



GLAMORGAN SPRING BAY
COUNCIL

Notice of Meeting and Agenda

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

22 September 2020

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held on Tuesday 22 September 2020 commencing at 2.00pm.

Please note in response to COVID-19 social gathering regulations, members of the public will be unable to attend the meeting.



Dated this Thursday 17 September 2020.

**Marissa Walters
ACTING 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.***



**Marissa Walters
ACTING 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.

In response to COVID-19 social gathering regulations, members of the public will not be able to attend the meeting. Where possible a live stream of the meeting will be made available.

A recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website following the meeting.

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

1. Opening

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

1.1 Acknowledgement of Country

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

1.2 Present and Apologies

1.3 In Attendance

1.4 Late Reports

1.5 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

- i. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- ii. 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 – 25 August 2020

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held Tuesday 25 August 2020 at 2.00pm be confirmed as a true and correct record.

2.2 Declaration of Office

Responsible Officer – Acting General Manager

SUMMARY

To acknowledge and record the making of the declaration of office by newly elected Councillor and Mayor Robert Forbes Young.

STATUTORY IMPLICATIONS

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

RECOMMENDATION

That the Declaration of Office made under Section 321 of the Local Government Act 1993 by newly elected Mayor and Councillor Robert Forbes Young and as witnessed by the Acting General Manager, be noted and form part of these minutes.



Declaration of office

(Local Government Act 1993, Regulation 40
Declaration of Office – s. 321)

I, **Robert Forbes Young** having been elected as **Mayor and Councillor**

to the Glamorgan Spring Bay Council, do solemnly declare that I will

- a) faithfully carry out the functions and exercise the powers vested in me by virtue of that office to the best of my ability and in accordance with the law; and
- b) comply with the Council's code of conduct;
- c) engage in ongoing professional development;
- d) abide by the principles of good governance.

.....
(Signature of Councillor)

Made before me at **Triabunna** in Tasmania on the **3 September 2020**.

.....
Marissa Walters
(Acting General Manager)

2.3 Date and Purpose of Workshop/s Held

Tuesday 8 September 2020

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 12.30pm to 4.15pm on Tuesday 8 September 2020 via remote conference.

Present

Mayor Robert Young
Deputy Mayor Jenny Woods
Cllr Cheryl Arnol
Cllr Keith Breheny
Cllr Annie Browning
Cllr Rob Churchill
Cllr Grant Robinson
Cllr Michael Symons

Apologies

Nil.

In Attendance

Mrs Marissa Walters, Acting General Manager
Mr Deon Bellingan, Executive Manager Development (in part)
Mr Rob Brunning, Works Manager (in part)
Ms Robyn Bevilaqua, Planner

Guests

Ms Susan Carins, Coles Bay

Agenda

- Welcome – Newly appointed Mayor Cllr Robert Young
- Sculpture Walk – Coles Bay
- Draft Personal & Private Information Policy No. 6.3
- Draft 2020/2021 Annual Plan
- Visitor Information Centres – Update
- Review of constructed walkway across Crown Land to Stapleton Beach – Update
- Development Application 2019/272, Lot 250 River Street, Swansea (CT161323/250)
- Land Clearing at River & Rocks Road, Coles Bay
- MOU – Local Government Participation in the National Redress Scheme
- Legal Advice Received
- Other Matters & Councillor Discussion

RECOMMENDATION

That Council notes the information.

3. Public Question Time

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

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

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

3.1 Questions without notice

In response to COVID-19 social gathering regulations, Council meetings will be held remotely via video conference until further notice and therefore members of the public are unable to attend the meetings.

Glamorgan Spring Bay Council will allow questions to be provided by written notice by 12 noon the day before the ordinary council meeting by either emailing general.manager@freycinet.tas.gov.au or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.

3.2 Questions on Notice

Mr Yon Kikkert

Not long before Debbie Wisby resigned as mayor, she remarked on Leon Compton's ABC Radio show that Stage 1 of the Prosser Plains Raw Water Scheme (pump-station and pipeline) was now "cost neutral" because of the sale of water delivered to Tassal.

- Q1. *Could you please provide further information about the ex-Mayor's statement in regard to income and costs generated from Stage 1?*

A response will be provided to Mr Kikkert pending further advice.

Dr Robyn Moore

In December 2018, Council decision 153/18 rescinded previous decisions to sell Council properties at 2 and 4 Arnol St. However, I'm unable to find information pertaining to the decision to create a Community Shed/Hub at this site.

- Q1. *Please explain the process whereby it was decided to create a Community Shed/Hub in Swansea, ie who made the decision, in what forum and what financial data was considered during the decision-making process (eg, loss of income from sale of property and ongoing rates revenue, running and maintenance costs, insurance, depreciation etc).*
- Q2. *Council meeting minutes from June 2020 (p. 95) state that the Community Hub is to 'become self sufficient - income generated covers all costs'. Please provide the data which informs this statement, showing which costs will be covered, eg utilities, insurance, depreciation, maintenance, land and water tax etc.*

A response will be provided to Dr Moore pending further advice.

4. PLANNING AUTHORITY SECTION

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015* the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993* for Section 3 of the Agenda.

RECOMMENDATION

That Council now acts as a Planning Authority at (Time:).

4.1 Development Application 2019 / 272

Lot 250, River Street, Swansea (CT 161323 / 250)

Subdivision and Retirement Village

Applicant	Greenplace (Tas) Pty Ltd
Lodged	9 October 2019
Statutory Date	25 September 2020 (extended by consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	General Residential
Codes	Bushfire Prone Areas, Road and Railway Assets, Parking and Access, Stormwater Management
Use	Class: Residential. Type: Permitted
Development	Discretionary
Discretions	25
Representations	Two then nil and nil (advertised three times)
Attachments	A – Application Documents <i>(previously circulated to Councillors. Copy available via Council's website)</i> B – Engineering Report
Author	Robyn Bevilacqua, Planner

Executive Summary

Planning approval is sought to subdivide as one lot, eight lots approved as part of a 32-lot subdivision in 2004, and to build a 67unit retirement village on that lot. The land is zoned general residential and located on the urban fringe of Swansea.

The proposal is discretionary because it 1) involves subdivision and 2) relies on discretions for multiple standards under the planning scheme.

The proposal was placed on public exhibition three times: 22 April-6 May 2020, 17 June-1 July 2020 and 22 July-5 August 2020. Two representations were received under the first notification. None were received for the second and third.

The Planning Authority must consider the planner's comments and recommendation and make a final determination by 25 September 2020.

The recommendation is to refuse the application on the basis that it fails to satisfy:

1. D10.4.3 P2(a)(ii) private open space must be oriented to take advantage of sunlight
2. D10.4.4 P1 a dwelling must be designed to allow sunlight to enter at least one habitable room (other than a bedroom)
3. E6.6.1 P1(a) onsite parking demand is not met

PART ONE

1. Statutory Requirements

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

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

The initial assessment of this application identified where the proposal meets the Acceptable Solutions, and where discretions are required. This report addresses the discretions and makes a final recommendation.

The Planning Authority must consider this report but is not bound to it. It may 1) adopt, 2) vary or 3) replace an approval with a refusal (or vice versa):

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

2. Approving applications

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

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

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

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

3. Background and past applications

Approval was obtained in 2004 for a 32-lot subdivision, shown in Figure 1 below.



Figure 1: the original plan of subdivision

The current proposal was received in October 2019. It was advertised from 22 April to 6 May 2020 and received two representations – one from the Tasmanian Fire Service (TFS) and another from a resident who wanted to ensure there would be no blasting associated with the development.

The TFS representation noted the applicant had not addressed several standards in the bushfire code and the application, as submitted, was prohibited.

The applicant was given the opportunity to submit the correct documentation. The proposal was re-advertised with the revised bushfire documentation from 17 June to 1 July 2020. However, the documentation was still not complete, and the application had to be advertised a third time. There were no representations received during the second and third notification periods.

4. The Proposal

To subdivide as one lot, eight lots of a 32-lot subdivision approved in 2004 (SA 2004/32), and to build a retirement village on that lot. Figure 1 below shows the subject land outlined in red. Lots 1-6 along River Street (outlined in green) have already been subdivided and sold.



Figure 2: The existing Plan of Subdivision (not north oriented) showing the lots to be used for the retirement village outlined in red and the six lots already subdivided and sold (from the application documents).

Figure 3 below shows just the area outlined in red in Figure 2, and the 16 buildings that will house the retirement village in pink.

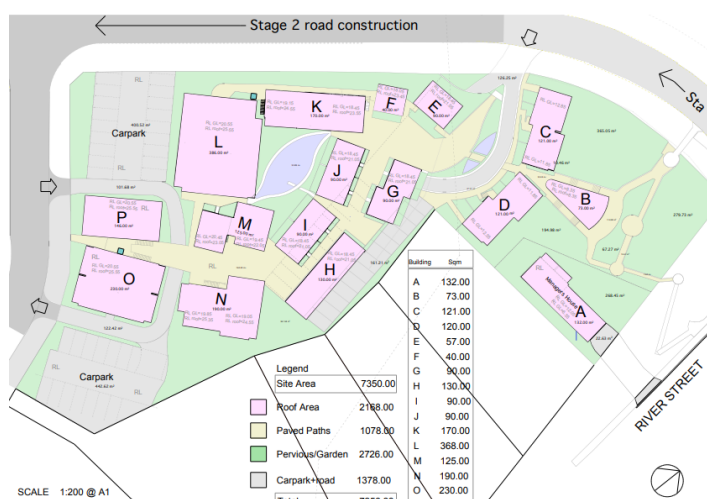


Figure 3: the area that was outlined in red in Figure 2, now in close up showing the development's 16 buildings and three car parks (from the application documents)

The buildings will contain 67 dwelling units, a manager's residence, a spa/physio studio, and three meeting/common rooms. There will also be a community orchard, two 'reflection ponds', landscaped gardens, pedestrian walkways and a pedestrian 'village Main Street', plus three car parks and a new road.

There will be a 60,000 litre underground water tank to which all roofs south of the Noyes Street access will be connected. Two 10,000 litre underground tanks will be provided to collect rainwater from the buildings north of the driveway. Two 'reflection ponds' and two grassed swales would assist with stormwater capture and cleaning.

The village has two main parts – 'Village Lower' (northern end) and 'Village Upper' (southern end). Each of these has two levels:

- 'Village Lower' level 1 comprises the spa/physio studio and the manager's residence.
- 'Village Lower' level 2 comprises eight residential studio units (spa units).
- 'Village Upper' level 1 comprises 35 residential units (22 one-bedroom, 12 studios, and one two-bedroom unit) plus three common/meeting room units.
- 'Village Upper' level 2 comprises 24 residential units (13 one-bedroom, 10 studio units, and one two-bedroom unit)

There will be a two-way driveway off Noyes Street providing access to the Village Lower underground carpark and separate one-way entry and exit driveways off the new subdivision road providing access to the two Village Upper carparks.

The village will be constructed in two stages:

Stage 1 Stage One covers the northern-most lower part of the development (closest to Swansea), with frontage to River Street and a new driveway access off Noyes Street.

Stage One comprises the manager's residence, a spa/physio building, 26 residential units, three common room units, a car park with 33 parking spaces, a community orchard, contemplation pond, parts of the Village 'Main Street' and community gathering areas.

The manager's residence is accessed off River Street. All the Stage One units would all be accessed from Noyes Street.

The manager's residence, spa/physio studio and eight spa units are set well back from River Street. They are single-storey structures with skillion roofs to reduce visual impact from River Street. The spa/physio is partly 'dug in' to the slope of the land. The land between the buildings and River Street will be developed into a community orchard.

Pedestrian access to Stage One will be provided from River Street. A 'zig zag' path will make the incline through the orchard easier to manage.

The Stage One car park will be partly dug into the slope, and situated under six units and the three meeting / common rooms.

Stage 2 Stage Two covers the southern, higher portion of the site. Stage Two would see a new road ('future road') constructed along the southern boundary of the subject lot.

Stage Two will provide 41 residential units, of which 24 would be first floor units.

There would be two more car parking areas (17 and 14 car parks) with an internal driveway providing separate entry and exit to the carparks off the new road.

The subject section of Noyes Street is currently unformed. The junction of River and Noyes Streets and around 185m of Noyes Street will need to be constructed as part of Stage One. The remainder of Noyes Street and the 'future road' will be constructed as part of Stage Two.

A bus stop would be provided on River Street with a private bus travelling daily into Swansea. There will be two community garbage collection areas.

5. Location

The subject land is located on the south west urban fringe of the Swansea Township. It is just south of River Street and Saltwater Creek, as shown in Figure 4 below.



Figure 4: Lot 250, River Street Swansea

6. Site Description

The site is 7,973m² of land zoned General Residential with no overlays. After the transfer of a small triangle of land to council to become part of Noyes Street, the land area will be 7,350m². The site is cleared. It has a north east facing aspect, sloping towards the north at around 1:8, or 12.5% overall with a steeper incline along the northern section.

7. Easements and Services

There are no easements on the title. Water, sewerage and stormwater (kerb and channel) all run along River Street, as show in Figure 5 below. TasWater has advised that the water and sewerage reticulation networks have the capacity to take the additional loading from the proposed development.

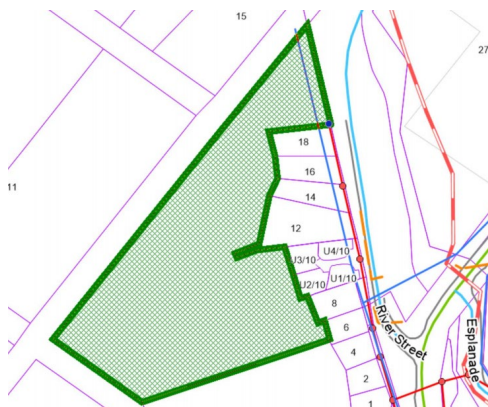


Figure 5: water, sewerage and stormwater all run along River Street (Council's GIS).

8. Covenants

There are two restrictive covenants on the title, to which Council is a party:

1. Not to erect on the front boundary of the lot a paling fence nor fences higher than 1.2m
2. Not to occupy any habitable building without the provision of a rainwater tank of minimum size 10,000 litres plumbed to the toilet and laundry systems.

The Planning Authority cannot take restrictive covenants into account when determining a development application. Nonetheless, no fences are proposed and the proposal includes a 60,000 litre underground water tank to which all roofs south of the Noyes Street driveway will be connected, and two 10,000 litre underground tanks to which the buildings north of the new driveway will be collected.

This is not in line with the covenant as each residence will not be connected to its own 10,000 litre underground tank. If a permit is granted, it is recommended that a petition to amend the sealed plan to remove the covenant for that portion of the approved subdivision be considered.

9. Risk and implications

1. The existing permit (SA 2004/32) requires the developer to meet 50% of costs associated with the 'construction of the road pavement and/or road shoulder over the adjoining sections of River Street and Noyes Street [and High Street when the remainder of the subdivision is constructed], including kerb and gutter, street lighting and footpath along the road frontages'.

It will be seen in the discussions below that these roads will need to be constructed to a high standard and will need to cater for a bus stop, on-street parking, kerbside garbage collection, a commercial vehicle layby, and footpaths. All of Noyes Street at least will need a pavement 8.9m wide.

These modifications will be expensive and Council's contribution of 50% will need to be re-assessed, particularly as at this stage the roads will only benefit the one development rather than the eight lots approved under the current permit.

2. The development will increase public pressure to improve flood immunity and safety of the floodway (per engineering report).
3. The new subdivision road ('future road' or 'road' on the plans), was not included as part of the lot applied for in this application. A condition on the permit will be needed to ensure it is transferred to Council as part of this application.
4. Because the subdivided lot under this application did not include the new subdivision road, the bushfire assessor did not assess it and the bushfire report did not cover it. A condition will be required to ensure the future road is constructed to the standards of the Bushfire code.
5. An outcome of the current application will mean that there are two planning permits for the same parcel of land. The original permit would need to be amended to note that stages 2 and 3 of that permit will instead be constructed as per this permit. There will be other amendments to be made as a consequence of this application.

PART TWO

10. Meeting the Standards – via Acceptable Solution

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

- D10.0 General Residential Zone
- E1.0 Bushfire Prone Areas Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

The proposal did not meet the Acceptable Solutions in 25 areas and will need to satisfy the Performance Criteria listed in the next section to be approved.

11. Meeting the Standards – via Performance Criteria

- | | | |
|-----|------------------|---|
| 1. | D10.4.1 A1 | General Residential – density –not to exceed capacity of infrastructure |
| 2. | D10.4.2 A1(a) | General Residential - setback on primary frontage (subdivision road) |
| 3. | D10.4.2 A1(b) | General Residential - setback on non-primary frontage (Noyes St) |
| 4. | D10.4.2 A3(a)(i) | General Residential - setback from the lot in front of an internal lot |
| 5. | D10.4.3 A2 | General Residential - private open space |
| 6. | D10.4.4 A1 | General Residential - sunlight to habitable room |
| 7. | D10.4.4 A3 | General Residential - multi-dwelling sunlight to private open space |
| 8. | D10.4.6 A1 | General Residential - privacy from balcony higher than 1m |
| 9. | D10.4.6 A2 | General Residential - privacy from glazing to habitable room |
| 10. | D10.4.6 A3 | General Residential - privacy from shared driveway |
| 11. | D10.4.8 A1 | General Residential - waste storage for multiple dwellings |
| 12. | D10.6.1 A4 | General Residential subdivision - lot design (no internal lot) |
| 13. | D10.6.2 A1 | General Residential subdivision – roads (no new road) |
| 14. | D10.6.3 A1 | General Residential subdivision – ways and public open space |
| 15. | D10.6.4 A4 | General Residential subdivision - services (no new road) |
| 16. | E1.5.1 A1 | Bushfire Prone Areas – use (vulnerable use) |
| 17. | E1.6.1-3 | Bushfire Prone Areas – subdivision (public and fire-fighting access) |
| 18. | E5.5.1 A3 | Road and Railway Assets – increase in traffic at existing access |
| 19. | E5.6.4 A1 | Road and Railway Assets – sight distance at accesses and junctions |
| 20. | E6.6.1 A1 | Parking and Access – number of parking spaces |
| 21. | E6.7.2 A1 | Parking and Access – design of accesses |
| 22. | E6.7.7 A1 | Parking and Access – lighting |
| 23. | E6.7.8 A1 | Parking and Access – landscaping of parking areas |
| 24. | E6.7.13 A1 | Parking and Access – facilities for commercial vehicles |
| 25. | E7.7.1 A3 | Stormwater Management – minor stormwater drainage system |

The Planning Authority must consider the planner's comments and the performance criteria, and make a determination on the application by 25 September 2020.

