

## State Planning Provisions Review 2022 - Submission 72

Submission No:	Name	Organisation
72	Sophie Underwood	Freycinet Action Network

**From:** [Sophie Underwood](#)  
**To:** [State Planning Office Your Say](#)  
**Subject:** State Planning Provisions (SPPs) Review - Scoping Issues – Scenic Protection Code  
**Date:** Friday, 12 August 2022 7:32:17 AM  
**Attachments:** [2020-08-25-GSBC Agenda-1.pdf](#)  
[2020-08-25-GSBC Minutes.pdf](#)  
[FAN Submission SPP Review Aug 2022.pdf](#)  
[Underwood and Ascui Representation GSB LPS Feb 2020.pdf](#)

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Please see attached Freycinet Action Network's submission re the above.

Regards,

Sophie

**Sophie Underwood**  
**Convener - Freycinet Action Network**

[REDACTED]

[REDACTED]

Join FAN email updates here: <http://eepurl.com/cJh1j9>

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page: <https://www.facebook.com/FreycinetActionNetwork/>

*I acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.*



GLAMORGAN SPRING BAY  
COUNCIL

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# Notice of Meeting and Agenda

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For the Ordinary  
Meeting of Council  
to be held **via  
remote video  
conference.**

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25 August 2020

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## NOTICE OF ORDINARY MEETING

**Notice** is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held on Tuesday 25 August 2020 commencing at 2.00pm.

**Please note in response to COVID-19 social gathering regulations, the meeting will be held via remote video conference. Members of the public will be unable to attend the meeting.**



**Dated** this Thursday 20 August 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**

## Table of Contents

AUDIO/VIDEO RECORDING OF ORDINARY MEETINGS OF COUNCIL .....	5
1. OPENING .....	5
1.1 ACKNOWLEDGEMENT OF COUNTRY.....	5
1.2 PRESENT AND APOLOGIES .....	5
1.3 IN ATTENDANCE.....	5
1.4 LATE REPORTS.....	5
1.5 DECLARATION OF INTEREST OR CONFLICT .....	5
2. CONFIRMATION OF MINUTES.....	6
2.1 ORDINARY MEETING OF COUNCIL – 28 JULY, 2020 .....	6
2.2 SPECIAL MEETING OF COUNCIL – 14 AUGUST, 2020 .....	6
2.3 DATE AND PURPOSE OF WORKSHOP/S HELD .....	7
3. PUBLIC QUESTION TIME .....	8
3.1 QUESTIONS WITHOUT NOTICE .....	8
3.2 QUESTIONS ON NOTICE .....	9
4. PLANNING AUTHORITY SECTION.....	10
4.1 REPORT ON REPRESENTATIONS TO THE DRAFT GLAMORGAN SPRING BAY COUNCIL LOCAL PROVISIONS SCHEDULE.....	11
4.2 SUBDIVISION APPLICATION 2020 / 7 .....	13
4.3 SUBDIVISION APPLICATION 2020 / 9 .....	33
4.4 DEVELOPMENT APPLICATION 2020 / 33 .....	67
4.5 DEVELOPMENT APPLICATION 2019 / 272 .....	76
4.6 MEDIATED OUTCOME FOR DWELLING AT 1533 DOLPHIN SANDS ROAD – AGREEMENT BY CONSENT .....	111
5. FINANCIAL REPORTS .....	114
5.1 FINANCIAL REPORTS FOR THE PERIOD ENDING 31 JULY 2020 .....	114
6. SECTION 24 COMMITTEES.....	121
6.1 STATEMENT OF EXPECTATIONS COMMITTEE REPORT TO COUNCIL, AUGUST 2020 .....	121
6.2 ESTABLISHMENT OF A SWANSEA COMMUNITY HUB SECTION 24 SPECIAL COMMITTEE OF COUNCIL .....	122
7. OFFICERS' REPORTS REQUIRING A DECISION.....	124
7.1 REVISED PROCEDURE “PUBLIC QUESTION TIME HOW DO I ASK A QUESTION” .....	124

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7.2	APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR .....	126
7.3	TASMANIAN WEED ACTION FUND PROJECT FOR DROUGHT EFFECTED FARMERS .....	129
7.4	SWANSEA COURTHOUSE MANAGEMENT COMMITTEE INC.....	131
8.	NOTICES OF MOTION .....	133
9.	PETITIONS .....	134
10.	QUESTIONS WITHOUT NOTICE.....	135
11.	CONFIDENTIAL ITEMS (CLOSED SESSION).....	137
12.	CLOSE.....	137

## 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, this meeting will be held remotely via video conference. 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 Acting 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 Acting 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**

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### **2.1 Ordinary Meeting of Council – 28 July, 2020**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held Tuesday 28 July 2020 at 2.00pm be confirmed as a true and correct record.

### **2.2 Special Meeting of Council – 14 August, 2020**

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#### **RECOMMENDATION**

That the Minutes of the Special Meeting of Council held Friday 14 August 2020 at 2.00pm be confirmed as a true and correct record.

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## **2.3 Date and Purpose of Workshop/s Held**

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### **Tuesday 11 August 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 11 August 2020 via remote conference.

#### **Present**

Acting Mayor Jenny Woods  
Acting Deputy Mayor Grant Robinson  
Cllr Chery Arnol  
Cllr Keith Breheny  
Cllr Annie Browning  
Cllr Rob Churchill (*from 1.00pm*)  
Cllr Michael Symons (*from 3.15pm*)

#### **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 Melanie Kelly, Manager Natural Resources (in part)  
Dr Nicky Meeson (in part)

#### **Guests**

Representatives – Tasmanian Parks & Wildlife Services

#### **Agenda**

- Orford Bird Sanctuary & Coastal Erosion (Swanwick) – Discussion with representatives from Tasmanian Parks & Wildlife
- Weed Action Fund
- Emergency Management Plan & Dolphin Sands Emergency Plan – Verbal Update
- Code of Tenders & Purchasing Policy
- Review of Public Question Time Procedures
- WELD Report (Confidential Legal Advice)
- 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

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***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](mailto:general.manager@freycinet.tas.gov.au) or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.***

## 3.2 Questions on Notice

### Mr Yon Kikkert

*Could Council please provide full breakdown on income and expenditure, including stock and staffing costs, for the three Visitor Information Centres?*

### Response from the Acting General Manager, Mrs Marissa Walters

In responding to Mr Kikkert's question, the following details are provided:

### Profit and Loss - VICs

Glamorgan Spring Bay Council

For the year ended 30 June 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
<b>Trading Income</b>						
Rate Revenue	318,497	318,497	0	0%	318,497	
User Charges	320,628	315,000	5,628	2%	315,000	
Other Revenue	60,626	53,500	7,126	13%	53,500	
<b>Total Trading Income</b>	<b>699,752</b>	<b>686,997</b>	<b>12,755</b>	<b>2%</b>	<b>686,997</b>	
<b>Gross Profit</b>	<b>699,752</b>	<b>686,997</b>	<b>12,755</b>	<b>2%</b>	<b>686,997</b>	
<b>Operating Expenses</b>						
Employee Costs	474,290	497,617	(23,327)	-5%	497,617	1
Materials & Services	212,832	185,380	27,452	15%	185,380	2
Depreciation	2,511	4,000	(1,489)	37%	4,000	
<b>Total Operating Expenses</b>	<b>689,634</b>	<b>686,997</b>	<b>2,637</b>	<b>0%</b>	<b>686,997</b>	
<b>Net Profit</b>	<b>10,118</b>	<b>0</b>	<b>10,118</b>	<b>0%</b>	<b>0</b>	

#### Notes

- Employee Costs are down on forecast for the year due to the redeployment of VIC staff to other departments due to COVID-19.
- Stock purchases are included in materials and services.

## **4. PLANNING AUTHORITY SECTION**

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**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 Report on Representations to the Draft Glamorgan Spring Bay Council Local Provisions Schedule

Responsible Officer – Senior Planning Consultant

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### ATTACHMENT/S

1. Planning Authority Report under Section 35 of the *Land Use Planning and Approvals Act 1993*
2. De-Identified Representations.

The purpose of this report is to determine the Planning Authorities position on the representations that were lodged to the exhibition of the Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (Commission) pursuant to section 35F and 35G of the Land Use Planning and Approvals Act 1993 (Act).

### BACKGROUND/OVERVIEW

Council endorsed the draft Local Provision Schedule and submitted to the Commission. The Commission completed their initial assessment and directed that the draft LPS be notified in accordance with the requirements of the Act.

The LPS was notified in accordance with the Act from 13 December 2019 to 15 February 2020. Due to the requirements of the Acts Interpretation Act 1931, section 29(4), the period was extended to 17 February 2020.

During this period, 54 representations were received. In addition, three late representations were put to Council for endorsement and assessment, as they relate to the LPS process. Observations suggest that education of the community about this process should have been better. Council may wish to raise this issue with the planning policy unit or the Local Government Association of Tasmania to seek improved education outcomes.

### STATUTORY IMPLICATIONS

The Act requires that the draft LPS is notified as follows:

- It is on exhibition for a period of 60 days (13 December 2019 to 15 February 2020);
- a notice was placed in the local papers on two separate occasions;
- copies of the draft LPS were available for viewing at the Council office for the notification period; and
- the draft LPS was available from Councils website under the Major Projects section for this period, with advice on how to make a representation; and
- Copies of the LPS were available for viewing at the Council office in Triabunna.

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
  - whether the draft LPS should be modified; and
  - if recommended to be modified, the effect on the draft LPS as a whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft LPS.

Having considered the representations, Section 35G of the Act provides for the planning authority to provide advice to the TPC in a notice, that the planning authority is of the opinion that the State Planning Provisions (SPP's) should be altered. The Act however, contains a particular complexity in that any submissions by a party that the SPP's should be altered cannot be regarded as a representation.

This report, and the subsequent decision of the planning authority, is made up of two parts that address separately the planning authority's report under Section 35F and the planning authority's notice under Section 35G.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made. The TPC will then seek the agreement of the Minister for Planning for the final form of the Meander Valley LPS before it is approved and commences operation.

There is no legislative process prescribed for a notice submitted by the planning authority under Section 35G.

The existing delegations to staff do not deal with this process. Additional delegations will be required to staff to function with the process of hearings and making submissions to the Commission for and on behalf of Council. Delegation also is required to

### **BUDGET IMPLICATIONS**

Budget implications of the current process form part of Council's operational costs and statutory obligations as a planning authority.

### **RISK CONSIDERATIONS**

Identified risks are considered to be addressed by the Planning Authority observing the statutory process.

A recommendation is provided to deal with the assessment of the representations, serve notice on the Commission for changes to the SPP's and provide delegations for operational functions of the decision and subsequent process for the hearings.

### **RECOMMENDATION**

#### **Recommendation**

1. That the Planning Authority endorse '*1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule*' of Attachment 1 as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.
2. That the Planning Authority endorse '*2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions*' of Attachment 1 as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.
3. That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Executive Manager Development (or persons acting in those positions) its powers and functions to:
  - a) modify the reports submitted under sections 35F and 35G if a request is received from the Tasmanian Planning Commission for further information; and
  - b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

## 4.2 Subdivision Application 2020 / 7

### 52 Charles Street, Orford (CT 135657/2)

<b>Proposal</b>	Subdivision into 8 lots
<b>Applicant</b>	A.C.N. 625 477 054 Pty Ltd
<b>Application Date</b>	14 February 2017
<b>Statutory Date</b>	28 August 2020 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	General Residential
<b>Codes</b>	1.0 Bushfire-Prone Areas, 5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management
<b>Use</b>	Class: Residential subdivision. Type: Discretionary
<b>Development</b>	Discretionary
<b>Discretions</b>	Five
<b>Representations</b>	One
<b>Attachments</b>	A – Application Documents B – Representations C – Engineering Report
<b>Author</b>	External Planning Consultant

### Executive Summary

Planning approval is sought for an 8 lot residential subdivision at 52 Charles Street, Orford (the subject site) and demolition of two existing structures. Stormwater is proposed to be drained across 46 Charles Street and 5 Prosser Street to the north of the site. The subject site is zoned General Residential zone and is partially within the Landslide Hazard Area (low) overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.7.2 of the planning scheme. The proposal does not meet the Acceptable Solution of the following development standards:

- D10.6.1 A2 Minimum building area (all lots are subject to Codes)
- D10.6.1 A4 Internal lots are proposed
- D10.6.1 A5 Subdivision is for more than 3 lots
- E5.5.1 A3 Increased use of existing road access
- E7.7.1 A2 Water Sensitive Urban Design

The proposal was advertised for two weeks from 1 July to 15 July 2020. One representation was received.

This report assesses the proposal against the Performance Criteria for the standards listed above and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 28 August 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 met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

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

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

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

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

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

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

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

### **3. The Proposal**

Approval is sought for an 8 lot residential subdivision with vehicular access provided off Mary Street for proposed lots 3 -8 and off Charles Street for lots 1 and 2. The proposed lots range in size from 667 m<sup>2</sup> (lot 7) to 1050 m<sup>2</sup> (lot 6). Approval is also sought for the demolition of two existing structures located to the in the northeast corner of the site. Stormwater generated by the subdivision is proposed to be drained across 46 Charles Street and 5 Prosser Street to the north of the site.

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

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

Recommended conditions include options for financial contributions to be made to Council for stormwater treatment and stormwater capacity upgrades. The contribution for treatment imposes no timeframe on Council to undertake works or spend the contribution. The contribution for capacity upgrades is only applicable if Council already has an approved works programme. The acceptance of any financial contribution is solely at Council's discretion and as such is not considered to pose any risk.

## 5. Background and past applications

The property has previously been subject to a subdivision application for a similar lot layout under SA 2019/10 which was subsequently withdrawn. The current application was lodged on 15 March 2020 and was made valid on 17 June 2020.

A revised submission was submitted in May 2020 with a slightly different stormwater easement arrangement however the proposed lot layout remained the same as originally submitted.

## 6. Location

The subject site is located at 52 Charles Street and has dual frontage with Mary Street which adjoins the sites western boundary. The site is approximately 500 m south of the Orford local business area and approximately 540 m west of Orford Beach (see Figure ).

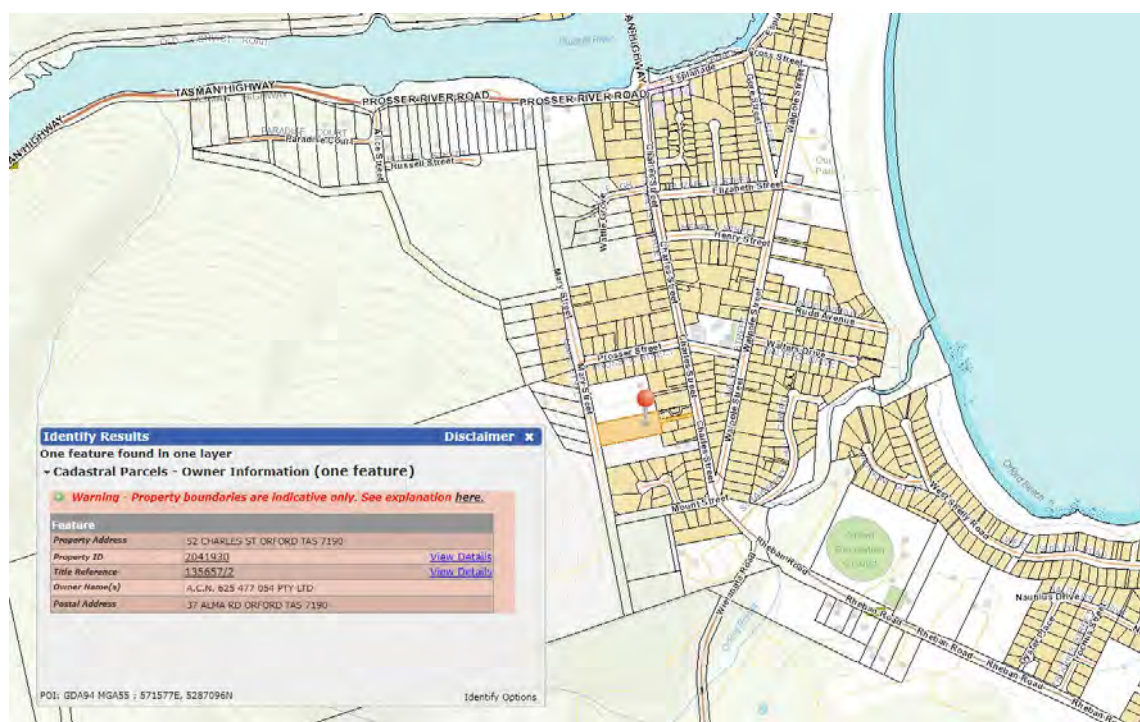


Figure 1 – 52 Charles Street, Orford (LISTmap)

## 7. Site Description

The site has dual street frontage to both Charles Street to the east and Mary Street to the west and has an overall area of 6,837 m<sup>2</sup>. The site contains two sheds and scattered vegetation but is otherwise undeveloped (Figure 2). The site is a regular shaped lot with an approximately 70 m x 7.2 m access handle connecting to Charles Street at the eastern boundary. The site rises approximately 29 m from the eastern frontage to the southwest corner. The site is fully serviced with reticulated water and sewer.



**Figure 2 – 52 Charles Street, Orford outlined in blue. Lots subject to the proposed stormwater drainage easements outlined in red (LISTmap)**

## 8. Planning Instruments

### 1) Glamorgan Spring Bay Planning Scheme 2015

- 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

## 9. Easements and Services

- Right of Way (private) easement over the access handle towards the eastern boundary of the lot.
- TasWater sewer and water mains within the Charles Street road reserve.
- TasWater sewer and water mains within the Mary Street road reserve.
- Fencing provision easement, stating that the vendor shall not be required to fence.

It is noted that the amended subdivision plan has been sent to TasWater for their review and at the time of writing this report, an amended TasWater SPAN had not yet been received. As the amended subdivision plan had only minor changes to that originally supported by TasWater in their SPAN dated 22 May 2020 it is considered unlikely that TasWater will raise concerns with the revised layout. However, an updated TasWater SPAN must be received and referenced in the conditions of consent, prior to the application being determined.

## **10. Covenants**

There are no restrictive covenants listed on the title.

### **PART TWO**

## **11. Meeting the Standards – via Acceptable Solution**

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

- 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

All bar five standards were met by Acceptable Solution. These are assessed against the applicable performance criteria below.

## **12. Meeting the Standards – via Performance Criteria**

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

- D10.6.1 A2 Minimum building area (all lots are subject to Codes)
- D10.6.1 A4 Internal lots are proposed
- D10.6.1 A5 Subdivision is for more than 3 lots
- E5.5.1 A3 Increased use of existing road access
- E7.7.1 A2 Water Sensitive Urban Design

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 28 August 2020.

## PART THREE

### 13. Assessing the proposal against the Performance Criteria

#### Use and Development Standards under the General Residential Zone

#### Development Standards for Subdivision – Lot Design (D10.6.1)

The objective of the lot design standards is:

To provide for new lots that:

- (a) *Have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements; and*
- (b) *Contain building areas which are suitable for residential development, located to avoid hazards; and*
- (c) *Are a mixed of lot sizes to enable a variety of dwelling and household types; and*
- (d) *Are capable of [providing for a high level of residential amenity including privacy, good solar access, and passive surveillance of public spaces;*
- (e) *ensure an average net density for new suburban areas no less than 15 dwellings per hectare with higher densities close to services, facilities and public transport corridors;*
- (f) *are not internal lots, except if the only reasonable way to provide for desired residential amenity;*
- (g) *are provided in a manner that provides for the efficient and ordered provision of infrastructure.*

Performance Criteria	Planner's response
<b>Clause 10.6.1 A2</b>	All eight building areas within the proposed subdivision are subject to the Bushfire-Prone Area code. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A2 and has been assessed against the corresponding performance criteria.
<b>P2</b> The design of each lot must contain a building area able to satisfy all of the following: (a) be reasonably capable of accommodating residential use and development.	Each lot within the proposed subdivision is capable of accommodating a 10 x 15 m building area on a lot of no less than 601 m <sup>2</sup> (excluding access strips), thus providing lots which are slightly larger than the minimum lot size required under Table 10.1. The slightly larger lot sizes will allow for any additional measures required to address bushfire requirements and management of stormwater within each lot as well as to provide sufficient area to respond to site topography.  Future residential development on all lots will be serviced by reticulated water and sewer infrastructure.  It is therefore considered that each lot is reasonably capable of accommodating residential use and development, consistent with P2(a).

Performance Criteria	Planner's response
(b) meets any applicable standards in codes in this planning scheme.	<p>The proposed subdivision meets all applicable standards under the following codes:</p> <ul style="list-style-type: none"> <li>• Bushfire-Prone Areas</li> <li>• Road and Railway Assets</li> <li>• Parking and Access</li> <li>• Stormwater Management</li> </ul> <p>The proposal is consistent with the requirements of P2(b).</p>
(c) enables future development to achieve maximum solar access, given the slope and aspect of the land.	<p>The site slopes down towards the eastern boundary, and the alignment of each lot runs west to east.</p> <p>Each lot is capable of providing a building area with the long axis facing due north, therefore maximising the opportunity for solar access for future residential development.</p> <p>In addition, although the subdivision includes lots which are located to the north of another lot, the building areas will be separated by an access corridor and/or a drainage easement corridor which are located centrally within the subdivision. Due to this, adequate separation will be maintained between future dwellings to ensure overshadowing of development on the southern lots is minimised.</p> <p>The proposal is consistent with the requirements of P2(c).</p>
(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development.	<p>The site has a slope of 1:4 which falls down towards the eastern boundary.</p> <p>Sufficient area is provided on each lot so as to allow development to be positioned and designed in a way that minimises the need for earthworks. In addition, the proposed access handles to lots 5 - 8 are located so that the private driveway and parking area for each lot can be provided at the same contour as a future dwelling, thus minimising the need for additional excavation and/or fill. It is considered that proposed lots 1 and 2, which are access off Charles Street, will share a single driveway located within the access handle.</p> <p>The proposal is consistent with the requirements of P2(d).</p>
<p>(e) provides for sufficient useable area on the lot for both of the following;</p> <ul style="list-style-type: none"> <li>(i) on-site parking and manoeuvring</li> <li>(ii) adequate private open space</li> </ul>	<p>The proposed lots range in size from 601 m<sup>2</sup> up to 799 m<sup>2</sup> (excluding access strips) which is more than the minimum lot size required under Table 10.1 but does not exceed the maximum lot size allowable.</p> <p>Proposed lots 3 and 8 have direct street frontage onto Marry Street at the western boundary and are provided with separate vehicular access. Sufficient area is available for both onsite vehicle parking located behind the building line as well as onsite turning, should it be required.</p> <p>Proposed lots 4 – 7 are provided with a minimum 3.6 m wide access handle off Mary Street. Sufficient area is available for onsite vehicle parking on these lots.</p>

Performance Criteria	Planner's response
	<p>Proposed lots 1 and 2 have an overall area of 720 m<sup>2</sup> and 690 m<sup>2</sup> respectively (excluding the access strips) which is sufficient to provide onsite parking and turning.</p> <p>It is noted that whilst the site is within a bushfire-prone area, a fire-fighting vehicle will not be required to enter any of the proposed lots in order to access a water supply as the bushfire report submitted with the application requires the installation of a fire hydrant at the Mary Street frontage which will service lots 3 - 8. Proposed lots 1 and 2 were classified as BAL-LOW and therefore do not require any specific bushfire protection measures such as a water supply for firefighting.</p> <p>A minimum area of approximately 200 m<sup>2</sup> is available on each lot for use as private open space.</p> <p>The proposal is consistent with the requirements of P2(e).</p>
<b>Clause 10.6.1 A4</b>	<p>Proposed lots 1, 2 &amp; 4 – 7 are internal lots. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A4 and has been assessed against the corresponding performance criteria.</p>
<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(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>	<p>Proposed lots 1 and 2 gain access from Charles Street to the east and proposed lots 4 – 7 gain access from Mary Street to the west. Both of these roads existed prior to the current planning scheme coming into effect.</p> <p>The proposal is consistent with the requirements of P4(a).</p>
<p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot.</p>	<p>The subject site is an elongated lot with a maximum width of 48.12 m at the Mary Street frontage. This is insufficient width to efficiently subdivide the land whilst also accommodating a standard road corridor which are typically 20 m in width including the road reservation, kerb, gutter and pedestrian pathways.</p> <p>The proposal is consistent with the requirements of P4(b).</p>
<p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot.</p>	<p>The proposed subdivision layout is considered the only reasonable way to subdivide the land efficiently, maintain regular shaped lots and utilise both street frontages.</p> <p>The proposal is considered to be consistent with the performance criteria under P4(c).</p>
<p>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure.</p>	<p>The proposed subdivision layout is considered to efficiently utilise the land available and achieve the anticipated lot density envisaged in the general residential zone.</p> <p>The site is fully serviced with reticulated water and sewer infrastructure at both the Charles Street and Mary Street frontages.</p>

Performance Criteria	Planner's response
	The proposal satisfies performance criteria (d).
(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use.	<p>Sufficient area is available on each lot so that future development of the land will readily achieve the minimum setback requirements from side, rear and front boundaries. This will ensure that sufficient separation is maintained between future development within the subdivision and existing or future development of adjoining general residential zoned land.</p> <p>As a result, the amenity of neighbouring land is considered unlikely to be adversely affected in terms of amenity (noise, overshadowing, visual intrusion) impacts.</p> <p>The proposal satisfies performance criteria (e).</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 3.6 m.	<p>Each internal lot is provided with a minimum 3.6 m wide access strip which is connected to either Charles Street to the east of Mary Street to the west.</p> <p>The proposal satisfies performance criteria (f).</p>
(g) passing bays are provided at appropriate distances to service the likely future use of the lot.	<p>The combined width of the private access handles for lots 4 – 7 are sufficient to accommodate passing bays. It is anticipated that a single driveway will be constructed in the location of the proposed access handles for lots 1 and 2. A combined width of 7.2 m will therefore be available within the access way which is sufficient for vehicle passing.</p> <p>The proposal is considered to meet the requirements of performance criteria (g).</p>
(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.	<p>There is a total of 4 access strips for lots 4 – 7, therefore each access strip is combined with no more than 3 other access strips. As discussed under (b) above, it is not possible to provide a new public road as part of the subdivision.</p> <p>The proposal satisfies performance criteria (h).</p>
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	The proposal will satisfy performance criteria (i) subject to condition of consent.
(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 areas of public open space or public rights of way within the proposed subdivision or on immediately adjoining land. Performance criteria (j) is not applicable.
<b>Clause 10.6.1 A5</b>	<p>The proposed subdivision is for a total of 8 lots which exceeds that under the acceptable solution.</p> <p>As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A5 and has been assessed against the corresponding performance criteria.</p>

Performance Criteria	Planner's response
<p><b>P5</b></p> <p>Arrangement and provision of lots must satisfy all of the following:</p> <p>(a) have regard to providing a higher net density of dwellings along;</p> <p>(i) public transport corridors;</p> <p>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</p> <p>(iii) within 200 m of business zones and local shops.</p>	<p>The site is located within 150 m of a school (Orford Primary School) and is approximately 390 m south of a local business zone 530 m from the Orford local business area. The site is also located within 400 m of the Orford Bowls and Cricket Club oval and 420 m west of the Orford Beach Foreshore.</p> <p>In addition, the site has frontage to Charles Street which is the main through road connecting to the Tasman Highway to the north at Prosser Bridge and Rheban Road which connects to Spring Beach further to the southeast.</p> <p>As such, the proposal will provide additional residential lots within close proximity of local services, public open space and recreation areas and is well connected to the main transport corridors for the area, primarily the Tasman Highway.</p>
<p>(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone.</p>	<p>The proposed subdivision utilises the entirety of the subject lot and the lot sizes are at a density that is envisaged for the zone.</p> <p>The proposal satisfies performance criteria (b).</p>
<p>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure.</p>	<p>No staging is proposed, therefore performance criteria (c) is not applicable.</p>
<p>(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces.</p>	<p>Future development on proposed lots 1 and 2 will be located behind existing development at 50, 54A and 54B Charles Street. However, future development on the lots will not obstruct the existing view line and passive surveillance achieved from 50, 54A and 54B.</p> <p>Proposed lots 3 and 8 will have direct frontage onto Mary Street, providing ample passive surveillance of the public road reserve.</p> <p>The proposal is considered to satisfy the requirements of performance criteria (d).</p>
<p>(e) is consistent with any applicable Local Area Objectives or Desired Future.</p>	<p>There are not local area objectives or desired future character statements applicable to the zone. Performance criteria (e) is not applicable.</p>

## Use and Development Standards under the Road and Railway Assets Code

### Use Standards – Existing road accesses and junctions (E5.5.1)

The objective of the use standard is:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Performance Criteria	Planner's response
<b>Clause 5.5.1 A3</b>	The use of the existing access off Charles Street will service 2 lots rather than 1, therefore increasing use by more than 20% or 40 vehicle movements per day.
<p><b>P3</b></p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60 km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use.</li> <li>(b) the nature of the traffic generated by the use.</li> <li>(c) the nature and efficiency of the access or the junction.</li> <li>(d) the nature and category of the road.</li> <li>(e) the speed limit and traffic flow of the road.</li> <li>(f) any alternative access to a road.</li> <li>(g) the need for the use.</li> <li>(h) any traffic impact assessment; and</li> <li>(i) any written advice received from the road authority.</li> </ul>	<p>Proposed lots 1 and 2 will utilise an existing access off Charles Street, at the site's eastern boundary. The application was referred to council's development engineer who assessed the proposal in regard to the safety of the access and the likely implications on the efficiency of the road network.</p> <p>The proposal is for residential subdivision and it is anticipated that proposed lots 1 and 2 will be developed for residential purposes. As such, the access will be used for residential purposes only and is not expected to result in a significant increase in traffic movements or generate an adverse impact on the local traffic network.</p> <p>The existing access onto Charles Street is required to be upgraded/constructed for the full length of the access strips to lots 1 and 2. This will ensure that the access is constructed to council standards and allows for the safe and efficient movement of vehicles to and from the site. This requirement has been incorporated into the conditions of consent.</p> <p>The proposal satisfies performance criteria P3.</p>

## Development Standards under the Stormwater Management Code

### Development Standards – Stormwater Drainage and Disposal (E7.7.1)

The objective of the use standard is:

To ensure that stormwater quality and quantity is managed appropriately.

Performance Criteria	Planner's response
<b>Clause 7.7.1 A2</b>	The proposed subdivision did not incorporate water sensitive urban design principles therefore the proposal has been assessed against the performance criteria under P2.
<b>P2</b> A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.	<p>The application involves more than 5 lots. As such, Water Sensitive Urban Design principles are required for the treatment and disposal of stormwater.</p> <p>The applicant has not addressed this requirement. The practicality of implementing WSUD principles within this subdivision is limited given it creates no open space or road reservation. A condition requiring the developer implement WSUD principles or alternatively make a financial contribution to Council for stormwater treatment in a more appropriate location has been incorporated into the recommended conditions of consent.</p> <p>An amended stormwater management report from a suitably qualified person will be required to demonstrate compliance with the conditions prior to engineering plans being approved.</p> <p>The proposal satisfies performance criteria P2 subject to condition.</p>

#### 14. Referrals

The application was referred to Council's Engineering Consultant, who provided input to this report.

The application has also been referred to TasWater on several occasions. However, at the time of writing this report, an amended TasWater SPAN reflecting the latest subdivision plan had not yet been received. As the amended subdivision plan had only minor changes to that originally supported by TasWater in their SPAN dated 22 May 2020 it is considered unlikely that TasWater will raise concerns with the revised layout. However, an updated TasWater SPAN must be received and referenced in the conditions of consent, prior to the application being determined.

#### 15. Concerns raised by representors

The following table summarises the issues raised by the representor. Matters relating to the management of stormwater and vehicle access have been responded to with input from council's development engineer. The representation is provided in full at Attachment B.

Representation 1	Engineer's response
<p>1) Demolition of existing sheds - this will probably contain asbestos and would like assurance that this will be removed safely.</p> <p>2) runoff/stormwater - an inordinate amount of water is collected on and runs down 52 Charles St during a rain event. The last rain event caused significant run off and water damage at my property, [REDACTED], with wash out onto Charles St. In my view, this will be exacerbated by additional hard areas as part of the development. I think as part of the subdivision, Council should require the developer to collect and appropriately divert the runoff into the stormwater system.</p> <p>3) Unless the angle of the driveway crossover at 52 Charles St onto Charles St is altered, trucks etc will not be able to access the newly subdivided blocks that way.</p> <p>4) In my view, 20 additional blocks from 52 Charles St and the adjoining development, is overdevelopment and will change the social/cultural fabric of this area of Orford. It is too much.</p>	<p>1) A condition has been imposed on the consent to ensure that demolition is undertaken safely and waste materials, including potential asbestos, are taken off site and disposed of appropriately.</p> <p>2) A piped stormwater system serving the new lots connected to the public stormwater system will be provided as part of the subdivision.</p> <p>3) Vehicle access provided off Charles Street will serve proposed lots 1 and 2. A condition has been imposed on the consent which requires the access to be constructed in accordance with council's standards for residential accesses and be subject to engineering design approval. This standard of access will be able to accommodate construction vehicles required for typical residential scale development.</p> <p>4) Whilst it is acknowledged that the proposed subdivision will result in additional residential dwellings within the area, the proposed lot size and overall density is commensurate with that envisaged for the general residential zone.</p> <p>In addition, the site is fully serviced by reticulated water and sewer and therefore the proposal will also fulfill zone purpose statements 10.1.1.1 and 10.1.1.3 which are</p> <p>"To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided" and "to provide for the efficient utilisation of services".</p> <p>In addition, the subject site is located at the western extent of general residential zoned land in Orford, with land on the opposite side of Mary Street being predominantly larger rural resource and low density residential lots. As such, the proposal will provide a clear delineation between the residential part of Orford and the low density, rural residential character surrounding to the south and west.</p>

## 16. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

## 17. 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, Subdivision Application 2020 / 7, to subdivide an existing lot into 8 residential allotments at 52 Charles Street, Orford (CT 135657/2) with stormwater drainage across 46 Charles Street (CT 252719/5) and 5 Prosser Street (CT 8012/4) be approved with the following conditions:

### Subdivision

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.  
  
Advice: Any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.
2. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
4. The development must be in accordance with the Bushfire Hazard Management Plan and Report prepared by Jacqui Blowfield (IreneInc Planning and urban Design), dated 26 May 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
5. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.

### Engineering

7. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or require by conditions of this permit.
8. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
9. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - a) all existing and proposed services required by this permit;
  - b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.

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

### Services

11. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
12. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
  - a) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

*Advice: The stormwater network downstream of the subdivision has insufficient capacity to accommodate increased runoff from the subdivision. The developer will need to provide detention to limit flows from the subdivision and/or upgrade downstream infrastructure to accommodate any increase in flows generated by the subdivision. Any detention or upgrades are to be based on detailed design calculations submitted in conjunction with engineering plans for approval by Council. Council may, at the discretion of the Works Manager, accept a financial contribution, equal to no less than the total cost of implementing detention to limit flows from the subdivision to pre-existing, subject to Council having a stormwater management plan in place for the catchment and works programme approved for capacity upgrades.*

13. New stormwater pipework within the subject property and extending to the existing public stormwater system in Prosser Street must be designed to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed, irrespective of whether private stormwater detention is to be provided on individual lots.
14. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an [ARI](#) of 100 years.
15. Where on site detention is provided or required on individual lots each lot must be subject to an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 that is entered into prior to the sealing of the final plan of survey in order to manage the installation and maintenance of on-site stormwater detention to the effect that:
  - a. the owners of each lot must install and maintain rainwater detention tanks with diversion devices to collect all stormwater runoff from roofed areas, of a size and type to be determined and shown in the engineering design drawings;
  - b. The design details for (a) above are included in the agreement in a clear, readily understandable manner.

The agreement must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles at no cost to Council.

16. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively:

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

17. Prior to, or in conjunction with, the submission of Engineering Design Drawings the developer must submit an amended Stormwater Infrastructure Drainage Report, including detailed calculations, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
18. Upon completion of works the engineer certifying the Stormwater Infrastructure Drainage Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **TasWater**

19. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2020/00648-GSB, dated 18 August 2020.

#### **Telecommunications and electrical reticulation**

20. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
21. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
22. Prior to sealing the final plan of survey the developer must submit to Council:
  - (a) Evidence that each lot has existing electrical and telecommunication connections; or
  - (b) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - (c) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

#### **Road and Access**

23. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
24. A vehicular access including concrete driveway apron and kerb crossover must be provided to each lot from the road carriageway to the property boundary, in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager. The vehicular accesses must be provided as follows:
  - (a) Separate vehicular accesses from Mary Street must be provided to Lots 3 and 8.

- (b) A single, shared vehicular access from Mary Street must be provided to Lots 4 to 7.
  - (c) A single, shared vehicular access from Charles Street must be provided to lots 1 and 2.
25. To the satisfaction of Council's General Manager, the shared vehicular accesses to Lots 1 and 2, and to Lots 4 to 7, must be constructed for the entire length of the access strips to the lot proper. The driveways 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*, Council standards, and must include:
- (a) 5.5 metre min. width carriageway to provide 2 way access located at least 0.3m from any side boundary
  - (b) Constructed with a durable all weather pavement
  - (c) Sealed Surfaced (The surfacing material must be concrete from the kerb to the property boundary. The surfacing material within the property must be asphalt, concrete, pavers or other approved material.)
  - (d) Stormwater drainage.

### Water Quality

26. A soil and water management plan (here referred to as a '**SWMP**') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
27. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
28. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
29. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

### Construction

30. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
31. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
32. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.
33. Vehicles associated with construction workers must be parked on site.
34. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:

- a. Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.
- b. Not burn debris or waste on site
- c. Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
- d. Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
- e. Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.
- f. Erect suitable barriers to ensure native vegetation is not damaged during construction works.
- g. Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

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

35. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.
36. Native vegetation must not be removed, lopped, ring-barked or otherwise wilfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.

#### **'As constructed' drawings**

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

### Maintenance and Defects Liability Period

38. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
39. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.
40. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the whole plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

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

### THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date it was issued to you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council General Manager or otherwise extended by written consent.
- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- i. All approved engineering design drawings will form part of this permit on and from the date of approval.
- j. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)
  - *Weed Management Act 1999* (Tasmanian)

- *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- k. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m<sup>2</sup> and the burning of plastics, and other non-wood or non-vegetative material.
  - l. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
  - m. Land Title Office fees must be paid directly to the Recorder of Titles.
  - n. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
  - o. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
  - p. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
  - q. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
  - r. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
  - s. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
  - t. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
  - u. The applicant is advised to contact Private Forests Tasmania (03 62337640) to discuss alterations to the existing Private Timber Reserve boundary to exclude the area required for the dwelling.
  - v. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dpipwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
  - w. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

## 4.3 Subdivision Application 2020 / 9

### 66 Alma Road, Orford (CT 35054/1)

<b>Proposal</b>	<b>Subdivision into 11 lots plus balance</b>
<b>Applicant</b>	Nick Griggs & Co.
<b>Application Date</b>	15 April 2020
<b>Statutory Date</b>	28 August 2020 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	Low Density Residential
<b>Codes</b>	1.0 Bushfire-Prone Areas, 5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management, 11.0 Waterway and Coastal Protection, 15.0 Inundation Prone Areas
<b>Use</b>	Class: Residential subdivision. Type: Discretionary
<b>Development</b>	Discretionary
<b>Discretions</b>	Thirteen (13)
<b>Representations</b>	Four (4)
<b>Attachments</b>	A – Application Documents B – Representations C – Engineering Report D – Holkham Court Storm Water Assessment
<b>Author</b>	External Planning Consultant

### Executive Summary

Planning approval is sought for an 11 lot residential subdivision plus balance of title at 66 Alma Road, Orford (the subject site). The balance of title is proposed as public open space with an associated drainage function.

The subject site is zoned Low Density Residential and is within the Waterway and Coastal Protection Area overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.7.2 of the planning scheme. The proposal is reliant on Performance Criteria and is subject to the discretionary assessment process. Discretions relate to lot design, public open space, vehicle access, waterway protection and inundation.

The proposal was advertised for two weeks from 29 July to 12 August 2020. Four representations were received.

This report assesses the proposal against the relevant Performance Criteria and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 28 August 2020.

The officer's 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 met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

4. Adopt the recommendation
5. Vary the recommendation
6. 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:

3. By Acceptable Solution, or if it cannot do this,
4. 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**

Approval is sought for an 11 lot residential subdivision plus balance of title. The balance of title is proposed to be contributed as public open space.

The proposal seeks to develop a new creek channel and detention pond within the public open space to manage stormwater. In addition, the proposal includes landscaping in the public open space to reinstate natural values.

Vehicular access to lots is provided off Alma Road, with either direct lot access or shared right of way access. The proposed lots are as follows:

Lot 1 – 1001m<sup>2</sup> with private access

Lot 2 – 1000m<sup>2</sup> with private access

Lot 3 – 1033m<sup>2</sup> with private access

Lot 4 – 1472m<sup>2</sup> internal lot with right of way access

Lot 5 – 2389m<sup>2</sup> internal lot with right of way access

Lot 6 – 2136m<sup>2</sup> with right of way access

Lot 7 – 2439m<sup>2</sup> internal lot with right of way access

Lot 8 – 2496m<sup>2</sup> internal lot with right of way access

Lot 9 – 2346m<sup>2</sup> internal lot with right of way access

Lot 10 – 2500m<sup>2</sup> internal lot with right of way access

Lot 11 – 2300m<sup>2</sup> with private access

Lot 100 – 2296m<sup>2</sup> public open space

The proposal is to be developed in 3 stages. Stage 1 being lots 1-5. Stage 2 being lots 6-8 and 100. Stage 3 being lots 9-11. Application documents are provided in Attachment A.

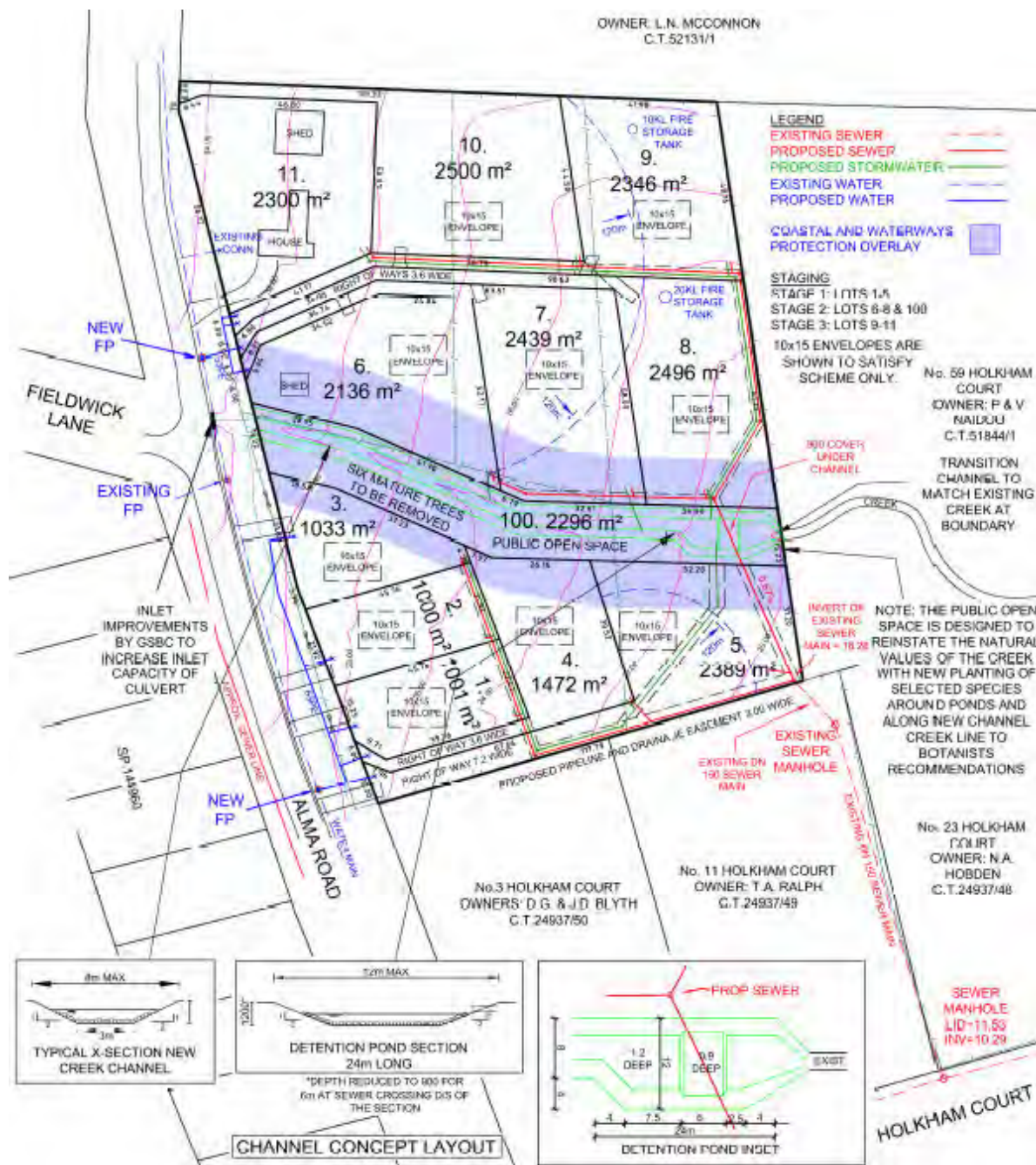


Figure 3 – Plan of Subdivision (source: Nick Griggs & Co.)

