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## **ORDINARY COUNCIL MEETING AGENDA**

TUESDAY 24 MAY 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 24 May 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 19 May 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 to welcome Councillors and staff and declare the meeting open at [time].

### **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**

### **1.3 In Attendance**

### **1.4 Late Reports**

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

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

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

## **2 CONFIRMATION OF MINUTES**

### **2.1 Ordinary Meeting of Council - Tuesday 26 April 2022**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 26 April 2022 at 2:00pm be confirmed as a true and correct record.

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

### **TUESDAY 10 MAY 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 1:30pm to 5:00pm on Tuesday 10 May 2022 at the Council Offices, Triabunna.

#### **Present:**

Mayor Robert Young  
Deputy Mayor Jenny Woods  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning  
Clr Rob Churchill  
Clr Michael Symons (via remote video)

#### **Apologies:**

Clr Grant Robinson

#### **In Attendance:**

Mr Alex Woodward, Acting General Manager  
Mr Peter Porch, Director Works and Infrastructure  
Mrs Elysse Blain, Director Corporate and Community  
Mr Adrian O'Leary, Manager Buildings and Marine Infrastructure  
Mr James Bonner, Senior Planner

#### **Guests**

Nil.

#### **Agenda**

- DA2021/317 – 18 Tasman Hwy, Bicheno – 7 x visitor accommodation
- SA2021/03 – RA14635 Tasman Hwy, Swansea – 4 lot rural subdivision
- Stormwater Flood Studies
- Fees & Charges - 2022/23
- DRAFT Budget - 2022/23

#### **RECOMMENDATION**

That Council notes the information.

## **TUESDAY 17 MAY 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 1:30pm to 5:00pm on Tuesday 17 May 2022 at the Council Offices, Triabunna.

### **Present:**

Mayor Robert Young  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning (via remote video)

### **Apologies:**

Deputy Mayor Jenny Woods  
Clr Rob Churchill  
Clr Grant Robinson  
Clr Michael Symons

### **In Attendance:**

Mr Alex Woodward, Acting General Manager  
Mr Peter Porch, Director Works and Infrastructure  
Mrs Elysse Blain, Director Corporate and Community  
Mrs Marissa Walters, Contract Accountant

### **Guests**

Nil.

### **Agenda**

- Confidential planning matter
- Local Government Association Tasmania Call for Motions
- Fees & Charges - 2022/23
- Budget – 2022/23

### **RECOMMENDATION**

That Council notes the information.



## 2.3 Municipal Emergency Management Committee Meeting Minutes



### MINUTES (unconfirmed)

<b>Committee:</b>	Glamorgan Spring Bay Municipal Emergency Management Committee
<b>Chairperson:</b>	Mayor
<b>Executive Officer:</b>	Municipal Coordinator
<b>Meeting Date:</b>	Wednesday 16 <sup>th</sup> March 2022 1030 – 1230hrs
<b>Location:</b>	GSBC Council Offices, 9 Melbourne Street, TRIABUNNA

1. **WELCOME / OPENING** – by the Chairperson.

#### 2. PRESENT / INTRODUCTIONS

GSBC Mayor Robert Young, Col Barney Coastal Rescue, Tas Police Inspector Gavin Hallett, Tas Fire Mark Klop, Wayne Smart Tas Fire, Fiona Onslow- Agnew May Shaw, MRC Jill Dabrowski, MEMC Peter Porch,

#### 3. APOLOGIES

Monique Johnson THS, Chris Bond, Kelvin Jones SES, Stan Matuszek Parks, Stephen Riley & Bruce Connor Ambulance, Robert Elliott Tas Fire, John Kennedy Volunteer Ambulance, GSBC GM Greg Ingham, Mark Dance SES Regional,

#### 4. CONFIRMATION OF MINUTES

That the Minutes of the Meeting held on **17<sup>th</sup> March 2021** at the **GSBC Council Offices, 9 Melbourne St Triabunna** be confirmed as a true and correct record.

Moved: Gavin Hallett

Seconded: Fiona Onslow-Agnew

Motion carried unanimously.

#### 5. MATTERS ARISING FROM PREVIOUS MINUTES

- Desktop Exercise - Emergency requiring establishment of evacuation centre incorporating COVID-19 management: December carried out. Improvements identified and implemented. To run again in near future.

## 6. ORGANISATION UPDATES

- SES Regional  
Nil
- SES Swansea
  - Currently unit membership is 17: 14 Male 3 Female (3 Members undertaking basics training)
  - All other members are fully qualified in essential unit roles
  - Incidents Financial year to date 21 Flood/ Storm incidents, 9 Motor Vehicle Accidents, 2 Assist police
  - Still not seeing the higher number of motor vehicle accidents due to the lack of international and mainland tourists
  - Severe weather events becoming the new norm but still unpredictable
  - Assisted local brigades with dolphin sands fire late last week
- Tasmania Police  
More tourists now coming through however no increase in motor vehicle accidents.  
Flooding events for local roads in municipality are being communicated well; no issues.  
Now have Sergeant in place in Swansea -commenced October 2021.
- Tasmania Fire Service  
Sedate fire season to date with Dolphin Sands fire last week and some grass fires here and there.  
Air support contract concludes next week.  
Sorell hub commenced being built;  
Heavy recruitment drive and EOI over next 2 – 3 weeks, Involving neighbouring brigades for police fire and SES.  
Open day being planned 2/3 April. Media and advertising to occur.  
Challenges with volunteer numbers in smaller brigades e.g. Buckland Swansea etc. Working on recruitment strategies locally and across the state. Volunteer EOI dropping off. Now 4 and 5 brigades having to be paged to get numbers to attend a site.  
Orford site – not used for 18 months - 2 years. Local RSL Lions contacted to see if they can use it. Discussions to occur with council regarding change of ownership and all that entails.
- Ambulance Tasmania  
Nil
- Parks and Wildlife  
Nil
- Sustainable Timber  
Nil
- May Shaw Health Centre  
  
Have had a busy couple of months impacted by COVID.  
Closed section during January due to doctors' availability.

Reopened without incident.

2 week covid closure due to staff. No other outbreaks internally.

Staff furlough causing resourcing issues – Australian Defence Force assisted for 3 days doing social support and PPE stock etc to assist with supplementing staff leave. Increasing presentations occurring through major care centre and home care provision increasing.

Worker accommodation an issue in attracting staff or short term infill.

- Spring Bay Community and Health Centre  
Nil
- Freycinet Volunteer Marine Rescue

Membership down from 25 last year to 15 at present. Working closely with Bicheno surf life saving resulting in a rescue of 3 people off Dolphin Sands which turned out to be 1 kayak fishermen.

6 people over three incidents rescued over the summer.

GIS Tracking now in place for on water in the local area.

New vessel being organized for delivery in the near future.

- Council
  - Community Recovery Coordinator Report (Jill)
  - Budget preparation
  - Completed roadside mowing program
  - Fire abatement notices continuing
  - Program developed for clearing of high risk drain locations before storms
  - Seeking grant funds for construction of Levy for Orford Rivulet 900k nominally

## **7. GSBC EMERGENCY MANAGEMENT PLANS**

- MEM Maintenance Schedule –
  - Contact List – update
  - Review Risk Treatment Options in conjunction with strategic plan and budget – budget development underway incorporating this activity.

## **8. GENERAL BUSINESS**

- Black Summer Bushfire Grants Program applications:
  - Green Rebuild Toolkit 109 councils \$161k
  - Reclink 7 councils \$2.42M
  - Red Cross 28 Councils \$7.52M
  - Trauma Care Training 4 councils \$84k
  - Green Shoots Inspiring Innovation 5 Councils \$451k
  - Healing People with Cultural Knowledge (revival of good fire) 12 councils \$9.45M (Tas Fire aware of the initiative)
  - GSBC Resilient Communities \$1.53M
    - Water Points for land based fire fighters \$225k
    - Swansea SES Depot Helipad hard stand \$87k
    - Fencing Renewal \$36k
    - Fire trail passing bays \$128k

- McNeils Road fire trail remediation \$25k
  - Devils Corner Telstra repeater station \$897k
- Report provided with a proposal, to recommend to council and other stakeholder agencies, the development of property at the rear of the Emergency Services combined depot in Maria St Swansea for helicopter staging infrastructure.

Recommendation:

*The Glamorgan Spring Bay Emergency Management Committee supports the proposal to develop land at 76 Maria St for improved helicopter access for emergency preparedness and response and recommends that council and other stakeholder agencies work together to develop the site, within statutory confinements, to meet current and future needs.*

Motion moved: Col Barney

Motion Seconded: Fiona Onslow-Agnew

Carried Unanimously.

- Review of Emergency Management Act
  - MEMC: For Local Government no issues impacting the municipal EM arrangements.
  - Gavin: Higher level review more to address the integration with other Acts. No issues

## 9. ANY OTHER BUSINESS

Fiona – Paradise Gorge – Wielangta Road proved to be an essential road during the Tasman Highway Paradise Gorge closure. Any advice with respect to upgrade of this road? MEMC Answer: No advice from Department of State Growth (DSG) to date. Estimates for the upgrade are reported to be around \$40M.

Gavin – working with local business to request for DSG to lower the speed limit at Pondering Frog corner on Tasman Highway. The site of numerous road traffic incidents and involving several vehicle rollovers. Reduce speed to 80k proposed.

Mark – Rheban Bridge access queried. MEMC Answer: Bridge is now open.

## 10. NEXT MEETING

Wed 21<sup>st</sup> September 2022 (Third Wednesday)

## 11. CLOSE 11.28am.

## RECOMMENDATION

That the Minutes of the Glamorgan Spring Bay Municipal Emergency Management Committee meeting held on 16 March 2022 be received and noted.

### 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.*

### **3.3 Responses to Previous Questions Without Notice Taken on Notice - 26 April 2022**

#### **Greg Luck**

*Q1. When will the financial comparisons a modelling be provided and to whom?*

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

Much of the financial modelling and budgeting for the 2022/23 financial year will be completed by early June. Council workshops are being held in May to work through the budget and rates outcomes which will be followed with Community Connect sessions being held on the 8<sup>th</sup> and 9<sup>th</sup> June. Information will also be provided through Council website. It is intended that Council will adopt the Annual Plan and budget and pass the new rates resolution at its 28 June 2022 Ordinary Meeting.

*Q2. As previously asked in email correspondence that has remained unanswered, what is the maximum % increase (the “safety cap”) that a ratepayer in GSBC will be subjected to this upcoming financial year?*

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

Until the financial modelling is complete a maximum % increase ‘safety cap’ is unknown. Council is yet to discuss and make a decision on this.

#### **Lyn Hatton**

*Q1. Are Councillor comfortable with supporting the cynical attempt to limit accusations of discrimination under the Disability Discrimination Act by changing the name of the structure that many of the community voiced in consultations they just don’t want?*

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

The insinuation that Council would be supporting a ‘cynical attempt to limit accusations of discrimination’ is unfortunate in the context of what is trying to be achieved for the Bicheno community.

A proposed central triangular structure was never intended to act as a functional lookout as its primary purpose was to provide a tourist anchor/focal point. A scaffold platform erected as part of the community consultation gave the community an idea of the limited views from a lookout at this location.

Extensive community consultation has shown that there is a keen sense in the community to retain the structure. Through this consultation with the Bicheno community, we have retained the triangular profile of the structure and have incorporated public amenities within the structure and steps on the inclined surface to provide an amphitheater. It should be noted that both the lower level of the amphitheater and the public amenities are designed to have full accessibility.

Accessible public amenities in a central location with good linkages to parking and footpaths is considered a major improvement for Bicheno for people of all abilities.

An accessibility Audit was completed on the preliminary design for the Bicheno Triangle project with all the elements proposed for the development assessed. Directions in the Audit report will be incorporated into the detailed design and construction documentation that is currently being finalised in preparation for tendering the project. Council authorized offices to proceed to tendering at its 26 April 2022 Ordinary Meeting.

*Q2. The second question relates to financing the project. If the budget is around \$500,000 for the Triangle Development project and some of the grant money has already been spent in updating the car parking and pathways and consultants fees does, Council believe there is adequate funds to complete the project and if not what parts of the project will be dropped or deferred?*

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

The triangular structure proposed for Bicheno is a significant element of the \$600,000 Grant Deed funding allocation for this project. In addition to the construction cost the funding includes design and consultant fees. It also included public consultation costs, which as previously mentioned, has been extensive for this project.

Once the tender process is complete, Council will have a robust idea about the overall project cost. The current construction market is volatile, so it is difficult to predict contractor interest in the project or contractor rates/costs. If the tender box prices are higher than the funding available, then Council may need to consider a change to the scope of works to reduce costs.

**Rosemary Wood (Community Representative PRAG), John Ryan (Community Representative PRAG), Dr Les Wood, Mr and Mrs John Vagg, Mr Jamie Saunders, Miss Ann Hopkins, A Gillies, Sally and Martin Poole, Ray and Elizabeth Brown, Ron Massie, Margaret Massie, Dr S Harwin, Ms M Clippingdale and Mr Nick Cracknell.**

*QUESTION from Concerned Ratepayers.*

*Do the Mayor and Councillors (our elected representatives) accept that:*

- A. PRAG did in fact produce Stage 1 of a Master Plan, addressing the issue causing the most public concern. This went to Public Consultation in Feb, 2020, after only 4 meetings of PRAG.*
- B. that it was Council Staff who did not convene further meetings or Councillors that did not replace vacancies left by resignations and those members unable to attend meetings.*
- C. that the fencing as structures on Crown Land, that has proved not temporary in nature, was erected without licence and did not follow due process or best practice or have public consultation.*
- D. the Fairy Terns (the protected bird species using the sandspit) have not returned to the site for 2 consecutive breeding years, and last bred outside the fenced area in 2019/20, such that temporary fencing was erected, as is best practice.*
- E. conditions that applied to the DA 02013 Permit granted in 2002 to move the Prosser River mouth to a southerly location required that the resulting backwater be kept*

*flushed by Parks to a standard where it was acceptable to residents and this was signed off by the GSBC (See below)?*

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

It should be noted that A,B,C, D and E are statements supporting a question to the elected members. The General Manager's response on behalf of the elected members is below:

It is accepted that a previous iteration of an Orford Foreshore Master Plan was developed. Council had in 2018 agreed to a working group involving representatives from Council and residents and relevant stakeholders to assist with the development of this Plan. The working group was subsequently declared a Section 24 Committee of Council. Despite several meetings of the Committee a Master Plan was not able to be endorsed and the Committee ceased to meet in 2020. Council agreed to formally disband the Committee at its Ordinary meeting on the 26 April 2022. Council thanked and acknowledged the work done by the Committee.

