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## **ORDINARY COUNCIL MEETING MINUTES**

TUESDAY 13 DECEMBER 2022

2:00 PM

Council Chambers, Triabunna

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## 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 13 December 2022, 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 8 December 2022



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 welcomed Councillors and staff and declared the meeting open at 2.00pm.

### **1.1 Acknowledgement of Country**

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

### **1.2 Present and Apologies**

#### **Present:**

Mayor Cheryl Arnol  
Clr Rob Churchill  
Clr Neil Edwards  
Clr Greg Luck  
Clr Carole McQueeney  
Clr Jenny Woods  
Clr Robert Young

#### **Apologies:**

Deputy Mayor Michael Symons (due to long-standing family commitment)

### **1.3 In Attendance**

General Manager, Mr Greg Ingham  
Executive Officer, Mrs Jazmine Kerr  
Director Planning and Development, Mr Alex Woodward  
Director Works and Infrastructure, Mr Peter Porch

### **1.4 Late Reports**

Nil.

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

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

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

**Nil.**

## **2 CONFIRMATION OF MINUTES**

### **2.1 Ordinary Meeting of Council - 22 November 2022**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 22 November 2022 at 2:00pm be confirmed as a true and correct record.

#### **DECISION 256/22**

Moved Clr Jenny Woods, seconded Clr Carole McQueeney:

That the Minutes of the Ordinary Meeting of Council held on 22 November 2022 at 2:00pm be confirmed as a true and correct record.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

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

### **THURSDAY 1 DECEMBER 2022**

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 2:00pm to 3:30pm on Thursday 1 December 2022 at the Council Offices, Triabunna.

#### **Present:**

Mayor Cheryl Arnol (via remote video conference)  
Clr Rob Churchill  
Clr Neil Edwards (via remote video conference)  
Clr Greg Luck  
Clr Carole McQueeney  
Clr Robert Young

#### **Apologies:**

Deputy Mayor Michael Symons (due to work commitments)  
Clr Jenny Woods (due to work commitments)

#### **In Attendance:**

Mr Alex Woodward, Director Planning and Development  
Mr Mick Purves, Senior Planning Consultant (via remote video conference)  
Mr James Bonner, Senior Planner

#### **Guests**

Nil

#### **Agenda**

- Tasmanian Planning Policies Submission

#### **RECOMMENDATION**

That Council notes the information.

**DECISION 257/22**

Moved Clr Rob Churchill, seconded Clr Neil Edwards:

That Council notes the information.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil



## **TUESDAY 6 DECEMBER 2022**

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 11:30am to 4:00pm on Tuesday 6 December 2022 at the Council Offices, Triabunna.

### **Present:**

Mayor Cheryl Arnol  
Deputy Mayor Michael Symons  
Clr Rob Churchill  
Clr Neil Edwards  
Clr Greg Luck  
Clr Carole McQueeney  
Clr Robert Young

### **Apologies:**

Clr Jenny Woods (due to work commitments)

### **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**

- Dr Richard Di Natale

### **Agenda**

- Presentation from Co Health
- Australia Day Awards
- Council Organisational Structure and Strategic Plan Overview
- SA2022/25 – 6 lot subdivision – 1 Kennedia Place, Swansea
- SA2022/31 – 3 lot subdivision – 1433 Dolphin Sands Rd, Dolphin Sands
- SA2022/34 – 4 lot subdivision – 945 Dolphin Sands Rd, Dolphin Sands
- Visitor Accommodation - 15 Beattie Ave, Bicheno
- Roads Asset Management Plan Review

### **RECOMMENDATION**

That Council notes the information.

**DECISION 258/22**

Moved Cllr Jenny Woods, seconded Cllr Neil Edwards:

That Council notes the information.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Cllr Rob Churchill, Cllr Neil Edwards, Cllr Greg Luck, Cllr Carole McQueeney, Cllr Jenny Woods and Cllr Robert Young

Against: Nil

*Senior Planner, Mr James Bonner and Senior Planning Consultant, Mr Mick Purves entered the meeting at 2:04pm.*

### 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.

#### 3.2 Questions Without Notice

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

Nil.

### 3.3 Responses to Previous Questions on Notice Taken on Notice - 22 November 2022

#### **Bicheno Community Development Association**

*The Lions Park has been the main playground for Bicheno residents and visitors for many years. Approximately three to four years ago, the swing set was removed from the playground as it was deemed unsafe. Council also removed at least two well developed trees for the purpose of installing new playground equipment (or adult gym equipment).*

*New playground equipment was purchased 3 years ago, but shallow subsurface rock prevented its installation, and the equipment was placed in storage.*

*To date, no action has yet taken place, and the Lions Park play equipment still remains outdated and undeveloped.*

*Lions Park is a very poor display of a welcoming area for families. The barbecue area is covered in offensive graffiti, and is often unclean; the toilet facilities are located across a street; and the play equipment is outdated and not stimulating for children to use. When visiting other regional towns that provide wonderful park and playground environments, to then return to Bicheno and not have a similar stimulating environment on offer, is disheartening at the least.*

*Bicheno is the fastest growing town in the municipality of Glamorgan Spring Bay Council with the youngest age demographic. Providing playground equipment in our regional town will provide a stimulating environment for our young people in the community. Our children need these stimulating environments to improve and develop their key cognitive, social and physical skills.*

*Can you please address the following questions:*

*Q1. What playground equipment was purchased by the Council and at what cost?*

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

1 Quad Swing	\$7900 ex GST
1 set outdoor exercise equipment	\$9100 ex GST

*Q2. Can the equipment be modified to make it suitable for this site?*

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

The installer refused to install it due to the rock close to surface level. Rock is more expensive to work with but it is possible to install it there and another installer would need to be found.

It would be difficult to find a location available to council in Bicheno without some rock to contend with.

Q3. *What does Council propose to do to improve the Lions Park to present a welcoming environment to families who live and visit Bicheno?*

**Response from General Manager, Greg Ingham**

Development of parks is best done in consultation with community to determine what the community want from their facilities and encompass that in a management plan.

If the community aspire to further development of the park a management plan can be developed as a future project.

## 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].

### **DECISION 259/22**

Moved Clr Jenny Woods, seconded Clr Robert Young:

That Council now acts as a Planning Authority at 2:06pm.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

#### 4.1 SA2022/25 - 6 Lot Subdivision - 1 Kennedia Place, Swansea

<b>Proposal:</b>	6 lot subdivision
<b>Applicant:</b>	Andy Hamilton & Associates Pty Ltd
<b>Application Date:</b>	21/06/2022
<b>Statutory Date:</b>	06/12/2022
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	General Residential
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code; C3.0 Road and Railways Assets Code; C13.0 Bushfire Prone Areas Code
<b>Specific Area Plans:</b>	None
<b>Use:</b>	N/A
<b>Development:</b>	Subdivision (6 lots)
<b>Discretions:</b>	8.0 General Residential Zone - 8.6.1 - frontage width C3.0 Road and Railways Assets Code - C3.5.1 – new vehicle crossings
<b>Representations:</b>	6
<b>Attachments:</b>	1. Exhibited Documents S A 2022-025 [4.1.1 - 45 pages] 2. Representations De identified [4.1.2 - 9 pages]
<b>Author:</b>	James Bonner, Senior Planner

#### Executive Summary

Planning approval is sought for a subdivision of an existing lot to create 6 lots at 1 Kennedia Place, Swansea. The proposal was advertised for two weeks from 02 November 2022 to 18 November 2022 and six (6) representations were received objecting to the proposal.

The report assesses the proposal against the standards of the relevant zones, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations and the matters raised in the representations and make a final determination by 20 December 2022.

#### PART ONE

##### 1. Statutory Requirements

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

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

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

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

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

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

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

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

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

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

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

## **3. The Proposal**

The proposal is to subdivide the existing lot into 6 lots of varying sizes. Three lots are proposed to have access onto Old Spring Bay Road and the remaining 3 lots will have access onto Kennedia Place (figure 1).

The services plan (figure 2) shows the proposed location of driveways and the proposed sewer and stormwater infrastructure.





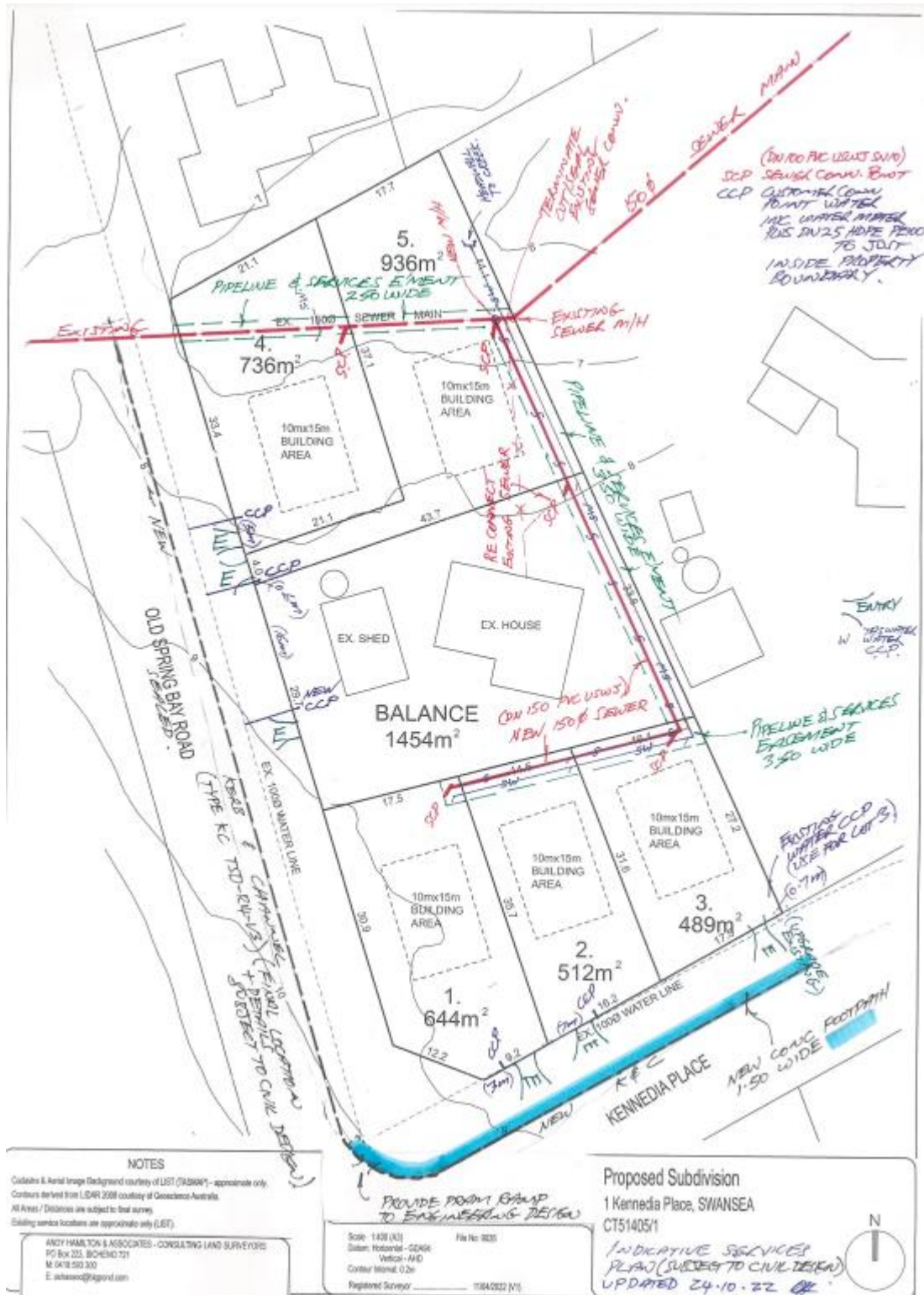


Figure 2 – Services Plan

#### 4. Risk and implications

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



## 5. Background and past applications

The existing shed was approved in 1999 and the house was approved in 2002. The house and shed are proposed to be contained within the balance lot, being lot 6.

## 6. Site Description

The site is contained within certificate of title CT 51405/1 with a land area of 4771m<sup>2</sup>. The site is located at the southern edge of the urban zoned areas of Swansea. The site has been developed as an urban lot with landscaping and is substantially cleared of native vegetation, except for a strip of vegetation along the southern boundary. The majority of the vegetation along the Old Spring Bay Road frontage appears to be located within the road reserve.



Figure 3 – Locality Source: LIST MAP



Figure 4 – Site Source: LIST Map

## 7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

## 8. Easements and Services

There are currently no easements on the subject lot. The proposal is that the lots will have easements for drainage and sewer as depicted on the services plan.

## 9. Covenants

There are no covenants that have a bearing on the proposal.

## PART TWO

### 10. Meeting the Standards via Acceptable Solution

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

- 8.0 General Residential Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railways Assets Code
- C13.0 Bushfire Prone Areas Code

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

### 11. Meeting the Standards via Performance Criteria

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

- 8.0 General Residential Zone - 8.6.1 – (A2) frontage width less than 12m
- C3.0 Road and Railways Assets Code - C3.5.1 – (A1.2) new vehicle crossings

## PART THREE

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

#### 8.0 General Residential Zone

8.6.1 Lot design (A2) – The acceptable solution is that each lot has a frontage of not less than 12m. Lot 5 is an internal lot with a frontage of 4m. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:  (a) the width of frontage proposed, if any;	The frontage is 4m wide. <b>Complies</b>
(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;	Lot 5 is the only lot that had a frontage less than 12m. <b>Complies</b>



<b>Performance Criteria</b>	<b>Planner's Response</b>
(c) the topography of the site;	The topography of the site does not impact on the functionality of the proposed frontage and access. <b>Complies</b>
(d) the functionality and useability of the frontage;	The frontage is of sufficient width to allow vehicles to enter and exit in a forward direction. <b>Complies</b>
(e) the ability to manoeuvre vehicles on the site; and	The access strip is 21m in length and vehicles will have sufficient room to manoeuvre on site. <b>Complies</b>
(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide	This is the only internal lot with frontage onto Old Spring Bay Road. There are some internal lots in Kennedia Place and Aqua Sands Drive. <b>Complies</b>

### **C3.0 Road and Railways Assets Code**

C3.5.1 Traffic generation at a vehicle crossing (A1.2) – The acceptable solution is that written consent for a vehicle crossing for the development has been issued by the road authority. Written consent for the new crossing has not been obtained. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

<b>Performance Criteria</b>	<b>Planner's Response</b>
Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:  (a) any increase in traffic caused by the use;	Each lot has its own vehicle crossing with 3 lots gaining access onto Old Spring Bay Road and 3 onto Kennedia Place. The lots are for residential use and increased traffic is within the capacity of the road network. <b>Complies</b>
(b) the nature of the traffic generated by the use;	Residential traffic anticipated. <b>Complies</b>
(c) the nature of the road;	The roads serve local traffic. <b>Complies</b>
(d) the speed limit and traffic flow of the road;	The roads are local with a 50km/h speed limit. <b>Complies</b>
(e) any alternative access to a road;	There is no alternative access. <b>Complies</b>

<b>Performance Criteria</b>	<b>Planner's Response</b>
(f) the need for the use;	Each access is required for the subdivision. <b>Complies</b>
(g) any traffic impact assessment; and	A traffic impact assessment was not undertaken. <b>Complies</b>
(h) any advice received from the rail or road authority	Council's engineers have not raised any concerns with the proposal. <b>Complies</b>

### 13. Referrals

The application was referred to TasWater, TasNetworks and Council's engineers who provided advice and comments.

### 14. Representations

The proposal was advertised for two weeks from 02 November 2022 to 18 November 2022 and 6 representations were received objecting to the proposal. A summary of concerns raised, and responses are included in the Table below. The submissions are included in the attachments to the report with personal details redacted for privacy reasons.

<b>Representation 1</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>1. Land size for 6 lots residential construction are questionable considering Swansea is a rural coastal town.</li> <li>2. Across from site there is already 9 lots for construction - being stage one.</li> <li>3. Extremely concerned properties will be used as airbnb.</li> <li>4. More concerned the actual location is a bird habitat whereby endangered species currently nest.</li> <li>5. 6 lots will result in higher than expected traffic resulting in potential accidents and more wildlife been harmed.</li> <li>6. A shortage on residential properties cannot be used as a way to support this proposal.</li> </ol>	<ol style="list-style-type: none"> <li>1. The property and surrounding area is zoned general residential which envisages a higher density of living by allowing smaller lot sizes.</li> <li>2. Noted.</li> <li>3. The application is for a subdivision and possible future use is not a consideration at this stage.</li> <li>4. The property is not identified as having priority vegetation. Potential impacts on threatened species is under separate legislation.</li> <li>5. The subdivision will result in increased traffic, however it is considered well within the limit of the local roads.</li> <li>6. Subdivision is permissible in the general residential zone.</li> </ol>
<b>Representation 2</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>1. I have observed Swift Parrots in the trees on the border along Old Spring Bay Road.</li> </ol>	<ol style="list-style-type: none"> <li>1. The property is not identified as having priority vegetation. Impacts on</li> </ol>

<p>Swansea has one of the last Swift Parrot habitats in Tasmania.</p> <ol style="list-style-type: none"> <li>The extra blocks will increase population dramatically in a small area, and I assume Council will take over maintenance of the roads and paths.</li> <li>Potentially, these buildings will be converted to holiday lets which adds cost and traffic with only sporadic spending returned to the area.</li> <li>Creating high density living in a rural setting seems at odds with why people purchase property here, and not in keeping with preserving natural habitat.</li> <li>There is a natural water course running through the northern border of the property, the indicative boundaries would appear to show buildings situated right up to the water course. With recent heavy rains I have observed that section of the property under water.</li> </ol>	<p>threatened species is under separate legislation.</p> <ol style="list-style-type: none"> <li>The zone allows for increased density and there are no new roads proposed. Proposed footpath will improve pedestrian access and will link to a new footpath on Old Spring Bay Rd.</li> <li>The application is for a subdivision and possible future use is not a consideration at this stage</li> <li>The property and surrounds are zoned general residential which is an urban zone.</li> <li>The building areas on the plan are located away from the watercourse.</li> </ol>
<b>Representation 3</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>More attention should be given to the proposed entrances on the Kennedia Place corner and Old Spring Bay Road. We feel the position would be dangerous to traffic turning into the Cul de Sac.</li> <li>The existing rain runoff from the new subdivision and the Cathcart track will impact anything built on that property and ours unless efforts are made to create a clear water course.</li> <li>Much of the rear end of the property is covered by an easement we understand cannot be built on, we also believe that there is some easement on the property parallel to Old Spring Bay Road. This has the potential to make the blocks very small and crowded.</li> <li>We are aware that the Sewerage infrastructure is just coping with current population, during busy periods the existing system becomes overwhelmed with sewerage overflow.</li> </ol>	<ol style="list-style-type: none"> <li>Both roads have a speed limit of 50km/h and Council's engineers have not raised any concern with the location of the driveways.</li> <li>Stormwater from the lots will discharge into the creek directly or via easements and Council's engineers are satisfied with the stormwater disposal into the creek.</li> <li>Building areas are shown clear of the easements. There is no easement along the front of the property.</li> <li>TasWater have not raised any concern with the provision of reticulated sewerage to the proposed lots.</li> </ol>