PART THREE

12. Assessing the proposal against the Performance Criteria

Standard 1: General Residential zone: density for multiple dwellings (D10.4.1)

Acceptable Solution A1 requires that multiple dwellings have a site area per dwelling of not less than (a) 325m².

The proposal would have a residential density of 108m² per dwelling and will need to meet the Performance Criteria to be approved.

Performance Criterion	Planner's comments
P1 Multiple dwellings must only have a site area per dwelling that is less than 325 m ² , ... if the development will not exceed the capacity of infrastructure services and:	<u>Services: water and sewerage.</u> TasWater has advised that the existing sewer and water networks have the capacity to take the additional loading. <u>Services: stormwater</u> It is uncertain whether the proposal would exceed the capacity of the stormwater infrastructure but a condition of approval would deal with this. Can be satisfied by condition.
P1(a) is compatible with the density of the surrounding area; or	The surrounding area has lots of widely varying sizes: <ul style="list-style-type: none"> Surrounding land is rural in nature with lot sizes greater than 1,000m². Neighbouring lots include 12 River Street at 2,091m² and 14, 16 and 18 River Street at around 1,000m². The approved subdivision contains lots ranging from 610m² to 1,029m². Nearby 1, 2, 4 and 6 River Street range from approximately 555m² to 585m². There is a stratum title at 10 River Street which has four lots of around 450m². Despite there being a wide range of lot sizes in the area, there are few if any developments with a similar density of 108m ² per dwelling. In fact, other than for visitor accommodation, a similar density can only be found at the May Shaw Health Centre. However, 'compatible' does not mean 'the same as'. The dictionary definition of the adjective

	<p>'compatible' is: (of two things) able to exist or occur together without problems or conflict, or capable of existing or living together in harmony.</p> <p>It is argued here that the retirement village would be able to exist in harmony with the density of the surrounding development for the following reasons:</p> <ul style="list-style-type: none"> • There is already a wide range of lot and development sizes in the area – from 450 to 2091m². • The land is already approved for residential subdivision • The nature of the use (retirement village) as opposed to say short stay accommodation, militates against potential disturbance of the neighbourhood • No representations were received objecting to the development <p>P1 (a) is considered satisfied.</p>
<p>P1(b)</p> <p>provides for a significant social or community housing benefit and is in accordance with at least one of the following:</p> <p>(i) the site is wholly or partially within 400 m walking distance of a public transport stop;</p> <p>(ii) the site is wholly or partially within 400 m walking distance of a business, commercial, urban mixed use, village or inner residential zone.</p>	<p>The proposal would provide a significant benefit to Swansea by providing affordable retirement living as a good option for ageing in place in Swansea.</p> <p>(i) The development would include a bus stop in River Street and a daily bus into the township.</p> <p>It is considered that P1 (b)(i) can be satisfied by condition that the bus service would commence in Stage One.</p>

Standard 2: General Residential zone: setbacks from primary frontage (D10.4.2)

Acceptable Solution A1 requires a 4.5m setback from a primary frontage. River Street is primary frontage and the setbacks of the manager's residence, the spa / physio studio and the eight spa studios are set back more than 4.5m from River Street, thus meeting the Acceptable Solution.

The future road (when constructed) will also be a primary frontage. Eight units will face that frontage and six of those are set back less than 4.5m. The proposal will need to satisfy P1 to be approved.

Performance Criterion	Planner's comments
P1 (a) A dwelling must have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints, and	Not applicable: the new road doesn't exist yet so there are no existing dwellings in the street.
P1 (b) A dwelling must ... include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.	<p>Eight units will face the 'future road' primary frontage and six of those will be within 4.5m of the frontage:</p> <ul style="list-style-type: none"> Units 43 and 63 will be 3.3m from the frontage. Units 41 and 65 will be 3.5m from the frontage. Units 44 and 62 will be 4.4m from the frontage. <p>Units 41, 44, 62 and 65 will be located close to the future road <u>and</u> next to one of the carparks.</p> <p>Garbage collection area 2 (Village Upper) is located next to units 44-45 and 61-62, and the garbage truck will travel to in and around the block of 16 units.</p> <p>No design elements have been incorporated to assist in attenuating traffic noise or other detrimental impacts of being close to the road, the car parks or the garbage collection.</p> <p>A condition of a permit would be needed to require additional glazing or shutters, or other noise attenuation measures, on all the windows of units 40-46 and 60-67.</p> <p>P1 (b) may be satisfied via condition.</p>

Figures 6 and 7 below show the unit numbers for reference when discussing the next few standards.



Figure 6: Site plan showing the single storey units, the units above the carpark, and the ground floor of the double storey units.

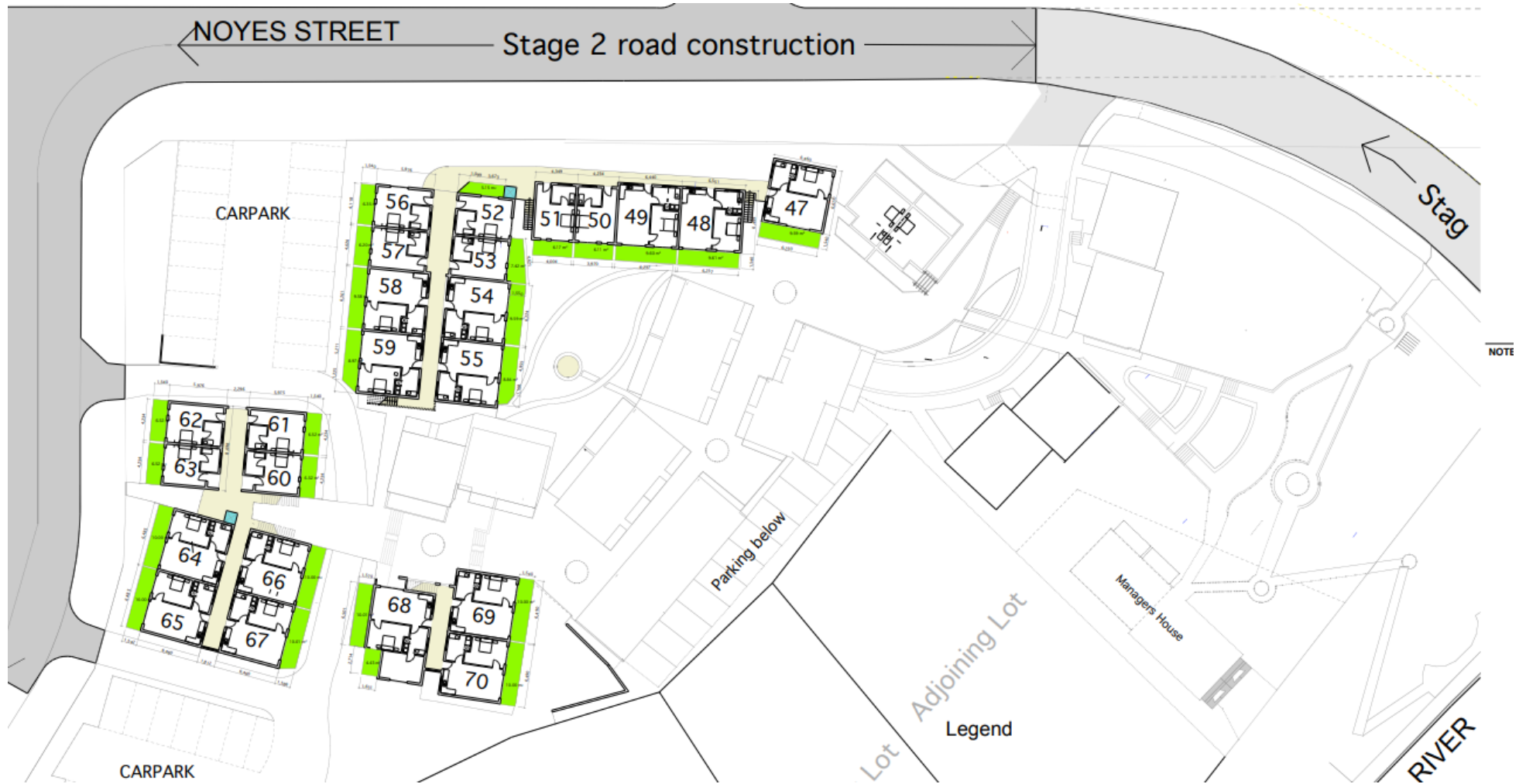


Figure 7: Site Plan showing the first floor units

Standard 3: General Residential zone: setbacks from a frontage other than a primary frontage (D10.4.2)

Acceptable Solution A1 (b) requires a setback of at least three metres from a frontage that is not a primary frontage. Noyes Street will be a frontage that is not a primary frontage.

Fourteen units will have frontage onto Noyes Street. Four of those: 1, 10, 11 and 47 are within three metres of the frontage and must satisfy Performance Criteria P1 (a) and (b) to be approved.

Performance Criterion	Planner's comments
P1 (a) A dwelling must: (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints;	<p>The only existing dwelling on the street is on the other side of Noyes Street, and set back around 6.5m from its frontage.</p> <p>The proposal itself will establish the 'standard' for setbacks in the street. There is a wide range of setback proposed, from 1.6m to 5m.</p> <p>P1 (a) is considered satisfied.</p>
P1(b) include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.	<p>There are no design elements identified in the application to assist in attenuating traffic noise. This is of concern for Units 1, 9-11 and 47. These units are situated close by Garbage Collection Area 1 and the road (Noyes Street). Unit 1 is located closest to the boundary at 1.6m.</p> <p>A condition of the permit will require specific measures designed to adequately mitigate street and garbage collection noise for units 1, 9, 10, 11 and 47.</p> <p>P1 (b) is considered satisfied by condition.</p>

Standard 4: General Residential zone: building envelope setback from the rear of a lot in front of an internal lot (D10.4.2)

Acceptable Solution A3(b)(i) requires a dwelling on an internal lot to be contained within a building envelope as depicted in Diagram 10.4.2D, reproduced in Figure 8 below. Diagram 10.4.2D requires a 4.5m setback from the lot in front of an internal lot circled in red below.

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

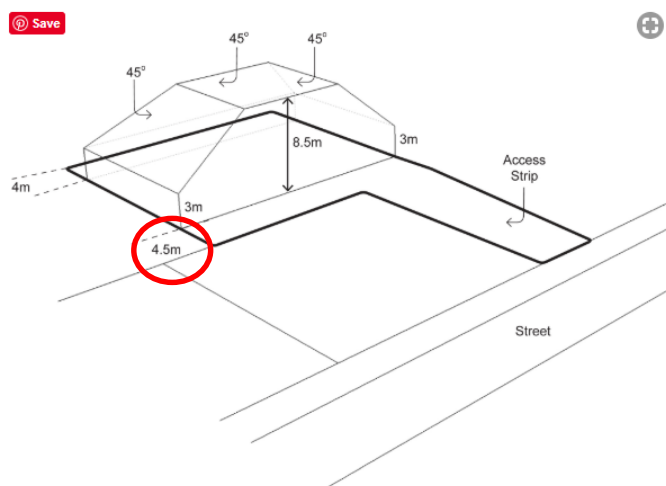


Figure 8: Diagram 10.4.2A from the planning scheme showing the Acceptable Solution setback 4.5m from the rear of the lot in front.

The subject lot is an internal lot relative to numbers 12, 14, 16, and 18 River Street, as shown in Figure 9 below.



Figure 9: the red line indicating where the subject site needs to be set back 4.5m from the lots in front to meet the Acceptable Solution.

Residential units 37 (ground floor) and 70 (first floor), and meeting room unit 16 (above the car park), do not meet the Acceptable Solution relative to 14 River Street. They must satisfy P3 (a) and (b) to be approved.

Performance Criterion	Comments
P3(a) The siting of a dwelling must 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	Units 37, 70 and the meeting rooms are all south of 14 River Street and will not cause a reduction in sunlight to the dwelling on that lot. Satisfied
(ii) Overshadowing the private open space of a dwelling on an adjoining lot	As above, units 37 and 70 and common room 16 are all to the south of the dwellings adjoining and will not overshadow. Satisfied
(iii) Overshadowing of a vacant adjoining lot	Not applicable
(iv) Visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and	The dwelling at 14 River Street is located away from its rear boundary and the backyard is screened by vegetation. There is unlikely to be detrimental visual impact caused by scale, bulk or proportions of the structures. The performance criterion is considered satisfied.
P3(b) The siting and scale of a dwelling must provide separation between buildings on adjoining lots that is compatible with that prevailing in the surrounding area.	There is a range of separation distances of dwellings in the surrounding area, ranging from as large as 150m (11 Dove Lane) to as little as 3.5m (1 Tasman Highway and 2 River Street). The separation distances between the 67 dwelling units of the subject application have similar separation distances across the entire development and are considered compatible with the separation distances of the surrounding development. The performance criterion is considered satisfied.

Standard 5: General Residential: private open space (D10.4.3)

Acceptable Solution A2 requires a dwelling to have an area of private open space that is:

- in one location,
- at least 24m² (or 12m² for a multiple dwelling with a floor level more than 1.8m above ground level),
- a minimum horizontal dimension of 4m (or 2m if multiple dwelling with floor level more than 1.8m above ground level),
- directly accessible from and adjacent to a habitable room (other than a bedroom),
- is not located to the south, SE or SW of the dwelling (unless the area receives at least three hours of sunlight to 50% of the area between 9-3 on 21 June),
- is located at the front of the dwelling only if the frontage faces between 30° west and 30° east of north,
- has a gradient not steeper than 1 in 10 and
- is not used for vehicle access or parking.

The 67 units have varying amounts of private open space, ranging from as little as 5m² to 22m². Most of those with more private open space, have the space split across two areas, front and back of the unit. In this regard, the application notes that 29 of the 67 residential units are 'double aspect'.

The application must meet Performance Criteria P2 (a) and (b) to be approved.

<p>P2(a)</p> <p>A dwelling must have private open space that 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:</p>	<p>The proposal relies on the provision of communal open spaces rather than private for outdoor activity and social interaction. There are communal gardens and an orchard for planting and gardening, pedestrian ways for exercise, 'contemplation ponds' for relaxation, and outdoor social 'hubs' to provide for socialising and relaxation.</p> <p>The supporting documentation explains the rationale for this approach: 'an overarching design element has been to have a meaningful central space that makes individual dwellings and their side indoor/outdoor spaces a 'secondary event'. The argument is that the proposal has made 'appropriate and reasonable adjustments by redistributing the prescribed planning requirements from the private to the public portion of the plan'.</p> <p>The applicant's supporting statements include:</p> <ul style="list-style-type: none"> – outdoor recreation space is provided in several locations along the 'central spine' of the village – the concept is to provide a village environment defined by the open space network, in which there are special spaces to meet, rest and entertain – dwellings are formed in groups that are connected to the central open space, the pedestrian 'main street', the central spa unit and/or the community orchards – the private open spaces are sized for functionality and privacy and due to their immediate link with the common open space are regarded as appropriate in size without being wasteful of space
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	<ul style="list-style-type: none">– the upper village level has a shared open space water feature, which forms an outlook for the units surrounding it, an area for the residents to visit and use as a restful contemplation space. <p>It is appreciated that while probably not suitable for private dining and entertaining, open space is being provided for in a different way, and the quality of the shared open space in which the residents can garden, socialise, walk, and exercise compensates for the lack of private open space in some cases.</p> <p>The performance criterion can be considered satisfied.</p>
(i) Conveniently located in relation to a living area of the dwelling	<p>The private open spaces, whether ground floor or balcony all lead off the main living areas of the dwellings.</p> <p>The performance criterion is satisfied.</p>
(ii) Orientated to take advantage of sunlight	<p>Units 9 and 10 are the only units orientated towards north. Units 25, 34, 35 and 52 are oriented just outside of 30° west of north. The remainder of the units are oriented well outside of 30° west or east of north.</p> <p>Twenty-nine of the units are 'double aspect', meaning they have private open space at the front and the back and therefore have the opportunity to catch sun at different times of the day. However, 38 units are single aspect, and nine of those face more south than west.</p> <p>The application proposes that skylights would be provided for the first floor units facing south, to allow light also onto the balconies.</p> <p>The applicant explains that the aim was to ensure the shared central space would have a 'sense of place', designed to 'maximise the amount of sunlight through the space during winter'.</p> <p>It is fair to say that for most units, private open space has not been orientated to take advantage of sunlight. Sunlight refers to direct sunshine. Even with skylights, proposed for some of the south facing units, there would be no direct sunlight, which is a particular issue in Tasmanian in the winter.</p> <p>The performance criterion is not considered satisfied.</p>

Standard 6: General Residential zone: sunlight and overshadowing for all dwellings (D10.4.4)

Acceptable Solution A1 requires a dwelling to have at least one habitable room (other than a bedroom) in which there is a window that faces between 30° west or east of north. Only two units (9 and 10) have windows facing within 30° west or east of north. The application must meet P1 to be approved.

