



GLAMORGAN SPRING BAY
COUNCIL

Notice of Meeting and Agenda

For the Ordinary
Meeting of Council
to be held at the
Triabunna Council
Offices

28 January, 2020

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday, 28 January 2020 commencing at 2.00pm.



Dated this Thursday 23 January, 2020

Chris Schroeder
GENERAL MANAGER

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and***
- 2. Where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from any appropriately qualified or experienced person.***
"

Note : Section 65 of The Local Government Act 1993 states –

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.***
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –***
 - (a) the general manager certifies, in writing –***
 - (i) that such advice was obtained; and***
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and***
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.***



Chris Schroeder
GENERAL MANAGER

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Audio/Video Recording of Ordinary Meetings of Council

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 link is available on the Glamorgan Spring Bay Council website to the YouTube platform, where the public can view the meeting live and watch recordings of previous Council meetings.

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.

1. Opening

The Mayor to welcome Councillors, staff and members of the public 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 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 – December 17, 2019

Recommendation

That the Minutes of the Ordinary Meeting of Council held Tuesday 17 December 2019 at 5.00pm be confirmed as a true and correct record.
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2.2 Special Meeting of Council – January 14, 2020

Recommendation

That the Minutes of the Ordinary Meeting of Council held Tuesday 14 January 2020 at 2.00pm be confirmed as a true and correct record.

3. 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 3 of the Agenda.

Recommendation

That Council now acts as a Planning Authority. (Time:)
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3.1 DA 2019/290 – 24 Cooks Court, Swansea

Location:	24 Cooks Court, Swansea (CT 110860/17)
Proposal:	Single dwelling, carport and second driveway
Applicant:	TasBuilt Homes
Planning Document:	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone:	General Residential
Codes:	5.0 Roads and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management,
Application Date:	22 October 2019
Statutory Date:	31 January 2020 (by consent of applicant)
Performance Criteria:	Assessment required for two standards
Representations:	One
Attachments:	Attachment A – Exhibited Documents Attachment B – Amended Drawings Attachment C – De-identified Representation
Author:	Robyn Bevilacqua, Graduate Planner

1. Executive Summary

Planning approval is sought to build a single residence with a carport and a second driveway in Cooks Court, Swansea.

The proposal is reliant on two Performance Criteria and subject to discretionary assessment. The discretions relate to the orientation of the private open space and the application for a second driveway.

The proposal was placed on public exhibition for two weeks from 22 November to 5 December 2019. One representation was received.

The Planning Authority must make a final decision on the application by 31 January 2020.

The recommendation is to approve the application.

2. Legislative and policy content

The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

This report assesses the proposal against all the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the officer's recommendation.

The Planning Authority may:

1. Adopt the recommendation
2. Vary the recommendation by adding, modifying or removing recommended conditions
3. Replace an approval with a refusal (or vice versa).

An alternative decision to the recommendation requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

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.

3. 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 Standard can be met in two ways:

- (1) By meeting the Acceptable Solution. Acceptable Solutions are quantitative. They are either met or not met. If an application meets all the relevant Acceptable Solutions, it must be approved. Such applications are approved by delegation and do not appear before the Planning Authority.
- (2) In the case of not meeting the Acceptable Solution, or there not being an Acceptable Solution in the Planning Scheme, an application can meet the Standards by satisfying the alternative Performance Criterion. Such applications are 'discretionary' and subject to the discretionary application processes, including public notification.

Applications that appear before the Planning Authority are those that are (1) discretionary and (2) a representation has been received during the public notification process. The Planning Authority has the discretion to approve or refuse these and must exercise sound judgement to assess whether the proposal meets the relevant Performance Criteria or not.

Any decision of the Planning Authority regarding a discretionary application must have regard to the Performance Criteria.

In assessing the proposal against the Performance Criteria, the Planning Authority may consider the objectives of the standards but should not consider the Acceptable Solution.

The logic of the above is that the exercise of judgement on a Performance Criterion is based on the proposal's impact on the objectives of the standard, not the fact that it may have not met, or 'nearly' met the Acceptable Solution.

4. The Proposal

Planning approval is sought for a single dwelling, carport and a second driveway.

5. Risk and implications

The area is zoned General Residential. All services are available. The road is sealed, has kerb and gutter, concrete crossovers and sealed aprons, and a footpath.

Approval or refusal of this application should have no direct financial implications for Council, other than should an appeal against the Authority's decision be lodged, or should the Planning Authority fail to make a decision within the statutory timeframe.

6. Relevant background and past applications

Building and plumbing applications to construct a garage was submitted and approved in 2001. The outbuilding remains in situ.

7. Local area

Cooks Court in Swansea is north of Saltwater Creek and south of the Swansea Township, as seen in Figure 1 below.



Figure 1: Saltwater Creek to the south and Swansea Township to the north. Cooks Court labelled.

8. Zone

The lot is zoned General Residential, as is almost all the surrounding land. The land along the northern side of Saltwater Creek and south of the Esplanade is zoned Open Space. The southern side of Saltwater Creek is zoned Environmental Management. South of that, the General Residential Zone commences again. See Figure 2 below.

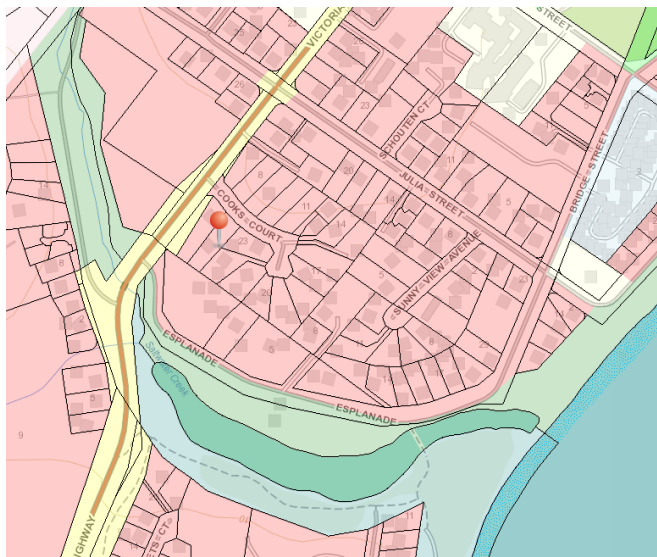


Figure 2: General Residential Zone (pink), Open Space (green), Environmental Management (blue)

9. Overlays (Codes)

The Parking and Access Code and the Stormwater Management Code apply to all development. This application also subject to the Road and Railway Assets Code.

10. Site Description

24 Cooks Court is a long narrow lot running north-east to south-west and comprising 1,194m². There is an existing outbuilding with a driveway and parking.

11. Services

Mains water and sewerage and reticulated stormwater services are all available.

12. Assessing the application under the Glamorgan Spring Bay Interim Planning Scheme 2015

The application must be assessed against the standards provided in:

- D10.0 General Residential Zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

13. General Residential Zone D10.2 – Use

A single dwelling is a 'No Permit Required' use in the General Residential Zone.

14. General Residential Zone D10.3 - Use Standards

There are three Use Standards in the General Residential Zone; none are applicable to this proposal.

15. General Residential Zone – 10.4 Development Standards for Residential Buildings and Works

General Residential density for multiple dwellings D10.4.1

Not applicable – the application is for a single dwelling.

General Residential setbacks and building envelope for all dwellings D10.4.2

<p>Objective of the Standard</p> <p>To control the siting and scale of dwellings to:</p> <ul style="list-style-type: none"> (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage (b) assist in the attenuation of traffic, noise or any other detrimental impacts from roads with high traffic volumes (c) provide consistency in the apparent scale bulk, massing and proportion of dwellings and (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not 	<p>A1</p> <p>The frontage setback is 6.85m.</p> <p>Complies with the AS</p>



<p>less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>A2</p> <p>A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.</p>	<p>A2</p> <p>The original application showed the carport at 4.5m from the frontage and closer to the frontage than the proposed dwelling. This did not meet the Acceptable Solution.</p> <p>This has subsequently been amended and the carport is 5.5m from the frontage.</p> <p>Complies with the AS.</p>
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</p>	<p>A3</p> <p>The proposed dwelling and carport are (a) contained within the building envelope and (b) are set back more than 1.5m from the side boundaries.</p> <p>Complies with the AS</p>



<p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>	
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Summary: the Acceptable Solutions under D10.4.2 are met.

General Residential site coverage and private open space D10.4.3

<p>Objective of the Standard:</p> <p>To provide:</p> <p>(a) for outdoor recreation and the operational needs of the residents; and</p> <p>(b) opportunities for the planting of gardens and landscaping; and</p> <p>(c) private open space that is integrated with the living areas of the dwelling; and</p> <p>(d) private open space that has access to sunlight.</p>	
Acceptable Solutions	Planner's Assessment
<p>A1</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>A1</p> <p>(a) The site is 1,194m². The dwelling, deck, carport and entry deck cover 135.7m². The Acceptable Solution is met.</p> <p>(b) Not applicable – for multiple dwellings</p> <p>(c) The existing garage covers around 71m². The existing driveway approximately 178m². The proposed dwelling, deck, carport and entry 135.7m². The proposed second driveway 24m². Total coverage is 408m², which is 34% of the site area, leaving 66% of the site free of impervious surfaces. The Acceptable Solution is met.</p>
<p>A2</p> <p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24 m²; or</p>	<p>A2</p> <p>The drawings placed on public exhibition did not provide an area of private open space that complied with the Acceptable Solutions. A revised set of drawings has been provided (see Attachment B), and will be assessed here.</p>



<p>(ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4 m; or</p> <p>(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>A2(a)(i) The amended site plan provides an area of 24m² for private open space. The AS is met.</p> <p>A2(a)(ii) not multiple dwellings. The AS is not applicable.</p> <p>A2(b)(i) the dimensions of the private open space are 4mx6m. The AS is met.</p> <p>A2(b)(ii) is not applicable – not multiple dwellings</p> <p>A2(c) the private open space is directly accessible from and adjacent to the living room. The AS is met.</p> <p>A2(d) The private open space is located to the north east of the dwelling. The AS is met.</p> <p>A2(e) The private open space is located between the dwelling and the frontage and the frontage is orientated around 35° east of north. The AS is not met.</p> <p>A2(f) The gradient of the site is 1 in 11. The AS is met.</p> <p>A2(g) the open space will not be used for vehicle access or parking. The AS is met.</p>
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Summary: all the Acceptable Solutions under D10.4.3 are met except for A2(e). The application must satisfy the Performance Criteria at D10.4.3 P2 to be approved. This will be assessed in the relevant section below.

General Residential Zone sunlight and overshadowing for all dwellings D10.4.4

<p>Objective of the standard:</p> <p>To provide:</p> <p>(a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and</p> <p>(b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.</p>	
Acceptable Solutions	Planner's assessment
<p>A1</p> <p>A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>The living room windows face 30° east of north. The AS is met.</p>
<p>A2</p> <p>A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):...</p>	<p>Not applicable – for multiple dwellings only</p>



<p>A3</p> <p>A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <p>(i) at a distance of 3 m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4 m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</p>	<p>Not applicable - as above</p>
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Summary: the relevant Acceptable Solution of D10.4.4 is met.

General Residential width of openings for garages and carports D10.4.5

Objective of the standard: To reduce the potential for garage or carport openings to dominate the primary frontage.	
Acceptable Solutions	Planner's assessment
A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	A1 The carport is 4.01m wide. The AS is met.

Summary: the applicable Acceptable Solution provided at D10.4.5 is met.

General Residential privacy for all dwellings D10.4.6

Objective of the standard: To provide reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Planner's Assessment
A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:	A1 There are no decks or balconies more than 1m above natural ground level. The Acceptable Solution is met.



<p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	
<p>A2</p> <p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling, or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level, or (iii) is to have a permanently-fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%. 	<p>A2</p> <p>The window of bedroom 2 (western elevation) is higher than 1m from natural ground level, but is located 3m from the boundary.</p> <p>The Acceptable Solution is met.</p>
<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of ...:</p>	<p>A3</p> <p>Not applicable – for multiple dwellings only.</p>

Summary: the relevant Acceptable Solutions of D10.4.6 are met.

General Residential frontage fences for all dwellings D10.4.7

A frontage fence is already existing and the application does not seek make any changes.

General Residential waste storage for multiple dwellings D10.4.8

Not applicable – for multiple dwellings only.

16. Summary of the assessment against the Acceptable Solutions for the General Residential Zone

The Acceptable Solutions are met with the exception of D10.4.3 A2(e). The application must satisfy the Performance Criteria at D10.4.3 P2 to be approved and this will be discussed further below.

The next sections will assess the application against the relevant codes:

- Road and Railway Assets
- Parking and Access
- Stormwater Management.

17. E5.0 Road and Railway Assets Code

E5.5 – Use Standards

E5.5.1 Existing road accesses and junctions

Objective of the Use Standard: To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.	
Acceptable Solution	Planner's assessment
A1 Relates to Category 1 and 2 roads.	A1 Not applicable
A2 Relates to roads subject to a speed limit of more than 60km/h.	A2 Not applicable



<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>A3</p> <p>The RTA Guide to Traffic Generating Developments (2013) uses survey data to provide average daily vehicle trips for residential dwellings in regional areas. While based on data from NSW, the resource is widely used elsewhere across Australia. It estimates an average 7.4 daily vehicle trips per dwelling in regional areas. Tasmania tends to use as a rule of thumb 8-10 daily vehicle trips.</p> <p>An increase in traffic assessment takes that average and assesses any increase over and above that number of movements. This development is for a single residence where there previously wasn't one. The average daily rate is anticipated to be 7-9 trips. This is already anticipated by the general residential nature of the lot and the building of a dwelling will only result in that daily average being reached. There will be no increase in traffic over that already expected of a single dwelling.</p> <p>The Acceptable Solution is met.</p>
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Summary: the Acceptable Solution is met.

Road and Railway Assets Development Standards E5.6

These standards relate to development that is adjacent to Category 1 or 2 roads or the rail network and do not apply to this application.

18. E6.0 Parking and Access Code

Parking and Access Code Use Standards E6.6

Objective of the Use Standards:

To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.
- (b) a use or development does not detract from the amenity of users or the locality by:
 - (i) preventing regular parking overspill;
 - (ii) minimising the impact of car parking on heritage and local character.

Acceptable Solution	Planner's assessment
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p>A1</p> <p>Table E6.1 specifies that a single residence with two or more bedrooms must have two car parking spaces.</p> <p>There is already one car parking space provided on the property and the proposed carport will provide a second.</p> <p>The Acceptable Solution is met.</p>
<p>A2</p> <p>Relates to accessible car parking spaces and is not applicable</p>	<p>A2</p> <p>Not applicable</p>
<p>A3</p> <p>Relates to motorcycle parking spaces and is not applicable</p>	<p>A3</p> <p>Not applicable</p>
<p>A4</p> <p>Relates to bicycle parking spaces and is not applicable.</p>	<p>A4</p> <p>Not applicable</p>

Summary: for a single dwelling with three bedrooms, the Acceptable Solution is met.

Parking and Access Code Development Standards E6.7

E6.7.1 Number of Vehicular Accesses: A1 requires that the number of vehicle access points for each road frontage must be no more than one. The proposal is for a second access point hence does not meet the Acceptable Solution. The proposal must satisfy the Performance Criteria to be approved.

E6.7.2 Design of Vehicular Accesses: A1 requires that the design of vehicle access points must comply with AS/NZS 2890.1. This is generally dealt with by condition on the permit.

E6.7.3 Vehicular Passing Areas: Not required – the access serves no more than five car parking spaces, is not more than 30m long and does not meet a road serving more than 6,000 vehicles per day.

E6.7.4 On-site Turning: Not required but already provided for the existing access to the garage. Will not be provided for the second access but is not required.

E6.7.5 Layout of parking areas: A1 requires layout to comply with AS/NZS 2890.1. This is normally dealt with via a condition on the permit.

E6.7.6 Surface Treatment of Parking Areas: A1 requires that parking spaces and vehicle circulation roadways must be paved or treated with a durable all-weather pavement where within 75m of a sealed roadway and must drain to an approved stormwater system. There will be no change to the existing driveway and parking. The new driveway will be concrete.

E6.7.7 – E6.7.13 - not applicable.

E6.7.14 Access to a Road: A1 requires that access to a road must be in accordance with the requirements of the road authority. The existing access was created as part of the original subdivision and the existing access at the time was installed to council standards. The second access will be dealt with via condition. The Acceptable Solution is met.

Summary: the Acceptable Solutions of E6.7 are met except for E6.7.1 A1.

The proposal will need to satisfy the Performance Criteria provided at E6.7.1 P1 to be approved.

19. E7.0 Stormwater Management Code

Stormwater Code Development Standards E7.7

E7.7.1 A1 requires that stormwater from new impervious surfaces be disposed of by gravity to public stormwater infrastructure. The development will connect by gravity to Council's reticulated stormwater system. The Acceptable Solution is met.

E7.7.1 A2 - A4 are not applicable in this situation.

Summary: the Acceptable Solution provided at E7.7 is met.

20. Summary of the assessment against the Acceptable Solutions

The proposal meets all the relevant standards via Acceptable Solutions, except:

1. D10.4.3 A2(e) Private Open Space
2. E6.7.1 A1 Number of Vehicular Accesses

The Planning Authority now must exercise its discretion in assessing the proposal against the Performance Criteria provided for those two standards. This will be worked through below and recommendations made. The Performance Criteria are provided in the left hand column of the tables below. The Planner's responses in the right-hand column.

21. Discretion 1– D10.4.3 General Residential site coverage and private open space A2(e)

The Acceptable Solution provided at D10.4.3 A2(e) is that private open space may be located between the dwelling and the frontage only if the frontage is orientated between 30° west and 30° east of north.

The private open space of this proposal is located between the frontage and the dwelling and the frontage is orientated around 35° east of north. Hence the proposal does not meet the Acceptable Solution and must satisfy the Performance Criterion P2(a) to be approved. When exercising its discretion, the Planning Authority may have regard to the objectives of the standards, but not the Acceptable Solutions.

Objective of the development standards for private open space	
To provide:	
(a) for outdoor recreation and the operational needs of the residents; and	
(b) opportunities for the planting of gardens and landscaping; and	
(c) private open space that is integrated with the living areas of the dwelling; and	
(d) private open space that has access to sunlight.	
Performance Criteria	Planner's response
P2 A dwelling must have private open space that: <ul style="list-style-type: none"> (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is: <ul style="list-style-type: none"> i. conveniently located in relation to a living area of the dwelling; and ii. orientated to take advantage of sunlight 	P2 The proposed private open space is located off the living area. Its outer edge is around 4m from the frontage. There is a further 5m of nature strip between it and the footpath and another 1.4m to the road. Essentially there would be 9m between the outer edge of the private open space and the footpath and more than 10m distance from the road. This distance would provide a level of privacy for outdoor entertaining in the private open space area. At the moment, while it would need to be accessed from the front door, there is capacity for sliding doors to be installed rather than a window for direct access. There is a large back yard where children can play. The private open space between the dwelling and the frontage will receive full sun in mid-winter from sunrise at around 8am and will start to move into shadow from around 1pm (suncalc.org). In terms of achieving the objective of the standard, it is considered that the proposed private open space will (a) provide for outdoor recreation and operational needs, (b) provide opportunity for planting of gardens and landscaping, (c) provide private open space that is able to be integrated with the living area of the dwelling and (d) will provide private open space with access to sunlight. The Performance Criterion is considered satisfied.

Recommendation: the proposal satisfies the Performance Criterion

22. Discretion 2 – E6.7.1 Number of Vehicular Accesses

The Acceptable Solution provides for just the one access for each road frontage. The proposal is for a second access, hence must meet the Performance Criteria, which is assessed below.



Objective of the standard:

To ensure that:

(a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:

- (i) the number of vehicle access points; and
- (ii) loss of on-street car parking spaces;

(b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;

(c) vehicle access points do not have a dominating impact on local streetscape and character

Performance Criteria	Planner's response
<p>P1</p> <p>The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</p> <p>(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;</p> <p>(b) whether the additional access points can be provided without compromising any of the following:</p> <ul style="list-style-type: none">(i) pedestrian safety, amenity and convenience;(ii) traffic safety;(iii) residential amenity on adjoining land;(iv) streetscape;(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.	<p>P1</p> <p>The distance between the proposed new access and the existing is approximately 9.2m. This could be increased to 10.2m if the new driveway were extended to the road on the same alignment as the internal driveway and not squared up to the road between the boundary and the kerb. The minimum space for an on-street car park however is 5.4m and as such there will only be space for one on-street car park across the frontage of the subject property. The second access effectively results in the loss of two on-street car spaces. The only way to practically maintain two car spaces would be to move the carport 600mm to the west.</p> <p>The lots in Cooks Court are relatively large with most having in excess of the minimum requirement for off street parking. It is not expected that the loss of two on-street spaces across the frontage of this property will adversely affect the amenity of the street.</p> <p>Cooks Court is a short cul-de-sac with relatively low traffic volumes. It is expected that the total vehicle movement to and from the property would not exceed 8 to 10 vehicle movements per day. The additional driveway is not expected to increase the number of vehicle movements, however they may be split across the two driveways rather than just one. Given the low traffic volumes, low speed environment and good sight distances it is not expected that the second access would compromise</p>



	<p>pedestrian safety, amenity or convenience, or traffic safety.</p> <p>The lot is not subject to the Cultural Heritage Code.</p> <p>The second driveway leads to a carport, which sets it back and separates it from the private open space.</p> <p>The properties either side both have two accesses.</p> <p>The Performance Criterion is considered satisfied.</p>
--	---

The proposal is considered to satisfy the Performance Criterion P1 under E6.7.1.

23. Referrals

TasWater has provided conditions for a permit.

24. Concerns raised by representor

The following table outlines the issues raised in the representation received during the notification period and responses to those. The original representation has been provided under separate cover.

Representation	Planner's response
<p>.. when the building is built I will be looking out of my lounge room and the visual view will be a blank wall, as of now I have a view of the ocean and I feel that I will have less light and sun into my house.</p> <p>The extra height of the roof is a concern regarding shadows on my house and pathway which could make it very slippery.</p> <p>I'm not against the building of the home just concerned about the visual view from my house looking at a wall</p>	<p>The proposed carport and dwelling are set back 3m from the side boundary between the two properties, which is well within the 1.5m of a side boundary Acceptable Solution (which would in fact allow closer than 1.5m for a maximum of 9m).</p> <p>The carport will have timber slats, rather than a solid wall.</p> <p>The dwelling to the west will lose early morning sun in midwinter but will regain sun as the sun moves around to the north during the day. The dwelling and the carport have been moved around 1m to the south of the original drawings, which will provide more early morning sun access.</p> <p>The height of the dwelling is well within the building envelope.</p> <p>Unfortunately the planning scheme does not provide the capacity to assess loss of view. Any dwelling built on the front half of 24 Cooks Court, which is the most likely build site due to the greater width, would impact on the view from the house to the west.</p>

25. Conclusion

The application satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015.

26. Recommendation

That:

- A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, application DA 2019 / 290, to construct a single dwelling, carport and second driveway at 24 Cooks Court, Swansea (CT 110860/17) be approved with the following conditions:

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

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

2. The developer must implement a Soil and Water Management Plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP together with the drawings submitted for building approval.

Advice: a series of fact sheets on Soil and Water Management on building sites is available at <https://epa.tas.gov.au/epa/water/stormwater/soil-and-water-management-on-building-sites>

3. No top soil is to be removed from the site.
4. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
 - a. ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility
 - b. not burn debris or waste on site
 - c. promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
 - d. ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
5. Prior to the commencement of use, at least two car parking spaces must be provided on site and must be available for car parking at all times.
 - a. Each space must be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction.
 - b. The maximum gradient of each space is 1 in 20 measured parallel to the angle of parking and 1 in 16 in any other direction.
6. The internal driveway and areas set aside for vehicle parking and turning must:
 - a. have a sealed surface of either concrete, asphalt, two-coat spray seal, pavers or similar
 - b. be constructed with a durable all weather pavement and appropriate drainage and

- c. be fully complete within six months of the commencement of use to the satisfaction of Council's General Manager.
- 7. To the satisfaction of Council's General Manager, surface water runoff from the internal driveway and areas set aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.

Advice: The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016 and may require a Certificate of Likely Compliance or Plumbing Permit under the Building Act 2016.
- 8. Drainage must drain to a legal discharge point] to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
- 9. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.



Office: 9 Melbourne Street,
Postal: PO Box 6 Triabunna 7190
Phone: 6256 4777 Fax: 6256 4774
Email: planning@freycinet.tas.gov.au
Web: www.gsbc.tas.gov.au
ABN: 95 641 533 778

Item 3.1 - Attachment A



Application for Planning Approval

OFFICE USE ONLY	
DATE RECEIVED:	PID:
FEE	RECEIPT No:
DA:	PROPERTY FILE:

Advice:

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

If you are applying for a change of use to visitor accommodation in the General Residential, Low Density Residential, Rural Living, Environmental Living or Village Zone, the *Visitor Accommodation Use in Existing Habitable Buildings Standard Application Package* must be used. This is available on the Council website.

Completing this form in full will help ensure that all necessary information is provided and avoid any delay. The planning scheme provides details of what other information may be required at clause 8.1 and in each applicable Code.

Please provide the relevant details in each applicable section by providing the information or circling Yes or No as appropriate. If relevant details are provided on plans or documents please refer to the drawing number or other documents in this form.

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

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

Details of Applicant & Owner					
Applicant:	Laura Trimmer Tasbuilt Homes				
Contact person: (if different from applicant)					
Address:	PO Box 274		Phone	03 6776 0096	
	Deloraine	7304	Fax:		
Email:	laurat@tasbuiltthomes.com.au			Mobile:	
Do you wish for all correspondence to be sent solely by email?			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Owner: (if different from applicant)	John Gilbert				
Address:	10 Nietta Rd,		Phone:		
	Lindisfarne	7015	Fax:		
Email:	john.gilbert3@bigpond.com			Mobile:	0418 336 943



Application for Planning Approval

Details of Site and Application

Please note, if your application is discretionary the following will be placed on public exhibition.

Site Details

Address / Location of Proposal: 24 Cook Court			
Swansea 7190		Suburb	Post Code
Size of site	1194.54m ²	or	Ha
Certificate of Title(s):	110860/17		
Current use of site:	Shed		

General Application Details

Complete for All Applications

<input checked="" type="checkbox"/>	New Dwelling	<input type="checkbox"/>	Change of use
<input type="checkbox"/>	Additions / Alterations to Dwelling	<input type="checkbox"/>	Intensification or modification of use
<input type="checkbox"/>	New Outbuilding or Addition	<input type="checkbox"/>	Subdivision or boundary adjustment
<input type="checkbox"/>	New Agricultural Building	<input type="checkbox"/>	Minor amendment to existing permit DA /
<input type="checkbox"/>	Commercial / Industrial Building	<input type="checkbox"/>	Planning Scheme Amendment

Estimated value of works (design & construction)	\$ 289,825.00
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Describe the order and timing of any staged works:	N/A
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General Background Information

Please state the name of any Council officers that you have discussed this proposal with:	Officer's name : _____ or N/A	
Is the site listed on the Tasmanian Heritage Register?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Have any potentially contaminating activities ever occurred on the site? <i>If yes, please provide a separate written description of those activities.</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the proposal consistent with any restrictive covenants or Part 5 agreements that apply to the site?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>



Application for Planning Approval

Does the proposal involve any of the following?		
Type of development		Brief written description if not clearly shown on the plans:
Partial or full demolition	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Fencing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
New or upgraded vehicle / pedestrian access	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
New or modified water, sewer, electrical or telecommunications connection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Retaining walls	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Cut or fill	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Signage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
New car parking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Vegetation removal	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Existing floor area . m ²	Proposed floor area 136.41.m ²
--------------------------------------	---

Number of existing car parking on site 2	Number of proposed car parking on site 1
--	--

Describe the width & surfacing of vehicular access (existing or proposed) and how drainage/runoff is collected and discharged:	3.6m wide concrete access, storm-water to run to council approved connection point
If vehicular access is from a road sign-posted at more than 60 km/hr, please state the sight distance in both directions:	or N/A

Please note, if a gravel driveway is proposed from a sealed public road please address the following clause (E6.7.6 P1):

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

- (i) the suitability of the surface treatment;
- (ii) the characteristics of the use or development;
- (iii) measures to mitigate mud or dust generation or sediment transport.

Will stormwater from buildings and hardstand areas be managed by: (details should be clearly shown / noted on plans)	Discharge to a main:	Yes <input checked="" type="checkbox"/>
	Discharge to kerb & gutter:	Yes <input type="checkbox"/>
	Discharge to roadside table drain:...	Yes <input type="checkbox"/>
	Discharge to natural watercourse: ..	Yes <input type="checkbox"/>
	Retained on site:	Yes <input type="checkbox"/>



Application for Planning Approval

Materials				
External building material	Walls:	Colourbond & Cement Sheet	Roof:	Colourbond
External building colours	Walls:	Windspray	Roof:	Woodland Grey
Fencing materials:	NA		Retailing wall materials:	NA

For all outbuildings

Describe for what purpose the building is to be used:	
Describe any intended toilet, shower, cooking or heating to be installed:	
If the building is to be used wholly or partly as a domestic workshop, what type of tools and machines will be used?	

For all non-residential applications

Hours of Operation						
Current hours of operation	Monday to Friday:		Saturday:		Sunday & Public holidays:	
Proposed hours of operation	Monday to Friday:		Saturday:		Sunday & Public holidays:	
Number of Employees						
Current Employees Total:			Maximum at any one time:			
Proposed Employees Total:			Maximum at any one time:			

Describe any delivery of goods to and from the site, including the types of vehicles used and the estimated average weekly frequency:	or N/A
Describe current traffic movements into the site, including the type & timing of heavy vehicle movements & any proposed change:	or N/A
Describe any hazardous materials to be used or stored on site:	or N/A
Describe the type & location of any large plant or machinery used (refrigeration, generators)	or N/A
Describe any retail and/or storage of goods or equipment in outdoor areas:	or N/A
Describe any external lighting proposed:	or N/A



Application for Planning Approval

Personal Information Protection Statement:

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


The intended recipients of personal information collected by Council may include its officers, agents or contractors or data service providers and contractors engaged by the Council from time to time.

The information may also be made publically available on the Council's website and available for any person to inspect in accordance with LUPAA. The supply of this information is voluntary. However, if you cannot or do not provide the information sought, the Council will be unable to accept and/or process your application.

Declaration:

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

- The information in this application is true and correct.
- I/we authorise Council employees or consultants to enter the site in order to assess the application.
- I/we have obtained all copy licences and permission from the copyright owner for the publication, communication and reproduction of the application and reports, plans and materials provided as part of the application and for the purposes of managing, assessing, advising on and determining the application.
- I/we authorise the Council to:
 - Make available the application and any and all information, reports, plans and materials provided with or as part of the application in electronic form on the Council's website and in hard copy at the Council's office and other locations for public exhibition if and as required;
 - Make such copies of the application and any and all information, reports, plans and materials provided with or as part of the application which are, in the Council's opinion, necessary to facilitate a consideration of the application; and
 - Publish and or reproduce the application and any and all information, reports, plans and materials provided with or as part of the application in Council agendas, for representatives, referral agencies and other persons interested in the application.
- You indemnify the Council for any claim or action taken against the Council for breach of copyright in respect of the application and any and all information, report, plan and material provided with or as part of the application.
- I/we authorise Council to provide a copy of any documents relating to this application to any person for the purpose of assessment or public consultation and agree to arrange for the permission of the copyright owner of any part of this application to be obtained.
- I/We declare that the Owner has been notified of the intention to make this application in accordance with section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Signature:		Date:	18.10.19
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If applicant is not the owner

If the applicant is not the owner, please list all persons who were notified of this application pursuant to section 52 of the *Land Use Planning and Approvals Act 1993*.

Name:	Method of notification:	Date of notification:
18.10.19	Authority Letter	29.8.19

If application is on or affect Council or Crown owned or administered land

If land affected by this application is owned or administered by the Crown or Council then the written permission of the relevant Minister (or their delegate) and/or the General Manager must be provided and that person must also sign this application form below:

I, _____ being responsible for the administration of land at _____
declare that I have given permission for the making of this application by _____ for use
and/or development involving _____

Signature:

Date:

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

Application for Planning Approval

CHECKLIST OF APPLICATION DOCUMENTS Taken from Section 8 of the Planning Scheme

An application must include:

- (a) details of the location of the proposed use or development;
- (b) a copy of the current certificate of title for the site to which the permit sought is to relate, including the title plan and any schedule of easements;
- (c) a full description of the proposed use or development; and
- (d) a description of the manner in which the proposed use or development will operate.

In addition to the above Council may, in order to enable it to consider an application, request such further or additional information as considered necessary or desirable to satisfy Council that the proposal will comply with any relevant standards, including:

- (a) a site analysis and site plan at an acceptable scale showing:
 - (i) the existing and proposed use(s) on the site;
 - (ii) the boundaries and dimensions of the site;
 - (iii) topography including contours showing AHD levels and major site features;
 - (iv) natural drainage lines, watercourses and wetlands on or adjacent to the site;
 - (v) soil type;
 - (vi) vegetation types and distribution, and trees and vegetation to be removed;
 - (vii) the location and capacity of any existing services or easements on the site or connected to the site;
 - (viii) existing pedestrian and vehicle access to the site;
 - (ix) the location of existing and proposed buildings on the site;
 - (x) the location of existing adjoining properties, adjacent buildings and their uses;
 - (xi) any natural hazards that may affect use or development on the site;
 - (xii) proposed roads, driveways, car parking areas and footpaths within the site;
 - (xiii) any proposed open space, communal space, or facilities on the site;
 - (xiv) main utility service connection points and easements;
 - (xv) proposed subdivision lot boundaries, where applicable.
- (b) where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 showing:
 - (i) the internal layout of each building on the site;
 - (ii) the private open space for each dwelling;
 - (iii) external storage spaces;
 - (iv) car parking space location and layout;
 - (v) major elevations of every building to be erected;
 - (vi) the relationship of the elevations to natural ground level, showing any proposed cut or fill;
 - (vii) shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites;
 - (viii) materials and colours to be used on roofs and external walls.
- (c) where it is proposed to erect buildings, a plan of the proposed landscaping:
 - (i) planting concept;
 - (ii) paving materials and drainage treatments and lighting for vehicle areas and footpaths; and
 - (iii) plantings proposed for screening from adjacent sites or public places.

Application for Planning Approval

GUIDELINES FOR DEVELOPMENT IN AREAS WITHIN THE GLAMORGAN SPRING BAY COUNCIL (GSBC) BIODIVERSITY PROTECTION AREA OR IN AREAS CONTAINING NATIVE VEGETATION

Who should read these guidelines?

If you are planning to build or undertake a development on a property within the GSBC 'Biodiversity Protection Area' (see below for definition) or land containing any native vegetation, AND your development requires the clearing of any native vegetation (including for driveways and outbuildings), then these guidelines are for you.

What is the GSBC Biodiversity Protection Area?

The GSBC Biodiversity Protection Area (BPA) incorporates land that is also zoned for a variety of uses, for example, 'rural living' and 'rural resource'. The BPA contains native vegetation and consequently supports 'biodiversity' (or 'natural') values. These values can be classified as high priority, medium priority or low priority depending on the type of vegetation or the species of plants and animals and their habitat that occur on the land.

The purpose of these guidelines

The purpose of these guidelines is to provide advice in order to save you any unexpected delays in your development – and probably save you time and money in the long run. These guidelines should be considered prior to submitting any Development Application to Council.

Background

The GSB Municipality is renowned for its unique biodiversity (short for biological diversity) and within it there are many 'hotspots' for threatened species, or in other words, those species that are at risk of extinction. Threatened species include both plants and animals (or flora and fauna). The Municipality also contains a number of vegetation types (or vegetation communities) that are also threatened with risk of extinction. Threatened flora, threatened fauna (including their 'core' habitat) and threatened vegetation communities are protected under various State and/or National legislation.

Requirements for a Development Application

If your property contains, or is likely to contain, any threatened species or communities that may be impacted by your development, or if you want to clear a substantial area of non-threatened native vegetation, then you are likely to be required to submit to Council a 'Natural Values Survey Report' (also known as an 'Ecological Assessment' or 'Flora and Fauna Report') along with your Development Application.

However, just because your property contains threatened species or communities, or you wish to clear any native vegetation, this does not necessarily mean that you cannot undertake the development.

The purpose of a 'Natural Values Survey Report' is to determine the species and communities present in relation to the location of your proposed development and to provide recommendations including:

- How any potential impacts on natural values can be avoided, minimised or remedied on site,
- If the above is not feasible, then how potential impacts can be mitigated and how any residual impacts can be offset,
- Advises whether you will require permits under various legislation.



Application for Planning Approval

Determining if you need a 'Natural Values Survey Report'

Step 1:

Contact the Natural Resource Management (NRM) Department at GSBC, providing your PID (Property Identification Number) and a broad description of your proposed development. The NRM Department will make a determination as to whether or not a 'Natural Values Survey Report' will be required. This decision will in no way be an arbitrary decision but will be based on the best current scientific knowledge available through various Government databases. This knowledge is also available to the general public such as through the following links:

www.naturalvaluesatlas.tas.gov.au
www.thelist.tas.gov.au
www.threatenedspecieslink.tas.gov.au

If a 'Natural Values Survey Report' is not required then proceed with your Development Application.

Step 2:

If a 'Natural Values Survey Report' is required then contact a reputable environmental consultant to undertake a survey and provide you with a report.

Any reputable consultant will know that they are required to provide a report that is consistent with DPIWE's 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals', which can be found at:

<http://dpiwwe.tas.gov.au/Documents/Guidelines%20for%20Natural%20Values%20Surveys%20related%20to%20Development%20Proposals.pdf>

Appropriate consultants are listed in the yellow pages under Environmental Consultants or can be found on the web. It is advisable to ask for quotes from two or more consultants.

Step 3:

Fill out your Development Application with consideration to the recommendations provided in your 'Natural Values Survey Report'.

Step 4:

Submit your Development Application together with your 'Natural Values Survey Report' to Council.

Relevant legislation

Threatened species are protected under one or both of the following pieces of legislation:

- *Tasmanian Threatened Species Protection Act 1995.*
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999.*

Threatened vegetation communities are protected under the:

- ☒ *Tasmanian Nature Conservation Act 2002.*

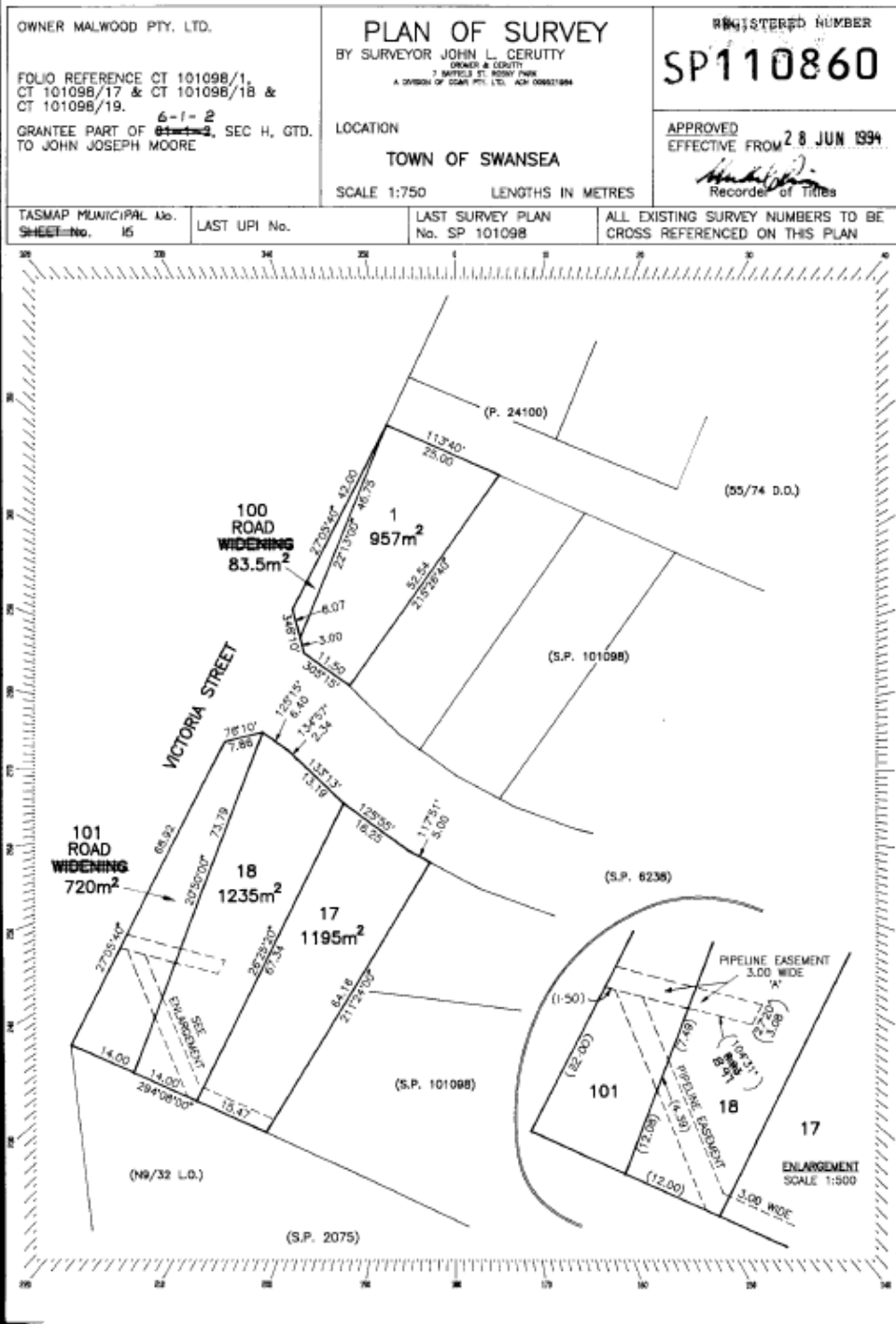
Other legislation relevant to the protection and management of native forest:

- ☒ *Tasmanian Forest Practices Act 1985.*

Legislation relating to noxious weeds and their impact on native vegetation:

- ☒ *Tasmanian Weed Management Act 1999.*

For questions relating to any other aspect of the Development Application process contact the Council's Planning Department on 6256 4777





RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 110860	FOLIO 17
EDITION 5	DATE OF ISSUE 17-Dec-2018

SEARCH DATE : 17-Sep-2019

SEARCH TIME : 08.07 AM

DESCRIPTION OF LAND

Town of SWANSEA

Lot 17 on Sealed Plan 110860

Derivation : Part of 6a 1r 2ps Section H Gtd to John Joseph Moore

Prior CTs 101098/17, 101098/19 and 101098/18

SCHEDULE 1

C782417 & M727917 JOHN ANTHONY GILBERT Registered
17-Dec-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 110860 EASEMENTS in Schedule of Easements

SP 101098 & SP 110860 COVENANTS in Schedule of Easements

SP 101098 FENCING COVENANT in Schedule of Easements

SP 110860 FENCING PROVISION in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA
Issued pursuant to the Valuation of Land Act 2001



PROPERTY ID: 1691544

MUNICIPALITY: GLAMORGAN-SPRING BAY

PROPERTY ADDRESS: 24 COOKS COURT
SWANSEA TAS 7190

PROPERTY NAME:

TITLE OWNER: 110860/17 : JOHN ANTHONY GILBERT

INTERESTED PARTIES: JOHN ANTHONY GILBERT

POSTAL ADDRESS: 10 NIETTA RD
(Interested Parties) LINDISFARNE TAS 7015

MAIN IMPROVEMENTS SUMMARY

Improvements:	DWELLING	
Improvement Sizes	Improvement:	Area:
(Top 3 by Size):	TEMPORARY DWELLING	60.0 square metres
	FENCING & PAVING	
Number of Bedrooms:	2	
Construction Year of Main Building:	2003	
Roof Material:	Colorbond	
Wall Material:	Colorbond	
Land Area:	0.1195 hectares	

LAST SALES

Contract Date	Settlement Date	Sale Price
11/11/2007	21/12/2007	\$130,000
04/05/2001	04/06/2001	\$10,750

LAST VALUATIONS

Date Inspected	Levels At	Land	Capital	A.A.V.	Reason
10/01/2017	01/07/2016	\$110,000	\$135,000	\$8,008	Revaluation
18/11/2010	01/07/2010	\$95,000	\$115,000	\$5,824	Revaluation

No information obtained from the LIST may be used for direct marketing purposes.

Much of this data is derived from the Valuation Rolls maintained by the Valuer-General under the provisions of the Valuation of Land Act 2001. The values shown on this report are as at the Levels At date.

While all reasonable care has been taken in collecting and recording the information shown above, this Department assumes no liability resulting from any errors or omissions in this information or from its use in any way.

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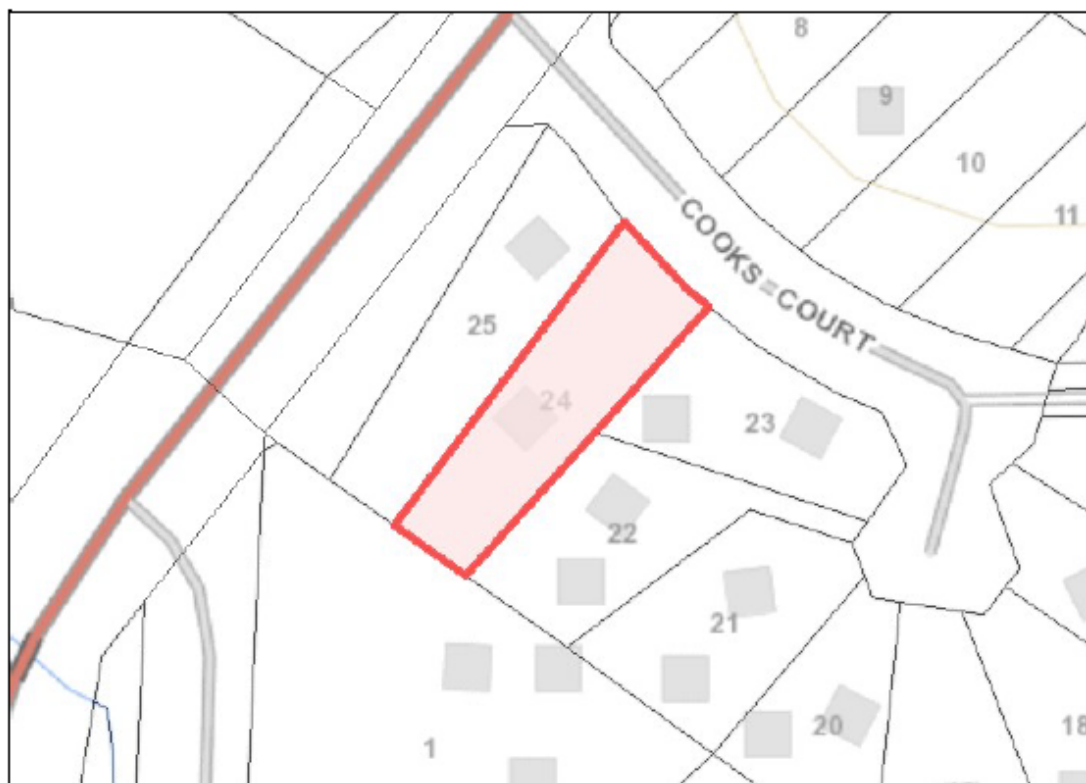
Search Date: 17/09/2019

Search Time: 08:07 AM

Page 1 of 2

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au



Explanation of Terms

Property ID - A unique number used for Valuation purposes.

Date Inspected - The date the property was inspected for the valuation.

Levels At - Levels At - or Levels of Valuation Date means the date at which values of properties are determined for all valuations in a Municipal Area.

Land Value - Land Value is the value of the property including drainage, excavation, filling, reclamation, clearing and any other invisible improvements made to the land. It excludes all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees and pastures and other like improvements.

Capital Value - Capital Value is the total value of the property (including the land value), excluding plant and machinery.

AAV - Assessed Annual Value. AAV is the gross annual rental value of the property excluding GST, municipal rates, land tax and fixed water and sewerage, but cannot be less than 4% of the capital value.

Interested Parties - This is a list of persons who have been recorded by the Valuer-General as having interest in the property (ie owner or Government agency).

Postal Address - This is the last advised postal address for the interested parties.

Multiple Tenancies - Properties that have multiple tenants are assessed for separate AAV's. e.g. a house and flat.