Representation 4	Response
<p>1. The development has potential to increase the volume of water entering the creek due to:</p> <ul style="list-style-type: none"> <li>• Increased non-pervious surfaces associated with residential dwellings,</li> <li>• Increase in storm water outflow to the creek due to increased catchment areas of pitched roofs</li> </ul> <p>Noting that recent observations during rain events indicate that the current waterway appears to be at capacity, as previously raised with the council.</p>	<p>1. Council's engineers are satisfied with the proposed stormwater disposal into the creek from the proposed lots.</p>
Representation 5	Response
<p>1. 3 driveways across the front of Kennedia Place will be unsafe for people and other residents of the cul-de-sac. There will be increased traffic in and out of these driveways. Kennedia Place is used regularly by people walking with children, to get to the walkways that lead them to the beaches. Thus creating a dangerous environment for walkers as well as people cycling and exercising their dogs.</p> <p>2. 5 blocks plus balance of the property in the subdivision is excessive for the area, 2 blocks plus balance is quite adequate and would not pose hazards as quoted above.</p> <p>3. The trees along Old Spring Bay Road would have to be cleared for accesses into the developments. These trees are the habitats for the Musk Lorikeets and Swift Parrots, on the endangered list.</p> <p>4. More housing along the creek will produce more runoff of water and pollutants into the water stream coming down from the big development opposite on Old Spring Bay Road. This will cause flooding of the natural water stream and will wash pollutants from the allotments which will flow out to the beach of Masons Bluff.</p> <p>5. Our property will be impacted by the lack of drainage along Kennedia Place. As our block is slightly lower lying we will and already are having trouble with runoff</p>	<p>1. Council's engineers are satisfied with the location of the driveways in regard to distance from the intersection and traffic safety.</p> <p>2. The land is zoned general residential which permits lots of the proposed size.</p> <p>3. The land is not identified as containing priority vegetation. Three driveways will access onto Old Spring Bay Road which should only require limited tree removal. It is noted that a number of the trees are not native.</p> <p>4. Council's engineers are satisfied with the proposed stormwater disposal into the creek. Runoff from other developments is not a consideration for this application.</p> <p>5. The 3 lots facing Kennedia Place are proposing to direct stormwater via easements to the creek not Kennedia Place.</p> <p>6. While the existing lots in Kennedia Place are of low density, the area is zoned general residential which encourages and permits smaller lot sizes.</p> <p>7. This is not a consideration for subdivision of a general residential zoned area.</p>

<p>from the road and the development across the road on Old Spring Bay Road.</p> <p>6. The south side of Swansea was supposed to be Low Density which is slowly becoming high density.</p> <p>7. More housing developments will increase the population of Swansea but they won't be permanent residents but more holiday dwellers. In saying that Swansea does not have the medical facilities to cope with more residents to the area.</p>	
<b>Representation 6</b>	<b>Response</b>
<p>1. Potential flooding - the block has been shown to retain surface water even with ordinary rainfall. The application doesn't address this - it only deals with bush fire mitigation.</p> <p>2. The lack of available parking for 5 more dwellings. Old Spring Bay Rd already has problems with cars parked on both sides of the road</p> <p>3. The removal of the only trees remaining on the eastern side of the road between Gordon St and the boundary of the General Residential zone, and which house a number of pairs of musk lorikeets.</p>	<p>1. Council's engineers are satisfied with the proposed stormwater disposal into the creek.</p> <p>2. It is anticipated that vehicles will park on each lot.</p> <p>3. Anticipated that limited tree removal will be required for the lots accessing onto Old Spring Bay Rd.</p>

## 15. Conclusion

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

## 16. Recommendation

### That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/25, at 1 Kennedia Place, Swansea (CT 51405/1) for the subdivision into 6 lots be approved with the following conditions:

### CONDITIONS

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

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

2. Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2022/01476-GSB, dated 01/11/2022 and attached to this permit.

### **Final Plan**

3. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
4. All land noted as roadway, footway, and open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
5. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's Municipal Engineer.
6. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
7. Prior to sealing the Final Plan of Survey or execution of the Schedule of Easements and associated documents, certification must be provided from an accredited bushfire practitioner that all recommendations and requirements of the Bushfire Hazard Report by Another Perspective Pty Ltd, dated 20/09/2022 have been implemented and complied with.

### **Public Open Space**

8. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of described by lots 1-5 on the endorsed plan] as at the date of lodgment of the final plan of survey.

The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

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

### **Environment Management**

9. All work must be generally in compliance with the Tasmanian Coastal Works Manual, available at. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
10. The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.

11. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot and outside the Waterway and Coastal Protection Area during all works on the site. These works are to comply with a Stormwater Management Plan developed for the site.
12. No top soil is to be removed from the site.
13. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases to the satisfaction of Council's General Manager.
14. Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.

### **Engineering**

15. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
16. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, these drawings must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences. The detailed engineering drawings must show the following:
  - a) all existing and proposed services required by this permit;
  - b) all proposed stormwater infrastructure.
  - c) all existing and proposed roadwork required by this permit;
  - d) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - e) measures to be taken to limit or control erosion and sedimentation;
  - f) any other work required by this permit.
17. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
18. 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.
19. Concrete kerb and channel must be provided along the entire frontage of the subdivision.
20. The developer must provide reinforced concrete footpath 1.50 metres wide along the Kennedia Place frontage.

21. 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.
22. The vehicle access on lot 1 must be constructed at the south-east corner of the lot.
23. Reinforced concrete vehicle accesses must be constructed for each lot 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.

### **Drainage**

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

*Advice: Detention tank can be proposed for each lot to limit the stormwater flows.*

25. The developer must provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years (inclusive of climate change).
26. A Stormwater Management Report must be submitted along with the 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 prior to the sealing of the Plan of Survey for any stage of the subdivision;
  - d) and to the satisfaction of Council's General Manager.

27. The developer must provide minimum 10-metre wide shared services easement on the existing creek line at the northern boundaries of lot 4 and 5.

### **Construction**

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

### **Sealing of Final Plan**

32. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

*Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.*

33. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

34. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the Final Plan of Survey.
35. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

#### **Telecommunications and Electrical Reticulation**

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

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

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

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

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

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

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

- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)
  - *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- i. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m<sup>2</sup> and the burning of plastics, and other non-wood or non-vegetative material.
- j. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
- k. Land Title Office fees must be paid directly to the Recorder of Titles.
- l. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- m. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- n. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- o. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste



Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.

- p. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
- q. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- r. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
- s. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dipwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
- t. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

## **DECISION 260/22**

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

### **That:**

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/25, at 1 Kennedia Place, Swansea (CT 51405/1) for the subdivision into 6 lots be approved with the following conditions 1 - 39 and advice a - t:

### **THE MOTION WAS PUT AND CARRIED 5/2**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Carole McQueeney and Clr Robert Young

Against: Clr Greg Luck and Clr Jenny Woods

## 4.2 SA2022/31 - 3 lot subdivision - 1433 Dolphin Sands Road, Dolphin Sands

<b>Proposal:</b>	3 lot subdivision
<b>Applicant:</b>	PDA Surveyors, Engineers & Planners
<b>Application Date:</b>	26/07/2022
<b>Statutory Date:</b>	26/12/2022
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	GSB-P1.0 - Particular Purpose Zone - Dolphin Sands
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code, C11.0 Coastal Inundation Hazard Code, C13.0 Bushfire-Prone Areas Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	-
<b>Development:</b>	Subdivision
<b>Discretions:</b>	GSB-P1.0 - Particular Purpose Zone - Dolphin Sands - P1.7 - subdivision C3.0 Road and Railway Assets Code - C3.5.1 - new vehicle crossings C7.0 Natural Assets Code - C7.7.1 - waterway area, C7.7.2 -0 priority vegetation area
<b>Representations:</b>	N/A
<b>Attachments:</b>	1. Applicants Planning Report (1) [4.2.1 - 13 pages] 2. Plan of subdivision (3) [4.2.2 - 1 page]
<b>Author:</b>	James Bonner, Senior Planner

### Executive Summary

Planning approval has been sought for the subdivision of an existing lot to create 3 lots at 1433 Dolphin Sands Road, Dolphin Sands.

The Planning Authority must consider the planner's recommendation and make a final determination by 26 December 2022. The Planning Authority may recall the subdivision provisions that allowed creation of new lots were understood to be an error within the processing of the Local Provisions Schedule (LPS). The Tasmanian Planning Commission recently advised that the change to the subject provision was an intentional change and was not an error. A planning scheme amendment is proposed to be lodged with the Commission seeking to address this situation.

## 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 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 a refusal with an approval (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.

In addition to the normal requirements of assessing an application under the planning scheme, the Dolphin Sands Particular Purpose zone contains what was understood to be an error in the subdivision provisions by inclusion of the conjunction “or” at the end of criterion (a) of P1. The provision is reproduced below, with the subject word highlighted in bold.

P1 Subdivision of land must:

- (a) provide for public open space, a public reserve, public services or utilities; **or**
- (b) have a minimum frontage of 60m; and
- (c) not create a lot that is less than 1 hectare in area.

The equivalent provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 did not include the subject word, which was not identified as a permitted alteration in the declaration of the transitional status afforded to the zone for assessment of the Local Provisions Schedule.

The Planning Authority will recall from recent reporting on this issue that the subject word was recognised as an error in the Local Provisions Schedule by both the Tasmanian Planning Commission and legal advice on this matter. The legal advice provides that the error has no legal effect and the subdivision provisions under GSB-P1.7.1 Subdivision should be read as though the error had not been made.

## **2. Determining 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.

The Tasmanian Planning Scheme provides the following to determine an application:

### *5.6 Compliance with Applicable Standards*

*5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.*

*5.6.3 Compliance for the purposes of sub-clause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

In assessing this application, the Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria.

## **3. The Proposal**

The application seeks approval to subdivide the existing lot into 3 lots of 1.104 ha, 1.106 ha and 1.51 ha.

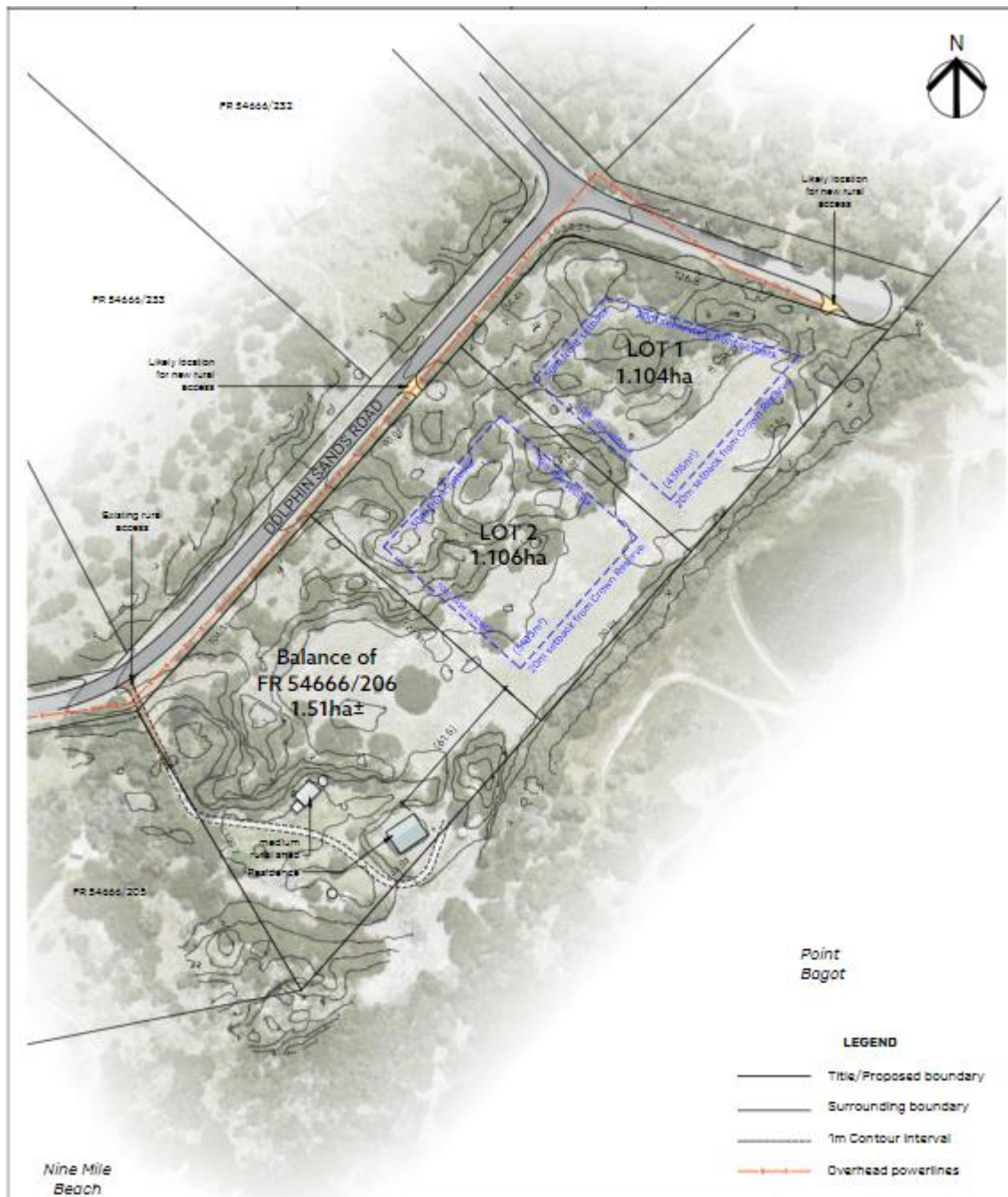


Figure 1 – Site plan

#### 4. Risk and implications

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

#### 5. Background and past applications

The existing house and carport were approved in 2007, with alterations to the house approved in 2021.



## 6. Site Description

The site is contained within certificate of title CT 54666/206 with a total land area of 3.764ha±. The land is covered with a mix of native scrub and grasses with the grassed area routinely slashed. The land is bound by Dolphin Sands Road to the north and east and Crown reserve land to the south. See figures 2 and 3 below.



Figure 2 – Locality Source: LISTMap





Figure 3 – Site Source: LISTMap

## **7. Planning Instruments**

Tasmanian Planning Scheme – Glamorgan Spring Bay

## **8. Easements and Services**

No easements were identified on the title. The site does not have access to reticulated services.

## **9. Covenants**

No covenants were identified on the title.

## PART TWO

### 10. Meeting the Standards via Acceptable Solution

The proposal has been assessed against the acceptable solutions provided in:

- GSB-P1.6.2 Dolphin Sands Particular Purpose Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C11.0 Coastal Inundation Hazard Code
- C13.0 Bushfire-Prone Areas Code

All standards were met by Acceptable Solution excepting those identified below. These have been assessed against the applicable performance criteria.

### 11. Meeting the Standards via Performance Criteria

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

GSB-P1.0 - Particular Purpose Zone - Dolphin Sands - P1.7 - subdivision,  
C3.0 Road and Railway Assets Code - C3.5.1 - new vehicle crossings,  
C7.0 Natural Assets Code - C7.7.1 - waterway area, C7.7.2 - priority vegetation area

## PART THREE

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

#### GSB-P1.0 - Particular Purpose Zone - Dolphin Sands

GSB-P1.7.1 Subdivision (A1) – The acceptable solution is that subdivision must be for the consolidation of lots. The acceptable solution cannot be met as the proposal is not for the consolidation of lots. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1 Subdivision of land must: (a) provide for public open space, a public reserve, public services or utilities; or	As previously noted, legal advice identified that this provision contains an error and must be read as if the error had not been made. The word "or" was not an approved alteration and following the legal advice, must be ignored. The proposal does not meet the requirements of (a) as it is not for public open space, a public reserve, public services or utilities. Following the legal advice, the proposal does <u>not</u> comply with this criterion. <b>Does not meet the performance criteria</b>
(b) have a minimum frontage of 60m; and	The proposed lots each have a frontage over 60m and meet this criterion.



Performance Criteria	Planner's Response
	<b>Complies</b>
(c) not create a lot that is less than 1 hectare in area.	The proposed lots are all over 1 ha in area and meet this criterion. <b>Complies</b>

### **C3.0 Road and Railway Assets Code**

C3.5.1 - new vehicle crossings (A1.2) - The acceptable solution is that the written consent has the road authority has been issued for new vehicle crossings. The acceptable solution cannot be met as the road authority (Council) has not issued written consent.

An assessment of the relevant performance criteria was not completed as the proposal is unable to meet the subdivision requirements of the zone.

### **C7.0 Natural Assets Code**

C7.7.1 – Subdivision within waterway area (A1) - The acceptable solution is that a proposed lot be for the creation of separate lots for existing buildings, be required for public use or utilities, be for the consolidation of a lot or not include any works, building area, access, or bushfire hazard management area within the waterway area. The acceptable solution cannot be met as the subdivision is not for existing buildings, public or utility uses, or consolidation, and the building areas and bushfire hazard management areas will be within the waterway area.

An assessment of the relevant performance criteria was not completed as the proposal is unable to meet the subdivision requirements of the zone.

### **C7.0 Natural Assets Code**

C7.7.2 Subdivision within a priority vegetation area (A1) - The acceptable solution is that a proposed lot be for the creation of separate lots for existing buildings, be required for public use or utilities, be for the consolidation of a lot or not include any works, building area, access, bushfire hazard management area within the priority vegetation area. The acceptable solution cannot be met as the subdivision is not for existing buildings, public or utility uses, or consolidation, and the building areas and bushfire hazard management areas will be within the priority vegetation area.

An assessment of the relevant performance criteria was not completed as the proposal is unable to meet the subdivision requirements of the zone.

## **13. Referrals**

Advice on referrals is not relevant to this assessment as the application cannot meet the requirements of the Scheme and cannot be approved.

## **14. Representations**

The proposal was not advertised. In accordance with section 57(2) of the Land Use Planning and Approvals Act 1993, the planning authority may, on receipt of an application for a permit, refuse to grant the permit and if it does so it does not have to comply with section 57(3) which relates to the notification of the application.

## **15. Conclusion**

The conclusion of this assessment is that the application must be refused, as it fails to meet the requirements of GSB-P1.7.1 P1 Subdivision (following legal advice).

## **16. Recommendation**

**That:**

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/24 at 1433 Dolphin Sands Road, Dolphin Sands (CT 54666/206) for subdivision, be refused for the following reasons:

- Failure to meet the requirements of clause GSB-P1.7.1 P1 Subdivision.