Performance Criteria	Planner's response
<p>D10.4.4 P1</p> <p>A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).</p>	<p>The applicant states that the common outdoor areas have been designed for good solar access rather than the private indoor and outdoor spaces. In fact, for the ground floor units the applicant has stated in the application documents that 'not having winter sun should not be a concern because all they have to do is to step outside and within feet they could be enjoying the sunshine provided courtesy of their 'village central space... either in a private nook somewhere along the way or in the joyful company of their village neighbours'.</p> <p>It is not always a good option to go outside to catch the sun during the Tasmanian winter. Winter sun in Tasmania, while warm behind glass does not always have the same warmth outside.</p> <p>The nature of the development – a retirement village – gives this standard a particular relevance, and the lack of direct sunlight to habitable rooms is of concern. Older people (and young) will appreciate a warm, sunny nook of some sort indoors to be able to sit, read the paper or something similar and absorb the winter sun behind glass.</p> <p>While the units do allow light to enter at least one habitable room, simply because they have windows, it is the planner's view that the term 'sunlight' refers to direct sunlight, not just 'daylight' and many of the units are not open to sunlight.</p> <p>The developer's claims of using 'a rationale for creating meaningful sunny living spaces' and the dwellings are 'arranged to maximise the north orientation' are not upheld.</p> <p>The performance criterion is not considered satisfied.</p>

Standard 7: General Residential zone: multi dwelling sunlight to private open space (D10.4.4)

Acceptable Solution A3 requires that (a) a multiple dwelling to the north of the private open space of another dwelling on the same site must (i) be 3m from the northern edge of the private open space and (ii) vertically to a height of 3m above natural ground level and then at an angle of 45° from the horizontal, and (b) the dwelling must not cause 50% of the private open space to receive less than three hours of sunlight between 9am and 3pm on 21 June.

Performance Criteria	Planner's response
D10.4.4 P3 A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.	<p>This standard is difficult to discern. The shadow plan analysis submitted with the application focusses on the 'meaningful central space' rather than the units themselves, which this standard is about.</p> <p>Overall, it is considered that the main issue with sunlight is due to orientation rather than overshadowing by other dwellings in this development.</p> <p>This standard may be considered satisfied.</p>

Standard 8: General Residential zone: privacy for all dwellings - balconies (D10.4.6)

Acceptable Solution A1 requires that a balcony more than 1m above natural ground level have a permanently-fixed screen to a height of 1.7m with a transparency of no more than 25% along the sides facing a dwelling on the same site, unless it is at least 6m from a window or glazed door, balcony or private open space of that other dwelling.

Twenty-four units (47 to 70) are first floor units with balconies more than 1m above natural ground level. Of these, 15 are more than 6m away from the balconies of other units.

Six units (49, 51, 53, 66, 67 and 68) do not meet the Acceptable Solution and must satisfy P1 and P3 to be approved. P1 then calls in unit 70 and its proximity to 12 and 14 River Street.

Performance Criteria	Planner's response
P1 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 be screened, or otherwise designed, to minimise overlooking of:	
(a) a dwelling on an adjoining lot or its private open space; or	<p>The balcony of upper storey unit 70 is 3.6m from the rear boundaries of 12 and 14 River Street.</p> <p>There is a vegetation screen along the back boundary of number 14 that will minimise any overlooking.</p> <p>Unit 70 will require a screen on the south east side of its balcony to minimise overlooking of the private open space of 12 River Street.</p> <p>P1 (a) is considered satisfied by condition.</p>
(b) another dwelling on the same site or its private open space; or	<p>First floor unit 49 potentially overlooks the rear private open space of ground floor unit 20. However, unit 20 is a 'double aspect' unit and can use its other area of private open space if required on occasion.</p> <p>Units 51 and 53 have balconies at right angles to each other with very little distance between them. At the very least, the south eastern edge of the balcony of unit 51 will need to be screened to minimise overlooking.</p>

	<p>Units 66 and 67 both face directly towards unit 68 and vice versa. These three units are 'single aspect' units, so they do not have the option of using an alternative private open space on occasion. Either 66 and 67, or 68 will require screening of some sort to satisfy this performance criterion.</p> <p>P1 (b) may be satisfied by condition.</p>
(c) an adjoining vacant residential lot.	<p>There are no upper floor balconies overlooking a vacant residential lot.</p> <p>Not applicable.</p>

Standard 9: General Residential zone: privacy for all dwellings – windows and glazed doors (D10.4.6)

Twenty-four units (47 to 70) are first floor units with floor levels more than 1m above natural ground level. The windows and glazed doors of 22 of these are more than 6m away from the glazed areas of other units. This leaves only units 51 and 53, which are situated close to and are at right angles to each other, to satisfy the Performance Criteria.

<p>P2</p> <p>A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p>	
(a) window or glazed door, to a habitable room of another dwelling;	<p>While units 51 and 53 are situated very close to each other, they are at right angles and so would in most cases not be looking into each other's windows. It is thought that conventional venetian blinds or sheers would satisfactorily address any issues.</p> <p>The Performance Criterion is considered satisfied.</p>
(b) the private open space of another dwelling;	<p>This has been addressed in the section on private open space. A screen was recommended for the south west edge of the balcony to unit 1.</p> <p>The Performance Criterion can be satisfied by condition.</p>
(c) an adjoining vacant residential lot.	<p>Not applicable.</p>

Standard 10: General Residential zone: privacy for all dwellings - shared driveways (D10.4.6)

A shared driveway or parking space must be separated from a window or glazed door of a habitable room of a multiple dwelling by a horizontal distance of at least 2.5m, or 1m if separated by a screen of at least 1.7m in height, or the window or glazed door is at least 1.7m above floor level, or has obscure glazing to a height of at least 1.7m above floor level.

The Stage One driveway enters the underground parking beneath unit 12 and will need to meet the Performance Criterion P3.

D10.4.6 P3	
A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.	<p>Unit 12 would benefit from measures to keep out intrusion of vehicle headlights and additional sound proofing, for example external shutters rated for noise attenuation.</p> <p>P3 may be satisfied by condition.</p>

Standard 11: General Residential zone: waste storage for multiple dwellings (D10.4.8)

The Acceptable Solution requires multiple dwellings to have a storage area of at least 1.5m² in either of the following two locations:

- (a) an area exclusive to each dwelling
- (b) in a communal storage area with an impervious surface that
 - (i) has a setback of at least 4.5m from a frontage,
 - (ii) is at least 5.5m from any dwelling, and
 - (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m.

The proposal is for four 1100-litre bulk garbage bins and nine 240-litre recycling bins located in two communal storage areas. Garbage Collection Area 1 is on Noyes Street near units 9 and 10 and Garbage Collection Area 2 is in one of the Upper Car Parks near units 44-45 (ground floor) and 61-62 (first floor). Neither is set back 4.5m from the frontage or 5.5m from the dwellings.

The proposal must satisfy D10.4.8 P1 to be approved.

Performance Criteria	Planner's response
P1 A multiple dwelling development must provide storage, for waste and recycling bins, that is:	
(a) capable of storing the number of bins required for the site; and	<p>Collection Area 1: The application contains a diagram showing the area to be 3.1m x 5.7m and shows the requisite number of bins.</p> <p>Collection Area 2: The Upper Village car park will have a designated area 2.7m x 5.5m and the requisite number of bins.</p> <p>P1 (a) is considered satisfied.</p>
(b) screened from the frontage and dwellings; and	<p>The Collection Areas diagram shows screening around three sides of both areas but does not specify material or height.</p> <p>P1 (b) may be satisfied by condition.</p>
(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.	<p>Both Collection Areas are communal and the engineering consultant has suggested a loading zone north of the Noyes Street driveway to allow for kerbside collection while retaining sight distances as the access.</p> <p>Collection Area 1: is close to units 9 and 10. These may need additional sound proofing.</p> <p>Collection Area 2: will be within one of the Village Upper car parks. The entry is alongside units 44, 45, 60, 61. The trucks will circle around the back of units 60, 46, 66 and 39, and exit past units 40, 41, 65, 67. Total impacted units are: 39-41, 44-46, 65-67 and 60-62 (12 units).</p> <p>P1 (c) could be considered satisfied with a condition requiring additional sound attenuation measures for all those units.</p>

Standard 12: General Residential subdivision: lot design – no internal lot (D10.6.1)

The proposed lot is an internal lot relative to numbers 12-18 River Street and must satisfy the Performance Criteria to be approved.

Performance Criteria	Planner's response
P4 An internal lot must satisfy all of the following:	
(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;	<p>The proposal does not form an internal lot in the usual sense of the word. There is no 'access strip' alongside another lot. The development will have its own driveway off a formed road. It is only internal relative to four existing lots part of it sits behind. While not sealed, Noyes Street existed as a road reservation prior to the current planning scheme.</p> <p>Satisfied</p>
(b) it is not reasonably possible to provide a new road to create a standard frontage lot;	Not applicable – the lot has frontages to River Street, Noyes Street and the future subdivision road.
(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;	<p>There would be no other way for this development to occur other than to be 'behind' numbers 12-18 River Street.</p> <p>Satisfied</p>
(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;	<p>The development is situated in a General Residential zone and TasWater has advised that existing services are able to cater for the demand. The development will result in more customers within the area and in a more efficient utilisation of residential land and water and sewerage infrastructure.</p> <p>Satisfied</p>
(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;	<p>There will be some loss of amenity to surrounding properties, which, other than the six lots along River Street already created as part of the existing subdivision permit, are all dwellings located on large parcels of land in a Rural Living zone. Essentially this development is on the fringe of the general residential area.</p> <p>This loss of amenity is considered to be not unreasonable, particularly given the over-riding benefit of the development to the township and the fact that the existing permit would result in a similar loss of amenity.</p> <p>Satisfied</p>
(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;	<p>Access is directly off Noyes Street and a future road yet to be constructed.</p> <p>Not applicable.</p>



(g) passing bays are provided at appropriate distances to service the likely future use of the lot;	Driveway is double width and does not require passing bays. Satisfied
(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;	The proposal does not contain an access strip; access will be off Noyes Street. Satisfied
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	The driveway will be sealed. Satisfied
(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.	There are no issues regarding passive surveillance of public open space. P4 is considered satisfied.

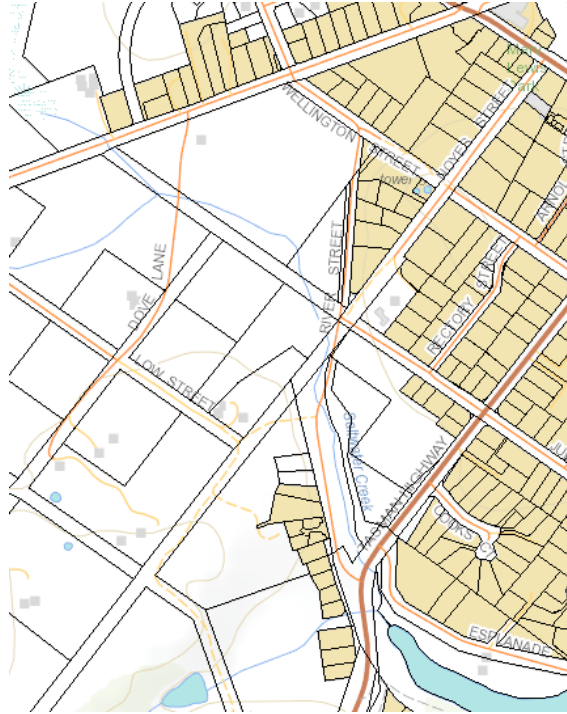
Standard 13: General Residential subdivision: lot design - no new road (D10.6.2)

The proposal includes a new road, which already has approval under the existing subdivision permit.

Performance Criteria	Planner's response
P1 The arrangement and construction of roads within a subdivision must satisfy all of the following:	
(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;	Not applicable – there is no relevant road network plan.
(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;	The new road is already part of the existing subdivision permit and facilitates that subdivision. Satisfied



(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;	<p>The development will have frontage onto three roads with footpaths. The new subdivision road will provide frontage to the subject development and to the remainder of the subdivision under the existing permit. An existing access strip belonging to 12 River Street will connect onto the new road. The new road will terminate at its south eastern boundary, shared with 9 Tasman Highway, also zoned General Residential. There will be the opportunity to connect that road should number 9 be subdivided in the future.</p> <p>It is considered that adequate connectivity is provided.</p> <p>Satisfied</p>
(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;	<p>The new road will be conditioned to comply with the required standards and will provide access to the subject development and the remainder of the subdivision. An existing driveway access that crosses the subject land will be formalised into Noyes Street. A triangle of land outside of that existing access will be transferred to Council to become part of the road reserve.</p> <p>The roads will provide safe and legible access to the area.</p> <p>Satisfied.</p>
(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;	<p>The new road will terminate at its boundary with 9 Tasman Highway. Until number 9 is subdivided at some stage in the future, the new road will remain a terminated road.</p> <p>Despite not being part of the bushfire assessment the new road will need to terminate in a bushfire compliant turning head. A condition on the permit would require the new road to be constructed to bushfire hazard code requirements.</p> <p>May be satisfied by condition.</p>
(f) connectivity with the neighbourhood road network is maximised;	<p>Through the use of existing road reservations designed to provide connectivity, the development enhances connectivity to the neighbourhood network.</p> <p>Satisfied</p>
(g) the travel distance between key destinations such as shops and services is minimised;	<p>Travel distance between key destinations is not affected.</p> <p>Satisfied</p>
(h) walking, cycling and the efficient movement of public transport is facilitated;	<p>The new subdivision road and Noyes Street will have footpaths, as a condition of the permit. However, it is likely that residents will walk through the village's central pedestrian 'main street' and through the orchard to exit via River Street. The pedestrian main street and the zigzag path through the orchard facilitates and encourages walking to the bus stop at River Street.</p> <p>Satisfied</p>

<p>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p>	<p>The new road is not an arterial road or collector road.</p> <p>Not applicable.</p>
<p>(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.</p>	<p>Noyes Street is currently only formed to halfway between Wellington Street and Julia Street in the township.</p> <p>However, the Noyes Street road reserve continues all the way through to High Street (which is also unformed as yet) as shown below.</p>  <p>Noyes Street road reserve extending at a diagonal from top right to bottom left.</p> <p>The proposal as it stands will not actually connect the two parts of Noyes Street. The new section would come directly off River Street. At some point in the future the two parts of Noyes Street may be connected but at this stage the cost would be prohibitive and intersection issues would also arise due to the physical placement of the roads. The proposal is the simplest option at this stage.</p> <p>It is considered that these topographical constraints restrict the extension of Noyes Street through to Wellington Street at this stage.</p> <p>D10.6.2 P1(a)-(j) are considered satisfied.</p>

Standard 14: General Residential subdivision: public open space (D10.6.3)

This standard does not provide an Acceptable Solution. The application must satisfy the Performance Criterion to be approved.

Performance Criteria	Response
P1 The arrangement of ways and public open space within a subdivision must satisfy all of the following:	
(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;	The development has pedestrian access through the 'centre spine' of the village and along a staggered path through the orchard to River Street. The future road when constructed will provide access to the remainder of the approved subdivision should it go ahead at some stage in the future. Satisfied
(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;	The future road will terminate at the boundary with 9 Tasman Highway and will provide a possible connection point if that property is subdivided in the future. Satisfied
(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;	The development has street frontage and access onto River Street, Noyes Street and the future road. Satisfied
(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;	The development is located around 400m from the community purpose zone (churches) and around 600m from the local business zone. There will be a bus stop on River Street and daily bus trips to the centre of town. Public open space is provided within the development itself. Satisfied
(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;	The new access will not be fenced and will provide adequate passive surveillance to and from neighbouring land and the public roads. Satisfied
(f) provides for a legible movement network;	The road reservation network is maintained by constructing Noyes Street. The future road will need to terminate in a turning head when the subdivision is completed. If 9 Tasman Highway is subdivided one day, the movement network will be legible. Satisfied

(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;	Council does not have an open space plan. Not applicable.
(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.	A condition of the permit will require cash in lieu payment of public open space, calculated as 5% of the value of the undeveloped land. Satisfied by condition.
<p>(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</p> <p>(i) the width of the way;</p> <p>(ii) the length of the way;</p> <p>(iii) landscaping within the way;</p> <p>(iv) lighting;</p> <p>(v) provision of opportunities for 'loitering';</p> <p>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</p>	<p>The new access off Noyes Street, to be constructed at Stage One, will lead into the centre of eight spa units, five dwelling units and three common room units. When the units are inhabited there will be many opportunities for passive surveillance and limited opportunity for entrapment or criminal behaviour.</p> <p>The access allows for two cars to pass each other, is relatively short leading to an open car park under several dwelling units, landscaping is adequate and will not be thick enough to provide opportunities for entrapment, lighting is not mentioned in the application and will need to be conditioned, there will be little opportunity for loitering and while the access is curved, it will provide adequate sight lines from the road and then from internal to the site.</p> <p>Satisfied with a condition for lighting.</p>

Standard 15: General Residential subdivision services – no new road (D10.6.4)

The application includes a new road, hence must meet the Performance Criterion for this standard.

Performance Criterion	Planner's response
<p>P4</p> <p>The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.</p>	<p>A condition of the permit will require readiness for these underground services.</p> <p>P4 is satisfied by condition.</p>

Standard 16: Bushfire Prone Areas: vulnerable use (E1.5.1)

The bushfire code applies to 1) vulnerable or hazardous uses on land located within bushfire-prone areas and 2) subdivisions in bushfire prone areas.

