

GLENORCHY CITY COUNCIL
ATTACHMENTS
MONDAY, 9 MAY 2016



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GOVERNANCE

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CHILD CARE CONNECTIONS



ANIMALS IN THE ENVIRONMENT POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

Educators are encouraged to foster children's capacity to understand and respect the natural environment and the interdependence between people, plants, animals and the land." (NQS element 3.2). Contact with animals can promote a sense of caring and responsibility in children; however, consideration must be given to any risk posed by animals.

It is essential that in education and care settings, animals are kept separate to and apart from areas used by children unless involved in a specific planned experience that is directly supervised by educators.

Responsible ownership of pets, animals, or birds that may reside at the education and care service or visit the premises is vital. Role models of appropriate behaviours with animals and guidance in caring for the needs of the animals is beneficial for children. This policy also considers the management of unwanted visitors such as pests and vermin.

Policy Statement

Child Care Connections must

- provide a safe, clean and humane environment for all animals and birds that visit or reside at the service;
- Ensure pest control measures are regularly undertaken, and;
- Ensure there are procedures in place for removing unwanted animals, pests and vermin from the premises.

Source: Kidsafe NSW Inc – www.kidsafensw.org.au

Guide to the National Quality Standard (3) AQECQA (2011)

Staying Healthy- Preventing infectious diseases in early childhood education and care settings. 5th Edition 2012

Community Child Care Co-operative (NSW)

Education and Care Services National Regulations: Regulation 103, 168

National Quality Area 2: Children Health and Safety

National Quality Area 3: Physical Environment

Cross Reference: Supervision Policy

Review: 2 years

Status: **CURRENT**

CHILD CARE CONNECTIONS



ANIMALS IN THE ENVIRONMENT PROCEDURE

- Educators of the education and care services can choose whether or not to keep animals in the service, or to allow pets to visit.
- Before animals are allowed to visit or reside at the service the potential risks to children and adults must be assessed through a risk assessment; this must include asthma, allergies and phobias. Services that do keep animals or allow animals to visit must adhere to the ACECQA National Quality Framework and follow the recommendations outlined in Staying Healthy – Preventing infectious diseases in early childhood education and care services. 5th edition.
- The welfare of animals must be maintained. Educators must ensure that all pets and their enclosures are kept clean and hygienic. Educators must ensure they have clean bedding and water. Food must be available for the pet, but kept out of reach of children at all times.
- Children must be supervised at all times when interacting with pets and animals. Educators must manage any health or safety risk for the children that may be caused by animals, such as asthma and allergies.
- Pets must not have access to children's bedding, toys, eating surfaces or utensils.
- Animals and birds visiting the education and care service as part of the educational program are the responsibility of the owner/s. The educators must ensure that the environment remains safe and hygienic at all times during the visit.

Animals and birds other than pets or invited visitors

- There are situations that may spontaneously occur, involving animals. For example, there may be a situation where an animal or bird has made its way into the education and care service. Educators may use this as a spontaneous learning experience for the children. At all times they must ensure the safety and wellbeing of all the children.
- If an animal or bird is potentially dangerous; such as a snake or spider, educators must contact an appropriate authority for assistance.
- The animal's movements must be monitored to ensure a speedy and efficient capture by a professional, but priority must be given to educator, child and family safety. At no time is the potentially dangerous animal, insect or bird to be approached or touched by educators, children or families.

Pests and vermin

- Pest control must occur at the education and care on a regular basis. Educators must monitor any occurrences in the service to determine the success of control measures.
- If pests or vermin are seen, educators must advise the Nominated Supervisor so that additional pest control visits can be arranged.
- Where appropriate, educators discuss with children safety issues relating to dangerous products, plants, vermin and objects.
- Educators must thoroughly clean all areas that animals or pests have accessed in the education and care service with hot, soapy water. If the remains of an animal or animal faeces have been found, the remains must be disposed of according to the local Council guidelines and the area where the remains were found must be thoroughly cleaned with hot, soapy water.
- Educators must be responsible for assessing any situation in the education and care service where animals are involved to ensure the health, safety and wellbeing of children, families and animals.

POLICY DOCUMENT CONTROL SHEET

Policy Name: Animals in the Environment

Department: Child Care Connections

Date Policy Approved by Council: 2/1/2004

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team	Reviewed June 2003	
Child Care Connections Team	Changes reflect new research findings, stakeholder views and input or issues in health and child development.	21/8/2006
Child Care Connections Team and Policy Focus Group.	Reviewed July 2007 Changes reflect current recommendations relating to health and hygiene practice in early childhood settings and stakeholder views.	20/8/2007
Child Care Connections Staff, families & carers	Reviewed August 2010. No changes required	01/09/2010
Child Care Connections Staff, families and Educators	Reviewed May 2012. Changes as per requirements of the National Quality Framework.	July 2012
Child Care Connections Team, management and families	Updated sources & terminology Removal of FDC references Included references to National Quality Standard	August 2014
Child Care Connections Team, management and families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



ASTHMA MANAGEMENT IN CHILDREN POLICY

File Ref: Child Care Connections Policies
 Author: Child Care Connections Management
 Department: Community & Customer Service – Child Care Connections

Background

Asthma is a condition of the airways. People with asthma have sensitive airways which react to triggers that set off their asthma. Their airways swell and get thick with mucus and the muscles around the airway squeeze tight. This makes it difficult to breathe.

Asthma affects more than 1 in 9 children in Australia, and many of these children attend child care services. Child Care services and staff can work together with parents and carers to provide a healthy and safe care environment for children with asthma. It is not always easy to diagnose asthma in young children but it is important that educators are aware of symptoms and possible triggers that can cause asthma. Asthma Australia recommends that organisations develop an Asthma policy and procedures for asthma management.

Asthma symptoms can be mild, moderate or severe and can lead to hospitalisation. In some cases death can occur if the asthma is not managed properly. As with all children in child care, educators have a duty of care to children with asthma.

Policy Statement

Child Care Connections has adopted the Asthma Australia Guidelines. Child Care Connections must adhere to the relevant legislation *Poisons Regulations 2002* in relation to the administration of medications for the treatment of Asthma.

Source: www.asthmaaustralia.org.au July 2014

Education and Care National Regulations: Regulation 90

National Quality Area 2: Children's Health and Safety

Cross reference: Administration of Medication Policy and First Aid Policy

Review 2 Years

Status: **CURRENT**

CHILD CARE CONNECTIONS



ASTHMA MANAGEMENT IN CHILDREN PROCEDURE

If a child, or an educator, develops signs of what appears to be an asthma attack, appropriate care must be given immediately. Regardless of whether the attack is mild, moderate or severe, treatment must commence immediately as delay may increase the severity of the attack and ultimately risk the person's life.

(Emergency Asthma Management – 4 Step Asthma First Aid Plan)

Educators must be trained to carry out and be familiar with the steps outlined in the 4 Step Asthma First Aid Plan and How to Assess an Asthma Attack for the emergency treatment of an asthma attack provided by Asthma Australia. A copy is attached to the procedure and on display in the services.

In-service training on asthma management must be made available every 3 years as part of Senior 1st Aid, Anaphylaxis and CPR updates to educators. Training must take the form of an accredited course offered by Registered Training Provider. Demonstration by the parent or doctor is also recommended. New educators must be made familiar of any children within the service diagnosed with asthma and their asthma management plan.

All services must be provided with a copy of the current recommended procedures involved in treating an asthma attack (4 Step Asthma First Aid Plan available from Asthma Australia).

Parents must provide an Asthma Action Plan for any child with asthma, detailing the information required to adequately care for their child. The child must not be able to commence care until this information and their medication is provided to the Service. They are also required to fill in a 'Risk Minimisation Plan' and a 'Communication Plan'. If the child is already enrolled then he/she cannot return to care until all forms are completed and returned to the service.

1. The child's doctor must complete the Asthma Action Plan in consultation with the parent. The educators must maintain accessible and up to date action plans. These are to be updated at least annually or as required prior.
2. Parents must supply current reliever or preventer medication, clearly dated and labelled in accordance with Child Care Connections Administration of Medication Policy.
3. Services reliever medication is kept on site and educators must ensure that this is inaccessible to children and that it is not out of date.

4. Educators must administer asthma medication in accordance with Child Care Connections Administration of Medication Policy.
5. Asthma attacks must be documented on an Incident and Injury Report form and the parent notified immediately. An ambulance must be called if the attack is the first one for that child or if there has been little or no improvement following Asthma First Aid.
6. All educators must reduce exposure of the following known asthma triggers to children: inhaled allergens (e.g. Sprays, pollens, moulds, pets & dust mites), chemicals, strong smells, cigarette smoke.
7. All educators must reduce exposure of the following known asthma triggers to children with asthma: other children with a cold or flu (where possible), sudden changes in temperature, food & food preservatives, flavourings & colourings (only if identified as triggers).
8. Educators must ensure that children who suffer from 'Exercise-Induced Asthma' receive preventer medication as prescribed before exercise or play.
9. Educators must ensure that children with asthma are treated equally to other children.
10. Educators must regularly discuss the child's Asthma Action Plan with the parent. The Child's individual Action Plan is to be reviewed at least annually with a medical practitioner.
11. An educator who holds a current certificate in Emergency Asthma Management may administer a reliever puffer (Ventolin or similar) as per Tasmanian Legislation Poisons Regulations 2002 recommended from Asthma Australia for a person experiencing breathing difficulties (i.e. asthma attack). Another educator is to witness the administration of the reliever puffer as per the Administration of Medication Policy. At least one of the educators must be a Certified Supervisor.
12. Information must be available to educators on Asthma Emergency Plans and how to assess an Asthma attack.

Asthma First Aid

1 Sit the person upright — Be calm and reassuring — Do not leave them alone	
2 Give 4 puffs of blue reliever puffer medication — Use a spacer if there is one — Shake puffer — Put 1 puff into spacer — Take 4 breaths from spacer Repeat until 4 puffs have been taken Remember: Shake, 1 puff, 4 breaths	
3 Wait 4 minutes — If there is no improvement, give 4 more puffs as above	
4 If there is still no improvement call emergency assistance (DIAL 000) * — Say 'ambulance' and that someone is having an asthma attack — Keep giving 4 puffs every 4 minutes until emergency assistance arrives *If calling Triple Zero (000) does not work on your mobile phone, try 112	

Call emergency assistance immediately (DIAL 000)

- If the person is not breathing
- If the person's asthma suddenly becomes worse, or is not improving
- If the person is having an asthma attack and a puffer is not available
- If you are not sure if it's asthma

Blue reliever medication is unlikely to harm, even if the person does not have asthma



Asthma Australia

To find out more contact your local Asthma Foundation
1800 645 130 | asthmaaustralia.org.au

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Translating and
Interpreting Service
131 450

POLICY DOCUMENT CONTROL SHEET

Policy Name: Asthma Management in Children

Department: Community & Customer Service – Child Care Connections

Date Policy Approved by Council: 2/11/1998

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team	Reviewed September 2005	6/2/2006
Child Care Connections Team and Staff/Carer/Family Policy Focus Meeting.	Reviewed June 2007 Sources updated in accordance with current information from Staying Healthy in Childcare and the Asthma Foundation.	20/8/2007
		Date Child Care Connections Team Endorsed Amendment
Child Care Connections Management	Reviewed March/April 2009 Changes reflect current practices as provided by the Asthma Foundation Update source	16/4/2009
Child Care Connections Management Team / Educators	Reviewed August 2012 Updated Source Updated terminology	August 2012
Child Care Connections team, management and families	Updated source, updated terminology, removal of FDC references. Updated Asthma First Aid poster. Included reference to National Quality Standards	August 2014
Child Care Connections team, management and families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



CHEMICALS AND THE STORAGE OF DANGEROUS GOODS POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

Many of the chemicals we work with can be harmful to our health if we are exposed to them. Some pose a risk of injury or incident if not handled properly. Within education and care settings adults and children may be exposed to chemicals in the form of vapors, fumes, smoke, dust and by direct contact with solids or liquids. Chemicals can affect the body through breathing or swallowing, and can be absorbed directly into the skin.

If used incorrectly, chemicals can cause burns by their corrosiveness or flammability, inflammation or allergic reactions. The effects of the misuse of chemicals can be acute and immediately obvious, or chronic involving a gradual onset of symptoms over a period of time. Consequently, all chemicals require care in their storage, handling and use.

By maximising awareness of the potential hazards of chemicals and equipment, we reduce the risk of harm to educators, children and families by ensuring dangerous products are safely stored and their use is minimised in all areas of our education and care service.

Policy Statement

Child Care Connections is committed to the sourcing and the use of environmentally friendly chemicals where possible and to the correct and safe usage of chemicals in its services. All staff must abide by Council's current guidelines in relation to the purchase, storage, handling and use of chemicals in the workplace.

Child Care Connections endeavors to provide a safe environment where chemicals and hazardous equipment are stored safely away from the children and are stored and handled appropriately.

Child Care Connections must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and any hazard to cause injury. (National Law section 167.)

Source: www.sydney.edu.au/whs/guidelines/chemicals/hazsub. May 2014
Storage and Handling of Dangerous Goods: Guidance
www.workcover.nsw.gov.au/formspublications/publications/Documents/storage-handling-dangerous-goods-1354.pdf

Education and Care Services National Law: section 167
Education and Care Services National Regulations: Regulation 103

National Quality Area 2: Children's Health and Safety

Review: 2 Years

Status: **CURRENT**

CHILD CARE CONNECTIONS



CHEMICALS AND THE STORAGE OF DANGEROUS GOODS PROCEDURE

1. All chemicals must be stored inaccessible to the children or in cupboards fitted with childhood proof locks children. Where possible, storage of chemicals must be in an appropriately dedicated area that is not used for other purposes.
2. All chemicals must have a Safety Data Sheet, which details health and safety hazard information in relation to the particular product. These must be kept in a folder where the chemicals are stored for easy reference. It is the role of the Workplace Health and Safety representatives to ensure that Safety Data Sheets are kept up to date.
3. A summary of Safety Data Sheet information for the chemicals used at the services with 1st Aid, usage and storage requirements must be displayed in the area where a particular chemical is used.
4. The relevant Safety Data Sheet must also be located in a folder in the area where a particular chemical is used. All educators must adopt the safe storage, handling and use procedures detailed in the Safety Data Sheet.
5. Educators must be trained at the service level as to which chemical is to be used for a particular purpose and how it is to be used correctly. Chemicals must be entered on the service's chemicals inventory. The inventory must provide a brief overview of each chemical's Safety Data Sheet details. It must be situated in an area, which is easily accessible for quick reference. A review of the updating of the chemicals inventory will occur at least every 6 months, as part of the Workplace Inspection Checklist.
6. An annual audit must be undertaken by the Workplace Health and Safety representative at the service. This audit will validate the individual inventory as well as providing an annual update of Safety Data Sheets and a calculation of any potential storage incompatibilities
7. All chemicals, including supermarket & cleaner's products, must be stored in containers labeled with safety precautions and instructions for use and dilution. Different types of spray bottles will be used to distinguish the contents, e.g. for food, for craft use, for chemicals.
8. Chemicals must be purchased in small quantities where possible for ease of storage and handling.

9. Appropriate signs must be displayed indicating the storage of chemicals.

10. All educators must:

- Seek medical advice as required by contacting the **Poisons Information Line** – **13 11 26** or by calling **000**.
- Wear Personal Protective Equipment when handling chemicals.
- Strictly adhere to the 'Directions of Use' on the product label.
- Dispose of all products safely, in accordance with the manufacturer's instructions on the product label, Work Health and Safety regulations and Council by-laws.
- Consider minimising the use of dangerous products in the education and care service and use alternate "green cleaning" options.

POLICY DOCUMENT CONTROL SHEET

Policy Name: Chemicals and the storage of dangerous goods

Department: Child Care Connections

Date Policy Approved by Council: 2/1/2004

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team	Reviewed June 2003	
Child Care Connections Team	Changes reflect new research findings, stakeholder views and input or issues in health and child development.	21/8/2006
		Date Child Care Connections Team Endorsed Amendment
Child Care Connections Team	Reviewed no changes necessary	30/11/2008
Child Care Connections Team	Reviewed – inserted retrieval date, no other changes required	04/08/2010
Child Care Connections management	Reviewed. Updated to include reference to Education and Care National Regulations	February 2013
Child Care Connections team, management and families	Updated source, updated terminology, removal of FDC references. National Law Included references to National Quality Standards	August 2014
Child Care Connections team, management and families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



COLLABORATIVE PARTNERSHIPS WITH FAMILIES AND COMMUNITIES POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

"Partnerships with families contribute to building strong, inclusive community within the service. Continuous, honest and open two-way communication with educators assists families to feel connected with their children's experience in education and care and helps them develop trust and confidence in the service. Shared decision making with families supports consistency between children's experiences at home and at the service, helping children to feel safe, secure and supported." (Guide to the National Quality Standards (3) ACECQA 2011, p. 148)

Policy Statement

Family and community participation in the education and care service is an important part of making the service a true part of the community and creating an environment that is welcoming and inclusive and supports a sense of belonging for children, families, visitors and educators.

Child Care Connections welcomes and facilitates family and community participation and open communication in the service by encouraging families and the community to engage with the children's education and care. Families are invited to attend Parent-Educator meetings, assist with projects and attend social gathering. Child Care Connections has an open door policy for families.

Child Care Connections values the input of families, educators and the wider community to help create a service that meets the needs of the children who attend the service.

Child Care Connections encourages open communication through the enrolment and orientation process, policy review, feedback forms, the daily program documentation, formal and informal meetings and conversations.

Child Care Connections must respect families' interest levels, circumstances and differences. It is understood that not all families wish to be involved at the same level and in the same way yet all contributions are valued equally.

Source: Guide to the National Quality Standard (3) ACECQA (2011)

Raising Children Network – Involving parents in school and child care

Community Child Care Co-operative (NSW)

Education and Care Services National Regulations: Regulation: 75, 76, 80, 86, 99, 111, 157, 172, 185

National Quality Framework Quality Area 1: Educational Program and Practice

National Quality Framework Quality Area 2: Children's health and Safety

National Quality Framework Quality Area 6: Collaborative Partnerships with Families and Community

National Quality Framework Quality Area 7: Leadership and Management

Cross reference: Enrolment and Orientation Policy, Delivery and Collection of Children/Acceptance and Refusal of Authorisations Policy, Food and Nutrition Policy, Excursions Policy, Fundraising Policy

Review 2 years

Status: CURRENT

CHILD CARE CONNECTIONS



COLLABORATIVE PARTNERSHIPS WITH FAMILIES AND COMMUNITIES PROCEDURE

Child Care Connections must:

- Ensure that parent/legal guardians/authorised nominees may enter the education and care service at any time unless such entry would pose a risk to the safety of children/educators or breach court orders regarding access to children.
- Ensure that educators provide information to families regarding the content and operation of the educational program; in relation to their child and that a copy of the educational program is available for inspection at the service.
- Ensure that families have access to documents regarding the assessment of the child's developmental needs, interests, experiences and participation in the educational program and assessments of the child's progress against the outcomes of the educational program.
- Ensure that a weekly menu which accurately describes the food and beverages provided each day is displayed in a place accessible to families.
- Ensure that parents/legal guardians are notified of any incident, injury, trauma or illness that occurs for their child while at the education and care setting.
- Ensure that administrative spaces are adequate for the purpose of consulting with families and for conducting private conversations.
- Ensure that families are notified of changes to policies of fees and given adequate notice as per the Education and Care National Regulations.
- Ensure that a copy of the Education and Care Services National Regulations 2011 is available for families to access.
- Ensure that the enrolment and orientation process provides families with information about the philosophy, policies and practices of the education and care service prior to the children's first attendance at the service.
- Inform families about the processes for providing feedback and making complaints.

Educators must:

- Be available for families at pick up and drop off times to pass on important messages and information about their child's participation in the education and care program.
- Encourage families to be involved in the education and care service and the program through feedback, visiting the service, bringing in things from the home environment and giving feedback on children's emerging interests and needs.
- Promote continuous open and honest two way communication with families to assist them to feel connected with their children's experiences in the education and care service and to develop families' trust and confidence in the education and care service.
- Value parents/legal guardians as the first and most important educator in their child's life, seeking to share the families' understandings, knowledge and preferences for their

child and seeking to balance individual needs with practice in the education and care service.

- Recognise that because families, and parents in particular, are often busy with many competing priorities, they will need to consider a range of strategies to build and maintain relationships with each family.
- Make documentation available to families and prepare documentation in a way that is readily understandable to the parents/legal guardians of the child and to other educators.

Families must:

- Provide accurate information on enrolment and medical information forms during the enrolment process and notify educators when any information changes.
- Be invited to contribute to the quality improvement process within the education and care service.
- Be encouraged to attend children's excursions to help meet required ratios and to support their child's knowledge and engagement in their community.
- Be invited to family events that are held periodically to help families network and develop friendships in the local community. Educators will be encouraged to attend these events as well.

POLICY DOCUMENT CONTROL SHEET

Policy Name: Collaborative Partnerships with Families and Communities

Department: Child Care Connections

Date Policy Approved by Council 2/1/2004

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team	Reviewed June 2003	
Child Care Connections Team	Changes reflect new research findings, stakeholder views and input or issues in health and child development.	21/8/2006
		Date Child Care Connections Team Endorsed Amendment
Child Care Connections Team	Changes to source, Minor changes to wording to recognise the value from all forms of family participation.	30/11/2008
Child Care Connections Staff, families & carers	Reviewed 2010.	01/09/2010
Child Care Connections team, Management and families	Updated source & terminology Included references to National Quality Standards	June 2014
Child Care Connections team, Management and families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



CULTURAL COMPETENCE / RESPECT FOR DIVERSITY POLICY

File Ref: Child Care Connections Policies
Author: Child Care connections Managements
Department: Community & Customer Service – Child Care Connections

Background

Cultural competence is a term and a set of concepts we need to return to and come to understand over time. Cultural competence is underpinned in the Principles outlined in the Early Years Learning Framework.

- Secure, respectful and reciprocal relationships.
- Partnerships
- High expectations and equity
- Respect for diversity

Becoming culturally competent is about building respectful relationships, it occurs over time, by our connections with others and through our daily experiences with children and families in local communities. It is as much about what we do every day, the little decisions we make and the words we use, as it is about what we think, what we understand and what we believe. Even though it is multilayered, interconnected and at times very complex, it is one of the most important ways we can ensure that Australia remains a place of peace with justice for its citizens.

Cultural competence is a term that is used widely to describe the ways in which individuals and services work more efficiently to support promote and embrace cultural difference.

Policy Statement

Child Care Connections believes becoming culturally competent is a clear expectation of the National Quality Framework and features strongly in the Early Years Learning Framework and the National Quality Standard. Educators must consider their practices with children and their families at all times irrespective of their location or the range of diversity present in the community they are part of.

The guiding principles of the National Quality Framework are explicit and require services to attend to diversity as a matter of principle, policy and action:

- The rights and best interests of each child are paramount.
- Children are successful, competent and capable learners.

- Equity, inclusion and diversity underpin the Framework.
- Australia's Aboriginal, Torres Strait Islander cultures are valued.
- The role of parents and families is respected and supported.
- Best practise is expected in the provision of Child Care Connections education and care services.

The Early Years Learning Framework defines cultural competence as: the ability to understand, communicate with and effectively interact with people across cultures and explains that cultural competence is our capacity to:

- Be aware of our own world view
- Develop positive attitudes towards cultural differences
- Gain knowledge of different cultural practices and world views
- Develop skills for communication and interaction across cultures

Source: National Quality Standard - Professional Learning Program
Early Years Learning Framework
Guide to the National Quality Framework

Education and Care Services National Regulations: Schedule 1

National Quality Framework Quality Area 1: Educational Program and Practice
Quality Area 5: Relationships with Children
Quality Area 6: Collaborative Partnerships with Families and Communities

Review **2 Years**

Status: **NEW**

CHILD CARE CONNECTIONS



PROCEDURE

In regards to Cultural Competence

1. Child Care Connections educators are culturally competent and must respect cultural ways of knowing, seeing and living, they celebrate the benefits of diversity and have an ability to understand and honour difference.
2. Educators demonstrate an ongoing commitment to developing their own cultural competence in a two way process with families and communities.
3. Educators view culture and the context of family as central to children's sense of being and belonging, and to succeed in lifelong learning.
4. Educators must seek to promote children's cultural competence.

In regards to Cultural Competence as it relates to Aboriginal and Torres Strait Islander Australians

1. Educators honour the histories, cultures, languages, traditions, child rearing practices and life style choices of families; they value children's different capacities and abilities and respect differences in family's home lives.
2. Educators recognise that diversity contributes to the richness of our society and provides a valid evidence base about the ways of knowing, including greater understanding of Aboriginal and Torres Strait Islander ways of knowing and being.
3. Child Care Connections educators must ensure that specific practices are incorporated into the daily program to promote active participation of all children and to reflect the diversity within the community.

In regards to respect for Diversity

1. Child Care Connections educators must promote the principles of fairness for all children and families who access the services, valuing them for their different, race, culture, lifestyle and child rearing practices, religious and linguistic backgrounds, levels of ability, gender, social and educational status.

2. Child Care Connections must encourage and support families to share their expertise where diverse cultures and abilities are represented and allow the children to explore and question the culture they live in.

In General Child Care Connections educators must:

1. Identify different resources, materials and external agencies to support guide and strengthen the provision of equitable and inclusive experiences.
2. Educators must explore family life styles, festivities and celebrations.
3. Each child has a child profile form completed by families on enrolment, this enables educators to identify and meet the individual needs of children and families.
4. All children have an equal opportunity to participate in all aspects of the program.
5. All children are equally encouraged to develop to their full potential while respecting their sense of agency.
6. Each child is valued and respected as an individual.
7. All children have the right to protection from attitudes, values and behaviours that will limit their skills and potential.
8. Educators must be alert to the use of language and provide opportunities for children to discuss culture and gender.

POLICY DOCUMENT CONTROL SHEET

Policy Name: Cultural Competence / Respect for Diversity

Department: Community & Customer Service – Child Care Connections

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team, Management and Families	The Cultural Competence / Diversity Policy rescinds – Multicultural Policy, Diversity and Equity and Gender Equity. In response to the National Quality Standard and the National Quality Framework. The policy includes references to the Early Years Learning Framework. Reference to the National Law and Education and Care Services National Regulations.	July 2014
Child Care Connections Team, Management and Families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



DEALING WITH COMPLAINTS POLICY

File Ref: Child Care Connections Policies
 Author: Child Care Connections Management
 Department: Community & Customer Service – Child Care Connections
 Services

Background

The purpose of this policy is to ensure that all persons who access Child Care Connections Services have an equal opportunity to communicate their concerns and have them heard and actioned appropriately within a fair and unbiased framework.

The term “all persons” refers to any stakeholder that accesses the service including but not limited to educators, management, parents/legal guardians, volunteers, students, and the wider community.

Child Care Connections believes that customers are its business and the reason for its existence. Child Care Connections recognises the importance of offering personalised and prompt care and attention to complaints and grievances. Child Care Connections believes that complaints/grievances must provide an opportunity to improve customer service.

Policy Statement

Child Care Connections Dealing with Complaints Policy is guided by its Code of Conduct and supports procedural fairness and natural justice concepts such as:

- a service culture free from discrimination and harassment;
 - transparent policies and procedures; and
 - avenues for recourse and further investigation.
 - the right to be heard fairly
 - the right to an unbiased decision; and
 - the right to have the decision based on relevant evidence.
- The Grievances and Complaints Management Policy ensures that all persons¹ are presented with procedures that:
 - value the opportunity to be heard;

¹ For the purpose of this policy, 'persons' include <children, families, staff, educators, educators' family, management, coordination unit staff, ancillary staff (administrative staff, , cleaners, maintenance personnel), students, volunteers, visitors, local community, school community,>.

- promote conflict resolution;
 - encourage the development of harmonious partnerships;
 - ensure that conflicts and grievances are handled fairly; and
 - are transparent and equitable.
- Child Care Connections has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management.
- In meeting Child Care Connection's duty of care, management and educators agree to implement and endorse the service's Dealing with Complaints Policy.
- Child Care Connections is committed to resolve any customer complaint or grievance brought to its notice in a timely manner.

Source: Australian Standard AS-ISO-10002-2006 (amended 1-2011) – Complaint Handling

Education and Care Services National Regulations: Regulation 168

National Quality Area 6: Collaborative Partnerships with Families and Communities.

National Quality Area 7: Leadership and Service Management

Cross Reference with: Child Care Connections Code of Conduct
Child Care Connections Privacy Policy
Glenorchy City Council Human Resources policies

Review: 2 years

Status: **CURRENT**

CHILD CARE CONNECTIONS



DEALING WITH COMPLAINTS PROCEDURE

1. Listen to the person and remain calm.
2. Keep an open mind; remain unbiased.
3. For all complaints obtain clear information regarding the complaint; make notes and file on appropriate child's or personnel file.
4. Let the person know that they have done the right thing in bringing this grievance to your attention.
5. If the matter is of a minor nature and can be resolved at this point, then the Child Care Delivery Coordinator needs to be informed that a complaint has been received and has been dealt with to the satisfaction of all parties involved.
6. A person with a grievance or complaint must be notified of their right to advocacy.
7. If the complaint cannot be resolved at this point, then refer the complaint to the Child Care Delivery Coordinator, or the Responsible Person. It is preferred that the complainant address their issues in writing and to include their name, contact details and date. The complaint must be investigated and a written response provided to the complainant.
8. If a complaint is received verbally and considered serious the Child Care Delivery Coordinator/Manager of Community and Customer Services must document the complaint, investigate the matter and provide a verbal response to the complainant.
9. Anonymous complaints will be accepted at our discretion. Complainants are encouraged to provide their name and contact details.
10. Upon receipt of a complaint it must be investigated and a response provided within 20 days. Should the complaint be complex we must keep all parties informed of developments and advise when a response can be expected.
11. If the complaint relates to an employee the Glenorchy City Council External Complaints against Employees Policy is to be followed.