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

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgement or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

## **DECISION 261/22**

Moved Clr Rob Churchill, seconded Clr Carole McQueeney:

### **That:**

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/24 at 1433 Dolphin Sands Road, Dolphin Sands (CT 54666/206) for subdivision, be refused for the following reasons:

- Failure to meet the requirements of clause GSB-P1.7.1 P1 Subdivision.

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

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgement or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

### **THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

### 4.3 SA2022/34 - 4 lot subdivision - 945 Dolphin Sands Road, Dolphin Sands

<b>Proposal:</b>	4 lot subdivision
<b>Applicant:</b>	PDA Surveyors, Engineers & Planners
<b>Application Date:</b>	10/08/2022
<b>Statutory Date:</b>	20/12/2022
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	GSB-P1.0 - Particular Purpose Zone - Dolphin Sands
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code, C13.0 Bushfire-Prone Areas Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	-
<b>Development:</b>	Subdivision
<b>Discretions:</b>	GSB-P1.0 - Particular Purpose Zone - Dolphin Sands - P1.7 - subdivision C3.0 Road and Railway Assets Code - C3.5.1 - new vehicle crossings C7.0 Natural Assets Code - C7.7.2 - priority vegetation area
<b>Representations:</b>	N/A
<b>Attachments:</b>	1. Applicants Planning Report (2) [4.3.1 - 10 pages] 2. Plan of Subdivision (4) [4.3.2 - 1 page]
<b>Author:</b>	James Bonner, Senior Planner

### Executive Summary

Planning approval has been sought for the subdivision of an existing lot to create 4 lots at 945 Dolphin Sands Road, Dolphin Sands.

The Planning Authority must consider the planner's recommendation and make a final determination by 20 December 2022. The Planning Authority may recall the subdivision provisions that allowed creation of new lots were understood to be an error within the processing of the Local Provisions Schedule (LPS). The Tasmanian Planning Commission recently advised that the change to the subject provision was an intentional change and was not an error. A planning scheme amendment is proposed to be lodged with the Commission seeking to address this situation.

## 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 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.

In addition to the normal requirements of assessing an application under the planning scheme, the Dolphin Sands Particular Purpose zone contains what was understood to be an error in the subdivision provisions by inclusion of the conjunction “or” at the end of criterion (a) of P1. The provision is reproduced below, with the subject word highlighted in bold.

P1 Subdivision of land must:

- (a) provide for public open space, a public reserve, public services or utilities; **or**
- (b) have a minimum frontage of 60m; and
- (c) not create a lot that is less than 1 hectare in area.

The equivalent provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 did not include the subject word, which was not identified as a permitted alteration in the declaration of the transitional status afforded to the zone for assessment of the Local Provisions Schedule.

The Planning Authority will recall from recent reporting on this issue that the subject word was recognised as an error in the Local Provisions Schedule by both the Tasmanian Planning Commission and legal advice on this matter. The legal advice provides that the error has no legal effect and the subdivision provisions under GSB-P1.7.1 Subdivision should be read as though the error had not been 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.

The Tasmanian Planning Scheme provides the following to determine an application:

### *5.6 Compliance with Applicable Standards*

*5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.*

*5.6.3 Compliance for the purposes of sub-clause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

In assessing this application, the Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria.

## **3. The Proposal**

The application seeks approval to subdivide the existing lot into 4 lots of 3.55ha±, 3.59ha±, 2.67ha± and 2.32ha±.

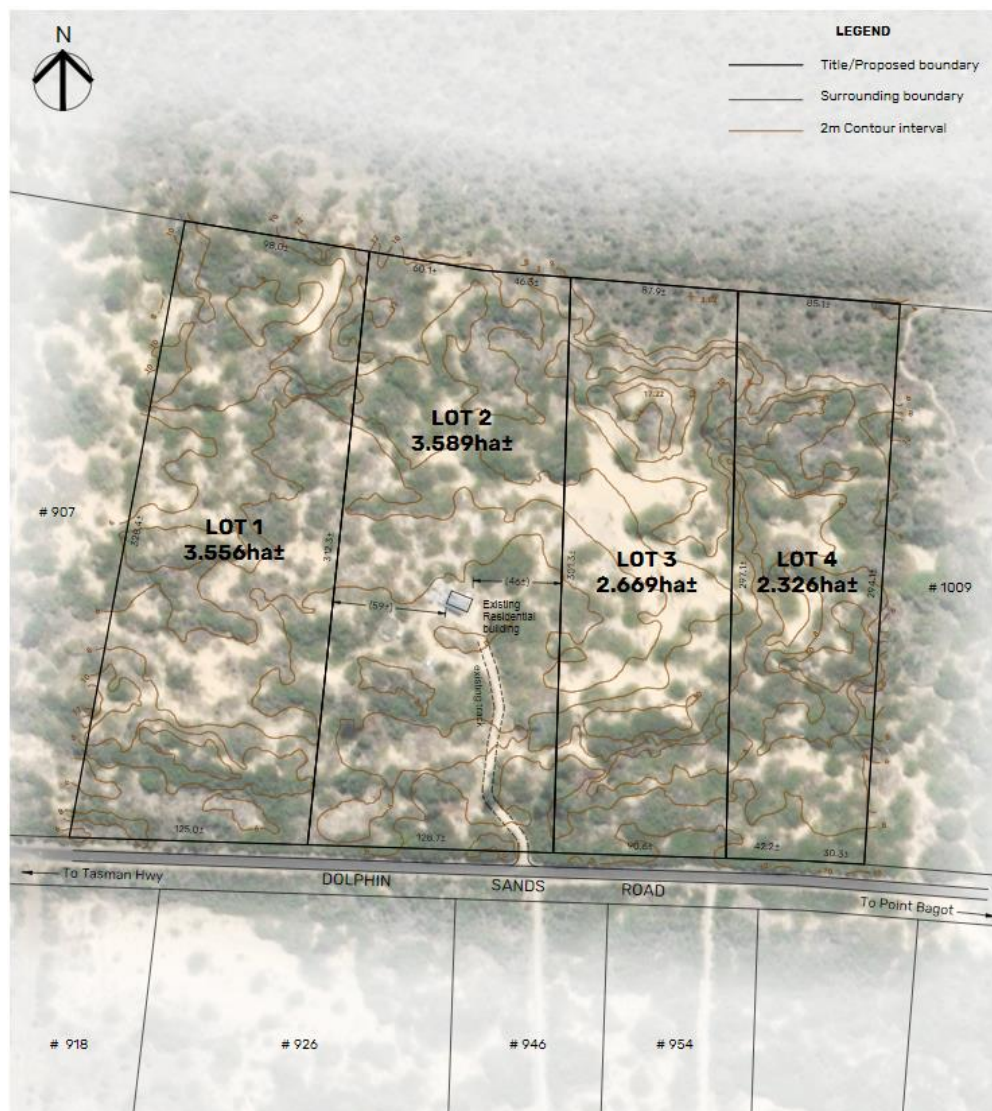


Figure 1 – Site plan



#### 4. Risk and implications

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

#### 5. Background and past applications

There is an existing outbuilding on the lot that was approved in 2006.

#### 6. Site Description

The site is contained within certificate of title CT 54666/148 with a total land area of 12.14ha±. The land is covered with a mix of native scrub and grasses. The land is bound by Dolphin Sands Road to the south and rural zoned land to the north. See figures 2 and 3 below.



Figure 2 – Locality Source: LISTMap





Figure 3 – Site Source: LISTMap

## 7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

## 8. Easements and Services

No easements were identified on the title. The site does not have access to reticulated services.

## 9. Covenants

No covenants were identified on the title.

## PART TWO

## 10. Meeting the Standards via Acceptable Solution

The proposal has been assessed against the acceptable solutions provided in:

- GSB-P1.6.2 Dolphin Sands Particular Purpose Zone
- C2.0 Parking and Sustainable Transport Code



- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C13.0 Bushfire-Prone Areas Code

All standards were met by Acceptable Solution excepting those identified below. These have been assessed against the applicable performance criteria.

## 11. Meeting the Standards via Performance Criteria

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

GSB-P1.0 - Particular Purpose Zone - Dolphin Sands - P1.7 - subdivision,  
C3.0 Road and Railway Assets Code - C3.5.1 - new vehicle crossings,  
C7.0 Natural Assets Code - C7.7.2 - priority vegetation area

## PART THREE

## 12. Assessing the Proposal against the Performance Criteria

### GSB-P1.0 - Particular Purpose Zone - Dolphin Sands

GSB-P1.7.1 Subdivision (A1) – The acceptable solution is that subdivision must be for the consolidation of lots. The acceptable solution cannot be met as the proposal is not for the consolidation of lots. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1 Subdivision of land must: (a) provide for public open space, a public reserve, public services or utilities; or	As previously noted, legal advice identified that this provision contains an error and must be read as if the error had not been made. The word "or" was not an approved alteration and following the legal advice, must be ignored. The proposal does not meet the requirements of (a) as it is not for public open space, a public reserve, public services or utilities. Following the legal advice, the proposal does <u>not</u> comply with this criterion. <b>Does not meet the performance criteria</b>
(b) have a minimum frontage of 60m; and	The proposed lots each have a frontage over 60m and meet this criterion. <b>Complies</b>
(c) not create a lot that is less than 1 hectare in area.	The proposed lots are all over 1 ha in area and meet this criterion. <b>Complies</b>

### **C3.0 Road and Railway Assets Code**

C3.5.1 - new vehicle crossings (A1.2) - The acceptable solution is that the written consent of the road authority has been issued for new vehicle crossings. The acceptable solution cannot be met as the road authority (Council) has not issued written consent.

An assessment of the relevant performance criteria was not completed as the proposal is unable to meet the subdivision requirements of the zone.

### **C7.0 Natural Assets Code**

C7.7.2 Subdivision within a priority vegetation area (A1) - The acceptable solution is that a proposed lot be for the creation of separate lots for existing buildings, be required for public use or utilities, be for the consolidation of a lot or not include any works, building area, access, bushfire hazard management area within the priority vegetation area. The acceptable solution cannot be met as the subdivision is not for existing buildings, public or utility uses, or consolidation, and the building areas and bushfire hazard management areas will be within the priority vegetation area.

An assessment of the relevant performance criteria was not completed as the proposal is unable to meet the subdivision requirements of the zone.

## **13. Referrals**

Advice on referrals is not relevant to this assessment as the application cannot meet the requirements of the Scheme and cannot be approved.

## **14. Representations**

The proposal was not advertised. In accordance with section 57(2) of the Land Use Planning and Approvals Act 1993, the Planning Authority may, on receipt of an application for a permit, refuse to grant the permit and if it does so it does not have to comply with section 57(3) which relates to the notification of the application.

## **15. Conclusion**

The conclusion of this assessment is that based on the legal advice the application must be refused as it fails to meet the requirements of GSB-P1.7.1 P1 Subdivision.

## **16. Recommendation**

**That:**

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/24 at 1433 Dolphin Sands Road, Dolphin Sands (CT 54666/206) for subdivision, be refused for the following reasons:

- Failure to meet the requirements of clause GSB-P1.7.1 P1 Subdivision.

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

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgement or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

**DECISION 262/22**

Moved Clr Rob Churchill, seconded Clr Carole McQueeney:

**That:**

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/24 at 1433 Dolphin Sands Road, Dolphin Sands (CT 54666/206) for subdivision, be refused for the following reasons:

- Failure to meet the requirements of clause GSB-P1.7.1 P1 Subdivision.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

#### 4.4 DA2022/269 - 5 x visitor accommodation - 15 Beattie Ave, Bicheno

<b>Proposal:</b>	5 x visitor accommodation
<b>Applicant:</b>	E. Kalis Properties Pty Ltd
<b>Application Date:</b>	19/10/2022
<b>Statutory Date:</b>	20/12/2022
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	General Residential
<b>Codes:</b>	C2.0 Parking & Sustainable Transport Code; C3.0 Road and Railway Assets Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Visitor Accommodation
<b>Development:</b>	5 x visitor accommodation buildings
<b>Discretions:</b>	8.0 General Residential Zone - 8.3.2 visitor accommodation and 8.5.1 non-dwelling C2.0 Parking & Sustainable Transport Code C2.5.1 - parking spaces and C2.6.2 entry and exit of vehicles
<b>Representations:</b>	4
<b>Attachments:</b>	1. Exhibited Documents D A 2022-269 [4.4.1 - 12 pages] 2. Representations De-identified [4.4.2 - 7 pages]
<b>Author:</b>	James Bonner, Senior Planner

#### Executive Summary

Planning approval is sought for a development comprising 5 x visitor accommodation buildings and parking area at 15 Beattie Ave, Bicheno. The proposal was advertised for two weeks from 06 November 2022 to 25 November 2022 and four (4) representations were received objecting to the proposal.

The report assesses the proposal against the standards of the relevant zones, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations and the matters raised in the representations and make a final determination by 20 December 2022.

#### PART ONE

##### 1. Statutory Requirements

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

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

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

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

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

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

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

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

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

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

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

## **3. The Proposal**

The proposal is to build five buildings in the rear yard to be used for visitor accommodation with four additional parking spaces to be provided in the front yard. The five buildings are converted shipping containers. The applicant states that the buildings will be used by staff as short-term accommodation who work at the adjacent visitor accommodation business. The definition of visitor accommodation in the Tasmanian Planning Scheme is the “*use of land for providing short or medium-term accommodation for persons away from their normal place of residence...*”.

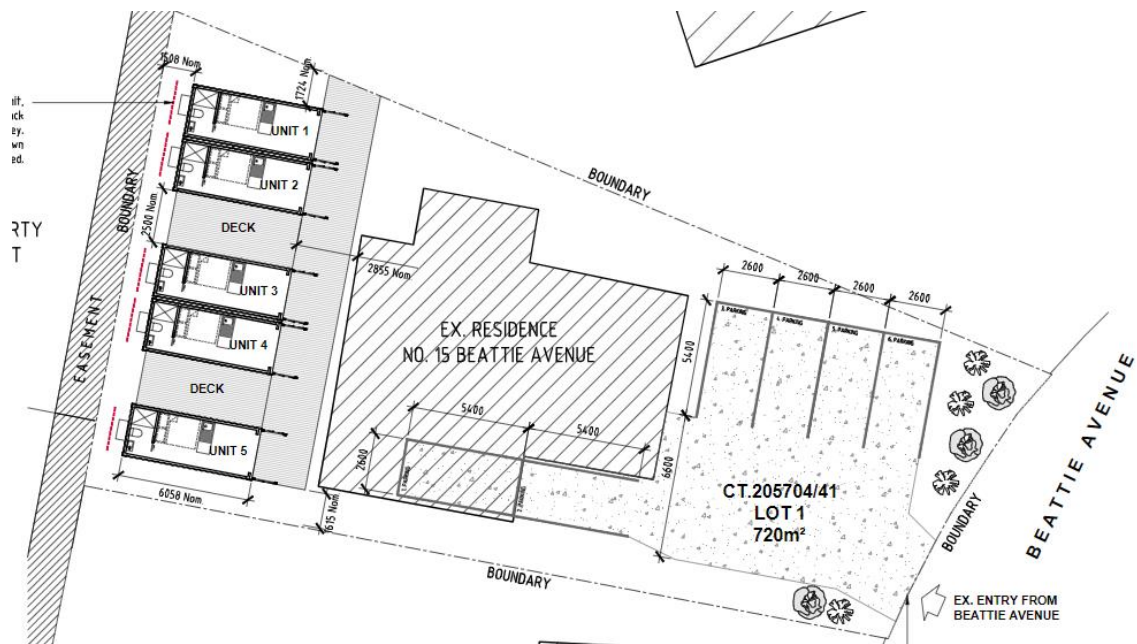
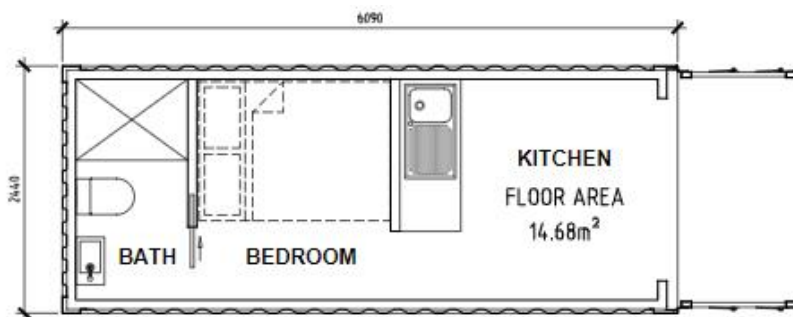


Figure 1 – Site plan



PROPOSED FLOOR PLAN - GENERIC CONTAINER 1:50



Figure 2 – Floor plan and generic photos of potential fitout Source: applicant



#### 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 is an existing dwelling on the property though Council's electronic records do not identify when it was approved.

## 6. Site Description

The site is contained within CT 205704/41 with a land area of approximately 720m<sup>2</sup>. The site is developed with an existing dwelling and is substantially cleared of vegetation. The development in the immediate area consists mostly of single dwellings located on land zoned General Residential. The site to the north is a visitor accommodation business that is located on land zoned Local Business.



Figure 3 – Locality Source: LISTMap



Figure 4 – Site Source: LISTMap

## **7. Planning Instruments**

Tasmanian Planning Scheme – Glamorgan Spring Bay

## **8. Easements and Services**

The site is fully serviced and the title documents did not identify any easements.

## **9. Covenants**

There are no covenants that have a bearing on the proposal.