The fencing at the location was installed by Council officers with the endorsement of Parks and Wildlife (PWS) to protect threatened bird species from human activities at an important breeding site, not just for critically endangered Fairy Terns. It should be noted that Fairy terns were observed at this site in October 2021 and possibly more recently. Hooded Plovers, another threatened species, and other species including but not limited to oystercatchers, red capped plovers, pelicans, chestnut teals, Pacific black duck, three species of gull, various other terns to name a few.

Any unnatural flushing of the backwater by machinery or other means would need EPA and other approval by PWS. The backwater is open at the southwestern end and is regularly flushed by incoming tides.

In 2021 Council collaborated with Parks and Wildlife to develop a Master Plan for the Orford Foreshore with the process including specific stakeholder engagement, including all the previous members of the Section 24 Committee, along with broader community consultation. The objective of the Plan is to assist land managers (Council and PWS) and the community to:

- better understand, conserve, and manage the natural and cultural values of the location
- improve community and visitor experience
- improve the provision of appropriate recreation facilities
- enhance community connectivity between the Orford foreshore and town centre.



## 4 PLANNING AUTHORITY SECTION

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

### **RECOMMENDATION**

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

#### 4.1 Visitor Accommodation - DA2021/317 - 18 Tasman Hwy, Bicheno

<b>Proposal:</b>	Seven (7) x one (1) bedroom visitor accommodation buildings
<b>Applicant:</b>	S Group
<b>Application Date:</b>	27 October 2021
<b>Statutory Date:</b>	30 May 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 Railway Assets Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Visitor Accommodation
<b>Development:</b>	Visitor Accommodation
<b>Discretions:</b>	8.0 General Residential - cl 8.3.2 visitor accommodation; cl 8.5.1 - outside of building envelope; cl 8.5.1 front setback, cl 8.5.1 - bin storage areas.  C2.0 Parking and Sustainable Transport Code – C2.6.2 - design of access way  C3.0 Road and Railway Assets Code - C3.5.1 - new access onto Tasman Hwy
<b>Representations:</b>	5
<b>Attachments:</b>	1. Exhibited Documents - D A 2021-317 [4.1.1 - 39 pages] 2. Representations - D A 2021-317 [4.1.2 - 11 pages]
<b>Author:</b>	James Bonner, Senior Planner

#### Executive Summary

Planning approval is sought for a development comprising seven (7) x one (1) bedroom visitor accommodation buildings (pods) at 18 Tasman Hwy, Bicheno.

The proposal was advertised for two weeks from 25 March 2022 to 08 April 2022 and 5 representations were received objecting to the proposal.

This report assesses the proposal against the standards of the relevant zone and 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 30 May 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 for seven (7) x two (2) storey one (1) bedroom visitor accommodation buildings with car parking provided for ten (10) vehicles. It is noted that visitor accommodation is not a residential use and therefore the proposal has been assessed in the planning scheme as being non-dwelling development.



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 lot is vacant and a search did not find any previous applications.

#### 6. Site Description

The land rises approximately 4.7m from the road to the rear of the lot. The subject lot is cleared of native vegetation and is covered with a grass surface. There is no constructed access to the Tasman Highway. The lots adjoining the land and in the immediate vicinity generally present as single dwellings.



Figure 2 – Aerial photo of lot. Source LISTMap

## **7. Planning Instruments**

Tasmanian Planning Scheme – Glamorgan Spring Bay

## **8. Easements and Services**

The lot is burdened by a drainage easement running along the western boundary.

## **9. Covenants**

Nil

## **PART TWO**

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

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

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

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:

- 8.0 General Residential -
  - cl 8.3.2 visitor accommodation
  - cl8.5.1 - front setback
  - cl 8.5.1 - outside of building envelope
  - cl 8.5.1 - bin storage areas
- C2.0 Parking and Sustainable Transport Code – C2.6.2 - access way
- C3.0 Road and Railway Assets Code - C3.5.1 - new access onto Tasman Hwy

The Planning Authority must consider the representations and the Performance Criteria and make a determination by 30 May 2022.

## **PART THREE**

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

### **8.0 General Residential Zone**

8.3.2 Visitor Accommodation (A1) - The acceptable solution is that visitor accommodation is within existing buildings and have a gross floor area of no more than 200m<sup>2</sup> per lot. The proposed visitor accommodation is not located within existing buildings and the gross floor area will exceed 200m<sup>2</sup>. 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>
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	Five buildings (1, 3, 5, 6 & 7) are located within 1.1m of the adjacent lot to the south. The first floor of each building has windows on the eastern elevation that look towards the adjoining lot. While some screening is shown on the plans additional screening is required to be provided to the windows to provide a reasonable level of privacy to the adjoining lots. Subject to the provision of additional screening on those windows it is considered that the proposal would meet the performance criteria.
(b) any likely increase in noise to adjoining properties;	As each building is designed for one person or a couple with small decks provided to each building it is considered that any likely increase in noise from the occupancy will not result in an unreasonable loss of amenity to the adjoining properties. It is considered that the proposal meets the performance criteria

Performance Criteria	Planner's Response
(c) the scale of the use and its compatibility with the surrounding character and uses within the area;	<p>While the zone allows for multi-dwelling housing the visitor accommodation development with seven (7) x two (2) storey buildings is of a scale that is not compatible with the area. Seven (7) x two (2) storey buildings on a 1,004m<sup>2</sup> lot is not compatible with the surrounding character and uses which are predominantly single dwellings. While there is a visitor accommodation use next door at 20 Tasman Hwy, the main building presents as a single dwelling with two smaller buildings located behind it.</p> <p>It is noted that if a multiple dwelling development occurred on the lot the acceptable solution is that each dwelling would require a site area of 325m<sup>2</sup> which would result in up to three dwellings.</p> <p>The proposal is not compatible with the surrounding character and uses and would result in an unreasonable loss of residential amenity.</p> <p><u>It is considered that the proposal does not meet the performance criteria.</u></p>
(d) retaining the primary residential function of an area;	<p>The proposal of seven (7) x two (2) storey visitor accommodation buildings on a 1004m<sup>2</sup> lot does not retain the primary residential function of the area and would result in an unreasonable loss of residential amenity, through the size and number of visitor accommodation buildings proposed.</p> <p><u>It is considered that the proposal does not meet the performance criteria.</u></p>
(e) the impact on the safety and efficiency of the local road network; and	<p>The proposal has not demonstrated compliance with the Road and Railway Assets Code as discussed below. A</p> <p><u>It is considered that the proposal does not meet the performance criteria.</u></p>
(f) any impact on the owners and users rights of way.	N/A as no rights of way over the lot.

## 8.0 General Residential Zone

8.5.1 Non-dwelling development (A1) - The acceptable solution is that a building that is not a dwelling must have a front setback that is not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining properties on the same street. The setback for building one (1) is 6.29m which is less than the setback of the dwelling located at 20 Tasman Hwy which is setback approximately 7.2m. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
A building that is not a dwelling, excluding for Food Services and local shop, must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.	The setback of building one (1) varies from 6.29m to 7.8m. There are a variety of setbacks in the immediate area of lots fronting the Tasman Hwy and it is considered that the setback proposed is compatible with the streetscape. It is considered that the proposal meets the performance criteria

## 8.0 General Residential Zone

8.5.1 Non-dwelling development (A2) - The acceptable solution is that buildings are contained within the prescribed building envelope. Buildings 1, 3, 5, 6 and 7 are outside of the building envelope. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>The siting and scale of a building that is not a dwelling must:</p> <p>(a), not cause an unreasonable loss of amenity, having regard to:</p> <p>(i), reduction in sunlight to a habitable room, excluding a bedroom, of a dwelling on an adjoining property;</p> <p>(ii), overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii), overshadowing of an adjoining vacant property; or</p> <p>(iv), visual impacts caused by the apparent scale, bulk or proportions of the building when</p>	<p>(a) (i)(ii) (iii) The shadow diagrams indicate that the adjoining lots will receive over 3hrs of sunlight per day at winter solstice and therefore the proposal will not result in an unreasonable loss of amenity having regard to a reduction in sunlight regarding (i), (ii) and (iii). It is considered that the proposal meets the performance criteria.</p> <p>(a) (iv) The proposal is for five (5) buildings to be located along the eastern boundary of the lot. Each building is around 7m in height and while there is a reasonable level of separation between each building it is considered that the visual impact from five 7m high buildings 1m off the boundary will result in an unreasonable loss of amenity to the adjoining property in regard to visual impacts caused by scale, bulk or proportions.</p> <p><u>It is considered that the proposal does not meet the performance criteria.</u></p>



Performance Criteria	Planner's Response
viewed from an adjoining property; and	
(b) provide separation between buildings on adjoining properties that is consistent with that existing on established properties in the area.	A separation of approximately 1m to an adjoining boundary is generally consistent with a number of properties in the area. It is considered that the proposal meets the performance criteria.

## 8.0 General Residential Zone

8.5.1 Non-dwelling development (A5) - The acceptable solution is that outdoor storage areas, including waste storage, must not be visible from any road or public open space. No details have been provided of the bin storage area, other than it will be located on the front boundary. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
Outdoor storage areas, for a building that is not a dwelling, must be located or screened to minimise their impact on views into the site from any roads or public open space adjoining the site, having regard to:  (a) the nature of the use; (b), the type of goods, materials or waste to be stored; (c) the topography of the site; and (d) any screening proposed.	No details have been provided as to how the waste storage area would be screened to minimise impacts. The plans do not identify any front fencing for the lot.  It is noted that while a 1.2m high front fence could be provided in accordance with the exempt development provisions of the planning scheme, this height would still not provide adequate screening of waste storage bins located on the front boundary. <u>It is considered that the proposal does not meet the performance criteria.</u>

## C2.0 Parking and Sustainable Transport Code

C2.6.2 - Design and layout of parking areas (A1) - The acceptable solution is that parking and access ways meet the listed requirements. The access width from the highway does not meet the minimum width of 4.5m. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(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.</p>	<p>The driveway and parking areas have not been designed to permit all vehicles to enter and exit the site in a forward direction. The visitor spaces have not been designed to allow vehicles to turn around onsite and exit in a forward direction without utilising a parking space.</p> <p>The driveway entrance does not meet the minimum width requirement of 4.5m at the road as required by C2.6.2 A1 and an assessment of the performance criteria has not been provided. The driveway crossover is not wide enough to permit two cars to pass each other thereby increasing the risk of cars having to prop on the highway while waiting for another car to exit the site which potentially affects vehicle and pedestrian safety.</p> <p>The speed limit is 60km/h in this area and there is no alternative access available.</p> <p>An assessment of AS2890.1 2004 was not provided.</p> <p>While State Growth did not provide any comments on the driveway crossover width the application has not demonstrated that the proposal will provide convenient, safe and efficient parking, related to vehicle and pedestrian safety and the nature of the traffic in the surrounding area.</p> <p><u>It is considered that the proposal does not meet the performance criteria.</u></p>

### C3.0 Road and Railway Assets Code

C3.5.1 - Traffic Generation (A1) - The acceptable solution is that for a category 1 road vehicular traffic to and from the site will not require a new vehicle crossing. The Tasman Hwy is a category 1 road and new vehicle crossing is required. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>	<p>There are seven (7) one (1) bedroom buildings, and it is expected that each occupant would use their own vehicle, thereby increasing the vehicle movements by that number.</p> <p>The driveway and parking areas have been generally designed to permit vehicles to enter and exit the site in a forward direction, except for the three visitor spaces noted above.</p> <p>The driveway entrance does not meet the minimum requirement of 4.5m at the road as required by C2.6.2 A1 and an assessment of the performance criteria has not been provided. The driveway crossover is not wide enough to permit two cars to pass each other thereby increasing the risk of cars having to prop on the highway while waiting for another car to exit the site.</p> <p>The speed limit is 60km/h in this area and there is no alternative access available.</p> <p>A traffic impact assessment was not provided, and it is noted that State Growth did not require one and did not provide any conditions requiring works further than that proposed.</p> <p>While State Growth did not provide any comments on the driveway crossover width the application has not demonstrated that the proposal will not have an adverse effect on the safety or efficiency of the road network.</p> <p><u>It is considered that the proposal does not meet the performance criteria.</u></p>

### 13. Referrals

The application was referred to Council's engineers who provided recommended conditions. State Growth provided owners consent for access onto the highway and stormwater discharge.