A vulnerable use is a use that is within one of the following use classes:

- (a) Custodial Facility
- (b) Educational and Occasional Care
- (c) Hospital Services
- (d) Residential if for respite centre, residential aged care home, retirement home, and group home.

A retirement village is a vulnerable use so the use standards apply as well as the development standards under the Bushfire Code.

This section of the planning scheme is what created issues for the application through the first and second notifications. The Tasmania Fire Service (TFS) submitted a representation to the first notification noting that due to the vulnerable use provisions not being addressed, the development as it stood was prohibited. The applicant submitted a revised set of documentation addressing the TFS concerns. However, the full set of documentation was not re-submitted, resulting in a need for a third round of notification.

This standard does not provide an Acceptable Solution; the proposal must satisfy Performance Criterion E1.5.1 P1 to be approved.

Performance Criteria	Planner's response
E1.5.1 P1: A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:	
(a) the location, characteristics, nature and scale of the use	<p>The subject site is located close to the residential area of Swansea and is already identified for residential development having been zoned General Residential. The subject site and the surrounding land is mostly clear of vegetation. River Road and Saltwater Creek are both located to the north, on the downhill side of the subject site. Noyes Street will be formed along the western side of the site and a new road will be formed along the southern boundary of the site. These all provide fire breaks and areas for fire-fighting. There will be a total of 80,000 litres of water collected from the roofs and stored in tanks under the development.</p> <p>The scale of the use accords with the scale of the township. The nature of the use will allow Swansea residents to age in place and is unlikely to result in outdoor activities involving fire such as barbecues.</p> <p>P1 (a) is considered satisfied.</p>
(b) whether there is an overriding benefit to the community	<p>There would be an overriding benefit to the Swansea community as the proposal would provide for residents over 55 years old to downsize and/or to age within the township.</p> <p>This is reflected in the lack of representations received objecting to the proposal over three rounds of advertising (other than the original representation from the TFS and a concern about potential blasting during development).</p> <p>P1 (b) is considered satisfied</p>

(c) whether there is no suitable, alternative, lower-risk site	Other sites are available in the general area, but the proponent owns this particular parcel of land not the other sites, and the other sites would probably pose the same level of risk. P1 (c) is considered satisfied
(d) the emergency management strategy and bushfire hazard management plan	The Bushfire Emergency Plan and Bushfire Action Plan provided with the revised set of documents were endorsed by the TFS on 27.03.2020. These must be revised and re-endorsed prior to building approval, and then once per year, before the bushfire season. Conditions in this regard will be placed on the permit. P1(d) is considered satisfied by conditions
(e) other advice, if any, from the TFS.	No other advice was received from the TFS.

Standard 17: Bushfire Prone Areas – public and fire-fighting access (E1.6.2)

Acceptable Solution A1 requires access roads, fire trails and property access to building areas to be included in a bushfire management plan that (i) demonstrates the proposed roads will comply with Table E1 of the code and (ii) is certified by the TFS or accredited person.

Because the new subdivision road was not identified as part of the current application, the bushfire assessor did not consider it and it is therefore not in the bushfire management plan and the Acceptable Solution is not met. The proposal would need to satisfy the performance criteria to be approved.

Because the new road was not included, the bushfire report does not address the standard at all and therefore performance criterion P1 is not satisfied. Advice has been provided that it could be possible to condition the permit to ensure the Bushfire Code requirements are satisfied with regard to the new road. In addition, the existing permit would need to be amended to link it to the new permit for the subdivision.

The Performance Criterion may be considered satisfied by condition.

Standard 18: Road and Railway Assets: increase in traffic at existing access (E5.5.1)

The Acceptable Solution requires that daily vehicle movements increase by no more than 20% or 40 vehicle movements a day, whichever is the greater.

According to the Traffic Impact Assessment, a development of this type should generate around 2.1 trips a day per dwelling and the Engineering Report advises that the traffic will increase from 0 to approximately 140 for 67 units.

The proposal will need to satisfy Performance Criterion E5.5.1 P3 to be approved.

Performance Criteria	Response
P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:	

<p>(a) the increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature and efficiency of the access or the junction;</p> <p>(d) the nature and category of the road;</p> <p>(e) the speed limit and traffic flow of the road;</p> <p>(f) any alternative access to a road;</p> <p>(g) the need for the use;</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	<p>The Traffic Impact Assessment concludes that the proposal would 'clearly not create any operational traffic issues on the surrounding road network'.</p> <p>This performance criterion is considered satisfied.</p>
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Standard 19: Road and Railway Assets – sight distances at accesses and junctions (E5.6.4)

The Engineering Report notes that the sight distance at the Noyes Street access is unlikely to meet Table D5.1 of the planning scheme.

The proposal will have to satisfy the performance criteria to be approved. The Report notes that the distances are likely to meet Table 4.2 of Australian / New Zealand Standard 2890:1 and recommends a condition requiring the civil drawings 'to consider sight distance and possibly restrict parking on the [northern] approach to the Noyes Street access'.

The Report also recommends placing a loading bay for kerbside garbage collection on the northern end of the Noyes Street access to help maintain sight distances. This is mentioned later in this report.

Can be satisfied by condition.

Standard 20: Parking and Access code: number of car parking spaces (E6.6.1)

Acceptable Solution A1 requires two on-site parking spaces for the manager's residence, an on-site parking space for each of the 67 units, and an on-site visitor parking space for every four units, as per the below excerpt from Table E6.1 Number of Car Parking Spaces Required from the Planning Scheme.

Retirement village	1	For each dwelling and 1 visitor space for every 4 dwellings
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The proposal does not meet the Acceptable Solution. It provides the two required on-site car parks for the manager's residence, but only 62 on-site parks for the 67 units, and no on-site

visitor parking. Regarding visitor parking, 67 units would generate a need for 17 visitor parks (one per every four units).

Stage One meets the Acceptable Solution. It provides two on-site car parks for the manager's residence and 33 on-site parks for 26 residential units, which is seven more than required. While there is no allocation for visitor parking, the seven additional residential parks could be used for visitor parking until Stage Two was constructed. Note that under the Acceptable Solution, 26 units would require 6.5 visitor car parks.

Stage Two comprises 41 residential units and 29 on-site car parks. Again there is no provision for visitor parking and the seven residential parks available for visitor parking in Stage One would revert back to resident parking. Post construction there would be five fewer resident on-site car parks than required, and no on-site visitor parking.

Stage Two of the proposal at least must satisfy performance criterion E6.6.1 P1 (a)-(l) to be approved.

Performance Criteria	Response (Planning and Engineering)
P1 The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:	
P1 (a) car parking demand;	<p><u>Resident parking:</u> The Traffic Impact Assessment considers 62 residential car parks to be adequate because, 'not all retirees will have a car, similar to any mixed residential area'. The planner does not agree with that in the context of a retirement village located on the fringe of a residential area of a rural town. The village is located around 400-500m from the nearest churches, which would make a round trip on foot to church of 800m to 1km with the return trip uphill. Otherwise, the village is located 600m from the closest point of the Local Business zone making a pedestrian round trip a minimum of 1.2km with the return trip uphill.</p> <p>It is agreed that in larger towns and cities where services and shops are close by and public transport is available there would be less demand for parking, and it might even be desirable to reduce reliance on cars in such settings. It is agreed that some of the proposed units at different times might be home to people without a car, but it is thought that overall, in a rural setting people tend to rely more on cars than in more urban settings.</p> <p>The applicant maintains, along with the traffic expert, that not everyone in the village will have a car, and there will be adequate parking for visitors on the street. Again there is no evidence provided as to how many residents will not have a car. Information is not provided about how the parking will be managed. Do specific units have allocated parks? Do residents drive around looking for a spot in the car park before parking in the street? How will the proposal ensure that the people who don't have cars are living in the units that don't have parking? How will the body corporate or village management manage the parking?</p> <p>It is noted that the proposal includes a daily bus trip to and from Swansea. However, the bus stop is in River Street, requiring a 140m uphill walk to the top-most units potentially</p>

	<p>carrying groceries. A bus stop may be placed on the future road, but this has not been proposed.</p> <p><u>Visitor parking:</u></p> <p>The Traffic Impact Assessment also states that a development 'of this type' would not require the full amount of on-site visitor parking and in fact would probably only require half the number of parks recommended for retirement villages. There is no evidence given to back this up.</p> <p>The requirement for one on-site visitor park for every four units is the number stipulated in the planning scheme for precisely this type of use. Is there something different about retirement villages in Swansea that would require only half the number of visitor parking spaces required of retirement villages in general?</p> <p>The case has not been shown as to why there would be a lower demand for resident or visitor car parking for this development and this performance criterion is not considered satisfied.</p>
P1 (b) the availability of on-street and public car parking in the locality;	<p>There is no existing public car parking in the vicinity. The proposal will rely on street parking for up to five units and 17 visitors (or half that according to the TIA).</p> <p>The River Street frontage will be around 45m and will need to cater for a bus stop and a driveway to the manager's residence. It is unlikely any visitor parking will be able to be provided on River Street.</p> <p>Noyes Street from the River Street junction will be around 175m long when finished and will need to cater for the access driveway and kerbside garbage collection in Stage One. When fully constructed (Stage Two) Noyes Street would be able to provide for on-street parking south (uphill) of the access to the Village.</p> <p>The new subdivision road along the southern (top) boundary will be around 150m when fully constructed, but will likely stop at around 80m until the remainder of the subdivision is constructed. In that 80m there will be two driveways and opportunities for on-street parking will be limited.</p> <p>To cater for on-street parking, Noyes Street, and possibly the new subdivision road (depending on how much on-street parking Noyes Street can provide), would need an 8.9m-wide pavement with footpath and an area for kerbside garbage collection. The engineering report recommends that the lower (northern) part of Noyes Street be dedicated to kerbside garbage collection and a commercial vehicle loading bay to maintain clear sight lines to the north. That would leave the southern (higher) end of Noyes Street available for five resident parks and up to 17 visitor parks. While that part of Noyes Street is less steep than the northern section, it is still on a slope and would require people to exit and enter their cars on the uphill side, which has implications for ensuring car doors don't close as they are trying to get in or out of the car.</p> <p>Given the proposal's reliance on street parking, and that the roads would only serve this development, if approved, it would be recommended that the applicant be responsible for the full</p>



	<p>costs of the road construction, at least for Noyes Street and River Street.</p> <p>P1(b) may be satisfied via condition to construct Noyes Street, and possibly the new subdivision road, to cater for on-street parking.</p>
<p>P1 (c) the availability and frequency of public transport within a 400m walking distance of the site;</p>	<p>There is no public transport available in Swansea. The proposal is to provide a bus stop in River Street and a daily bus service to and from the village to the Swansea township.</p> <p>Daily bus routes are available along the coast to and from Hobart. It is likely these could stop by the retirement village to pick up and drop off when needed.</p> <p>A condition of the permit would be recommended to require the bus service to be provided with Stage One of the build.</p> <p>P1(c) can be satisfied via condition.</p>
<p>P1 (d) the availability and likely use of other modes of transport;</p>	<p>Community Transport Services Tasmania (CTST/Community Car) have cars passing and stationed in Swansea. These are available to people registered with 'My Aged Care'. My Aged Care is available to people over 65 years of age or over 55 for Aboriginal and Torres Strait Islanders, who need help with some everyday tasks. As well as other forms of assistance, they can provide transport for reasons ranging from appointments, shopping, social events and more.</p> <p>P1(d) is considered satisfied.</p>
<p>P1 (e) the availability and suitability of alternative arrangements for car parking provision;</p>	<p>Other than on street parking, there are no alternative arrangements.</p>
<p>P1 (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p>	<p>Not applicable</p>
<p>P1(g) any car parking deficiency or surplus associated with the existing use of the land;</p>	<p>Not applicable</p>



P1(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;	Not applicable
P1(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;	Rather than payment-in-lieu of parking the developer would be required to cover the full costs to build the road with on-street parking, footpaths, kerbside garbage collection and a commercial vehicle loading / unloading bay (addressed further below). Satisfied
P1(j) any verified prior payment of a financial contribution in lieu of parking for the land;	Not applicable
P1(k) any relevant parking plan for the area adopted by Council;	Not applicable
P1(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code	Not applicable

Standard 21: Parking and Access – design of access (E6.7.2)

This standard would be dealt with by engineering condition.

Standard 22: Parking and Access – lighting (E6.7.7)

This standard would be dealt with by engineering condition.

Standard 23: Parking and Access code: landscaping of parking areas (E6.7.8)

The Acceptable Solution requires landscaping of parking and circulation areas must be provided where more than five car parking spaces are proposed. This landscaping must be no less than five percent of the area of the car park.

The landscaping plan provided shows four trees along the future road, of the types Eucalyptus amygdalina (Black Peppermint), Acacia melanoxylon (Blackwood) or Callitris rhomboidea

(Oyster Bay Pine). One each would be in front of residential Upper Village Blocks P and O along the new subdivision road. The other two would be one each at the far end of each Upper Village car park.

A rough calculation estimates the Upper Village car parks to be around 338m² each or a total of 676m². Five percent of this would be around 35m². To meet the Acceptable Solution, each of the trees would need to cover around 9m² each. The two concrete carparks face the future road for a long distance and that frontage could be softened by additional landscaping or garden beds.

Performance Criteria	Planner's response
P1 Landscaping of parking and circulation areas accommodating more than five cars must satisfy all of the following:	
(a) relieve the visual impact on the streetscape of large expanses of hard surfaces;	The landscaping plan shows four trees as outlined above, which probably don't meet the Acceptable Solution or satisfy the performance criterion without additional planting, which can be a condition of the permit. P1(a) satisfied via condition
(b) soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape;	Satisfied via condition as above.
(c) reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings.	To satisfy this criterion, the condition needs to state that the additional landscaping must allow for passive surveillance opportunities. Satisfied by condition as above

Standard 24: Parking and Access - facilities for commercial vehicles (E6.7.13)

Acceptable Solution A1 requires commercial vehicle facilities for loading, unloading or manoeuvring must be provided onsite in accordance with AS2890. Commercial parking was

not addressed in the application. The proposal must meet E6.7.13 P1 to be approved. Because no information was provided, compliance with the standard cannot be assessed.

The engineering report recommends including a condition for the upper village circulation roadway to be designed to suit turn paths of a medium rigid vehicle and including parking clear of the circulation roadway.

Satisfied by condition.

Standard 25: Stormwater Management – minor stormwater drainage system

There is no discretion provided for this standard. The Acceptable Solution must be met. Acceptable Solution A3 requires a minor stormwater drainage system designed to accommodate (a) a storm with an Average Recurrence Interval (ARI) of 20 years... and (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

The Engineering Report states that 'the report mentions the stormwater drainage and WSUD meets the requirements of E7.0 but does not clearly address the code and specifically A3 (b). It recommends conditioning for detailed design prior to commencement of works or issuing a plumbing permit.

Can be satisfied by condition.

Referrals

The application was referred to Council's Engineering Consultant and TasWater.

Concerns raised by representors

Two representations were received during the first round of notification and none for either of the subsequent two rounds.

Representation 1	Response
The TFS submitted a representation noting that the bushfire hazard report submitted with the application did not address the development standards for subdivision and the bushfire hazard management plan was not certified as compliant with the Acceptable Solutions. Because there is no discretion available for cl. E1.6.3, the application as it stood was prohibited.	A compliant bushfire hazard management report, endorsed by the TFS, was provided in the next two rounds of notification. However, because the proposed new road was not included on the site plan the bushfire assessment did not include it. A fourth bushfire report would be required in any future application.
Representation 2	Response
We wish to make comment, as we can see no reasonable grounds to object to this development, with the exception for the fact we DO NOT want to see any blasting work to be done during excavation stages 1 OR 2. We would like a written guarantee from the GSB Council and Greenplace that if this proposal is passed and takes place that no blasting works will be allowed during the development.	It is not within the Planning Authority's ambit to guarantee there will be no blasting during construction. However, conditions will be placed on the permit restricting work to restricted daylight hours.

Conclusion

The assessment of the application identifies that the proposal as it stands is not able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and therefore must be refused.

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, Development Application 2019 / 272, to use eight lots of an already-approved subdivision at Lot 250 River Street Swansea (CT 161323/250) and to construct a retirement village on that lot, be refused for the following reasons:
- 1) D10.4.3 private open space for all dwellings P2(a)(ii) – many units do not have private open space that is orientated to take advantage of sunlight.
 - 2) D10.4.4 sunlight and overshadowing for all dwellings P1 – many units are not sited and designed to allow sunlight to enter at least one habitable room (other than a bedroom).
 - 3) E6.6.1 number of car parking spaces P1(a) – it has not been shown that the number of resident and visitor spaces provided are sufficient to meet car parking demand.

4.2 Development Application 2020 / 99

20 Holkham Court, Orford (CT 24937 / 40)

Dwelling	
Applicant	Wilson Homes
Lodged	05 June 2020
Statutory Date	25 September 2020 (extended by consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	Low Density Residential
Codes	Road and Railway Assets, Parking and Access, Stormwater Management, Waterway and Coastal Protection, and Inundation Prone Areas.
Use	Class: Residential. Type: No Permit Required
Development	Discretionary
Discretions	Five
Representations	One
Attachments	A – Application Documents B – Engineering Report C – Representation
Author	Robyn Bevilacqua, Planner

Executive Summary

Planning approval is sought to construct a single dwelling on a Low Density Residential lot in Orford.

The proposal is discretionary under the planning scheme because it relies on discretions for five standards:

- E6.7.3 A1 Vehicular passing areas along an access
- E6.7.6 A1 Surface treatment of access and parking areas
- E7.7.1 A1 Stormwater disposal
- E15.7.5 A1 Solid walls greater than 5m in length in riverine or coastal investigation areas
- E15.7.5 A2 Mitigation measures for flooding in riverine or coastal investigation areas

The proposal was placed on public exhibition from 14 August – 28 August 2020. One representation was received.