## **PART TWO**

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

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

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

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



## 11. Meeting the Standards via Performance Criteria

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

- 8.0 General Residential Zone – 8.3.2 (A1) visitor accommodation and 8.5.1 (A6) noise
- C2.0 Parking & Sustainable Transport Code - C2.5.1 - parking spaces and C2.6.2 entry and exit of vehicle

## PART THREE

## 12. Assessing the Proposal against the Performance Criteria

### 8.0 General Residential Zone

8.3.2 (A1) – The acceptable solution is that visitor accommodation must be in existing buildings. Five new buildings are proposed. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1 Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:  (a) the privacy of adjoining properties;	The buildings are proposed to be setback a minimum of 1.5m from the side and rear boundaries and no windows are proposed in the buildings other than the glass entry which faces into the site. It is considered that the use would not cause an unreasonable loss of privacy to adjoining properties. <b>Complies</b>
(b) any likely increase in noise to adjoining properties;	There is likely to be an increase in noise from occupants of the buildings sitting on the decks. However, the two decks are located between the buildings which will provide some mitigation. The biggest concern is the location of the five air-conditioning units located close to the rear boundary. Due to the buildings not appearing to be provided with natural ventilation it is likely that these units will need to be operated while the buildings are occupied. Sufficient information has not been provided that demonstrates how effective the proposed acoustic screens will be in reducing noise levels from the air-conditioning units to the acceptable level identified in the EPA guidelines. <b>Does not comply</b>
(c) the scale of the use and its compatibility with the surrounding character and uses within the area;	It is considered that the 5 buildings and parking area in the front yard are not compatible with the scale and character of the area which consists predominantly of single dwellings. The 5 buildings and deck cover the majority of the rear yard and the four additional parking spaces in the

Performance Criteria	Planner's Response
	front yard result in a large hard stand area which is not consistent with the character of the residential area. The resulted reduction in open space areas on the site is incompatible with that on other properties in the area. While there is a large visitor accommodation business located on the adjacent lots this use is located in a different zone. <b>Does not comply</b>
(d) retaining the primary residential function of an area;	The proposed development would not retain the primary residential function of the area. <b>Does not comply</b>
(e) the impact on the safety and efficiency of the local road network; and	The traffic movement to and from the proposal is acceptable and adverse impacts on safety and efficiency of the road network are not anticipated. <b>Complies</b>
(f) any impact on the owners and users rights of way.	No rights of way apply. <b>Complies</b>

## 8.0 General Residential Zone

8.5.1 (A6) – The acceptable solution is that noise creating equipment, such as an air-conditioning unit must be setback not less than 10m from the boundary of a property containing a sensitive use (i.e. dwelling). The air-conditioning units are setback less than 1.5m from the rear boundary. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors, for a building that is not a dwelling, within 10m of the boundary of a property containing a sensitive use must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity, having regard to:  (a) the characteristics and frequency of any emissions generated;	Due to the buildings not appearing to be provided with natural ventilation it is likely that these units will need to be operated while the buildings are occupied. Sufficient information has not been provided that demonstrates how effective the proposed acoustic screens will be in reducing noise levels from the air-conditioning units to the acceptable level identified in the EPA guidelines. <b>Does not comply</b>

Performance Criteria	Planner's Response
(b) the nature of the proposed use;	The use is for occupation of the visitor accommodation buildings and are likely to be used 24 /7.
c) the topography of the site and location of the sensitive use; and	The topography is generally flat across the site and adjoining lots. Currently the closest sensitive use with direct line of sight is approximately 20m to the west.
(d) any mitigation measures proposed.	<p>The applicant proposes an acoustic screen be located between each mechanical unit and the rear boundary being 1.5m high by 2m wide. It is unclear how effective the screen will be however it will reduce the noise level to a degree. Due to the buildings not appearing to be provided with natural ventilation it is likely that these units will need to be operated while the buildings are occupied. Sufficient information has not been provided as to how effective the proposed acoustic screens will be in reducing noise levels from the air-conditioning units to the acceptable level identified in the EPA guidelines.</p> <p><b>Does not comply</b></p>

## C2.0 Parking & Sustainable Transport Code

C2.5.1 (A1) – The acceptable solution is that on-site parking spaces must be no less than the number specified in Table C2.1. The table requires one space for each visitor accommodation building and 2 spaces for the existing dwelling resulting in 7 spaces. Six spaces are proposed. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria

Performance Criteria	Planner's Response
<p>P1.1 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>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site</p>	<p>Parking is available in the street in front of the property for the one space that is not provided on site.</p> <p><b>Complies</b></p>
<p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p>	<p>There is unlikely to be ability to share spaces for the proposed use.</p> <p><b>Complies</b></p>

<b>Performance Criteria</b>	<b>Planner's Response</b>
(ii) efficiencies gained by consolidation of car parking spaces;	
(c) the availability and frequency of public transport within reasonable walking distance of the site;	There is very limited public transport available in the area. <b>Complies</b>
(d) the availability and frequency of other transport alternatives	There are no other transport alternatives. <b>Complies</b>
(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;	There are no specific site constraints. <b>Complies</b>
(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;	The is availability of on street parking in front of the property and generally in the street as a whole. <b>Complies</b>
(g) the effect on streetscape; and	One vehicle parking on the street will not affect the streetscape. <b>Complies</b>
(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.	An assessment was not provided. <b>Complies</b>

## **C2.0 Parking & Sustainable Transport Code**

C2.6.2 (A1.1) – The acceptable solution is that where more than 4 parking spaces are provided vehicles must be able to enter and exit in a forward direction. The design does not allow for vehicles to enter and exit in a forward direction. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria

<b>Performance Criteria</b>	<b>Planner's Response</b>
P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to	The application proposes two spaces under the carport for the existing dwelling and four delineated spaces for the visitor accommodation.

<b>Performance Criteria</b>	<b>Planner's Response</b>
provide convenient, safe and efficient parking, having regard to: (a) the characteristics of the site;	The location and size of the spaces meets the requirements of the performance criteria. <b>Complies</b>
(b) the proposed slope, dimensions and layout;	The site is relatively flat with parking provided in the front yard. <b>Complies</b>
(c) useability in all weather conditions;	The driveway and parking areas are proposed to be sealed with concrete. <b>Complies</b>
(d) vehicle and pedestrian traffic safety;	The parking area allows for pedestrian access to the buildings. <b>Complies</b>
(e) the nature and use of the development;	The parking area is suitable for the intended use. <b>Complies</b>
(f) the expected number and type of vehicles;	The expected vehicles are one car per visitor accommodation building. <b>Complies</b>
(g) the likely use of the parking areas by persons with a disability;	It is considered unlikely as the visitor accommodation does not appear to have been designed for disability use. <b>Complies</b>
(h) the nature of traffic in the surrounding area;	Local traffic to dwellings located in this section of the street. <b>Complies</b>
(i) the proposed means of parking delineation; and	Spaces can be line marked on the concrete. <b>Complies</b>
(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.	Not applicable as not for commercial vehicles.

### 13. Referrals

The application discussed with Council's engineers who did not raise any concerns.

## 14. Representations

The proposal was advertised for two weeks from 11 November 2022 to 25 November 2022 and 4 representations were received objecting to the proposal. A summary of concerns raised, and responses are included in the Table below. The submissions are included in the attachments to the report with personal details redacted for privacy reasons.

Representation 1	Response
<ol style="list-style-type: none"><li>1. 5 visitor accommodation buildings not compatible with the character of the area.</li><li>2. Privacy from the use.</li><li>3. Noise impacts during construction and use.</li></ol>	<ol style="list-style-type: none"><li>1. Compatibility with the character is addressed in the zone performance assessment.</li><li>2. Privacy issues are assessed as complying with the scheme requirements.</li><li>3. Noise issues from the operation of the air-conditioning units is addressed above in the zone performance assessment.</li></ol>
Representation 2	Response
<ol style="list-style-type: none"><li>1. Does the proposal provide the required amount of open space?</li><li>2. Are 6 parking spaces adequate for the proposed use?</li><li>3. The buildings are converted shipping containers and concerned with the look of them, and construction standard.</li><li>4. How will roof water be disposed?</li></ol>	<ol style="list-style-type: none"><li>1. Visitor accommodation is a non-dwelling use and is not required to provide open space under the planning scheme.</li><li>2. The provision of parking is addressed above in the Parking Code assessments.</li><li>3. Compliance with the building code is addressed at the building permit stage.</li><li>4. Stormwater from buildings is addressed at the building permit stage.</li></ol>
Representation 3	Response
<ol style="list-style-type: none"><li>1. The proposal is not in keeping with the residential zoning and character of the area.</li><li>2. Buildings are setback 1.5m from boundary instead of the 4m required.</li><li>3. Concerned about noise from the occupancy and from the air conditioners.</li><li>4. The applicant states that the proposal is to address the shortage of staff accommodation in the area. There should be a strategic approach to address this problem</li></ol>	<ol style="list-style-type: none"><li>1. Compatibility with the character is addressed in the zone performance assessment.</li><li>2. The buildings meet the setback requirement of 1.5m.</li><li>3. Noise issues from the operation of the air-conditioning units is addressed above in the zone performance assessment.</li><li>4. Noted.</li></ol>
Representation 4	Response

<ol style="list-style-type: none"> <li>1. The proposed visitor accommodation units are in fact bedsits with a very small floor area.</li> <li>2. The proposal states it is for staff accommodation but it is actually for visitor accommodation.</li> <li>3. As the lot is on a separate title it could be sold at any time and be used for general visitor accommodation with a shortage of parking.</li> <li>4. If the lot was adhered to the adjacent title then this would clearly show it is for staff accommodation and would address the parking shortfall.</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposal is for visitor accommodation and the planning scheme does provide minimum floor areas.</li> <li>2. The buildings could be used as staff accommodation for a short to medium term as long as it is not their principal place of residence.</li> <li>3. Noted.</li> <li>4. Noted.</li> </ol>
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## 15. Conclusion

The assessment of the application taken in association with the representations received has identified that the proposal does not satisfy the relevant provisions of the Tasmanian Planning Scheme – Glamorgan Spring Bay in relation to character and noise impacts and therefore the application is recommended to be refused.

## 16. Recommendation

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2022/269 at 15 Beattie Avenue, Bicheno (CT 205704/41) for 5 visitor accommodation buildings be refused for the following reasons:

- Failure to meet the requirements of clause 8.3.2 P1 (b), (c) and (d) of 8.0 General Residential Zone in the proposal is not compatible with the residential character of the area and noise impacts from the proposal the use will not cause an unreasonable loss of amenity.
- Failure to meet the requirements of 8.5.1 P6 (a) and (c) of 8.0 General Residential Zone in that noise impacts from the proposal have not demonstrated that the use will not cause an unreasonable loss of amenity.

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

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgement or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

## **DECISION 263/22**

Moved Clr Carole McQueeney, seconded Clr Rob Churchill:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2022/269 at 15 Beattie Avenue, Bicheno (CT 205704/41) for 5 visitor accommodation buildings be refused for the following reasons:

- Failure to meet the requirements of clause 8.3.2 P1 (b), (c) and (d) of 8.0 General Residential Zone in the proposal is not compatible with the residential character of the area, and noise impacts from the proposal the use will cause an unreasonable loss of amenity.
- Failure to meet the requirements of 8.5.1 P6 (a) and (c) of 8.0 General Residential Zone in that noise impacts from the proposal have not demonstrated that the use will not cause an unreasonable loss of amenity.

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

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgement or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

### **THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

*Note: A typographical error was identified in the motion and with the consent of the mover and seconder of the motion, the error was corrected.*



#### **4.5 Draft Tasmanian Planning Policies – Planning Authority submission to consultation period**

Author: Senior Planning Consultant (Town Planning Solutions Pty Ltd)

Responsible Officer: Director Planning and Development

#### **ATTACHMENT/S**

1. Draft- Tasmanian- Planning- Policies-for-consultation [**4.5.1** - 60 pages]
2. Draft- TP P- Supporting- Report-for-consultation [**4.5.2** - 34 pages]
3. Tasmanian Planning Policies - Submission from GSBC Officers [**4.5.3** - 5 pages]

#### **PURPOSE**

The purpose of this report is for the Planning Authority (Authority) to consider a submission to the first exhibition period for the draft Tasmanian Planning Policies (Policies).

The Policies are a significant reform to the land use planning system that can have significant impacts for both the future development of the Council and the Glamorgan Spring Bay community.

A recommendation was provided for the Authority to consider. The Policies and Supporting report were provided as Attachments 1 and 2 to this report.

#### **BACKGROUND/OVERVIEW**

The Authority will recall that a report was circulated as part of the agenda for the November 2022 meeting which was withdrawn pending additional discussion. A submission was made based on the Officers Comments section of this report within the consultation period (refer Attachment 3).

Tasmania has been without a comprehensive suite of strategic documents to inform the land use planning process at the State level.

The Regional Land Use Strategies (RLUS) were established in the south, north and north-west regions as part of earlier reform programs, and provided some guidance at the regional level since their inception in 2013. State Planning Policies were intended to provide this guidance at the State level, however this intent was not achieved for a range of reasons that are discussed in the Supporting Report.

The State previously conducted consultation on the issues that the Policies would address and their structure in later 2019. The current consultation provides much of the detail around what the Policies will establish to inform assessment of future Regional Land Use Strategies and any changes to the Tasmanian Planning Scheme.

The following structure was established as a result of that consultation is illustrated in Diagram 1. While this structure allows for implementation strategies, only one is established.

TPP Structure	Function
<b>Title</b>	Identifies the TPP topic.
<b>Principles and Policy Context</b>	<p>Outlines any overarching principles relating to the TPP topic and provides the policy context to support greater understanding of the planning and regulatory provisions that flow from the particular TPP. It also provides an overview of State endorsed policies relevant to the TPP topic.</p> <p><u>Climate Change Statement</u></p> <p>Within the 'Principles and Policy Context' section there is a subheading called 'Climate Change Statement' that identifies the likely impacts that climate change will have on the TPP topic and describes how the responses to climate change issues are addressed and integrated within the policy content of the TPP.</p>
<b>Policy application</b>	Sets out any application specifications for a TPP, or part of a TPP, which may include a map to spatially define an area, a locality, land with particular characteristics, or a particular type of use or development.
<b>Objective</b>	Expresses what the TPP is intended to achieve and is drafted as an aspirational outcome in response to a broad land use planning issue.
<b>Strategies</b>	<p>Specifies how the TPP is to achieve the objective.</p> <p>It is anticipated that the many of the strategies will be derived in response to the specific issues as identified in Attachment I.</p>
<b>Implementation guidelines</b>	Provides detailed guidance on how a TPP will be implemented through the SPPs, LPSs and RLUSs.

Diagram 1 – Structure of the Tasmanian Planning Policies

Following this process, the Policies were developed by Government and consulted on the following matters:

- 1.0 Settlement
  - 1.1 Growth
  - 1.2 Liveability
  - 1.3 Social Infrastructure
  - 1.4 Settlement Types
  - 1.5. Housing
  - 1.6 Design
- 2.0 Environmental Values
  - 2.1 Biodiversity
  - 2.2 Waterways, wetlands and Estuaries
  - 2.3 Geodiversity
  - 2.4 Landscape Values
  - 2.5 Coasts
- 3.0 Environmental Hazards
  - 3.1 Bushfire
  - 3.2 Landslip
  - 3.3 Flooding
  - 3.4 Coastal Hazards
  - 3.5 Contaminated Air and Land
- 4.0 Sustainable Economic Development

- 4.1 Agriculture
- 4.2 Extractive Industry
- 4.3 Tourism
- 4.4 Renewable Energy
- 4.5 Industry
- 4.6 Business and Commercial
- 4.7 Innovation and Research
- 5.0 Tasmanian Planning Policy: Physical Infrastructure
  - 5.1 Provision of Services
  - 5.2 Energy Infrastructure
  - 5.3 Roads
  - 5.4 Transport Modes
  - 5.5 Ports and Strategic Transport Networks
- 6.0 Tasmanian Planning Policy: Cultural Heritage
  - 6.1 Aboriginal Cultural Heritage
  - 6.2 Non-Indigenous Cultural Heritage
- 7.0 Planning Processes
  - 7.1 Consultation
  - 7.2 Strategic Planning
  - 7.3 Regulation

The documents on exhibition include the Tasmanian Planning Policies and the Supporting Report, provided as attachments to this report.

### **STRATEGIC PLAN REFERENCE**

The Policies have significant potential to impact Council's Strategic Plan objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the Island's agricultural economy, diversify and support a local economy and preserve the natural environment. Strategic Plan focus areas include:

#### 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

- Advocate and lobby effectively on behalf of the community.

### **STATUTORY IMPLICATIONS**

#### Land Use Planning and Approvals Act 1993

- Part 2A - Tasmanian Planning Policies
- S.12B – Draft of the TPP's;

Section 12B of the Act provides for consultation on draft Tasmanian Planning Policies as the Minister for Planning considers appropriate.

## **BUDGET IMPLICATIONS**

Ongoing participation on the planning reform process was addressed as part of Council's operational budget.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				None required.
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Make submission to current and future consultation programs
Adverse strategic impacts to future development of the Municipality				

## **OFFICER'S COMMENTS**

The Tasmania Planning Scheme (TPS) was recently established for the Glamorgan Spring Bay Municipality, at significant cost to Council and community. The lack of a clear strategic and policy basis for many of the controls within the Tasmanian Planning Scheme at the State level did not assist that process and added to the cost and timeframe for the organisation and the community.

Drawing on that experience, the legislated purpose of the Policies, to set out the aims or principles to be achieved or applied through RLUS and the TPS, is critical, necessary and supported. Section 12B of the *Land Use Planning and Approvals Act 1993* (Act) establishes that the Policies must clearly establish the aims and principles for review of the Regional Land Use Strategies (RLUS) and TPS.

Following from the Officer's submission, a workshop was held to discuss the submission that the Authority would make. The issues identified in that discussion were used to develop the submission provided in the recommendation for this report.

## **OFFICER'S RECOMMENDATION**

That the following submission be made to the exhibition of the Tasmanian Planning Policies:

*The draft Tasmanian Planning Policies (Policies) completed initial consultation under section 12C of the Land Use Planning and Approvals Act 1993 (Act). The Glamorgan Spring Bay Planning Authority (Authority) understand that submissions have closed, but wish to provide the following observations.*

*The Policies represent a critical and essential reform.*

*There appears to be a significant concern within the Local Government sector that the Policies may not meet the key statutory tests to provide the aims or principles for the Tasmanian Planning Scheme (TPS) and Regional Land Use Strategies (RLUS). There are also concerns regarding compliance with the objectives within the Resource Management and Planning System (Objectives), particularly around the sharing of responsibility for the planning system and encouraging public involvement.*

*These concerns affect the ability of the Policies to be successfully considered through the statutory assessment process. An additional risk is that there are unintended problems with application of the Policies once they are made, similar to those experienced through operation of the current RLUS.*

*To minimise these risks, it is suggested that the Policies are reviewed prior to their submission to the Tasmanian Planning Commission under section 12C(3) of the Act, using the collective experience obtained by the Local Government sector in application and review of the existing policies. The review could address the following:*

- Improve clarity of the aims, outcomes and policy statements;*
- Enable considered assessment of issues against criteria, particularly noting the mandatory compliance required under section 32(4)(da) of the Act;*
- Remove overly restrictive language;*
- Establish a framework for balancing competing interests between and within policy areas;*
- Improve application of the policies and strategies through the TPS and RLUS; and*
- Increase the use of Implementation Guidelines, including relevant frameworks and information sources.*

*It is understood that other submissions raised similar issues and that there is wider support for the use of targeted working groups to address these matters with the minimum delay.*

*In addition, it is suggested that education forms a significant component of the public engagement plan for the formal exhibition process under section 12D of the Act. We request that this includes multiple information sessions with Q&A sessions, both in person and online.*

**Moved** Clr Rob Churchill, **seconded** Clr Jenny Woods:

That the following submission be made to the exhibition of the Tasmanian Planning Policies as outlined below:

*The draft Tasmanian Planning Policies (Policies) completed initial consultation under section 12C of the Land Use Planning and Approvals Act 1993 (Act). The Glamorgan Spring Bay Planning Authority (Authority) understand that submissions have closed, but wish to provide the following observations.*

*The Policies represent a critical and essential reform.*

*There appears to be a significant concern within the Local Government sector that the Policies may not meet the key statutory tests to provide the aims or principles for the Tasmanian Planning Scheme (TPS) and Regional Land Use Strategies (RLUS). There are also concerns regarding compliance with the objectives within the Resource Management and Planning System (Objectives), particularly around the sharing of responsibility for the planning system and encouraging public involvement.*

*These concerns affect the ability of the Policies to be successfully considered through the statutory assessment process. An additional risk is that there are unintended problems with application of the Policies once they are made, similar to those experienced through operation of the current RLUS.*

*To minimise these risks, it is suggested that the Policies are reviewed prior to their submission to the Tasmanian Planning Commission under section 12C(3) of the Act, using the collective experience obtained by the Local Government sector in application and review of the existing policies. The review could address the following:*

- Improve clarity of the aims, outcomes and policy statements;*
- Enable considered assessment of issues against criteria, particularly noting the mandatory compliance required under section 32(4)(da) of the Act;*
- Remove overly restrictive language;*
- Establish a framework for balancing competing interests between and within policy areas;*
- Improve application of the policies and strategies through the TPS and RLUS; and*
- Increase the use of Implementation Guidelines, including relevant frameworks and information sources.*

*It is understood that other submissions raised similar issues and that there is wider support for the use of targeted working groups to address these matters with the minimum delay.*

*In addition, it is suggested that education forms a significant component of the public engagement plan for the formal exhibition process under section 12D of the Act. We request that this includes multiple information sessions with Q&A sessions, both in person and online.*

*Clr Jenny Woods left the meeting at 2:42 pm.*

*Mayor Cheryl Arnol adjourned the meeting at 2:43pm to allow for an intense storm to pass that was impacting audio and to allow the Planners to review the above submission. The Mayor advised that the meeting would resume at 3:00pm.*

*The meeting reconvened at 3:00pm.*

*Clr Jenny Woods returned to the meeting for recommencement at 3:00pm.*

#### **DECISION 264/22**

An **AMENDED** motion was put:

Moved Clr Neil Edwards, seconded Clr Greg Luck:

That Council directs the General Manager to write to the Minister for Planning and the State Planning Policy Unit outlining the details within the report and taking account of the Council discussion at the December Ordinary Meeting.