<p style="text-align: center;">SCHEDULE OF EASEMENTS</p> <p>NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p style="text-align: center;">REGISTERED NUMBER</p> <p style="font-size: 1.5em; text-align: center;">SP110860</p>
<p style="text-align: center;">EASEMENTS AND PROFITS PAGE 1 OF PAGES</p> <p>Each lot on the plan is together with:-</p> <p>(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and</p> <p>(2) any easements or profits a prendre described hereunder.</p> <p>Each lot on the plan is subject to:-</p> <p>(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and</p> <p>(2) any easements or profits a prendre described hereunder.</p> <p>The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.</p> <p style="text-align: center;">& 101</p> <p>LOTS 17 AND 18 ARE EACH</p> <p>SUBJECT TO a Pipeline Easement over the Pipeline Easement passing through those lots in favour of the Corporation.</p> <p style="text-align: center;">& 101 ARE</p> <p>LOT 18 is</p> <p>SUBJECT TO a pipeline easement over pipeline easement "A" passing through that Lot in favour of the Corporation</p> <p>COVENANTS</p> <p style="text-align: center;">101,</p> <p>Lots 1, 17, and 18 are SUBJECT TO the covenants contained in Sealed Plan 101098</p> <p>The owners of each lot on the plan (except Lots 100 and 101) covenant with Malwood Pty. Ltd. the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the Covenantors lot and every part of every other lot shown on the plan to observe the following stipulation:</p> <p>(a) Not to construct vehicular access onto Victoria Street</p> <p>The owners of each lot on the plan (except lots 100 & 101) covenant with Malwood Pty. Ltd. the owners for the time being of every other lot on the plan to the intent that the burden of these covenants may run with and bind the Covenantors lot and every other part of every other lot shown on the plan to observe the following stipulations:</p>	
<p>SUBDIVIDER :</p> <p>FOLIO REF :</p> <p>SOLICITOR & REFERENCE :</p>	<p>PLAN SEALED BY :</p> <p>DATE :</p> <p>REF No. </p> <p style="text-align: right;">General Manager</p>
<p>NOTE: THE COUNCIL GENERAL MANAGER MUST SIGN THE CERTIFICATE FOR THE PURPOSE OF IDENTIFICATION.</p>	




SCHEDULE OF EASEMENTS

RECORDER OF TITLES

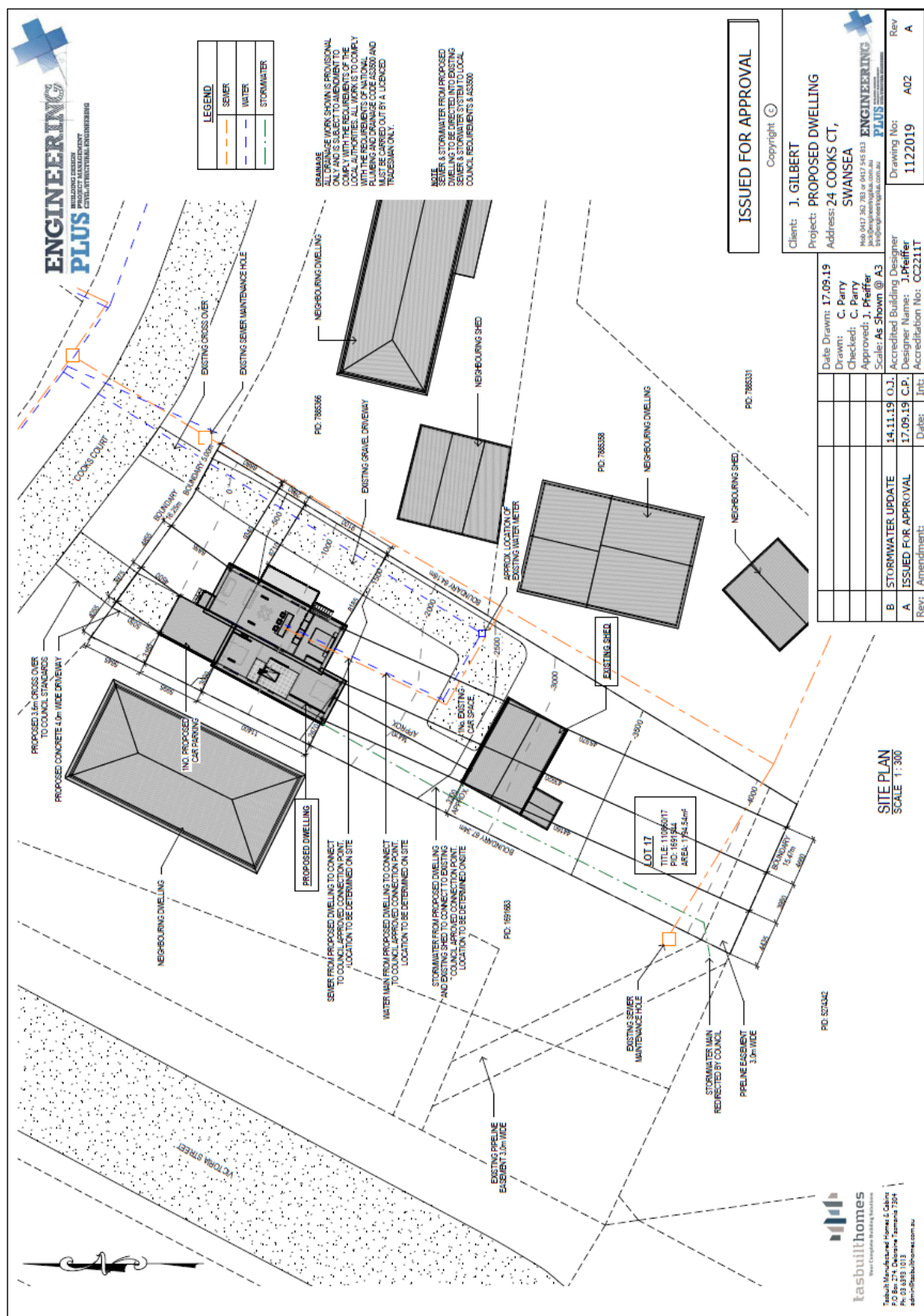
Issued Pursuant to the Land Titles Act 1980

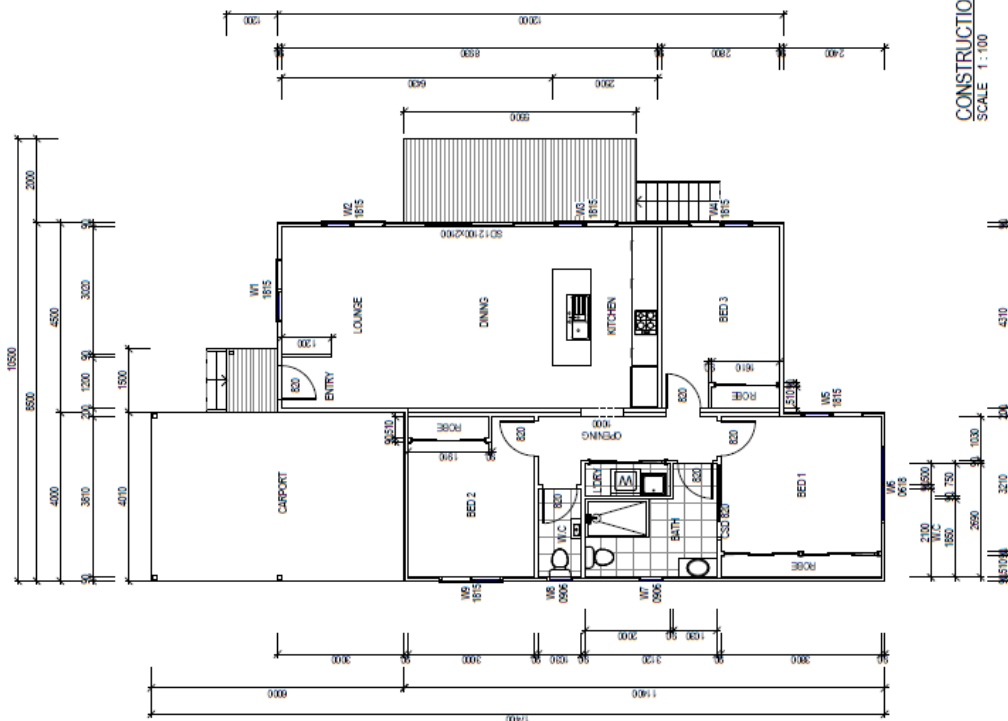
<p align="center">SCHEDULE OF EASEMENTS</p>		<p align="center">Registered Number</p> <p align="center">SP110860</p>
<p align="center">PAGE 2 OF PAGES</p>		
<p>(a) Not to construct on any lot a dwelling house smaller than 112 square metres in area excluding out buildings usually appurtenant thereto.</p> <p>(b) Not to construct upon any lot a dwelling house constructed in whole or in part other than in brick, brick veneer, concrete block or timber or a combination of these materials.</p> <p>(c) Not to construct any appurtenant building to any dwelling house referred to in covenant (b) unless it is constructed of the materials referred to in (b) above or in colour bond.</p> <p>FENCING COVENANT In respect of each lot (except lot 100 and 101) the Vendor (Malwood Pty. Ltd.) shall not be required to fence.</p> <p>INTERPRETATION:</p> <p>"Corporation" means the Warden Councillors and Electors of the Municipality of Glamorgan Spring Bay.</p> <p>"Pipeline Easement" means the full free right of the Corporation to lay use and maintain forever water mains and pipes of such size and number as shall from time to time be required in the strips of land shown as Pipeline Easements and the right for the Corporation Surveyors and Workmen from time to time and at all times hereafter to enter into and upon the said strips of land of any part thereof bringing upon such material machinery and other things as it shall think fit and proper to inspect the condition of the said mains and pipes and the repair alter amend and cleanse PROVIDED THAT any damage occasioned thereby shall be made good.</p> <p>THE COMMON SEAL of MALWOOD PTY LTD (A.C.N. 009 577 931) was hereunto affixed in the presence of:-</p> <div style="text-align: right;">  <i>T. Blumer</i> DIRECTOR </div> <div style="text-align: right; margin-top: 20px;"> <i>H. Henty</i> DIRECTOR/ SECRETARY </div>		



<p>SCHEDULE OF EASEMENTS</p>		<p>Registered Number</p> <p>SP110860</p>
<p>PAGE 3 OF PAGES</p>		
<p>THE COMMON SEAL of MURDOS NOMINEES PTY LTD (A.C.N 009 584 543) was hereunto affixed in the presence of:</p>		
<p>  </p>		
<p>..... DIRECTOR</p>		
<p>..... DIRECTOR/ SECRETARY</p>		

IF FURTHER PAGES ARE REQUIRED USE ANNEXURE SHEETS COMMENCING AT PAGE 4





WINDOW SCHEDULE

MARK	HEIGHT	WIDTH	TYPE	U-VALUE	SHGC
W1	1800	1500	DG	4.3	.55
W2	1800	1500	DG	4.3	.55
W3	1800	1500	DG	4.3	.55
W4	1800	1500	DG	4.3	.55
W5	1800	1500	DG	4.3	.55
W6	600	1800	DG	4.3	.55
W7	900	600	DG	4.3	.55
W8	900	600	DG	4.3	.55
W9	1800	1500	DG	4.3	.55
*W10	400	1800	DG	4.3	.55
*W11	400	1800	DG	4.3	.55
SD1	2100	2100	DG	4.0	.61

*REFER ELEVATIONS FOR HIGHLIGHT WINDOWS

W5 - IF FALL HEIGHT TO GROUND IS GREATER THAN 2.0m WINDOW TO HAVE A PERMANENTLY FIXED ROBUST SCREEN INSTALLED OR HAVE AN OPENING RESTRICTED TO 125mm

ISSUED FOR APPROVAL

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CONSTRUCTION PLAN
SCALE 1:100

Area Schedule (Gross Building)		
Name	Area	Area (sq)
DWELLING	99.55 m²	10.72
DECK	10.07 m²	1.08
CARPORT	24.06 m²	2.59
ENTRY DECK	1.80 m²	0.19
	135.47 m²	14.58

[illegible]

client: J. GILBERT

Client: J. GILBERT
Project: PROPOSED DWELLING
Address: 24 COOKS CT,

SWANSEA
 Mob 0417 362 783 or 0417 545 813
 jack@engineeringplus.com.au
 info@engineeringplus.com.au


ENGINEERING PLUS
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 REAL, TANGIBLE RESULTS

Drawing No:	Rev
1122019	A



is built Manufactured Homes & Cabins
 O Box 274, Deloraine Tasmania 7304
 Ph: 03 6393 1013
 dmh@tasbuilthomes.com.au






ENGINEERING PLUS
BUILDING DESIGN
STRUCTURAL ENGINEERING
CIVIL & MECHANICAL ENGINEERING

SMOKE ALARMS
PROVIDE AND INSTALL SMOKE ALARMS & HARD WIRE
TO BUILDING POWER SUPPLY TO AS 3786.
CEILING MOUNTED WITH 9VDC
ALKALINE BATTERY BACKUP
ALARMS TO BE INTERCONNECTED ON PLAN AND IN ACCORDANCE
WITH NCC PART 3.2.2.5

③ - DENOTES INTERCONNECTED SMOKE DETECTORS

FLOOR COVERINGS	
	CARPET
	CONCRETE
	TIMBER DECKING
	TILE
	VINYL TIMBER FLOORING



FLOOR PLAN
SCALE 1:100

PROVIDE LIFT OFF HANDE TO BUS DOOR
IN ACCORDANCE WITH NCC 3.8.1.3

Area Schedule (Gross Building)

Name	Area	Area (sq)
DWELLING	99.55 m ²	10.72
DECK	10.07 m ²	1.08
CARPORT	24.06 m ²	2.59
ENTRY DECK	1.80 m ²	0.19
	135.47 m²	14.58

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Client: **J. GILBERT**
Project: **PROPOSED DWELLING**
Address: **24 COOKS CT,
SWANSEA**
Mob 0417 362 783 or 0417 546 813
info@glamorganspringbay.nsw.gov.au
www.glamorganspringbay.nsw.gov.au

Date Drawn: **17.09.19**
Drawn: **C. Parry**
Checked: **C. Parry**
Approved: **J. Pfeiffer**
Scale: **As Shown @ A3**
Accredited Building Designer
Designer Name: **J. Pfeiffer**
Accreditation No: **CC221117**

tasbuildhomes
New Complete Building Solutions
Tasbuild Manufactured Homes & Cabins
PO Box 77, Okehampton, Tasmania 7594
Phone 03 6331 3300
info@tasbuildhomes.com.au

Drawing No: **1122019 A04**
Rev: **A**

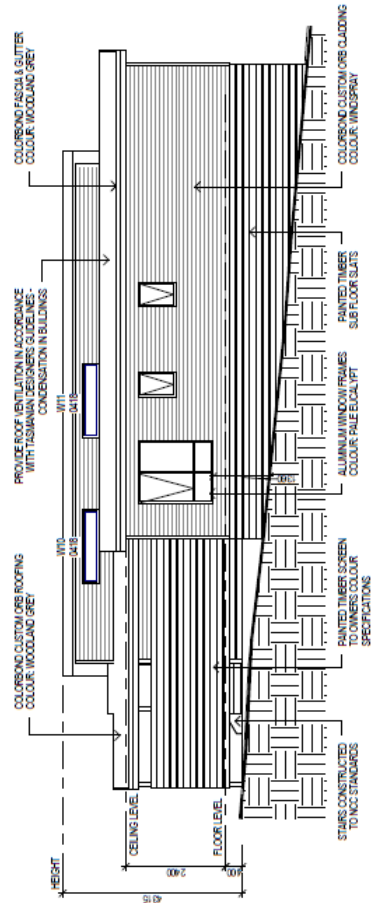


SUB FLOOR VENTILATION. BCA VOLUME 2 PART 3.4.1.

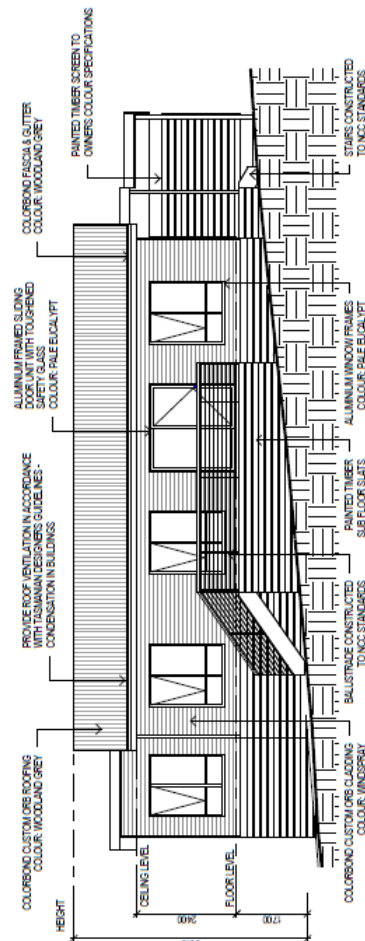
- A MINIMUM OF 150 MM OF SUB FLOOR CLEARANCE IS TO BE PROVIDED BETWEEN FINISHED SURFACE LEVEL & THE UNDERSIDE OF THE FLOOR BEARER.
- A MINIMUM OF 6000 MM² PER METRE OF SUB FLOOR VENTILATION IS TO BE UNIFORMLY DISTRIBUTED AROUND THE EXTERNAL AND INTERNAL WALLS OF THE BUILDING. VENTS TO BE LOCATED NO GREATER THAN 600 MM FROM AN INTERNAL OR EXTERNAL CORNER.

PRYDA 230X75 - 52 HOLE VENT MAXIMUM SPACING 1050 MM ALONG WALL OR
PRYDA 230X165 - 117 HOLE VENT MAXIMUM SPACING 2350 MM ALONG WALL

ADDITIONAL VENTILATION PROVISIONS TO BE INSTALLED WHERE OBSTRUCTIONS SUCH AS CONCRETE VERANDAH'S, DECKS, PATIOS AND PAVING ARE INSTALLED & OBSTRUCT VENTILATION.



WEST ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100

- TREADS: 240 MM
- RISERS: 180 MM
- TREATED PINE THINER STAIR MATERIAL TO AC1064.
- TREATMENT LEVELS H4 FOR INDOOR USE & H3 FOR ABOVE GROUND USE.
- ALL FIXINGS FITTING BRACKETS AND CONNECTORS TO BE GALVANIZED.
- STRINGER: 300x50 F5 TREATED PINE
- TREADS: 240x50 F5 TREATED PINE MAXIMUM TREAD SPAN 1000

ISSUED FOR APPROVAL

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Client: J. GILBERT

Project: PROPOSED DWELLING

24 COOKS CT,

SWANSEA



ENGINEERING
PLUS

Mobile 0417 362 783 or 0417 545 813
 Jack.Donnelly@engineeringplus.com.au
 btl@engineeringplus.com.au

Owner City of 1T	Drawing No: 1122019 A06	Rev A
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Date Drawn: 17.09.19

Drawn: C. Parry


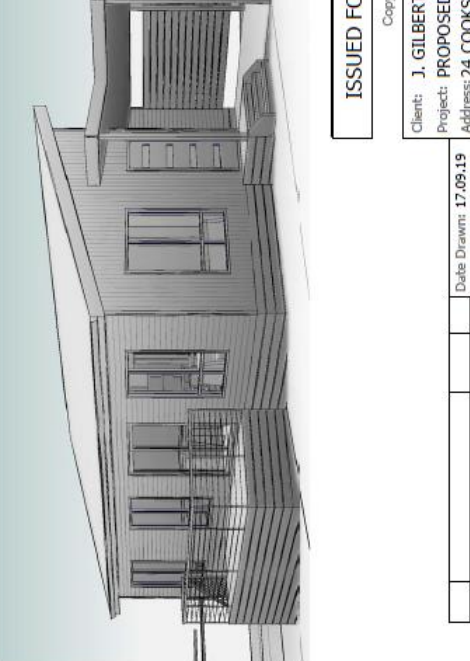
Checked: C. Parry
Approved: T. Daffar

Approved: J. Pfeiffer
Scale: As Shown @ A3

Accredited Building Design


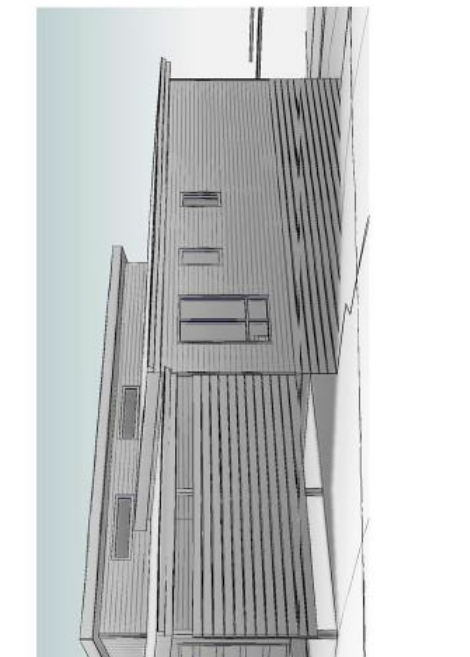
Designer Name: J. Pfeiffer
Accreditation No: CC222

ACCREDITATION NO: 0022

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tasbuilthomes
Best Complete Building Solutions

Tasbuilthomes Pty Ltd
PO Box 274, Glenview, Tasmania 7304
08110 Tasbuilthomes.com.au

Client: **J. GILBERT**

Project: **PROPOSED DWELLING**

Address: **24 COOKS CT, SWANSEA**

NAB 0417 362 783 or 0417 345 613
j.gilbert@tasbuilthomes.com.au

ENGINEERING PLUS
REGISTERED PROFESSIONAL ENGINEER

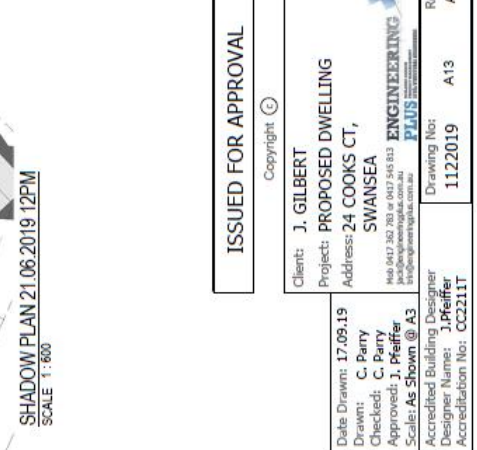
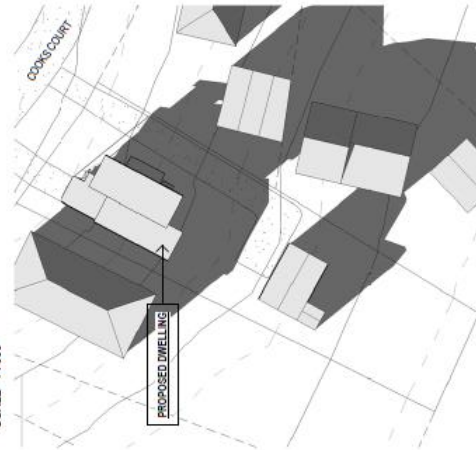

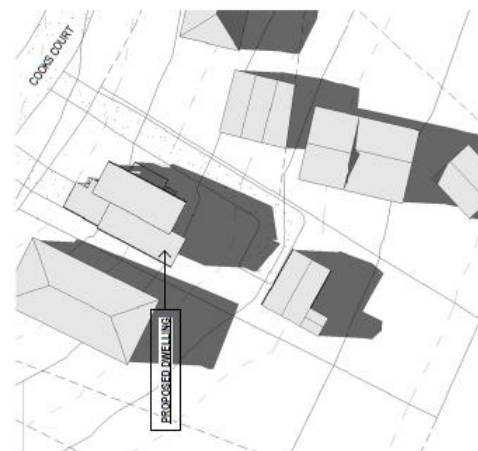

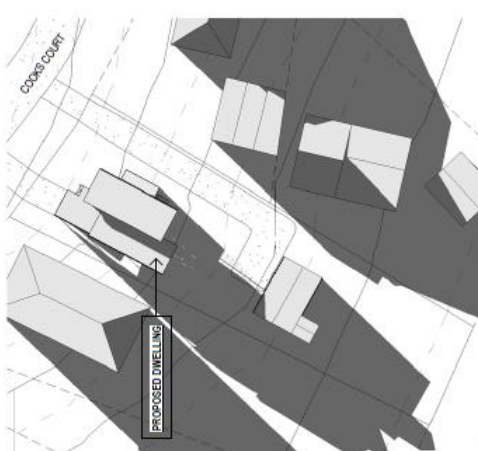

Drawing No: **1122019 A11 A**

Rev: **A**

Rev	Amendments	Date	Int	Drawn	Checked	Approved	Scale	Date Drawn
B	STORMWATER UPDATE	14.11.19	O.J.	C. Parry	C. Parry	J. Pfeiffer	As Shown @ A3	17.09.19
A	ISSUED FOR APPROVAL	17.09.19	C.P.	J. Pfeiffer	J. Pfeiffer	J. Pfeiffer	As Shown @ A3	17.09.19

Accredited Building Designer
Designer Name: J. Pfeiffer
Accreditation No: CC22117





SHADOW PLAN 21.06.2019 9AM
SCALE 1:600

SHADOW PLAN 21.06.2019 10.30AM
SCALE 1:600

SHADOW PLAN 21.06.2019 12PM
SCALE 1:600

SHADOW PLAN 21.06.2019 1.30PM
SCALE 1:600

SHADOW PLAN 21.06.2019 3PM
SCALE 1:600

SHADOW PLAN 21.06.2019 12PM
SCALE 1:600

ISSUED FOR APPROVAL

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Client: J. GILBERT
Project: PROPOSED DWELLING
Address: 24 COOKS CT,
SWANSEA

1440 0417 362 785 or 0417 548 813
info@glamorganspringbaycouncil.gov.uk
glamorganspringbaycouncil.gov.uk

ENGINEERING PLUS

Date Drawn: 17.09.19	Drawn: C. Parry	Checked: C. Parry	Approved: J. Pfeiffer	Scales: As Shown @ A3	Accredited Building Designer
					Design Name: J. Pfeiffer
					Accreditation No: C021117
					Rev: Amendment
					Rev: A
					Rev: A

B. STORMWATER UPDATE
14.11.19 0.1

A. ISSUED FOR APPROVAL
17.09.19 C.P.

tasbuih homes

tasbuih Manufactured Homes & Cabins
PO Box 1013, 1013
info@tasbuih.com.au



DRAWING SCHEDULE

A00	COVER PAGE
A01	BCA NOTES
A02	SITE PLAN
A03	CONSTRUCTION PLAN
A04	FLOOR PLAN
A05	DRAINAGE PLAN
A06	ELEVATIONS #1
A07	ELEVATIONS #2
A08	ROOF PLAN
A09	SECTION & DETAILS
A10	AREA PLAN
A11	3D PERSPECTIVES
A12	LIGHTING PLAN
A13	ELECTRICAL PLAN
A14	SHADOW PLAN
A15	STANDARD TIEDOWN DETAILS
A16	STANDARD BRACING DETAILS
A17	STANDARD STAIR & HANDRAIL DETAILS
A18	WET AREA WATERPROOFING DETAILS

PROPOSED DWELLING

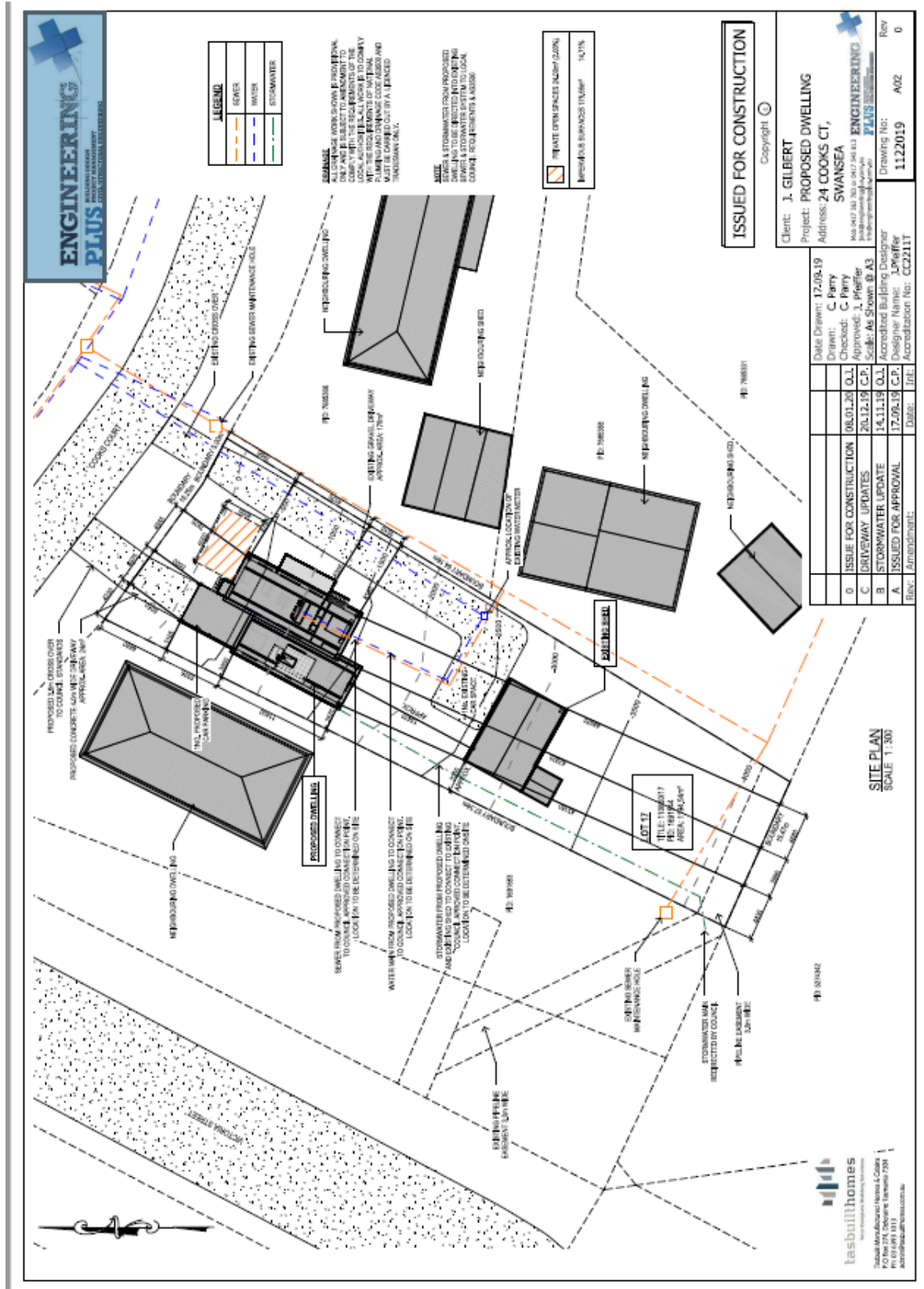
J. GILBERT
24 COOKS CT,
SWANSEA

GLAMORGAN SPRING BAY COUNCIL

PROJECT INFORMATION

BUILDING DESIGNER:	GRANT JAMES PREIFFER
ACCREDITATION No:	CC2211T
LAND TITLE REFERENCE NUMBER:	174199/2
PROPOSED DWELLING AREA:	99.556m ²
PROPOSED DECK AREA:	11.05m ²
PROPOSED CARPORT AREA:	24.06m ²
PROPOSED ENTRY DECK AREA:	1.8m ²
DESIGN WIND SPEED:	N2
SOIL CLASSIFICATION:	7 th
CLIMATE ZONE:	LOW
BUSHFIRE-PRONE BAL RATING:	N/A
ALPINE AREA:	MEDIUM
CORROSION ENVIRONMENT:	NO
FLOODING:	NO
LANDSLIP:	UNKNOWN
DISPERSIVE SOILS:	UNKNOWN
SALINE SOILS:	NO
SAND DUNES:	NO
MINE SUBSIDENCE:	NO
LANDFILL:	NO
GROUND LEVELS:	REFER PLAN
ORG LEVEL	75 ABOVE GROUND LEVEL






ISSUED FOR CONSTRUCTION

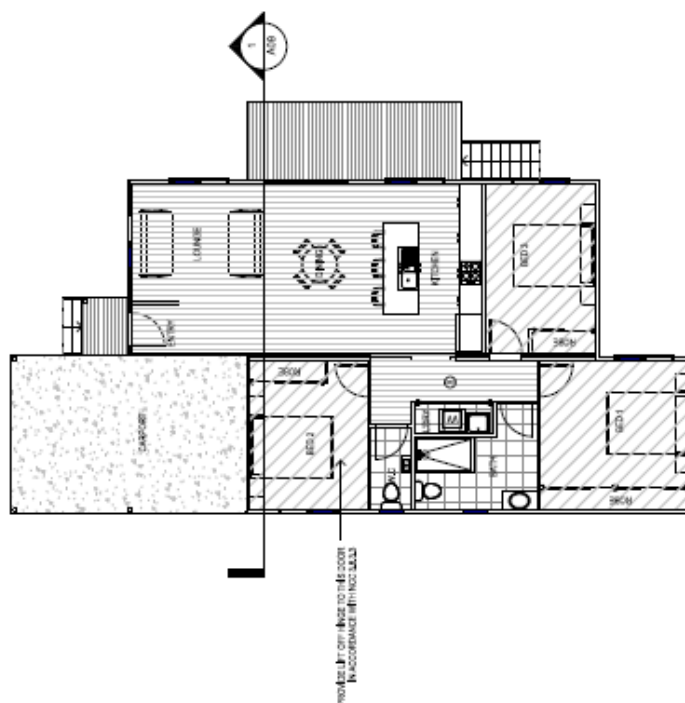




SHOKE ALARMS
PROVIDE AND INSTALL SMOKE ALARMS & HARD WIRE
TO BUILDING POWER SUPPLY TO AS 3786.
CEILING MOUNTED WITH 9VDC
AUXILIARY BATTERY BACKUP
TO LOCATIONS INDICATED ON PLAN AND IN ACCORDANCE
WITH NCC PART 3.2.5

① - DENOTES MISCONNECTED SOURCE DETECTIONS

FLOOR COVERINGS		CARPET
		CONCRETE
		HARDWOOD
		TILE
		OTHER FLOORING



FLOOR PLAN
SCALE 1:100

Area Schedule (Gross Building)		
	Name	Area
	WELLING	99.58 m²
	DECK	11.08 m²
	LANDPORT	24.08 m²
	INTERIOR DECK	1.80 m²
		0.18
		10.72
		1.18
		2.58
		0.18

					Date Drawn: 17-08-19
					Drawn: C. Perry
					Checked: C. Perry
					Approved: J. Hefner
					Scale: As Shown @ A3
					Accredited Building Designer
					Designer Name: J. Hefner
					Accreditation No.: CC22
A:	Issue:	Date:	In:		
R:	Amendment:	Date:	In:		
D	ISSUE FOR CONSTRUCTION	06.01.20	O.L.		
C	DRIVEWAY UPDATES	20.12.19	C.P.		
B	STORMWATER UPDATE	14.11.19	O.L.		
A	ISSUED FOR APPROVAL	17.06.19	C.P.		

Client: J. GILBERT

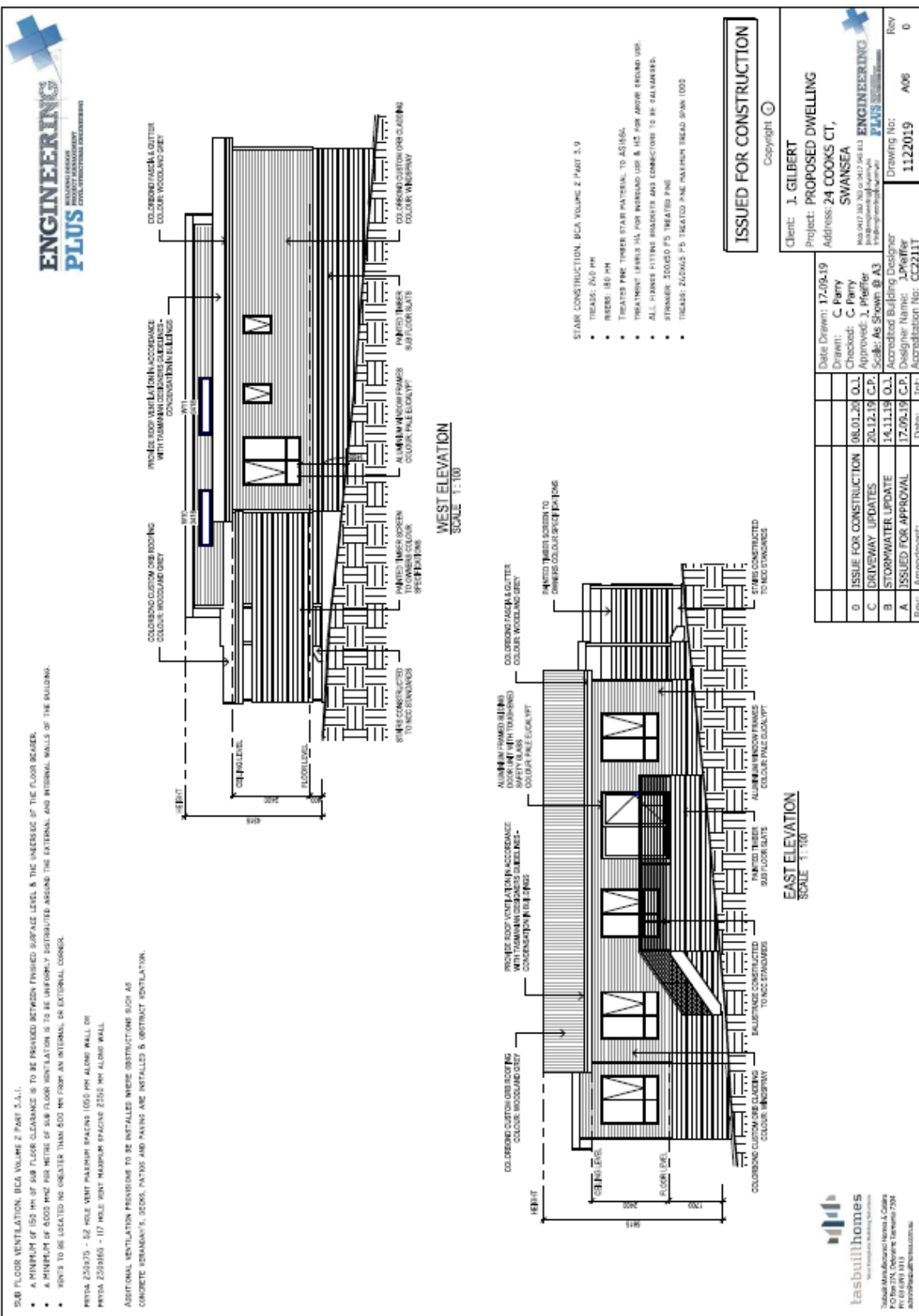
Project: PROPOSED DWELLING
Address: 24 COOKS CT,


SWANSEA
ENGINEERING
PLUS
 Mod 0417 362 760 or 0417 345 613
info@swanseaengineeringplus.co.uk
www.swanseaengineeringplus.co.uk



Kasbuildhomes

Subault Manufacturing Homes & Cabinets
O Box 274, Delburne, Tennessee 37094
Tel: 615-698-1313
www.subaultmanufacturing.com





ROOF CLADDING, BCA Volume 2 Part 2.5.1.3
CALCULATED CUSTOM CUP METAL SHEETING INSTALLED IN
ACCORDANCE WITH THIS PART, AS D52.1 AND MANUFACTURED
RECOMMENDATIONS.

REFER TO LYSAGHT ROOFING & WALLING MANUAL FOR FULL DETAILS ON SHEET
INSTALLATION, FINISHES & FLASHINGS

- MINIMUM PITCH 5 DEGREES.
- CORROSION PROTECTION IN ACCORDANCE WITH BCA TABLE 3.5.1.1.
- END LAP OF SHEETS 5-15 DEGREES - MINIMUM 200

mm.
above 15 degrees = minimum 150 mm.

- * RIDGE AND VALLEY TO BE TURNED UP 45 DEGREE.
- * FASTENERS TO BE MADE OF COMPATIBLE MATERIAL WITH ROOFING MATERIAL.
- * CRIST FINISHES OF END SPANS & EVERY SECOND RIB AND INTERNAL SPANS & EVERY THIRD RIB.
- * WHERE POSSIBLE SHEETS TO BE Laid WITH SIDE LAPS FACING AWAY FROM PREVAILING WINDS.
- * REFLECTIVE FOIL IN LAYERS TO BE FITTED TO UNDERSIDE OF SHEETS.

R4.0 INSULATION BATTES TO ROOM SPACE ABOVE CEILING LINE.

RECOMMENDED PRACTICES FOR SENSITIVE EXPOSURE CONDITIONS TO ASBESTOS 35-644

USE CLASS 4 MATERIALS FOR SEVERE EXPOSURE & STAINLESS STEEL FOR VERY SEVERE COASTAL ENVIRONMENTS

ROOF PLAN
SCALE 1:100

ISSUED FOR CONSTRUCTION

Copyright ©

Client: J. GILBERT

Project: PROPOSED DWELLING

24 COOKS (12)

SWANSEA

800 347 3437 or 0417 545 813
 Email: info@england.co.uk
 Web: www.england.co.uk

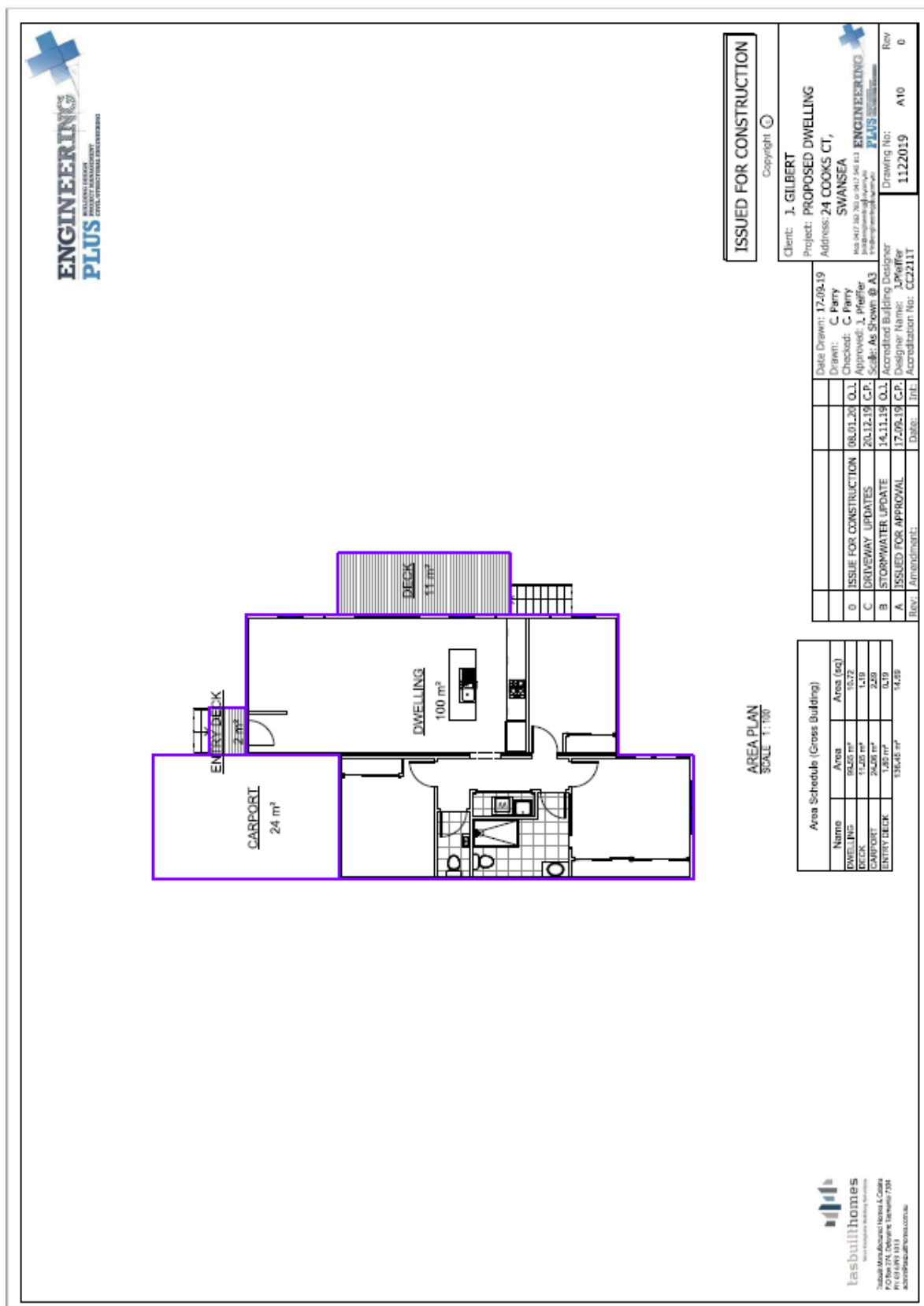
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1122019



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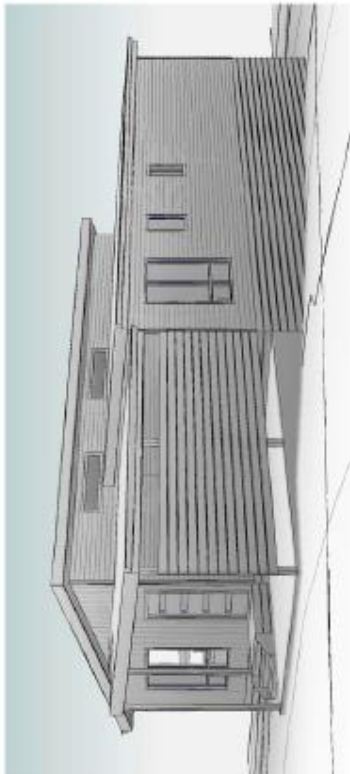



about Manufactured Homes & Cabins
P.O. Box 274, Delmar, Delaware 19804
Tel: (302) 691-1313
info@troublewithhomer.com











ENGINEERING PLUS
PROFESSIONAL PROJECT MANAGEMENT
CIVIL/STRUCTURAL ENGINEERING

ISSUED FOR CONSTRUCTION

Copyright ©

Client: **1. GILBERT**

Project: **PROPOSED DWELLING**

Address: **24 COOKS CT, SWANSEA**

Has this been checked by a qualified professional? **YES**

Has this been checked by a qualified professional? **YES**

Date Drawn: **17-09-19**

Drawn: **C. Parry**

Checked: **C. Parry**

Approved: **J. Pheffer**

Scale: **As Shown @ A3**

Date: **17-09-19**

Int: **C.P.**


Rev: **A**

Amendment:

Rev: **A**

Drawing No: **1122019 A11**

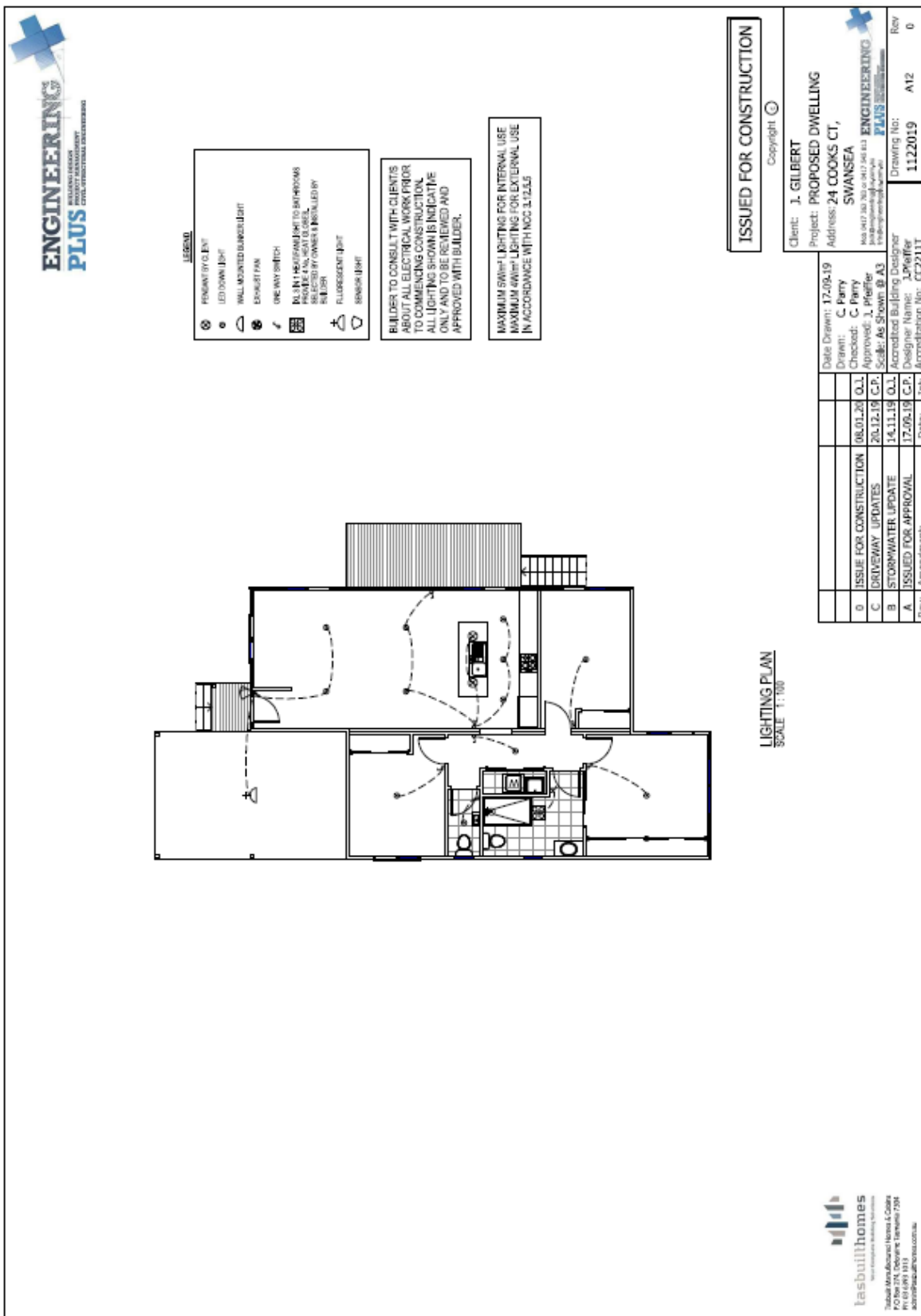
Rev: **0**




tasbullhomes
New Homes Building Solutions

Tasbull Homes Developments & Construction
PO Box 274, Ogwen, Llanwrda 274
PH 26 480 1010
info@tasbullhomes.co.uk

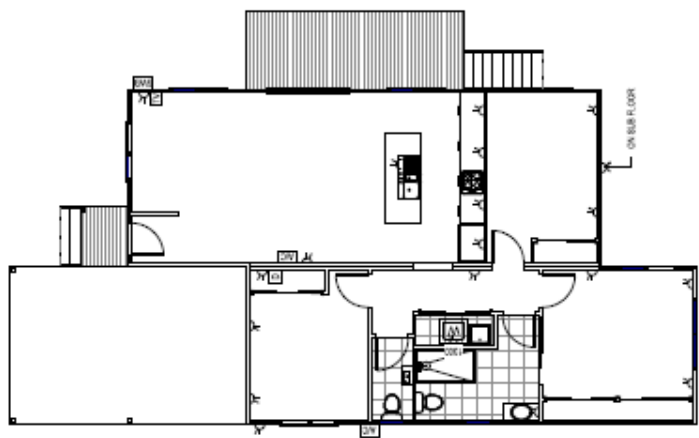
Engineering PLUS
PROFESSIONAL PROJECT MANAGEMENT
CIVIL/STRUCTURAL ENGINEERING







ENGINEERING PLUS
WILLIAM PIERCE
ELECTRICAL ENGINEERING
ELECTRICAL ENGINEERING



ON SUB FLOOR

LEGEND

A	DOUBLE GENERAL PURPOSE OUTLET
⊞	DOUBLE GENERAL PURPOSE OUTLET WITH USB
⊞	TV OUTLET
⊞	DATA OUTLET
⊞	SWITCHBOARD
⊞	400V CONSUMER
⊞	400V CONSUMER OUTDOOR UNIT
⊞	WASH HOT WATER

BUILDER TO CONSULT WITH CLIENTS ABOUT ALL ELECTRICAL WORK PRIOR TO COMMENCING CONSTRUCTION.

ELECTRICAL PLAN
SCALE 1:100



ISSUED FOR CONSTRUCTION

Copyright ©

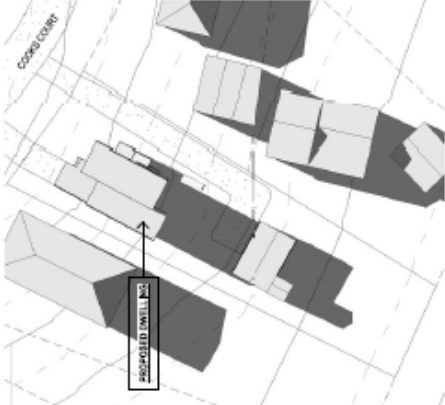
Client: J. GILBERT	
Project: PROPOSED DWELLING	
Address: 24 COOKS CT, SWANSEA	
100% AND 100% OF ALL THE BUILT AND INSTALLED WORK	
ENGINEERING PLUS	
1122019 A13 0	
Drawing No: 1122019 A13	
Rev: 0	
Accredited Building Designer	
Designer Name: J. Pierce	
Accreditation No: CC2211T	
Rev: Amendment:	
Date: Int: Date: Int:	
Date Drawn: 17.09.19	
Drawn: C. Parry	
Checked: C. Parry	
Approved: J. Pierce	
Scale: As Shown @ A3	
Issue For Construction: 08.01.20 O.L.	
C. DRIVEWAY UPDATES: 20.12.19 C.P.	
B. STORMWATER UPDATE: 14.11.19 O.L.	
A. ISSUED FOR APPROVAL: 17.09.19 C.P.	

tasbuihomes
tasbuihomes.co.uk
Tasbui Homes (UK) Limited
PO Box 274, Delamere, Swansea SA1 2YD
PH 01499 1913
tasbuihomes@tasbuihomes.co.uk

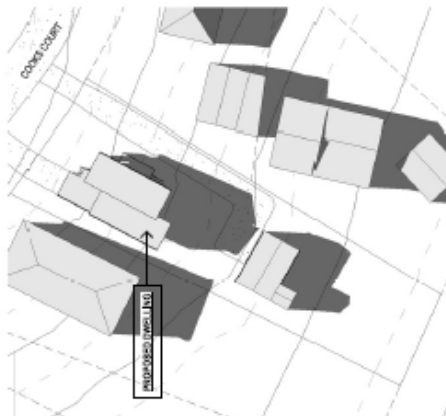


SHADOW PLAN 21.06.2019 9AM
SCALE 1:600



SHADOW PLAN 21.06.2019 10.30AM
SCALE 1:600



SHADOW PLAN 21.06.2019 12PM
SCALE 1:600

ISSUED FOR CONSTRUCTION

Copyright ©

Client: J. GILBERT

Project: PROPOSED DWELLING

Address: 24 COOKS CT,
SWANSEA

WILLIAM GIBSON
CONSULTANTS
CIVIL & STRUCTURAL ENGINEERING

Date Drawn: 12.09.19

Drawn: C. Perry

Checked: C. Perry

Approved: J. Pfeiffer

Scale: As Shown @ A3

Accredited Building Designer

Designer Name: J. Pfeiffer

Drawing No: 1122019

Rev: 0

Date Drawn: 12.09.19

Drawn: C. Perry

Checked: C. Perry

Approved: J. Pfeiffer

Scale: As Shown @ A3

Accredited Building Designer

Designer Name: J. Pfeiffer

Drawing No: 1122019

Rev: 0

Date Drawn: 12.09.19

Drawn: C. Perry

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Approved: J. Pfeiffer

Scale: As Shown @ A3

Accredited Building Designer

Designer Name: J. Pfeiffer

Drawing No: 1122019

Rev: 0

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Accredited Building Designer

Designer Name: J. Pfeiffer

Drawing No: 1122019

Rev: 0

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Approved: J. Pfeiffer

Scale: As Shown @ A3

Accredited Building Designer

Designer Name: J. Pfeiffer

Drawing No: 1122019

Rev: 0

65

Agenda – Glamorgan Spring Bay Council – 28/01/2020



SPECIFIC TECHNICAL NOTES	
1. ALL WORK TO BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:	BS 5400: PART 1: 1999
2. ALL WORK TO BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:	BS 5400: PART 2: 1999
3. ALL WORK TO BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:	BS 5400: PART 3: 1999
4. ALL WORK TO BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:	BS 5400: PART 4: 1999
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10. ALL WORK TO BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:	BS 5400: PART 10: 1999

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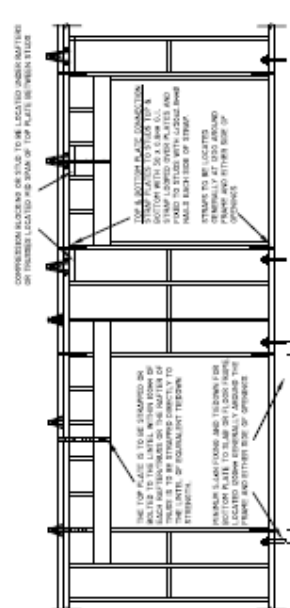
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ISSUED FOR CONSTRUCTION

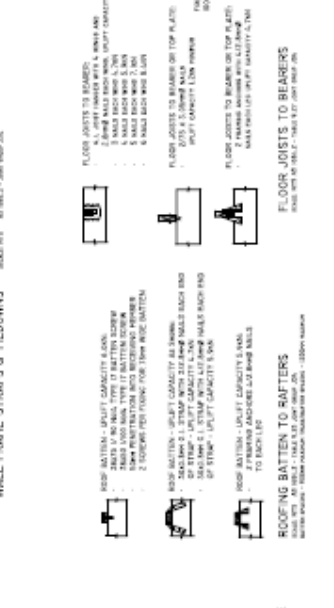
Client: J. GILBERT
Project: PROPOSED DWELLING
Address: 24 COOKS CT,
SWANSEA
Drawing No: 1122019
Rev: 0

Date Drawn: 12/09/19	Drawn: C. Perry
Checked: C. Perry	Approved: J. Puffer
Scale: As Shown @ A3	Accredited Building Designer
Design Name: J. Puffer	Accreditation No: C22117

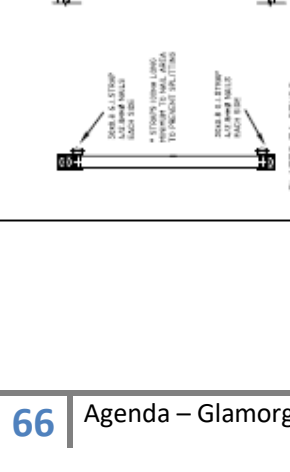
0. ISSUE FOR CONSTRUCTION	08/01/20	O.L.
C. DRIVEWAY UPDATES	20/12/19	C.P.
B. STORMWATER UPDATES	14/11/19	O.L.
A. ISSUED FOR APPROVAL	17/06/19	C.P.



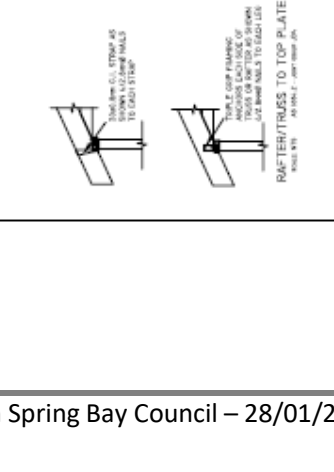
WALL FRAME STRAPS & TIE DOWNS



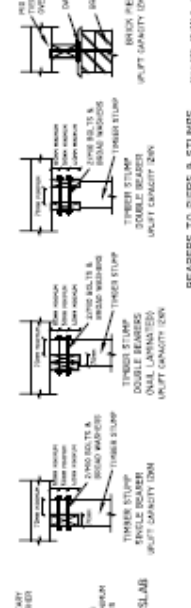
FLOOR JOISTS TO RAFTERS



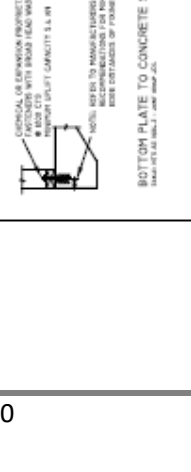
ROOF BATTENS TO RAFTERS



BOTTOM PLATE TO TOP PLATE




BOTTOM PLATE TO TIMBER FLOOR FRAME

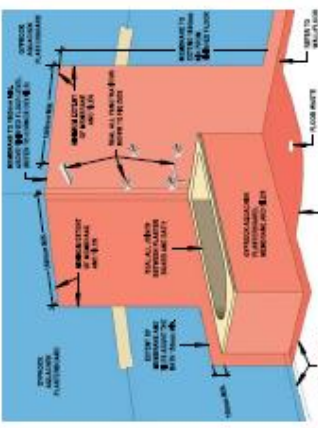


RAFTERS TO PIERS & STUMPS

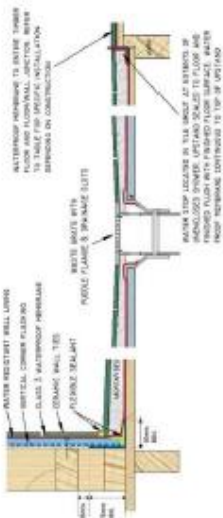
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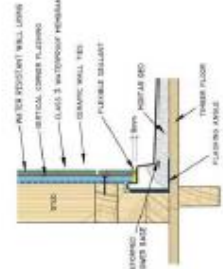


WATER PROOFING & WATER RESISTANCE REQUIREMENTS FOR BUILDING ELEMENTS IN WET AREAS

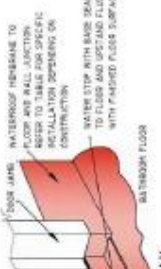


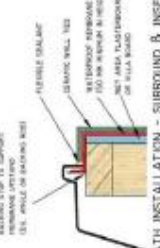
UNENCLOSED SHOWER & BATH EXTENT OF WATERPROOFING





WATERSTOP INSTALLATION AT DOORWAY





BATH INSTALLATION - SURROUND & INSERT

ENGINEERING PLUS

1122019 A18 0

ISSUED FOR CONSTRUCTION

Client: J. GILBERT
Project: PROPOSED DWELLING
Address: 24 COOKS CT, SWANSEA

Date Drawn: 12.06.19
Drawn: C. Perry
Checked: C. Perry
Approved: J. Pfeiffer
Scale: As Shown @ A3
Accredited Building Designer
Design Name: J. Pfeiffer
Accreditation No: CC2111

Lighting Calculator for Use with J6.2(a) Volume One and 3.12.5.5 Volume Two (First issued with NCC 2014)

Building name/description
Proposed Dwelling - 24 Cooks Ct - Swansea

Classification
Class 1

Number of rows entered in table below 9 (as currently displayed)

ID	Description	Type of space	Floor area of the space	Design Lamp or Illumination Power Load	Location	Adjustment Factor One			Adjustment Factor Two (for Class 1)			Overall Design Passes		
						Adjustment Factor One	Dimming Percentages		Adjustment Factor Two	Dimming Percentages		Lamp or Illumination Power Density	System Allowance	System Share of % of Applicable Allowance Used
							%	% of full power		%	% of full power			
1	Lounge	Lounge room	15.0 m²	70 W	Class 1 building	Adjustment			Adjustment			8.0 W/m²	4.7 W/m²	11% of 84%
2	Dining	Living room	11.0 m²	50 W	Class 1 building							4.5 W/m²	4.5 W/m²	11% of 84%
3	Kitchen	Living room	13.0 m²	60 W	Class 1 building							4.5 W/m²	4.5 W/m²	11% of 84%
4	Bed 1	Kitchen	12.0 m²	60 W	Class 1 building							5.0 W/m²	5.0 W/m²	12% of 84%
5	Bath	Laundry	7.0 m²	30 W	Class 1 building							4.5 W/m²	4.5 W/m²	10% of 84%
6	WC	Corridor	2.0 m²	10 W	Class 1 building							5.0 W/m²	5.0 W/m²	12% of 84%
7	Bed 2	Bedroom	10.0 m²	50 W	Class 1 building							5.0 W/m²	5.0 W/m²	12% of 84%
8	Bed 3	Bedroom	11.0 m²	50 W	Class 1 building							4.5 W/m²	4.5 W/m²	11% of 84%
9	Corridor	Corridor	5.0 m²	25 W	Class 1 building							5.0 W/m²	5.0 W/m²	12% of 84%
												Allowance	Design Average	
												88.0 m²	5.0 W/m²	4.7 W/m²

IMPORTANT NOTICE AND DISCLAIMER IN RESPECT OF THE LIGHTING CALCULATOR
This Lighting Calculator has been developed by the ABCB to assist in developing a better understanding of lighting energy efficiency parameters. While the ABCB believes that the Lighting Calculator, if used correctly, will produce accurate results, the calculator is provided "as is" and without any representation or warranty of any kind, including that it is fit for any purpose or of merchantable quality, or functions as intended or at all. Your use of the Lighting Calculator is entirely at your own risk and the ABCB accepts no liability of any kind.