#### 4. Risk and implications

Approval of this application would have ongoing financial implications for Council regarding the operation and maintenance of public open space and drainage associated with proposed Lot 100. Part of the public open space would also need to be managed by Council as a Bushfire Hazard Management Area.

Stormwater management in the area is currently inadequate. There is a need for Council to upgrade stormwater infrastructure in the area irrespective of the proposed development being approved or refused. Approval could provide a mechanism (by way of condition) for the developer to contribute to the upgrades. Further risks associated with implementing stormwater management are detailed in the Engineering Report provided as Attachment C.

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

## 5. Background and past applications

The site has been subject to numerous past subdivision applications, as follows:

- An application to subdivide was made in 2008, which lapsed.
- An application to subdivide was made in 2016 for 16 lots plus road. This was withdrawn in September 2019.
- An application to subdivide was made in September 2019 for 14 lots plus road and public open space. This was withdrawn in April 2020.

The proposed subdivision has responded to issues raised by Council officers during the assessment of past applications, namely regarding the minimisation of impacts on natural values and removal of the previously proposed cul-de-sac.

## 6. Location

Alma Road is in Orford, north of the Prosser River and west of the Tasman Highway. This location features a mix of general and low density residential land in the immediate area, surrounded by a rural and bushland setting. This site context is depicted in Figure 2.



Figure 2 – Location (66 Alma Road is pinned in the top centre-left) (source: LISTmap)

## 7. Site Description

The site comprises 2.34 hectares of gently-sloping, mostly-cleared land used for rough grazing with an existing dwelling and outbuilding. The land slopes from the 30m contour in the north-west corner to the 20m contour in the south-east corner. The contours and an unnamed waterway traversing the land from west to east are shown in Figure 3.



Figure 3 – Site (66 Alma Road is shown by blue outline; waterway is shown by blue hatched area; contours shown by light grey line) (source: LISTmap)

## 8. Planning Instruments

### 2) Glamorgan Spring Bay Interim Planning Scheme 2015

- D12.0 Low Density 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
- E11.0 Waterway and Coastal Protection Code
- E15.0 Inundation Prone Areas Code

## 9. Easements and Services

There are no easements on the property. Mains water runs along Holkham Court and Alma Road. Sewerage runs along the western side of Alma Road and part way along Holkham

Court. There is existing public stormwater infrastructure in the area, typically existing waterways. Services are shown in Figure 4.



Figure 4 – Services (mains water shown by blue line; sewerage shown by red line; stormwater shown by orange lines and arrows) (source: Council's Geographic Information System)

## 10. Covenants

There are no restrictive covenants listed on the title.

## **PART TWO**

### **11. Meeting the Standards – via Acceptable Solution**

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

- D12.0 Low Density 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
- E11.0 Waterway and Coastal Protection Code
- E15.0 Inundation Prone Areas Code

All but thirteen (13) standards were met by Acceptable Solution. For brevity, the Planning Officer's initial assessment of the proposal is not provided here, but can be provided if required.

### **12. Meeting the Standards – via Performance Criteria**

The thirteen (13) standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

- |     |            |  |
|-----|------------|--|
| 1.  | D12.5.1 A2 | Building Area  |
| 2.  | D12.5.1 A3 | Frontage Width   |
| 3.  | D12.5.1 A4 | Internal Lots  |
| 4.  | D12.5.3 A1 | Public Open Space Design                               |
| 5.  | D12.5.3 A2 | Public Open Space Provision                            |
| 6.  | E5.6.2 A2  | Number of Accesses                                     |
| 7.  | E6.7.2 A1  | Design of Accesses                                     |
| 8.  | E6.7.3 A1  | Vehicle Passing Along and Access                       |
| 9.  | E6.7.6 A1  | Driveway Surfacing                                     |
| 10. | E11.7.1 A1 | Works in Waterway Protection Area                      |
| 11. | E11.7.1 A4 | New Stormwater Discharge into Waterway Protection Area |
| 12. | E11.8.1 A1 | Subdivision in a Waterway Protection Area              |
| 13. | E15.8.3 A1 | Subdivision in a Riverine Inundation Hazard Area       |

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 28 August 2020.

## PART THREE

### 13. Assessing the proposal against the Performance Criteria

The following section provides an assessment against for performance criteria for the thirteen discretions identified above, with a brief indication of why the acceptable solution is not met.

#### Discretion 1: D12.5.1 P2 – Building Area

The objective of this lot design standards is:

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

The proposal does not meet the acceptable solution as the location of the building area for Lot 5 is not clear of setback requirements. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P2</b> The design of each lot must contain a building area able to satisfy all of the following: (a) be reasonably capable of accommodating residential use and development.	Each lot within the proposed subdivision is provided with a 10 x 15 m building area on a lot of no less than 1000m <sup>2</sup> , thus providing lots which comply with the minimum lot size requirements. The average lots size for the proposal is 1919m <sup>2</sup> . Future residential development on all three lots will be serviced by reticulated water, sewer, and stormwater infrastructure able to operate via gravity. Lots are of a sufficient size and dimension to allow unencumbered building areas that are capable of accommodating residential use and development. The proposal meets the requirements of P2(a).
(b) meets any applicable standards in codes in this planning scheme.	The proposed subdivision meets all applicable standards under the following codes, as detailed in the equivalent corresponding Planner's responses: <ul style="list-style-type: none"> <li>• Bushfire-Prone Areas</li> <li>• Road and Railway Assets</li> <li>• Parking and Access</li> <li>• Stormwater Management</li> <li>• Waterway and Coastal Protection</li> </ul>

Performance Criteria	Planner's response
	<ul style="list-style-type: none"> <li>Inundation Prone Areas</li> </ul> <p>The proposal meets the requirements of P2(b).</p>
(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land.	<p>The site has a gentle slope down towards the southeast boundary, whereby topography is not expected to have an impact on solar access to future dwellings.</p> <p>The long axis of each building area shown on the proposed plan of subdivision faces due north, therefore maximising the opportunity for solar access for future residential development.</p> <p>In addition, given the relatively large lot sizes, ample space is available on any given lot to facilitate the siting of development to maximise solar gain.</p> <p>The proposal meets the requirements of P2(c).</p>
(d) minimises the requirement for earth works, retaining walls, and cut and fill associated with future development.	<p>The site has a gentle slope down towards the southeast boundary and a relatively level vehicular access is available to each lot.</p> <p>Due to the relatively flat topography of the site, and large lot sizes, future development of each lot will require minimal earthworks to achieve a suitable building pad and area of private open space.</p> <p>The proposal meets the requirements of P2(d).</p>

## Discretion 2: D12.5.1 P3 – Frontage Width

The objective of this lot design standards is:

To provide for new lots that:

- have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- are not internal lots, except if the only reasonable way to provide for desired residential density.

The proposal does not meet the acceptable solution as there are a number of lots with frontages less than 30m. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P3</b> The frontage of each lot must provide opportunity for reasonable vehicular	Each proposed lot within the subdivision is provided with a minimum 6m wide vehicular access which meets the requirements for sight distances and is capable of meeting relevant design standards for crossovers.

Performance Criteria	Planner's response
and pedestrian access and must be no less than: 6m.	Where more than one 6m frontage is adjoining another, a shared driveway is proposed, thereby minimise the opportunity for conflicting traffic movements.  As such, the proposed subdivision can be considered as providing sufficient opportunity for practical and safe vehicular and pedestrian access.  The proposal meets the requirements of P3.

### Discretion 3: D12.5.1 P4 – Internal Lots

The objective of this lot design standards is:

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

The proposal does not meet the acceptable solution as there are a number of internal lots proposed. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P4</b> An internal lot must satisfy all of the following: (a) access is 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;	Lots 4, 5, 7, 8, 9 and 10 are internal lots with access to Alma Road.  There is no alternative opportunity to subdivide the site at the permitted density without introducing internal lots or a new road. A new road is not preferable as it would have more substantial impacts on natural values and stormwater management.  The proposal allows for shared driveways to provide access the internal lots in a relatively efficient manner given site constraints.  The proposal meets the requirements of P4(a).
(b) it is not reasonably possible to provide a new road to create a standard frontage lot	See response to P4(a).  The proposal meets the requirements of P4(b).

Performance Criteria	Planner's response
(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;	See response to P4(a).  The proposal meets the requirements of P4(c).
(d) the lot will contribute to the more efficient utilisation of living land;	See response to P4(a).  The proposal meets the requirements of P4(d).
(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;	<p>The proposed internal lots are, on average, 2273m<sup>2</sup> in area. Access to these lots will be via two shared driveways (one to the north of the waterway serving lots 7-10 and one to the south of the waterway serving lots 4-5).</p> <p>The size of the lots, and the efficiency of accesses proposed, will ensure that a reasonable scale of development occurs on the site.</p> <p>Neighbouring land features a mix of general, low density and rural land use. The proposed low density residential use of the land is consistent with the prevailing use in the area and will introduce a reasonable level of impact on amenity.</p> <p>In addition, the proposed reinstatement and landscaping of the waterway, providing an opportunity for additional public open space to neighbouring residents, will have a positive impact on amenity for the area.</p> <p>The proposal meets the requirements of P4(e).</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>The proposal ensures that internal lots will have access to Alma Road via a minimum 3.6m wide shared right of way.</p> <p>A condition is recommended on any planning permit granted that shared rights of way be no less than 5.5m wide with passing opportunities at appropriate intervals subject to detailed design to the satisfaction of Council's Municipal Engineer.</p> <p>The proposal meets the requirements of P4(f) by way of condition.</p>
(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;	See response to P4(f) above.  The proposal meets the requirements of P4(g).

Performance Criteria	Planner's response
(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;	<p>Lots 7-10 are served by access strips that are combined. Any one access strip is not combined with more than three others.</p> <p>The proposal meets the requirements of P4(h).</p>
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	<p>Application documentation is silent on the surface treatment of shared right of ways. A condition is to be placed on any planning permit requiring that these right of way driveways be sealed.</p> <p>The proposal meets the requirements of P4(i) by way of condition.</p>
(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.	<p>The proposed subdivision layout includes internal lots with boundaries and building envelopes addressing the proposed public open space lot. The public open space lot will form an important natural feature of the subdivision, whereby 6 of the 11 proposed lots will have a boundary facing the open space. The subdivision layout therefore maximises opportunities for future dwellings to provide passive surveillance of the open space.</p> <p>The proposal meets the requirements of P4(j).</p>

## Discretion 4: D12.5.3 P1 – Public Open Space Design

The objective of this lot design standards is:

To ensure that the arrangement of ways and public open space provides for all of the following:

- (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community;
- (b) the adequate accommodation of pedestrian and cycling traffic;

The proposal includes a public open space land contribution, for which there is no acceptable solution. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P1</b> 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;	There are no adjoining ways requiring connection. The proposal facilitates opportunities for future connections to potential drainage and/or public open space areas adjoining the site to the east. This may be beneficial in addressing stormwater issues in the area. The proposal meets the requirements of P1(a).
(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;	Land to the east and south of the site is in the Low Density Residential zone, which has subdivision potential. The proposal includes a central public open space area, which provides opportunities for a future pedestrian connection to land with subdivision potential to the east. To the south, lots are smaller in size and have frontages to Alma Road and/or Holkham Court. Given this, subdivision potential on these lots is not reliant on any through connections to the site. Land to the north is in the Rural Living zone. Subdivision potential of this land is limited by a 1ha minimum lot size and a Biodiversity Protection Area overlay containing threatened native vegetation communities. The proposal meets the requirements of P1(b).
(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;	All lots are afforded direct access and frontage to Alma Road. Rights of way are proposed for internal lots to share a driveway, providing for more efficiency and amenity. The proposal meets the requirements of P1(c).

Performance Criteria	Planner's response
(d) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;	<p>Given the elevated position, it is likely that all of the central public open space lot being proposed (Lot 100) will be visible from Alma Road. In addition, the subdivision layout ensures 6 of the 11 lots proposed will have a boundary facing the public open space. Many of these lots will also be elevated above the open space area, providing opportunities for passive surveillance.</p> <p>The proposal meets the requirements of P1(d).</p>
(e) topographical and other physical conditions of the site are appropriately accommodated in the design;	<p>Topographical constraints and physical conditions of the site include the waterway and the slope of the land to the southeast. The waterway contains important mature native vegetation.</p> <p>The subdivision design accounts for the above constraints by contributing land as public open space that would also function as a critical drainage reserve and protect significant vegetation.</p> <p>The proposal meets the requirements of P1(e).</p>
(f) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;	<p>The proposed public open space would include a pedestrian path that would connect with Alma Road.</p> <p>There is no Council adopted public open space strategy for the area to guide the proposal. However, the proposal presents a pragmatic solution to addressing open space and drainage.</p> <p>The proposal meets the requirements of P1(f).</p>
<p>(g) 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 proposed public open space lot is between 15m-20m wide and has a direct frontage to Alma Road. Detailed design of the public open space, including landscaping treatment and lighting, will be required prior to sealing of the final plan of survey. This design will need to ensure that entrapments opportunities are minimised.</p> <p>As detailed in the Planner's response to P1(d) above, the proposed subdivision provides opportunities for passive surveillance.</p> <p>In addition, the subdivision proposal presents future opportunities to extend the public open space area further east to connect with Holkham Court (subject to future development proposals). In lieu of a Council adopted public open space strategy, these opportunities have been explored by Council's Planner and Engineers as a pragmatic solution to stormwater issues in the area. Should the open space be extended east in the future, safety would be further improved.</p> <p>The proposal meets the requirements of P1(g) by way of condition.</p>

## Discretion 5: D12.5.3 P2 – Public Open Space Provision

The objective of this lot design standards is:

To ensure that the arrangement of ways and public open space provides for all of the following:

- (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community;
- (b) the adequate accommodation of pedestrian and cycling traffic;

The proposal includes a public open space land contribution, for which there is no acceptable solution. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P2</b> Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.	The proposal provides a land contribution of public open space which forms more than 5% of the site. There is no relevant Council policy for private open space.  The proposal meets the requirements of P3.

## Discretion 6: E5.6.2 P2 – Number of Accesses

The objective of this road access development standards is:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

The proposal does not meet the acceptable solution as it includes more than one new access to Alma Road. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P2</b> For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road;	The site currently has a single crossover to Alma Road. The proposal includes 5 new crossovers to Alma Road, which is less than one new crossover per lot.  Alma Road is not a heavily trafficked road and the addition of five new crossovers will have no discernible impact on the operational efficiency of the road.  In addition, the safety of the road network is maintained as the proposed new crossovers are all provided with adequate sight distances and lots are of a size and proportion that allows vehicles to enter and exit the road in forward direction.  The proposal meets the requirements of P2.

Performance Criteria	Planner's response
(c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	

### Discretion 7: E6.7.2 P1 – Design of Accesses

The objective of this road access development standards is:

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

The proposal does not meet the acceptable solution as accesses have not be shown to meet Australian Standards. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P1</b> Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following: (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; (c) suitability for the type and volume of traffic likely to be generated by the use or development; (d) ease of accessibility and recognition for users.	<p>The site currently has a single crossover to Alma Road. The proposal includes 5 new crossovers to Alma Road, which is less than one new crossover per lot.</p> <p>Alma Road is not a heavily trafficked road and the addition of five new crossovers will have no discernible impact on the operational efficiency of the road.</p> <p>In addition, the safety of the road network is maintained as the proposed new crossovers are all provided with adequate sight distances and lots are of a size and proportion that allows vehicles to enter and exit the road in forward direction.</p> <p>A condition is to be placed on any permit granted to ensure that new accesses are designed and constructed to meet the relevant Council standards.</p> <p>The proposal meets the requirements of P1.</p>

## Discretion 8: E6.7.3 P1 – Vehicle Passing Along an Access

The objective of this road access development standards is:

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

The proposal does not meet the acceptable solution as vehicle passing bays are not proposed at 30m intervals along the shared driveways. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>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:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p>The proposal includes two shared driveways that require access from fire fighting vehicles. One shared driveway provides access to two lots (Lots 4-5) and the other shared driveway provides access to five lots (Lot 6-10).</p> <p>The submitted Bushfire Hazard Report prepared by PDA Surveyors and dated June 2020 indicatively shows 5m wide shared driveways. At this width, the shared driveways will provide safe and convenient access for the intended use.</p> <p>A condition is to be placed on any planning permit granted to ensure that shared driveway accesses are to be a minimum 5m wide in accordance with the submitted Bushfire Hazard Report.</p> <p>The proposal meets the requirements of P1 by way of condition.</p>

## Discretion 9: E6.7.6 P1 – Driveway Surfacing

The objective of this driveway design development standards is:

To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

The proposal does not meet the acceptable as the driveway surface treatment is not indicated in the submitted documentation. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:</p> <ul style="list-style-type: none"> <li>(a) the suitability of the surface treatment;</li> <li>(b) the characteristics of the use or development;</li> <li>(c) measures to mitigate mud or dust generation or sediment transport.</li> </ul>	<p>Clause D12.5.1 P4(i) requires driveways along access strips to internal lots to be sealed. A condition is to be placed on any planning permit granted to ensure that this occurs.</p> <p>The proposal meets the requirements of P1 by way of condition.</p>

## Discretion 10: E11.7.1 P1 – Works in Waterway Protection Area

The objective of this development standards is:

To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.

The proposal does not meet the acceptable solution as there are works in the waterway protection area including provision of services and new drainage infrastructure. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <p>(a) avoid or mitigate impact on natural values;</p>	<p>The proposal has been submitted along with a supporting Stormwater Management Design Report (Ross Cumming Engineering, July 2020), Natural Values Assessment (Tasflora, April 2020), Tree Retention Plan (Nick Griggs &amp; Co, June 2020) and Revegetation Advice (Tasflora, May 2020).</p> <p>These reports show that the proposal will undertake works to improve the drainage function of the site without introducing unreasonable impacts on natural values.</p> <p>The submitted Natural Values Assessment concludes that no natural values of conservation significance are impacted by the proposal.</p> <p>The waterway is largely degraded in its current condition, including issues with weeds and erosion from previous flood events. The proposal will improve the natural values of the waterway.</p> <p>Conditions are to be placed on any planning permit granted to ensure that the tree retention plan is implemented, revegetation of the waterway is undertaken in accordance with the revegetation advice, and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and 'Tasmanian Coastal Works Manual' (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal meets the requirements of P1(a) by way of condition.</p>
<p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p>	<p>See planner's response to P1(a).</p> <p>The proposal meets the requirements of P1(b).</p>

Performance Criteria	Planner's response
(c) avoid or mitigate impacts on riparian or littoral vegetation;	See planner's response to P1(a). The proposal meets the requirements of P1(c).
(d) maintain natural streambank and streambed condition, (where it exists);	See planner's response to P1(a). The proposal meets the requirements of P1(d).
(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	See planner's response to P1(a). The proposal meets the requirements of P1(e).
(f) avoid significantly impeding natural flow and drainage;	See planner's response to P1(a). The proposal meets the requirements of P1(f).
(g) maintain fish passage (where applicable);	Not applicable.
(h) avoid landfilling of wetlands;	Not applicable.
(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.	See planner's response to P1(a). The proposal meets the requirements of P1(i).

## Discretion 11: E11.7.1 P4 – New Stormwater Discharge into Waterway Protection Area

The objective of this development standards is:

To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.

The proposal does not meet the acceptable solution as there is a proposed new stormwater discharge point into the waterway. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P4</b></p> <p>Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:</p> <p>(a) risk of erosion and sedimentation is minimised;</p>	<p>The proposal has been submitted along with a supporting Stormwater Management Design Report (Ross Cumming Engineering, July 2020), Natural Values Assessment (Tasflora, April 2020), Tree Retention Plan (Nick Griggs &amp; Co, June 2020) and Revegetation Advice (Tasflora, May 2020).</p> <p>These reports show that the proposal will undertake works to improve the drainage function of the site without introducing unreasonable impacts on natural values.</p> <p>The waterway is largely degraded in its current condition, including issues with weeds and erosion from previous flood events. The proposal seeks to improve the natural values and drainage function of the waterway.</p> <p>Conditions are to be placed on any planning permit granted to ensure that the tree retention plan is implemented, revegetation of the waterway is undertaken in accordance with the revegetation advice, and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and 'Tasmanian Coastal Works Manual' (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal meets the requirements of P1(a) by way of condition.</p>
<p>(b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed;</p>	<p>See planner's response to P4(a).</p> <p>The proposal meets the requirements of P4(b).</p>
<p>(c) potential for significant adverse impact on natural values is avoided.</p>	<p>See planner's response to P4(a).</p> <p>The proposal meets the requirements of P4(c).</p>

## Discretion 12: E11.8.1 P1 – Subdivision in a Waterway Protection Area

The objective of this subdivision standards is:

To ensure that:

- (a) works associated with subdivision in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values;
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural values.

The proposal does not meet the acceptable solution as there are works in the waterway protection area including provision of services and new drainage infrastructure. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:</p> <p>(a) minimise impact on natural values;</p>	<p>The proposal has been submitted along with a supporting Stormwater Management Design Report (Ross Cumming Engineering, July 2020), Natural Values Assessment (Tasflora, April 2020), Tree Retention Plan (Nick Griggs &amp; Co, June 2020) and Revegetation Advice (Tasflora, May 2020).</p> <p>These reports show that the proposal will undertake works to improve the drainage function of the site without introducing unreasonable impacts on natural values.</p> <p>The submitted Natural Values Assessment concludes that no natural values of conservation significance are impacted by the proposal.</p> <p>The waterway is largely degraded in its current condition, including issues with weeds and erosion from previous flood events. The proposal seeks to improve the natural values and drainage function of the waterway.</p> <p>Conditions are to be placed on any planning permit granted to ensure that the tree retention plan is implemented, revegetation of the waterway is undertaken in accordance with the revegetation advice, and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal meets the requirements of P1(a) by way of condition.</p>
<p>(b) provide for any building area and any associated bushfire hazard management area to be either:</p> <p>(i) outside the Waterway and Coastal Protection Area, Future Coastal</p>	<p>See planner's response to P1(a). The proposal is able to accommodate development capable of satisfying the code.</p> <p>The proposal meets the requirements of P4(b)(ii).</p>

Performance Criteria	Planner's response
Refugia Area or Potable Water Supply Area; <u>or</u>  (ii) able to accommodate development capable of satisfying this code.	
(c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.	Not applicable.

### Discretion 13: E15.8.3 P1 – Subdivision in a Riverine Inundation Hazard Area

The objective of this subdivision standards is:

That subdivision within a Riverine Inundation Hazard Area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.

The proposal does not meet the acceptable solution as lots are created that include access and services in the riverine inundation hazard area. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P1</b>  Each lot, or a lot proposed in a plan of subdivision, within a riverine inundation hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:  (a) any increase in risk from flood for adjacent land;  (b) the level of risk to use or development arising from an increased reliance on public infrastructure;  (c) the need to minimise future remediation works;  (d) any loss or substantial compromise by flood of access to the lot, on or off site;  (e) the need to locate building areas outside the	<p>The Engineering Report included as Attachment C to this report includes an assessment of the flood risk and proposed stormwater management for the site.</p> <p>The Stormwater Management Design Report prepared by Ross Cumming Engineering, dated July 2020, and submitted with the proposal, indicates that flooding from the 1% Annual Exceedance Probability (AEP) storm event will be conveyed within the upgraded waterway and will not impact on buildings areas or accesses.</p> <p>To ensure that the proposal presents a tolerable risk from flooding, conditions are to be placed on any planning permit granted to ensure that the proposed drainage will not introduce any increase in risk from flood for adjacent land.</p> <p>For additional assessment, refer to the Engineering Report in Attachment C, which makes reference to the Holkham Court Storm Water Assessment provided in Attachment D.</p> <p>The proposal meets the requirements of P1 by way of condition.</p>

Performance Criteria	Planner's response
<p>riverine inundation hazard area;</p> <p>(f) any advice from a State authority, regulated entity or a council; and</p> <p>(g) the advice contained in a flood hazard report.</p>	

#### 14. Referrals

The application was referred to Council's Municipal Engineer and Natural Resource Management Officer, who provided input to this report.

The application was referred to TasWater, who provided conditions to be placed on any permit granted.

## 15. Concerns raised by representors

The following table summarises the issues raised by the representor(s). As the issues raised were in relation to stormwater management and site flooding, Council's Municipal Engineer has provided a response. The representations are provided in full at Attachment B.

Representation 1	Planner's response
<ul style="list-style-type: none"> <li>5) Objects to the proposal.</li> <li>6) Highlights the flooding and drainage issues on the site and in the surrounding area.</li> <li>7) Concerns that none of the recommendations in the Council commissioned Holkham Court Storm Water Assessment report have been carried out to date.</li> <li>8) The proposal makes no mention of the above report and disregards the stormwater impact on downstream residents.</li> <li>9) Asserts that development on proposed lots 1, 2, 4 and 5 will not be able to drain stormwater to detention pond via gravity.</li> <li>10) Asserts that it is Council's responsibility to resolve stormwater issues in the area.</li> </ul>	<p>As the issues raised relate to flooding, drainage and stormwater management, the representation was referred to Council's Municipal Engineer who provided the following comments. A full copy of the Engineering Report is provided at Attachment C:</p> <p>"The applicant has demonstrated that the proposal is capable of meeting the acceptable solutions within code E7.7.1 Stormwater Drainage and Disposal of the Planning Scheme. Essentially the subdivision itself, through the use of stormwater detention, will result in no increase in pre-existing runoff. The recommended conditions ensure compliance with E7.7.1 Stormwater Drainage and Disposal of the Planning Scheme.</p> <p>Whilst the applicant did not directly address E15.8.3 Subdivision within a Riverine Inundation Hazard Area it is considered that via the recommended conditions any intolerable risk of flooding to the subdivision and any increase in risk from flood for adjacent land will be identified and mitigated prior to Council sealing the Plan of Survey for any stage of the subdivision.</p> <p>Council has a current 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."</p>
Representation 2	Planner's Response
<ul style="list-style-type: none"> <li>1) Objects to the proposal.</li> <li>2) Concerns that proposal will create negative impact from increased stormwater flows on adjacent land.</li> <li>3) Asserts that development on proposed lots 1, 2, 4 and 5 will not be able to drain stormwater to detention pond via gravity.</li> <li>4) Asserts that submitted hydrological information is flawed.</li> <li>5) Concerns that no stormwater tanks are proposed.</li> </ul>	<p>See response to Representation 1.</p>

<p>6) Concerns that timing of development is premature as Council needs to resolve broader stormwater management issues first.</p> <p>7) Asserts that it is Council's responsibility to resolve stormwater issues in the area.</p> <p>8) Recommends that an independent hydrologist be appointed by Council to review the applicant's stormwater report.</p>	
<b>Representation 3</b>	<b>Planner's Response</b>
<p>1) No formal support or objection to the proposal.</p> <p>2) Provides records of previous flooding events impacting the catchment.</p> <p>3) Notes that Council has undertaken assessment of stormwater inadequacies for the catchment.</p> <p>4) Requests that stormwater upgrades be implemented by Council as a matter of urgency.</p> <p>5) Requests that Council defer the decision to approve the subdivision proposal until the existing stormwater infrastructure is upgraded.</p>	See response to Representation 1.
<b>Representation 4</b>	<b>Planner's Response</b>
<p>1) No formal support or objection to the proposal.</p> <p>2) Provides records of previous flooding events impacting the catchment.</p> <p>3) Notes that Council has been aware of stormwater inadequacies for the catchment and has not taken any action to fix.</p> <p>4) Requests that stormwater upgrades be implemented by Council as a matter of urgency.</p> <p>5) Requests that Council defer the decision to approve the subdivision proposal until the existing stormwater infrastructure is upgraded.</p>	See response to Representation 1.

## 16. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

## 17. 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, Subdivision Application 2020 / 9, to subdivide an existing lot into 11 residential allotments (plus balance lot) at 66 Alma Street, Orford (CT35054/1) be approved with the following conditions:

### General

1. Prior to works commencing or the submission of engineering plans the developer must submit an amended proposal plan with the Public Open Space (Lot 100) included in stage 1. Once approved the amended plan will form part of the endorsed documents.
2. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
3. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.  
*Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.*
4. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
5. The development must be in accordance with the Bushfire Hazard Report (v2) prepared by Jim Mulcahy (PDA Surveyors), dated 30 June 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
6. Prior to sealing the final plan of survey an accredited bushfire practitioner must provide certification that the completed subdivision works are in accordance with the endorsed Bushfire Hazard Report.
7. An agreement pursuant to s73a of the Land Use Planning and Approvals Act 1993 must be entered into to the effect that:
  - a. Prior to the sealing of the final plan of survey for each stage, the developer pays a financial contribution of \$3500 per new lot to the Glamorgan Spring Bay Council for stormwater infrastructure upgrades, as calculated by the "Holkham Court Stormwater Assessment, Glamorgan Spring Bay Council, Revision 3" prepared by Anna Wilson and dated 10 September 2019 (attached).
8. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
9. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
10. A building area must be shown on the final plan of survey for any lot where the entirety of the lot cannot be serviced by gravity to the stormwater property connection.

11. A restrictive covenant, to which Council is to be made a party, must be created on all lots containing building areas prohibiting the creation of any impervious surface outside the defined building area.

### **Part 5 Agreement**

12. An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into prior to the sealing of the final plan of survey to the effect that:
  - a. The owners of Lot 100 arising from the subdivision permit agree to manage part of their land to provide bushfire hazard management areas for the benefit of Lots 1, 2, 4 and 5 in accordance with the Bushfire Hazard Management Plan prepared by PDA Surveyors, dated June 2020, and submitted with the application.
  - b. All affected owners agree to preserve vegetation identified as trees to be retained on the Tree Retention Plan prepared by Nick Griggs & Co., dated June 2020, and submitted with the application.
  - c. The owners of Lots 1 through 11 arising from the subdivision permit, excluding Lot 100, agree to manage the entirety of their lot as low threat vegetation and/or non-vegetated land (as defined by Clause 2.2.3.2 of AS3959-2009) in order to provide bushfire hazard management areas for the benefit of adjoining lots.
  - d. The owners of Lots 1 through 11 arising from the subdivision permit, excluding Lot 100, will each be required to install stormwater tanks with a capacity of 10,000L to retain stormwater from roofed buildings and impervious surfaces.
13. Agreement(s) made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the Land Use Planning and Approvals Act 1993 by the applicant at no cost to Council.

### **Environmental Management**

14. 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 be approved by Council's General Manager and before development of the land commences.  
*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>*
15. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
16. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
17. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.
18. Native vegetation must not be removed, lopped, ring-barked or otherwise wilfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.
19. No native vegetation is to be removed other than the six trees identified as trees to be removed on the on the Tree Retention Plan prepared by Nick Griggs & Co., dated June 2020, and submitted with the application.

20. The approved removal of native vegetation must minimise impact to retained native vegetation, soils and watercourses to the satisfaction of Council's General Manager.
21. Prior to the commencement of works a Hygiene (Weed and Disease) Management Plan must be developed and be submitted to Council's General Manager. If considered satisfactory, the procedures will be endorsed and will form part of the permit.
22. Prior to the sealing of the final plan of survey the declared weeds Gorse (*Ulex europaeus*) and Horehound (*Marubium vulgare*) present on the property must be controlled to the satisfaction of Council's General Manager.
23. Prior to the commencement of works, a Landscaping Plan for the public open space (Lot 100) must be submitted to and approved by Council's General Manager. The landscaping plan must be prepared by a landscape architect, or other person approved by Council's General Manager, in accordance with the recommendations of the Revegetation Advice prepared by Tasflora, dated May 2020 and submitted with the application
24. Prior to the sealing of the final plan of survey the landscaping of the public open space (Lot 100) must be completed in accordance with the approved Landscaping Plan.
25. To the satisfaction of Council's General Manager, landscaping undertaken in accordance with the Landscaping Plan must be maintained by the developer for a two year period in accordance with the Revegetation Advice prepared by Tasflora, dated May 2020 and submitted with the application.
26. To the satisfaction of Council's General Manager, works in the waterway protection area are to be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

### **Engineering**

27. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
28. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
29. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show:
  - a. all existing and proposed services required by this permit;
  - b. all existing and proposed roadwork required by this permit;
  - c. measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d. measures to be taken to limit or control erosion and sedimentation;
  - e. any other work required by this permit.
30. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

### **Services**

31. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.

32. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
33. Property services to internal lots must be extended to the lot proper to the satisfaction of Council's General Manager.

#### **Drainage**

34. Prior to the approval of Engineering Design Drawings the developer must submit a Flood Hazard Report, prepared in accordance with section E15.0 Inundation Prone Areas Code of the Glamorgan Spring Bay Interim Planning Scheme 2015 for approval by Council's General Manager. Once approved the Report will form part of the endorsed documents.
35. Any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved and there is no increase in risk from flood for adjacent land must be included in the engineering design drawings and implemented prior to the sealing of the Plan of Survey for any stage of the subdivision.  
*Advice: This may include works downstream as the upgrade to the watercourse including the culvert does concentrate the flow of flood water from a broad overland flow to a concentrated discharge on the property directly downstream.*
36. Stormwater management must be generally in accordance with the principles set out in Section 3.2 of the document "66 Alma Road Orford Subdivision, Application SA 2020/009, Stormwater Management Design Report, Revision 3" prepared by Ross Cumming Engineering, dated 31 October 2019, or as otherwise required by conditions of this permit, and to the satisfaction of Council's General Manager.
37. The stormwater system for the development must be designed to the satisfaction of Council's General Manager in accordance with the following, unless otherwise required by conditions on this permit:
  - a. the "Holkham Court Stormwater Assessment, Glamorgan Spring Bay Council 2019, revision 3, prepared by Anna Wilson, dated 10/9/2019;
  - b. Australian Rainfall and Runoff 2019 (ARR2019), in particular, with reference to Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches';
38. Unless determined otherwise by the approved Flood Hazard Report, the developer is to upgrade the existing stormwater culvert under Alma Road and associated channel works at the proposed subdivision intersection. The culvert is to be sized to accommodate a design flow rate of 5.1m<sup>3</sup>/s for the 5% AEP (and require a floodway across Alma Rd for the additional flows in the 1%AEP), or alternatively sized for the full 1% AEP 10m<sup>3</sup>/s.
39. The developer is to provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.  
*Advice: Lot 5 cannot be serviced in its entirety and will require a building area defined on the final plan of survey.*
40. The developer is to provide a piped stormwater drainage system capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.
41. The minor stormwater drainage system must be designed to comply with all of the following:
  - a. be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

42. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
43. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.
44. Prior to the approval of Engineering Design Drawings the developer must submit an amended Stormwater Management Design Report, including detailed calculations in accordance with Australian Rainfall and Runoff 2019, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
45. Upon completion of works the engineer certifying the Stormwater Management Design Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **TasWater**

46. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2020/00657-GSB, dated 13 July 2020.

#### **Telecommunications and electrical reticulation**

47. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
48. Street Lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
49. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
50. Prior to sealing the final plan of survey the developer must submit to Council:
  - a. A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - b. Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

#### **Roads and Access**

51. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
52. Unless approved otherwise by Council's General Manager, roadworks to Alma Road must include:
  - a. Fully paved, sealed and drained carriageway widening where required to achieve an alignment consistent with the southern section and an ultimate carriageway width (face of kerb to face of kerb) of 8.9m;
  - b. Concrete kerb and channel along the entire frontage of the subdivision on the eastern side of Alma Road;

- c. Concrete footpath 1.50 metres wide across the entire frontage on the eastern side;
  - d. Underground stormwater drainage.
53. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
54. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

#### **Vehicular Access**

55. A vehicular access including concrete driveway apron and kerb crossover must be provided to each lot from the road carriageway to the property boundary, in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.
56. To the satisfaction of Council's General Manager, shared vehicular accesses must be constructed for the entire length of the access strips to the lot proper. The driveways 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, Council standards, and must include:
- a. 5.5 metre minimum width carriageway to provide 2 way access located at least 0.3m from any side boundary;
  - b. Constructed with a durable all weather pavement;
  - c. Sealed Surfaced (The surfacing material must be concrete, asphalt, pavers or other equivalent approved material);
  - d. Stormwater drainage; and
  - e. As required by an Approved Bushfire Hazard Management Plan.

#### **Construction**

57. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
58. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
59. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

#### **'As constructed' drawings**

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

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

61. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

62. Water Sensitive Urban Design elements provided as part of the subdivision (including the works on the watercourse) are to be placed on an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty four (24) months.

Prior to placing the subdivision onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

## 4.4 Development Application 2020 / 33

### Crown Land, Swansea (corner of Noyes St and Franklin St/Tasman Hwy)

<b>Proposal</b>	Electric Vehicle Charging Station
<b>Applicant</b>	Electric Highway Tasmania P/L
<b>Application Date</b>	25 February 2020
<b>Statutory Date</b>	29 August 2020
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	20.0 Local Business
<b>Codes</b>	6.0 Parking and Access, 7.0 Stormwater Management
<b>Use</b>	Utilities - No Permit Required
<b>Development</b>	Discretionary
<b>Discretions</b>	Two
<b>Representations</b>	One
<b>Attachments</b>	A – Application Documents B – Representation
<b>Author</b>	External Planning Consultant

### Executive Summary

Planning approval is sought to install an electric vehicle charging station for two on-street parking bays in Noyes Street, Swansea. The road reserve is owned and maintained by Council.

Utilities use is a 'No Permit Required' use in the zone. The proposal is discretionary by not meeting two development standards via Acceptable Solution, namely:

1. D21.3.1 A1 Operating Hours
2. E17.7.1 A2 Number of Signs

The proposal was advertised for two weeks from 1 July 2020 to 15 July 2020. One representation was received.

This report assesses the proposal against the Performance Criteria for the two standards listed above, considers the representation received, and makes a recommendation. The Planning Authority must make a final determination by 29 August 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 a discretion is required. This report addresses only the discretions and the representation and makes a final recommendation.

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

7. Adopt the recommendation
8. Vary the recommendation
9. 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:

5. By Acceptable Solution, or if it cannot do this,
6. 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 representation.

### **3. Risk and implications**

Approval of the application would have ongoing financial implications for Council to enforce the new parking restrictions (i.e. electric vehicle parking only). This is not anticipated to be largely beyond existing parking enforcement duties in the area, depending on frequency of infringements.

There are also potential insurance liabilities for Council if the use operates without an appropriate lease, licence or formal agreement with Council. Such a lease/licence/agreement is expected to be required prior to commencement of use.

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

#### 4. Background and past applications

In a letter dated 21 May 2019, Council provided formal support to Electric Highways Tasmania (EHT) P/L as part of their initial application for funding to install a fast charging station at Swansea. Council's letter noted the following:

"If EHT P/L is successful in the application for grants funds, Council will enter in to a formal site agreement with EHT to occupy the site for the purpose of providing fast charging services based on the outline framework proposed... Council will support the operation of the site by providing enforcement of parking restrictions to EV charging only, and general maintenance of the site area (not the equipment)."

#### 5. Location

Noyes Street is within the township of Swansea, on the southwestern side of the section of Tasman Highway known as Franklin Street.



Figure 1: Noyes Street near corner of Tasman Highway in Swansea (source: LISTmap)

#### 6. Site Description

The site of the proposed electric vehicle charging station is on the north-western side of Noyes Street, between Tasman Highway (section known as Franklin Street) and the vehicle crossover serving Merv Lewis Park.



Figure 2: The site – shown by blue pin (source: LISTmap)

## 7. The Proposal

Approval is sought for an electric vehicle charging station serving two new electric vehicle parking bays.

More specifically the proposal includes:

- Two new on-street electric vehicle parking bays, replacing two existing on-street parking bays;
- One electric vehicle charging station located between the two parking bays;
- One electrical switchboard located on the Noyes Street verge;
- One multipurpose pole containing security lighting, card reader and statutory signage; and
- Relocated centre line and line markings to provide a symmetrical carriageway design with equal lane widths for both directions of traffic on Noyes Street.

The associate infrastructure to be located on the north-western verge of Noyes Street will be located to ensure that no less than 2m pedestrian footpath width is maintained at the narrowest point.

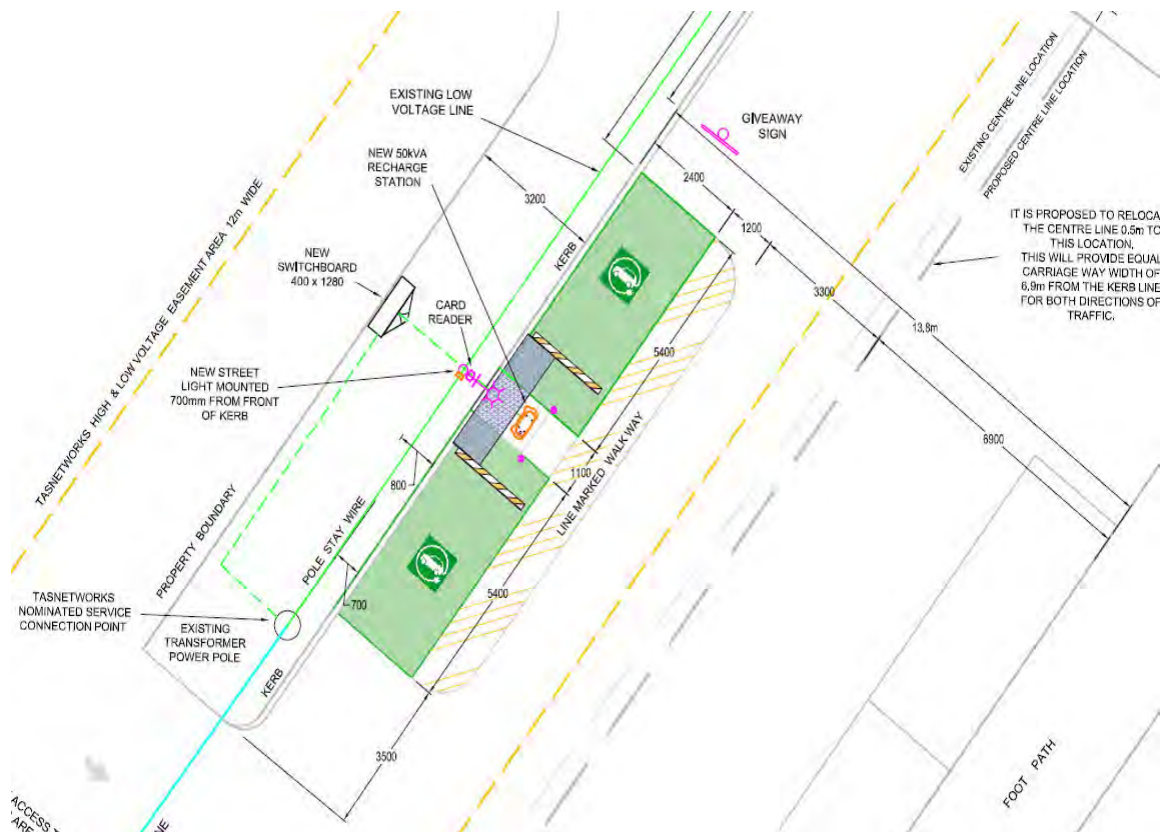


Figure 3: The proposal (source: exhibited documents)

## 8. Planning Instruments

Glamorgan Spring Bay Planning Scheme 2015

- Parking and Access Code
- Stormwater Management Code

## 9. Easements, services and covenants

- There are no easements on the title (crown land)
- There are no covenants on the title (crown land)
- TasWater water main runs along the north-western side of Noyes Street
- Council reticulated stormwater along both sides of Noyes Street
- TasNetworks electricity line runs along the north-western side of Noyes Street.

## **PART TWO**

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

The proposal has been assessed against the Acceptable Solutions provided in the Glamorgan Spring Bay Interim Planning Scheme 2015:

- D20.0 Local Business Zone
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

All but two standards were met by Acceptable Solution.

### **11. Meeting the Standards – via Performance Criteria**

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

1. D21.3.4 P1 Operating Hours
2. E17.7.1 P2 Number of Signs

The Planning Authority must consider the planner's comments in the next section, and the representation, and make a determination by 29 August 2020.

## **PART THREE**

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

The following section provides an assessment against for performance criteria for the two discretions identified above, with a brief indication of why the acceptable solution is not met.

#### **Discretion 1: D20.3.1 P1 – Operating Hours**

The objective of the use standard is:

To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.

The proposal does not meet the acceptable solution as the electric vehicle charging station will operate 24hours per day. Therefore, the application must be assessed against the performance criteria.

Performance Criteria	Planner's response
<b>P1</b> Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	<p>As with the existing on street parking, the proposed electric vehicle parking will operate 24/7. The only emission that can be considered additional to the existing parking is for security lighting above the charging station. This lighting will be directed downwards from a height of 3.5m and is around 40m from the residential zone. At this distance, and given that the security lighting is in proximity to existing street lighting on Tasman Hwy, emissions are not unreasonable.</p> <p>The proposal meets the performance criteria at P1.</p>

## Discretion 2: E17.7.1 P2 – Number of Signs

The objective of this standard is:

To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

Performance Criteria	Planner's response
<b>P2</b> The number of signs per business per street frontage must: (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs; (c) not involve the repetition of messages or information.	<p>The proposed signage will alert the public to the presence and purpose of the electric vehicle parking whilst minimising visual clutter and repetition. The signage is of a design, scale and location that is commensurate with the use of the development.</p> <p>The proposal complies with the performance criteria at P2.</p>

### 13. Referrals

The application was referred to Council's Municipal Engineer, who provided input to this report.