#### **THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

The **amendment became the motion** and was again put and **CARRIED UNANIMOUSLY**.



#### **4.6 Draft Amendment AM2022-01 – Glamorgan Spring Bay Local Provisions Schedule – Subdivision of additional lots under the Dolphin Sands Particular Purpose zone**

Author: Senior Planning Consultant (Town Planning Solutions Pty Ltd)

Responsible Officer: Director Planning and Development

#### **ATTACHMENT/S**

1. Glamorgan Spring Bay Planning Scheme 1994 - Relevant Provisions [4.6.1 - 1 page]
2. Tasmanian Planning Scheme, General Provisions 7.3 Adjustment of a Boundary [4.6.2 - 1 page]
3. TPC advice - draft amendment AM 2022-01 - letter to planning authority section 40 I r [4.6.3 - 2 pages]

#### **PURPOSE**

The purpose of this report is for the Planning Authority to consider revising instructions to prepare a planning scheme amendment to address an unforeseen result in the Dolphin Sands Particular Purpose zone that enabled subdivision of additional lots for development, and to address onsite wastewater obligations under the Zone.

#### **BACKGROUND/OVERVIEW**

The Planning Authority will recall an instruction was provided to the General Manager to prepare, certify and submit planning scheme amendment AM2022-01 at the July 2022 meeting to reverse a change in the subdivision provisions under the Dolphin Sands Particular Purpose zone (Minute reference 142/22). The Glamorgan Spring Bay Local Provisions Schedule (Scheme) saw an *or* inserted to clause GSB-P1.7.1 Subdivision (bold for highlight):

*P1 Subdivision of land must:*

- (a) *provide for public open space, a public reserve, public services or utilities;*  
**or**
- (b) *have a minimum frontage of 60m; and*
- (c) *not create a lot that is less than 1 hectare in area.*

The bold *or* is a change that is not consistent with the intent of the provisions under the former planning schemes. The amendment that was initiated sought to remove the *or* from criterion (a).

The subject provisions were first established as a special area under the *Glamorgan Spring Bay Planning Scheme 1994* (1994 Scheme), as follows:

*8.10.2 Development standards*

*a) Subdivision*

*There will be no further subdivision within the zone except in accordance with clause 4.16 and 4.17 provided the resultant lots are no less than 1 hectare.*

Clauses 4.16 and 4.17 provided for boundary adjustments, reorganization of titles, and minor subdivisions respectively. These provisions did not allow the creation of additional lots. An extract of these provisions was provided as Attachment 1 to this report.

The *Glamorgan Spring Bay Interim Planning Scheme 2015* (Interim Scheme) reflected these provisions through the Dolphin Sands Particular Purpose zone, with the specific provisions at clause 34.5.1, as follows:

## 34.5 Development Standards for Subdivision

### 34.5.1 Subdivision

Objective:	
To prevent subdivision of land other than that necessary for existing or approved uses or the management of environmental values.	
Acceptable Solutions	Performance Criteria
<b>A1</b> The subdivision is for the consolidation of lots where no additional lots are created.	<b>P2</b> Subdivision of land must: (a) provide for public open space, a public reserve, public services or utilities; (b) have a minimum frontage of 60 metres; (c) not create a lot that is less than 1 hectare in area.

The Interim Scheme did not provide a qualifier at the end of each sub-clause. The full assessment of the Interim Scheme was never completed, due to a change in government and commencement of the Tasmanian Planning Scheme process.

The Dolphin Sands Particular Purpose Zone was identified as a transitional provision under the Local Provisions Schedule (LPS) process and as such, was not subject to detailed assessment once it was declared.

The Tasmanian Planning Scheme (TPS) provides a General Provision for boundary adjustments at clause 7.3 that will impact operation of the provisions. 7.3.1 will operate in addition to the controls under GSB-P1.7 Subdivision and enable minor subdivisions a permitted assessment under the General Provisions. A copy of these provisions was provided as Attachment 2 to this report.

Amendment AM2022-01 included a request that the exhibition process for the amendment be waived, as the amendment was correcting what was understood to be an error. The amendment documentation was finalized and submitted to the Commission with the request to waive advertising.

Following initial assessment, the Commission advised the Authority that the change was not considered to be an error, the full exhibition process would be required, and that the Authority may wish to revise the amendment (refer Attachment 3 for a copy of the advice).

Where the previous amendment was commenced to deal with a single word, review of the provisions identified issues with construction of the standards generally. Given that the full exhibition process is required under the Act, it is prudent for the Authority to consider withdrawing the current amendment and commencing a new amendment that deals with a general revision of the subject standard.

## **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**

- Advocate and lobby effectively on behalf of the community.

## **STATUTORY IMPLICATIONS**

Land Use Planning and Approvals Act 1993

- Division 3B – Amendments to LPS's
- S.40D – preparation of draft amendments;
- S.40E – withdrawal of draft amendments;
- S.40F – certification of draft amendments;
- S.40I – Exemption from public exhibition.

Section 40E(1) of the Act allows the Planning Authority to withdraw an amendment at any time. There is no delegation for this decision and a decision of the Planning Authority is required to commence this process.

A recommendation was provided to withdraw planning scheme amendment AM2022-01 that was initiated in July 2022.

Section 40D(b) of the Act allows the Planning Authority to prepare an amendment of its own motion. There is no delegation for this decision and a decision of the Planning Authority is required to commence this process.

A recommendation was provided to commence a new planning scheme amendment to revise clause 34.5.1 of the Scheme.

Section 40I of the Act allows the Commission to waive the public exhibition process that normally applies to LPS amendments under section 40H. Specified reasons to allow this waiver relevantly include the following:

- (2) *The Commission may only issue a notice under subsection (1) in relation to a draft amendment of an LPS if the Commission is satisfied that –*
- (b) *the draft amendment is for one or more of the following purposes:*
- ...

- (v) removing an inconsistency between the LPS and this Act or any other Act;
- (vi) removing an inconsistency between the LPS and the SPPs;
- ...
- and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

Inclusion of standards for the assessment of onsite wastewater systems through the subdivision process removes an inconsistency with the requirements of section 85(ba) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, while also removing an inconsistency between the existing provisions at GSB-P1.7.1 of the LPS and the structure and format of subdivision provisions within all zones that promote residential use under the Tasmanian Planning Scheme.

Inclusion of the standard will remove the existing requirement to refer back to section 85(ba) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* when assessing all subdivision applications under the zone. As such, there is no real impact on the public interest as a result of this part of the amendment.

It is understood that this the amendment may be able to have the normal process for public exhibition waived under Section 40I of the Act. A decision of the Planning Authority is required to request the exemption be applied to an amendment.

## **BUDGET IMPLICATIONS**

Ongoing maintenance of the Scheme was addressed as part of Council's operational budget.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				None required.
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Revisions to the amendment are likely to be required at a future point in the process, which will add time and costs.
Current amendment proceeds				

## **OFFICER'S COMMENTS**

The Commission provided written advice that the change to the wording of clause P1.7.1 P1(a) was *not* considered to be an error in the translation of the provisions from the Interim Scheme to the LPS. The Commission suggested that the Authority may wish to withdraw the amendment and a different amendment submitted.

This provided an opportunity to consider other amendments to the subdivision standard. Review of the provision through 2022 identified a number of issues that could be considered, including:

- The increased subdivision opportunity provided under the Interim Scheme compared to the 1994 Scheme;
- A conflict between the objective for the standard, the performance criterion at P1 and the zone purpose statements, to better reflect the nature of discretion under the standard;
- Revisions to the acceptable solution and performance criteria to better reflect the drafting requirements for the TPS; and
- Inclusion of onsite wastewater standards, consistent with the drafting of the TPS zones.

GSB-P1.7 Subdivision was included in the Scheme as follows:

Objective:	To prevent subdivision of land other than that necessary for existing or approved uses or for the management of environmental values.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Subdivision must be for the consolidation of lots if no additional lots are created.	<b>P1</b> Subdivision of land must: <ul style="list-style-type: none"> <li>(a) provide for public open space, a public reserve, public services or utilities; or</li> <li>(b) have a minimum frontage of 60m; and</li> <li>(c) not create a lot that is less than 1 hectare in area.</li> </ul>

Each of the criteria under P1 are simple tests that enable simple determination of compliance during assessment. As such, they are written as clear and measurable tests that do not require the exercise of judgement to determine compliance. Under *Practice Note 8 Draft LPS written document: technical advice* (Practice Note 8), they are written as acceptable solutions. Section 4.6 of Practice Note 8 provides the following guidance:

*The Acceptable Solutions must be clear and measurable. There may be alternative Acceptable Solutions within the one standard. Acceptable Solutions should not rely on the exercise of judgment to determine compliance with the standard, except from a person with a recognised statutory responsibility e.g. an accredited person as defined in the Act or a statutory office holder.*

...

*Performance Criteria should not be written as alternative Acceptable Solutions. If an Acceptable Solution cannot be met, the corresponding Performance Criterion (if one has been provided) should confirm the objective to be met and set out the matters to which regard must be had when the planning authority makes a decision in the exercise of its discretion. Where possible, limit the number of matters to which regard must be had under any Performance Criterion in order to clarify the decision making task.*

Revisions to the standards to reflect the drafting requirements for the LPS would see all of the performance criteria relocated to the acceptable solution column.

In addition, discussion of the amendment with Councillors suggests that any revision of the standards should return to the approval criteria under the 1994 scheme. The feedback on subdivision applications recently lodged with the Council suggests there is relatively strong support within the community for such a change. This would see the following changes:

- Removal of existing uses and environmental values from the objective;
- Relocation of all standards to acceptable solutions; and
- Deletion of all performance criteria.

In addition to this, drafting of comparable TPS zones provides similar standards under the heading of lot design, as the section is titled subdivision.

These changes would appear as shown in option 1, with the red text to identify substantive changes to the LPS provisions.

#### **GSB-P1.7.1 ~~Subdivision~~ Lot design**

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

#### **Option 1 – revisions based on 1994 Scheme provisions**

The drafting provided in Option 1 reflects the intent of the 1994 Scheme provisions and requirements of Practice Note 8 for drafting LPS provisions. No discretion is provided. New tests were shown for the minimum lot size and frontage requirements, with exemptions for riparian or littoral reserves and lots for utilities, consistent with the structure of similar zone provisions under the Tasmanian Planning Scheme.

Option B provides for translation of the existing provisions to the LPS format, with revisions to the objective, relocation of objective tests to acceptable solutions and maintains the ability for subdivision of new lots. This requires consideration of the objective for the standards and P1.

The objective for the standard allows subdivision of approved but not yet established uses. This creates a potential conflict with the zone purpose statements, as follows:

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

The statements identify the protection of existing natural values and minimal disturbance to the environment. Allowing subdivision for approved uses that have not yet been established is potentially inconsistent with the zone purpose statements, particularly noting the allowable uses within the zone.

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Utilities	If for minor utilities.
<b>Permitted</b>	
Passive Recreation	
Residential	If for a single dwelling or home-based business.
<b>Discretionary</b>	
Community Meeting and Entertainment	If for art and craft centre or public hall.
General Retail and Hire	If for a local shop.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
<b>Prohibited</b>	
All other uses	

#### GSB-P1.4 Use Table

The range of available uses under GSB-P1.4 enable the subdivision of additional lots. While this may be compatible with the zone purpose in some cases, others (such as visitor accommodation, general retail and hire or community meeting and entertainment) create the potential for conflict with the outcomes identified in the zone purpose statements.

To address this, revisions to the objective would remove reference to approved uses and rely on existing uses. In addition, the drafting of P1 would require revision to reflect the requirements of Practice Note 8 and provide consistency with the objective and zone purpose statements. A suggested wording was provided at Option 2 to reflect those requirements. As with option 1, the red text identifies substantive changes to the LPS provisions.

#### GSB-P1.7.1 **Subdivision** Lot design

Objective:	To prevent subdivision of land other than that necessary for existing <del>or approved</del> uses or for the management of environmental values.
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<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  Subdivision must: <ul style="list-style-type: none"> <li>(a) be for the consolidation of lots if no additional lots are created; or</li> <li>(b) provide for public open space, a public reserve, public services or utilities.</li> </ul>	<b>P1</b>  Each lot, or a lot proposed in a plan of subdivision, must be for an existing use or management of environmental values, having regard to: <ul style="list-style-type: none"> <li>(a) the existing buildings on the lot;</li> <li>(b) the impact of vegetation clearance for development, fencing and bushfire hazard management on the stability, vegetation, wildlife and landscape amenity of the site and zone;</li> <li>(c) the impact of development within the Acceptable Solutions in each lot on the land stability, vegetation, wildlife and landscape amenity of the site and zone;</li> <li>(d) the topography of the site; and</li> <li>(e) the pattern of development existing on established properties in the area.</li> </ul>
<b>A2</b>  Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have a minimum frontage of 60m.	<b>P2</b>  No performance criterion.
<b>A3</b>  Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have an area of not less than 1 hectare.	<b>P3</b>  No performance criterion.

### **Option 2 – revisions based on LPS provisions**

The review for this amendment was limited to the subdivision provisions, noting the interest within the area and reaction against planning applications from many residents.

A new planning scheme amendment is required to address this situation. Options A 1 and 2 were developed to reflect the major options for that amendment to address. Firstly, revision to the intent of outcomes under the 1994 Scheme or secondly, an improved translation of the existing LPS provisions to improve compliance with the requirements of Practice Note 8 and function of the controls under GSB-P1 Dolphin Sands Particular Purpose zone.

Instruction is required from the members of the Authority on whether option 1 or 2 is preferred. As previously noted, existing delegations will allow for the certification and submission of the amendment and submission to the Commission and subsequent exhibition of the amendment.

GSB-P1.7 Subdivision does not establish a test for onsite wastewater disposal, unlike every zone that promotes residential use under the Tasmanian Planning Scheme. This is a legal

requirement for all lots under section 85(ba) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, as follows:

*85. Refusal of application for subdivision*

*The council may refuse to approve a plan of subdivision if it is of the opinion –*

*...*

*(ba) that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block; or ...*

Suitable examples are provided under the Landscape Conservation and Environmental Management zones, as follows:

<b>A4</b> No Acceptable Solution.	<b>P4</b> Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.
--------------------------------------	---

As the amendment deals with subdivision within the zone, it is appropriate to include criteria to reflect the standard requirements for new lots under the Tasmanian Planning Scheme and the legislative requirement under section 86(ba) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The Regional Growth Management Strategy identifies Swansea as a Township, with a moderate growth strategy and growth scenario of consolidation at Table 3 Growth Management Strategies for Settlements. Dolphin Sands was not specifically identified in this table, however the STRLUS provides the following for coastal shack settlements at page 90:

*It is noted that there are many small coastal shack settlement across the region that are not identified in this table. These include settlements such as Eggs and Bacon Bay, Garden Island Sands, Saltwater River, Surveyors Bay, Verona Sands. Due to the lesser role of the tourism industry and less residential growth pressure evident in these settlements (see Table 26 in Background Report No. 2) in addition to the environmental sensitivities associated with their coastal location, it is considered more appropriate that these settlements are managed solely under Table 3.*

Table 3 provides a very low growth strategy and consolidation growth scenario. Section 19.5.2 of the STRLUS defines very low growth as follows:

*Very Low Growth - no new potential dwellings except single dwellings on existing lots or where there is existing low density subdivision potential subject to demonstrating that:*

- there will be no off-site impacts from on-site waste water disposal;*
- there is adequate provision of potable water either through reticulation or tank water; and*
- hazard and natural values constraints are adequately addressed.*

Dolphin Sands has a rural living character rather than a low density residential character. This is evidenced by comparison to the lot densities of the respective zones under the TPS for 1,500 m<sup>2</sup> lots in low density zones and 1, 2, 5 or 10 hectare lots in rural living zones.

A recommendation was provided to withdraw Amendment AM2022-01 and commence a new planning scheme amendment AM2022-02 to address the identified matters. Options A and B were provided for Council to direct the intended outcome with further subdivision of existing lots at Dolphin Sands.

### **OFFICER'S RECOMMENDATION**

That an amendment be prepared to the *Glamorgan Spring Bay Local Provisions Schedule* under Division 3B of the *Land Use Planning and Approvals Act 1993* to:

- a. Withdraw amendment AM2002-01 to amend clause GSB-P1.7.1 Subdivision P1(a) by deleting the final word of the subclause *or* under Section 40E; and
- b. Prepare a new amendment AM2022-02 to amend clause GSB-P1.7.1 Subdivision under Section 40D by deleting the existing clause and inserting a new clause as follows:
  - i. Part A - option 1;

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

or

- ii. Part A - option 2;

Objective:	To prevent subdivision of land other than that necessary for existing-uses or for the management of environmental values.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<b>A1</b>	<b>P1</b>	

<p>Subdivision must:</p> <p>(a) be for the consolidation of lots if no additional lots are created; or</p> <p>(b) provide for public open space, a public reserve, public services or utilities.</p>	<p>Each lot, or a lot proposed in a plan of subdivision, must be for an existing use or management of environmental values, having regard to:</p> <p>(a) the existing buildings on the lot;</p> <p>(b) the impact of vegetation clearance for development, fencing and bushfire hazard management on the stability, vegetation, wildlife and landscape amenity of the site and zone;</p> <p>(c) the impact of development within the Acceptable Solutions in each lot on the land stability, vegetation, wildlife and landscape amenity of the site and zone;</p> <p>(d) the topography of the site; and</p> <p>(e) the pattern of development existing on established properties in the area.</p>
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have a minimum frontage of 60m.</p>	<p><b>P2</b></p> <p>No performance criterion.</p>
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have an area of not less than 1 hectare.</p>	<p><b>P3</b></p> <p>No performance criterion.</p>

and

iii. Part B - insert new a clause as follows:

**A4**

No Acceptable Solution.