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If inputs are valid

Attachment C – Representation – de-identified

Hi general manager

I'm writing regarding the proposed house to be built in 24 cooks court Swansea as I resided at 25 cook court

I have noticed on the plans that when the building is built I will be looking out of my lounge room and the visual view will a blank wall, as of now I have a view of the ocean and I feel that I will have less light and sun into my house

The extra height of the roof is a concern regarding shadows on my house and pathway which could make it very slippery

I'm not against the building of the home just concerned that the visual view from my house looking at a wall will devalue my home for future sale

I will wait for you reply

3.2 DA 2019/265 – 10 Jetty Road, Bicheno

Location:	10 Jetty Road, Bicheno (CT 157333/1)
Proposal:	Single dwelling and visitor accommodation unit
Applicant:	Jennifer Binns Building Design
Planning Document:	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone:	General Residential
Codes:	5.0 Roads and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management, 15.0 Inundation-Prone Areas, 16.0 Coastal Erosion Hazard Areas
Application Date:	8 October 2019
Statutory Date:	31 January 2020 (by consent of applicant)
Performance Criteria:	Assessment required for five standards
Representations:	Four
Attachments:	Attachment A – Legal advice on restrictive covenants Attachment B – Schedule of Easements (showing covenants) Attachment C – Exhibited Drawings (attached separately due to size) Attachment D – Representations (de-identified and including follow-up representation) Attachment E – Modified elevations provided with follow-up representation Attachment F – Engineering Consultant Report
Author:	Robyn Bevilacqua, Graduate Planner

1. Executive Summary

Planning approval is sought to build a double-storey single dwelling and a visitor accommodation unit on vacant land zoned General Residential in Jetty Road, Bicheno. The lot is an internal lot fronting onto the Crown foreshore at Waubs Beach.

The proposal is reliant on five Performance Criteria and subject to discretionary assessment. The discretions relate to non-residential use, visitor accommodation, setbacks, building envelope and development in a coastal erosion hazard area.

The proposal was placed on public exhibition for two weeks from 6-19 November 2019. Four representations were received. Representations raised the issue of non-compliance with a restrictive covenant on height. Legal advice on this issue is attached as Appendix A.

The Planning Authority must make a final decision on the application by 31 January 2020.

This report assesses the proposal against the provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and Planning Directive No. 6 – Exemption and Standards

for Visitor Accommodation in Planning Schemes. It makes a recommendation for Council's consideration, which is to refuse the application.

2. Legislative and Policy Content

The Resource Management and Planning System (RMPS) in Tasmania dates back to 1994 and has the objective of 'achieving sustainable outcomes from the use and development of the State's natural and physical resources' (Resource Planning and Development Commission 2003).

There are several pieces of legislation under the RMPS, but the principal planning legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). This application also falls within Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation.

Section 48 of LUPAA requires a planning authority to 'within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use or development undertaken within the area to which the planning scheme relates, whether by the authority or by any other person'.

This report provides an assessment of the proposal in terms of its observance of the Glamorgan Spring Bay Interim Planning Scheme 2015 (the planning scheme). It provides officer recommendations on whether or not the proposal satisfies all the applicable provisions.

The Planning Authority must consider this report but is not bound to adopt the officer's recommendation.

The Planning Authority may:

1. Adopt the recommendation
2. Vary the recommendation by adding, modifying or removing recommended conditions
3. Replace an approval with a refusal (or vice versa).

An alternative decision to the recommendation requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

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

The issue of restrictive covenants is pertinent. Legal advice is that when acting as the Planning Authority, Council ought not to take into account Covenants on the title. This will be discussed later in the report.

3. 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 Standard can be met in two ways:

- (1) By meeting the Acceptable Solution. Acceptable Solutions are quantitative. They are either met or not met. If an application meets all the relevant Acceptable Solutions, it must be approved. Such applications are approved by delegation and do not appear before the Planning Authority.
- (2) In the case of not meeting an Acceptable Solution, or there not being an Acceptable Solution in the Planning Scheme for a particular standard, an application can meet a Standard by satisfying the alternative Performance Criterion. These applications are 'discretionary'. The planning authority or its delegate must use their discretion when assessing discretionary applications. Discretionary applications require sound judgement and consideration of the qualitative impact of the proposal.

Applications that appear before the Planning Authority are those that are (1) discretionary and (2) a representation has been received during the public notification process.

Any decision of the Planning Authority regarding a discretionary application must have regard to the Performance Criteria and the objectives of the Standard, rather than the Acceptable Solution.

The logic of the above is that the exercise of judgement on a Performance Criterion is based on the proposal's impact on the objectives of the standard, not the fact that it may have not met, or 'nearly' met the Acceptable Solution.

4. The Proposal

Planning approval is sought for a two-storey dwelling and a visitor accommodation unit, as shown in Figure 1 below.



Figure 1: The proposal's northern elevation with the residence on the right and the visitor accommodation unit on the left (Application Drawings by Jennifer Binns Building Design).

5. Relevant Background and Past Applications

There are no previous development applications on record other than the subdivision that created the lot in 2006.

6. Risk and Implications

The area is zoned General Residential. All services are available. Numbers 10 and 12 Jetty Road are part of a 2006 subdivision that provided a type of infill development on a larger lot. Infill development results in a more efficient use of council's infrastructure.

Jetty Road also services the Surf Club and Waubs Bay beach-goers. There are 12 formed car parks along the western side and a pedestrian path along the eastern side of the road. These can be seen in Figures 2 and 3 below.

Approval or refusal of this application should have no direct financial implications for Council, other than should an appeal against the Authority's decision be lodged, or should the Planning Authority fail to make a decision within the statutory timeframe.

7. Local Area

Jetty Road is on the northern side of the Bicheno Township, as shown in Figure 1 below.

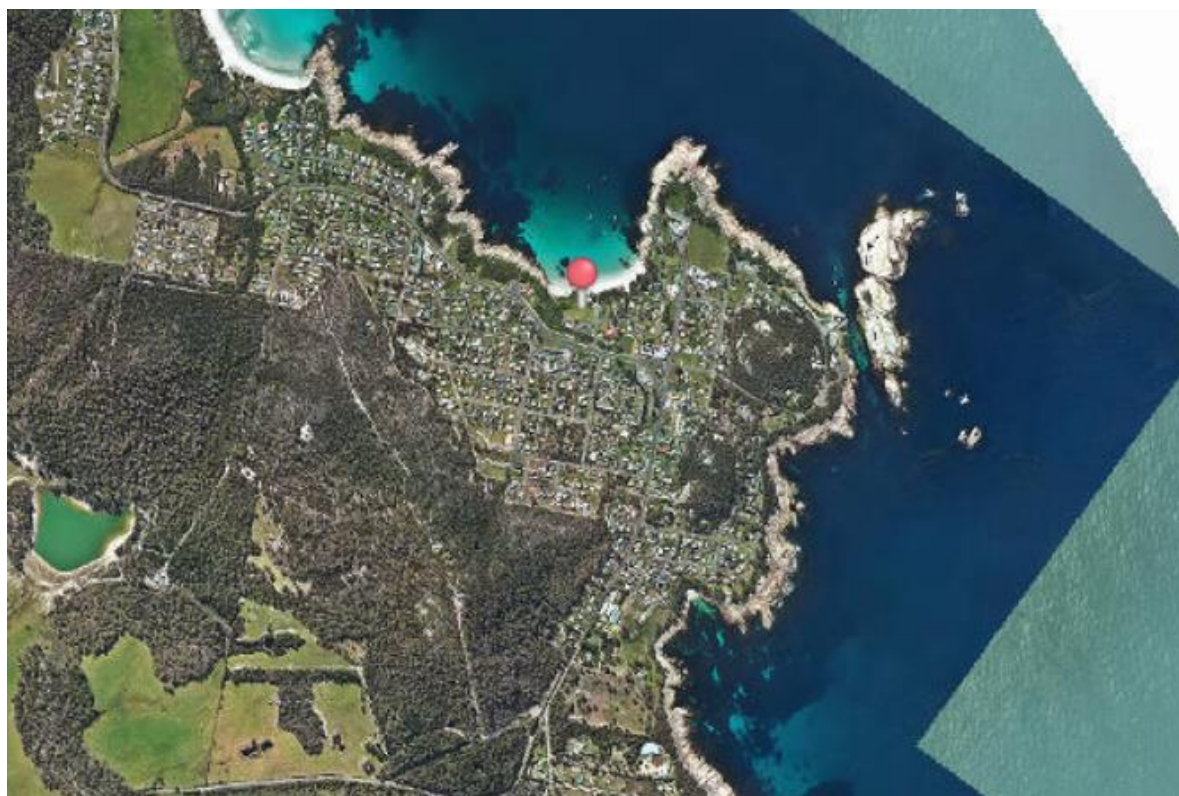


Figure 3: Bicheno showing Jetty Road (LISTmap)

Jetty Road comes off the Tasman Highway and leads to Waubs Beach and the Bicheno Surf Club. Chadwin Avenue, a cul-de-sac, comes off Jetty Road to the east. Jetty Road and Chadwin Avenue together service around 27 lots. See Figure 2 below.



Figure 2: Jetty Road leading to Waubs Beach from the Tasman Highway (LISTmap)

A subdivision in 2006 created new lots – including 4 and 6, and 10 and 12 Jetty Road. 10 and 12 Jetty Road remain as yet undeveloped. The foreshore and surrounding land is zoned Open Space, with a Heritage Area Overlay (Coal Bin). See Figure 3:

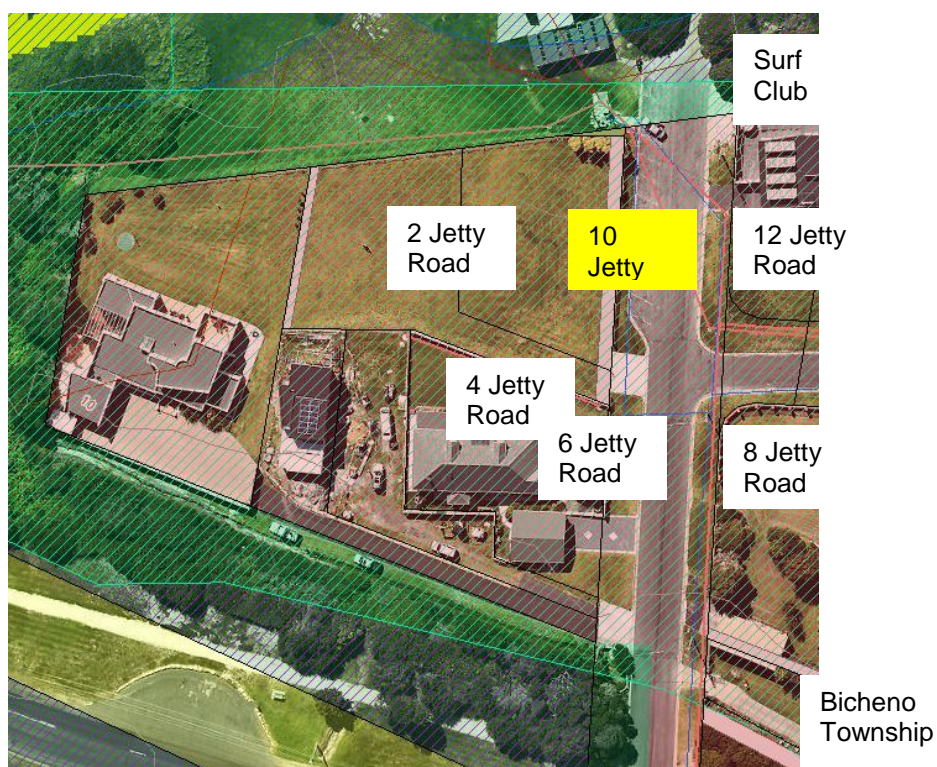


Figure 3: 10 Jetty Road is one of six lots (2-12 Jetty Road) bounded by Open Space Zone and a Heritage Area to the north, west and south (shaded green) and Jetty Road to the east (LISTmap)

Jetty Road has 12 vehicle parking spaces on its western side and a pedestrian path along its eastern side, as seen in Figure 4 below. Jetty Road has a speed limit of 50km/h and accesses the Tasman Highway in a 60km/h zone.



Figure 4: Jetty Road / Chadwin Avenue intersection looking North West and showing the car parking along the western side of the road. Numbers 10 and 12 are in the vacant land beyond the cars. (Google street view). The footpath is not yet constructed in this image.

8. Services

All services are available.

9. Zoning

General Residential.

10. Overlays (Codes)

All development is subject to the Parking and Access Code and the Stormwater Management Code.

10 Jetty Road is also subject to the Roads and Railway Assets Code, the Inundation-Prone Areas Code and the Coastal Erosion Hazard Code.

11. Restrictive covenants

There are covenants listed on the Schedule of Easements, to which Council is a party. These are attached at Appendix B. Summarised, the covenants are:

1. Not to erect a building or structure that would require planning approval north of the line marked E-F on the plan
2. Not to erect a building or structure south of the line marked 'E-F with a height of more than 4m above the natural ground level.
3. Not to erect a building or structure on the lot unless it:
 - (a) Minimises overlooking the adjacent public foreshore area to the north, and
 - (b) Minimises visual impact from the adjacent public foreshore area to the north, and
 - (c) Is constructed with materials coloured in muted tones that blend with the surrounding environment.

Legal advice is that the Planning Authority ought not take covenants into account when assessing a development application. Restrictive covenants do not form part of the Tasmanian Resource Management and Planning System, even if Council is a party to the covenant.

Regarding this application, Council should not refuse to grant a permit solely on the basis that the carrying out of the proposed use and development on the land would result in a conflict with the covenant (legal advice from Abetz Curtis attached as Appendix A).

12. Site Description

10 Jetty Road is 1,090m² in area and has a northerly aspect with a gentle slope towards the coast. See Figure 5 below. It is within walking distance of the local shops. Access is via internal driveway off Jetty Road.



Figure 5: 12 and 10 Jetty Road in the foreground, both vacant, with clockwise from left, 6, 4 and 2 Jetty Road (provided by representor)

13. The Proposal – more details

The proposal is for a double-storey dwelling and a separate visitor accommodation unit with the layout shown in Figure 6 below.

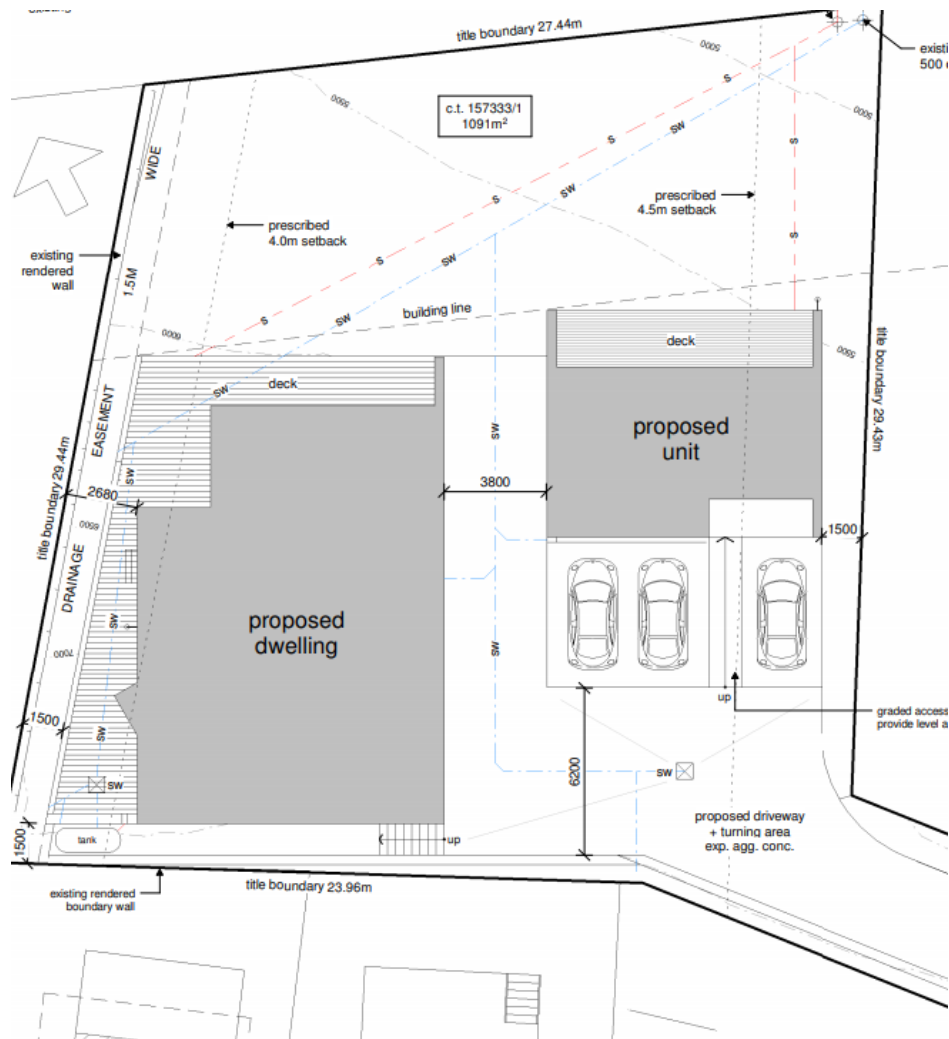


Figure 6 Site Plan showing the proposed dwelling and visitor accommodation unit (Application Drawings by Jennifer Binns Design)

The total proposed floor area is 373m². External materials are corrugated steel and fibre-cement sheeting. The corrugated steel (roof and walls) will be in Colorbond 'Monument' - a very dark grey. The fibre-cement sheeting will be unpainted.

The upper floor of the dwelling has a bedroom, ensuite, kitchen, living area and balcony. It can be accessed either via internal stairs or via a separate external entrance.

The lower floor has two bedrooms, kitchen, bathroom, living area, laundry and deck.

The unit has one bedroom, kitchen, bathroom, living area and deck.

The applicant was asked to clarify whether the upper level of the dwelling was in fact a separate dwelling. They advised that it will be used initially for private guest accommodation, but will be converted to bedrooms as the family grows. They stated that it is not a separate dwelling.

The existing concrete crossover from Jetty Road will be widened. The driveway will be exposed-aggregate concrete. There will be three car parking spaces. Two outside, one in a single-car garage. There will be space for on-site turning.

There will be a 1.5m cut and rendered blockwork retaining walls.

Stormwater will discharge by gravity to Council's reticulated system.

There will be signage for the visitor accommodation but no details were provided. Visitor Accommodation signage is normally dealt with via a condition in the permit.

14. Assessing the application under the Glamorgan Spring Bay Interim Planning Scheme 2015

The application must be assessed against the standards provided in:

- D1.0 General Residential Zone
- Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E15.0 Inundation Prone Areas Code
- E16.0 Coastal Erosion Hazard Code

15. D10.2 General Residential Zone – Use

A single dwelling is a 'No Permit Required' use in the General Residential Zone.

Visitor accommodation is a 'Permitted' use in the General Residential Zone.

16. General Residential Zone - Use Standards D10.3

There are three Use Standards in the General Residential Zone; only the first two are relevant to this application. These are assessed further below.

10.3.1 Non-Residential Use

10.3.2 Visitor Accommodation

10.3.3 Local Shop (not applicable)

General Residential Zone - Non-Residential Use (10.3.1)

The objective of this standard is 'to ensure that non-residential use does not unreasonably impact residential amenity'.

The table below provides the Acceptable Solutions and the planner's comments.

Acceptable Solutions	Planner's response
A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	Not applicable – the non-residential use is visitor accommodation.
A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAm _{ax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Noise from a one-bedroom visitor accommodation unit are unlikely to be any more than for standard residential use. The noise emission levels specified in the Acceptable Solution are more suited to other types of non-residential use that might be expected to cause more noise, such as a hotel. Noise levels from this visitor accommodation unit would be well below the levels specified. However, technically, there has been no measurement of noise levels so this will need to be assessed against the Performance Criterion.
A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	External lighting has not been specified in the application, however it is anticipated the residential use of the dwelling would indicate that lights would be baffled and turned off at night. This is often dealt with via condition on the permit.
A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.	There will be no commercial vehicle movements.

Summary: The Acceptable Standards for Non-Residential use are met except for A2 (measurement of noise levels).

General Residential Zone - Visitor Accommodation Use 10.3.2

To assess the proposal for Visitor Accommodation Use, we must step outside of the Planning Scheme.

The Minister for Planning issued Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes (PD6), in August 2018. PD6 replaces the Visitor Accommodation clauses contained in Interim Planning Schemes across the state.

Like the planning schemes, PD6 provides Objectives, Acceptable Solutions and Performance Criteria.

Objective of the Standard: That Visitor Accommodation: <ul style="list-style-type: none"> (a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way. 	
Acceptable Solutions	Response
A1 Visitor Accommodation must: <ul style="list-style-type: none"> (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m² per lot. 	A1 The proposal is to build a new visitor accommodation unit. Acceptable Solution A1(a) is not met and the proposal must satisfy the Performance Criterion P1 provided in Planning Directive No. 6 to be approved. A1(b) is met.
A2 Visitor Accommodation is not for a lot that is part of a strata scheme where another lot within that strata scheme is used for a residential use.	A2 Not applicable - this lot is not part of a strata scheme.

Summary: Acceptable Solution A1(a) is not met and the proposal will need to satisfy the Performance Criteria to be approved. A2 is not applicable.

The next sections return to the Planning Scheme.

17. General Residential Zone –Development Standards for Residential Buildings and Works

Residential Density for Multiple Dwellings (D10.4.1)

Not applicable.

Setbacks and building envelope for all dwellings (D10.4.2)

The objective of this standard is:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes
- (c) provide consistency in the apparent scale bulk, massing and proportion of dwellings and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. 	<p>Not applicable – 10 Jetty Road does not have a 'frontage'. It is an internal lot.</p>



<p>A2</p> <p>A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.</p>	<p>Not applicable – as above.</p>
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</p> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>See Figure 7 below and the subsequent discussion regarding assessing the proposal against A3(a).</p> <p>Acceptable Solution A3(a) is not met.</p> <p>Acceptable Solution A3(b) is met.</p>

The starting point for assessing the application against the building envelope in the General Residential Zone is Diagram 10.4.2D, replicated in Figure 7 below.

Diagram 10.4.2D. Building envelope for internal lots as required by subclause 10.4.2 A3(a)

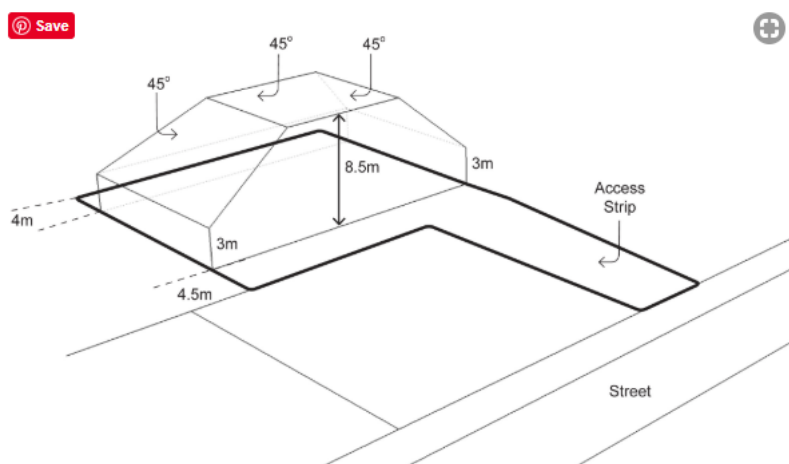


Figure 7: Diagram 10.4.2D showing the building envelope for an internal lot in the General Residential Zone (Glamorgan Spring Bay Interim Planning Scheme 2015).

Figure 8 below shows the proposed development in relation to the prescribed building envelope on the north (the foreshore) and south (4 and 6 Jetty Road) elevations. The red lines mark the building envelope.

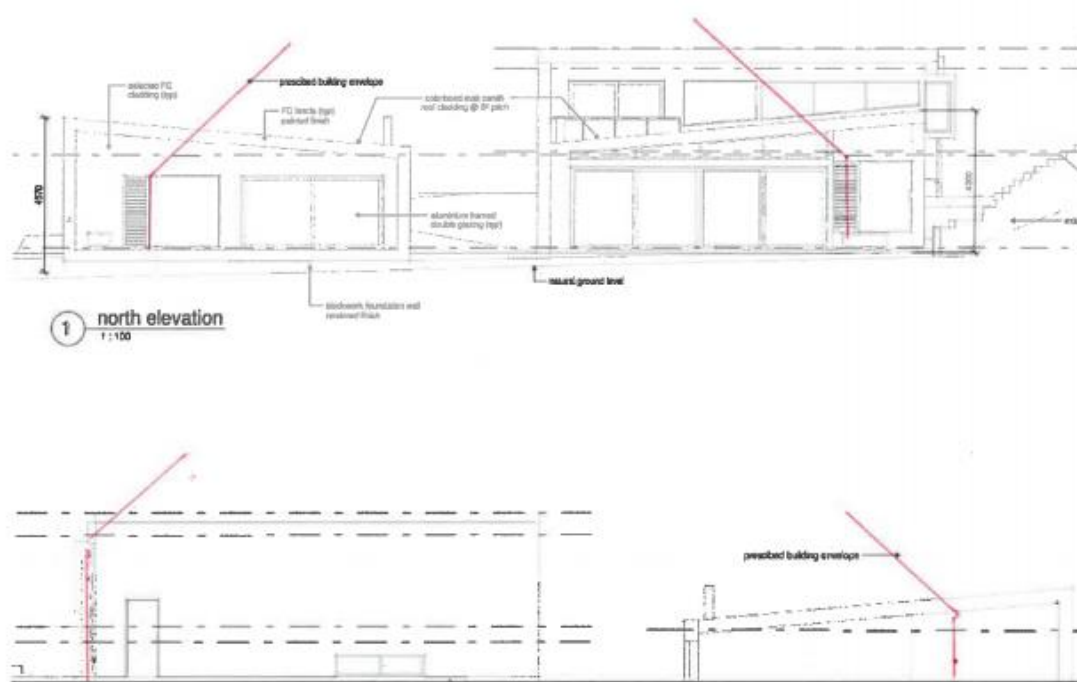


Figure 8: The north and south elevations of the proposal showing the building envelope in red.



The building envelope has several components. These include the front, side and rear setbacks, which form the outside edge of the three-dimensional building envelope. The table below will address the components in turn.

D10.4.2	Solutions	Planner's Assessment
Acceptable (abbreviated)		
A3 a dwelling ... must (a) be contained within a building envelope as shown in Diagram 10.4.2D (Figure 7 above).		A3(a) The proposal protrudes outside the building envelope on the north and south elevations. Figure 8 above shows the extent to which the proposed buildings extend outside the building envelope. The Acceptable Solution is not met
a dwelling ... must (a)(i) Be setback at least 4.5m from the rear boundary of a lot with an adjoining frontage		A3(a)(i) The proposed visitor accommodation unit is set back 1.5m from the rear boundary of number 12 Jetty Road. The Acceptable Solution is not met.
a dwelling ... must (a)(ii) Be set back at least 4m from its own rear boundary		A3(a)(ii) The proposed dwelling is set back 2.7m from its rear boundary. The Acceptable Solution is not met.
a dwelling ... must (a)(ii) Have a maximum height of 8.5m above natural ground level		The maximum height of the dwelling is around 4.1m above natural ground level. The Acceptable Solution is met.
a dwelling ... must (b) Only be within 1.5m of a side boundary under certain conditions...		A3(b) No part of the proposal is within 1.5m of the side boundaries. The Acceptable Solution is met.

Summary: Acceptable Solutions D10.4.2 A3(a), A3(a)(i) and A3(a)(ii) are not met. The proposal will need to satisfy the Performance Criteria to be approved.

Site coverage and private open space (D10.4.3)

The objective of the standard is to provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight

Acceptable Solutions	Assessment
<p>A1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces. 	<p>A1</p> <p>(a) The site is 1,091m² and the footprint of the proposed buildings is 297m². This is 27% of the site.</p> <p>Acceptable Solution D10.4.2 A1 is met.</p> <p>(b) Not applicable – for multiple dwellings</p> <p>(c) Approximately 636m² or 45% of the site will be impervious when including the driveway, leaving 55% free from impervious surfaces.</p> <p>The Acceptable Solution is met.</p>



<p>A2</p> <p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24 m²; or</p> <p>(ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4 m; or</p> <p>(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>A2</p> <p>(a)(i) Both buildings are 4-4.5m from the foreshore boundary, which provides a generous expanse of open space to each. They have decks that will provide private open space before leading down onto the grassed area and the foreshore. A2 (a)(i) is met.</p> <p>(a)(ii) – not applicable.</p> <p>(b)(i) the large expanse of space provided to each dwelling exceeds the minimum horizontal dimension requirement.</p> <p>(b)(ii) is met</p> <p>(b)(ii) not applicable</p> <p>(c) both areas of private open space are directly accessible from and adjacent to the living areas. The Acceptable Solution is met.</p> <p>(d) the private open space is located to the north of each dwelling. The Acceptable Solution is met.</p> <p>(e) not applicable</p> <p>(f) the site slopes gently</p> <p>(g) the open space will not be used for vehicle access or parking.</p> <p>The applicable Acceptable Solutions are met.</p>
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Summary: all the applicable Acceptable Solutions of D10.4.3 are met.

Sunlight and overshadowing for all dwellings (D10.4.4)

The objective of this standard is to provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.



D10.4.4 Acceptable Solutions	Planner's assessment
A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Both dwellings have living areas that face north. The Acceptable Solution is met.
A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):...	Not applicable
A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Not applicable

Summary: the applicable Acceptable Solutions of D10.4.4 are met.

Width of openings for garages and carports (D10.4.5)

This clause relates to primary frontages and is not applicable in this case.

Privacy for all dwellings (D10.4.6)

This objective of the standard is to provide reasonable opportunity for privacy for dwellings.

Acceptable Solutions	Assessment
<p>A1</p> <p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	<p>A1</p> <p>Only the upstairs balcony of the dwelling is more than 1m above ground level. It is set back more than 4m from the boundaries with 2 Jetty Road and 12 Jetty Road.</p> <p>The Acceptable Solution is met.</p>
<p>A2</p> <p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space 	<p>A2</p> <p>The second storey of the main dwelling has a floor level higher than 1m above natural ground level.</p> <p>Glazed areas in the western elevation of the proposed dwelling would have the potential to overlook the open space of 2 Jetty Road.</p> <p>In that elevation, there are two windows:</p> <ul style="list-style-type: none"> - A small window to the internal staircase, which is not a habitable room. - A bedroom window, which is a habitable room. However, this window is



<p>of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling, or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level, or</p> <p>(iii) is to have a permanently-fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p><i>'popped out' so that it looks north-west to the view rather than west to the neighbours' private open space.</i></p> <p>The Acceptable Solution is met.</p>
<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of ...:</p>	<p>A3</p> <p>Not applicable</p>

Summary: all the applicable Acceptable Solutions of D10.4.6 are met.

Frontage fences for all dwellings (D10.4.7)

Not applicable – there is no frontage.

Waste Storage for Multiple Dwellings (D10.4.8)

Not applicable – not for multiple dwellings.

18. Summary of the assessment against the Acceptable Solutions for the General Residential Zone in the Interim Planning Scheme and Planning Directive No. 6.

There are four standards so far where the application does not meet the Acceptable Solutions:

3. D10.3.1 A2 (non-residential noise levels)
4. PD6 A1(a) (short-stay guests to be accommodated in existing buildings)
5. D10.4.2 A3(a)(i) (building envelope and setback from the rear boundary of a lot with an adjoining frontage)
6. D10.4.2 A3(a)(ii) (building envelope and rear boundary setback)

The next section will assess the application against the relevant codes:

- Road and Railway Assets

- Parking and Access
- Stormwater Management
- Inundation-Prone Areas
- Coastal Erosion Hazard Areas

19. Road and Railway Assets Code

E5.5 Use Standards

E5.5.1 A3 requires that the average daily traffic of vehicle movements to and from a site using an existing access or junction in an area subject to a speed limit of 60kp/h or less, must not increase by more than 20%, or 40 vehicle movements per day, whichever is the greater.

The engineering report notes that traffic generation would be in the order of 10 Annual Average Daily Traffic (AADT) for the dwelling and less for the visitor accommodation unit. This number of trips is well within the allowed traffic increase.

The Acceptable Solution is met.

E5.5 Development Standards

These standards relate to development that is adjacent to Category 1 or 2 roads or the rail network and does not apply to this application.

20. Parking and Access Code

E6.6 Use Standards

E6.6.1 requires that a single dwelling with more than two bedrooms must have two car parking spaces, and a visitor accommodation unit must have one space.

The application notes in some places that the proposal is for four car parks, and in others that it is three car parks and a turning bay.

Summary: for a single dwelling (requiring two parks) and a visitor accommodation unit (requiring one park), the Acceptable Solution is met.

E6.7 Development Standards

E6.7.1 Number of Vehicular Accesses: A1 requires that the number of vehicle access points for each road frontage must be no more than 1. The proposal has one access point and meets the Acceptable Solution.

E6.7.2 Design of Vehicular Accesses: A1 requires that the design of vehicle access points must comply with AS/NZS 2890.1. This is generally dealt with by condition on the permit.

E6.7.3 Vehicular Passing Areas: Not required – the access is 29.4m from the boundary to the first car parking space.

E6.7.4 On-site Turning: Not required but turning is available under the scenario of three car parks and a turning bay.

E6.7.5 Layout of parking areas: A1 requires layout to comply with AS/NZS 2890.1. This is normally dealt with via a condition on the permit.

E6.7.6 Surface Treatment of Parking Areas: The proposal is a concrete (exposed aggregate) driveway. The Acceptable Solution is met.

E6.7.7 – E6.7.13 are not applicable.

E6.7.14 Access to a Road: A1 requires that access to a road must be in accordance with the requirements of the road authority (Council). The existing access was created as part of the original subdivision and the access at the time was installed to council standards. The Acceptable Solution is met.

Summary: all the Acceptable Solutions of E6.7 are met.

21. Stormwater Management Code

E7.7 Development Standards

E7.7.1 A1 requires that stormwater from new impervious surfaces be disposed of by gravity to public stormwater infrastructure. The Acceptable Solution is met.

E7.7.1 A2 - A4 are not applicable in this situation.

Summary: the Acceptable Solution under E7.7 is met.

22. Inundation-Prone Areas Code

E15.7 Development Standards for Buildings and Works

There is a coastal inundation overlay over the site and surrounding blocks, as seen highlighted in light brown in Figure 9 below.

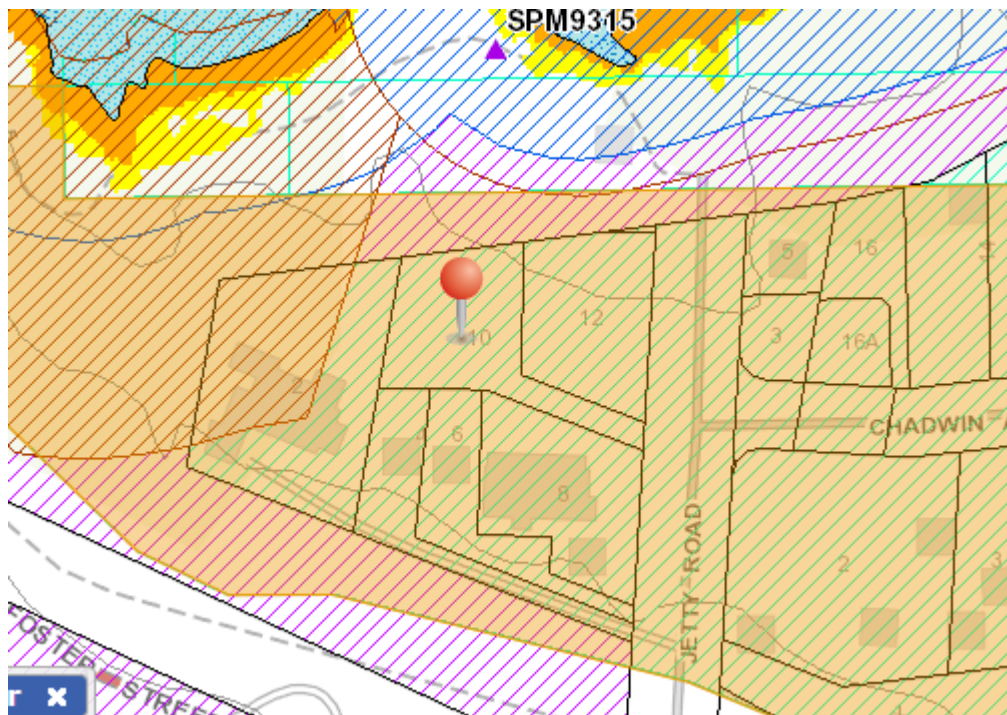


Figure 9: The Coastal Inundation Hazard Area shown in light brown shading (LISTmap).

The specific heights above sea level have are not available. The Inundation-Prone layer is applied to all land that falls below the 10m contour. LiDAR mapping¹, which would provide specific height measurements, has not been undertaken.

However, the 10m and 5m contours are visible, as shown in Figure 9 above. The 5m contour passes through the north-eastern corner of 10 Jetty Road. Hence most of the lot, while below the 10m contour, is above the 5m contour.

The planning scheme (Table E15.1) contains modelled inundation scenarios for the townships of the municipality and specifies the heights above sea level that result a lot being classified as low, medium or high risk.

For Bicheno, a height above sea level any more than 2.2m is considered low risk.

E15.7.3 (Coastal Inundation for Low Hazard Areas). A1 requires a new habitable building to have a floor level no lower than the minimum level for it to be considered 'low risk' as specified in the Table mentioned above. As discussed, most of the site is above

¹ LiDAR is a surveying method that measures distance to a target by illuminating the target with laser light and measuring the reflected light with a sensor. Differences in laser return times and wavelengths can then be used to make digital 3-D representations of the target (Wikipedia).

5m. While there is a 1.5m deep cut proposed as part of the build, the floor level will remain more than 2.2m above sea level.

Summary: The Acceptable Solution is met.

23. Coastal Erosion Hazard Code – Development Standards E16.7

The Coastal Erosion Hazard overlay on 10 Jetty Road, is classified as 'acceptable risk' and covers the site as seen in the light brown highlight in Figure 10 below.

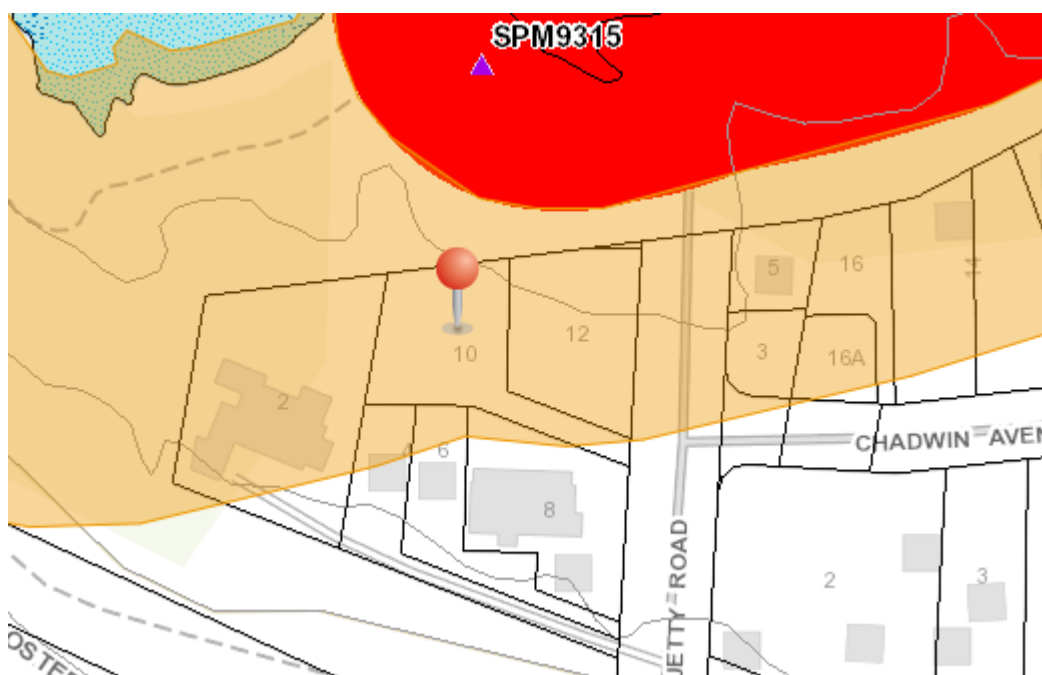


Figure 10: The area highlighted in brown is the Coastal Erosion Hazard Area overlay (acceptable risk). The red is high risk (LISTmap)

The Coastal Erosion Hazard Code E16.7.1 provides no Acceptable Solution for buildings and works in a coastal erosion hazard area. The proposal must satisfy the Performance Criteria to be approved.

24. Summary of assessment against the Acceptable Solutions provided by the planning scheme and Planning Directive No. 6.

The proposal meets the Acceptable Solutions, with the exception of:

1. D10.3.1 (non-residential noise)
2. PD6 A1(a) (short-stay guests to be accommodated in existing buildings)
3. D10.4.2 A3(a)(i) (building envelope and setback from the rear boundary of a lot with an adjoining frontage)
4. D10.4.2 A3(a)(ii) (building envelope and rear boundary setback)
5. E16.7.1 (there is no Acceptable Solution provided in the planning scheme for development in Coastal Erosion Hazard areas)

The Planning Authority now must exercise its discretion and assess the proposal against the Performance Criteria provided for the above five standards. This will be worked through below and recommendations made. The Performance Criteria are provided in the left hand column. The Planner's responses in the right-hand column.

25. Discretion 1 – General Residential Zone Non-Residential Use (D10.3.1 A2)

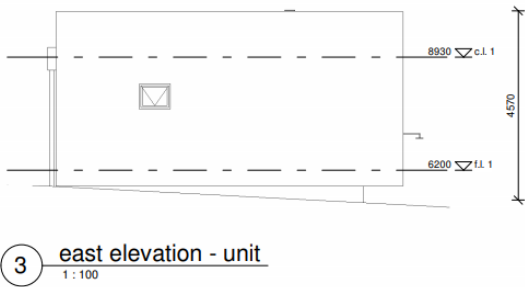
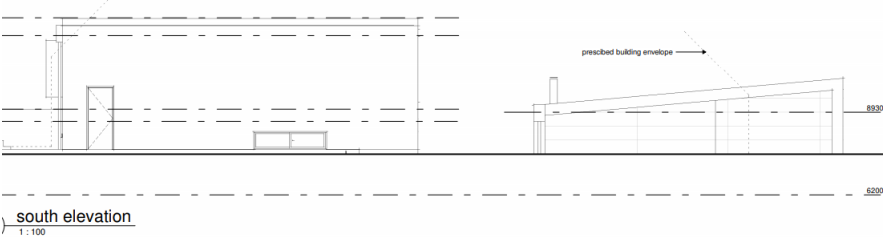
P2	
Noise emissions measured at the boundary of the site must not cause environmental harm.	Noise from a one-bedroom visitor accommodation unit are unlikely to be any more than for standard residential use. Noise levels from a one-bedroom visitor accommodation unit would be very unlikely to cause environmental harm. The Performance Criterion is considered satisfied.


Recommendation: the proposal is considered to satisfy all the Performance Criterion.

26. Discretion 2 – PD6 A1: visitor accommodation must be accommodated in existing habitable buildings

The proposal is to construct a visitor accommodation unit rather than accommodating guest in existing habitable buildings. The proposal must satisfy the Performance Criteria provided by P1 to be approved. The planner's response is in the right hand column.

P1	
Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:	
(a) the privacy of adjoining properties;	<p>Four properties adjoin 10 Jetty Road: 2, 4, 6 and 12 Jetty Road (see Figure 2).</p> <p>2 Jetty Road: The proposed visitor accommodation unit is on the eastern side of the lot and will not impact the privacy of 2 Jetty Road, which is to the west.</p> <p>12 Jetty Road: The visitor accommodation unit is only 1.5m from the rear boundary of 12 Jetty Road. However, there is only a toilet window in that eastern elevation as shown below. It will not impact on the privacy of 12 Jetty Road.</p>

	 <p>4 and 6 Jetty Road: there are no windows in the southern elevation that will impact on the privacy of the properties to the south as shown below.</p>  <p>The Performance Criterion is considered satisfied.</p>
<p>(b)</p> <p>any likely increase in noise to adjoining properties;</p>	<p>It is unlikely there will be an issue with noise. It is a one-bedroom unit, with a concrete driveway and the owners will be living in the dwelling and able to deal with any issues. A condition would be placed on the permit to ensure this.</p> <p>The Performance Criterion is considered satisfied.</p>
<p>(c)</p> <p>the scale of the use and its compatibility with the surrounding character and uses within the area;</p>	<p>The surrounding area is an enclave of around 27 residential properties and, other than the surf club close to the beach, is entirely residential. The proposal is entirely consistent with that. Under Planning Directive No. 6, any of the surrounding properties could be used for visitor accommodation (with a permit) and are likely to be operating at least part of the time as visitor accommodation already. The visitor accommodation unit is compatible with those existing uses.</p> <p>Lot sizes in the area range from as large as 2400m² (2 Chadwin Avenue) to as small as 296m² (3 Chadwin Avenue). The amount of land per dwelling of the subject proposal is consistent with that range of area per dwelling in the area and would provide no more and no less than that already existing in the area. An aerial demonstrates the range in lot size.</p>


	 <p>The character of the area is of relaxed, beach and holiday. It is a popular beach area and home to the surf club. The dwelling and visitor accommodation unit would be entirely consistent with that character.</p> <p>The Performance Criterion is considered satisfied.</p>
<p>(d)</p> <p>retaining the primary residential function of an area;</p>	<p>The main dwelling remains residential, the single visitor accommodation unit is ancillary to that use and is unlikely to disrupt the primary residential function of the surrounding dwellings.</p> <p>The Performance Criterion is considered satisfied.</p>
<p>(e)</p> <p>the impact on the safety and efficiency of the local road network; and</p>	<p>There is unlikely to be any negative impact on the safety and efficiency of the road network. A turning area has been provided and vehicles will be able to exit in a forward fashion in a 50kp/h zone. This will be discussed more in the section on Parking and Access.</p> <p>The Performance Criterion is considered satisfied.</p>
<p>(f)</p> <p>any impact on the owners and users rights of way.</p>	<p>The lot has does not share a right of way with any other lots. The driveway is just less than 30m in length and the apron and crossover will be widened, which will enable vehicles to pass.</p> <p>The Performance Criterion is considered satisfied.</p>

Recommendation: the proposal is considered to satisfy the Performance Criterion PD6 P1.

27. Discretions 3, 4 and 5 – D10.4.2 Setbacks and building envelope

Because the proposed dwellings are set back significantly less than the setbacks prescribed in the Acceptable Solution, they protrude outside the building envelope on

two elevations (north and south). The proposal must satisfy the Performance Criteria at P3 to be approved².

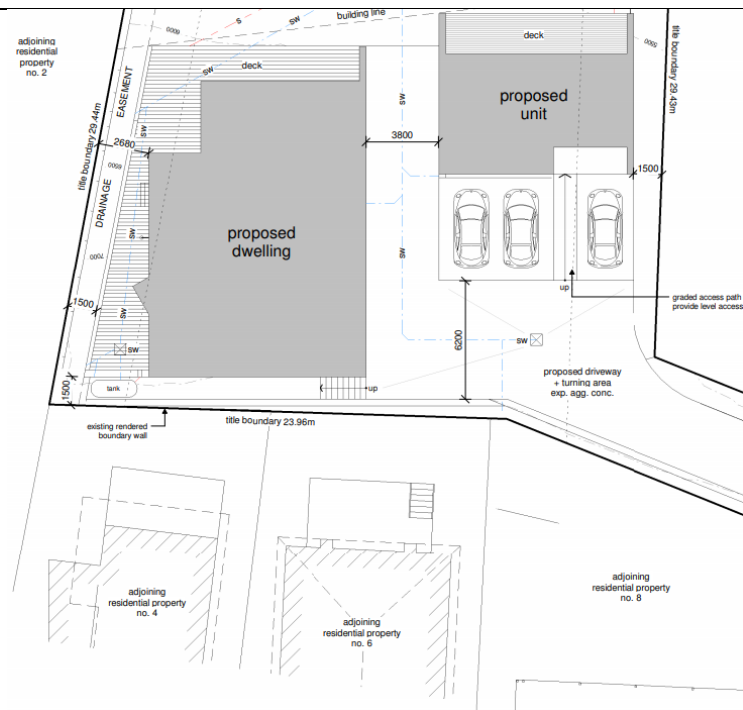
P3	
The siting and scale of a dwelling must:	
(a) not cause unreasonable loss of amenity by:	
(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot	<p>Shadow diagrams provided with the application show various types of shadow. Please refer to drawings a11-a17 in the application documentation attached throughout this discussion.</p> <p><u>2 Jetty Road</u>: there will be no reduction in sunlight to habitable rooms of 2 Jetty Road. The PC is considered satisfied.</p> <p><u>12 Jetty Road</u>: there will be no reduction in sunlight to habitable rooms of 12 Jetty Road. The PC is considered satisfied.</p> <p><u>4 Jetty Road</u>: is the black double-storey dwelling shown on the right in the photo below. There is an upstairs balcony around 2.8m high off the lounge room (DA 2015/015). Below that is the master bedroom. The shadow diagrams indicate that the upstairs living area will not be impacted by an unreasonable reduction in sunlight. The PC is considered satisfied.</p>  <p><u>6 Jetty Road</u>: the single-storey dwelling on the left. The living areas open to the deck, which is approximately 960mm at its highest (eastern) end from natural ground level (DA 2016/132). Refer to drawings a13 and a14 showing the 'extent of overshadowing beyond existing shadow' in teal.</p> <p>These drawings indicate the habitable rooms of number 4 should not be impacted by a reduction in sunlight until around 3pm at the winter solstice. This is not considered an unreasonable loss of amenity.</p> <p>The Performance Criterion is considered satisfied.</p>
(ii) overshadowing the private open space ³ of a	<p><u>2 Jetty Road</u>: drawing a13 shows there will be slight and acceptable overshadowing of ground from 9 to 10 am. This is not an unreasonable loss of amenity. The Performance Criterion is considered satisfied.</p>

² These responses are based on the shadow diagrams provided with the application. Specifically, drawings a13 – a17.

³ In the planning scheme, private open space is defined as 'an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling'.

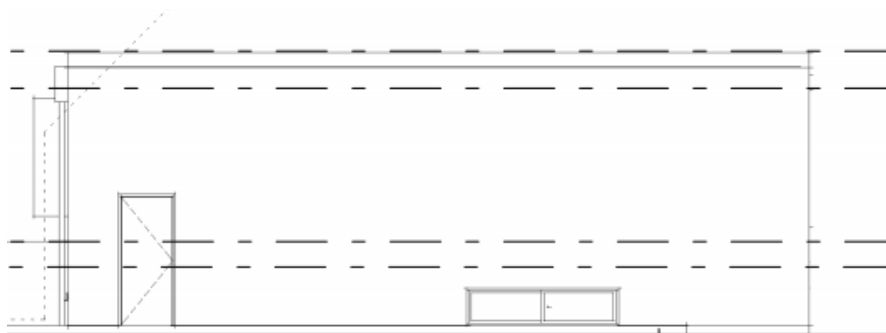


dwelling on an adjoining lot	<p><u>12 Jetty Road</u>: not applicable - there is no existing dwelling.</p> <p><u>4 Jetty Road</u>: According to DA2015 / 015, the upstairs balcony of number 4 provides 35m² of private open space off the living area and, as discussed, this area will not be overshadowed. However, drawings a13 and a15 indicate that the garden area between the downstairs bedroom and the boundary with number 10, which is the only area facing north, will be impacted from sunrise until around 2pm, at which time the shade will swing across to number 6, and then it will be shaded again from lengthening shadows at 4pm. The entire north-facing garden area, and possibly the paved area outside the master bedroom, would receive only two hours of late afternoon sun at the winter solstice. At the current time, 4 Jetty Road would be receiving all day sun. This is not considered to be a reasonable reduction in amenity. The Performance Criterion is not considered satisfied.</p> <p><u>6 Jetty Road</u>: The private open space of this single-storey dwelling consists of a 15m² deck (not including steps) off the main living area, leading to a north-facing garden area of around 44m² (DA 2016/132). Drawings a13 and a14 indicate that this area will receive sunlight at the winter solstice from sunrise at around 7.40am until around 11.30am when the shade starts to cross. It is in full shadow from around 1.30pm. Because the area will receive around four hours sunlight from sunrise and then gradually reducing sunlight for another two hours, this PC is considered satisfied.</p>
(iii) overshadowing of an adjoining vacant lot; or	<p>The vacant lot at 12 Jetty Road will receive full sunlight until around 2-3 pm when overshadowing will start to move across the western part of the lot. The lot is large enough to provide areas that will remain in full sun.</p> <p>The PC is considered satisfied.</p>
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and	<p>The proposed dwelling, and not the unit, will have most visual impact on dwellings on the adjoining properties at 4 and 6 Jetty Road. Drawing a03, replicated below, shows the relationships between the three dwellings.</p>



This discussion focusses on the impact of the proposed dwelling on 4 and 6 Jetty Road.