12. If the matter is not resolved at a service level the Child Care Delivery Coordinator will refer the matter to the Manager of Community and Customer Service. The Director Community, Economic Development and Business and the General Manager will be consulted if the complaint is not able to be resolved.
13. If the complaint relates to the quality of care being provided or the service practice the complainant can lodge a complaint directly with the Department of Education and Care Unit on 1300 135 513 or ecu.comment@education.tas.gov.au

POLICY DOCUMENT CONTROL SHEET

Policy Name: Dealing with Complaints

Department: Child Care Connections

Date Policy Approved by Council 2/1/2004

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team	Reviewed June 2003	
Child Care Connections Team	Changes reflect new research findings, stakeholder views and input or issues in health and child development.	21/8/2006
Child Care Connections Team and Policy Focus Group.	Reviewed July 2007 Changes reflect new research findings, stakeholder views and input or issues in health and child development.	20/8/2007
		Date Child Care Connections Team Endorsed Amendment
Child Care Connections Management	Reviewed March/April 2009 Changes include updating source Changing procedure to a flow chart to better assist any persons using policy.	16/4/2009
Child Care Connections Management	Changes to terminology. Procedure separated to include a separate area for FDC. Details length of time to investigate complaint. Contact details for Department of Education and Care	Feb 2013
Child Care Connections team, management & families	Updated source, updated terminology, removal of FDC references Included reference to National Quality Standards	July 2014
Child Care Connections team, management & families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



DENTAL HEALTH POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

It is important that good oral health practices are promoted from a very early age to encourage healthy patterns for later life. Prevention of dental decay in the early years assists with the development of healthy permanent teeth.

“Children who have a sugary diet are at risk of tooth decay. For babies and toddlers, problems start when a bottle is used for comfort when going to sleep, to suck during the night or to snack on during the day. If the bottle contains any drink other than water - even milk - the sugar in the fluid sits on the teeth and gums for some time. This can cause decay, even before any teeth have broken through.”

Policy Statement

Conversations and information exchange on dental health must be encouraged to promote good dental health hygiene practices and lifelong learning for children and their families. Dental health must be included as part of everyday practice at Child Care Connections.

Child Care Connections is committed to ensuring that its programs use strategies to support good oral health for all children in care.

Child Care Connections Services must promote the practice of drinking water instead of sugary drinks, including fruit juices. Appropriate guidelines relating to bringing food from home and the effects of food on dental health must be provided to families at enrolment/induction and further information provided at regular intervals.

Source: www.betterhealth.vic.gov.au factsheets – Children’s Diets – juices and sweet drinks
www.dhhs.tas.gov.au/oralhealth - Healthy Smile Tips for under 6 year olds factsheets.
Colgate-Palmolive Oral Health and Hand Washing Educational Program
Community Child Care Co-operative (NSW)

Education and Care Services National Regulations: Regulation 78, 79, 80

National Quality Framework: Quality Area 2: Children’s Health and Safety

Cross Reference: Food and Nutrition Policy

Review: 2 Years

Status: *Current*

CHILD CARE CONNECTIONS



DENTAL HEALTH PROCEDURE

Child Care Connections educators must:

- Include dental health practices in the daily program;
- Support children to access dental health resources for research, exploration and identification. These resources must be available through books, posters and visual aids. (Colgate-Palmolive Oral Health and Hand Washing Educational Program)
- Talk to the children about dental health during the day. This can be done by encouraging to drink water throughout the day and to "Swig, Swish & Swallow"
- Pay particular attention to meal and snack times where children must be encouraged to drink water after eating to rinse their mouths – "Swig, Swish & Swallow"
- Child Care Connections educators must undertake to educate families regarding dental health through newsletters, posters, web links and brochures.
- Children must be encouraged to drink water after taking oral medication.
- Water is freely available for children to drink at all times.
- Meals and snacks with low sugar content must be encouraged.
- The program must ensure children learn about the importance of looking after their teeth.
- At meal times children must be encouraged to drink from a cup when they are able to. If a child brings in his/her own drink bottle this can be offered when outdoors or at other times throughout the day.
- Information is made available to families through letters, pamphlets and newsletter articles.
- Parents must be encouraged to take their children for a dental check up.
- Dental Therapists can be invited to services to discuss oral hygiene with families, children and educators or current brochures/facts sheets will be sought from Oral Services Tasmania.

For younger children and babies:

- Families must be encouraged to provide bottles with water to drink between meals and feeds.
- Breast milk or formula must be encouraged as the main meal drink up to the age of 12 months.
- Dummies given to babies must not be dipped in any substance.

- To assist tooth development, babies must be introduced to solid foods according to current Infant Feeding Guidelines – Australian Government, National Health and Medical Research Council, Department of Health and Ageing.

POLICY DOCUMENT CONTROL SHEET

Policy Name: Dental Health Policy

Department: Child Care Connections

Date Policy Approved by Council:

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team And Policy Focus Group	New Policy drafted June 2007	20/8/2007
		Date Child Care Connections Team Endorsed Amendment
Child Care Connections Management	Reviewed March/April 2009 Changes included update the source. CCC staff/carers will educate parents regarding Dental Health. Slight changes in wording and terminology.	16/4/2009
Child Care Connections Team	Terminology	February 2013
Child Care Connection Team, Management & families	Update sources & terminology Removal of FDC references Included references to National Quality Standards.	July 2014
Child Care Connection Team, Management & families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



DESIGN, BUILDING AND GROUNDS MAINTENANCE POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

As Part of the Work Health and Safety Act 2012 it is the duty of persons conducting businesses or undertakings involving management or control of workplaces to ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

Policy Statement:

Child Care Connections believes that the safety of children, educators and community members is paramount. Risks to these parties can be minimised by routine building and grounds maintenance with prompt attention to any hazards noticed and reported.

Source: Work Health and Safety Act 2012

Education and Care Services National Law 2010: section 167

Education and Care National Regulations: Regulation 103, 105, 113, 115

National Quality Area 2: Children's Health and Safety

National Quality Area 3: Physical Environment

Review: 2 years

Status: **CURRENT**

CHILD CARE CONNECTIONS



DESIGN, BUILDING AND GROUNDS MAINTENANCE PROCEDURE

Grounds:

1. Educators must conduct a daily outdoor safety check of the grounds when the service first opens for the day including a vegetation check.
2. An Outdoor Safety Check record must be maintained and records made on a daily basis.
3. Any maintenance hazards must be reported immediately to the Responsible Person in accordance to the 'Safety Circle' procedures.
4. Nominated Supervisor must contact the nominated gardener/groundsman direct for any additional ground maintenance that is required.
5. Should ground maintenance require additional work that is not within the groundsman's duties, i.e. a plumber, builder or arborist then a work order must be raised to complete the work. An outline of the work to be completed must be emailed to 'Customer Services' by the Responsible Person. If the maintenance is urgent, then the Nominated Supervisor must contact the relevant Works Officer to discuss the relevant details.
6. An annual amount for grounds maintenance must be included in the Child Care Connections education and care service annual budgets.
7. Grounds and Outdoor Equipment must be maintained in accordance with any relevant legislation and/ or Australian safety standard.
8. A comprehensive check for toxic vegetation must be conducted annually, with daily playground checks to include educators being aware of and removing any toxic vegetation.
9. Routine operational inspection must be conducted according to the service Workplace Health and Safety quarterly checklist and must then be included on the organisational corrective actions register.

Building:

1. Educators must conduct a daily indoor safety check of the building when the service first opens for the day.
2. An Indoor Safety Check record must be maintained and records made on a daily basis.
3. The Nominated Supervisor must roster time for the Workplace Health and Safety Officer to carry out the duties outlined in the WH&S role.
4. An annual amount for centre maintenance must be included in the Child Care Connections education and care service annual budgets.

5. There must be an Indoor Safety Check of the building and equipment carried out by educators daily.
6. Any maintenance hazards must be reported immediately to the Responsible Person.
7. The Glenorchy City Council Facilities Maintenance Coordinator in consultation with the Nominated Supervisor must organise:
 - regular routine inspections of all areas of the centre which must be carried out by a building Contractor.
 - 6 monthly checks of the Fire Extinguishers.
 - Monthly checks of the Air-conditioning units.
 - Regular checks of the centre alarm and smoke systems.
 - Regular electrical and lighting checks.
 - Regular checks of the service water temperature

Security of Buildings:

A security system monitored by a security firm is operational in all services. It is the responsibility of the Certified Supervisor to ensure that systems are armed and disarmed appropriately. Contact numbers for the security firm must be clearly displayed for educators.

Keys and security codes must not be available to any person other than Certified Supervisors

General:

The Workplace Health and Safety Officer must discuss any identified maintenance and building/garden planning issues with the Nominated Supervisor.

POLICY DOCUMENT CONTROL SHEET

Policy Name: Design, Building and Grounds Maintenance

Department: Child Care Connections

Date Policy Approved by Council:

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Child Care Connections Team	Reviewed	20/8/2007
	Policy name changed from Grounds Maintenance Policy to Grounds and Building Maintenance of Council owned Children's Services.	
		Date Child Care Connections Team Endorsed Amendment
Child Care Connections Management	Reviewed March/April 2009 Changes include updating source Adding Building security access codes to be changed bi-annually	16/4/2009
Child Care Connections Team, Management & families	Updated source & terminology Removal of FDC reference Included references to Education and Care Service National Law 2010, National Regulations and Quality Standards	June 2014
Child Care Connections Team, Management & families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



EDUCATOR TRAINING AND PROFESSIONAL DEVELOPMENT POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

Training and professional development of early childhood educators is supported by Child Care Connections in order to assist continuous improvement and keep abreast of best practices in education and care settings. Educators are responsible for enhancing their work practice through participation in learning and development activities.

Qualifications and training of educators enhances the programmes provided to the children and the overall quality of services to families.

One of the most effective ways to learn is to participate in professional development activities or complete a formal course of study.

Policy Statement

1. Educators must be supported to identify their individual training and development needs through meeting with the Child Care Delivery Coordinator and developing a 'Learning and Development Plan' annually.
2. Educators may:
 - attend in-service or externally provided training sessions, workshops or forums
 - complete competency based training, and/or
 - undertake formal training towards gaining an approved qualification in education and care.

Source: Guide to the National Quality Framework October 2011

Education and Care Services National Regulations: Schedule 1 element 4.2.2
element 7.2.2

National Quality Framework Quality Area 4: Staffing Arrangements
Quality area 7: Leadership and Management

Review 2 years

Status:

CURRENT

CHILD CARE CONNECTIONS



EDUCATOR TRAINING AND PROFESSIONAL DEVELOPMENT PROCEDURE

- Educators are required to attend compulsory training including disability awareness, cultural awareness, food safety, manual handling, sun safety and child protection.
- Compulsory training identified through the National Quality Framework and Assessment and Rating are separate to the educator's individual professional development plans e.g. First Aid, CPR, Asthma and Anaphylaxis
- Educators undertaking formal training (Certificate 3, Diploma of Children's Services) must supply the service with documented evidence they are studying. This may initially be a receipt of fees paid, or confirmation of enrolment and then needs to be copies of transcripts of the modules completed. These should be provided on a 6 monthly basis or on request.
- Learning and Development plans must be conducted with the Child Care Delivery, and must require educators to identify areas they wish to further develop. This can include personal development as well as education and care related training opportunities.

Educators must be supported in their learning and development by

- Developing training that reflects the Learning and Development plans for educators and Approval requirements.
- Identify how the training is best facilitated, what resources are required and ensure feedback is recorded – attendance sheets, appraisal forms.
- Support educators in their study and where possible provide resources to assist with study/assessments.

POLICY DOCUMENT CONTROL SHEET

Policy Name: EDUCATOR TRAINING AND PROFESSIONAL DEVELOPMENT

Date Policy Approved by Council: 24th July 2006

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
		Date Child Care Connections Management Endorsed Amendment
Child Care Connections Management Team	Reviewed March/April 2009 Changes include changes to practice Changes emphasis the importance of professional development	16 th April 2009
Child Care Connections team, Management and families	Updated source and terminology. Removal of FDC references Included references to National Quality Standards	June 2014
Child Care Connections team, Management and families	Updated terminology	March 2016

CHILD CARE CONNECTIONS



GOVERNANCE & ADMINISTRATION OF RECORDS POLICY

File Ref: Child Care Connections Policies
Author: Child Care Connections Management
Department: Community & Customer Service – Child Care Connections

Background

Child Care Connections is a program of the Community and Customer Services Department of the Glenorchy City Council. The Glenorchy City Council is the Approved Provider for both Berriedale & Benjafield Long Day Care Services. The Manager of Community & Customer Services oversees the services and the Nominated Supervisor is responsible for the day to day running of the services. The establishment of such governance ensures the effective management of the services.

The provision of a quality early childhood service requires the efficient and effective collection, maintenance and management of records relating to children, families and educators.

The National Quality Standard requires early education and care services to keep accurate records and to implement efficient and effective management strategies.

Providers of early education and care services are required to keep records confidentially in a safe and secure location in accordance with the Education and Care Service National Law, National Regulations and National Quality Standard.

Policy Statement

Child Care Connections is committed to collecting only the necessary personal information from children and families to enable the provision of a quality child care program for the child.

Child Care Connections services must collect information, store and maintain records in accordance with the National Quality Standard.

Child Care Connections services must collect information, store and maintain records in accordance with the Australian Government Department of Education (AGDOE), Child Care Service Handbook and the Education and Care Services National Law.

Child Care Connections services must comply with the National Privacy Principles when collecting, storing and maintaining records.

Child Care Connections services must follow the instructions of Council's Information Management Program when collecting, storing and maintaining records.

Records relating to Child Care Connections employees must be stored and maintained in accordance with the National Quality Standard and the Council's People and Safety Department requirements.

Source: National Quality Standard www.acecqa.gov.au
Australian Government, Department of Education (AGDOE) Service Handbook 2012-2013

Education and Care Services National Regulations: 168, 195, and 158

Cross Reference:

Privacy and Confidentiality Policy

National Quality Area 2: Children's Health and Safety

National Quality Area 4: Staffing Arrangements

National Quality Area 6: Collaborative Partnerships with Families and Communities

National Quality Area 7: Leadership and Service Management

Review **2 years**

Status: CURRENT

POLICY DOCUMENT CONTROL SHEET

Policy Name: Governance and Administration of Records

Department: Community Development – Children’s Services

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Child Care Connections Team Endorsed Amendment
Child care Connections Team	Changes to Source and the requirements of the Privacy Amendment (Private Sector Act 2000)	30/11/2008
Child Care Connections Staff, families & carers	Changes to 'source and the requirements of the National Privacy Principles	01/09/2010
Child Care Connections Staff, Families and Educators	Changes as reflected in the National Quality Framework and source dates.	July 2012
Child Care Connections Team, Management and Families	Updated source Changes in terminology & removal of FDC references. Included reference to the National Quality Standard	July 2014
Child Care Connections Team, Management and families	Updated terminology.	March 2016



Glenorchy City Council

Glenorchy City Council Corporate Performance Indicators

March 2016



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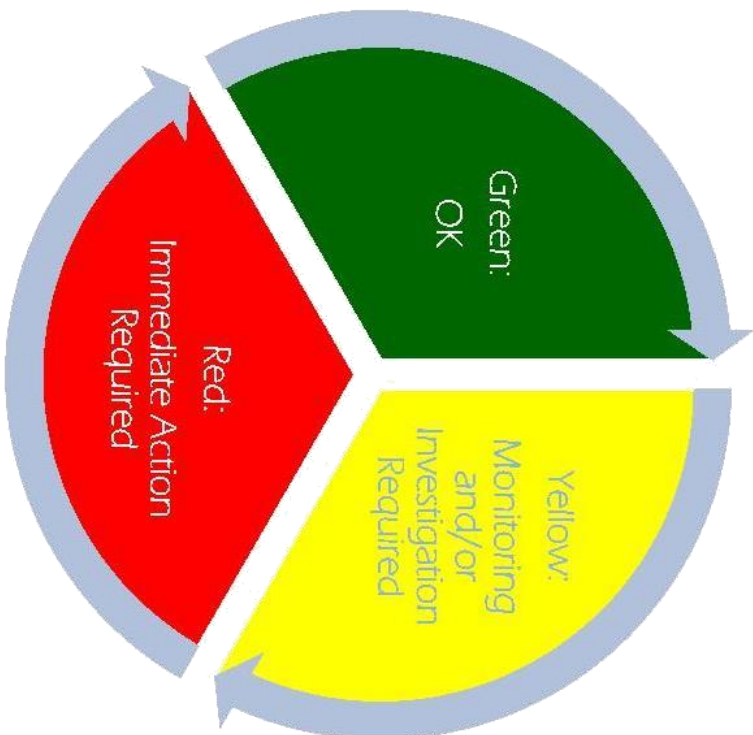
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Corporate Performance Indicator Legend



Considerations when reviewing performance statistics:

- » Indicators for previous months may change in the future as adjustments are made to the accounting system after that month's reporting period.
- » Scales on the charts vary within indicator groups



Glenorchy City Council

Profit and Loss Corporate Performance Indicators

March 2016

Monthly Profit and Loss Summary								
Revenue \$'000	Actual Month	Budget Month	Variance Month	Actual YTD	Budget YTD	Variance YTD	% Variance	
Rates Income (Includes SFL)	34	19	15	32,654	32,487	167	1%	
Statutory Charges	77	137	(60)	1,568	1,636	(68)	-4%	
User Charges	349	520	(171)	7,330	7,194	136	2%	
Grants Subsidies	71	76	(5)	2,738	3,197	(459)	-14%	
Investment Income	50	61	(11)	2,419	2,511	(92)	-4%	
Water Wastewater Charges	11	84	(73)	187	548	(362)	-66%	
Reimbursements	16	81	(65)	395	431	(36)	-8%	
Other Income	117	97	20	718	520	198	38%	
Total Revenue	726	1,076	(351)	48,008	48,525	(517)	-1%	

**REVENUE - COMMITMENTS FOR MONTHLY VARIANCE:
(\$'000)**

Rates - \$15 over budget

Primarily due to a supplementary rates increase being processed.

Statutory Charges - \$60 under budget

Primarily due to lower planning fees \$33 (due to a large refund), parking fines \$7 and animal charges \$3.

User Charges – \$171 under budget

Primarily due to below budget income from the Derwent Entertainment Centre relating to an overpayment from Ticketmaster.

Grants Subsidies - \$5 under budget

Primarily due to lower than budget sponsorship monies (which was received in January).

Investment Income - \$11 under budget

Due to lower than forecast interest rates than when the budget was formulated.

Water Wastewater Charges - \$73 under budget

Primarily due to lower than budgeted water sales during the month due to low rainfall.

Reimbursements - \$65 under budget

Primarily due to reductions in Derwent Entertainment Centre cost recoveries due to lower attendances at events.

Other Income - \$20 over budget

Primarily due to receipts for immunisation and other contributions which were not budgeted for this month.

(\$'000)

Rates Income – \$167 over budget

Due to a higher than budgeted number of rateable properties since the budget was developed and the coming on line of the Bunnings development.

Statutory Charges – \$68 under budget

Primarily due to lower than budgeted parking fines partially offset by above budget building application fees from increased development applications.

User Charges – \$136 over budget

Primarily due to higher than budgeted Landfill fees \$277, Derwent Entertainment Centre Food and Beverage Sales \$28, partially offset by lower than budget Childcare Fees \$205 due to lower than budget equivalent full time places.

Grants Subsidies – \$459 under budget

Primarily due to the State Financial Assistance Grants Commission making a part year advance payment of \$1.2M which was received on 30 June 2015, the 2014-15 financial year, but budgeted to be received in the 2015-16 financial year, partially offset by increased Federal Government funding for the Roads to Recovery program \$421.

Investment Income – \$92 under budget.

Due to lower than budgeted bank interest as a result of lower than budgeted interest rates.

Water Wastewater Charges – \$362 under budget

Due to generally lower than budgeted sales as a result of lower rainfall.

Reimbursements – \$36 under budget

Primarily due to lower than budgeted DEC cost recoveries \$46 due to lower attendances at events.

Other Income – \$198 over budget

Primarily due to the proceeds of asset sales \$47 and the AGL Royalty payment \$36 for access to tip methane.

Monthly Profit and Loss Summary								
Expenditure \$'000	Actual Month	Budget Month	Variance Month	Actual YTD	Budget YTD	Variance YTD	% Variance	
Finance Charges	37	35	(2)	299	315	16	5%	
Employee Costs	1,580	1,614	34	14,094	14,170	76	1%	
Admin Office Costs	278	322	44	3,924	4,157	233	6%	
Materials, Contractors & Other	822	801	(21)	7,287	8,300	1,013	12%	
Depreciation	1,122	1,172	50	10,515	10,928	413	4%	
Rates Expenses	1,180	1,172	(8)	3,539	3,515	(24)	-1%	
Total Expenditure	5,018	5,116	98	39,659	41,386	1,727	4%	
Total Surplus (Deficit)	(4,292)	(4,040)	(252)	8,349	7,139	1,210	-17%	

(\$'000)

Finance Charges – \$2 over budget

Primarily due to slightly higher levels of electronic (BPay) payment for both rates and animal charges.

Employee Costs – \$34 under budget

Primarily due to an increasing number of vacant positions that are yet to be filled.

Admin Office Costs – \$44 under budget.

Primarily due to lower electricity costs \$24 and IT software support charges \$31.

Materials, Contractors & Other – \$21 over budget

Primarily due to contract labour \$101 due to vacancies, partially offset by street lighting \$44 (budgeted quarterly).

Depreciation / Asset Write Off – \$50 under budget

Primarily due to lower than budget depreciation on IT Systems \$38 due to delays in project implementation.

Rates Expenses – \$8 over budget

Primarily due to higher than budget expenditure on the State Fire Levy.

**EXPENDITURE - COMMITMENTS FOR YTD VARIANCE:
(\$'000)**

Finance Charges – \$16 under budget

Due to slightly lower levels of electronic (BPay) payment for both rates and animal charges.

Employee Costs – \$76 under budget

Primarily consistent with budget.

Admin Office Costs – \$233 under budget

Primarily due to IT software maintenance costs under budget \$187 due to project delays.

Materials, Contractors & Other – \$1,013 under budget

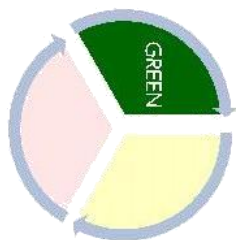
Primarily due to savings derived from the Street Lighting project \$355, savings in vehicle leases \$232 and underspends in contractors \$93 and materials \$161.

Depreciation / Asset Write Off - \$413 under budget

Primarily due to lower than budget depreciation on IT Systems \$345 due to delays in project implementation partially offset by written down value of 6 Gavitt Street.

Rates Expenses – \$24 over budget

Primarily due to the a higher payment of the fire services levy to the State Government from an unbudgeted increase in the number of rateable properties.



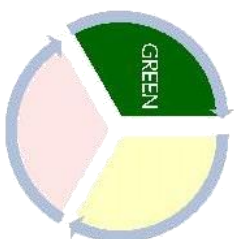
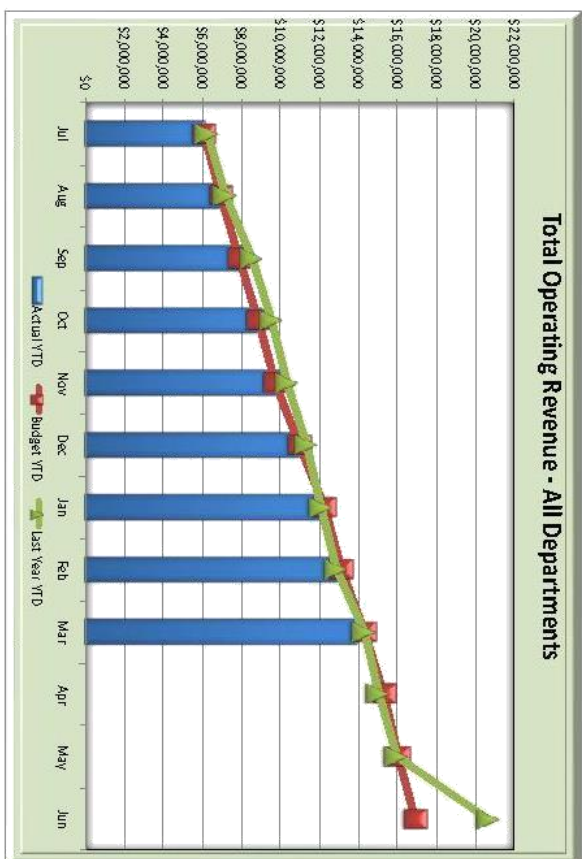
Grants Revenue for All Departments – Graph 1

The total of grants revenue received from Government bodies.

Responsible: Executive Leadership Team

- Actual YTD:	\$2,738
- Budget YTD:	\$3,197
Under Budget:	\$ 459

Refer to comments on pages 6-7



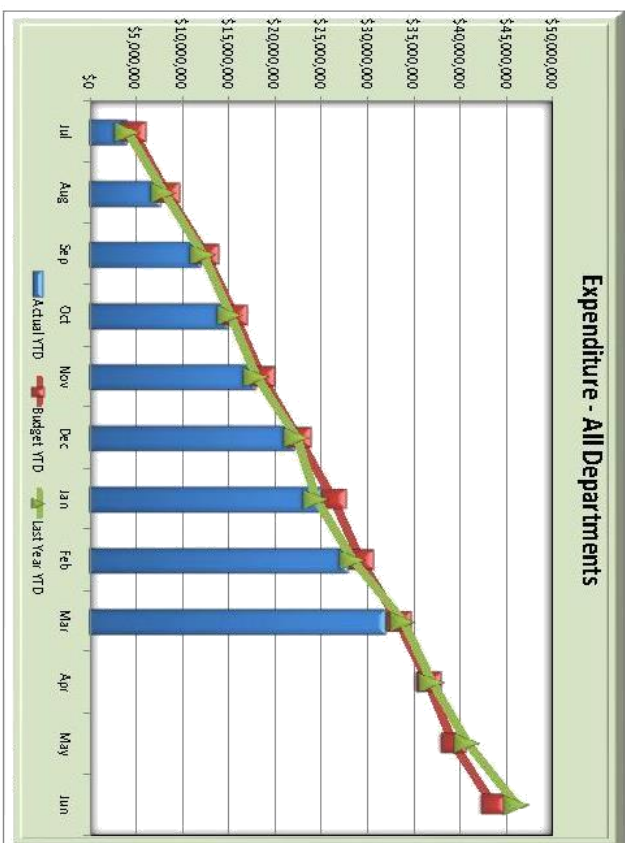
Total Operating Revenue (excluding rates, grants, Tas/Water income) – Graph 2

Total revenue earned by all areas of the council through fees, charges and fines compared to budget

Responsible: Executive Leadership Team

- Actual YTD	\$13,967
- Budget YTD	\$14,301
Under Budget	\$ 48

Refer to comments on pages 6-7



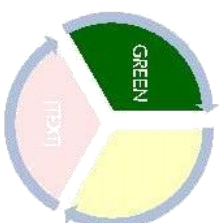
Total Operating Expenditure (excludes depreciation) – Graph 3

Total op. expenditure for all areas of the council compared to budget.

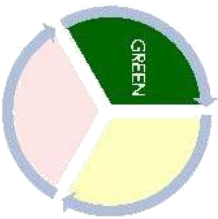
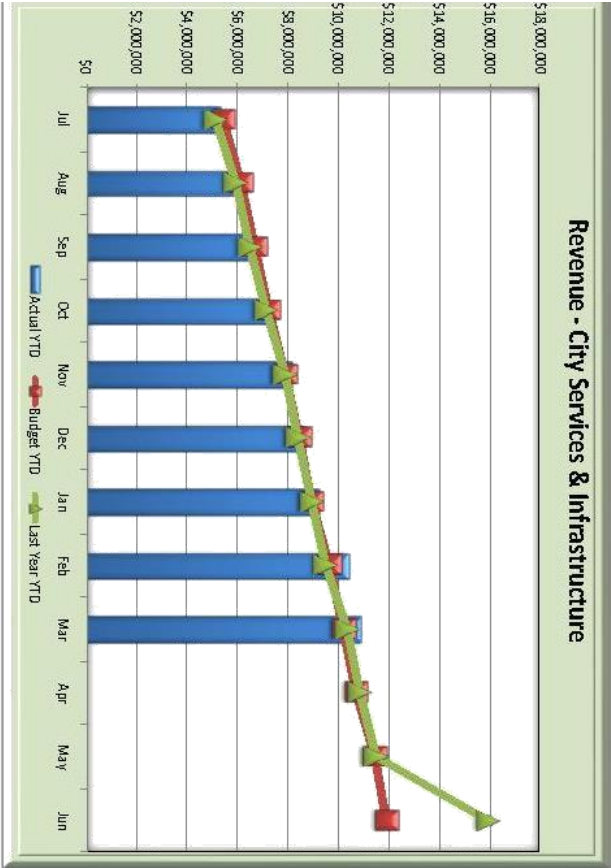
Responsible: *Executive Leadership Team*

-	Actual YTD	\$32,018
-	Budget YTD	\$33,359
-	Under Budget	\$ 1,341

Refer to comments on pages 6-10



Note: Variance to Consolidated Profit & Loss is result of removing Internal Income and Internal Expenditure



City Services and Infrastructure Revenue - Graph 4

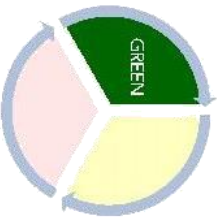
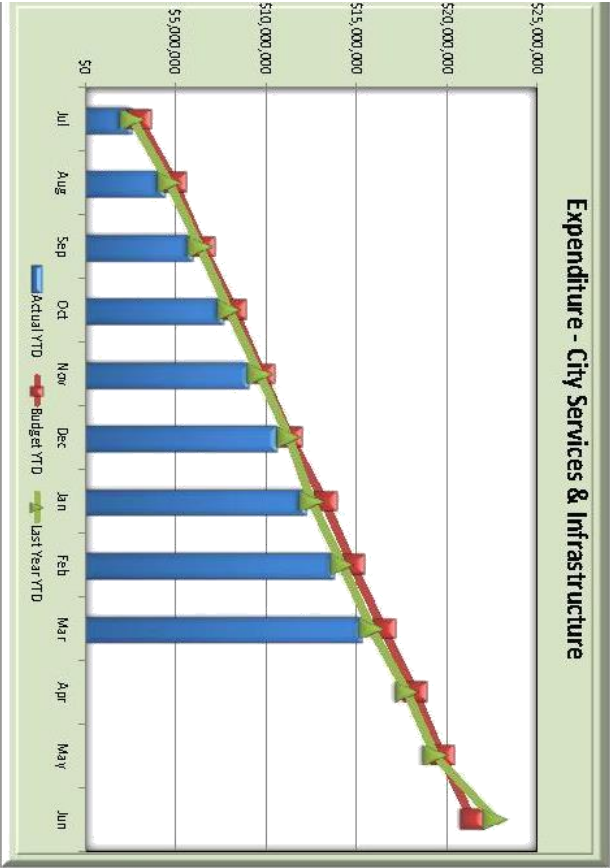
Total revenue for City Services and Infrastructure for fees, charges and grants compared to budget.