The Planning Authority must consider the planner's comments, the representation, the engineering report, the recommendation, and make a final determination by 25 September 2020.

The recommendation is to approve the application with conditions.

PART ONE

1. Statutory Requirements

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

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

The initial assessment of this application identified where the proposal meets the Acceptable Solutions, and where discretions are required. This report addresses the discretions and makes a final recommendation.

The report does not consider the two representations provided in the first round of notification. This is because one of the representations was from the Tasmanian Fire Service and the issues raised have been resolved. The other was from a resident who wanted to ensure no blasting was undertaken during construction, which cannot be dealt with under the planning scheme. Notwithstanding that, a condition around set times for construction activity would be placed on the permit.

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

1. adopt the recommendation,
2. vary the recommendation,
3. replace an approval with a refusal (or vice versa).

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

2. Approving applications under the planning scheme

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

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

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

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

3. The Proposal

To construct a single dwelling on a residential lot in Orford. The dwelling will have four bedrooms, a home theatre, a children's activities room, an 'al fresco' area and a double garage.

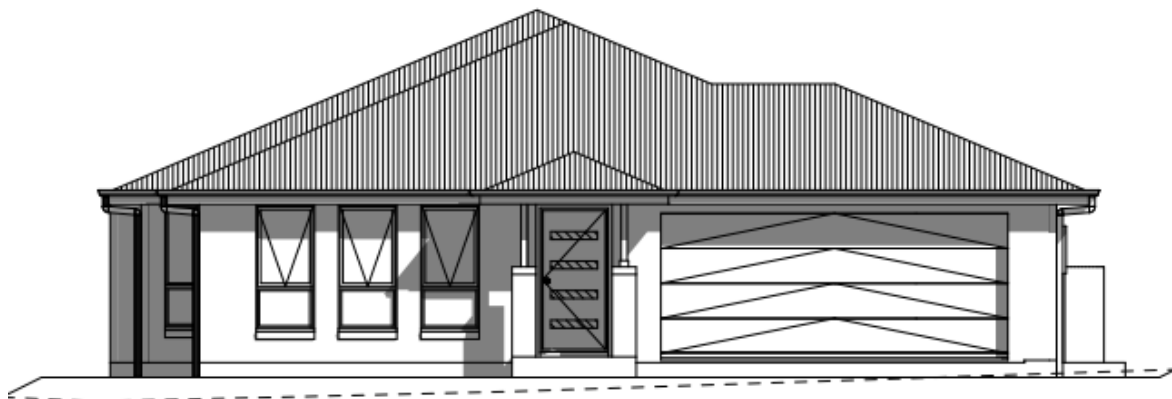


Figure 1: The proposed dwelling (from the application documents).

4. Location

The land is located in a Low Density Residential zone, on the northern side of the Prosser River and the western side of the Tasman Highway, shown in Figure 2 below.

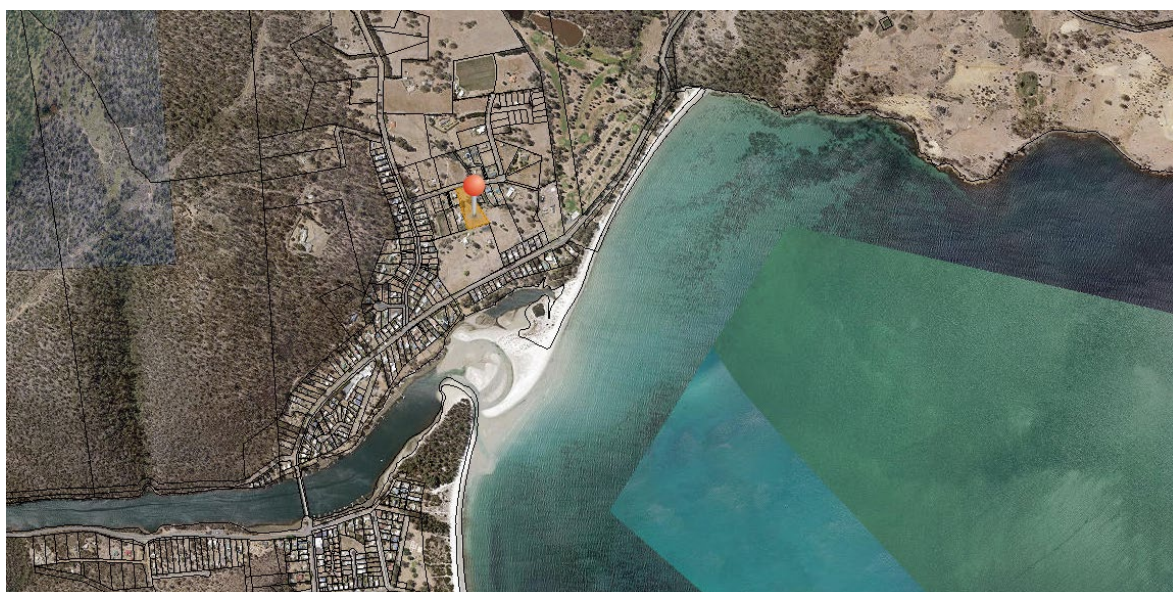


Figure 2: 20 Holkham Court, Orford – pinned (LISTmap)

5. Site Description

The site is 8,176m² in area and currently vacant. A creek runs along the northeast corner with a stand of native trees, shown in Figure 3 below. The land is generally sloping from west to east at 1:10.



Figure 3: Stand of native trees over the Waterway and Coastal Protection area (LISTmap).

6. Overlays

The site is subject to Waterway and Coastal Protection, and Coastal Inundation Hazard Area overlays as shown in Figure 4:

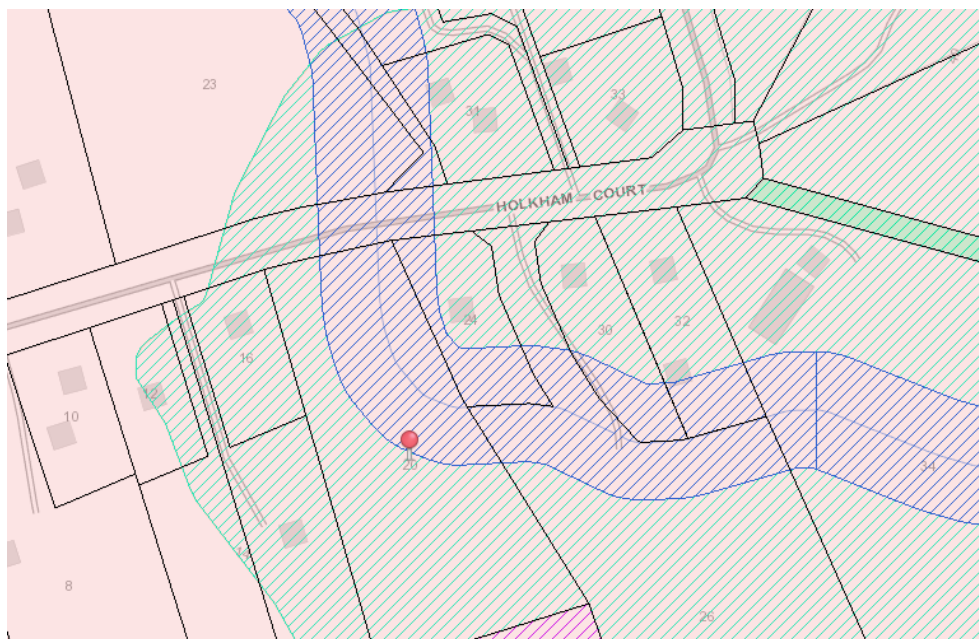


Figure 4: The Waterway and Coastal Protection overlay in dark blue stripes over the creek, and the Coastal Inundation Hazard Area overlay in pale blue stripes (LISTmap)

7. Easements and Services

20 Holkham Court was Lot 40 on the plan of subdivision. A drainage easement 4m wide crosses the title from west to east where it meets the creek (not north orientated in the Folio Plan shown in Figure 5 below).

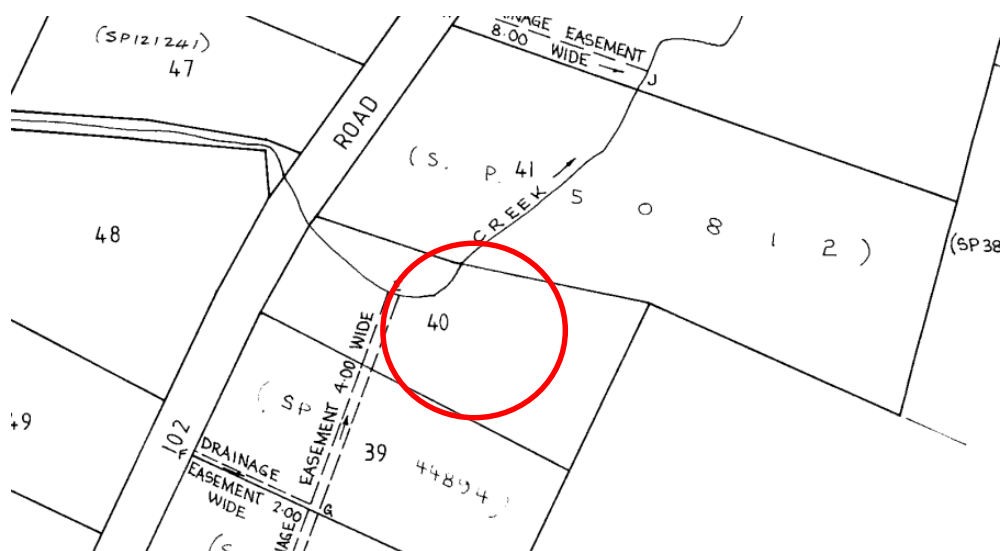


Figure 5: Lot 40 showing the drainage easement extending across the lot to the creek (from the Folio Plan).

Water mains run along the northern side of Holkham Court with a connection to 20 Holkham Court, and reticulated sewerage crosses the site at an angle from west to east as shown in Figure 6 below.



Figure 6: TasWater water mains and sewerage (Exponaire, Council's GIS system).

8. Background and previous applications

There have been no previous development applications for 20 Holkham Court. The lot was created under a subdivision completed in 1985.

The surrounding area has been the subject of several subdivision applications in recent years.

9. Risk and implications

The Holkham Court / Alma Road catchment area is subject to flooding. Figure 7 below, shows the waterway that crosses 20 Holkham Court (pinned) in the lower left-hand corner running down to the southern end of Raspins Beach. Sheas Creek is to the north, outflowing to the northern end of Raspins Beach. The yellow/brown highlighted area in between is the Coastal Inundation Hazard Area. The bright green is a landscape corridor – not relevant to this application but can't be removed without removing the other layers.

The representation raises flooding and stormwater issues.

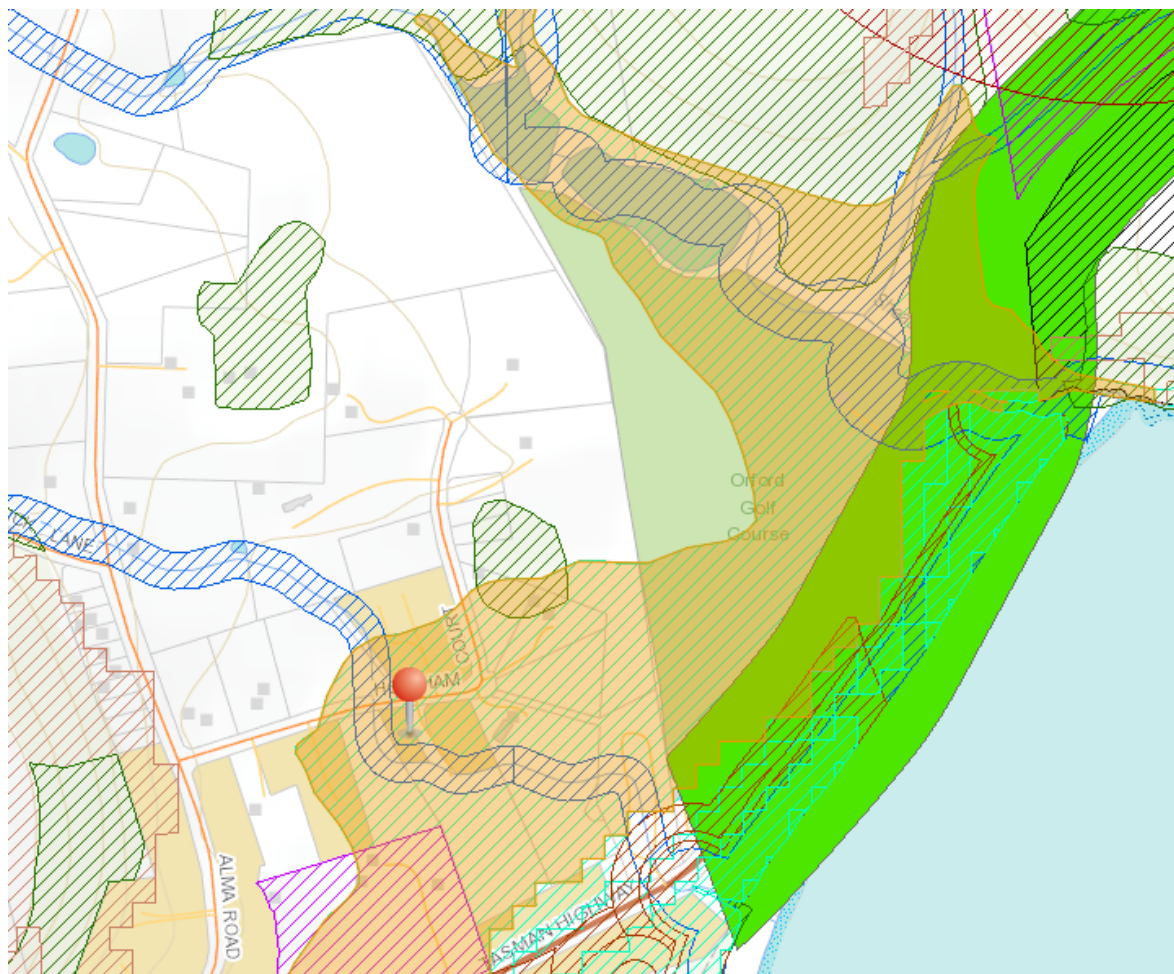


Figure 7: Holkham Court, the Orford Golf Course and Sheas Creek all with the Coastal Inundation Hazard area in brown highlight.

PART TWO

10. Meeting the Standards – via Acceptable Solution

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

- D10.0 General Residential Zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E11.0 Waterway and Coastal Protection Code
- E15.0 Inundation Prone Areas Code

The proposal did not meet the Acceptable Solutions in four instances and will need to satisfy the Performance Criteria listed below to be approved.

11. Meeting the Standards – via Performance Criteria

The proposal will need to satisfy the following Performance Criteria to be approved:

- E6.7.3 P1 Vehicular passing areas along an access
- E6.7.6 P1 Surface treatment of access and parking areas
- E7.7.1 P1 Stormwater management
- E15.7.5 P1 Development in a coastal investigation area (landfill or solid walls).
- E15.7.5 P2 Development in a coastal investigation area (mitigation measures)

The Planning Authority must consider the planner's comments and the performance criteria, and make a determination on the application by 25 September 2020.

PART THREE

12. Assessing the proposal against the Performance Criteria

Standard 1: Vehicular passing areas along an access (E6.7.3)

Acceptable Solution A1 requires that vehicular passing areas must be provided if an access is more than 30m long. These need to be 6m long and 5.5m wide, have the first constructed at the kerb, and be at intervals of no more than 30m along the access.

The proposed driveway is approximately 111m in length. Passing is available approximately 80m from the frontage where turning is provided for a fire appliance at the firefighting water supply. The land is flat and passing would be possible off the side of the driveway. As sight distances are clear and the driveway only services a single dwelling no additional passing is considered necessary (refer Engineering Report).

Performance Criterion	Planner's comments
P1 Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:	
(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;	The area is zoned Low Density Residential with lot sizes ranging from around 1500m ² to as large as the subject lot at more than 8000m ² . There are currently no footpaths. Many of the dwellings are used as holiday homes. The area does not have a high number of pedestrians or cyclists. The relaxed density of the area would mean little conflict between vehicles, pedestrians and cyclists.
(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;	It is considered unlikely that a vehicle would be trying to enter the lot at the same time as a vehicle were trying to exit, while at the same time that another vehicle was coming along Holkham Court that might be held up.
(c) suitability for the type and volume of traffic likely to be generated by the use or development;	The proposed use is residential and the volume of traffic is expected to be no more than that of a residence.
(d) ease of accessibility and recognition for users.	The access point will be easily accessible and recognisable for users. Satisfied with condition of approval.

Standard 2: Surface treatment of parking areas and driveways (6.7.6)

Acceptable Solution A1 requires that parking spaces and driveways must be in accordance with (a) paved or treated with a durable all-weather pavement where within 75m of a property

The proposal is for a gravel driveway.

Performance Criterion	Engineering comments
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 the following:	
(a) The suitability of the surface treatment	The property has an existing gravel access off Holkham Court. This will need to be upgraded to Council standards with a sealed surface from the edge of the road to the property boundary (refer Engineering Report). Satisfied by condition of approval.
(b) The characteristics of the use or development.	
(c) Measures to mitigate mud or dust generation or sediment transport.	

Standard 3: Stormwater drainage and disposal (E7.7.1)

Acceptable Solution A1 requires that stormwater from new impervious surfaces be disposed of by gravity to public stormwater infrastructure. There is no reticulated public stormwater servicing the property.