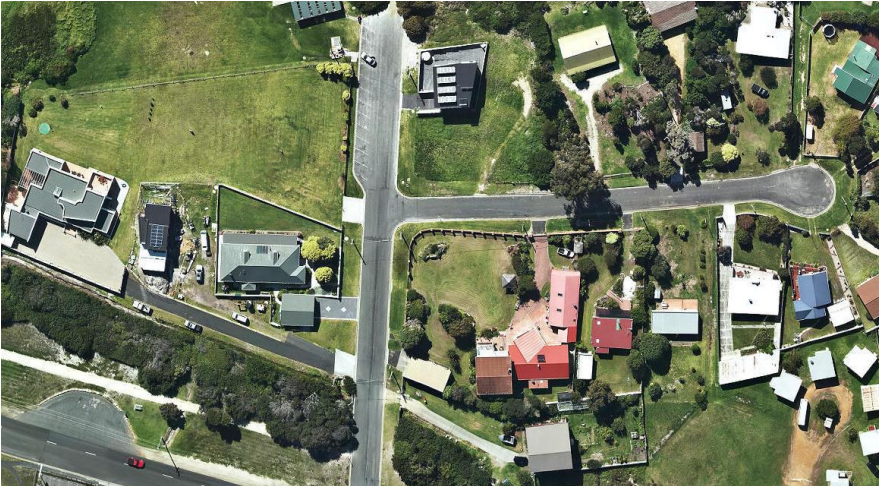
The south elevation of the dwelling – facing numbers 4 and 6 – is shown below (part of application drawing a07). The wall is 10.96m long and 4.1–4.8m high (see discussion below).



It is difficult to ascertain the exact height of the proposal above natural ground of the southern face of the proposed dwelling. The application drawings indicate a cut of 1.5m and a height above that of around 4.1m. A late addition from one of the representors⁴ argues that what is taken to be natural ground level at that point, is in fact part of a man-made embankment and is not natural ground level. If this is conceded, it adds 680mm to the height of the southern elevation. The email and modified elevations are provided at Appendix D.

Apparent scale: Either way, numbers 4 and 6 will look out onto an expanse of wall that is 10.96m long, at least 4.1m high and located 1.5m from the boundary towards which they are oriented.

⁴ A late representation may be taken into account, but the representor may not have appeal rights.

	<p>Lots 4 and 6 Jetty Road are each 11.4m wide. The wall to which they would look is 11m wide. This is only 44cm less than the entire width of each of numbers 4 and 6. So for numbers 4 and 6, the scale wall will appear even larger because it is so proportionally greater than their own lot sizes.</p> <p>Apparent bulk: The 11m long x 4.1m-high wall is a solid block providing no relief in terms of shape, gradations, inflection or size. None of the 3D drawings, which could have provided a better 'visual', (drawings a08, a11 and a12) portray this elevation as would be seen from 4 and 6 Jetty Road. They are provided for the other three elevations.</p> <p>Because it is situated only 1.5m from its boundary, the wall will appear even more bulky than it already is. The proximity of the wall to its rear neighbours will greatly increase the apparent bulk when seen from those adjoining lots.</p> <p>The dwelling on number 4 is only 6.4m wide and that of number 6 is only 6.95m wide. The proposed wall is only 2.4m less than the total combined widths of both dwellings at 4 and 6.</p> <p>Both 4 and 6 are located upslope from number 10 and are set back 3 and 4m respectively. This will mitigate the visual impact to some degree but is not considered enough to mitigate the visual impact. The upstairs section of number 4 will not be impacted as much as its lower level. Number 6, being single-storey, will be severely impacted.</p> <p>The proposal is not considered to satisfy the Performance Criterion.</p>
<p>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</p>	<p>There is a range of lots sizes in the area, and therefore the separation between dwellings varies. Many of the lots remain generous and provide for green space and separation between dwellings, as shown below.</p> <p>Smaller lots such as 4 and 6 Jetty Road and 3 and 17 Chadwin Avenue provide less separation between dwellings.</p> <p>It is considered that the prevailing separation between dwellings in the area remains in the main generous but there are several instances where it is reduced and it is considered the proposal satisfies the Performance Criterion.</p> 

Recommendation: the proposal does not satisfy the performance criteria P3 a(ii) and a(iv). It is likely to cause an unreasonable loss of amenity by overshadowing the private open space of 4 Jetty Road, and an unreasonable visual impact by its scale, bulk and proportions when viewed from both 4 and 6 Jetty Road.

28. Discretion 5 – E16.7.1 Buildings and Works in Coastal Erosion Hazard Areas

The Planning Scheme does not provide an Acceptable solution for development in a Coastal Erosion Hazard area. Development must satisfy the Performance Criteria listed under P1, as listed below.

Performance Criteria	Planner's response
P1 Buildings and works must satisfy all of the following:	
(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;	(a) The proposed development lies midway between the 10m contour and the 5m contour. It will not increase risk to life of users of the site and will have no impact on adjoining properties or public infrastructure.
(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;	(b) Both dwellings are situated towards the rear and higher section of the lot, mitigating any potential risk of wave run-up.
(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;	(c) there is no perceived need for mitigation measures
(d) need for future remediation works is minimised;	(d) There is no perceived need for remediation works.
(e) health and safety of people is not placed at risk; (f) important natural features are adequately protected; (g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist; (h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site; (i) provision of a developer contribution for required mitigation works consistent	(e)-(i) Health and safety of people is not placed at risk, the site is already cleared, there is no obstruction of public foreshore access, access to the site is on the high side of the site and is unlikely to be lost. There is no perceived for a developer contribution to mitigation works.

with any adopted Council Policy, prior to commencement of works;	
(j) not be located on an actively mobile landform.	(j) the site is not on a sand dune and the area is not considered to be an actively mobile landform.

Recommendation: the proposal is considered to satisfy the Performance Criteria.

29. Referrals

TasWater has provided conditions for a permit.

Council's Engineering Consultant has provided a report with responses to the Road and Railway Assets, Parking and Access, and Stormwater Management provisions. This is attached at Appendix F.

30. Concerns raised by representors

The following table summarises the issues raised in the representations received and the Planning responses to those. The full representations are provided under separate cover.

Representations	Responses
Rep 1 discusses the restrictive covenant on the title and states that they do not propose to address the application by reference to the various acceptable solutions and performance criteria for the general residential zone in the Glamorgan Spring Bay Interim Planning Scheme 2015.	Council, when acting as the Planning Authority must ignore extraneous matters even where it, as a Council pursuant to the Local Government Act 1993, has an interest that may be affected. See the attached legal advice.
Rep 2 was also raises the covenant issue. Other issues are: <ul style="list-style-type: none"> - The visitor accommodation unit will create extra traffic and noise - The owners intend to change the original plans after they get this planning approval and will convert the upper level of the dwelling also to a visitor accommodation use. Resultant issues include: <ul style="list-style-type: none"> - Jetty Road also leads to the surf club and has children walking up and down the street - Extra parking in the street is proposed - The blocks were originally set aside under the previous planning scheme for public recreation never to be built on - May seriously reduce the value of their property 	<p>The proposed development will increase traffic from what it currently is, however, the lot is zoned General Residential and available for residential use (no permit required) and Visitor Accommodation use (permitted) and expectations for traffic generation would have been considered at the subdivision stage.</p> <p>The applicant has advised that there is no intention of using the upstairs self-contained unit for anything other than private use.</p> <p>This year Council constructed a concrete footpath down the right-hand side of Jetty Road. Pedestrians and children should use the footpath.</p> <p>The application does not propose extra parking in Jetty Road.</p>



	<p>Council can only consider the situation under the current planning scheme and the status of the lot as General Residential.</p> <p>Impact on property value is not an issue dealt with under the planning scheme.</p>
<p>Rep 3 raises the following issues:</p> <ul style="list-style-type: none">- Overshadowing of the only north-facing outdoor leisure area of 6 Jetty Road- Energy efficiency: the existing house has been designed to utilise the sun for natural heating and this will be compromised by overshadowing- Visual impact: the height of the proposed dwelling and proximity to the boundary will have a massive visual impact- Over development: the need to include a separate unit to justify the build has resulted in encroaching on the neighbours' amenity- The self-contained unit on the upper level will be used for separate accommodation- Impacts will include increased traffic, noise, lighting and parking.	<p>The assessment has found that there will be overshadowing of the private open space of 6 Jetty Road, it is considered that the amount of overshadowing is not unreasonable.</p> <p>Agreed - visual impact on 4 and 6 Jetty road has been noted in the report.</p> <p>The engineering report states that traffic generation would be well within the NSW RTA Guide to Traffic Generating Developments, which are commonly used for this sort of assessment across the country.</p> <p>The applicants have stated that upstairs will not be used for separate accommodation. The residence is a single dwelling.</p> <p>Parking is provided on site. Vehicle noise will be reduced by a concrete driveway rather than gravel, lighting is expected to be in line with general residential use, as is noise.</p>
<p>Rep 4 raises the issue of the covenants and also:</p> <ul style="list-style-type: none">- The proposed dwelling exceeds the building envelope and fails to meet setback requirements- Overshadowing of the private open space of three adjoining lots- Unreasonable loss of amenity due to visual bulk when viewed from 4, 6 and 8 Jetty Road- Failure to provide separation between dwellings on adjoining lots and that is compatible with the surrounding area	<p>Agreed – the proposed dwelling exceeds the building envelope and fails to meet setback requirements</p> <p>Partly agreed – there will be overshadowing of the private open space in the form of the garden and leisure area of lot 4 causing unreasonable loss of amenity.</p> <p>Partly agreed – lots 4 and 6 will be unreasonably impacted by visual bulk</p> <p>There is a variety of lot sizes and hence separation of dwellings in the area. The proposal is considered to be compatible with those.</p>

31. Conclusion

The application does not satisfy all the relevant standards in the Glamorgan Spring Bay Interim Planning Scheme 2015 and is recommended for refusal on the basis of not satisfying overshadowing private open space and visual impact standards.

The applicant provided a response to the previous Council report. This was not part of the notified application documents and cannot form part of the assessment process.

An amended application addressing the issues of overshadowing and visual impact and may be more favourably considered.

32. Recommendation

That:

- A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the Glamorgan Spring Bay Interim Planning Scheme 2015, and Planning Directive No. 6, development application DA 2019 / 265 to construct a two-storey dwelling plus visitor accommodation unit at 10 Jetty Road, Bicheno (CT 157333/1) be refused on the basis that it does not satisfy the Performance Criteria:
- D10.4.2 P3 (a)(ii) – overshadowing the private open space of a dwelling on an adjoining lot (4 Jetty Road)
 - D10.4.3 P3 (a)(iv) – visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot (4 Jetty Road and 6 Jetty Road).



Attachment A – Legal advice on restrictive covenants



11 December 2019

Ms Robyn Bevilacqua
Graduate Planner
Glamorgan Spring Bay Council
PO Box 6
TRIABUNNA TAS 7190

By Email: planning@freycinet.tas.gov.au

Dear Robyn,

REQUEST FOR ADVICE – RELEVANCE OF RESTRICTIVE COVENANTS ON THE ASSESSMENT OF DEVELOPMENT APPLICATIONS

Thank you for your instructions in this matter.

By email dated 3 December 2019 you requested that advice be provided to Glamorgan Spring Bay Council ("Council") in relation to the relevance of a restrictive covenant in the process of assessing a development application pursuant to the *Land Use Planning and Approval Act* 1993.

This request for advice arises as a result of a development application DA-2019-265 for 10 Jetty Road, Bicheno. Two representations were received by Council specifically addressing the presence of a restrictive covenant and the applicant has provided a response to those representations.

A. SUMMARY OF ADVICE

- Restrictive covenants do not form part of the statutory land use planning and development system in Tasmania.
- The existence or otherwise of a restrictive covenant is not a matter that ought to be taken into account by Council when acting as the planning authority in assessing a development application pursuant to the *Land Use Planning and Approval Act* 1993.

**A+C Management Services
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Attachment B – Schedule of Easements (showing covenants)

<p>the List</p>	<p>SCHEDULE OF EASEMENTS DEPUTY RECORDER OF TITLES <i>Issued Pursuant to the Land Titles Act 1980</i></p>	 <p>Registered Number SP 157333</p>				
<p>SCHEDULE OF EASEMENTS</p> <p>NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>						
<p>PAGE 1 OF 3 PAGES</p>						
<p><u>EASEMENTS AND PROFITS</u></p> <p>Each lot on the plan is together with:-</p> <p>(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and</p> <p>(2) any easements or profits a prendre described hereunder.</p> <p>Each lot on the plan is subject to:-</p> <p>(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and</p> <p>(2) any easements or profits a prendre described hereunder.</p> <p>The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.</p> <p><u>Covenants</u></p> <p>1. The owners of lots 1 & 2 on the plan covenant with Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenantors lot and every part thereof and that the benefit thereof may devolve with Glamorgan Spring Bay Council to observe the following stipulations-</p> <p style="margin-left: 40px;">1. Not to erect a building or structure on such lot north of the line marked "E-F" on the plan if such building or structure requires approval under a planning scheme governing the land at the time such building or structure may be erected (a building or structure that includes a roof or a wall will require planning scheme approval)</p> <p>2. The owner of lot 1 on the plan covenants with Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenantors lot and every part thereof and that the benefit thereof may devolve with Glamorgan Spring Bay Council to observe the following stipulations-</p> <p style="margin-left: 40px;">1. Not to erect a building or structure on the lot south of the line marked "E-F" on the plan with a height of more than 4.00 metres above natural ground level</p> <p>3. The owner of lot 2 on the plan covenants with Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenantors lot and every part thereof and that the benefit thereof may devolve with Glamorgan Spring Bay Council to observe the following stipulations-</p> <p style="text-align: center;">(USE ANNEXURE PAGES FOR CONTINUATION)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p>SUBDIVIDER: D C & E A ROWNTREE FOLIO REF: 142397/1 SOLICITOR & REFERENCE: RAE & PARTNERS</p> </td> <td style="width: 50%; padding: 5px;"> <p>PLAN SEALED BY: GLAMORGAN SPRING BAY COUNCIL DATE: 3/6/09 SU06029 REF NO.</p> </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> <p>NOTE: The Council Delegate must sign the Certificate for the purposes of identification.</p> </td> </tr> </table>			<p>SUBDIVIDER: D C & E A ROWNTREE FOLIO REF: 142397/1 SOLICITOR & REFERENCE: RAE & PARTNERS</p>	<p>PLAN SEALED BY: GLAMORGAN SPRING BAY COUNCIL DATE: 3/6/09 SU06029 REF NO.</p>	<p>NOTE: The Council Delegate must sign the Certificate for the purposes of identification.</p>	
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Department of Primary Industries, Parks, Water and Environment www.thelist.tas.gov.au



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 3 PAGES	Registered Number SP 157333
SUBDIVIDER: D C & E A ROWNTREE FOLIO REFERENCE: 142397/1	

1. Not to erect a building or structure on the lot between the lines marked "E-F" and "G-H" on the plan with a height of more than 4.00 metres above natural ground level
2. Not to erect a building or structure on the lot south of the line marked "G-H" on the plan with a height of more than 5.00 metres above natural ground level

4. The owners of lots 1 & 2 on the plan covenant with Glamorgan Spring Bay Council to the intent that the burden of this covenant may run with and bind the covenantors lot and every part thereof and that the benefit thereof may devolve with Glamorgan Spring Bay Council to observe the following stipulations-

1. Not to erect a building or structure on such lot unless the building or structure-
 - (a) minimises overlooking the adjacent public foreshore area to the north; and
 - (b) minimises visual impact from the adjacent public foreshore area to the north; and
 - (c) is constructed with materials coloured in muted tones that blend with the surrounding environment

Fencing provision

In respect to the lots on the plan the vendor (David Clark Rowntree and Elizabeth Anne Rowntree) shall not be required to fence

Fencing covenant

~~The owners of lots 1 & 21 are subject to the fencing covenant created by and set forth in Sealed Plan 142397~~

D C Rowntree:
 E A Rowntree:

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



<p>ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p>PAGE 3 OF 3 PAGES</p>	<p>Registered Number</p> <p>SP 157333</p>
<p>SUBDIVIDER: D C & E A ROWNTREE FOLIO REFERENCE: 142397/1</p>	

Signed by the said DAVID CLARK ROWNTREE and)
ELIZABETH ANNE ROWNTREE being the registered)
proprietors of folio of the Register volume 142397 folio 1)
in the presence of:)
Witness: *R. Evans*)
name: *Robert Evans*
address: *16 Tasman Highway Bicheno 7215*
occupation: *Real Estate Agent.*

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

proposed dwelling + visitor accommodation unit

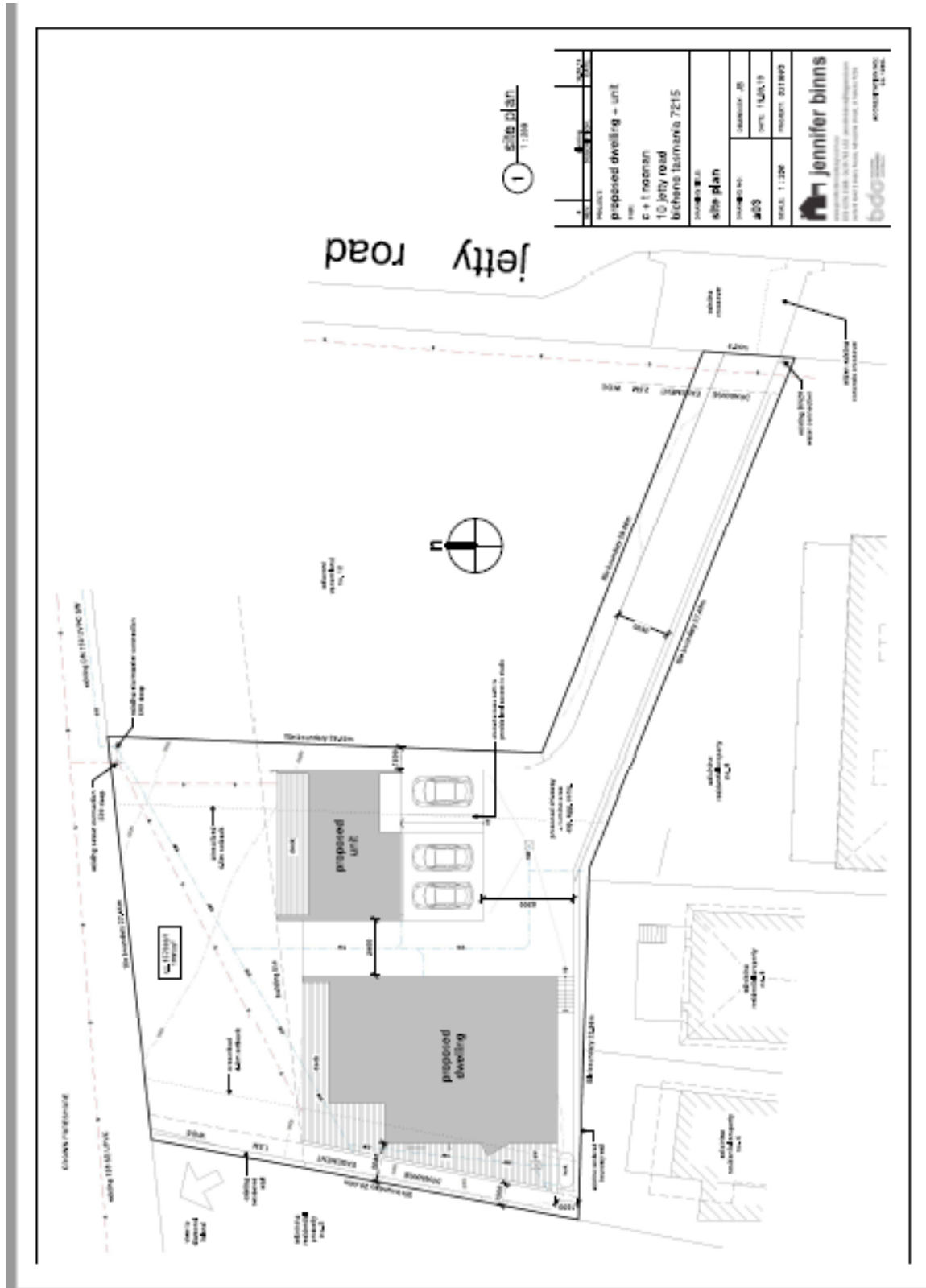
carl + labitha noonan
10 jolly road bicheno tasmania 7215

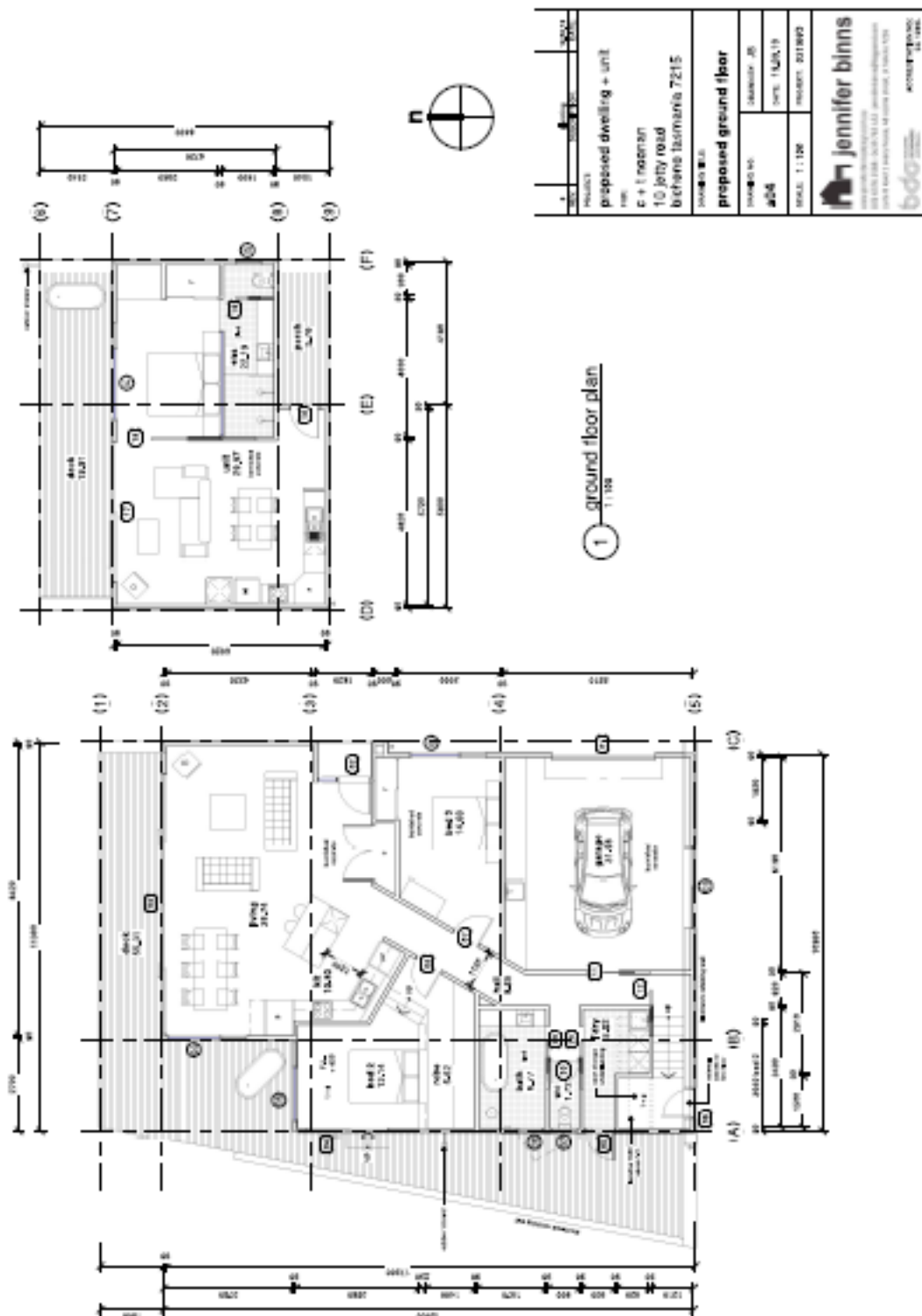


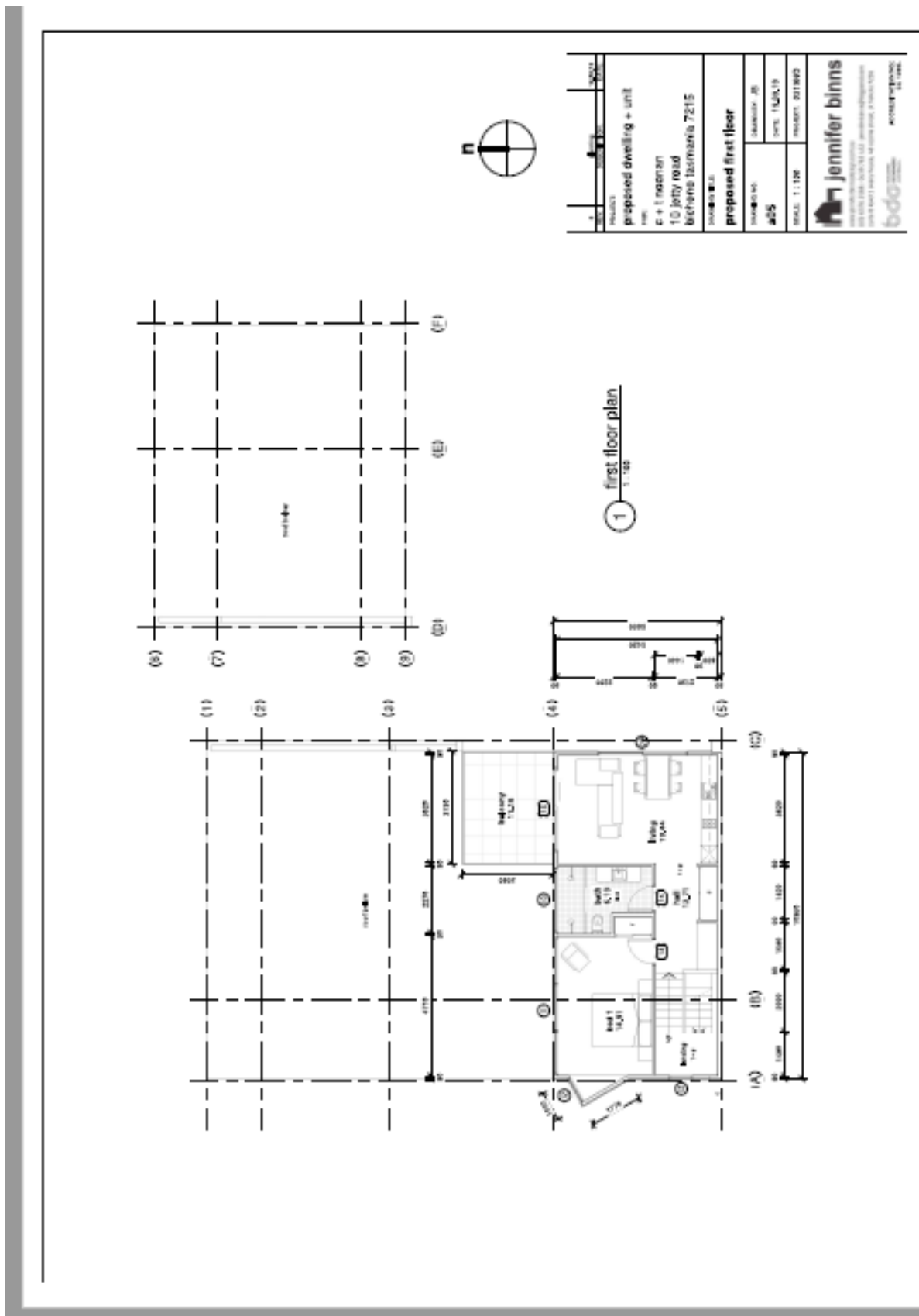
planning application

Item 3.2 - Attachment C

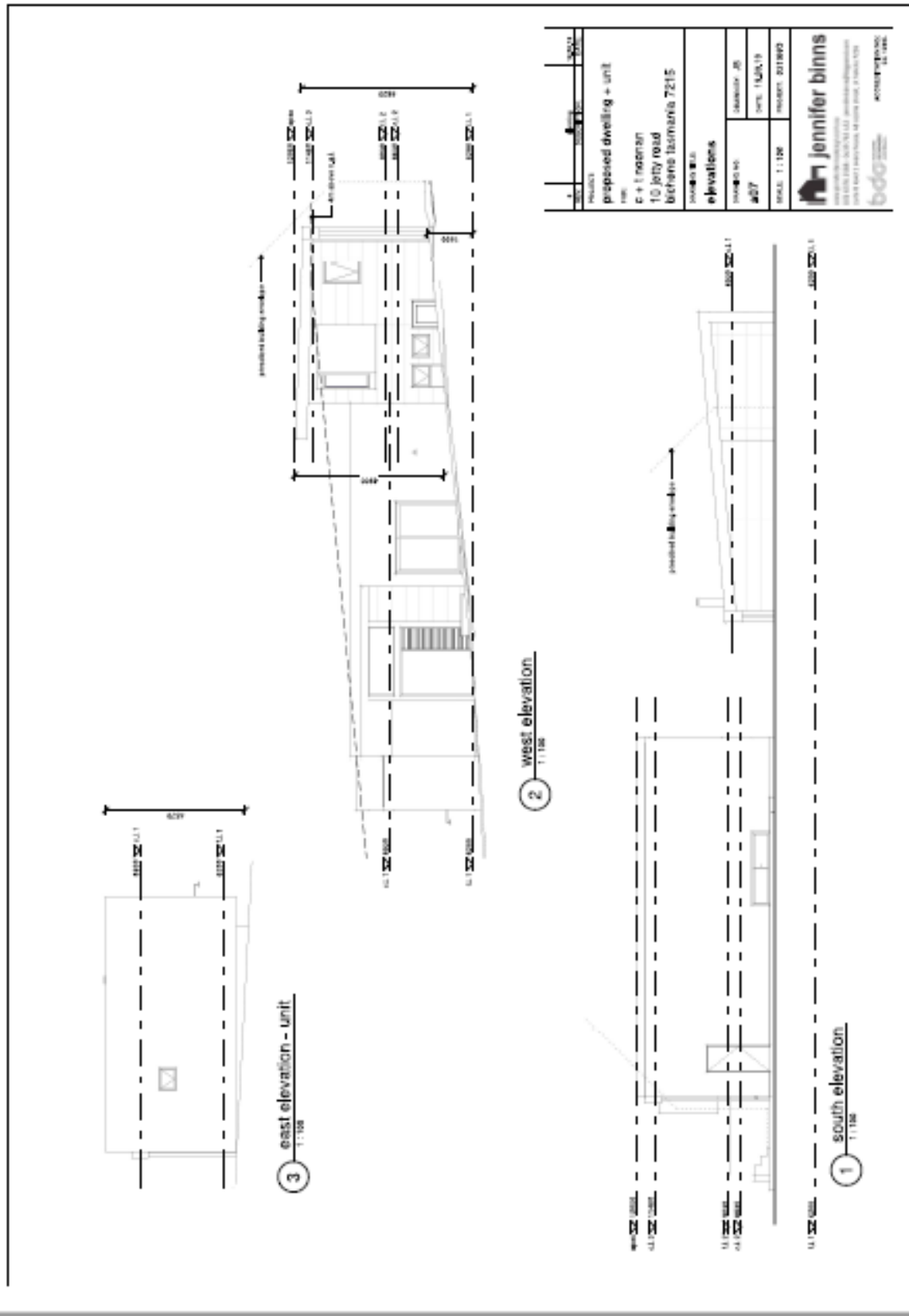
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dwelling first floor	63.28
dwelling deck 2	12.27
dwelling deck 1	63.27
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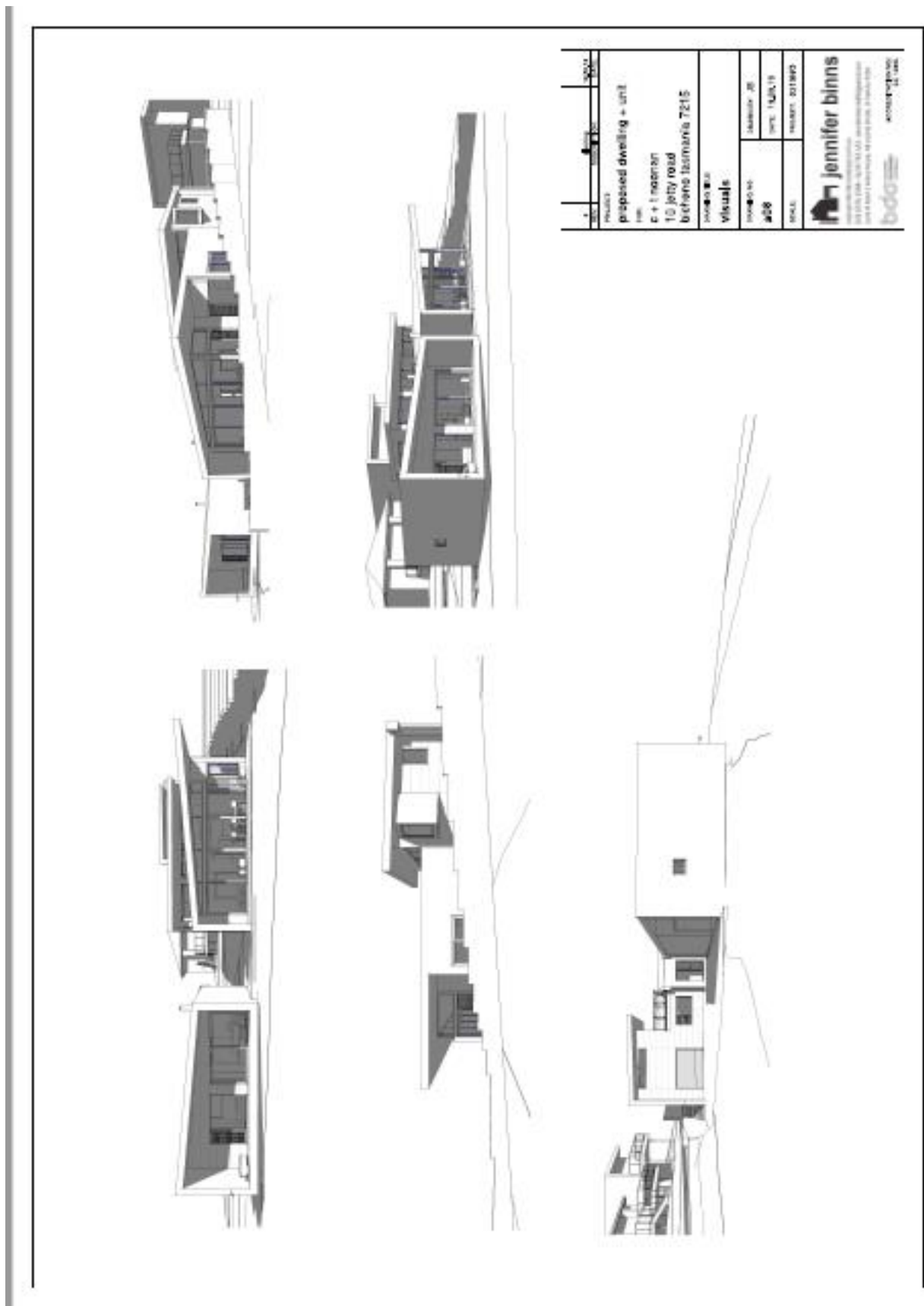


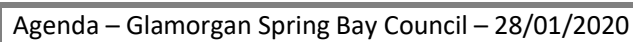


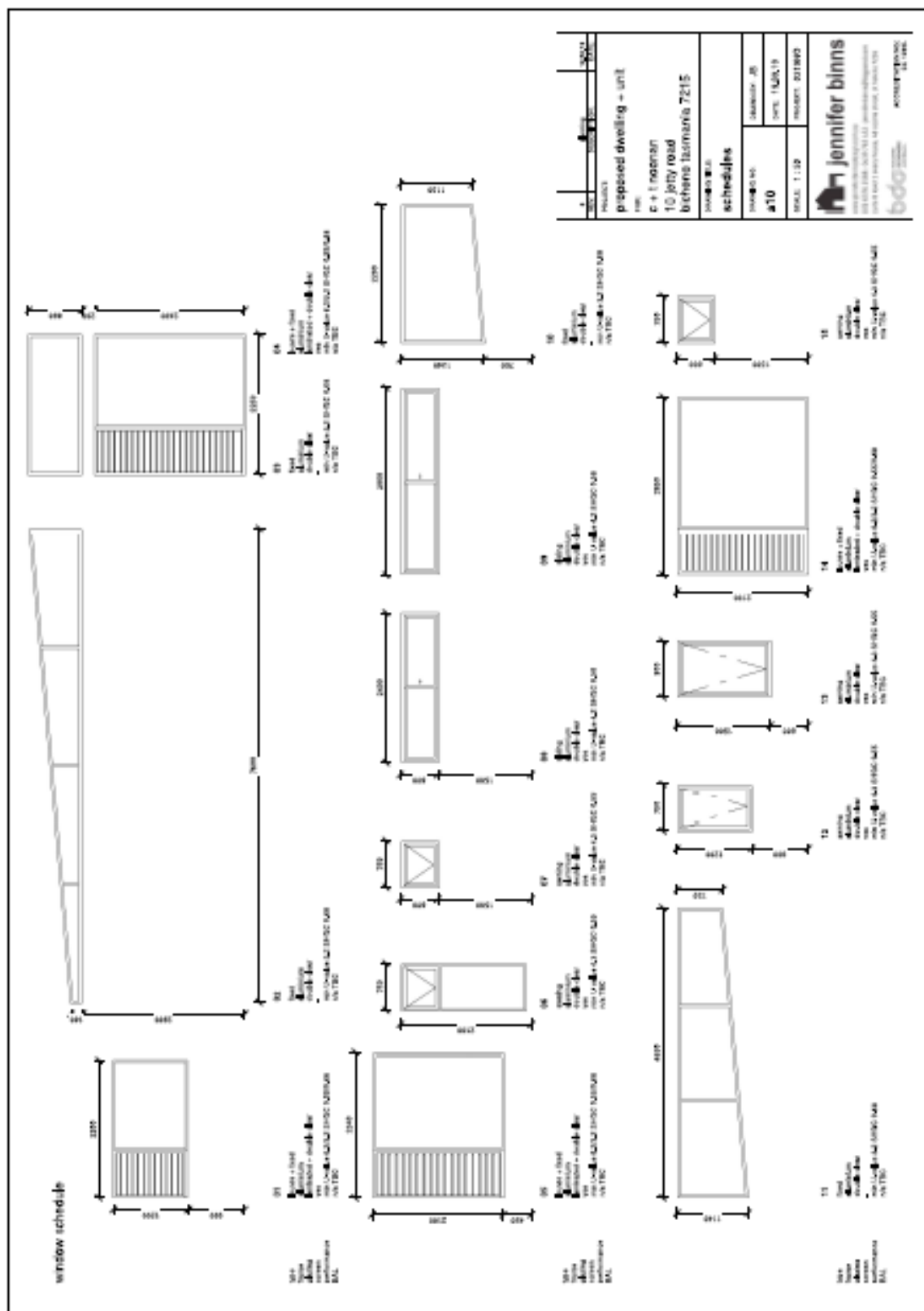


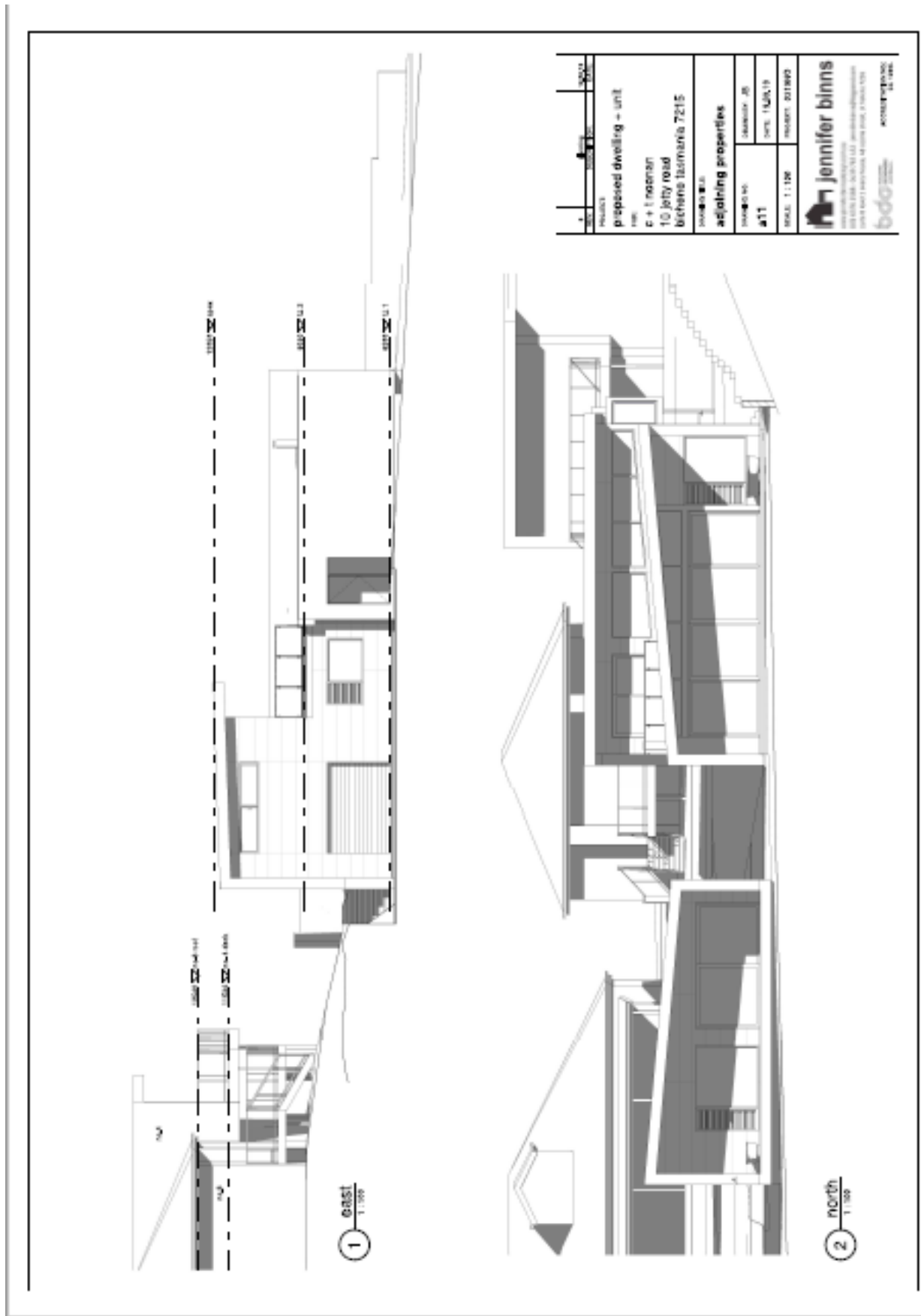















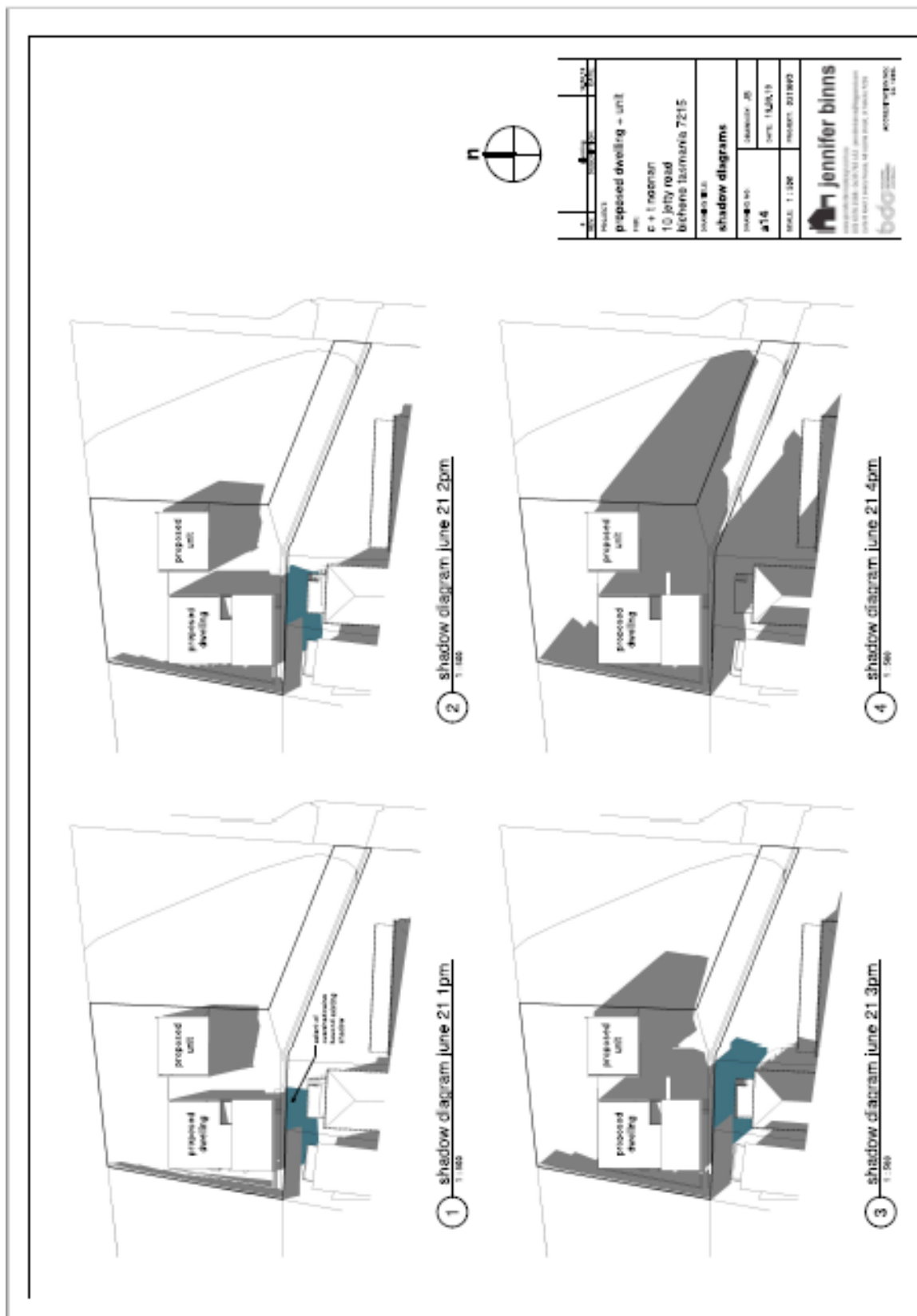


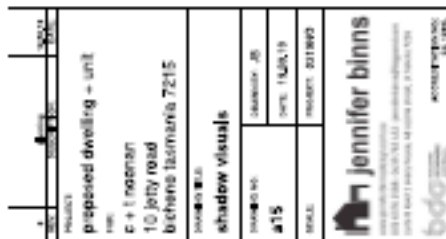
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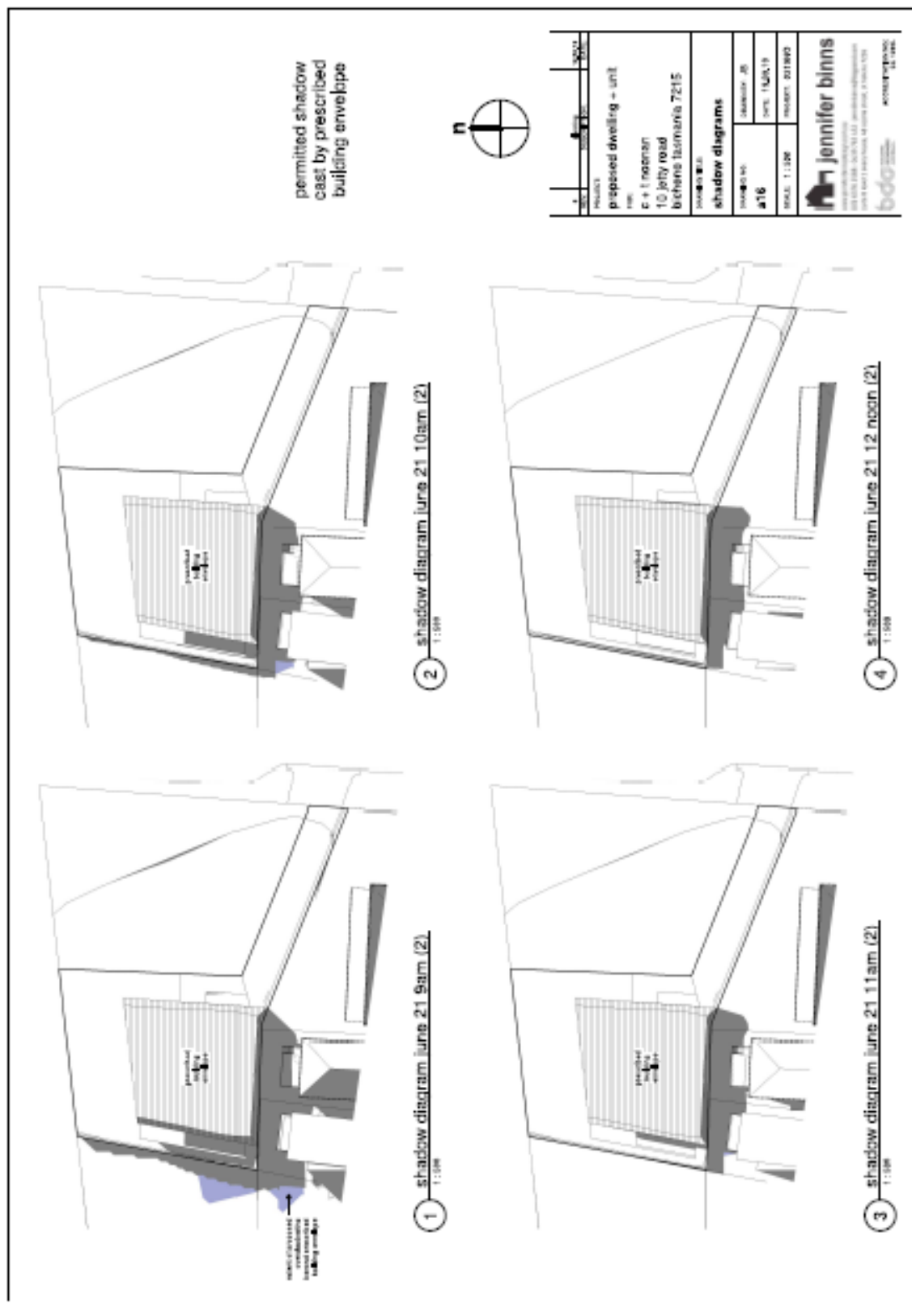
jennifer binns
ARCHITECT
10 JOLLY ROAD, BICHENS TASMANIA 7215
081 333 3333
jbinns@jenniferbinns.com.au

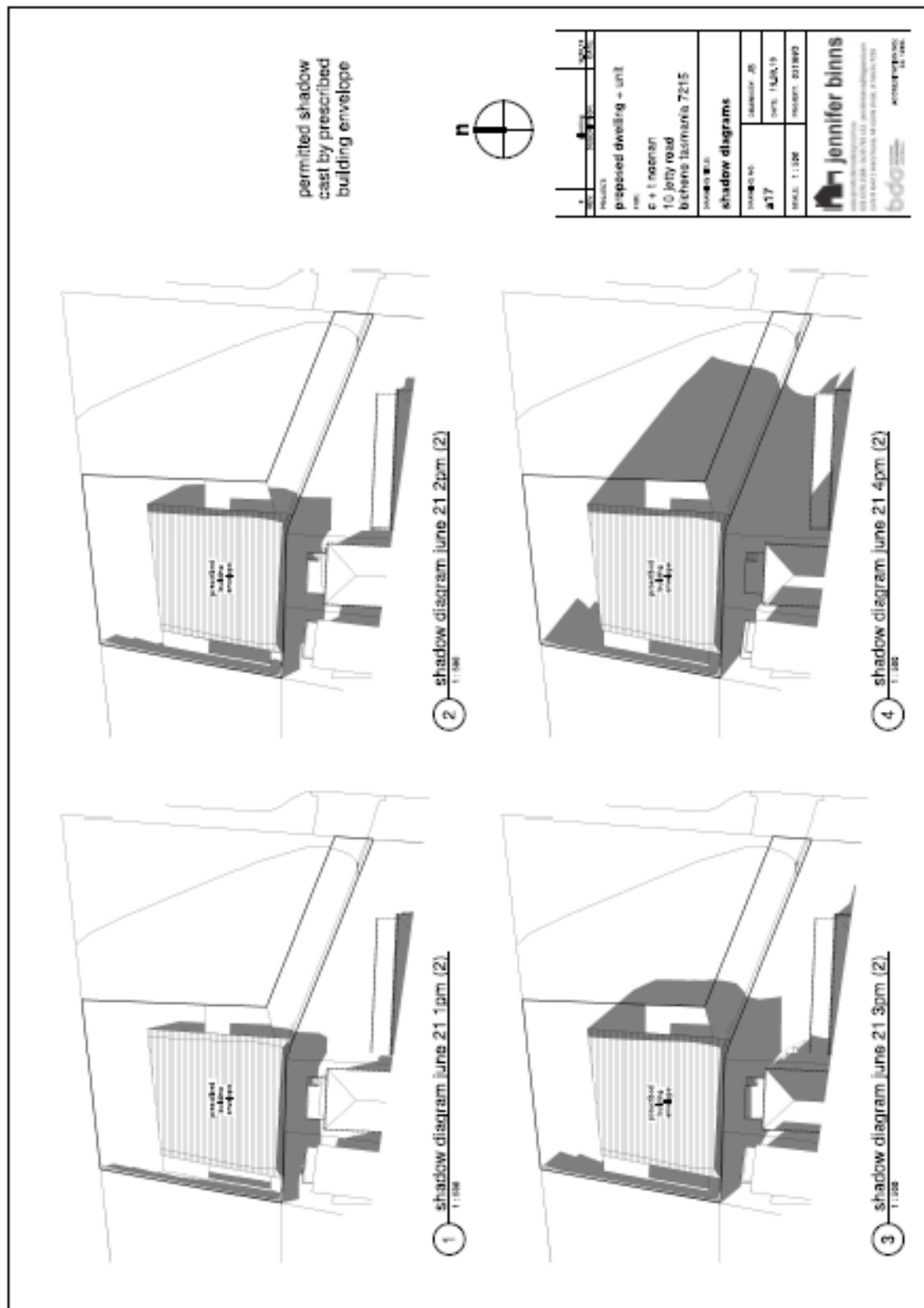
bdo
BDO BUILDING DESIGN
10 JOLLY ROAD, BICHENS TASMANIA 7215
081 333 3333
bdo@bdo.com.au

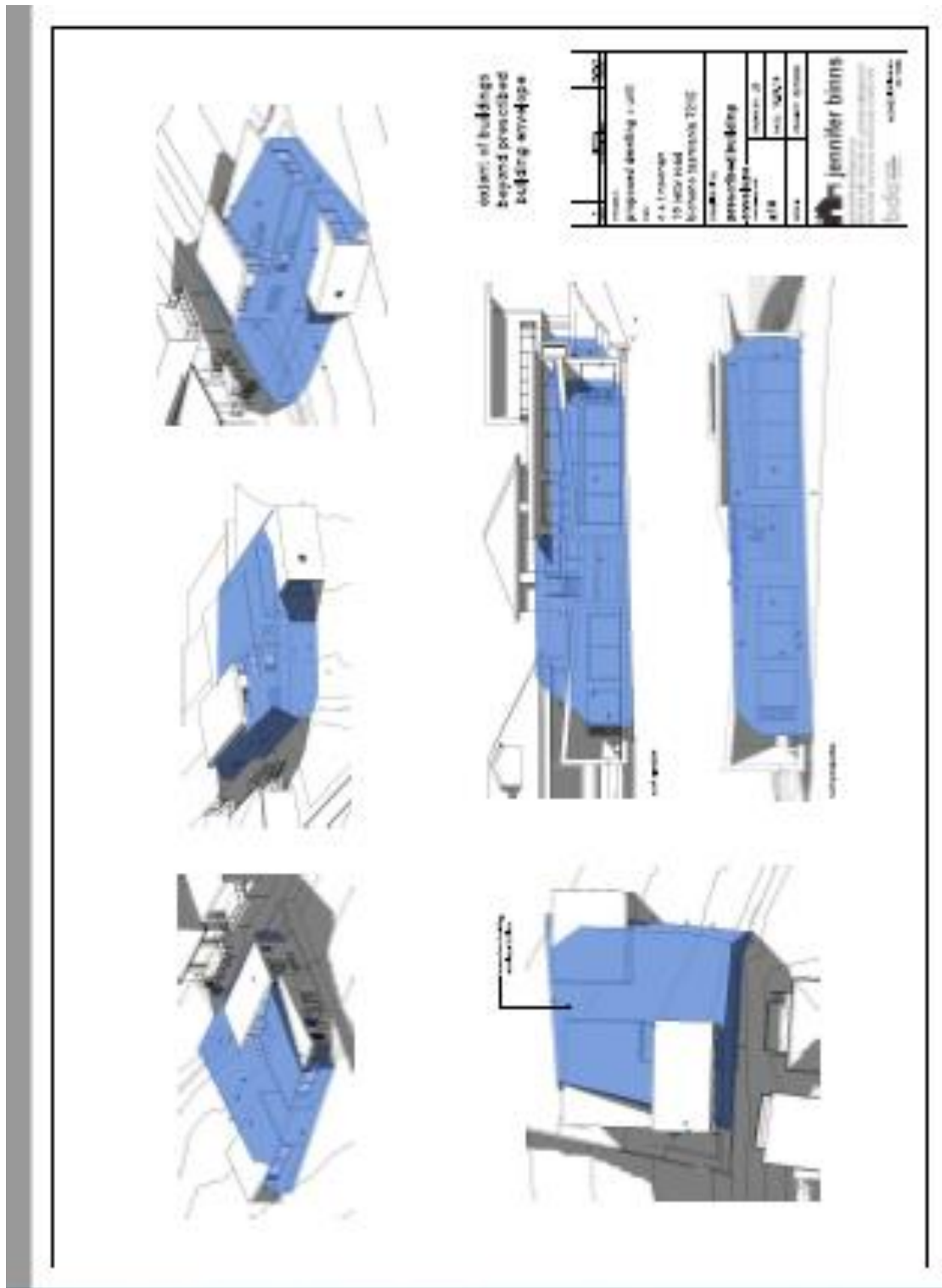












Attachment D – Representations (de-identified and including follow-up representation)

10 Jetty Road: representations

Rep1:

We note the above application for a planning permit and in accordance with s.57(5) of the Land Use and Planning Approvals Act 1993 make this representation objecting to the approval of a permit.