Responsible: *Director City Services and Infrastructure*

-	Actual YTD	\$ 10,941
-	Budget YTD	\$ 10,196
	Over Budget	\$ 745

Landfill revenue is \$269 ahead of budget.

Expenditure - City Services & Infrastructure



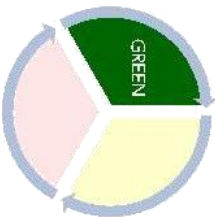
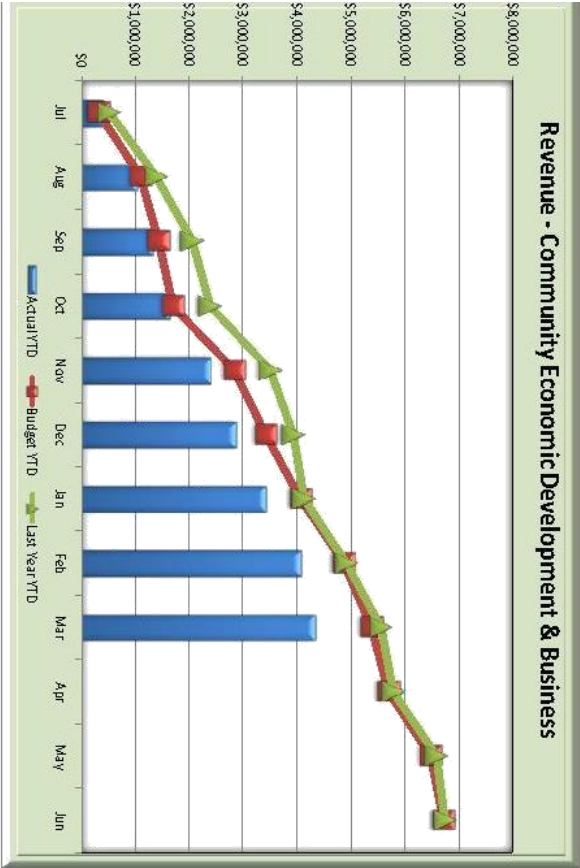
City Services and Infrastructure Expenditure - Graph 5

Total expense for City Services and Infrastructure compare to Budget, less depreciation.

Responsible: *Director City Services and Infrastructure*

-	Actual YTD	\$ 15,327
-	Budget YTD	\$ 16,470
	Under Budget	\$ 1,143

Major savings have been generated from the Street Lighting project \$449.



Community Economic Development and Business Revenue – Graph 6

Total revenue of *Community Economic Development and Business, for fees, charges and grants*

Responsible: *Director Community Economic Development and Business*

\$'000		
- Actual YTD		\$4,345
- Budget YTD		\$5,386
- Under Budget		\$1,041

The Financial Assistance Grant expected this year was partly paid (in advance) in June 2015..

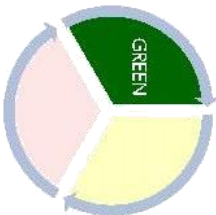
Community Economic Development and Business Expenditure – Graph 7

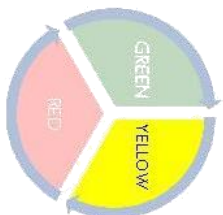
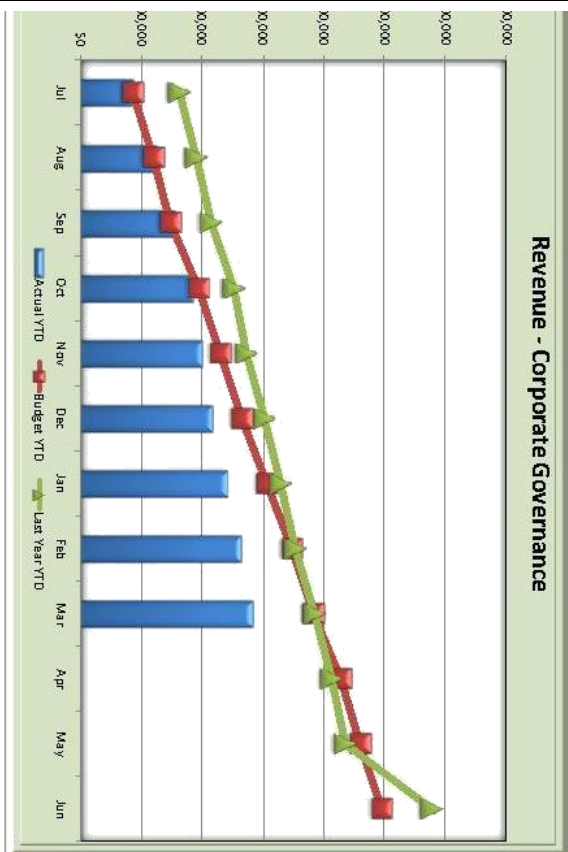
Total expense for *Community Economic Development and Business*

Responsible: *Director Community Economic Development and Business*

\$'000		
- Actual YTD		\$10,819
- Budget YTD		\$11,066
- Under Budget		\$ 247

IT software support costs are lower than budget due to delays in implementing new projects.





Corporate Governance Revenue - Graph 7

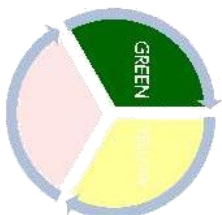
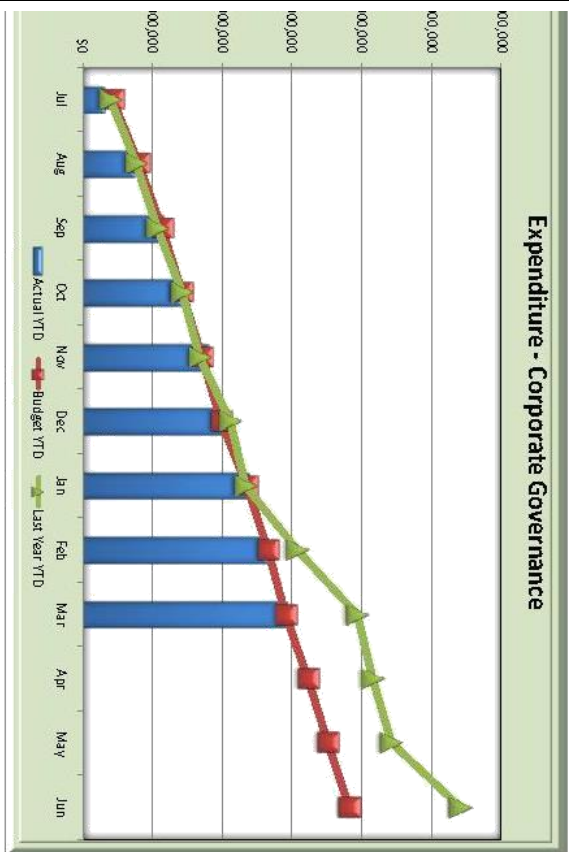
Total revenue for:

Responsible: *Director Corporate Governance*

\$'000

-	Actual YTD	\$1,420
-	Budget YTD	\$1,916
=	Under Budget	\$ 496

Sales of water from the Denwernt Reuse scheme have been below budget.



Corporate Governance Expenditure - Graph 8

Total expense for EID compared to budget (exc. depreciation).

Responsible: *Director Corporate Governance*

\$'000

-	Actual YTD	\$5,871
-	Budget YTD	\$5,823
	Over Budget	\$ 48

Wages and salaries are above budget.

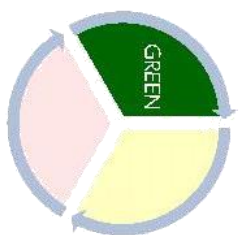
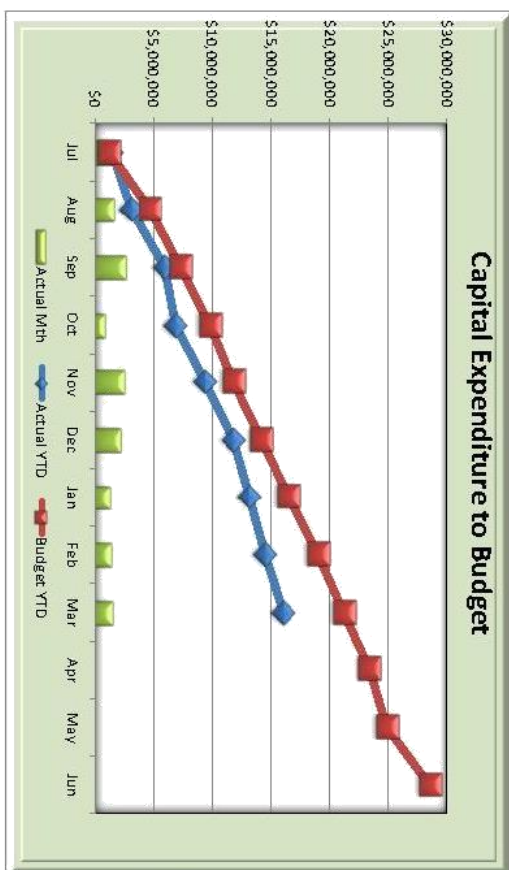


Glenorchy City Council

Balance Sheet

Corporate Performance Indicators

March 2016



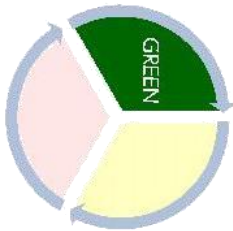
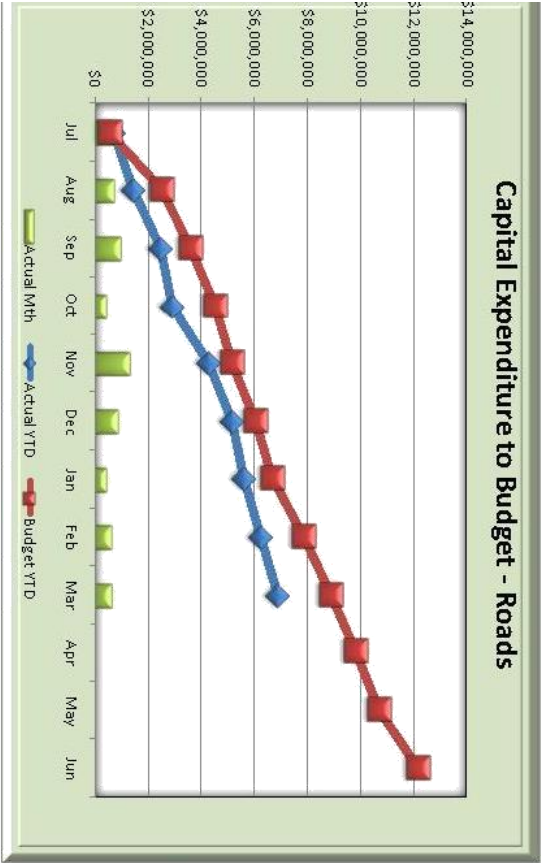
Total Capital Expenditure – Graph 14

Total Capital expenditure compared to budget.

Responsible: Executive Leadership Team

	\$'000
- Actual YTD	\$16,086
- Budget YTD	\$21,258
Under Budget	\$5,172

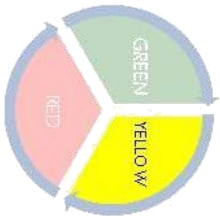
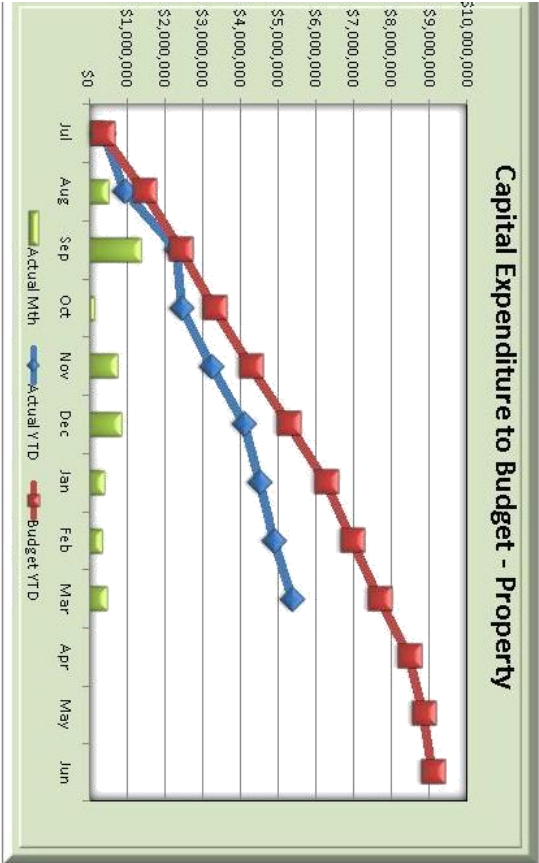
Refer pages 18-19. Additional information regarding capital variances is contained in Appendix B.



Capital Expenditure - Roads – Graph 15
Total expenditure for roads compared to budget.
Responsible: Director City Services and Infrastructure

-	Actual YTD	\$6,889
-	Budget YTD	\$8,898
	Under Budget	\$2,009

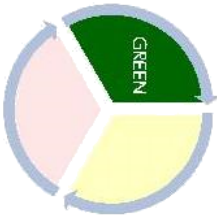
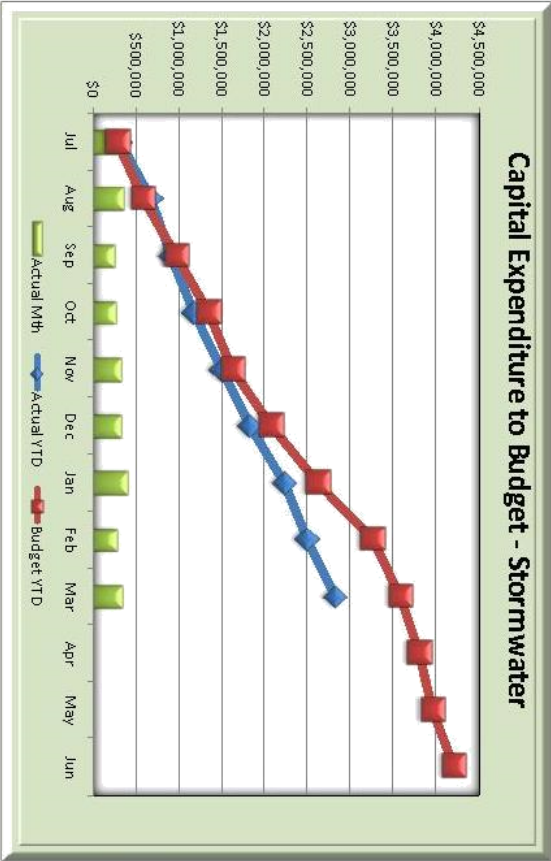
Additional information regarding capital variances is contained in Appendix B.



Capital Expenditure – Property – Graph 16
Total expenditure for property compared to budget.
Responsible: Director Community Economic Development and Business

-	Actual YTD	\$5,386
-	Budget YTD	\$7,691
	Under Budget	\$2,305

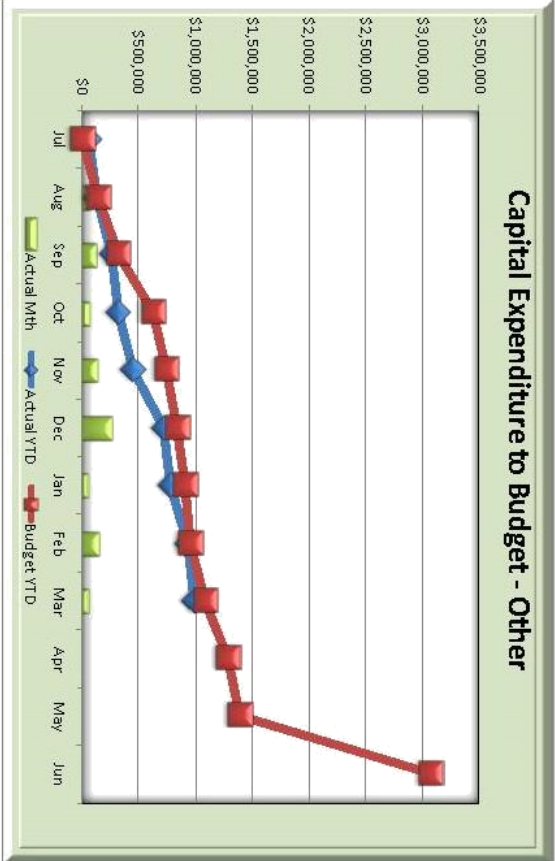
Additional information regarding capital variances is contained in Appendix B.



Capital Expenditure – Stormwater (excluding stormwater property connections) – Graph 17
Total expenditure for stormwater compared to budget
Responsible: Director City Services and Infrastructure

-	Actual YTD	\$2,825
-	Budget YTD	\$3,588
-	Under Budget	\$ 763

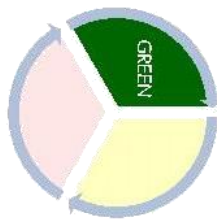
Additional information regarding capital variances is contained in Appendix B.



Capital Expenditure – Other (e.g. capital grants, technology, plant and equipment etc.) – Graph 18
Total expenditure for other capital compared to budget
Responsible: Director Community Economic Development and Business

-	Actual YTD	\$ 985
-	Budget YTD	\$1,082
-	Under Budget	\$ 97

Additional information regarding capital variances is contained in Appendix B.



Cash Flow Movement - Graph 19

Total cash assets available (cheque account, cash floats and short term deposits), compared to budget and last year.

Responsible: *Director Community Economic Development and Business*

	\$'000
- Actual Cash	\$24,895
- Budget	\$19,257
Variance	\$5,638

Interest Earned - Graph 20

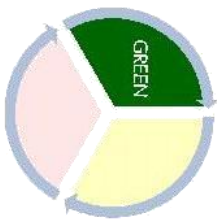
Total interest earned (accrued and received) compared to budget

Responsible: *Director Community Economic Development and Business*

	\$'000
- Actual YTD	\$489
- Budget YTD	\$581
- Under Budget	\$92

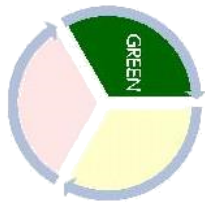
Effective Interest Rate: 2.64%

Benchmark:
RBA Cash Rate (currently 2.00%) + 0.50% = 2.50%



Investment Profile		
Maturity	Total Amount	Average Rate
Cash on hand	\$ 119,826	0.00%
At call	\$ 3,716,212	1.79%
30 - 60 days	\$ 7,368,642	2.55%
61 - 90 days	\$ 7,190,703	2.80%
90 - 120 days	\$ 6,500,000	3.10%
120+ days	\$ -	0.00%
Total	\$ 24,895,383	2.64%

Loan Profile		
Maturity Date	Rate	Loan Balance YTD
15-Jun-21	4.84%	\$ 1,004,286
15-Jun-22	6.76%	\$ 884,409
15-Jun-24	3.49%	\$ 301,051
15-Jun-25	4.78%	\$ 509,747
15-Jun-27	4.75%	\$ 289,696
30-Jun-22	5.01%	\$ 3,825,168
Total		\$ 6,814,357



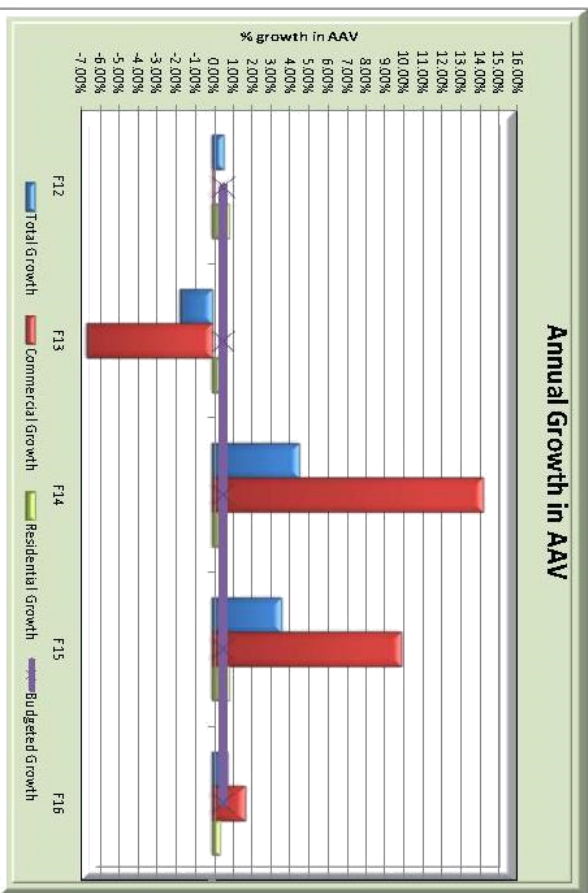
Interest Expense – Graph 21

Total interest expense (accrued and paid) compared to budget

Responsible: Director Community Economic Development and Business

	\$'000
- Actual YTD	\$ 240
- Budget YTD	\$ 258
Variance	\$ 18

Comment: Total loan repayments due during year ending 2015/16 is \$1,145.



Annual Growth in AAV – Graph 22

A comparison of the annual growth in the Assessed Annual Value (AAV) for Commercial, Residential and Overall Total.

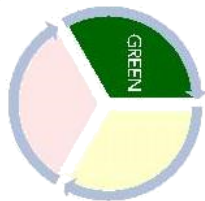
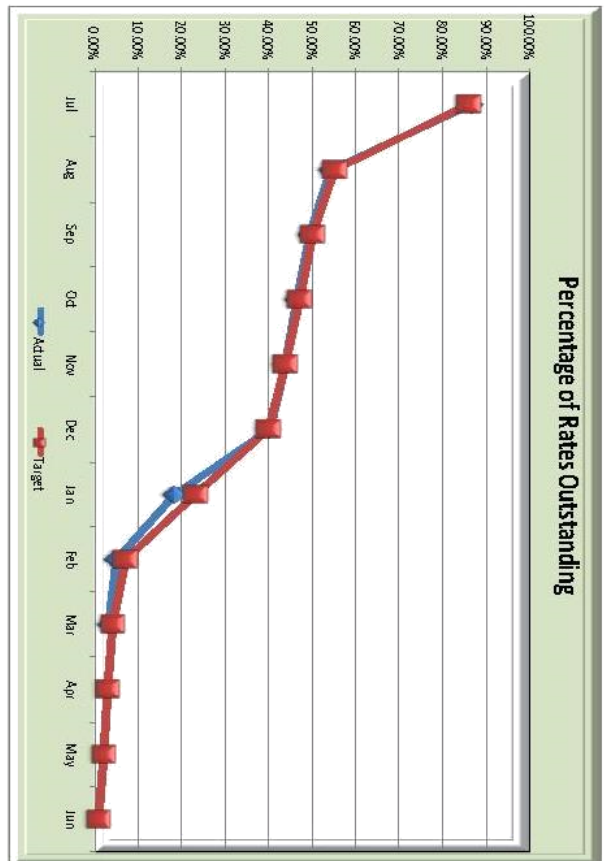
Responsible: Director Community Economic Development and Business

AAV growth 2015/16 on July 1st 2015 Base

- Commercial 1.71% (being 68% of the total AAV growth)
- Residential 0.39% (being 32% of the total AAV growth)
- Total AAV growth 0.81%

Target 0.50% AAV growth compared to previous year





Percentage of Invoiced Rates Outstanding – Graph 23

Shows the percentage amount of invoiced rates not paid.

Responsible: Director Community Economic Development and Business

- Actual 31 Mar 2016: 3.12%
- Target 31 Mar 2016: **4.00%**
- Variance: 2.08%

Total outstanding 31 Mar 2016 : \$1,084 \$'000

Arrears as at	this month	last month	Movement
2015:	\$99	\$114	\$15
2014:	\$25	\$30	\$5
2013:	\$9	\$11	\$2
2012:	\$0	\$0	\$0
2011 +:	\$2	\$3	\$1
TOTAL	\$135	\$158	\$23

Accounts Receivable (AR) – Graph 24

A monthly summary of the level of money owing to council for non rate income.

Responsible: Director Community Economic Development and Business

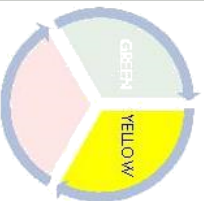
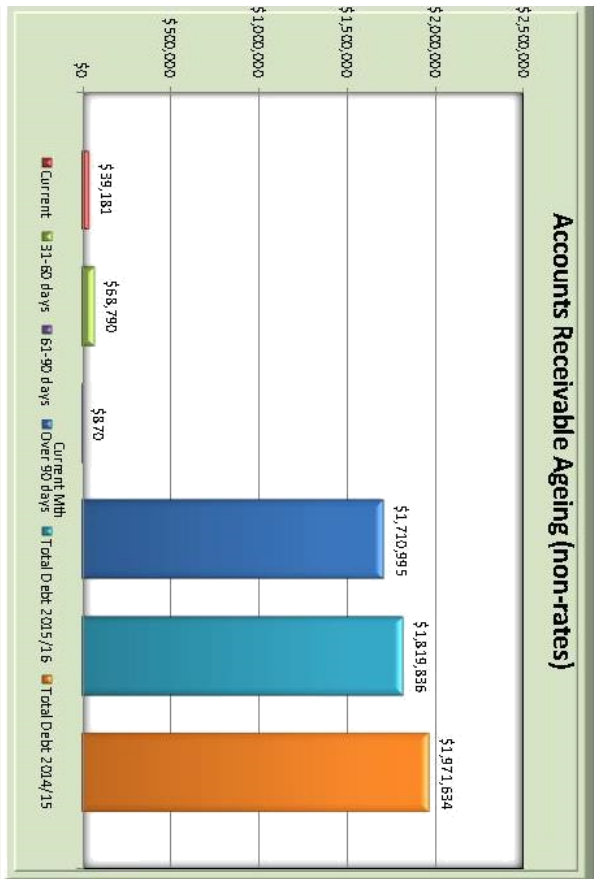
- Total 31 Mar 2016: \$1,820 \$'000
- % of AR 61 days & over: 93.9 %

Target <25% of AR 61 days and over (excluding property debts)

Comment:

Major component is \$1.6M contractor debt relating to Derwent Park Re-use scheme in the process of being written off. Other debts are being managed in accord with policy.

77

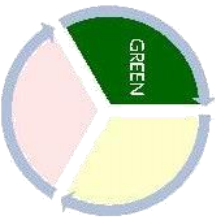
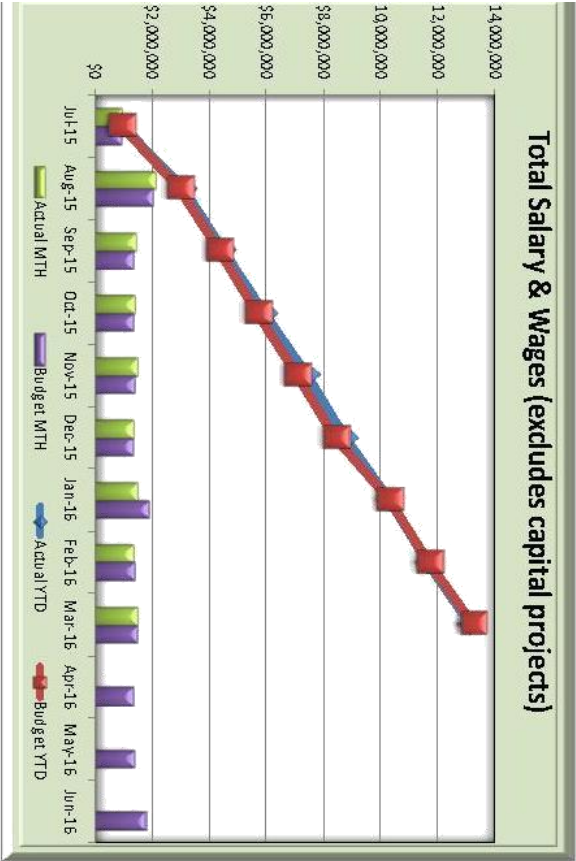




Glenorchy City Council

HR and OH & S Corporate Performance Indicators

March 2016

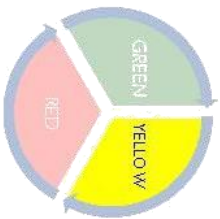
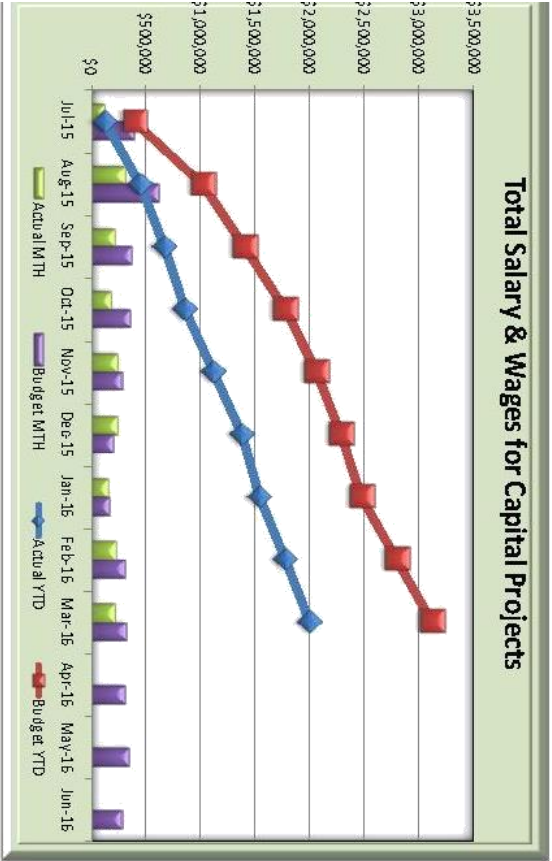


Salaries & Wages including on-costs – Operational (excludes capital projects) – Graph 25

Total operational salary costs compared to budget

Responsible: *Executive Leadership Team*

-	Actual YTD	\$13,117
-	Budget YTD	\$13,214
	Under Budget	\$ 97

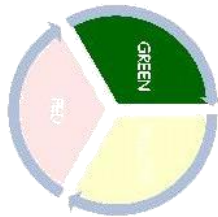
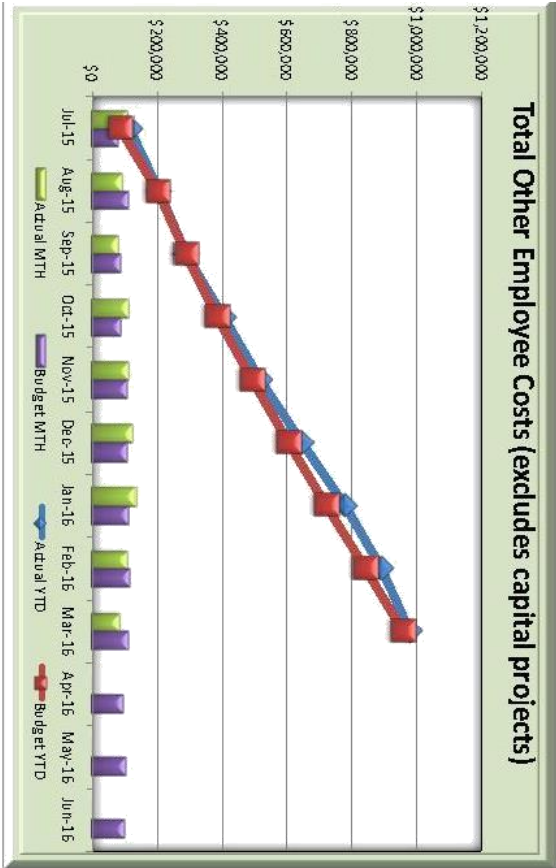


Salaries & Wages including on-costs – Capital Projects – Graph 26

Total salary costs for capital projects compared to budget

Responsible: *Executive Leadership Team*

-	Actual YTD	\$2,010
-	Budget YTD	\$3,120
	Under Budget	\$1,110



Other Employment Costs – Operational (excludes capital projects) – Graph 27

Total operational other employment costs compared to budget (i.e. relief/casuals, overtime, medical expenses, FBT etc).