The proposal is to retain stormwater on site and dispose of overflow via absorption trenches.

Performance Criterion	Engineering comments
P1 Stormwater from new impervious surfaces must be managed by any of the following:	
(a) Disposed of on site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles	Disposal of stormwater via absorption trenches is considered an acceptable method of disposal in this instance, particularly compared to a direct connection to the watercourse. The development will require a plumbing permit and the onsite disposal system will need to be designed by a suitably-qualified person in accordance with the Building Act 2016. While the absorption trenches may exceed capacity in extreme rainfall events, overflow will be directed towards the existing watercourse and the resultant flows will likely mimic pre-development conditions (from the Engineering Report) Satisfied by condition of approval.
(b) Collected for re-use on site	
(c) Disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.	

Standard 4: Development in coastal investigation areas (E15.7.5) – landfill or solid walls

The Coastal Inundation Hazard Area overlay falls across the site, but has not been classified as high, medium or low risk. Due to the absence of accurate LiDAR mapping, the overlay has been placed along the 10m contour in LISTmap. Under the planning scheme, an area where 'risk from inundation from storm tide and permanent inundation from sea level rise has been identified but where the high, medium and low hazard areas have not been spatially quantified due to limitations of available data' is a 'Coastal Identification Area'. Standard E15.7.5 applies inter alia to Coastal Identification Areas and therefore to the subject site.

The Coastal Inundation Hazard Bands provided on the LIST show the Low Hazard Area well clear of the subject property (Engineering Report). Council's GIS contours show that the lowest level on the site is 6m AHD (Engineering Report).

The proposed location of the house is 6-7m AHD, which more than meets the minimum level of 2.3m AHD as provided by Table E15.1 of the planning scheme.

Notwithstanding the above, there is no Acceptable Solution for solid walls greater than 5m in length and 0.5m in height.

The proposal must satisfy the performance criteria to be approved.

Performance Criteria	Engineering comments
P1 Landfill or solid walls greater than 5m in length and 0.5m in height must satisfy all the following:	
(a) No adverse effect on flood flow over other property through displacement of overland flows.	A condition requiring the existing pipe and overland flow through the drainage easement be maintained is recommended. Satisfied by condition of approval.
(b) The rate of stormwater discharge from the property must not increase.	
(c) Stormwater quality must not be reduced from predevelopment levels.	

Standard 5: Development in Coastal Investigation Areas (E15.7.5) – flooding and flood flow

There is no Acceptable Solution A2 regarding mitigation measures for flooding. The application must satisfy the Performance Criteria to be approved.

Performance Criteria	Engineering comments
P1 Mitigation measures, if required, must satisfy all of the following:	
(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise	The Engineering Report notes that the proposed dwelling falls outside the 1% AEP storm-affected area identified by the stormwater modelling undertaken as part of the stormwater report commissioned by Council and dated 10/9/2019. However, the land may be subject to overland sheet flow and it is recommended that the finished floor level be 300mm above natural ground level and advice to this effect is recommended. Satisfied by condition.
(b) not have a significant effect on flood flow.	

Referrals

The application was referred to Council's Engineering Consultant and Natural Resource Management officer.

Concerns raised by representors

One representation was received.

Representation	Response
The development would put further unacceptable pressure on the already overloaded and inadequate Alma Road and Holkham Court stormwater system.	The proposal of a single dwelling results in a minimal increase in impervious area in a catchment which has a total area of approximately 80 hectares and is likely to have an insignificant impact.
The proposal contains no mention of the Holkham Court Stormwater Assessment by Anna Wilson.	Council has a budget allocation for stormwater and flood mitigation works. Works within the Holkham Court catchment have been identified in accordance with the "Holkham Court Storm Water Assessment" and council is currently progressing the design of those solutions.
There is no detail provided about the disposal of stormwater, other than a 'stormwater soakage trench' connected to the down pipes with no further details.	The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016. The development will require a plumbing permit and the onsite stormwater disposal system will need to be designed by a suitably qualified



	person in accordance with the Building Act 2016.
'Infiltration basins', 'detention ponds' and now 'stormwater trenches', all suffer from the same failing, which is the poor absorbency of the soils in the area. They are useless in a downpour; they fill rapidly and overflow.	Whilst the proposed absorption trenches may exceed capacity in extreme rainfall events, overflow will be directed towards the existing watercourse below adjacent residential properties and the resultant flows will likely mimic pre-development conditions.
The engineer's reports of satisfactory infiltration measurements for 54 Holkham Court subdivision, taken during a drought period, have proven ridiculously optimistic as demonstrated by the lake on the Orford Golf Course. The soil has very low permeability. The basin will increase water table levels to the detriment of nearby properties.	Not relevant to the proposal.
The increased stormwater runoff from this application can only find its way in the very inefficient network of open drains comprising the lower Holkham infrastructure.	Addressed above.
It is Council's responsibility to consider the downstream effects of the proposal and its increased flows on the infrastructure. This deliberation should include reference to all available information – not just that included by the developer.	Council uses a wide range of information when determining development applications and any increased pressure on infrastructure.
Council should be mindful of the scientifically accepted concept of sea level rise and its consequences (ref. GSBC Corporate Adaption Plan of April 2012). Storm surge and tidal level dramatically influence the ability of storm water to escape to the sea at Rospins Beach, regardless of the size of the culvert under the Tasman Highway.	Council is mindful of sea level rise and its consequences.

Conclusion

The assessment of the application identifies that the proposal satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and should be recommended for approval.

Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 99 to construct a single dwelling at 20 Holkham Court, Orford (CT 24937/40) be approved subject to 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) This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager or otherwise extended by written consent.
- 3) 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

- 4) 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.
- 5) 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. The driveway from Holkham Court to the proposed dwelling must be upgraded/constructed with a minimum width carriageway of 4.0m;
 - b. Be constructed with a durable all-weather pavement;
 - c. Have a gravel surface that is designed, constructed and maintained to avoid dust or mud generation, erosion or sediment transfer on or off site;
 - d. Be in accordance with the requirements of the approved Bushfire Hazard Management Plan.
 - e. Unless approved otherwise by Council's General Manager must be fully complete prior to the commencement of use.
- 6) 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.

- 7) The existing vehicular access from the road seal to the lot boundary must be upgraded as required to have:
 - a. A sealed surface.
 - b. Gradient, construction and sight distance be in accordance with standard drawing TSD-R03-v2, TSD-R04-v2 and TSD-RF01-v2.

- c. Be fully complete within six months of the commencement of use to the satisfaction of Council's General Manager.

Advice: standard drawings are available at <https://www.lgat.tas.gov.au/member-services/policy-and-projects/engineering-local-government-standards-and-guidelines>

Stormwater

- 8) The existing drainage easement, including the pipe and overland flow path, must be maintained to ensure stormwater is conveyed from the western boundary of the property to the existing watercourse running through the north-eastern portion of the property.
- 9) Stormwater drainage from the proposed development must be retained on site to the satisfaction of Council's General Manager Engineer and in accordance with the Building Act 2016.

Soil and Water Management

- 10) The developer must implement a Soil and Water Management Plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP 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>

- 11) No top soil is to be removed from the site.
- 12) Appropriate temporary control measures include, but are not limited to, the following:
 - a. Minimise site disturbance and vegetation removal;
 - b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
 - c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - e. Stormwater pits and inlets installed and connected to the approved stormwater system before the roadworks are commenced; and
 - f. Rehabilitation of all disturbed areas as soon as possible.

Construction

- 13) Vehicles associated with construction workers must be parked on site.
- 14) 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 dispose 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.

ADVICE:

- i. The Holkham Court area has a history of stormwater flooding. It is recommended that the finished floor level of the proposed dwelling be 300mm above existing ground level and/or measures are taken to protect the dwelling from potential inundation.
- ii. Please read all conditions of this permit and contact the planner for clarification if required.
- iii. All costs associated with acting on this permit are borne by the person(s) acting on it.
- iv. The permit does not take effect until 15 days after the date it was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- v. The permit does not take effect until 15 days after the date that it was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- vi. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- vii. The *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2,000m², and the burning of plastics and other non-wood or non-vegetative material.
- viii. Further and separate approval or consent may be required for building and plumbing approval from the Permit Authority under the *Building Act 2016*.

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 at (Time:).

5. Financial Reports

5.1 Financial Reports for the period ending 31 August 2020

Responsible Officer – Acting General Manager

ATTACHMENT/S

1. Profit & Loss for the period ending 31 August 2020
2. Balance Sheet as at 31 August 2020
3. Statement of Cash Flows for the period ending 31 August 2020
4. Capital Works as at 31 August 2020

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 August 2020 as attached to this report are presented for the information of Council.

BACKGROUND / OVERVIEW

As discussed at the Council workshop held on 7 May 2020 Council's management information reports including departmental financial reports, will in future not be submitted to Council via the Council Meeting Agenda. These information reports will be included in a Councillor Briefing Document which will be circulated bi-monthly initially for the first six months effective this month, then quarterly thereafter and will be publicly available on the website.

Council's major financial reports will continue to be reported in the monthly Council agenda.

STATUTORY IMPLICATIONS

Various legislation.

BUDGET IMPLICATIONS

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

RISK CONSIDERATIONS

By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended 31 August 2020.

Profit and Loss

Glamorgan Spring Bay Council

For the 2 months ended 31 August 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
Trading Income						
Rate Revenue	8,538,693	8,663,463	(124,770)	-1%	8,663,463	
Statutory Charges	108,867	75,500	33,367	44%	448,549	1
User Charges	233,344	247,250	(13,906)	-6%	424,800	
Grants	375,803	330,696	45,107	14%	1,465,667	2
Interest & Investment Revenue	2,179	1,500	679	45%	17,850	
Contributions	22,112	3,000	19,112	637%	30,000	3
Other Revenue	462,349	428,610	33,739	8%	1,700,778	
Total Trading Income	9,743,348	9,750,019	(6,671)	0%	12,751,107	
Gross Profit	9,743,348	9,750,019	(6,671)	0%	12,751,107	
Capital Grants						
Grants Commonwealth Capital - Other	0	1,100,000	(1,100,000)	-100%	4,242,500	4
Grants Commonwealth Capital - Roads to Recovery	7,824	0	7,824	0%	1,003,468	
Grants State Capital - Other	0	0	0	0%	600,000	
Total Capital Grants	7,824	1,100,000	(1,092,176)	-99%	5,845,968	
Other Income						
Other Income - PPRWS Reimbursement of Principal Loan	0	0	0	0%	99,690	
Total Other Income	0	0	0	0%	99,690	
Operating Expenses						
Employee Costs	817,378	847,380	(30,002)	-4%	5,487,953	
Materials & Services	1,444,756	1,578,277	(133,521)	-8%	6,916,442	5
Depreciation	392,890	392,890	0	0%	2,357,337	
Interest	(28,451)	25,749	(54,200)	-210%	238,131	6
Other Expenses	23,595	50,406	(26,811)	-53%	227,429	7
Internal Plant used on Capital Jobs	(23,773)	(20,834)	(2,939)	14%	(125,000)	
Employee Oncosts	(25,472)	122,465	(147,937)	-121%	63,299	8
Total Operating Expenses	2,600,923	2,996,333	(395,410)	-13%	15,165,591	
Net Profit	7,142,426	6,753,686	388,740	6%	(2,414,484)	
Total Comprehensive Result (incl Capital Income)	7,150,250	7,853,686	(703,436)	-9%	3,531,174	
Capital Works Program (Current Year WIP)						
Work in Progress Capital Works - Plant Internal	23,773	0	23,773	0%	0	
Work In Progress Payroll - Salaries and Wages	30,642	0	30,642	0%	0	
Work in Progress Capital Works - On Costs	16,477	0	16,477	0%	0	
Work in Progress Capital Works - Contractor Costs	95,647	0	95,647	0%	0	
Work in Progress Capital Works - Materials	73,345	0	73,345	0%	0	
Work in Progress Capital Works - Consultancy	26,267	0	26,267	0%	0	
Total Capital Works Program (Current Year WIP)	266,150	0	266,150	0%	0	

Notes

1. Statutory Charges are up \$33k or 44% on budget for the YTD due to the higher level of development applications lodged.
2. Operating Grants are up \$45k or 14% up on budget due to receiving \$50k instalment from MAST for Saltworks Jetty not included in the original budget.
3. Contribution are up \$19k due to the level of development applications received.
4. Capital Grants are down \$1.1m on budget YTD due the timing of milestone payments.
5. Materials & Services are down \$134k or 8% on budget YTD primarily related to the Works Department and focus on Capital Works, however insurance costs are up \$50k and contractor costs are up in Development Services (offset by higher income), in Governance (offsetting staff vacancy) and Medical (offset by other Medical income).
6. Interest expense is down \$54k due to the timing of loan repayments and accrual reversals.
7. Other expenses are down \$27k or 53% on budget due to EOY audit being delayed until November.
8. Employee oncosts are down on budget YTD due to the payment of workers comp insurance in quarterly instalments this year, rather than all upfront as in previous years.

Statement of Financial Position

Glamorgan Spring Bay Council

As at 31 August 2020

	31 AUG 2020	30 JUN 2020
Assets		
Current Assets		
Cash & Cash Equivalents	3,264,303	1,751,504
Trade & Other Receivables	6,198,762	819,741
Inventories	23,755	23,755
Other Assets	44,026	81,600
Total Current Assets	9,530,845	2,676,599
Non-current Assets		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
Property, Infrastructure, Plant & Equipment		
Fixed Assets	125,125,748	125,125,748
Work in Progress	1,523,058	1,523,058
Total Property, Infrastructure, Plant & Equipment	126,648,807	126,648,807
Total Non-current Assets	154,798,127	154,798,127
Total Assets	164,328,972	157,474,726
Liabilities		
Current Liabilities		
Trade & Other Payables	863,024	1,207,652
Trust Funds & Deposits	534,472	534,472
Provisions	614,714	614,714
Interest bearing Loans & Borrowings	457,870	512,113
Total Current Liabilities	2,470,080	2,868,950
Non-current Liabilities		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	6,685,523	6,723,587
Total Non-current Liabilities	6,802,911	6,840,975
Total Liabilities	9,272,992	9,709,926
Net Assets	155,055,981	147,764,801
Equity		
Current Year Earnings	7,291,180	1,559,133
Equity - Surplus/Deficit Current Year	17,476,438	15,917,305
Equity - Surplus/Deficit Prior Years	61,491,326	61,491,326
Equity - Reserves	68,797,036	68,797,036
Total Equity	155,055,981	147,764,801

Statement of Cash Flows

Glamorgan Spring Bay Council
For the 2 months ended 31 August 2020

	JUL-AUG 2020	2020
Operating Activities		
Receipts from customers	4,086,559	12,092,448
Payments to suppliers and employees	(2,217,393)	(12,512,321)
Receipts from operating grants	325,803	1,364,203
Cash receipts from other operating activities	191,383	804,199
Net Cash Flows from Operating Activities	2,386,351	1,748,529
Investing Activities		
Proceeds from sale of property, plant and equipment	-	775,026
Payment for property, plant and equipment	(789,070)	(7,636,926)
Receipts from capital grants	7,824	2,491,631
Other cash items from investing activities	-	8,493,119
Net Cash Flows from Investing Activities	(781,246)	4,122,850
Financing Activities		
Trust funds & deposits	-	365,036
Net Proceeds/(Repayment) of Loans	(92,306)	197,089
Other cash items from financing activities	-	(8,487,458)
Net Cash Flows from Financing Activities	(92,306)	(7,925,332)
Net Cash Flows	1,512,799	(2,053,953)
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	1,623,245	3,677,197
Cash and cash equivalents at end of period	3,136,044	1,623,245
Net change in cash for period	1,512,799	(2,053,953)

Budget Capital Works Detail

Glamorgan Spring Bay Council
as at 31 August 2020

Attachment 4 – Agenda Item 5.1

New Capital	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Roads, Footpaths, Kerbs						
Swanwick Rd, Swanwick - Swanwick Dr to Hazards View Dr - Concrete Footpath approx. 400m. Southern side.	-	95,000	95,000		Procurement in Progress	Drought Relief Grant
Wellington St, Swansea - Noyes St to Vistoria St - Concrete Footpath approx. 220m. Southern side.	-	60,000	60,000		Procurement in Progress	Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	-	65,000	65,000		Procurement in Progress	Drought Relief Grant
Elizabeth St, Orford - Charles St to Gore St - Concrete Footpath approx. 220m Northern Side	-	54,000	54,000		Procurement in Progress	Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	-	103,000	103,000		Procurement in Progress	Drought Relief Grant
Vicary St, Triabunna - Esplanade intersection - Realignment and paving RSL cenotaph	-	115,000	115,000		Procurement in Progress	Drought Relief Grant
Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	262	403,000	403,000		Project manager & designer being awarded in September.	Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, incl Pullout Bay	-	100,000	100,000		Procurement in Progress	Community Infrastructure Fund
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF	87	50,000	40,775	9,225	To be sealed in October	\$12,775, RTR + EMF \$28k
Dolphin Sands Share Pathway	37,821	374,608	374,608		60%	Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	262	400,000	400,000		Project manager & designer being awarded in September.	Fed Grant Funding in 21/22
Total Roads, Footpaths, Kerbs	38,432	1,819,608	1,810,383	9,225		
Parks, Reserves, Walking Tracks, Cemeteries						
Coles Bay Trailer Parking - c/fwd project	144,445	155,462	155,462		95%	DPIPWE Funds
Swansea Boat Trailer Parking	3,504	500,000	500,000		Concept design completed	DPIPWE Funds
Bicheno Triangle	436	600,000	600,000		Project manager & designer being awarded in September.	Fed Grant Fund
Coles Bay Foreshore	747	800,000	800,000		Project manager & designer being awarded in September.	Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	-	25,000	25,000			Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	-	25,000	25,000			Drought Relief Grant
Buckland Walk	-	60,000	-	60,000	Community Consultation underway	Pending Council decision
Total Parks, Reserves, Walking Tracks, Cemeteries	149,132	2,165,462	2,105,462	60,000		
Plant & Equipment						
Small plant	-	31,000		31,000	Ordered	
Skidsteer	-	41,000		41,000	Procurement in Progress	
New Vehicle GM	-	45,000		45,000	Ordered	
IT Computer Equipment	4,747	30,000		30,000	16%	
Total Plant & Equipment	4,747	147,000	-	147,000		
Total New Capital	192,311	4,132,070	3,915,845	216,225		