We do not propose to address the application by reference to the various acceptable solutions and performance criteria for the general residential zone in the Glamorgan Spring Bay Interim Planning Scheme 2015 on the basis that we anticipate that xxx to the proposed development will address those matters in detail.

Our objection to the application for a permit principally relates to the existence of a restrictive covenant which the proposed building would breach if a permit in the terms sought is granted. Our interest is that we own land at Bicheno with the benefit of a similar restrictive covenant.

The restrictive covenant in this instance restricts the height of buildings to 4.0m above natural ground level, and the proposed building exceeds that height. Clearly, the intent of the restrictive covenant is to preserve the views enjoyed by adjoining lots. Undoubtedly the owners of those adjoining lots have paid a premium for the protection of those views and have designed their houses accordingly.

In our view a permit can not be approved in circumstances where a restrictive covenant that forms part of the relevant sealed plan would be breached. To that end our views differ from the author of the planning report accompanying the application, Mr Shane Wells of East Coast Surveying. In the planning report it acknowledged that the restrictive covenant would be breached and continues:

If approved under the planning scheme, further application will be made to amend these covenants¹.

For the reasons that follow, our view is that Council must, as a matter of law, refuse the application for a permit because it does not comply with the restrictive covenant.

The covenant was made with the Council and is included in the schedule of easements to sealed plan SP 157333. The title to the subject land is contained in a sealed plan that was approved under the Local Government (Building and Miscellaneous Provisions) Act 1993, Part 3. Section 87(2) required a schedule of easements to be attached to the final plan if there were, inter alia, any covenants. Section 87(4) provided that the "covenants set out in the schedule of easements are taken to be shown on the final plan".

The final plan was approved by Council under s89 and took effect under s94(1) on 12 June 2009 when it was signed by the Recorder of Titles. As noted, the schedule of easements, including the restrictive covenants, form part of the sealed plan.

Section 94(5) creates an offence provision. It provides:

Taking effect of sealed plan

...(5) When a plan has taken effect a person must not –

(a) obstruct the exercise by the owner or occupier of land of a right shown on the plan; or

(b) contravene a restriction on the use of land shown on the plan.

Penalty: Fine not exceeding 10 penalty units.

Accordingly, if the permit sought by the applicants was approved, and the proposed house built in accordance with the permit application, that conduct would constitute an offence under s94(5) of the Local Government (Building and Miscellaneous Provisions) Act, and Council is in effect being asked to approve something that would be unlawful.

¹ East Coast Surveying Report, p5.



10 Jetty Road: representations

Section 122 of the Local Government (Building and Miscellaneous Provisions) Act importantly provides:

122. Part prevails

The provisions of this Part prevail over the provisions of this or any other Act or any regulation, rule or by-law made under any Act relating to subdivisions.

That provision makes it clear that Part 3 of the Local Government (Building and Miscellaneous Provisions) Act (under which these restrictive covenants came into existence) prevails over the Land Use and Planning Approvals Act 1993, which in turn means that Council can not lawfully approve the permit application.

Such a construction is consistent with the purpose of objects of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act, which is clearly intended to regulate subdivision outside the general planning approvals process under the Land Use and Planning Approvals Act.

Ensuring that easements and covenants contained in a sealed plan prevail over planning schemes made under the Land Use and Planning Approvals Act is equally consistent. By necessity subdivisions often involve various easements and covenants to ensure orderly functioning of the subdivision.

Construing the combined effect of ss94(5) and 122 of the Local Government (Building and Miscellaneous Provisions) Act to prevent planning authorities from approving permits under the Land Use and Planning Approvals Act which do not comply with easements and covenants in a sealed plan would also promote the orderly development of land.

To construe those provisions in a manner which allows a permit to be granted even though the proposed development would breach the requirements of an easement or covenant would lead to potential disorder. For example, if an application for a permit was made and the planning authority was bound to grant the permit under s58 of the Land Use and Planning Approvals Act a person who has the benefit of an easement or covenant might not discover the breach until construction has taken place and would be left to take enforcement action to prevent a breach or to rectify a breach. That might involve orders being made for the demolition of offending buildings and would come at significant cost to all involved. This might include breaches of drainage easements in favour of Council or services easements in favour of TasWater.

A stark example of the value that the courts place on landowners strictly complying with restrictive covenants in circumstances similar to the present can be found in *Barrett v. RSE Holdings Pty Ltd* [1999] WASC 128. That case involved a subdivision near Capel in Western Australia. The subdivision fronted the beachfront on Geographe Bay. A beachfront lot contained a restrictive covenant that buildings could not be constructed to a height that exceeded 18.7ahd of the Australian Height Datum. The sales material explained the purpose of the height restriction:

...This is quite simply to stop the building of two storey dwellings or higher on those lots which may detract from the view of those people behind them. The lot sizes are such that there is ample room on the ground to build a very large home without going to two storeys.

A house was in fact constructed to a height of 19.86 ahd above the Australian Height Datum, which was the equivalent of approximately 1.2m over the maximum height allowed by the restrictive covenant. The owners subsequently applied to the Supreme Court of Western Australia seeking a relaxation of the restrictive covenant. At [22] Parker J observed:

...I am satisfied that it is reasonable to conclude that there is a real potential for an adverse effect on the market value of the three lots in question by virtue of the non-compliance with the restrictive covenant of the roof presently constructed by the plaintiffs. I was impressed with the likelihood that a reasonable buyer contemplating the purchase of any of the three lots would see the present

10 Jetty Road: representations

covenanted height restriction on the plaintiff's block, as a factor which added materially to the value of each of the three blocks being considered and that such a potential buyer would be likely to be more influenced to buy or to pay a higher price if the present height covenant were applicable to the plaintiff's land, than if the height covenant which the plaintiffs seek to have substituted were applicable.

At [23] Parker J applied the analysis of McClelland CJ in *Eq in Webster v. Bradac* (1993) 5 BPR 12,032 at 12,035 and concluded that the adjoining landowners would suffer at least two types of injury. Those injuries would be "economic because of the effect on the value of their land" and "of an intangible kind because of the impairment of views they would otherwise have been able to enjoy". Parker J ultimately decided to refuse the application to vary the restrictive covenant even though the homeowners would suffer considerable cost and inconvenience in making the building comply with the restrictive covenant.

See also *Re Robinson* [1972] VR 278 where the Supreme Court of Victoria refused an application to remove or modify a restrictive covenant to permit land to be used in a manner permitted by the relevant planning scheme, but which was prohibited by the restrictive covenant.

The apparent view of Mr Wells that Council can lawfully approve the permit and then a subsequent application to vary the restrictive covenant can be made may have its genesis in the Supreme Court of Tasmania decision of *Pearson v. Richardson* (2012) 21 Tas R 461. In that case Porter J was dealing with an appeal from a decision of the Recorder of Titles to extinguish a restrictive covenant under s84C(1) of the Conveyancing and Law of Property Act 1884. The restrictive covenant prevented the respondents from subdividing their land into any more than four lots.

At 467[6]-[7] Porter J observed that the planning authority took the view that the restrictive covenant did not affect its ability to determine the application for a permit to enable a 10 lot subdivision, and in fact granted a permit.

The restrictive covenant was entered into as part of the sale and purchase of the relevant land. It was created by an instrument², and not as part of a sealed plan under Part 3 of the Local Government (Building and Miscellaneous Provisions) Act. If the restrictive covenant had been created by a sealed plan under the Local Government (Building and Miscellaneous Provisions) Act neither the Recorder nor the Supreme Court would have had jurisdiction under s84C of the Conveyancing and Law of Property Act because "an overriding interest having effect by virtue of a plan of subdivision" is expressly excluded from s84C(1).

A 'plan of subdivision' is defined by s84A to mean "a sealed plan within the meaning of Division 1 of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993". Division 1 of Part 3 contains only s80 which is an interpretation section. Section 80 in turn provides the following definition of 'sealed plan':

sealed plan means a plan which –

- (a) has been approved and sealed under this Part; and
- (b) has taken effect as provided in section 94;

Presumably the covenant in *Pearson v. Richardson* was created under some other legislation such as the Land Titles Act 1980 or the Conveyancing and Law of Property Act. The matter is a little unclear because at 488[90] Porter J refers to the respondents having unsuccessfully make an application to the planning authority for amendment to the sealed plan of which the servient lands were part under s103 of the Local Government (Building and Miscellaneous Provisions) Act. That provision can not have conferred jurisdiction on the planning authority unless the restrictive covenant was part of the sealed plan. It is possible that the application under s103 was refused because the relevant planning

² 2 *Pearson v. Richardson* (2012) 21 Tas R 461 at 466[3].



10 Jetty Road: representations

authority did not have jurisdiction, but the judgment does not explain why the application under s103 was refused.

In any event, the correctness of the planning authority's view that it could approve a planning permit that was contradictory to the restrictive covenant was not considered by Porter J. Although it does not arise in this instance (because the relevant covenant is part of the sealed plan), we consider that the better view is that a planning authority can not approve a planning permit that is contrary to the terms of a restrictive covenant recorded on title under the Land Titles Act³.

For these reasons we are of the view that the application for a planning permit must be refused.

If we are wrong as to the proper construction of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act and its primacy over the Land Use and Planning Approvals Act, the matters raised herein should also provide cogent reasons for refusing the application on discretionary grounds.

We consider that the appropriate course is for the applicants to first seek to have the restrictive covenants amended before an application for a planning permit is determined. That is because Council can not lawfully approve a permit that is inconsistent with the restrictive covenants forming part of the sealed plan. Section 103(3) of the Land Titles Act requires the restrictive covenants to be dealt with in accordance with Division 5 of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act. The significance that Parliament has attached to adherence to restrictive covenants can be inferred from the compensation provisions of s103 of the Local Government (Building and Miscellaneous Provisions) Act (for which Council would be primarily liable) and s84C(7) of the Conveyancing and Law of Property Act. Given that restrictive covenants are enforceable in equity, and thus relaxation or modification of them is also equitable in nature, there are significant questions as to whether Council could vary or modify a restrictive covenant under s103 of the Local Government (Building and Miscellaneous Provisions) Act absent the consent of all landowners who benefit from the restrictive covenant⁴.

In this instance the applicants for the planning permit purchased their land in March 2019. The restrictive covenants must have been known to them at the time of purchase because they are recorded on the title. There is no reason, and certainly no good reason, why the applicants should not be bound by the restrictive covenants that they agreed to when purchasing the land. This is an important issue of principle for the Glamorgan Spring Bay municipality because of the number of seaside lots with stunning views, many of which are protected by restrictive covenants. Landowners with the benefit of restrictive covenants, particularly those designed to protect views, should have certainty that those benefits will be protected by Council.

Yours faithfully

Rep 2 part a

I wish to object strongly to the building of houses on 10/12 Jetty Rd Bicheno

Firstly I wish to point out the meaning of the word Covenant; a solemn agreement.

This agreement as we understand it is between the owners of the two housing blocks mentioned 10 and 12 Jetty Rd and the council of Triabunna.

The council agreed to limit the height of construction to 4mts on the aforementioned blocks.

Now the present owners wish to break the covenant this will impact greatly on the value of MY property and that of my neighbours, which we wish to strongly object to.

³ 2 Pearson v. Richardson (2012) 21 Tas R 461 at 466[3].

⁴ 3 See: Nation v. Kingborough Council (No 2) (2003) 129 LGERA 447.



10 Jetty Road: representations

We wish to also strongly object to the owners of 10 Jetty Rd having an air b/b which will impact on the extra traffic and noise in the area.

It is worth noting that the first owners applied to raise the height limits on 10/12 Jetty Rd and the council refused to allow the covenant to be changed.

We hope the council will take our concerns seriously and address the issues holding the covenant intact.

Also we should mention that the property under construction in Chadwin Ave the council has had several objections from the resident IN WRITING regarding the height covenant and the movement of the structure on to the dunes which again has broken the existing covenant. Impacting both neighbours and the residents in the area. Which the present council has chosen to ignore

Rep 2 part b

Adding to my original expressions of concern regarding the proposed buildings on 10 Jetty Rd.

It has come to my attention that the owners intend to change their original plans after they get their first approval past council.

This is to include an extra building adding to the first dwelling to have not one but two Air B/Bs

I am strongly against this for several reasons,

firstly at the end of the street there is the surf lifesaving club it has lots of children walking up and down this street constantly the proposed dwelling with two B/Bs add to the traffic not only on the property but I note that they propose to have extra parking on the street with the widening of the driveway, there is never enough parking during holidays with cars vans caravans boats trailers all trying to park this causes lots of blind spots all up and down the street adding more car parking and car spaces only adds to the danger of a child being hit by a car (heaven forbid)

Secondly as has been pointed out before there is a covenant of 4mts on the property this can NEVER be changed no matter how many council members say it can be... the courts have already ruled that it's binding on both blocks.

Thirdly it has also come to my attention that the blocks were in the original council planning of 15yrs past these two blocks were for public recreation and never to be built on. Yet the owners of 2 Jetty Rd managed not only to change council planning but also applied to have the building covenants raised to help sell their ill-gotten gains. Which was refused by the courts,

My fourth concern is as I am a war widow and have purchased this property for the calm atmosphere and cool climate with the ocean views , which are a treasure to me, this could be taken from me in my retirement and will probably seriously reduce the value of my property

lastly I want to point out there are a lot of people who are very concerned as to how the building on Chadwick Avenue is being built, breaking all the covenants having not only breaking the height covenant by more than a 4ft but also being constructed further onto the protected dunes which has the effect of blocking the morning sun to the property to the west but also blocking the afternoon sun to the other dwelling to the east.

In summary I trust this email of mine, and my neighbours concerns, will be considered now and in any future proceedings Legal or otherwise

Rep 3

We write in regards to the proposed development application and we wish to lodge in the strongest of terms the matters of objections as detailed below.

1. OVERSHADOWING

10 Jetty Road: representations

We are concerned that the overshadowing of the applicants plans will have a massive impact on our private 72m² outside leisure area. This is clearly highlighted by the applicants shadowing plans.

This being our only north facing outside area, we have recently spent thirty thousand dollars completing our landscaping and fencing to be able to fully utilise the area. This area offers us sun and shelter and privacy, plus protection from the prevailing southerly and south western winds.

2. ENERGY EFFICIENCY

Our architect and we have gone to great lengths in the design of our house to utilise the sun for natural and efficient heating.

The energy rating of our upper level is 9 and 7.5 in our lower level. The environmental design of the house is such that the impact on the environment is minimal. We have solar powered blinds throughout the house which rely on the sun to operate. We have no need for heating in the lower level due to the design of the house and access to sun.

The energy design of the house will be compromised by the significant shadowing of the front area as previously outlined in point 1

3. VISUAL IMPACT.

Under the planning scheme, houses have a significant setback from neighbouring properties. Due to the unusual subdivision and setback of 10 Jetty Road, the proposed plans will have a massive visual impact on our house. Under the planning scheme there would always be a 4.5 meter setback at the front and rear of each property. The proposed plans have the dwelling only 1.5 meters from the front of our property. The proposed plans will be 4.3 meters in height. The sheer height will unnaturally box us in.

4. OVER DEVELOPMENT

The need for the proponent to include a separately built rental property to justify the build has in turn forced the main residence to encroach on all neighbouring properties and break the existing covenants.

We also refer to the separate self-contained unit on the upper level area of the proposed dwelling. This is highlighted on the cover page of the application as part B. And also the final paragraph stating that it will be used for separate accommodation.

We question the residential zoning and the multi-use of the three separate accommodations and their uses?

The impact of this highlights increased traffic, increased noise, excess lighting and increased parking.

We have lived in Bicheno for the past 14 years, built our million dollar home in Jetty Road and wish to continue the lifestyle we have created.

We trust that you, the mayor and councillors consider this objection seriously and refuse the development application.

Yours sincerely,

Rep 4a

Summary of objection:

1. We purchased xxx and built on it relying on the covenant and the applicants bought 10 Jetty Road in the knowledge of the covenant.
2. The development does not comply with the relevant acceptable solution 10.4.2 A3. It exceeds the building envelope and fails to meet the setback requirements contained within that provision. It therefore must meet the performance criteria and fails to do so. It fails because:

10 Jetty Road: representations

- a. It overshadows the private open space of 3 adjoining lots;
- b. It causes an unreasonable loss of amenity because of its visual impact caused by the scale, bulk and proportions of the dwellings when viewed from the adjoining lots being 4, 6 and 8 Jetty Road;
- c. It fails to provide separation between dwellings on adjoining lots that is compatible with the prevailing surrounding area;
- d. All the loss of amenity issues would disappear if the building complied with the covenant imposed by the Council on 10 Jetty Road. It breaches the height covenant and the covenant that protects the view that the public enjoy from the foreshore by failing to:
 - i. Minimise overlooking of that foreshore; and
 - ii. Minimise the visual impact from the public foreshore; and
 - iii. Is not constructed with materials that blend in with the surrounding environment.
3. Instead of asking the Council to approve the development and then the proponents will seek to amend the covenant, they should do the reverse.
4. The proponents make no attempt to comply with the covenants. Their failure to comply with the covenants will cause loss and injury to the adjoining allotment, particularly 4, 6 and 8 Jetty Road by depreciating the value of those properties, by destroying the view that the owners of those properties enjoy and generally detracting from the amenity of the area and by failing to setback the buildings to accord with the setback of dwellings in the Jetty Road area.
5. The Council should not allow a development that is contrary to the covenant that it imposed and for anyone to ignore the covenant is an offence as a consequence of s.94(5) of the Local Government (Building & Miscellaneous Provisions) Act.

The DA should be refused for the following reasons:

1. The proposed development fails to comply with the setbacks and building envelope requirements as prescribed in clause 10.4.2 of the Glamorgan Spring Bay Interim Planning Scheme 2015 (the Planning Scheme). In particular it fails to meet Acceptable Solution A3 and does not meet the Performance Criteria P3 and in particular:
 - a. It fails to meet the Performance Criteria because it causes an unreasonable loss of amenity by overshadowing the private open space of 4, 6 and 8 Jetty Road; and
 - b. By the visual impact caused by the scale, bulk and proportions of the proposed dwelling when viewed from adjoining lots 4, 6 and 8 Jetty Road; and
 - c. It exceeds the building envelope prescribed in 10.4.2. D and it fails to meet the setback requirements for the front and rear of the land; and
 - d. It fails to meet the height limitation in the building envelope at the boundary with 4 and xxx Road by exceeding a 3 metre limit shown in the building envelope.
2. The proposed development fails to comply with the covenants made with the Glamorgan Spring Bay Council:
 - a. Not to erect a building with a height above 4 metres above natural ground level.
 - b. Not to erect a building that fails to minimise:
 - i. Minimise overlooking the adjacent public foreshore area to the north; and
 - ii. Minimises visual impact from the adjacent public foreshore area to the north; and
 - iii. Is constructed with materials coloured in muted tones that blend with the - 3 - surrounding environment.

History

In 2014 we purchased a house at xxx in Bicheno. Over the years that we owned the house we regularly walked along Red Bill Beach to Waubs Bay and often admired the land on which our present home is situate and the land that surrounded it. As we felt that 10 Jetty Road was out of our price range we began to take an interest in xxx. We were very hesitant about buying the land for the fear of

10 Jetty Road: representations

what might be constructed on the allotment in front. Having investigated the title of 10 Jetty Road we were comforted to find that there were a number of restrictive covenants including and importantly a height covenant of 4 metres above natural ground level – see No. 1 on the annexure to the schedule of easements shown on SP157333. We obtained a 4 metre stake and placed it on the land at 10 Jetty Road and then from the front xxx assessed the impact that a 4 metre building would have on the amenity of xxx including the view. We were confident the view and amenity of xxx would not be adversely affected by a 4 metre high building. We sold xxx to enable us to build at xxx.

We purchased xxx and built a house that we felt was appropriate for a beach side development from which we would have an unrestricted view of Diamond Island to the north and Warbs Bay to the east. We originally planned to build a 2 storey house but became convinced that if we built one and a half storeys the amenity that we could enjoy from xxx would be adequately protected by the covenant.

About 12 months ago we met the new owners of 10 Jetty Road and were comforted to know that they knew there was a 4 metre height covenant on their land and had purchased the land with that knowledge.

Had the covenant not been in existence we would not have purchased xxx and invested in excess of \$700,000.00 in buying the land and building the house.

The Planning Scheme

10 Jetty Road is subject to the provisions of the Planning Scheme. The DA was placed on public exhibition from 6 to 19 November 2019 inclusive. The subject property is within the general residential zone and subject to the Coastal Inundation Hazard Area overlay. The DA proposal is for a dwelling to be situated on the western side of the allotment and a visitor accommodation unit on the eastern side. It also contains a second storey that has an independent entrance and self-contained facilities that would enable it to be used as a self-contained unit, thus in effect, creating a third dwelling on the land. We appreciate that the application does not seek consent for a separate and independent living area within the main dwelling but it perhaps explains why the proposed buildings are approximately 40 squares in area.

A Single Dwelling is a 'No Permit Required Use' within the General Residential Zone.

Visitor Accommodation in the General Residential Zone is subject to State Planning Directive No. 6 ('PD6') which provides a 'Permitted Use' status for the use. However, the associated Use standard makes any proposed visitor accommodation in a new habitable building 'Discretionary'.

Title restrictions

The title for the subject property CT 157333/1 is restricted by a number of covenants, in summary:

- Precluding any building or structure that requires a planning permit on the northern side of a line E-F shown on the plan of survey running parallel with the northern boundary at a distance of between 10.11m and 10.47m from said boundary;
- Imposing a 4.0m height limit south of the line E-F;
- Requiring any new building or structure to minimise overlooking the adjacent public foreshore area to the north;
- Requiring any new building or structure to minimise visual impact from the adjacent public foreshore area to the north; and
- Requiring any new building or structure to be constructed with materials coloured in muted tones that blend with the surrounding environment.

Summary of Discretions required

- Planning Scheme clause 10.4.2 (Setbacks and building envelope for all dwellings) – the proposed dwelling exceeds the building envelope prescribed under the Acceptable Solution A3. Accordingly, the proposed dwelling relies on the alternative Performance Criteria under P3.



10 Jetty Road: representations

- Planning Scheme clause 10.5.1 (Non-dwelling development) - the proposed visitor unit exceeds the building envelope prescribed under the Acceptable Solution A1(a) (by reference to clause 10.4.2A3). Accordingly, the proposed dwelling relies on the alternative Performance Criteria under P1, which references clause 10.4.2P3.

Assessment under the General Residential Zone of the Interim Planning Scheme

Under clause 10.4.2 (Setbacks and building envelope for all dwellings), the proposed dwelling exceeds the building envelope prescribed under the Acceptable Solution A3. Accordingly, the proposed dwelling relies on the alternative Performance Criteria under P3.

A site survey showing existing levels is not provided. Therefore, it is not possible to determine natural ground level accurately. However, we have commissioned a site survey from PDA Surveyors but because of the 14 day time restriction and the pressure of work that they were under, they were not able to complete the survey within the 14 day period. If the planning authority were prepared to and is able to consider the survey if it were to be received outside the 14 day period we would be very happy to lodge it with the Council. As a result of not having a site survey the proposed building levels, boundary wall heights and amounts of cut, as shown on the plans cannot be relied upon. Consequently, the extent to which the proposed dwelling exceeds the building envelope, and the potential loss of amenity resulting from:

- Reduction of sunlight;
- Overshadowing; and
- Visual impact cannot be accurately determined.

Notwithstanding this lack of fundamental information, the submitted plans, notably the South Elevation, Drawing A08, Drawing A11, and Drawing A18 demonstrate a significant visual impact and overshadowing on the primary amenity of the residence at xxx Road, i.e. the private open space and outlook orientated towards the north. Whilst some impact would result from a development that meets the building envelope under the Acceptable Solution A3, the impacts are significantly amplified by the extended scale, bulk and proportions that arise from the variations sought.

Moreover, if the proposed development were to comply with the respective covenant, there would be none of the aforementioned impacts on the amenity of 4, 6 and 8 Jetty Road.

The reduced setback of the dwelling from the rear (western) boundary together with the eastern location of the visitor unit combines to spread the overall development over a greater width of the site than would occur if the Acceptable Solution were met. The suggestion by the Applicant's planner that the articulation of the development provides improved amenity is disingenuous: the truncated view between the buildings would not compare with the broad vista available above a compliant building.

Again though, if the proposed development were to comply with the respective covenant, there would be none of the aforementioned impacts on the amenity of xxx Road, nor indeed for 4xxx, or to xxx.

Under clause 10.5.1 (Non-dwelling development), the proposed visitor unit exceeds the building envelope prescribed under the Acceptable Solution A1(a) (by reference to clause 10.4.2A3). Accordingly, the proposed dwelling relies on the alternative Performance Criteria under P1, which references clause 10.4.2P3.

Although the impacts of the visitor unit are far less than the dwelling, they nonetheless contribute to a cumulative impact that is outlined above in respect of clause 10.4.2P3.

The visitor unit also exceeds the height limit prescribed by the respective covenant on the title.

10 Jetty Road: representations

The Planning Scheme makes it clear as to what the objective is for setbacks and building envelopes for all dwellings in the general residential area and those objectives are set out under 10.4.2 as follows:

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

The proposed development does not meet objectives (a), (b) and (d).

The DA claims that there is compliance with acceptable solution A1 in 10.4.2 on the basis that it is an internal lot. 10.4.2 provides setbacks and building envelopes for all dwellings.

The Planning Scheme does not provide any specific exemption for an internal lot and as can be seen below the Planning Scheme contains a building envelope for such a lot.

The diagram below shows the building envelope and setbacks for an internal lot.

Diagram 10.4.2D

The proposed development does not meet acceptable solution A3 as said above in that it fails to meet the distance setback in A3(a)(i) in that it is not 4.5 metres from the rear boundary and projects more than 3 metres above natural ground level at the side boundaries. Even though natural ground level is now shown it is clear from the western elevation diagram that the building exceeds the 3 metre building envelope for the western side boundary therefore the application must rely on the performance criteria which it fails to meet for a number of reasons:

1. Because the overshadowing of adjoining lots, namely 4, 6 and 8 Jetty Road. The shadow diagrams of 21 June 2019 show overshadowing of the adjoining properties from 9.00am to 4.00pm, thus there is overshadowing of the private open space for 4, 6 and for 8 Jetty Road at all relevant times. The magnitude of the overshadowing can be seen from diagrams 1 and 2 where there is a complete obliteration of sunlight for the private open space of 4 Jetty Road from 9.00am until noon and complete obliteration of sunlight of xxx Road's private open space from 1.00pm to 4.00pm and a very significant overshadowing of 8 Jetty Road's private open space from 4.00pm.
2. The performance criteria provides that the setback must be compatible with existing dwellings in the street, a requirement that is not met despite a claim to the contrary at the bottom on page 15. In support of our contention that the setback is not compatible with setbacks in the area we refer the planning authority to Development Application DA/2019/122 for a single dwelling and garage at 17 Chadwin Avenue, Bicheno. Usefully the setbacks of relevant properties in Jetty Road are set out at 9.2.4 and 9.2.5 of the planner's report for that development as follows:

9.2.4 There are five other lots with a frontage onto Jetty Road: 1, 5, 8 and 12 Jetty Road, and 2 Chadwin Avenue. Setbacks are:

- 1 Jetty Road: 38m

10 Jetty Road: representations

- 5 Jetty Road: 4m
- 8 Jetty Road: 6.4m
- 12 Jetty Road: vacant
- 2 Chadwin Avenue: the dwelling and outbuildings are located well away from Jetty Road, but a garage is set back only a couple of metres from the Jetty Road boundary (circled in Figure 6 below).

Note: setbacks have been estimated using the measurement tool in LISTmap.

Figure 6: garage on Jetty Road circled.

9.2.5 The average of these setbacks is 10m. Excluding the 38m setback at 1 Jetty Road, this reduces to 4m.

The development at 10 Jetty Road is setback 1.5 metres from the eastern boundary and 2680 mm from the western boundary. The importance of setbacks is also set out in the planner's report on DA/2019/122 and the other deals with the importance of setbacks with particular regard to Jetty Road. The Council planner said, and in our view accurately at 9.2.6 "setbacks have an impact on the character of the area. The providing character in Jetty Road is one of openness leading to water and coastal views". The proposed development is completely out of step with the character of Jetty Road.

3. Because of the visual impact caused by the apparent scale, bulk and proportions of the proposed two building 40 square development the sheer scale of what is proposed is well illustrated in drawing number (a)08 with the view from the east showing the massive structure that the owners of 6 and 8 Jetty Road would face if this development were allowed to proceed.

Drawing number (a)08 from the Development Application

The covenant

The covenants that apply to 10 Jetty Road are particularly important as, unlike many covenants that are imposed on land by a previous owner, the covenants for 10 Jetty Road were imposed at the request of, and with the Glamorgan Spring Bay Council. The proponents have made no attempt to comply with the covenant.

The proponent glosses over the covenant where it is said on page 30 that the additional height (without specifying it) is shown to have minimal impact. The planning authority's attention is drawn to diagram (a)08 to the diagram on the top right of the page which gives an illustration of the extent to which the building exceeds the covenant with no mention of this being made by the proponent. The diagram is set out below.

Drawing number (a)06 from the Development Application

The diagram shows the top of the ground floor of the building at 4.2metres, thus exceeding the covenant by 200 millimetres and then the second floor of the main building is almost entirely above the 4 metre covenant. The east elevation diagram number 2 shows the building height at 5.572 or 1.572 metres above the covenant height restriction.



10 Jetty Road: representations

The key covenant from our perspective and undoubtedly the owners of xxx is that restricting height to 4m.

This control has the effect of reducing the impact of development on the subject property to so as to:

- minimise overlooking the adjacent public foreshore area to the north;
- minimise visual impact from the adjacent public foreshore area to the north;
- be constructed with materials coloured in muted tones that blend with the surrounding environment.

The development is set back from the northern boundary by the amount required under the covenant. However, the buildings are deliberately orientated to the north and designed to have their greatest area of fenestration (the arrangement of the windows) facing the public foreshore. There are no intervening elements that mitigate this feature; the development will purposefully overlook the adjacent foreshore area to the north, and will be completely contrary to the intent of the covenant.

The development will have its highest and most prominent elements on the northern side, facing the public foreshore area. These areas feature the peak of the skillion roof, and large areas of glazing which will create glare and reflection. These prominent elements will not minimise visual impact from the adjacent public foreshore area, and will be completely contrary to the intent of the covenant.

The proposed extensive glazing on the northern elevations will create glare and reflection. The northern elevations will therefore not be constructed with materials coloured in muted tones that blend with the surrounding environment, and will be completely contrary to the intent of the covenant.

A further consideration arises from the respective height covenant, relating to the expectations of other parties to the sealed plan, particularly those that have made financial decisions and invested in their own developments on the understanding that development on the subject property would be restricted to a specific height. The properties that are most particularly affected are numbers 4 and xxx Road and the owners of both properties, which of course includes the authors of this representation, feel aggrieved if the rules that we had based our decision to purchase and develop the adjoining land were to be disregarded. Similarly, our expectation of a certain amenity, derived from the covenants on the title, will be dashed, particularly in view of the level of specificity of those covenants.

The legal position

The importance of covenants can be seen from s.94(5) of the Local Government (Building & Miscellaneous Provisions) Act 1993 (the LGBMPA) which creates an offence if the covenant is contravened. Section 94(5) provides:

94. Taking effect of sealed plan

...

...

(5) When a plan has taken effect a person must not –

- (a) obstruct the exercise by the owner or occupier of land of a right shown on the plan;
or
- (b) contravene a restriction on the use of land shown on the plan.

Penalty: Fine not exceeding 10 penalty units.

No attempt is made by the proponent to draw the Council's attention to the legal effect of the covenant nor any reason given why the Council should permit a building that would breach the covenant. Simply put, the Council is being asked to approve a building that if built, would be unlawful.



10 Jetty Road: representations

In case it be thought that the provisions of a planning scheme take precedence over covenants, s.122 of the LGBMPA makes it clear that Part 3 of that Act prevail over the Land Use Planning and Approvals Act 1993, thus the primary consideration in dealing with this application is the existence of the covenant.

Surprisingly the proponent asks the Council to approval the development and then they will apply for an amendment to the covenant.

Clearly the reverse ought to be the case. The proponent should seek to vary the covenant and then if they can achieve such a variation they should lodge plans that demonstrate to the planning authority that what is proposed complies with the covenant.

The statement that the building should be approved and then an application made to vary the covenant overlooks the fact that the legal position concerning the variation to covenants. There are a number of Supreme Court decisions that make it clear that if it can be shown that there is what the court calls "substantial injury" to those who have the benefit of the covenant the covenant should not be varied. Injury means the loss of things such as value of a property, loss of a view, loss of amenity or alteration in the character of the neighbourhood. The legal position that would confront the proponent if they apply to vary the covenant was well explained in the case of *Barrett v. RSE Holdings Pty Ltd* 1999 WASC 128. In that case an application was made seeking to exceed the covenant by the equivalent of 1.2 metres whereas in the present case it is at least in excess of 1.572 metres. At paragraph 22 the Court said:

"The evidence I have received satisfies me that the roof that has been constructed on the plaintiffs' lot does impede the view which would be enjoyed from a normal two storey home constructed on any one of Lots 236, 237 or 238 to a significantly greater degree than were the roof of the home on the plaintiffs' land constructed in compliance with the restrictive height covenant. I am further satisfied that by virtue of this impediment of the view there is an adverse effect to the enjoyment of their land which the owners of the three lots in question would otherwise have had. The three owners struck me as typical owners. They showed no unusual sensitivity about this issue. Their appreciation of the qualities of their lots and of the effect of the limitation of their views would, in my view, be typical of others who might in the future contemplate purchasing any one of the blocks from the present owners. On this basis I am satisfied that it is reasonable to conclude that there is a real potential for an adverse effect on the market value of the three lots in question by virtue of the non-compliance with the restrictive height covenant of the roof presently constructed by the plaintiffs. I was impressed with the likelihood that a reasonable buyer contemplating the purchase of any of the three lots would see the present covenanted height restriction on the plaintiffs' block, as a factor which added materially to the value of each of the three blocks being considered and that such a potential buyer would be likely to be more influenced to buy or to pay a higher price if the present height covenant were applicable to the plaintiffs' land, than if the height covenant which the plaintiffs seek to have substituted were applicable."

The judge then continues by saying that the adjoining land owners, which is the position of those at 4, 6 and 8 Jetty Road would suffer at least 2 types of injury, namely economic because of the effect of the value of their land and secondly loss of the ability to enjoy a view that, had the covenant being obeyed they would have otherwise been able to enjoy. The request to vary the covenant was refused.

We are confident in saying that in the circumstances if this case with the loss of amenity, view, character of the neighbourhood and sunlight all being suffered by 4, 6 and 8 Jetty Road, a Court would not vary the covenant. It is perhaps for that reason that the proponents have chosen not to try and vary the covenant before applying for planning approval.

Rep 4b

Dear Councillors,



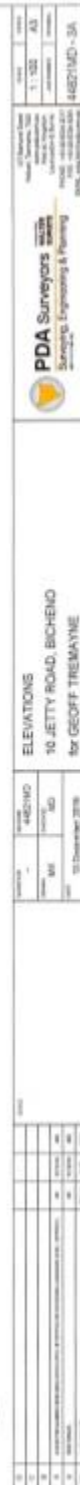
10 Jetty Road: representations

On page 4 of my submission I indicated in the last paragraph that I had commissioned a survey of 10 Jetty Road and because of the time constraint of 14 days was not completed by the time the period for representations closed. However, I do now have the survey and I **attach** for the consideration of the planning authority. I make several points:

1. The surveyors have plotted natural ground level and they make the point that the area at the rear of the proposed development site is a manmade embankment and not part of natural ground level.
2. The plan shows not only the extent to which the building is outside the building envelope but it also shows the extent to which it would exceed the council imposed covenant on the land. Whilst I understand the planner's view about the relevance of covenants for the reasons spelled out in my argument I take a contrary view and say that they are relevant. The plans show in red the extent to which the proposed building would exceed the covenant. Nevertheless, one way of considering their relevance is in the question of considering D10.4.2 P3 and the amenity issue raised by a(iv) it is clear that the covenants were designed to minimise the visual impact, the scale, bulk and proportions of a dwelling and in considering how those factors can be assessed it is relevant to consider those factors in terms of what would be permitted by the covenant.

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Agenda – Glamorgan Spring Bay Council – 28/01/2020





Attachment F – Engineering Consultant Report

ENGINEERING REPORT

DA#:	DA 2019 / 00265
Applicant:	East Coast Surveying
Proposal:	Dwelling and Visitor Accommodation Unit
Address:	10 Jetty Rd, Bicheno
Zone:	General Residential
Report completed by (Name & date):	Leigh Wighton 12 December 2019

Brief Description	
Describe proposal	The proposal is to construct a 3 bed dwelling and separate 1 bedroom visitor accommodation unit on an internal lot at 10 Jetty Road, Bicheno.
Describe parking and access (existing and proposed)	<p>The property has an existing access off Jetty Road. The existing driveway apron and crossover is a double width driveway which straddles the boundary with 12 Jetty Rd.</p> <p>The applicant proposes to widen the crossover and apron to the south to provide better alignment.</p> <p>Table E6.1 of the scheme requires 3 parking spaces. 2 for the dwelling plus 1 for the visitor accommodation.</p> <p>The applicant proposes 3 external car parking spaces and 1 garage space in the dwelling.</p> <p>Whilst the applicant states "A total of three car parking spaces and one turning area are provided in the south-east corner of the lot proper." Only 3 car spaces are shown and no turning space however an additional car space is located in the dwelling garage. The proposal meets or exceeds the parking requirements in the scheme.</p> <p>The driveway is approximately 30m to the 1st car parking space. There is sufficient room for the 3 external car spaces to turn on site and exit the site in a forward direction.</p> <p>The garage space can only turn on site if one of the 3 external spaces is vacant.</p> <p>The driveway and parking areas are concrete.</p>
Describe Stormwater (existing and proposed)	<p>The lot is connected to reticulated SW.</p> <p>The new impervious area created >600 sq. m. (approx. 636sq. m.) and triggers the requirement for WSUD principles to be implemented. Only 3 new external car spaces are proposed.</p> <p>The applicant proposes a rainwater tank be installed on the dwelling. Council has a GPT downstream of the development. Given the impervious area is only slightly</p>



	above the trigger it is considered acceptable that WSUD elements beyond the water tank are not necessary in this instance.
Sewer and Water	<p>Sewer and water is available to the land.</p> <p>There is an existing easement inside the western boundary of the lot.</p> <p>The application was referred to TasWater who have provided conditions.</p>
Codes	<ul style="list-style-type: none"> • Road and Railway • Parking and Access • Stormwater

Key		
Requesting Additional Information for this standard	Reliant on PC (i.e. discretionary)	Unsure – Engineer to check

Road & Railway Code Applies? Y	Clause:	Proposed	Complies or N/A	Provide brief detail of discretion and any condition required:
Existing road accesses and junctions	E5.5.1 A3	Traffic generation would be in the order of 10AADT for the dwelling and less for the visitor accommodation	Y	
Parking & Access Code Applies? Y	Clause:	Proposed	Complies or N/A	Provide brief detail of discretion and any condition required:
Number of Car Parking Spaces	E6.6.1 A1	4 (3 required)	Y	
Number of Accessible Car Parking Spaces	E6.6.2 A1		?	
Number of Motorcycle Parking Spaces	E6.6.3 A1	Nil	Y	None required



Number of Bicycle Parking Spaces	E6.6.4 A1	Nil	Y	None required
Number of Accesses	E6.7.1 A1	1	Y	
Design of Accesses	E6.7.2 A1		Y	Standard condition
Passing	E6.7.3 A1	None (the access is 29.5m from the boundary to the 1 st parking space)	Y	
Turning	E6.7.4 A1	On site turning is not required however turning is available for the 3 external parking spaces.	N/A	
Layout	E6.7.5 A1		Y	Standard condition
Surfacing	E6.7.6 A1	concrete	Y	
Lighting	E6.7.7 A1	Not required	N/A	
Landscaping	E6.7.8 A1		?	Refer to planning
Motorcycles	E6.7.9 A1		N/A	
Bicycles	E6.7.10 A1 & A2		N/A	
Bicycle End of trip	E6.7.11 A1		N/A	
Siting of parking	E6.7.12 A1		N/A	
Commercial vehicles	E6.7.13 A1		N/A	
Road access	E6.7.14 A1		Y	
Stormwater Code Applies? Y	Clause:	Proposed	Complies or N/A	Provide brief detail of discretion and any condition required:
Gravity Connection	E7.7.1 A1	Connect to council SW	Y	
WSUD	E7.7.1 A2	>600m2 impervious area	N	The new impervious area is just over 600 sq. m. Given the area is only marginally over it is considered that WSUD



				principles are not necessary in this instance.
Minor SW system	E7.7.1 A3		?	
Major SW system	E7.7.1 A4		?	

Representations	
<p>2b</p> <p><i>"It has come to my attention that the owners intend to change there original plans after they get there first approval past council .</i></p> <p><i>This is to include an extra building adding to the first dwelling to have not one but two Air B/Bs</i></p> <p><i>I am strongly against this for several reasons,</i></p> <p><i>firstly at the end of the street there is the surf life saving club it has lots of children walking up and down this street constantly the proposed dwelling with two B/Bs add to the traffic not only on the property but I note that they propose to have extra parking on the street with the widening of the driveway , there is never enough parking during holidays with cars vans caravans boats trailers all trying to park this causes lots of blind spots all up and down the street adding more car parking and car spaces only adds to the danger of a child being hit by a car (heaven forbid)"</i></p>	<p>Parking has been provided in accordance with the requirements of the planning scheme.</p> <p>Whilst not required, on site turning is provided allowing vehicles to enter and exit the site in a forward direction.</p> <p>No extra parking is proposed on the street. The driveway is being widened to improve the alignment and ease of vehicles entering and existing the site.</p>

Standard Conditions

Services

- 1) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Advice: The developer may submit photographs showing the existing condition of roads, footpaths, kerb and gutter and similar in the nearby area as evidence of the existing conditions prior to any works occurring

Parking and Access



- 2) Prior to the commencement of use, at least five (3) car parking spaces must be provided on-site, (2 for the dwelling, 1 for the visitor accommodation unit) and must be available for car parking at all times.
- 3) To the satisfaction of Council's General Manager, the internal driveway and areas set-aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and must include all of the following:
 - (a) Be constructed with a durable all weather pavement;
 - (b) Have a sealed surface of concrete;
 - (c) Drained to an approved stormwater system;
 - (d) Be fully complete prior to the commencement of use to the satisfaction of Council's General Manager.
- 4) To the satisfaction of Council's General Manager, surface water runoff from the internal driveway and areas set-aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.

Advice: The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016 and may require a Certificate of Likely Compliance or Plumbing Permit under the Building Act 2000.
- 5) The existing vehicular access, from the edge of the road to the property boundary, must be widened as shown on the endorsed plans prior to the commencement of the use. The construction must be in accordance with Council's Standard Drawing TSD-R09-v1 and to the satisfaction of Council's General Manager.

*Advice: Standard drawings are available at <http://www.lgat.tas.gov.au/page.aspx?u=658>
The developer must advise Council's Works Manager no less than 48 hours prior to commencing any works within the Council Road Reservation.*

Stormwater

- 6) Stormwater drainage must drain to Council's piped stormwater system to the satisfaction of Council's General Manager and in accordance with the Building Act 2016.

TasWater

- 7) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2019/01636-GSB, dated 08/11/2019.

Soil and Water Management

- 8) The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.
- 9) No top soil is to be removed from the site.

Construction

- 10) Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:



- a. Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and to be disposed of at an approved facility.
- b. Not burn debris or waste on site.
- c. Promptly pay the costs associated with any alteration, extension, reinstatement, repair or cleaning of Council infrastructure, public land or private property.
- d. Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage.

Memo: Introduction of trial format for Council Reports

Responsible Officer – Graduate Planner

Attachments: Nil

This memo has been provided to inform the Planning Authority of the possible new approach. Council feedback is welcome.

Background

The Reports to Council are lengthy documents. This is partly because at the moment they go through each and every one of the applicable standards and examine whether or not the Acceptable Solutions are met. Then they go through the areas where the Acceptable Solutions are not met and examine whether or not they meet the Performance Criteria.

The next Report, for 7 Sea Eagle Drive, takes an abbreviated approach. At heading 15 it simply states that the initial assessment identified that all the Acceptable Solutions were met, except for one, and then assesses that one standard against the relevant Performance Criteria. If this approach had been taken for the other two reports on the agenda tonight, it would have removed seven pages from the Cooks Court report and eleven pages from the Jetty Road report.

The abbreviated approach for 7 Sea Eagle Drive is taken because it was a straightforward assessment and a good one to trial the new approach.

Purpose

The rationale for a possible new approach is that the current format is time-consuming both to draft and to read, and what the Planning Authority is assessing is actually whether or not the proposal meets the discretionary aspects – the Performance Criteria.

Remarks

It is important to note that not including the assessment against the Acceptable Solutions in the Council Report does not mean that a methodical assessment against the Acceptable Solutions has not been undertaken. That assessment is undertaken as the Initial Assessment, as is on file for the application.

This abbreviated approach fulfills the statutory obligations of the Planning Authority.

3.3 DA 2019 / 279 – 7 Sea Eagle Drive, Bicheno

Location:	7 Sea Eagle Drive, Bicheno (CT 172029/17)
Proposal:	Single dwelling
Applicant:	Jennifer Binns Building Design
Planning Document:	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone:	General Residential
Codes:	6.0 Parking and Access, 7.0 Stormwater Management
Application Date:	14 October 2019
Statutory Date:	31 January 2020 (by consent of applicant)
Performance Criteria:	Assessment required for one standard
Representations:	One
Attachments:	Attachment A – Exhibited Documents Attachment B – alternative Schedule of Easements Refer to body of report for de-identified representation (S.22)
Author:	Robyn Bevilacqua, Graduate Planner

1. Executive Summary

Planning approval is sought to build a single residence at 7 Sea Eagle Drive, Bicheno (previously Lot 17).

The proposal was assessed as reliant on one Performance Criterion and therefore was subject to discretionary assessment. The discretion relate to the proposed dwelling protruding outside of the building envelope on the north-east elevation.

The proposal was placed on public exhibition for two weeks from 20 November to 3 December 2019. One representation was received.

The Planning Authority must make a final decision on the application by 31 January 2020.

The recommendation is to approve the application.

2. Legislative and policy content

The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

This report assesses the proposal against all the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the officer's recommendation.

The Planning Authority may:

1. Adopt the recommendation
2. Vary the recommendation by adding, modifying or removing recommended conditions
3. Replace an approval with a refusal (or vice versa).

An alternative decision to the recommendation requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

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.

3. 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 Standard can be met in two ways:

- (1) By meeting the Acceptable Solution. Acceptable Solutions are quantitative. They are either met or not met. If an application meets all the relevant Acceptable Solutions, it must be approved. Such applications are approved by delegation and do not appear before the Planning Authority.
- (2) In the case of not meeting the Acceptable Solution, or there not being an Acceptable Solution in the Planning Scheme, an application can meet the Standards by satisfying the alternative Performance Criterion. Such applications are 'discretionary' and subject to the discretionary application processes, including public notification.

Applications that appear before the Planning Authority are those that are (1) discretionary and (2) a representation has been received during the public notification process. The Planning Authority has the discretion to approve or refuse these and must exercise sound judgement to assess whether the proposal meets the relevant Performance Criteria or not.

Any decision of the Planning Authority regarding a discretionary application must have regard to the Performance Criteria.

In assessing the proposal against the Performance Criteria, the Planning Authority may consider the objectives of the standards but should not consider the Acceptable Solution.

The logic of the above is that the exercise of judgement on a Performance Criterion is based on the proposal's impact on the objectives of the standard, not the fact that it may have not met, or 'nearly' met the Acceptable Solution.

4. The Proposal

Planning approval is sought for a single dwelling, outbuilding and second driveway.

5. Risk and implications

The area is zoned General Residential. All services are available. The road is sealed, has kerb and gutter, concrete crossovers, sealed aprons, and a footpath.

Approval or refusal of this application should have no direct financial implications for Council, other than should an appeal against the Authority's decision be lodged, or should the Planning Authority fail to make a decision within the statutory timeframe.

6. Relevant background and past applications

There are no previous applications for development at 7 Sea Eagle Drive, Bicheno.

7. Local area

Sea Eagle Drive is north of Bicheno, as seen pinned in Figure 1 below.

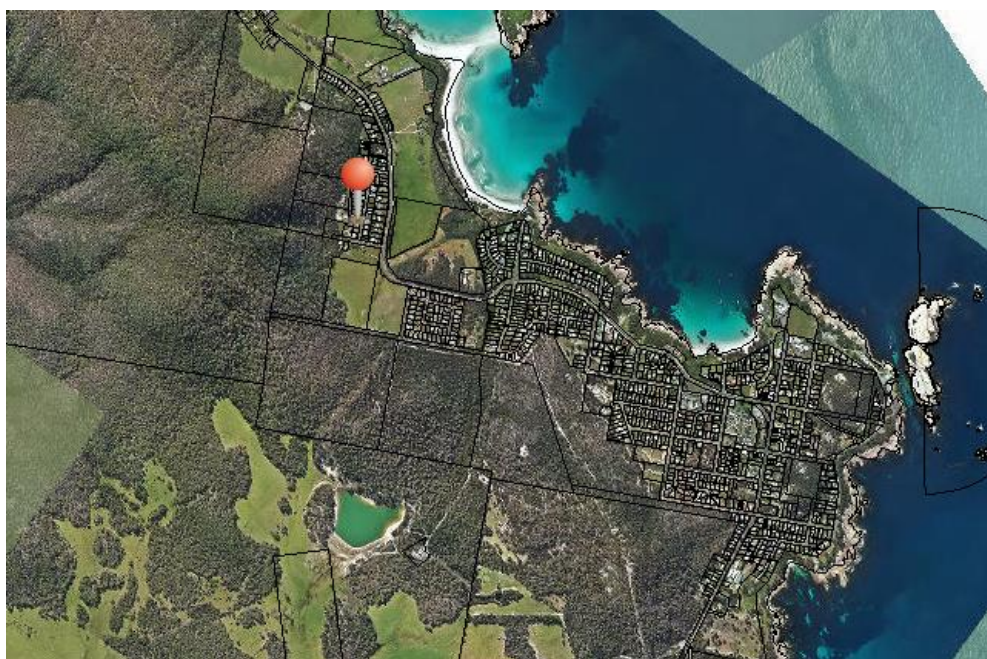


Figure 4: Aerial view of Bicheno with Sea Eagle Drive pinned (LISTmap)

8. Zone

The lot is within a General Residential Zone west of the Tasman Highway north of the Bicheno Township.

The land to the east of the Highway is Particular Purpose Zone 6 (North Bicheno).

Land to the west of the subject lot is zoned Rural Resource. See Figure 2 below.

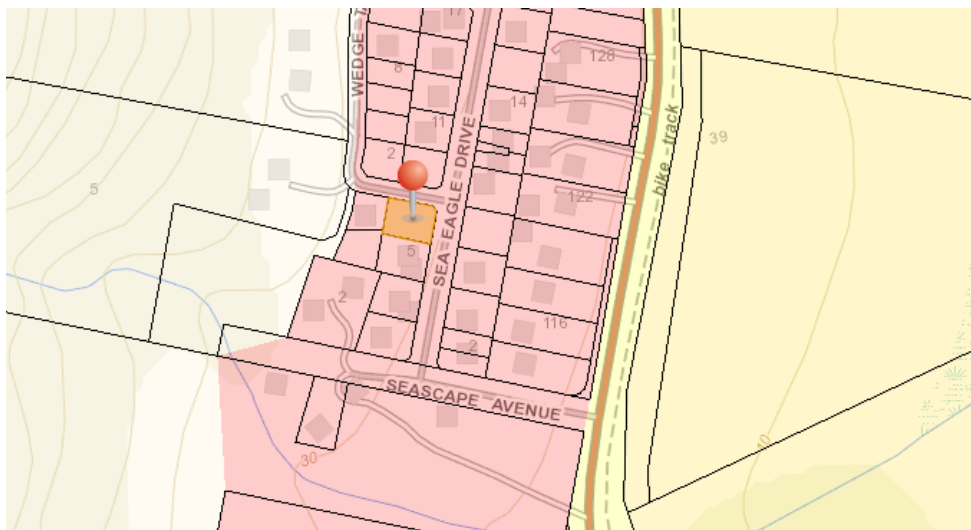


Figure 5: General Residential (pink), Particular Purpose Zone 6 (yellow), Rural Resource (cream)

9. Overlays (Codes)

The Parking and Access Code and the Stormwater Management Code apply to all development applications. There are no other overlays.