### 14. Representations

The proposal was advertised for two weeks from 25 March 2022 to 08 April 2022 and 5 representations were received objecting to the proposal. A summary of concerns raised, and responses is 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
<p>1. Doesn't believe that more visitor accommodation is needed in Bicheno and to allow seven (7) units on a small residential block which is clearly being set up for commercial use.</p>	<p>Visitor accommodation is a commercial use which is permissible with consent in the zone.</p>
Representation 2	Response
<ol style="list-style-type: none"> <li>1. Council has removed the planning scheme from its website and the application will be assessed under the Interim Planning Scheme due to it being in force at the time of lodgement of the application.</li> <li>2. As the application was lodged under the Interim Scheme the applicant has not acknowledged Planning Directive No.6 - Exemption Standards for Visitor Accommodation (PD6).</li> <li>3. The application is incompatible with the zone purpose statement as it will create an intensified non-residential use within an established residential area.</li> <li>4. The applicant refers to the Bicheno Cabin and Tourist Park accommodation at 30 Tasman Hwy. This accommodation closed on 1 April 2021 and a seven (7) lot subdivision has been approved with for sale signs located on the property.</li> <li>5. The applicant has only acknowledged the application is consistent with the setbacks to the dwelling adjoining the western boundary, not the dwelling on the eastern boundary which has a setback of 22m to the frontage.</li> <li>6. The applicant has not acknowledged the encroachment into the rear setback.</li> <li>7. The applicant has not stated that the building envelope clause is relevant.</li> <li>8. The applicant has not demonstrated where the minimum private open space will be provided to each unit.</li> <li>9. The shading diagrams are deceptive as they do not have a north arrow. They</li> </ol>	<p>It is noted that the representation makes reference to provisions from the Interim Scheme while the application has been assessed under the Tasmanian Planning Scheme (TPS). While the references and some of the details are incorrect, where issues raised coincide with similar provisions in the TPS they have been considered and responded to.</p> <ol style="list-style-type: none"> <li>1. The application was lodged under the Interim Scheme but was not made valid until the Tasmanian Planning Scheme (TPS) was in effect and therefore the application has been assessed under the TPS. Council does not have the planning scheme on its website as planning schemes are located on the IPlan website which is managed by the State Government.</li> <li>2. PD6 does not apply to the TPS only interim schemes.</li> <li>3. Noted. The zone purpose is considered while assessing compliance with the relevant performance criteria.</li> <li>4. A planning permit (SA2021/18) for subdivision into seven (7) lots was approved on 21 December 2021. It is noted that to date the permit has not been acted upon, though a large number, if not all, of the cabins have been removed from the site. Regardless, as 30 Tasman Hwy is located within a Local Business zone it has not been considered as being relevant in the assessment of the current application which is located within a General Residential zone.</li> </ol>

<p>do not adequately demonstrate compliance with the acceptable solution.</p> <p>10. The shading diagrams provided do not demonstrate compliance with overshadowing for multiple dwellings.</p> <p>11. The potential shading of 16 Tasman Hwy is deemed excessive and the diagrams do not demonstrate potential shading of 2 Lovett St or 8 Barrett Ave.</p> <p>12. The screening provided to unit 7 and the units on the boundary with 16 Tasman Hwy do not provide adequate screening.</p> <p>13. The communal bin storage area is on the front boundary and not screened, the applicant hasn't addressed the performance criteria.</p> <p>14. A traffic impact assessment is required to assess the traffic impact on the road and pedestrians.</p> <p>15. The applicant has not stated if there will be an increase in the daily number of vehicle movements over the existing entry.</p> <p>16. The applicant has not provided the required bicycle parking spaces.</p> <p>17. The applicant has not provided passing bays.</p> <p>18. The applicant has not demonstrated that adequate area has been provided for onsite turning and demonstrated compliance with AS2890.</p> <p>19. The applicant has not stated if and where lighting of parking areas will occur.</p> <p>20. Landscaping of the parking areas has not been provided.</p> <p>21. Is any signage proposed?</p> <p>22-26 – acoustic concerns and impervious areas.</p>	<p>5. The proposal has been assessed against cl8.5.1 P1 and has been assessed as meeting the performance criteria.</p> <p>6. The setback of unit seven 7 has been considered in the assessment in 8.5.1 above.</p> <p>7. The building envelope has been considered in the assessment under 8.5.1 above.</p> <p>8. There is no private open space provision for visitor accommodation, noting that a visitor accommodation is not a dwelling.</p> <p>9. The shadow diagrams provided are adequate for assessment purposes as discussed in 8.5.1 above.</p> <p>10. The buildings are not multiple dwellings and there is no similar provision for non-dwellings.</p> <p>11. The shadow diagrams provided are adequate for assessment purposes as discussed in 8.5.1 above.</p> <p>12. This matter is discussed in 8.3.2 above.</p> <p>13. This matter is discussed in 8.5.1 above.</p> <p>14. Traffic impact has been considered in the assessment as discussed above in C3.5.1.</p> <p>15. Traffic impact has been considered in the assessment as discussed above in C3.5.1.</p> <p>16. There is no requirement for bicycle spaces for visitor accommodation in the TPS.</p> <p>17. The access and parking have been considered in the assessment as discussed above in C2.6.2.</p> <p>18. The access and parking have been considered in the assessment as discussed above in C2.6.2.</p> <p>19. There is no requirement for lighting of parking areas in Residential zones in the TPS.</p> <p>20. There is no requirement in the TPS for landscaping of parking areas.</p> <p>21. No signage was included in the proposal.</p> <p>22. These are not matters that can be addressed via the planning scheme assessment.</p>
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<b>Representation 3</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>1. Residential zone and seven (7) pods in 1,000m2 is a significant number of houses.</li> <li>2. There are 10 car park spaces which will create pollution and noise.</li> <li>3. Being two (2) storeys, they will affect privacy of neighbours.</li> <li>4. Every pod will have some sort of heating. Noise and smoke pollution from this will be enormous for us and will affect our health.</li> <li>5. Black colour of pods is a depressing colour.</li> <li>6. The development is not compatible with the character and use of the area. This development will look out of place among older full of character houses.</li> <li>7. It will put more pressure on water, electricity, sewerage and rubbish collection.</li> </ol>	<ol style="list-style-type: none"> <li>1. Discussed in the assessment under 8.3.2 above.</li> <li>2. A minimum of seven (7) spaces are required by the planning scheme and three additional spaces have been provided as visitor spaces, noting that there is no on street parking available.</li> <li>3. Privacy issues are discussed above in 8.5.1.</li> <li>4. Noise from air-conditioner units is unlikely to cause an unreasonable impact and may not be provided and smoke from wood heaters is not a planning consideration.</li> <li>5. The planning scheme does not regulate colours in the General Residential zone.</li> <li>6. The proposals compatibility is discussed in the assessment under 8.3.2 above.</li> <li>7. TasWater have not raised any concerns with services and electricity is a TasNetworks issue that can be addressed at the building stage if network upgrade is required.</li> </ol>
<b>Representation 4</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>1. A house and granny flat would be in keeping with the visual aesthetic of the area.</li> <li>2. The proposal will significantly impact us in terms of noise, view of the ocean and will look more like a commercial zoning.</li> <li>3. Privacy will be impacted with the amount of cars coming in and out and impact from headlights.</li> <li>4. There is a Right of Way (ROW) from my lot to the hwy.</li> </ol>	<ol style="list-style-type: none"> <li>1. See assessment 8.3.2 above.</li> <li>2. Noise is assessed above, and view loss is not a planning consideration.</li> <li>3. It is considered that vehicle movements on site will not unreasonably impact on privacy to adjoining lots.</li> <li>4. There is no ROW shown on the folio plan or title documents for the subject lot, though there is a drainage easement.</li> </ol>
<b>Representation 5</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>1. The application does not contain enough information for it to be a valid application let alone advertised.</li> <li>2. The development is not suitable for a residential lot.</li> </ol>	<ol style="list-style-type: none"> <li>1. The application was determined by Council to be valid and therefore it was advertised.</li> <li>2. See assessment above.</li> <li>3. The proposed buildings are not dwellings and have been assessed against the non-</li> </ol>

<p>3. The application for the dwellings is not compliant with development standards and acceptable solutions against multiple points, not limited to overshadowing. In particular morning shadowing over the front of my property.</p> <p>4. Overlooking and privacy issues, particularly the full-length bathroom windows with partial screening is not suitable.</p> <p>5. The structures breach the requirements for building envelopes.</p> <p>6. Building setbacks particularly with regard to two storey dwellings.</p> <p>7. The front setback does not seem to be in keeping with the streetscape and given the quantity of residences spread over the site will be very confronting.</p> <p>8. The development proposes a large amount of concrete driveway and parking spaces which has little detail on how stormwater will be managed and contained within the property.</p> <p>9. Vehicle movements are a huge concern and the number of cars coming and going, including maintenance and cleaning staff will drastically impact neighbouring homes.</p> <p>10. Noise concerns from vehicles and people talking in and around driveway areas.</p> <p>11. Noise concerns around guests holidaying, particular concern of couples, friends renting multiple units congregating to party, particularly in common areas.</p> <p>12. What signage will be installed?</p> <p>13. Concerned that the units could be strata titled later and sold without correct requirements of residential living.</p> <p>14. Lighting of exterior of buildings and sensor areas would create a nuisance for neighbours.</p> <p>15. Each unit proposes a wood burning fire, seven (7) wood heaters would be an</p>	<p>dwelling provisions and where not compliant with the acceptable solutions have been assessed against the performance criteria as above.</p> <p>4. See assessment under 8.3.2 above.</p> <p>5. See assessment under 8.5.1 above.</p> <p>6. See assessment under 8.5.1 above.</p> <p>7. The front setback is considered to meet the performance criteria, see assessment under 8.5.1 above. The number of buildings on the site is not a factor when considering the front setback.</p> <p>8. Stormwater management is not a consideration under the Tasmanian Planning Scheme. However, a stormwater report was provided and State Growth did not raise any concerns with stormwater discharge into their system on the highway.</p> <p>9. Most of the parking spaces are located away from property boundaries and it is considered that noise from use of the spaces is unlikely to cause an unreasonable impact on the amenity of adjoining properties.</p> <p>10. See above response.</p> <p>11. Each unit only has one bedroom with a small deck area. There are no common areas shown on the plans that might be used for outdoor gatherings.</p> <p>12. The proposal did not include signage.</p> <p>13. Any future proposal for strata title will be assessed at that time.</p> <p>14. External lighting is not shown on the plans. Any permit issued could include a condition to control external lighting.</p> <p>15. The use of wood heaters is not a planning consideration.</p> <p>16. No details have been provided for the bin area, see assessment above.</p> <p>17. Noted.</p> <p>18. There is no requirement in the planning scheme for landscaping to be provided in a general residential zone.</p> <p>19. TasWater have not raised any concerns in regard to sewerage infrastructure.</p> <p>20. TasWater have not raised any concerns in regard to water infrastructure.</p>
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<p>unacceptable amount of smoke nuisance.</p> <p>16. There is bin storage at the front of the property, no details have been provided. Will 14 bins fit in front of the property for collection?</p> <p>17. No Traffic Impact Assessment has been provided.</p> <p>18. No landscaping detail of the finished development.</p> <p>19. Is the sewer infrastructure adequate for the proposal. No details provided</p> <p>20. Is mains water infrastructure adequate. No details provided.</p> <p>21. There is no soil classification provided by way of geotechnical report as there are considerable moisture issues on site.</p> <p>22. This type of development on correctly planned and zoned land would be supported by Council and the local community, without impact on residents in residential zoned areas. It is not in keeping with the established area.</p> <p>23. The proposal looks a lot like the approved works at the previous Silver Sands Resort which has the appropriate zoning.</p> <p>24. Feel the scale and density would be best suited to a non-residential area.</p>	<p>21. Soil classification is not a matter that is assessed at the planning stage.</p> <p>22. Visitor accommodation is a permissible use in residential zones. The scale of this proposal has been assessed as discussed above.</p> <p>23. Noted</p> <p>24. Noted, see assessment above.</p>
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## 15. Conclusion

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



## 16. Recommendation

### That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme – Glamorgan Spring Bay*, DA2021/317 at 18 Tasman Hwy, Bicheno (CT28091/2) be refused for the following reasons:

- The proposal does not meet the requirements of clause 8.3.2 P1 in that it is not compatible with the character and use of the area, will result in an unreasonable loss of amenity having regard to privacy of adjoining properties, and will not retain the primary residential function of the area.
- The proposal does not meet the requirements of clause 8.5.1 P2 in that it will result in an unreasonable loss of amenity having regard to visual impacts by the apparent scale, bulk or proportions of the buildings.
- The proposal does not meet the requirements of clause 8.5.1 P5 in that the waste storage area located on the front boundary has not been located or screened to minimise its impact on views into the site from the road.
- The proposal does not meet the requirements of clause C2.6.2 P1 of the Parking and Sustainable Transport Code as it has not demonstrated that the proposal will provide convenient, safe and efficient parking, related to vehicle and pedestrian safety and the nature of the traffic in the surrounding area.
- The proposal does not meet the requirements of clause C3.5.1 P1 of the Road and Railway Assets Code in that the driveway access from the highway does not meet the minimum requirements and the proposal has not demonstrated that the new vehicle crossing and associated vehicle movements will not have an adverse effect on the safety and efficiency of the road network.

## 4.2 SA2021/03 - RA14635 Tasman Highway, Swansea

<b>Proposal:</b>	4 lot plus balance subdivision
<b>Applicant:</b>	Andy Hamilton and Associates
<b>Application Date:</b>	18 January 2021
<b>Statutory Date:</b>	30 May 2022
<b>Planning Instruments:</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone:</b>	Rural Resource
<b>Codes:</b>	E1.0 Bushfire Code, E3.0 Landslide Code, E5.0 Road and Railway Assets Code, E6.0 Parking and Access Code, E10.0 Biodiversity Code, E13.0 Historic Heritage Code, E14.0 Scenic Landscapes Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Subdivision
<b>Development:</b>	Subdivision
<b>Discretions:</b>	Rural Resource Zone - cl26.5.1, cl26.5.3 E3.0 Landslide Code - E3.8.1 E5.0 Road and Railway Assets Code E5.6.2 E10.0 Biodiversity Code – E10.8 E13.0 Historic Heritage Code – E13.7.3 E14.0 Scenic Landscapes Code – E14.7.3
<b>Representations:</b>	4
<b>Attachments:</b>	1. Exhibited Documents S A 2021 03 [4.2.1 - 155 pages] 2. Representations Attachment [4.2.2 - 23 pages]
<b>Author:</b>	James Bonner, Senior Planner

### Executive Summary

Planning approval is sought for a development comprising a 4 lot plus balance subdivision at 14635 Tasman Hwy, Swansea.