### 14. Concerns raised by the representor

Concerns	Planner's response
Representor strongly objects to the installation of charging stations, citing impact on future developability of adjoining land, loss of prime car parking bays in proximity to nearby services, and impact on the safety of Noyes Street.	<p>The objection is noted, however, raises no specific issues that relate to any discretion triggered by this planning application.</p> <p>Council will require that detailed design and construction will be undertaken at building/works stage in accordance with relevant standards to ensure that the safety and operational efficiency of the transport network is maintained.</p> <p>The application was referred to Council's Municipal Engineer, who raised no objections to the proposal, subject to conditions.</p>

### 15. Conclusion

The assessment of the application taken in association with the representation received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and can therefore be approved with conditions.

### 16. Recommendation

That:

- A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 33, to erect an electric vehicle charging station at Noyes Street, Swansea be approved with the following conditions:
  1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.
 

Advice: any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.
  2. Signs must be maintained in good repair and in a clean, tidy and safe condition to the satisfaction of Council's General Manager.
  3. Lighting must be located, designed and baffled to ensure that no direct light is directed to nearby dwellings or private open space.
  4. 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: Before undertaking works in the road reservation it is necessary to apply for and obtain a Works Permit from Council. The Works Permit will specify the standard of construction required.

5. Car parking spaces, line marking, signage, drainage, associated infrastructure, and access to all such areas, must be constructed and maintained to the satisfaction of Council's General Manager.

Advice: Before undertaking works in the road reservation it is necessary to apply for and obtain a Works Permit from Council. The Works Permit will specify the standard of construction required, including construction management.

Prior to obtaining the Works Permit the applicant will be required to enter into a license agreement with the Glamorgan Spring Bay Council. The license agreement may include, but not limited to, the following:

- a. *Repair and maintenance of infrastructure*
- b. *Public liability*
- c. *Any fees or bonds payable to Council*
- d. *Decommissioning and reinstatement*

The applicant will be responsible for all costs associated with preparing the license agreement.

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

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent is required for all of the following:
  - i. Building and plumbing approval from Council under the Building Act 2016
  - ii. Certificate of certifiable work for Water and sewerage from TasWater under the Water and Sewerage Industry Act 2008
- d. The permit does not take effect until 15 days after the date that this permit was served unless you notify Council in writing that you wish to commence the permit and do not intend to exercise your right of appeal.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council Senior Planner or otherwise extended by written consent.
- f. The permit and conditions on this permit 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.

## 4.5 Development Application 2019 / 272

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

<b>Proposal</b>	Subdivision (consolidation) and Retirement Village
<b>Applicant</b>	Greenplace (Tas) Pty Ltd
<b>Application Date</b>	9 October 2019
<b>Statutory Date</b>	28 August 2020 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	General Residential
<b>Codes</b>	Bushfire Prone Areas, Road and Railway Assets, Parking and Access, Stormwater Management
<b>Use</b>	Use Class: Residential. Use Type: Permitted
<b>Development</b>	Discretionary
<b>Discretions</b>	24
<b>Representations</b>	Two then nil and nil (advertised three times)
<b>Attachments</b>	A – Application Documents B – Engineering Report
<b>Author</b>	Robyn Bevilacqua, Planner

### Executive Summary

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

The proposal is discretionary because it 1) it involves subdivision (consolidation), and 2) relies on performance criteria 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 or third.

The Planning Authority must consider the planner's comments and recommendation and make a final determination by 28 August 2020.

The recommendation is to refuse the application.

## **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:

10. Adopt the recommendation
11. Vary the recommendation
12. 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:

7. By Acceptable Solution, or if it cannot do this,
8. By Performance Criteria.

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

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

### **3. The Proposal**

The proposal is to consolidate eight lots of a 32-lot subdivision approved in 2004 (SA 2004/32), and to build a retirement village on the consolidated lot. The consolidated lot will contain previously approved lots 7-14 as shown in Figure 1 below.



Figure 4: The existing Plan of Subdivision showing the lots to be consolidated under this application (lots 7-14) outlined in red (from the application documents). Not compass oriented.

The land has two frontages - one onto River Street (along the right hand side in Figure 1) and the other to an unformed section of Noyes Street (along the top of the image in Figure 1). Noyes Street will need to be constructed as part of the proposal. The development will be completed in two stages. Stage Two will include a third frontage, onto what is shown as 'Future Road' in Figure 2.

The village will have 16 buildings as shown in Figure 3 below.

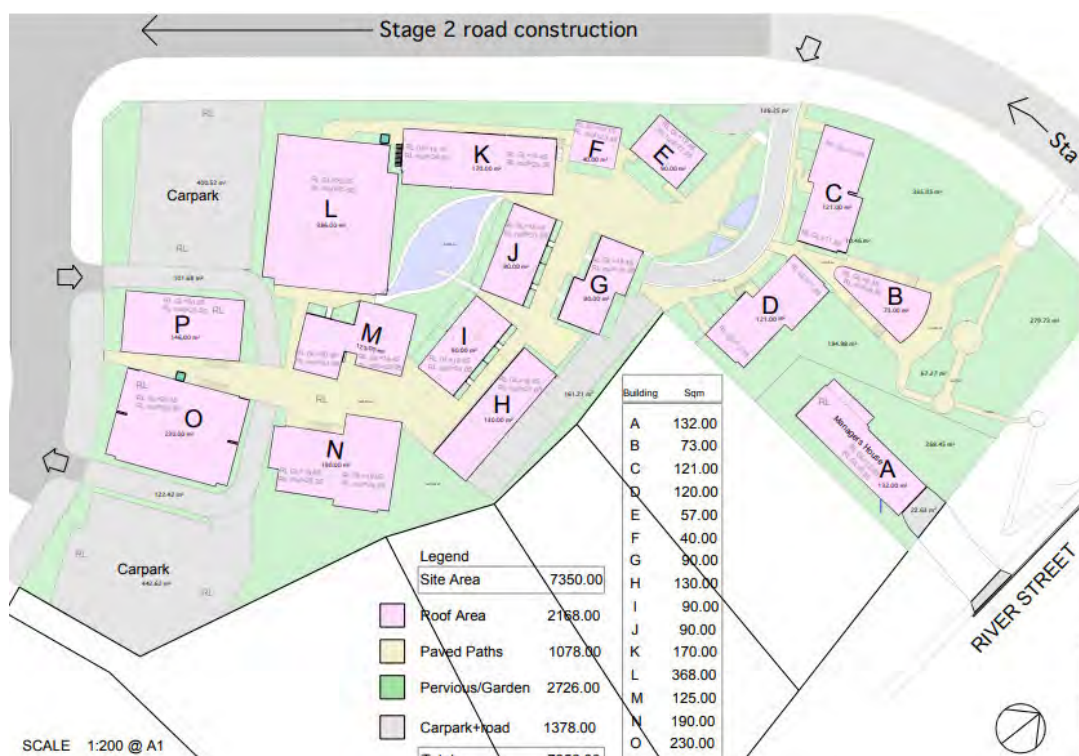


Figure 2: the development will contain 16 buildings and three car parks (from the application documents)

Within those buildings will be 67 dwelling units, a manager's residence, three meeting/common rooms, a spa/physio studio, landscaped gardens, a community orchard, two 'reflection ponds', 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 assist with stormwater capture and cleaning.

Noyes Street is as yet 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.

Pedestrian access will be provided from both Noyes and River Streets. There would be a bus stop on River Street and a private daily bus into Swansea. There will be two community garbage collection areas.

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 units, 12 studios, and one two-bedroom unit) plus three common/meeting room units.
- 'Village Upper' level 2 comprises 24 residential units (13 one-bedroom units, 10 studio units, and one two-bedroom unit)

The village will be constructed in two stages:

**Stage 1** Stage One covers the northern-most 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 and three common room units.

Stage One includes a car park with 33 car parking spaces, the community orchard, the 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 residential dwelling units would all be accessed via a single access point off Noyes Street.

The manager's residence, spa/physio studio and eight spa units are all set well back from River Street. They are one-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 will be provided from both River and Noyes Streets. A 'zig zag' path will make the incline from River Street through the orchard easier to manage.

The three common / meeting rooms and six of the residential units are located above the car park.

**Stage 2** Stage Two covers the southern, higher portion of the site. Stage Two would see a new road ('future road') into Village Upper.

Stage Two will provide 41 residential units, of which several would be second 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.

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

1. The existing permit (SA 2004/32) requires that Noyes Street, River Street, the 'future road' and High Street be developed to an urban standard with pavement, kerb and gutter, footpaths and street lighting, and that the developer shall meet 50% of all costs associated with constructing those roads.

Under this application, the junction of Noyes and River Streets, around 180m of Noyes Street, and around 70m of the new road will need to be constructed.

Noyes Street and the new road will both need to have a pavement of 8.9m wide to allow for on-street parking. Noyes Street will require a commercial vehicle loading bay and an area to place the communal waste collection. River Street will also need to be widened to provide for on-street parking. The approved subdivision had the developer to pay 50% of the cost of these. This will need to be re-assessed as part of this application.

The 70 metres of the future road that will need to be constructed for this application, has not been included as part of the consolidated lot. It is on the remaining portion of the subdivision, which does not form part of this application. A condition on the permit will be needed to ensure the portion of road that is constructed for this application is transferred to council as part of the current application.

2. Because the current application did not include the future road as part of the consolidated lot, the bushfire assessor did not assess it. A condition will be required to ensure the future road is constructed to the standards of the Bushfire code.
3. An outcome of the current application will mean that there are two planning permits for the same parcel of land. The original permit will need to be amended to note that stages 2 and 3 of that original subdivision permit will not be constructed as per that permit and will instead be constructed as per this permit. There will also be some other amendments to be made as a consequence of this application.

## 5. Background and past applications

Approval was obtained in 2004 for a 32-lot subdivision – shown in Figure 1 above.

The current proposal was received in October 2019. It was originally 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 (see section on representations).

The Tasmania Fire Service representation noted the applicant had not addressed several standards in the bushfire code and the application as submitted was a prohibited development.

The applicant was given the opportunity to re-submit the documentation and the revised bushfire documentation was received and the proposal re-advertised 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.

## 6. Location

The subject land is located on the urban fringe, on the south west edge of the Swansea Township. It is bordered on the north by River Street and Saltwater Creek, as shown below.



Figure 4: Lot 250, River Street Swansea

## 7. Site Description

The site is some 7,973m<sup>2</sup> 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 7,350m<sup>2</sup>. The site is cleared with the occasional clump of vegetation. It has a good north facing aspect, sloping towards the north at a 1:8 ratio, or 12.5%. Figure 6 below shows the site as oriented to the north.



Figure 5: the subject site as shown on the plan of survey with the north point facing up.

## 8. Planning Instruments

### 3) Glamorgan Spring Bay Planning Scheme 2015

- 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

## 9. Easements and Services

There are no easements on the title.

Water, sewerage and stormwater (kerb and channel) run along River Street, as show in Figure 6 below. TasWater has advised that the water and sewerage reticulation networks have the capacity to take the additional loading from the proposed development.

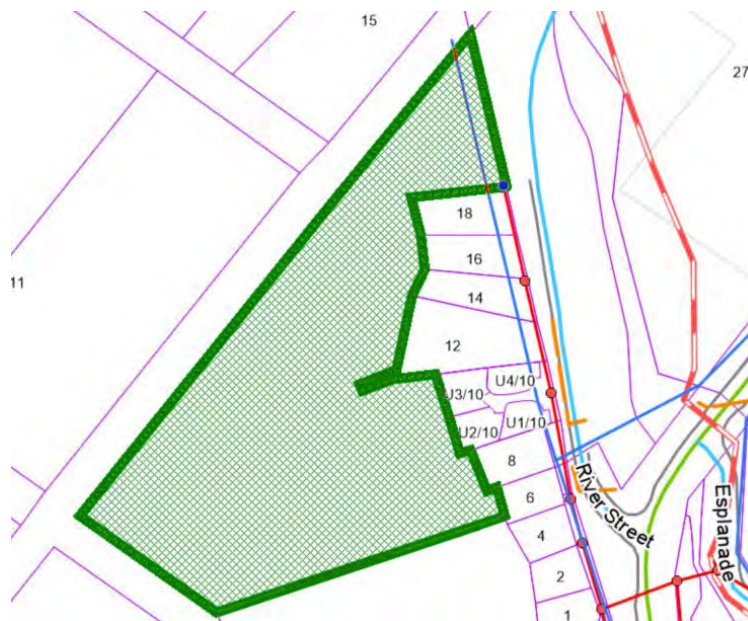


Figure 6: water, sewerage and stormwater all run along River Street (Council's GIS).

## 10. 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, 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. This is one of the amendments that will need to be made to the existing permit.

## PART TWO

### 11. Meeting the Standards – via Acceptable Solution

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

- 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

Several standards were not met by Acceptable Solution and the proposal will need to satisfy the Performance Criteria for those to be approved.

### 12. Meeting the Standards – via Performance Criteria

The following standards were not met by Acceptable Solution and will need to satisfy the relevant Performance Criteria:

- |     |                    |  |
|-----|--------------------|--|
| 1.  | 10.4.1 A1          | General Residential - density for multiple dwellings                   |
| 2.  | D10.4.2 A1(a)      | General Residential - setback on primary frontage (future 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 (no AS) | General Residential subdivision - public open space                    |
| 15. | D10.6.4 A4         | General Residential services – no new road                             |
| 16. | E1.5.1 A1 (no AS)  | Bushfire Prone Areas – vulnerable use                                  |
| 17. | E1.6.1-3           | Bushfire Prone Areas – subdivision – new road                          |
| 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 |

The Planning Authority must consider the planner's comments and the performance criteria, and make a determination on the application by 28 August 2020.

### PART THREE

## 13. 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) 325m<sup>2</sup>, or that specified in the planning scheme for the density area.

The proposal would have a residential density of 108m<sup>2</sup> per dwelling and will need to meet the Performance Criteria to be approved.

Performance Criterion	Planner's comments
<b>P1</b> Multiple dwellings must only have a site area per dwelling that is less than 325 m <sup>2</sup> , ... if the development will not exceed the capacity of infrastructure services and:	<p>TasWater has advised that the existing sewer and water networks have the capacity to take the additional loading.</p> <p>Regarding stormwater, the Engineering Report observes 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), which is that "stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure."</p> <p>Most of the site discharges to the drainage structure under River Street. The report makes no mention of the size/capacity of this structure, whether the road currently overtops etc. Whilst it is expected that the site discharge volume is only a small portion of the overall volume given the size of the upstream catchment, the development will increase public pressure to improve flood immunity and safety of the floodway.</p> <p>The pipework to the onsite water tanks is to cater for the 1 in 100 year event but only 1 x 10,000L tank is to service buildings B, C &amp; D. This type of arrangement may not reduce peak flows as much as claimed.</p> <p>It cannot be stated with confidence that the proposal satisfies the performance criterion.</p>
<b>P1(a)</b> is compatible with the density of the surrounding area; or	<p>The surrounding density is as follows:</p> <ul style="list-style-type: none"> <li>Surrounding land is rural in nature with lot sizes greater than 1,000m<sup>2</sup>.</li> </ul>

	<ul style="list-style-type: none"> <li>• Neighbouring lots include 12 River Street at 2,091m<sup>2</sup> and numbers 14, 16 and 18 are each around 1,000m<sup>2</sup>.</li> <li>• The approved subdivision contains lots ranging from 610m<sup>2</sup> to 1,029m<sup>2</sup>.</li> <li>• Nearby lots 1, 2, 4 and 6 River Street range from approximately 555m<sup>2</sup> to 585m<sup>2</sup>.</li> <li>• There is a stratum title at 10 River Street which has four lots of around 450m<sup>2</sup>.</li> </ul> <p>As shown above, there is a wide range of lot sizes in the area, but little in the immediate surrounds that is of a similar density of 108m<sup>2</sup> per dwelling.</p> <p>In fact, other than for visitor accommodation, a similar density can only be found at the May Shaw Health Centre in Swansea.</p> <p>However, 'compatible' does not mean 'the same as'. The dictionary definition of the adjective '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"> <li>• There is already a wide range of lot and development sizes in the area – from 450 to 2091m<sup>2</sup>.</li> <li>• The land is already approved for residential subdivision</li> <li>• The nature of the use (retirement village) as opposed to say short stay accommodation for example, militates against any potential disturbance of the neighbourhood</li> <li>• No representations were received objecting to the development</li> </ul> <p>P1 (a) is considered satisfied.</p>
<p><b>P1(b)</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 by providing what is hoped to be an affordable retirement living option in Swansea.</p> <p>(i) The development would include a bus stop in River Street and a daily bus into the township</p> <p>(ii) The site is within 330m of the Community Purpose zone and 490m of the Local Business zone, at their closest points.</p> <p>For the type of development (retirement village with multiple gathering spaces), and the fact that no representations at all were received on the issue, it is considered that P1 (b) is satisfied with general support from the community.</p>

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

The Acceptable Solution A1 (a) requires a 4.5 setback from a primary frontage and the setbacks from River Street meet the Acceptable Solution.

However, the future road (when constructed) will be a primary frontage for eight units. Six of these are set back less than 4.5m and will need to satisfy P1 (b) to be approved.

Performance Criterion	Planner's comments
<b>P1</b> A dwelling must:	
<b>P1 (a)</b> 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 road doesn't exist yet
<b>P1 (b)</b> ... include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.	<p>Units 43 and 63 will be 3.3m from the future road primary frontage.</p> <p>Units 41 and 65 will be 3.5m from the frontage.</p> <p>Units 44 and 62 will be 4.4m from the frontage.</p> <p>In addition, units 40, 41, 44, 45, 61, 62, 65 and 67 will be located next to either one of the car parking areas.</p> <p>Units 41, 44, 62 and 65 will be located relatively close to the future road <u>and</u> be situated 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 actual collection is proposed to 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 on all the windows of units 40-46 and 60-67.</p> <p>P1 (b) may be satisfied via condition.</p>

### **Standard 3: General Residential zone: setbacks from a frontage other than a primary frontage (D10.4.3)**

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 units: 1, 10, 11 and 47 are within 3 metres of the frontage and must satisfy Performance Criteria P1 (a) and P1 (b) to be approved.

<b>Performance Criterion</b>	<b>Planner's comments</b>
<b>P1 (a)</b> 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>
<b>P1(b)</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 are situated close by Garbage Collection Point 1. 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 7 below. Diagram

10.4.2D requires a 4.5m setback from the lot in front of an internal lot 0 circled in red in Figure 7.

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

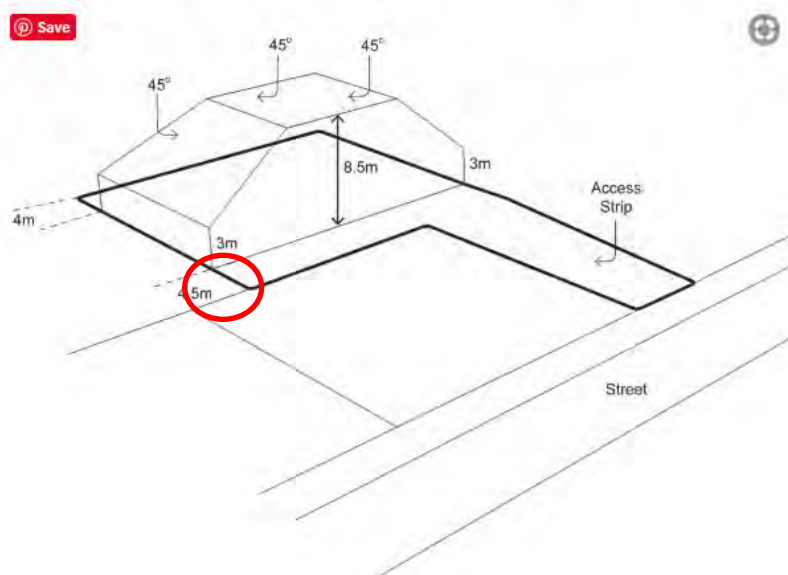


Figure 7: Diagram 10.4.2A from the planning scheme

The subject lot is an internal lot relative to numbers 12, 4, 16, and 18 River Street, as shown in Figure 8 below.



Figure 8: the red line indicating where the subject site needs to be set back 4.5m from the lots in front.

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

Performance Criterion	Comments
<b>P3(a)</b> The siting of a dwelling must (a) not cause unreasonable loss of amenity by:	
Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot	<p>Units 37 (ground floor), 70 (upper floor), and meeting room 16 (above the carpark) are south of 14 River Street and will not cause a reduction in sunlight to a habitable room of the dwelling on 14 River Street.</p> <p>The performance criterion is considered satisfied.</p>
Overshadowing the private open space of a dwelling on an adjoining lot	<p>The dwelling on 14 River Street is located towards the front of its lot leaving the rear of the property for private open space. Units 37 and 70 are located only 3.6m from the rear boundary of 14 River Street and have potential to overshadow number 14's private open space. However, the rear boundary of 14 River Street has a stand of trees and vegetation, which would screen the space from overlooking.</p> <p>The performance criterion is considered satisfied.</p>
(i) Overshadowing of a vacant adjoining lot	Not applicable
(ii) Visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and	<p>As noted above, number 14 is located away from its rear boundary and the backyard is screened by vegetation.</p> <p>There is unlikely to be detrimental visual impact caused by scale, bulk or proportions and this performance criterion is considered satisfied.</p> <p>The performance criterion is considered satisfied.</p>
<b>P3(b)</b> Provide separation between buildings on adjoining lots that is compatible with that prevailing in the surrounding area.	<p>There is a range of setbacks and lot sizes in the surrounding area. There is a stratum title development nearby at 10 River Street with setbacks much less than those proposed here. See below.</p>



### 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 24m<sup>2</sup> (or 12m<sup>2</sup> 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 5m<sup>2</sup> to as much as 22m<sup>2</sup>. Most of those in the higher end of the range are split across two areas, front and back of the unit, rather than in the one space. In this regard, the application notes that 29 of the 67 residential units are 'double aspect'. The first floor dwellings have balconies ranging from 5.15m<sup>2</sup> to 10m<sup>2</sup>.

The application must meet the Performance Criteria to be approved.

10.4.2 P2 (a)	
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>Private open space is provided to all the dwelling units, albeit some are very small spaces with some as small as 5 to 6m<sup>2</sup>.</p> <p>Instead, the proposal relies on the provision of communal spaces for outdoor social interaction. There are communal gardens and an orchard available for planting and gardening, pedestrian ways for exercise, a 'contemplation pond' for relaxation, and outdoor social 'hubs' to provide for outdoor socialising and relaxation.</p> <p>The supporting documentation explains the rationale for the 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"> <li>– outdoor recreation space is provided in several locations along the 'central spine' of the village</li> <li>– 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</li> <li>– dwellings are formed in groups that are connected to the central open space, the pedestrian 'main street', the central spa unit and the community orchards</li> <li>– 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</li> <li>– the upper village level has a special common open space in the form of a water feature (also part of the stormwater management system) which forms an outlook for the units surrounding it, an area for the residents to visit and use as a restful contemplation space.</li> </ul> <p>While it is appreciated that private open space is being provided for in a different way, and that space has been provided in which the residents can garden, socialise, walk, and exercise, it is thought there does need to be some private open space that can be used for outdoor relaxing with a cup of tea or coffee with a friend. The provision of private open space as small as 5<sup>2</sup> or 6m<sup>2</sup> would barely provide space for one seat outside let alone two.</p> <p>With private open spaces this small the performance criterion is not considered satisfied.</p>
(i) Conveniently located in relation	<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>

to a living area of the dwelling	
(ii) Orientated to take advantage of sunlight	<p>Units 9 and 10 are the only units orientated somewhat towards north. Units 25, 34, 35 and 52 are oriented within 30° west of north.</p> <p>The remainder of the units are oriented outside of 30° west or east of north including units 11, 21-24, which are oriented to the south.</p> <p>The applicant notes that Velux skylights are proposed for the upper of the two storey structures, to be placed near the eaves to allow sunlight also onto the balconies facing south.</p> <p>It is fair to say that for the majority of units private open space has not been orientated to take advantage of sunlight. Even with the skylights, which would allow more light in, there would be no real direct sunlight, which is a particular issue in Tasmanian in the winter.</p> <p>The applicant notes the aim was to ensure the shared central space would have a 'sense of place', an important aspect of which is to 'maximise the amount of sunlight through the space during winter'. This is appreciated, but winter days in Tasmania are not always amenable to wandering outside to get sunlight.</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><b>D10.4.4 P1</b></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 dwelling units have not been designed to gain the maximum amount of sun.</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 and that for the ground floor units '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'. As noted above, this is not always possible during the Tasmanian winter.</p> <p>All the units allow sunlight to enter at least one habitable room (other than a bedroom).</p> <p>This is a very easy performance criterion to meet by simply having a window in the room.</p>

	The performance criterion is satisfied.
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### **Standard 7: General Residential zone: multi dwelling sunlight to private open space (D10.4.4)**

Acceptable Solution A3 requires that a multiple dwelling to the north of the private open space of another dwelling on the same site be at a distance

Performance Criteria	Planner's response
<b>D10.4.4 P3</b> 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.	While units are impacted by overshadowing at times during the day at mid-winter, only six of those; 9 and 10, 34 and 35 and 52 are oriented within 30 degrees west or east of north. None of these are amongst the units impacted.  P3 is considered satisfied.

### **Standard 8, 9, 10: General Residential zone: privacy for all dwellings (D10.4.6)**

Acceptable Solution A1 requires that a balcony more than 1m above 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:

(c) a dwelling on the same site unless the balcony is at least 6m from (i) a window or glazed door to a habitable room or (ii) a balcony or private open space of another dwelling on the site.

Units 51, 53, 63, 67 and 68 do not comply and must satisfy P1 and P3 to be approved.

Performance Criteria	Planner's response
<b>D10.4.6 P1</b> 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	The balcony of upper storey unit 70 is within 6m of the boundary with numbers 12 and 14 River Street and must satisfy this performance criterion to be approved.  There is a vegetation screen along the back boundary of number 14 minimising any overlooking.  Unit 70 will require a screen along the side of the balcony that is located 3.6m from the boundary, to minimise overlooking of the private open space of 12 River Street.  P1 (a) is considered satisfied by condition.

(b) another dwelling on the same site or its private open space; or	Units 51, 53, 63, 67 and 68 will require a screen to satisfy the Performance Criterion.  P1 (b) considered satisfied by condition.
(c) an adjoining vacant residential lot.	Not applicable: there are no upper floor balconies overlooking a vacant residential lot.
<b>D10.4.6 P3</b>	
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>The Stage 1 carpark entrance leads is beneath units 9 and 10.</p> <p>The Stage 1 underground parking enters beneath unit 12.</p> <p>Units 9, 10 and 12 would benefit from external shutters to keep out vehicle headlights.</p> <p>It has already been recommended that units 9 and 10 have additional sound proofing elements due to being situated near the garbage collection point.</p> <p>Unit 12 would also benefit from additional sound proofing elements as pre units 8 and 10.</p> <p>P3 can be considered satisfied by condition.</p>

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

The objective of this standard is:

To provide for the storage of waste and recycling bins for multiple dwellings.

The Acceptable Solution requires each dwelling to have a storage area of at least 1.5m<sup>2</sup> 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 1,100 litre bulk garbage bins and nine 240 litre recycling bins located in each of two communal storage areas: the first a kerbside collection point on Noyes Street, and the second within one of the Village Upper car parks. The proposed kerbside location will be on the pavement (not setback 4.5m from the frontage and will be within 5.5m of unit 1.

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

Performance Criteria	Planner's response
<b>P1</b> 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 states 'the development will have an available footpath space adjacent the driveways on Noyes Street to allow a maximum of nine recyclable bins to be located' and 'general garbage will be transported out of Collection area 1 and onto street level on the collection day using 1,100 litre bulk bins'. The application contains a diagram showing Collection Area 1 to be 3.1m x 5.7m with some form of screen around three sides (not specifically detailed as to height or material). Noyes Street is not yet formed and these requirements will need to be taken into account at the detailed engineering stage.</p> <p>Collection Area 2: the Upper Village car park will have a designated area 2.7m x 5.5m. This diagram also shows screening around three sides but does not specify height or material.</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.</p> <p>Collection Area 1: the engineering consultant has suggested a loading zone east of the Noyes Street access to allow for kerbside collection of garbage. Collection Area 1 is close to units 1, 9 and 10. These may need additional sound proofing.</p> <p>Collection Area 2: will be within one of the upper car park areas. The entry to that area is alongside Block P, units 44, 45, 60, 61. The trucks will then circle around the back of Blocks P and O, passing units 60, 46, 66 and 39, exiting past Block O 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 for all those units.</p>

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

The objective of the lot design provisions is to provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards;
- (c) are a mix of lot sizes to enable a variety of dwelling and household types;
- (d) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;
- (e) ensure an average net density for new suburban areas no less than 15 dwellings per hectare with higher densities close to services, facilities and public transport corridors;
- (f) are not internal lots, except if the only reasonable way to provide for desired residential density;
- (g) are provided in a manner that provides for the efficient and ordered provision of infrastructure.

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

Performance Criteria	Planner's response
<b>P4</b> 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;	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.
(b) it is not reasonably possible to provide a new road to create a standard frontage lot;	A new driveway is provided.
(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;	There would be no other way for this development to occur other than to be 'behind' numbers 12-18.
(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;	The development is situated in a General Residential zone and TasWater has advised that existing services are able to cater for the demand. This will result in more customers within the area and in a more efficient utilisation of service infrastructure.

	It will involve new infrastructure in the form of a road on an already-existing road reserve and will land already marked for residential use rather than non-residential land for the development.
(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 seven 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>However, 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>
(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;	Access is directly off Noyes Street and a future road yet to be constructed.
(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.
(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.
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	The driveway will be sealed.
(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.	<p>There are no issues regarding passive surveillance of public open space.</p> <p>P4 is considered satisfied.</p>

### **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
<b>P1</b> 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;	n/a – 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.
(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;	The development will have frontage onto three council roads with footpaths. The new road will provide frontage to both the subject development and to the other half of the subdivision with 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, which is also zoned General Residential. There will be the opportunity to connect that road through should number 9 be subdivided in the future.
(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;	The new road, constructed to the required standards, will be safe and will provide access to both the development and the remainder of the subdivision. It will be convenient to both and when connected to a potential subdivision to the south, will be easily legible.
(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;	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. If / when the remainder of the subdivision is developed there will be a cul-de-sac but this has already been approved. The development provides separate access and exit points off the new road and as such caters for residents to enter and exit without needing a turning head or cul-de-sac.
(f) connectivity with the neighbourhood road network is maximised;	Through the use of existing road reservations designed to provide connectivity, the development enhances connectivity to the neighbourhood network.
(g) the travel distance between key destinations such as shops and services is minimised;	Travel distance between key destinations is not affected.
(h) walking, cycling and the efficient movement	The new road and the newly formed part of Noyes Street will have footpaths, this will be a condition of the permit. However

of public transport is facilitated;	it is more likely that residents will walk through the complex with its 'main street' pedestrian access and linkage through the development and the orchard to River Street.
(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;	The new road is not an arterial road or collector road.
(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.	The development uses the existing grid pattern of the streets for River Street, Noyes Street and, after the remainder of the subdivision, High Street. The new road will connect to Noyes Street.  P1 is considered satisfied.

#### **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
<b>P1</b> 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.
(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.
(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.

(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;	The development is located around 320m from the community purpose zone and around 500m 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.
(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.
(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.
(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;	Not applicable. Council does not have an open space plan.
(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.
(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:  (i) the width of the way; (ii) the length of the way; (iii) landscaping within the way; (iv) lighting; (v) provision of opportunities for 'loitering'; (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).	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.  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.  Satisfied with a condition for lighting.

## **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.

<b>Performance Criterion</b>	<b>Planner's response</b>
<b>P4</b> 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.	This will be a condition of the permit. P4 is satisfied by condition.

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

The purpose of the bushfire code is to:

'ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires'.

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 because this standard had not been addressed, the development 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 second round of notification.

The bushfire code applies to 1) all subdivisions and 2) use on land that is located within a bushfire-prone area and is a 'vulnerable' or 'hazardous use'.

'Vulnerable use' is defined in the code as '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 this standard applies.

The proposal must satisfy Performance Criterion E1.5.1 P1 to be approved; this standard does not provide an Acceptable Solution. Unfortunately, the standard was not addressed by the Bushfire Reports submitted with the application.

The objective of E1.5.1 is that:

'vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard'.

Performance Criteria	Planner's response
<b>E1.5.1 P1:</b> 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 side of the site. These all provide fire breaks and areas for fire-fighting. There will be a 60,000 litre water tank 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 is an overriding benefit to the Swansea community of the proposal as it will 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	<p>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.</p> <p>P1 (c) is considered satisfied</p>
(d) the emergency management strategy and bushfire hazard management plan	<p>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.</p> <p>P1(d) is considered satisfied by conditions</p>
(e) other advice, if any, from the TFS.	Not applicable: no other advice was received from the TFS.

### **Standard 17: Bushfire Prone Areas – no new road (E1.6.1)**

The bushfire report did not address this provision because the new road was not located on the site plan as to be included in the assessment.

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

There is an existing gravel driveway off the unformed part of Noyes Street at the point where the future road will be constructed. This driveway would be getting little traffic at the moment.

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. The engineering consultant recommends conditions to include provision of civil drawings for new roads and accesses.

Performance Criteria	Response
<b>P3</b> 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:	
(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.	This performance criterion will be satisfied by engineering conditions.

## **Standard 19: Road and Railway Assets – sight distances at accesses and junctions (E5.6.4)**

This provision would be dealt with via engineering condition.

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

The objective of this standard is:

To ensure that:

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

The Acceptable Solution requires a parking space for each of the 67 units plus a visitor car park for every four units (17 parks). The total required to meet the Acceptable Solution is 84 plus two for the manager's residence.

The proposal provides 62 car parks. No allocation is made for visitor parking.

The proposal must satisfy performance criterion E6.6.1 P1 to be approved.

Performance Criteria	Response (Planning and Engineering)
<b>P1</b> 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>Stage One includes the manager's residence, which has two car parks off River Street, and 26 residential units with 33 car parks off Noyes Street. For stage one, the residential car parking meets the Acceptable Solution. These parks can be designated to specific units.</p> <p>However, there is no allocation for visitor parking. The planning scheme requires one visitor car park for every four units, which for the total development comes to 17 parks.</p> <p>The Traffic Impact Assessment advised however, that demand from this type of development would only require half that amount, so 8-9 visitor car parks overall would suffice. These would need to be on-street parks. For Stage One, four or five visitor parks would be required on Noyes Street.</p> <p>Stage Two includes the future road, 41 residential units, 29 car parks (a shortfall of five), and again no visitor parking.</p>

	<p>No parking is proposed for visitors, for the meeting rooms/spa physio studio units, or commercial vehicles.</p> <p>The applicant maintains that not everyone in the village will have a car so the shortfall will not pose a problem, and there will be adequate parking for visitors on the street.</p> <p>For visitor parking, the future road will need to provide for four or five visitor parks and will need to be constructed with that in mind.</p> <p>The shortfall of five resident car parks in Stage Two is more difficult to address. While the proponent maintains that not all units will have cars, it is not clear how the car parking will be allocated. Do residents park wherever they like in the top car park with overflow cars having to park on the street? What evidence is there that there will be five units that would not require a car park?</p> <p>It is likely there would be significant demand for on-street parking given the five park shortfall for residents, no visitor parking and requirement for a bus stop.</p> <p>It is not agreed that it is likely that there will be five units that do not require a car.</p> <p>The 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.</p> <p>River Street will need to be widened to cater for on-street parking and a bus stop. Noyes Street will need to be constructed to cater for four or five visitor parks, plus an area for kerbside garbage collection. The road will need to be 8.9m wide pavement to cater for on-street parking. A footpath will be required for kerbside garbage collection.</p> <p>The future road would need to be constructed in Stage Two to the same requirements.</p> <p>Given the proposal's reliance on on-street parking, and that the roads would only serve this development it would be recommended that the applicant be responsible for the full costs of the road construction, at least for Noyes Street and River Street.</p> <p>P1(b) is not considered satisfied.</p>
P1 (c) the availability and frequency of public transport within a 400m walking distance of the site;	<p>Daily bus routes are available along the coast to and from Hobart including Tassielink and Calow's Coaches. It is likely these could stop by the retirement village to pick up and drop off when needed.</p> <p>There is no public transport available within Swansea itself. The proposal is to provide a bus stop in River Street and a private daily bus service to and from the Swansea township.</p> <p>A condition of the permit would be recommended to require this to occur (and specify that it occur from stage 1 completion).</p> <p>P1(c) can be satisfied via condition.</p>

P1 (d) the availability and likely use of other modes of transport;	<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>
P1 (e) the availability and suitability of alternative arrangements for car parking provision;	Other than on street parking, there are no alternative arrangements.
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;	Not applicable
P1(g) any car parking deficiency or surplus associated with the existing use of the land;	Not applicable
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;	Payment in lieu of public open space would be required.

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  The parking and access code requirement for parking is not considered satisfied.

### **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)**

This standard applies just to the 'top' car parks, off the future road in Stage Two.

The Acceptable Solution requires that 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 Blocks P and O. The other two would be one each at the far end of each car park. A rough calculation estimates the parking areas to be around 338m<sup>2</sup> each or a total of 676m<sup>2</sup>. Five percent of this would be around 35m<sup>2</sup>. To meet the Acceptable Solution, each of the trees would need to cover around 9m<sup>2</sup> each. The two concrete car parks 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
<b>P1</b> 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.

A condition would be placed on the permit requiring the provision of commercial vehicle parking.

### **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.

<b>Representation 1</b>	<b>Planner's response</b>
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.
<b>Representation 2</b>	<b>Planner's response</b>
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	It is not within the Planning Authority's ambit to guarantee there will be no blasting during construction.

<p>blasting work to be done during excavation stages 1 OR 2.</p> <p>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.</p>	<p>However, conditions will be placed on the permit restricting work to restricted daylight hours.</p>
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## Conclusion

The assessment of the application identifies that the proposal is not able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and must therefore 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 consolidate seven lots of an already-approved subdivision at Lot 250 River Street Swansea (CT 161323/250), and to construct a retirement village on the consolidated lot be refused for the following reasons:
- D10.4.1 P1 – multiple dwellings – it has not been shown that the development will not exceed the capacity of the stormwater infrastructure
  - D10.4.2 P2(a) – the area of private open space for multiple dwellings is not adequate in some cases
  - D10.4.2 P2(a)(ii) – private open space is not oriented to take advantage of sunlight
  - E6.6.1 P1 – number of car parking spaces does not cater for all units or visitor parking.

## 4.6 Mediated outcome for dwelling at 1533 Dolphin Sands Road – agreement by consent

Responsible Officer: Robyn Bevilacqua (Planner)

### **BACKGROUND**

In its meeting of 28 April 2020, the Planning Authority refused an application to construct a dwelling at 1533 Dolphin Sands Road (2019 / 345).

The grounds of refusal were that the building height did not satisfy the Performance Criteria D34.4.1 P1(a) and P1(b), which are that building height must be (a) unobtrusive within the surrounding landscape and (b) consistent with the surrounding pattern of development.

On 15 May 2020, the Resource Management and Planning Appeals Tribunal (the Tribunal) notified council's planning department that the decision had been appealed.

Since then, documentation has been provided, directions made, grounds of refusal further refined and onsite mediation attended, resulting in possible agreement by consent.

The onsite mediation, on 15 July 2020, was attended by the appellants, their building designer and planning consultant, and council's planner and legal representative.

The appellants had placed six poles to the proposed height of the dwelling so that the parties could walk along the beach and see to what extent the poles were visible. The top 500mm of the poles were painted pink. The poles were visible at points and not visible at others, depending on the height of the sand dune in front and the height of any vegetation on the dune. The photos below demonstrate the perspective given by the poles.



### **The agreement**

At the onsite meeting, agreement in principle was reached subject to satisfactory confirmation of visibility via lines of sight diagrams. The agreement was that by lowering of the height of the building by 500mm the proposal would satisfy the performance criteria and could be approved by consent.

The appellants provided the lines of sight diagrams and they are attached as Annexure 1.

The appellants also provided a letter outlining their reasons for believing that a reduction of 500mm was a satisfactory outcome. This is attached as Annexure 2.

It is the planner's recommendation that the agreement should be accepted. Council's legal advisor has provided a letter outlining in detail the reasons why the mediation outcome should be accepted. This has been provided under separate cover.

### **BUDGET IMPLICATIONS**

If the Planning Authority decides to accept the mediated outcome, there will be no further costs, bar the finalising of the agreement.

If the Planning Authority refuses the mediated outcome, the matter will proceed to the Tribunal and attracting further legal costs.

### **STATUTORY IMPLICATIONS**

If the Planning Authority agrees to the mediated outcome, the consent agreement and conditions for the permit will need to be drafted and lodged for consideration by the Tribunal.

### **RECOMMENDATION**

THAT, in accordance with s.17(2)(a) of the *Resource Management Planning and Appeal Act 1993*,

1. The Planning Authority agrees to enter a consent agreement with the Appellant in planning appeal 40/20P for the reduction in height of the proposed dwelling of 500mm from the originally-submitted plans and subject to conditions to be filed and considered by the Tribunal.

**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:    ).

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## 5. Financial Reports

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### 5.1 Financial Reports for the period ending 31 July 2020

Responsible Officer – Acting General Manager

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#### **ATTACHMENT/S**

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

#### **BACKGROUND/OVERVIEW**

The financial reports for the period ended 31 July 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 July 2020

## Profit and Loss

Glamorgan Spring Bay Council  
For the month ended 31 July 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
Trading Income						
Rate Revenue	8,524,601	8,663,463	(138,862)	-2%	8,663,463	1
Statutory Charges	55,068	36,750	18,318	50%	448,549	
User Charges	219,737	223,000	(3,263)	-1%	424,800	
Grants	174,220	174,000	220	0%	1,465,667	
Interest & Investment Revenue	776	1,000	(224)	-22%	17,850	
Contributions	8,880	0	8,880	0%	30,000	
Other Revenue	336,480	331,305	5,175	2%	1,700,778	
Total Trading Income	9,319,762	9,429,518	(109,756)	-1%	12,751,107	
Gross Profit	9,319,762	9,429,518	(109,756)	-1%	12,751,107	
Capital Grants						
Grants Commonwealth Capital - Other	0	500,000	(500,000)	-100%	4,242,500	2
Grants Commonwealth Capital - Roads to Recovery	0	0	0	0%	1,003,468	
Grants State Capital - Other	0	0	0	0%	600,000	
Total Capital Grants	0	500,000	(500,000)	-100%	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	316,434	423,690	(107,256)	-25%	5,487,953	3
Materials & Services	943,843	943,337	506	0%	6,916,442	
Depreciation	196,445	196,445	0	0%	2,357,337	4
Interest	(33,433)	21,003	(54,436)	-259%	238,131	
Other Expenses	13,535	12,703	832	7%	227,429	
Internal Plant used on Capital Jobs	(8,425)	(10,417)	1,992	-19%	(125,000)	
Employee Oncosts	90,421	136,382	(45,961)	-34%	63,299	
Total Operating Expenses	1,518,821	1,723,143	(204,322)	-12%	15,165,591	
Net Profit	7,800,941	7,706,375	94,566	1%	(2,414,484)	
Total Comprehensive Result (incl Capital Income)	7,800,941	8,206,375	(405,434)	-5%	3,531,174	
Capital Works Program (Current Year WIP)						
Work in Progress Capital Works - Plant Internal	8,425	0	8,425	0%	0	
Work In Progress Payroll - Salaries and Wages	16,135	0	16,135	0%	0	
Work in Progress Capital Works - On Costs	9,224	0	9,224	0%	0	
Work in Progress Capital Works - Contractor Costs	21,075	0	21,075	0%	0	
Work in Progress Capital Works - Materials	(2,370)	0	(2,370)	0%	0	
Work in Progress Capital Works - Consultancy	15,288	0	15,288	0%	0	
Total Capital Works Program (Current Year WIP)	67,776	0	67,776	0%	0	

### Notes

1. Statutory charges are up \$18k (50%) on budget for the year to date due to higher revenue from development applications.
2. Commonwealth capital grants - other is down \$500k on budget for the year to date as the first instalment for the drought relief grant has not been received as yet.
3. Employee costs are down \$107k (25%) on budget for the year to date due to staff vacancies.
4. Interest expense is down on budget due to timing of loan repayments and reversal of last years accrued interest.