10. Site Description

7 Sea Eagle Drive is a corner lot comprising 707.5m². It is located on the corner of Sea Eagle Drive and Wedge Tail Circuit. There is an existing crossover and access from Sea Eagle Drive.

11. Services

Mains water, sewerage and reticulated stormwater services are all available, as shown in Figure 3.

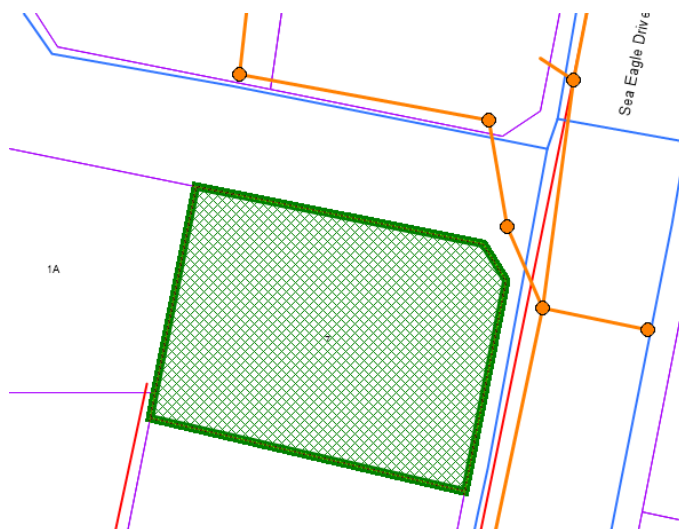


Figure 6: Services: Water mains (blue), sewer mains (red), Council stormwater (orange).

12. Assessing the application under the Glamorgan Spring Bay Interim Planning Scheme 2015

The application must be assessed against the standards provided in:

- D10.0 General Residential Zone
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

13. General Residential Zone D10.2 – Use

A single dwelling is a 'No Permit Required' use in the General Residential Zone.

14. General Residential Zone - Use Standards (D10.3)

There are three Use Standards in the General Residential Zone; none are applicable to this proposal.

15. General Residential Zone – Development Standards for Residential Buildings and Works (10.4)

The proposal was assessed by the planning consultant as meeting all the applicable Acceptable Solutions of the General Residential Zone, except D10.4.2 A3, which requires a dwelling to be contained within a building envelope determined by Diagram 10.4.2C.

16. Summary of the assessment against the Acceptable Solutions for the General Residential Zone

The Acceptable Solutions are met with the exception of D10.4.2 A3. The application must satisfy the Performance Criteria at D10.4.2 P3(a) and (b) to be approved. This will be discussed further below.

The next sections will assess the application against the relevant codes:

- Parking and Access
- Stormwater Management.

17. E6.0 Parking and Access Code

Parking and Access Code - Use Standards (E6.6)

This code deals with car parking and access. The Acceptable Solution A1 requires two spaces for a dwelling with two or more bedrooms. The proposal provides three spaces and therefore complies with this Standard.

Summary: for a single dwelling with three bedrooms, the Acceptable Solution is met.

Parking and Access Code Development Standards E6.7

E6.7.1 Number of Vehicular Accesses: A1 requires that the number of vehicle access points for each road frontage must be no more than one. The proposal is for a second access point to come off Wedge Tail Circuit. This application has frontages onto both Sea Eagle Drive and Wedge Tail Circuit. The proposal is for one access off each frontage. The Acceptable Solution is met.

E6.7.2 Design of Vehicular Accesses: A1 requires that the design of vehicle access points must comply with AS/NZS 2890.1. This is generally dealt with by condition on the permit.

E6.7.3 Vehicular Passing Areas: Not required.

E6.7.4 On-site Turning: Not required.

E6.7.5 Layout of parking areas: A1 requires layout to comply with AS/NZS 2890.1. This is normally dealt with via a condition on the permit.

E6.7.6 Surface Treatment of Parking Areas: A1 requires that parking spaces and vehicle circulation roadways must be paved or treated with a durable all-weather pavement where within 75m of a sealed roadway and must drain to an approved stormwater system. Both proposed driveways will be concrete. The Acceptable solution is met and there will be a condition on the permit.

E6.7.7 – E6.7.13 - not applicable.

E6.7.14 Access to a Road: A1 requires that access to a road must be in accordance with the requirements of the road authority. The existing access was created as part of the original subdivision and the existing access at the time was installed to council

standards. The second access will be dealt with via condition. The Acceptable Solution is met.

Summary: the Acceptable Solutions of the Parking and Access Code are met.

18. E7.0 Stormwater Management Code

Stormwater Code Development Standards E7.7

E7.7.1 A1 requires that stormwater from new impervious surfaces be disposed of by gravity to public stormwater infrastructure. The development will connect by gravity to Council's reticulated stormwater system. The Acceptable Solution is met.

E7.7.1 A2 - A4 are not applicable.

Summary: the Acceptable Solution provided for Stormwater Management is met.

19. Summary of the assessment against the Acceptable Solutions of the General Residential Zone and the applicable Codes

The proposal meets all the applicable standards via Acceptable Solutions, except:

D10.4.2 A3 – building envelope

The Planning Authority now must exercise its discretion in assessing the proposal against the Performance Criteria provided for that standard. This will be worked through below and a recommendation made. The Performance Criteria are provided in the left hand column of the tables below. The Planner's response in the right-hand column.

20. Discretion 1– Setbacks and building envelope D10.4.2

The Acceptable Solution provided at D10.4.3 A3 is that a dwelling must be contained within a building envelope as outlined in Diagram 10.4.2C.

The proposal was assessed as protruding beyond the building envelope on the north east elevation and must satisfy the Performance Criteria P3 to be approved. P3(a) and (b) provide:

The siting and scale of a dwelling must:

(a) not cause unreasonable loss of amenity by:

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or

(ii) overshadowing the private open space of a dwelling on an adjoining lot; or

(iii) overshadowing of an adjoining vacant lot; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

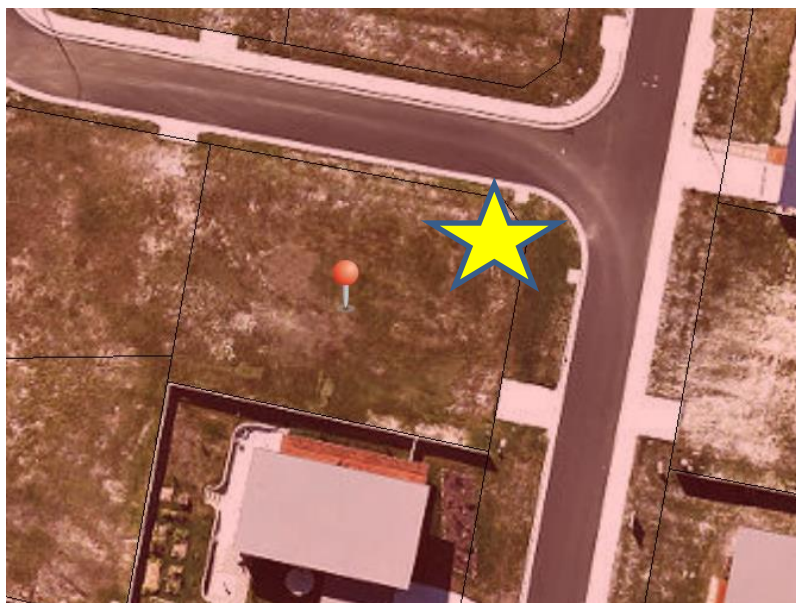


Figure 7: 7 Sea Eagle Drive, Bicheno. Building outside the building envelope on the north east corner is not going to cause a reduction in sunlight to any other property.

Figure 4 above shows the vacant lot on the corner of Sea Eagle Drive and Wedge Tail Circuit and demonstrates how extending outside of the building envelope on the north eastern (starred) corner will not cause a reduction in sunlight of any other dwelling.

The proposal provides a contemporary single dwelling amongst an area of new dwellings that vary in their detailed siting and design. The proposal is consistent with this pattern within this precinct.

Recommendation: the proposal satisfies the Performance Criterion.

21. Referrals

TasWater determined that the proposed development does not require a submission from TasWater.

22. Concerns raised by representor

The following table outlines the issues raised in the representation and the planner's response.

Representation	Advice provided by senior planning consultant
<p>Dear Sir</p> <p>We hereby lodge our objection to dwelling DA 2019/279 (7 Sea Eagle Drive Bicheno) on the grounds that the proposed development does not comply with the restrictive covenants that are placed on the subject land, as set forth in Sealed Plan 164596 ad 166276.</p>	<p>The General Residential zone provides an acceptable solution for buildings that are located either within building areas defined on a title or in accordance with the building envelope described under clause 10.4.2 A1 and A3. Performance criteria are provided for buildings that do not meet either of these options.</p> <p>It is noted there are extensive restrictions listed in the covenants to the subject title, which do not form part of the assessment of any planning application.</p> <p>Mr Old made representation that a different schedule of easements applied to the land. Checking of the title information on theLIST</p>



<p>Please see attached (6 pages) – Schedule of Easements that were not part of the application put forward by the applicant.</p> <p>Specifically, the height of the proposed building exceeds that which is permitted by the restrictive covenants.</p> <p>We have previously been in contact with your planning officer via email, Robyn Bevilacqua, Graduate Planner on 29/11/19, and sought advice in this regards however have not been provided with a response to my queries. We can provide copies of those e-mails if required.</p>	<p>confirmed the title submitted with the application was the correct title for the subject lands. The Schedule of Easements for this land contains a covenants provision referring to the document Mr Old was referring to (Attachment C).</p> <p>Regardless of this situation, covenants do not form part of the planning authority's assessment of a planning application, as discussed in more detail in another Report presented to Council tonight. In this respect, Mr Old's representation does not affect assessment of the current application.</p>
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23. Conclusion

The application satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015.

24. Recommendation

That:

- A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, application DA 2019 / 279, to construct a single dwelling, outbuilding and second driveway at 7 Sea Eagle Drive, Bicheno (CT 172029/17) be approved with the following conditions:

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

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

2. The developer must implement a Soil and Water Management Plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP together with the drawings submitted for building approval.

Advice: a series of fact sheets on Soil and Water Management on building sites is available at <https://epa.tas.gov.au/epa/water/stormwater/soil-and-water-management-on-building-sites>

3. No top soil is to be removed from the site.
4. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:

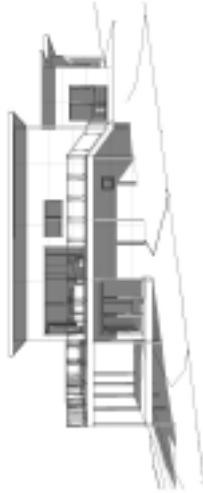
- a. ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility
 - b. not burn debris or waste on site
 - c. promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
 - d. ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
5. Prior to the commencement of use, at least two car parking spaces must be provided on site and must be available for car parking at all times.
- a. Each space must be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction.
 - b. The maximum gradient of each space is 1 in 20 measured parallel to the angle of parking and 1 in 16 in any other direction.
6. The internal driveway and areas set aside for vehicle parking and turning must:
- a. have a sealed surface of either concrete, asphalt, two-coat spray seal, pavers or similar
 - b. be constructed with a durable all weather pavement and appropriate drainage and
 - c. be fully complete within six months of the commencement of use to the satisfaction of Council's General Manager.
7. To the satisfaction of Council's General Manager, surface water runoff from the internal driveway and areas set aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.

Advice: The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016 and may require a Certificate of Likely Compliance or Plumbing Permit under the Building Act 2016.

8. Drainage must drain to a legal discharge point] to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
9. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

proposed dwelling

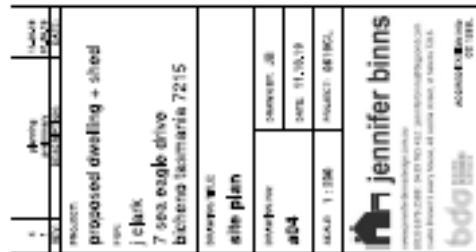
jamie dask
7 sea eagle drive bierena tasmania 7215



planning application

Item 3.3 - Attachment A

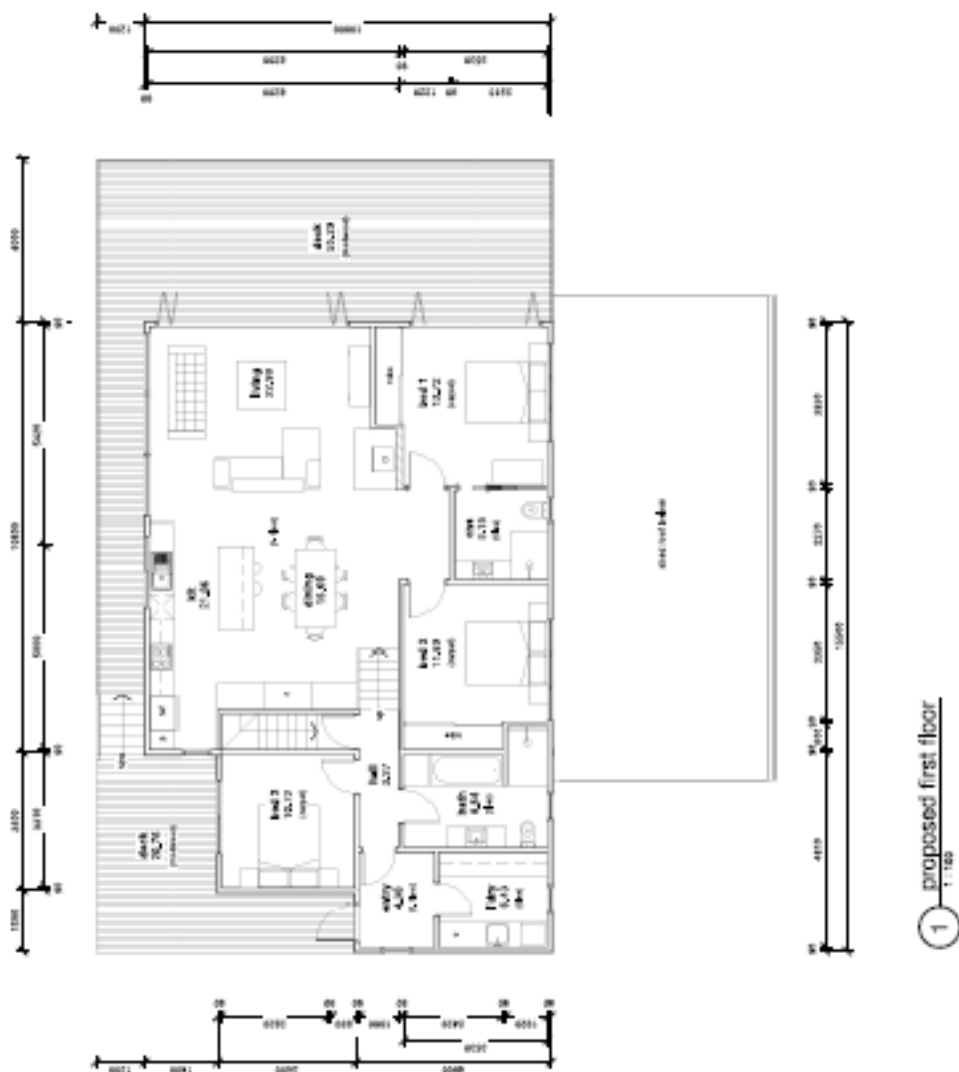
Building Areas	
proposed lot area	146,307
proposed shed	85,119
proposed ground floor	16,620
dwg 1	16,177
dwg 2	16,177
dwg 3	16,177
dwg 4	16,177



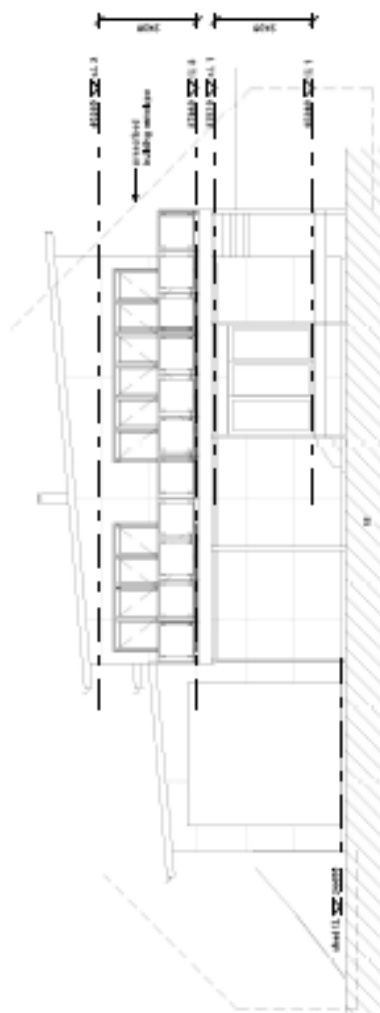


PROJECT:	proposed dwelling + shed
FILE:	1 click
	7 sea eagle drive
	bicheno tasmania 7215
WORKING SET:	

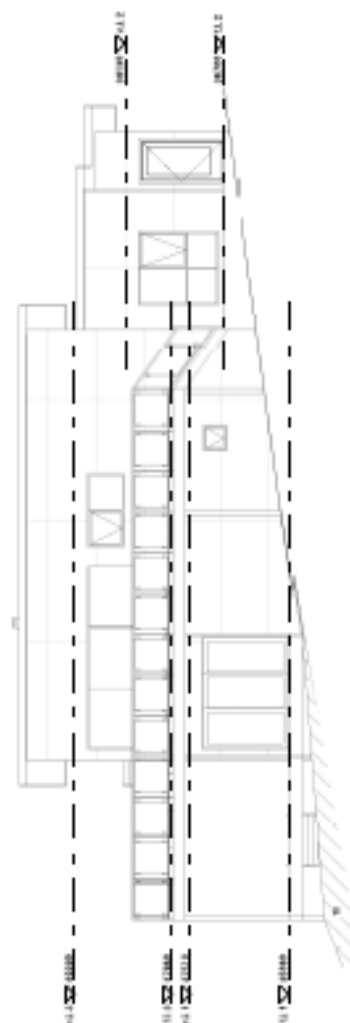
proposed ground floor	
DATE: 11/03/19	DRAWN BY: JLB
SCALE: 1:150	PROJECT: 26102L



PROPOSED	PROPOSED DWELLING + SHED
NAME	JENKIN
ADDRESS	7 SEA EAGLE DRIVE BECHEN TASMANIA 7215
PROJECT NO.	11150
DATE	11/05/19
SCALE	1:100
PROJECT	081801
DESIGNER	JENNIFER BINNS
DATE	11/05/19
SCALE	1:100
PROJECT	081801
DESIGNER	JENNIFER BINNS
DATE	11/05/19
SCALE	1:100
PROJECT	081801

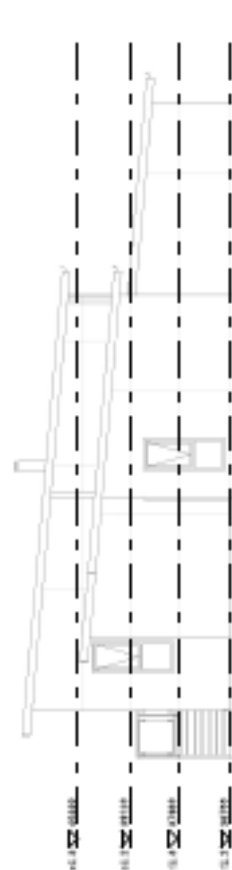


1 — east elevation
1 : 100

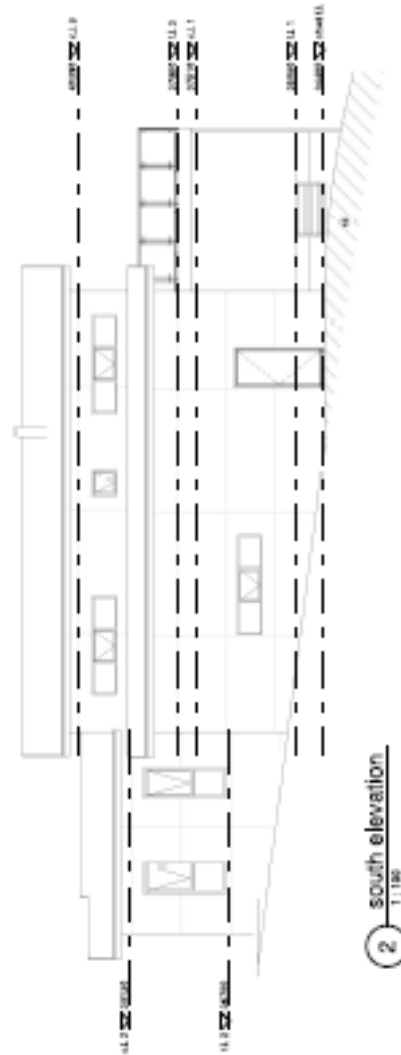


2 north elevation
1:120

[illegible]



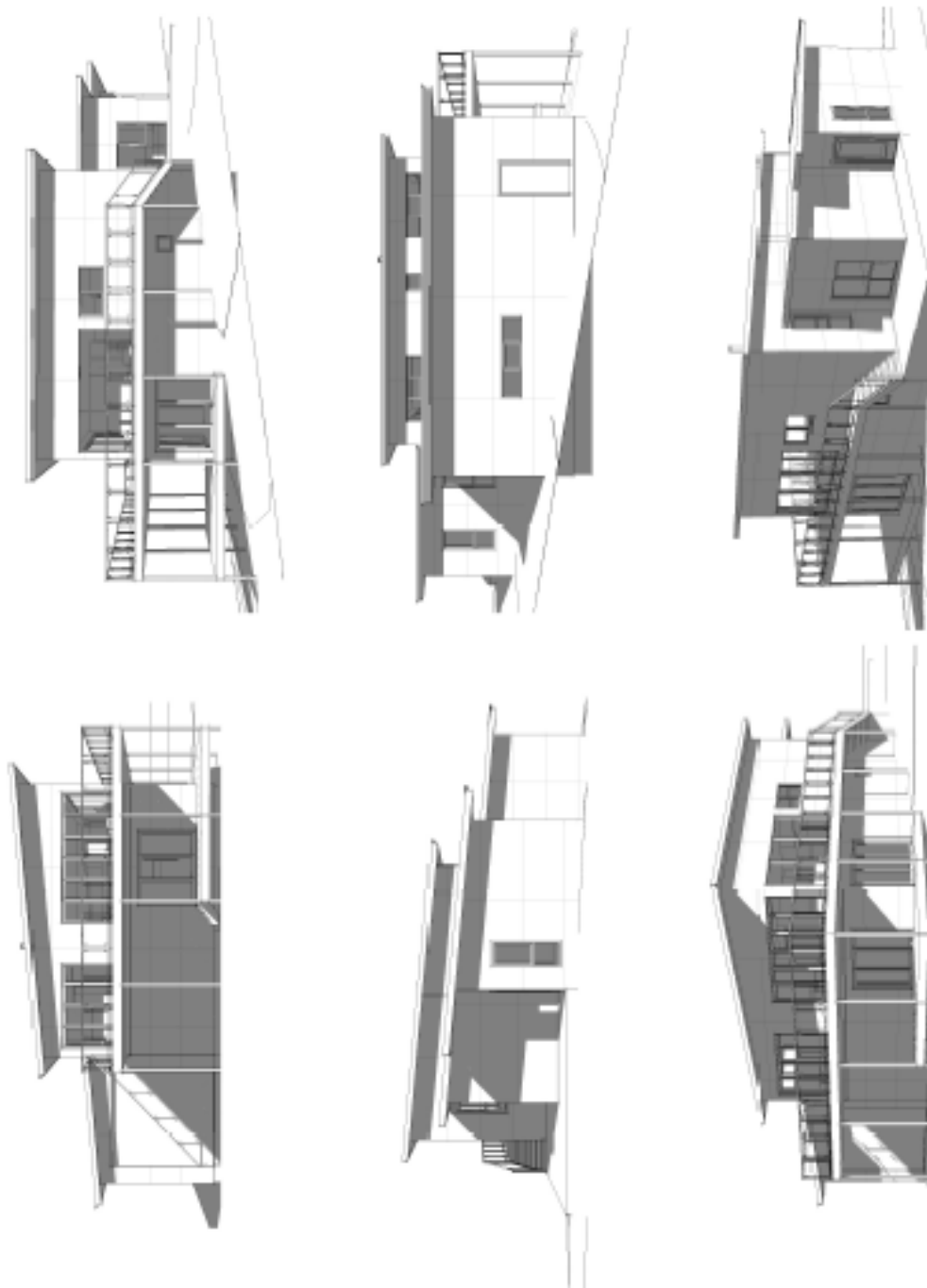
1 west elevation
1:150



2 south elevation
1:150

PROJECT:	proposed dwelling + shed	DATE:	01/11/19	SCALE:	1:150	PROJECT:	041901
CLIENT:	Jeltek	DATE:	01/11/19	PROJECT:	041901	PROJECT:	041901
ADDRESS:	7 sea eagle drive bichera leamaria 7215	DATE:	01/11/19	PROJECT:	041901	PROJECT:	041901
DESIGNER:	JENNIFER BINNS	DATE:	01/11/19	PROJECT:	041901	PROJECT:	041901
DATE:	01/11/19	PROJECT:	041901	PROJECT:	041901	PROJECT:	041901
PROJECT:	041901	PROJECT:	041901	PROJECT:	041901	PROJECT:	041901



[illegible]



Item 3.3 - Attachment B

SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	

PAGE 1 OF 6 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Easements:

Lot 13 on the plan is SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 13 shown on the plan as "D.E. H 2.50 WIDE" in favour of the Water Corporation.

Lot 23 on the plan is SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 23 shown on the plan as "D.E. 'M' 2.50 WIDE" in favour of the Water Corporation.

Lot 23 on the plan is SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 23 shown on the plan as "D.E. I 3.50 WIDE" in favour of the Water Corporation.

Lot 23 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 23 shown on the plan as "D.E. I 3.50 WIDE" in favour of the Council.

Lot 27 on the plan is SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 27 shown on the plan as "D.E. B 3.00 WIDE" in favour of the Water Corporation.

Lot 100 on the plan is SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 100 shown on the plan as "D.E. 'L' 2.50 WIDE" in favour of the Water Corporation.

Lot 400 on the plan is:

- (a) SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 400 shown on the plan as "D.E. K 2.50 WIDE" in favour of the Water Corporation.
- (b) SUBJECT TO a right of drainage in gross over that part of Lot 400 shown on the plan as "D.E. J 3.50 WIDE" in favour of the Council.

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: Seanor Holdings Pty Ltd ACN 002 919 360 and Pacific Coast Resorts Pty Ltd ACN 084 444 995 FOLIO REF: Volume 157044 Folio 201 SOLICITOR & REFERENCE: Dobson Mitchell & Allport (CMB:1913985)</p>	<p>PLAN SEALED BY: Glamorgan Spring Bay Council DATE: REF NO, Council Delegate</p>
<p>NOTE: The Council Delegate must sign the Certificate for the purposes of identification.</p>	



**ANNEXURE TO
SCHEDULE OF EASEMENTS**

PAGE 2 OF 6 PAGES

Registered Number

SUBDIVIDER: Seanor Holdings Pty Ltd ACN 002 919 360 and Pacific Coast Resorts Pty Ltd ACN 084 444 995
FOLIO REFERENCE: Volume 157044 Folio 201

- (c) SUBJECT TO a right of drainage in gross over that part of Lot 400 shown on the plan as "D.E. G 2.50 WIDE" in favour of the Council.
- (d) SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 400 shown on the plan as "D.E. F 2.50 WIDE" in favour of the Water Corporation.
- (e) SUBJECT TO a right of drainage in gross over that part of Lot 400 shown on the plan as "D.E. D 3.00 WIDE" in favour of the Council.
- (f) SUBJECT TO a right of drainage in gross over that part of Lot 400 shown on the plan as "D.E. E 3.00 WIDE" in favour of the Council.
- (g) SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 400 shown on the plan as "D.E. C 3.00 WIDE" in favour of the Water Corporation.
- (h) SUBJECT TO a right of drainage in gross over that part of Lot 400 shown on the plan as "D.E. C 3.00 WIDE" in favour of the Council.
- (i) SUBJECT TO a Drainage and Sewerage Easement in gross over that part of Lot 400 shown on the plan as "DRAINAGE EASEMENT A 4.00 WIDE" in favour of the Water Corporation.
- (j) SUBJECT TO a right of drainage in gross over that part of Lot 400 shown on the plan as "DRAINAGE EASEMENT A 4.00 WIDE" in favour of the Council.

Lot 200 on the plan is:

- (a) TOGETHER WITH a right of drainage in gross over the "DRAINAGE EASEMENT 10.00 WIDE" and marked XY shown on the plan passing through the Balance Land.
- (b) TOGETHER WITH a right of drainage in gross over the "DRAINAGE EASEMENT 10.00 WIDE" and marked YZ shown on the plan passing through the land comprised in Folio of the Register Volume 81398 Folio 1.

Balance Land means the balance of the land remaining in Folio of the Register Volume 157044 Folio 201 at the date of acceptance of the plan excepting Lots 13, 21, 23, 27, 100, 200 and 400 on the plan.

Council means the Glamorgan Spring Bay Council and its legal successors from time to time.

Drainage and Sewerage Easement means the full and free right for the Water Corporation and every person authorised by them from time to time by means of pipes to drain sewerage and/or any other waste material and/or fluid in any quantities through and along the drainage and sewerage easement and to:

- (a) use, for the purpose of the drainage and sewerage easement, any pipes already laid within the drainage and sewerage easement or to lay and maintain pipes of sufficient internal diameter beneath the surface of the drainage and sewerage easement;
- (b) enter into and upon the servient land and if necessary to cross the remainder of the servient land for the purposes of access and regress to and from the servient land for all or any of the rights granted

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



<p style="text-align: center;">ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p style="text-align: center;">PAGE 3 OF 6 PAGES</p>	<p style="text-align: center;">Registered Number</p>
<p>SUBDIVIDER: Seanor Holdings Pty Ltd ACN 002 919 360 and Pacific Coast Resorts Pty Ltd ACN 084 444 995 FOLIO REFERENCE: Volume 157044 Folio 201</p>	

by this drainage and sewerage easement with or without tools, implements, machinery, materials and specialist service providers and to remain there for any reasonable time for the purposes of inspecting, laying, installing, cleaning, repairing, maintaining, renewing, re-laying or removing any pipes or part of them; and

- (c) open the soil of the drainage and sewerage easement to such extent as may be necessary,

provided that the Water Corporation and/or every person authorised by them from time to time will:

- (d) take all reasonable precautions to ensure as little disturbance as possible is caused to the surface of the servient land; and
- (e) restore the surface of the servient land as nearly as practicable to its original condition.

Water Corporation means the Tasmanian Water and Sewerage Corporation (Southern Region) Pty Limited or its legal successors from time to time,

Restrictive covenants

The owner of Lot 400 on the plan covenants with the Vendors (Pacific Coast Resorts Pty Ltd and Seanor Holdings Pty Ltd) and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot, and every part thereof, and the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the plan (and with the residue of the land comprised in folio of the Register Volume 157044 Folio 201 and each and every part thereof) NOT TO erect any dwelling on that part of Lot 400 east of the line shown on the plan and marked VW.

The owner of each lot on the plan covenants with the Vendors (Pacific Coast Resorts and Seanor Holdings Pty Ltd) and the owners for the time being of every other lot shown on the plan to the intent that the burden of these covenants may run with and bind the covenantor's lot, and every part thereof, and the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the plan (and with the residue of the land comprised in folio of the Register Volume 157044 Folio 201 and each and every part thereof) to observe the following stipulations:

1. Not to apply for Council building approval for construction of any dwelling house, strata flat, carport, garage or other building or structure, nor commence or proceed with construction of any dwelling house, strata flat, carport, garage or other building or structure, on the lot without first submitting to the Vendors 2 copies of the working drawings and specifications for the proposed construction in a scale form of 1:100 including a site plan, floor plan, elevations, fencing, landscaping details and external colour scheme and obtaining approval of the Vendors for that proposed construction.
2. Not to erect or construct on the lot any dwelling house or strata flat unless:
 - (a) in the case of a home unit or units, the minimum floor area of each unit is 120m² (including a garage or carport); and
 - (b) in the case of a single dwelling, the minimum floor area is 160m² (including a garage or carport).

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 6 PAGES		Registered Number
SUBDIVIDER: Seanor Holdings Pty Ltd ACN 002 919 360 and Pacific Coast Resorts Pty Ltd ACN 084 444 995 FOLIO REFERENCE: Volume 157044 Folio 201		
<p>3. Not to erect on the lot any dwelling house, strata flat, carport, garage or other building or structure that uses any external material other than:</p> <ul style="list-style-type: none">(i) rendered and painted block work or brick work;(ii) bagged and painted block work or brick work;(iii) rendered, textured or painted fibre cement;(iv) painted weatherboards;(v) stone or natural products; or(vi) no more than 10% colorbond or other similar metal coloured product as a feature. <p>4. Not to erect on the lot any dwelling house, strata flat, carport, garage or other building or structure the roofing material of which is other than coloured metal roofing of low reflective finish.</p> <p>5. Not to erect or construct on the lot any shed or other outbuilding that is detached from the main dwelling unless:</p> <ul style="list-style-type: none">(i) the owner has first constructed an approved residential dwelling on the lot; and(ii) the construction materials, colours and finishes of the shed or other outbuilding are the same as the construction materials, colours and finishes of the approved residential dwelling on the lot. <p>6. Not to use the lot as a camping area or permit the use of a tent, caravan, trailer, boat or recreational vehicle on the lot prior to construction of an approved residential dwelling on the lot.</p> <p>7. Not to erect or construct any fencing on the lot unless:</p> <ul style="list-style-type: none">(a) Side and rear fencing – that fencing does not exceed 1.35 metres in height from the natural ground level.(b) Front fencing – that fencing forms an integral part of the overall building design and colour. <p>8. Not to carry out any addition or extension to any dwelling house, strata flat, garage, carport or other outbuilding on the lot unless that addition or extension is carried out by adhering to the same requirements as that dwelling house, strata flat, garage, carport or other outbuilding.</p> <p>9. Not to park any vehicles including caravans, boats or buses on any adjoining or neighbouring lot or any other lot.</p> <p>10. Not to permit the builder and other contractors engaged to erect or construct any building or structure on the lot to accumulate rubbish or other builder's waste nor to cause any damage to driveways, kerb and gutter or paved road surfaces,</p>		
NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.		



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 5 OF 6 PAGES	Registered Number
SUBDIVIDER: Seanor Holdings Pty Ltd ACN 002 919 360 and Pacific Coast Resorts Pty Ltd ACN 084 444 995 FOLIO REFERENCE: Volume 157044 Folio 201	

11. Not to seek approval for, or permit or suffer the placement of, any building or structure on the lot that has been relocated from any other place.

The owners of:

- (a) that portion of Lot 400 shown PART 400 8073M2 on the plan;
- (b) that portion of Lot 400 shown PART 400 807M2 on the plan;
- (b) that portion of Lot 400 shown PART 400 1436M2 on the plan east of line PQ;
- (d) Lot 13 on the plan;
- (e) that portion of Lot 400 shown PART 400 3772M2 on the plan east of line PQ; and
- (f) that portion of Lot 400 shown PART 400 3005M2 on the plan,

covenant with the Vendors (Pacific Coast Resorts Pty Ltd and Seanor Holdings Pty Ltd) and the owners for the time being of each and every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot, and every part thereof, and that the benefit thereof may be annexed to and devolve with each and every part of each and every other lot shown on the plan (and with the residue of the land comprised in folio of the Register Volume 157044 Folio 201 and each and every part thereof) NOT TO erect on the lot any dwelling house, strata flat, carport, garage or other building or structure:

- (i) unless the height of the uppermost level (top of roof) does not exceed 6.5 metres from natural ground level; and
- (ii) with a roof pitch exceeding 7½ degrees.

The owners of:

- (a) Lots 21, 23 and 27 on the plan;
- (b) that portion of Lot 400 shown PART 400 1436M2 on the plan west of line PQ; and
- (c) that portion of Lot 400 shown PART 400 3772M2 on the plan west of line PQ

covenant with the Vendors (Pacific Coast Resorts Pty Ltd and Seanor Holdings Pty Ltd) and the owners for the time being of each and every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot, and every part thereof, and that the benefit thereof may be annexed to and devolve with each and every part of each and every other lot shown on the plan (and with the residue of the land comprised in folio of the Register Volume 157044 Folio 201 and each and every part thereof) NOT TO erect on the lot any dwelling house, strata flat, carport, garage or other building or structure unless the height of the uppermost level (top of roof) does not exceed 8.0 metres from natural ground level.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



<p style="text-align: center;">ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p style="text-align: center;">PAGE 6 OF 6 PAGES</p>	<p style="text-align: center;">Registered Number</p>
<p>SUBDIVIDER: Seanor Holdings Pty Ltd ACN 002 919 360 and Pacific Coast Resorts Pty Ltd ACN 084 444 995 FOLIO REFERENCE: Volume 157044 Folio 201</p>	

The Vendor reserves the right for itself or its assigns at any time to sell lease or otherwise deal with any lot on the plan either subject to the above conditions and/or restrictive covenants or any of them or not and/or subject to such modifications thereof as they in their sole discretion deem fit. The exercise of the said right in relation to any lot shall not release the owners of any other lot from any of the conditions or covenants affecting or imposed upon such other lots or give the owners of any lot any right of action against the Vendors or any other person.

Fencing provision

In respect of each lot shown on the plan the Vendors (Pacific Coast Resorts Pty Ltd and Seanor Holdings Pty Ltd) will not be required to fence,

Executed by Pacific Coast Resorts Pty Ltd)	
ACN 084 444 995 being the registered proprietor)	
of folio of the register Volume 157044 Folio 201)
in accordance with section 127(1) of the)	Adrian John Cook
Corporations Act 2001)	Sole Director and Sole Secretary

Executed by Seanor Holdings Pty Ltd)	
ACN 002 919 360 being the registered proprietor)	
of folio of the register Volume 157044 Folio 201)
in accordance with section 127(1) of the)	Robert Ernest Hinchcliffe
Corporations Act 2001)	Director

.....
Pamela Joy Hinchcliffe
Director/Secretary

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson hereby declares that the Council is no longer now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 3 of the Agenda.

Recommendation

That Council no longer acts as a Planning Authority. (Time:)
--

4. 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 Act 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.

Asking a question is easy and members of the public are encouraged to ask any question they have (limit of two (2) questions per person per meeting).

Prior to the commencement of an Ordinary Meeting of Council, the Mayor approaches the public gallery and requests that those who would like to ask a question during public question time indicate at that point they would like to do so and give the Mayor their name.

A short instruction sheet outlining the Glamorgan Spring Bay Council procedure for asking a question during Public Question Time will be provided at the Ordinary Meeting of Council to assist members of the public on how to do this. If required, at least 15 minutes of the meeting will be made available for questions from members of the public.

PLEASE NOTE: All members of the public wishing to ask a question during Public Question Time are asked to utilise the wireless microphone provided to ensure quality of sound both in the Council meeting room and for audio recording and live streaming purposes.

4.1 Questions on Notice

Mrs Rosemary Wood (Question on Notice)

- i. *Upon the information with which I have been supplied (from Kathryn Clarke, Parks, Ministers Gutwein and Shelton) it would appear that the change of use and development of the area from public recreation to a ‘bird sanctuary’ has taken place without any planning permit. If that is correct, could you please advise of any reason why such a permit was not required and why Council is not in breach of the statutory requirement for a planning permit?*

Response from General Manager

The subject land is zoned ‘Open Space’. In the Open Space Zone, ‘Natural & Cultural Values Management’ is a ‘No Permit Required’ Use.

There has been no change in use hence nothing to trigger a planning application. Council, Parks and Wildlife, conservation groups and community groups have managed the area for its natural and cultural values for many years.

Interpretive signs, erected by a public authority, are Exempt Signs and do not require a planning permit.

The process is not the same as for a walking trail in Bicheno, firstly because a Development Application was not required (there is no change in use), and secondly, if it were required the zone is different, the use is different and it is a quite different scenario.

- ii. *Robyn Bevilacqua, your Graduate Planner, gave a very clear and unequivocal reply in response to the planned Bicheno walking tracks Item 8.8. These would require a DA and written consent by the 'owner' Crown Land as structures and signage would be erected.*
- iii. *Why was this standard/requirement not applied to the Orford Sand spit?*

Response from General Manager

The zoning is different, the use is different and it is a totally different scenario. Even if that were not the case, the area has been known and managed as a bird sanctuary for many years and there has been no change of use.

- iv. *Why has fencing erected as 'temporary' been allowed to remain for 5 and more years, both on Raspins beach and the sandspit?*

Response from General Manager

The fencing referred to at both locations is for access management – to prevent erosion and enable revegetation, and to protect significant bird values, include two nationally listed threatened species in an internationally recognised Important Bird Area (IBA). Land managers need to take an adaptive approach to coastal management and it has been determined by council officers that this fencing needs to remain in situ at this time.

- v. *Why has EPA required temporary bunting and barrier fencing with EPA signage not been used over the entire 'potential contamination site'?*

Response from General Manager

It is suggested that Mrs Wood refers this question to the EPA.

- vi. *Why has No Dog signed fencing been used to indicate a barrier to prohibit/stop (edited from 'protect') humans, given that over last summer humans climbed over the fences?*

Response from General Manager

The fence and associated signage has been mostly successful in keeping dogs and humans out of the internationally recognised Important Bird Area (IBA). Disturbance by humans and dogs is a key threatening process to the values in the IBA. People can go around the fence if they want to swim however this location is not monitored under the recreational water monitoring program as it is an ephemeral estuarine system. Council does not monitor for *E.coli* in such systems anywhere as they are likely to periodically fail.

- vii. *Why has 'temporary' fencing, (designed and apparently approved by delegated authority as such), to protect the shorebirds, remained, even though the Fairy terns have chosen another site (well known and documented behaviour) and the other birds e.g. hooded plovers, red-capped plovers and oyster catchers have according to NRM staff reporting, probably completed their current season of breeding having begun before the beginning of October, (laying to fledging about 35 to 40 days)?*

Response from General Manager

The entire sand spit both inside and outside of the fenced area is an IBA. It is critical habitat for the birds year round not just during the breeding season. The assumption that the birds have completed breeding is incorrect. There are Hooded Plover chicks that have only recently hatched in the IBA.



Mr Wayne Murray

- i. *Am I correct in my assumption that the rules regarding Conflict of Interest and Code of Conduct that apply to Councillors do not also strictly apply to the members of Section 24 Committees?*

Response from General Manager

The rules apply to both parties, with Councillors being covered by Local Government Act s.48, and all non-Councillors by s.48A, as per below:

48. Declaration of pecuniary interest by councillor

(1) A councillor must not participate at any meeting of a council, council committee, special committee, controlling authority, single authority or joint authority in any discussion, nor vote on any matter, in respect of which the councillor–

(a) has an interest; or

(b) is aware or ought to be aware that a close associate has an interest.

Penalty: Fine not exceeding 20 penalty units.

(2) A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.

Penalty: Fine not exceeding 50 penalty units.

(3) On declaring that he or she has an interest, the councillor is to leave the room in which the meeting is being held.

Penalty: Fine not exceeding 20 penalty units.

(4) The councillor, by notice in writing, is to advise the general manager of the details of any interest that the councillor has declared under this section within 7 days of so declaring.

Penalty: Fine not exceeding 20 penalty units.

(5) The general manager is to –

(a) ensure that the declaration of interest is recorded in the minutes of the meeting at which it is made; and

(b) record the details of any interest declared in the register of interests kept under section 54 .

(6) In addition to any penalty imposed under this section, a court may make an order –

(a) barring the councillor from nominating as a candidate at any election for a period not exceeding 7 years; and

(b) dismissing the councillor from office.

48A. Declaration of pecuniary interest by member

(1) At any meeting of a special committee or controlling authority, or the board of a single authority or joint authority, a member must not participate in any discussion, or vote on any matter, in respect of which the member –

(a) has an interest; or

(b) is aware or ought to be aware that a close associate has an interest.

Penalty: Fine not exceeding 20 penalty units.

(2) A member must declare any interest that he or she has in a matter before any discussion on that matter commences.

Penalty: Fine not exceeding 50 penalty units.

(3) On declaring an interest that he or she has, the member is to leave the room in which the meeting is being held.

Penalty: Fine not exceeding 20 penalty units.

(4) A member of a special committee or controlling authority, by notice in writing, is to advise the general manager of the details of any interest that he or she has declared under this section within 7 days of that declaration.

Penalty: Fine not exceeding 20 penalty units.

(5) A member of a board of a single authority or joint authority, by notice in writing, is to advise the chief executive officer of that authority of the details of any interest declared by the member under this section within 7 days of that declaration.



Penalty: Fine not exceeding 20 penalty units.

(6) The general manager or chief executive officer is to –

- (a) ensure that the declaration of interest is recorded in the minutes of the meeting at which it is made; and*
- (b) record the details of any declared interest in the register of interests kept under section 53B or 54A .*

- ii. I note, however, that the Chair of the Prosser River Mouth Advisory Committee asked for declarations of Interest or Conflict at the beginning of each meeting of this group, so I assume it is regarded as good practice to apply the rules in a similar fashion in this context.*

Response from General Manager

Yes, as the rules are applicable, as per Local Government Act s.48 and s.48A.

- iii. Under such circumstances, is it appropriate for two members of this Committee to have promoted and voted on an item where it would likely be deemed that they had a Personal Pecuniary Interest as defined in Part 5 of the Local Government Act 1993?*

Response from General Manager

Your question appears to be hypothetical in nature, with the answer being no, it wouldn't be appropriate.

Where members of the public believe there has been a failure to declare a relevant interest, they can give notice to Council in accordance with the following provisions:

53. Notification of pecuniary interest

(1) Any person who considers that a councillor, member or member of an audit panel has an interest in a matter to be, or being, dealt with by a council, council committee, special committee, controlling authority or audit panel may notify the general manager in writing of that interest.

(2) On receipt of a notification, the general manager is to advise the following persons of the notification:

- (a) the councillor, member or member of an audit panel who is the subject of the notification;*
- (b) all other councillors, members or members of the audit panel.*

53A. Notification of pecuniary interest of member

(1) Any person who considers that a member of a board of a single authority or joint authority has an interest in a matter to be, or being, dealt with by a single authority or joint authority may notify the chief executive officer of that authority in writing of that interest.

(2) On receipt of a notification, the chief executive officer is to advise –

- (a) the chairperson; and*
- (b) the member who is the subject of the notification.*

5. Information Reports

5.1 General Manager, Chris Schroeder

Council Governance · Corporate Services · Medical Services · Economic Development · Safety & Risk Management · Visitor Centres

Council Governance

Council meetings will be conducted monthly with special meetings being called by the Mayor or Councillors when required. In 2019 Council meetings will usually be held on the fourth Tuesday of the month and commence at 5.00pm during the warmer months and at 2pm during the colder months (April-August). Generally, workshops are scheduled for the second Tuesday of each month and on the day of a Council meeting, unless otherwise required. The December 2019 Ordinary Meeting of Council will be held on Tuesday 17 December 2019 at 5pm.

From October 2018 to December 2019, an average of 15 people per month have viewed the Council meetings live online via the YouTube platform as the meeting took place.

The total number of views for each meeting video on YouTube as of 19 November 2019 is:

26 February 2019	186 views
26 March 2019	154 views
30 April 2019	181 views
28 May 2019	177 views
25 June 2019	115 views
23 July 2019	89 views
27 August 2019	162 views
24 September 2019	182 views
22 October 2019	96 views
26 November 2019	104 views
17 December 2019	144 views

Medical Services

Council operates administration services under the banner of East Coast Health for the Bicheno General Practice and Dr Winston Johnson in Triabunna.

Corporate Services

Council is currently developing a Corporate Calendar, which details the legislative reports, plans and Council policies that are to be developed or updated over the next 12 months. This will be endorsed by Council at an Ordinary Meeting of Council.



Property Settlement Certificates										
	2015		2016		2017		2018		2019	
	132	337	132	337	132	337	132	337	132	337
July	42	17	42	18	47	18	64	25	42	17
August	30	14	50	26	58	28	60	37	31	13
September	34	18	43	20	51	27	46	19	56	31
October	40	18	37	18	57	37	48	22	54	25
November	43	24	53	30	60	32	47	18	53	31
December	48	21	35	17	38	18	40	19	36	17
January	62	28	46	23	59	29	61	24		
February	45	26	72	33	51	20	49	30		
March	46	21	87	41	53	23	45	16		
April	39	24	48	21	61	31	50	27		
May	58	31	50	27	56	31	40	17		
June	26	10	31	16	38	21	27	17		
Total	513	252	594	290	629	315	577	271	272	134
TOTAL		765		884		944		848		406

Please note: According to the **Local Government Act 1993** the following applies:

Section 132 Certificate of Liabilities

- (1) A person referred to in subsection (2) may apply to the general manager for a certificate stating–
 - (a) the amount of any liability for rates, whether due or not on the land and outstanding interest or penalty payable in relation to the land;
 - (b) any amount received on account of rates that is held in credit against future liabilities for rates in relation to the land; and
 - (c) the amount of any charge on the land recoverable by the council.
- (2) The following persons may apply for a certificate under subsection (1) :
 - (a) the owner of a registered estate or interest in the land;
 - (b) an occupier of the land;
 - (c) a person who has entered or proposes to enter into a contract to purchase the land;
 - (d) a mortgagee or prospective mortgagee of the land;
 - (e) a person authorized to act on behalf of any person referred to in paragraph (a) , (b) , (c) or (d) .

Section 337 Council Land Information Certificate

- (1) A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.
- (2) The general manager, on receipt of an application made in accordance with subsection (1) , is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate.
- (3) A certificate under subsection (2) relates only to information that the council has on record as at the date of issue of the certificate.
- (4) A prescribed fee is payable in respect of the issue of a certificate.
- (5) The general manager, on request, may provide in or with the certificate any other information or document relating to the land that the general manager considers relevant.
- (6) A council does not incur any liability in respect of any information provided in good faith from sources external to the council.
- (7) A person, with the consent of the occupier or owner of specified land, may request in writing to the general manager that an inspection be carried out of that land to obtain supplementary information relevant to that land.
- (8) If the general manager agrees to a request under subsection (5) or (7) , the general manager may impose any reasonable charges and costs incurred.
- (9) In this section –

land includes –

 - (a) any buildings and other structures permanently fixed to land; and
 - (b) land covered with water; and
 - (c) water covering land; and
 - (d) any estate, interest, easement, privilege or right in or over land.



Statement of Cash Flows

Glamorgan Spring Bay Council For the 6 months ended 31 December 2019

	JUL-DEC 2019	2019
Operating Activities		
Receipts from customers	7,793,159	11,716,062
Payments to suppliers and employees	(6,111,279)	(10,916,436)
Receipts from operating grants	315,023	1,380,641
Cash receipts from other operating activities	541,028	688,360
Net Cash Flows from Operating Activities	2,537,930	2,868,626
Investing Activities		
Proceeds from sale of property, plant and equipment	24,991	56,498
Payment for property, plant and equipment	(4,653,514)	(6,732,583)
Receipts from capital grants	1,685,963	2,737,745
Other cash items from investing activities	-	5,632
Net Cash Flows from Investing Activities	(2,942,560)	(3,932,708)
Financing Activities		
Trust funds & deposits	(13,193)	121,491
Proceeds from/ repayment of long term loans	(208,799)	3,266,680
Net Cash Flows from Financing Activities	(221,992)	3,388,171
Net Cash Flows	(626,622)	2,324,090
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	3,677,197	1,353,107
Cash and cash equivalents at end of period	3,050,576	3,677,197
Net change in cash for period	(626,622)	2,324,090

Rates Balance – December 2019

RATES BALANCE SHEET [12650]

Brought Forward Debit Total		\$225,662.38
Brought Forward Credit Total		-\$142,030.52
Previous Years Credits - Undone This Year		\$4,648.40
Previous Years Credits - Reinstated This Year		\$0.00
BALANCE BROUGHT FORWARD		\$88,280.26
PLUS		
Interest Charged		\$10,580.78
Penalty Charged		\$0.00
Rates Levied		\$8,533,008.55
Debit Journals	\$16,786.53 (less \$188.16 being since undone)	\$16,598.37
DEBIT TOTAL		\$8,560,187.70
LESS		
Receipts		\$5,676,300.18
Receipts Undone		-\$7,318.94
Discounts		\$54,630.86
Discounts Undone		-\$45.26
Pension Rebates		\$258,070.88
Credits Journals	\$65,127.03 (less \$4,183.74 being since undone)	\$60,943.29
Supplementary Credits		\$4,539.03
Other Credits		\$0.00
CREDIT TOTAL		\$6,047,120.04
THIS YEAR'S BALANCE		\$2,513,067.66
RATES BALANCE		\$2,601,347.92

Human Resources

Josie Higgins started in the role of Executive Officer on 20 January.

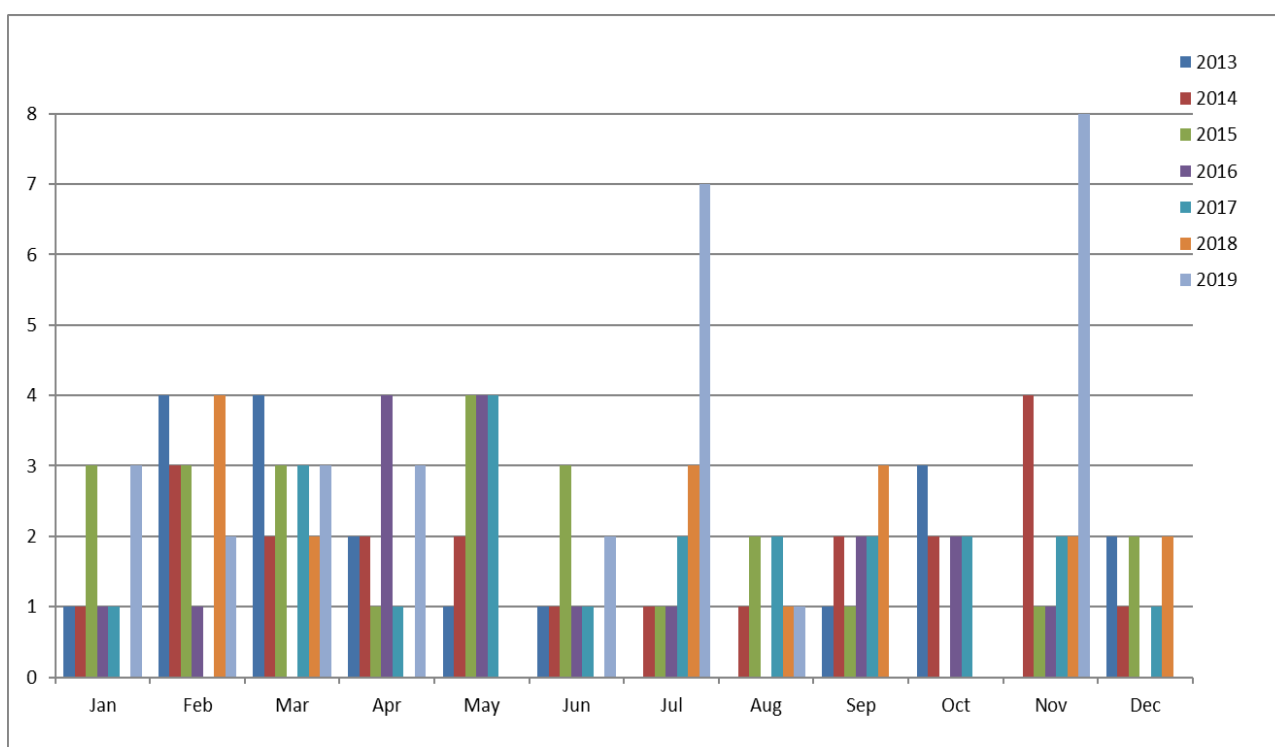
A Trainee has also been recruited, Eliza Hazlewood started in her role on 6 January.

