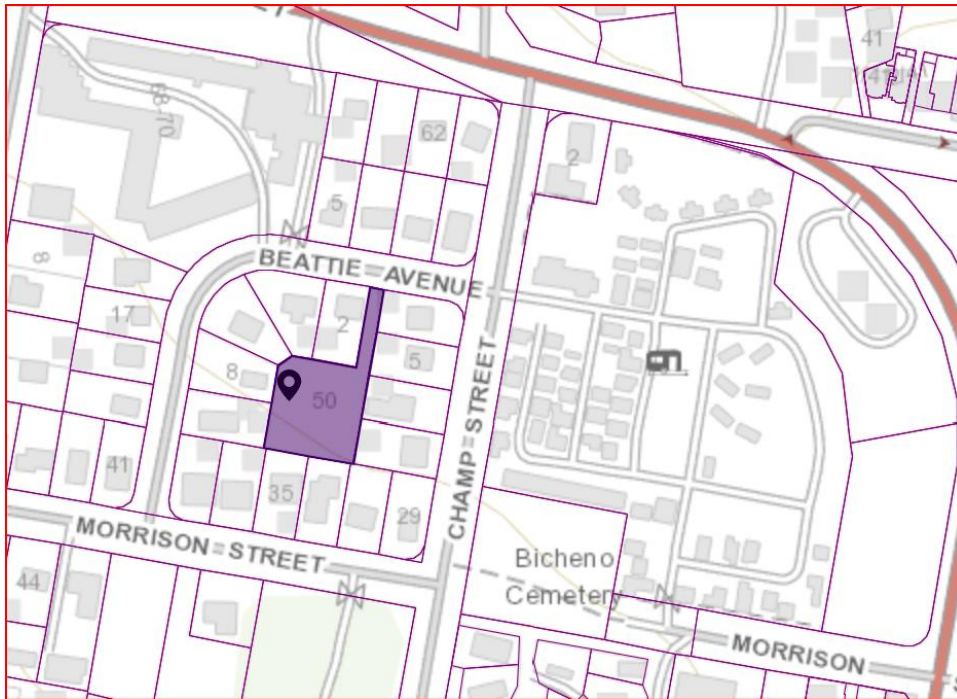
The current use and history of the Council Land:

The land currently has no usage and is vacant. In 2010 the property was transferred from Crown to GSBC.

This parcel of land was previously considered for sale by the Council in 2014, when an absolute majority voted to sell the block. Objections were received from residents and dealt with by Council. However, it appears the sale did not proceed and subsequently was removed from the Council agenda without notice. There is no available documentation to suggest why this matter was removed from the agenda.

The land is zoned General Residential under the Tasmanian Planning Scheme – Glamorgan Spring Bay.

Council has no intention or plans to redevelop the site. Officers have evaluated the site and determined that the land serves no strategic purpose for Council for future open space development.



Details of the cultural, heritage, environmental, recreation, landscape values of the Council Land:

1. Minor recreation purposes.
2. The land has no known cultural, heritage or environmental values.
3. The land cannot be used for any recreational use, due to the limited access and concealed nature of the block.

The consultation process and statutory requirements

Section 178 of the Act sets out the process that must be followed by a council which intends to dispose of public land. A resolution of Council to dispose of public land is required to be passed by an absolute majority of Council. If such a resolution is passed:

- the intention must be advertised on two (2) occasions in a daily newspaper circulating in the municipal area, and
- a copy of the notice must be displayed on any boundary of the public land that abuts a highway and notifies the public that objection to the proposal may be made to the General Manager within 21 days of the date of the first publication.

In addition to the notification requirements in section 178, it is recommended that Council:

- display a plan and relevant property information on the community notice board in Council's chambers (near the chambers' public entrance) as well as on Council's website, and
- notify the owners of neighbouring and affected properties advising of the proposed disposal.

If Council resolves to commence the public notification and consultation process, officers will ensure that the requirements of section 178 are complied with. Following the completion of the notification, Council is required to consider any objections lodged with objectors having an opportunity to appeal a decision to dispose of the land. This will be provided in a future report to Council.

STRATEGIC PLAN REFERENCE

Guiding Principles

4. Take an East Coast perspective but also acknowledge the differing needs and priorities of each town or area.
5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.
7. Communicate and explain the Council's decisions and reasons in an open and timely manner.

Key Foundations

2. Our Community's Health and Wellbeing
4. Infrastructure and Services

What we plan to do

- Create an informed and involved community by developing relevant and accessible communication channels.
- Maintain public amenities and recreational facilities.