The proposal was advertised on three occasions and four representations were received. The reason for the repeated advertising is discussed in the background section below.

The application was made valid on 11 February 2022, when State Growth owners' consent was received, and the application has been assessed under the provisions of the Glamorgan Spring Bay Interim Planning Scheme which was in force at that time.

### 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 4 lots from the rural holding known as "Milton" at Swansea to result in the following:

Lot 1 – 94 ha

Lot 2 – 80ha

Lot 3 – 101ha

Lot 4 – 91ha

Balance lot – approximately 1,444ha.

The four new lots are to be located on the southern side of Lake Leake Road with all of the balance lot to be on the northern side of Lake Leake Road.

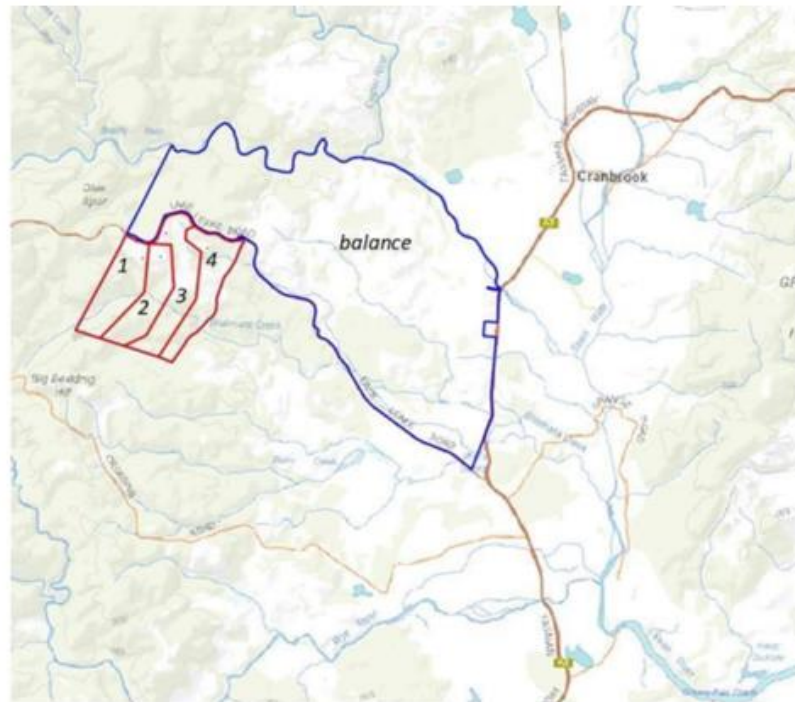


Figure 1 – Site and locality Plan

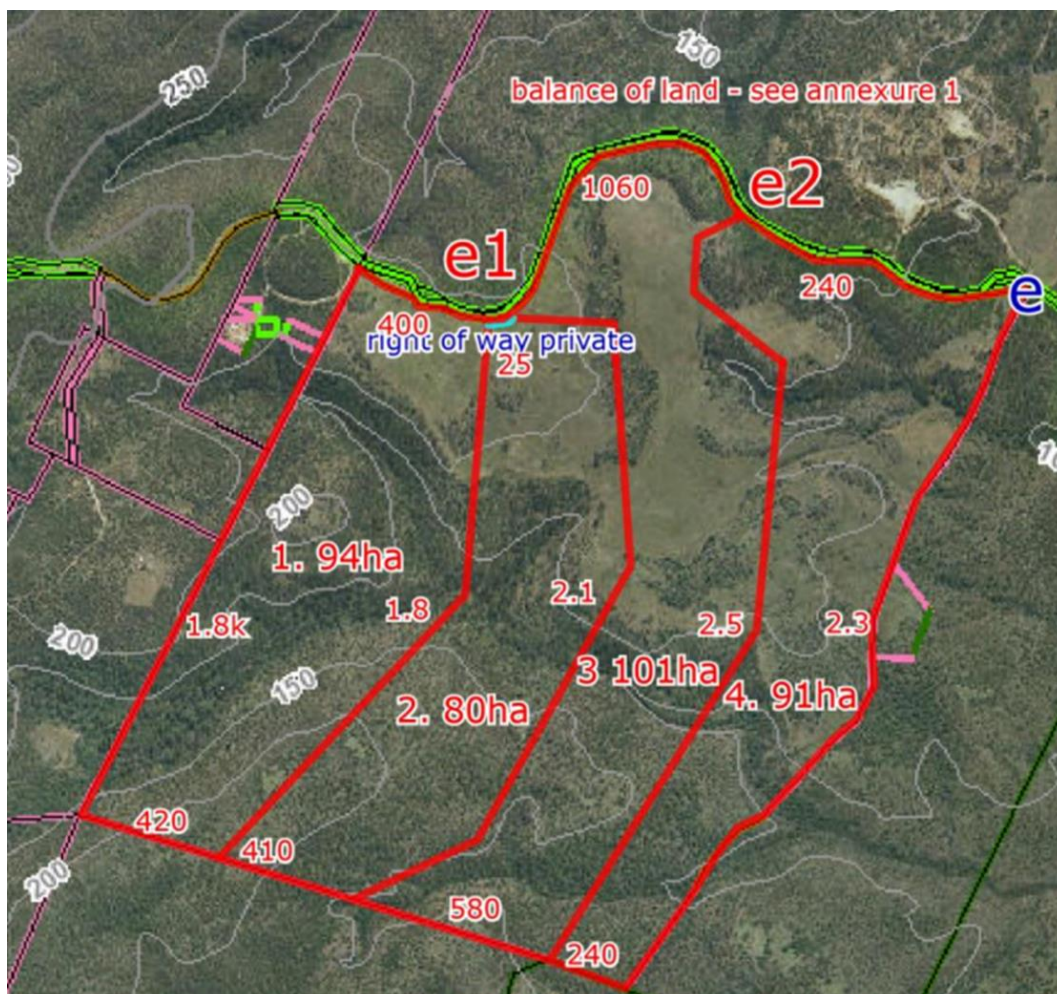


Figure 2 – Detailed subdivision plan

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

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

#### **5. Background**

The proposal was advertised on 28 May 2021 to 10 June 2021 and was extended upon request to 14 June 2021. One representation was received. Assessment of the application identified that State Growth landowner consent was required to be obtained for the new accesses onto Lake Leake Road. The application was made invalid on 17 June 2021 until consent from State Growth was received.

Owners consent from State Growth was received on 11 February 2022 and the application was made valid. The application was re-notified on 25 February 2022 to 11 March 2022 and two representations were received.

These representations identified that an application document was missing from the advertised documentation and therefore to ensure the adjoining properties had access to all the documents it was decided to re-notify the application. The application was re-notified on 29 April 2022 to 13 May 2022 and four representations were received.

#### **6. Site Description**

The subject lot is a large rural holding of approximately 1,820 ha and is bound by the Tasman Highway to the east, Lake Leake Road to the south and the Cygnet River and Bushy River to the north. Most of the subject lot is located to the north of Lake Leake Road with the proposed 4 new lots located entirely on the southern side of Lake Leake Road as shown in figure 1 above.

The lot has large areas substantially cleared of native vegetation for grazing and viticulture with most of the remnant vegetation located in the western portion of the lot and on the southern side of Lake Leake Road and as detailed in the submitted Natural Values Assessment.

#### **7. Planning Instruments**

Glamorgan Spring Bay Interim Planning Scheme 2015

#### **8. Easements and Services**

Right of Carriageway easement on portions of Lake Leake Rd frontage.

#### **9. Covenants**

Nil

## PART TWO

### 10. Meeting the Standards via Acceptable Solution

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

- 26.0 Rural Resource Zone
- E1.0 Bushfire Code
- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E10.0 Biodiversity Code
- E13.0 Historic Heritage Code
- E14.0 Scenic Landscapes Code

### 11. Meeting the Standards via Performance Criteria

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

- 26.0 Rural Resource Zone - cl26.5.1 (P1) and cl26.5.3 (P1)
- E3.0 Landslide Code - E3.8.1 (P1)
- E5.0 Road and Railway Assets Code E5.6.2 (P1)
- E10.0 Biodiversity Code – E10.8 (P1)
- E13.0 Historic Heritage Code – E13.7.3 (P1)
- E14.0 Scenic Landscapes Code – E14.7.3 (P1)

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 30th May 2022.

## PART THREE

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

#### 26.0 Rural Resource Zone

cl26.5.1 New lots (A1) - The acceptable solution is that a lot is for one of the listed uses which the application does not meet. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
A lot must satisfy all of the following: (a) be no less than 80 ha;	All the proposed lots are over 80ha.
(b) have a frontage of no less than 6m;	All the proposed lots have a frontage of greater than 6m.
(c) not be an internal lot	No internal lots.

Performance Criteria	Planner's Response
(d) be provided with safe vehicular access from a road;	<p>A Traffic Impact Assessment (TIA) was submitted assessing that safe access can be provided subject to certain works. State Growth, as the road authority, have not raised any concerns with the accesses onto Lake Leake Rd. However, the TIA as discussed in the Road and Railway Assets Code has not undertaken and assessment of the proposed bee keeping use and any additional traffic impacts that may arise from such uses on the lots and that safe access can be provided.</p> <p><u>It is considered that the proposal has not demonstrated that it meets the performance criteria.</u></p>
<p>(e) provide for the sustainable commercial operation of the land by either:</p> <p>(i) encompassing sufficient agricultural land and key agricultural infrastructure, as demonstrated by a whole farm management plan;</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use, as demonstrated by a business plan,</p>	<p>The applicant did not address (e)(i) and instead elected to address (ii).</p> <p>The applicant states that a business plan has been submitted. However, a review of the document shows that it does not present as an actual business plan, it is a document on how to do a business plan. This is evidenced by the name of the document "Literature &amp; Resource Analysis for a Business Plan – Bee Keeping". Page 4 of the document states "The following report presents the literature and resources that should be considered when formulating a business plan for bee keeping and honey production from the woodlands associated with the proposed subdivision."</p> <p>The document describes how a business plan should be developed but is not actually a business plan itself. The document has not addressed the requirements of 26.5.1 (e)(ii) as a business plan has not been provided as required. The applicant was requested on 22 March to provide a further assessment of cl26.5.1 to demonstrate how the proposal satisfies the clause, however the applicant only re-sent the same document.</p> <p>As well as not being a business plan, the document does not actually propose a non-agricultural use as required by the clause. It states that "... woodland areas could support bee keeping ...". This not a proposed use it is more stating that bee keeping may be possible on the lots. The document concludes that "To establish a viable beekeeping enterprise will involve developing a well-documented business plan...".</p> <p>In addition, it is considered that the proposal does not meet the objective of the clause as it does not prevent</p>

Performance Criteria	Planner's Response
	<p>further fragmentation and fettering of rural resource land.</p> <p><u>It is considered that the proposal has not demonstrated that it meets the performance criteria.</u></p>
(f) if containing a dwelling, setbacks to new boundaries satisfy clause 26.4.2;	Setbacks of the existing dwelling on the balance lot satisfy the clause. The proposal meets the performance criteria.
(g) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the lot containing the primary dwelling;	All buildings are located on the balance lot. It is considered that the proposal meets the performance criteria.
(h) if vacant, must: (i) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3; (ii) not result in increased demand for public infrastructure or services;	Each lot is capable of meeting the requirements of the clauses and not result in an increased demand for services. It is considered that the proposal meets the performance criteria.
(i) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.	No local area objectives or future character statements

## 26.0 Rural Resource Zone

cl26.5.3 Historic heritage places (A1) – There is no acceptable solution for this clause. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
The subdivision of a lot for the purposes of excising a Local Heritage Place listed in the Heritage Code to this planning scheme or a place listed on the Tasmanian Heritage Register must satisfy all of the following:	It is noted that the objective of this clause is to provide for the preservation of heritage places surplus to agricultural needs of rural properties. The proposal is not to excise the heritage place being principally the farm and buildings but rather to subdivide land remote from the heritage place that do not contain any buildings and is not being used by the farm.



<b>Performance Criteria</b>	<b>Planner's Response</b>
(a) the place no longer contributes to, or supports, the agricultural use and commercial operation of the property;	While it is debatable as to the relevance of this clause to the proposal, it has been considered in the assessment.  The heritage place with all the heritage buildings is being contained within the balance lot of 1,444ha. It is considered that the proposal meets the performance criteria.
(b) the subdivision will ensure that the heritage values of the place will be restored and maintained into the future through appropriate mechanisms on title;	The subdivision has no material effect on the heritage place which will be contained within the balance lot. It is considered that the proposal meets the performance criteria.
(c) any urgent works on the heritage fabric of the place are undertaken within 12 months of the issue of title;	The subdivision excises lots that have no buildings and therefore there are no heritage fabrics that are required to be maintained. It is considered that the proposal meets the performance criteria
(d) the heritage curtilage of the place is contained within the lot;	The heritage curtilage will be contained within the balance lot. It is considered that the proposal meets the performance criteria.
(e) The loss of the land to the remainder of the property will not significantly reduce its agricultural use and commercial operation.	The applicant has advised that the subdivision will not significantly reduce its agricultural use. It is considered that the proposal meets the performance criteria.
(f) Setback from a dwelling on the lot to new boundaries satisfy clause 26.4.2.	There are no buildings on the proposed four (4) lots and the dwelling on the balance lot meets the setback requirements. It is considered that the proposal meets the performance criteria.
(g) Serviceable frontage is provided	Each lot is provided with a serviceable frontage. It is considered that the proposal meets the performance criteria.
(h) Safe vehicular access arrangements are provided.	The access for the heritage place is not changing. It is considered that the proposal meets the performance criteria.