**P4**

Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.

and

- c. apply to the Tasmanian Planning Commission for exemption from public exhibition requirements under Section 40I for PART B of the amendment.

## **DECISION 265/22**

Moved Cllr Rob Churchill, seconded Cllr Robert Young:

That an amendment be prepared to the *Glamorgan Spring Bay Local Provisions Schedule* under Division 3B of the *Land Use Planning and Approvals Act 1993* to:

- a. Withdraw amendment AM2022-01 to amend clause GSB-P1.7.1 Subdivision P1(a) by deleting the final word of the subclause *or* under Section 40E; and
- b. Prepare a new amendment AM2022-02 to amend clause GSB-P1.7.1 Subdivision under Section 40D by deleting the existing clause and inserting a new clause as follows:

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

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Cllr Rob Churchill, Cllr Neil Edwards, Cllr Greg Luck, Cllr Carole McQueeney, Cllr Jenny Woods and Cllr Robert Young

Against: Nil

*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].

**DECISION 266/22**

Moved Clr Jenny Woods, seconded Clr Robert Young:

That Council no longer acts as a Planning Authority at 3:10pm.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

*Senior Planner, Mr James Bonner, and Senior Planning Consultant, Mr Mick Purves left the meeting at 3.10pm*

## **5 FINANCIAL REPORTS**

### **5.1 Financial Reports for the period ending 30 November 2022**

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Group Financial Statements 2022-11 [5.1.1 - 5 pages]

#### **BACKGROUND/OVERVIEW**

The financial reports, Profit and Loss, Statement of financial position and Cashflow statement, for the period ended November 2022 as attached to this report are presented for the information of Council.

Note due to the early December council meeting and the associated report submission timetable, these reports only include supplier invoices received up to 30<sup>th</sup> November. This will result in some areas for misalignment to budget that assumes all November cost are included. These November invoices received in days following 30<sup>th</sup> will be included in the December period reports.

#### **STATUTORY IMPLICATIONS**

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

#### **BUDGET IMPLICATIONS**

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



## **RISK CONSIDERATIONS**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
There are no material risks from adopting this recommendation.				
<b>Do not adopt the recommendation</b>				
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending 30 November 2022. Council needs to endorse.

## **OFFICER'S RECOMMENDATION**

That Council receives and notes the Financial Reports as attached to this report for the period ended November 2022.

*Clr Robert Young left the meeting at 3:11 pm.*

## **DECISION 267/22**

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council receives and notes the Financial Reports as attached to this report for the period ended November 2022.

## **THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 6/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney and Clr Jenny Woods

Against: Nil

*Clr Robert Young absent for the vote.*

## **6 SECTION 24 COMMITTEES**

Nil.

## **7 INFORMATION REPORTS**

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

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

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

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

Activities include the review of the Road Asset Management Plan. With Bridges completed and Hydraulic (stormwater) asset plan next on the list to review. Officers have developed a working knowledge of the asset holdings and general condition of the road and stormwater systems to provide an updated plan which will inform the review of the Long-Term Financial Plan and budget process for 2022-23.

##### **CONSULTANT SERVICES**

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

- Hydrological advice for Development and stormwater design and investigation activities as necessary
- Project Delivery – Major Projects
- Road Verge Collapse Investigation and Design

##### **OPERATIONAL WORKS**

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

- 7 Unsealed Road inspections completed
- Wielengta Rd, maintenance grade- Completed
- Earlham Rd, maintenance grade- Dec 2022- random locations repaired in November due to erosion from rain- twice for the month

- Rheban Rd, maintenance grade- Dec 2022- random locations repaired in November due to erosion from rain- twice for the month
- Old Coach Rd maintenance grade/flood repairs- Completed
- Potholing of numerous unsealed roads due to wet weather- ongoing
- Brockley Rd flood damage- Repaired twice in November due to flooding
- Grange Rd maintenance grade- Completed
- Old Coach Rd land slide due to wet weather- barricaded, signed posted and managed
- Seaford Rd flood repairs- completed
- Strip Rd flood repairs- completed
- Cnr Paradise Crt and Alice St, Orford - road repairs after floods- completed
- Cold mixing of potholes across the municipality- Ongoing- approx 11 ton used for November
- Box out road failures:
  - Hazards View Drive, Swanwick- box out completed, awaiting re-seal (been too wet) - planning reseal for mid Dec
  - Esplanade, Coles Bay- box out completed, awaiting re-seal (been too wet) - planning reseal for mid Dec
  - Road failure- Harold St, Coles Bay- Ag drain installed and is now drying out, awaiting re-seal (been too wet) - planning reseal for mid Dec
  - Road failure, Cosgrove St, Coles Bay- Ag drain installed and now waiting for pavement to dry out- planning reseal for mid Dec
  - Bernacchi Drive, Orford- Assessing failure
  - Opposite 42 Rosedale Rd, Bicheno- box out completed, awaiting re-seal (been too wet) - planning reseal for mid Dec

Ongoing wet weather is impacting sealed roads right across the municipality. Pavements are getting water ingress resulting in seal failures- ongoing for November. Dry period needed to complete seal repairs.

- Harvey Farm Rd road failure- boxed out, awaiting seal- planning reseal for mid Dec
- Trial of milling and stabilising seal failures with bobcat mounted machine- Conducted trial of machine/process on 2 patches outside Orford Bowls Club. Appears to be a very successful way of rectifying seal/pavement failures. Program being developed to progress marking up road failures street by street for mill & stabilisation.
- Resealing of stabilised road failure areas (as per above) - small area seal efficiencies have been identified through local resources. Greater inroads into failures can be achieved from here forward.
- Swan River Bridge on Grange Road- removed large logs from upstream side of bridge with 30t excavator- completed
- Potholing around approaches to bridges on unsealed roads- Conducting a trial on 2 concrete bridges on Wielangta Road whereby the concrete bridge deck is sheeted with FCR to form a camber to assist with water runoff, so water doesn't pool on the approaches.
- Rosedale Rd bridge- debris and logs need removed from upstream side of bridge- completed.
- Roadside and fire break slashing - Deck mowing commenced
- Dolphin Sands Rd slashing- planned to start on 10<sup>th</sup> Dec, weather dependant

## **STORMWATER, DRAINAGE**

- 8 Gamble Crescent, Bicheno- repair driveway- underway
- Block truck to unblock drains/culverts/pits from Buckland to Orford/Triabunna- - Completed
- Seaford Rd open drain repairs due to floods- completed
- Old Coach Rd, culvert cleaning from floodway to council boundary- completed
- Rosedale Rd culvert cleaning- completed

## **WASTE MANAGEMENT**

- Contract for waste acceptance at landfill expires in June. Investigations into options for introducing efficiencies in collection/ storage and transport to final location commenced. A cost increase in the order of \$130,000 per annum has been advised for this element of the service.

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

- 10 playground inspections completed
- Tree trimming in high-risk locations (parks and public spaces) across municipality Ongoing, with delays due to wet weather
- Bicheno walking tracks from Murray St to Champ St, both sides of road - waiting for ground conditions to dry out. State growth have approved the traffic management plans
- East Shelly Rd boat ramp re-sheeting due to flooding- completed
- Walking track repairs due to flooding- underway
- Municipal boat ramp pressure cleaning for Christmas holiday period- underway

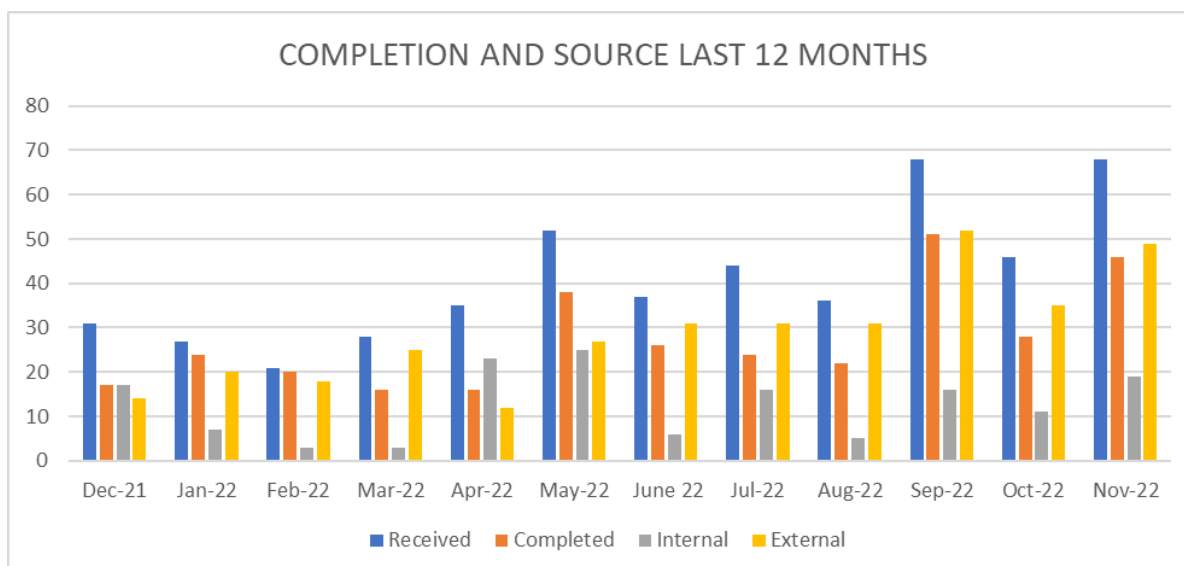
## **EMERGENCY MANAGEMENT**

After hours rostering carried out as scheduled.

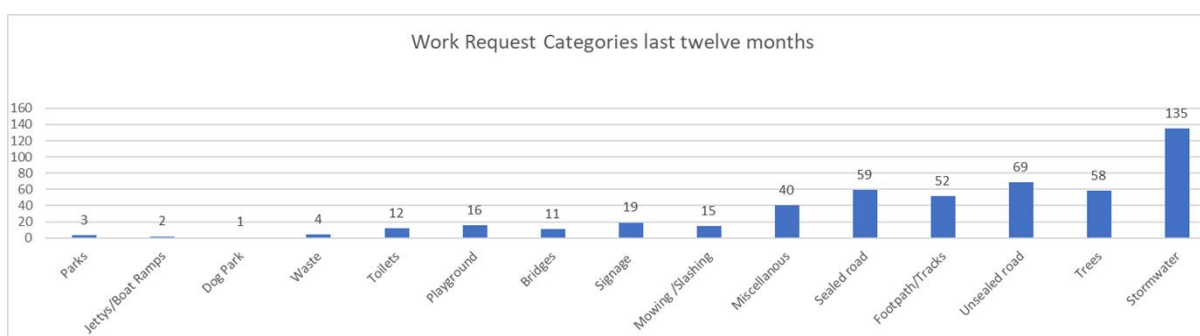
Extreme weather event 15th Nov- The whole municipality received very high amounts of rain resulting in flooding and damage. Numerous roads, walking tracks and recreational areas were damaged by this event. All scheduled works for outdoor staff were pushed out by 2 weeks to resource the repairs from this event. The assessment of the damage is underway with a possible claim advised to State Agencies.

## **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:



## CAPITAL WORKS

- Bicheno walking bridge (Deep Hollow Creek) replacement- concept design underway
- 22/23 reseal/reclaiming campaign- Contract awarded to SPA and awaiting execution schedule- estimated to be Jan/Feb 2023

## Grant funded

Steady progress on grant projects continues:

- Black Summer Grant Projects - Swanston Rd emergency access upgrade (grant)- Underway
- Black Summer Grant - Development application lodged for Helipad project
- Black Summer Grant – funding agreement signed with Telstra for repeater station at Devils Corner
- Bicheno Triangle Tenders Open
- Swansea Street Upgrade site works progressing – positive interactions with new owner of Morris Store with regard to footpath
- Bicheno Gulch – Awaiting Parks comment for DA

- Coles Bay Foreshore – public consultation held late November. Survey and submission seeking to be carried out to gain greater input into final design.

## **PLANT AND VEHICLES**

- Replacement utility received this week. Incorporates single cab-low rider body, tipper flat tray, water tank for hand washing and toolboxes.
- Other replacement plant expected late January.

## **GENERAL**

- EV Charging station at Triabunna in commissioning – available for use while minor finishing works are completed
- EV Charging Station Bicheno - Electrona (the project owner) continue with planning and power connection arrangements with TasNetworks
- Bicheno Skate Park: The organising committee have been extremely patient as the DA process progresses. The DA will be lodged once Parks approval is received. Parks approval can't be provided until a heritage report is completed. The Heritage report was commenced in June and the final report was received 2/12/2022. The Works and/or Development Application Request form has now been lodged with Parks for review.
- Swanwick Quarry Rehabilitation – work continues on the development of the Rehabilitation Management Plan as resources permit. Cross sections of the site have been developed to enable volumetric estimates to be prepared. Once the cross sections have been marked up with proposed finished levels and estimates have been made for material volumes for fill, the plan will be resubmitted for approval to Mineral Resources Tasmania. Once the plan is accepted, rehabilitation works can commence.

## **RESERVE BOOKINGS AND ROAD CLOSURES**

Road closures for the events noted will be carried out under section 19.1(a) of the *Local Government Highways Act 1982* requiring consultation with the Commissioner of Police:

- Bicheno Food and Wine Festival completed.
- Triabunna Squid Festival completed.

## **RECOMMENDATION**

That Council notes the information.

*Clr Robert Young returned to the meeting at 3:16 pm.*



**DECISION 268/22**

Moved Clr Rob Churchill, seconded Clr Jenny Woods:

That Council notes the information.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

## 7.2 Manager Buildings and Marine Infrastructure - Adrian O'Leary

*Boat Ramps and Jetties; Triabunna Marina; Council Buildings*

### PUBLIC AMENITIES AND BUILDINGS

General building maintenance is being undertaken to all buildings as required.

Regular inspections are carried out as per Government prescribed health & safety measures.

### Local Roads and Community Infrastructure Program Phase 3

Projects approved under the LRCI program phase 3 are in progress. These projects range from road rehabilitation to community infrastructure improvements.

#### Coles Bay Hall – Annex replacement

A grant application that was submitted to the Tasmanian Community Grant funding body, passed round one selection. The application has advanced from a list of 31 applicants to a short list of 8. A follow up to the application was submitted, and the Coles Bay Hall committee along with the Mayor, Cheryl Arnol, gave a presentation to the selection committee in Hobart. If approved this funding will add to the existing funds in the current budget. The replacement of the Coles Bay Hall annex has been a work in progress for several years now. The new annex once complete, will have a new consultation room, disabled accessible toilet, shower and changeroom. The new annex will be connected to the existing hall for better connectivity. In addition, it will house a new meeting room, kitchen and deck overlooking the community tennis courts and playgrounds.



### **Swansea Recreation Ground – Cricket Practice Nets**

The concrete slab for the Swansea cricket practice nets, has been installed at the recreation ground. This construction was delayed because of the unprecedented wet weather the East Coast has been experiencing. When the concrete has cured, the fencing nets will be installed along with the synthetic grass. Cricket practice nets are already installed at Buckland, Orford, Triabunna, and Bicheno.

### **Triabunna Recreation Ground – Changeroom upgrade**

Construction work to upgrade the players toilet & shower facilities at the Triabunna Recreation ground is complete. The upgrade to the clubroom facility includes separate shower & toilet cubicles for both home & visitor teams. New plumbing and separate drainage have been installed. The funding has also paid for new vinyl floor covering in the clubroom's kitchen which has recently been installed. This grant was funded by the State Government, Department of Communities Tasmania, as an election promise to the Rec ground committee.



Triabunna Clubroom Players shower & toilets

## MARINE INFRASTRUCTURE

### Boat Ramps and Jetties

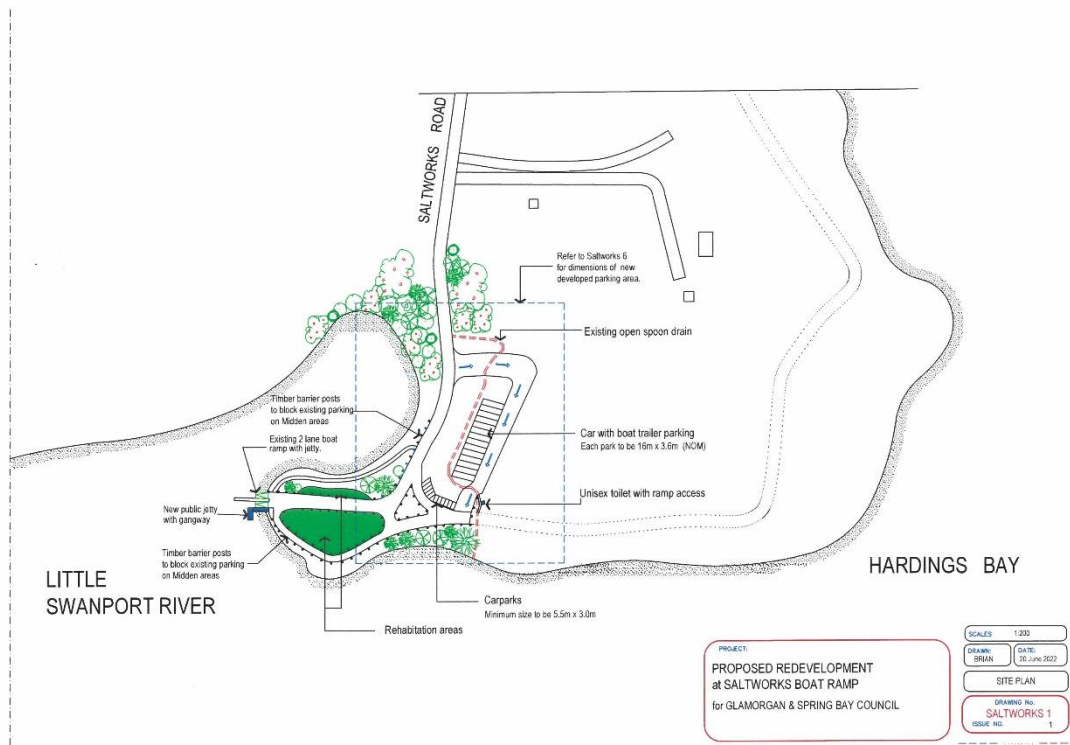
General maintenance is carried out on Council owned boat ramps and jetties.