Renewal of Assets	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Roads, Footpaths, Kerbs						
RTR - RSPG Rheban Rd Resheeting / realignment for bridge	-	100,000	50,000	50,000		RTR 50% Safety & Productivity Grant 50% (to be confirmed)
Resheeting	-					
Emergency Repairs - Old Coach Rd Resheet	6,551	210,000	157,500	52,500	3%	75% funded by EMF
Emergency Repairs - McNiels Rd Resheet 3.1km	-	80,000	45,000	15,000		75% funded by EMF
Emergency Repairs - Wielangta Rd Resheet 7km	-	125,000	100,000	25,000		75% funded by EMF
Emergency Repairs - Springs & Crossins Rd Resheet	-	17,000	12,750	4,250		75% funded by EMF
Emergency Repairs - Rosedale Rd Resheet 4.4km	18,276	80,000	60,000	20,000	23%	75% funded by EMF
Emergency Repairs - Nugent Rd Resheet	-	45,000	30,000	15,000		75% funded by EMF
Resheet - to be allocated	-	59,025		59,025		
R2R - Charles St Orford 150m Reconstruction, Reseal, Kerb, Channel & Footpath (Henry St to Elizabeth St)	-	150,000	150,000		Commenced preliminaries	May need additional funds in 21/22 RTR allocation
R2R - Charles St Triabunna (Vicary to Espl. W. Waterfront Drive), reconstruct, Reseal & Streetscape	-	326,631	326,631			
Total Roads, Footpaths, Kerbs	24,826	1,172,656	931,881	240,775		
Parks, Reserves, Walking Tracks, Cemeteries						
Bicheno Walk - Bridge replacement - carried forward from 2019/20	-	30,000	20,000	10,000	Procurement in Progress	Community Infrastructure Fund
Total Parks, Reserves, Walking Tracks, Cemeteries	-	30,000	20,000	10,000		
Stormwater, Drainage						
Address stormwater infrastructure issues - projects to be determined and approved by Council	10,499	500,000		500,000	2%	
Total Stormwater, Drainage	10,499	500,000	-	500,000		
Council Buildings						
Triabunna Depot - Dog Pound Upgrades - carried forward from 2019/20	-	11,000		11,000		
Swansea Depot - Dog Pound Upgrades - carried forward from 2019/20	544	7,000		7,000		
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	-	7,000		7,000		
RSL Cenotaph - new memorial and relocate plaques - c/fw project	-	35,000		35,000	Plaques removed from old memorial and procurement in progress	
Buckland Community Hall - replacement of steps to the entrance	-	55,000	55,000			Drought Relief Grant
Buckland Community Hall - ramp access	-	45,000	45,000			Community Infrastructure Fund
Coles Bay Tennis Courts - Resurface/Reconstruct	-	65,000	65,000			Community Infrastructure Fund
Replace Fencing, paving & awning Swansea Child Care Centre	-	25,000	25,000			Community Infrastructure Fund
Bicheno Medical Centre - Refurb Treatment Room	-	25,000	25,000			Community Infrastructure Fund
Swansea Courthouse Drainage Works	-	25,000	25,000			Community Infrastructure Fund
Swansea Community Hall - Toilet Refurbishment	-	40,000	40,000			Community Infrastructure Fund
Total Council Buildings	544	340,000	280,000	60,000		
Bridges, Culverts						
Orford Bridge Replacement	5,545	990,840	990,840		5%	\$1.02m project started May 2019. Fully Federal Grant funded
Holkham Crt Culvert	-	56,087	56,087			Community Infrastructure Fund



RTR - BRP Rheban Rd Griffith River Bridge	526	300,000	300,000	Commenced preliminaries RTR/BRP 50% EMF50% (to be confirmed)
Total Bridges, Culverts	6,071	1,346,927	1,346,927	-

Plant & Equipment	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Wheel loader (replace backhoe)	265	122,000		122,000	Ordered	
Replace Animal Control Vehicle	31,835	35,000		35,000	Complete	
Plant replacement - replace 3 utes/works vehicles	-	109,230		109,230		
Total Plant & Equipment	31,900	266,230	-	266,230		
Total Renewal Capital	73,840	3,655,813	2,578,808	1,077,005		
Total Capital Works	266,150	7,787,883	6,494,653	1,293,230		

6. Section 24 Committees

6.1 Report on the Meeting of the Statement of Expectations Committee (#8)

Meeting held on 14 September 2020

Attendance: Lynn Mason (Chairperson, Adviser), Greg Preece (Adviser), Mayor Robert Forbes-Young, Acting General Manager Marissa Walters, Cr Rob Churchill

Apology: Deputy Mayor Jenny Woods

Observers: Cr Keith Breheny, Cr Annie Browning, Cr Grant Robinson

The Committee discussed the draft Report for the Director of Local Government on the implementation of the SoE. Some amendments were suggested to further highlight the progress made by Council as a whole since the SoE process commenced in January 2020.

The Committee noted that with Council's adoption of the *Statement of Expectations Issues Resolution Policy*, Council had become only the second Council in Tasmania to successfully formulate and adopt a process for dealing with contentious issues as they arise. Adoption of such a process has been advocated to try to minimise any detriment to the community, and provide for a more constructive, productive Council. Despite recommendations that all Tasmanian Councils adopt such a policy, Glamorgan Spring Bay is one of only two in Tasmania to have done so.

Council agreed that at its October meeting, it will discuss the future role and constitution of the Committee, once its Report has been accepted by the Director of Local Government.

Lynn Mason
Chairperson
Statement of Expectations Committee

RECOMMENDATION

That the Report on the Meeting of the Statement of Expectations Committee (#8) be received.

6.2 Statement of Expectations Committee Meeting Unconfirmed Minutes – 14 September 2020



GLAMORGAN SPRING BAY COUNCIL

STATEMENT OF EXPECTATIONS SPECIAL COMMITTEE

Meeting # 8

Zoom

Time: 1.30 pm 14 September 2020 (Hobart time)

1. WELCOME AND ATTENDANCE

Lynn Mason (Chairperson and Adviser), Mayor Robert Young, Cllr Rob Churchill, Ms Marissa Walters (Acting General Manager), Mr Greg Preece (Adviser)

The Chairperson noted the presence of a quorum.

In Attendance as Observers: Cllr Annie Browning, Cllr Keith Breheny, Cllr Grant Robinson

The Chairperson opened the meeting at 1.34 pm and noted that she was recording the meeting and would prepare the draft Minutes herself.

2. APOLOGIES

Deputy Mayor Jenny Woods

Cllr Arnol advised that she would be unable to attend as an observer.

3. CONFLICT OF INTEREST

No conflicts declared.

4. MINUTES OF MEETING # 7

RESOLVED that the minutes of the previous meeting (meeting # 7) held 17 August 2020 be confirmed as a true record.

5. BUSINESS ARISING FROM THE MINUTES: REPORTS ON ACTIONS FROM # 7

a. Correspondence from the Deputy Mayor to the Director Local Government

The Committee advised that this had been done.

b. Correspondence from Mr Pyke, 20 August 2020

The correspondence was sent to all committee members by Mr Pyke. The Chairperson requested advice from the Committee upon receipt of the correspondence. The Committee agreed that no further action should be taken by the Committee.

6. GENERAL BUSINESS

a. Report on the Implementation of the SoE

The Committee discussed management of the issue of a Councillor choosing not to be a signatory to the SoE, given that Council had passed a motion to approve the adoption of the SoE by Council as a whole.

The Committee also discussed how to try to encourage residents to bring Council issues to Council to resolve, rather than involving the Local Government Division or the Minister's office as a first step. The Committee noted that work will be done to improve Council's community response protocols as soon as practicable, and that the elected Council will continue an active program of talking with and consulting its community, to try to deal with issues as they arise.

RESOLVED

That Draft Report v3, with amendments, be recommended to the Council for approval, and then forwarded to the Director by the Mayor on behalf of Council, in accordance with the request made by the Director in his letter of 13 May 2020.

RESOLVED

That at the next meeting of the Local Government Legislation Review Steering Committee, Mr Greg Preece bring the matter of an elected member declaring his or her unwillingness to comply with an approved Council Policy, such as the SoE, to the attention of the Director and other committee members.

b. Future role and structure of the committee

RESOLVED

That the future role and scope of the SoE Special Committee be placed on the agenda for the October meeting of the Committee, with a view to taking a recommendation on its future to the October 2020 ordinary meeting of Council.

7. NEXT MEETING AND MEETING CLOSE

The next meeting to be held on Monday 19 October at 1.00 pm (to be confirmed).

The Chairperson closed the meeting at 2.48 pm.

DRAFT

RECOMMENDATION

That the Unconfirmed Minutes of the Statement of Expectations Committee meeting held on the 14 September 2020 be received and noted.

6.3 Statement of Expectations Committee Meeting Confirmed Minutes – 17 August 2020



GLAMORGAN SPRING BAY COUNCIL

STATEMENT OF EXPECTATIONS SPECIAL COMMITTEE

Meeting # 7

Zoom

Time: 1 pm 17 August 2020 (Hobart time)

1. WELCOME AND ATTENDANCE

Lynn Mason (Chairperson and Adviser), Acting Mayor Jenny Woods, Clr Grant Robinson, Clr Rob Churchill, Ms Marissa Walters (Acting General Manager)

In Attendance: Clr Annie Browning, Clr Keith Breheny, Clr Cheryl Arnol

The Chairperson opened the meeting at 1.03pm and noted that, with the permission of the meeting, Clr Arnol would record the Minutes for this meeting.

2. APOLOGIES

Mr. Greg Preece (Adviser)

3. CONFLICT OF INTEREST

No conflicts declared.

4. ADDITIONAL ITEMS

The Committee agreed to consider a late item for the agenda, a letter from Minister Shelton dated 14 August 2020.

5. MINUTES OF MEETING # 6

RESOLVED that the minutes of the previous meeting (meeting # 6) held 20 July 2020 be confirmed as a true record.

6. BUSINESS ARISING FROM THE MINUTES: REPORTS ON ACTIONS FROM # 6

a. LGAT survey:

Ms Walters reported on the outcome of her inquiries. Council did not pay to get survey results and questioned the worth of the data as it is generally collated for a group of Councils. Council can elect to be part of the next survey.

MOVED Acting Mayor Woods, seconded Clr Grant Robinson,

That the committee recommend to Council that it actively considers whether to participate in the next survey to obtain information specific to Glamorgan Spring Bay Council.

Carried unanimously

b. Workshop with staff re implementation of the SoE:

The Acting General Manager reported that Mr Preece had held a workshop for staff and only three staff members had attended.

c. Correspondence from and concerning Mr Pyke:

The Chairperson advised that she had responded to Mr Pyke in accordance with the decision at the last Committee meeting. She advised of the actions she had taken in response to his further requests for information.

d. Protocols for Implementation of the SoE:

Item 5 (e) on the agenda.

7. GENERAL BUSINESS

a. Draft Policy for implementation of the SoE

The Committee discussed the draft policy, including the establishment of the panel for the Respectful Conduct Advisers and the mediation process. Some amendments were agreed.

MOVED Acting Mayor Woods, seconded Clr Grant Robinson,

That the draft policy with amendments be recommended to Council for adoption.

Carried unanimously

b. Protocols for Signing the SoE

The Committee discussed the draft protocols and provided some amendments.

MOVED Cllr Grant Robinson, seconded Acting General Manager Walters,
That the protocols for signing the Statement of Expectations as amended be recommended to Council for adoption.

Carried unanimously

c. Terms of Reference, Statement of Expectations Committee

Ms Mason provided additional background to support the need for changes to the Terms of Reference (ToR). The Committee discussed the draft revised ToR and provided some amendments.

RESOLVED

That the suggested changes to the Terms of Reference for the Statement of Expectations Special Committee of Council be submitted to Council for consideration and decision.

8. OTHER BUSINESS

Letter from Minister Shelton

Acting Mayor Woods outlined her discussion with the Minister regarding concerns expressed by Councillors in relation to his letter of 14 August 2020.

It was agreed that the Acting Mayor write to the Minister on behalf of Council to reiterate recent achievements by the Council, and to refute some of the statements in his letter.

It was agreed that Council should consider re-commencing the Community Connect sessions to advise the public of Council's achievements during the Covid-19 lockdown period.

RESOLVED that the Acting Mayor respond to Minister Shelton's letter after further consultation with all Councillors.

9. NEXT MEETING AND MEETING CLOSE

The next meeting to be held on Monday 14th September at 1.00 pm

The Chairperson closed the meeting at 3.27pm.

RECOMMENDATION

That the Confirmed Minutes of the Statement of Expectations Committee meeting held on the 17 August 2020 be received and noted.

6.4 Independent Report on the Implementation of the 2020 Glamorgan Spring Bay Council Statement of Expectations

Background

The Glamorgan Spring Bay Council Statement of Expectations Special Committee was established by Council in January 2020 to manage the development of a Statement of Expectations (SoE). The Committee comprises the Mayor and Deputy Mayor, one additional Councillor, the General Manager, and the two independent advisers, Mr Greg Preece and Ms Lynn Mason. Ms Mason is the current chairperson of the Committee.

In April 2020 Council sent a signed copy of its completed SoE to the Director of Local Government, Mr Craig Limkin. The Statement was signed by seven of the eight Councillors.

On 13 May 2020, the Director wrote to the Mayor, Glamorgan Spring Bay Council. He acknowledged the collective work of all Councillors in developing the SoE and the commitment to good governance demonstrated by those Councillors who had signed the Statement.

The Director also stated that while the SoE provided a clear framework for Council to refer to and operate within, its effectiveness would rely on a commitment to embedding the SoE in practice, as well as diligent monitoring and ongoing review. To this end, the Director requested that Council seek independent advice to prepare a report on the implementation of the SoE, to consider and assess the effectiveness of the SoE in improving Council's overall governance and the professional roles and relationships between elected members and the General Manager.

Additionally, the Director requested that Council prepare its own report on the implementation and effectiveness of the SoE. Both reports were to be submitted to Council at its ordinary meeting of September 2020, and then sent to the Director for his review. At a subsequent meeting between Council and the Director, the Director agreed that as Council intended to have the report prepared by its independent advisers, Mr Greg Preece and Ms Lynn Mason, it would be unnecessary to provide two separate reports to the Director.

Benchmark Survey

As a first step, Council agreed at its May 2020 meeting to amend the Terms of Reference of the Committee to allow it to oversee the establishment of implementation procedures.

The SoE Special Committee then agreed that to commence the process of implementation, Councillors and the General Manager would be asked to complete a survey of their views on the state of Council's governance and their priorities for the future¹. The survey was conducted by Ms Lynn Mason and the results conveyed to the June meeting of the Committee.

Councillors and the Acting General Manager broadly agreed that Council's priorities needed to focus on achieving greater financial stability and managing the legislated requirements of the Council accurately and on time. There was also general agreement that since the SoE process had started in January 2020, Council was operating more effectively than previously. This was seen as an outcome of the work of the Acting General Manager, and improved awareness of their proper roles and responsibilities by the Councillors themselves.

The survey also revealed that the areas of greatest concern were that a majority of Councillors did not believe that matters decided in closed Council would remain confidential as a matter of course; and that from time to time, Council's decisions were not supported by Councillors in the community. Both these matters raised concerns about disunity and distrust, and needed to be addressed.

It is intended that the outcomes of this survey will provide a benchmark for future surveys regarding governance and the efficiency and effectiveness of council relationships.

¹ The Survey is to be found at Attachment A.

The Statement of Expectations Issues Resolution Policy²

At its August meeting Council adopted its policy to provide guidance on resolving issues arising from perceived breaches of the SoE. In summary, the Policy sets out the steps to be taken in the event of an alleged breach. These range from one-on-one discussions between the parties, to intervention by a Responsible Conduct Adviser selected from a group of suitable independent persons appointed by Council, and if necessary, from there to external professional mediation or resolution by the full Council in closed session.

The Policy includes a statement to be made by a General Manager on appointment, or by committed Councillors upon election. Both the newly appointed Mayor, and the newly appointed General Manager, are signatories to the SoE.

Council is to be commended for its unanimous adoption of this Policy. It is one of only two councils in Tasmania to have taken the essential step of formalizing its approach to mediating and resolving alleged breaches of legislation, and alleged breaches of its protocols and procedures, without recourse to the legislated processes of Code of Conduct complaints, or complaints to the Integrity Commission, or the Director of Local Government.

Changes to the Terms of Reference of the Committee³

At its August meeting Council adopted version 3 of the Terms of Reference (ToR) for the Special Committee. Versions 1 and 2 of the ToR stated that the Committee comprised the Mayor, the Deputy Mayor, one additional Councillor, the General Manager, and the two independent advisers, Mr Preece and Ms Mason. Version 3 added the condition that all of the elected members of the Committee had to be signatories of the Statement of Expectations. This removed the possibility that any one of the Councillors putting themselves forward for a position on the Committee could become a member of the Committee without having committed to the principles espoused by the SoE.