### E3.0 Landslide Code

E3.8.1 Subdivision (A1) – There is no acceptable solution for this clause. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>Subdivision of a lot, all or part of which is within a Landslide Hazard Area must be for the purpose of one of the following:</p> <p>(a) Separation of an existing dwelling;</p> <p>(b) Creation of a lot for the purposes of public open space</p> <p>(c) Creation of a lot in which the building area, access and services and outside the High Landslide Area and the landslide risk associated with the subdivision is either:</p> <p>i. Acceptable risk, or</p> <p>ii. Capable of feasible and effective treatment through hazard management measure, so as to be tolerable risk.</p>	<p>(a) and (b) are not applicable.</p> <p>While the four (4) new lots have areas that are identified as landslide hazard areas the bushfire report identifies that the proposed building areas and driveways are all located outside of landslide hazard areas.</p> <p>It is considered that the proposal meets the performance criteria.</p>

### E5.0 Road and Railway Assets Code

E5.6.2 Road accesses and junctions (A1) – The acceptable solution is that there is no new access to roads subject to a speed of more than 60km/h. New accesses are proposed and the speed limit is more than 60km/h. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p>	<p>The proposal is that the four lots will be able to be operated as commercial bee keeping uses which it is assumed would involve some commercial vehicle movements.</p> <p>While a Traffic Impact Assessment (TIA) has been submitted, its assessment is based on vehicle movements from residential uses. The assessment therefore has not assessed the potential impact on the road from commercial uses such as bee keeping</p>

<p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access;</p> <p>(e) the need for the access or junction;</p> <p>(f) any traffic impact assessment; and</p> <p>(g) any written advice received from the road authority.</p>	<p>enterprises. While State Growth have not raised any concerns with the proposal or the TIA, their assessment does not necessarily take into account the requirements of the Road and Railway Assets Code.</p> <p>While it is clear there is a need for the accesses and there may be no alternative access, the TIA has not demonstrated that the potential use of the accesses for a commercial use, such as bee keeping, would be safe and not unreasonably impact on the efficiency of the road.</p> <p><u>It is considered that the proposal has not demonstrated that it meets the performance criteria.</u></p>
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### **E10.0 Biodiversity Code**

E10.8.1 Subdivision standards (A1) – The acceptable solution is that building areas, bushfire management areas and services are located outside of the Biodiversity Protection Area (BPA). The BPA covers the whole area of the proposed 4 new lots. 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>
<p>Clearance and conversion or disturbance must satisfy the following:</p> <p>(a) if low priority biodiversity values:</p> <p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p> <p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p>	<p>For areas considered to contain low priority biodiversity areas the subdivision works have been designed and located to minimise impacts.</p> <p>It is considered that the proposal meets the performance criteria in relation to subdivision works.</p>
<p>(b) If moderate priority biodiversity values:</p>	<p>In relation to (i) and (ii) the subdivision works have been designed and located to minimise impacts and future</p>

<p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p> <p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p> <p>(iii) moderate priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;</p> <p>(iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the <i>Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013</i> and any relevant Council policy.</p>	<p>bushfire hazard management measures have also been minimised through the location of the proposed building areas.</p> <p>The Traffic Impact Assessment advises that to achieve the required sight distance for the new accesses clearance of native vegetation on the northern side of Lake Leake Road is required. No detail is provided as to the area of land required to be cleared to improve the sightlines and the Natural Values Report has not addressed this proposed clearing.</p> <p>The Natural Values Report in part relies on the assumption that existing heavily vegetated parts of each lot will remain undisturbed. However, no measures have been proposed to protect the moderate biodiversity areas as required by (iii). There is a potential conflict between the requirement to protect the moderate biodiversity areas and the requirement in the Rural Resource zone to provide for sustainable commercial operation of the land.</p> <p>The assessment has only assessed the potential impact from the four proposed building areas and not from any impacts that a potential commercial use such as bee keeping may have with the additional infrastructure such a use may require.</p> <p>No assessment has been undertaken to assess residual impacts and if they are required to be offset as per (iv).</p> <p><u>It is considered that the proposal has not demonstrated that it meets the performance criteria.</u></p>
<p>(c) If high priority biodiversity values:</p> <p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p>	<p>As per above, the Natural Values Report assumes there will be no impact on any high biodiversity areas, however the proposal does not propose any measures to protect these areas.</p> <p><u>It is considered that the proposal has not demonstrated that it meets the performance criteria</u></p>

<p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p> <p>(iii) high priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;</p> <p>(iv) special circumstances exist;</p> <p>(v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the <i>Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013</i> and any relevant Council policy.</p>	
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### E13.0 Historic Heritage Code

E13.7.3 Subdivision (A1) – There is no acceptable solution. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>A proposed plan of subdivision must show that historic cultural heritage significance is adequately protected by complying with all of the following:</p> <p>(a) ensuring that sufficient curtilage and contributory heritage items (such as outbuildings or significant</p>	<p>All the buildings are located on the balance lot of 1,444 ha and sufficient curtilage has been provided.</p> <p>It is considered that the proposal meets the performance criteria.</p>

plantings) are retained as part of any title containing heritage value;	
(b) ensuring a sympathetic pattern of subdivision;	The proposed subdivision pattern is not dissimilar to the existing subdivision pattern on the southern side of Lake Leake Road. It is considered that the proposal meets the performance criteria.
(c) providing a lot size, pattern and configuration with building areas or other development controls that will prevent unsympathetic development on lots adjoining any titles containing heritage values, if required.	The proposed four lots will not directly adjoin any titles containing heritage items. While they will be located across the road from the heritage place, that section of the balance land is relatively undeveloped with the heritage buildings located at the other end of the balance lot close to the Tasman Highway. It is considered that the proposal meets the performance criteria.

#### E14.0 Scenic Landscapes Code

E14.7.3 Removal of bushland within Scenic Landscape Corridor (A1). The acceptable solution is that buildings and works must not be visible from the road. The Traffic Impact Assessment identifies that vegetation is required to be removed on the opposite side of the road where the proposed accesses are located. Works includes vegetation removal and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
Buildings and works visible from the pertinent road must maintain scenic landscape value through satisfying one or more of the following, as necessary:  (a) be set back from the pertinent road as far as practically possible; (b) N/A; (c) N/A; (d) N/A; (e) N/A; (f) N/A	It is acknowledged that the clause is mostly concerned with the visual impact from buildings and therefore most of the subclauses do not apply as the proposed building areas are located outside of the scenic landscape corridor.  However, as the Traffic Impact Assessment has proposed clearing within the corridor the clause is relevant as works includes the removal of vegetation. There is no ability to determine what impact the removal of the vegetation would have on the scenic corridor as no detail has been provided as to how much vegetation would be required to be removed or what this vegetation type is.  The objective of the clause is that works do not cause an unreasonable change or have an unreasonable

	<p>adverse effect on the scenic landscape value of Scenic Landscape Corridors. Without detailed information on the proposed works this cannot be determined.</p> <p><u>It is considered that the proposal has not demonstrated that it meets the performance criteria.</u></p>
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### 13. Referrals

The application was referred to State Growth and TasNetworks. State Growth provided advice and conditions and a response from TasNetworks was not received.

### 14. Representations

The proposal was advertised on three occasions as described above. Four representations objecting to the proposal were received. Two representors made updated submissions when the application was re-notified and these have been counted as being one representation each as the issues raised in the original submission were included in the last representation received from them. A summary of concerns raised, and responses is 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. The notification states that date of the application was 25/2/22 therefore application should be assessed under the Tasmanian Planning Scheme.</li> <li>2. It seems the subdivision is really to provide residential lots and has not provided information on the whole property including the intended purpose of each proposed lot.</li> <li>3. The subdivision of 370ha into four new lots is an excellent example of fragmentation of rural resource land</li> <li>4. The bee keeping business plan says beekeeping might be viable but does not attempt to demonstrate this. It is not a plan and only advises on how to develop a plan.</li> <li>5. The Natural Values Report is out of date being more than two years old, according to the DPIPWE's <i>Guidelines for Natural Values Survey</i>.</li> <li>6. The subdivision will likely result damage to habitat due to boundary fencing,</li> </ol>	<ol style="list-style-type: none"> <li>1. The date on the notification is incorrect. The application was made valid on 11/02/2022 when the State Growth owners consent was received. The Interim Planning Scheme was in force at that time and so the application has been assessed under that scheme.</li> <li>2. See performance criteria assessment of the Rural Resource Zone.</li> <li>3. See performance criteria assessment of Rural Resource one.</li> <li>4. See performance criteria assessment of Rural Resource zone.</li> <li>5. The two year period is a guide only and the Natural Values Report was considered to be in currency, notwithstanding comments noted in the performance criteria assessment.</li> <li>6. The Biodiversity Code exempts boundary fencing from consideration.</li> <li>7. See performance criteria assessment of the Biodiversity Code.</li> <li>8. See performance criteria assessment of the Road and Railway Assests Code.</li> </ol>

<p>reducing the number of lots will lessen this impact.</p> <p>7. The Natural Values Report is deficient in many areas of assessment of threatened flora and fauna and has not provided any measure to protect areas in the high biodiversity areas.</p> <p>8. The applicant has stated the accesses are existing while the Traffic Impact Assessment states they are new so the acceptable solution has not been met.</p> <p>9. The impact on adjoining properties with high conservation values has not been considered.</p>	<p>9. The planning scheme does not consider the impact on conservation value on adjoining properties.</p>
<b>Representation 2</b>	<b>Response</b>
<p>1. The land has high priority biodiversity values and no long-term protection has been proposed.</p> <p>2. The application has not demonstrated compliance with E10.8.1P1.</p> <p>3. The application has not demonstrated compliance with 26.5.1 P1 as no whole farm management plan has been provided and the "bee keeping report" is not an example of a "non agricultural rural resource use as demonstrated by a business plan".</p>	<p>1. See performance criteria assessment of the Biodiversity Code.</p> <p>2. See performance criteria assessment of Biodiversity Code.</p> <p>3. See performance criteria assessment of the Rural Resource Zone.</p>
<b>Representation 3</b>	<b>Response</b>
<p>1. While each lot contains the minimum required area they fail to provide sufficient useable area to support use and development consistent with the zone and natural values of the site.</p> <p>2. The "business plan" provides a plan for a plan. The plan provides no information as to the commercial viability of bee keeping and merely suggests that bee keeping could be undertaken.</p> <p>3. The application is intended to function as residential lots which is apparent from the Bushfire Assessment and Traffic Impact Assessment.</p>	<p>1. See performance criteria assessment of the Rural Resource Zone.</p> <p>2. See performance criteria assessment of the Rural Resource Zone.</p> <p>3. See performance criteria assessment of the Rural Resource zone and Road and Railway Assets Code.</p> <p>4. See previous representation response.</p> <p>5. See performance criteria assessment of the Road and Railway Assets Code.</p> <p>6. See performance criteria assessment of the Historic Heritage Code.</p>



<ol style="list-style-type: none"> <li>4. The Natural Vales Report is out of date and has not adequately addressed the requirements of the Biodiversity Code.</li> <li>5. The Traffic Impact Assessment suggests clearing of land on the north side of Lake Leake Road which has not been considered by the Natural Values report.</li> <li>6. No assessment has been provided of the heritage place. The historical pattern of subdivision and the historical connection between the land and any buildings on it is a consideration.</li> </ol>	
<b>Representation 4</b>	<b>Response</b>
<ol style="list-style-type: none"> <li>1. The Natural Values Report is out of date and understates the importance of the highly threatened vegetation on the property.</li> <li>2. The proposal indicates building sites but does not guarantee protection of any natural values and there are significant areas of endangered grasslands in these areas.</li> </ol>	<ol style="list-style-type: none"> <li>1. See performance criteria assessment of Biodiversity Code.</li> <li>2. See performance criteria assessment of Biodiversity Code.</li> </ol>

## 15. Conclusion

The assessment of the application taken in association with the representations received has identified that the proposal is not able to satisfy the relevant provisions of the *Glamorgan Spring Bay Interim Planning Scheme 2015* and therefore the application is recommended to be refused.

## 16. Recommendation

### That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Glamorgan Spring Bay Interim Planning Scheme 2015*, SA2021/03 at 14635 Tasman Hwy, Swansea (CT178275/1) be refused for the following reasons.

- The proposal does not meet the requirements of clause 26.5.1 P1 in that it has not demonstrated that it will provide safe vehicular access from the road, does not prevent further fragmentation and fettering of rural resource land and has not provided for sustainable commercial operation of the land by a business plan.
- The proposal does not meet the requirements of E5.6.2 in that it has not demonstrated that the subdivision will not unreasonably impact on the safety and efficiency of the road.
- The proposal does not meet the requirements of E10.8.1 in that it has not demonstrated how the impacts on moderate and high biodiversity values will be minimised, mitigated and protected.
- The proposal does not meet the requirements of E14.7.3 in that it has not demonstrated that works will not have an unreasonable adverse effect on the scenic landscape corridor.

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

**RECOMMENDATION**

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

## 5 FINANCIAL REPORTS

### 5.1 Financial Reports for the period ending 30 April 2022

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### ATTACHMENT/S

1. Group Financial Statements 2022-04 [5.1.1 - 3 pages]
2. Capital Works Projects 2022-04 [5.1.2 - 3 pages]

#### BACKGROUND/OVERVIEW

The financial reports for the period ended 30 April 2022 as attached to this report are presented for the information of Council.