BUDGET IMPLICATIONS

The cost of advertising the proposal will be approximately \$700. Financial details on the proposed exchange will be provided in a future report to Council after the completion of the statutory advertising period.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation Adverse public reaction of decision to advertise Council's intention of disposal	Negligible	Possible	Low	Council considers all objections received during the statutory consultation process, as required under s. 178 of the Act.
Do not adopt the recommendation Council will delay the opportunity to potentially dispose of surplus land that serves no strategic purpose and may be able to be disposed of for money or land with greater strategic benefits.	Moderate	Likely	High	Council gives consideration to a strategy for realising land assets that are not required for strategic purposes. Council articulates any issues with the proposed disposal and instructs officers to address these in a future report.

OFFICER'S COMMENTS

There are no material risks associated with selling the land parcel, other than some objections from residents who may currently use the land as an informal open space. The use of the land is limited to those properties that border the block and as such is not utilised as a community asset. It is not considered to be suitable to be converted into an open space or play area, given its location and site restrictions. It is recommended that an investigation into the disposal of this land be commenced as the land is being underutilised and has no significant value to the Council as a parcel of land.

OFFICER'S RECOMMENDATION

That Council:

1. RESOLVE under section 178 of the Local Government Act 1993 (the Act) to form an intention to dispose, exchange or lease of public land, being 50 Beattie Street, Bicheno (Title Ref: 62307/50) (the Land)
2. AUTHORISE the General Manager to take all actions necessary to complete public notification of Council's intent to exchange, sell or lease the land in accordance with section 178 of the Act, and
3. AUTHORISE the General Manager to consider and acknowledge any objection received pursuant to section 178(6) of the Act and report to a future Council meeting.

8.8 LGAT General Meeting Decisions Sought: Parks & Wildlife Services and Crown Land Services Review and Resourcing - Break O'Day Council

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

To provide Council with the four decisions to be considered at the Local Government Association Tasmania (LGAT) General meeting on the 1 November 2023.

BACKGROUND/OVERVIEW

The General Manager will be attending the LGAT General meeting in the absence of Mayor Cheryl Arnol and is delegated to vote on Council's behalf.

Decision Sought

That LGAT lobby the Tasmanian Government to undertake a review of the administrative activities of the Tasmanian Parks and Wildlife Service (PWS) and Crown Land Services (CLS) with a particular focus on ensuring that the required level of resources are available to assess applications and deal with enquiries in a timely manner.

Regular reviews of administrative activities and resourcing levels are essential for maintaining effective, efficient, and accountable government agencies that can adapt to evolving circumstances and best serve the public and the environment.

At a local government level, we interact with the Tasmanian Parks and Wildlife Service and Crown Land Services on a continuous basis and we, local government agencies, have all experienced extremely lengthy delays in the processing of simple applications.

The delays in receiving the required approval for a simple project can be extremely frustrating and can potentially lead to the applicant just going ahead and doing what they were seeking approval for without waiting. This can have serious ramifications that ultimately have to then be addressed retrospectively and in a reactionary way. This defeats the protections that are afforded by going through the application process.

Anecdotally we hear that many of these delays come down to the low level of resourcing within the agency resulting in unrealistic workloads and ultimately the loss of experienced staff. This turnover of staff compounds the problem and delays being experienced.

Discussions with PWS and CLS staff involved in application processing over the last few years reveals that the amount of applications received has increased substantially. This has led to

an increase in revenue flowing to Treasury, and whilst there has been an increase in revenue, the level of resources to deal with the applications received hasn't increased as required.

Another area for concern for local government is the perception that delays to projects have within the community. The community is always quick to blame local government when there is a hold-up in a development even if it is out of our hands. The community more often than not hold us responsible for project delays. This can have serious impacts on a Council's image within community as well as cause blow outs to time frames. This can be particularly problematic when grant funding is involved.

In requesting this review, the Break O'Day Council is asking that there be a particular focus on the level of resources that are available for administrative activities such as dealing with applications and permits. We believe that resources should be increased. With a greater level of resources applications will be dealt with within an appropriate timeframe.

State Government Comment

In recent years there has been significant and sustained growth in the number and complexity of applications to the Department of Natural Resources and Environment's Parks and Wildlife Services (PWS)'s Property Services branch (formerly Crown Land Services), including for leases, licences, sales, transfers, works, landowner consents and events (refer Table C as an example). These transactions often underpin the progress of both private and commercial developments including housing and more increasingly, major infrastructure projects. As the land manager for over 50 percent of the State's land and waters, more recently there has been a further increase in development proposals arising from both Commonwealth and State initiatives for renewable energy generation.