Responsible: Executive Leadership Team

-	Actual YTD	\$ 977
-	Budget YTD	\$ 956
	Over Budget	\$ 21

Permanent Staff Turnover Rate – Graph 28

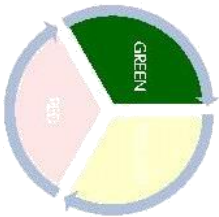
Total staff turnover is the total number of terminations over the last twelve months divided by the number of staff As at the last day of the month. This ratio represents the percentage of our total workforce who leave the council.

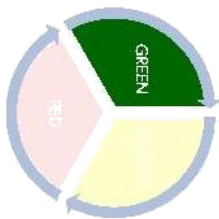
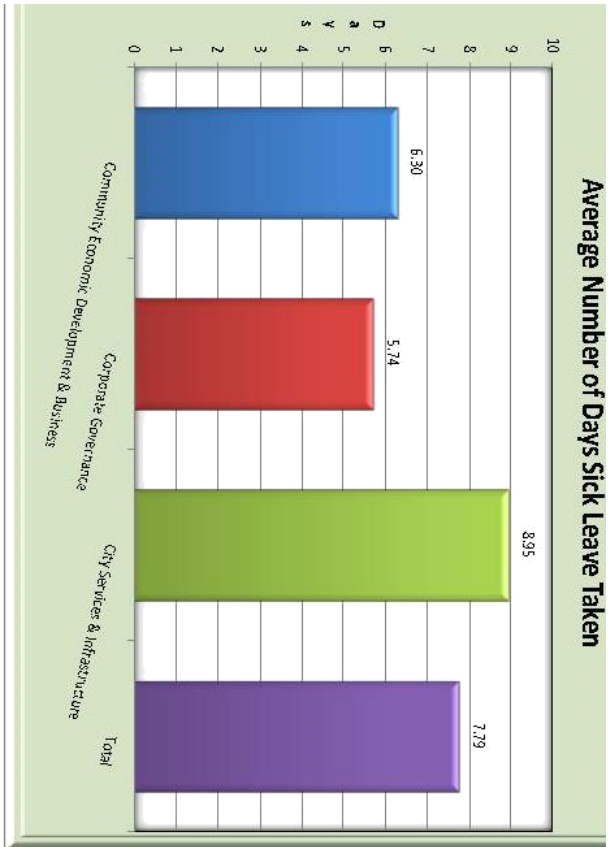
Responsible: Executive Leadership Team

Rolling 12 month av. turnover rate calculations used

	2016	2015
Rolling 12 month turnover rate	9.25%	14.37%

Benchmark: LGAT All Tasmanian Councils Group Average (2007/08) recorded: 15.20%





Average Number of Days Sick Leave Taken – Graph 29

For each department Total number of days sick taken divided by number of staff for previous 12 months. This ratio represents the number of sick days taken per person on average.

Responsible: *Executive Leadership Team*

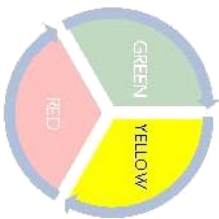
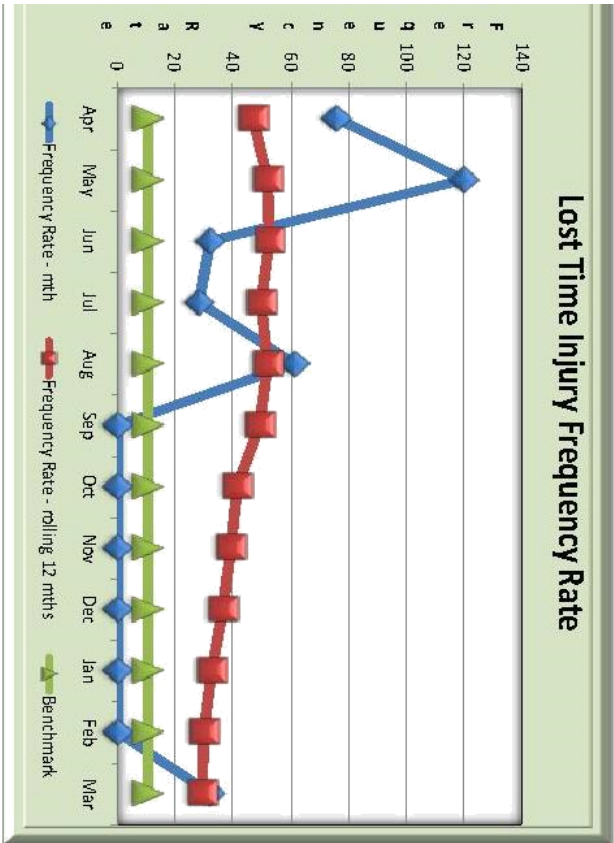
- Total average sick leave days taken last 12 months:

Last 12 mths: 7.79 Days

Prev. 12 mths: 6.83 Days

Benchmark: LGAT All Tasmanian Councils Group

Average (2007/08) recorded: 6.80 days



Lost Time Injury Frequency Rate - Graph 30

The Lost Time Injury Frequency Rate is the number of lost time claims per one million hours worked for permanent, casual and overtime staff.

Responsible: *Executive Leadership Team*

- Claims per 1 million hours worked:

- Rolling 12 month average 29.10

- Current month 31.87

Benchmark: Work Cover Tasmania All Industries
(2010/11) recorded: 10.80 claims.

Capital Expenditure Summary
(\$'000)

2015/16 Capital Budget Year to Date

21.258

2015/16 Capital Year to Date Expenditure

16,086

Total Over/(Under) Spend

(5, 172)

Total Over/(Under) Spend	Comments
\$0.00	

Roads Capital - Under Budget \$2,009

Primarily under budget due to:

11849 - Tolosa Street \$476 - delayed. Works now commencing April.

11916 - Gepp Pde \$451 - project delayed. Works now commenced

11738 - Lawson Street \$163 - Works completed

11650 - Sinclair Avenue \$108 - delayed. Works now commenced

11922 - Wattle Avenue \$105 - project delayed. Works now delayed

Property Capital - Under Budget \$2,305

Primarily under budget due to:

3031 - KGV Redevelopment \$822 - project delayed

12005 - Public Space Revitalisation \$500 - project now deferred

11797 - KGV Sports Precinct Toilet \$215 - project delayed

11615 - DEC box Office \$160 spending deferred to other DEC priorities

Stormwater Capital - Under Budget \$763

Primarily under budget due to:

300* - Denwent Park Reuse Scheme \$572 - project delayed against budget timeline

11956 - Tolosa Street \$134 - project delayed. Works commencing April

11775 - Redfern Place \$82 - costs included in 11745 (roads project)

11963 - Pekum Crescent 573 - delayed, tender assessment by end February

Other Capital - Under Budget \$97

Other capital - Under Budget
Primarily under budget due to:

Vehicle Purchases \$205 - delays with purchasing

Emergency/Unforeseen Projects Commenced (No budget allocated in 2015/16 Funded from SAMG Reserve \$400,000)

Emergency/Unforeseen Projects Commenced (No budget allocated in 2015/16) Funded from savings within Program

Budgeted 2015/16 projects that will not be undertaken this Financial Year

Project Number	Description	Annual Budget	Comments
	Total	0	

GLENORCHY CITY COUNCIL

ENVIRONMENT AND HEALTH SERVICES BY-LAW

BY-LAW NO. 1 OF 2010

BY-LAW MADE UNDER SECTION 145
OF THE LOCAL GOVERNMENT ACT 1993
FOR THE PURPOSE OF
REGULATING AND CONTROLLING MATTERS OF
ENVIRONMENT AND HEALTH

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	3
PART 2 – PERMITS AND LICENCES	3
PART 3 – INFRINGEMENT NOTICES	4
PART 4 – ENFORCEMENT	5
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PART 6 – CONTROL OF INCINERATORS AND OPEN AIR BURNING.....	7
PART 7 – SEWAGE TREATMENT (PACKAGE PLANT – MAINTENANCE).....	9
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SCHEDULES.....	23

PART 1 – PRELIMINARY

Repeal

The Incinerators and Backyard Burning By-law No 1 of 2002 made on the fourth day of June 2003 is repealed.

Short Title

1. This by-law may be cited as the Environment and Health Services By-law.

Interpretation

2. In this by-law:

“**authorised officer**” means a person appointed by the Council, an employee of the Council authorised by the General Manager for the purposes of this by-law, or a police officer;

“**Council**” means the Glenorchy City Council;

“**Environmental Health Officer**” means an Environmental Health Officer, as appointed by the Council;

“**food**” has the same meaning as defined in the *Food Act 2003*;

“**General Manager**” means the general manager, or delegate, of the Glenorchy City Council for the time being;

“**municipal area**” means the municipal area of the Glenorchy City Council;

“**occupier**” includes any person having the care, control or management of any land or premises;

“**owner**” means any person who, whether jointly or severally, is seized or possessed of, or entitled to, any estate or interest in land;

“**person**” has the meaning set out in the *Acts Interpretation Act 1931*;

“**proprietor**” includes the owner, occupier or the person having control or management of any land.

PART 2 – PERMITS AND LICENCES

3. Any application for a licence or permit pursuant to this by-law must be:
 - (a) in writing;
 - (b) in accordance with the relevant form set out in Schedule 1 of this by-law; and

- (c) accompanied by such other information as the authorised officer may reasonably require.
- 4. Licences or permits issued pursuant to this by-law are in the forms appearing in Schedule 2 of this by-law.
- 5. A permit or licence under this by-law may be issued subject to such terms and conditions as the Council considers appropriate.
- 6. The holder of a permit, or licence issued pursuant to this by-law must comply with the terms and conditions thereof.

Penalty: 20 penalty units

PART 3 – INFRINGEMENT NOTICES

7. Infringement notices

- (1) In this clause --
“**specified offence**” means an offence against a clause specified in Column 1 of Schedule 3.
- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 3 is the penalty payable under the infringement notice for that offence.
- (3) Payment of the monetary penalty set out in an infringement notice must be made to the Council.
- (4) The monetary penalty set out in an infringement notice must be paid within 28 days of the service of the infringement notice, after which time the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.
- (5) An authorised officer may --
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe has committed a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- (6) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (7) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

PART 4 – ENFORCEMENT

8. Recovery of expenses.

In addition to a penalty imposed in relation to a failure to comply with or a contravention of this by-law, an expense incurred by the Council in consequence of that failure or contravention is recoverable by the Council as a debt payable by the person so failing to comply or contravening.

9. Continuing offences

Where an offence against this by-law is alleged to have been committed by a person and the act or omission which constituted the alleged offence continues after the person has been served with notice of the alleged offence and the person is subsequently convicted of the alleged offence, the person is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continues after the service of the notice of 2 penalty units.

PART 5 – BUILDING SITE SANITATION

Interpretation

10. In this Part –

“**builder**” has the same meaning as “builder” under the *Building Act 2000*;

“**building**” has the same meaning as “building” under the *Building Act 2000*;

“**building work**” has the same meaning as “building work” under the *Building Act 2000*;

“**prescribed work**” has the same meaning as “prescribed work” under the *Building Act 2000* and the *Building Regulations 2004*;

“**building site**” means a place where building work is carried out;

“**toilet**” includes a facility that has a seat and a removable pan, a water closet or a portable toilet;

“**urinal**” means a facility used solely for the receipt of human urine.

General duty of the builder

11. A builder must ensure that toilets in accordance with this Part are provided on the building site prior to the commencement of any building work.

Penalty: 20 penalty units

Number of toilets provided

12. The builder must provide 1 toilet for every 10 people, or part thereof, on the building site, or as directed by an authorised officer.

Penalty: 20 penalty units

Urinals

13. A urinal must not be provided on any building site without the approval in writing of an authorised officer.

Penalty: 20 penalty units

Types of toilets or urinals provided

14. An authorised officer may specify the type of toilet or urinal to be provided on any site and the builder must comply with such specification.

Penalty: 20 penalty units

Location of toilets and urinals

15. The builder must comply with any directions given by an authorised officer about the location of the toilets or urinals.

Penalty: 20 penalty units

Toilet design and construction

16. A portable toilet installed on a building site must be designed and installed in accordance with the following requirements:-

- (a) floor area of not less than 1.1 m²;
- (b) floor to be covered with a durable waterproof material, well drained and above ground level;
- (c) a ceiling height of at least 2.1 metres;
- (d) the walls are to be made from opaque and rigid material that is impervious to moisture;
- (e) toilet is to be well lit and well ventilated, either naturally or artificially;
- (f) the door is to be hinged and able to open outward;
- (g) the toilet is to be weatherproof;
- (h) the pan compartment is to be fly proofed and fitted with a hinged lid;
- (i) the toilet must be provided with a plentiful supply of toilet paper and, where appropriate, must be provided with sanitary disposal units that are regularly serviced;
- (j) if required by the Council, the portable toilet is to be connected to the sewerage system or temporary on-site system; and

- (k) the toilet must have a suitable and appropriately sized hand wash basin supplied with running water, soap and paper towel.

Penalty: 20 penalty units

Emptying of portable toilets

17. The builder must ensure that any portable toilet provided on the building site is emptied
- (a) regularly; and
 - (b) whenever required by an authorised officer; and
 - (c) in a manner approved by an authorised officer.

Penalty: 20 penalty units

Cleanliness

18. Each toilet or urinal on a building site is to be cleaned and kept clean, and maintained in a sanitary condition and free from odours. Its condition must be to the satisfaction of an authorised officer.

Penalty: 20 penalty units

PART 6 – CONTROL OF INCINERATORS AND OPEN AIR BURNING

Interpretation

19. In this part unless the contrary intention appears:-

“**open air burning**” means the burning of trees, scrub, long grass, stubble, or the results or products of mowing, trimming, pruning, weeding or like activity or any other waste item;

“**open air fire**” means a fire burning in the outside environment and not housed or contained in any built structure or container;

“**barbecue**” means any device or structure or equipment used, designed or adapted solely for cooking food in the open air for human consumption;

“**building**” includes a proposed building, part of a building, a structure and part of a structure;

“**incinerator**” includes any outside fireplace, construction or container housed outside a building, which:-

- (a) is used for the purpose of burning any material; and
- (b) does not include a barbecue, while it is being used in connection with the cooking of food for human consumption.

“**waste**” includes, without limitation, domestic refuse, hazardous waste, trade waste,

recyclables, and any other garbage, rubbish, debris, litter, or vegetation that is the result or product of mowing, trimming, pruning, weeding, or any other similar matter.

20. Application

The burning of any waste in an incinerator or open air fire is prohibited except in the following circumstances:

- (a) in the course of ordinary farming operations which are the primary use of that land; or
- (b) in the formation of fire breaks and any act to prevent, control or extinguish fires pursuant to the *Fire Service Act 1979*; or
- (c) for the purpose of cooking food, for heating liquids or warming humans. Such fires shall be –
 - (i) fitted with a lid and/or spark arrester so as to prevent the emission of ash and other particulates; and
 - (ii) situated not less than 3 metres from any boundary; and
 - (iii) situated not less than 10 metres from any dwelling; and
 - (iv) be clear of any overhanging foliage or other flammable material; or
- (d) where an exemption has been granted under clause 26 of this by-law by the General Manager.

21. Pursuant to clause 20(c) a person must not, on any land, burn or cause or allow to be burned, materials other than seasoned wood or other fuel as defined in Part 5 of the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007*.

Penalty: 20 penalty units

22. Subject to clauses 20 and 26, a person must not light or allow to be lit or to remain alight an incinerator or open air fire on any land unless -

- (a) the waste is dry; and
- (b) the waste has been lightly loaded so as to allow sufficient air to circulate through the waste to facilitate complete combustion.

Penalty: 20 penalty units

23. Subject to clause 20(c) a person must not light or allow to be lit or to remain alight more than one incinerator or open air fire at any one time.

Penalty: 20 penalty units

24. Prohibiting of open air burning and use of incinerators

A person who causes or allows open air burning or an open air fire, or causes, allows or uses an incinerator to burn any waste, material or substance, unless in accordance with this Part, is guilty of an offence.

Penalty: 20 penalty units

25. Power to extinguish

- (1) A person who is causing, allowing or burning any waste, material, or substance in contravention of this by-law, and who fails to extinguish a fire as directed by an authorised officer is guilty of an offence.

Penalty: 20 penalty units

- (2) An authorised officer may take any reasonable action to extinguish the fire where a person fails to comply with a direction under this clause.

EXEMPTIONS**26. Exemption to Light Fire**

A person may apply for an exemption to light a fire in writing to the General Manager who may issue an exemption with or without conditions, subject to any legal requirements.

PART 7 – SEWAGE TREATMENT (PACKAGE PLANT – MAINTENANCE)**Interpretation****27. In this Part:**

“on-site wastewater management system” has the same meaning as “on-site wastewater management system” under the *Building Act 2000*;

“employee or agent” includes any person and any company by its servants or agents authorised or engaged by Council to inspect, monitor or maintain an on-site wastewater management system.

Maintenance by Council

28. An on-site wastewater management system that is installed on land in the municipal area of the Council is subject to inspection and maintenance by the Council or its employee or agent in accordance with the procedures specified by the manufacturer.
29. The Council may carry out in relation to an on-site wastewater management system any inspection or maintenance operation, or other action that is authorised by law.
30. For the purposes of clauses 28 and 29, an authorised officer or agent of the Council may enter upon the land upon which the on-site wastewater management system is situated in accordance with Section 20A *Local Government Act 1993*.

PART 8 – CARAVANS

Interpretation

31. In this Part –

“caravan”

- (a) is any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation; and
- (b) includes any structure, awning, verandah, lean-to, tent, carport or any other enclosed or partly enclosed area used or capable of being used in connection with, or attached to any caravan; and
- (c) may or may not have the wheels or axles attached; and
- (d) may be resting directly on the ground or placed on blocks or other supports.

“licence” means a licence to occupy a caravan in accordance with Form 4 of Schedule 2 of this By-law, issued by the Council;

“occupy” includes reside or live in any caravan for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether temporary or permanent.

Application

32. This Part does not apply to a caravan that is:

- (a) situated on Council land approved as a caravan park; or
- (b) situated on private land approved by the Council as a caravan park;
or
- (c) used by a travelling show person in the ordinary course of their business;
or
- (d) used by work gangs or contractors involved in construction work that is authorised by the Council within the municipality.

Application for caravan licences

33. (1) A person may apply in writing for a licence to occupy a caravan by making an application to the Council in accordance with Form 1 of Schedule 1, together with the required fee.
- (2) On receipt of an application, the Council may grant or refuse to grant a licence. An application may be refused if in the opinion of the Council:-
- (a) the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up; or

- (b) the caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or
 - (c) the occupation of the caravan is likely to cause a health hazard.
- (3) The Council may grant a licence subject to terms and conditions.
 - (4) A licence to occupy a caravan is not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of garbage, and on-site wastewater.
 - (5) The Council may cancel the licence of a person who is in breach of this Part or who breaches a condition imposed under the licence.

Licence necessary to occupy a caravan

34. (1) A person must not occupy a caravan without a licence.

Penalty: Fine not exceeding 20 penalty units

- (2) The proprietor of any land within the municipal area must not allow any person to occupy a caravan upon that land without a licence.

Penalty: 20 penalty units

Expiry of licence

35. A licence shall be for a period not exceeding twenty-six weeks.

Cessation of occupation

36. If the holder of a licence issued by the Council ceases to occupy a caravan before the expiry date of the licence, the holder of the licence is to inform the Council within ten days of the cessation of occupation.

Fee for occupation of a caravan

37. A person must not accept any fee or reward from any person in return for the occupation of any caravan set up on private property unless the property is approved as a caravan park.

Penalty: 20 penalty units.

PART 9 – FOOD VENDORS

Interpretation

38. In this Part:

“food” has the same meaning as in section 5 of the *Food Act 2003*;

“food stall” means any basket, stand, table, trestle or similar article or structure from which food is sold to the public;

“food vendor” means a person who sells food from a food vending vehicle, or food stall;

“food vending vehicle” means any vehicle, caravan, trailer or other conveyance, whether stationary or mobile, from which food is sold to the public;

“sell” has the same meaning as defined in the *Food Act 2003*;

Application for Licence

39. A person must not sell food from a food vending vehicle or food stall, without first having obtained a licence to do so from the Council.

Penalty: 20 penalty units

Requirements for food vendors

40. A person must not sell food from any food stall or food vending vehicle unless such food has been prepared in premises which, in the opinion of an Environmental Health Officer, comply with the requirements of the *Food Act 2003*.

Penalty: 20 penalty units

Granting applications

41. The Council may grant a licence of the type referred to in clause 39 of this Part after having regard to:
- (a) The effect which the licence may, if granted, have on the ability of pedestrians or vehicular traffic to move freely in the vicinity of a food stall or food vending vehicle;
 - (b) The effect which the licence may, if granted, have in relation to the ability of the police or any other person authorised by the Council to maintain public order in the vicinity of the food stall or food vending vehicle;
 - (c) The nature and location of any existing facilities that sell food of a type proposed to be sold by the applicant for a licence;
 - (d) The availability of suitable parking areas for motor vehicles in the vicinity of the food stall or food vending vehicle;
 - (e) The possible effect of dust, effluent or other pollution that may occur in the vicinity, on the food stall or food vending vehicle;
 - (f) The manner in which the applicant proposes to advertise the food for sale; and
 - (g) Any other matter considered appropriate by the Council.

Licence period

42. The maximum period for which a licence may be issued is one year.

Offences

43. Any person who fails to comply with a provision of this Part or fails to comply with the terms and conditions of a licence issued under this Part shall be guilty of an offence.

Penalty: 20 penalty units

Cancellation of licences

- 44 The Council may cancel a licence granted under this Part if the licence holder does not comply with the conditions of the licence or commits an offence under this Part.

PART 10 – WASTE MANAGEMENT**Interpretation**

45. In this Part unless the contrary intention appears

“**authorised receptacle**” means a wheelie bin supplied by the Council and bearing the Council logo, or such other receptacle approved by the Council, and includes a recycling authorised receptacle;

“**disposal site**” means the Jackson Street Waste Management Centre or any area approved by the Environment Protection Authority as a waste transfer station or refuse disposal site;

“**domestic refuse**” means all household waste including biodegradable waste, recyclable materials, debris, litter and other similar matter generated at domestic tenements, but excludes liquid waste, hot ash, controlled waste, sharps, trade waste and hard waste;

“**green waste**” means organic, biodegradable waste arising from vegetation that is suitable for processing or composting;

“**hard waste**” means large or bulky materials that are too large to be collected in an authorised receptacle as part of Council’s kerbside waste collection service;

“**controlled waste**” means any waste whose quantity or toxic, reactive, corrosive, flammable, explosive, infectious or like nature poses a substantive and unacceptable hazard to the public, the environment or both.

“**notice**” means a notice issued by the Council or the General Manager that is:

- (a) displayed or set up in a public place in the municipal area; or
- (b) published in a daily newspaper circulating in the municipal area; or
- (c) forwarded by the Council or General Manager or an authorised officer to a person to whom this by-law applies;

“refuse” includes, without limitation, domestic refuse, controlled waste, trade waste, hard waste, reusable materials, green waste, recyclables and any other garbage, rubbish, debris, litter or similar matter;

“reusable materials” means materials that may be reused without further treatment or processing;

“recyclables” means materials that are suitable for reprocessing to produce new products and the Council has by notice classed as being recyclable;

“recycling authorised receptacle” means an authorised receptacle used for the storage and collection of recyclables;

“recycling centre” means an area designated by the Council for receiving recyclables;

“resource recovery agreement” means an agreement between the Council and a person for the recovery or removal of articles or things deposited on a disposal site;

“resource recovery facility” means an area designated by the Council for receiving reusable materials;

“sharps” means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes hypodermic needles, intravenous sets, Pasteur pipettes, lancets, and scalpel blades used in medical, dental, veterinary and nursing applications;

“trade waste” means waste products arising from or incidental to the carrying on of any profession, trade, business or manufacture;

Compliance with Notices

- 46 (1) The General Manager may regulate by notice the management and control of the storage, collection, transport and disposal of refuse (including any disposal site, resource recovery facility or recycling centre) in the municipal area;
- (2) A person must comply with any direction from an authorised officer in relation to the storage, collection, transport or disposal of refuse in the municipal area and with the terms and conditions of any notice issued pursuant to sub-clause (1);

Penalty: 20 penalty units

- (3) The General Manager may require by notice that owners or occupiers of residential tenements sort domestic refuse to enable the separate collection of recyclables, reusable materials, green waste and hard waste;

- (4) A person must comply with any notice from the General Manager in relation to the sorting and separation of refuse, recyclables, reusable materials, green waste or hard waste;

Penalty: 5 penalty units

- (5) A notice referred to in this clause is to be in writing and in a form approved by the General Manager.

Storage and Collection of Domestic Refuse and Recyclables

47. (1) Every residential tenement shall be supplied with an authorised receptacle for the storage and collection of domestic refuse and recyclables. Authorised receptacles may be provided to residential flats and units on a share basis for use by two or more tenancies;
- (2) The owner or occupier of a commercial tenement may apply to Council for the supply of an authorised receptacle for the storage and collection of domestic refuse and recyclables from that commercial tenement;
- (3) Authorised receptacles supplied by the Council shall remain the property of the Council, and are to be left at that premises when the owner/occupier vacates the premises;
- (4) It is an offence for any person to:
- (a) fail to maintain an authorised receptacle in a state of good repair, clean and sanitary condition; or

Penalty: 5 penalty units

- (b) remove an authorised receptacle from the property when vacating that property.

Penalty: 10 penalty units

- (5) In addition to any penalty imposed under sub-clause (4), the Council may recover from any person who fails to comply with sub-clause (4) the cost of repairing a damaged authorised receptacle or for supplying a new authorised receptacle;
- (6) Any person receiving a Council kerbside waste collection service must:
- (a) place authorised receptacles on the kerbside adjacent to the street entrance to the property or such other position approved by an authorised officer, at such times specified by notice;
 - (b) not place in any Council recycling authorised receptacle any matter except recyclables;
 - (c) not load an authorised receptacle so that domestic refuse or recyclables protrude over the top rim of the bin and prevent complete closing of the lid;
 - (d) not load an authorised receptacle in such a manner as to prevent complete emptying of the bin during normal operations of the collection vehicle;
 - (e) not place out domestic refuse or recyclables for collection in any receptacle or container other than an authorised receptacle;

- (f) ensure that authorised receptacles and the areas in which they are stored and the area from which they are collected, are maintained in a clean and hygienic condition;
- (g) comply with the direction of an authorised officer who may determine the location for storage of authorised receptacles;
- (h) remove authorised receptacles from the kerbside as soon as practicable after collection and no longer than 48 hours after collection;
- (i) not place any refuse or recyclables in any authorised receptacle other than the authorised receptacle allocated to that property;

Penalty: 5 penalty units

- (7) For the purposes of the Council waste collection service a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, is to:-

- (a) place an authorised receptacle in a location as close as possible to the street entrance of those premises so as not to obstruct or hinder the movement of pedestrians or traffic, or at a location approved by an authorised officer; and
- (b) be responsible for the clean up of any waste spilt prior to collection by the Council waste collection service.

Penalty: 5 penalty units

- (8) For the purposes of the Council waste collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service must:-

- (a) place out no more than the number of authorised receptacles as determined by an authorised officer; and
- (b) ensure all waste is properly secured within the authorised receptacle and not capable of being scattered by the wind or by other means such as animals during or prior to collection by the Council waste collection service.