# Statement of Financial Position

Glamorgan Spring Bay Council

As at 31 July 2020

	31 JUL 2020	30 JUN 2020
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	2,420,628	1,751,504
Trade & Other Receivables	7,948,575	819,741
Inventories	23,755	23,755
Other Assets	44,452	81,600
<b>Total Current Assets</b>	<b>10,437,410</b>	<b>2,676,599</b>
<b>Non-current Assets</b>		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
<b>Property, Infrastructure, Plant &amp; Equipment</b>		
Fixed Assets	118,215,339	118,215,339
Work in Progress	1,523,058	1,523,058
<b>Total Property, Infrastructure, Plant &amp; Equipment</b>	<b>119,738,397</b>	<b>119,738,397</b>
<b>Total Non-current Assets</b>	<b>147,887,718</b>	<b>147,887,718</b>
Fixed Asset – Water at cost	6,919,487	6,919,487
Fixed Asset – Accumulated Depreciation – Water	(9,078)	(9,078)
<b>Total Assets</b>	<b>165,235,537</b>	<b>157,474,726</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	1,089,857	1,207,652
Trust Funds & Deposits	534,472	534,472
Provisions	614,714	614,714
Interest bearing Loans & Borrowings	499,172	512,113
<b>Total Current Liabilities</b>	<b>2,738,215</b>	<b>2,868,950</b>
<b>Non-current Liabilities</b>		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	6,685,523	6,723,587
<b>Total Non-current Liabilities</b>	<b>6,802,911</b>	<b>6,840,975</b>
<b>Total Liabilities</b>	<b>9,541,127</b>	<b>9,709,926</b>
<b>Net Assets</b>	<b>155,694,410</b>	<b>147,764,801</b>
<b>Equity</b>		
Current Year Earnings	7,929,610	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
<b>Total Equity</b>	<b>155,694,410</b>	<b>147,764,801</b>

# Statement of Cash Flows

Glamorgan Spring Bay Council  
For the month ended 31 July 2020

	JUL 2020	2020
<b>Operating Activities</b>		
Receipts from customers	1,809,446	12,092,448
Payments to suppliers and employees	(1,053,688)	(12,512,321)
Receipts from operating grants	174,220	1,364,203
Cash receipts from other operating activities	139,412	804,199
<b>Net Cash Flows from Operating Activities</b>	<b>1,069,390</b>	<b>1,748,529</b>
<b>Investing Activities</b>		
Proceeds from sale of property, plant and equipment	-	775,026
Payment for property, plant and equipment	(349,261)	(7,636,926)
Receipts from capital grants	-	2,491,631
Other cash items from investing activities	-	8,493,119
<b>Net Cash Flows from Investing Activities</b>	<b>(349,261)</b>	<b>4,122,850</b>
<b>Financing Activities</b>		
Trust funds & deposits	-	365,036
Net Proceeds/(Repayment) of Loans	(51,005)	197,089
Other cash items from financing activities	-	(8,487,458)
<b>Net Cash Flows from Financing Activities</b>	<b>(51,005)</b>	<b>(7,925,332)</b>
<b>Net Cash Flows</b>	<b>669,124</b>	<b>(2,053,953)</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	1,623,245	3,677,197
Cash and cash equivalents at end of period	2,292,369	1,623,245
<b>Net change in cash for period</b>	<b>669,124</b>	<b>(2,053,953)</b>

## Capital Works

Glamorgan Spring Bay Council  
as at 31 July 2020

New Capital	2020/21 Budget	Actual YTD	Project Progress	Government Funding
<b>Roads, Footpaths, Kerbs</b>				
Swanwick Rd, Swanwick - Swanwick Dv to Hazards View Dr - Concrete Footpath approx. 400m. Southern side.	95,000			Drought Relief Grant
Wellington St, Swansea - Noyes St to Vistoria St - Concrete Footpath approx. 220m. Southern side.	60,000			Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	65,000			Drought Relief Grant
Elizabeth St, Orford - Charles St to Gore St - Concrete Footpath approx. 220m Northern Side	54,000			Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	103,000			Drought Relief Grant
Vicary St, Triabunna - Esplanade intersection - Realignment and paving RSL cenotaph	50,000			Drought Relief Grant
Tasman Highway, Cranbrook - Church Entrance to Glen Gala Rd - Concrete kerb & channel and concrete footpath	65,000			Drought Relief Grant
Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	403,000			Drought Relief Grant
RTR - Nugent Rd Seal c/fwd		87	90%	Roads to Recovery/EMF
Dolphin Sands Share Pathway	400,000	233	60%	Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	400,000			Fed Grant Funding in 21/22
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,695,000</b>	<b>320</b>		
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>				
Coles Bay Boat Trailer Parking - c/fwd		42,006	75%	DPIPWE Funds
Swansea Boat Trailer Parking	500,000	2,849	5%	DPIPWE Funds
Bicheno Triangle	600,000			Fed Grant Fund
Coles Bay Foreshore	800,000			Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	25,000			Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	25,000			Drought Relief Grant
Buckland Walk	60,000			Pending Council decision
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>2,010,000</b>	<b>44,856</b>		

#### Council Buildings

Buckland Community Hall - replacement of steps to the entrance	55,000			Drought Relief Grant
<b>Total Council Buildings</b>	<b>55,000</b>	<b>-</b>		

#### Plant & Equipment

Small plant	31,000			
IT Computer Equipment	30,000	-		
Animal Control Trailers x 3	35,000			
<b>Total Plant &amp; Equipment</b>	<b>96,000</b>	<b>-</b>		

<b>Total New Capital</b>	<b>3,856,000</b>	<b>45,176</b>		
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#### Renewal of Assets

\$

Government Funding

##### Roads, Footpaths, Kerbs

R2R- to be allocated and approved by Council	359,131			Roads to Recovery
RTR - RSPG Rheban Rd Resheeting / realignment for bridge	250,000			RTR 50% Safety & Productivity Grant 50% (to be confirmed)
Community Infrastructure Grant - projects to be determined and approved by Council	401,087			New grant Dept Infrastructure
Rosedale Rd Emergency Repairs		18,154	20%	Emergency Repairs Fund 75%
Resheeting	250,000			
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,260,218</b>	<b>18,154</b>		

##### Parks, Reserves, Walking Tracks, Cemeteries

Bicheno Walk - Bridge replacement - carried forward from 2019/20	20,000			
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>20,000</b>	<b>-</b>		

##### Stormwater, Drainage

Address stormwater infrastructure issues - projects to be determined and approved by Council	500,000			
<b>Total Stormwater, Drainage</b>	<b>500,000</b>	<b>-</b>		

#### Council Buildings

Triabunna Depot - Dog Pound Upgrades - carried forward from 2019/20	11,000			
Swansea Depot - Dog Pound Upgrades - carried forward from 2019/20	7,000			
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	7,000			

<b>Total Council Buildings</b>	<b>25,000</b>	<b>-</b>	
<b>Bridges, Culverts</b>			
Orford Bridge Replacement	981,886		\$1.02m project started May 2019. Fully Federal Grant funded
RTR - BRP Rheban Rd Bridge	235,000		RTR 50% BRP 50% (to be confirmed)
<b>Total Bridges, Culverts</b>	<b>1,216,886</b>	<b>-</b>	
<b>Plant &amp; Equipment</b>			
Backhoe - replace 1	150,000		
Plant replacement - replace 3 utes/works vehicles	109,230		
<b>Total Plant &amp; Equipment</b>	<b>259,230</b>	<b>-</b>	
<b>Total Renewal Capital</b>	<b>3,281,334</b>	<b>18,154</b>	
<b>Total Capital Works</b>	<b>7,137,334</b>	<b>63,329</b>	

## 6. Section 24 Committees

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### 6.1 Statement of Expectations Committee Report to Council, August 2020

**Author** – Ms Lynn Mason, Adviser

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#### **ATTACHMENTS**

1. Draft Glamorgan Spring Bay Council Statement of Expectations Implementation Policy
2. Glamorgan Spring Bay Council Statement of Expectations Committee revised Terms of Reference,

#### **BACKGROUND**

The Committee met on 17 August 2020, with Acting Mayor Jenny Woods, Acting General Manager Marissa Walters, Deputy Mayor Grant Robinson, Cr Rob Churchill, and Adviser and Chairperson Lynn Mason in attendance. Mr Greg Preece was an apology for the meeting.

Observers included Cllr Arnol, Cllr Breheny and Cllr Browning

The meeting discussed the draft policy for implementation of the Statement of Expectations (SoE), the draft protocols for signing the SoE, and suggested amendments to the Committee's Terms of Reference.

It is recommended that if the Terms of Reference of the Committee are amended as proposed, then Council determines Councillor membership of the Committee in keeping with the amended ToR. As a minimum, Council will need to elect an additional Councillor to the Committee following the results of the By-election.

***The following recommendations should be debated separately.***

#### **RECOMMENDATIONS**

1. That Council adopts the Glamorgan Spring Bay Council Statement of Expectations Implementation Policy, as drafted and attached.
2. Commitment by the General Manager:
  - a. That a new General Manager be asked to sign a statement committing to the standards of behaviour in the Statement of Expectations at the first ordinary Council Meeting following appointment; and
  - b. That such a commitment remain in place until the retirement or resignation of the General Manager.
3. Commitment by Councillors:
  - a. That all Councillors be asked to sign a statement committing to the standards of behaviour in the Statement of Expectations (SoE) at the first Council meeting following election; and
  - b. That such a commitment remain in place for the term of that Council; or
  - c. That such a commitment remain in place until the Councillor formally requests that it be removed from the SoE.
4. That the current Statement of Expectations be termed the 2020 Glamorgan Spring Bay Statement of Expectations, and that each subsequent Statement of Expectations be termed in accordance with the year of the election of that Council.
5. That Council adopts the Glamorgan Spring Bay Council Statement of Expectations Committee revised Terms of Reference, as drafted and attached.

## **6.2 Establishment of a Swansea Community Hub Section 24 Special Committee of Council**

**Responsible Officer** – Acting General Manager

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### **ATTACHMENT/S**

Nil. Copies of expressions of interest previously provided to Councillors under separate cover.

### **BACKGROUND**

The Council building at 4 Arnol Street Swansea was previously used as an emergency services complex. The replacement emergency services complex has been relocated to Maria Street. The Arnol Street building has been fully refurbished using Federal Government Drought Relief funding. The purpose of the refurbishment has been to provide a community centre with various proposed uses that include a gymnasium, a community shed, a community function room and a re-use/recycle outlet.

The refurbishment will be ready for an official opening in September with additional fit out work currently being undertaken by volunteers. The pending opening requires that a Section 24 Special Committee of Council needs to be established for a short period (possibly less than 6 months) to develop the terms of reference for the buildings uses and to implement management protocols that will eventually enable the complex to be efficiently managed by the community, for the community.

Seven volunteers have responded to requests for expressions of interest and have completed and submitted the Expressions of Interest Application Form for Membership Section 24 Special Committee of Council.

The expressions of interest include a broad representation of the community each with a range of relevant skills, interests and expertise.

It is anticipated that the s24 Committee would comprise a maximum of ten members comprising the seven volunteer members and two Councillors, with an additional vacancy open for membership if additional interest is shown.

Accordingly the following seven (7) community representatives are recommended for appointment as members of the Swansea Community Hub Section 24 Special Committee of Council:

- Heather Groombridge
- Tracey Kean
- Pia Bartlett
- Colin Stevenson
- Tony Rigby
- Steve Barrett
- Craig Vermey

In keeping with the structure of the proposed Section 24 Special Committee, two Councillors are also invited to either nominate themselves or accept a nomination as a Council representative on the Committee.

Once the Committee structure has been finalised, the draft Terms of Reference will be developed and presented to a future Ordinary Council Meeting for endorsement.

## **STRATEGIC PLAN**

### **Key Foundation 2 - Our Community's Health & Wellbeing**

An important undertaking of Councils Strategic Plan includes the commitment to support and facilitate social and community events that promote the health and wellbeing of the community and to encourage and support the arts, cultural activities, programs and events. This facility will be a practical means of achieving these commitments.

## **STATUTORY IMPLICATIONS & COUNCIL RELATED DOCUMENTS**

- Section 24 of the *Local Government Act 1993*
- Glamorgan Spring Bay Council Guidelines for Section 24 Special Committees of Council (September 2019)

## **BUDGET IMPLICATIONS**

No budget implications are recognised in the establishment of the Swansea Community Hub Section 24 Special Committee.

## **OFFICER'S RECOMMENDATION**

1. That Council resolves to endorse the establishment of a Swansea Community Hub Section 24 Special Committee in accordance with section 24 of the *Local Government Act 1993* and the Glamorgan Spring Bay Council 2019 Guidelines for Section 24 Special Committees of Council, including the development of the terms of reference to be endorsed by Council at a future Council meeting; and
2. Appoints the following seven (7) community representatives as Committee members on the Swansea Community Hub Section 24 Special Committee:
  - Heather Groombridge
  - Tracey Kean
  - Pia Bartlett
  - Colin Stevenson
  - Tony Rigby
  - Steve Barrett
  - Craig Vermey; and
3. Appoints Cllr ..... and Cllr ..... as Council representatives on the Swansea Community Hub Section 24 Special Committee.

## **7. Officers' Reports Requiring a Decision**

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### **7.1 Revised procedure "Public Question Time How do I ask a question".**

**Responsible Officer** – Acting General Manager

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#### **ATTACHMENT/S**

Updated "Public Question Time – How do I ask a question?" Procedures

#### **BACKGROUND**

In accordance with regulation 31(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.

At the Ordinary Council Meeting held on the 23 June 2020 Council adopted its revised "Public Question Time – How do I ask a question?" procedures.

Since the June 2020 Council meeting the procedures have been further reviewed to clarify the following and updated accordingly:

- Questions are to be addressed to the Chairperson;
- Questions addressing the personal actions of a Councillor/s may not be accepted by the Chairperson; and
- Questions must only relate to the activities of Council.

A copy of the updated "Public Question Time – How do I ask a question?" Procedures is attached to this report.

#### **STATUTORY IMPLICATIONS**

- *Local Government (Meeting Procedures) Regulations 2015 r.31 and r.37*

#### **BUDGETARY IMPLICATIONS**

No budgetary implications are recognised.

#### **RISK CONSIDERATIONS**

By not having procedures in place in respect to Public Question Time at an Ordinary Meeting of Council, Council risks not having a consistent and fair approach in place in respect to both questions on notice and questions from the public gallery.

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

That Council endorses the revised "Public Question Time – How do I ask a question?" procedures as attached to this report effective 25 August 2020.



### **Public Question Time** **How do I ask a question?**

Local government is the only level of government where the public gallery can ask questions in the Chamber. This privilege does bring with it a required level of common courtesy and mutual respect between the public, your elected members and the institution of Municipal Council.

1. Glamorgan Spring Bay Council allows a minimum of 15 minutes in total for Public Question Time during Ordinary Meetings of Council.
2. Questions are to be addressed to the Chairperson.
3. Questions addressing the personal actions of a Councillor/s may not be accepted by the Chairperson.
4. Questions must only relate to the activities of Council.
5. Prior to the commencement of a Council Meeting, the Chairperson will approach the public gallery and request the names of those who wish to ask a question during Public Question Time.
6. Council encourages wherever possible, that questions are submitted in writing to the Mayor on the day or to the General Manager 7 days in advance of the meeting date. If the question is submitted 7 days prior, it is considered to be taken 'on notice' and a response will be provided in the meeting agenda.
7. Public statements will not be allowed during Public Question Time. The Council requests that Public Question Time is used for questions only.
8. A question may be taken on notice and answered at the next Ordinary Meeting of Council.
9. A question by any member of the public and any answer to a question is not to be debated.
10. The Chair of the meeting can refuse a question but must explain why a question is being refused. Inappropriate questions that are offensive in nature, relate to personnel, confidential or legal matters involving Council or are not Council business will not be accepted.
11. There is a limit of two (2) questions per person either in writing or in person.

**Please note:** The rules for asking a question during Public Question Time are governed by regulation 31 of the Local Government (Meeting Procedures) 2015 and the Chair of the meeting.

## 7.2 Appointment of Emergency Management Coordinator

Responsible Officer – Acting General Manager

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### ATTACHMENT/S

Nil

### BACKGROUND / OVERVIEW

*The Emergency Management Act 2006* (the Act) came into effect on 20 October 2006. The Act, under section 23(1), requires the Minister for Police and Emergency Management to appoint a Municipal Emergency Management Coordinator (Municipal Coordinator) and a Deputy Municipal Emergency Management Coordinator (Deputy Municipal Coordinator) for each municipal area. As per section 23(9) of the Act - the State Emergency Management Controller will provide the nomination, together with his or her recommendations, to the Minister.

The Minister for Police, Fire and Emergency Management is to appoint as Municipal Emergency Management Coordinator, for a municipal area a person nominated by the council in that municipal area.

Under section 23(8) of the Act, a council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.

Under section 24(2) of the Act, a Municipal Coordinator has the following powers:

- (a) to utilise the resources of the municipal volunteer SES units in support of statutory services for emergency purposes within the municipal area;
- (b) to advise the council and councillors in the municipal area in respect of the facilities required for effective operation of the municipal volunteer SES units;
- (c) determined by the Regional Controller by notice provided to the Municipal Coordinator;
- (d) prescribed powers;
- (e) to do all other things necessary or convenient to perform his or her functions.

The Municipal Coordinator is also responsible for the following:-

1. Coordinate Municipal Council's response to emergency events in the municipal or combined area, in accordance with relevant plans including:
  - a) arranging access to Municipal Council resources
  - b) advising a Municipal Council, the Regional Emergency Management Controller and/or State Emergency Service Regional Planning Officer regarding:
    - i) Municipal Council's capacity for response and recovery
    - ii) the need or otherwise to sanction/withdraw emergency powers.
2. Act as the Executive Officer for the Municipal Emergency Management Committee.
3. Facilitate emergency risk management programs including the development, implementation and monitoring of appropriate risk treatment programs.
4. Advise the Municipal Committee on recommended approaches for comprehensive emergency management (PPRR), including membership of the committee, meeting Municipal Council training needs and facilitating the delivery of community awareness programs.
5. Develop, review and arrange the validation of relevant emergency management plans and/or arrangements for the municipal area/s in accordance with legislative requirements and the arrangements outlined in the relevant regional plan.

6. Liaise between Municipal Council, State Emergency Service regional staff and the State Emergency Service Unit Manager of the relevant State Emergency Service Unit/s about developing and maintaining resource agreements, and the delivery of a Municipal Council's responsibilities.
7. Represent Municipal Council/the Municipal Committee at the Regional Committee, and as required at State forums, working cooperatively with the regional emergency management authorities; for example, Regional Community Recovery Coordinator, State Emergency Service Regional Planning Officer, Regional Emergency Management Controller.
8. Support other council emergency management officers, including the Deputy Coordinator and Municipal Community Recovery Coordinator/s.

With the resignation of the previous Works Manager, Mr Tony Pollard, who also held the position of Municipal Emergency Management Coordinator, this left a vacancy for this position. Mrs Lona Turvey as the Deputy Emergency Management Coordinator has been acting in this position since the resignation of Mr Pollard.

Ms Beverley Allen is currently employed as Council's Emergency Management and Risk Project Officer. Bev was previously employed at the City of Launceston as the Emergency Management Coordinator/Officer. She has worked extensively in the field of Emergency Management for a period of 12 years, and holds an Advanced Diploma of Public Safety obtained through the Emergency Management Institute of Australia.

## **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 appointment.

## **RISK CONSIDERATION/S**

If a council fails to nominate a Municipal Coordinator, the Minister may appoint a person he or she considers suitable to be the Municipal Emergency Management Coordinator for the municipal area governed by that Council.

Should an emergency take place in the Municipality there would be no-one in a position to coordinate Council's overall response to the event and liaise and work with emergency service organisations.

The Municipal Emergency Management Committee has not met since November 2017.

### **OFFICER'S RECOMMENDATION**

That Council

1. Nominate Ms Beverley Allen as the Municipal Emergency Management Coordinator, with her name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the Emergency Management Act 2006.
2. Recommends the appointment be for a period of three years as per section 23(4) of the *Emergency Management Act 2006*.

## **7.3 Tasmanian Weed Action Fund Project for Drought Effectuated Farmers**

**Responsible Officer – Manager Natural Resources**

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### **ATTACHMENT/S**

1. Tasmanian Weeds Action Fund Glamorgan Spring Bay Council Drought Weeds Grant 2020 – Application form.
2. Guidelines and Eligibility.

### **BACKGROUND / OVERVIEW**

As part of the Tasmanian Government's \$350,000 Weed Action Fund *Drought and Weed Management Program* farmers in drought affected areas have access to financial support to manage weed issues related to drought.

The Glamorgan Spring Bay, Sorell, Tasman, Southern Midlands and Break O'Day councils have received \$55,000 to assist farmers to undertake targeted weed management of species favoured by drought and post drought conditions that impact on agricultural production. \$25,000 is for weed officers to increase facilitation support capacity and \$30,000 is to be made available to drought affected primary producers via a devolved grant process.

The attached Grant Guidelines & Eligibility document and (draft) Grant Application Form has been developed in collaboration with the other participating Councils and DPIPW Invasive Species Branch staff overseeing the program.

Applications will be assessed by a small (locally based) technical committee. The advertising of the program will commence in September 2020 once the technical committee has met to finalise all the important dates and information for the Grant Application Form.

All short listed applications will be reviewed by DPIPW specialists. Maximum funding per application is \$2,500 unless special situations deem a priority issue with greater benefit beyond an individual property.

All funded projects to be completed by May 2021. Final program report due August 2021.

### **STRATEGIC PLAN**

#### **Guiding Principle**

2. Reinforce and draw on the strengths of our communities at both a local and regional level.
5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.
6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

#### **Key Foundation/s**

No. 5. Our Environment

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

- Involve, engage and equip groups and individuals in Natural Resource Management.
- Invest in external expertise and capacity to complement GSBC resources.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1993*

Part 3 Division 2 20 (1) b to represent and promote the interests of the community

**BUDGET IMPLICATIONS**

NA

**RISK CONSIDERATION/S**

Delay in commencing delivery of the project resulting in the completion of all funded projects by May 2021.

**OFFICER'S RECOMMENDATION**

That Council endorse the attached Grant Guidelines & Eligibility document and (draft) Grant Application Form, and the technical committee together with the NRM team to commence roll out of the project in September 2020.

## **7.4 Swansea Courthouse Management Committee Inc.**

**Responsible Officer – Manager Community Development**

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### **ATTACHMENT/S**

Nil.

### **BACKGROUND / OVERVIEW**

An application has been received from the Swansea Courthouse Management Committee Inc., seeking financial support of \$1,000 under the Community Small Grants Program towards the cost of sanding and sealing the room in the Courthouse which was previously used as Council offices.

The Courthouse is the oldest rural municipal building in Australia and is owned by Council. The Swansea Courthouse Management Committee Inc., a group of committed volunteers, is aiming to maintain and preserve the Courthouse and Council Chambers as a community hub for future generations.

The Committee is working to restore the building's heritage values while at the same time upgrading and improving its facilities.

The Courthouse will provide a venue for community based activities and will add to the culture of the local area through tourism, arts events and other activities, while supporting local business and employment. It has the advantage of a central location in a historic precinct with available parking. It is close to the East Coast Museum, RSL, cafes and shops.

The room has been painted and the next project is to have the floor sanded and sealed.

The many members of the community who have asked for the restoration to be undertaken will find these signs of progress encouraging and make the facility much more attractive for a variety of events, which in turn will make the facility more commercially viable.

The total cost of the project is estimated at \$3,450 and the balance of \$2,450 will be funded by the Swansea Courthouse Management Committee Inc.

### **STRATEGIC PLAN**

#### **Guiding Principles**

1. *Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.*
2. *Reinforce and draw on the strengths of our communities at both a local and regional level.*

#### **Key Foundations**

4. *Maintain public amenities and recreational facilities.*

### **STATUTORY IMPLICATIONS**

Local Government Act 1993.

### **BUDGET IMPLICATIONS**

The provision in the annual budget for the Community Small Grants Program is \$25,000. However Council plans to review the program and policy during the year.

### **RISK CONSIDERATION/S**

By not supporting the application there is a risk that the goodwill of the community and volunteer committee which is working to preserve, restore and maintain this historic building will diminish.

### **OFFICER'S RECOMMENDATION**

That Council approves a grant of \$1,000 to the Swansea Courthouse Management Committee Inc. towards the cost of sanding and sealing the room in the Courthouse which was formerly used as Council offices.

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## 8. Notices of Motion

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Nil.

## **9. Petitions**

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Nil.

## 10. Questions without Notice

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### **Questions without Notice taken on notice – Ordinary Council Meeting 28 July 2020**

Clr Annie Browning asked the following questions:

*Glamorgan Spring Bay Council took over a large section of Wielangta Road several years ago from the State Government.*

*This deal required State Government to give Glamorgan Spring Bay Council approximately \$850k to bring this section of road up to a suitable and safe standard:*

*Please confirm if the full length of the Glamorgan Spring Bay Council owned road:*

1. *Has been completed to the required standard?*
2. *That the funds provided by the State Government were sufficient to cover these cost?*
3. *That all safety railing has been installed and at whose cost?*
4. *That all the gravel purchase by Council for this project was of an appropriate standards and used on this project and if not, what happened with that gravel or what action was taken.*

### **Response by the Acting General Manager, Mrs Marissa Walters**

1. *Has been completed to the required standard?*
  - a. The State Government grant did not provide sufficient funding to cover upgrading/resheeting the full length of the road.
  - b. As a gravel road it will continue to need ongoing maintenance and resheeting.
  - c. Council works only involved a resheet of the road and not constructing or reconstructing the road. The road would have initially been constructed as a forestry access road.
2. *That the funds provided by the State Government were sufficient to cover these cost?*
  - a. Council received a \$700,000 grant from the State Government in 2017/2018 to upgrade the road.
  - b. The State Government grant did not provide sufficient funding to cover upgrading/resheeting the full length of the road.
3. *That all safety railing has been installed and at whose cost?*
  - a. The assets were transferred to Council in 2016/17 and Council have inherited all bridges on this section of the road.
  - b. All bridge works were undertaken by the State government prior to this time.
  - c. There is no record of Council completing any capital bridge works since the road was transferred.

4. *That all the gravel purchase by Council for this project was of an appropriate standards and used on this project and if not, what happened with that gravel or what action was taken.*
- a. There was an issue with the quality of the gravel put on the road, which may have contributed to current state of the road.
  - b. Council have not removed any of the gravel of concern from the site.
  - c. At this stage Council have not replaced this section of gravel and Council staff are investigating ways in which this section can be rejuvenated.
  - d. As a result of the gravel quality issues Council staff are currently very cautious of the quality of gravel used in maintaining and constructing our roads.

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## 11. Confidential Items (Closed Session)

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

- Item 1: Minutes of Closed Session – Special Council Meeting held on the 14 August 2020**  
As per the provisions of regulation 34 of the *Local Government (Meeting Procedures) Regulations 2015*.

### **RECOMMENDATION**

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

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

---

## 12. Close

---

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

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

Date:

Acting Mayor Jenny Woods



GLAMORGAN SPRING BAY  
COUNCIL

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# Minutes

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For the Ordinary  
Meeting of Council  
held **via remote video  
conference.**

---

25 August 2020

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## NOTICE OF ORDINARY MEETING

**Notice** is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held on Tuesday 25 August 2020 commencing at 2.00pm.

**Please note in response to COVID-19 social gathering regulations, the meeting will be held via remote video conference. Members of the public will be unable to attend the meeting.**



**Dated** this Thursday 20 August 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**

## Table of Contents

AUDIO/VIDEO RECORDING OF ORDINARY MEETINGS OF COUNCIL .....	5
1. OPENING .....	5
1.1 ACKNOWLEDGEMENT OF COUNTRY.....	5
1.2 PRESENT AND APOLOGIES .....	5
1.3 IN ATTENDANCE.....	5
1.4 LATE REPORTS.....	6
1.4.1 UNCONFIRMED MINUTES OF SPECIAL MEETING (OPEN SESSION) – 24 JULY 2020 .....	6
1.4.2 LATE REPORT ITEM – CAPITAL WORKS BUDGET ALLOCATION.....	6
1.5 DECLARATION OF INTEREST OR CONFLICT .....	7
2. CONFIRMATION OF MINUTES.....	8
2.1 ORDINARY MEETING OF COUNCIL – 28 JULY, 2020 .....	8
2.2 SPECIAL MEETING OF COUNCIL – 14 AUGUST, 2020 .....	8
2.3 LATE ITEM REPORT – MINUTES – SPECIAL MEETING OF COUNCIL – 24 JULY 2020 (OPEN SESSION).....	9
2.4 DATE AND PURPOSE OF WORKSHOP/S HELD .....	10
3. PUBLIC QUESTION TIME .....	12
3.1 QUESTIONS WITHOUT NOTICE .....	12
3.2 QUESTIONS ON NOTICE .....	13
4. PLANNING AUTHORITY SECTION.....	14
4.1 REPORT ON REPRESENTATIONS TO THE DRAFT GLAMORGAN SPRING BAY COUNCIL LOCAL PROVISIONS SCHEDULE .....	15
4.2 SUBDIVISION APPLICATION 2020 / 7 .....	18
4.3 SUBDIVISION APPLICATION 2020 / 9 .....	46
4.4 DEVELOPMENT APPLICATION 2020 / 33 .....	88
4.5 DEVELOPMENT APPLICATION 2019 / 272 .....	99
4.6 MEDIATED OUTCOME FOR DWELLING AT 1533 DOLPHIN SANDS ROAD – AGREEMENT BY CONSENT.....	100
5. FINANCIAL REPORTS .....	103
5.1 FINANCIAL REPORTS FOR THE PERIOD ENDING 31 JULY 2020 .....	103
6. SECTION 24 COMMITTEES.....	110
6.1 STATEMENT OF EXPECTATIONS COMMITTEE REPORT TO COUNCIL, AUGUST 2020 .....	110
6.2 ESTABLISHMENT OF A SWANSEA COMMUNITY HUB SECTION 24 SPECIAL COMMITTEE OF COUNCIL .....	113
7. OFFICERS' REPORTS REQUIRING A DECISION.....	116

7.1	REVISED PROCEDURE “PUBLIC QUESTION TIME HOW DO I ASK A QUESTION” .....	116
7.2	APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR .....	119
7.3	TASMANIAN WEED ACTION FUND PROJECT FOR DROUGHT EFFECTED FARMERS .....	122
7.4	SWANSEA COURTHOUSE MANAGEMENT COMMITTEE INC.....	124
7.5	LATE REPORT ITEM – CAPITAL WORKS BUDGET ALLOCATION.....	126
8.	NOTICES OF MOTION .....	132
9.	PETITIONS .....	133
10.	QUESTIONS WITHOUT NOTICE .....	134
11.	CONFIDENTIAL ITEMS (CLOSED SESSION).....	136
12.	CLOSE.....	136

# Audio/Video Recording of Ordinary Meetings of Council

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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, this meeting will be held remotely via video conference. 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 Acting Mayor welcomed Councillors and staff and declared the meeting open at 2:01pm.

### 1.1 Acknowledgement of Country

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

### 1.2 Present and Apologies

#### **Present (via remote video)**

Acting Mayor Jenny Woods  
Acting Deputy Mayor Grant Robinson  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning  
Clr Rob Churchill  
Clr Michael Symons

#### **Apologies**

Nil.

### 1.3 In Attendance

Acting General Manager, Mrs Marissa Walters  
Executive Manager Development Services, Mr Deon Bellingan  
Works Manager, Mr Rob Brunning (from 2.05pm)  
Executive Officer, Ms Josie Higgins  
Planner, Ms Robyn Bevaliqua  
Contract Development Engineer, Mr Leigh Wighton

## **1.4 Late Reports**

### **1.4.1 Unconfirmed Minutes of Special Meeting (open session) – 24 July 2020**

---

#### **DECISION 279/20**

Moved Cllr Annie Browning, seconded Cllr Cheryl Arnol that the late item report Unconfirmed Minutes of the Special Meeting of Council (open session) held on the 24 July 2020 be added to the Agenda for the 25 August 2020 as Item 2.3.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

### **1.4.2 Late Report Item – Capital Works Budget Allocation**

---

#### **DECISION 280/20**

Moved Cllr Annie Browning, seconded Acting Deputy Mayor Grant Robinson that the late report item Capital Works Budget Allocation be added as Item 7.5 to the Agenda for the 25 August 2020 Council meeting.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

***Mr Rob Brunning Works Manager, entered the meeting at 2.05pm.***

---

## 1.5 Declaration of Interest or Conflict

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*The Acting 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.*

- Clr Keith Breheny declared an interest in Item 7.4
- Clr Annie Browning declared an interest in Item 4.1
- Clr Rob Churchill declared an interest in Item 4.1

## **2. Confirmation of Minutes**

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### **2.1 Ordinary Meeting of Council – 28 July, 2020**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held Tuesday 28 July 2020 at 2.00pm be confirmed as a true and correct record.

#### **DECISION 281/20**

Moved Cllr Keith Breheny, seconded Cllr Michael Symons that the Minutes of the Ordinary Meeting of Council held Tuesday 28 July 2020 at 2.00pm be confirmed as a true and correct record.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

### **2.2 Special Meeting of Council – 14 August, 2020**

---

#### **RECOMMENDATION**

That the Minutes of the Special Meeting of Council held Friday 14 August 2020 at 2.00pm be confirmed as a true and correct record.

#### **DECISION 282/20**

Moved Acting Deputy Mayor Grant Robinson, seconded Cllr Annie Browning that the Minutes of the Special Meeting of Council held Friday 14 August 2020 at 2.00pm be confirmed as a true and correct record.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

## **2.3 Late Item Report – Minutes – Special Meeting of Council – 24 July 2020 (open session)**

---

### **SUMMARY**

This late item report is submitted in accordance with regulation 8(6)(a), (b) & (c) of the Local Government (Meeting Procedures) Regulations 2015.

This report was not included in the Council agenda due to an administrative oversight.

The matter is considered to be urgent to ensure compliance with the *Local Government (Meeting Procedures) Regulations 2015*.

### **BACKGROUND**

Whilst Council at its Special Meeting held on the 14 August 2020 adopted the Minutes of the Special Meeting of Council held on the 24 July 2020 (closed session), the open session Minutes of that meeting were not presented for adoption.

### **RECOMMENDATION**

That the Minutes of the Special Meeting of Council held Friday 24 July 2020 (Open Session) at 1.00pm be confirmed as a true and correct record.

### **DECISION 283/20**

Moved Cllr Annie Browning, seconded Cllr Cheryl Arnol that the Minutes of the Special Meeting of Council held Friday 24 July 2020 (Open Session) at 1.00pm be confirmed as a true and correct record.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

## **2.4 Date and Purpose of Workshop/s Held**

---

### **Tuesday 11 August 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 11 August 2020 via remote conference.

#### **Present**

Acting Mayor Jenny Woods  
Acting Deputy Mayor Grant Robinson  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning  
Clr Rob Churchill (*from 1.00pm*)  
Clr Michael Symons (*from 3.15pm*)

#### **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 Melanie Kelly, Manager Natural Resources (in part)  
Dr Nicky Meeson (in part)

#### **Guests**

Representatives – Tasmanian Parks & Wildlife Services

#### **Agenda**

- Orford Bird Sanctuary & Coastal Erosion (Swanwick) – Discussion with representatives from Tasmanian Parks & Wildlife
- Weed Action Fund
- Emergency Management Plan & Dolphin Sands Emergency Plan – Verbal Update
- Code of Tenders & Purchasing Policy
- Review of Public Question Time Procedures
- WELD Report (Confidential Legal Advice)
- Other Matters
- Councillor Discussion

#### **RECOMMENDATION**

That Council notes the information.

**DECISION 284/20**

Moved Cllr Keith Breheny, seconded Acting Deputy Mayor Grant Robinson that Council notes the information.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

### 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](mailto:general.manager@freycinet.tas.gov.au) or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.***

#### **Ms Jen Hackett**

*I'm trying to gain a deeper understanding of the VIC finances and the financial reasons for the closure decision, since so little detailed information has been released to date by Council. Following the financial information provided to Yon Kikkert's question on notice, I thought these questions might help further the communities understanding of the financial information provided, and mine, as a very basic P&L such as presented gives little depth of understanding to the community of what the actual costs involved are and how they arise. I also cannot see where \$360K has come from, the figure quoted by council as an overall cost saving by closing the VIC's. I am very confused now, as I imagine many others are too. I would expect the information I request should be easily attainable given the analysis that Council would have performed on the VIC finances for the decision to close the VIC's.*

Q1. *What portion of the wages stated as VIC wages are overhead wages from non operational staff, working out of other Council cost centre's? Please indicate the cost centres that these costs are attributed from in your answer, individually. i.e. what portion comes from finance wages, payroll dept, general managers wage, general administration wages etc... Stated in either percentage or dollar value is fine.*

#### **Response from the Acting General Manager, Mrs Marissa Walters**

No proportion of the wages stated as VIC wages are overhead wages from non-operational staff, working out of other Council cost centres, it only includes direct costs from the Visitor Information Centres.

Q2. *What portion of the materials and services is overhead costs charged from other Council cost centre's? Please indicate the Council cost centre's that these costs are attributed from in your answer, individually. Stated in either percentage or dollar value is fine.*

#### Response from the Acting General Manager, Mrs Marissa Walters

No proportion of the materials and services are overhead costs charged from other Council cost centres only direct costs.

### 3.2 Questions on Notice

#### Mr Yon Kikkert

*Could Council please provide full breakdown on income and expenditure, including stock and staffing costs, for the three Visitor Information Centres?*

#### Response from the Acting General Manager, Mrs Marissa Walters

In responding to Mr Kikkert's question, the following details are provided:

#### Profit and Loss - VICs

Glamorgan Spring Bay Council

For the year ended 30 June 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
<b>Trading Income</b>						
Rate Revenue	318,497	318,497	0	0%	318,497	
User Charges	320,628	315,000	5,628	2%	315,000	
Other Revenue	60,626	53,500	7,126	13%	53,500	
<b>Total Trading Income</b>	<b>699,752</b>	<b>686,997</b>	<b>12,755</b>	<b>2%</b>	<b>686,997</b>	
<b>Gross Profit</b>	<b>699,752</b>	<b>686,997</b>	<b>12,755</b>	<b>2%</b>	<b>686,997</b>	
<b>Operating Expenses</b>						
Employee Costs	474,290	497,617	(23,327)	-5%	497,617	1
Materials & Services	212,832	185,380	27,452	15%	185,380	2
Depreciation	2,511	4,000	(1,489)	-37%	4,000	
<b>Total Operating Expenses</b>	<b>689,634</b>	<b>686,997</b>	<b>2,637</b>	<b>0%</b>	<b>686,997</b>	
<b>Net Profit</b>	<b>10,118</b>	<b>0</b>	<b>10,118</b>	<b>0%</b>	<b>0</b>	

#### Notes

1. Employee Costs are down on forecast for the year due to the redeployment of VIC staff to other departments due to COVID-19.
2. Stock purchases are included in materials and services.

## **4. PLANNING AUTHORITY SECTION**

---

**Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015* the Chairperson declared 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: ).

### **DECISION 285/20**

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council now acts as a Planning Authority at 2:15pm.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

***Having declared an interest in the next item, Cllr Rob Churchill and Cllr Annie Browning left the meeting at 2:16pm.***

## **4.1 Report on Representations to the Draft Glamorgan Spring Bay Council Local Provisions Schedule**

**Responsible Officer – Senior Planning Consultant**

---

### **ATTACHMENT/S**

1. Planning Authority Report under Section 35 of the *Land Use Planning and Approvals Act 1993*
2. De-Identified Representations.

The purpose of this report is to determine the Planning Authorities position on the representations that were lodged to the exhibition of the Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (Commission) pursuant to section 35F and 35G of the Land Use Planning and Approvals Act 1993 (Act).

### **BACKGROUND/OVERVIEW**

Council endorsed the draft Local Provision Schedule and submitted to the Commission. The Commission completed their initial assessment and directed that the draft LPS be notified in accordance with the requirements of the Act.

The LPS was notified in accordance with the Act from 13 December 2019 to 15 February 2020. Due to the requirements of the Acts Interpretation Act 1931, section 29(4), the period was extended to 17 February 2020.

During this period, 54 representations were received. In addition, three late representations were put to Council for endorsement and assessment, as they relate to the LPS process. Observations suggest that education of the community about this process should have been better. Council may wish to raise this issue with the planning policy unit or the Local Government Association of Tasmania to seek improved education outcomes.

### **STATUTORY IMPLICATIONS**

The Act requires that the draft LPS is notified as follows:

- It is on exhibition for a period of 60 days (13 December 2019 to 15 February 2020);
- a notice was placed in the local papers on two separate occasions;
- copies of the draft LPS were available for viewing at the Council office for the notification period; and
- the draft LPS was available from Councils website under the Major Projects section for this period, with advice on how to make a representation; and
- Copies of the LPS were available for viewing at the Council office in Triabunna.

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
  - whether the draft LPS should be modified; and
  - if recommended to be modified, the effect on the draft LPS as a whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- the recommendation of the planning authority in relation to the draft LPS.

Having considered the representations, Section 35G of the Act provides for the planning authority to provide advice to the TPC in a notice, that the planning authority is of the opinion that the State Planning Provisions (SPP's) should be altered. The Act however, contains a particular complexity in that any submissions by a party that the SPP's should be altered cannot be regarded as a representation.

This report, and the subsequent decision of the planning authority, is made up of two parts that address separately the planning authority's report under Section 35F and the planning authority's notice under Section 35G.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made. The TPC will then seek the agreement of the Minister for Planning for the final form of the Glamorgan Spring Bay LPS before it is approved and commences operation.

There is no legislative process prescribed for a notice submitted by the planning authority under Section 35G.

The existing delegations to staff do not deal with this process. Additional delegations will be required to staff to function with the process of hearings and making submissions to the Commission for and on behalf of Council.

### **BUDGET IMPLICATIONS**

Budget implications of the current process form part of Council's operational costs and statutory obligations as a planning authority.

### **RISK CONSIDERATIONS**

Identified risks are considered to be addressed by the Planning Authority observing the statutory process.

A recommendation is provided to deal with the assessment of the representations, serve notice on the Commission for changes to the SPP's and provide delegations for operational functions of the decision and subsequent process for the hearings.

### **RECOMMENDATION**

1. That the Planning Authority endorse '*1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule*' of Attachment 1 as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.
2. That the Planning Authority endorse '*2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions*' of Attachment 1 as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.
3. That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Executive Manager Development (or persons acting in those positions) its powers and functions to:
  - a) modify the reports submitted under sections 35F and 35G if a request is received from the Tasmanian Planning Commission for further information; and
  - b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

## **DECISION 286/20**

Moved Cllr Keith Breheny, seconded Cllr Cheryl Arnol that:

1. That the Planning Authority endorse '1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the draft Glamorgan Spring Bay Local Provisions Schedule' of Attachment 1 including the Addendum provided in relation to representation 23 as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.
2. That the Planning Authority endorse '2.0 Planning Authority Notice under Section 35G of Land Use Planning and Approvals Act 1993 – Recommended Amendments to the State Planning Provisions' of Attachment 1 as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.
3. That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Executive Manager Development (or persons acting in those positions) its powers and functions to:
  - a) modify the reports submitted under sections 35F and 35G if a request is received from the Tasmanian Planning Commission for further information; and
  - b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

***Cllr Cheryl Arnol acknowledged the work undertaken by the Council's Contract Planner, Mr Purves, on this matter.***

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0**

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Michael Symons

Against: Nil.

***Cllr Rob Churchill and Cllr Annie Browning returned to the meeting at 2.21pm.***

***The Acting Mayor advised Cllr Churchill and Cllr Browning of the outcome of Council's decision in respect to Agenda Item 4.1.***

## 4.2 Subdivision Application 2020 / 7

### 52 Charles Street, Orford (CT 135657/2)

<b>Proposal</b>	Subdivision into 8 lots
<b>Applicant</b>	A.C.N. 625 477 054 Pty Ltd
<b>Application Date</b>	14 February 2017
<b>Statutory Date</b>	28 August 2020 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	General Residential
<b>Codes</b>	1.0 Bushfire-Prone Areas, 5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management
<b>Use</b>	Class: Residential subdivision. Type: Discretionary
<b>Development</b>	Discretionary
<b>Discretions</b>	Five
<b>Representations</b>	One
<b>Attachments</b>	A – Application Documents B – Representations C – Engineering Report
<b>Author</b>	External Planning Consultant

### Executive Summary

Planning approval is sought for an 8 lot residential subdivision at 52 Charles Street, Orford (the subject site) and demolition of two existing structures. Stormwater is proposed to be drained across 46 Charles Street and 5 Prosser Street to the north of the site. The subject site is zoned General Residential zone and is partially within the Landslide Hazard Area (low) overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.7.2 of the planning scheme. The proposal does not meet the Acceptable Solution of the following development standards:

- D10.6.1 A2 Minimum building area (all lots are subject to Codes)
- D10.6.1 A4 Internal lots are proposed
- D10.6.1 A5 Subdivision is for more than 3 lots
- E5.5.1 A3 Increased use of existing road access
- E7.7.1 A2 Water Sensitive Urban Design

The proposal was advertised for two weeks from 1 July to 15 July 2020. One representation was received.

This report assesses the proposal against the Performance Criteria for the standards listed above and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 28 August 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 met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

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

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

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

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

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

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

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

### **3. The Proposal**

Approval is sought for an 8 lot residential subdivision with vehicular access provided off Mary Street for proposed lots 3 -8 and off Charles Street for lots 1 and 2. The proposed lots range in size from 667 m<sup>2</sup> (lot 7) to 1050 m<sup>2</sup> (lot 6). Approval is also sought for the demolition of two existing structures located to the in the northeast corner of the site. Stormwater generated by the subdivision is proposed to be drained across 46 Charles Street and 5 Prosser Street to the north of the site.

#### 4. Risk and implications

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

Recommended conditions include options for financial contributions to be made to Council for stormwater treatment and stormwater capacity upgrades. The contribution for treatment imposes no timeframe on Council to undertake works or spend the contribution. The contribution for capacity upgrades is only applicable if Council already has an approved works programme. The acceptance of any financial contribution is solely at Council's discretion and as such is not considered to pose any risk.