As a guide, Table A below is a summary of average processing times for Land Use Planning and Approvals Act 1993 landowner consents where those timeframes have been reasonably and reliably recorded. Please note that this information was recorded up until 2019 and is representative of a typical development year (pre-Covid). By way of explanation, the averages are cumulative (i.e., the average completion time of applications processed under 30 calendar days includes applications processed under 15 days and so on). The approximate timeframes only record when an application work task is received, commenced, and effectively closed. The 'clock' does not stop, for example, when waiting for information from clients (i.e., an application that has been put on hold at a client's request at day 12 and withdrawn several months later could be recorded as an application actioned over 90 days).

The 'received' date is the date an application is submitted to the NRE Tas. Following receipt of an application it is registered in the Property Services systems, undergoes a preliminary assessment to check whether the site is likely Crown land, managed by NRE Tas, and to identify any particular urgency in the application. It is then subsequently assigned to an officer to assess. It may take a number of days to be registered, assigned, and for the assigned officer to commence the full assessment process.

Once the full assessment commences, the cumulative average assessment time of all applications processed under 90 calendar days is approximately 15 calendar days.

While approximately 85 per cent of all applications are actioned within 90 calendar days, outliers do exist. Applications that take longer often have additional applications associated

with them, such as a request for a lease or a purchase, which may require assessment before providing landowner consent.

Applications can also be delayed when: they are incomplete or NRE Tas is awaiting further details from clients; where NRE Tas is awaiting feedback from relevant agencies (e.g., Marine and Safety Tasmania, TasWater); or, due to the inherent complexity of the proposal.

TABLE A - Summary of average processing times for LUPAA landowner consents (2019)*

	Number	Average time from received to commencement (cumulative)	Average time from commencement to completed (cumulative)	Average total time from received to completed (cumulative)
All actioned (incl. 15% outliers over 90 days)	433	22.15 days	31.31 days	53.46 days
85% actioned within 90 days	367	17.32 days	14.93 days	32.25 days
73% actioned within 60 days	314	14.22 days	11.22 days	25.44 days
48% actioned within 30 days	207	10.17 days	6.05 days	16.22 days
24% actioned within 15 days	102	5.31 days	3.25 days	8.56 days

*Only includes data where timeframes have been reasonably and reliably recorded

Table B is the cumulative figures of application received and actioned in the present calendar year up until June 2023, excluding outliers.

TABLE B – Received and action planning related consents in 2023 (Jan-Jun)

	Number	Average time from received to commencement (cumulative)	Average time from commencement to completed (cumulative)	Average total time from received to completed (cumulative)
All actioned (incl. 6% outliers over 90 days)	52	21.38 days	17.15 days	38.53 days
94% actioned within 90 days	49	18.63 days	15.02 days	33.65 days
75% actioned within 60 days	39	15.84 days	8.20 days	24.04 days
54% actioned within 30 days	28	9.21 days	6.32 days	15.53 days
42% actioned within 15 days	22	6.68 days	6.22 days	12.09 days

The due diligence assessment process for simple requests has been streamlined. These processes are aimed at establishing that there are no obvious impediments preventing a proposal from proceeding for example, the class of land prohibits the development.

Processes for assessing more significant, complex, or environmentally sensitive proposals are purposefully thorough, but have also been streamlined to remove risks or showstoppers to the development proposal once it progresses through the Development Application process or should it be at risk of legal challenge.

Crown Land Transaction Turnaround Initiative

To address this growing demand the Government has initiated a program to improve turnaround timeframes for transactions. The State Government provided funding of \$1.9 million in the 2020-21 Budget. This commitment also included \$300,000 to support associated business systems. Additional funding of \$1.9 million over two years has been provided in the 2023-2024 Budget to extend the Increasing Transaction Turnaround Time initiative (the Initiative).

The Initiative includes the sale and transfer of Crown land to local and State Government or through open market sale to achieve the highest and best use of the parcel. The Initiative also includes making leases and licences more transparent by publishing the lease and licence agreements on a central website accessible to the public. This is an ongoing program of work that will eventually lead to all future agreements being publicly available.

In relation to landowner consents, since the provision of additional funding in early 2021, the average processing times for planning related applications currently has reduced by approximately 25 percent.

The additional budget allocation and consolidation of more permanent staffing will support the continued improvement in PWS's resourcing capacity to address the need to meet demand and provide for appropriate timeframes for the assessment and processing of lease, licence and permit applications, planning permit applications, as well as land transfers and sales across the State.