Penalty: 5 penalty units

- (9) A person must not:

- (a) place in any authorised receptacle any hot or burning material, liquid in excess of 2 litres in volume, controlled waste, trade waste, commercial food waste, sharps, or materials which are excluded from the domestic refuse collection service because of their potential to damage the authorised receptacle or the lifting or compaction equipment on the collection vehicle, or any materials that are determined by an authorised officer as being likely to cause damage to an authorised receptacle or the lifting or compaction equipment on the collection vehicle; or
- (b) cause or allow an authorised receptacle to be removed from the tenement to which it was supplied;

Penalty: 10 penalty units

- (10) It is an offence for any person other than Council's authorised contractor to collect recyclables placed in a recycling authorised receptacle for collection by the Council's recycling collection service.

Penalty: 5 penalty units

Conveyance of Refuse or Recyclables

48. A person must not convey in any vehicle or container any refuse or recyclables unless the material is in a closed container or carried in such a manner as to prevent:
- (a) the escape of any of the contents from the vehicle or container;
 - (b) the emission of any offensive odours; and
 - (c) the creation of any nuisance.

Penalty: 5 penalty units

Directions for the Disposal of Refuse

49. Any person depositing refuse at a disposal site, recycling centre, or resource recovery facility must:
- (a) comply with any direction given by an authorised officer; and
 - (b) comply with any direction on any sign;
- at that disposal site, recycling centre, or resource recovery facility.

Penalty: 20 penalty units

Disposal of Refuse at a Disposal Site

50. (1) A person must not:
- (a) deposit refuse at a disposal site without the permission of an authorised officer except on the days and at the times fixed by Council notice;
 - (b) deposit any refuse outside the boundaries of a disposal site;
 - (c) allow any animal to be at large on a disposal site without the written consent of the Council;
 - (d) deposit any material capable of becoming air borne, without first securing it from being scattered by the wind; or
 - (e) deposit sharps at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice.

Penalty: 20 penalty units

- (2) A person must not at a disposal site:
- (a) light any fire or feed or extend any fire which is already burning unless in an approved heater under the supervision of an authorised officer;

- (b) dump any hot wastes likely to self-combust or to ignite when in proximity with other refuse;
- (c) deposit any controlled waste at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice; or
- (d) enter a disposal site when the site is closed without the permission of an authorised officer.

Penalty: 20 penalty units

Prohibitions in the disposal site

51. (1) An authorised officer may impose a ban on a person using or entering the disposal site where that person has contravened a provision of clauses 49 or 50 on more than one occasion.
- (2) A ban imposed under sub-clause (1) may be for a maximum of 12 months duration.
- (3) A person who has been banned from entering the disposal site, pursuant to this clause, must not enter the disposal site when such a ban is in place.

Penalty: 20 penalty units

Request to leave disposal site

52. (1) An authorised officer may ask a person whom they reasonably believe is offending against this Part to leave the disposal site.
- (2) A person must comply with the directions of an authorised officer given under this clause.

Penalty: 10 penalty units

- (3) An authorised officer may remove any person from the disposal site who they reasonably believe is offending against this clause.

Refusal to Accept Refuse at a Disposal Site

53. An authorised officer may refuse to accept any refuse at a disposal site which in the opinion of the authorised officer:
- (a) is likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment; or
 - (b) may not be accepted under the Environment Protection Authority's permit conditions for the disposal site.

Resource Recovery at a Disposal Site

54. (1) The Council may enter into a resource recovery agreement in relation to a disposal site with a person on such terms and conditions as the Council thinks fit.
- (2) A person must not remove any article or thing deposited on a disposal site unless they are authorised to do so by a resource recovery agreement or the written consent of the Council. This provision does not apply to materials purchased from the resource recovery contractor in an area designated by the Council for the sale of salvaged material.

Penalty: 20 penalty units

PART 11 – CLEANLINESS OF LAND**Interpretation**

55. In this Part –

“land” includes premises.

Cleanliness

56. The proprietor of any land must:

- (a) keep that land free from filth, dust, ashes, refuse, waste and other offensive matter; and
- (b) not allow any refuse or articles to accumulate on the land in a manner which, in the opinion of an authorised officer, is likely to create a health risk or is unsightly.

Penalty: 20 penalty units

PART 12 – GRAFFITI MANAGEMENT**Interpretation**

57. In this Part –

“**art mural**” means a mural or street art applied to a designated surface and location that has been deliberately commissioned or approved by Council for the purpose of beautifying a specific location or mitigating the unsightly appearance of graffiti.

“**Council property**” means any property owned or under the control of Council and includes “public land” within the meaning of the *Local Government Act 1993*.

“**graffiti**” means one or more letters, symbols, figures, designs, drawings, messages, slogans, etchings, scratches, inscriptions, stains or other marking that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to

property and includes offensive graffiti. Graffiti does not include marks made accidentally or any of the following:

- (a) an art mural approved by Council and the owner or occupier of property;
- (b) a sign, public notice or traffic control mark approved by Council or another road authority;
- (c) markings applied by Council or public utilities that identify infrastructure or services; and
- (d) numbering, names, signs, public notices or placards permitted or approved pursuant to the *Glenorchy Planning Scheme 1992*, a Council By-Law or State or Commonwealth legislation.

“offensive graffiti” means graffiti that contains or depicts a racist, discriminatory, offensive or obscene content.

“interior space” means an interior wall, ceiling, floor or other partition that divides the interior space within a building or structure.

“property” means property within the municipal area including land, buildings, structures or part of a building or structure, and includes outbuildings, fences, signs, poles, awnings, floors, pavements, sidewalks, roads, highways and erections thereon including all mobile homes, mobile buildings and mobile structures.

“public place” has the same meaning as under the *Police Offences Act 1935*.

Application to Interior Space

58 This Part does not apply to the following:

- (a) interior space within a building;
- (b) interior space of any other structure that is not otherwise visible from a public place.
- (c) A thing located wholly within the interior space of a building or a structure as described in sub-clause (b).

Graffiti Prohibited

59 A person must not place or cause or permit graffiti to be placed on any property.

Penalty: 5 penalty units

60 An owner or occupier of property must not permit graffiti to be placed on any wall, fence, building or structure that is located on their property.

Penalty: 5 penalty units

61 Every owner or occupier of property must maintain their property free of graffiti.

Penalty: 2 penalty units

- 62 Every owner or occupier of property must ensure that graffiti placed on their property is removed, painted over, or otherwise permanently blocked from being viewed from a public place.

Penalty: 2 penalty units

Compliance

- 63 (1) An authorised officer may direct a person whom they believe on reasonable grounds is committing or has committed an offence under this Part and on Council property to leave the property.

- (2) A person must comply with the directions of an authorised officer given under clause 63 (1).

Penalty: 2 penalty units

- (3) An authorised officer may remove any person from Council property if the authorised officer reasonably believes the person is offending against this Part.

- 64 An authorised officer may issue a verbal direction to the owner or occupier of property containing graffiti setting out remedial action to be taken and the date and time by which the remedial action must be taken to remove any graffiti.

- 65 Where property is not maintained free of graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 7 calendar days after notice is given.

- 66 Where property is not maintained free of offensive graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 3 calendar days after notice is given.

- 67 An owner or occupier of property must comply with a notice issued under this Part within the time period specified in that notice.

Penalty: 5 penalty units

- 68 For the purposes of ensuring compliance with this Part an authorised officer may enter upon and inspect the property in accordance with Section 20A *Local Government Act 1993*.

Supply of name and address

- 69 (1) An authorised officer may require a person to give his or her name and address if the authorised officer reasonably believes that the person is offending or has offended against this Part, and a person who fails or refuses to comply with such a requirement or, in response to such a requirement, states a name or address that is false, is guilty of an offence.

Penalty: 5 penalty units

- (2) A police officer making a requirement under clause 69 (1) may arrest a person who is on land owned by or under the control of the Council and who the police officer reasonably believes has committed an offence under clause 69 (1).
- 70 If an owner or occupier fails to comply with a notice issued under clause 65 or 66 within the time period specified in the notice the Council may authorise a person or persons under Section 20A *Local Government Act 1993* to enter the property and perform the work described in the notice.

SCHEDULE 1 - APPLICATIONS

Schedules

Form 1

Application for Licence to Occupy a Caravan

Applicant's Details:

Mr/Mrs/Ms/Miss

Surname

Given Names

Telephone (Home)

Telephone (Work)

Mobile Telephone No.

About the Caravan:

Registration No.

Size (Length)

No. of Berths:

Manufacturer:

Colour

Site Details:

Address where caravan will be kept:

.....

.....

Type of water supply to caravan:

Proposed method of disposal of waste water (including toilet, bath, shower, hand-basin, sink and laundry):

Number of people to occupy caravan:

Period proposed to remain on site:

Name of Applicant:

Signature of Applicant:

Date:

Please attach a site plan to your application showing the outline of the property,
the existing buildings
and the proposed location of the caravan

Form No 2**APPLICATION FOR LICENCE AS A FOOD VENDOR:****TAX INVOICE**

Environment & Health Services

By-Law 1 of 2010

PLEASE COMPLETE ALL SECTIONS**Applicant Details (Owner or Occupier)**Name of applicant (**ORGANISATION/BUSINESS/PERSON**)

ACN (if a Registered Company)

Postal address

Postcode:

Telephone Mobile Phone

Facsimile Email

Operator DetailsName of proposed operator (*must be a natural person*)Address of proposed operator (*residential address*)

Postcode:

Telephone Mobile Phone

Details of food safety qualifications, training or experience of the applicant or food handlers (*if any*).

Please attach details if insufficient space.

Premises DetailsLocation of premises (*stall, market etc*)

.....

Trade name of premises (*stall/business name*)

.....

Emergency contact Telephone

Types of food

.....

.....

For Mobile Food Business – vehicle registration number and address where garaged

.....

.....

.....

Food Premises - continuedProposed date/hours of operation (*or attendance on site*):

Mon Tue Wed Thu

Fri Sat Sun

Details of proposed or operational quality assurance program, food safety plan or other approved food safety management system (*if any*). Please attach details if insufficient space.

.....

.....

.....

Fee and Signature

Application fee: \$

Signature of applicant Date

Signature of proposed operator (*if applicable*) Date

Please lodge this form and application fee with the General Manager.

Office Use Only**ASSESSMENT REPORT**

- ☐ I RECOMMEND THAT the proposed food vendor situated at the above address be Licenced subject to the terms and conditions on the attached Licence.
- ☐ I DO NOT RECOMMEND the granting of the proposed licence. My reasons are given in the attached report.

Inspection date:.....

Conditions:

.....

APPROVED:

DATE:

Environmental Health Officer

SCHEDULE 2 – PERMITS AND LICENCES

Form 3

FOOD VENDOR'S LICENCE

	PERMANENT FOOD VENDOR LICENCE Used for or in Relation to the MANUFACTURE AND SALE OF FOOD Environment and Health Services By-Law 1 of 2010
Application No:	

The Glenorchy City Council, pursuant to City of Glenorchy By-law Nos. 1 of 2010 hereby Licences:

for the manufacture and sale of non-potentially hazardous food at

subject to the following conditions:

- (i) food may only be sold from
- (ii) all packaged foods must be labelled and include the name and contact details of the food manufacturer or processor and an appropriate description of the food product, including a list of the main ingredients;
- (iii) all foods that contain any of the following ingredients must include a declaration on the label identifying the presence of the substance in the food. Cereals containing gluten and their products; crustaceans and their products; egg and egg products; fish and fish products; milk and milk products; peanuts and soybeans, and their products; tree nuts and sesame seeds and their products; and added sulphites in concentrations of 10 mg/kg or more;
- (iv) the storage, preparation and sale of food is to be conducted in accordance with the relevant requirements of the *Food Act 2003* and the FSANZ Food Safety Standards;
- (v) the owner/operator is to advise Council's Environmental Health Section in writing prior to undertaking any significant changes to food storage or preparation, operations or types of food stored, prepared or sold; and
- (vi) the owner/operator is to ensure that all persons undertaking or supervising food handling operations have skills and knowledge in food safety and food hygiene matters which are commensurate with their work activities.

This Licence will remain in force for a period not exceeding 12 months from the date of issue, expiring on .

Date of Issue:

Signed

Environmental Health Officer

You may apply to the Magistrates Court (Administrative Appeals Division) for a review of the decision to impose a condition on a Licence or registration within the prescribed period (28 days from the date on which the decision was notified, unless a statement of reasons is requested when different time limits apply).

You may make a written request to the decision-maker for a statement of the reasons for the decision.

Form 4

Licence to Occupy a Caravan

The Glenorchy City Council, pursuant to By-Law 1 of 2010, hereby licences:.....

to occupy a caravan of registration number:.....

to be situated at:.....

on land owned by:.....

for a period of months,

subject to the following conditions:-

.....

.....

.....

.....

.....

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.....

.....

(Authorised Officer)

Date:

Schedule 3 - INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE PENALTY	Column 3 (Penalty Units)
6	Fail to comply with the terms and conditions of licence or permit	2
11	Fail to provide building site sanitation accommodation	3
12	Fail to provide required number of sanitary units	1
13	Provide urinal without first obtaining approval	1
14	Fail to comply with Council specifications for toilet or urinal	1
15	Fail to locate toilets or urinal as directed	1
16	Fail to comply with design and construction requirements	1
17	Fail to comply with portable toilet emptying requirements	1
18	Fail to keep toilet or urinal clean	1
21	Burning prohibited materials	2
22	Failure to comply with burning requirements	2
23	Allowing more than one fire	2
24	Fail to comply with the requirements of Part 6	2
25(1)	Fail to extinguish an incinerator or open air burning as directed	1
34(1)	Set up caravan for occupancy without licence	2
34(2)	Proprietor of land to set up a caravan for occupancy without licence	2
37	Receiving fee from person to occupy caravan	1
39	Sell food from a stall without a licence	2
40	Selling food from a stall or food vending vehicle that has not been prepared in compliance with the <i>Food Act 2003</i>	2
43	Fail to comply with terms and conditions of food vending licence	2
46(1)	Fail to comply with directions from authorised officer regarding storage, collection, transport or disposal of refuse and terms and conditions of a notice	2
46(4)	Fail to comply with notice	2
47(4)(a)	Fail to maintain domestic refuse or recycling receptacle in good repair	1
47(4)(b)	Remove authorised receptacle from property	1
47(6)	Fail to comply with general requirements of waste collection service	1
47(7)	Placement of authorised receptacle or failure to clean up spilt refuse	1
47(8)	Use more than one bin or allow waste to be scattered	1
47(9)	Place hazardous material in a wheelie bin or remove an authorised receptacle	2
47(10)	Take recyclable material placed for collection by Council	2
48	Allow material or odour to escape while being conveyed	1
49	Fail to comply with directions when depositing waste	2
50(1)	Fail to comply with requirements for disposal of refuse at disposal site	2
50(2)	Light fire at disposal site, dump hot waste or hazardous material or enter closed disposal site	2
51(3)	Enter disposal site whilst banned	2
52(2)	Fail to comply with direction to leave site	2
54(2)	Unauthorised removal of article or thing from disposal site	2
56	Fail to keep land clean, or is likely to create a health risk or be unsightly	2
59	Place cause or permit graffiti to be placed on any property	2
60	An owner or occupier permitted graffiti to be placed on their property	1
61	Fail to maintain property free of graffiti	1

62	Fail to remove, paint over or otherwise permanently block graffiti from being viewed	1
63(2)	Fail to comply with directions of authorised officer or police officer	1
67	Fail to comply with a notice to removed graffiti within the time specified	1
69(1)	Failure to supply name and address	1

Certified as being in accordance with the law by

P Ikedife

(P Ikedife)
Registered Legal Practitioner

Dated this tenth day of January 2011

At Hobart in Tasmania

The Common Seal of the Glenorchy City Council
was hereunto affixed in the presence of:

Adriana Taylor
MAYOR

[Signature]
GENERAL MANAGER



Dated this 10th day of January 2011

At Glenorchy

GLENORCHY CITY COUNCIL

ENVIRONMENTAL AMENITY BY-LAW

NO. 1 OF 2016

MADE UNDER SECTION 145

OF THE *LOCAL GOVERNMENT ACT* 1993

FOR THE PURPOSE OF

REGULATING AND CONTROLLING MATTERS OF

ENVIRONMENT, HEALTH AND AMENITY

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PART 1 – Preliminary

1. Repeal

The Environment and Health Services By-law No. 1 of 2010 is repealed.

2. Short Title

This By-law may be cited as the Environmental Amenity By-law.

3. Interpretation

In this By-law:

authorised officer means a person appointed by the Council, an employee of the Council authorised by the General Manager for the purposes of this By-law, or a police officer;

Council means the Glenorchy City Council;

Environmental Health Officer means an Environmental Health Officer, as appointed by the Council;

General Manager means the General Manager, or delegate, of the Glenorchy City Council for the time being;

municipal area means the municipal area of the Glenorchy City Council;

occupier includes any person having the care, control or management of any land or premises;

owner means any person who, whether jointly or severally, is seized or possessed of, or entitled to, any estate or interest in land;

person includes any body of persons, corporate or unincorporate, other than the Crown.

PART 2 – Licences

4. Applications

An application for a licence pursuant to this By-Law is to be made to the General Manager in writing in a form approved by the General Manager and, where applicable, be accompanied by the following:

- (a) a statement in writing of the type of activity proposed to be undertaken by the applicant;
- (b) a scaled drawing showing the location and extent of the proposed occupation or activity;
- (c) such other information that the General Manager may reasonably require;

- (d) payment of the fee or charge imposed by the Council pursuant to section 205 of the *Local Government Act 1993* for an application under this By-law.

5. Factors to be considered when granting a licence

In deciding whether or not to grant a licence pursuant to this Part, the General Manager may have regard to the following and any other relevant matters:

- (a) public amenity and safety;
- (b) the maintenance of public order in the area;
- (c) the movement of traffic in the area;
- (d) the effect on premises or land in the area;
- (e) representations made by a police officer.

6. Conditions of a licence

- (1) The General Manager may issue a licence or refuse to issue a licence on an application made under clause 4.
- (2) A licence is subject to such terms and conditions as the General Manager may determine.
- (3) A licence holder must comply with the terms and conditions of a licence.

Penalty:

Fine not exceeding 10 penalty units.

7. Licences generally

- (1) Licences are to:
 - (a) be in writing and in a form approved by the General Manager;
 - (b) bear the date on which they were issued;
 - (c) include such terms and conditions as the General Manager may consider necessary;
 - (d) remain in force for the period for which they were issued, unless they are cancelled or surrendered;
 - (e) be surrendered to the General Manager if they are cancelled or when they are due for renewal.

8. Cancellation of licences

- (1) The General Manager may cancel a licence if a licence holder commits any breach of this By-law or any condition of a licence.

- (2) The General Manager may cancel a licence if the licence holder is convicted of any offence involving:
 - (a) dishonesty; or
 - (b) a breach of public order.
- (3) If the General Manager cancels a licence, the General Manager is to serve a notice in writing on a licence holder stating that the licence is cancelled and the reason for that cancellation.
- (4) Cancellation of any licence is effective from the day the notice has been served on the licence holder or the date specified in the notice whichever is the later.
- (5) Nothing in this clause is to be construed as preventing or prohibiting the General Manager from cancelling a licence if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.
- (6) Notwithstanding, sub-clauses (3) and (4), the General Manager may cancel a licence by any communication conveyed to the licence holder by any means including but not limited to by telephone, email, notice by radio or television in emergency situations or in a situation considered appropriate by the General Manager.

9. Assignment of licence

A licence is not assignable to any person except with the written consent of the General Manager.

PART 3 – Infringement Notices

10. Infringement notices

- (1) In this clause –
specified offence means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- (3) Payment of the monetary penalty set out in an infringement notice must be made to the Council.
- (4) The monetary penalty set out in an infringement notice must be paid within 28 days of the service of the infringement notice, after which time the infringement notice may be referred to the Director, Monetary Penalties Enforcement Service.
- (5) An authorised officer may issue –
 - (a) an infringement notice to a person who the authorised officer has reason to believe has committed a specified offence; and
 - (b) one infringement notice in respect of more than one specified offence.

- (6) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (7) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

PART 4 – Enforcement

11. Recovery of expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-law, an expense incurred by the Council in consequence of that failure or contravention is recoverable by the Council as a debt payable by the person so failing to comply or contravening.

12. Continuing offences

- (1) A court that convicts a person of an offence under this By-Law must, if it finds that:
 - (a) the person was served with an infringement notice under this By-Law for an act or omission of the same character; and
 - (b) the said act or omission was continued after the person had been served with an infringement notice —

impose a special compulsory penalty for each day during which the act or omission continues after the service of the notice of 2 penalty units per day, up to a limit of 100 penalty units.
- (2) The special compulsory penalty does not displace the penalty specifically prescribed elsewhere for the prescribed offence.
- (3) The order to pay a special compulsory penalty is to be in addition to any other sentencing order the court may make in respect of the person for the prescribed offence, and the court must not take the person's liability to pay the special compulsory penalty into account in determining that other sentencing order.

13. Supply of name and address

- (1) An authorised officer may require a person to give his or her name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a requirement under sub-clause (1) or who states a name or address that is false, is guilty of an offence.

Penalty:

Fine not exceeding 10 penalty units.

- (3) A police officer making a requirement under sub-clause (1) may arrest a person who the police officer reasonably believes has committed an offence under sub-clause (2).

14. Obstruction of an authorised officer

A person must not -

- (a) assault, abuse or threaten an authorised officer exercising or attempting to exercise a power or performing a function under this By-law; or

Penalty:

Fine not exceeding 100 penalty units.

- (b) hinder, obstruct or delay an authorised officer exercising or attempting to exercise a power or performing a function under this By-law.

Penalty:

Fine not exceeding 100 penalty units.

PART 5 – Notices and Directions**15. Notices and directions generally**

- (1) Where in the opinion of the General Manager or an authorised officer, a person is in breach of any provision of this By-law the General Manager or authorised officer may serve a notice on that person requiring them to discontinue and/or rectify the breach.
- (2) A notice served under this By-law is to be given in writing, in a form approved by the General Manager, and is to be given in accordance with section 29AB(1)(a) of the *Acts Interpretation Act 1931*.
- (3) A direction given under this By-law may be given verbally or in writing in a form approved by the General Manager.
- (4) A notice or direction given under this By-law may be subject to such conditions and requirements and allow such time period as the General Manager or authorised officer, where applicable, may determine.
- (5) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (6) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work to be done only by a person with the appropriate qualification or experience.

16. Non Compliance with Notice

- (1) A person to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.

Penalty:

Fine not exceeding 20 penalty units.

- (2) The General Manager may undertake the work required in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.
- (3) Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this By-law is a debt payable to Council by the person failing to comply or contravening, and recoverable in a court of competent jurisdiction, in addition to any penalty imposed under sub-clause (1) and this By-law.

PART 6 – Control of Incinerators and Open Air Fires

17. Interpretation

In this part unless the contrary intention appears -

barbecue means any device or structure or equipment used, designed or adapted solely for cooking food in the open air for human consumption;

building includes a proposed building, part of a building, a structure and part of a structure;

incinerator includes any outside fireplace, construction or container housed outside a building, which: -

- (a) is used for the purpose of burning any material; and
- (b) does not include a barbecue, while it is being used in connection with the cooking of food for human consumption.

open air fire means a fire burning in the outside environment and not housed or contained in any built structure or container;

18. Application

- (1) For the purposes of Regulation 11(1)(b)(i) of the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007*, waste or fuel may only be burnt on land that has an area of less than 2000m² as follows:
 - (a) for the purpose of cooking food, for heating liquids or warming humans; and
 - (b) where such fires shall be –
 - (i) fitted with a lid and/or spark arrester so as to prevent the emission of ash and other particulates; and
 - (ii) situated not less than 5 metres from any boundary; and
 - (iii) situated not less than 10 metres from any building; and
 - (iv) be clear of any overhanging foliage or other flammable material; or

- (c) where an exemption has been granted under clause 21 of this By-law by the General Manager.

Penalty:

Fine not exceeding 20 penalty units.

- (2) Subject to clauses 18 and 21, a person must not light or allow to be lit or to remain alight an incinerator or open air fire on any land unless the waste or fuel -
 - (a) is dry from water and sap; and
 - (b) is, in the opinion of an authorised officer, lightly loaded so as to allow sufficient air to circulate through the waste or fuel to facilitate complete combustion and minimise smoke emissions.

Penalty:

Fine not exceeding 20 penalty units.

19. Prohibiting of open air burning and use of incinerators

A person who causes or allows an open air fire, or causes, allows or uses an incinerator to burn any material or substance, unless in accordance with this Part, is guilty of an offence.

Penalty:

Fine not exceeding 20 penalty units.

20. Power to extinguish

- (1) A person who is causing, allowing or burning any, material, or substance in contravention of this By-law, and who fails to extinguish a fire as directed by an authorised officer is guilty of an offence.

Penalty:

Fine not exceeding 20 penalty units.

- (2) An authorised officer may take any reasonable action to extinguish a fire where a person fails or is unable to comply with a direction under this clause.

21. Exemption to light fire

A person may apply for an exemption to light a fire in writing to the General Manager who may issue an exemption with or without any reasonable conditions, subject to any legal requirements.

PART 7 – Caravans

22. Interpretation

In this Part –

caravan

- (a) is any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation; and
- (b) includes any structure, awning, verandah, lean-to, tent, carport or any other enclosed or partly enclosed area used or capable of being used in connection with, or attached to any caravan; and
- (c) may or may not have the wheels or axles attached; and
- (d) may be resting directly on the ground or placed on blocks or other supports.

caravan park has the same meaning as ‘camping and caravan park’ as defined in the current planning scheme in force in the municipal area, or any other defined term which relates to the use of caravans on land;

licence means a licence to occupy a caravan in a form approved by the General Manager;

occupy includes reside or live in any caravan for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether temporary or permanent.

23. Application

This Part does not apply to a caravan that is:

- (a) situated on a caravan park;
- (b) used by a travelling show person in the ordinary course of their business;
- (c) used by work gangs or contractors involved in construction work that is authorised by the Council within the municipality; or
- (d) situated at a person’s principal residence and used solely for the purpose of storage on site.

24. Application for caravan licences

- (1) A person may apply in writing in a form approved by the General Manager for a licence to occupy a caravan by making an application to the Council together with the required fee.
- (2) On receipt of an application, the General Manager may grant or refuse to grant a licence. An application may be refused if in the opinion of the General Manager -
 - (a) the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up;

- (b) the caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or
 - (c) the occupation of the caravan is likely to cause a health hazard.
- (3) The General Manager may grant a licence subject to terms and conditions.
- (4) A licence to occupy a caravan is not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of garbage, and on-site wastewater.
- (5) The General Manager may cancel the licence of a person who is in breach of this Part or who breaches a condition imposed under the licence, with immediate effect.

25. Licence necessary to occupy a caravan

- (1) A person must not occupy a caravan without a licence.

Penalty:

Fine not exceeding 20 penalty units.

- (2) The owner or occupier of any land within the municipal area must not allow any person to occupy a caravan upon that land without a licence.

Penalty:

Fine not exceeding 20 penalty units.

26. Expiry of licence

A licence shall be for a period not exceeding twenty-six weeks.

27. Cessation of occupation

If the holder of a licence issued by the General Manager ceases to occupy a caravan before the expiry date of the licence, the holder of the licence is to inform the General Manager within ten days of the cessation of occupation.

PART 8 – Waste Management

28. Interpretation

In this Part unless the contrary intention appears -

authorised receptacle means a wheelie bin supplied by the Council and bearing the Council logo, or such other receptacle approved by the Council, and includes a recycling authorised receptacle;

commercial waste means waste products arising from or incidental to the carrying on of any profession, trade, business or manufacture but does not include trade waste as defined in the *Water and Sewage Industry Act 2008*;

controlled waste means any waste whose quantity or toxic, reactive, corrosive, flammable, explosive, infectious or like nature poses a substantive and unacceptable hazard to the public, the environment or both;

disposal site means the Jackson Street Waste Management Centre or any area approved by the Environment Protection Authority as a waste transfer station or refuse disposal site;

domestic refuse means all household waste including biodegradable waste, recyclable materials, debris, litter and other similar matter generated at domestic tenements, but excludes liquid waste, hot ash, controlled waste, sharps, commercial waste and hard waste;

green waste means organic, biodegradable waste arising from vegetation that is suitable for processing or composting;

hard waste means large or bulky materials that are too large to be collected in an authorised receptacle as part of Council's kerbside waste collection service;

notice means a notice issued by the Council or the General Manager that is:

- (a) displayed or set up in a public place in the municipal area;
- (b) published in a daily newspaper circulating in the municipal area; or
- (c) forwarded by the Council or General Manager or an authorised officer to a person to whom this by-law applies;

recyclables means materials that are suitable for reprocessing to produce new products and the Council has by notice classed as being recyclable;

recycling authorised receptacle means an authorised receptacle used for the storage and collection of recyclables;

recycling centre means an area designated by the Council for receiving recyclables;

refuse includes, without limitation, domestic refuse, controlled waste, commercial waste, hard waste, reusable materials, green waste, recyclables and any other garbage, rubbish, debris, litter or similar matter;

resource recovery agreement means an agreement between the Council and a person for the recovery or removal of articles or things deposited on a disposal site;

resource recovery facility means an area designated by the Council for receiving reusable materials;

reusable materials means materials that may be reused without further treatment or processing;

sharps means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes hypodermic needles, intravenous sets,

Pasteur pipettes, lancets, and scalpel blades used in medical, dental, veterinary and nursing applications;

29. Compliance with notices

- (1) The General Manager may regulate by notice the management and control of the storage, collection, transport and disposal of refuse (including any disposal site, resource recovery facility or recycling centre) in the municipal area.
- (2) A person must comply with any direction from an authorised officer in relation to the storage, collection, transport or disposal of refuse in the municipal area and with the terms and conditions of any notice issued pursuant to sub-clause (1).

Penalty:

Fine not exceeding 20 penalty units.

- (3) The General Manager may require by notice that owners or occupiers of residential tenements sort domestic refuse to enable the separate collection of recyclables, reusable materials, green waste and hard waste.