#### STATUTORY IMPLICATIONS

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

#### BUDGET IMPLICATIONS

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

#### RISK CONSIDERATIONS

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

### **OFFICER'S RECOMMENDATION**

That Council receives and notes the Financial Reports as attached to this report for the period ended 30 April 2022.

## **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**

With Easter and the last opportunity before winter for staff to take a short break in good weather, the month of April sees a reduction in work activity generally.

#### **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.

Work continues in the preparation of technical information for Councils renewed and new assets from the current financial year. Liaison has commenced with the asset system owners, Assetic to provide a level of training to council staff to enable some of the more basic asset take-up and data entry to be done with internal resources.

#### **CONSULTANT SERVICES**

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

- Stormwater Management: Cameron Oakley continues to work through the development of the stormwater catchment planning. From available funds one more catchment is likely to be able to be modelled. This will complete around half of the urban catchment modelling required for council.
- The North Orford study continued in conjunction with the Department of State Growth (DSG) who are jointly funding this project with a draft of maps received for review and comment back to the designer.
- Grant fund project delivery: Graeme Edwards is retained to deliver a range of projects funded by commonwealth Grants. Some sub-consultants are involved in these works also. Ongoing.

## **OPERATIONAL WORKS**

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

- Unsealed road inspections completed: 8
- Rosedale road maintenance grade complete. (subsequently damaged through April 27 flooding)
- Ferndale Road maintenance grading complete (subsequently damaged in April 27 flooding)
- Old Coach Road maintenance grading 80%
- Orford Rivulet bridge, planning cleanout under bridge of rubble/material to maintain water flow volume under bridge complete.
- Approved bridge maintenance - (1) Culvert List 50, Orford Rivulet, Wielangta Road - Twin 3.10m dia. 'Multi-plate' Culvert, (2) List 44 Bridge 100V Unnamed Ck Glen Gala Road, (3) List 47, Bridge Griffiths Rivulet, Wielangta Road and (4) List 13 Bridge No 2001, Larges Creek, Bresnehan Road. Little Swanport- commenced
- Nugent Rd bridge (Unemployed Gully)- replacing damaged wooden rail on southern side of bridge- continued
- Pothole repairs ongoing.
- Woodsden Road Bridge deck replacement – programmed for July.

### **STORMWATER, DRAINAGE**

- Rosedale Rd, Bicheno- open drains upgrade/repairs- complete

### **WASTE MANAGEMENT**

- Winter hours for Transfer Stations commence on the 2<sup>nd</sup> May.
- New access road to Bicheno WTS - progressing

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

- 17 weekly playground inspections for the month across the entire municipality.
- Soft fall to replenish playgrounds- ongoing.
- Tree trimming in high-risk locations (parks and public spaces) across municipality - Ongoing
- Bicheno walking tracks- ongoing maintenance due to weather events.

### **EMERGENCY MANAGEMENT**

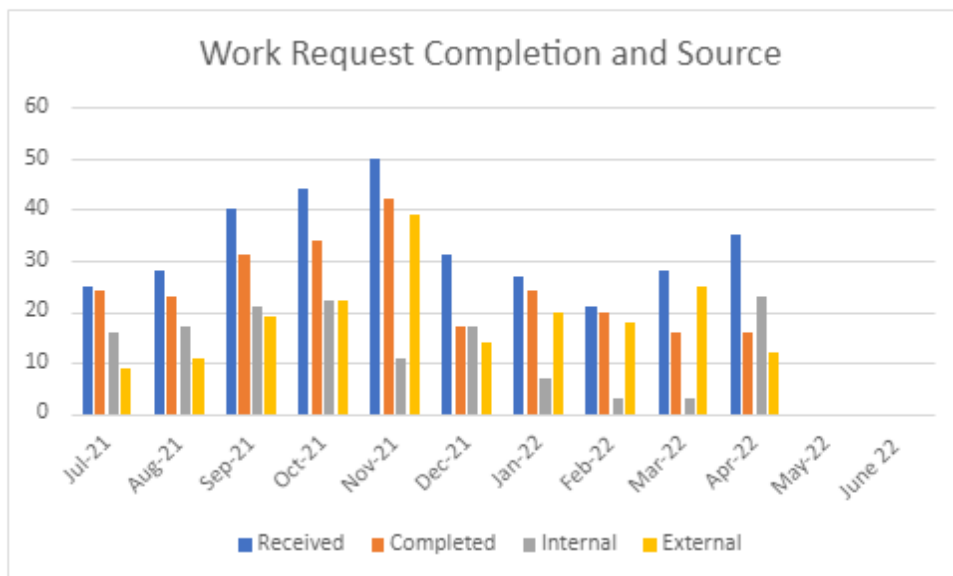
After hours rostering carried out as scheduled.

Attendance to Jetty Roads Bicheno late evening to diagnose flooding during heavy rain.

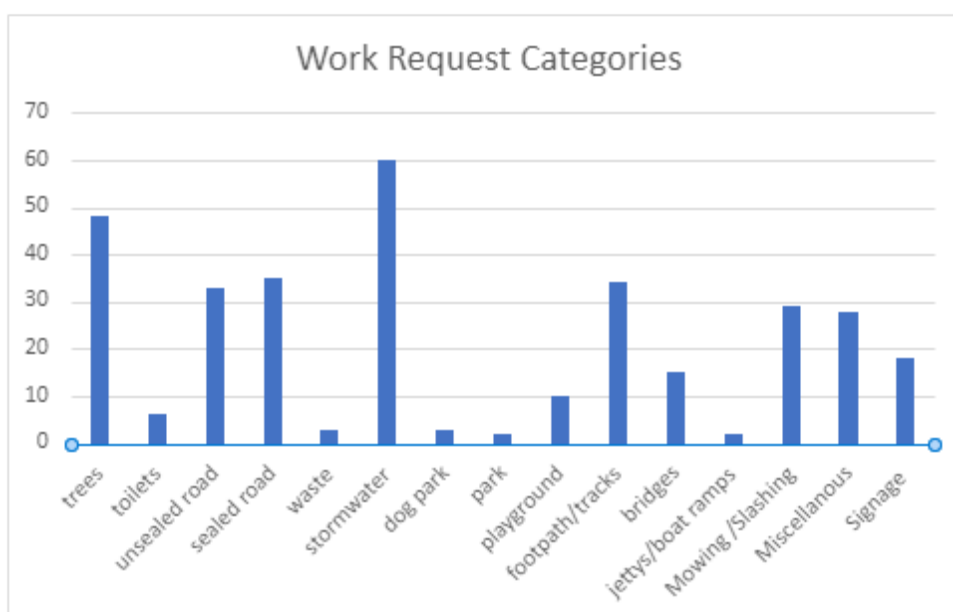
### **CUSTOMER REQUESTS**

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:

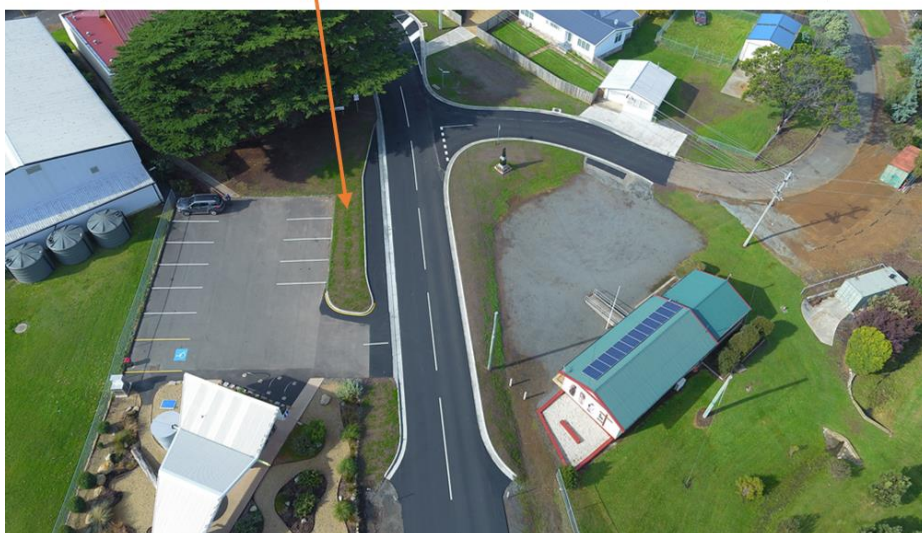


## CAPITAL WORKS

- Reseal works completed.
- Resheeting projects are on program with the list roads almost complete.
- Vicary and Esplanade Intersection works complete with a pleasing finish provided by the contractors. The works enable the installation of the Electric Vehicle Charging Station to proceed between the Gatehouse Carpark and the parking bay at the roadside. Photos show the integration of the Cenotaph project in front of the RSL building as well:



Electric Vehicle Charging Station Location



### Grant funded

Generally, the grant funded projects are experiencing delays as consultation with major stakeholders is slower to progress than anticipated:

- Road to Recovery – Generally projects progressing as planned.
- LRCIP Phase 3 Grant funded projects are commencing as follows:
  - Nugent Road Buckland Rehabilitation works commenced.
  - Alma Road Orford Rehabilitation works scope being resolved.
  - Charles St Orford rehabilitation works commenced
  - Triabunna School Crossing relocation \$35,000 - chasing quotes
- Black Summer Bushfires Grant – Planning for elements of the program commenced.
- Bridges Renewal Fund grant application for 17 Acre Creek Bridge replacement for 2022-23 capital renewal program pending.
- Bicheno Triangle – Tender documents being prepared.

- Coles Bay Foreshore Path – Public consultation on site took place in February. Further information gathering continues with a blending of the original gravel path and some shared roadway the likely outcome.
- Community consultation at the Gulch on the 16<sup>th</sup> April took place with gathering of submissions continuing through April and May for review. Continuing to work through the Parks RAA process.
- Swansea Street Upgrade – Stage 2 community consultation report to be provided separately.

## **PLANT AND VEHICLES**

- Replacement trucks arrived as advised – tray construction continued.

## **GENERAL**

- Planning progresses to identify the renewal priorities for budget draft development for the 2022-23 financial year capital program

## **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 Beams Light festival Lions Park 10 minutes every night in July
- Bicheno Night Markets

## **RECOMMENDATION**

That Council notes the information.

## 8 OFFICERS' REPORT REQUIRING A DECISION

### 8.1 2022/23 Fees and Charges

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Fees & Charges - 2022 23 (2) [8.1.1 - 9 pages]

#### **PURPOSE**

To recommend that Council adopts the Fees and Charges Register for the 2022/23 financial year.

#### **BACKGROUND/OVERVIEW**

Council every year as a part of its budget deliberations sets its fees and charges for a number of functions, including:

- Administrative Fees
- Marine Infrastructure Fees
- Waste Management Transfer Station Fees
- Cemetery Fees
- Kerbside Vendor and Stall Fees
- Planning and Development Fees
- Building Fees
- Plumbing Fees
- Environmental Health Fees
- Dog Management Fees

*It is noted that Section 24 Committee Hall Fees will be presented to Council at a later date.*

These fees reflect Council's desire to maintain a system of fees and charges based on the user pays principle, while also recognising the community service obligation inherent in certain service functions.

In reviewing the fees and charges, the impact of any increases on the community has been considered. The fees and charges can be found in Attachment 1. Overall, a small number of fees have been removed and also new ones added, and the majority of fees have increased in line with CPI (Consumer Price Index, Hobart, March 2022 at 5.8%) to better align with the external market and to assist with Council's cost recovery. A small number of fees and charges have increased by higher than CPI to align with the costs associated with conducting the specific activities.

The Marina fees and charges have increased to enable the full recovery of costs to Council. This includes the interest and principal repayments of the loan for the Marina.

The draft Fees and Charges Register was workshopped to Council at the 10<sup>th</sup> May and 17<sup>th</sup> May 2022 Workshop. A variety of scenarios were presented to consider cost borne by Council for these activities and impacts on user groups. The recommended fees and charges in Attachment 1 reflect a reasonable partial recovery of cost for statutory charges whilst being in line with neighboring Councils.

## **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**

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

## **BUDGET IMPLICATIONS**

There are no material human resource implications. In terms of financial implications, it is noted that the fee increases align with Council's budget and long-term financial plan.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> With any increase in fees, there is a risk that some parties may be dissatisfied.	Minor	Possible	Low	Ensure that the content of the report is considered in open Council to outline the rationale for the increases. Demonstrate that the fees are largely in line or lower than neighboring Councils.
<b>Do not adopt the recommendation</b> If identified fee structure is not adopted as recommended, this may have a significant impact on Council's financial position	Moderate	Almost Certain	Medium	Council could adopt the proposed fees or provide alternatives.

### **OFFICER'S COMMENTS**

It is recommended to proceed with the proposed increase to the fees and charges to ensure that some funds are recovered for the work that Council Officers complete, rather than rates revenue to cover these costs. For commercial fees such as the Marina, the recommended fees will see full cost recovery for services provided.

### **OFFICER'S RECOMMENDATION**

That Council receive and adopt the fees and charges register in Attachment 1 to this report for the 2022/2023 financial year.

## 8.2 Community Small Grant Application - Swansea Chamber of Commerce

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

### **ATTACHMENT/S**

1. Small Community Grants Application: Swansea Chamber of Commerce [8.2.1 - 3 pages]
2. Music Quote [8.2.2 - 2 pages]
3. Catering Quote [8.2.3 - 2 pages]

### **PURPOSE**

Recommendation for Council to approve a Community Small Grant application to Swansea Chamber of Commerce for \$1,000 to assist with the delivery of the Red themed cocktail party to coincide with 'Paint the Town Red' Dark Mofo initiatives.