The Crown reviews applications as a landowner and the custodian of the public land, not as a regulator. When a proposal uses Crown land, the Crown can be considered a party to the project. Consequently, the Crown must consider a range of additional matters over and above strict planning concerns, such as the Crown's longer-term strategic use of a site, whether a lease or licence can adequately protect the Crown's interests, whether a Right of Way can be granted, or whether the Crown may be left with legacy issues if infrastructure (e.g., a sea wall) fails etc. NRE Tas (through the PWS) therefore works towards making certain threshold determinations prior to providing Crown landowner consent.

Unfortunately, Councils often make application for grant programs for projects on speculative proposals that have not been comprehensively designed or assessed. They are often funded on the basis of the "concept". Whilst this is accepted as normal practice at the early stage of a grant submission, the grant, if successful, is often time-bound, leading to very short timeframes for Councils to adequately develop the proposal concept and to undertake the necessary investigations (including cultural heritage; geotechnical; hydrological or other).

As many projects submitted to the Crown for assessment are proposed in natural or culturally significant environments, the investigations are often subject to defined / seasonal flowering or species breeding or habitat requirements. Any delays in obtaining or providing this information can significantly defer the project until the next flowering or breeding period. If these factors and assessment impediments are not factored into the grant approval timeframes, then unreasonable expectations for delivery are transferred to NRE Tas. These issues are beyond and outside of the control of NRE Tas and should be more judiciously considered by a proponent at the time of grant application.

A simple application from a planning point of view can create significant land management challenges for the Crown, or, depending on the class of Crown land, may not even be permissible because other statutory approvals cannot be granted due to restrictions imposed by the legislation applicable to the class of Crown land in question. Public safety and public liability are significant issues that are often unresolved before applications are lodged. Other matters, such as disputes between neighbouring users of Crown land or encroachments onto Crown land, which the planning authority may not be aware of, can also complicate what may otherwise appear to be a straightforward assessment.

It is in the best interest of the proponent and the council that these due diligence investigations and assessments are performed with rigor to ensure that once approved, the development proposal is able to withstand future appeal or challenge.

The Crown's role in assessing and issuing landowner consents is more than a mere formality to enable a planning application to enter the State's planning system. It is a critical opportunity for the Crown to ensure a defensible approval pathway for the proponent and council and that the public lands it administers are utilised in an appropriate and sustainable manner.

TABLE C - Types of applications

- The types of Development Applications (DAs) vary widely, ranging from large commercial projects like a woodchip export facility, new marina, or mini-hydro scheme etc., to cutting down a tree on Crown land or a Council replacing a toilet block within a park held under a Crown lease etc.
- Below is a snapshot of some of the DAs. These are simply an overview of the types of applications we receive.
- Some developments fall entirely on Crown land, while others relate to developments on private property, but impact on neighboring Crown land (e.g., stormwater is over the Crown land etc.).

TABLE C - Snapshot Examples

MUNICIPALITY	DETAILS
BREAK O'DAY	Demolition of unauthorised house
BREAK O'DAY	Golf course, hotel, visitor accommodation, subdivision – includes use of Reserved Roads
BREAK O'DAY	New bike trail
BRIGHTON	Removal of below-ground fuel tanks, and installation of above ground fuel tanks
BRIGHTON	Run stormwater into Derwent Conservation Area via Crown land Public Reserve
BURNIE CITY COUNCIL	Installation of toilet block and landscaping
BURNIE CITY COUNCIL	Breakwater bund reconstruction
CENTRAL COAST	Landfill and excavation works on Crown Land – retrospective approval
CENTRAL COAST	Flood Remediation – replacement of boat ramps, walkway and rock wall, and car parking
CENTRAL COAST	2 shipping containers adjacent to existing hall
CIRCULAR HEAD	2 new storage sheds, one to replace an existing shed to be demolished
CIRCULAR HEAD	Erection of large tourist photo frame on lease area
CIRCULAR HEAD	Replace existing series of foreshore retaining walls with a new armour rock wall
CIRCULAR HEAD	Wind farm – 7 turbines over 2 titles – site includes Crown land Reserved Roads
CLARENCE	Construction of 7 storage lockers in place of existing dinghy storage racks
CLARENCE	Public toilets, car parking, shelter and access road
CLARENCE	Alterations and additions to an existing outdoor dining area
CLARENCE	Retirement village
CLARENCE	Conversion of pavilion to restaurant
CLARENCE	Marina extension, car parking and relocation of rowing shed
DERWENT VALLEY	New communication tower – associated lease application
DEVONPORT	Jetty and bridge
DORSET	Accommodation on freehold title – services on a Crown Reserved Road
DORSET	Increase in volume of sand extraction
FLINDERS	Hall extension and refurbishment
FLINDERS	Installation of portable office