30. Storage and collection of domestic refuse and recyclables

- (1) Every residential tenement shall be supplied with an authorised receptacle for the storage and collection of domestic refuse and recyclables. Authorised receptacles may be provided to residential flats and units on a share basis for use by two or more tenancies.
- (2) The owner or occupier of a commercial tenement may apply to Council for the supply of an authorised receptacle for the storage and collection of domestic refuse and recyclables from that commercial tenement.
- (3) Authorised receptacles supplied by the Council shall remain the property of the Council, and are to be left at that premises when the owner/occupier vacates the premises.
- (4) It is an offence for any person to -
 - (a) fail to maintain an authorised receptacle in a state of good repair, clean and sanitary condition; or

Penalty:

Fine not exceeding 10 penalty units.

- (b) remove an authorised receptacle from the property when vacating that property.

Penalty:

Fine not exceeding 10 penalty units.

- (5) In addition to any penalty imposed under sub-clause (4), the Council may recover from any person who fails to comply with sub-clause (4) the cost of repairing a damaged authorised receptacle or for supplying a new authorised receptacle.

- (6) Any person receiving a Council kerbside waste collection service must:
- (a) place authorised receptacles on the kerbside adjacent to the street entrance to the property or such other position approved by an authorised officer, at such times specified by notice;
 - (b) not place in any Council recycling authorised receptacle any matter except recyclables;
 - (c) not load an authorised receptacle so that domestic refuse or recyclables protrude over the top rim of the bin and prevent complete closing of the lid;
 - (d) not load an authorised receptacle in such a manner as to prevent complete emptying of the bin during normal operations of the collection vehicle;
 - (e) not place out domestic refuse or recyclables for collection in any receptacle or container other than an authorised receptacle;
 - (f) ensure that authorised receptacles and the areas in which they are stored and the area from which they are collected, are maintained in a clean and hygienic condition;
 - (g) comply with the direction of an authorised officer who may determine the location for storage of authorised receptacles;
 - (h) not place authorised receptacles on the kerbside more than 24 hours prior to collection and remove authorised receptacles from the kerbside as soon as practicable after collection and no longer than 48 hours after collection;
 - (i) not place any refuse or recyclables in any authorised receptacle other than the authorised receptacle allocated to that property;

Penalty:

Fine not exceeding 20 penalty units.

- (7) For the purposes of the Council waste collection service a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, is to -
- (a) place an authorised receptacle in a location as close as possible to the street entrance of those premises so as not to obstruct or hinder the movement of pedestrians or traffic, or at a location approved by an authorised officer; and
 - (b) be responsible for the clean-up of any waste spilt prior to collection by the Council waste collection service.

Penalty:

Fine not exceeding 20 penalty units.

- (8) For the purposes of the Council waste collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service must -

- (a) place out no more than the number of authorised receptacles as determined by an authorised officer; and
- (b) ensure all waste is properly secured within the authorised receptacle and not capable of being scattered by the wind or by other means such as animals during or prior to collection by the Council waste collection service.

Penalty:

Fine not exceeding 20 penalty units.

- (9) A person must not -

- (a) place in any authorised receptacle any hot or burning material, liquid in excess of 2 litres in volume, controlled waste, commercial waste, commercial food waste, sharps, or materials which are excluded from the domestic refuse collection service because of their potential to damage the authorised receptacle or the lifting or compaction equipment on the collection vehicle, or any materials that are determined by an authorised officer as being likely to cause damage to an authorised receptacle or the lifting or compaction equipment on the collection vehicle; or
- (b) cause or allow an authorised receptacle to be removed from the tenement to which it was supplied.

Penalty:

Fine not exceeding 10 penalty units.

- (10) It is an offence for any person other than Council's authorised contractor to collect recyclables placed in a recycling authorised receptacle for collection by the Council's recycling collection service.

Penalty:

Fine not exceeding 10 penalty units.

31. Conveyance of refuse or recyclables

A person must not convey in any vehicle or container any refuse or recyclables unless the material is in a closed container or carried in such a manner as to prevent -

- (a) the escape of any of the contents from the vehicle or container;
- (b) the emission of any offensive odours; and
- (c) the creation of any nuisance.

Penalty:

Fine not exceeding 20 penalty units.

32. Directions for the disposal of refuse

Any person depositing refuse at a disposal site, recycling centre, or resource recovery facility must -

- (a) comply with any direction given by an authorised officer; and
- (b) comply with any direction on any sign at that disposal site, recycling centre, or resource recovery facility.

Penalty:

Fine not exceeding 20 penalty units.

33. Disposal of refuse at a disposal site

(1) A person must not -

- (a) deposit refuse at a disposal site without the permission of an authorised officer except on the days and at the times fixed by Council notice;
- (b) deposit any refuse outside the boundaries of a disposal site;
- (c) allow any animal to be at large on a disposal site without the written consent of the Council;
- (d) deposit any material capable of becoming air borne, without first securing it from being scattered by the wind; or
- (e) deposit sharps at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice.

Penalty:

Fine not exceeding 20 penalty units.

(2) A person must not at a disposal site:

- (a) light any fire or feed or extend any fire which is already burning unless in an approved heater under the supervision of an authorised officer;
- (b) dump any hot wastes likely to self-combust or to ignite when in proximity with other refuse;
- (c) deposit any controlled waste at a disposal site except at such times and under such conditions approved by an authorised officer or fixed by Council notice; or
- (d) enter a disposal site when the site is closed without the permission of an authorised officer.

Penalty:

Fine not exceeding 20 penalty units.

34. Prohibitions in the disposal site

- (1) An authorised officer may impose a ban on a person using or entering the disposal site where that person has contravened a provision of clauses 32 or 33 on more than one occasion.
- (2) A ban imposed under sub-clause (1) may be for a maximum of 12 months duration.
- (3) A person who has been banned from entering the disposal site, pursuant to this clause, must not enter the disposal site when such a ban is in place.

Penalty:

Fine not exceeding 20 penalty units.

35. Request to leave disposal site

- (1) An authorised officer may ask a person whom they reasonably believe is offending against this Part to leave the disposal site.
- (2) A person must comply with the directions of an authorised officer given under this clause.

Penalty:

Fine not exceeding 10 penalty units.

- (3) An authorised officer may remove any person from the disposal site who they reasonably believe is offending against this clause.

36. Refusal to accept refuse at a disposal site

An authorised officer may refuse to accept any refuse at a disposal site which in the opinion of the authorised officer -

- (a) is likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment; or
- (b) may not be accepted under the Environment Protection Authority's permit conditions for the disposal site.

37. Resource recovery at a disposal site

- (1) The Council may enter into a resource recovery agreement in relation to a disposal site with a person on such terms and conditions as the Council thinks fit.
- (2) A person must not remove any article or thing deposited on a disposal site unless they are authorised to do so by a resource recovery agreement or the written consent of the Council. This provision does not apply to materials purchased from the resource recovery contractor in an area designated by the Council for the sale of salvaged material.

Penalty:

Fine not exceeding 20 penalty units.

PART 9 – Graffiti Management

38. Interpretation

In this Part –

art mural means a mural or street art applied to a designated surface and location that has been deliberately commissioned or approved by Council for the purpose of beautifying a specific location or mitigating the unsightly appearance of graffiti;

Council property means any property owned or under the control of Council and includes “public land” within the meaning of the *Local Government Act 1993*;

graffiti means one or more letters, symbols, figures, designs, drawings, messages, slogans, etchings, scratches, inscriptions, stains or other marking that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to property and includes offensive graffiti. Graffiti does not include marks made accidentally or any of the following:

- (a) an art mural approved by Council and the owner or occupier of property;
- (b) a sign, public notice or traffic control mark approved by Council or another road authority;
- (c) markings applied by Council or public utilities that identify infrastructure or services; and
- (d) numbering, names, signs, public notices or placards permitted or approved pursuant to the Glenorchy Planning Scheme 1992, a Council By-law or State or Commonwealth legislation;

interior space means an interior wall, ceiling, floor or other partition that divides the interior space within a building or structure;

offensive graffiti means graffiti that contains or depicts a racist, discriminatory, offensive or obscene content;

property means property within the municipal area including land, buildings, structures or part of a building or structure, and includes outbuildings, fences, signs, poles, awnings, floors, pavements, sidewalks, roads, highways and erections thereon including all mobile homes, mobile buildings and mobile structures;

public place has the same meaning as under the *Police Offences Act 1935*.

39. Application to Interior Space

This Part does not apply to the following:

- (a) interior space within a building;
- (b) interior space of any other structure that is not otherwise visible from a public place.

- (c) a thing located wholly within the interior space of a building or a structure as described in sub-clause (b).

40. Graffiti Prohibited

- (1) An owner or occupier of property must not permit graffiti to be placed on any wall, fence, building or structure that is located on their property.

Penalty:

Fine not exceeding 20 penalty units.

- (2) Every owner or occupier of property must maintain their property free of graffiti.

Penalty:

Fine not exceeding 20 penalty units.

- (3) Every owner or occupier of property must ensure that graffiti placed on their property is removed, painted over, or otherwise permanently blocked from being viewed from a public place.

Penalty:

Fine not exceeding 20 penalty units.

41. Compliance

- (1) An authorised officer may direct a person whom they believe on reasonable grounds is committing or has committed an offence under this Part and on Council property to leave the property.
- (2) An authorised officer may remove any person from Council property if the authorised officer reasonably believes the person is offending against this Part.
- (3) An authorised officer may issue a verbal direction to the owner or occupier of property containing graffiti setting out remedial action to be taken and the date and time by which the remedial action must be taken to remove any graffiti.
- (4) Where property is not maintained free of graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 7 calendar days after notice is given.
- (5) Where property is not maintained free of offensive graffiti an authorised officer who reasonably believes that a contravention of this Part has occurred may give written notice to the owner or occupier of the property requiring compliance with this Part within the time period specified in the notice but no sooner than 3 calendar days after notice is given.

PART 10 – Water

42. Interpretation

In this Part –

property includes:

- (a) buildings and other structures permanently fixed to the land;
- (b) land covered with water, water covering land, and any estate, interest, easement, servitude, privilege or right in or over land.

43. Water wastage

- (1) A person must only use water in a manner which does not cause run-off or seepage to neighbouring properties which in the opinion of an authorised officer is excessive.
- (2) An authorised officer may direct, either verbally or by written notice, a person to stop using the appliance, hose or fitting causing the run off or seepage.

Penalty:

Fine not exceeding 20 Penalty units.

Schedule 1 - INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty Units)
6(3)	Fail to comply with the terms and conditions of a licence	2
13(2)	Fail to provide correct name and address	1
14(a)	Assault, abuse or threaten an authorised officer	5
14(b)	Hinder, obstruct or delay an authorised officer	2
16(1)	Fail to comply with a notice or direction	2
18(1)	Burning except for the purposes of cooking or heating	2
18(2)	Failure to comply with burning requirements	2
19	Fail to comply with the requirements of Part 6	3
20(1)	Fail to extinguish an incinerator or open air fire as directed	2
25(1)	Occupy a caravan without licence	2
25(2)	Owner or occupier of land to allowing occupancy of a caravan without licence	2
29(2)	Fail to comply with directions from authorised officer	2
30(4)(a)	Fail to maintain domestic refuse or recycling receptacle in good repair	1
30(4)(b)	Remove authorised receptacle from property	1
30(6)	Fail to comply with general requirements of waste collection service	1
30(7)	Placement of authorised receptacle or failure to clean up spilt refuse	1
30(8)	Use more than one bin or allow waste to be scattered	1
30(9)	Place hazardous material in a wheelie bin or remove an authorised receptacle	2
30(10)	Take recyclable material placed for collection by Council	2
31	Allow material or odour to escape while being conveyed	1
32	Fail to comply with directions when depositing waste	2
33(1)	Fail to comply with requirements for disposal of refuse at disposal site	2
33(2)	Light fire at disposal site, dump hot waste or hazardous material or enter closed disposal site	2
34(3)	Enter disposal site whilst banned	2
35(2)	Fail to comply with direction to leave site	2
37(2)	Unauthorised removal of article or thing from disposal site	2
40(1)	Permit graffiti to be placed on property	2
40(2)	Fail to maintain property graffiti free by owner or occupier	1
40(3)	Fail to remove, paint over or otherwise permanently block graffiti from being viewed	1
43(1)	Causing run-off to neighbour or stormwater system	2

Certified as being in accordance with the law by

Registered Legal Practitioner

Dated this XX day of XX 2016

At Hobart in Tasmania

The Common Seal of the Glenorchy City Council
was hereunto affixed in the presence of:

.....
MAYOR

.....
GENERAL MANAGER

Dated thisday of.....2016

At.....

GENERAL COMMENTS ON THE DRAFT SPPS:**Creating land use conflicts***Industrial and residential land use conflict*

The lack of amenity controls for industrial land abutting residential land is a key concern for Glenorchy. The Explanatory Report accompanying the draft State Planning Provisions (SPPs), provides that the General Industrial Zone should not be located near residential areas. If the location of General Industrial areas was planned afresh, then not providing provisions to manage hours of operation, traffic impacts, lighting and emissions may be acceptable, however the existing land use pattern means that within Glenorchy many industrial areas abut residential zones, and changes to the zoning cannot occur without having significant impacts on owners development rights.

The draft provisions have no ability to mitigate industrial operations at residential boundaries through good design or, conversely, to require new residential subdivision adjacent to industrial areas to be designed to minimise impacts from industrial areas, as the Attenuation Code does not apply to uses in industrial areas.

Further, many of the conflicts between residential/industrial uses only arise once the industrial activity begins operation, and a claim of environmental nuisance is then addressed under the *Environmental Management and Pollution Control Act 1994* (EMPCA). All industrial development must comply with EMPCA. This means that under the draft SPPs, many businesses may pass through the planning stage without any awareness of potential impacts on surrounding areas, but due to the EMPCA legislation, not be able to continue operating, or only operate through incurring significant costs to change the design and layout of their premises.

Glenorchy has a number of industrial areas which provide employment to the local population and must be supported. Including provisions on residential amenity impacts in the planning scheme enables a developer to become aware of the potential impacts at the planning stage and be given the opportunity to redesign the proposal or determine if it is an appropriate use for the site.

It is unclear why it is inappropriate to require industrial development/residential subdivision to consider these potential impacts (and have the ability to address them through good design) at the planning stage.

Lack of amenity consideration within zones

The draft SPPs provide a broad range of uses within zones, often with no basic amenity provisions for permitted uses and limited amenity provision for discretionary uses occurring *within* the zone. For example within the draft Urban Mixed Use Zone and the three draft business zones, both *Hotel Industry* and *Residential* uses are permitted. However a Hotel industry is only required to address operational times, lighting and traffic issues if it is within 50m of a residential zone. If a Residential use was to establish *within* the zone, it is not required to demonstrate any noise attenuation measures to protect itself from an adjoining *Hotel Industry*. While encouraging both of these uses (and a range of uses) in business zones can enliven and activate business areas, the draft SPPs does not offer any protection for the operation of existing or new uses within the zone.

Similarly, the ability for *Bulky Goods Sales, Storage, and Service industry* uses to establish in business zones is likely to reduce the amenity of the City's key business/retail centres and diminish their ability to become more walkable and active areas if land is used for vehicle sales, trade centres, panel beaters and wholesale storage. It is unclear how such uses will support the function of these zones and achieve a quality pedestrian environment. Such uses are supported in Glenorchy however they need to be located in areas with similar land use needs and impacts.

Removal of ability to assess planning issues at the planning application stage

Creation of 'planning application loops'

While planning provisions should not duplicate the role of other legislative requirements, the exclusion of some provisions that deal with planning matters as the matter could also be dealt with under other legislation has the potential to create a 'planning application loop'. That is, a permit is granted for one aspect, for instance the construction of a cafe in an area which is subject to the Bushfire Prone Areas Code, but the removal of vegetation is not considered until the bushfire management plan is developed at the building permit stage. A new and separate permit has to be sought from planning for the removal of the vegetation.

Similarly, removal of consideration of matters such as dispersive soils at the subdivision stage, could require a return to planning for a revised or fresh permit, once construction issues are further investigated at the building stage. Other matters may not be able to be resolved once an activity has been constructed and begun operation, for example, noise attenuation requirements under EMPCA for industrial development abutting residential zones that could have been resolved through a different layout if the matter had been acknowledged at the planning stage. This could have significant financial impacts on developers.

It is difficult to accept that the planning system is being made simpler, faster and better, if an applicant must seek a fresh or amended permit at the end of the planning process, where previously, the matter would have been considered and resolved at the beginning of the planning process.

Lack of provisions for 'determining' applications

The draft SPPs contain few standards for the assessment of permitted uses within zones, and often few standards to assess amenity impacts of discretionary uses on other uses within zones. For example there are no assessment standards for permitted uses within the draft business zones.

Lack of general amenity considerations

There are no requirements to consider general amenity outcomes, such as: good urban design outcomes in industrial areas (such as casual surveillance of car parking areas and entrances); visual bulk impacts (apart from height and setbacks) in non-residential zones; or the provision of landscaping.

Physical appearance, particularly perceptions of lack of safety, can have a negative impact on employees, visitors and investors. It is unclear why the provision of safe and clear connections

between entrances and the street or onsite car parking, and improved streetscapes is not required within industrial zones.

Undermining existing strategic work

Erosion of Glenorchy's activity centre hierarchy

The SPPs proposes an Activity Centre network rather than a hierarchy of activity centres. This approach is supported by work undertaken by Hill PDA. It is noted this is high level document proposing commercial areas distinguishable from each other. However the method for the implementation of this strategy is unclear. Additionally many regional and local areas have differential commercial areas, whether they are a hierarchy, network or other structure.

Glenorchy is identified in the PDA study as an Urban Centre, however it is unclear what area of Glenorchy this relate to - the Glenorchy CBD, or that and all other central commercial areas also within the City?

Glenorchy has undertaken a significant amount of strategic work to establish a retail centre hierarchy and this has been implemented through the application of various business zones to local, verses regional centres. Glenorchy has had a clear and functional hierarchy of commercial centres for decades. Council wishes to retain this hierarchy of commercial zones/centres, and believes the provisions of the TPS undermine this hierarchy. Statutory and Strategic Planning decision have re-enforced this hierarchy which is essentially three central commercial areas in priority order Glenorchy, Moonah and Claremont and supporting commercial zones around these.

This Local context was most recently articulated in the *Glenorchy City Council Interim Land Use Planning Strategy* (2010) (GILUPS) produced for the review process for the Glenorchy Planning Scheme 1992 (GPS 1992). The Local Planning Schedule (LPS) tools do not give sufficient ability to Council to ensure the hierarchy of commercial centres within the City will be protected. Additionally, as detailed below, aspects of the draft SPP will erode this functional hierarchy.

'6.1.4 Strategic Issues for the City's Activity Centres Adequacy of Existing Commercial Land Use Strategy

The existing commercial land use strategy underpinning the Glenorchy Planning Scheme 1992 proposed a hierarchy of commercial land use, with intensive retail activities centred around the City's three main activity centres – Glenorchy, Moonah and Claremont.

The use of a hierarchy reinforces economic development within the city by encouraging economies of scale, clustering of sympathetic activities and preventing the flight of commercial activity to cheaper industrial land.

The Glenorchy and Moonah activity centres are also attended by a "Frame Commercial Zone" which provides for supportive activities on the periphery of the centre and allows for future expansion of the Centre. Connecting the Moonah and Glenorchy centres is a spine of bulky goods sales/showroom activity (also found in Derwent Park Road and, to a limited extent, on the Brooker Highway). There are also a number of local neighbourhood centres which provide for local convenience shopping needs at the lowest level of the

commercial hierarchy. There were a number of existing “exceptions” to the hierarchy in the form of spot zones for Service Stations and Motels and Licensed Establishments, for which the existing strategy is one of containment to prevent the development of further “ad hoc” commercial nodes.

It is considered that the existing planning strategy is a sound one, which has served the City well. Maintenance of a similar hierarchy is recommended for a new planning scheme to the extent that the new standard zoning requirements allow. (GCC ILUPS 2010)

The draft SPP provisions will erode the established hierarchy of commercial development in Glenorchy. The TPS proposes very little variety between the Central Business, General Business and Local Business zones: seven use classes are No Permit Required in each zone, five of the same use classes are permitted and twelve are discretionary in each zone. This makes the commercial zones virtually indistinguishable from each other in terms of use and development permissible in the zone.

It is noted that there are qualifications for a retail impact standard as an acceptable solution for *Bulky Goods Sales* and *General Retail and Hire* use classes in the General and Local Business Zones, however nothing for the Central Business Zone. The highest order zone (Central Business) needs the greatest control on uses which require large site areas and are car-based retail. Otherwise the other activity centres within Glenorchy will be affected.

A rationalisation of these use classes within these zones is required, with review of the appropriateness of the use classes of *Bulky Goods Sales* and *Equipment Sales and Hire* in particular. Alternatively a retail impact standard with a highly restrictive acceptable solution should be applied to the lower order zones.

Further, the draft suite of business zones permit a much broader range of uses, for instance more business uses are permissible in industrial zones and more industrial uses are permissible in business zones. This is likely to cause significant land use conflicts between existing and new uses, along with the potential to severely erode industrial development opportunities as commercial businesses seek cheaper land in industrial areas. Council does not believe the LPS tools are sufficient to apply local standards in the Commercial Zones to prevent the erosion of the hierarchy.

Impact of ‘one size fits all’ lot sizes, height and setback controls

The draft SPPs appear to provide for an ‘average’ across Tasmania in terms of height and setback controls, and lot sizes. This undermines the work undertaken by Glenorchy in the past and significant work invested in the development of the Interim Planning Scheme. It is likely that this standardisation will lead to a loss of local context and it is an ineffective and an inadequate planning response to land use management.

With the removal of the Environmental Living Zone from the draft SPPs, exclusion of the Environmental Management Zone from private land, and the large lot sizes required under the draft Landscape Conservation Zone, many properties in Glenorchy may not fit the available zones due to lot size restrictions.

The introduction of a local schedule which provides appropriate local controls for lot sizes, heights and setback requirements (which Councils would have to justify as part of the development of the LPS) would be an effective land use management tool that would not compromise the intent of the single state-wide planning scheme.

While there is ability for local government to affect outcomes at the local level through the tools given in the LPS [the Particular Purpose Zone (PPZ), Specific Area Plans (SAP), Site Specific Qualification and Local Area Objectives (LAO)] their application is relatively restrictive. For example, compared to the provisions of the Interim Planning Schemes, a Local Planning Authority can no longer apply qualifications to a use table where this may be required given a particular local context. Local Area Objectives must be used to assess Discretionary uses (and are not applicable for No Permit Required and Permitted uses).

Inappropriate facilitation of multiple dwellings in Low Density Residential Zone

The draft provisions allow for multi-dwelling development in the Low Density Residential Zone, which is not supported, particularly around the Goulds Lagoon Wildlife Sanctuary / Conservation Area. Historically this area has been developed as a low density residential area with characteristic larger than average lot size and importantly, the prohibition of medium to high density residential development. The low density zoning and associated provisions have attempted to reduce increased run-off and other environmental impacts associated with residential development in the vicinity of the Lagoon. The Glenorchy Interim Planning Scheme 2015 (GIPS 2015) applies a Low Density Residential Zone and provisions consistent with expectations of that zone: subdivision of large lots and prohibition of medium to high density residential development. The permissibility of multiple dwellings in this zone is contradictory to the historical development of the area and the environmental objectives it seeks to achieve.

Further, the standards in the Zone are misleading and unlikely to be achieved, as unless the larger lot sizes are met (1500m² if connection to all services is met, and 2500m² otherwise) then development must not be out of character with the existing pattern of development. Is there a fear in calling it how it is? The draft provisions appear to make a use permissible, but the use standards make the use almost impossible to achieve.

A qualification to prohibiting multiple dwellings in the Low Density Residential Zone must be applied. If this is not accepted, Council will apply the tools of the LPS to ensure the current character of the area is protected. This is particularly important given there is no longer a Stormwater Code to apply to development and limited application of the Natural Assets Code in respect to vegetation protection will be available.

Erosion of vegetation values and impacts on the Glenorchy Skyline

One of the key objectives of *Glenorchy's Interim Land Use Planning Strategy*, adopted by Council on 13 September 2010, was to protect the City's skyline and threatened species.

However the draft Environmental Management Zone can only be applied to public land and the draft SPPs do not include an Environmental Living Zone. A Landscape Conservation Zone is proposed, however it focuses on the visual impacts of vegetation loss on large lots rather than ecological and biodiversity values. There are also significant exemptions for vegetation clearance and limitations

on the type of vegetation that can be protected under the new Natural Assets Code and Scenic Landscape Code.

It is considered that the provisions as currently drafted will not enable Council to protect its valuable skyline and hillface area which are key elements to the character of Glenorchy.

This Local context was most recently articulated in the GILUPS produced for the review process for the GPS 1992. The draft provisions do not give sufficient ability to Council to ensure the protection of landscape value and skyline protection within the City in line with the objectives and community expectations of the GILUPS. Additionally, as detailed below, aspects of the draft SPP will erode the Skyline and Landscape value of Glenorchy's backdrop. In the application of zoning for the GPS 2015, Glenorchy considered the existing values of the skyline protected by the Landscape and Conservation Zone under the GPS 1992; in summary this zone prohibited subdivision (except for adjustment of boundaries), made a dwelling discretionary and vegetation removal was controlled.

As a part of the Interim Planning Scheme process many Council's proposed the Environmental Living Zone for skyline areas, Glenorchy did not believe this would deliver the same protection and selected the Environmental Management Zone. The GILUPS provides:

'Landscape value is the visual amenity value of larger landscape elements and features, common the visual value of treed skylines and vegetated hill faces. Many landscape features within the City are of particular value to not only residents of Glenorchy, but also those of adjoining municipalities and visitors to the region. These features include:

- *the treed skyline and foothills that form the backdrop to the City;*
- *the rural setting of the Collinsvale area – including the agricultural land surrounding Glenlusk – flanked by forested hills and peaks;*
- *Lowes Ridges extending down from Mt Wellington, Mt Arthur and Mt Faulkner; and*
- *Isolated landscape features such as Poimena and Amy Street Reserves.*

While much of the skyline is in public ownership and reserved, large areas of land on the hills face of Mt Faulkner are of significant landscape value and are under private ownership.

If not carefully managed, land development in these areas could impact upon important landscape values.

The existing Landscape and Conservation Zone, particularly the prohibition of further subdivision of land within that Zone, has effectively limited development within that Zone to a density that has not significantly impacted upon landscape values. However, there remains a need to ensure that the design and materials of individual buildings – in important landscape areas – do not significantly impact upon landscape values.

Many of these sensitive landscape areas are also subject to bushfire risk and care must be exercised in order to ensure that bushfire hazard management practices do not cause a significant adverse impact upon landscape value.'

The draft provisions of the SPPs provide only one zone which could potentially apply to these areas of Glenorchy: the Landscape Conservation Zone (noting that the Environmental Management Zone can only be applied to public land and would no longer be available to many areas to which it is currently applied under the GIPS 2015). The Scenic Protection Code may also apply.

The provisions of the Landscape Conservation Zone and Scenic Protection Code will not afford sufficient protection of the landscape and amenity values of Glenorchy's skyline. Under the draft provisions Residential use is discretionary in the zone, which is the same as the current situation under the GIPS 2015, however, unlike the development standards of the Environmental Management Zone applied in the GIPS 2015, far more clearance of land in association with development is permissible:

- Existing Acceptable Solutions for the location of buildings and works requires that existing cleared sites are used and that it is not on a skyline or ridgeline. The draft provisions allow for an Acceptable Solution for the extent of development to be up to 400m².
- Existing provisions for subdivision ensure the subdivision of land is for the management of environmental values and is for public purposes and to not increased residential use. The proposed standards allow subdivision down to 20ha in area provided it can meet the acceptable solutions for development (building siting and design).
- The exemptions under the Scenic Protection Code are extensive as they allow destruction of vegetation within private gardens, for fire hazard clearance, works within proximity to buildings, tracks, roads and fences. The Code also includes an Acceptable Solution for vegetation clearance of up to 500m².

The draft provisions have increased the capacity for subdivision and residential development and the potential for the removal of vegetation and placement of buildings that could erode the landscape values of the area.

The draft provisions do not appear to meet the objectives of the Act

A planning scheme must be based on a clear policy direction: State policy needs to be agreed upon and adopted, then the provisions are developed to implement that policy. The rush to implement a single state-wide scheme will result in the need to retrofit State policy and amend regional strategies to achieve consistency. It is understood that policy is currently under preparation for the application of Agricultural Zones. This work should have been completed prior to the development (and release) of the draft SPPs.

Such an approach does not appear to meet the objectives of the *Land Use Planning and Approvals Act 1993* (the Act) in respect to:

- Part 1: (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
 (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
 (c) *to encourage public involvement in resource management and planning; and*
- Part 2: (a) *to require sound strategic planning and co-ordinated action by State and local government; and*
 (i) *to provide a planning framework which fully considers land capability.*

The draft provisions are a significant shift from existing planning schemes. Current schemes identify where development is appropriate and where it is not, they consider the best use of the land whether it is for conservation, residential or commercial use, seeking to achieve a balanced and sustainable approach to land use management.

The draft provisions provide broad use options with a focus on when development occurs, how it should be managed. There are limited opportunities (with the loss of the Environmental Living Zone, restriction of the Environmental Management Zone to public land and significant weakening of vegetation controls) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity. The draft provisions are development led and they do not provide a balanced approach to resource management.

Significant resourcing cost

The introduction of the new provisions represents a significant resourcing impact. The removal of some zones and significant modification to others will mean full reassessment of land to consider appropriate zones and the application of Codes. Another change to the planning controls is also likely to cause significant frustration within the community.

As the State has made a commitment to roll out a State Scheme, it needs to fund the resources that are essential to the operation of that State Scheme. It is understood that vegetation mapping is two years in arrears, and the majority is not ground-truthed. How are local councils to rely on this information to apply various codes?

Use of iplan

The Explanatory Report at page 8 describes that iplan MAY be the service through which the TPS is delivered. This is concerning given the amount of time and resources that have been allocated to this new on-line content management system for Tasmania from both State and local government. Despite some user acceptance problems and resourcing issues, iplan now seems to be widely accepted as a preferred method of access to planning schemes. This needs to be further supported through the implementation of the TPS and adequate funding provided from the State to ensure iplan's continued operation and the roll-out of other functions (ie use in preparing and advertising amendments).