### **BACKGROUND/OVERVIEW**

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

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

Destination Southern Tasmania (DST) in partnership with Dark Mofo invite operators to Paint the Town Red every year to celebrate the winter festival. Swansea Chamber of Commerce have registered their interest with the festival this year and will be hosting a Cocktail Party at the Swansea Town Hall on the 4 June. This event is one of several events proposed by the Chamber of Commerce and is expected to bring extra tourists into Swansea during winter. The aim for the events are to engage the community, showcase the East Coast region and promote all the local businesses that are participating.

This application from Swansea Chamber of Commerce dated 28 April 2022, is for a \$1,000 cash contribution towards the delivery of the 'Paint the Town Red Cocktail Party' hosted in Swansea including live music, decorations, and a helium gas bottle. Cost identified include:

Live Music – By Troy Barrett	\$600.00
Red Decorations est.	\$300.00
Helium Gas Bottle	\$286.00
Hors d'oeuvres 20PP x 80 people	\$1,600.00
<b>Total</b>	<b>\$2,786.00</b>

Other contributors to the event include Spring Bay Mill, the Bark Mill and volunteers.

## **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.
- Encourage and support the arts, cultural activities, programs and events.

## **STATUTORY IMPLICATIONS**

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

### *77. Grants and benefits*

- (1) *A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.*
- (1A) *A benefit provided under subsection (1) may include –*
- a) in-kind assistance; and*
  - b) fully or partially reduced fees, rates or charges; and*
  - c) remission of rates or charges under Part 9 .*
- (2) *The details of any grant made or benefit provided are to be included in the annual report of the council.*

## **BUDGET IMPLICATIONS**

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$25,000 Community Small Grants Program provision in the 2021/22 budget. As at 17 May 2022 there is \$6,200 of the budget available to support this application.



## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Nil	Nil	Nil	There are no material risks associated with adopting the recommendation.
Nil				
<b>Do not adopt the recommendation</b>	Nil	Nil	Nil	There are no material risks associated with not adopting the recommendation.
Nil				

## **OFFICER'S COMMENTS**

Acceptance Criteria assessment:

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

Integrity assessment: This group is not a registered incorporated association or registered charity. The applicant has supplied bank account details in the name of the group.

## **OFFICER'S RECOMMENDATION**

That Council approves the application for Small Grant funding of \$1,000 to the Swansea Chamber of Commerce to assist in the delivery of the Paint the Town Red Cocktail Party 2022.

### 8.3 Community Small Grant Application - The Little Penguins Community Group

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Community Small Grant - Little Penguins Community Group [8.3.1 - 1 page]
2. Community Small Grant - Little Penguins Community Group, Extra Information [8.3.2 - 1 page]
3. MTB Services Gardening & Landscaping Quote [8.3.3 - 1 page]

#### **PURPOSE**

Recommendation for Council to approve a Community Small Grant application to the Little Penguins Community Group for \$1,000 to assist with the refurbishment of the Little Penguin Child Care Centre and surrounding garden area in Bicheno.

#### **BACKGROUND/OVERVIEW**

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

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

The Little Penguins Community Group is a non-profit volunteer group established to support our Little Penguins Child Care Centre in Bicheno. This year the Centre celebrates 10 years of being in their current location and the community support group are hosting festivities to celebrate the anniversary. The area that requires refurbishment is situated beside the public toilets, is near the library and hall and opposite the Lions Park. This area is a high traffic area that is used by tourists and the community, it is important that the gardens are maintained to a high standard and that the Centre's children are able to use them.

This application from Little Penguins Community Group dated 12 April 2022 received for a contribution towards the renovation of the the Little Penguin Child Care Centre Garden and surrounding garden areas in Bicheno.

DESCRIPTION	TOTAL
Removal of trees and/or plans, trimming of trees	\$1200.00
General Clean up of gardens	
Rejuvenation of vegetable gardens	
Lawn Mowing and general maintenance	
Removal of green waste	

## **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**

- Involve, engage and equip groups and individuals in Natural Resource Management.

## **STATUTORY IMPLICATIONS**

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

### ***77. Grants and benefits***

- (1) *A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.*
- (1A) *A benefit provided under subsection (1) may include –*
- a) in-kind assistance; and*
  - b) fully or partially reduced fees, rates or charges; and*
  - c) remission of rates or charges under Part 9 .*
- (2) *The details of any grant made or benefit provided are to be included in the annual report of the council.*

## **BUDGET IMPLICATIONS**

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$25,000 Community Small Grants Program provision in the 2021/22 budget. As at 17 June 2022 there is \$6,200 of the budget available to support this application.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Nil	Nil	Nil	There are no material risks associated with adopting the recommendation.
Nil				
<b>Do not adopt the recommendation</b>	Nil	Nil	Nil	There are no material risks associated with not adopting the recommendation.
Nil				

## **OFFICER'S COMMENTS**

Acceptance Criteria assessment:

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

Integrity assessment: This group is not a registered incorporated association or registered charity. The applicant has supplied bank account details in the name of the group.

## **RECOMMENDATION**

That Council approve the application for Small Grant funding of \$1,000 to The Little Penguins Community Group for refurbishment of the Little Penguin Child Care Centre and surrounding garden area in Bicheno.

## 8.4 Consultation on proposed Esplanade West Triabunna One-Way section

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### ATTACHMENT/S

Nil

### PURPOSE

To seek acceptance to conduct community consultation of a proposal to change traffic flows on Esplanade West Triabunna.

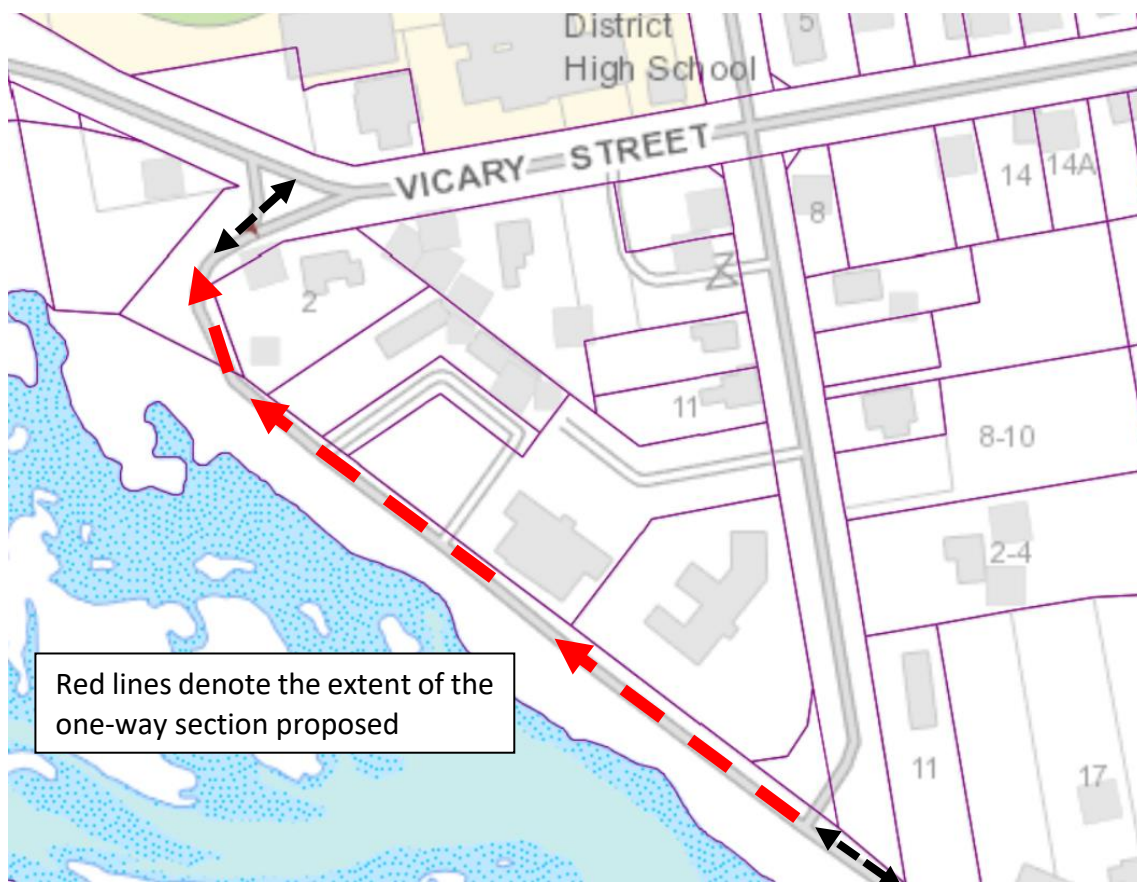
### BACKGROUND/OVERVIEW

Esplanade West in Triabunna runs from the wharf to Vicary Street. The section from Melbourne Street to the RSL club carpark near Vicary Street past the Eldercare Units is not considered essential for two-way traffic with a reduction in traffic movement providing an enhanced linear park feel to the area. This change to one-way section of road was promoted in the Triabunna Tomorrow plan.

The pavement is in poor condition and a load limit is also to be applied to reduce heavy vehicle traffic on this section to increase the life of the asset.

With the intersection of Vicary and Esplanade West upgrade completed the timing is right to re-consult with community about the proposed one-way change to determine the impact it may have on the community and if this is an acceptable proposal to implement.





## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

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

### **Key Foundations**

4. Infrastructure and Services

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

- Create an informed and involved community by developing relevant and accessible communication channels.
- Sustain a safe and well-maintained road network across the municipality.

## **STATUTORY IMPLICATIONS**

While not clear, it may be construed that designating the section of road as “one-way” is a “diversion” for the purposes of the Local Government Highways Act 1998 at section 14, however Section 31 may be more likely to apply with respect to “restriction” or “prohibition”:

#### **S14. Closure and diversion of highways**

*(1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may –*

*(a) if it is satisfied, in the case of a diversion of a highway, that standard requirements, if applicable, have been complied with; and*

*(b) not less than 28 days after a written notice of its intention to do so –*

*(i) has been served on each of the owners and occupiers affected;*

*(ii) has been served on the Transport Commission;*

*(iii) has been displayed in a prominent position at each end of the highway; and*

*(iv) has been published twice in separate issues of a local newspaper circulating in the municipality in which the highway is situated –*

*close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.*

Section 31 is most likely to apply to the making of a one-way street:

#### **S31. Obstructions for prohibition or restriction of vehicular traffic**

*(1) A corporation may, with the approval of the Transport Commission, construct or place obstructions in a local highway for the purpose of preventing or restricting the movement of vehicular traffic.*

*(2) Before making an application under this section for the approval of the Transport Commission, the corporation shall cause a notice to be published twice in separate issues of a local newspaper circulating in the municipality of its intention to make the application, specifying the situation and nature of the obstruction and stating that written representations may be made to the corporation with respect to the matter before such day as is specified in the notice, being a day not earlier than 28 days after its first publication.*

*(3) The Transport Commission shall not give its approval under this section in respect of an obstruction unless there has been submitted to the Commission a copy of the notice published under [subsection \(2\)](#), together with evidence that it has been published as required by that subsection and copies of any representations made to the corporation in accordance with the notice and its comments on those representations.*

Officers will seek further advice in this matter should the consultation proceed.

#### **BUDGET IMPLICATIONS**

The consultation proposed can be met from operational costs. Should the change be implemented the minimal costs associated with the change can also be met from operational accounts.

#### **RISK CONSIDERATION/S**

There are risks associated with non-compliance with statutes that are managed through adherence to the statute requirements. Completion of all statutory requirements must be achieved.



## **OFFICER'S COMMENTS**

The consultation process proposed is as follows:

- Conduct public consultation on the proposal throughout the month of June.
- Publicise the proposal widely and directly to impacted properties
- Seek submissions on the proposal from interested persons during the consultation period
- Review the submissions and provide a further report to council in July
- Subject to the report and determination of council, conform to the relevant requirements of the Local Government Highways Act for implementation.

The proposed report to council will summarise the community and stakeholder feedback on the proposal and provide a recommendation that considers the range of feedback received.

## **OFFICER'S RECOMMENDATION**

That:

1. Council resolve to commence a public consultation process to determine the acceptability of making Esplanade West, from Melbourne St to the RSL Car Park into a one-way street.
2. Note a further report is provided to the July council meeting summarising the community and stakeholder feedback and providing a recommendation on future action for council consideration.



## **8.5 Swansea Street Upgrade**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

1. Swansea Main Street Upgrade Civil Services [8.5.1 - 59 pages]
2. Swansea Consultation Report Attachment [8.5.2 - 12 pages]
3. Swansea Report on Community Consultation [8.5.3 - 3 pages]

### **PURPOSE**

To present the final design for the Bicheno Triangle Project and seek council approval for tender and construction stages of the project.

### **BACKGROUND/OVERVIEW**

The Swansea Main Street Paving Project comprises the upgrading of kerb and channel and footpaths to provide compliant equal access pedestrian ramps, improved safety and drainage as well as enhancing the street scape of the central business district of the Swansea Village.

Commonwealth Community Development Grant funds were successfully secured during 2020 to enable the project detail design to be developed, tendering and construction.

The detail design being presented to council for adoption has been well reviewed by the community and is considered to meet the terms of the funding grant and meet the needs and expectations of the community and provide benefits for visitors to Swansea.

It is proposed to tender the works and provide a further report to council on the results of the tender process with a recommendation relating to the tender outcome.

### **STRATEGIC PLAN REFERENCE**

#### **Guiding Principles**

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

#### **Key Foundations**

4. Infrastructure and Services

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

- Maintain public amenities and recreational facilities.
- Develop plans, policies and guidelines for built assets.