MUNICIPALITY	DETAILS
GEORGE TOWN	Erect a shade structure over existing BBQ and construct a new storage shed 7 x 5m
GLAMORGAN-SPRING BAY	Change of Use from Café to restaurant
GLAMORGAN-SPRING BAY	Decking and entry upgrade
GLAMORGAN-SPRING BAY	Raw water pipeline
GLAMORGAN-SPRING BAY	Wharf upgrades within existing lease area
GLAMORGAN-SPRING BAY	Proposed upgrades to carpark and access, landscaping and footpaths
GLENORCHY	Hotel building
GLENORCHY	Change of use from "jetty" to "Marina"
HOBART	Market event
HOBART	Above ground fuel facility and conversion of existing jetty to a fuel berth
HOBART	Widening of beach access and grassed rigging area / upgrades to the club
HOBART	Modifications to boatshed
HUON VALLEY	Partial change of use to visitor accommodation
HUON VALLEY	River bank rock beaching and re-vegetation due to flooding / erosion
HUON VALLEY	Building commercial dog kennels
HUON VALLEY	A new boat building shed to be adjacent the existing boat building shed on the leased site
HUON VALLEY	Woodchip loading facility
KENTISH	Subdivision and consolidation – associated purchase application
KINGBOROUGH	Crown consent to install a groundwater bore in a Public Reserve
KINGBOROUGH	Installation of recycled water pipeline
KINGBOROUGH	Upgrading of road to bushfire standard
KINGBOROUGH	Visitor accommodation – relies on access over a Reserved Road
KINGBOROUGH	Canoe slalom site
LATROBE	S33 scheme amendment rezoning – relies on access over a Reserved Road
LAUNCESTON	Remove a large tree on Crown land to facilitate the repair of existing stone retaining wall
LAUNCESTON	Extra car parking on Crown land – associated purchase application
MEANDER VALLEY	Forest Practices Plan and request for Crown consent to DA
MEANDER VALLEY	Netball courts and associated infrastructure
NORTHERN MIDLANDS	Install a vibration monitoring camera
SORELL	New signage at cemetery entrance and additions to crematorium wall
WEST COAST	Authority to sell food from mobile van

LGAT Comment

Members have previously resolved to call for additional resources for the Parks and Wildlife Service. None of the previous resolutions concerned administrative resourcing.

STRATEGIC PLAN REFERENCE**Guiding Principles**

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

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

- Advocate and lobby effectively on behalf of the community.

OFFICER'S RECOMMENDATION

That Council supports the Break O'Day Council motion as included in this report.

8.9 LGAT General Meeting Decisions Sought: Road Line Marking Responsibilities - Kingborough Council

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

To provide Council with the four decisions to be considered at the Local Government Association Tasmania (LGAT) General meeting on the 1 November 2023.

BACKGROUND/OVERVIEW

The General Manager will be attending the LGAT General meeting in the absence of Mayor Cheryl Arnol and is delegated to vote on Council's behalf.

Decision Sought

That LGAT undertake advocacy on behalf of Councils to have road line marking responsibilities legislated and additional funding provided by the State Government.

There is a long-standing arrangement that the Tasmanian Government provides for the renewal of road line marking, although it is not a legislated responsibility. This covers renewal of all line marking except for parking bays and yellow lines and new installations a part of Council projects.

Each year the Department of State Growth (DSG) asks for a list of possible line marking renewal projects. Kingborough Council staff undertake an audit and provide a list and generally DSG fund a selection of what has been identified.

Kingborough Council Safety Committee members have noted that line markings on local roads are often faded and not fit for purpose and are an ongoing safety hazard for road users. There has not been adequate funding allocated to sustain local road line marking to an appropriate standard, noting that line marking needs to be renewed regularly.

It is noted that this matter was previously raised at a Local Government Association Tasmania (LGAT) in 2016 and it was agreed to advocate with the State Government.

LGAT did advocate with the State Government, however their position was they provided funding towards line marking on local government roads rather than taking responsibility for adequately managing all line marking.

This is a matter that concerns all councils and rather than advocating directly with State Government as a single council it would be prudent to seek whether there was an appetite for LGAT to again advocate to the State Government on behalf of the collective councils.

The intention with the advocacy would be to increase the funding for line marking on local government roads and to more clearly define the roles and responsibilities of the State Government and councils within the legislation frameworks available.