As the new Mayor, the Deputy Mayor, and the current third Councillor are all signatories to the SoE, there is no need for further elections to the Committee at this time.

The Committee recommended, and Council agreed, that all Councillors, whether signatories or not, could attend Committee meetings as observers.

Further Progress

- Council successfully organised the selection and appointment of its new General Manager.
- The current Acting General Manager has appointed a number of senior staff to fill positions which had been vacant for some time, thus strengthening the operational arm of Council. These appointments include:
 - The Works Manager;
 - The Executive Development Manager;
 - A Risk and Emergency Management Project Officer; and
 - A Planner.
- In late June 2020, the Minister issued Council with a Performance Improvement Direction, requiring Council to prepare and maintain compliant Statutory Plans within 180 days of the issue of the Direction. At the time the Direction was issued, Councillors and the Acting General Manager had already commenced work to address this issue. In a letter to the Minister on 2 September 2020, the Acting General Manager reported that:
 - Council has engaged Pitt and Sherry to undertake condition assessment of road, footpath, and kerb and channel assets, and work has commenced;

² The *Statement of Expectations Issues Resolution Policy* in full is Attachment B.

³ The Terms of Reference version 3 are to be found as Attachment C.

- Council has engaged a Stormwater Engineer to review Council's stormwater and drainage assets, and to develop the Stormwater Management Plan, as well as addressing urgent stormwater issues;
 - Council's playgrounds have been independently inspected and assessed;
 - Council has engaged an Asset Manager for six months to work on bringing all the plans and data together into the Long Term Asset Management Plan;
 - Council has also employed a casual Surveyor to assist with collecting data and updating Council's GIS system; and
 - Council's Asset Management Policy is currently being drafted and should be ready to be reviewed by Council by 30 September.
- Council has made some difficult decisions to reduce operational costs in non-core areas, and has resolved to defer other new major capital works until the Plans required by the Performance Improvement Direction (PID) are completed. These Plans will provide greatly improved tools for the efficient management of Council's infrastructure and resources. Council is thus committed to concentrating on core business in an effort to manage its essential tasks and the associated critical capital projects, at the same time as rates are held at current levels for the current financial year.

Council and the Acting General Manager together consider that reaching agreement on the rules of engagement between Councillors, Mayor and General Manager, as espoused in the Statement of Expectations, has significantly enhanced Council's collective ability to achieve these outcomes.

Next steps

- Council will consider any recommendations arising from the Director's review of this report when this is made available.
- Council will shortly commence the process of appointing a group of independent Responsible Conduct Advisers who will be able to assist in the resolution of alleged breaches of the SoE.
- The Committee is considering further changes to its role and scope at its September meeting, and it is expected that a recommendation will be made to Council for consideration at Council's October meeting. The Committee is currently charged with monitoring the implementation of the SoE. This may be broadened to provide for oversight of governance matters in general. If this is adopted, it will provide the community with greater insight into the management of governance by the leaders of Council through reports to Council and to the Annual General Meeting.
- The Committee has already recommended that after the appointment of the new Mayor and the new General Manager, appropriate behavioural training will be provided to all Councillors and the General Manager. This is intended to promote awareness of inappropriate behaviour and allow discussion of ways of dealing with issues that arise. Further training will be provided as necessary.
- Another survey will be conducted in 12 months' time to gauge the effectiveness of the measures taken to this point. It is reassuring to note that even at the time of the first survey, the majority of Councillors already considered that the Council was in a far better place than it had been for some time; and that while there were issues to be dealt with, they now had the tools and the knowledge to try to manage the inevitable difficulties which will arise.

Lynn Mason
Greg Preece

September 2020

RECOMMENDATION

That Council endorses the Independent Report on the Implementation of the 2020 Glamorgan Spring Bay Council Statement of Expectations.

7. Officers' Reports Requiring a Decision

7.1 Petition to Amend Sealed Plan 174663

Responsible Officer: Robyn Bevilacqua (Planner)

BACKGROUND

This report seeks agreement to amend Sealed Plan 174663, which contains three lots – 101, 102 and 103. The subject land is at 201, 205 and 207 Harveys Farm Road Bicheno.

DETAIL

The owners of lots 101 and 103 (201 and 207 Harveys Farm Road) were granted a planning permit in July 2019 (SA 2018/18) to adjust their adjoining boundaries.

The boundary adjustment renders many of the easements on the sealed plan redundant.

In November 2019, the owners of lot 103 petitioned Council to amend the sealed plan with the signed support of the owners of the other two lots. No other properties are affected.

The proposed amendment seeks to update the easement structure on the Sealed Plan and the wording in the Schedule of Easements to accord with the planning permit.

STATUTORY PROCESS

Under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) a person may apply 'petition' Council to amend a Sealed Plan.

The person is to serve a copy of the petition on all persons appearing by the registers under the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* to have an estate or interest at law affected by the proposed amendment. These parties may ask to be heard in support or opposition. Under section 104 of the Act, at the end of 28 days after the notice is served Council may cause the amendment to be made, or appoint a day for hearing any persons who have asked to be heard. This process has been followed.

ASSESSMENT

The petition to amend was signed by the owners of all three lots. No other properties are affected. The other parties to the sealed plan include any mortgagees. These were notified of the petition as per section 103 and have not objected to the amendment.

The proposed amendment will bring the easement structure on the sealed plan into line with the new boundaries permitted by the planning permit. It does not affect any planning permit conditions or planning scheme requirements.

OFFICER'S RECOMMENDATION

THAT, in accordance with *Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993*, Council directs the General Manager to sign and seal an 'Instrument Form' agreeing to the requested amendment, and for that form to be lodged at the Land Titles Office together with the amended Schedule of Easements.

7.2 Road Names

Responsible Officer: Robyn Bevilacqua (Planner)

BACKGROUND

From time to time Council as the Road Authority is asked to approve road names. Early this year, Council requested a list of names from the Swansea Historical Society and from Aboriginal Heritage Tasmania (AHT) from which to choose.

Current situation

- 1) AHT has advised they are happy to help and there are dozens of place names and words for landscape features, plants, animals and other natural resources that could be considered.

However, they suggest that to determine the words or names best suited, rather than providing a list, it might be better to request names related to the specific area when a name is required. AHT could then provide a few locally-relevant options for consideration.

- 2) Pertinent to the above, there is an un-named road off Strip Road, Little Swanport that requires a name. Due to recent approvals for dwellings in the area, Property Services (DPIPWE) has suggested that Council provide the road with a name. The un-named road is shown in yellow in Figure 1 below. The purple is Strip Road. If Council agrees to the process outlined above, a request would go to AHT requesting locally-relevant words or names for consideration.

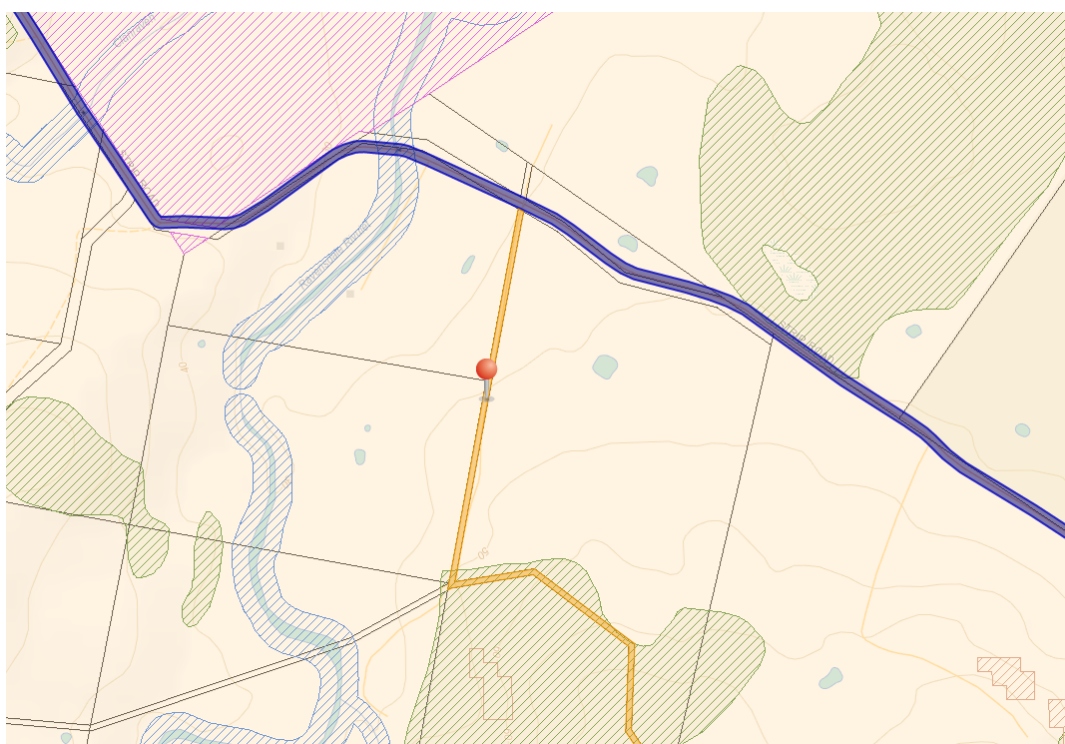


Figure 2: un-named road (yellow) off Strip Road (purple)

BUDGET IMPLICATIONS

There may be pressure on Council to maintain the road as the area is developed, but the naming of the road has no impact on that.

STATUTORY IMPLICATIONS

The new *Place Names Act 2020* (the Act) came into effect on 1 July 2020. Under the Act, Council is responsible for naming roads and streets in the municipal area.

OFFICER'S RECOMMENDATION

That Council:

- 1) Agrees to the approach recommended by Aboriginal Heritage Tasmania of referring requests for place or road names as they are required.
- 2) Agrees to request a list of names pertaining to the un-named road off Strip Road from Aboriginal Heritage Tasmania for consideration at a subsequent Council meeting.

7.3 Proposed Freycinet Sculpture Trail

Report Author – Executive Manager Development

ATTACHMENT

Proposal – Freycinet Sculpture Trail.

BACKGROUND

Freycinet Adventures has proposed an interpretive sculpture trail for the township of Coles Bay and the Freycinet Peninsula. The proposal was presented to Council at its workshop of 8 September 2020.

The proposal

The aim is to enable the community (past and present) to tell its stories. Art would be commissioned by Tasmanian artists and comprise a range of materials and objects sympathetic to the sites. At commencement, the trail will have five to eight sculptures. The project will evolve over time as artworks are acquired and added. The artworks will include a Coles Bay town entrance sign.

Freycinet Adventures would consult with Council, the community, Parks and Wildlife and other stakeholders including the Indigenous community regarding the trail, locations and artworks proposed. The project would be overseen by a Board.

BUDGET IMPLICATIONS

Council has already committed funding to and gained Federal funding for the Coles Bay Foreshore Walk around the township extending from Muirs Beach possibly to the National Park. Work is yet to commence. It is understood the sculpture trail will follow and complement that walk.

STATUTORY IMPLICATIONS

Requires assessment under the Glamorgan Spring Bay Interim Planning Scheme 2015.

The use (passive recreation) is likely to be considered 'No Permit Required' depending on the exact route taken, but a development application is required to determine this. Regarding development, some of the artworks (interpretive signage) may be exempt, while others (for example the town entrance sign) may not. A planning application will determine this.

OFFICER'S RECOMMENDATION

That Council consents to the lodging of the Development Application.

7.4 2020-2021 Annual Plan

Responsible Officer – Acting General Manager

ATTACHMENT/S

Draft 2020/2021 Annual Plan.

PURPOSE

The purpose of this report is to submit the Glamorgan Spring Bay Council 2020-2021 Annual Plan to Council for review, consideration and adoption.

BACKGROUND / OVERVIEW

The Annual Plan is one of Council's main reporting documents and provides specific information about the services and projects Council will undertake during the financial year in order to achieve the objectives and goals outlined in the Glamorgan Spring Bay Council's 10-year Strategic Plan 2020-2029.

The Budget Estimates provide information about how Council will fund those services and projects during the financial year.

The Draft 2020-2021 Annual Plan was reviewed at the Council workshop held on the 8 September 2020.

STATUTORY IMPLICATIONS

Section 71 of the Local Government Act 1993 requires:

- (1) A council is to prepare an annual plan for the municipal area for each financial year.
- (2) An annual plan is to – (a) be consistent with the strategic plan; and
 - (b) include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and
 - (c) include a summary of the estimates adopted under section 82; and
 - (d) include a summary of the major strategies to be used in relation to Council's public health goals and objectives.
- (3) As soon as practicable after a council adopts an annual plan, the general manager is to –
 - (a) Make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and
 - (b) Provide the Director and the Director of Public Health with a copy of the annual plan.

BUDGETARY IMPLICATIONS

The actions contained within the 2020-2021 Annual Plan are consistent with the summary of estimates previously adopted by Council under section 82 of the Local Government Act.

RISK CONSIDERATIONS

Risk associated with the adoption of the 2020–2021 Annual Plan is considered minimal as the initiatives identified within the Annual Plan are consistent with Council's Strategic Plan and Council's adopted 2020-2021 budget.

OFFICER'S RECOMMENDATION

That Council adopts the 2020-2021 Annual Plan as presented.

7.5 Local Government Participation in the National Redress Scheme

Responsible Officer – Acting General Manager

ATTACHMENT/S

Memorandum of Understanding on the participation of local councils in the National Redress Scheme for Institutional Child Sexual Abuse.

PURPOSE

The purpose of this report is to seek Council endorsement of the Memorandum of Understanding (MOU) and to authorise the Mayor to sign the MOU on behalf of Council.

BACKGROUND / OVERVIEW

In July 2019 the Hon. Elise Archer MP, Attorney-General and the Minister for Justice together with the then Treasurer and Minister for Local Government, the Hon. Peter Gutwein, wrote to all Mayors regarding the participation of local councils in the National Redress Scheme for Institutional Child Sexual Abuse attaching a draft MOU.

The Tasmanian Government welcomed the decision of the 2 July 2019 Local Government Association of Tasmania General Meeting by all local councils to join the National Redress Scheme with the Tasmanian Government as a 'State Institution' with support from the Tasmanian Department of Justice with administrative arrangements to be undertaken by the Child Abuse Royal Commission Response Unit.

The Memorandum of Understanding has since been signed by the Attorney-General on behalf of the Tasmanian Government and is presented for Council's endorsement.

The MOU was discussed at the Council Workshop held on 8 September 2020.

Note: The signatory on the attached MOU will need to be updated to reflect the current Mayor, Cllr Robert Young. Advice will be sent to the Response Unit accordingly.

STATUTORY IMPLICATIONS

- *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth) and other related legislation*

BUDGETARY IMPLICATIONS

As outlined in Part 6 – Financial Arrangements – Memorandum of Understanding.

RISK CONSIDERATIONS

No risk implications to Council are recognised in signing the MOU as presented. By signing the MOU Council is supporting the foundation for governments to work together to implement the National Redress Scheme.

OFFICER'S RECOMMENDATION

That Council enters into the Memorandum of Understanding in recognition of the importance of the National Redress Scheme for Institutional Child Sexual Abuse and authorises the Mayor to sign the Memorandum of Understanding as presented on behalf of the Glamorgan Spring Bay Council.

7.6 Municipal Emergency Management Plan

Responsible Officer – Emergency Management and Risk Project Officer

ATTACHMENT/S

Municipal Emergency Management Plan.

BACKGROUND / OVERVIEW

Under the requirements of the *Emergency Management Act 2006*, Council is obligated to review and submit for reauthorisation its Municipal Emergency Management Plan (MEM Plan) every two years. At its meeting on 16 September 2020, the Municipal Emergency Management Committee approved the Municipal Emergency Management (MEM) Plan and it is now submitted to Council for adoption.

The plan has been reviewed and updated with changes in line with the Tasmanian Emergency Management Arrangements (TEMA). This enables consistency with plans at all levels throughout the State (Municipal, Regional and State) and falls in line with requests from the State Emergency Service.

Consultation has occurred with the State Emergency Service Regional Planner as per their requirements, together with the Municipal Emergency Management Committee.

The process for approval of the plan under the terms of the *Emergency Management Act 2006* is outlined below:

- Approval from Municipal Emergency Management Committee
- Approval from Glamorgan Spring Bay Council
- Approval from Regional Emergency Management Controller
- Final approval and sign off by the State Emergency Management Controller.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

1. Our Governance and Finance

What we plan to do

- Accountable and good governance
- Strong stewardship and leadership
- Ensure policies, procedures and practices are effective

STATUTORY IMPLICATIONS

- *Emergency Management Act 2006*
- *Local Government Act 1993*

BUDGET IMPLICATIONS

No budget implications are identified in this plan.

RISK CONSIDERATION/S

Under the requirements of the *Emergency Management Act 2006*, Council is required to have in place a Municipal Emergency Management plan to manage the risks of emergencies in the municipal area. Should Council not have an Emergency Management Plan that is consistent with State arrangements there is a risk of confusion regarding roles and responsibilities when responding to an emergency event in the municipal area.

The *Local Government Act 1993* requires Councils provide for *the health, safety and welfare of the community*.

OFFICER'S RECOMMENDATION

That Council endorse the revised and updated Municipal Emergency Management Plan (Issue 10, 2020) and that the plan be forwarded to the State Emergency Management Controller for sign off and authorisation.

8. Notices of Motion

Nil.

9. Petitions

Nil.

10. Questions without Notice

11. Confidential Items (Closed Session)

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

Item 1: Contract Proposal

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

RECOMMENDATION

That Council moves into closed session at (Time:).

The Mayor to confirm that the recording has been terminated.

12. Close

The Mayor to declare the meeting closed at (Time).

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young