#### 5. Background and past applications

The property has previously been subject to a subdivision application for a similar lot layout under SA 2019/10 which was subsequently withdrawn. The current application was lodged on 15 March 2020 and was made valid on 17 June 2020.

A revised submission was submitted in May 2020 with a slightly different stormwater easement arrangement however the proposed lot layout remained the same as originally submitted.

#### 6. Location

The subject site is located at 52 Charles Street and has dual frontage with Mary Street which adjoins the sites western boundary. The site is approximately 500 m south of the Orford local business area and approximately 540 m west of Orford Beach (see Figure ).

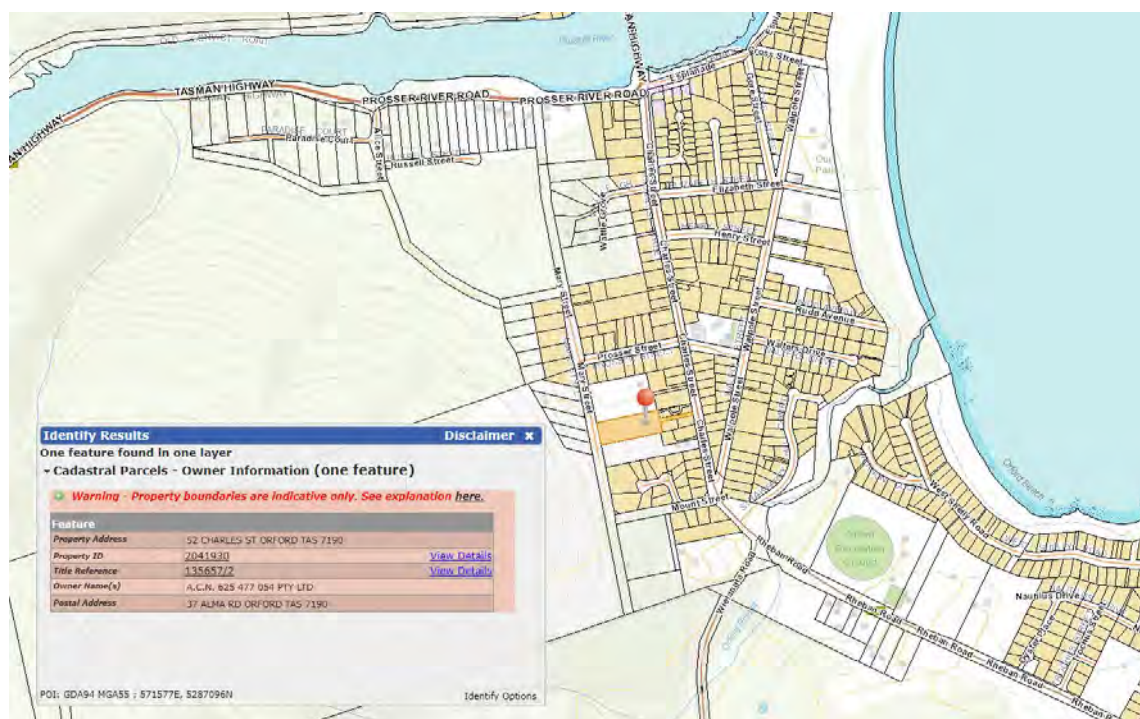


Figure 1 – 52 Charles Street, Orford (LISTmap)

## 7. Site Description

The site has dual street frontage to both Charles Street to the east and Mary Street to the west and has an overall area of 6,837 m<sup>2</sup>. The site contains two sheds and scattered vegetation but is otherwise undeveloped (Figure 2). The site is a regular shaped lot with an approximately 70 m x 7.2 m access handle connecting to Charles Street at the eastern boundary. The site rises approximately 29 m from the eastern frontage to the southwest corner. The site is fully serviced with reticulated water and sewer.



**Figure 2 – 52 Charles Street, Orford outlined in blue. Lots subject to the proposed stormwater drainage easements outlined in red (LISTmap)**

## 8. Planning Instruments

1) Glamorgan Spring Bay Planning Scheme 2015

- 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

## 9. Easements and Services

- Right of Way (private) easement over the access handle towards the eastern boundary of the lot.
- TasWater sewer and water mains within the Charles Street road reserve.
- TasWater sewer and water mains within the Mary Street road reserve.
- Fencing provision easement, stating that the vendor shall not be required to fence.

It is noted that the amended subdivision plan has been sent to TasWater for their review and at the time of writing this report, an amended TasWater SPAN had not yet been received. As the amended subdivision plan had only minor changes to that originally supported by TasWater in their SPAN dated 22 May 2020 it is considered unlikely that TasWater will raise concerns with the revised layout. However, an updated TasWater SPAN must be received and referenced in the conditions of consent, prior to the application being determined.

## 10. Covenants

There are no restrictive covenants listed on the title.

## PART TWO

## 11. Meeting the Standards – via Acceptable Solution

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

- 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

All but five standards were met by Acceptable Solution. These are assessed against the applicable performance criteria below.

## 12. Meeting the Standards – via Performance Criteria

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

- D10.6.1 A2 Minimum building area (all lots are subject to Codes)
- D10.6.1 A4 Internal lots are proposed
- D10.6.1 A5 Subdivision is for more than 3 lots
- E5.5.1 A3 Increased use of existing road access
- E7.7.1 A2 Water Sensitive Urban Design

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 28 August 2020.

## PART THREE

### 13. Assessing the proposal against the Performance Criteria

#### Use and Development Standards under the General Residential Zone

#### Development Standards for Subdivision – Lot Design (D10.6.1)

The objective of the lot design standards is:

To provide for new lots that:

- (a) *Have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements; and*
- (b) *Contain building areas which are suitable for residential development, located to avoid hazards; and*
- (c) *Are a mixed of lot sizes to enable a variety of dwelling and household types; and*
- (d) *Are capable of [providing for a high level of residential amenity including privacy, good solar access, and passive surveillance of public spaces;*
- (e) *ensure an average net density for new suburban areas no less than 15 dwellings per hectare with higher densities close to services, facilities and public transport corridors;*
- (f) *are not internal lots, except if the only reasonable way to provide for desired residential amenity;*
- (g) *are provided in a manner that provides for the efficient and ordered provision of infrastructure.*

Performance Criteria	Planner's response
<b>Clause 10.6.1 A2</b>	All eight building areas within the proposed subdivision are subject to the Bushfire-Prone Area code. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A2 and has been assessed against the corresponding performance criteria.
<b>P2</b> The design of each lot must contain a building area able to satisfy all of the following: (a) be reasonably capable of accommodating residential use and development.	Each lot within the proposed subdivision is capable of accommodating a 10 x 15 m building area on a lot of no less than 601 m <sup>2</sup> (excluding access strips), thus providing lots which are slightly larger than the minimum lot size required under Table 10.1. The slightly larger lot sizes will allow for any additional measures required to address bushfire requirements and management of stormwater within each lot as well as to provide sufficient area to respond to site topography.  Future residential development on all lots will be serviced by reticulated water and sewer infrastructure.  It is therefore considered that each lot is reasonably capable of accommodating residential use and development, consistent with P2(a).

Performance Criteria	Planner's response
(b) meets any applicable standards in codes in this planning scheme.	<p>The proposed subdivision meets all applicable standards under the following codes:</p> <ul style="list-style-type: none"> <li>• Bushfire-Prone Areas</li> <li>• Road and Railway Assets</li> <li>• Parking and Access</li> <li>• Stormwater Management</li> </ul> <p>The proposal is consistent with the requirements of P2(b).</p>
(c) enables future development to achieve maximum solar access, given the slope and aspect of the land.	<p>The site slopes down towards the eastern boundary, and the alignment of each lot runs west to east.</p> <p>Each lot is capable of providing a building area with the long axis facing due north, therefore maximising the opportunity for solar access for future residential development.</p> <p>In addition, although the subdivision includes lots which are located to the north of another lot, the building areas will be separated by an access corridor and/or a drainage easement corridor which are located centrally within the subdivision. Due to this, adequate separation will be maintained between future dwellings to ensure overshadowing of development on the southern lots is minimised.</p> <p>The proposal is consistent with the requirements of P2(c).</p>
(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development.	<p>The site has a slope of 1:4 which falls down towards the eastern boundary.</p> <p>Sufficient area is provided on each lot so as to allow development to be positioned and designed in a way that minimises the need for earthworks. In addition, the proposed access handles to lots 5 - 8 are located so that the private driveway and parking area for each lot can be provided at the same contour as a future dwelling, thus minimising the need for additional excavation and/or fill. It is considered that proposed lots 1 and 2, which are access off Charles Street, will share a single driveway located within the access handle.</p> <p>The proposal is consistent with the requirements of P2(d).</p>
<p>(e) provides for sufficient useable area on the lot for both of the following;</p> <ul style="list-style-type: none"> <li>(i) on-site parking and manoeuvring</li> <li>(ii) adequate private open space</li> </ul>	<p>The proposed lots range in size from 601 m<sup>2</sup> up to 799 m<sup>2</sup> (excluding access strips) which is more than the minimum lot size required under Table 10.1 but does not exceed the maximum lot size allowable.</p> <p>Proposed lots 3 and 8 have direct street frontage onto Marry Street at the western boundary and are provided with separate vehicular access. Sufficient area is available for both onsite vehicle parking located behind</p>

Performance Criteria	Planner's response
	<p>the building line as well as onsite turning, should it be required.</p> <p>Proposed lots 4 – 7 are provided with a minimum 3.6 m wide access handle off Mary Street. Sufficient area is available for onsite vehicle parking on these lots.</p> <p>Proposed lots 1 and 2 have an overall area of 720 m<sup>2</sup> and 690 m<sup>2</sup> respectively (excluding the access strips) which is sufficient to provide onsite parking and turning.</p> <p>It is noted that whilst the site is within a bushfire-prone area, a fire-fighting vehicle will not be required to enter any of the proposed lots in order to access a water supply as the bushfire report submitted with the application requires the installation of a fire hydrant at the Mary Street frontage which will service lots 3 - 8. Proposed lots 1 and 2 were classified as BAL-LOW and therefore do not require any specific bushfire protection measures such as a water supply for firefighting.</p> <p>A minimum area of approximately 200 m<sup>2</sup> is available on each lot for use as private open space.</p> <p>The proposal is consistent with the requirements of P2(e).</p>
<b>Clause 10.6.1 A4</b>	Proposed lots 1, 2 & 4 – 7 are internal lots. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A4 and has been assessed against the corresponding performance criteria.
<p><b>P4</b></p> <p>An internal lot must satisfy all of the following:</p> <p>(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>	<p>Proposed lots 1 and 2 gain access from Charles Street to the east and proposed lots 4 – 7 gain access from Mary Street to the west. Both of these roads existed prior to the current planning scheme coming into effect.</p> <p>The proposal is consistent with the requirements of P4(a).</p>
(b) it is not reasonably possible to provide a new road to create a standard frontage lot.	<p>The subject site is an elongated lot with a maximum width of 48.12 m at the Mary Street frontage. This is insufficient width to efficiently subdivide the land whilst also accommodating a standard road corridor which are typically 20 m in width including the road reservation, kerb, gutter and pedestrian pathways.</p> <p>The proposal is consistent with the requirements of P4(b).</p>
(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot.	The proposed subdivision layout is considered the only reasonable way to subdivide the land efficiently, maintain regular shaped lots and utilise both street frontages.

Performance Criteria	Planner's response
	The proposal is considered to be consistent with the performance criteria under P4(c).
(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure.	<p>The proposed subdivision layout is considered to efficiently utilise the land available and achieve the anticipated lot density envisaged in the general residential zone.</p> <p>The site is fully serviced with reticulated water and sewer infrastructure at both the Charles Street and Mary Street frontages.</p> <p>The proposal satisfies performance criteria (d).</p>
(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use.	<p>Sufficient area is available on each lot so that future development of the land will readily achieve the minimum setback requirements from side, rear and front boundaries. This will ensure that sufficient separation is maintained between future development within the subdivision and existing or future development of adjoining general residential zoned land.</p> <p>As a result, the amenity of neighbouring land is considered unlikely to be adversely affected in terms of amenity (noise, overshadowing, visual intrusion) impacts.</p> <p>The proposal satisfies performance criteria (e).</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 3.6 m.	<p>Each internal lot is provided with a minimum 3.6 m wide access strip which is connected to either Charles Street to the east of Mary Street to the west.</p> <p>The proposal satisfies performance criteria (f).</p>
(g) passing bays are provided at appropriate distances to service the likely future use of the lot.	<p>The combined width of the private access handles for lots 4 – 7 are sufficient to accommodate passing bays. It is anticipated that a single driveway will be constructed in the location of the proposed access handles for lots 1 and 2. A combined width of 7.2 m will therefore be available within the access way which is sufficient for vehicle passing.</p> <p>The proposal is considered to meet the requirements of performance criteria (g).</p>
(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.	<p>There is a total of 4 access strips for lots 4 – 7, therefore each access strip is combined with no more than 3 other access strips. As discussed under (b) above, it is not possible to provide a new public road as part of the subdivision.</p> <p>The proposal satisfies performance criteria (h).</p>
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	The proposal will satisfy performance criteria (i) subject to condition of consent.

Performance Criteria	Planner's response
(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 areas of public open space or public rights of way within the proposed subdivision or on immediately adjoining land. Performance criteria (j) is not applicable.
<b>Clause 10.6.1 A5</b>	The proposed subdivision is for a total of 8 lots which exceeds that under the acceptable solution.  As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A5 and has been assessed against the corresponding performance criteria.
<b>P5</b> Arrangement and provision of lots must satisfy all of the following:  (a) have regard to providing a higher net density of dwellings along:  (i) public transport corridors;  (ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;  (iii) within 200 m of business zones and local shops.	The site is located within 150 m of a school (Orford Primary School) and is approximately 390 m south of a local business zone 530 m from the Orford local business area. The site is also located within 400 m of the Orford Bowls and Cricket Club oval and 420 m west of the Orford Beach Foreshore.  In addition, the site has frontage to Charles Street which is the main through road connecting to the Tasman Highway to the north at Prosser Bridge and Rheban Road which connects to Spring Beach further to the southeast.  As such, the proposal will provide additional residential lots within close proximity of local services, public open space and recreation areas and is well connected to the main transport corridors for the area, primarily the Tasman Highway.
(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone.	The proposed subdivision utilises the entirety of the subject lot and the lot sizes are at a density that is envisaged for the zone.  The proposal satisfies performance criteria (b).
(c) staging, if any, provides for the efficient and ordered provision of new infrastructure.	No staging is proposed, therefore performance criteria (c) is not applicable.
(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces.	Future development on proposed lots 1 and 2 will be located behind existing development at 50, 54A and 54B Charles Street. However, future development on the lots will not obstruct the existing view line and passive surveillance achieved from 50, 54A and 54B.  Proposed lots 3 and 8 will have direct frontage onto Mary Street, providing ample passive surveillance of the public road reserve.

Performance Criteria	Planner's response
	The proposal is considered to satisfy the requirements of performance criteria (d).
(e) is consistent with any applicable Local Area Objectives or Desired Future.	There are not local area objectives or desired future character statements applicable to the zone. Performance criteria (e) is not applicable.

## Use and Development Standards under the Road and Railway Assets Code

### Use Standards – Existing road accesses and junctions (E5.5.1)

The objective of the use standard is:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

Performance Criteria	Planner's response
<b>Clause 5.5.1 A3</b>	The use of the existing access off Charles Street will service 2 lots rather than 1, therefore increasing use by more than 20% or 40 vehicle movements per day.
<b>P3</b> Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60 km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use. (b) the nature of the traffic generated by the use. (c) the nature and efficiency of the access or the junction. (d) the nature and category of the road. (e) the speed limit and traffic flow of the road. (f) any alternative access to a road. (g) the need for the use.	Proposed lots 1 and 2 will utilise an existing access off Charles Street, at the site's eastern boundary. The application was referred to council's development engineer who assessed the proposal in regard to the safety of the access and the likely implications on the efficiency of the road network. The proposal is for residential subdivision and it is anticipated that proposed lots 1 and 2 will be developed for residential purposes. As such, the access will be used for residential purposes only and is not expected to result in a significant increase in traffic movements or generate an adverse impact on the local traffic network. The existing access onto Charles Street is required to be upgraded/constructed for the full length of the access strips to lots 1 and 2. This will ensure that the access is constructed to council standards and allows for the safe and efficient movement of vehicles to and from the site. This requirement has been incorporated into the conditions of consent. The proposal satisfies performance criteria P3.

Performance Criteria	Planner's response
(h) any traffic impact assessment; and  (i) any written advice received from the road authority.	

## Development Standards under the Stormwater Management Code

### Development Standards – Stormwater Drainage and Disposal (E7.7.1)

The objective of the use standard is:

To ensure that stormwater quality and quantity is managed appropriately.

Performance Criteria	Planner's response
<b>Clause 7.7.1 A2</b>	The proposed subdivision did not incorporate water sensitive urban design principles therefore the proposal has been assessed against the performance criteria under P2.
<b>P2</b> A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.	<p>The application involves more than 5 lots. As such, Water Sensitive Urban Design principles are required for the treatment and disposal of stormwater.</p> <p>The applicant has not addressed this requirement. The practicality of implementing WSUD principles within this subdivision is limited given it creates no open space or road reservation. A condition requiring the developer implement WSUD principles or alternatively make a financial contribution to Council for stormwater treatment in a more appropriate location has been incorporated into the recommended conditions of consent.</p> <p>An amended stormwater management report from a suitably qualified person will be required to demonstrate compliance with the conditions prior to engineering plans being approved.</p> <p>The proposal satisfies performance criteria P2 subject to condition.</p>

## 14. Referrals

The application was referred to Council's Engineering Consultant, who provided input to this report.

The application has also been referred to TasWater on several occasions. However, at the time of writing this report, an amended TasWater SPAN reflecting the latest subdivision plan had not yet been received. As the amended subdivision plan had only

minor changes to that originally supported by TasWater in their SPAN dated 22 May 2020 it is considered unlikely that TasWater will raise concerns with the revised layout. However, an updated TasWater SPAN must be received and referenced in the conditions of consent, prior to the application being determined.

## 15. Concerns raised by representors

The following table summarises the issues raised by the representor. Matters relating to the management of stormwater and vehicle access have been responded to with input from council's development engineer. The representation is provided in full at Attachment B.

Representation 1	Engineer's response
<p>1) Demolition of existing sheds - this will probably contain asbestos and would like assurance that this will be removed safely.</p> <p>2) runoff/stormwater - an inordinate amount of water is collected on and runs down 52 Charles St during a rain event. The last rain event caused significant run off and water damage at my property, [REDACTED], with wash out onto Charles St. In my view, this will be exacerbated by additional hard areas as part of the development. I think as part of the subdivision, Council should require the developer to collect and appropriately divert the runoff into the stormwater system.</p> <p>3) Unless the angle of the driveway crossover at 52 Charles St onto Charles St is altered, trucks etc will not be able to access the newly subdivided blocks that way.</p> <p>4) In my view, 20 additional blocks from 52 Charles St and the adjoining development, is overdevelopment and will change the social/cultural fabric of this area of Orford. It is too much.</p>	<p>1) A condition has been imposed on the consent to ensure that demolition is undertaken safely and waste materials, including potential asbestos, are taken off site and disposed of appropriately.</p> <p>2) A piped stormwater system serving the new lots connected to the public stormwater system will be provided as part of the subdivision.</p> <p>3) Vehicle access provided off Charles Street will serve proposed lots 1 and 2. A condition has been imposed on the consent which requires the access to be constructed in accordance with council's standards for residential accesses and be subject to engineering design approval. This standard of access will be able to accommodate construction vehicles required for typical residential scale development.</p> <p>4) Whilst it is acknowledged that the proposed subdivision will result in additional residential dwellings within the area, the proposed lot size and overall density is commensurate with that envisaged for the general residential zone.</p> <p>In addition, the site is fully serviced by reticulated water and sewer and therefore the proposal will also fulfill zone purpose statements 10.1.1.1 and 10.1.1.3 which are "To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided" and "to provide for the efficient utilisation of services".</p> <p>In addition, the subject site is located at the western extent of general residential zoned land in Orford, with land on the opposite side of Mary Street being predominantly larger rural resource and low density residential lots. As such, the proposal will provide a clear delineation between the residential part of Orford and the low density, rural residential character surrounding to the south and west.</p>

## 16. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

## 17. 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, Subdivision Application 2020 / 7, to subdivide an existing lot into 8 residential allotments at 52 Charles Street, Orford (CT 135657/2) with stormwater drainage across 46 Charles Street (CT 252719/5) and 5 Prosser Street (CT 8012/4) be approved with the following conditions:

### Subdivision

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

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

2. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
4. The development must be in accordance with the Bushfire Hazard Management Plan and Report prepared by Jacqui Blowfield (IreneInc Planning and urban Design), dated 26 May 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
5. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.

### Engineering

7. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or require by conditions of this permit.
8. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.

9. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - a) all existing and proposed services required by this permit;
  - b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.
10. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

### Services

11. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
12. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
  - a) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

*Advice: The stormwater network downstream of the subdivision has insufficient capacity to accommodate increased runoff from the subdivision. The developer will need to provide detention to limit flows from the subdivision and/or upgrade downstream infrastructure to accommodate any increase in flows generated by the subdivision. Any detention or upgrades are to be based on detailed design calculations submitted in conjunction with engineering plans for approval by Council. Council may, at the discretion of the Works Manager, accept a financial contribution, equal to no less than the total cost of implementing detention to limit flows from the subdivision to pre-existing, subject to Council having a stormwater management plan in place for the catchment and works programme approved for capacity upgrades.*

13. New stormwater pipework within the subject property and extending to the existing public stormwater system in Prosser Street must be designed to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed, irrespective of whether private stormwater detention is to be provided on individual lots.
14. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an [ARI](#) of 100 years.
15. Where on site detention is provided or required on individual lots each lot must be subject to an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 that is entered into prior to the sealing of the final plan of survey in order to manage the installation and maintenance of on-site stormwater detention to the effect that:
  - a. the owners of each lot must install and maintain rainwater detention tanks with diversion devices to collect all stormwater runoff from roofed areas, of a size and type to be determined and shown in the engineering design drawings;
  - b. The design details for (a) above are included in the agreement in a clear, readily understandable manner.

The agreement must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles at no cost to Council.

16. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively:

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

17. Prior to, or in conjunction with, the submission of Engineering Design Drawings the developer must submit an amended Stormwater Infrastructure Drainage Report, including detailed calculations, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
18. Upon completion of works the engineer certifying the Stormwater Infrastructure Drainage Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **TasWater**

19. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2020/00648-GSB, dated 18 August 2020.

#### **Telecommunications and electrical reticulation**

20. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
21. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
22. Prior to sealing the final plan of survey the developer must submit to Council:
  - (a) Evidence that each lot has existing electrical and telecommunication connections; or
  - (b) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - (c) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

## Road and Access

23. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
24. A vehicular access including concrete driveway apron and kerb crossover must be provided to each lot from the road carriageway to the property boundary, in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager. The vehicular accesses must be provided as follows:
  - (a) Separate vehicular accesses from Mary Street must be provided to Lots 3 and 8.
  - (b) A single, shared vehicular access from Mary Street must be provided to Lots 4 to 7.
  - (c) A single, shared vehicular access from Charles Street must be provided to lots 1 and 2.
25. To the satisfaction of Council's General Manager, the shared vehicular accesses to Lots 1 and 2, and to Lots 4 to 7, must be constructed for the entire length of the access strips to the lot proper. The driveways 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*, Council standards, and must include:
  - (a) 5.5 metre min. width carriageway to provide 2 way access located at least 0.3m from any side boundary
  - (b) Constructed with a durable all weather pavement
  - (c) Sealed Surfaced (The surfacing material must be concrete from the kerb to the property boundary. The surfacing material within the property must be asphalt, concrete, pavers or other approved material.)
  - (d) Stormwater drainage.

## Water Quality

26. A soil and water management plan (here referred to as a '**SWMP**') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
27. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
28. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
29. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

## Construction

30. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.

31. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
32. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.
33. Vehicles associated with construction workers must be parked on site.
34. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a. Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.
  - b. Not burn debris or waste on site
  - c. Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property
  - d. Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
  - e. Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.
  - f. Erect suitable barriers to ensure native vegetation is not damaged during construction works.
  - g. Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

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

35. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.
36. Native vegetation must not be removed, lopped, ring-barked or otherwise wilfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.

#### **'As constructed' drawings**

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

## Maintenance and Defects Liability Period

38. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
39. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.
40. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the whole plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

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

## THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date it was issued to you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council General Manager or otherwise extended by written consent.
- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- i. All approved engineering design drawings will form part of this permit on and from the date of approval.
- j. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)

- *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- k. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m<sup>2</sup> and the burning of plastics, and other non-wood or non-vegetative material.
- l. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
- m. Land Title Office fees must be paid directly to the Recorder of Titles.
- n. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- o. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- p. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- q. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
- r. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
- s. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- t. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.
- u. The applicant is advised to contact Private Forests Tasmania (03 62337640) to discuss alterations to the existing Private Timber Reserve boundary to exclude the area required for the dwelling.
- v. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>

- w. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

### **DECISION 287/20**

Moved Cllr Annie Browning, seconded Cllr Rob Churchill that pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Subdivision Application 2020 / 7, to subdivide an existing lot into 8 residential allotments at 52 Charles Street, Orford (CT 135657/2) with stormwater drainage across 46 Charles Street (CT 252719/5) and 5 Prosser Street (CT 8012/4) be approved with the following conditions:

#### **Subdivision**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

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

2. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
4. The development must be in accordance with the Bushfire Hazard Management Plan and Report prepared by Jacqui Blowfield (IreneInc Planning and urban Design), dated 26 May 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
5. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.

#### **Engineering**

7. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or require by conditions of this permit.
8. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
9. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - a) all existing and proposed services required by this permit;

- b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.
10. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

### Services

11. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
12. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
- a) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

*Advice: The stormwater network downstream of the subdivision has insufficient capacity to accommodate increased runoff from the subdivision. The developer will need to provide detention to limit flows from the subdivision and/or upgrade downstream infrastructure to accommodate any increase in flows generated by the subdivision. Any detention or upgrades are to be based on detailed design calculations submitted in conjunction with engineering plans for approval by Council. Council may, at the discretion of the Works Manager, accept a financial contribution, equal to no less than the total cost of implementing detention to limit flows from the subdivision to pre-existing, subject to Council having a stormwater management plan in place for the catchment and works programme approved for capacity upgrades.*

13. New stormwater pipework within the subject property and extending to the existing public stormwater system in Prosser Street must be designed to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed, irrespective of whether private stormwater detention is to be provided on individual lots.
14. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an [ARI](#) of 100 years.
15. Where on site detention is provided or required on individual lots each lot must be subject to an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 that is entered into prior to the sealing of the final plan of survey in order to manage the installation and maintenance of on-site stormwater detention to the effect that:
- a. the owners of each lot must install and maintain rainwater detention tanks with diversion devices to collect all stormwater runoff from roofed areas, of a size and type to be determined and shown in the engineering design drawings;
  - b. The design details for (a) above are included in the agreement in a clear, readily understandable manner.

The agreement must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles at no cost to Council.

16. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively:

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

17. Prior to, or in conjunction with, the submission of Engineering Design Drawings the developer must submit an amended Stormwater Infrastructure Drainage Report, including detailed calculations, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
18. Upon completion of works the engineer certifying the Stormwater Infrastructure Drainage Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **TasWater**

19. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2020/00648-GSB, dated 18 August 2020.

#### **Telecommunications and electrical reticulation**

20. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
21. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
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25. To the satisfaction of Council's General Manager, the shared vehicular accesses to Lots 1 and 2, and to Lots 4 to 7, must be constructed for the entire length of the access strips to the lot proper. The driveways 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*, Council standards, and must include:
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  - b. Not burn debris or waste on site
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  - d. Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage
  - e. Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.
  - f. Erect suitable barriers to ensure native vegetation is not damaged during construction works.
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39. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.
40. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the whole plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

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

### THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

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- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date it was issued to you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council General Manager or otherwise extended by written consent.
- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- i. All approved engineering design drawings will form part of this permit on and from the date of approval.
- j. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - *Aboriginal Relics Act 1975* (Tasmanian)
  - *Threatened Species Protection Act 1995* (Tasmanian)

- *Weed Management Act 1999* (Tasmanian)
  - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
  - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- k. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m<sup>2</sup> and the burning of plastics, and other non-wood or non-vegetative material.
- l. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to [www.gsbc.tas.gov.au](http://www.gsbc.tas.gov.au) for the fee current at the date of lodgement of the final plan or survey.
- m. Land Title Office fees must be paid directly to the Recorder of Titles.
- n. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- o. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- p. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- q. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
- r. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
- s. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- t. A Certificate of Plumbing Compliance (Form 33) is to be completed by a registered plumber and submitted to the GSBC Permit Authority as part of the requisite plumbing permit application.

- u. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning  
Clr Rob Churchill, Clr Michael Symons

Against: Nil

## 4.3 Subdivision Application 2020 / 9

### 66 Alma Road, Orford (CT 35054/1)

<b>Proposal</b>	<b>Subdivision into 11 lots plus balance</b>
<b>Applicant</b>	Nick Griggs & Co.
<b>Application Date</b>	15 April 2020
<b>Statutory Date</b>	28 August 2020 (extended by consent of applicant)
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	Low Density Residential
<b>Codes</b>	1.0 Bushfire-Prone Areas, 5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management, 11.0 Waterway and Coastal Protection, 15.0 Inundation Prone Areas
<b>Use</b>	Class: Residential subdivision. Type: Discretionary
<b>Development</b>	Discretionary
<b>Discretions</b>	Thirteen (13)
<b>Representations</b>	Four (4)
<b>Attachments</b>	A – Application Documents B – Representations C – Engineering Report D – Holkham Court Storm Water Assessment
<b>Author</b>	External Planning Consultant

### Executive Summary

Planning approval is sought for an 11 lot residential subdivision plus balance of title at 66 Alma Road, Orford (the subject site). The balance of title is proposed as public open space with an associated drainage function.

The subject site is zoned Low Density Residential and is within the Waterway and Coastal Protection Area overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.7.2 of the planning scheme. The proposal is reliant on Performance Criteria and is subject to the discretionary assessment process. Discretions relate to lot design, public open space, vehicle access, waterway protection and inundation.

The proposal was advertised for two weeks from 29 July to 12 August 2020. Four representations were received.

This report assesses the proposal against the relevant Performance Criteria and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 28 August 2020.

The officer's 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 met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

4. Adopt the recommendation
5. Vary the recommendation
6. 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:

3. By Acceptable Solution, or if it cannot do this,
4. 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**

Approval is sought for an 11 lot residential subdivision plus balance of title. The balance of title is proposed to be contributed as public open space.

The proposal seeks to develop a new creek channel and detention pond within the public open space to manage stormwater. In addition, the proposal includes landscaping in the public open space to reinstate natural values.

Vehicular access to lots is provided off Alma Road, with either direct lot access or shared right of way access. The proposed lots are as follows:

Lot 1 – 1001m<sup>2</sup> with private access

Lot 2 – 1000m<sup>2</sup> with private access

Lot 3 – 1033m<sup>2</sup> with private access

Lot 4 – 1472m<sup>2</sup> internal lot with right of way access

Lot 5 – 2389m<sup>2</sup> internal lot with right of way access

Lot 6 – 2136m<sup>2</sup> with right of way access

Lot 7 – 2439m<sup>2</sup> internal lot with right of way access

Lot 8 – 2496m<sup>2</sup> internal lot with right of way access

Lot 9 – 2346m<sup>2</sup> internal lot with right of way access

Lot 10 – 2500m<sup>2</sup> internal lot with right of way access

Lot 11 – 2300m<sup>2</sup> with private access

Lot 100 – 2296m<sup>2</sup> public open space

The proposal is to be developed in 3 stages. Stage 1 being lots 1-5. Stage 2 being lots 6-8 and 100. Stage 3 being lots 9-11. Application documents are provided in Attachment A.

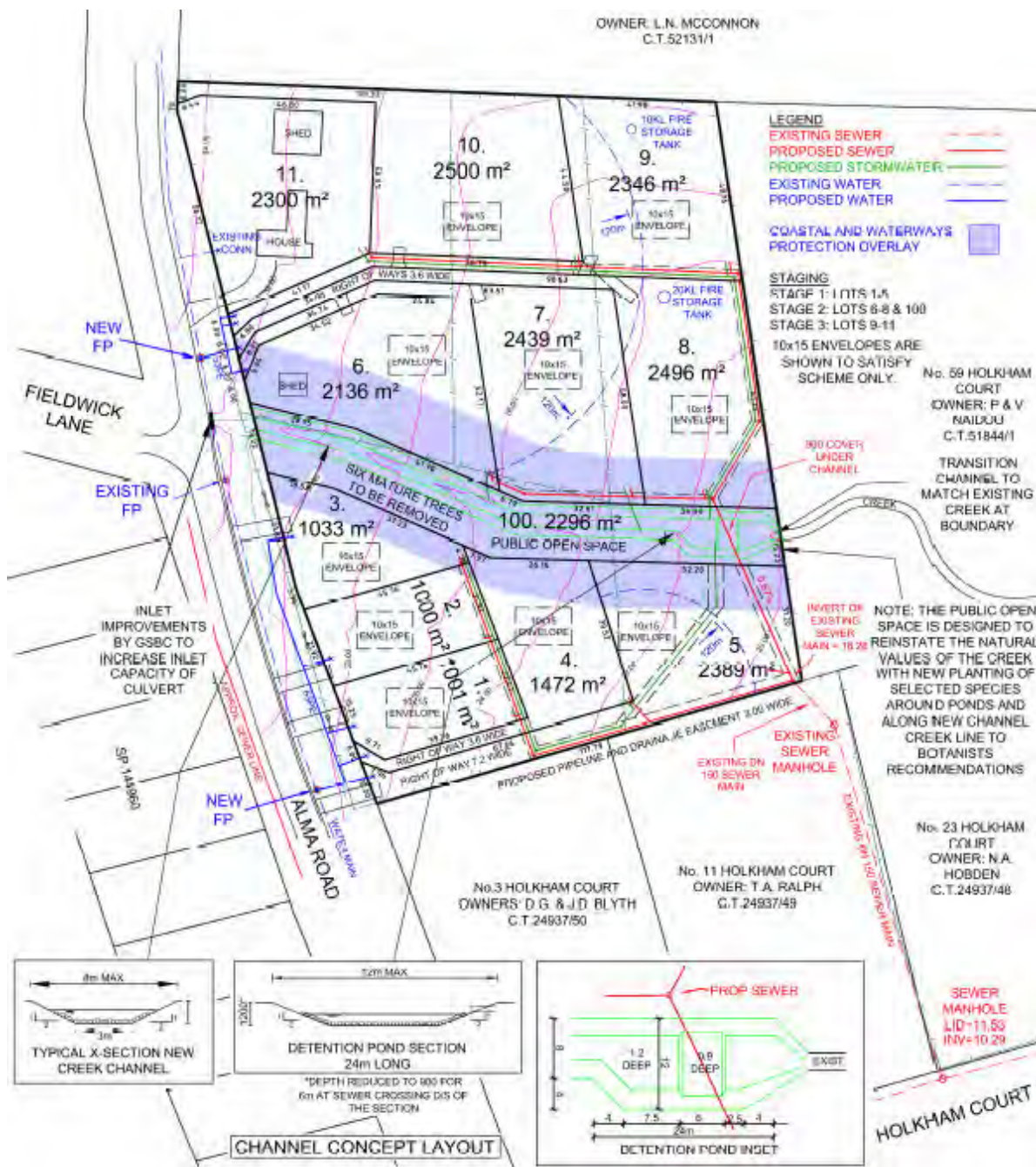


Figure 3 – Plan of Subdivision (source: Nick Griggs & Co.)

#### 4. Risk and implications

Approval of this application would have ongoing financial implications for Council regarding the operation and maintenance of public open space and drainage associated with proposed Lot 100. Part of the public open space would also need to be managed by Council as a Bushfire Hazard Management Area.

Stormwater management in the area is currently inadequate. There is a need for Council to upgrade stormwater infrastructure in the area irrespective of the proposed development being approved or refused. Approval could provide a mechanism (by way of condition) for the developer to contribute to the upgrades. Further risks associated with implementing stormwater management are detailed in the Engineering Report provided as Attachment C.

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

## 5. Background and past applications

The site has been subject to numerous past subdivision applications, as follows:

- An application to subdivide was made in 2008, which lapsed.
- An application to subdivide was made in 2016 for 16 lots plus road. This was withdrawn in September 2019.
- An application to subdivide was made in September 2019 for 14 lots plus road and public open space. This was withdrawn in April 2020.

The proposed subdivision has responded to issues raised by Council officers during the assessment of past applications, namely regarding the minimisation of impacts on natural values and removal of the previously proposed cul-de-sac.

## 6. Location

Alma Road is in Orford, north of the Prosser River and west of the Tasman Highway. This location features a mix of general and low density residential land in the immediate area, surrounded by a rural and bushland setting. This site context is depicted in Figure 2.



Figure 2 – Location (66 Alma Road is pinned in the top centre-left) (source: LISTmap)

## 7. Site Description

The site comprises 2.34 hectares of gently-sloping, mostly-cleared land used for rough grazing with an existing dwelling and outbuilding. The land slopes from the 30m contour

in the north-west corner to the 20m contour in the south-east corner. The contours and an unnamed waterway traversing the land from west to east are shown in Figure 3.



Figure 3 – Site (66 Alma Road is shown by blue outline; waterway is shown by blue hatched area; contours shown by light grey line) (source: LISTmap)

## 8. Planning Instruments

### 2) Glamorgan Spring Bay Interim Planning Scheme 2015

- D12.0 Low Density 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
- E11.0 Waterway and Coastal Protection Code
- E15.0 Inundation Prone Areas Code

## 9. Easements and Services

There are no easements on the property. Mains water runs along Holkham Court and Alma Road. Sewerage runs along the western side of Alma Road and part way along

Holkham Court. There is existing public stormwater infrastructure in the area, typically existing waterways. Services are shown in Figure 4.



Figure 4 – Services (mains water shown by blue line; sewerage shown by red line; stormwater shown by orange lines and arrows) (source: Council's Geographic Information System)

## 10. Covenants

There are no restrictive covenants listed on the title.

## **PART TWO**

### **11. Meeting the Standards – via Acceptable Solution**

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

- D12.0 Low Density 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
- E11.0 Waterway and Coastal Protection Code
- E15.0 Inundation Prone Areas Code

All bar thirteen (13) standards were met by Acceptable Solution. For brevity, the Planning Officer's initial assessment of the proposal is not provided here, but can be provided if required.

### **12. Meeting the Standards – via Performance Criteria**

The thirteen (13) standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

- |     |            |  |
|-----|------------|--|
| 1.  | D12.5.1 A2 | Building Area  |
| 2.  | D12.5.1 A3 | Frontage Width   |
| 3.  | D12.5.1 A4 | Internal Lots  |
| 4.  | D12.5.3 A1 | Public Open Space Design                               |
| 5.  | D12.5.3 A2 | Public Open Space Provision                            |
| 6.  | E5.6.2 A2  | Number of Accesses                                     |
| 7.  | E6.7.2 A1  | Design of Accesses                                     |
| 8.  | E6.7.3 A1  | Vehicle Passing Along and Access                       |
| 9.  | E6.7.6 A1  | Driveway Surfacing                                     |
| 10. | E11.7.1 A1 | Works in Waterway Protection Area                      |
| 11. | E11.7.1 A4 | New Stormwater Discharge into Waterway Protection Area |
| 12. | E11.8.1 A1 | Subdivision in a Waterway Protection Area              |
| 13. | E15.8.3 A1 | Subdivision in a Riverine Inundation Hazard Area       |

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 28 August 2020.

## PART THREE

### 13. Assessing the proposal against the Performance Criteria

The following section provides an assessment against for performance criteria for the thirteen discretions identified above, with a brief indication of why the acceptable solution is not met.

#### Discretion 1: D12.5.1 P2 – Building Area

The objective of this lot design standards is:

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

The proposal does not meet the acceptable solution as the location of the building area for Lot 5 is not clear of setback requirements. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P2</b> The design of each lot must contain a building area able to satisfy all of the following: (a) be reasonably capable of accommodating residential use and development.	Each lot within the proposed subdivision is provided with a 10 x 15 m building area on a lot of no less than 1000m <sup>2</sup> , thus providing lots which comply with the minimum lot size requirements. The average lots size for the proposal is 1919m <sup>2</sup> . Future residential development on all three lots will be serviced by reticulated water, sewer, and stormwater infrastructure able to operate via gravity. Lots are of a sufficient size and dimension to allow unencumbered building areas that are capable of accommodating residential use and development. The proposal meets the requirements of P2(a).
(b) meets any applicable standards in codes in this planning scheme.	The proposed subdivision meets all applicable standards under the following codes, as detailed in the equivalent corresponding Planner's responses: <ul style="list-style-type: none"> <li>• Bushfire-Prone Areas</li> <li>• Road and Railway Assets</li> <li>• Parking and Access</li> <li>• Stormwater Management</li> </ul>

Performance Criteria	Planner's response
	<ul style="list-style-type: none"> <li>• Waterway and Coastal Protection</li> <li>• Inundation Prone Areas</li> </ul> <p>The proposal meets the requirements of P2(b).</p>
(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land.	<p>The site has a gentle slope down towards the southeast boundary, whereby topography is not expected to have an impact on solar access to future dwellings.</p> <p>The long axis of each building area shown on the proposed plan of subdivision faces due north, therefore maximising the opportunity for solar access for future residential development.</p> <p>In addition, given the relatively large lot sizes, ample space is available on any given lot to facilitate the siting of development to maximise solar gain.</p> <p>The proposal meets the requirements of P2(c).</p>
(d) minimises the requirement for earth works, retaining walls, and cut and fill associated with future development.	<p>The site has a gentle slope down towards the southeast boundary and a relatively level vehicular access is available to each lot.</p> <p>Due to the relatively flat topography of the site, and large lot sizes, future development of each lot will require minimal earthworks to achieve a suitable building pad and area of private open space.</p> <p>The proposal meets the requirements of P2(d).</p>

## Discretion 2: D12.5.1 P3 – Frontage Width

The objective of this lot design standards is:

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

The proposal does not meet the acceptable solution as there are a number of lots with frontages less than 30m. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P3</b> The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6m.	Each proposed lot within the subdivision is provided with a minimum 6m wide vehicular access which meets the requirements for sight distances is and is capable of meeting relevant design standards for crossovers.  Where more than one 6m frontage is adjoining another, a shared driveway is proposed, thereby minimise the opportunity for conflicting traffic movements.  As such, the proposed subdivision can be considered as providing sufficient opportunity for practical and safe vehicular and pedestrian access.  The proposal meets the requirements of P3.

### Discretion 3: D12.5.1 P4 – Internal Lots

The objective of this lot design standards is:

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

The proposal does not meet the acceptable solution as there are a number of internal lots proposed. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P4</b> An internal lot must satisfy all of the following: (a) access is 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;	Lots 4, 5, 7, 8, 9 and 10 are internal lots with access to Alma Road.  There is no alternative opportunity to subdivide the site at the permitted density without introducing internal lots or a new road. A new road is not preferable as it would have more substantial impacts on natural values and stormwater management.  The proposal allows for shared driveways to provide access the internal lots in a relatively efficient manner given site constraints.  The proposal meets the requirements of P4(a).
(b) it is not reasonably possible to provide a new road to create a standard frontage lot	See response to P4(a).  The proposal meets the requirements of P4(b).
(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;	See response to P4(a).  The proposal meets the requirements of P4(c).
(d) the lot will contribute to the more efficient utilisation of living land;	See response to P4(a).  The proposal meets the requirements of P4(d).