Tasmanian Government Agency Comment

The Department of State Growth notes the LGAT motion and advises that currently the provision of local government line marking operates as follows:

- As an identified road safety issue, the State Government has, for many years now, allocated funding for local road line-marking.
- For reasons of “economies of scale”, the Department of State Growth has also arranged for the line marking to be completed, under a State Contract along with the State Government line marking program.
- The annual line marking program is developed under an agreed equitable allocation formulae based on the submissions from Local Government Authorities.
- The *Local Government (Highways) Act 1982* clearly identifies the Local Government Authority is the responsible authority for road maintenance of its local road network, including line marking. In this context, the Government funding allocation is not intended to provide full coverage of the required line marking on local roads with the expectation that the Local Government Authority will arrange its own line marking programs as appropriate.
- The State Government has commenced a review of the Road Management Legislation and invites Local Government to make a submission on legislative responsibilities for line marking and other traffic facilities for consideration under the review.

LGAT Comment

LGAT has one previous motion on record regarding road line marking, from November 2016:

That LGAT be asked to lobby the State Government to increase the level of funding available for line marking on Local (Government) roads, including railway crossing stop/warning lines, to cover the annual requirements across the state.

LGAT advocated at the time but was advised that it was an open question whether the Tasmanian Government or councils should be responsible for line marking on local roads, and that this could challenge the existing funding provided by the Tasmanian Government for local roads. We assess that this remains the case.

The Tasmanian Government is undertaking a review of road management legislation (see item 4.6 in this agenda). However, line marking appears to be more an operational asset management question as to how an appropriate level of service is best achieved and resourced.

Tasmanian Government financial and asset management is different from Tasmanian councils. Councils have legislative requirements to complete a comprehensive set of financial and asset management policies, plans and strategies to deliver service levels. The Tasmanian Government tends to allocate funding to asset management operations on an as-needed basis. This creates a divergence in expected service levels by the community.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

OFFICER'S RECOMMENDATION

That Council supports the Kingborough Council motion as included in this report.

8.10 LGAT General Meeting Decisions Sought: Review of 42 Day Development Application Timeframe - Clarence City Council

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

To provide Council with the four decisions to be considered at the Local Government Association Tasmania (LGAT) General meeting on the 1 November 2023.

BACKGROUND/OVERVIEW

The General Manager will be attending the LGAT General meeting in the absence of Mayor Cheryl Arnol and is delegated to vote on Council's behalf.

Decision Sought

That LGAT be requested to convene a reference group from member Councils to develop options and recommendations for the sector to:

- 1. Assess the impact of the 42-day rule on planning outcomes across local Councils in Tasmania (including both qualitative and quantitative data).**
- 2. Identify what practices and delegations councils currently utilise to manage the 42- day rule, including the impact of those practices and delegations on representor objections.**
- 3. Review equivalent 'deemed approval' and timeframe extension mechanisms of other jurisdictions to compare with Tasmania's arrangements.**
- 4. Based on the findings of points 1, 2 and 3 above, identify whether the 42-day rule operates in a manner that is fair and equitable to all parties to a development application; that is both applicants and representors.**
- 5. Recommend changes be implemented to ensure development applications are not required to be resolved under delegation because an applicant refuses to grant an extension of time for an application to be considered at a Council meeting.**

This follows from the motion passed by Clarence City Council on 17 July 2023.

Clarence City Council has seen an increasing number of instances that have involved the requirement to finalise development applications under delegation because applicants have refused an extension of time to allow an application to be determined by Council.

The operation of the 42-day rule in this circumstance denies representors objecting to a development application the right to be fairly heard and denies elected Councillors the opportunity to represent community concerns in respect to the operation of the planning scheme, particularly where there are a number of objections.

The 42-day rule places the entire right to grant an extension of time with the applicant and does not give any other party to the application (Council or representors) any rights at all.

There is a clear interest from the community in having contentious development applications debated in a Council forum by elected members, which is not recognised by LUPAA in its current form.

The 42-day rule is the shortest timeframe for determination of a development application of any Australian planning jurisdiction. The 42-day rule can be maintained, but consideration needs to be given to options such as allowing for a Development Application to be referred to the next Council meeting after the 42 days expires. This type of provision would negate the need to request time extensions and make the system fair to all participants.

It should also be noted that the request for an extension of time is also used in other circumstances, such as when critical referral authorities are taking longer than anticipated or relevant information is outstanding. It means that if applicants are not willing to extend, they will get a deemed approval if Council does not make a decision prior. It puts pressure on the entire system, operates contrary to natural justice principles and significantly adds to the potential for a matter to be appealed at TASCAT.