The Deputy General Manager role has been re-advertised and Council are also recruiting for a Senior Planner or Planner role.

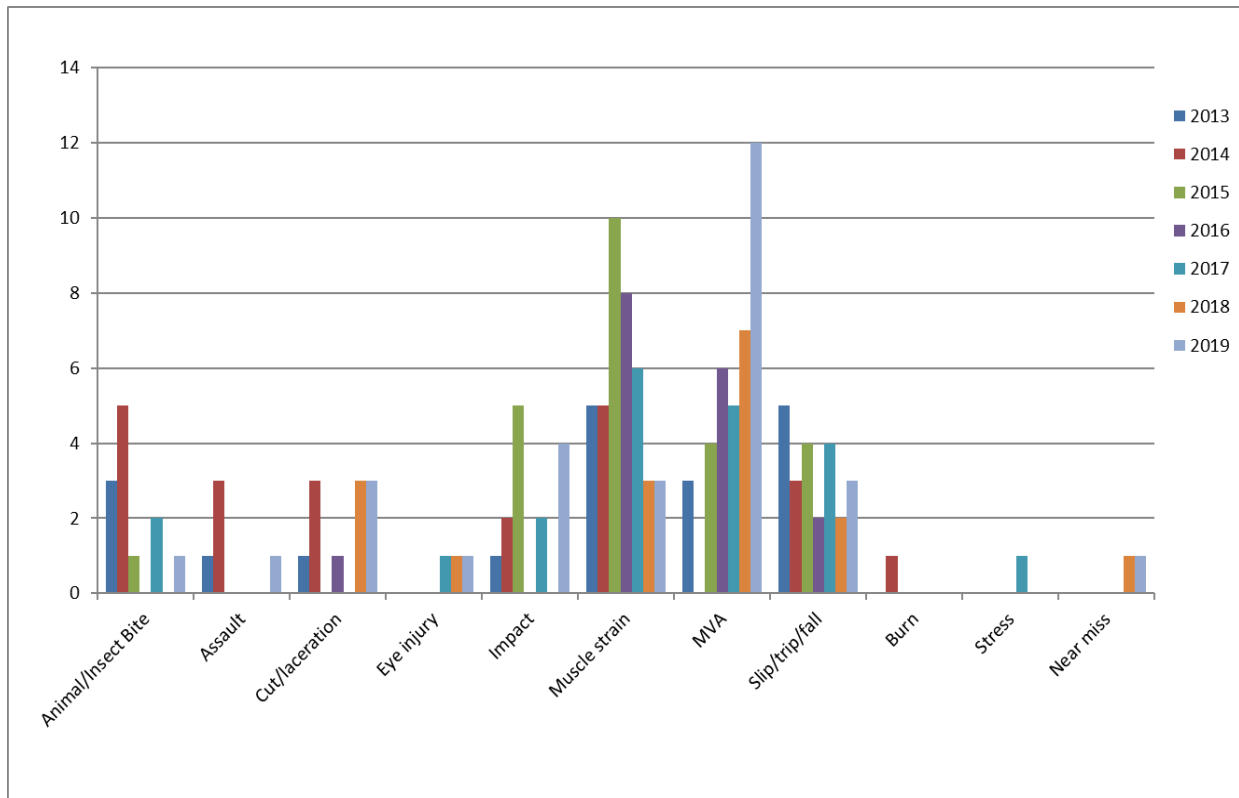
Tony Pollard, Works Manager has resigned finishing on the 11th M. Tony has been Council's Works Manager for 15 years. Recruitment of a new Works Manager will commence as soon as possible.

Health, Safety, Other

Incident / Accident Reporting Numbers 2013 until December 2019



Incident / Accident Reporting by type 2013 until December 2019





Visitor Centres

Glamorgan Spring Bay Council operates three visitor centres throughout the municipal area. They are all Yellow "I" centres.

Visitor Numbers												
MONTH	BICHENO	BICHENO	BICHENO	SWANSEA	SWANSEA	SWANSEA	TRIABUNNA	TRIABUNNA	TRIABUNNA	TOTAL	TOTAL	TOTAL
	2017-2018	2018-2019	2019-2020	2017-2018	2018-2019	2019-2020	2017-2018	2018-2019	2019-2020	2017-2018	2018-2019	2019-2020
JULY	886	898	849	809	956	916	1,459	1,715	1,970	3,154	3,569	3,735
AUGUST	736	529	680	765	899	728	1,234	1,536	1,835	2,735	2,964	3,243
SEPTEMBER	1,285	1,309	1,283	973	1,179	987	2,566	3,173	4,334	4,824	5,661	6,604
OCTOBER	2,395	2,782	2,805	1,965	1,916	1,635	3,990	5,132	7,236	8,350	9,830	11,676
NOVEMBER	2,829	2,839	2,819	2,473	2,239	1,971	5,431	6,929	8,777	10,733	12,007	13,567
DECEMBER	3,368	3,624	3,377	2,424	2,351	2,006	7,057	11,016	11,967	12,849	16,991	17,350
JANUARY	6,111	6,360		4,689	4,035		10,252	17,482		21,052	27,877	0
FEBRUARY	4,733	4,732		3,774	3,333		9,213	14,589		17,720	22,654	0
MARCH	4,387	4,450		3,079	3,025		9,744	12,335		17,210	19,810	0
APRIL	2,829	2,938		2,266	2,159		6,526	11,530		11,621	16,627	0
MAY	1,158	1,067		1,341	1,071		2,652	3,313		5,151	5,451	0
JUNE	863	653		878	711		1,789	2,048		3,530	3,412	0
TOTAL	31,580	32,181	11,813	25,436	23,874	8,243	61,913	90,798	36,119	118,929	146,853	56,175



Statement of Financial Position

Glamorgan Spring Bay Council As at 31 December 2019

	31 DEC 2019	30 JUN 2019
Assets		
Current Assets		
Cash & Cash Equivalents	3,178,835	3,805,456
Trade & Other Receivables	2,914,698	546,426
Inventories	26,817	26,817
Other Assets	42,435	101,840
Total Current Assets	6,162,785	4,480,539
Non-current Assets		
Trade & Other Receivables	15,257	15,257
Investment in Water Corporation	36,627,343	36,627,343
Property, Infrastructure, Plant & Equipment		
Fixed Assets	115,835,694	115,869,490
Work in Progress	4,910,735	4,910,735
Total Property, Infrastructure, Plant & Equipment	120,746,429	120,780,225
Total Non-current Assets	157,389,029	157,422,825
Total Assets	163,551,813	161,903,363
Liabilities		
Current Liabilities		
Trade & Other Payables	1,064,298	1,575,556
Trust Funds & Deposits	156,242	169,435
Provisions	750,592	750,592
Interest bearing Loans & Borrowings	1,233,902	1,402,911
Total Current Liabilities	3,205,034	3,898,493
Non-current Liabilities		
Provisions	114,059	114,059
Interest Bearing Loans & Borrowings	5,595,915	5,635,699
Total Non-current Liabilities	5,709,974	5,749,758
Total Liabilities	8,915,007	9,648,251
Net Assets	154,636,806	152,255,112
Equity		
Current Year Earnings	2,381,694	3,070,861
Equity - Surplus/Deficit Current Year	15,917,078	12,846,217
Equity - Surplus/Deficit Prior Years	60,905,527	60,905,527
Equity - Reserves	75,432,507	75,432,507
Total Equity	154,636,806	152,255,112



Profit and Loss

Glamorgan Spring Bay Council
For the 6 months ended 31 December 2019

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	8,326,976	8,497,440	(170,464)	-2%	8,502,440	
Statutory Charges	293,775	283,998	9,777	3%	534,500	
User Charges	483,183	450,272	32,891	7%	805,050	1
Grants	315,023	319,430	(4,408)	-1%	1,282,653	
Interest & Investment Revenue	58,237	25,500	32,737	128%	674,400	2
Contributions	22,429	18,500	3,929	21%	37,000	3
Other Revenue	923,597	781,264	142,333	18%	1,729,083	4
Net Gain (Loss) on Disposal of Assets	(4,287)	0	(4,287)	0%	50,000	
Total Trading Income	10,418,913	10,376,404	42,509	0%	13,615,126	
Gross Profit	10,418,913	10,376,404	42,509	0%	13,615,126	
Capital Grants						
Grants Commonwealth Capital - Other	1,090,963	1,900,000	(809,037)	-43%	1,900,000	5
Grants Commonwealth Capital - Roads to Recovery	210,000	200,500	9,500	5%	401,000	
Grants State Capital - Other	350,000	0	350,000	0%	0	
Total Capital Grants	1,650,963	2,100,500	(449,537)	-21%	2,301,000	
Other Income						
Other Income - PPRWS Reimbursement of Principal Loan	0	0	0	0%	61,394	
Total Other Income	0	0	0	0%	61,394	
Operating Expenses						
Employee Costs	2,486,792	2,538,005	(51,213)	-2%	5,174,087	
Materials & Services	3,197,527	3,127,372	70,155	2%	5,491,080	
Depreciation	1,168,242	1,168,242	0	0%	2,336,478	
Interest	71,821	114,516	(42,695)	-37%	229,035	6
Other Expenses	74,609	102,448	(27,839)	-27%	219,000	7
Internal Plant used on Capital Jobs	(50,288)	(67,500)	17,232	-26%	(135,000)	
Employee Oncosts	17,314	90,292	(72,978)	-81%	0	
Total Operating Expenses	6,966,038	7,073,375	(107,337)	-2%	13,314,660	
Net Profit	3,452,875	3,303,029	149,846	5%	361,860	
Capital Works Program (Current Year WIP)						
Work in Progress Capital Works - Plant Internal	50,268	0	50,268	0%	0	
Work In Progress Payroll - Salaries and Wages	82,677	0	82,677	0%	0	
Work in Progress Capital Works - On Costs	40,019	0	40,019	0%	0	
Work in Progress Capital Works - Contractor Costs	3,003,524	0	3,003,524	0%	0	
Work in Progress Capital Works - Other Costs	23,183	0	23,183	0%	0	
Work in Progress Capital Works - Materials	434,085	0	434,085	0%	0	
Work in Progress Capital Works - Consultancy	121,454	0	121,454	0%	0	
Work in Progress Capital Works - Plant Hire External	84,832	0	84,832	0%	0	
Total Capital Works Program (Current Year WIP)	3,840,041	0	3,840,041	0%	0	

Notes

1. User charges are up 7% for the YTD, primarily due to private works.
2. Interest and investment revenue is up \$33k for the YTD due to receipt of interim investment revenue from TasWater.
3. Contributions are up for the YTD due to increased development applications.
4. Other revenue is up 18% (\$142k) for the YTD primarily due to increased medical income, rental income, pensioner remission reimbursements from the State, insurance claims and other miscellaneous reimbursements.
5. Remaining capital grants will be received when Council completes its share of costs.
6. Interest expense is down for the YTD due to the timing of payments.
7. Other expenses are down for the YTD primarily due to the delay in receiving the end of year audit invoice.

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is Medical-Triabunna, Medical-General, Medical-Bicheno, Medical-Swansea, Medical-Swansea.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	472,400	467,120	5,280	1%	467,120	
Interest & Investment Revenue	0	102	(102)	- 100%	200	
Other Revenue	503,727	468,002	35,725	8%	946,000	1
Total Trading Income	976,127	935,224	40,903	4%	1,413,320	
Gross Profit	976,127	935,224	40,903	4%	1,413,320	
Operating Expenses						
Employee Costs	280,769	287,778	(7,009)	-2%	575,557	
Materials & Services	427,266	416,814	10,452	3%	837,111	
Depreciation	44,352	44,352	0	0%	88,700	
Interest	745	690	55	8%	1,377	
Total Operating Expenses	753,132	749,634	3,498	0%	1,502,745	
Net Profit	222,995	185,590	37,405	20%	(89,425)	

Notes

1. Medical income received to dates is up \$35k on forecast for the YTD.

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is Visitor Centre - Bicheno, Visitor Centre - Swansea, Visitor Centre - Triabunna, Visitor Centres - Admin only, Visitor Centre-St Helen's.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	318,497	318,497	0	0%	318,497	
User Charges	150,288	157,500	(7,212)	-5%	315,000	1
Other Revenue	28,173	26,748	1,425	5%	53,500	
Total Trading Income	496,958	502,745	(5,787)	-1%	686,997	
Gross Profit	496,958	502,745	(5,787)	-1%	686,997	
Operating Expenses						
Employee Costs	251,990	248,808	3,182	1%	497,617	
Materials & Services	98,064	92,712	5,352	6%	185,380	2
Depreciation	1,998	1,998	0	0%	4,000	
Total Operating Expenses	352,051	343,518	8,533	2%	686,997	
Net Profit	144,906	159,227	(14,321)	-9%	0	

Notes

1. User charges are currently down 5%, but this is seasonal and expected to pick up over the summer period.
2. Materials & services are up 6% for the YTD due to stock purchases for the coming season.



as at 31 December 2019		2019 - 2020 CAPITAL NEW //		BICHENO - BUCKLAND - COLES BAY - ORFORD - SWANSEA - TRIABUNNA		
Department	Description	Budget Est - adopted	Govt Funding (drought relief)	Invoices rec'd to date	On-Site Progress*	Comments
Roads, Footpaths, Kerbs						
Bicheno - Sinclair Street - Road ext - R2R	Road extension and Cul-de-sac	164,000				Funds to be reallocated
Saltworks - Saltworks Road	Bitumen Sealing 700m	45,000		215	Complete	Funds to be reallocated
	SUB TOTAL	209,000	0	215		
PG, Walking Tracks, Cemeteries						
Bicheno Rec Ground	New Cricket Practice Nets / Surface		7,000	6,000	Complete	Fully Funded (FF)
Coles Bay Boat Trailer Parking	New carparks and footpath	400,000		93,128	40%	New DPIPWE Grant
Buckland Walk	Construct River Walk	32,000			0%	Grant Deed signed
Orford Rec Ground	New Cricket Practice Nets / Surface		40,000	35,219	90%	FF
Triabunna - Rec Ground	Electronic Score Board		20,000	15,960	80%	FF
Triabunna - Tennis Courts	Relocate to RecGround		250,000	175,615	60%	FF (\$10k contribution Tennis Club)
Bicheno Dog Exercise Yard						Removed from budget
Bicheno Hall	External painting		10,000		0%	FF New project
Buckland Dog Exercise Yard	Develop		20,000		0%	FF (ordered)
Orford Dog Exercise Yard	Develop		20,000		0%	FF (ordered)
Swansea Dog Exercise Yard	Develop		20,000		0%	FF (ordered)
Swanwick Dog Exercise Yard	Develop		20,000		30%	FF
Triabunna Dog Exercise Yard	Develop		20,000		0%	FF (ordered)
	SUB TOTAL	432,000	427,000	325,922		
Council Buildings						
Swansea Loo with a View	New constructed toilets / disability access	200,000		119,679	70%	Council to consider relocation
Dog Control	Microchip reading stick	5,000			0%	
Triabunna Old Offices	Relocate Centotaph to RSL	30,000		680	10%	Plaque relocated (awaiting RSL advice re centotaph)
Triabunna Clubrooms	Install catch nets for window protection	20,000		8,900	Complete	
Triabunna Clubrooms	c/fwd project from 18/19	0		29,204	Complete	Late invoices from 18-19
Bicheno Hall	New Chairs		17,500	19,485	Complete	FF (ordered)
Coles Bay Hall	New Chairs		14,000	15,700	Complete	FF (ordered)
	SUB TOTAL	255,000	31,500	193,648		
Plant & Equipment						
Excavator 1.5T and Trailer		48,000			0%	Funds to be reallocated
IT Equipment		0		1,957	Complete	Planning Computer
	SUB TOTAL	48,000	0	0		
Municipal						
Event	Allocation for Education		30,000	630	10%	Peter Andrews visit
	SUB TOTAL	0	30,000	630		
	CAPITAL TOTAL - NEW	944,000	488,500	520,415		



as at 31 December 2019 2019 - 2020 CAPITAL RENEWAL // BICHENO - BUCKLAND - COLES BAY - ORFORD - SWANSEA - TRIABUNNA						
Department	Description	Budget Est - adopted	Govt Funding (drought relief)	Invoices rec'd to date	On-Site Progress*	Comments
Sealed Road Pavements						
Sealed Road Pavement Assessments	General Road Pavement Condition Inspection	25,000			0%	
Swansea Road Repairs	General Road Repairs Swansea	30,000		211	10%	
Bicheno Road Repairs	General Road Repairs Bicheno	30,000		211	10%	
Coles Bay Road Repairs	General Road Repairs Coles Bay	30,000			0%	
Orford Road Repairs	General Road Repairs Orford	30,000			0%	
Orford - Jetty Road R2R	Rheban Road to West Shelly Road (460m x 6.5m)	121,500		225,601	Complete	Fully Funded by RTR - refer Managers report in agenda
Orford - Rheban Road R2R		135,000				Funds to be reallocated
Orford - Louisville Road	Additional funds to complete project	30,000		19,837	Complete	
Buckland Road Repairs	General Road Repairs Buckland	30,000			0%	
Triabunna Road Repairs	General Road Repairs Triabunna	30,000		335	10%	
	SUB TOTAL	491,500	0	246,195		
Sealed Roads						
Various locations						
Buckland	Jetpatcher costs	25,000		8,085	30%	
Triabunna	Jetpatcher costs	35,000		12,876	30%	
Orford	Jetpatcher costs	35,000		21,763	60%	
Swansea	Jetpatcher costs	35,000		35,655	100%	
Bicheno	Jetpatcher costs	35,000		13,507	30%	
Coles Bay/Swanwick	Jetpatcher costs	35,000		13,123	30%	
	SUB TOTAL	200,000	0	105,009		
Unsealed Road Pavements						
Gravel Roads - General	Resheeting - general	225,000		242,228	Complete	
Orford - Alice Street	Tasman Highway to Russell Street	49,000		46,103	Complete	Council contribution
	SUB TOTAL	274,000	0	288,331		
Stormwater & Drainage						
Orford - Rheban Road	West Shelly properties - service location / approvals	12,000			0%	
		12,000	0	0		
Bridges and Culverts						
General Structures	Required repair works to a number of structures	60000			0%	
	SUB TOTAL	60,000	0	0		

[illegible]

5.2 Manager Works, Mr Tony Pollard

Roads, Footpaths, Kerbs- Waste Transfer Stations- Garbage, Recycling Services- Town Maintenance - Parks, Reserves, Walking Tracks, Cemeteries - Stormwater Drainage - Bridges, Culverts - Emergency Management, SES

Great Eastern Drive upgrade works

Department of State Growth is allocating state budget funds to address a number of safety issues along the Tasman Highway within our municipal area.

There are 3 phases to the programme which are listed below:

PHASE 1

This work has been through the tender process and is programmed to commence in March 2020.

- | | |
|--------------------------|---|
| 1. Kelvedon Beach | roadside vegetation removal / trimming for sight distance |
| 2. Rocky Hills | bitumen sealing pull-off area |
| 3. Rocky Hills Drive | road junction sealing |
| 4. Avalon | entry sealing |
| 5. Burgess St Bicheno | realign Tasman Highway centerline (new linemarking) |
| 6. Milton Vineyard entry | provisional acquisition |
| 7. Devils Corner entry | provisional acquisition |

PHASE 2

These projects are going to tender in March-April 2020 with works proposed to commence in the first half of the 2020-21 financial year.

- | | |
|----------------------------------|-----------------------------------|
| 1. Lousiville Road intersection | Left and right turn treatment |
| 2. Saltworks Road intersection | Left and right turn treatment |
| 3. Piermont entry | Left and right turn treatment |
| 4. Cressy Beach entry | Left and right turn treatment |
| 5. Freycinet Vineyard entry | Left and right turn treatment |
| 6. Swan River Road intersection | Left turn treatment heading south |
| 7. Pondering Frog entry | Left and right turn treatment |
| 8. East coast Nature World entry | Left and right turn treatment |
| 9. Mayfield Beach entry | Left and right turn treatment |
| 10. Spiky Beach entry | Left and right turn treatment |

PHASE 3

These projects going to tender later this calendar year with works proposed to commence in 2021-22 financial year.

- | | |
|--------------------------------|------------------------------------|
| 1. Kelvedon Beach Parking area | upgrade and sealing |
| 2. Raspins Beach | Hwy widening for parking |
| 3. Spiky Bridge | turn treatment and carpark upgrade |
| 4. Kelvedon Beach | upgrade pull-over area |
| 5. Mayfield Beach | upgrade pull-over area |
| 6. Freycinet Marine Farm entry | turn treatment |
| 7. Springvale Vineyard entry | turn treatment |

ROADS, FOOTPATHS, KERBS:

NORTH

- Maintenance works undertaken when required during the month.
- Road network being inspected with surface, signage and culverts being maintained as required.

SOUTH

- Maintenance works undertaken when required during the month.
- Road network being inspected with surface, signage and culverts being maintained as required.

WASTE TRANSFER STATIONS - WTS:

- All waste transfer stations are operating within prescribed EPA guidelines.
- No greenwaste burns were conducted due to recent weather conditions.

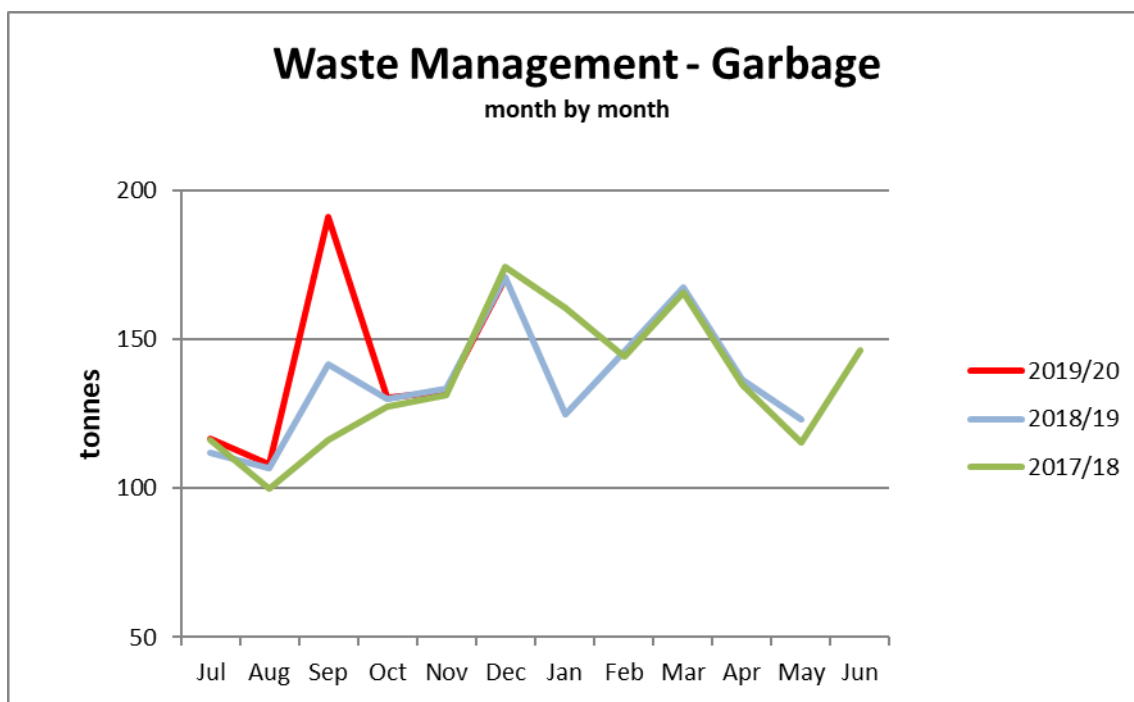
GARBAGE, RECYCLING SERVICES:

- JJ Richards current waste management contract expires in September 2022.

<u>MONTH</u>	<u>BICHENO Collection & WTS</u>	<u>BICHENO WTS only</u>	<u>COLES BAY WTS only</u>	<u>SWANSEA WTS only</u>	<u>ORF-TRIA-CB- SW Collection & ORF WTS</u>	<u>ORFORD WTS only</u>	<u>TOTAL (tonnes)</u>
JULY '19	32.18	5.30	8.46	26.96	93.26	3.58	160.86
AUG	35.10	10.84	6.98	35.44	89.35	5.47	166.87
SEPT	40.94	8.80	13.18	46.34	88.64	5.10	189.10
OCT	38.18	9.15	13.10	49.30	81.74	4.00	182.32
NOV	37.86	7.87	11.40	50.93	83.88	4.00	184.07
DEC	42.50	4.24	22.16	40.20	66.62	8.10	171.48
JAN '20							
FEB							
MARCH							
APRIL							
MAY							
JUNE							
TOTALS	226.76	46.21	75.28	249.17	503.49	30.25	1054.70

Garbage deposited at transfer stations and transported to Copping landfill site (tonnes)
(includes kerbside collected waste)

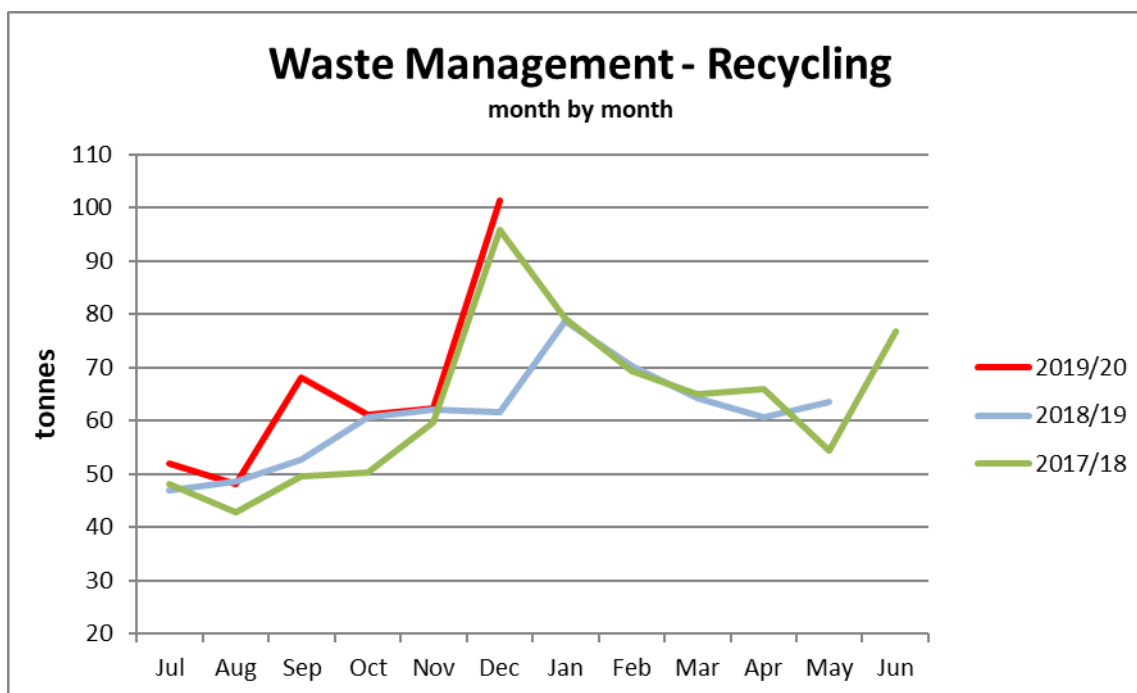
Kerbside garbage collected and transported to waste transfer stations: (tonnes)
(September figure skewed due to data relevant for a 5 week period)



Kerbside garbage collected and transported to waste transfer stations: (tonnes)
(September figure skewed due to data relevant for a 5 week period)

MONTH	BICHENO	COLES BAY	SWANSEA	TRIABUNNA	ORFORD	TOTAL BINS	TOTAL (tonnes)
JULY '19	2240	1246	2265	2171	1791	9713	116.56
AUG	2022	1161	2169	2145	1558	9055	108.00
SEPT	2678	1542	2752	2726	2281	11979	191.00
OCT	2419	1613	2468	2218	2149	10873	130.48
NOV	2499	1730	2511	2246	2079	11065	132.78
DEC	3188	2214	3219	2839	2760	14221	170.65
JAN '20							
FEB							
MARCH							
APRIL							
MAY							
JUNE							
TOTALS	15046	9506	15384	14345	12618	66906	849.47

Kerbside Garbage Collected: Bin numbers



Kerbside recyclables collected and transported directly to Sorting Facility: (tonnes)
(September figure skewed due to data relevant for a 5 week period)

MONTH	BICHENO	COLES BAY	SWANSEA	TRIABUNNA	ORFORD	TOTAL BINS	TOTAL (tonnes)
JULY '19	996	672	1026	853	775	4322	51.86
AUG	922	604	943	844	687	4000	48.00
SEPT	1008	666	798	1118	793	4230	68.00
OCT	1153	902	1128	952	954	5089	61.07
NOV	1153	922	1159	976	978	5188	62.25
DEC	1897	1468	1928	1465	1669	8427	101.12
JAN '20							
FEB							
MARCH							
APRIL							
MAY							
JUNE							
TOTALS	7129	5234	6982	6208	5856	31256	392.31

Kerbside recyclables collected: Bin numbers

TOWN MAINTENANCE:

- Ongoing general maintenance is being carried out in all our town areas to ensure an acceptable level of overall presentation is maintained.
- Mulch Management Pty Ltd commenced mowing contract works on Tuesday 12th November. Contract area covers footpaths/road verges in Triabunna, Barton Ave, Louisville Road, Orford, East/West Shelly, Spring Beach and Buckland. The second cycle commenced in early January 2020.

PARKS, RESERVES, WALKING TRACKS, CEMETERY:

- Raspins Beach foreshore 2 access ramps have been repaired due to previous storm damage. The access ramp in front of the carpark area has been remodeled as a lookout platform.

STORMWATER, DRAINAGE:

- Stormwater drains and culverts maintained as required.

BRIDGES, CULVERTS:

- Any minor issues are addressed as required.

EMERGENCY MANAGEMENT:

Information has been included on Council's website relating to Emergency Management, which is more user friendly with 'quick links' to relevant Agencies to enable the community to be more aware of current issues that may be affecting our community.

It is important that everyone keeps up to date with the most accurate information by visiting the TasFire website and/or listening to ABC radio.

A review of the Dolphin Sands Emergency Management sub-Plan (EMP) is currently in progress. The draft plan is on Council's website and has been advertised in the GOB News as part of the advertising phase of the process.

A community meeting was held on Saturday 25th January at the Old Swansea Court House to allow further community discussion and feedback.

A final plan will be presented to Council when complete.

LOCAL SES UPDATE

- Four motor vehicle accidents for the month, luckily no major injuries.
- Support to McNeills Road fire including communications, logistics, staging area assistant, IT, catering and welfare. Over 200 hours were spent during the course of the incident.
- Special mention to Volunteer Jason Watson who assisted greatly in the initial setup of communications and IT on the first day of staging.
- Our new members are now active and attending jobs.
- Three new members in probation.
- Traffic management and parade duties for Swansea Community Christmas parade.
- Southern regional unit attended Christmas parade with quad bikes as well as mascot Paddy the Platypus.

Visit our website at www.swansea-ses.weebly.com

Kelvin Jones ESM
Unit Manager
Glamorgan Spring Bay SES

2019–2020 CAPITAL WORKS UPDATE

- Harold Street, Coles Bay – On-street carparking area is now complete adjacent the recreation reserve as part of the Freycinet Peninsula Master Plan.
The concrete footpath along Harold Street from Cosgrove Street to Garnett Avenue has commenced and be completed mid-February.
Permits in relation to undertaking work to develop off-street parking in the reserve adjacent the Community Hall are currently being sought.
Works to commence in approx April, depending on approval timing.
This project is fully funded by Department of Primary Industries, Parks, Water and Environment.

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is Works-Bridges,Culverts, Works-Emergency Management, SES, Works-Garbage,Recycling, Works-Parks,Reserves,WalkingTracks,Cemetery, Works-Roads,Footpaths,Kerbs, Works-Stormwater Drainage, Works-THC, Works-Town Maintenance, Works-Waste Transfer Stations.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	3,786,399	3,780,084	6,315	0%	3,780,084	
User Charges	29,153	45,132	(15,979)	-35%	90,250	1
Grants	249,467	257,000	(7,533)	-3%	1,032,000	
Other Revenue	43,309	6,690	36,619	547%	13,383	2
Net Gain/Loss Assets - Gross sales revenue of asset	517	0	517	0%	0	
Total Trading Income	4,108,845	4,088,906	19,939	0%	4,915,717	
Gross Profit	4,108,845	4,088,906	19,939	0%	4,915,717	
Capital Grants						
Grants Commonwealth Capital - Roads to Recovery	210,000	200,500	9,500	5%	401,000	
Total Capital Grants	210,000	200,500	9,500	5%	401,000	
Operating Expenses						
Employee Costs	809,149	766,836	42,313	6%	1,520,027	3
Materials & Services	1,026,881	909,822	117,059	13%	1,797,125	4
Depreciation	752,850	752,850	0	0%	1,505,700	
Interest	1,733	1,824	(91)	-5%	3,644	
Internal Plant Hire	45	0	45	0%	0	
Total Operating Expenses	2,590,658	2,431,332	159,326	7%	4,826,496	
Net Profit	1,518,187	1,657,574	(139,387)	-8%	89,221	

Notes

- User fees are up for the YTD for private works but down for the YTD for the Transfer Stations, resulting in overall being down for the YTD by \$16k.
- Other income is up for the YTD due to insurance claims and income received from the Tasman Highway Contract (THC) in July.

3. The increase in wages is partially offset by the decrease in NRM wages, with staff being utilised in areas such as parks & rec.
4. Materials and services are up for the YTD 13%, mainly due to the purchase of gravel from roads maintenance and the required removal of trees. Still expected to stay within annual allocation by end of year.

5.3 Acting Manager Development & Compliance – Mr. Adrian O’Leary

Animal Control - Engineering & Technical Services - Environmental Health - Statutory Building - Statutory Planning

Animal Control

A number of complaints were received this month. This department is operating with a full-time Compliance Coordinator.

Engineering & Technical Services

This department provides general engineering and technical advice regarding development applications. This department currently consists of 0.4 FTE Contract Engineer, with assistance from the Regulatory Services Officer.

Environmental Health

This department consists of a 0.4 FTE Contract Environmental Health Officer with a small component of administration assistance from the Regulatory Services Officer.

Statutory Building

The building department currently consists of a Permanent full time Building Administration Officer and 2 contractors namely a building surveyor and a plumbing inspector. Applications are being processed within the required timeframes.

As of 1 January 2019, Permit Authority functions must be performed by a licenced practitioner. Two staff have been licenced for Permit Authority functions for building and plumbing applications. The annual fee for each is close to \$400.00.

Statutory Planning

The planning department consists of 1 casual, full time Planning Technical Officer, 1 full-time Graduate Planner, one consultant planner three days a week and other consultant planners as required. These other consultant planners are being heavily used.

Bendigo Bank

The Bendigo Bank Agency opened on 21st August 2013 and operates from the Regulatory Services Department. Four staff members are now trained to perform the Agency requirements of the Bank.



December 2019

ANIMAL CONTROL	MTD	YTD
Dogs Registered	8	610
Kennel Licences Issued/Renewed	0	4
Dogs Impounded	1	3
Dogs Seized	0	0
Dogs Surrendered	1	3
Dogs Euthanized	1	1
Dogs at Large	1	30
Dogs placed with Dogs' Homes of Tasmania	0	3
Caution Notices Issued	0	5
Complaints	4	10
Infringements	0	12
Lost Dog calls	2	14
Other	8	15
Fire Abatement Enquires/Complaints	22	24
Cat Enquires/Complaints	0	4
Livestock Enquires/Complaints	1	7
ENVIRONMENTAL HEALTH	MTD	YTD
Immunisations	0	14
Food Business Registrations	2	127
Temporary Food Business Registrations/Assessments	2	15
Food Business Inspections	10	64
Place of Assembly Licences	0	0
Environmental Nuisances	13	22
Littering	0	1
Abatement Notices	0	0
Notifiable Diseases	0	0
Recreational Water Sampling	28	28
Suppliers of Private Water	0	0
Water Carriers	1	8
Regulated System Registration	0	1
Major Incidents notified to DPIPWE	0	0
Complaints (Noise/On-Site Waste Water/Other)	0	13
Inspections (Water Carrier/Other)	0	0
On-site Wastewater Assessments/Permits	8	35
Form 49 & 50 Assessments/Inspections	1	6
Food Business Enquiries (New Businesses)	4	21
Food Sampling/Surveys	0	0
Development Application Assessments	4	16
BENDIGO BANK		
Deposits	95	763
Withdrawals	20	168
Transfers	5	30
New Accounts	0	0
Requests for Change	14	126
Other	2	17
No of days whereby no transactions/enquiries carried out	0	2



Planning and Building Applications Financial Year Statistics (Building Approvals & Planning Lodgments Circulated to Councillors Monthly)

Planning Applications	Calendar year 2019			Calendar year 2018			Calendar year 2017	
The planning statistics provided this month reflect the calendar year. This is because 1) the financial year breakdowns for various reasons are considered not very accurate and 2) the calendar year can make more 'sense' when compared with previous years, and is the way we record our applications, e.g. DA 2019 / 222.								
Development applications received	380			294			310	
Subdivision applications received	30			18			32	
Total applications received	410			312			342	
Development applications approved	272 (to date)			262			291	
Subdivision applications approved	17 (to date)			18			32	
Total applications approved	289			280			323	
Subdivision applications – number of lots proposed	161							
Applications by type								
Change of use to Visitor Accommodation	103							
Dwellings, including dwellings with outbuildings	84							
Outbuildings alone	58							
New Visitor Accommodation units	48							
Alterations and additions	25							
Applications for multiple dwellings	4							
<i>The monthly planning statistics below have not been updated. There are issues with the statistic collection method. This hopefully will be at least partially rectified for next month.</i>								
<i>Discretionary, Permitted or No Permit Required</i>	D	P	NPR	D	P	NPR	Total YTD	
New Dwelling (or dwelling & outbuilding)	2	1	1	4	1	2	6	18
Additions to Dwelling	1	0	1	3	0	4	7	14



Outbuilding only	2	0	2	2	1	4	7	11
Multiple Dwellings	0	0	0	1	0	0	1	0
Commercial	3	0	0	3	0	0	3	3
Tourism (excluding change of use)	1	1	0	1	1	0	2	1
Industrial and utilities	1	0	0	2	2	0	4	1
Other	0	0	1	2	0	2	4	0
<i>Visitor Accommodation</i>								
CoU to Visitor Accommodation - Planning Directive	0	1	0	0	1	0	1	3
CoU to Visitor Accommodation - Planning Scheme	0	0	0	0	0	0	0	1
New Visitor Accommodations Units	3						3	5

Building Approvals	December 2019	2019-2020	2018-2019
Work Category	Month	Year To Date	Previous YTD
Permit Required	7	47	91
Notifiable Building	5	39	75
Low Risk 1	0	11	29
Low Risk 2	2	7	1
Building Certificate	0	0	2
Permit of Substantial Compliance	0	0	2
Value of Work	\$2,540,500.00	\$12,572,650.00	\$32,319,963.00
Compliance			
Building Notices Issued	0	2	1
Building Orders Issued	0	1	0
Planning - Notice of Suspected Contravention	0	0	0
Planning - General	0	0	2

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is Reg-Environmental Health, Reg- Engineering, Technical, Reg- Animal Control, Reg-Statutory Building, Reg-Statutory Planning.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	420,515	420,515	0	0%	420,515	
Statutory Charges	250,914	232,896	18,018	8%	439,400	1
User Charges	13,090	12,800	290	2%	12,800	
Contributions	22,429	18,500	3,929	21%	37,000	2
Other Revenue	8,600	7,002	1,598	23%	14,000	3
Total Trading Income	715,547	691,713	23,834	3%	923,715	
Gross Profit	715,547	691,713	23,834	3%	923,715	
Operating Expenses						
Employee Costs	202,800	217,058	(14,258)	-7%	433,308	4
Materials & Services	339,968	230,454	109,514	48%	462,700	5
Depreciation	13,032	13,032	0	0%	26,060	
Interest	886	822	64	8%	1,646	
Total Operating Expenses	556,686	461,366	95,320	21%	923,714	
Net Profit	158,862	230,347	(71,485)	-31%	1	

Notes

1. Statutory charges are up for the YTD due to the increase in development applications.
2. Contributions (developer) are up for the YTD due to increased development applications.
3. Other revenue is related to commission revenue from Bendigo Bank and Building applications, which is up for the YTD.
4. Employee costs are down 7% for the YTD due to vacancies.
5. The increase in development applications and staff vacancies has resulted in an increase in contractor costs and legal fees, which is pushing Materials & Services 48% (\$110k) over budget for the YTD.

5.4 Manager Community Development – Mrs. Lona Turvey

Community Development

Australia Day

Glamorgan Spring Bay Australia Day Awards Presentation Ceremony will be held at the Swansea Town Hall on Sunday, 26th January, 2020 at 2.00 pm. Afternoon tea will be provided.

Australia Day Awardees for 2020 are:-

Citizen of the Year	Douglas Renshaw
Senior Citizen of the Year	Yvonne Turvey
Young Citizen of the Year	Ryan Sweet
Emergency Services Volunteer of the Year	Malcolm Sinclair
Volunteer of the Year	Jane & Tom Tenniswood

All volunteers who were nominated for an Australia Day award will receive a Certificate in recognition of their services to our community.

Kirk Lightsey Concert

A special one-off event featuring legendary jazz pianist Kirk Lightsey will be held in the Orford Hall on Wednesday, 22nd January, 2020 at 2pm.

Lightsey was born in Detroit but is now living in Paris. His Village Vanguard concert was voted by the New York Times as “Best Concert of the Year” and he recently performed at Smalls Jazz Club in New York where the audience queued around the block.

Bookings for the performance are essential and can be made by telephoning the Council office on 6256 4777. Ticket price is \$25.00, including afternoon tea.

Christmas Event at the May Shaw Health Centre Inc.

Mervyn Magee, as “The Dame” entertained the residents of the May Shaw Health Centre on 13th December, 2020.

Once again this was a very successful event that was thoroughly enjoyed by everyone. Those residents suffering from dementia seemed to come alive when old, familiar, songs were sung and many joined in by either singing or tapping their feet or fingers. Staff indicated that it was so nice to see everyone in the room engaged as it is rare to have everyone engaged at the same time.

“The Dame” had also purchased soft toys that he handed out to all of the residents and this brought smiles to their faces.

2020 Calendar

The Glamorgan Spring Bay 2020 calendar is available for purchase at the Council Office, Visitor Information Centres and various business outlets throughout the municipal area. Profits from the sale of the calendars go towards youth activities and projects.



Community Small Grants Programme

NAME	DONATED	COUNCIL MINUTE
Rural Alive and Well Inc.	1,000	131/19
Spring Bay Maritime & Discovery Centre Inc. Spring Bay Community Shed	1,000	132/19
Buckland Cricket Club	1,000	148/19
Spring Bay Community Boat Shed	1,000	149/19
Olivia Connors – Representing Tasmanian in the National Championships – In-Line Hockey Australia	200	
Eastcoast Regional Development Organisation Inc.	500	168/19
Orford Primary School	200	169/19
Swansea Community Christmas	500	170/19
Bicheno Memorial Hall	1,000	206/19
Coles Bay Volunteer Fire Brigade	500	218/19
Buckland Volunteer Fire Brigade	500	223/19
Freycinet Association Inc.	500	226/19
Lions Club of Spring Bay – Christmas Parade	1, 000	227/19
Triabunna Volunteer Fire Brigade	500	228/19
Schools End of Year Book Prizes	650	219/19
Total	10,050	

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is Community Development.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	287,843	287,843	0	0%	287,843	
Interest & Investment Revenue	1,486	0	1,486	0%	0	
Other Revenue	19,918	6,978	12,940	185%	13,950	1
Net Gain/Loss Assets - Gross sales revenue of asset	(98)	0	(98)	0%	0	
Total Trading Income	309,149	294,821	14,328	5%	301,793	
Gross Profit	309,149	294,821	14,328	5%	301,793	
Operating Expenses						
Employee Costs	75,076	75,276	(200)	0%	150,543	
Materials & Services	35,450	60,252	(24,802)	-41%	121,250	2
Depreciation	15,000	15,000	0	0%	30,000	
Net Gain/Loss Assets - W.D.V. of asset sold	472	0	472	0%	0	
Total Operating Expenses	125,999	150,528	(24,529)	-16%	301,793	
Net Profit	183,150	144,293	38,857	27%	0	

Notes

1. Other revenue is up due to Eldercare rental income now being recognised in Community Development Department during the year.

2. Materials & services are down for the YTD, mainly due to the timing of community events still to occur.

5.5 Manager Buildings & Marine Infrastructure – Mr. Adrian O’Leary

Boat Ramps & Jetties · Triabunna Marina · Council Buildings · Planning, Building & Technical Compliance when required ·

Public Amenities and Buildings:

- General building maintenance is being undertaken to all buildings as required.
- **Swansea Loo with a View**
Construction is complete on the disabled Loo with a View toilet facilities at Jubilee beach, Swansea.
The main Loo with a View was ready to move out onto the turpentine piles when the engineer expressed concerns about structural integrity of those piles.
In addition to the problem with the piles a partition has been received by Council to consider an alternative position. In light of both issues we are moving the building to the depot for storage while cost implications and alternate positions discussed by Council and a decision made.



Swansea Loo with a View (Disabled Facility)

- **Swansea Depot Shed**

Construction is continuing on a new shed at the Swansea Council Depot. This was in the budget to replace an old derelict shed as well as providing additional storage for the Museum artifacts.



Swansea Depot Shed under construction

- **Drought Communities Programme**

The Drought Relief Communities Programme Grant awarded to the Glamorgan Spring Bay Council has seen various projects commence throughout the municipality.

The criteria for the grant is to refurbish and improve Council owned Community infrastructure.

Many of the components of the project have now been completed. An extension of time on some of the projects including the Dog Exercise Yards has been applied for but I have not received a response yet.

Bicheno Hall

The Bicheno hall has been painted, new blinds installed and the timber floor has been sanded and sealed. New chairs meeting Australian Standards were delivered before Christmas.

Bicheno Lions Park has had a new perimeter fence constructed.
The exterior paint work of the hall

Bicheno Gulch Toilet

The Bicheno Gulch toilet extension of two extra toilets is complete. The two new additional toilets were completed before Christmas in time for the busy Summer period.

Bicheno Recreation Ground

New synthetic grass has been installed to both cricket practice nets at the Bicheno recreation ground.

Coles Bay Hall

The Coles Bay hall has been painted internally and new blinds installed. The floor has also been sanded and sealed. New chairs meeting Australian Standards were delivered before Christmas

A new disabled accessible toilet has been installed in the hall and the existing toilet rooms have been renovated including a new vanity basin and bench installed in the ladies toilet.

Coles Bay Hall Grounds

Two new sub surface irrigation beds have been constructed in the hall grounds. These beds have been planted out by the NRM team.

These irrigation beds will now cope with the waste water coming from the heavy use of the Garnet Avenue boat ramp toilets.

Swanwick Recreation Ground

Before Christmas the company contracted to fence the dog exercise yards started on the one at the Swanwick recreation ground. The posts are installed and some of the fencing wire. They are currently on leave and will return to complete this one shortly. The yards in other areas will proceed then as well.

Swansea Recreation Ground

The Scorers shed at the Swansea recreation ground is being refurbished with new roofing and cladding. This project will be completed over the next two months.

An awning has been installed above the kiosk window at the clubrooms and a new window will be installed.

Swansea Community Hub

The old SES building in Swansea is currently being refurbished into the Swansea Community Hub.

The refurbished building will consist of a community meeting room with adjacent kitchen and toilet facilities including disabled access facilities. The Hub will also incorporate a Re-use shop and a Men's shed. The internal painting is being done by volunteer labor to save on costs.

The central section of the Community Hub which will be used for community meetings has been plastered and painted.

The toilets, kitchen and meeting room are ready for the floor coverings to be installed, this will be done at the end of January and then the rest of the fit-out can be completed. The contractor had some health issues before Christmas.

The Men's shed section of the building will be renovated when the materials being stored there can be moved to the new storage shed currently being built at the Swansea Depot.

The Men's shed will be fitted out with equipment purchased with the savings from the work done by the volunteer painting.

Triabunna Recreation Ground

The new tennis courts at the Triabunna Recreation ground are complete. The courts have been sealed with a Plexipave asphalt for a softer playing surface. The new clubroom will be built adjacent to the courts in the New Year now that the plans have been finalised. Because the clubroom will be larger than originally costed for, Council will contribute the carpentering work towards the project to keep it within the allocated budget.

Orford Cricket Ground

Improvements to the playing field including the installation of sub-surface irrigation is now complete at the Orford Recreation ground.

MARINE INFRASTRUCTURE:

Boat Ramps and Jetties:

- General maintenance is carried out on Council owned boat ramps and jetties.
- **Swansea Boat ramp**
Both Swansea boat ramps have been dredged at the toe of the ramps to enable better access in low tides.
- **Swan River Road Boat Ramp**
The new floating pontoon deck and aluminum gangway has been completed at the Swan River Road boat ramp. There were concerns over the grade of the new ramp, a representative from MAST met with the person and that issue has now been resolved.



Swan River Road Boat Ramp and pontoon

Triabunna Wharf and Marina:

- Ongoing general maintenance and inspections are carried out as required.
- The 2019 / 2020 financial year marina berth invoices have been issued.
- The Triabunna Marina is currently full and no more berths are available for casual berthing until the end of March 2020.

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is Build-Council Building Maintenance, Build-Boat Ramps, Jetties, Build-Spring Bay Commercial Wharf, Build-Triabunna Marina.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	467,634	467,634	0	0%	467,634	
User Charges	266,207	270,998	(4,791)	-2%	379,000	
Other Revenue	16,057	1,002	15,055	1503%	52,000	1
Total Trading Income	749,898	739,634	10,264	1%	898,634	
Gross Profit	749,898	739,634	10,264	1%	898,634	
Operating Expenses						
Employee Costs	82,645	89,142	(6,497)	-7%	178,290	
Materials & Services	193,836	161,682	32,154	20%	307,568	2
Depreciation	158,568	158,568	0	0%	317,130	
Interest	39,095	47,826	(8,731)	-18%	95,646	
Other Expenses	51	0	51	0%	0	
Total Operating Expenses	474,195	457,218	16,977	4%	898,634	
Net Profit	275,703	282,416	(6,713)	-2%	0	

Notes

1. Other revenue is up for the YTD due to rental income not budgeted for.
2. Materials & services are up for the YTD by 20% (\$32k) due to an increase in contractor costs, property maintenance costs and water & sewerage charges.

5.6 Manager Natural Resource Management, Ms Melanie Kelly

Programs and Projects

Continue to support integrated catchment management through the Catchments to Coast (C2C) program and the implementation of catchment management plans.

Catchment plans

The review of the draft Prosser Catchment Plan is on hold. A brief is being developed to seek quotes for a consultant to complete the draft Plan and facilitate community consultation.

Bushwatch

Illegal firewood harvesting

PWS Compliance has informed us that a number of persons have been charged for numerous offences in the Tin Pot Marshes Gully area in relation to illegal firewood harvesting and other associated offences. This is a result of an operation between PWS, Police and State Growth Officers. Offenders are being charged through the Court of Petty Sessions by summons.

Catchments to Coast

NRM South are in negotiations with the Federal Government regarding the Ramsar project 'Improved Ecological Character of Moulting Lagoon and Apsley Marshes Ramsar sites' submitted by NRM South. Council is listed as a project delivery partner and steering committee member in the proposal and contributed significant resources to the project development. Council NRM staff are in discussions with NRM South regarding the outcomes of these negotiations.

Continue to implement the GSB Weed Management Plan.

Response to requests for advice and support around weed issues is ongoing.

Glamorgan Spring Bay is the only municipal area in Tasmania eligible to apply for the *Communities Combating Pest and Weed Impacts During Drought Program – Biosecurity Management of Pests and Weeds - Round Two*. We are in initial discussions with primary producers around the management of Zone A Declared weeds in line with the priorities identified in the *Glamorgan Spring Bay Weed Management Plan 2015-2020*.

Targeted areas with Declared weeds continue to be visited to determine where weed notifications are required to be sent.

Continue to be involved in and seek funding/resources from regional, state and national NRM programs.

Ongoing

Australian Government Grant, Department of Agriculture and Water Resources: Communities Combating Pests and Weed Impacts During Drought Program – Biosecurity Management of Pests and Weeds.

The funding for this project *Serrated tussock management in drought affected South Eastern Tasmania* has been received. This is a partnership project with Tasman Council. On ground works within both GSB and the Tasman municipality are well underway in line with funding timelines. A model to assist in determining the most strategic approach to searching for outlier plants has been developed in consultation with Insight GIS and will be field tested this year. Planning is underway for a field day which is now scheduled for March 2020 with experts from the Victorian Serrated Tussock Working Party to attend together with Tasmanian weed specialists.

Ensure that Council continues to meet relevant NRM legislative obligations and communicate this to the community via newsletters and other forums.

Ongoing including participation in the statewide planning scheme as it relates to the management of natural resources.

Continue to support the GSB NRM Committee as a key link between Council and the community on NRM issues, as well as supporting other community groups with NRM objectives.

Ongoing

NRM Committee

The next GSB NRM Committee meeting will be held on Wednesday 12th February 2020 at the Buckland Hall.

The GSB NRM team continues to provide support to other community groups including the Bicheno Earth and Ocean Network, the Friends of the Bicheno Penguins, the Friends of Rocky Hills, the Dolphin Sands Ratepayers Association (DSRA), the Swanwick Association, Friends of Triabunna Reserves, the Bushland Gardens Committee, the Pulchella Community Nursery Landcare Group and the Orford Community Group (OCG) as well as individual volunteers.

Southern Cat Management Working Group

Continue participation in this working group. The group has sought support for the development of a regional cat management plan from council's in southern Tasmania via the STCA.

Continue to work and develop partnerships with Parks and Wildlife Service, Crown Land Services, TasWater, DPIPWE, Department of State Growth, service providers, contractors and other agencies with regards to NRM values on public land.

Ongoing follow up with a number of agencies regarding weed issues and management for special values. Discussions regarding on ground works are ongoing with Crown Land Services, TasWater and TasNetworks.

Requests to undertake weed control work on a number of Crown Land Reserves have been submitted to Crown Land Services via Crown Land Enquiries. We are still awaiting responses.

Continue to participate in a range of climate change mitigation and adaptation initiatives, including the implementation of the Climate Change Corporate Adaptation Plan (CCCAP).

Ongoing

Regional Climate Change Initiative (RCCI)

The STCA's climate change program (RCCI) for 2019 -2020 includes three key projects, the preparation of:

- Climate Profiles for each of the southern councils municipal area based on the UTAS Climate Futures Program;
- Regional Coastal Hazards Strategy; and
- Regional Climate Change Strategy and Council Climate Action Plans.

The Climate Profiles and Regional Coastal Strategy are both at stages where the next steps are to present and seek input from Councillors and/or Senior Management.

In the case of the Climate Profiles this is to upskill in terms of understanding their local climate risk profiles (up to 2100); and in terms of the Regional Coastal Strategy to seek their input into local values and help in their understanding of coastal processes and hazards.

To this end combined workshops will be held with individual council's during January and March.

Continue support for annual community events such as National Tree Day, Clean Up Australia Day, Tidy Towns as well as other markets, festivals and school activities.