## **STATUTORY IMPLICATIONS**

GSBC Code for Tenders and Contracts  
Grant Deed Terms and conditions

## **BUDGET IMPLICATIONS**

The project has a budget of \$1,000,000 which includes all costs for design, consultation and project management. Expenses for the project to the end of April are \$133,887 with \$866,113 for construction of the project.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Moderate	Unlikely	Low	Funds dedicated to the construction phase
Proceed to tender				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Further fund attribution to consultation and design processes
Consider reasons for deferring adoption of the design and respond as necessary.				

## **OFFICER'S COMMENTS**

The project has been through extensive community consultation processes initially with the concept plan, then with preliminary design and finally the detail design being shared with the community at various forums and on Council's website.

Detailed Design Drawings have been completed for the Swansea Main Street Paving Project. The scope of the proposed work is in accordance with the Community Development Grant Funding Deed.

It is the officer's recommendation to proceed to tender with the Detailed Design Drawings and documentation as soon as practical and provide a further report to council on the outcome of the tender process with a view to being able to establish a construction contract and complete the objective of the grant funding from the Australian Government.

## **OFFICER'S RECOMMENDATION**

That council adopt the design for the Swansea Main Street Paving Project for tendering purposes and seek a further report from officers at the close of tenders with a view to proceeding to contract with the preferred tenderer.

## **8.6 Southern Tasmanian Regional Waste Authority**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

Nil

### **PURPOSE**

The purpose of this report is to provide an update on the creation of the new Joint Authority (with other Southern Tasmanian Councils) to form the Southern Tasmanian Regional Waste Authority and to advise of the public consultation process undertaken.

### **BACKGROUND/OVERVIEW**

The Council has earlier resolved to work with the 12 Southern Tasmanian Councils to establish a new Joint Authority. A copy of the draft rules for the proposed Joint Authority have been considered and it was resolved to authorise undertaking the required statutory processes to enable the establishment of the Joint Authority.

One component of the process is to undertake a public consultation process. This was conducted by Hobart City Council as the entity responsible for managing the process, calling for submissions using the Hobart City Council's 'Your Say' platform, commencing 25 March 2022 and closing 17 April 2022.

Section 32(1) of the *Local Government Act 1993* requires that after considering any submissions lodged and making any alterations to the proposed rules of a proposed single authority or joint authority, a council may approve the proposed rules.

No submissions were received. As no submissions were received through the public consultation process, no alterations to the rules are proposed.

To summarise the extensive process for establishing a new Joint Authority, the following steps have now been undertaken by council or by Hobart City council acting for the joint councils:

- The Council resolution to establish the Authority, this was completed on 5 July 2021;
- Publishing a notice of the intent to establish the Authority, providing details and inviting submissions, this was undertaken during the period 25 March to 19 April 2022;
- The provision of copies of the notice to the Director Local Government and the public;
- Consideration of submissions received and inclusion of any adjustments required. No submissions received as such no adjustments proposed.

The final steps of this process are to:

- Provide final approval of the draft rules (the subject of this report);
- Certification of the rules by a legal practitioner – Page Seager has indicated that they are prepared to provide this certification;
- Provision of a notice of the establishment of the Authority in the Government Gazette.

## **Proposal and Implementation**

It is proposed the outcome of the public consultation process be noted, that the draft rules of the new Southern Tasmanian Regional Waste Authority be approved and the process associated with the establishment of the Joint Authority be progressed.

Once established, arrangements will be made for the appointment of the inaugural Chief Executive Officer, who will convene the inaugural STRWA Local Government Forum to enable the election and appointment of the new Board.

## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

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

### **Key Foundations**

4. Infrastructure and Services

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

- Maintain public amenities and recreational facilities.

## **STATUTORY IMPLICATIONS**

Local Government Act 1993 S32, (1)

### ***Approval and certification of rules***

*(1) After considering any submissions lodged under [section 31](#) and making any alterations to the proposed rules of a proposed single authority or joint authority, a council may approve the proposed rules.*

The *Local Government Act 1993* provides the ability for the establishment of a single or a Joint Authority.

As a requirement of the statutory process, the draft rules of the proposed Joint Authority were required to be publicly advertised for comment. The rules were advertised on the Hobart City Council's 'Your Say' community engagement platform inviting submissions, commencing 25 March 2022 and closing 17 April 2022. No submissions were received from this community engagement process.

## **BUDGET IMPLICATIONS**

A commitment has been provided by the State Government to allocate a portion of the new waste levy to the region.

This allocation is expected to cover costs associated with the operation of the new Joint Authority, with the Council funding the initial establishment period as indicated in the January report to council for the Establishment of the Joint Authority.

It is anticipated that the State Government allocation of the portion of the new waste levy will meet all future operational costs of the new Joint Authority.

## **RISK CONSIDERATION/S**

The *Local Government Act 1993* provides the ability for the establishment of a single or a Joint Authority.

Advice has been obtained from Page Seager Lawyers in relation to the process for the establishment of a Joint Authority, the drafting of the rules and also the ACCC approval process to undertake a joint procurement process.

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Moderate	Unlikely	Low	Risk Mitigation achieved
Financial and good governance considerations as a waste manager for the municipality resolved				
<b>Do not adopt the recommendation</b>	Likely	Likely	High	Operate individually in the market and carry risk of higher cost and greater management resourcing of services
Increasing cost and difficulty of market placement extremely likely due to insufficient mass for business efficiencies				

## **OFFICER'S COMMENTS**

The Council at its meeting of 25 January 2022, authorised the General Manager to undertake all necessary actions to progress the establishment of the new Joint Authority in accordance with Sections 30, 31, 32 and 33 of the *Local Government Act 1993*.

*The Local Government Act 1993* includes a requirement to undertake public consultation as a part of the process to establish the new Joint Authority. The consultation was undertaken during the period 25 March 2022 to 17 April 2022.

No submissions were received during the public consultation period, and no amendments to the draft rules are proposed.

The next steps in the statutory process are for the Director of Local Government to be given certification that the rules have been made in accordance with the Act, and for each participating Council to complete its final certification process approving the rules.

The final action to complete the process is to have the rules gazetted, which can occur after each Council has provided their certification.

## **OFFICER'S RECOMMENDATION**

That:

1. The Council notes that no submissions were received during the public consultation process undertaken as a component of the establishment of the Southern Tasmanian Regional Waste Authority.
2. The proposed rules of the Southern Tasmanian Regional Waste Authority, as notified in accordance with Section 31 of the Local Government Act 1993, be approved.
3. The Council's General Manager be authorised to undertake all necessary actions to enable the establishment of the new Joint Authority in accordance with the Local Government Act 1993, including providing certification to the Director of Local Government that the rules have been made in accordance with the Act.

## **8.7 Memorial Seat requests Triabunna**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

Nil

### **PURPOSE**

To inform council and seek a resolution regarding the placement of two seats for memorialisation of former community members and to seek direction on governance mechanisms for public memorials, sundry installations and Objet-D'art on council managed land.

### **BACKGROUND/OVERVIEW**

Memorial plaques are from time to time requested for public places for members of the general public across the municipal area. It may be that this occurs more frequently where the wishes of the deceased were for cremation, and spreading of the ashes to the winds or waters. This leaves no specific location for a memorial of remains as occurs with the interment process in a cemetery.

Over time, the outcome of responding to individual requests can result in less-than-ideal long term reserve development. Questions develop with respect to the time for which these memorials should be maintained? Are they for perpetuity or should they be removed after 15 years for example? What happens if a plaque is vandalised and defaced? Is it the responsibility of the community through council to replace the memorial plaque?

Are there particular locations where future memorials associated with a national, state or wider community interest should be kept free? Should there be community consultation associated with a memorial installation? Are there other sundry installations of Objet-D'art that may come up that require a governance process to manage? It is likely to occur.

These considerations may be resolved through the development and adoption of council policy to provide a consistent and fair approach to matters of a kind.

Numbers of bench seats with plaques for memorialisation of family members from within the community, who have passed away, exist within reserves in the council area. We presently have two requests for new seat and plaque memorials for the Marina grass area in Triabunna.

These requests assist in providing park furniture with its associated amenity at no initial cost to community while assisting families in their grief associated with loss.

The image below shows the area where it is proposed to establish the two seats. There is an existing memorial bench closest to the camera. The two seats with slabs matching the form of the existing may be placed equidistant between the existing bench seat and the first table



setting in the distance. This spacing will be adequate. More seating if proposed in future would clutter the area.





The memorials are proposed by the families of, and for the memory of Branton Salter (Bart) and Daniel Noel Cruse.

## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

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

### **Key Foundations**

2. Our Community's Health and Wellbeing

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

- Maintain public amenities and recreational facilities.

## **STATUTORY IMPLICATIONS**

Nil.

## **BUDGET IMPLICATIONS**

Installation is proposed at the cost of the requestor and to become donated infrastructure. Future replacement of the seat by council and through depreciation renewal.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Moderate	Unlikely	Low	Future policy to mitigate risks
Meet the current request and develop governance mechanisms for future.				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Identified risks remain.
Advise applicant of decision. Continue to manage in present manner.				

## **OFFICER'S COMMENTS**

Recent practice has seen similar installations for memorials on bench seats approved. There is space for these two proposed seats to be in the area identified, however additional requests will be more difficult to satisfy in this location.

A policy would assist council to manage risks and expectations associated with future requests for installations of a kind.

## **OFFICER'S RECOMMENDATION**

That

1. Council approves the separate requests for a total of two memorial bench seats at the grass area behind the Marina car park with costs for the installations to be borne by the proposer. Installations are to consist of a bench seat matching those adjacent and a concrete slab base to assist mowing activity.
2. Council requests the General Manager to develop a draft policy designed to provide governance associated with public memorials and other sundry installations and Objet-D'art on council managed land for the consideration of adoption by council.

## **8.8 Bicheno Sewerage Pump Station**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

Nil

### **PURPOSE**

To provide a response to a notice of motion notice from the April 2022 Council meeting.

### **BACKGROUND/OVERVIEW**

At the April 2022 Council meeting, Council decided at 86/22:

That Council write to Tas Water and have them acknowledge that there are sewerage overflow problems on the northern end of the foreshore track between Murray Street and Allen Street Bicheno, and request answers to the following questions:

- What is the issue causing the overflows?
- What process is in place to upgrade the system?
- What is the timeline for any proposed action on making upgrades?

### **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**

5. Our Environment

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

- Maintain public amenities and recreational facilities.

### **STATUTORY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

Nil

### **RISK CONSIDERATION/S**

Nil

## **OFFICER'S COMMENTS**

Officers contacted Tas Water requesting answers to the questions posed in Councils' decision. TasWater response is as follows:

*TasWater acknowledges the recent sewage issues in Bicheno during April 2022. Those spills were caused by a burst rising main on the foreshore behind 18 Allen Street (17 April) and by stormwater inflow and infiltration due to a wet weather event (27-28 April).*

*The burst rising main is a result of an infrastructure failure and a site visit is planned to investigate and assess the need for a new rising main to be constructed.*

*Sewerage systems are designed and engineered to spill under certain conditions when the capacity of the system is exceeded. This capacity, and the potential to spill, can be caused by increased flows from inflow and infiltration into the system, often caused by heavy rain events like that observed on 27-28 April.*

*We are aware of the issues caused by inflow and infiltration and have a dedicated renewals program working to address this across the state.*

*TasWater would welcome the opportunity to present an update on this issue and other projects in the municipality at an upcoming council workshop.*

## **OFFICER'S RECOMMENDATION**

That council notes the information.

## 9 NOTICES OF MOTION

Nil.

## **10     PETITIONS**

Nil.

## **11 QUESTIONS FROM COUNCILLORS**

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

Nil.

### **11.2 Questions Without Notice by Councillors**

### 11.3 Response to previous Questions Without Notice from Councillors taken on Notice - 26 April 2022

#### **Deputy Mayor Woods**

*I have three questions:*

1. *Why was the demountable skate ramp at the Duck Park removed?*

#### **Response from General Manager**

Through the routine inspection of play equipment the ramp was found to be in a very poor state of repair with extensive rust. The ramp has been removed for the present. The ramp is a bespoke item and a replacement cannot be provided of same for same off the shelf. In considering replacement It is also timely to consider if the equipment meets present standards and provides a suitable level of service to users.

2. *There is little for the children of Swansea to do by way of riding their bikes or skateboards or scooters. There is a pump track at the school but I have been asked if Council will consider looking into and investigating the possibility of a bike track like what is here in Triabunna? This as we know is not just for children now, but for children and families into the future.*

#### **Response from General Manager**

It is highly likely that a location for the establishment of a pump track of some form and grant funding to build it could be accessed into the future. With the asset failure of the skate ramp it would be useful to determine if future investment in infrastructure is limited to cycling or if there are multiple recreational activities which can be accommodated in any future plan for infrastructure for the area. An assessment of the demand for facilities would also be helpful to determine a strategic approach to the provision of future recreation infrastructure in Swansea.

3. *I'm sure there are scheduled timelines for maintenance of road verges by State Growth, as Council has with road maintenance, however, there are some very deep verges coming south of Swansea. Are we able to request that they are repaired, due to road safety concerns?*

#### **Response from General Manager**

The request has been forwarded to State Growth and at the time of writing it was noted that road verge maintenance and shoulder edging had been carried out on the Tasman Highway at the south side of Swansea to address the concerns raised.



## 12 CONFIDENTIAL ITEMS (CLOSED SESSION)

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

- Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 26 April 2022**  
As per the provisions of Regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 2: Personnel Matter**  
As per the provisions of Regulation 15 (2) (a) of the *Local Government (Meeting Procedures) Regulations 2015*.

### **RECOMMENDATION**

That Council moves into Closed Session at [time].

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

## 13 CLOSE

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

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

**Date:**

**Mayor Robert Young**