The repeated nature of this delegation and that the provision has the capacity to be misused means that the consequences for not meeting the 42-day timeframe are too harsh.

Land Use Planning and Approvals Act 1993

The statutory timeframes commence for a discretionary (s57) or permitted (s58) planning application once an application is made “valid”. A valid application contains the completed application form (including landowner consent if required), a current copy of titles and plans; and the fees must be paid (there are other steps around the fees that can affect the validity).

S51 for what is a valid application; and s52 for landowner consent.

When a permit takes effect is described in s53.

Additional information (s54) is requested on or before 21 days for a discretionary application, and on or before 14 days for a permitted planning application. The statutory clock pauses until the information is satisfactorily received by the planning authority. There are other timeframe requirements for additional information, but those timeframes do not alter the “clock”.

Except, the 21- or 14-day timeframes may be extended if the office is closed on regular business days, e.g., Council closure over Christmas. If this is extended, the 42-day or 28-day timeframes are not extended without agreement.

For discretionary planning applications, s57(3) to s57(5B) outlines the public exhibition / advertising requirements and the representation requirements. The 14-day public exhibition / advertising timeframe may be extended under certain circumstances, but this must be disclosed on the first day of public exhibition / advertising and cannot be changed once this timeframe has commenced. Importantly, the public exhibition / advertising must be within the 42-day timeframe or the agreed extended timeframe.

The Land Use Planning and Approvals Regulations 2014 set out requirements for advertising discretionary applications but does not include timeframes.

S57(6) outlines the 42-day timeframe, and s58(2) outlines the 28-day timeframe for permitted planning application.

S57(6A) allows the planning authority to request an extension of the 42-day timeframe via agreement with the applicant. The applicant reserves the right to not agree to this extension, at which time the application must be determined within the 42-day timeframe (delegation becomes relevant).

S58(2A) is the equivalent section for permitted applications to request an agreement to extend the 28-day timeframe.

S57(7) and s58(3) are the relevant sections that require the planning authority to notify the applicant and any representors (if applicable) of the decision to approve or refuse (if applicable) the application within seven days of that decision.

S59 is for the failure to determine an application for a permit. Essentially, if the application is not decided within the required timeframe, s59 directs the planning authority to notify the applicant and representors within seven days of the end of the required timeframe that the application is deemed approved subject to conditions to be determined by the tribunal. The applicant may then lodge an appeal with the tribunal. This is when the tribunal becomes aware of the failure to determine the application within the required timeframe. If an appeal is lodged, costs can be awarded against the planning authority.

S60 is for the timing of determination of compliance with certain permit conditions. This section is quite lengthy and concerns “condition satisfied” process, where the applicant lodges documentation to show how they comply with particular conditions, such as landscape plan condition that requires approval from the relevant department head or manager.

S56 sets out the timeframes for minor amendments.

State Government comment

This motion was not received in time for Tasmanian Government Agency comment to be made.

LGAT Comment

LGAT does not have any previous motions about deemed approvals specifically. However, there was a previous motion from 2007 expressing concerns around fast-tracking mechanisms weakening the Resource Management and Planning System of Tasmania.

Assessing deemed decision mechanisms requires consideration of the interaction between a number of factors in the statutory planning process including:

- Levels of assessment – does the level of assessment (i.e., permitted, discretionary, prohibited) where a deemed decision applies, convey an expectation of likely approval, refusal, or no preference?*
- Time extension mechanisms – does the statutory process provide the assessing authority with the flexibility to adapt to the variation in proposal complexity by extending decision making time, in order maintain decision-making quality?*
- Deemed decision – does the deemed decision mechanism align with the expectation set by the level of assessment of the likelihood of approval or refusal?*

Other states do have mechanisms for deeming decisions as either approved or refused when not made within the statutory timeframe. However, these are generally linked to levels of assessment where approval is the likely expected outcome. That is, deemed approvals in other states usually seem to apply only to “permitted” type levels of assessment (and interstate equivalent) and, typically, not for levels of assessment where refusal is a potential outcome, such as Tasmania’s “discretionary” level of assessment and interstate equivalent. Other jurisdictions do have deemed refusals for levels of assessment where the end decision is more uncertain.

Some interstate planning processes can also have different mechanisms for extending the time period. For example, allowing council the once-off, exclusive, unconditional right to formally extend the time by 10 business days, to allow for circumstances where the development proposal is particularly challenging, or when there have been procedural complications (e.g., late referral responses), or where the councils development assessment workload exceeds their capacity.