Performance Criteria	Planner's response
(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;	<p>The proposed internal lots are, on average, 2273m<sup>2</sup> in area. Access to these lots will be via two shared driveways (one to the north of the waterway serving lots 7-10 and one to the south of the waterway serving lots 4-5).</p> <p>The size of the lots, and the efficiency of accesses proposed, will ensure that a reasonable scale of development occurs on the site.</p> <p>Neighbouring land features a mix of general, low density and rural land use. The proposed low density residential use of the land is consistent with the prevailing use in the area and will introduce a reasonable level of impact on amenity.</p> <p>In addition, the proposed reinstatement and landscaping of the waterway, providing an opportunity for additional public open space to neighbouring residents, will have a positive impact on amenity for the area.</p> <p>The proposal meets the requirements of P4(e).</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>The proposal ensures that internal lots will have access to Alma Road via a minimum 3.6m wide shared right of way.</p> <p>A condition is recommended on any planning permit granted that shared rights of way be no less than 5.5m wide with passing opportunities at appropriate intervals subject to detailed design to the satisfaction of Council's Municipal Engineer.</p> <p>The proposal meets the requirements of P4(f) by way of condition.</p>
(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;	<p>See response to P4(f) above.</p> <p>The proposal meets the requirements of P4(g).</p>
(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;	<p>Lots 7-10 are served by access strips that are combined. Any one access strip is not combined with more than three others.</p> <p>The proposal meets the requirements of P4(h).</p>

Performance Criteria	Planner's response
(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.	<p>Application documentation is silent on the surface treatment of shared right of ways. A condition is to be placed on any planning permit requiring that these right of way driveways be sealed.</p> <p>The proposal meets the requirements of P4(i) by way of condition.</p>
(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.	<p>The proposed subdivision layout includes internal lots with boundaries and building envelopes addressing the proposed public open space lot. The public open space lot will form an important natural feature of the subdivision, whereby 6 of the 11 proposed lots will have a boundary facing the open space. The subdivision layout therefore maximises opportunities for future dwellings to provide passive surveillance of the open space.</p> <p>The proposal meets the requirements of P4(j).</p>

#### Discretion 4: D12.5.3 P1 – Public Open Space Design

The objective of this lot design standards is:

To ensure that the arrangement of ways and public open space provides for all of the following:

- (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community;
- (b) the adequate accommodation of pedestrian and cycling traffic;

The proposal includes a public open space land contribution, for which there is no acceptable solution. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <p>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</p>	<p>There are no adjoining ways requiring connection. The proposal facilitates opportunities for future connections to potential drainage and/or public open space areas adjoining the site to the east. This may be beneficial in addressing stormwater issues in the area.</p> <p>The proposal meets the requirements of P1(a).</p>

Performance Criteria	Planner's response
(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;	<p>Land to the east and south of the site is in the Low Density Residential zone, which has subdivision potential.</p> <p>The proposal includes a central public open space area, which provides opportunities for a future pedestrian connection to land with subdivision potential to the east.</p> <p>To the south, lots are smaller in size and have frontages to Alma Road and/or Holkham Court. Given this, subdivision potential on these lots is not reliant on any through connections to the site.</p> <p>Land to the north is in the Rural Living zone. Subdivision potential of this land is limited by a 1ha minimum lot size and a Biodiversity Protection Area overlay containing threatened native vegetation communities.</p> <p>The proposal meets the requirements of P1(b).</p>
(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;	<p>All lots are afforded direct access and frontage to Alma Road. Rights of way are proposed for internal lots to share a driveway, providing for more efficiency and amenity.</p> <p>The proposal meets the requirements of P1(c).</p>
(d) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;	<p>Given the elevated position, it is likely that all of the central public open space lot being proposed (Lot 100) will be visible from Alma Road. In addition, the subdivision layout ensures 6 of the 11 lots proposed will have a boundary facing the public open space. Many of these lots will also be elevated above the open space area, providing opportunities for passive surveillance.</p> <p>The proposal meets the requirements of P1(d).</p>
(e) topographical and other physical conditions of the site are appropriately accommodated in the design;	<p>Topographical constraints and physical conditions of the site include the waterway and the slope of the land to the southeast. The waterway contains important mature native vegetation.</p> <p>The subdivision design accounts for the above constraints by contributing land as public open space that would also function as a critical drainage reserve and protect significant vegetation.</p> <p>The proposal meets the requirements of P1(e).</p>

Performance Criteria	Planner's response
(f) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;	<p>The proposed public open space would include a pedestrian path that would connect with Alma Road.</p> <p>There is no Council adopted public open space strategy for the area to guide the proposal. However, the proposal presents a pragmatic solution to addressing open space and drainage.</p> <p>The proposal meets the requirements of P1(f).</p>
<p>(g) 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 proposed public open space lot is between 15m-20m wide and has a direct frontage to Alma Road. Detailed design of the public open space, including landscaping treatment and lighting, will be required prior to sealing of the final plan of survey. This design will need to ensure that entrapments opportunities are minimised.</p> <p>As detailed in the Planner's response to P1(d) above, the proposed subdivision provides opportunities for passive surveillance.</p> <p>In addition, the subdivision proposal presents future opportunities to extend the public open space area further east to connect with Holkham Court (subject to future development proposals). In lieu of a Council adopted public open space strategy, these opportunities have been explored by Council's Planner and Engineers as a pragmatic solution to stormwater issues in the area. Should the open space be extended east in the future, safety would be further improved.</p> <p>The proposal meets the requirements of P1(g) by way of condition.</p>

## Discretion 5: D12.5.3 P2 – Public Open Space Provision

The objective of this lot design standards is:

To ensure that the arrangement of ways and public open space provides for all of the following:

- (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community;
- (b) the adequate accommodation of pedestrian and cycling traffic;

The proposal includes a public open space land contribution, for which there is no acceptable solution. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P2</b> Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.	The proposal provides a land contribution of public open space which forms more than 5% of the site. There is no relevant Council policy for private open space.  The proposal meets the requirements of P3.

## Discretion 6: E5.6.2 P2 – Number of Accesses

The objective of this road access development standards is:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

The proposal does not meet the acceptable solution as it includes more than one new access to Alma Road. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P2</b> For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road;	The site currently has a single crossover to Alma Road. The proposal includes 5 new crossovers to Alma Road, which is less than one new crossover per lot.  Alma Road is not a heavily trafficked road and the addition of five new crossovers will have no discernible impact on the operational efficiency of the road.  In addition, the safety of the road network is maintained as the proposed new crossovers are all provided with adequate sight distances and lots are of a size and proportion that allows vehicles to enter and exit the road in forward direction.  The proposal meets the requirements of P2.

Performance Criteria	Planner's response
(c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	

### Discretion 7: E6.7.2 P1 – Design of Accesses

The objective of this road access development standards is:

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

The proposal does not meet the acceptable solution as accesses have not be shown to meet Australian Standards. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P1</b> Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following: (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; (c) suitability for the type and volume of traffic likely to be generated by the use or development; (d) ease of accessibility and recognition for users.	<p>The site currently has a single crossover to Alma Road. The proposal includes 5 new crossovers to Alma Road, which is less than one new crossover per lot.</p> <p>Alma Road is not a heavily trafficked road and the addition of five new crossovers will have no discernible impact on the operational efficiency of the road.</p> <p>In addition, the safety of the road network is maintained as the proposed new crossovers are all provided with adequate sight distances and lots are of a size and proportion that allows vehicles to enter and exit the road in forward direction.</p> <p>A condition is to be placed on any permit granted to ensure that new accesses are designed and constructed to meet the relevant Council standards.</p> <p>The proposal meets the requirements of P1.</p>

## Discretion 8: E6.7.3 P1 – Vehicle Passing Along an Access

The objective of this road access development standards is:

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

The proposal does not meet the acceptable solution as vehicle passing bays are not proposed at 30m intervals along the shared driveways. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>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:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p>The proposal includes two shared driveways that require access from fire fighting vehicles. One shared driveway provides access to two lots (Lots 4-5) and the other shared driveway provides access to five lots (Lot 6-10).</p> <p>The submitted Bushfire Hazard Report prepared by PDA Surveyors and dated June 2020 indicatively shows 5m wide shared driveways. At this width, the shared driveways will provide safe and convenient access for the intended use.</p> <p>A condition is to be placed on any planning permit granted to ensure that shared driveway accesses are to be a minimum 5m wide in accordance with the submitted Bushfire Hazard Report.</p> <p>The proposal meets the requirements of P1 by way of condition.</p>

## Discretion 9: E6.7.6 P1 – Driveway Surfacing

The objective of this driveway design development standards is:

To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

The proposal does not meet the acceptable as the driveway surface treatment is not indicated in the submitted documentation. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:</p> <p>(a) the suitability of the surface treatment;</p> <p>(b) the characteristics of the use or development;</p> <p>(c) measures to mitigate mud or dust generation or sediment transport.</p>	<p>Clause D12.5.1 P4(i) requires driveways along access strips to internal lots to be sealed. A condition is to be placed on any planning permit granted to ensure that this occurs.</p> <p>The proposal meets the requirements of P1 by way of condition.</p>

## Discretion 10: E11.7.1 P1 – Works in Waterway Protection Area

The objective of this development standards is:

To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.

The proposal does not meet the acceptable solution as there are works in the waterway protection area including provision of services and new drainage infrastructure. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <p>(a) avoid or mitigate impact on natural values;</p>	<p>The proposal has been submitted along with a supporting Stormwater Management Design Report (Ross Cumming Engineering, July 2020), Natural Values Assessment (Tasflora, April 2020), Tree Retention Plan (Nick Griggs &amp; Co, June 2020) and Revegetation Advice (Tasflora, May 2020).</p> <p>These reports show that the proposal will undertake works to improve the drainage function of the site without introducing unreasonable impacts on natural values.</p> <p>The submitted Natural Values Assessment concludes that no natural values of conservation significance are impacted by the proposal.</p> <p>The waterway is largely degraded in its current condition, including issues with weeds and erosion from previous flood events. The proposal will improve the natural values of the waterway.</p> <p>Conditions are to be placed on any planning permit granted to ensure that the tree retention plan is implemented, revegetation of the waterway is undertaken in accordance with the revegetation advice, and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal meets the requirements of P1(a) by way of condition.</p>
<p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p>	<p>See planner's response to P1(a).</p> <p>The proposal meets the requirements of P1(b).</p>

Performance Criteria	Planner's response
(c) avoid or mitigate impacts on riparian or littoral vegetation;	See planner's response to P1(a). The proposal meets the requirements of P1(c).
(d) maintain natural streambank and streambed condition, (where it exists);	See planner's response to P1(a). The proposal meets the requirements of P1(d).
(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	See planner's response to P1(a). The proposal meets the requirements of P1(e).
(f) avoid significantly impeding natural flow and drainage;	See planner's response to P1(a). The proposal meets the requirements of P1(f).
(g) maintain fish passage (where applicable);	Not applicable.
(h) avoid landfilling of wetlands;	Not applicable.
(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.	See planner's response to P1(a). The proposal meets the requirements of P1(i).

## Discretion 11: E11.7.1 P4 – New Stormwater Discharge into Waterway Protection Area

The objective of this development standards is:

To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.

The proposal does not meet the acceptable solution as there is a proposed new stormwater discharge point into the waterway. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P4</b></p> <p>Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:</p> <p>(a) risk of erosion and sedimentation is minimised;</p>	<p>The proposal has been submitted along with a supporting Stormwater Management Design Report (Ross Cumming Engineering, July 2020), Natural Values Assessment (Tasflora, April 2020), Tree Retention Plan (Nick Griggs &amp; Co, June 2020) and Revegetation Advice (Tasflora, May 2020).</p> <p>These reports show that the proposal will undertake works to improve the drainage function of the site without introducing unreasonable impacts on natural values.</p> <p>The waterway is largely degraded in its current condition, including issues with weeds and erosion from previous flood events. The proposal seeks to improve the natural values and drainage function of the waterway.</p> <p>Conditions are to be placed on any planning permit granted to ensure that the tree retention plan is implemented, revegetation of the waterway is undertaken in accordance with the revegetation advice, and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and 'Tasmanian Coastal Works Manual' (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal meets the requirements of P1(a) by way of condition.</p>
<p>(b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed;</p>	<p>See planner's response to P4(a).</p> <p>The proposal meets the requirements of P4(b).</p>
<p>(c) potential for significant adverse impact on natural values is avoided.</p>	<p>See planner's response to P4(a).</p> <p>The proposal meets the requirements of P4(c).</p>

## Discretion 12: E11.8.1 P1 – Subdivision in a Waterway Protection Area

The objective of this subdivision standards is:

To ensure that:

- (a) works associated with subdivision in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values;
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural values.

The proposal does not meet the acceptable solution as there are works in the waterway protection area including provision of services and new drainage infrastructure. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<p><b>P1</b></p> <p>Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:</p> <p>(a) minimise impact on natural values;</p>	<p>The proposal has been submitted along with a supporting Stormwater Management Design Report (Ross Cumming Engineering, July 2020), Natural Values Assessment (Tasflora, April 2020), Tree Retention Plan (Nick Griggs &amp; Co, June 2020) and Revegetation Advice (Tasflora, May 2020).</p> <p>These reports show that the proposal will undertake works to improve the drainage function of the site without introducing unreasonable impacts on natural values.</p> <p>The submitted Natural Values Assessment concludes that no natural values of conservation significance are impacted by the proposal.</p> <p>The waterway is largely degraded in its current condition, including issues with weeds and erosion from previous flood events. The proposal seeks to improve the natural values and drainage function of the waterway.</p> <p>Conditions are to be placed on any planning permit granted to ensure that the tree retention plan is implemented, revegetation of the waterway is undertaken in accordance with the revegetation advice, and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).</p> <p>The proposal meets the requirements of P1(a) by way of condition.</p>
<p>(b) provide for any building area and any associated bushfire hazard management area to be either:</p>	<p>See planner's response to P1(a). The proposal is able to accommodate development capable of satisfying the code.</p> <p>The proposal meets the requirements of P4(b)(ii).</p>

Performance Criteria	Planner's response
(i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; <u>or</u>  (ii) able to accommodate development capable of satisfying this code.	
(c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.	Not applicable.

### Discretion 13: E15.8.3 P1 – Subdivision in a Riverine Inundation Hazard Area

The objective of this subdivision standards is:

That subdivision within a Riverine Inundation Hazard Area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.

The proposal does not meet the acceptable solution as lots are created that include access and services in the riverine inundation hazard area. Therefore, the application must be assessed against the following performance criteria.

Performance Criteria	Planner's response
<b>P1</b>  Each lot, or a lot proposed in a plan of subdivision, within a riverine inundation hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:  (a) any increase in risk from flood for adjacent land;  (b) the level of risk to use or development arising from an increased reliance on public infrastructure;  (c) the need to minimise future remediation works;	<p>The Engineering Report included as Attachment C to this report includes an assessment of the flood risk and proposed stormwater management for the site.</p> <p>The Stormwater Management Design Report prepared by Ross Cumming Engineering, dated July 2020, and submitted with the proposal, indicates that flooding from the 1% Annual Exceedance Probability (AEP) storm event will be conveyed within the upgraded waterway and will not impact on buildings areas or accesses.</p> <p>To ensure that the proposal presents a tolerable risk from flooding, conditions are to be placed on any planning permit granted to ensure that the proposed drainage will not introduce any increase in risk from flood for adjacent land.</p> <p>For additional assessment, refer to the Engineering Report in Attachment C, which makes reference to the Holkham Court Storm Water Assessment provided in Attachment D.</p> <p>The proposal meets the requirements of P1 by way of condition.</p>

Performance Criteria	Planner's response
<p>(d) any loss or substantial compromise by flood of access to the lot, on or off site;</p> <p>(e) the need to locate building areas outside the riverine inundation hazard area;</p> <p>(f )any advice from a State authority, regulated entity or a council; and</p> <p>(g) the advice contained in a flood hazard report.</p>	

#### 14. Referrals

The application was referred to Council's Municipal Engineer and Natural Resource Management Officer, who provided input to this report.

The application was referred to TasWater, who provided conditions to be placed on any permit granted.

## 15. Concerns raised by representors

The following table summarises the issues raised by the representor(s). As the issues raised were in relation to stormwater management and site flooding, Council's Municipal Engineer has provided a response. The representations are provided in full at Attachment B.

Representation 1	Planner's response
<ul style="list-style-type: none"> <li>5) Objects to the proposal.</li> <li>6) Highlights the flooding and drainage issues on the site and in the surrounding area.</li> <li>7) Concerns that none of the recommendations in the Council commissioned Holkham Court Storm Water Assessment report have been carried out to date.</li> <li>8) The proposal makes no mention of the above report and disregards the stormwater impact on downstream residents.</li> <li>9) Asserts that development on proposed lots 1, 2, 4 and 5 will not be able to drain stormwater to detention pond via gravity.</li> <li>10) Asserts that it is Council's responsibility to resolve stormwater issues in the area.</li> </ul>	<p>As the issues raised relate to flooding, drainage and stormwater management, the representation was referred to Council's Municipal Engineer who provided the following comments. A full copy of the Engineering Report is provided at Attachment C:</p> <p>"The applicant has demonstrated that the proposal is capable of meeting the acceptable solutions within code E7.7.1 Stormwater Drainage and Disposal of the Planning Scheme. Essentially the subdivision itself, through the use of stormwater detention, will result in no increase in pre-existing runoff. The recommended conditions ensure compliance with E7.7.1 Stormwater Drainage and Disposal of the Planning Scheme.</p> <p>Whilst the applicant did not directly address E15.8.3 Subdivision within a Riverine Inundation Hazard Area it is considered that via the recommended conditions any intolerable risk of flooding to the subdivision and any increase in risk from flood for adjacent land will be identified and mitigated prior to Council sealing the Plan of Survey for any stage of the subdivision.</p> <p>Council has a current 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."</p>
Representation 2	Planner's Response
<ul style="list-style-type: none"> <li>1) Objects to the proposal.</li> <li>2) Concerns that proposal will create negative impact from increased stormwater flows on adjacent land.</li> <li>3) Asserts that development on proposed lots 1, 2, 4 and 5 will not be able to drain stormwater to detention pond via gravity.</li> <li>4) Asserts that submitted hydrological information is flawed.</li> <li>5) Concerns that no stormwater tanks are proposed.</li> </ul>	<p>See response to Representation 1.</p>

<p>6) Concerns that timing of development is premature as Council needs to resolve broader stormwater management issues first.</p> <p>7) Asserts that it is Council's responsibility to resolve stormwater issues in the area.</p> <p>8) Recommends that an independent hydrologist be appointed by Council to review the applicant's stormwater report.</p>	
<b>Representation 3</b>	<b>Planner's Response</b>
<p>1) No formal support or objection to the proposal.</p> <p>2) Provides records of previous flooding events impacting the catchment.</p> <p>3) Notes that Council has undertaken assessment of stormwater inadequacies for the catchment.</p> <p>4) Requests that stormwater upgrades be implemented by Council as a matter of urgency.</p> <p>5) Requests that Council defer the decision to approve the subdivision proposal until the existing stormwater infrastructure is upgraded.</p>	See response to Representation 1.
<b>Representation 4</b>	<b>Planner's Response</b>
<p>1) No formal support or objection to the proposal.</p> <p>2) Provides records of previous flooding events impacting the catchment.</p> <p>3) Notes that Council has been aware of stormwater inadequacies for the catchment and has not taken any action to fix.</p> <p>4) Requests that stormwater upgrades be implemented by Council as a matter of urgency.</p> <p>5) Requests that Council defer the decision to approve the subdivision proposal until the existing stormwater infrastructure is upgraded.</p>	See response to Representation 1.

## 16. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

## 17. 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, Subdivision Application 2020 / 9, to subdivide an existing lot into 11 residential allotments (plus balance lot) at 66 Alma Street, Orford (CT35054/1) be approved with the following conditions:

### General

1. Prior to works commencing or the submission of engineering plans the developer must submit an amended proposal plan with the Public Open Space (Lot 100) included in stage 1. Once approved the amended plan will form part of the endorsed documents.
2. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
3. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.  
*Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.*
4. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
5. The development must be in accordance with the Bushfire Hazard Report (v2) prepared by Jim Mulcahy (PDA Surveyors), dated 30 June 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
6. Prior to sealing the final plan of survey an accredited bushfire practitioner must provide certification that the completed subdivision works are in accordance with the endorsed Bushfire Hazard Report.
7. An agreement pursuant to s73a of the Land Use Planning and Approvals Act 1993 must be entered into to the effect that:
  - a. Prior to the sealing of the final plan of survey for each stage, the developer pays a financial contribution of \$3500 per new lot to the Glamorgan Spring Bay Council for stormwater infrastructure upgrades, as calculated by the "Holkham Court Stormwater Assessment, Glamorgan Spring Bay Council, Revision 3" prepared by Anna Wilson and dated 10 September 2019 (attached).
8. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

9. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
10. A building area must be shown on the final plan of survey for any lot where the entirety of the lot cannot be serviced by gravity to the stormwater property connection.
11. A restrictive covenant, to which Council is to be made a party, must be created on all lots containing building areas prohibiting the creation of any impervious surface outside the defined building area.

### Part 5 Agreement

12. An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into prior to the sealing of the final plan of survey to the effect that:
  - a. The owners of Lot 100 arising from the subdivision permit agree to manage part of their land to provide bushfire hazard management areas for the benefit of Lots 1, 2, 4 and 5 in accordance with the Bushfire Hazard Management Plan prepared by PDA Surveyors, dated June 2020, and submitted with the application.
  - b. All affected owners agree to preserve vegetation identified as trees to be retained on the Tree Retention Plan prepared by Nick Griggs & Co., dated June 2020, and submitted with the application.
  - c. The owners of Lots 1 through 11 arising from the subdivision permit, excluding Lot 100, agree to manage the entirety of their lot as low threat vegetation and/or non-vegetated land (as defined by Clause 2.2.3.2 of AS3959-2009) in order to provide bushfire hazard management areas for the benefit of adjoining lots.
  - d. Where on site detention is provided or required on individual lots:
    - i. The owners of lots 1 through 11 arising from the subdivision permit, excluding Lot 100, must install and maintain rainwater detention tanks with diversion devices to collect all stormwater runoff from roofed areas, of a size and type to be determined and shown in the engineering design drawings;
    - ii. The design details for (i) above are included in the agreement in a clear, readily understandable manner.
13. Agreement(s) made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the Land Use Planning and Approvals Act 1993 by the applicant at no cost to Council.

### Environmental Management

14. 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 be approved by Council's General Manager and before development of the land commences.  
*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>*
15. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.

16. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
17. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.
18. Native vegetation must not be removed, lopped, ring-barked or otherwise wilfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.
19. No native vegetation is to be removed other than the six trees identified as trees to be removed on the on the Tree Retention Plan prepared by Nick Griggs & Co., dated June 2020, and submitted with the application.
20. The approved removal of native vegetation must minimise impact to retained native vegetation, soils and watercourses to the satisfaction of Council's General Manager.
21. Prior to the commencement of works a Hygiene (Weed and Disease) Management Plan must be developed and be submitted to Council's General Manager. If considered satisfactory, the procedures will be endorsed and will form part of the permit.
22. Prior to the sealing of the final plan of survey the declared weeds Gorse (*Ulex europaeus*) and Horehound (*Marubium vulgare*) present on the property must be controlled to the satisfaction of Council's General Manager.
23. Prior to the commencement of works, a Landscaping Plan for the public open space (Lot 100) must be submitted to and approved by Council's General Manager. The landscaping plan must be prepared by a landscape architect, or other person approved by Council's General Manager, in accordance with the recommendations of the Revegetation Advice prepared by Tasflora, dated May 2020 and submitted with the application
24. Prior to the sealing of the final plan of survey the landscaping of the public open space (Lot 100) must be completed in accordance with the approved Landscaping Plan.
25. To the satisfaction of Council's General Manager, landscaping undertaken in accordance with the Landscaping Plan must be maintained by the developer for a two year period in accordance with the Revegetation Advice prepared by Tasflora, dated May 2020 and submitted with the application.
26. To the satisfaction of Council's General Manager, works in the waterway protection area are to be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

### **Engineering**

27. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
28. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.

29. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show:
- a. all existing and proposed services required by this permit;
  - b. all existing and proposed roadwork required by this permit;
  - c. measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d. measures to be taken to limit or control erosion and sedimentation;
  - e. any other work required by this permit.
30. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

### Services

31. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
32. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
33. Property services to internal lots must be extended to the lot proper to the satisfaction of Council's General Manager.

### Drainage

34. Prior to the approval of Engineering Design Drawings the developer must submit a Flood Hazard Report, prepared in accordance with section E15.0 Inundation Prone Areas Code of the Glamorgan Spring Bay Interim Planning Scheme 2015 for approval by Council's General Manager. Once approved the Report will form part of the endorsed documents.
35. Any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved and there is no increase in risk from flood for adjacent land must be included in the engineering design drawings and implemented prior to the sealing of the Plan of Survey for any stage of the subdivision.  
*Advice: This may include works downstream as the upgrade to the watercourse including the culvert does concentrate the flow of flood water from a broad overland flow to a concentrated discharge on the property directly downstream.*
36. Stormwater management must be generally in accordance with the principles set out in Section 3.2 of the document "66 Alma Road Orford Subdivision, Application SA 2020/009, Stormwater Management Design Report, Revision 3" prepared by Ross Cumming Engineering, dated 31 October 2019, or as otherwise required by conditions of this permit, and to the satisfaction of Council's General Manager.
37. The stormwater system for the development must be designed to the satisfaction of Council's General Manager in accordance with the following, unless otherwise required by conditions on this permit:
- a. the "Holkham Court Stormwater Assessment, Glamorgan Spring Bay Council 2019, revision 3, prepared by Anna Wilson, dated 10/9/2019;
  - b. Australian Rainfall and Runoff 2019 (ARR2019), in in particular, with reference to Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches';

38. Unless determined otherwise by the approved Flood Hazard Report, the developer is to upgrade the existing stormwater culvert under Alma Road and associated channel works at the proposed subdivision intersection. The culvert is to be sized to accommodate a design flow rate of 5.1m<sup>3</sup>/s for the 5% AEP (and require a floodway across Alma Rd for the additional flows in the 1%AEP), or alternatively sized for the full 1% AEP 10m<sup>3</sup>/s.
39. The developer is to provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.  
*Advice: Lot 5 cannot be serviced in its entirety and will require a building area defined on the final plan of survey.*
40. The developer is to provide a piped stormwater drainage system capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.
41. The minor stormwater drainage system must be designed to comply with all of the following:
  - a. be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
42. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
43. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.
44. Prior to the approval of Engineering Design Drawings the developer must submit an amended Stormwater Management Design Report, including detailed calculations in accordance with Australian Rainfall and Runoff 2019, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
45. Upon completion of works the engineer certifying the Stormwater Management Design Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **TasWater**

46. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2020/00657-GSB, dated 13 July 2020.

#### **Telecommunications and electrical reticulation**

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

49. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
50. Prior to sealing the final plan of survey the developer must submit to Council:
  - a. A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - b. Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

### **Roads and Access**

51. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
52. Unless approved otherwise by Council's General Manager, roadworks to Alma Road must include:
  - a. Fully paved, sealed and drained carriageway widening where required to achieve an alignment consistent with the southern section and an ultimate carriageway width (face of kerb to face of kerb) of 8.9m;
  - b. Concrete kerb and channel along the entire frontage of the subdivision on the eastern side of Alma Road;
  - c. Concrete footpath 1.50 metres wide across the entire frontage on the eastern side;
  - d. Underground stormwater drainage.
53. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
54. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

### **Vehicular Access**

55. A vehicular access including concrete driveway apron and kerb crossover must be provided to each lot from the road carriageway to the property boundary, in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.
56. To the satisfaction of Council's General Manager, shared vehicular accesses must be constructed for the entire length of the access strips to the lot proper. The driveways 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, Council standards, and must include:
  - a. 5.5 metre minimum width carriageway to provide 2 way access located at least 0.3m from any side boundary;
  - b. Constructed with a durable all weather pavement;

- c. Sealed Surfaced (The surfacing material must be concrete, asphalt, pavers or other equivalent approved material);
- d. Stormwater drainage; and
- e. As required by an Approved Bushfire Hazard Management Plan.

#### **Construction**

- 57. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
- 58. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
- 59. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

#### **'As constructed' drawings**

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

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

- 61. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- 62. Water Sensitive Urban Design elements provided as part of the subdivision (including the works on the watercourse) are to be placed on an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty four (24) months.

Prior to placing the subdivision onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

## **DECISION 288/20**

Moved Cllr Keith Breheny, seconded Cllr Rob Churchill that pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Subdivision Application 2020 / 9, to subdivide an existing lot into 11 residential allotments (plus balance lot) at 66 Alma Street, Orford (CT35054/1) be approved with the following conditions 1 – 63.

### **General**

1. Prior to works commencing or the submission of engineering plans the developer must submit an amended proposal plan with the Public Open Space (Lot 100) included in stage 1. Once approved the amended plan will form part of the endorsed documents.
2. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
3. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.  
*Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.*
4. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
5. The development must be in accordance with the Bushfire Hazard Report (v2) prepared by Jim Mulcahy (PDA Surveyors), dated 30 June 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.
6. Prior to sealing the final plan of survey an accredited bushfire practitioner must provide certification that the completed subdivision works are in accordance with the endorsed Bushfire Hazard Report.
7. An agreement pursuant to s73a of the Land Use Planning and Approvals Act 1993 must be entered into to the effect that:
  - a. Prior to the sealing of the final plan of survey for each stage, the developer pays a financial contribution of \$3500 per new lot to the Glamorgan Spring Bay Council for stormwater infrastructure upgrades, as calculated by the "Holkham Court Stormwater Assessment, Glamorgan Spring Bay Council, Revision 3" prepared by Anna Wilson and dated 10 September 2019 (attached).
8. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
9. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.

10. A building area must be shown on the final plan of survey for any lot where the entirety of the lot cannot be serviced by gravity to the stormwater property connection.
11. A restrictive covenant, to which Council is to be made a party, must be created on all lots containing building areas prohibiting the creation of any impervious surface outside the defined building area.

## Part 5 Agreement

12. An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into prior to the sealing of the final plan of survey to the effect that:
  - a. The owners of Lot 100 arising from the subdivision permit agree to manage part of their land to provide bushfire hazard management areas for the benefit of Lots 1, 2, 4 and 5 in accordance with the Bushfire Hazard Management Plan prepared by PDA Surveyors, dated June 2020, and submitted with the application.
  - b. All affected owners agree to preserve vegetation identified as trees to be retained on the Tree Retention Plan prepared by Nick Griggs & Co., dated June 2020, and submitted with the application.
  - c. The owners of Lots 1 through 11 arising from the subdivision permit, excluding Lot 100, agree to manage the entirety of their lot as low threat vegetation and/or non-vegetated land (as defined by Clause 2.2.3.2 of AS3959-2009) in order to provide bushfire hazard management areas for the benefit of adjoining lots.
  - d. Where on site detention is provided or required on individual lots:
    - i. The owners of lots 1 through 11 arising from the subdivision permit, excluding Lot 100, must install and maintain rainwater detention tanks with diversion devices to collect all stormwater runoff from roofed areas, of a size and type to be determined and shown in the engineering design drawings;
    - ii. The design details for (i) above are included in the agreement in a clear, readily understandable manner.
13. Agreement(s) made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the Land Use Planning and Approvals Act 1993 by the applicant at no cost to Council.

## Environmental Management

14. 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 be approved by Council's General Manager and before development of the land commences.  
*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>*
15. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
16. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.

17. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.
18. Native vegetation must not be removed, lopped, ring-barked or otherwise wilfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.
19. No native vegetation is to be removed other than the six trees identified as trees to be removed on the on the Tree Retention Plan prepared by Nick Griggs & Co., dated June 2020, and submitted with the application.
20. The approved removal of native vegetation must minimise impact to retained native vegetation, soils and watercourses to the satisfaction of Council's General Manager.
21. Prior to the commencement of works a Hygiene (Weed and Disease) Management Plan must be development and be submitted to Council's General Manager. If considered satisfactory, the procedures will be endorsed and will form part of the permit.
22. Prior to the sealing of the final plan of survey the declared weeds Gorse (*Ulex europaeus*) and Horehound (*Marubium vulgare*) present on the property must be controlled to the satisfaction of Council's General Manager.
23. Prior to the commencement of works, a Landscaping Plan for the public open space (Lot 100) must be submitted to and approved by Council's General Manager. The landscaping plan must be prepared by a landscape architect, or other person approved by Council's General Manager, in accordance with the recommendations of the Revegetation Advice prepared by Tasflora, dated May 2020 and submitted with the application
24. Prior to the sealing of the final plan of survey the landscaping of the public open space (Lot 100) must be completed in accordance with the approved Landscaping Plan.
25. To the satisfaction of Council's General Manager, landscaping undertaken in accordance with the Landscaping Plan must be maintained by the developer for a two year period in accordance with the Revegetation Advice prepared by Tasflora, dated May 2020 and submitted with the application.
26. To the satisfaction of Council's General Manager, works in the waterway protection area are to be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

### **Engineering**

27. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
28. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
29. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show:
  - a. all existing and proposed services required by this permit;
  - b. all existing and proposed roadwork required by this permit;

- c. measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d. measures to be taken to limit or control erosion and sedimentation;
  - e. any other work required by this permit.
30. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

### Services

31. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
32. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
33. Property services to internal lots must be extended to the lot proper to the satisfaction of Council's General Manager.

### Drainage

34. Prior to the approval of Engineering Design Drawings the developer must submit a Flood Hazard Report, prepared in accordance with section E15.0 Inundation Prone Areas Code of the Glamorgan Spring Bay Interim Planning Scheme 2015 for approval by Councils General Manager. Once approved the Report will form part of the endorsed documents.
35. Any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved and there is no increase in risk from flood for adjacent land must be included in the engineering design drawings and implemented prior to the sealing of the Plan of Survey for any stage of the subdivision.  
*Advice: This may include works downstream as the upgrade to the watercourse including the culvert does concentrate the flow of flood water from a broad overland flow to a concentrated discharge on the property directly downstream.*
36. Stormwater management must be generally in accordance with the principles set out in Section 3.2 of the document "66 Alma Road Orford Subdivision, Application SA 2020/009, Stormwater Management Design Report, Revision 3" prepared by Ross Cumming Engineering, dated 31 October 2019, or as otherwise required by conditions of this permit, and to the satisfaction of Council's General Manager.
37. The stormwater system for the development must be designed to the satisfaction of Council's General Manager in accordance with the following, unless otherwise required by conditions on this permit:
- a. the "Holkham Court Stormwater Assessment, Glamorgan Spring Bay Council 2019, revision 3, prepared by Anna Wilson, dated 10/9/2019;
  - b. Australian Rainfall and Runoff 2019 (ARR2019), in in particular, with reference to Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches';
38. Unless determined otherwise by the approved Flood Hazard Report, the developer is to upgrade the existing stormwater culvert under Alma Road and associated channel works at the proposed subdivision intersection. The culvert is to be sized to accommodate a design flow rate of 5.1m<sup>3</sup>/s for the 5% AEP (and require a floodway across Alma Rd for the additional flows in the 1%AEP), or alternatively sized for the full 1% AEP 10m<sup>3</sup>/s.

39. The developer is to provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.  
*Advice: Lot 5 cannot be serviced in its entirety and will require a building area defined on the final plan of survey.*
40. The developer is to provide a piped stormwater drainage system capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.
41. The minor stormwater drainage system must be designed to comply with all of the following:
  - a. be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - b. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
42. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
43. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.
44. Prior to the approval of Engineering Design Drawings the developer must submit an amended Stormwater Management Design Report, including detailed calculations in accordance with Australian Rainfall and Runoff 2019, clearly demonstrating compliance with the conditions of this permit, for approval by Council's General Manager. The report must be prepared and certified by an experienced and practicing Civil Engineer. Once approved the amended report will form part of the endorsed documents.
45. Upon completion of works the engineer certifying the Stormwater Management Design Report must provide certification that the stormwater system has been constructed in accordance with the approved report.

#### **TasWater**

46. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2020/00657-GSB, dated 13 July 2020.

#### **Telecommunications and electrical reticulation**

47. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
48. Street Lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
49. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
50. Prior to sealing the final plan of survey the developer must submit to Council:

- a. A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
- b. Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

### **Roads and Access**

51. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
52. Unless approved otherwise by Council's General Manager, roadworks to Alma Road must include:
  - a. Fully paved, sealed and drained carriageway widening where required to achieve an alignment consistent with the southern section and an ultimate carriageway width (face of kerb to face of kerb) of 8.9m;
  - b. Concrete kerb and channel along the entire frontage of the subdivision on the eastern side of Alma Road;
  - c. Concrete footpath 1.50 metres wide across the entire frontage on the eastern side;
  - d. Underground stormwater drainage.
53. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
54. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

### **Vehicular Access**

55. A vehicular access including concrete driveway apron and kerb crossover must be provided to each lot from the road carriageway to the property boundary, in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.
56. To the satisfaction of Council's General Manager, shared vehicular accesses must be constructed for the entire length of the access strips to the lot proper. The driveways 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, Council standards, and must include:
  - a. 5.5 metre minimum width carriageway to provide 2 way access located at least 0.3m from any side boundary;
  - b. Constructed with a durable all weather pavement;
  - c. Sealed Surfaced (The surfacing material must be concrete, asphalt, pavers or other equivalent approved material);
  - d. Stormwater drainage; and

- e. As required by an Approved Bushfire Hazard Management Plan.

### **Construction**

57. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
58. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
59. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

### **'As constructed' drawings**

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

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

61. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
62. Water Sensitive Urban Design elements provided as part of the subdivision (including the works on the watercourse) are to be placed on an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty four (24) months.
63. Prior to placing the subdivision onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

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

For: Acting Deputy Mayor Grant Robinson, Cllr Cheryl Arnol, Cllr Keith Breheny,  
Cllr Annie Browning, Cllr Michael Symons

Against: Acting Mayor Jenny Woods, Cllr Rob Churchill

## 4.4 Development Application 2020 / 33

### Crown Land, Swansea (corner of Noyes St and Franklin St/Tasman Hwy)

<b>Proposal</b>	Electric Vehicle Charging Station
<b>Applicant</b>	Electric Highway Tasmania P/L
<b>Application Date</b>	25 February 2020
<b>Statutory Date</b>	29 August 2020
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	20.0 Local Business
<b>Codes</b>	6.0 Parking and Access, 7.0 Stormwater Management
<b>Use</b>	Utilities - No Permit Required
<b>Development</b>	Discretionary
<b>Discretions</b>	Two
<b>Representations</b>	One
<b>Attachments</b>	A – Application Documents B – Representation
<b>Author</b>	External Planning Consultant

### Executive Summary

Planning approval is sought to install an electric vehicle charging station for two on-street parking bays in Noyes Street, Swansea. The road reserve is owned and maintained by Council.

Utilities use is a 'No Permit Required' use in the zone. The proposal is discretionary by not meeting two development standards via Acceptable Solution, namely:

1. D21.3.1 A1 Operating Hours
2. E17.7.1 A2 Number of Signs

The proposal was advertised for two weeks from 1 July 2020 to 15 July 2020. One representation was received.

This report assesses the proposal against the Performance Criteria for the two standards listed above, considers the representation received, and makes a recommendation. The Planning Authority must make a final determination by 29 August 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 a discretion is required. This report addresses only the discretions and the representation and makes a final recommendation.

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

7. Adopt the recommendation
8. Vary the recommendation
9. 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:

5. By Acceptable Solution, or if it cannot do this,
6. 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 representation.

### **3. Risk and implications**

Approval of the application would have ongoing financial implications for Council to enforce the new parking restrictions (i.e. electric vehicle parking only). This is not anticipated to be largely beyond existing parking enforcement duties in the area, depending on frequency of infringements.

There are also potential insurance liabilities for Council if the use operates without an appropriate lease, licence or formal agreement with Council. Such a lease/licence/agreement is expected to be required prior to commencement of use.

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

#### 4. Background and past applications

In a letter dated 21 May 2019, Council provided formal support to Electric Highways Tasmania (EHT) P/L as part of their initial application for funding to install a fast charging station at Swansea. Council's letter noted the following:

"If EHT P/L is successful in the application for grants funds, Council will enter in to a formal site agreement with EHT to occupy the site for the purpose of providing fast charging services based on the outline framework proposed... Council will support the operation of the site by providing enforcement of parking restrictions to EV charging only, and general maintenance of the site area (not the equipment)."

#### 5. Location

Noyes Street is within the township of Swansea, on the southwestern side of the section of Tasman Highway known as Franklin Street.



Figure 1: Noyes Street near corner of Tasman Highway in Swansea (source: LISTmap)

#### 6. Site Description

The site of the proposed electric vehicle charging station is on the north-western side of Noyes Street, between Tasman Highway (section known as Franklin Street) and the vehicle crossover serving Merv Lewis Park.



Figure 2: The site – shown by blue pin (source: LISTmap)

## 7. The Proposal

Approval is sought for an electric vehicle charging station serving two new electric vehicle parking bays.

More specifically the proposal includes:

- Two new on-street electric vehicle parking bays, replacing two existing on-street parking bays;
- One electric vehicle charging station located between the two parking bays;
- One electrical switchboard located on the Noyes Street verge;
- One multipurpose pole containing security lighting, card reader and statutory signage; and
- Relocated centre line and line markings to provide a symmetrical carriageway design with equal lane widths for both directions of traffic on Noyes Street.

The associate infrastructure to be located on the north-western verge of Noyes Street will be located to ensure that no less than 2m pedestrian footpath width is maintained at the narrowest point.

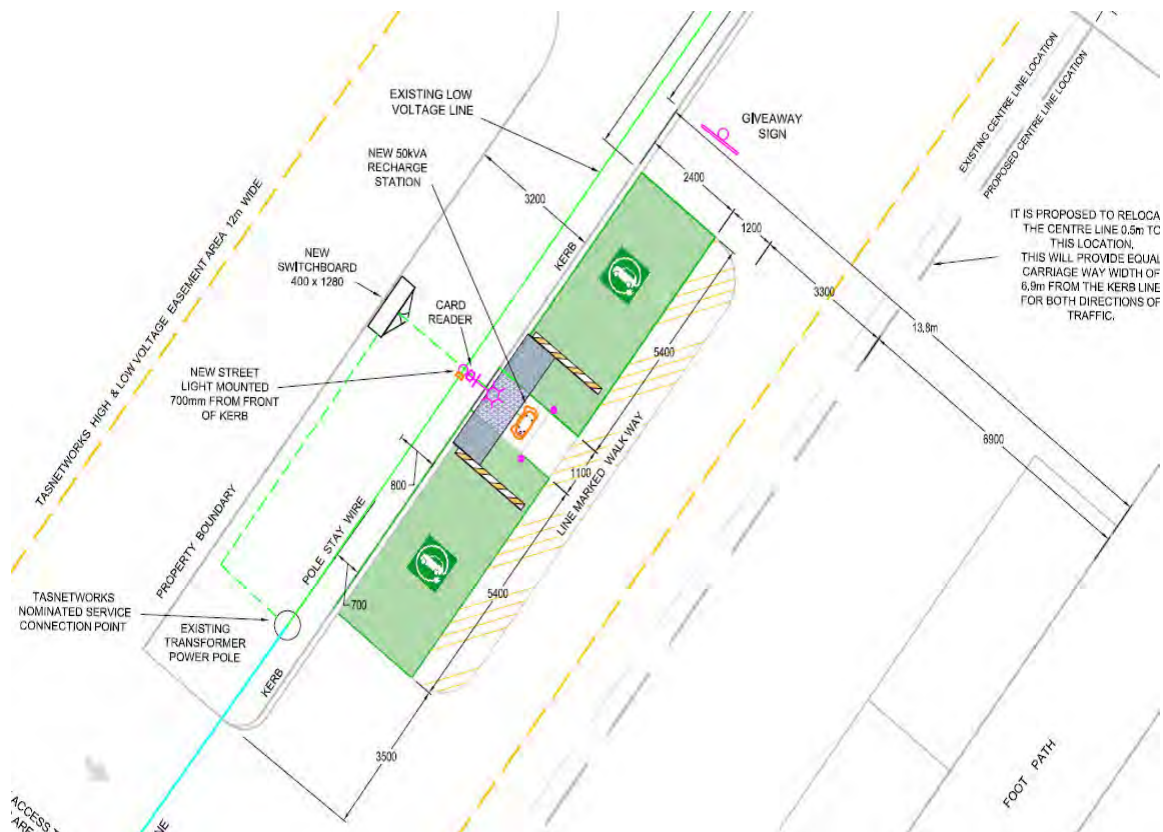


Figure 3: The proposal (source: exhibited documents)

## 8. Planning Instruments

Glamorgan Spring Bay Planning Scheme 2015

- Parking and Access Code
- Stormwater Management Code

## 9. Easements, services and covenants

- There are no easements on the title (crown land)
- There are no covenants on the title (crown land)
- TasWater water main runs along the north-western side of Noyes Street
- Council reticulated stormwater along both sides of Noyes Street
- TasNetworks electricity line runs along the north-western side of Noyes Street.

## **PART TWO**

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

The proposal has been assessed against the Acceptable Solutions provided in the Glamorgan Spring Bay Interim Planning Scheme 2015:

- D20.0 Local Business Zone
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

All but two standards were met by Acceptable Solution.

### **11. Meeting the Standards – via Performance Criteria**

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

1. D21.3.4 P1 Operating Hours
2. E17.7.1 P2 Number of Signs

The Planning Authority must consider the planner's comments in the next section, and the representation, and make a determination by 29 August 2020.

## **PART THREE**

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

The following section provides an assessment against performance criteria for the two discretions identified above, with a brief indication of why the acceptable solution is not met.

#### **Discretion 1: D20.3.1 P1 – Operating Hours**

The objective of the use standard is:

To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.

The proposal does not meet the acceptable solution as the electric vehicle charging station will operate 24 hours per day. Therefore, the application must be assessed against the performance criteria.

Performance Criteria	Planner's response
<b>P1</b> Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	<p>As with the existing on street parking, the proposed electric vehicle parking will operate 24/7. The only emission that can be considered additional to the existing parking is for security lighting above the charging station. This lighting will be directed downwards from a height of 3.5m and is around 40m from the residential zone. At this distance, and given that the security lighting is in proximity to existing street lighting on Tasman Hwy, emissions are not unreasonable.</p> <p>The proposal meets the performance criteria at P1.</p>

## Discretion 2: E17.7.1 P2 – Number of Signs

The objective of this standard is:

To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

Performance Criteria	Planner's response
<b>P2</b> The number of signs per business per street frontage must: (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;	<p>The proposed signage will alert the public to the presence and purpose of the electric vehicle parking whilst minimising visual clutter and repetition. The signage is of a design, scale and location that is commensurate with the use of the development.</p> <p>The proposal complies with the performance criteria at P2.</p>

(c) not involve the repetition of messages or information.	
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### 13. Referrals

The application was referred to Council's Municipal Engineer, who provided input to this report.