#### Gordon Steet, Swansea Boat Ramp

Marine and Safety Tasmania are funding the upgrade to the Gordon Street boat, this upgrade will commence in March 2023. The upgrade includes an extension to the landing area.

#### Saltworks Boat Ramp

Council is waiting for Parks and Wildlife to give consent to lodge a Development Application for the Saltworks boat ramp. The Development Application will include the replacement of the public jetty with a low-maintenance floating pontoon. This will be funded by Marine and Safety Tasmania. In addition, the DA will also include a single unisex disabled accessible composting toilet. The toilet building is being funded by the LRCI grant phase 3, which is on the approved list. The composting mechanism for the toilet is being provided by Parks and Wildlife. PWS has also agreed to do the ongoing servicing of the toilet. Also listed under the DA is a relocated car & boat trailer parking area. This will allow the existing car park area to be rehabilitated as per the recommendation in the Aboriginal Heritage Assessment conducted over the area by Stuart Huys and Rocky Sainty. This assessment was funded by PWS. Marine and Safety Tasmania are applying for State Government funding to construct the new car park.



### Saltworks Boat Ramp Area Plan



## **Triabunna Wharf and Marina**

Ongoing general maintenance and inspections are carried out as required.

### **Triabunna Marina**

The Triabunna marina berths are all leased out except for three berths that are available for casual berthing from visiting vessels. During the busy summer period there is a high demand for casual berths.

Marine and Safety Tasmania has lodged a Development Application to straighten the channel leading into the Triabunna Port. This DA application was approved, and works will commence in the new year after the busy summer season.

The straightened channel will make navigation into the port safer for larger vessels when the winds are strong.



### **Triabunna Port Entrance Channel**

## **RECOMMENDATION**

That Council notes the information.

**DECISION 269/22**

Moved Cllr Jenny Woods, seconded Cllr Robert Young:

That Council notes the information.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Cllr Rob Churchill, Cllr Neil Edwards, Cllr Greg Luck, Cllr Carole McQueeney, Cllr Jenny Woods and Cllr Robert Young

Against: Nil

*Note: The General Manager corrected the report statement in regards to the Swansea Recreation Ground – Cricket Practice Nets, as the concrete slab had not yet been installed at the time of writing.*

### **7.3 Director Planning and Development - Alex Woodward**

#### **ATTACHMENT/S**

1. Attachment 1 Planning Applications Subject to Representation [7.3.1 - 2 pages]

#### **PURPOSE**

The purpose of this report is to provide an update on the activities on the Planning and Development Directorate and to specifically report on the development approvals issued under delegation.

#### **BACKGROUND/OVERVIEW**

##### **Animal Control and Compliance:**

In the lead up to summer, Council's Compliance Officer has been actively patrolling beaches and other areas to ensure compliance with our Dog Management Policy, specifically our onlead/off lease and prohibited areas. These patrols will continue to occur throughout the warmer months, including out-of-hours.

Our Officers have also been auditing areas for unregistered dogs throughout the year. Following the renewal period, Council had 927 registered dogs in the municipality. As of mid-November, this number has increased to 1035. In addition, a focus on kennel licencing will be undertaken early in the new year.

Staff have commenced the Dog Management Policy Review project with the recent endorsement of a working group made up of key stakeholders and community members to assist Council in the review. Advertisement for membership is currently underway and will close on the 11 December 2022. Once the group is formed, an initial meeting will be held early in the new year.

Finally, Officers have commenced work on inspecting properties with overgrown vegetation for the lead-up to fire season. Letters have been sent to 16 properties to remind people of the upcoming season and to take action to avoid a fire abatement notice.

##### **Building and Plumbing:**

Council's Building and Plumbing section have continued to receive a high number of Building and Plumbing Applications from the new financial year. Year to date, 95 Building Applications and 90 Plumbing Applications have been approved by Council's Permit Authority.

Further to this, the volume of 337 certificates have continued to remain steady with 85 processed since July 1, 2022. This demonstrates that the demand for housing in the area is still high.

Officers continue to investigate compliance issues in relation to Building and Plumbing. Officers have been able to resolve the majority of these issues without the need for formal enforcement. There is one current Building enforcement that has resulted in the issuing of a

Building Order due to the illegal construction and occupation of a dwelling. This matter is currently being referred to Council's legal representative for action.

#### Environmental Health:

Council's Environmental Health section continues to undertake the core duties required by legislation. Some of the key outcomes this year include:

- school immunisation program successfully completed and records entered into the new State-wide immunisation database
- environmental complaints up-to-date and completed with a successful outcomes
- food businesses inspections up-to-date with a high compliance level with Food Act 2003 and Food Safety Standards
- water carter inspections complete and compliant with Public Health Act 1997 (Tasmania Drinking Water Quality Guidelines 2015)
- public health risk activities inspected and compliant with Public Health Act 1997.
- reportable notifiable diseases successfully followed up with no links to food businesses in the GSBC municipal area
- reports of non-compliant wastewater systems investigated and compliance achieved without the need for enforcement action (reports of non-complaint systems are notified to Council via complaints/concerns received from the public, staff or wastewater service agents).

In April 2021, The Crown (represented by Department of Primary Industries, Parks, Water and Environment DPIPW) provided Glamorgan Spring Bay Council with a grant of \$100,000 to obtain additional Environmental Health resources to oversee the necessary audits, inspections, water sampling and enforcement to the extent possible to better manage the risks to public health from privately owned residential and commercial on-site sewerage management systems on the Freycinet Peninsula (Swanwick, Coles Bay area, and The Fisheries. This project was completed by Council and the grant was acquitted in October 2022.

#### Medical Centres:

Recruitment has now been finalised for the Practice Coordinator. Ms Tracey Pyke commenced in the role on the 5<sup>th</sup> of December 2022 and has replaced Mr Jason Watson who has taken up another role within Council. There will be a period of handover until the end of the year.

At present Dr Elizabeth Grey is currently on extended leave and is due to return in February 2023. Dr Ashton Kelly has increased his normal consulting days from three to four during this period. Locum Doctors have been engaged for two weeks each month to assist with the short-fall.

Dr Winston Johnson will be taking personal leave from the 5<sup>th</sup> December for at least 4 weeks. Dr Ayati will still be available and a locum doctor will be engaged to assist during this period.

To keep up with the increasing costs associated with medical care, East Coast Health have introduced a small gap fee of \$35 payable when seeing a GP. Pensioners, concession card holders, DVA card holders and Children under 16 will still continue to be bulk-billed.

A grant submission was lodged by Council under the Primary Care Support Initiatives Grant Program. This grant was for the employment of a Rural Primary Healthcare Practitioner as part of a three-year project. The aim of the position is to increase local capacity for health



promotion, health system navigation support and complex care management. The outcome of this grant round is expected to be announced shortly.

Planning:

Councils Planning section have continued to receive a high number of Development Applications from the new financial year. Year to date 133 Development Applications and 22 Subdivision Applications have been approved by Council.

At the October Ordinary Council Meeting the final draft of the Orford Foreshore Masterplan was adopted. The Masterplan was developed with extensive stakeholder and community consultation. The results from the consultation demonstrated strong support for the recommendations and confidence in the process undertaken to develop the Masterplan.

Presently, Council have provided delegation to the General Manager to approve an application, with or without conditions, where no more than two representations are lodged against the application. At the November Ordinary Council Meeting Council resolved that a bi-monthly report be provided to Council on the approvals where the above delegation was exercised. A report on these approvals is provided in Attachment 1.

**STATUTORY IMPLICATIONS**

Given this report is for information only, there are no statutory implications.

**BUDGET IMPLICATIONS**

Given this report is for information only, there are no budgetary implications.

**RISK CONSIDERATION/S**

No risk associated with receiving an information report

**OFFICER'S RECOMMENDATION**

That Council receive and note the report on the activities on the Planning and Development Directorate.

**DECISION 270/22**

Moved Cllr Rob Churchill, seconded Cllr Carole McQueeney:

That Council receive and note the report on the activities on the Planning and Development Directorate.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Cllr Rob Churchill, Cllr Neil Edwards, Cllr Greg Luck, Cllr Carole McQueeney, Cllr Jenny Woods and Cllr Robert Young

Against: Nil



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

### **8.1 Request for Event Support - Pangaea**

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Event Support Request from Pangaea [8.1.1 - 1 page]

#### **PURPOSE**

Recommendation for Council to approve in-kind support to the Pangaea Festival that is proposed for February 2023 in the township of Buckland.

#### **BACKGROUND/OVERVIEW**

Council periodically provides a level of financial and in-kind assistance to community events that aim to involve, engage and provide benefit to community groups and individuals within the Glamorgan Spring Bay Municipality. Events supported by Glamorgan Spring Bay Council celebrate and engage local communities and promote tourism to our region. Councils ongoing support to organisations and groups assists in the delivery of events in the Glamorgan Spring Bay municipal area that have creative, community and economic outcomes.

Council has received an application from Alison McCrindle the Creative Director of Pangaea Festival previously known as Fractangular.

The event organiser is requesting support for Pangaea Festival. The Pangaea event is aimed to unite people in celebration and knowledge sharing through music, arts and culture towards a sustainable future for all. The event is a festive camping venture running over three days on Friday 3 – Monday 6 February 2023.

#### **STRATEGIC PLAN REFERENCE**

##### **Guiding Principles**

1. Balance economic and tourism growth whilst preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.

##### **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.

## **TICKET PRICES**

<b>3 Day General Admin 18+</b> Weekend Festival Pass - This ticket provides access to Pangaea from 1pm Friday 3rd February 2022	<b>\$330</b>
<b>2 Day General Admin 18+</b> 2 Day Festival Pass - This ticket provides access to Pangaea from 8am Saturday 4th and Sunday 5th February 2023.	<b>\$290</b>
<b>Small Kids (0-7)</b> This ticket provides access to Pangaea for children aged 0-7 - Please note a valid ticket (even though free) is required and all patrons U18 will need to be accompanied by a parent or legal guardian	<b>Free</b>
<b>Kids (8-12)</b> This ticket provides access to Pangaea for children aged 8-12 - Please note a valid ticket is required and all patrons U18 will need to be accompanied by a parent or legal guardian	<b>\$50</b>
<b>Youth (13-17)</b> This ticket provides access to Pangaea for children aged 13-17 - Please note a valid ticket is required and all patrons U18 will need to be accompanied by a parent or legal guardian	<b>\$150</b>
<b>Fam Bam Weekender</b> 2 x 3 Day General Admin 18+ 3 x U18 Family Package Ticket	<b>\$850</b>
<b>Car Pass</b> The Tasmanian Land Conservancy cares for a nature reserve next to Pangaea Festival, Prosser River Reserve. The car pass will support an important restoration of the critically endangered black gum ( <i>E. ovata</i> ) forest on that reserve. The black gum forest in 'Back Valley', either side of Stonehurst Road. Whilst this forest is in relatively good condition, TLC needs to return the diversity of grasses, herbs and shrubs to the understory to enhance the woodland. This project will benefit a nationally critically endangered ecological community and enhance the habitat of native animals.	<b>\$11</b>

Discover an inspiring and comprehensive programme of ideas, creations, performances, music, playtime, workshops, discussions, activities and culinary delights for all ages, across a carefully designed festival site.

Workshops and Learning - Pangaea offers an inspiring programme of all ages' workshops, activities and panel discussions in the arts, culture, health and wellbeing, and sustainable living. Workshops are central to Pangaea, they are the building blocks to community connectedness through knowledge sharing in a social environment.

Circus Town - a magical world of acrobats, comedians, sideshow legends, cabaret's and more. In Circus Town you will witness the remarkable, be inspired by the extraordinary, and connect in fun workshops and experiences...including the flying trapeze.

Music - Pangaea is a wondrously eclectic adventure in sound – it represents a love for musical fusion, melodic rhythms and beats, the live and the lively. Across multiple stages we present established and emerging musical acts from across Tasmania and beyond.

Tin Camp Studios - A safe and welcoming space for unique musical and cultural offerings, with a rich focus on storytelling through various forms of communication. Constructed from salvaged materials and modelled on typical 1950's Tin Camp's found on countless Australian townships - Tin Camp Studios was founded by Warren Mason, a proud Yuwaalaraay man.

Kidsville - This space is so fun, we love it and we built it from the ground up and down! Kidsville is a nature-based playground hosting activities, adventures, explorations and workshops through arts, crafts and nature play.

Marketplace - Host to a carefully curated selection of Tasmanian vendors with a strong focus on quality, handmade, recycled-upcycled, and locally sourced produce and supplies, with the overarching aim to strengthen sustainable practices and solutions.

#### **THE APPLICATION SEEKS THE FOLLOWING CONTRIBUTIONS**

Delivery and collection of the following wheelie bins.

- Recycling Bins – 10x 240L bins or a combination of 240L and 660L if available.
- General Waste Bins - 10x 240L bins or a combination of 240L and 660L if available.
- Cardboard Bins – 10x 240L bins or a combination of 240L and 660L if available.

#### **STATUTORY IMPLICATIONS**

Local Government Act 1993

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 provision of \$12,000 for Community Events in the 2022/23 budget including fixed Council event commitments. As of 24 November 2022, there is \$5,706.61 of the budget available to support this application.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
Nil				
<b>Do not adopt the recommendation</b>				
Council needs to be mindful of the perceptions of equity when supporting community events.	Possible	Moderate	Moderate	Ensure that all contributions are transparent. Council reviews the application and reasons for not adopting the recommendation.

## **OFFICER'S COMMENTS**

This event is an effective way of bringing people together and boosting visitors to Buckland and surrounding townships. Pangaea are striving to deliver a carbon neutral event by 2024 and are aligning their festival operations and practices with the United Nations Sustainable Development Goals.

In terms of in-kind assistance, Council can provide support for provision of:

- Wheelie bin supply and collection by Council staff, quantity to be coordinated.
- Supply of liners – these must be used.

The event organiser will need to ensure that they have their own Waste Management Plan in place for the event.

As the festival is a three-day event the event organiser will need to organise recycling & general rubbish skip bins and transfer the waste from the Council bins throughout the event.

## **OFFICER'S RECOMMENDATION**

That Council approve the application for event assistance and provide in-kind assistance as resources permit to the Pangaea Festival 2023.

**DECISION 271/22**

Moved Clr Jenny Woods, seconded Clr Carole McQueeney:

That Council approve the application for event assistance and provide in-kind assistance as resources permit to the Pangaea Festival 2023.

**THE MOTION WAS PUT AND CARRIED 6/1**

For: Mayor Cheryl Arnol, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney,  
Clr Jenny Woods and Clr Robert Young

Against: Clr Rob Churchill

## **8.2 Swansea - Loo with a view survey results**

Author: Director Works & Infrastructure (Peter Porch)  
Responsible Officer: Director Works and Infrastructure (Peter Porch)  
Manager of Buildings & Marine Infrastructure (Adrian O'Leary)

### **ATTACHMENT/S**

1. Data Q 3 221125 [8.2.1 - 5 pages]

### **PURPOSE**

To provide information on a survey and seek council direction on future direction.

### **BACKGROUND/OVERVIEW**

Council has a project partially implemented which has drawn much interest since its commencement and as a result is incomplete. The project is at a juncture where a determination can be made on progressing with it or closing off the project.

To determine a level of community acceptance for continuing with installation of the second of two single public toilets, a survey was established to simply determine the level of support to continue the project. If the support is not there, council may determine what steps to take next.

There are two other toilet blocks in the area. One within 30 metres and the other within 270 metres, in addition to the single "loo with a view" already installed.

### **STRATEGIC PLAN REFERENCE**

#### **Guiding Principles**

1. Balance economic and tourism growth whilst preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

#### **Key Foundations**

4. Infrastructure and Services
5. Our Environment

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

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

### **STATUTORY IMPLICATIONS**

Nil



## **BUDGET IMPLICATIONS**

There is presently no capital allocation to install the structure. A budget adjustment would be required to install the facility.

## **RISK CONSIDERATION/S**

Council has a valuable asset in the structure that is currently not being utilized, providing no value to the community. There is a risk that the asset will not provide value to the community if not installed for public use or liquidated through sale.

## **OFFICER'S COMMENTS**

A survey to determine the level of support for continuing with installation of the second of two single public amenities in the main street of Swansea has been conducted.

The comments received through the survey are in the agenda attachments. The survey commenced 24<sup>th</sup> October and ran until the 24<sup>th</sup> November collecting 114 responses in that time.

50% of respondents are property owners in Swansea with a further 5% resident, not property owner. 12% were Swansea business owners and 18% regular visitors.

Question 2 was kept simple purposely. It was considered that introducing a range of options at this stage would not be helpful. Options may be considered for the structure subject to council decision.

Responses to question 2:

### **Q2: The images on the website show the proposed location for the loo. Do you want to see the Loo installed?**

Answered: 114 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes	35.96%	41
No	64.04%	73
TOTAL		114

In being asked about the installation of the Loo with reference to the images of the proposed location 64% of the 114 respondents do not want to see the Loo installed.

The Loo structure has been paid for and sits idle at the rear of the Swansea depot awaiting its future. An enclosed small building which can be moved on the back of a truck, it is ready to lift onto a foundation and plumb into services.

Should council determine not to install the Loo, a future report can be provided with options to consider for the structure's future.

### **OFFICER'S RECOMMENDATION**

That council note the survey results and comments provided by survey respondents and seek a further report from the General Manager proposing alternative plans for the structure.

### **DECISION 272/22**

Moved Clr Rob Churchill, seconded Clr Carole McQueeney:

That council notes the survey results and comments provided by survey respondents and seek a further report from the General Manager proposing alternative plans for the structure.

**THE MOTION WAS PUT AND CARRIED 6/1**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Greg Luck, Clr Carole McQueeney,  
Clr Jenny Woods and Clr Robert Young

Against: Clr Neil Edwards

### **8.3 Spring Bay Memorial Trust Committee**

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

#### **ATTACHMENT/S**

1. Letter from Spring Bay Memorial Trust Committee [8.3.1 - 1 page]
2. Letter from Spring Bay RSL Sub-Branch Inc. [8.3.2 - 1 page]
3. Bank Statement - Spring Bay Memorial Trust Committee [8.3.3 - 1 page]

#### **PURPOSE**

To provide a recommendation to Council on the future of the Spring Bay Memorial Trust Section 24 Special Committee of Council.

#### **BACKGROUND/OVERVIEW**

Council received correspondence from the Spring Bay Memorial Trust Committee on 21 September 2022 requesting Council to consider the future of the Committee, with the desire to disband the Committee (see attachment 1). This is one of a number of Section 24 Committees established by Council some time ago.

Following this correspondence, Council also received further correspondence from the Spring Bay RSL Sub-Branch Inc, indicating that their committee members agreed unanimously to take on the responsibility of the ongoing maintenance of the Spring Bay Serviceman's memorials (see attachment 2). The Spring Bay Memorial Trust Committee also recommended that any remaining funds held in the Committee's Commonwealth Bank account be transferred to the Spring Bay Sub-Branch of the RSL for the purposes of maintaining the local Spring Bay servicemen's memorials.