Discretionary development applications can vary widely in their complexity, site and context considerations, and level of community interest and resistance. These place challenges on decision-making. A robust statutory assessment process should not only encourage timely

decision-making for simpler proposals but also contain mechanisms that allow flexibility for more challenging proposals.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

OFFICER'S RECOMMENDATION

That Council supports the Clarence City motion as included in this report.

8.11 Request for Public Memorial - Vietnam War Memorial - Long Tan Cross - East Coast Heritage Museum

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

ATTACHMENT/S

1. Public- Art- Memorial- Policy-2022 completed 1 [8.11.1 - 11 pages]

PURPOSE

To present an application for a Memorial in a public space for council's determination.

BACKGROUND/OVERVIEW

Council has a Public Art and Memorial Policy which provides governance to the establishment of installations which meet the policy definitions. Council received a request for installation of a Vietnam War Memorial – Long Tan Cross. This is to commemorate those who served in the Vietnam War from 1962 to 1973, on the 50th Anniversary of the Cessation of the war in Vietnam on Long Tan Day. Veterans and community members constructed a replica of the Long Tan Cross which has become a symbol of the Vietnam War and Vietnam Veterans.

Through the policy mechanism the process for evaluation has been carried out. The proposed location is Triangular Rose Garden adjacent to the entry to the East Coast Heritage Museum facing the Flagpole. The request form is provided in the Agenda attachments. The applicants wish to unveil this on the 11/11/2023. Due to the short-timeframe, some building and planning approvals will need to be resolved with the applicants after this approval process. Other issues such as installation costs will also need to be worked through.

Process for Memorial applications

1. Request for Public Memorial application form submitted to Council by the proponent.
2. General Manager reviews the application and discusses with MANEX.
3. Relevant Department manager(s) contact the proponent to quote on installation costs.
4. Within 28 days of the above, the proponent advises the relevant officer whether they wish to continue or cease the procedure for the Request for Public Memorial.
5. a.) If the proponent wishes to cease the procedure then no further action is taken. The (Works & Infrastructure Director (WID) will however be notified of the request.
b.) If the proponent wishes to continue the procedure the WID reviews the request with reference to the Policy.
6. WID makes a recommendation to Council for consideration at the next full Council meeting.
7. The corresponding Agenda Item is prepared by WID and voted upon by Council.
8. The proponent is notified in writing of the outcome of their application by the relevant officer.
9. If successful, the proponent arranges the purchase and installation of the memorial in conjunction with the council officer to ensure that all Council requirements have been met.
10. Upon receipt of payment, Council will undertake the installation of the memorial

STRATEGIC PLAN REFERENCE

Guiding Principles

6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.

Key Foundations

- 2. Our Community's Health and Wellbeing
- 4. Infrastructure and Services

What we plan to do

- Encourage and support the arts, cultural activities, programs and events.
- Maintain public amenities and recreational facilities.

STATUTORY IMPLICATIONS

Building and planning approvals will be sought before the works are conducted.

BUDGET IMPLICATIONS

Budget impacts can be contained within existing operational allocations. The initial cost of the installation is expected to be met by the proponent.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation	Possible	Major	High	The structure will require building permits and independent engineering approval
The structure is quite heavy and may be a safety issue if not designed/installed correctly.				
Do not adopt the recommendation	Possible	Moderate	Moderate	Engage with the applicants and address issues of concern for a resubmission.
The community may feel very strongly about this issue and result in bad public relations for Council				

OFFICER'S COMMENTS

Council officers have assessed the application and feel that the application meets the Policy Statements. If approved, officers will continue to work with applicants to ensure that all other relevant approvals are in place prior to installation.

OFFICER'S RECOMMENDATION

That Council approves the application for the installation of a Replica Long Tan Cross in the Triangular Rose Garden adjacent to the entry to the East Coast Heritage Museum facing the Flagpole.

9 NOTICES OF MOTION

Nil.

10 PETITIONS

Nil.

11 COUNCILLORS

11.1 Questions on Notice by Councillors

Nil.

11.2 Comments/statements

12 CONFIDENTIAL ITEMS (CLOSED SESSION)

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

Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 26 September 2023

As per the provisions of Regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.

Item 2: General Manager's Performance Review

As per the provisions of Regulation 15 (2) (a) of the *Local Government (Meeting Procedures) Regulations 2015*.

Item 3: Coles Bay EV Charging Station Proposal

As per the provisions of Regulation 15 (2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That Council moves into Closed Session at [time].

The Mayor to confirm that the recording has been terminated.

13 CLOSE

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

CONFIRMED as a true and correct record.

Date: **Mayor Cheryl Arnol**