Ongoing – discussion underway in regards to support required / events coming up over the summer period. NRM staff will be attending the Spring Bay Mill Sunflower Celebration on January 25th and the Orford Lions Family Fun Australia Day event on January 26th to provide information about marine debris, shorebirds and the coastal environment.

The Great Eastern Clean Up is a biannual event with the inaugural event taking place in 2018. Great Eastern Clean Up 2020 will take place around the time of Clean Up Australia Day which occurs in March. The Great Eastern Clean Up 2018 involved 200 volunteers cleaning up 38 sites across the municipality with over one hundred cubic metres of litter removed from mainly coastal sites. The event is an initiative of the GSB NRM Committee. Details for Great Eastern Clean Up 2020 are currently being finalised.

Continue to work with Council's Regulatory Services Department to ensure that development assessments strive to meet Triple Bottom Line Principles.

Ongoing input into planning applications with regard to biodiversity issues as required.

Continue participation and development of sustainability initiatives, in particular energy use, sustainable waste management, community gardens, both for Council and the community.
Ongoing as opportunities arise.

Negotiations with Electric Highways Tasmania for an Electric Vehicle Charging Station in Swansea are ongoing. There are technical issues currently being addressed before the final site proposal can be completed.

Develop systems and capacity to protect and enhance Aboriginal Heritage values whilst building relationships with the community.
Ongoing

Continue to work with Council's Works Department, community and other relevant agencies in the strategic management of Council owned, leased and licensed public reserves, with a particular focus on the protection of natural assets through the implementation of native flora and fauna management plans for reserves in each town.

Ongoing. Fuel management works ongoing in Council managed reserves across the municipal area as resources enable.

The review of the Coles Bay Native Flora and Fauna Plan is currently underway. All of the Native Flora and Fauna Plans will be reviewed over the next 12 months.

Regular visits of known locations of beach nesting shorebirds are ongoing with temporary fencing being installed around any nesting sites located.

The Orford Bird Sanctuary has nesting Pied Oyster Catchers, Hooded and Red Capped Plovers. There are Pied Oyster Catcher and Hooded Plover chicks that have already hatched and they are very vulnerable at this time. The Fairy Terns arrived, left and have now returned. The latest nest count by BirdLife Tasmania found 34 nests some with eggs and chicks. This is the largest Fairy Tern colony in Tasmania.

Development and implementation of action plans, strategies and policies in consultation with relevant sections of Council and other key stakeholders. In particular the Native Flora and Fauna Management Plans, Weed Management Plan and Catchment Management Plans.
Ongoing.

Continue to initiate, encourage and participate in skills development and training opportunities, and make these available to community whenever possible.
Ongoing

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2019

Department is NRM.

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	396,010	396,010	0	0%	396,010	
User Charges	24,425	4,002	20,423	510%	8,000	1
Grants	1,000	0	1,000	0%	0	
Other Revenue	1,090	750	340	45%	1,500	
Total Trading Income	422,525	400,762	21,763	5%	405,510	
Gross Profit	422,525	400,762	21,763	5%	405,510	
Operating Expenses						
Employee Costs	144,419	166,266	(21,847)	-13%	332,534	2
Materials & Services	39,411	28,794	10,617	37%	59,600	3
Depreciation	6,000	6,000	0	0%	12,000	
Interest	0	690	(690)	- 100%	1,376	
Total Operating Expenses	189,831	201,750	(11,919)	-6%	405,510	
Net Profit	232,695	199,012	33,683	17%	0	

Notes

1. User fees are up for the YTD by \$20k, due to an increase in private works.
2. Employee costs are down for the YTD due to utilisation of staff across other departments.
3. Materials & services are up \$10k for the YTD which relates to costs associated with completing private works and is offset by additional income mentioned in note 1.

Recommendation:

That the Management Reports be received and noted.

6. Section 24 Committees

Nil.

7. Officers' Reports Requiring a Decision

7.1 Item – Bendigo Bank Opening Hours

Responsible Officer – General Manager

Background / Overview

Swansea/Bicheno Community Bank (SBCB) and Freycinet Coast Financial Services Limited (FCFSL) recently supplied a 7 page draft report detailing some of their thinking in regards to Glamorgan Spring Bay Council (GSBC) retaining the Bendigo Agency for a further period of two years. A copy of which has previously been provided to Councillors.

It has been established that the report requires some extra information from SBCB & FCFSL covering:

- Risk assessment
- Financial report
- Bank Growth Strategy
- Breakdown of usage and users groups
- Value to community and banking options

Although the report is yet to be finalised, all parties are in agreement that it's a reasonable course of action to reduce the number of days that GSBC operate the Bendigo Agency from Monday to Friday inclusive to Monday / Wednesday / Friday.

The recommendation made will act as an interim measure until the full report from SBCB/FCFSL is available for a thorough assessment.

In addition to the report GSBC has assessed the following:

Staff opinion on retaining the bank service

GSBC has been an agent for the Bendigo Bank for the past 10 years. It is understood that this arrangement worked well for some time, but has become increasingly unsustainable over the past 12 months.

The reasons for this are varied revolving around the increasing demands placed upon Council staff. Previously the Bank Agency was managed through the Planning Department however is now managed by Corporate Services.

As a new Principal of the Bank is yet to be appointed, only 2 of Council's staff members are trained to operate the bank with one covering for lunch breaks. Should one of these officers not be available for any reason, this would leave only one person to operate the Agency, being the Customer Services Coordinator who also works in Reception.

Staff understand that residents would like to have Bendigo Bank represented in the Community however this function is a not core business of Council. Staff believe that if Council decided that we should keep the Bendigo Agency operating from Council premises then possibly a compromise of 2 days per week could work (eg. Tuesday and Thursday). Bendigo Bank are open in Swansea Monday, Wednesday and Friday.

The SBCB/FCFSL report (previously circulated to Councillors) established a loss of \$44,000 to Council in running the Agency. These costs were calculated in consultation with staff directly involved in working in the Agency as to timeframes required to complete each task.

Contractual obligations / options available

9.6 Termination without Cause (Page 26)

- (a) Notwithstanding anything else contained in the Agreement but subject to clause 9.6(b) any party may terminate this Agreement by giving the other parties notice in writing with termination to be effective on the last business day of the calendar month following the month in which the notice was served.
- (b) The Manager may only give notice under 9.6(a), if it has provided notice of its intention to terminate this Agreement to Bendigo at least 5 business days prior to giving notice under clause 9.6 (a)

The above clause of the agreement will apply in the situation that we choose to terminate.

This change to three days a week will help GSBC reduce the pressure on our staff time, allowing a greater focus on core Council activities.

Statutory Implications

Nil

Budget Implications

A reduced Bendigo Agency work load will free up some staff time. This is likely to translate into more timely completion of core Council work.

Recommendation

Council agrees to reduce the number of days that the Bendigo Agency operates within the Glamorgan Spring Bay Council offices from five days a week to three days a week, changing from Monday to Friday inclusive, to Monday, Wednesday and Friday only. This change in operation will commence on the week of Monday 3/2/2020.

7.2 Prosser Plains Raw Water Scheme

Responsible Officer – General Manager

Background / Overview

An agenda item (8.10) discussing the need for an additional \$600,000 to complete the Prosser Plains Raw Water Scheme (PPRWS) project was supplied for the Ordinary Meeting of Council dated 17th December 2019. For reference only, the bulk of that agenda item is set out below in italics, as supplied previously:

8.10 Background

Investigation into the feasibility of the Prosser Plains Raw Water Scheme (PPRWS) began in 2016, with the pipeline and pumping station construction work going to tender in September 2018.

Tassal and Council agreed to establish the Prosser Plains Raw Water Scheme pursuant to a Water Supply Agreement in February, 2019. Batchelors were also appointed as constructors in February 2019 and physical works commenced in March 2019.

During June / July 2019 it was identified that the pumping station stairwell would require modification, and the associated additional costs were established.

Options to bridge the funding gap were explored over subsequent months, bringing us to the current situation were an additional loan of \$600,000 from Tasmanian Public Finance Corporation (TASCORP) is being sought.

8.10 Legal Advice – Summary

- *Council would be in breach of the Agreement if it simply refuses to complete the works required of it under the Agreement due to the additional cost.*
- *If the works, once completed, cannot be commissioned due to water shortages, any dispute about why this has occurred can be dealt with at a later date.*
- *Until the works are commissioned Council is not entitled to any payment under the Agreement.*

8.10 Financial Overview – Summary

Glamorgan Spring Bay Council (GSBC) are to incur all the costs to construction and commission the Scheme (project costs). There a forecast loan balance which is the total of the project costs less the \$2.3M of grant contribution. This loan balance attracts interest and is repaid over 30 years. Currently the annual loan repayment is calculated at \$258,869 per annum.

GSBC are responsible for the annual operations of the Scheme. These operating costs are currently estimated at \$145,900 per annum. These costs need further scrutiny to be accepted as reasonable estimates.

Based on the above, GSBC need to receive \$404,769 per annum (\$258,869 + \$145,900) in order to recover the loan balance and the annual operating costs. However, the current Agreement provides a maximum guarantee amount of \$352,000.

The Agreement envisages additional users and should this not occur then it is likely GSBC will incur an annual shortfall of the difference between the maximum guarantee amount (\$352,000) and the loan repayment and the annual operating costs (\$404,769).

During the time agenda item 8.10 was being created, the project management and superintendent functions of the PPRWS project were in the process of being transferred from Burt's Engineered Solutions & Testing to Macquarie Franklin.

Subsequently the cost to complete the PPRWS project was re-assessed in detail by Macquarie Franklin, and found to be an estimated \$761,000, rather than the previously supplied \$600,000. This price variation was forwarded on to Council once verified on Tuesday 7/1/20.

This cost includes the completion of the PPRWS pumping station and the commissioning of the pipeline, with the pipeline itself already having been constructed.

It is still expected that the PPRWS pumping station will be completed by the end of February 2020, with pipeline commissioning more difficult to predict due to water availability, but most likely being by the end of March 2020.

Statutory Implications

Nil

Budget Implications

Loan repayments relating to an additional \$161,000 over 30 years.

Recommendation

1. Referencing Council Decision: 252/19, Council agrees to expend up to an additional \$161,000 to complete Stage 1 of the Prosser Plains Raw Water Scheme (e.g. completion of the pumping station and commissioning of the pipeline), which in turn will allow Council to meet its obligations under the Water Supply Agreement dated 8 February 2019.
2. The General Manager is authorised to take all reasonable and necessary steps to secure the loan of the additional monies referred in recommendation 1 set out above, including gaining approval from the Treasurer, making application to TASCORP for the loan, and executing all relevant documents for and on behalf of Council (including applying the common seal of Council if required).



Tech 4, Unit 2 Technopark
P 0407 788 632 F 03 6427 0876
bnadler@macfrank.com.au
www.macquariefranklin.com.au

22nd January 2020

Dear Chris,

Re: PPRWS - Construction Update January 2020

1. General Update

- Following the Christmas period and the previously understood delays associated with steelwork alterations to suit site conditions, Batchelor Construction Group returned to site on Monday 20th January.
- The altered steelwork is currently being galvanised in Melbourne and is anticipated to arrive on site on Monday February 3rd.
- In the meantime, the remaining ground pipework for the container pump station, and associated electrical is being completed.
- Macquarie Franklin are currently investigating the use of Tassal produced desalinated (reverse osmosis) water for commissioning. Water samples have been taken of both the desalinated water and the Prosser dam water for direct comparison. Both in-situ and micro results appear to be positive; nutrient and metals results are expected to be received by COB today.

2. Time

- With steelwork arriving on site on 3rd February, construction completion is expected by late February.
- With favourable outcomes regarding the use of desalinated water, commissioning could commence immediately upon construction completion and be completed by late March.
- Temporary Water Allocation (TWA) permit for the Prosser River is in the final stages of approval from DPIWE.
- Provisions are being made through use of a temporary lift pump to ensure that, if beneficial, the TWA can be implemented in a flood event prior to completion of submersible pump installation.

3. Budget

- Several contract variations have been assessed this month, with multiple pending pertinent to steelwork modifications and the delays associated.
- The recommended total project forecast figure of circa \$761K includes an allowance for the above variations, and other variations that Macquarie Franklin consider potential (particularly related to commissioning delays). Successful implementation of the desalinated water proposal may significantly reduce these potential costs.

4. Scope/upcoming activity

- Complete ground pipework and electrical to container pump station.
- Upon receipt of water quality results, approach TasWater with a plan to use desalinated water as commissioning water, by placing it in the Prosser dam.

Please feel free to contact me should you have any questions.

Yours sincerely,



Brock Nadler – Project Manager - PPRWS
MACQUARIE FRANKLIN

7.3 Position of the Loo with a View – Swansea

Responsible Officer – Manager of Buildings & Marine

Background

The building department of Council had approval to construct two toilet buildings adjacent to the deck at Jubilee Beach. Both buildings were to incorporate a view over the Freycinet Peninsula. One of the toilets was designed to be a disabled accessible toilet next to the deck. This toilet has been built and is now operational.

The second toilet was designed to sit on four turpentine piles and be connected to the same deck via a gangway. The piles were installed previously but when the builders were ready to position the toilet pod onto the piles the consulting engineers had concerns over the integrity of the piles. On inspection they have requested extra steel bracing be installed. The engineers have also requested a load test be done before the pod is lifted into place. This will add additional costs to the project.

Given the engineers request, and in light of the petition requesting Council to consider an alternative position for the toilet, I am asking Council to consider the following options:

1. Stay with the approved plan, strengthen and test the piles and install the toilet as originally planned on to the turpentine piles.
2. Remove the turpentine piles, install the second toilet pod adjacent to the deck on four steel columns. This position would still have the same view and savings would be made by not needing the gangway, and not requiring the piles.
3. A third option would be to install the second toilet pod on steel columns adjacent to the footpath on Jetty Road at the other end of the park. This would have a similar view in an elevated position. The position would be closer to the boat ramps but still within the Jubilee Beach Park. Another Sewerage, water and power connection would be required.

Budget Implications

Refer attached Cost comparison.

Statutory Implications

Nil

Recommendation

Council consider all options for the position of the second 'Loo with View' pod and make a decision on where best to install it.

Attachment A: Map of Loo with a View Area
Attachment B: Cost Comparison

Attachment A: Map of Loo with a View Area



Options

- 1 - Constructed on existing Turpentine Piles with gangway to deck (G)
- 2 - Constructed adjacent to existing deck (same deck as the disabled)
- 3 - Constructed with a walkway adjacent to Jetty road footpath

Existing Disabled
Loo with a View



Attachment B: Cost Comparison

Comparison List - Loo with a View Position			
ITEM	Option 1 Position on Turpentine Piles as per approved plan	Option 2 Position adjacent to deck on steel columns near the other pool	Option 3 Position adjacent footpath on Jetty Road still in Park
Strengthen Piles	\$10,000	\$0	\$0
Load Test	\$5,000	\$0	\$0
Engineering Certification	\$2,500	\$2,500	\$4,500
TasWater Sewer Connection	\$0	\$0	\$10,000
Water Connection from Meter	\$0	\$0	\$2,800
Power to site	\$800	\$600	\$3,200
Steel Columns including install	\$0	\$5,500	\$9,500
Deck / Walkway inc install	\$0	\$0	\$7,500
Gangway	\$32,000	\$0	\$0
Crane Pod into position	\$2,500	\$2,500	\$2,500
Steel work completion	\$2,200	\$2,200	\$4,500
Finish timber work	\$2,800	\$2,800	\$3,500
Glazing main panel	\$9,500	\$9,500	\$9,500
Internal floor & wall Lining	\$2,800	\$2,800	\$2,800
Electrical Fitout	\$3,500	\$3,500	\$3,500
Plumbing Fitout	\$4,200	\$4,200	\$4,500
Remove turpentine plies	\$0	\$2,500	\$2,500
Painting	\$1,800	\$1,800	\$1,800
Totals:	\$79,600	\$40,400	\$72,600

7.4 Re-endorsement of the Dog Management Policy and associated Declared Areas including Dog Exercise Yards

Responsible Officer – Manager Natural Resources

Background

In line with Decision: 180/19 (1) from the Special Meeting held on 16 October 2019 Council commenced the review to re-endorse the *Glamorgan Spring Bay Dog Management Policy and Declared Areas 2014-2019 (dog policy)* in accordance with *Section 7 of the Dog Control Act 2000*.

The public consultation period inviting feedback for consideration in the review process commenced on the 25 November 2019 and concluded on 3 January 2020.

In line with Decision: 180/19 (2) advertising was sent to The Mercury, The Examiner, the Great Oyster Bay Community News, the Bicheno Forward, the Echoes Around the Bay, and put on Council's website and community notice boards.

In line with Decision: 180/19 (3) Council committed to conducting a further review of the re-endorsed *Dog Management Policy* within 12 months of the *Dog Control Act 2000* amendments being finalised. The Date of Commencement of the *Dog Control Amendment Act 2019* was 18 December 2019.

At the Special Meeting held on 16 October 2019 Council declared dog exercise areas in Swanwick, Swansea, Triabunna, Orford and Buckland (Decisions: 186-190/1).

Statutory Implications

Under Part 1, Section 7 (4) of the *Dog Control Act 2000* a council is to review its dog management policy and associated declared areas at least once every 5 years.

Under Part 3, Division 2 (25) of the *Dog Control Act 2000* a council is to, by public notice, notify the date and period of declaration of Declared areas.

Budget Implications

Cost of advertising the Declared areas.

Cost of undertaking a further review of the re-endorsed *dog policy* including advertising.

Ongoing cost of communicating the re-endorsed policy and declared areas.

Ongoing costs associated with compliance and enforcement of the re-endorsed policy and declared areas.

Recommendation

1. Council re-endorses the *Glamorgan Spring Bay Dog Management Policy and Declared Areas 2014-19* for the next 6 years with a further review to commence as soon as possible in line with *Section 7 subsection (3) of the Dog Control Act 2000*.
2. In accordance with *Section 25 of the Dog Control Act 2000* Council will, by public notice, notify the community of:
 - a) the date on which the Declared areas in the re-endorsed dog policy and the new declared dog exercise areas take effect, and
 - b) the period during which the declaration remains in force.

7.5 Bicheno Community Development Association Inc.

Responsible Officer – Manager Community Development

Background

An application has been received from the Bicheno Community Development Association Inc. (BCDA), seeking financial assistance of \$500 under the Community Small Grants Programme, towards the cost of three (3) bicycle racks to be installed outside the Bicheno Newsagency. (A copy of a letter outlining details is attached – Refer Attachment A.)

The total cost of this project is \$953.00, of which the BCDA will contribute \$453.00. (A copy of the quote is attached – Refer Attachment B.)

Statutory Implications

Not applicable

Budget Implications

A total of \$25,000 has been allocated in the budget for the Community Small Grants Program of which \$14,950 remains.

Recommendation

That Council approves a grant of \$500 to the Bicheno Community Development Association Inc., towards the cost of purchasing three (3) hoop bike racks to be installed outside the Bicheno Newsagency.



Attachment A – Letter from Bicheno Community Development Association Inc.



BICHENO COMMUNITY DEVELOPMENT ASSOCIATION INC.
P.O Box 3 Bicheno, Tasmania 7215

BICHENO

21 November 2019

The Mayor
Glamorgan Spring Bay Council
PO Box 6
Triabunna 7190

cc. Mr Chris Schroeder

Dear Mayor Wisby

Re: Bicycle Racks in Bicheno Triangle Area

Quite some time prior to the Stage 1 works in the Bicheno Triangle, we requested Council install bicycle racks outside the Supermarket as people were either standing their bikes against the shop walls or lying them on the footpath when going into the Supermarket and Newsagency. At that time we were advised it would happen as part of the Triangle redevelopment.

The problem with bicycles continues which is annoying to shop owners because of damage to their shop walls, and to people walking the footpaths when bikes are laid down on the footpath or fall over onto the footpath.


We don't believe the solution has any relevance to the next proposed stage of redevelopment because putting the bike racks over the road in the green space will probably mean they are rarely used. It seems bike riders, like car drivers, want their allotted space to be as close to where they are going as possible.

While it might make sense to also put a rack in the Triangle green space when the redevelopment occurs, the obvious place currently is the footpath directly outside the Newsagency because it is against this wall that most bikes are being leant at present. The footpath is narrower at that point, but if the racks were placed so bikes within them stood parallel to the road, there is plenty of room for pedestrians with prams, etc.

The BCDA and Newsagency are prepared to pay for the cost of purchase and installation as we understand Council is currently short of funds for these type of facilities.

We do hope Council will understand our hope that this issue can be addressed before the summer influx of people and bicycles.

Yours sincerely


Jenny Logie (Mrs)
President



Attachment B – Quote for Installation of Bike Rack

15 Levy Street
Bicheno, TAS, 7215
Mobile: 0418 362 787
ABN: 72386439042

Colin Reid
Builder

Quote

Attn:

As per request I submit a written quotation to

The installation of a bike rack at the
front of the Bicheno Newsagency.

Labour x 4 hours @ \$70 + GST

Supply of Bolts \$100

Total \$ 408 -

Please do not hesitate to contact me if you require further details.

This quote is available for 30 days only.

Regards

Colin Reid

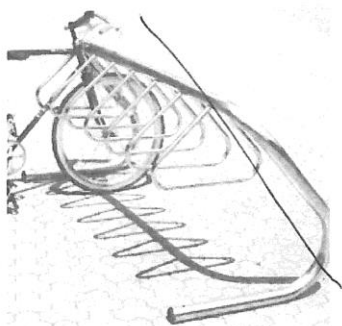
Bike Rack investigation on behalf of BCDA

Moodie Outdoor products

All these racks can be retro fitted to concrete (as in bolted – not immersed or dug in)

Option 1

Coat Hanger style - \$1500 ex GST – delivery additional



not suitable

BIKE RACKS

03 Moodie AA7510 Bike Rack

Option 2:

Hoops with base supplied \$150 per hoop ex GST – delivery additional (much less than Option 1)



05 Moodie Hoop Bike Rack

SKU: 11702
Category: Bike Racks
Tag: Bike Rack

3 hoops \$450
45 GST
495
+ delivery estimate 50
\$545

7.6 Coles Bay Half Triathlon

Responsible Officer – Manager Community Development & Administration

Background

An application from the committee of the Coles Bay Half Triathlon, under the Community Small Grants Programme, was presented to Council at its ordinary meeting held on 26th November, 2019. (A copy of the report is attached.)

At that meeting the following motion was carried:-

“Moved Cr. Browning, seconded Deputy Mayor Jenny woods, that Council defers this matter to the General Manager to provide further information relevant to this event to the 17th December, 2019 ordinary meeting. Carried Unanimously”

The organisers of the event have been overseas and have only recently returned.

The organisers have watched the discussion of this matter on live streaming to gain a better understanding of the details required and have provided the following information which they hope will provide more clarity:-

The Coles Bay Half has been running for 9 years but there was a change of management so my husband and I are now conditioning the event. 2020 will make this our third Coles Bay Half.

We thank you for your previous generous support of \$2,000. This money is used towards the following:-

- Toilet hire (2 x double portable toilets) \$1,000.00
- SES (we use SES for traffic control as we co-share 30km of the Coles Bay Road for our bike leg and 2.5 km of the Esplanade for our run leg) \$500.00
- Surf lifesaving (Scamander Surf Life Saving Club provide water safety for the 1.9km swim leg) \$500.00
- Motor bike escorts \$300
- First aid \$1,200.00
- Technical officials \$350.00
- Launceston Tri Club equipment (we hire a trailer of equipment from the Launceston triathlon club which contains everything we need to conduct the race from bike racking, bollards, pumps, finish line, PA system, etc.) \$750.00
- Tasmanian Police Traffic Disruption \$500.00
- Event sanctioning with Triathlon Australia \$500.00
- Athletes Nutrition during and post race

The above items are a few of our major expenses for putting on a race and together they come to well over \$2,000.00 but your contribution helps a lot.

After listening to the meeting on-line, we are happy to look at a package which includes the supply of toilets etc. Please keep in mind we already have bollards and customised road signage to make sure we have a safe and informative event.

Thank you for considering our application and giving us the opportunity to provide more information.

*Tiani Poulton
President"*

Statutory Implications

Not applicable

Budget Implications

A total of \$25,000 has been allocated in the budget for the Community Small Grants Program of which \$14,950 remains.

The application for funding is under the Community Small Grants Programme. The events budget which Council referred to at the meeting is the budget for Council-run events, such as Australia Day, Festival of Voices, Seafarers' Memorial, Glamorgan Spring Bay Arts Prize, Seniors events, etc. The events budget does not extend to community organized events.

Recommendation

That Council approves a grant of \$1,000 under the Community Small Grants Programme to the Coles Bay Half Triathlon Committee, towards the cost of staging the event, plus the provision of 2 x double portable toilets.

Attachment 1 - Coles Bay Half Triathlon

7.7 Coles Bay Half Triathlon

Responsible Officer – Manager, Community Development

Background

An application has been received from the Coles Bay Half Triathlon Committee, seeking financial assistance of \$3,000 towards the staging of the event to be held in Coles Bay on Saturday, 22nd February, 2020.

The Coles Bay Half is the only long course triathlon held in Tasmania so it attracts a lot of local interest from people who would like to challenge themselves without having to leave the state. The event also attracts interstate and overseas competition drawn to its unique location.

The Coles Bay Half is held along the Esplanade at Coles Bay and consists of three races:-

- Spring Race 500m swim, 20km cycle and 6km run
- Coles Bay Half 1.9km swim, 90km cycle and 21.1 km run
- Children's Aquathon of 50-200m water run/swim and 500m – 2km beach run with all the proceeds going towards a local charity.

The Sprint and Half events can be completed as a team or an individual, so there is an event for everyone. There is a special category for residents of the Glamorgan Spring Bay municipal area who have the advantage to train on the course all year round.

The committee continues to create a family friendly event with local food and drinks available for purchase to entice spectators and competitors to stay in the area a bit longer.

The committee is seeking funding to provide additional toilet amenities (portaloos) and rubbish removal (skip bin hire) to help cater for the extra visitors to the area. The funding will also go towards medical assistance, insurance and tourism promotions.

The event is now going into its 9th year and the committee is continually being thanked for running the event. Next year a new time-keeping method will be used which will incur an added fee.

Running an event such as this requires numerous hours of organisation, secretarial duties and manpower. Community involvement is essential in holding the event in a remote area. The committee sources support from the Scamander and Bicheno Surf Clubs to provide water safety, setting of the buoys and lead and tail guides. The local SES provides road safety for the bike and run leg. The committee tries to use local businesses for the event and there is also a large team of volunteers who stay for two nights and eat at the local restaurants. Locals and spectators are encouraged to assist with cheering and guiding entrants on all legs of the race.

The event provides a boost to the Coles Bay economy, especially towards the end of February when holiday makers have returned to work and school children are back at school.

The total cost of running the event is approximately \$10,000 (dependent on entries).

Council's sponsorship will be acknowledged in the Coles Bay Half Race Booklet (as in previous years) and on its website and the Mayor or her Council representative would be most welcome to open the event.



Budget Implications

A total of \$25,000 has been allocated in the budget for the Community Small Grants Program of which \$18,600 remains.

The maximum amount normally allocated under the Community Small Grants Program is \$1,000. However, due to the significant financial boost this event provides to Coles Bay, Council may wish to increase the grant to \$2,000 which will be consistent with grants provided for similar events. Council does not provide any in-kind support for this event apart from some traffic signage if required.

Recommendation

That Council considers approving a grant of \$2,000 to the Coles Bay Half Triathlon towards the cost of staging the event.

Decision: 224/19

Moved Cllr Browning seconded Deputy Mayor Jenny Woods that Council defers this matter to the General Manager to provide further information relevant to this event to the 17 December 2019 Ordinary Meeting of Council.

**The motion was put and carried unanimously
(6 Votes to 0)**

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke, Cllr Keith Breheny.

Against:

7.7 Freycinet Association Inc.

Responsible Officer – Manager Community Development

Background

An application has been received from the Freycinet Association Inc. (FAI), seeking financial assistance of \$1,000 under the Community Small Grants Programme, towards the cost of purchasing an Automated External Defibrillator (AED). The AED would be installed at the Coles Bay Convenience-General Store and Post Office, which is an easily accessible public location.

The Association sees the need for having such a device to provide support in an emergency situation. As Council is aware, there is a high volume of people visiting Coles Bay during the year and a public AED will provide an extra resource to first aid providers. The device would also benefit the local community who live and work in Coles Bay.

Whilst there are a number of AED's within the National Park and situated at businesses, there is only one 24-hour accessible AED which is located at the Golf Course Club House in Swanwick, which is quite a distance from anywhere in Coles Bay. Also, due to the erratic availability of the Coles Bay volunteer ambulance service, FAI believe that having access to a 24-hour defibrillator would be very beneficial to the area.

The total cost of the AED is \$4,039.50 and a copy of the quote is attached. The FAI will be contributing \$1,000 towards the cost and the balance will be obtained from other sources.

Statutory Implications

Not applicable

Budget Implications

A total of \$25,000 has been allocated in the budget for the Community Small Grants Program of which \$14,950.00 remains.

Recommendation

That Council approves a grant of \$1,000 to the Freycinet Association Inc., towards the cost of purchasing an Automated External Defibrillator (AED) to be installed at the Coles Bay Convenience-General Store and Post Office which is situated at 3 Garnet Avenue.



Attachment - Automated External Defibrillator (AED).



Ms Susanne Lucas
Freycinet Association
TAS



Australian Defibrillators
Ph 1300 333 427
Fax 1300 233 342
Email: info@aeds.com.au
www.aeds.com.au

15 November 2019

QUOTE - ZOLL AED 3™ EXTERNAL DEFIBRILLATOR

Dear Susanne

Thank you very much for inviting Australian Defibrillators to quote on the supply of an Automated External Defibrillator (AED).

ZOLL AED 3 Package



Product Code	Description	Qty	Item Price	GST	Extended Price
	ZOLL AED 3™ Defibrillator	1	\$2995.00	NA	\$2995.00
Inclusions	Documentation Kit (including Operators Manual, Quick Start Guide and Rescue Reference Poster)				
8000-000696	ZOLL AED 3 Battery Pack (Lithium Manganese Dioxide) 5 year shelf life				
8900-000260	CPR Uni-Padz™ Universal (adult/paediatric) Electrodes - 5-year shelf life Includes: Compression depth sensor, compression rate sensor, gloves, barrier mask, scissors, razor, wet wipe and dry wipe				
AED Web	AED Web Manager/Expiry Notification System	1/unit			
AED Signage	AED direction arrows and AED location window decals				
Cabinet	200 Series AED Emergency Cabinet, Indoor/outdoor Keypad access, mains powered	1	\$995.00	\$99.50	\$1094.50
Wall Sign	3D Wall Sign	1			Free of charge
Freight	TAS				Free of charge
				Total	\$4089.50
				Less discount	(\$50.00)
				Grand Total	\$4039.50

www.aeds.com.au



Australian Defibrillators
Ph 1300 333 427
Fax 1300 233 342
Email: info@aeds.com.au
www.aeds.com.au

AED Wall Mounting Accessories

	Description	Item Price	GST	Extended Price
8000-001255	ZOLL AED 3 Wall Mount Bracket (device only)	\$75.00	\$7.50	\$82.50
8000-001266	ZOLL AED 3 Case Wall Mount Bracket (stored in case)	\$82.00	\$8.20	\$90.20
8000-001250	ZOLL AED 3 Carry Case	\$164.00	\$16.40	\$180.40
	AED Wall Cabinet -Clear with Alarm	\$450.00	\$45.00	\$495.00
	AED Wall Sign	\$42.00	\$4.20	\$46.20

ZOLL AED 3 Consumables

	Description	Item Price	GST	Extended Price
8900-000260	CPR Uni-padz™ Universal (adult/paediatric) Electrodes – 5 year shelf life	\$210.00	N/A	\$210.00
89000-000696	ZOLL AED 3 Battery Pack (Lithium Manganese Dioxide).	\$205.00	NA	\$205.00

Terms

- This quote is firm for 30 days from date of quote
- An official company order required, citing this quote

Warranty on AED

- 8 year limited warranty

Warranty on cabinet

- 1 year limited warranty

Technical Support

- Access AED Web Manager – online program manager and database
- Front line support available directly through Australian Defibrillators
- Second tier support directly from ZOLL Biomedical Engineering Dept



Australian Defibrillators
Ph 1300 333 427
Fax 1300 233 342
Email: info@aeds.com.au
www.aeds.com.au

Quality Management system

- ZOLL Medical Australia is Lloyds Register Quality Assurance for Quality Management System Standards AS/NZS ISO 9001:2000

Delivery

- Currently in stock

I trust this quote meets with your requirements. If you have any further queries please don't hesitate to contact me.

Yours sincerely

Sharon Lyons

Sharon Lyons

7.8 Spring Bay Suicide Prevention Network

Responsible Officer – Manager Community Development

Background

An application has been received from Spring Bay Suicide Prevention Network (SBSPN), seeking financial assistance of \$1,000, under the Community Small Grants Programme, towards the purchase of forty-five (45) Live Life Medical Alarms.

The Network successfully applied for a Glamorgan Spring Bay Council Community Small Grant in the last financial year towards the purchase of personal alarms for use in the Spring Bay area.

Whilst there is still a need for personal alarms within the Spring Bay community, SBSPN is continuing with the project and now, with the support of the Spring Bay Rotary Club and their fund-raising opportunities, will be extending the alarm project into Swansea, Coles Bay and Bicheno, with similar arrangements that are in place for Orford, Triabunna and Buckland.

The Spring Bay Rotary Club has joined with Dick Smith Foundation and secured a \$ for \$ fundraising program.

The Network, not only concentrates its efforts on suicide prevention but on the mental health and wellbeing of its community.

The network continues to work closely with other health services, including local general practitioners, ambulance personnel and social workers.

The total cost of the project (45 alarms) is \$18,315 with funds available as follows:-

	Recipients	2,315
	Spring Bay Suicide Prevention Network	2,000 plus Dick Smith's \$ for
\$		
	Spring Bay Rotary Club	2,000 plus Dick Smith's \$ for
\$		
	Pop-Up Book Stall	3,000 plus Dick Smith's \$ for
\$		
	Dick Smith Foundation (Spring Bay Rotary Club)	8,000 (this amount is based on Council providing a grant of \$1,000 and includes the \$ for \$ contribution)

Statutory Implications

Not applicable

Budget Implications

A total of \$25,000 has been allocated in the budget for the Community Small Grants Program of which \$14,950 remains.

Recommendation

That Council approves a grant of \$1,000 to the Spring Bay Suicide Prevention Network, towards the cost of purchasing forty-five (45) Live Life Medical Alarms which will enable the service to be expanded into Swansea, Bicheno and Coles Bay.

7.9 Minutes of Audit Panel Meeting – December 2019

Responsible Officer – General Manager

Background

Council's Audit Panel met on 5 December 2019 at the Triabunna Council Offices, with Minutes of the meeting attached. The Panel has made a number of key recommendations, a summary of which has been provided at the end of the Minutes. The majority of these require action by staff, Council's business consultant or the Chair of the Audit Panel.

Statutory Implications

Nil.

Recommendation

That the Minutes of the Audit Panel Meeting held on 5 December 2019 be received and noted.



GSBC Audit Panel

Triabunna Council Offices

Thursday 5th December 2019

3.00 pm

Meeting 2 of 4 for 2020FY

General Business

1	<ul style="list-style-type: none"> Present & Apologies Conflict of Interest declarations Confirmation of previous minutes 	<p>Present: Mike Derbyshire (Chairperson), Kane Ingham (via phone link) Chris Schroeder, Cheryl Arnol, Rob Churchill, Marissa Walters & Jenny Roya</p> <p><u>Apologies:</u> NA</p> <p>Conflicts of Interest recorded for this meeting: MD has previously declared a possible conflict as has MW. No relevant conflicts for this meeting.</p> <p>The minutes of Oct 15, 2019 were accepted as a true record of the meeting with all in agreement.</p>
2	Actions arising from previous minutes	See Rolling Actions List
3	Distribution of Audit Panel Minutes & Recommendations	It was agreed that the minutes be recorded after each meeting within 14 days with 7 days following for members to comment before being submitted to Chris to present to Council. It was agreed that these may still be in draft form without the Chairs signature at this stage due to the meeting being every 3 months. This was acceptable to all members.
4	PPRWS Update	<ul style="list-style-type: none"> The PPRWS Steering Committee has now been formed & meets fortnightly. David Burt has resigned due to health issues with Macquarie Franklin coming on board to manage the Project to completion. The completion of Stage 1 continues to have timeframe issues with completion now expected to be extended to mid Feb with the obvious result of additional costs. David Burt will provide the final figures but feels it would be optimistic if Council stay within the 7mill allocated to the Project. The Federal Govt claim has been submitted with MW to follow up & advise when Council can expect to be paid. There is still another \$880,000 available to be claimed. ACTION: It was advised to keep communicating with Tassal & for CS to find exactly how much Council will receive from Tassal Audit panel has requested regular updates. Cash flow projections to be updated should there be any changes to revenue stream or CPI adjustments.
5	Financial Statements & Audit Findings-Tasmanian Audit Office	<ul style="list-style-type: none"> The Audit Committee will ensure that all recommendations from the Tasmanian Audit Office are followed up and monitored as necessary ACTION: JR to send out all staff delegations to Audit Panel members.

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		<ul style="list-style-type: none">• ACTION: JR to get the list of recommendations from MW to be put on the next agenda and monitor• Audit panel recommends review of all financial delegations (and payment limits), system access and bank account access. Report back when updated.• Standing agenda item in future.
6	Annual Plan 2019/20	Almost complete, needs to be circulated to all members when finalised
7	Cash Flow/Budget Forecasts	<ul style="list-style-type: none">• An Expected result as the cash position at the beginning included the drawdown of the loan.• Old Council Chambers contract is still conditional with the titles still required.• Recommendation that any budget revisions or variations need to be approved by Council.
8	October 2019 YTD Financials Reports	<ul style="list-style-type: none">• The Profit & Loss shows a deficit to the Budget due to the timing of the Roads to Recovery monies not being fully received.
9	Other business & close of meeting	<ul style="list-style-type: none">• The draft Asset Reserves policy to be discussed at the next meeting• MD mentioned that independent members' terms on audit panel were up for review. This needs to be raised at the next Council meeting• ACTION: JR to be on agenda for the next Council meeting <p>Next meeting: Tuesday March 17, 2020</p>

Meeting Concluded: 5.10 pm

Date

Signed (Chairperson)



GSBC AUDIT PANEL MEETING - ROLLING ACTIONS LIST

ACTION	RESPONSIBLE	DATE	OUTCOME/NOTES
<ul style="list-style-type: none"> Monitor of Reserves-Council to monitor reserves & utilise as necessary. The Financial Reserve Policy 3.9 & Investment Policy 3.13 to be reviewed 	CS, JR & MW		A draft Reserves Policy has been prepared with CS, MW & JR to discuss and present to Council when Chris is available. Jenny to contact Marissa to see availability. Draft Reserves Policy Available, needs to be included at the next Council Meeting for Review
<ul style="list-style-type: none"> Appendix to Annual Plan-Needs be an Agenda item on 1 Council Meeting annually that reflects a review of all policy documents 		17/03/2020	This item needs clarification. Is this a request that there needs to be an action item in the Annual Plan that policies are reviewed annually? Corporate Calendar to be brought to the next meeting.
<ul style="list-style-type: none"> Compliance Checklist-panel has identified that the area of Risk Management & WH & S are under-resourced. Risk documents require updating urgently. 	CS	This needs to be tied to the Corporate Calendar: Dec 31 or Jan 31	CS to engage a consultant to do this or delegate a staff member to. Adam is the current resource we have who could be asked to do this. CS to contact Wendy the Southern Midlands Compliance Officer to discuss updating risk documents.
<ul style="list-style-type: none"> Annual Plan-to be presented at the next meeting 	CS	5/12/2019	Waiting on Lona for completion
<ul style="list-style-type: none"> PPRWS-A Steering Committee to be established to monitor the Project & report back to Council. This group will monitor financials & be available to take calls/emails & offer advice. 	CS	ASAP	RESOLVED: Steering Committee meets every 2 weeks David Burt has now resigned
<ul style="list-style-type: none"> Financial Reporting-Cash Flow Projections to be provided monthly to MD & KI 	MW	ONGOING	MW is currently providing this RESOLVED
<ul style="list-style-type: none"> Debt collection system/procedure to be implemented 	JR & DR	ONGOING	A procedure is now in place. A procedure as opposed to a policy has now been written and our Corporate Service Officer is now ringing outstanding debtors ensuring them of the current expectation. She has started with marina debtors and will move to rates. ONGOING

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GSBC AUDIT PANEL MEETING - ROLLING ACTIONS LIST

[illegible]

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7.10 Air-Conditioning for Bicheno Paramedic Room

Responsible Officer – Manager of Buildings & Marine Infrastructure

Background

Ambulance Tas has a paramedic stationed in Bicheno.

Currently that paramedic is using the office at the back of Council's Bicheno Medical Centre.

We engaged an electrician to fix a few power points that were not working, and he informed me the heating panel is broken. As well as needing heating for the upcoming winter, Ambulance Tas has requested an air-conditioning unit because the room gets quite hot during summer.

I have received a quote to install an air conditioning unit.

Budget Implications

\$1900 (GST included)

Statutory Implications

Nil

Recommendation

That Council decide whether to pay for the installation of the air conditioning unit.

8.0 Notices of Motion

8.1 Triabunna District School – School Crossing

Moved: Cllr Cheryl Arnol

Seconded:

1. That Council employs a suitably qualified person to assess both the Melbourne Street and Vicary Street Triabunna school crossings to determine their compliance with the current Australian Standards for School Crossings.
2. That, in the event, that either or both crossings are assessed as deficient Council take steps to immediately rectify the deficiency to ensure the safety of students at Triabunna District School

Background

Throughout 2018 and 2019 the School Association at Triabunna District School received numerous complaints/concerns regarding the safety of the Melbourne Street School Crossing from school staff, parents and members of the community. A former Principal attempted to address the matter with the Department of State Growth but was advised that it was 'the local council' that were the entity to have the crossing assessed.

A meeting with Council staff was held wherein it was suggested that the School Association write to the General Manager advising what was discussed and seeking Council's support for an assessment. The request was sent to the General Manager with a letter of support from the Acting Principal. The response received was that it would be taken to a Budget meeting and the School Association would be notified once a decision had been made.

The School Association were advised that the matter had been discussed in a workshop and rejected. The basis of the rejection was that the School Association had not followed the correct application process and that the Australian standards showed that the crossing was completely in order. The Chair of the School Association was advised that there was no money to pay for the project and was advised of a new figure which was different to the original estimate. At no time were members of the School Association provided with any guidance from Council in relation to the protocols around requesting an assessment. The image below shows the school crossing delineated by orange and white striped poles which has "Children Crossing" flags inserted when in use. Its delineation is not ideal nor obvious that it is a children's crossing when vehicles are parked either side of the road at school arrival and departure times.



Melbourne Street crossing

Note proximity to driveway with white vehicle parked in it.

Whilst there is lesser concern regarding the Vicary Street Crossing, it would be opportune to have an assessment done of that crossing as well some 15+ years after it was installed. With the increase in larger vehicles (SUV and Caravans, Campervans and the like) it is often difficult to identify that the crossing is in use particularly when the larger vehicles are blocking the line of sight.



Vicary Street Crossing at the intersection of Melbourne and Vicary Street



Melbourne Street Crossing



Melbourne Street Crossing (from Vicary Street intersection) and
close proximity to intersection of Vicary Street crossing

Vicary Street crossing
right on intersection

The School Association remains committed to ensuring the safety of students at what would appear to be a deficient crossing due to its proximity to a residential property driveway. The Tasmanian Government's Vulnerable Road User Program grant process could be an avenue for funds for any remedial work.

8.2 Council Meeting Minutes

Moved: Councillor Annie Browning

Seconded:

That the draft Council Meeting Minutes are provided to Council within ten (10) calendar days of the Council Meeting.

Background

Generally draft minutes of Council Meetings are provided to elected members with the Council Agenda on the Thursday afternoon prior to the council meeting for the following Tuesday afternoon.

Council agenda's are often complex and contain much information for elected members to read, research, understand, ask questions and consider including regular planning matters.

The receipt of the agenda is the minimum time-frame required under the Local Government Act and it would be beneficial to receive the draft minutes earlier as it would allow elected members to properly consider the draft minutes without the pressure of reviewing the agenda at the same time. As the decisions of Council are electronically noted during the meetings, generally the only information that needs to be added after the meeting is the Public Question Time information.

I am therefore requesting Council to consider my motion that the draft Council Minutes are provided to Council within ten (10) calendar days of the Council Meeting.

9. Motion Tracking Document

Last updated 21/01/2020

Meeting Date	Item No.	Decision Number	Title	Action Officer	Progress	Completed
27 th February 2018	7.1	20/18	Approval of borrowing budget amendments, pipeline approvals and construction.	GM	GM authorised to proceed with Stage 1 Prosser Plains Raw Water Scheme (PPRWS) and Council to enter into an agreement with Tassal for delivery of raw water to Okehampton Bay on full cost recovery basis.	Report this agenda. Project update this agenda.
23 rd October 2018	6.1	114/18	NRM Committee Minutes	MNRM	Motion for a review of public toilet facilities where there is an absence on sites such as Saltworks Reserve. To be presented at Council Workshop 27/8/19.	Complete
26 th February 2019	7.6	39/19	Staff Resourcing Land Use Planning: Benchmark Report	MDC	Issue to be workshopped by Council.	In Progress
26 th February 2019	8.1	41/19	Notice of Motion: Increase Time for Agenda to Councillors from 4 days to 7 days (Cllr Churchill)	GM	Item deferred to a workshop in light of report on staff resourcing in Planning.	In Progress
26 th March 2019	7.3	66/19	Renaming of Esplanades	MDC	Council to consult with affected residents	In Progress
26 th March 2019	7.5	68/19	Fast Charging for Electric Vehicles in GSB	MNRM	In principle agreement to fast charging station in Swansea and calls for EOI for a partner to install a fast charger at a Council site.	Complete
30 th April 2019	6.1	82/19	Policy for Users of Hall Facilities	GM	Council to formulate and implement a Policy of Acceptable Practices and Requirements for users of Council Hall facilities.	In Progress

Action Officer codes: MW = Manager Works, MDC = Manager Development & Compliance, MCD = Manager Community Development, MBMI = Manager Buildings and Marine Infrastructure, MNRM = Manager NRM

Meeting Date	Item No.	Decision Number	Title	Action Officer	Progress	Completed
27 th August 2019	7.2	140/19	Seaweed Odours Swansea – An Issues Paper	GM	Council to appoint “suitably qualified technician” to prepare a scoping report. Brief to be provided to Council at a workshop.	In Progress
27 th August 2019	7.5	144/19	Holkham Court, Orford – Stormwater Assessment	GM	Works are implemented as outlined in the report. Letter to Minister for Infrastructure Re: Priority works for Tasman Hwy.	In Progress
24 th September 2019	7.9	167/19	Speed Limit Reviews (Cambria Drive and Tasman Hwy, Buckland)	MW	Council approval for submissions to be made to State Growth.	Complete
16 October 2019	2.2	176/19	Australia Day Awards	GM	Categories finalised. Closing date for nominations 25 November 2019. Honour Board redesigned. Certificates of Recognition for all nominees	In Progress
16 October 2019	2.5	179/19	By-Law	GM	Council resolves to make a By-Law of the Glamorgan Spring Bay Council made under Section 145 of the Local Government Act 1993 (Tas) for the purpose of regulating and controlling matters of environment health - Environmental Health By-Law (By-Law No. 1 of 2018).	In Progress
16 October 2019	2.6	180/19	Dog Management Policy	GM	<ol style="list-style-type: none"> 1. That Council directs the General Manager to immediately commence the process for re-endorsement of the existing Dog Management Policy 2014-2019 with amendments as deemed necessary in accordance with the requirements of the <i>Dog Control Act 2000</i>. 2. That advertising occurs in The Mercury, The Examiner, the Great Oyster Bay Community News, the Bicheno Forward, the Echoes Around the Bay, Council’s website and community notice boards. 3. That Council commits to conducting a further review of the new Dog Management Policy within 12 months of the <i>Dog Management Act 2000</i> amendments being finalised. 	In Progress Report this agenda.



Meeting Date	Item No.	Decision Number	Title	Action Officer	Progress	Completed
16 October 2019	2.7	181/19	Deed Coles Bay Trailer Parking	GM	Council endorses the \$400,000 grant from State Government for Coles Bay Boat Trailer Parking, includes the grant in its 2019/2020 Budget and directs the General Manager to execute the Deed on behalf of the Glamorgan Spring Bay Council.	Complete
16 October 2019	2.9	185/19	Dog Exercise Yards	GM	The dog park proposed for the Bicheno foreshore area near the oval is not approved. The funding for that project be re-negotiated with the relevant Federal Department and requested to be used for the purchase and installation of playground equipment for the Bicheno Lions Park and for improvements to the exterior of the Bicheno Memorial Hall.	In Progress Report this agenda
16 October 2019	2.9	186/19 187/19 188/19 189/19 190/19	Dog Exercise Yards	GM	The Swanwick, Swansea, Triabunna, Orford, Buckland dog exercise areas be approved as advertised in The Examiner and The Mercury in September 2019 and it is formally declared as a dog exercise area.	In Progress
22 nd October 2019	7.2	197/19	Instrument of Delegation to General Manager	GM	Further Acts to be considered by Council for inclusion in Instrument of Delegation at a future date.	In Progress
22 nd October 2019	7.5	201/19	Consent to lodge a DA: Cricket Practice Nets, Swansea Recreation Ground	GM	Further discussion with recreation reserve users to determine alternative location for nets requested	In Progress
26 November 2019	7.2	221/19	Consideration of Place Names: Cul-de-sac off Kunzea Court, Swanwick	GM	Sweet Wattle Court to be submitted to Nomenclature Board	In progress
26 November 2019	7.7	224/19	Coles Bay Triathlon	GCD	Further information to be provided to Council for consideration	Report this agenda
17 December 2019	8.1	240/19	2020 Ordinary Meeting dates & times	GM	Council approves the 2020 Ordinary Meeting of Council dates are the 4 th Tuesday of each month commencing at 2pm and Special Meetings can be held any time from 2pm. The AGM will be held on 15 December 2020	Complete. Advertised in accordance with Mtg Regs.
17 December 2019	8.2	241/19	Draft Policy – Rates & Charges	GM	Council adopt the Policy attached to this report dated 17 December 2019 and titled, "Rates and Charges Policy version 3".	Complete.



Meeting Date	Item No.	Decision Number	Title	Action Officer	Progress	Completed
17 December 2019	8.3	242/19	Rates Revaluations	GM	Council defers Agenda Item 8.3 to the January 2020 meeting or to a Special Meeting of Council earlier in the month if the matter is deemed too urgent to wait until the 28 th of January 2020.	Complete.
17 December 2019	8.4	244/19	Re-engagement of Internal Audit Panel	GM	Council continue with the current arrangement with Mr Mike Derbyshire & Mr Kane Ingham as independent members and sign a Deed of Agreement for the next 12 months.	Complete.
17 December 2019	8.5	245/19	Building Better Regions – Grand Funding Options	GM	<p>That Council support applying for \$250,000 from the Building Better Regions Fund to strategically develop the Triabunna Wharf, with Parks and Wildlife Services and Glamorgan Spring Bay Council matching those funds, with \$200,000 and \$50,000 respectively.</p> <p>That Council support applying for \$25,000 from the Building Better Regions Fund to develop a Business Case & Development Application for a Mountain Bike Trail from Kellevie to Orford with Sorrell Council and Glamorgan Spring Bay Council matching those funds equally, both contributing \$12,500 each.</p> <p>That Council support applying for \$20,000 from the Building Better Regions Fund to commission an Economic Development Plan & Prospectus for Glamorgan Spring Bay Council, with Council matching that with a \$20,000 contribution.</p>	Applications submitted.
17 December 2019	8.6	246/19	Training Wall Lease – Prosser River Mouth Advisory Group	GM	Council defers Agenda Item 8.6 to the January 2020 meeting or to a Special Meeting of Council earlier in the month if the matter is deemed too urgent to wait until the 28 th of January 2020.	To be discussed at the next Council workshop.



Meeting Date	Item No.	Decision Number	Title	Action Officer	Progress	Completed
17 December 2019	8.7	248/19	The Prosser River Mouth (Spit) Fencing & Signage Proposal		Council endorses placing the Prosser River Mouth Master Plan Advisory Group Section 24 Committees proposed plan in relation to the Orford Spit, lagoon and nearby recreational beach area out for public consultation by 10 January 2020 until 7 February 2020. Following consultation Council will consider feedback and make a decision at an Ordinary Meeting of Council.	In progress.
17 December 2019	8.8	249/19	Bicheno Destination Action Plan Walks	MW	Council approves in principle, subject to any approvals required, the proposed Bicheno Destination Action Plan Group and Bicheno Community Development Association plan for 'Walk 4 and 5' within the Bicheno township	Complete.
17 December 2019	8.9	251/19	Consent to Lodge a DA: Cricket Practice Nets, Swansea Recreation Ground	MBMI	Council provides owner consent to lodge the Development Application and encourage the Cricket Club to consider and make an application for a Community Small Grant to assist with the project costs.	In progress.
17 December 2019	8.10	252/19	Additional Funding for the Prosser Plains Raw Water Scheme	GM	<p>1.Council resolves to secure a loan for the amount of \$600,000 from TASCORP to be used to pay the costs of completing Stage 1 of the Prosser Plains Raw Water Scheme (eg. completion of the Pumping Station), which in turn will allow Council to meet its obligations under the Water Supply Agreement dated 8 February 2019.</p> <p>2.The General Manager is directed and hereby authorised to take all reasonable and necessary steps to secure the loan referred in</p>	See Report this agenda.



					<p>recommendation 1 set out above, including without limitation making application to TASCORP for the loan, and executing all relevant documents for and on behalf of Council (including applying the common seal of Council if required).</p> <p>3. That Council endorses the General Manager to draw down an additional maximum amount of \$50,000 from Council cash, on receipt of a report to Council in the event that the remaining funds with the \$600,000 additional loan is insufficient to complete the project.</p>	
17 December 2019	8.11	254/19	Transfer of Council Land for Catholic Care Affordable Housing	GM	<p>In accordance with s178 of the Local Government Act 1993 that Council intends to transfer land as per the proposed Centacare Evolve Housing 21 unit development on Lots 30, 31 and 94 Spencer Street, Triabunna.</p> <p>Centacare Evolve Housing are to provide Council with four serviced residential blocks on Council land</p> <p>Centacare Evolve Housing will be obliged to pay Council's rates on the unit development</p> <p>A Community Meeting will be held in January 2020 to answer questions and obtain feedback from community members.</p>	<p>Advertised.</p> <p>Community meeting held.</p> <p>Consultation in progress.</p>

Meeting Date	Item No.	Decision Number	Title	Action Officer	Progress	Completed
14 January 2020	2.1	1/20	Correction of Assessed Annual Valuation of Rates	GM	Council agrees to waive the levying of rates related to the Assessed Annual Valuation of rates as received from the Valuer General's Office in June 2019 for 2019/2020 financial year. The basis of this decision is due to the negative impact on the administration of Council by delaying this matter any further.	In progress.

Action Officer codes: MW = Manager Works, MDC = Manager Development & Compliance, MCD = Manager Community Development, MBMI = Manager Buildings and Marine Infrastructure, MNRM = Manager NRM

Recommendation:

That Council receives and notes the information contained within the Motion Tracking Document.

10. Questions Without Notice

11. Confidential Items (Closed Session)

Nil.

The live streaming and recording of meeting will now be switched off. Mayor to check that the streaming has been terminated.

12. Close

The Mayor to declare the meeting closed at (Time).

CONFIRMED as a true and correct record.

Date:

Mayor Debbie Wisby