Vague terminology and inconsistent sentence structure

There are a number of vague terms and significant variance to sentence construction throughout the draft SPPs. Were the draft provisions reviewed for consistency and legal robustness prior to their release? If not, interested parties cannot be assured they have commented on the actual intent of the provisions.

The use of such vague terms ('major elevations', 'relevant tertiary qualifications (or equivalent)', 'have regard to' 'minor') and inconsistencies in sentence construction throughout the draft SPPs is likely to result in extended timeframes to satisfy further information requests and costs as such unclear terms are required to be considered by the Tribunal.

SPECIFIC COMMENTS ON THE DRAFT SPPS

Planning terms and definitions - Clause 3.1.3:

- The term **Council** is defined as –‘*means as defined in the Act*’ but LUPAA then refers to the Local Government Act for the definition – it would be simpler to refer straight to the LGA.
- **Home-based business**
 - Why is this definition included when there is a similar exemption for Home Occupation? A Home based business is No Permit Required in residential zones so technically exempt in any case, and where it is a permissible use (ie Land Conservation Zone) there are no use standards to assess it against – so what would be the effect of the permit? It would simplify the scheme to have a single term for businesses conducted at home, subject to additional qualifications - further explanation is provided below in respect to the exemption for Home Occupation.
 - If this term is retained, there should be a limitation on the portion of the dwelling to be used – ‘part’ is identified in the definition, this should be clarified to one-third of the gross floor area.
 - If this term is retained, an overarching amenity provision needs to be included in the definition. Currently a home-based business could operate all night (for example as a single veterinarian operating from home), or with two vehicles on site loading and unloading goods, within a residential zone as a no permit required use. Further, there is nothing in the draft provisions to restrict the operation to the ‘occasional visitor’. Amenity controls are required. Suggested provision: *The use does not adversely affect the residential amenity of the area through the appearance of any building, works or material used, the hours of operation, any emissions from the site, or the time, duration or frequency of vehicle movements to and from the site.*
 - What does ‘hazardous chemicals of a manifest quantity’ mean? Manifest Quantity appears to be derived from the Work Health and Safety Regulations; while council would be concerned with storage of such levels in a residential area, there should be provision to control smaller operators who are seeking to undertake a medical or veterinary practice as part of a home based-business. The draft provisions do little if anything to prevent the establishment of such an activity, which could have significant impacts on the amenity of the surrounding area.
- **Panel beating** means use of land for the business of repair or replace (sic) damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting. Why is the term ‘for the business of’ used here? Other uses do not include this term and it is therefore likely to create uncertainty and inconsistency in decision making. If the intent is to address individuals working on their own vehicles at home – it would be more appropriate to address this matter through an additional amenity provision to home occupation/home-based business definition rather than creating significant confusion in terminology throughout the Scheme.
- **Primary frontage:** it is unclear why this is the frontage with the shortest dimension, a more appropriate guide would be the frontage to which the building entrance faces where there is a sense of street address.
- The new definition of **secondary residence** (replacing ancillary dwelling), must be ‘self contained’ (undefined) and may include laundry facilities. Why include different terms such as ‘residence’ it would improve consistency and be simpler to use the term ‘dwelling’ and then add the limitations or identify exceptions (ie laundry facilities are not required). Under this definition is it possible

someone could have a shed or container and use that as a secondary residence? Should it at least require separate cooking, toilet and shower facilities?

- **Suitably qualified person:** this term is too vague for the various situations where it will be used. While the intent to simplify the scheme provisions and include this term in the general definitions is laudable, each code needs to retain the definition and clarify the specific qualifications required. As proposed, it will likely result in individual council officers assessing the information to determine if the qualifications are adequate, leading to inconsistency in interpretation throughout the State.

Exemptions - Clause 4.0:

- **Occasional use:** provides for 'markets on public land', can these occur every day? Recommend the provision be reworded to:

If for infrequent or irregular:

(a) infrequent or irregular sporting, social and cultural events; or

(b) markets on public land.

- **Home occupation:** It is confusing and unclear why there are provisions for both *Home occupation* and *Home based –business* when the two are virtually indistinct. The No Permit Required pathway for Home based-business consisting of minor alterations to the Home Occupation definition (no floor area limit, increase from no employees to 2, and increasing 1 commercial vehicle to 2) is confusing for applicants. In cases where a Home based business requires a permit – there are no relevant applicable standards to assess the proposal or condition a permit, so the process seems to be an expensive one for little gain. Suggest retain Home occupation as an exemption, but allow for a max 1/3 gross floor area limitation, max 2 employees and max two commercial cars on site. The following additional amenity provision is also considered essential to the operation of both the current definitions and the suggested change:

The use does not adversely affect the residential amenity of the area through the appearance of any building, works or material used, the hours of operation, any emissions from the site, or the time, duration or frequency of vehicle movements to and from the site.

It is also worth noting that in Glenorchy, current compliance/enforcement matters have arisen around the activity of auto-detailing being undertaken as a Home Occupation or home based without the need for a permit. A resident has submitted that a home detailing activity being undertaken on a neighbouring property has impacted on the residential amenity of their property. Whilst to a degree, impact on amenity will always be a subjective judgement the current (IPS) and draft SPP provisions allow Auto detailing activities for vehicles not owned by a resident to be undertaken on site (subject to it not being 'for the business of' – note above comments on the definition of panel beating) and so seems intentionally distinguishable from the activities of refuelling, servicing and repair. Is this intentional? If so under the draft SPPs this could conceivably lead to any auto-detailing activity for vehicles not owned by a resident being undertaken from a residential property without the need for a permit, as there would be no limit to vehicles on the site not owned by the resident it would not have to be proven there was 'more

than the occasional customer' as definitions for home occupation/ home based-business required in previous schemes.

- **Vehicle crossings, junctions and level crossings:** The exemption is confusing: why is the second sentence on *use* included? If the exemption is only about development, this second part appears to be redundant.
- **Minor telecommunications:** part (c) Is the intent that these facilities include new towers and new access roads to those towers? If so, there needs to be much greater limitation on size/scope of works.
- **Minor infrastructure:** This should include '*by or on behalf of the State Government, a Council, a statutory authority*'.
- **Internal building and works:**
 - Exempting internal building or works as a matter for consideration in the Tasmanian Planning Scheme is not appropriate. It is fundamentally at odds with all authoritative, published, and widely-referenced heritage standards such as the Australia ICOMOS *Burra Charter* and J.S.Kerr's, *The Conservation Plan*, which advocate holistic consideration of all attributes that together contribute to the significance of a heritage place.
 - Exempting (ie excluding) consideration of internal building and works from the TPS has the potential to result in unmitigated heritage impacts. This, in direct contravention of the Code Purpose statement (C6.1). In certain instances this will result in heritage 'shells'; places devoid of many of the stylistic elements that demonstrate evolution, denote period and impart character.
 - It is recommended that Clause C6.2.3 must be deleted and Clause 4.0 of the TPS altered so it reads:
All internal building and works except where identified as a 'Significant Interior' in the Lists to the Heritage Code.

A revised list is recommended to be included in the Local Historic Heritage Code to enable councils, subject to strategic work being undertaken to populate the list. The consideration would not apply under the list populated. (Refer to revised heritage list under comments on Local Historic Heritage Code). This will provide scope for each Planning Authority to consider significant interiors in a focussed manner (ie, only where specified in the Lists to the Heritage Code).

Unless already existing, Lists to the Heritage Code will only be able to be populated with this information in an open and transparent manner by planning scheme amendment; a process that involves extensive consultation, consideration and endorsement by elected members, formal hearings and ratification where applicable.
- **Maintenance, repair and minor alteration to buildings:** it is recommended that (a) be removed and more detailed exemptions provided in the Heritage Code.
- **Outbuildings in rural zones:** exemptions should be excluded if affected by Natural Assets Code, it is not appropriate to have sheds too close to waterways or in the middle of vegetated areas (with access tracks).
- **Agricultural buildings and works:** For consistency with the other provisions, why not make a) the heading, as in *outbuildings in the rural zone*. Exemptions should also be excluded if affected by Natural Assets Code, it is not appropriate to have sheds too close to waterways or in the middle of vegetated areas (with access tracks).
- **Vegetation removal for safety or in accordance with other statutes:**
 - (a) Potentially allows applicants to choose a pathway, i.e. obtain an Forest Practices Plan (FPP) for a non-forestry activity and gain exemption

- (c) Does this apply if the Bushfire Hazard Management Plan (BHMP) is approved through building process rather than planning? This needs clarification. If it needs to be considered through planning, then the Bushfire Code should require this, or Natural Assets Code should require it. If building approval suffices, then there is clear neglect of assessment of impact.
- (f) What about non-boundary fences? (Not that we want people to be able to clear around non-boundary fences, but should be clarified perhaps?)
- (g) Does this mean 'environmental weeds listed under a local strategy or management' or 'removal or destruction of weeds under an approved local strategy or management plan'? Needs clarification and potentially limitations to also ensure that native vegetation is not cleared or impacted.
- (h) Needs limitations, e.g. requirement for an arborist to determine that tree is a risk, as many people perceive any damage to a tree to mean the tree is dying or a risk. An additional part should be provided to read: *'For trees and vegetation on place, precinct or landscape within the Heritage Code, written advice from a suitably qualified person should be referenced'*.
- (i) This is different to the Boundary Fences Act 1908 and could lead to potential confusion and conflict.
- **Landscaping and vegetation management**
 - Definition of a 'private garden' required
 - (b) is fine but emphasises that Natural Assets Code, and this exemption, does not apply to use e.g. grazing.
 - The extent of exemption is unclear. What does 'unless they are incidental to the general maintenance' mean? It is recommended that Part (c) should not apply to places listed in the Heritage Code. Suggest amend the wording to read: *'(c) not subject to the Heritage Code'*. In lieu of exemption in Part 4.0, it would be preferable to include more detailed exemptions in the Heritage Code.
- **Vegetation rehabilitation works**
 - (c) Water quality protection or stream bank stabilisation works, the latter too broad and the provision needs to be limited by who designs the works and type of works.
- **Unroofed decks:** Why do they need to be attached or abut a habitable building to be exempt?
- **Vegetation removal for safety or in accordance with other statutes:** item (b) should relate to existing infrastructure, new infrastructure needs to be assessed in respect to its impacts. Recommend: delete 'construction and'.
- **Landscaping and Vegetation Management**
 - Given this exemption is about landscaping (and vegetation management which could mean anything) there needs to be an exclusion for vegetation within a Scenic Protection Code.
 - A definition of 'private garden' needs to be provided; it could be argued that one's entire property is a 'private garden'.
 - Part (c) should be restricted to subject to a heritage Code or SAP. As discussed below (section on Local Historic Heritage Code) there are significant concerns with listing individual trees as part of a local heritage place. There may also be situations when trees are identified to be retained as part of a SAP (for example as part of a rezoning and offsetting requirements).
- **Vegetation rehabilitation works:** There are some 'or's at the end of some provisions but not all. There is no ability to comment on this provision if it is not clear what it means. Once corrected, further opportunity to comment should be provided.
- **Fences within 4.5 m of a frontage:** Fences at 1.8 m above ground level may have a potential to impact on sight lines depending on slope. Transparency can also be impacted depending on the view to the fence (ie if its louvered at a certain degree people can see out not in). A height of 1.8

metres is also excessive – unless the property fronts a highway, and has negative impacts on streetscape and opportunities for casual surveillance. A height of 1.5m is consistent with the IPS.

- **Temporary fencing:** Should be required to be removed 14 days after the event.
- **Fences in Rural Zones:** Are fences within rural zones within 4.5 of the frontage exempt? This section needs a review and rewrite so it is clear.

Planning Scheme Operation – Clause 5.0

- It is recommended that these provisions be strengthened to ensure that – broadly speaking - responses to Performance Criteria are more securely linked to fulfilment of the Objective/s for the applicable Standard. Recommend the following:

(i) Modify subclause 5.5.3 so it reads:

Compliance for the purposes of subclause 5.5.1 of this planning scheme consists of meeting the objective of the standard, through either the requirements of the Acceptable Solution or the Performance Criteria.

(ii) Modify subclause 5.5.4 so it reads:

In assessing use or development, the planning authority must consider whether the Performance Criteria meets the objective in the applicable standard.

Assessment of an application for use or development – Clause 6.0

Application requirements – Clause 6.1

- 6.1.2 (d) it is not appropriate to separate the schedule of easements and only allow the council to ask for this if applicable. The explanatory report suggests that as councils have access to the list they can print it off themselves. This is not only cost shifting, it is also not council's application. The applicant should be investigating whether there are any covenants or restrictions on their title before they develop their proposal so they need to look at their full title. Council should not be responsible for printing out and preparing their application – what if it prints the wrong information – would council then be responsible?
- 6.1.3 (c) why can only 'major' elevations be requested? All elevations are essential to understand the proposal. It is also a very vague term, who determines what is 'major'?
- Why have landscaping provisions been removed? The aspects of quality design and streetscape amenity has been significantly reduced under the State-wide (and Interim Schemes) why should Tasmania be facilitating/supporting substandard development?
- Provisions should identify that an Environmental Impact Assessment may be required and contain a definition of what would constitute this.
- Planning for natural hazards and responding to issues such as potential dispersive soils or acid sulphate soils, should be considered at the subdivision stage and information to address these aspects which may require greater lot size or designation of open space areas, lodged at the subdivision application stage, rather than requiring an amended or fresh planning permit if the matters are inappropriately addressed when assessment at the building stage occurs. Further, if council is required to take over any assets (roads etc) an understanding of the soil type and its impacts for assets is required. Recommend a site and soil evaluation report be submitted with subdivision applications.

- With the removal of application requirements under the various Codes, it is now very vague as to requirements that can be sought. The draft SPPs represent a significant step backwards from the clarity and consistency that was being provided to council planners and applicants as to what could be sought and what needed to be provided occurring under the Interim Schemes.
- There needs to be a requirement to identify any landscaping areas on the plans

Conditions and restrictions on permits – Clause 6.11

- As all of the landscaping provisions have been removed from the draft SPPs, there should be a requirement to provide for a landscaping plan. Landscaping is an important part of development and improves the amenity value of an area, not providing for such elements will lead to substandard development and negative impacts on tourism and economic development within Tasmania.

Use Classes - Table to 6.2:

- **General Retail and Hire:** the Explanatory Report recommended deletion of the term 'video shop' as it is archaic and it has been deleted from Clause 3.1.3 – but its still in the use class definition.
- The use class **Recycling and waste disposal** needs to be more clearly defined. The term 'material' is not defined and is difficult to rely on in enforcement matters where sites are being used inappropriately to store items that impact on the amenity of the area. The excessive storage of some items cannot be enforced through available environmental health provisions as they do not create a health risk. It is recommended that the use class be amended to include the underlined words: *use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Such material includes but is not limited to scrap metals, containers, building materials, whole or parts of motor vehicles or machinery. Examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station.*
- **Residential**
 - It is unclear why 'communal residence' is included as an example when the examples of communal residence as defined in the definitions at Clause 3.1.3 are also included as use class examples (ie boarding house, residential college, and residential care facility).
 - What is a *Residential Hotel*? How is it different from a motel? The hotel reference implies availability of alcohol (is it only to guests) which could create a whole raft of issues in residential zones.
- **Miscellaneous Uses:** It is unclear why a 'Miscellaneous' use class has not been included, particularly with dramatic increases in technology. The opportunity to consider a 'new use' on its merits has worked well historically, and the structure of a performance based scheme gives a proponent the opportunity to demonstrate achievement of quality planning outcomes.

General provisions – Clause 7.0

- **7.4 Change of Use of a Local Heritage Place.**
 - The intent of the provision is to allow the greatest possible scope for use of heritage places (including adaptive re-use) by making uses that would otherwise be Prohibited, Discretionary. If the provision is to achieve the objective, stringent requirements must be in place. The use of the word 'any' in 7.4.3 (a), (b) and (c) should be changed to make the requirements

mandatory. Therefore, replace 'any' with 'a', as in the GIPS 2015 (Part C – 9.5.2). This will ensure, at least, that Prohibited use proposals are supported by documentation that:

- demonstrates an understanding of the significance of the place in question,
 - clearly articulates the impact of the proposed use (not just 'any' use) and;
 - is accompanied by a plan that sets out how the use forming the subject of the planning permit application (not just 'any' use) will conserve the identified heritage values.
- 7.4.3 (d) could be simplified to read, “the degree to which the conservation and future maintenance of”...etc .
- The term “conservation” should then be included in definitions, and should reflect the Burra Charter meaning.
- The wording of 7.4.3 (e) is supported.
- **7.3 Adjustment of a boundary:** If there are no new lots created, why should the size of the new lots be an issue?
- **7.5 Change of use within the same use class:** No issue with the concept here, however the practice of how permits are issued may cause a problem in respect to part (c) if a permit is issued for *Business and Professional Services – veterinary surgery*, then it is proposed to convert it to a *child health clinic*. In this case it would be clear the permit is for something else and is likely to cause confusion to surrounding residents and new operator. However if the permit is issued for just *Business and Professional Services* it would be able to be adapted without confusion although this approach may not suit council. If this provision is adopted there needs to be a consistent approach of how planning permits are written.
- **7.7 Buildings projecting onto land in a different zone:** There doesn't seem to be anything in the Road and Rail Assets Code that would control this – should there be a limitation on extent of the extension (eg business vs utilities for overhanging balconies and possibly canter levered buildings into an Environmental Management Zone or Landscape Conservation Zone. The provision should be more defined as to its actual purpose.

ZONES

General Residential Zone

- 8.2 *Education and occasional Care: 'home-based child care'* as defined in the draft provisions appears to also fall under the Home Occupation definition at part (d) which could lead to confusion – review these terms.
- 8.2 Use table: *Visitor accommodation* should be limited to bed and breakfast, holiday cabin and holiday unit, as the other uses are inconsistent with the character of a general residential zone and are unlikely to be approved in any instance (eg a Motel).
- 8.4.2 A3 provides exemptions for outbuildings less than 2.4m in height. Exemptions should be within the one place (Clause 4.0). This additional exemption creates confusion and implies that the Scheme does not work as 'a whole' and/or has not been reviewed to remove duplication of provisions.
- The diagrams at 8.4.2A, B C and D all make reference to the provisions at clause 8.4.2 A3 (a) however the diagrams show a 1.5m setback which is considered in 8.4.2 A3(b) [8.4.2 A3 (a) clearly identifies a 4.5m or equal to the frontage setback] the reference is incorrect and misleading given the wall length requirements.
- 8.4.3 Why are there no longer any requirements for impervious surfaces?
- 8.4.3 The objective includes the integration of pos areas with living areas, however there is no acceptable solution for this in the standard.
- Why is 8.4.4 sunlight and overshadowing of all dwellings limited to on onsite impacts only? There is no provision to consider overshadowing of a neighbour's pos, or reduction of sunlight to habitable rooms.
- 8.4.4 sunlight and overshadowing of all dwellings only refers to pos – it does not protect any north facing windows of adjacent dwellings on or off the site. While this may be picked up in the building code, to ensure a proponent does not have to go back and get an amended planning permit it is more efficient to address this matter in the planning scheme.
- 8.4.6 privacy only considers a dwelling or pos of adjoining property, not a vacant site. What if a development is approved but not constructed. Provision should made to be able to consider off site impacts.
- Eg of inconsistent and confused writing style and lack of consistency – 8.4.6 P2 could be read as only having to be screened to limit views to *either* a habitable room *or* open space but not both (note that 9.4.6 P2 uses 'and').
- 8.4.7 Frontage fences allows for fences to be up to 1.8m in height. This would only be acceptable if the dwelling fronts a highway or a busy main road. Further, depending on the slope of the site and how the required transparency is achieved, anything higher than 1.15 may impact sight lines. Perhaps the provision could be amended to exclude sight-triangles adjacent to crossovers.
- Support the requirements for non-residential buildings being clearly set out rather than cross-referenced as in the IPS.
- An applicable standard on the ability to consider the impact of new subdivision on existing roads needs to be provided, and where appropriate the developer should contribute to road upgrades.
- Provisions on ways and public open space, which includes pedestrian links, must be provided. There are no provisions in the draft SPPs to enable the assessment of the layout and location of

public open space in new subdivisions. There is also limited ability to assess a subdivision layout in terms of liveability and sense of community.

- 8.6.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?

Inner Residential Zone

- 9.2 *Education and occasional Care: 'home-based child care'* as defined in the draft provisions appears to also fall under the Home Occupation definition at part (d) which is confusing recommended these provisions/definitions be reviewed.
- Use table: **General retail and hire and Food services:** the draft use standards are unlikely to be able to prohibit such uses as department stores, supermarkets and restaurants. While local or small scale uses of these types are appropriate in this zone, their proliferation is not supported. In any instance the Inner Residential Zone should be about promoting higher residential densities *around* these uses so they are further supported.
- Clause 9.4.1 P1 (b) makes reference to multiple dwellings providing that the density can be reduced for specific development such as 'aged care, special needs and student accommodation'. The term 'multiple dwelling' is defined as more than 2 dwellings, and a dwelling is required to be self-contained. Student accommodation and aged care facilities (noting that 'aged' has been removed from the defined term 'residential care facility') are unlikely to meet the definition of a dwelling (a self-contained residence), as they are generally a number of bedrooms, with shared kitchens, dining rooms and bathrooms or bedrooms with ensuites and a shared dining room. Including these references confuses the term 'multiple dwellings'. Modification of the standard to provide for increased densities for residential uses other than multiple dwellings is considered unnecessary.
- 9.4.2 A3 provides exemptions for outbuildings less than 2.4m in heights. Exemptions should be within the one place (Clause 4.0). This additional exemption creates confusion and implies that the Scheme does not work as 'a whole' and/or has not been reviewed to remove duplication of provisions.
- The diagrams at 9.4.2A, B C and D all make reference to the provisions at clause 9.4.2 A3 (a) however the diagrams show a 1.5m setback which is considered in 9.4.2 A3(b) [9.4.2 A3 (a) clearly identifies a 3m or equal to the frontage setback] the reference is incorrect and misleading given the wall length requirements.
- 9.4.3: Site coverage and pos for all dwellings no longer includes the need to provide for 25% impervious surfaces, why?
- 9.4.3 No longer requires the pos to be accessible from a habitable room or to receive adequate sunlight (only that it should only be located in the front setback if that's the only place its can get reasonable sunlight). This doesn't mean that it is acceptable for pos to have limited access to sunlight, which implies that there is an over-development of the site. None of the AS meet the objectives of integration with a living area or access to sunlight.
- Why is 9.4.4 sunlight and overshadowing of all dwellings limited to on onsite impacts only? Off-site amenity impacts such as overshadowing of a neighbours pos, or limiting sunlight to habitable rooms need to be considered.
- 8.4.4 sunlight and overshadowing of all dwellings only refers to pos, it does not protect any north facing windows of adjacent dwellings on or off the site. While this may be picked up in building

code, to ensure an applicant does not have to go back and get an amended permit it is more efficient to address this matter in the planning scheme.

- 9.4.6 privacy only considers a dwelling or pos of adjoining property, not a vacant site. What if a development is approved but not yet constructed? Off site impacts need to be considered.
- 9.4.7 Frontage fences allows for fences to be up to 1.8m in height. This would only be acceptable if the dwelling fronts a highway or a busy main road. Further, depending on the slope of the site and how the required transparency is achieved, anything higher than 1.15 may impact sight lines. Perhaps the provision could be amended to exclude sight-triangles adjacent to crossovers.
- Support the requirements for non-residential buildings being set out rather than cross-referenced as in the IPS.
- There needs to be an ability to consider the impact of new subdivision on existing roads, and the ability to seek upgrades at the developers expense for new roads.
- Provisions on ways and public open space, which includes pedestrian links, must be provided. There are no provisions in the draft SPPs to enable the assessment of the layout and location of public open space in new subdivisions. There is also limited ability to assess a subdivision layout in terms of liveability and sense of community.
- 9.6.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?
- Where are the provisions that support or encourage higher density development? There should be: opportunities for reliance on communal open space areas for multiple dwellings, opportunities to reduce car parking requirements on site (the car parking requirements under the draft code appear excessive if the objective is to encourage higher density in areas close to public transport corridors); and incentives to consolidate lots.

Low Density Residential Zone

- 10.2 *Education and occasional Care: 'home-based child care'* as defined in the draft provisions appears to also fall under the Home Occupation definition at part (d) which is confusing. Recommended these provisions/definitions be reviewed.
- Where is this zone likely to be applied? The lot size seems too big for many rural centres but the draft Explanatory Report identifies that it should be applied to small residential settlements without the full range of reticulated services (page 99). If this is the case the range of permissible uses seems excessive for un-serviced areas.
- The provision of multi-dwelling development in this zone is not supported.
 - The variety of housing types available in Glenorchy includes the recent and growing areas of Austins Ferry/Granton around the Goulds Lagoon Wildlife Sanctuary [which is included on the National Heritage list (Sanctuary Drive, Jacques Road, Hestercombe Road)]. Historically this area has been developed as a low density residential area with characteristic larger than average lot size and importantly, the prohibition of medium to high density residential development. The low density zoning and associated provisions have attempted to reduce increased run-off and other environmental impacts associated with residential development in the vicinity of the Goulds Lagoon Conservation Area. Previous Planning Schemes have zoned this area Reserved Residential (CPS 1980) or Low Density Residential (GPS 1992). The GPS 2015 applies a Low Density Residential Zone and provisions consistent with expectations of that zone: subdivision of large lots and prohibition of medium to high

density residential development. The permissibility of multiple dwellings in this zone is contradictory to the historical development of the area and the environmental objectives it seeks to achieve.

- The objective of the applicable standard (clause 10.4.1) for residential density for multiple dwellings within the Low Density Residential Zone provides:

To that (sic) the density of multiple dwellings:

- (a) Makes efficient use of low density residential land for housing; and*
- (b) Optimises the use of infrastructure and community services.*

These objectives contradict each other. To permit medium to high density housing forms in low density areas conflicts with the established planning assumptions about the form and function of a low density zone. It is noted that there are Acceptable Solutions and Performance Criteria to achieve this objective requiring a minimum site area per dwelling of 1500m² or 2500m². However Council believes that any proposal in this area would fail to comply with the performance criteria, P1.1 (a) in terms of not being out of character with the pattern of development existing on established properties. In other words the provisions are contradictory and deceptive. Is there as fear in calling it how it is? The draft provisions appear to make a use permissible, but the use standards that make the use almost impossible to achieve.

- Council recommends that a qualification be applied prohibiting multiple dwellings in the Low Density Residential Zone. If this is not accepted Council will apply the tools of the LPS to ensure the current character of the area is protected. This is particularly important given there is no longer a Stormwater Code to apply to development and limited application of the Natural Assets Code in respect to vegetation protection will be available.
- Visitor accommodation should be limited to bed and breakfast, holiday cabin and holiday unit, the other uses are inconsistent with the character of a low density residential zone.
- Other discretionary uses include:
 - *Business and professional services – residential support services*, this seems out of context in a low density residential zone
 - *Education and Occasional Care*, which allows for secondary schools, and is a questionable use for a low density residential zone?
- *Domestic animal breeding, boarding and training*, is not included however this is often a reasonable use in this zone.
- 10.4.5 Frontage fences allows for fences to be up to 1.8m in height. Depending on the slope of the site and how the required transparency is achieved, anything higher than 1.15 may impact sight lines. Perhaps the provision could be amended to exclude sight-triangles adjacent to crossovers.
- There needs to be an ability to consider the impact of new subdivision on existing roads, and the ability to seek upgrades at the developers expense for new roads.
- Provisions on ways and public open space, which includes pedestrian links, must be provided. There are no provisions in the draft SPPs to enable the assessment of the layout and location of public open space in new subdivisions. There is also limited ability to assess a subdivision layout in terms of liveability and sense of community.
- 10.6.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?

Rural Living Zone

- Typo: Use table: *Resource development* is included with the qualification *if not for abattoir, animal sales yard or sawmilling*, but these are *Resource processing* activities.
- Typo: As above, is this why Resource processing is not included in the Zone?
- It has been interpreted that a single dwelling would not include an outbuilding UNLESS it is associated with the dwelling (ie existing or proposed). The ability to build a shed on its own on land within this zone would therefore be prohibited. A solution may be to include the Residential use class as a discretionary use with the following qualification: *only if an outbuilding where there is no existing dwelling on the site*.
- The design standards under the IPS Rural Living Zone should be included to ensure rural character of the land is protected (ie provisions on limiting reflectivity, cut and fill, and siting provisions to avoid vegetation removal and development in locations close to skylines. The Natural Assets Code will not prevent vegetation removal in these areas given the excessive 3000m2 acceptable solution for vegetation clearance in this zone, and the Scenic Protection Code may not be applicable to all rural areas.
- C11.5.1 A1 building envelopes should be of an appropriate slope and be clear of any hazards or natural assets.
- While having options for lot sizes is supported, and reflective of the Rural Living Zone in the GIPS 2015, a range of lot sizes for various areas would be preferred. The removal of the Environmental Living Zone and the exclusion of private land from the Environmental Management Zone under the draft SPPs will require reallocation of a range of lot types of various sizes and characteristics, into the Rural Living or Landscape Conservation Zone. These two zones provide for 'small' and 'large' lot sizes, but there is no 'in-between' options. It is recommended that the Low Density Residential Zone, Rural Living and Landscape Conservation Zone be developed with schedules that can be populated with various key elements, lot size, heights, setbacks etc). The details would need to be strategically justified, but it removes the overly simplistic 'one size fits all' approach proposed under the draft provisions.
- There needs to be an ability to consider the impact of new subdivision on existing roads, and the ability to seek upgrades at the developers expense.
- 11.5.3 A1 provides for connection 'where available'. This term is unclear, for example how far away would the connection be to be 'unavailable'?

Village Zone

- Standard 12.3.1 is about non-residential uses, however throughout the provision there is specific reference to exclude Residential uses. This would seem implicit from the title of the standard. The inclusion creates inconsistency with other similar standards through the draft SPPs and therefore has potential for misinterpretation.
- There are no design standards at all. A village area requires some quality streetscape and public realm outcomes.
- 12.5.3 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?