### 14. Concerns raised by the representor

Concerns	Planner's response
Representor strongly objects to the installation of charging stations, citing impact on future developability of adjoining land, loss of prime car parking bays in proximity to nearby services, and impact on the safety of Noyes Street.	<p>The objection is noted, however, raises no specific issues that relate to any discretion triggered by this planning application.</p> <p>Council will require that detailed design and construction will be undertaken at building/works stage in accordance with relevant standards to ensure that the safety and operational efficiency of the transport network is maintained.</p> <p>The application was referred to Council's Municipal Engineer, who raised no objections to the proposal, subject to conditions.</p>

### 15. Conclusion

The assessment of the application taken in association with the representation received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and can therefore be approved with conditions.

### 16. Recommendation

That:

- A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 33, to erect an electric vehicle charging station at Noyes Street, Swansea be approved with the following conditions:

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

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

2. Signs must be maintained in good repair and in a clean, tidy and safe condition to the satisfaction of Council's General Manager.
3. Lighting must be located, designed and baffled to ensure that no direct light is directed to nearby dwellings or private open space.
4. 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: Before undertaking works in the road reservation it is necessary to apply for and obtain a Works Permit from Council. The Works Permit will specify the standard of construction required.

5. Car parking spaces, line marking, signage, drainage, associated infrastructure, and access to all such areas, must be constructed and maintained to the satisfaction of Council's General Manager.

Advice: Before undertaking works in the road reservation it is necessary to apply for and obtain a Works Permit from Council. The Works Permit will specify the standard of construction required, including construction management.

Prior to obtaining the Works Permit the applicant will be required to enter into a license agreement with the Glamorgan Spring Bay Council. The license agreement may include, but not limited to, the following:

- a. *Repair and maintenance of infrastructure*
- b. *Public liability*
- c. *Any fees or bonds payable to Council*
- d. *Decommissioning and reinstatement*

The applicant will be responsible for all costs associated with preparing the license agreement.

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

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent is required for all of the following:
  - i. Building and plumbing approval from Council under the Building Act 2016
  - ii. Certificate of certifiable work for Water and sewerage from TasWater under the Water and Sewerage Industry Act 2008

- d. The permit does not take effect until 15 days after the date that this permit was served unless you notify Council in writing that you wish to commence the permit and do not intend to exercise your right of appeal.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council Senior Planner or otherwise extended by written consent.
- f. The permit and conditions on this permit 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.

### **DECISION 289/20**

Moved Cllr Keith Breheny, seconded Cllr Michael Symons that pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 33, to erect an electric vehicle charging station at Noyes Street, Swansea be approved with conditions 1 to 5 and advice a to f.

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. Signs must be maintained in good repair and in a clean, tidy and safe condition to the satisfaction of Council's General Manager.
3. Lighting must be located, designed and baffled to ensure that no direct light is directed to nearby dwellings or private open space.
4. 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: Before undertaking works in the road reservation it is necessary to apply for and obtain a Works Permit from Council. The Works Permit will specify the standard of construction required.

5. Car parking spaces, line marking, signage, drainage, associated infrastructure, and access to all such areas, must be constructed and maintained to the satisfaction of Council's General Manager.

Advice: Before undertaking works in the road reservation it is necessary to apply for and obtain a Works Permit from Council. The Works Permit will specify the standard of construction required, including construction management.

Prior to obtaining the Works Permit the applicant will be required to enter into a license agreement with the Glamorgan Spring Bay Council. The license agreement may include, but not limited to, the following:

- a. *Repair and maintenance of infrastructure*
- b. *Public liability*

- c. *Any fees or bonds payable to Council*
- d. *Decommissioning and reinstatement*

The applicant will be responsible for all costs associated with preparing the license agreement.

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

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent is required for all of the following:
  - i. Building and plumbing approval from Council under the Building Act 2016
  - ii. Certificate of certifiable work for Water and sewerage from TasWater under the Water and Sewerage Industry Act 2008
- d. The permit does not take effect until 15 days after the date that this permit was served unless you notify Council in writing that you wish to commence the permit and do not intend to exercise your right of appeal.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council Senior Planner or otherwise extended by written consent.
- f. The permit and conditions on this permit 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.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning,  
Clr Rob Churchill, Clr Michael Symons

Against: Nil

**4.5 Development Application 2019 / 272**  
**Lot 250, River Street, Swansea (CT 161323/ 250)**

*Item withdrawn with the written consent of the applicant.*

## 4.6 Mediated outcome for dwelling at 1533 Dolphin Sands Road – agreement by consent

Responsible Officer: Robyn Bevilacqua (Planner)

### BACKGROUND

In its meeting of 28 April 2020, the Planning Authority refused an application to construct a dwelling at 1533 Dolphin Sands Road (2019 / 345).

The grounds of refusal were that the building height did not satisfy the Performance Criteria D34.4.1 P1(a) and P1(b), which are that building height must be (a) unobtrusive within the surrounding landscape and (b) consistent with the surrounding pattern of development.

On 15 May 2020, the Resource Management and Planning Appeals Tribunal (the Tribunal) notified council's planning department that the decision had been appealed.

Since then, documentation has been provided, directions made, grounds of refusal further refined and onsite mediation attended, resulting in possible agreement by consent.

The onsite mediation, on 15 July 2020, was attended by the appellants, their building designer and planning consultant, and council's planner and legal representative.

The appellants had placed six poles to the proposed height of the dwelling so that the parties could walk along the beach and see to what extent the poles were visible. The top 500mm of the poles were painted pink. The poles were visible at points and not visible at others, depending on the height of the sand dune in front and the height of any vegetation on the dune. The photos below demonstrate the perspective given by the poles.



### The agreement

At the onsite meeting, agreement in principle was reached subject to satisfactory confirmation of visibility via lines of sight diagrams. The agreement was that by lowering of the height of the building by 500mm the proposal would satisfy the performance criteria and could be approved by consent.

The appellants provided the lines of sight diagrams and they are attached as Annexure 1.

The appellants also provided a letter outlining their reasons for believing that a reduction of 500mm was a satisfactory outcome. This is attached as Annexure 2.

It is the planner's recommendation that the agreement should be accepted. Council's legal advisor has provided a letter outlining in detail the reasons why the mediation outcome should be accepted. This has been provided under separate cover.

### **BUDGET IMPLICATIONS**

If the Planning Authority decides to accept the mediated outcome, there will be no further costs, bar the finalising of the agreement.

If the Planning Authority refuses the mediated outcome, the matter will proceed to the Tribunal and attracting further legal costs.

### **STATUTORY IMPLICATIONS**

If the Planning Authority agrees to the mediated outcome, the consent agreement and conditions for the permit will need to be drafted and lodged for consideration by the Tribunal.

### **RECOMMENDATION**

THAT, in accordance with s.17(2)(a) of the *Resource Management Planning and Appeal Act 1993*,

1. The Planning Authority agrees to enter a consent agreement with the Appellant in planning appeal 40/20P for the reduction in height of the proposed dwelling of 500mm from the originally-submitted plans and subject to conditions to be filed and considered by the Tribunal.

### **DECISION 290/20**

Moved Cllr Cheryl Arnol, seconded Cllr Michael Symons that in accordance with s.17(2)(a) of the *Resource Management Planning and Appeal Act 1993*, the Planning Authority agrees to enter a consent agreement with the Appellant in planning appeal 40/20P for the reduction in height of the proposed dwelling of 500mm from the original-submitted plans and subject to conditions to be filed and considered by the Tribunal.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

**Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson declared 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: ).

**DECISION 291/20**

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council no longer acts as a Planning Authority at 3:50pm.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

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## 5. Financial Reports

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### 5.1 Financial Reports for the period ending 31 July 2020

Responsible Officer – Acting General Manager

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#### **ATTACHMENT/S**

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

#### **BACKGROUND/OVERVIEW**

The financial reports for the period ended 31 July 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 July 2020.

#### **DECISION 292/20**

Moved Cllr Rob Churchill, seconded Acting Deputy Mayor Grant Robinson that Council receives and notes the Financial Reports as attached to this report for the period ended 31 July 2020.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

## Attachment 1 – Agenda Item 5.1

# Profit and Loss

Glamorgan Spring Bay Council  
For the month ended 31 July 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
<b>Trading Income</b>						
Rate Revenue	8,524,601	8,663,463	(138,862)	-2%	8,663,463	1
Statutory Charges	55,068	36,750	18,318	50%	448,549	
User Charges	219,737	223,000	(3,263)	-1%	424,800	
Grants	174,220	174,000	220	0%	1,465,667	
Interest & Investment Revenue	776	1,000	(224)	-22%	17,850	
Contributions	8,880	0	8,880	0%	30,000	
Other Revenue	336,480	331,305	5,175	2%	1,700,778	
<b>Total Trading Income</b>	<b>9,319,762</b>	<b>9,429,518</b>	<b>(109,756)</b>	<b>-1%</b>	<b>12,751,107</b>	
<b>Gross Profit</b>	<b>9,319,762</b>	<b>9,429,518</b>	<b>(109,756)</b>	<b>-1%</b>	<b>12,751,107</b>	
<b>Capital Grants</b>						
Grants Commonwealth Capital - Other	0	500,000	(500,000)	-100%	4,242,500	2
Grants Commonwealth Capital - Roads to Recovery	0	0	0	0%	1,003,468	
Grants State Capital - Other	0	0	0	0%	600,000	
<b>Total Capital Grants</b>	<b>0</b>	<b>500,000</b>	<b>(500,000)</b>	<b>-100%</b>	<b>5,845,968</b>	
<b>Other Income</b>						
Other Income - PPRWS Reimbursement of Principal Loan	0	0	0	0%	99,690	
<b>Total Other Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>99,690</b>	
<b>Operating Expenses</b>						
Employee Costs	316,434	423,690	(107,256)	-25%	5,487,953	3
Materials & Services	943,843	943,337	506	0%	6,916,442	
Depreciation	196,445	196,445	0	0%	2,357,337	4
Interest	(33,433)	21,003	(54,436)	-259%	238,131	
Other Expenses	13,535	12,703	832	7%	227,429	
Internal Plant used on Capital Jobs	(8,425)	(10,417)	1,992	-19%	(125,000)	
Employee Oncosts	90,421	136,382	(45,961)	-34%	63,299	
<b>Total Operating Expenses</b>	<b>1,518,821</b>	<b>1,723,143</b>	<b>(204,322)</b>	<b>-12%</b>	<b>15,165,591</b>	
<b>Net Profit</b>	<b>7,800,941</b>	<b>7,706,375</b>	<b>94,566</b>	<b>1%</b>	<b>(2,414,484)</b>	
<b>Total Comprehensive Result (incl Capital Income)</b>	<b>7,800,941</b>	<b>8,206,375</b>	<b>(405,434)</b>	<b>-5%</b>	<b>3,531,174</b>	
<b>Capital Works Program (Current Year WIP)</b>						
Work in Progress Capital Works - Plant Internal	8,425	0	8,425	0%	0	
Work In Progress Payroll - Salaries and Wages	16,135	0	16,135	0%	0	
Work in Progress Capital Works - On Costs	9,224	0	9,224	0%	0	
Work in Progress Capital Works - Contractor Costs	21,075	0	21,075	0%	0	
Work in Progress Capital Works - Materials	(2,370)	0	(2,370)	0%	0	
Work in Progress Capital Works - Consultancy	15,288	0	15,288	0%	0	
<b>Total Capital Works Program (Current Year WIP)</b>	<b>67,776</b>	<b>0</b>	<b>67,776</b>	<b>0%</b>	<b>0</b>	

### Notes

1. Statutory charges are up \$18k (50%) on budget for the year to date due to higher revenue from development applications.
2. Commonwealth capital grants - other is down \$500k on budget for the year to date as the first instalment for the drought relief grant has not been received as yet.
3. Employee costs are down \$107k (25%) on budget for the year to date due to staff vacancies.
4. Interest expense is down on budget due to timing of loan repayments and reversal of last years accrued interest.

# Statement of Financial Position

Glamorgan Spring Bay Council

As at 31 July 2020

	31 JUL 2020	30 JUN 2020
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	2,420,628	1,751,504
Trade & Other Receivables	7,948,575	819,741
Inventories	23,755	23,755
Other Assets	44,452	81,600
<b>Total Current Assets</b>	<b>10,437,410</b>	<b>2,676,599</b>
<b>Non-current Assets</b>		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
<b>Property, Infrastructure, Plant &amp; Equipment</b>		
Fixed Assets	118,215,339	118,215,339
Work in Progress	1,523,058	1,523,058
<b>Total Property, Infrastructure, Plant &amp; Equipment</b>	<b>119,738,397</b>	<b>119,738,397</b>
<b>Total Non-current Assets</b>	<b>147,887,718</b>	<b>147,887,718</b>
Fixed Asset – Water at cost	6,919,487	6,919,487
Fixed Asset – Accumulated Depreciation – Water	(9,078)	(9,078)
<b>Total Assets</b>	<b>165,235,537</b>	<b>157,474,726</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	1,089,857	1,207,652
Trust Funds & Deposits	534,472	534,472
Provisions	614,714	614,714
Interest bearing Loans & Borrowings	499,172	512,113
<b>Total Current Liabilities</b>	<b>2,738,215</b>	<b>2,868,950</b>
<b>Non-current Liabilities</b>		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	6,685,523	6,723,587
<b>Total Non-current Liabilities</b>	<b>6,802,911</b>	<b>6,840,975</b>
<b>Total Liabilities</b>	<b>9,541,127</b>	<b>9,709,926</b>
<b>Net Assets</b>	<b>155,694,410</b>	<b>147,764,801</b>
<b>Equity</b>		
Current Year Earnings	7,929,610	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
<b>Total Equity</b>	<b>155,694,410</b>	<b>147,764,801</b>

# Statement of Cash Flows

Glamorgan Spring Bay Council  
For the month ended 31 July 2020

	JUL 2020	2020
<b>Operating Activities</b>		
Receipts from customers	1,809,446	12,092,448
Payments to suppliers and employees	(1,053,688)	(12,512,321)
Receipts from operating grants	174,220	1,364,203
Cash receipts from other operating activities	139,412	804,199
<b>Net Cash Flows from Operating Activities</b>	<b>1,069,390</b>	<b>1,748,529</b>
<b>Investing Activities</b>		
Proceeds from sale of property, plant and equipment	-	775,026
Payment for property, plant and equipment	(349,261)	(7,636,926)
Receipts from capital grants	-	2,491,631
Other cash items from investing activities	-	8,493,119
<b>Net Cash Flows from Investing Activities</b>	<b>(349,261)</b>	<b>4,122,850</b>
<b>Financing Activities</b>		
Trust funds & deposits	-	365,036
Net Proceeds/(Repayment) of Loans	(51,005)	197,089
Other cash items from financing activities	-	(8,487,458)
<b>Net Cash Flows from Financing Activities</b>	<b>(51,005)</b>	<b>(7,925,332)</b>
<b>Net Cash Flows</b>	<b>669,124</b>	<b>(2,053,953)</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	1,623,245	3,677,197
Cash and cash equivalents at end of period	2,292,369	1,623,245
<b>Net change in cash for period</b>	<b>669,124</b>	<b>(2,053,953)</b>

## Capital Works

Glamorgan Spring Bay Council  
as at 31 July 2020

New Capital	2020/21 Budget	Actual YTD	Project Progress	Government Funding
<b>Roads, Footpaths, Kerbs</b>				
Swanwick Rd, Swanwick - Swanwick Dv to Hazards View Dr - Concrete Footpath approx. 400m. Southern side.	95,000			Drought Relief Grant
Wellington St, Swansea - Noyes St to Vistoria St - Concrete Footpath approx. 220m. Southern side.	60,000			Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	65,000			Drought Relief Grant
Elizabeth St, Orford - Charles St to Gore St - Concrete Footpath approx. 220m Northern Side	54,000			Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	103,000			Drought Relief Grant
Vicary St, Triabunna - Esplanade intersection - Realignment and paving RSL cenotaph	50,000			Drought Relief Grant
Tasman Highway, Cranbrook - Church Entrance to Glen Gala Rd - Concrete kerb & channel and concrete footpath	65,000			Drought Relief Grant
Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	403,000			Drought Relief Grant
RTR - Nugent Rd Seal c/fwd		87	90%	Roads to Recovery/EMF
Dolphin Sands Share Pathway	400,000	233	60%	Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	400,000			Fed Grant Funding in 21/22
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,695,000</b>	<b>320</b>		
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>				
Coles Bay Boat Trailer Parking - c/fwd		42,006	75%	DPIPWE Funds
Swansea Boat Trailer Parking	500,000	2,849	5%	DPIPWE Funds
Bicheno Triangle	600,000			Fed Grant Fund
Coles Bay Foreshore	800,000			Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	25,000			Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	25,000			Drought Relief Grant
Buckland Walk	60,000			Pending Council decision
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>2,010,000</b>	<b>44,856</b>		

#### Council Buildings

Buckland Community Hall - replacement of steps to the entrance	55,000			Drought Relief Grant
<b>Total Council Buildings</b>	<b>55,000</b>	<b>-</b>		

#### Plant & Equipment

Small plant	31,000			
IT Computer Equipment	30,000	-		
Animal Control Trailers x 3	35,000			
<b>Total Plant &amp; Equipment</b>	<b>96,000</b>	<b>-</b>		

<b>Total New Capital</b>	<b>3,856,000</b>	<b>45,176</b>		
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#### Renewal of Assets

	\$			Government Funding
<b>Roads, Footpaths, Kerbs</b>				
R2R- to be allocated and approved by Council	359,131			Roads to Recovery
RTR - RSPG Rheban Rd Resheeting / realignment for bridge	250,000			RTR 50% Safety & Productivity Grant 50% (to be confirmed)
Community Infrastructure Grant - projects to be determined and approved by Council	401,087			New grant Dept Infrastructure
Rosedale Rd Emergency Repairs		18,154	20%	Emergency Repairs Fund 75%
Resheeting	250,000			
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,260,218</b>	<b>18,154</b>		

#### Parks, Reserves, Walking Tracks, Cemeteries

Bicheno Walk - Bridge replacement - carried forward from 2019/20	20,000			
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>20,000</b>	<b>-</b>		

#### Stormwater, Drainage

Address stormwater infrastructure issues - projects to be determined and approved by Council	500,000			
<b>Total Stormwater, Drainage</b>	<b>500,000</b>	<b>-</b>		

#### Council Buildings

Triabunna Depot - Dog Pound Upgrades - carried forward from 2019/20	11,000			
Swansea Depot - Dog Pound Upgrades - carried forward from 2019/20	7,000			
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	7,000			

<b>Total Council Buildings</b>	<b>25,000</b>	<b>-</b>	
<b>Bridges, Culverts</b>			
Orford Bridge Replacement	981,886		\$1.02m project started May 2019. Fully Federal Grant funded
RTR - BRP Rheban Rd Bridge	235,000		RTR 50% BRP 50% (to be confirmed)
<b>Total Bridges, Culverts</b>	<b>1,216,886</b>	<b>-</b>	
<b>Plant &amp; Equipment</b>			
Backhoe - replace 1	150,000		
Plant replacement - replace 3 utes/works vehicles	109,230		
<b>Total Plant &amp; Equipment</b>	<b>259,230</b>	<b>-</b>	
<b>Total Renewal Capital</b>	<b>3,281,334</b>	<b>18,154</b>	
<b>Total Capital Works</b>	<b>7,137,334</b>	<b>63,329</b>	

## 6. Section 24 Committees

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### 6.1 Statement of Expectations Committee Report to Council, August 2020

**Author** – Ms Lynn Mason, Adviser

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#### **ATTACHMENTS**

1. Draft Glamorgan Spring Bay Council Statement of Expectations Implementation Policy
2. Glamorgan Spring Bay Council Statement of Expectations Committee revised Terms of Reference,

#### **BACKGROUND**

The Committee met on 17 August 2020, with Acting Mayor Jenny Woods, Acting General Manager Marissa Walters, Acting Deputy Mayor Grant Robinson, Cr Rob Churchill, and Adviser and Chairperson Lynn Mason in attendance. Mr Greg Preece was an apology for the meeting.

Observers included Cllr Arnol, Cllr Breheny and Cllr Browning

The meeting discussed the draft policy for implementation of the Statement of Expectations (SoE), the draft protocols for signing the SoE, and suggested amendments to the Committee's Terms of Reference.

It is recommended that if the Terms of Reference of the Committee are amended as proposed, then Council determines Councillor membership of the Committee in keeping with the amended ToR. As a minimum, Council will need to elect an additional Councillor to the Committee following the results of the By-election.

***The following recommendations should be debated separately.***

#### **RECOMMENDATIONS**

1. That Council adopts the Glamorgan Spring Bay Council Statement of Expectations Implementation Policy, as drafted and attached.
2. Commitment by the General Manager:
  - a. That a new General Manager be asked to sign a statement committing to the standards of behaviour in the Statement of Expectations at the first ordinary Council Meeting following appointment; and
  - b. That such a commitment remain in place until the retirement or resignation of the General Manager.
3. Commitment by Councillors:
  - a. That all Councillors be asked to sign a statement committing to the standards of behaviour in the Statement of Expectations (SoE) at the first Council meeting following election; and
  - b. That such a commitment remain in place for the term of that Council; or
  - c. That such a commitment remain in place until the Councillor formally requests that it be removed from the SoE.
4. That the current Statement of Expectations be termed the 2020 Glamorgan Spring Bay Statement of Expectations, and that each subsequent Statement of Expectations be termed in accordance with the year of the election of that Council.
5. That Council adopts the Glamorgan Spring Bay Council Statement of Expectations Committee revised Terms of Reference, as drafted and attached.

### **DECISION 293/20**

Moved Acting Deputy Mayor Grant Robinson, seconded Cllr Rob Churchill that Council adopts the Glamorgan Spring Bay Council Statement of Expectations Implementation Policy, as drafted and attached.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

### **DECISION 294/20**

Moved Acting Deputy Mayor Grant Robinson, seconded Cllr Cheryl Arnol:

- a. That a new General Manager be asked to sign a statement committing to the standards of behaviour in the Statement of Expectations at the first ordinary Council Meeting following appointment; and
- b. That such a commitment remain in place until the retirement or resignation of the General Manager.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

### **DECISION 295/20**

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny:

- a. That all Councillors be asked to sign a statement committing to the standards of behaviour in the Statement of Expectations (SoE) at the first Council meeting following election; and
- b. That such a commitment remain in place for the term of that Council; or
- c. That such a commitment remain in place until the Councillor formally requests that their signature be removed from the SoE.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

**DECISION 296/20**

Moved Cllr Cheryl Arnol, seconded Acting Deputy Mayor Grant Robinson that the current Statement of Expectations be termed the 2020 Glamorgan Spring Bay Statement of Expectations, and that each subsequent Statement of Expectations be termed in accordance with the year of the election of that Council.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

**DECISION 297/20**

Moved Cllr Robinson, seconded Cllr Churchill that Council adopts the Glamorgan Spring Bay Council Statement of Expectations Committee revised Terms of Reference, as drafted and attached with the removal of reference to specific meeting dates within the Terms of Reference Version 3.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

## **6.2 Establishment of a Swansea Community Hub Section 24 Special Committee of Council**

**Responsible Officer** – Acting General Manager

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### **ATTACHMENT/S**

Nil. Copies of expressions of interest previously provided to Councillors under separate cover.

### **BACKGROUND**

The Council building at 4 Arnol Street Swansea was previously used as an emergency services complex. The replacement emergency services complex has been relocated to Maria Street. The Arnol Street building has been fully refurbished using Federal Government Drought Relief funding. The purpose of the refurbishment has been to provide a community centre with various proposed uses that include a gymnasium, a community shed, a community function room and a re-use/recycle outlet.

The refurbishment will be ready for an official opening in September with additional fit out work currently being undertaken by volunteers. The pending opening requires that a Section 24 Special Committee of Council needs to be established for a short period (possibly less than 6 months) to develop the terms of reference for the buildings uses and to implement management protocols that will eventually enable the complex to be efficiently managed by the community, for the community.

Seven volunteers have responded to requests for expressions of interest and have completed and submitted the Expressions of Interest Application Form for Membership Section 24 Special Committee of Council.

The expressions of interest include a broad representation of the community each with a range of relevant skills, interests and expertise.

It is anticipated that the s24 Committee would comprise a maximum of ten members comprising the seven volunteer members and two Councillors, with an additional vacancy open for membership if additional interest is shown.

Accordingly the following seven (7) community representatives are recommended for appointment as members of the Swansea Community Hub Section 24 Special Committee of Council:

- Heather Groombridge
- Tracey Kean
- Pia Bartlett
- Colin Stevenson
- Tony Rigby
- Steve Barrett
- Craig Vermey

In keeping with the structure of the proposed Section 24 Special Committee, two Councillors are also invited to either nominate themselves or accept a nomination as a Council representative on the Committee.

Once the Committee structure has been finalised, the draft Terms of Reference will be developed and presented to a future Ordinary Council Meeting for endorsement.

## **STRATEGIC PLAN**

### **Key Foundation 2 - Our Community's Health & Wellbeing**

An important undertaking of Councils Strategic Plan includes the commitment to support and facilitate social and community events that promote the health and wellbeing of the community and to encourage and support the arts, cultural activities, programs and events. This facility will be a practical means of achieving these commitments.

## **STATUTORY IMPLICATIONS & COUNCIL RELATED DOCUMENTS**

- Section 24 of the *Local Government Act 1993*
- Glamorgan Spring Bay Council Guidelines for Section 24 Special Committees of Council (September 2019)

## **BUDGET IMPLICATIONS**

No budget implications are recognised in the establishment of the Swansea Community Hub Section 24 Special Committee.

## **OFFICER'S RECOMMENDATION**

1. That Council resolves to endorse the establishment of a Swansea Community Hub Section 24 Special Committee in accordance with section 24 of the *Local Government Act 1993* and the Glamorgan Spring Bay Council 2019 Guidelines for Section 24 Special Committees of Council, including the development of the terms of reference to be endorsed by Council at a future Council meeting; and
2. Appoints the following seven (7) community representatives as Committee members on the Swansea Community Hub Section 24 Special Committee:
  - Heather Groombridge
  - Tracey Kean
  - Pia Bartlett
  - Colin Stevenson
  - Tony Rigby
  - Steve Barrett
  - Craig Vermey; and
3. Appoints Cllr ..... and Cllr ..... as Council representatives on the Swansea Community Hub Section 24 Special Committee.

## **DECISION 298/20**

Moved Cllr Cheryl Arnol, seconded Acting Mayor Grant Robinson:

1. That Council resolves to endorse the establishment of a Swansea Community Hub Section 24 Special Committee in accordance with section 24 of the *Local Government Act 1993* and the Glamorgan Spring Bay Council 2019 Guidelines for Section 24 Special Committees of Council, including the development of the terms of reference to be endorsed by Council at a future Council meeting; and
2. Appoints the following seven (7) community representatives as Committee members on the Swansea Community Hub Section 24 Special Committee:
  - Heather Groombridge
  - Tracey Kean

- Pia Bartlett
  - Colin Stevenson
  - Tony Rigby
  - Steve Barrett; and
  - Craig Vermey; and
3. Appoints Cllr Keith Breheny and Cllr Annie Browning as Council representatives on the Swansea Community Hub Section 24 Special Committee.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

## **7. Officers' Reports Requiring a Decision**

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### **7.1 Revised procedure "Public Question Time How do I ask a question".**

**Responsible Officer** – Acting General Manager

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#### **ATTACHMENT/S**

Updated "Public Question Time – How do I ask a question?" Procedures

#### **BACKGROUND**

In accordance with regulation 31(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of an ordinary council meeting must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.

At the Ordinary Council Meeting held on the 23 June 2020 Council adopted it's revised "Public Question Time – How do I ask a question?" procedures.

Since the June 2020 Council meeting the procedures have been further reviewed to clarify the following and updated accordingly:

- Questions are to be addressed to the Chairperson;
- Questions addressing the personal actions of a Councillor/s may not be accepted by the Chairperson; and
- Questions must only relate to the activities of Council.

A copy of the updated "Public Question Time – How do I ask a question?" Procedures is attached to this report.

#### **STATUTORY IMPLICATIONS**

- *Local Government (Meeting Procedures) Regulations 2015 r.31 and r.37*

#### **BUDGETARY IMPLICATIONS**

No budgetary implications are recognised.

#### **RISK CONSIDERATIONS**

By not having procedures in place in respect to Public Question Time at an Ordinary Meeting of Council, Council risks not having a consistent and fair approach in place in respect to both questions on notice and questions from the public gallery.

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

That Council endorses the revised "Public Question Time – How do I ask a question?" procedures as attached to this report effective 25 August 2020.

**DECISION 299/20**

Moved Cllr Annie Browning, seconded Cllr Rob Churchill that Council endorse the revised "Public Question Time – How do I ask a question?" procedures as attached to this report effective 25 August 2020.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil



### **Public Question Time** **How do I ask a question?**

Local government is the only level of government where the public gallery can ask questions in the Chamber. This privilege does bring with it a required level of common courtesy and mutual respect between the public, your elected members and the institution of Municipal Council.

1. Glamorgan Spring Bay Council allows a minimum of 15 minutes in total for Public Question Time during Ordinary Meetings of Council.
2. Questions are to be addressed to the Chairperson.
3. Questions addressing the personal actions of a Councillor/s may not be accepted by the Chairperson.
4. Questions must only relate to the activities of Council.
5. Prior to the commencement of a Council Meeting, the Chairperson will approach the public gallery and request the names of those who wish to ask a question during Public Question Time.
6. Council encourages wherever possible, that questions are submitted in writing to the Mayor on the day or to the General Manager 7 days in advance of the meeting date. If the question is submitted 7 days prior, it is considered to be taken 'on notice' and a response will be provided in the meeting agenda.
7. Public statements will not be allowed during Public Question Time. The Council requests that Public Question Time is used for questions only.
8. A question may be taken on notice and answered at the next Ordinary Meeting of Council.
9. A question by any member of the public and any answer to a question is not to be debated.
10. The Chair of the meeting can refuse a question but must explain why a question is being refused. Inappropriate questions that are offensive in nature, relate to personnel, confidential or legal matters involving Council or are not Council business will not be accepted.
11. There is a limit of two (2) questions per person either in writing or in person.

**Please note:** The rules for asking a question during Public Question Time are governed by regulation 31 of the Local Government (Meeting Procedures) 2015 and the Chair of the meeting.

## 7.2 Appointment of Emergency Management Coordinator

Responsible Officer – Acting General Manager

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### ATTACHMENT/S

Nil

### BACKGROUND / OVERVIEW

*The Emergency Management Act 2006* (the Act) came into effect on 20 October 2006. The Act, under section 23(1), requires the Minister for Police and Emergency Management to appoint a Municipal Emergency Management Coordinator (Municipal Coordinator) and a Deputy Municipal Emergency Management Coordinator (Deputy Municipal Coordinator) for each municipal area. As per section 23(9) of the Act - the State Emergency Management Controller will provide the nomination, together with his or her recommendations, to the Minister.

The Minister for Police, Fire and Emergency Management is to appoint as Municipal Emergency Management Coordinator, for a municipal area a person nominated by the council in that municipal area.

Under section 23(8) of the Act, a council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.

Under section 24(2) of the Act, a Municipal Coordinator has the following powers:

- (a) to utilise the resources of the municipal volunteer SES units in support of statutory services for emergency purposes within the municipal area;
- (b) to advise the council and councillors in the municipal area in respect of the facilities required for effective operation of the municipal volunteer SES units;
- (c) determined by the Regional Controller by notice provided to the Municipal Coordinator;
- (d) prescribed powers;
- (e) to do all other things necessary or convenient to perform his or her functions.

The Municipal Coordinator is also responsible for the following:-

1. Coordinate Municipal Council's response to emergency events in the municipal or combined area, in accordance with relevant plans including:
  - a) arranging access to Municipal Council resources
  - b) advising a Municipal Council, the Regional Emergency Management Controller and/or State Emergency Service Regional Planning Officer regarding:
    - i) Municipal Council's capacity for response and recovery
    - ii) the need or otherwise to sanction/withdraw emergency powers.
2. Act as the Executive Officer for the Municipal Emergency Management Committee.
3. Facilitate emergency risk management programs including the development, implementation and monitoring of appropriate risk treatment programs.
4. Advise the Municipal Committee on recommended approaches for comprehensive emergency management (PPRR), including membership of the committee, meeting Municipal Council training needs and facilitating the delivery of community awareness programs.
5. Develop, review and arrange the validation of relevant emergency management plans and/or arrangements for the municipal area/s in accordance with legislative requirements and the arrangements outlined in the relevant regional plan.

6. Liaise between Municipal Council, State Emergency Service regional staff and the State Emergency Service Unit Manager of the relevant State Emergency Service Unit/s about developing and maintaining resource agreements, and the delivery of a Municipal Council's responsibilities.
7. Represent Municipal Council/the Municipal Committee at the Regional Committee, and as required at State forums, working cooperatively with the regional emergency management authorities; for example, Regional Community Recovery Coordinator, State Emergency Service Regional Planning Officer, Regional Emergency Management Controller.
8. Support other council emergency management officers, including the Deputy Coordinator and Municipal Community Recovery Coordinator/s.

With the resignation of the previous Works Manager, Mr Tony Pollard, who also held the position of Municipal Emergency Management Coordinator, this left a vacancy for this position. Mrs Lona Turvey as the Deputy Emergency Management Coordinator has been acting in this position since the resignation of Mr Pollard.

Ms Beverley Allen is currently employed as Council's Emergency Management and Risk Project Officer. Bev was previously employed at the City of Launceston as the Emergency Management Coordinator/Officer. She has worked extensively in the field of Emergency Management for a period of 12 years, and holds an Advanced Diploma of Public Safety obtained through the Emergency Management Institute of Australia.

## **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 appointment.

## **RISK CONSIDERATION/S**

If a council fails to nominate a Municipal Coordinator, the Minister may appoint a person he or she considers suitable to be the Municipal Emergency Management Coordinator for the municipal area governed by that Council.

Should an emergency take place in the Municipality there would be no-one in a position to coordinate Council's overall response to the event and liaise and work with emergency service organisations.

The Municipal Emergency Management Committee has not met since November 2017.

## **OFFICER'S RECOMMENDATION**

That Council

1. Nominate Ms Beverley Allen as the Municipal Emergency Management Coordinator, with her name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the *Emergency Management Act 2006*.
2. Recommends the appointment be for a period of three years as per section 23(4) of the *Emergency Management Act 2006*.

## **DECISION 300/20**

Moved Acting Deputy Mayor Grant Robinson, seconded Cllr Keith Breheny that Council:

1. Nominate Ms Beverley Allen as the Municipal Emergency Management Coordinator, with her name to be forwarded to the Minister for Police and Emergency Management via the State Emergency Management Controller as per section 23(1) of the *Emergency Management Act 2006*.
2. Recommends the appointment to be for a period of three years as per section 23(4) of the *Emergency Management Act 2006*.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

### **7.3 Tasmanian Weed Action Fund Project for Drought Effectuated Farmers**

**Responsible Officer – Manager Natural Resources**

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#### **ATTACHMENT/S**

1. Tasmanian Weeds Action Fund Glamorgan Spring Bay Council Drought Weeds Grant 2020 – Application form.
2. Guidelines and Eligibility.

#### **BACKGROUND / OVERVIEW**

As part of the Tasmanian Government's \$350,000 Weed Action Fund *Drought and Weed Management Program* farmers in drought affected areas have access to financial support to manage weed issues related to drought.

The Glamorgan Spring Bay, Sorell, Tasman, Southern Midlands and Break O'Day councils have received \$55,000 to assist farmers to undertake targeted weed management of species favoured by drought and post drought conditions that impact on agricultural production. \$25,000 is for weed officers to increase facilitation support capacity and \$30,000 is to be made available to drought affected primary producers via a devolved grant process.

The attached Grant Guidelines & Eligibility document and (draft) Grant Application Form has been developed in collaboration with the other participating Councils and DPIPW Invasive Species Branch staff overseeing the program.

Applications will be assessed by a small (locally based) technical committee. The advertising of the program will commence in September 2020 once the technical committee has met to finalise all the important dates and information for the Grant Application Form.

All short listed applications will be reviewed by DPIPW specialists. Maximum funding per application is \$2,500 unless special situations deem a priority issue with greater benefit beyond an individual property.

All funded projects to be completed by May 2021. Final program report due August 2021.

#### **STRATEGIC PLAN**

##### **Guiding Principle**

2. Reinforce and draw on the strengths of our communities at both a local and regional level.
5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.
6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

##### **Key Foundation/s**

No. 5. Our Environment

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

- Involve, engage and equip groups and individuals in Natural Resource Management.
- Invest in external expertise and capacity to complement GSBC resources.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1993*

Part 3 Division 2 20 (1) b to represent and promote the interests of the community

### **BUDGET IMPLICATIONS**

NA

### **RISK CONSIDERATION/S**

Delay in commencing delivery of the project resulting in the completion of all funded projects by May 2021.

### **OFFICER'S RECOMMENDATION**

That Council endorse the attached Grant Guidelines & Eligibility document and (draft) Grant Application Form, and the technical committee together with the NRM team to commence roll out of the project in September 2020.

### **DECISION 301/20**

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council endorse the attached Grant Guidelines & Eligibility document and (draft) Grant Application Form, and the technical committee together with the NRM team to commence roll out of the project in September 2020.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

***Having declared an interest in the following item, Cllr Keith Breheny left the meeting at 4:21pm.***

## **7.4 Swansea Courthouse Management Committee Inc.**

**Responsible Officer – Manager Community Development**

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### **ATTACHMENT/S**

Nil.

### **BACKGROUND / OVERVIEW**

An application has been received from the Swansea Courthouse Management Committee Inc., seeking financial support of \$1,000 under the Community Small Grants Program towards the cost of sanding and sealing the room in the Courthouse which was previously used as Council offices.

The Courthouse is the oldest rural municipal building in Australia and is owned by Council. The Swansea Courthouse Management Committee Inc., a group of committed volunteers, is aiming to maintain and preserve the Courthouse and Council Chambers as a community hub for future generations.

The Committee is working to restore the building's heritage values while at the same time upgrading and improving its facilities.

The Courthouse will provide a venue for community based activities and will add to the culture of the local area through tourism, arts events and other activities, while supporting local business and employment. It has the advantage of a central location in a historic precinct with available parking. It is close to the East Coast Museum, RSL, cafes and shops.

The room has been painted and the next project is to have the floor sanded and sealed.

The many members of the community who have asked for the restoration to be undertaken will find these signs of progress encouraging and make the facility much more attractive for a variety of events, which in turn will make the facility more commercially viable.

The total cost of the project is estimated at \$3,450 and the balance of \$2,450 will be funded by the Swansea Courthouse Management Committee Inc.

### **STRATEGIC PLAN**

#### **Guiding Principles**

1. *Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.*
2. *Reinforce and draw on the strengths of our communities at both a local and regional level.*

#### **Key Foundations**

4. *Maintain public amenities and recreational facilities.*

### **STATUTORY IMPLICATIONS**

Local Government Act 1993.

### **BUDGET IMPLICATIONS**

The provision in the annual budget for the Community Small Grants Program is \$25,000. However Council plans to review the program and policy during the year.

### **RISK CONSIDERATION/S**

By not supporting the application there is a risk that the goodwill of the community and volunteer committee which is working to preserve, restore and maintain this historic building will diminish.

### **OFFICER'S RECOMMENDATION**

That Council approves a grant of \$1,000 to the Swansea Courthouse Management Committee Inc. towards the cost of sanding and sealing the room in the Courthouse which was formerly used as Council offices.

### **DECISION 302/20**

Moved Cllr Michael Symons seconded Cllr Annie Browning that Council approves a grant of \$1,000 to the Swansea Courthouse Management Committee Inc. towards the cost of sanding and sealing the room in the Courthouse which was formerly used as Council offices.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Annie Browning, Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

***Cllr Keith Breheny returned to the meeting at 4:23pm.***

***The Acting Mayor advised Cllr Breheny of the outcome of Council's decision in respect to Agenda Item 7.4***

## 7.5 Late Report Item – Capital Works Budget Allocation

Responsible Officer – Acting General Manager

### ATTACHMENT/S

Budget Capital Works Detail – Revised 25 August 2020

### SUMMARY

This late item report is submitted in accordance with regulation 8(6)(a), (b) & (c) of the Local Government (Meeting Procedures) Regulations 2015.

This report was not included in the Council agenda as the report was not finalised at the time the agenda was distributed.

The matter is considered to be urgent to enable grant submissions to be completed and works to commence.

### BACKGROUND/OVERVIEW

This matter was discussed at a workshop on Thursday 20 August 2020.

At the time of setting the budget, Councillors were advised the capital works budget would need to come back to Council for consideration of the following matters:

1. Carried forward projects from 2019/20
2. Allocation of re-sheeting budget
3. Allocation of Community Infrastructure Grant funds.
4. Allocation of Roads to Recovery grant funds.

This item has been prepared to address these items and others, with the inclusion of the following items in the 2020/21 Capital Works Budget:

#### **1. Carried forward projects from 2019/20**

1.1. **RTR Nugent Rd Seal** – carried forward \$12,775

#### **1.2. RSL Cenotaph – new memorial and relocate plaques**

Project estimate based on recent quotes \$35,000

1.3. **Coles Bay Boat Trailer Parking** – carried forward \$155,462, DPIPWE grant funded.

#### **2. Allocation of re-sheeting budget**

##### **2.1. Emergency Management Fund**

Due to the significant damage to Council infrastructure during the April 2020 storm events, Council has secured funding from the Emergency Management Fund (EMF), which is managed by the State Government. The EMF provide 75% of the funding to repair works. The 25% balance of funds will be allocated from Council's Resheet Budget. The following projects are identified to receive EMF funding:

2.1.1. Emergency Repairs – Old Coach Rd Resheet  
Project estimate \$210,000

2.1.2. Emergency Repairs – McNeils Rd Resheet 3.1km  
Project estimate \$60,000

2.1.3. Emergency Repairs – Wielangta Rd Resheet 7km  
Project estimate \$125,000

2.1.4. Emergency Repairs – Springs & Crossins Rd Resheet  
Project estimate \$17,000

2.1.5. Emergency Repairs – Rosedale Rd Resheet 4.4 km

Project estimate \$80,000

2.1.6. Emergency Repairs/rework – Nugent Rd (partially rework existing RTR seal project and resheet another section)  
Project estimate resheet \$45,000, rework \$28,000

2.1.7. Rheban Rd Griffiths Rivers Bridge – 75% EMF funded 25% either funded from RTR or funded from the Federal Bridge Replacement Program.  
Project estimate \$300,000

2.1.8. Other projects have been identified for EMF funding that are repairs (non-capital in nature) and will go through the operational budget, these include Friendly Beaches Rd (\$13,000) and Swanston Rd (\$20,000)

## **2.2 Allocation of remaining resheeting budget**

2.2.1. Rheban Rd – resheet and realignment in conjunction with bridge replacement  
Project estimate \$100,000 – 50% from resheet budget, 50% funded from RTR or Federal Safety & Productivity Grant.

## **3. Allocation of Community Infrastructure Grant funds.**

Total grant to be allocate is \$401,087, the following projects are suggested:

### **3.1. Council Buildings:**

The following projects have been selected as repairs/upgrades to existing Council buildings.

3.1.1. Buckland Hall – Ramp Access (in conjunction with DRG project to enable Building Code compliance).  
Project estimate \$45,000

3.1.2. Coles Bay Tennis Courts – Resurface/reconstruct and remove tree roots. Court currently unsafe due to trip hazards.  
Project estimate \$65,000

3.1.3. Replace fencing, paving and awning at Swansea Child Care Centre.  
Project estimate \$25,000

3.1.4. Swansea Court House – address drainage issues.  
Project estimate \$25,000

3.1.5. Bicheno Medical Centre – Refurbishment of Treatment Rooms  
Project estimate \$25,000

3.1.6. Swansea Community Hall – Toilet refurbishment  
Project estimate \$40,000

### **3.2. Council Infrastructure:**

3.2.1. Friendly Beaches Rd – seal remaining 700m including pull-out bay.  
Project estimate \$100,000

3.2.2. Bicheno Walk – replace 2 bridges  
Project estimate \$30,000, \$10,000 funded from Council (originally c/fwd project)

3.2.3. Holkham Court Culverts – drainage issues  
Project estimate \$56,087

## **4. Allocation of Roads to Recovery grant funds.**

4.1. Charles St Orford– 150m reconstruct, reseal, kerb, channel & footpath (Henry St to Elizabeth St)  
Project estimate \$150,000

**4.2. Charles St Triabunna – Reconstruct, reseal and streetscape (Proposed Waterfront Drive, Vicary St to Esplanade W)**

Project estimate \$326,631 (remaining allocation for 2020/21 more may be required from 2021/22 RTR allocation)

**4.3 Rheban Rd Griffiths River Bridge Replacement**

As mentioned in 2.1.7 above, this may require \$75,000 allocation of RTR funds

**5. New Items**

5.1. Purchase of the General Managers vehicle \$45,000

5.2. Skidsteer (bobcat) for track maintenance \$41,000 (\$28k remaining budget for replacing backhoe reallocated).

**STATUTORY IMPLICATIONS**

*s.82 (4) Local Government Act 1993*

**RISK CONSIDERATIONS**

Council staff will not be able to commence work until the budget amendments are adopted and Council risks losing RTR funding, some of which will expire on 31 December 2020, if programs are not submitted in September.

**BUDGET IMPLICATIONS**

Increase in grant funded capital works projects from \$5,927,104 to \$6,494,653 to be completed in 2020/21. Some of which is carried forward funds.

Increase in Council funded projected from \$1,210,230 to \$1,293,230. Some of which is carried forward funds.