Council has committed to reviewing all Section 24 committees and these items of correspondence provide an impetus to review this committee without further delay.

#### **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**

- Advocate and lobby effectively on behalf of the community.

#### **STATUTORY IMPLICATIONS**

- Local Government Act 1993

## **BUDGET IMPLICATIONS**

No material budget implications.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				Nil.
No material risks associated with adopting the recommendation.				
<b>Do not adopt the recommendation</b>				
That the Committee would not function appropriately.	Possible	Moderate	Moderate	Revisit the structure of the Committee.

## **OFFICER'S COMMENTS**

Council has an opportunity to consider the means for providing the care and maintenance of the memorials through the two items of correspondence. One providing a means to manage the responsibilities of the Section 24 committee through the RSL organisation and the other, an offer from the Section 24 committee to relinquish the committee functions in favour of the offer from the RSL Sub-Branch.

Given that the Spring Bay Memorial Trust Committee has been inactive for a number of years, it is recommended that the Committee members be thanked for their efforts and the Committee be dissolved.

## **OFFICER'S RECOMMENDATION**

That Council:

1. Authorise the General Manager to write to the current members of the Spring Bay Memorial Trust Committee to thank them for their valued contribution to the community through their work on the committee.
2. Authorise that the Spring Bay Memorial Trust Section 24 Special Committee be dissolved as of the 13 December 2022.
3. Authorise for the remaining funds (\$483.87) held in the Committee's account to be transferred to the Spring Bay RSL Sub-Branch for the purposes of maintaining the local Spring Bay servicemen's memorials.

### **DECISION 273/22**

Moved Clr Jenny Woods, seconded Clr Carole McQueeney:

That Council:

1. Authorise the General Manager to write to the current members of the Spring Bay Memorial Trust Committee to thank them for their valued contribution to the community through their work on the committee.
2. Authorise that the Spring Bay Memorial Trust Section 24 Special Committee be dissolved as of the 13 December 2022.
3. Authorise for the remaining funds of \$483.87 held in the Committee's account to be transferred to the Spring Bay RSL Sub-Branch for the purposes of maintaining the local Spring Bay servicemen's memorials.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

## **8.4 Glamorgan Spring Bay Audit Panel - Annual Report**

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

### **ATTACHMENT/S**

1. Audit Panel Annual Report 2022 [8.4.1 - 3 pages]

### **PURPOSE**

To recommend that Council receives and notes the attached Annual Report from the Glamorgan Spring Bay Council Audit Panel.

### **BACKGROUND/OVERVIEW**

The Glamorgan Spring Bay Council Audit Panel (the Panel) plays a vital role in assisting Elected Members of the Glamorgan Spring Bay Council in fulfilling responsibilities relating to the review of the Council's financial performance and effectiveness as well as safeguarding its long-term financial position.

In order to promote and to continue to improve the good governance within Glamorgan Spring Bay Council, a copy of the Glamorgan Spring Bay Council Audit Panel 2021/2022 Annual Report is attached for Council's information.

The Panel met on Tuesday 29 November 2022 at the Triabunna Council Office where the Annual Report was discussed.

### **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**

- Set realistic budgets and monitor income and expenditure closely.

### **STATUTORY IMPLICATIONS**

- Local Government Act 1993
- Glamorgan Spring Bay Audit Charter
- Australian Accounting Standards Board (AASB)
- International Financial Reporting Standards (IFRS)

## **BUDGET IMPLICATIONS**

Nil.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				Nil.
No material risk associated with adopting the recommendation.				
<b>Do not adopt the recommendation</b>				Nil.
There is no material risk from not adopting this recommendation.				

## **OFFICER'S COMMENTS**

The Audit Panel has been pleased to note the substantial and ongoing improvement in Councils organisational financial governance and controls significantly assisting towards the resulting positive financial performance results and audit results.

## **OFFICER'S RECOMMENDATION**

That receives and notes the Glamorgan Spring Bay Council Audit Panel 2021/2022 Annual Report.

## **DECISION 274/22**

Moved Cllr Robert Young, seconded Cllr Rob Churchill:

That Council receives and notes the Glamorgan Spring Bay Council Audit Panel 2021/2022 Annual Report.

## **THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Cllr Rob Churchill, Cllr Neil Edwards, Cllr Greg Luck, Cllr Carole McQueeney, Cllr Jenny Woods and Cllr Robert Young

Against: Nil

## **8.5 Roads Asset Management Plan**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

1. Draft Road Infrastructure AMP 2023 [8.5.1 - 56 pages]

### **PURPOSE**

To provide council with an updated asset management plan for roads for adoption.

### **BACKGROUND/OVERVIEW**

The Local Government Act 1993 requires council to prepare long-term strategic asset management plans for its municipal area. Council's asset management plans are to be reviewed at periods and within 6 months of the council election as advised to the Minister of Local Government in the November 2022 Performance Improvement Direction Report.

The initial development of the Roads asset class included the bridge assets. This review has removed Bridges from the asset class and Bridges are now covered in their own asset management plan adopted by council in November 2022.

The road asset management plan was significantly updated in 2020. This review builds on that work.

Roads as an asset class comprise Footpaths, Kerb and Channel, Land under roads, Formation (bulk Earthworks) Subbase, Base and Seal (for bitumen sealed roads) Unsealed roads incorporate a sheeted pavement layer within the Base asset value.

The 2020 review excluded Land but included Formation. There is little of the Formation cost which requires renewal. Most road formation occurs only once and is never renewed as it does not deteriorate as a rule. There are exceptions and the edge collapse we presently have on four roads is an example of that occurring. It is such a minor portion of the asset category and not a feature of normal wear and tear that for this review, Formation has been excluded from the renewal calculations as well.

### **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
4. Infrastructure and Services



## What we plan to do

- Planned asset renewal expenditure based on agreed asset management plans.
- Develop plans, policies and guidelines for built assets.

## STATUTORY IMPLICATIONS

### Local Government Act 1993

#### **S70B. Long-term strategic asset management plans**

*(1) A council is to prepare a long-term strategic asset management plan for the municipal area.*

*(2) A long-term strategic asset management plan is to relate to all assets that are within a class of assets specified in an order under section 70F(3) to be major assets.*

*(3) A long-term strategic asset management plan is to be in respect of at least a 10 year period.*

*(4) A long-term strategic asset management plan for a municipal area is to –*

*(a) be consistent with the strategic plan for the municipal area; and*

*(b) refer to the long-term financial management plan for the municipal area; and*

*(c) contain at least the matters that are specified in an order made under section 70F as required to be included in a long-term strategic asset management plan*

## BUDGET IMPLICATIONS

The review of the Roads asset management plan confirms the present level of funding for roads continues to contribute to an asset backlog for renewal of existing infrastructure. In other words, council is not yet replacing assets at the rate they are wearing out.

The Current year budget is \$900,400 for renewal. This means \$449,600 (nominally) is added to the asset renewal backlog from this year alone.

The required rate of renewal expenditure is \$1,350,000 (rounded) per year as indicated by the simple chart below which encompasses the principles of asset renewal:

Replacement value	Category	Useful Life Yr	Annual renewal required
\$ 4,988,911.00	FOOTPATH	70	\$ 71,270.16
\$ 10,561,006.00	KERB	70	\$ 150,871.51
\$ 10,710,393.00	SEAL	15	\$ 714,026.20
\$ 26,993,000.00	BASE	90	\$ 299,922.22
\$ 20,806,891.00	SUBBASE	180	\$ 115,593.84
			<b>\$ 1,351,683.93</b>

The present asset backlog in roads is assessed as being in the order of \$5.3M with the majority being in bitumen road seal, which is contributing to rapid increase in the condition of pavements.

A review of the July month council capital works reports for the end of June cost for years 2015-16 to 2020-21 shows the underspend year by year and how the accumulated backlog occurs. For each year the capital report has been assessed to see what the actual expenditure on renewal was, for actual renewal works acceptable to the independent auditors, as reported:

Year	Actual renewal	Required Renewal Spend	Backlog
2020-21	\$ 850,533.00	\$ 1,350,000.00	-\$ 499,467.00
2019-20	\$ 537,000.00	\$ 1,350,000.00	-\$ 813,000.00
2018-19	\$ 1,070,000.00	\$ 1,350,000.00	-\$ 280,000.00
2017-18	\$ 947,000.00	\$ 1,350,000.00	-\$ 403,000.00
2016-17	\$ 600,000.00	\$ 1,350,000.00	-\$ 750,000.00
2015-16	\$ 947,000.00	\$ 1,350,000.00	-\$ 403,000.00
			<b>-\$ 3,148,467.00</b>

The present long term financial plan also identifies a projected underspend on road renewals as a result of insufficient funding from all revenue sources, until the 2024/25 year and is based on the projected rate increases for the preceding years.

### **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>			Low	Positive Consequence – Conformance with LG Act and corporate knowledge increase
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Further workshop with council on elements not understood. External expert advice to council.
Risk to corporate and community appreciation of the implications of road asset ownership and life cycle asset service level implications				

### **OFFICER'S COMMENTS**

The road asset management plan contains good news as well as challenging information. The good news is that while the funding for road renewal still needs to increase, the level of increase is less over the ten-year plan life than previously identified despite a rise in road construction costs. This provides an opportunity for council to address the backlog of infrastructure renewal over the life of the plan without adjusting the budget upwards.

On the challenges side, there is a significant backlog of renewal work that is evidenced by the state of the road network. The condition of roads has been exacerbated in recent times by continued wet weather. The pock marking of potholes and break up of larger sections of seal over failing pavement across the road network means maintenance activities are not keeping pace with road failures.

While cold mix for repairs used to be purchased in bags, we now purchase by the tonne with 104 tonne placed since March this calendar year. This is a far more cost-effective way to purchase but reflects the demand on resources to affect what are comparatively short-term repairs relating to pavement and seal failures.

In terms of the asset data we have for roads, the data is not top quality with asset ages not well documented and only partial information available for asset condition.

As a part of the State Governments Future of Local Government Review, a report was commissioned to Review Council Strategic Asset Management Plans and Practices. The report contained the table on asset lives adopted throughout Local Government in Tasmania shown below. This is provided as information to indicate the asset lives adopted by this council are within the range and generally towards the upper end:

**Table 12: Estimates of Useful Life for Roads related Infrastructure Components**

Infrastructure Component	Lower Estimate (yrs)	Upper Estimate (yrs)
Road earthworks in the nature of land	Non-depreciable	
Road earthworks assessed as depreciable	Subject to individual assessment	
Road pavement (non-componentised)		
- Arterial Roads	30	50
- Collector Roads	40	60
- Local Roads	50	100
Road pavement base		
- Arterial Roads	30	50
- Collector Roads	30	60
- Local Roads	50	100
Road pavement sub-base <sup>^</sup>		
- Arterial Roads	50	80
- Collector Roads	60	100
- Local Roads	80	100
Road flush seals	10	30
Road asphalt surfacings	20	30
Concrete bridges	60	100
Timber bridges	20	50
Road kerb and channel	50	80
Road culverts	50	100
Streetscapes	10	50
Paved footpaths	50	80
Sealed footpaths	20	30

Note: <sup>^</sup> where pavements are managed as separate components.

Source: TAO, 2013, Expert's Report, Section 7.2.2, Table 5, p 49.

"The table provides an expected range of useful lives for road asset components. While this provides a useful guide, the individual circumstances of councils and specific assets may lead to the establishment of useful lives outside of these parameters. Councils should document the evidence and assessment used to establish the expected useful lives and remaining useful lives for assets assessed as having a useful life beyond the expected ranges in Table 5."<sup>7</sup>

having a useful life beyond the expected ranges in Table 5."<sup>7</sup>  
 establish the expected useful lives and remaining useful lives for assets assessed as  
 parameters. Councils should document the evidence and assessment used to  
 specific assets may lead to the establishment of useful lives outside of these  
 While this provides a useful guide, the individual circumstances of councils and  
 "The table provides an expected range of useful lives for road asset components

Source: TAO, 2013, Expert's Report, Section 7.2.2, Table 5, p 49.

Note: <sup>^</sup> where pavements are managed as separate components.

Sealed footpaths	20	30
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A well-developed asset management plan relies on both data, and technical knowledge of the performance of assets comprising the network, to enable a wholistic picture of the asset class to be presented in a plan. Where the condition of assets across the network is higher, there is more emphasis on data to identify the weak spots in the system. Where the condition is poorer it can more easily be technically assessed. Our road work fits the later descriptor with failures easily identified. In this scenario, the data assists to quantify the problem council must address.

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

That council adopts the updated Asset Management Plan for Road Infrastructure and includes the plan's key information in the Strategic Asset Management Plan review

#### **DECISION 275/22**

Moved Clr Rob Churchill, seconded Clr Jenny Woods:

That council adopts the updated Asset Management Plan for Road Infrastructure and includes the plan's key information in the Strategic Asset Management Plan review.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

## 8.6 Setting a fee to amend a Structure Plan

Author: Senior Planning Consultant (Mick Purves)

Responsible Officer: Director Planning and Development (Alex Woodward)

### **ATTACHMENT/S**

Nil

### **PURPOSE**

The purpose of this report is for the Council to consider establishing a fee for applications to amend Structure Plans within the Municipal area.

### **BACKGROUND/OVERVIEW**

The *Structure Plan Guidelines – Draft*, define the function of Structure Plans as follow:

*Structure plans play an important role in local strategic planning in Tasmania. Structure plans are not one of the statutory instruments in the Tasmanian planning system (Figure 1), however, they have a key role in implementing and articulating the regional land use strategies (RLUSs) at the local level.*

*In Tasmania, structure plans provide finer grain planning to manage settlements. Preparation and review of RLUSs identifies at a regional level where use and development should occur, including for residential, commercial, industrial, or community-based uses. The RLUSs also establish a network of settlement and activity centre hierarchies to prioritise growth within settlements.*

*Structure plans prepared at the local level then inform the application of zoning and overlays in LPSs, and the preparation of specific area plans or particular purpose zones where a more unique integration of use and development is required, which are implemented through LPS amendments.*

Council has structure plans for all major settlements within the Municipality, at Orford/Triabunna/ Swansea, Coles Bay and Bicheno.

As development pressure increases, Council has received requests to amend structure plans to enable specific projects. At present, there is no fee associated with that task.

### **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.

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**

- Set realistic budgets and monitor income and expenditure closely.

### **STATUTORY IMPLICATIONS**

Rates and charges of Council are regulated under Part 12 Division 7 of the *Local Government Act 1993*. Delegations are regulated under section 22 of the same. Delegations provided to the General Manager do not provide authority to establish and set fees under section 205 of the *Local Government Act 1993*. Determination of a fee therefore requires a decision of the Council.

Structure Plans are a non-statutory document that identifies the future vision for development of individual settlements, which are managed by the Council. At present, there is no statutory process to establish or review a Structure Plan. The State is currently completing consultation of regional planning guidelines, which also include Structure Plans Guidelines. Those Guidelines are likely to be adopted by the State during 2023.

### **BUDGET IMPLICATIONS**

Budget implications that relate to the decision before Council can be addressed through the principle of cost recovery.

Amendment of the Structure Plan requires assessment of a request from a person, may require consultation with the public and/or statutory agencies / government departments. Assessment of specialist or expert advice may also be required, such as demographic or economic analysis. Fees already exist for any such specialist assessment.

Costs to the Council are likely to be similar to those incurred for amendments to the Southern Tasmanian Regional Land Use Strategy. Council established a fee for an application to amend the Southern Tasmanian Regional Land Use Strategy, which currently sits at \$2,939. This involves an assessment by the Council and followed by application to the State Planning Office.

Amendments to Structure Plans can be expected to follow a similar process, except they are adopted by the Council rather than the Minister for Planning.

## **RISK CONSIDERATION/S**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Risk Mitigation Treatment</b>
<b>Adopt the recommendation</b>				None required.
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Budget allocations increased to accommodate additional costs.
Additional cost to Council for amendments				

## **OFFICER'S COMMENTS**

Structure Plans are developed by the Council and include consultation with the community, industry, the State and various statutory agencies. Once the development and review of Structure Plans is completed and the Council is happy with the document, it is formally adopted and becomes a significant strategic guide for local development.

From time to time, Structure Plans require amendment either as an update by the Council, or in response to a request about a specific issue, a specific land holding, or a combination of both. Where requests are lodged with the Council, they are often to enable planning scheme amendments that provide a benefit under the Tasmanian Planning Scheme – Glamorgan Spring Bay. This often results in a financial return to parties associated with the land or specific project.

At present, Council absorbs the cost of this process.

A similar process exists to amend the Southern Tasmanian Regional Land Use Strategy, which provides similar benefit through the use and development process under the Tasmanian Planning Scheme - Glamorgan Spring Bay. This process attracts a fee of \$2,939.

It is appropriate for the Council to recover part or all of the costs involved in amending a Structure Plan for the benefit of specific parties, much like amendments to the Southern Tasmanian Regional Land Use Strategy. The approach of other Councils is summarised as follows. Information was obtained from the respective Council websites and is understood to be accurate at the present time:

<b>Council</b>	<b>Structure Plan \$</b>	<b>STRLUS \$</b>
Clarence	0	17,400 + costs & supporting reports
Glenorchy	0	0
Hobart	0	0
Kingborough	0	0
Derwent Valley	0	0

Southern Midlands	0	0
Huon Valley	0	0
Glamorgan Spring Bay	0	2,939

It is understood that no other Council's in the southern region charge a fee to amend Structure Plans. By comparison, only Clarence City Council charge a fee to amend the Southern Tasmanian Regional Land Use Strategy.

A recommendation was provided to establish a fee for the amendment of adopted Structure Plans.

### **OFFICER'S RECOMMENDATION**

That Council, pursuant to Section 205 of the Local Government Act 1993, sets a Fee for amendment of an adopted Structure Plan, of \$2,939.00.

### **DECISION 276/22**

Moved Clr Robert Young, seconded Clr Rob Churchill:

Pursuant to Section 205 of the Local Government Act 1993, Council sets a Fee for amendment of an adopted Structure Plan, of \$2,939.00.

### **THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil



## **9       NOTICES OF MOTION**

Nil.

## **10     PETITIONS**

Nil.

## **11 QUESTIONS ON NOTICE BY COUNCILLORS**

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

Nil.

## 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 22 November 2022**

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

**Item 2: Australia Day Awards 2023**

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

### **RECOMMENDATION**

That Council moves into Closed Session at [time].

### **DECISION 277/22**

Moved Clr Jenny Woods, seconded Clr Carole McQueeney,

That Council moves into Closed Session at 4:14pm.

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Cheryl Arnol, Clr Rob Churchill, Clr Neil Edwards, Clr Greg Luck, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

***The Mayor confirmed that the recording had been terminated.***

## 13 CLOSE

The Mayor declared the meeting closed at 4:39 pm.

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

**Date:**

**Mayor Cheryl Arnol**