**OFFICER'S RECOMMENDATION**

That by absolute majority Council adopts the revised Capital Works Budget for 2020/21 as attached to this item.

**DECISION 303/20**

Moved Cllr Annie Browning, seconded Acting Deputy Mayor Grant Robinson that by absolute majority Council adopts the revised Capital Works Budget for 2020/2021 as attached to this item.

**THE MOTION WAS PUT AND CARRIED BY ABSOLUTE MAJORITY 7/0**

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Annie Browning, Cllr Keith Breheny,  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

## Budget Capital Works Detail

Glamorgan Spring Bay Council

2020/21 Revised Capital Budget - 25 August 2020

New Capital	2020/21 Budget	2020/21 Revised Budget	Government Funding	Council Funding	Government Funding
<b>Roads, Footpaths, Kerbs</b>					
Swanwick Rd, Swanwick - Swanwick Dr to Hazards View Dr - Concrete Footpath approx. 400m. Southern side	95,000	95,000	95,000		Drought Relief Grant
Wellington St, Swansea - Noyes St to Victoria St - Concrete Footpath approx. 220m. Southern side	80,000	80,000	80,000		Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	85,000	85,000	85,000		Drought Relief Grant
Elizabeth St, Orford - Charles St to Goro St - Concrete Footpath approx. 220m Northern Side	54,000	54,000	54,000		Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	103,000	103,000	103,000		Drought Relief Grant
Vicary St, Triabunna - Esplanade intersection - Realignment and paving RSL centopah	50,000	115,000	115,000		Drought Relief Grant
Fishmen Highway, Cranbrook - Church Entrance to Glen Gale Rd - Concrete kerb & channel and concrete footpath	55,000				Drought Relief Grant
Tosman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side	403,000	403,000	403,000		Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, incl Pullout Bay		100,000	100,000		Community Infrastructure Fund
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF		50,000	40,775	9,225	\$12,775 RTR + EMF \$28k
Dolphin Sands Shore Pathway	400,000	374,808	374,808		Fed Grant Fund (\$1.0m commenced 19/1/0)
Swansea Main Street Upgrade	400,000	400,000	400,000		Fed Grant Funding in 21/22
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,695,000</b>	<b>1,819,608</b>	<b>1,810,383</b>	<b>9,225</b>	
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>					
Coles Bay Trailer Parking - c/wd project		155,462	155,462		DPIPWE Funds
Swansea Boat Trailer Parking	500,000	500,000	500,000		DPIPWE Funds
Bicheno Triangle	600,000	600,000	600,000		Fed Grant Fund
Coles Bay Foresters	600,000	600,000	600,000		Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	25,000	25,000	25,000		Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	25,000	25,000	25,000		Drought Relief Grant
Buckland Walk	80,000	80,000	-	80,000	Pending Council decision
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>2,010,000</b>	<b>2,165,462</b>	<b>2,105,462</b>	<b>60,000</b>	
<b>Plant &amp; Equipment</b>					
Small plant	31,000	31,000		31,000	
Skidsteer		41,000		41,000	
New Vehicle G/M		45,000		45,000	
IT Computer Equipment	30,000	30,000		30,000	
Animal Control Trailers x 3	35,000	-		-	
<b>Total Plant &amp; Equipment</b>	<b>96,000</b>	<b>147,000</b>	<b>-</b>	<b>147,000</b>	
<b>Total New Capital</b>	<b>3,801,000</b>	<b>4,132,070</b>	<b>3,916,845</b>	<b>216,225</b>	



Renewal of Assets	2020/21 Budget	2020/21 Revised Budget	Government Funding	Council Funding	Government Funding
<b>Roads, Footpaths, Kerbs</b>					
R2R - to be allocated and approved by Council	259,131	-	-		Roads to Recovery
RTR - RSPG Rhaban Rd Resheeting / realignment for bridge	250,000	100,000	50,000	50,000	RTR 50% Safety & Productivity Grant 50% (to be confirmed)
Community Infrastructure Grant - projects to be determined and approved by Council	401,087	-			New grant Dept Infrastructure
Resheeting	250,000				
Emergency Repairs - Old Coach Rd Resheet		210,000	157,500	52,500	75% funded by EMF
Emergency Repairs - McNelis Rd Resheet 3.1km		60,000	45,000	15,000	75% funded by EMF
Emergency Repairs - Wistaria 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		80,000	60,000	20,000	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		
R2R - Charles St Thabunna (Vicary to Espl. W. Waterfront Drive), reconstruct, Reseal & Streetscape		326,631	326,631		May need additional funds in 21/22 RTR allocation
<b>Total Roads, Footpaths, Kerbs</b>	<b>1,260,218</b>	<b>1,172,666</b>	<b>931,881</b>	<b>240,775</b>	
<b>Parks, Reserves, Walking Tracks, Cemeteries</b>					
Bicheno Walk - Bridge replacement - carried forward from 2019/20	20,000	30,000	20,000	10,000	Community Infrastructure Fund
<b>Total Parks, Reserves, Walking Tracks, Cemeteries</b>	<b>20,000</b>	<b>30,000</b>	<b>20,000</b>	<b>10,000</b>	
<b>Stormwater, Drainage</b>					
Address stormwater infrastructure issues - projects to be determined and approved by Council	500,000	500,000		500,000	
<b>Total Stormwater, Drainage</b>	<b>500,000</b>	<b>500,000</b>	<b>-</b>	<b>500,000</b>	
<b>Council Buildings</b>					
Thabunna Depot - Dog Pound Upgrades - carried forward from 2019/20	11,000	11,000		11,000	
Swansea Depot - Dog Pound Upgrades - carried forward from 2019/20	7,000	7,000		7,000	
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	7,000	7,000		7,000	
RCL Cemetery - new memorial and relocate plaques - 0/0% project		35,000		35,000	
Buckland Community Hall - replacement of steps to the entrance	55,000	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
<b>Total Council Buildings</b>	<b>80,000</b>	<b>340,000</b>	<b>280,000</b>	<b>60,000</b>	

**Bridges, Culverts**

Orford Bridge Replacement	981,886	990,840	990,840	\$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	235,000	300,000	300,000	RTR/BRP 50% EMF50% (to be confirmed)
<b>Total Bridges, Culverts</b>	<b>1,216,886</b>	<b>1,346,927</b>	<b>1,346,927</b>	<b>-</b>

**Plant & Equipment**

Wheel loader (replace backhoe)	150,000	122,000		122,000
Replace Animal Control Vehicle		35,000		35,000
Plant replacement - replace 3 utes/works vehicles	109,230	109,230		109,230
<b>Total Plant &amp; Equipment</b>	<b>259,230</b>	<b>266,230</b>	<b>-</b>	<b>266,230</b>

<b>Total Renewal Capital</b>	<b>3,336,334</b>	<b>3,655,813</b>	<b>2,578,808</b>	<b>1,077,005</b>
<b>Total Capital Works</b>	<b>7,137,334</b>	<b>7,787,883</b>	<b>6,494,653</b>	<b>1,293,230</b>

## **8. Notices of Motion**

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Nil.

## **9. Petitions**

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Nil.

## 10. Questions without Notice

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Nil.

### **Questions without Notice taken on notice – Ordinary Council Meeting 28 July 2020**

Clr Annie Browning asked the following questions:

*Glamorgan Spring Bay Council took over a large section of Wielangta Road several years ago from the State Government.*

*This deal required State Government to give Glamorgan Spring Bay Council approximately \$850k to bring this section of road up to a suitable and safe standard:*

*Please confirm if the full length of the Glamorgan Spring Bay Council owned road:*

1. *Has been completed to the required standard?*
2. *That the funds provided by the State Government were sufficient to cover these cost?*
3. *That all safety railing has been installed and at whose cost?*
4. *That all the gravel purchase by Council for this project was of an appropriate standards and used on this project and if not, what happened with that gravel or what action was taken.*

### **Response by the Acting General Manager, Mrs Marissa Walters**

1. *Has been completed to the required standard?*
  - a. The State Government grant did not provide sufficient funding to cover upgrading/resheeting the full length of the road.
  - b. As a gravel road it will continue to need ongoing maintenance and resheeting.
  - c. Council works only involved a resheet of the road and not constructing or reconstructing the road. The road would have initially been constructed as a forestry access road.
2. *That the funds provided by the State Government were sufficient to cover these cost?*
  - a. Council received a \$700,000 grant from the State Government in 2017/2018 to upgrade the road.
  - b. The State Government grant did not provide sufficient funding to cover upgrading/resheeting the full length of the road.
3. *That all safety railing has been installed and at whose cost?*
  - a. The assets were transferred to Council in 2016/17 and Council have inherited all bridges on this section of the road.
  - b. All bridge works were undertaken by the State government prior to this time.
  - c. There is no record of Council completing any capital bridge works since the road was transferred.

4. *That all the gravel purchase by Council for this project was of an appropriate standards and used on this project and if not, what happened with that gravel or what action was taken.*
- a. There was an issue with the quality of the gravel put on the road, which may have contributed to current state of the road.
  - b. Council have not removed any of the gravel of concern from the site.
  - c. At this stage Council have not replaced this section of gravel and Council staff are investigating ways in which this section can be rejuvenated.
  - d. As a result of the gravel quality issues Council staff are currently very cautious of the quality of gravel used in maintaining and constructing our roads.

## 11. Confidential Items (Closed Session)

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

- Item 1: Minutes of Closed Session – Special Council Meeting held on the 14 August 2020**  
As per the provisions of regulation 34 of the *Local Government (Meeting Procedures) Regulations 2015*.

### **RECOMMENDATION**

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

### **DECISION 304/20**

Moved Cllr Cheryl Arnol, seconded Cllr Rob Churchill that Council moves into closed session at 4:27pm.

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

For: Acting Mayor Jenny Woods, Acting Deputy Mayor Grant Robinson,  
Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning  
Cllr Rob Churchill, Cllr Michael Symons

Against: Nil

***The Acting Mayor confirmed that the recording has been terminated.***

## 12. Close

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The Acting Mayor declared the meeting closed at 4:32pm.

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

Date: **Acting Mayor Jenny Woods**



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State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
Hobart TAS 7001  
By email: [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)

12 August 2022

To Whom It May Concern,

**RE: State Planning Provisions (SPPs) Review - Scoping Issues – Scenic Protection Code**

Phase 2 of the State Government's planning reform is underway and includes a [review of the State Planning Provisions \(SPPs\)](#), introduction of the [Tasmanian Planning Policies](#), the creation of a [regional land use planning framework](#), and a review of the three Regional Land Use Strategies.

The SPPs will also require review for consistency with the Tasmanian Planning Policies once they are finalised.

The Freycinet Action Network (FAN) thanks you for the opportunity to comment on the review of the SPPs, noting that ALL SPPs are up for review.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values.

The Code can be applied through two overlays: scenic road corridor overlay and the scenic protection area overlay.

However, FAN considers that the Scenic Protection Code fails to protect our highly valued scenic landscapes. There is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allow for detrimental impact on landscape values. Concerns regarding the Scenic Protection Code have also been provided to the Tasmanian Planning Commission from the Glamorgan Spring Bay Council on the SPPs in accordance with section [35G of LUPAA](#). (It is also noted that there is no robust statutory process to deal with 35G issues).

**Not only does the Code fail to protect scenic values, FAN understands that in many instances Councils are not even applying the Code to their municipal areas.**

Given that Tasmania's scenic landscapes are much valued by local communities and are one of our greatest assets and point of difference, this is extremely disappointing.

**Local Councils should be given financial support to undertake the strategic assessment of our scenic landscapes so they can populate the Scenic Protection Code** within their municipal area via either their LPS process or via planning scheme amendments.

It is also my understanding, that due to the lack of strategic work with regards to scenic landscape management, a community group in Break O'Day took it upon themselves to pay for the strategic work to argue for greater protections. But because this was not a Council document, it was disregarded during the Local Provisions Process (LPS). **This story demonstrates that there is no pathway for the community to advocate for scenic protection, other than through local Councils. If Councils are not doing the work, this gives the community no pathway.**

## FAN's Story

### Failure in the application of the Scenic Protection Code

This was certainly the FAN's experience with the Draft Glamorgan Spring Bay LPS. Through the LPS process FAN argued for the increased application of the Scenic Protection Code. Our arguments were based in part on where scenic protection overlays had been applied in former planning schemes (e.g. *Glamorgan Spring Bay Planning Scheme 1994* and the interim scheme) plus the obvious value in protection the east coasts scenic values and the role they play in the local economy. Our arguments were discounted because Glamorgan Spring Bay Council had not done the strategic work with regards to scenic landscape assessment.



Figure 1 - Rocky Hills, forms part of the Great Eastern Drive, one of Australia's greatest road trips. The Drive underpins east coast tourism. As per [www.eastcoasttasmania.com](http://www.eastcoasttasmania.com) states '*this journey inspires rave reviews from visitors and fills Instagram feeds with image after image of stunning landscapes and scenery*'. The Rocky Hills section of the road is subject to the Scenic road corridor overlay but has allowed buildings which undermine the scenic landscape values.

### Failure of the Scenic protection Code to protect Landscape Values

On the 15 February 2020, Sophie Underwood and Alvaro Ascui on behalf of Freycinet Action Network (FAN), made a representation on the *Draft Local Provisions Schedule for Glamorgan Spring Bay Council*. Amongst other issues, FAN called for the improvement of the Scenic Protection Code in



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the Tasmanian Planning Scheme. **A copy of our FAN's representation is attached (note that this representation cost the community about \$4000 which FAN had to fundraise).**

The relevant extract with regards to the C8.0 Scenic Protection Code from FAN's representation, which was drafted by expert planner Heidi Goess from [Plan Place](#), stated:

*'Additionally, this representation calls for the provisions embedded within the C8.0 Scenic Protection Code of the SPPs to be reviewed, fine-tuning the use and development controls (including exemptions) with respect to assessment development to areas where this Code applies, especially if it is to be an effective planning tool to manage landscape values.'*

*We express sincere concern that there is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allows for detrimental impact on landscape values. This of course extends beyond the municipal boundaries and requires careful consideration at a State level to support and protect the natural assets that underpin the tourism economy and our precious natural/cultural landscapes.'*

The Glamorgan Spring Bay Council agreed with our concerns regarding the Scenic Protection Code and provided a report to the Commission on the SPPs in accordance with section [35G of LUPAA](#) (i.e. 35G. Planning authority may notify Minister as to whether amendment of SPPs is required).

See Glamorgan Spring Bay Council agenda and minutes from the 25 August 2020 which deals with the 'Report on Representations to the Draft Glamorgan Spring Bay Council Local Provisions Schedule' and provides recommendations to the Tasmanian Planning Commission pursuant to 35G of the *Land Use Planning and Approvals Act 1993*.

### **Agenda**

- Glamorgan Spring Bay Council [agenda](#) (**attached**) from the 25 August 2020:
  - See section 4.1 Report on Representations to the Draft Glamorgan Spring Bay Council Local Provisions Schedule (page 11/137 of pdf).
  - See attachment 1 – Agenda Report 4.1 - Planning Authority Report (attached and [here](#)). See Section 2 of this *Planning Authority Report: Section 35G of the Land Use Planning and Approvals Act 1993 – Notice to Tasmanian Planning Commission on recommended changes to State Planning Provisions: Scenic management Code* (page 87/92 on pdf).

### **Minutes**

- Glamorgan Spring Bay Council [minutes](#) (**attached**) from the 25 August 2020:
  - See section 4.1 Report on Representations to the Draft Glamorgan Spring Bay Council Local Provisions Schedule (page 15 /136 of pdf).



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**Recommendations:**

1. The Scenic Protection Code of the SPPs should be subject to a detailed review, with a view to providing appropriate use and development controls and exemptions to effectively manage and protect all aspects of scenic landscape values.
2. Councils should be resourced to undertake the strategic work to inform the application of the Scenic Protection Code.
3. A transparent and robust statutory process should be created with regards to Section 35G of LUPAA.

Yours sincerely,

Sophie

Sophie Underwood  
Convenor – Freycinet Action Network  
E: [sophie\\_underwood@hotmail.com](mailto:sophie_underwood@hotmail.com)  
M: 0407501999



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Contract GSBC Planner  
Glamorgan Spring Bay Council  
Email: [contract.planner@freycinet.tas.gov.au](mailto:contract.planner@freycinet.tas.gov.au)

15 February 2020

**RE: Glamorgan Spring Bay draft Local Provisions Schedule (GSB draft LPS)**

Please see attached our representation regarding the Glamorgan Spring Bay draft Local Provisions Schedule (GSB draft LPS).

Our representation has been prepared with expert planning input. We would please like the opportunity to present at any GSBC draft LPS hearings.

Could you please confirm that you have received our representation.

Yours sincerely,

**Sophie Underwood**

Freycinet Action Network – Convenor  
[sophie\\_underwood@hotmail.com](mailto:sophie_underwood@hotmail.com)  
0407 501 999

**Alvaro Ascui**

Coles Bay  
[ajascui@gmail.com](mailto:ajascui@gmail.com)  
0418 993 743

## Introduction

Thank you for the opportunity to comment on the Glamorgan Spring Bay draft Local Provisions Schedule (draft LPS). Members of the Freycinet Action Network have reviewed the draft LPS, including the Glamorgan Spring Bay Local Provisions Schedule Supporting Report (Supporting Report).

The review conducted of the draft LPS has focussed on the zone and overlay provisions as they apply to the Freycinet Peninsula and are considered in the context of:

- fostering health and well-being of residents and visitors at Coles Bay, Swanwick and the Fisheries;
- the unique scenic values surrounding the Fisheries and the important spatial relationship the settlement has to the Hazards; and
- scenic landscape values and protecting the natural attributes of one of the most visited locations in Tasmania.

In consideration of the matters raised in this representation, we urge the Glamorgan Spring Bay Council and (subsequently the Tasmanian Planning Commission) to consider the following amendments to the draft LPS:

- remove the GBS-S4.0 Coles Bay and Swanwick Specific Area Plan from the draft LPS instrument and mapbooks;
- introduce a Specific Area Plan over the Low Density Residential Zone at The Fisheries, reinstating the previous subdivision provisions of the Glamorgan Spring Bay Planning Scheme 1994;
- spatially applying the 22.0 Landscape Conservation Zone to additional properties to protect important landscape values within the municipal area that have not been captured by the draft LPS; and
- applying the C8.0 Scenic Protection Code to the Freycinet Peninsula, and other areas across the Glamorgan Spring Bay Municipality, including identification of a scenic protection area on the overlay maps.

Each of these points is considered in further detail below.

## Coles Bay and Swanwick Specific Area Plan

The 'GBS-4.0 Coles Bay and Swanwick Specific Area Plan' (SAP) introduces new local provisions to spatial areas at Coles Bay and Swanwick (refer to Figures 1 and 2). This will substitute provisions of the underlying Low Density Residential Zone (refer to Maps 7 and 9, Zone Mapbooks) to facilitate a broader range of non-residential use and development.



Figure 1: Spatial area (bold dashed line) the GBS -4.0 Coles Bay and Swanwick SAP as it applies to Swanwick (source: Mapbook, Specific Area Plan, GBS draft LPS)



Figure 2: Spatial area (bold dashed line) the GBS -4.0 Coles Bay and Swanwick SAP as it applies to Coles Bay (source: Mapbook, Specific Area Plan, GBS draft LPS)

## Coles Bay and Swanwick Character

The Freycinet Peninsula has three main local settlements:

- Coles Bay;
- Swanwick; and
- The Fisheries.

The SAP only applies to Coles Bay and Swanwick. The Fisheries is discussed in further detail below.



Figure 3: Settlements of the Freycinet Peninsula.

At the 2016 Australian Bureau of Statistics Census (ABS Census), there were 353 people in the Coles Bay area (which includes Swanwick, Coles Bay and the immediate surrounds) with a median age of 53.

The number of private dwellings was recorded as 476, of which 80 per cent were recorded as unoccupied at time of the ABS census. This reflects the seasonal holiday nature of the area, with the unoccupied dwellings largely being attributed to their use as short-term rental accommodation or dwellings being utilised by owners for weekend or summer homes.

Most of the private dwellings as referred to above are in the Low Density Residential of the SPPs which are spatially applied to Coles Bay, Swanwick and The Fisheries in the draft LPS.

The character of the Low Density Residential Zone at Coles Bay is predominantly defined by single detached dwellings (refer to Figure 4) on single titles. Other than visitor accommodation, non-residential uses are generally absent from the residential area of Coles Bay and are confined to two areas where the Local Business Zone of the SPPs is spatially applied in the draft LPS (refer to Maps 7 and 9, Zone Mapbooks).



Figure 4: Cadastral parcels at Coles Bay.

The character of the Low Density Residential Zone at Swanwick is also predominantly defined by single detached dwellings (refer to Figure 5) on individual titles. There are

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also a number of lots within the Low Density Residential Zone that are vacant, due to the recent subdivision of this land. The Freycinet Golf Course separates the residential area from Coles Bay Road and the Coles Bay Conservation Area and is outside of the spatial area of the Low Density Residential Zone. Other than visitor accommodation, non-residential uses are also generally absent from the residential area of Swanwick. Generally, commercial/business uses are encouraged to the area where the Local Business Zone of the SPPs is applied.



Figure 5: Cadastral parcels at Swanwick

### Specific Area Plan - Impact on Character and Residential Amenity

The SAP substitutes the Use Table at Clause 10.3 and the Use Standard at Clause 10.3.1. If the draft LPS is adopted without modification, the SAP provides planning

permit pathways for non-residential uses that would otherwise be prohibited on land zoned Low Density Residential.

It is noted that the Use Standard at Clause GSB-S4.6.1 is the same structure and format of Clause 10.3.1 in the 10.0 Low Density Residential Zone of the SPPs. The Clause GSB-S4.6.1, however, substitutes Clause 10.3.1 modifying the acceptable solutions for non-residential Discretionary Uses allowing:

- increased hours of operation during weekdays and weekends;
- increased hours for commercial vehicle movements for weekdays and weekends;
- a gross floor area of not more than 250m<sup>2</sup> for a non-residential Discretionary use before it enlivens the corresponding performance criterion.

Where an application demonstrates compliance with all of the acceptable solutions of Clause GSB-S4.6.1, the performance criteria are not enlivened, and no further assessment is required by the planning authority with respect to the impact non-residential Discretionary uses have on residential amenity.

The Supporting Report is devoid of evidence with respect to giving explanation for the proposed Use Standards particularly with respect to the introduction of a gross floor area of no more than 250m<sup>2</sup> as an acceptable solution and how this is consistent with the objective of Clause GSB-S4.6.1.

The implementation of these provisions has a lack of regard to the predominantly established residential character of Coles Bay and Swanwick (as described above) and could facilitate an undesirable mixed use settlement pattern, which:

- diminishes the residential amenity;
- undermines the established residential character by facilitating greater mix of non-residential development such as 'Transport Depot and Distribution';
- could facilitate the take up of vacant lots for non-residential uses detracting from the recently approved Local Business Zone at Swanwick;
- advocates an ad hoc approach to use and development; and
- potentially fragments commercial development and undermines the purpose of the spatial application of the Local Business Zone in the draft LPS.

To simply state that the Village Zone of the SPPs provides for a similar Use Standard is not sufficient. VZ 1 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application* advises the Village Zone should only be applied where there is an unstructured mix of residential, commercial and community services and there is a strategic intent to maintain a mix. This is not demonstrated for either Coles Bay or Swanwick.

Additionally, the rationale provided in the Supporting Report (page 58) is primarily attributed to the growth in the visitor economy and that this has resulted in an:

- increase in partial change of use from dwelling to Visitor Accommodation;
- parking congestion around the boat ramp and walking track entrance;
- increase support services such as businesses to manage rental properties;

- shortage of long-term affordable accommodation for employees working in the tourism industry.

These points are also not substantiated with any data or evidence. Furthermore, the Supporting Report states that the purpose of the SAP is also to align the LPS with the [Freycinet Peninsula Master Plan \(June 2019\)](#).

The Supporting Report does not demonstrate compliance with the LPS criteria of the Act. This is discussed in further detail below.

### Coles Bay Township Structure Plan

The Glamorgan Spring Bay Council resolved to endorse the [Coles Bay Township Structure Plan](#) (Structure Plan) at its meeting held on 26 April 2016. The Structure Plan is intended to guide use and development over the next 20 years until 2035.

*The vision for Coles Bay at page 47 as articulated by the Structure Plan..."aims to balance the existing character with future opportunities to improve the liveability and amenity for both residents and visitors. It should continue to undertake key capital works projects upgrading infrastructure and services for local residents and visitors with a focus on walking links and open spaces while protecting the natural and coastal features".*

The Structure Plan at page 48 provides that the vision for Swanwick includes: "...to retain the existing seaside village characteristics while continuing to improve and gradually develop the town for local and seasonal residents, retirees and the holiday market..."

*A small local business precinct should be encouraged and designed to fit in with the local character, catering for residents and the holiday market however should not detract from the existing tourism market in Coles Bay."*

The vision statements provided in conjunction with the recommendations and actions contained within Structure Plan recognises the importance of responding to the visitor economy. However, it does not promote a mixed use approach to either settlement. While the Structure Plan may need review particularly with respect to Coles Bay and its future role, it is concluded that the introduction of the SAP in the draft LPS is premature.

### Freycinet Peninsula Master Plan

The [Freycinet Peninsula Master Plan](#) (Master Plan) was released by the Tasmania Government in June 2019. The Plan is a 20-year plan with most initiatives completed within the first five to ten years.

The Master Plan is a non-statutory document but has been signed off by the Tasmanian Government and the Glamorgan Spring Bay Council (GSBC) and is relied upon in the Supporting Report for the justification of the SAP.

There is no justification to introduce non-residential uses to Coles Bay and Swanwick, especially when considering the findings of the Master Plan.

One of the main findings of the Master Plan, (although note with much community opposition), is the construction of a new Visitor Gateway hub north of Coles Bay. The Coles Bay Road will be realigned, so that all tourist traffic is re-directed to the hub.

The Visitor Gateway is proposed to be the largest and main visitor centre on Freycinet Peninsula with: full service visitor information, tourist operator ticketing, transport interchange, food and retail, potential accommodation, toilets and showers, RV camping, connection to Coles Bay precincts and new short walks.

The report does not conclude to create more commercial activities and or non-residential uses in Coles Bay or Swanwick. Instead, the report proposes a new commercial hub be created north of Coles Bay. The SAP introduces provisions that are contrary to this report.

### Requirements of the Land Use Planning and Approvals Act 1993

The introduction of the proposed SAP must demonstrate that it is compliant with Section 32(4)(b) and Section 34 of the Act. The proposed SAP has not demonstrated this required compliance (refer to table below) and therefore must be removed from the draft LPS instrument and relevant mapping.

LPS Criteria	
<b>Section 32(4)(b)</b> <b>(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs</b>	
The Supporting Report does not identify clearly the particular environmental, social or spatial qualities to substantiate the rationale for substitution of the Low Density Residential Zone provisions of the SPPs.	
<b>Section 34(2)</b> <b>(c) furthers the objectives set out in Schedule 1</b>	
The Supporting Report does not provide a response to the objectives in context of the proposed SAP it only makes a general statement that it upholds the objectives set out in Schedule 1.	
The proposed SAP will give rise to ad hoc use and development in residential areas without any of the assessment of the likely impacts on character or amenity that may result. The proposed SAP is not considered to represent orderly use and development or a coordinated strategic approach and therefore does not further the objectives set out in Schedule 1.	
<b>(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates</b>	
Section 5.0 addresses compliance with the LPS criteria. Attachment 7 of the Supporting Report assesses the draft LPS against the policies of the Southern Tasmania Regional Land Use Strategy 2010-2035 (RLUS).	
The policies particularly relevant to the SAP are as follows:	

Physical Infrastructure 2.1 Use infrastructure to delivery planned growth and encourage compact urban form.

Activity Centre 2.4 – Encourage structure and economic development planning for all activity centres; and

Settlement and Residential Development 1.2 – manage growth through hierarchy of strategy, structure plans, subdivision control and development control.

These policies are addressed generally in context of the proposed SAP but does not consider them in any extensive detail.

The RLUS places a reliance on local structure plans to manage growth and development. It is demonstrated that the Coles Bay Township Structure Plan does not articulate a mixed use approach for either Coles Bay or Swanwick as intended by the proposed SAP.

While the Coles Bay Township Structure Plan may require review in light of more recent investigations, the proposed SAP is not considered to be as far as practical consistent with the RLUS.

**(f) has regard to the strategic plan, prepared under [section 66](#) of the [Local Government Act 1993](#) , that applies in relation to the land to which the relevant planning instrument relates;**

The Glamorgan Spring Bay Community Strategic Plan is prepared under section 66 of the Local Government Act 1993. It is acknowledged that this strategic plan provides broad strategic direction across the municipal area.

There are six Future Directions articulated within the document. Direction 3 seeks to grow the economy and employment opportunities. Direction 4 is focussed on protecting and promoting the natural beauty and environment. One of the strategic outcomes seeks for villages and towns in the municipal area to grow but not at the expense of their individual character and identity.

The relaxation of the provisions in the Low Density Residential Zone are such that impacts could negatively impact on the character and identity of Coles Bay and Swanwick

The introduction of this new local provision is not substantiated against the LPS criteria of section 34(b) of the *Act for the following reasons:*

- The Supporting Report does not provide any evidence for the particular economic, environmental or social reasons for requiring the substitution of the provisions of the 10.0 Low Density Residential Zone.
- Introduces local provisions contrary to the strategic intent for Swanwick and Coles Bay as articulated in the Coles Bay Township Structure Plan, the Community Strategic Plan, and the Southern Tasmania Regional Land Use Strategy; and

- Provides for use and development that is contrary to the fundamental purpose of the underlying 10.0 Low Density Residential Zone which is to protect residential amenity from unreasonable impacts in an area where there is no mixed use pattern;
- Undermines the provisions of the spatial application of the 14.0 Local Business Zone of Coles Bay and Swanwick, especially the recent approved amendment AM2018-05 (19 March 2019) to the Glamorgan Spring Bay Interim Planning Scheme 2015 by the Tasmanian Planning Commission.

For the reasons stated above, it is considered that the draft LPS must be amended to remove the introduction of this new local provision.

## The Fisheries

The Glamorgan Spring Bay draft Local Provisions Schedule should reinstate the provisions for subdivision to the spatial area known as 'The Fisheries' (Figure 6), which existed in the Glamorgan Spring Bay Planning Scheme 1994 (the former Scheme).



Figure 6: Cadastral parcels of the area known as "The Fisheries".

Clause 8.1.3 of the former Scheme regulated use and development at the 'The Fisheries'. Subclause (b) listed subdivision as discretionary within the zone. However subclause (c) excluded 'The Fisheries', therefore prohibiting subdivision.

Without the community being aware, this prohibition was lifted when the 'Low Density Residential Zone' was applied to 'The Fisheries' in the Glamorgan Spring Bay Interim Planning Scheme 2015 (Interim Scheme).

The draft LPS has applied the equivalent zone from the Interim Scheme in accordance with LDRZ 1 of Guideline 1. Additionally, the draft LPS instrument does not propose to substitute the provisions of Clause 10.6 of the Low Density Residential Zone of the SPPs. The concern is that the unmodified provisions of the Low Density Residential Zone of the SPPs will continue to place undue pressure on large lots in this area to be subdivided (refer to Figure 6).

For example, the Low Density Residential Zone of the SPPs provides for a permit pathway to create new residential lots with areas ranging between 1200m<sup>2</sup> and 1500m<sup>2</sup>. While the Development Standards for Subdivision at Clause 10.6 of the Low Density Residential Zone provide opportunity for further subdivision, it is acknowledged that there are several practical interactions between the landslide risk/geotechnical limitations, wastewater location, bushfire requirements, biodiversity protection, drainage and stormwater management that present challenges with respect to creating new lots. However, it is not to say that these challenges could not be overcome and place the planning authority in a position where they must grant a permit for subdivision.

Additionally, the visual prominence of 'The Fisheries' (refer to Figure 7) in the landscape further emphasises the importance of retaining the traditional shack-like character of this settlement. If intensification of use and development is allowed, then the underlying shack character could be undermined by the opportunity of new dwellings or visitor accommodation. This in turn is likely to result in further clearance of vegetation to manage bushfire risk and consequently increase the dominance of buildings and structures in this iconic landscape.



Figure 7: Visual perspective of "The Fisheries" in context of the Hazards.

The challenges and the visual prominence of 'The Fisheries' reinforces that there is a need to impose tighter use and development controls. Therefore it is recommended that the prohibition of subdivision be reinstated in the draft LPS instrument by introducing a Specific Area Plan which substitutes Clause 10.6 of the Low Density Residential Zone of the SPPs.

The introduction of this local provision is also considered to be consistent with the principles articulated by the Tasmanian State Coastal Policy in that:

- the natural and cultural values of the coast will be protected; and
- the focus of Coles Bay and Swanwick to remain the key settlements servicing the Freycinet Peninsula will be retained.

Furthermore this approach is aligned with the RLUS, the Glamorgan Community Spring Bay Community Strategic Plan and the Objectives set out at Schedule 1 of the Act.

The SAP would be compliant with Section 32(4) and Section 34 of the Act and can be supported.

## Landscape Conservation Zone

The Landscape Conservation Zone of the SPPs is a new zone that was not previously available to the interim planning schemes. We commend the Council for applying the Landscape Conservation Zone to land identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate. We support all areas (fourteen titles) proposed to be zoned Landscape Conservation.

In addition, we recommend that all titles within Glamorgan Spring Bay Council Municipality, with a conservation covenant be zoned Landscape Conservation.

This is in accordance with LCZ 1, LCZ 3 and LCZ 4 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application*.

We recommend that the draft LPS apply the Landscape Conservation Zone to additional titles on the Freycinet Peninsula. These are detailed below.

The following properties are proposed to be in the Rural Zone:

### **Property 1**

Property Address Lot 1 FLACKS RD COLES BAY TAS 7215

Property ID 3321029

Title Reference 167856/1

### **Property 2**

Property Address: FLACKS RD COLES BAY TAS 7215

Property ID: 2074855

Title Reference: 52694/7

### Property 3

Property Address: 65 FLACKS RD COLES BAY TAS 7215

Property ID: 5290246

Title Reference: 13015/4

### Property 4

Property Address: COLES BAY RD COLES BAY TAS 7215

Property ID: 2046408

Title Reference: 108848/2

These are subject to conservation covenants and it is recommended that these properties be in the Landscape Conservation Zone.

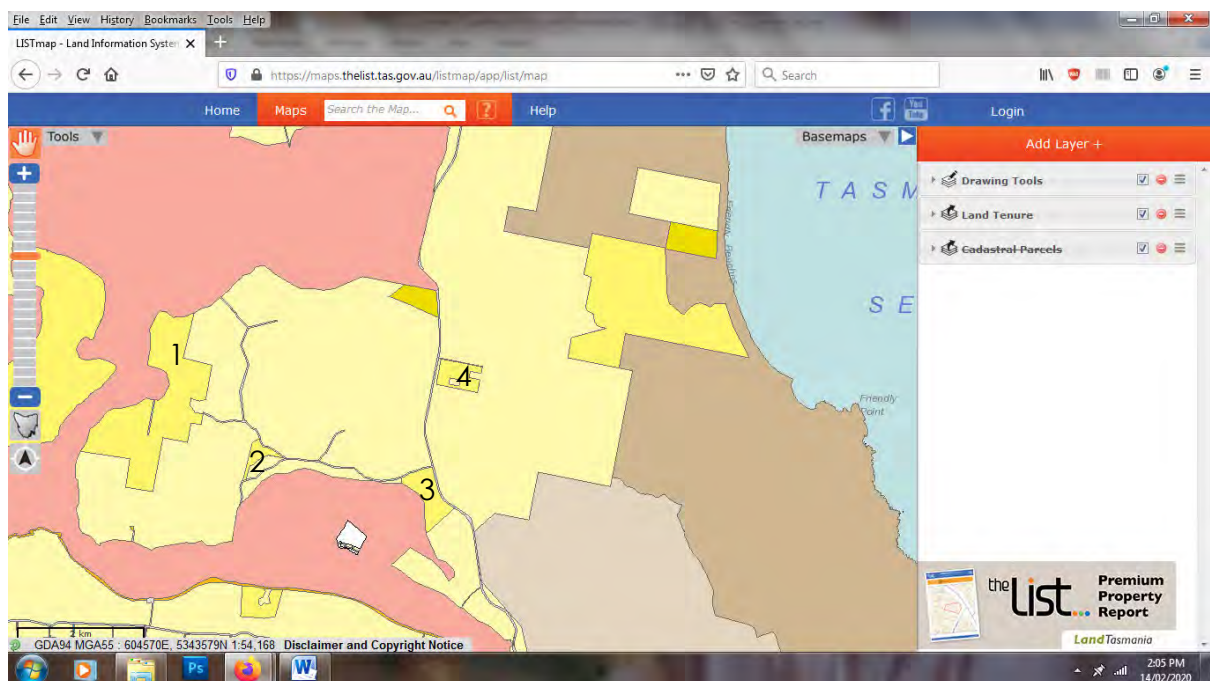


Figure 8 – Conservation covenanted properties 1 to 4.

### Property 5

Property Address: 477 COLES BAY RD FRIENDLY BEACHES TAS 7215

Property ID 1892282

Title Reference: 40678/1

(note check title/covenant boundary over river)

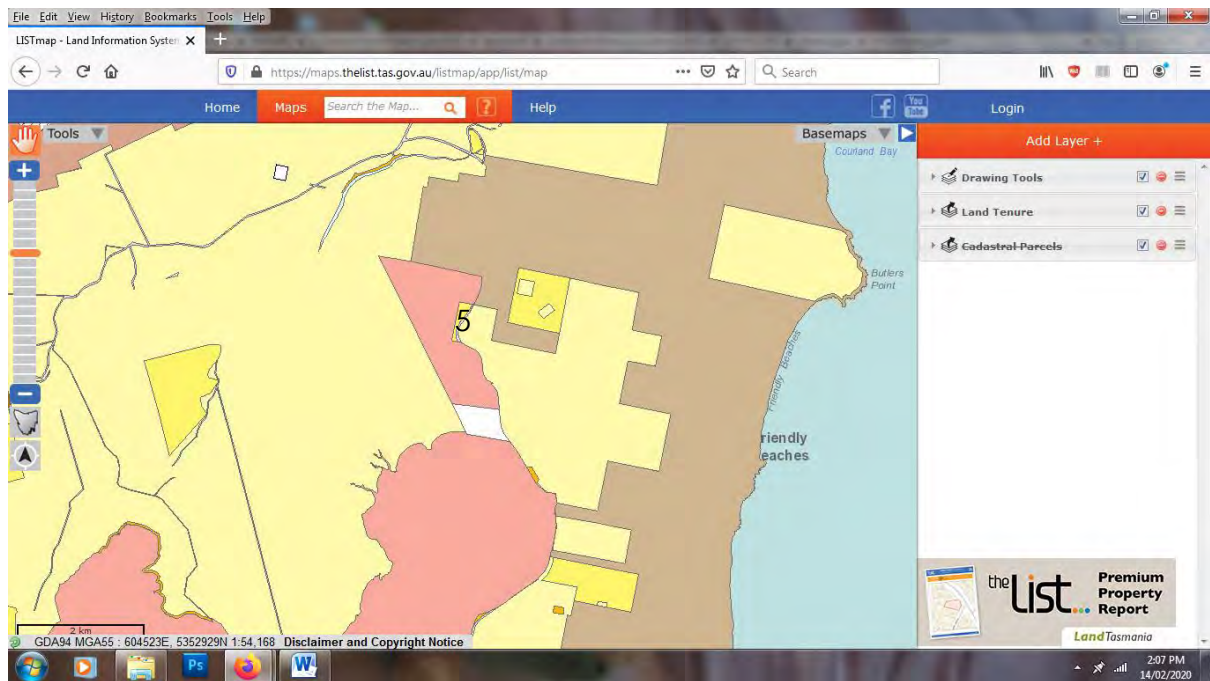


Figure 9 – Conservation covenanted property 5.

## Other Vegetated Land

We recommend that all land on Freycinet Peninsula, and Glamorgan Spring Bay Municipality more broadly, with high natural and scenic values, be zoned Landscape Conservation Zone. This may require split zoning.

In particular we recommend that vegetated areas, adjoining the internationally significant Moulting Lagoon Game Reserve Ramsar Site be zoned Landscape Conservation Zone.

As per the [Moulting Lagoon Game Reserve \(Ramsar Site\) Management Plan 2003](#), 'Moulting Lagoon Game Reserve is one of 10 Ramsar sites (wetlands of international importance) listed in Tasmania. Moulting Lagoon is on this list because it supports a large number of waterbirds, particularly black swans and Australian shelducks, at key stages of their lifecycles. It provides year-round habitat for about 8000 black swans and is a critical late-summer staging area for shelducks, chestnut teal, and several shorebird species. The largest Tasmanian flock of greenshank also occurs at the lagoon. Thirteen plant species found in the Moulting Lagoon area are of particular importance for conservation because of their threatened status. Moulting Lagoon/Great Oyster Bay is a site of geoconservation significance, and the spit at Nine Mile Beach is one of only two mid-bay spits in Tasmania.'

More specifically, we recommend that all vegetated land west of the Coles Bay Road, (highlighted in Figure 10), which forms an important part of the catchment of Moulting Lagoon, be Landscape Conservation Zone.

This area provides a critical buffer and helps maintain the integrity of Moulting Lagoon Game Reserve Ramsar Site. Any changes in land use, especially if zoned Rural, which is currently proposed for this entire area, will negatively impact this sensitive wetland. Changes in land use will potentially create pollutants e.g. rural pollution. There is also increasing pressure from tourism, which could be overwhelming for the lagoon, and for the maintenance of natural values.

The area highlighted in Figure 10 contains significant values:

- areas of conservation covenants. Some of this covenanted land is owned and managed as Permanent Reserves by the Tasmanian Land Conservancy, such as the [Big Punchbowl Reserve](#);
- revolving properties. The Tasmanian Land Conservancy revolves properties – that is they buy, covenant and sell properties with high conservation values. An example of this is [The Croft](#), located at 65 Flacks Road;
- areas of Land for Wildlife;
- The Tasmanian Devil conservation reserve;
- large areas of native vegetation;
- areas of important scenic values (especially as seen from Moulting Lagoon and the Coles Bay Road);
- threatened native vegetation communities;
- threatened species;

- habitat and or refuge for threatened species;
- important corridor habitat;
- links to existing reserves;
- natural areas that are stepping stones and/or refuge for wildlife; and
- lagoon river frontage.



Figure 10 – vegetated land adjoining Moulting Lagoon, should be zoned LCZ.

## 5.0 Scenic Protection Code

The Coles Bay Conservation Area covers a total of 2297 hectares and immediately adjoins Freycinet National Park (Figure 1). The draft LPS has spatially applied the Environmental Management Zone of the SPPs to both these areas.



Figure 11: Coles Bay Conservation Area and spatial relationship to the Freycinet National Park1 - Coles Bay Conservation Area.

The C8.0 Scenic Protection Code of the SPPs, provides that a scenic protection area overlay, or a scenic road corridor can be applied to land identified at the local or regional level as important for protection of scenic values as per SPC 1 of *Guideline No.1, Local Provisions Schedule (LPS): zone and code application*. The Scenic Protection Code of the SPPs can be applied to land zoned Environmental Management Zone if it can be demonstrated that it contains native vegetation with scenic values or identified as having significant scenic views.

One such area is the Coles Bay Conservation Area. However, scenic protection area overlay is not applied to this area and is not shown on any of the Code overlay maps. Although it is noted that a scenic road corridor is shown for Coles Bay Road which runs immediately to the west of Coles Bay Conservation Area.

The overlay maps only identify scenic protection areas for small geographic areas adjacent to Swanwick and Coles Bay in this location.

It is appreciated that in review of the Supporting Report and in particular Attachment 4 that the application of the C8.0 Scenic Protection Code has been duly considered. Nevertheless, the lack of application of a scenic protection area to the all-important Freycinet National Park and adjoining Coles Bay Conservation Area fails to recognise the importance of protecting the scenic landscape values that should be afforded to these prominent locations.

Therefore the request is made for the inclusion of a scenic protection area to be shown on the Scenic Protection Code overlay maps in the draft LPS for the Coles Bay Conservation Area and the adjoining Freycinet National Park.

The Scenic Protection Code should also be placed over all areas seen from the [Great Eastern Drive](#). The Great Eastern Drive extends for around 176 kms between Orford and St Helens on Tasmania's east coast.

As stated by [www.greateasterndrive.com.au](http://www.greateasterndrive.com.au) as "Experience one of Australia's greatest road trips on the Great Eastern Drive. This is a true journey of discovery that will lead you to the best-loved places and experiences of Tasmania's east coast region. Here, every turn unveils a new view to take your breath away, and a new invitation to stop and explore. In this road trip itinerary we show you what's on offer from south to north, or if you prefer from north to south. Just choose and shape an adventure to suit you."

Much of the [Great Eastern Drive](#) is located within the boundaries of Glamorgan Spring Bay Municipality.

Additionally, this representation calls for the provisions embedded within the C8.0 Scenic Protection Code of the SPPs to be reviewed, fine-tuning the use and development controls (including exemptions) with respect to assessment development to areas where this Code applies, especially if it is to be an effective planning tool to manage landscape values.

We express sincere concern that there is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allows for detrimental impact on landscape values. This of course extends beyond the municipal boundaries and requires careful consideration at a State level to support and protect the natural assets that underpin the tourism economy and our precious natural/cultural landscapes.