Urban Mixed Use Zone

- 13.1: If the intent is to truly have an urban mixed use zone there should be a quality streetscape / design purpose statement
- 13.2: **Hotel Industry** is it appropriate to have an adult entertainment venue as a **permitted** use in activity centres where encouraging a range of residential and community activities.
- 13.2: **Bulky goods sales** as a permitted use will have a negative impact on ability to achieve a quality mixed use area, the ability for a car sales yard to establish as a permitted use, will create a negative impact on pedestrian amenity and ability to achieve a quality streetscape. As the retail impact standard at 13.3.3 limits **gross floor** area to 300m² per tenancy it will not apply to these types of large format uses.
- If there is a desire to have a truly mixed use zone, development needs to be designed to protect itself from the negative amenity impacts of other uses within the zone, otherwise given the range of permitted uses allowable under the draft provisions there will be extensive land use conflicts and the zone will not work. These impacts will also not eventuate until the planning permit has been issued, the development constructed and operation begins; then the environmental management issues under EMPCA arise. Residential uses must be required to be designed to meet appropriate noise attenuation levels, and new non-residential uses to minimise noise and visual amenity impacts on nearby residential uses (though design outcomes, layout, overlooking, screening, commercial waste disposal etc). The draft SPPs provides for a **Hotel Industry** and **Residential** as permitted uses and no use standards to manage these activities are provided. (Use standards only apply to 'adjoining residential zones'). The broad nature of the use table and lack of consideration of operation of the proposed uses within it, is likely to create extensive land use conflict.
- There should be residential design standards for access to sunlight and privacy.

Local Business Zone

- What is the difference between this zone and the General Business Zone? From a use table perspective the only difference is that the General Business Zone allows for a **Custodial facility (remand centre)** and **Hospital Services** as discretionary uses (both of which are community/social infrastructure) and that **Bulky goods sales** has an acceptable solution limit of 250m² per tenancy in a Local Business Zone and 3500m² in the General Business Zone. This zone has no clear focus and cannot be effectively applied to local centres due to the vast range of uses which are unsuitable at a local level (clearly evident as it's the same as the use table for General Business and Central Business Zones). A review of this zone is required.
- 14.2: **Hotel Industry**: It is not appropriate to have an adult entertainment venue as a permitted use in activity centres where get a range of residential and community activities. It is also questionable whether a hotel industry really serves the local area.
- 14.2: As a Local Business Zone it is unclear why uses of **Manufacturing and processing, Resource processing** and **Service industry** should be permissible in the zone (all D uses). These type of uses generally do not mix with residential uses, or the objectives of encouraging pedestrian amenity at street level, which is a purpose of the zone.
- 14.2 **Vehicle fuel sales and service** should be limited to main roads (and probably would only occur there anyway).

- 14.3.1 This Standard provides for activity not impacting amenity in abutting residential zones but not for residential uses *within* the Local Business Zone. If the intent is to support these uses, they need to be designed to 'self-protect' against other uses in the zone, particularly noting that **Hotel industry** is a permitted use and not subject to any controls on hours or noise if it is not within 50 m of a residential zone. There are a number of other discretionary uses which will impact on the amenity of residential uses within the zone. The broad nature of the use table is likely to create extensive land use conflict.
- 14.3.2 This Standard references the activity centre hierarchy, but there isn't one in the scheme unless there is an intent to incorporate the Hill PDA document from the Explanatory Report. It is inappropriate to have to go 'outside of the scheme' to be able to make a decision.
- **Bulky goods sales** is supposed to be controlled by the retail impact standards at 14.3.3 but this only limits gross floor area per tenancy to 250m² and will not be able to limit open areas such as car yards. Why has a standard been developed for one use across all of the business zones? Where is the 'activity centre hierarchy' so an assessment against it can be made?
- 14.4.4 Frontage fencing is inappropriate in this zone.
- There should be some residential design standards for access to sunlight and privacy.
- The draft zone significantly undermines Council's strategic work on developing an activity centre strategy.

General Business Zone

- What is the difference between this zone and the Central Business Zone? From a use table perspective the only difference is that the Central Business Zone allows for **Sports and recreation** and **Tourist operation** as discretionary uses and that **Bulky goods sales** is limited to 3500m² per tenancy (as an Acceptable Solution) in a General Business Zone. How will this zone support the Capital city and regional centres network when it allows for the same land use outcomes?
- 15.2 **Hotel Industry** is it appropriate to have an adult entertainment venue as a permitted use in activity centres where a range of residential and community activities are encouraged.
- 15.2 As a General Business Zone it is unclear why uses of **Manufacturing and processing** and **Resource processing** should be permissible in the zone (both D uses). These type of uses generally do not mix with residential uses, the encouragement of which is a purpose of the zone. If this zone is to be applied to main suburban and rural centres it is likely that the surrounding catchment will provide an area for commercial or light industrial zones where these types of uses would be more appropriate.
- **Vehicle fuel sales and service** should be limited to main roads (and probably would only occur there anyway)
- 15.3.1 Provides for activities not impacting amenity in abutting residential zones but not on residential uses *within* the zone. If the intent is to encourage a mix of uses then they must be designed to 'self-protect' against other uses in the zone, particularly noting that **Hotel industry** is a permitted use and there are a number of other discretionary uses which will impact on the amenity of residential uses. The broad nature of the use table is likely to create extensive land use conflict.
- Standard 15.3.2 Where will the retail hierarchy be included? Will the Hill PDA document become an incorporated document? Should not go 'outside of the scheme' to make a decision.

- **Bulky goods sales** is supposed to be controlled by the retail impact standards at 15.3.3 but this only limits gross floor area per tenancy to 3500m² (which is extensive even if the sales area was included) Is it really appropriate to have a Bunnings in Moonah? The development of this retail impact standard for one use across all of the business zones implies that the use class is obviously inconsistent with the zone purpose.
- There should be some residential design standards for access to sunlight and privacy
- 15.4.4 frontage fences are inappropriate along key pedestrian corridors.
- The draft zone significantly undermines Council's strategic work on developing an activity centre strategy.

Central Business Zone

- Given this draft zone is similar to the draft Central Business Zone, and even the Local Business Zone, how will it facilitate the function of the Capital city and regional centres?
- 16.2 **Hotel Industry**: is it appropriate to have an adult entertainment venue as a permitted use in activity centres where get a range of residential and community activities. Should **Hotel Industry** - *adult entertainment venue* be a D use?
- **Bulky goods sales** is permitted, would it be appropriate to have a Bunnings in the middle of Hobart? How will the centre function on a pedestrian amenity level and visitor experience if car yards and landscape centres occupy the centre. Such used should be channelled (and supported) on the periphery of the centre.
- Standard 16.3.1 provides for activity not impacting amenity in **abutting** residential zones but not on residential uses **within** the zone. If the intent is to support these uses and encourage them in the zone, they must be designed to self-protect against other uses in the zone, particularly noting that **Hotel industry** is a permitted use and there are a number of other discretionary uses which will impact on the amenity of residential uses. The broad nature of the use table is likely to create extensive land use conflict.
- 16.3.2 Discretionary uses parts (d) and (e): The standard is the same as in the Local and General Business Zones where it is important to ensure lower activity centres do not detract from one another. How will the use be assessed for its impact (eg in Hobart) on the functioning of urban centres in other municipalities - will they be notified?
- There should be some residential design standards for access to sunlight and privacy within 16.4.6.
- 16.5.1 A2 provides for a minimum frontage of 3.6. Will it ever be appropriate to have less than this as is facilitated under the PC?
- 16.4.4 The draft provisions allowing frontage fences to 1.8m in height in the zone are inappropriate.
- It is difficult to see any real distinction between this zone and the Urban Mixed Use, Local and General Business Zones.

Commercial Zone

- 17.2 Extending the life of **Visitor accommodation** in this zone is inappropriate. Further, the need to provide the qualification is unclear as extensions to existing uses would be appropriately addressed under Clause 7.1.1.

- 17.3.3 Retail impact: **Bulky goods sales** is consistent with the purpose of this zone (the only instance where this use has been designated as permitted and actually does meet the purpose in the draft SPPs so far) so why is this standard proposed? It is inconsistent with the zone purpose. The area limitation of 250m² is also inconsistent with zone (it's the same as for a local business centre where it is inappropriate) and particularly as the AS lot size is 1000m² is unduly restrictive.
- 17.3.2 Where will the retail hierarchy be included? Will the Hill PDA document become an incorporated document? Should not go 'outside of the scheme' to make a decision.
- 17.4.3 why is there a need for awnings in this zone? Normally they are for shopper comfort so people can 'stroll' along a retail streetscape and be protected from the weather. Most people don't 'shop' in commercial areas but go straight to their destination.

Light industrial Zone

- 18.2: Is it appropriate to exclude new employment and training centres from these areas (Educational and occasional care)
- There should be some design objectives for the area (visible and well designed entrances and access points to car parking areas etc). While the area is industrial, it does not mean it cannot be a pleasant and safe place to work. The layout of areas, and interface with other adjoining business areas should be considered particularly as the zone does provide for Research and Development uses and Sport and Recreation uses.
- 18.2 Both **Educational and occasional care** and **General retail and hire** have the qualification: *if for alterations or extensions to an existing use*. Why is this required when Clause 7.1.1 would provide for the same outcome?
- 18.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

General Industrial Zone

- Conflicts with adjoining residential zones:
 - The key issue with this draft zone relates to the conversation of industrial zones under pre-interim schemes, which often had amenity controls because they abutted residential and business areas, to a zone with no amenity consideration at all. This zone may be appropriate if it could be applied fresh on the ground suitably separated from residential zones (as encouraged in the Explanatory Report) or have a Light Industrial Zone applied to the periphery as a buffer. However at these areas are already established on the ground such an approach is unrealistic and would have a significant impact on developer rights.
 - Industrial development still needs to comply with EMPCA legislation and the drafting of this zone will create scenarios where a planning permit is issued, the development constructed, but once operation commences is subject to an environmental nuisance claim from an adjoining residential use. The industrial activity then cannot operate because it has not been designed or laid-out to meet amenity requirements for its residential neighbours at the beginning. Provisions on residential amenity impacts enable a developer to be made aware of the potential impacts at the planning and gives them the ability to make a commercial decision on whether to proceed.

- It is unclear why it is inappropriate to require industrial development to consider these potential impacts (and have the ability to address them through good design) at the planning stage.
- There should be some design objectives for the area, simply because its industrial does not mean it does not have to be a pleasant and safe place to work. The layout of car parking areas, entrances and work areas, interfaces with adjoining sites and abutting areas in different zones should be considered.
- 19.5.2 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?

Rural Zone

- **Intensive animal husbandry, Motor Racing facility, Manufacturing and Processing, Recycling and Waste Disposal and Resource processing** (which could be an abattoir or a sawmill) can have significant impacts on surrounding properties and there are no amenity impacts provided to consider these issues. The emission of dust, smoke and waste from such activities would have significant impacts on food growers. Recommend these use be made permitted and an applicable standard added to the zone for all uses within the zone addressing amenity impacts such as emissions (light, noise, odour, dust, vibrations etc) traffic generation and hours of operation. The draft Attenuation Code does not address all of these impacts.
- It is not appropriate for Extractive Industry to be Permitted. There are NO amenity impacts for it to be assessed against. Recommend it be made a Discretionary use and the standard drafted below be added to the zone.
- It is unclear why **Educational and Occasional Care and Research and Development** are permitted only if associated with another uses – if they cannot exist on the site without the other use (ie they have to be associated with it) they would be ancillary and assessed via clause 6.2.2.
- It is unclear why the qualification for residential – 'only if alterations or extensions to an existing dwelling is needed'. Clause 7.2 would allow for extensions to an existing discretion use to be considered as permitted.
- It has been interpreted that a single dwelling would not include an outbuilding UNLESS it is associated with the dwelling (ie existing or proposed). The ability to build a shed on its own on land within this zone would therefore be prohibited. A solution may be to include the following additional qualification for discretionary residential uses: *...or if an outbuilding where there is no existing dwelling on the site.*
- 20.5.2 A1 provides for connection where available How far away would the connection be to be 'unavailable'?
- Some of the permissible uses could be quite site intensive. There is no requirement to address sewerage or stormwater on site, and, as there is no minimum lot size, it is possible that a situation could occur where a permit is granted for subdivision, then there other processes it is identified that the lot cannot cater for on site disposal and the proponent must seek an amendment or a new permit to address this matter. Why is it inappropriate to consider these issues up front at the beginning of the process?
- There are no provisions for cut and fill. There needs to be some consideration of how these uses might impact the land.
- Standards about vegetation loss or erosion management need to be provided.

Applicable standard for Extractive Industry (and possibly motor racing facility) as a Discretionary use in the Rural Zone

Objective:	To ensure that Extractive Industry satisfies the Zone Purpose	
Acceptable Solutions	Performance Criteria	
A1 No Acceptable Solutions.	P1 Extractive Industry must satisfy all of the following: (a) the area permanently converted to non-agricultural use is minimised; (b) potential for conflict with or interference to existing or potential agricultural use of the site or adjoining properties is minimised; (c) demonstrates a significant benefit to the region, having regard to the economic, social and environmental costs and benefits of the proposed extractive industry; (d) ensure there are no unreasonable impacts on other uses in the vicinity from emissions (light, noise, odour, dust, vibrations etc) traffic generation and hours of operation.	

Agricultural Zone

- 21.2 Use Table: Some of the permissible uses can be quite intensive however there are no standards to consider impacts such as lighting or frequency of traffic movement which could have a significant impact on the area.
- It is unclear why the qualification for residential – ‘only if alterations or extensions to an existing dwelling is needed’. Clause 7.2 would allow for extensions to an existing discretion use to be considered as permitted.
- 21.3.1 P1(b): grammar: Delete ‘is minimised’ as it is superfluous wording – ie *minimise the likelihood of the following is minimised*
- There are a number of high impact discretionary uses and no standards to manage amenity impacts. Recommend a standard be included that addresses these impacts such as emissions (light, noise, odour, dust, vibrations etc) traffic generation and hours of operation. The draft Attenuation Code does not address all of these impacts.
- Design provisions relating to minimising the clearance of vegetation or building near skylines or ridgelines, reducing reflectivity, provisions for cut and fill are required within the zone. There must be some consideration of how such activities might impact the amenity of the area and the land (soil erosion etc). The Natural Assets Code cannot be applied to Agricultural Zones, and it may not be appropriate to apply a Scenic Landscape Code over all agricultural land.

- 21.5.1 P1 are these provisions all alternatives [with just the 'or' missing after (a)] or is it a and (b or c)? Comment on the provision is limited as it is unclear what the intent is.
- 21.5.2 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?
- There is no provision to consider issues of wastewater management on site. As there is no minimum lot size, it is possible that a lot could be approved but is not capable of on-site waste management. Why is it inappropriate to consider these issues up front at the beginning of the process?

Landscape Conservation Zone

- The large lot sizes under this zone (an acceptable solution of 50ha, down to an absolute minimum of 20ha) do not reflect the Environmental Living Zone (minimum lot size of 6ha in the GIPS) or the Environmental Management Zone (no minimum). These two zones cater for the land in Glenorchy with environmental management issues that may be appropriate for residential development or are in private ownership (EMZ). The draft provisions indicate that the EMZ will no longer be able to be applied to private land – so the translation of these properties into a new zone will need to be considered. The 'averaging' approach for lot sizes across Tasmania and seemingly employed to construct the draft provisions has significant limitations and is impractical. Recommend: a schedule be included to this zone (and others) that allows for a range of lot sizes that would suit the particular characteristics and values of the land.
- 22.2 Use table: It is unclear why **General Retail and Hire** has to be included and given the qualification *if associated with a Tourist operation*. If it cannot function without the Tourist Operation, it is an ancillary use and can be considered under 6.2.2. There are several provisions written this way and it creates confusion as to the actual function of 6.2.2.
- 22.3.1 Must refer to all Discretionary uses as any one of these activities could be of a scale which has significant traffic movement, lighting and noise impacts.
- 22.4.4 The objective includes 'natural and landscape' values, however A1 and P1 only refer to the removal of **native** vegetation. Many landscape values relate to exotic species. The provisions should be expanded to include introduced or exotic vegetation.
- There is no definition of what constitutes landscape and conservation values in the context of this zone.
- 22.4.4 A2 (a) provides that *'building and works must be located within a building area, if provided on title'*, so if it is not provided on title is that ok? Recommend reword to: *'be located within a building area identified on the title'*. Alternatively review the scheme and provide a definition of 'building area being on the title' to remove all of this confusion.
- 22.4.4 A2 (c) This provides for a significant 'out' verses the requirement for it to be within a building envelope. Skylines are also difficult to measure. Recommended (c) be deleted and if not in the building envelope an extension, the matter be dealt with under the PC.
- There needs to be standards about cut and fill and vegetation removal whether on ridgeline or not as the view might be from a ridgeline into a valley.
- 22.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Environmental Management Zone

- The ability to manage land due to its environmental values should not just apply to land in public ownership. The draft Codes are designed to facilitate development if it occurs on land where there is a hazard or natural values, not discourage or prohibit it, only the zones can do that and the draft SPPs do not provide any zones which facilitate the appropriate management of such land in private ownership.
- 23.2 Use table: is **Resource development**, which would allow intensive animal husbandry, appropriate in this zone? Recommend it be restricted to aquaculture
- 23.2 Use table: is **Resource processing**, which would allow an abattoir, animal saleyard, sawmilling etc, appropriate in this zone? Recommend it be limited to 'only if dependant to a coastal location'.

Major Tourism Zone

- It is unclear why this zone is necessary. The current areas covered by this zone are mainly golf courses; a SAP would be a more effective way of dealing with such activities.
- Is **Residential** an appropriate use in this Zone? If it is retained (maybe just as a caretakers dwelling) provisions to require it to 'self-protect' against noise impacts, light, hours, traffic so that it does not impact on the operation of other uses – maybe 24.3.3 P1(b) needs to be expanded to clearly indicate that this needs to be achieved.
- If Residential use remains, some design standards for residential development are required: storage, privacy, pos, solar access etc.
- 24.5.2 A1 provides for connection 'where available' How far away would the connection be to be 'unavailable'?

Port and Marine Zone

- 25.2 Use table: Why facilitate **Visitor Accommodation**, but not provide for any design outcomes to protect the use - and operation of other uses. Design requirements for self-protection are required in respect to noise impacts, odours, light glare, vibrations, traffic movement etc. In fact how is this activity appropriate in this zone?
- Design objectives for the area should be provided, simply because it is an industrial area does not mean it does not have to be a pleasant and safe place to work – layout of parking areas and work place entrances, interface with adjoining sites and abutting areas in different zones should be considered.
- 25.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Utilities Zone

- 26.2 The draft permitted times for hours of operation and vehicle movement are excessive. Recommend they be restricted to align with EMPCA requirements for machinery in residential areas (eg Monday to Friday: 7am to 6pm, Saturday: 8am to 6pm, Sunday and Public Holidays: 10am to 6pm)
- 26.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Community Purpose Zone

- 27.2 Use table: Why include **Custodial facility** and **Recycling and Waste Depot** as discretionary subject to the qualification '*if for alterations or extensions to existing use*'? Why are the provisions for existing use rights at Clause 7.1 not appropriate to address this? This inconsistency creates confusion in the interpretation of the scheme as to when Clause 7.1 might apply.
- There are no provisions to consider quality urban design or at a minimum casual surveillance in design. These are areas with a community focus so should be areas of high amenity.
- 27.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Recreation Zone

- 27.2 Use table: Why include **Crematoria and Cemeteries** as permitted subject to the qualification '*if for alterations or extensions to existing use*'? Why are the provisions for existing use rights at Clause 7.1 not appropriate to address this? This inconsistency creates confusion in the interpretation of the scheme as to when Clause 7.1 might apply.
- There are no provisions to consider quality urban design or at a minimum casual surveillance in design. These are areas with a community focus so should be areas of high amenity.
- 28.5.2 A1 provides for connection where available. How far away would the connection be to be 'unavailable'?

Open Space Zone

- 29.2 Use Table Is a Cemetery appropriate in an open space zone? Given their size they would be more appropriate in a Community Purpose Zone – unless there is opportunity for 'natural burial' in Tasmania.
- Why is there no requirement for services in this zone particularly given the opportunity for camping sites and commercial activities, any lot size will need to be adequate to cater for on-site wastewater management. As indicated variously above, this is a matter that needs to be considered at the planning stage and remove the potential for amended subdivision plans if the site is too small to deal with these requirements.

CODES

General Comments

- **Inclusion of a State Stormwater Code.** It is recommended that a State Stormwater Code be included in the SPPs to address the following matters:
 - The unofficial state policy to abandon the *DPIWPE State Stormwater Strategy 2010* appears legally inconsistent with *State Policy on Water Quality Management 1997 (SPWQM 1997)*. See: *SPWQM 1997* Clause: 33.2: *State and Local Governments should develop and maintain strategies to encourage the community to reduce stormwater pollution at source.*
 - The current drafted stormwater provisions within the land-use zones are inadequate and would be better accommodated with a consistent code across land zones.
 - A lack of a clear stormwater provisions appears legally inconsistent with *State Policy on Water Quality Management 1997*, which would be remedied by the creation of a State Stormwater Code.
 - *SPWQM 1997* Clause: 33.1 *Regulatory authorities must require that erosion and stormwater controls are specifically addressed at the design phase of proposals for new developments, and ensure that best practice environmental management is implemented at development sites in accordance with clause 31 of this Policy.*
 - *SPWQM 1997* Clause: 31.5 *Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.*
 - *32.1: Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.*
 - The Urban Drainage Act 2013 and State Policy on Water Quality Management 1997 (SPWQM 1997) both make reference to the need to manage for stormwater quality in accord with RMPS Schedule 1 of the State Policies and Projects Act 1993. However, this Schedule is not prescriptive enough for local government to enable consistent statewide application. The DPIWPE State stormwater strategy 2010 provided this guidance on how this could be achieved and this would be possible through a State Stormwater Code with reference to water quality targets.
 - The Urban Drainage Act 2013 only applies to urban areas, and therefore does not enable council to have jurisdiction on stormwater matters outside of these areas. A State Stormwater Code should contain acceptable solutions and performance criteria for all land zones.
 - The Tasmanian Planning Scheme Explanatory Report provides that a Stormwater Code is not required as aspects relevant to the needs of a planning scheme in regards to are covered in where appropriate, Zone provisions and the Natural Assets Code with regard to the waterway and coastal protection area. The Natural Assets Code, waterway and coastal protection area, as currently drafted enables the piping of Class 4 waterways, which does not encourage retention of overland flood flow pathways and will result in poor water quality in waterways.
 - A lack of Stormwater code, and lack of clarity within zone provisions, would result in councils undertaking a planning process similar to that resulting from the interim planning Scheme in the north-west of Tasmania. That north-west Tasmanian outcome has resulted in the need for individual councils to issue a 'certificate of compliance', prior to development application

submission. This leads to an extra level of handling of applications by council, and may also cause different standards being imposed by different councils (inconsistent with the intent of a Tasmania Planning Scheme). Stormwater is essentially the same as water and sewerage in that it needs to be considered at the time of an application for development. Taswater is able to consider water and sewerage at the time of an application and is able to request additional information if necessary. Section 54 of LUPA is sufficiently wide to enable a Council to request such information but the conflict with cl 6.1.3 in the Tasmanian Planning Scheme draft and is likely to lead to arguments. The TPS should include provisions within a Stormwater Code that requires information to be provided with an application to demonstrate compliance. It should not be left to requests for additional information as that inevitably slows down the whole application process.

- Without A state Stormwater Code there is a likely outcome that the individual councils will develop their own internal stormwater handling and assessment process, which is not in keeping with intent of have a State Planning Scheme with consistency in the management of stormwater.
- There is scope then for the Local Area Provisions for Council to provide more stormwater quality and quantity requirements, especially as Urban Drainage Plans are created (for the Urban areas); however, a Stormwater Code is still required for these areas until such plans are created and for non-urban areas (where plans will not be created).
- The draft included at Appendix 1, subject to further technical refinement, may be appropriate for inclusion to address the above issues.
- **Inclusion of an Onsite Stormwater Management Code**
 - Similar to the concerns around the lack of a Stormwater Code, individual councils are likely to develop their own internal approach to assessing requirements for onsite wastewater management. This is not in keeping with intent of having a State Planning Scheme with consistency in approach and requirements.
 - During the exhibition of the Southern Interim Planning Schemes, comments were made in respect to the On-site Stormwater Management Code, and a number of modifications to the Code were made by technical experts and supported by regional council officers for inclusion into the southern schemes via an urgent amendment. It is recommended that this revised Code be incorporated into the SPPs.
- **Specific qualifications** need to be included as to what constitutes a 'suitably qualified person'. Council officers should not have to determine what qualifications are appropriate. This is likely to lead to inconsistencies in interpretation.
- The provisions for **application requirements** need to be reinstated. These provisions under the Interim Schemes provided clarity for both applicants and assessors as to the extent of the information required, reducing the need to request further information.
- The **headings of provisions** need to be consistent. For example *Use and development exemption from this code* is drafted randomly throughout the scheme. The Signs Code provides '*Development Exempt from this Code*', whereas the Telecommunications Code provides '*Use or Development exempt from this code*' and neither Code applies to use.

Signs Code

- While an improvement on the Southern IPS Signage Code, the draft is still complicated – primarily due to the number of signs.
- There are 38 sign types and many are repetitive, for example what is the amenity impact between a *horizontal projecting wall sign* and a *vertical projecting wall sign* (and the two banner signs). It's the fact that it projects which is the issue. What is the difference between a *ground*

base sign and sports ground sign? Why is a banner sign vertical so different from a pole sign, why is the material relevant? It is what is advertised (a business identification verse the types of goods for sale), and its location, and illumination that is important in signs. The signs need to be grouped more effectively. None of the sign types are illuminated or floodlit signs, so it means there is an extra complexity to the sifting back through the standards for illumination of sign.

- It would be simpler and easier to read if at C1.2.1 the reference was: *Unless otherwise stated in a Particular Purpose Zone, this code applies to all development for signs unless the exemptions at C1.4.2 or C1.4.3 apply.* Currently there is no clue as to what C1.4 is about.
- C1.4.3 provides for exemptions for changes to graphics which is fully supported, but it could be interpreted that a change in graphics might be from advertising the IGA on site to advertising cars. Need to ensure that the 'type of sign' does not change, and as these signs are defined based on their structure.
- C1.4 Are flags, buntings, and portable signs able to be 3rd party signs?
- C1.4 An awning fascia sign exemption has the same requirements as the 'acceptable solution' in the sign standards, there should be a greater size is the standard, as in window signs, which are exempt at 10% but can go up to 25% as the Acceptable Solution. Some of the other signs also have similar standards to the exemption dimension, its needs to be greater otherwise why isn't it exempt?
- C1.6 P1.2 Why is the number and density of signs on adjacent properties relevant (might be if in the same ownership). This appears to be anti-competitive.
- C1.6.1 P2 (d) Why is the 'nature' of the sign relevant? What does it even mean? If it is meant to relate to subject matter, the Advertising Standards Bureau will determine if the advertising content of a sign is appropriate, it is not a planning issue.
- C1.6.3 P1 (a) The 'content' of the sign is not a planning issue, any issues with content are considered through the Advertising Standards Bureau.
- C1.6.4 There are no definitions and potentially no application requirements in this Code to provide for the assessment of heritage matters.
- C1.6.4 the objective should be re-worded: *'To ensure that the size, content, colour, number and position of signs is sympathetic to and does not impact on...'*.
- C1.6.4 P1 (a) Replace 'unreasonable' with 'adverse'.
- Include an additional sub-clause '(xx) not lead to a proliferation of signage'.

Parking and Sustainable Transport Code

- The clarity and readability could be improved by including the name of the provisions ie in C2.2.2 Clause C2.5.3 – Motor cycles and at C2.2.3 Clause C2.5.4 - Loading bays.
- C2.3: Does gross floor area include toilets and corridors?
- An example of not using consistent sentence structure: C2.5.1 A1(d) could read that both (i) and (ii) must be satisfied.
- C2.5.1 A1 (d)(ii): there is no definition for C in the equation.
- C2.5.1 Recommend that A1 be converted to A1.1 and a new A1.2 add: *The number of on-site parking spaces must not be more than 10% than the requirement in the Table C2.1.* If sustainable transport is to be supported, the provision of car parking needs to be appropriately managed and excess car parking provision discouraged. Excess car parking places pressure on existing roads and decreases the amenity of an area.

- C2.5.1 P1.1 (h) refers to a traffic and parking impact assessment. It is not clear if this could this also be a statement. Also C2.5.1 P1.1 (f) refers to an 'assessment' of actual car parking demand but it is not clear who can prepare this.
- C2.5.1 P1.2 (c) why is the 'pattern of parking in the locality' relevant, this is a very obscure measurement. What is the 'pattern' is undesirable?
- C2.5.1 A1: There does not appear to be a requirement for number of accessible car parking spaces, noting that C2.6.2 A1.2 identifies the Australian standard for their construction.
- C2.5.3 A1: This provision is unclear and should be reworded to '*a use that results in a car parking requirement of more than 20 car parking spaces...*' Otherwise it could be misconstrued that where Table C2.1 has a requirement of more than 20 spaces per x metres of area.
- C2.5.4 A1: Should this be modified, it is unlikely that a loading bay would be required for a sports ground or a multi-story car park.
- C2.5.5 A1 (a): Only the option relating to floor size should be provided, otherwise it is difficult to enforce.
- C2.5.5 P1: It is not clear that this only relates to use classes of *Food Services* and *General Retail and Hire*.
- C2.5.5 A1 last sentence needs clarification, it is recommended it be reworded to: *provided the use complies with the hours of operation specified in the Acceptable Solution for the relevant Zone.*
- C2.6.1 A1(a): This provision is misleading, as only manoeuvring and circulation spaces can have a gradient of 10%, parking spaces should have a maximum of 5% and access ways 2%. The provision will not provide suitable accessible parking areas.
- C2.6.1 A1 (b) should require impervious, sealed surfaces or paved areas. Inadequately sealed area can result in gravel or other materials getting onto council managed roads – which then have to be cleaned up due to the damage they can cause. The only areas where unsealed surfaces are appropriate are in Open Space area or in parks, which are generally managed by councils or other authorities who then undertake clean up.
- C2.6.1 A1 The structure of the sentence means that (b) and (d) conflict.
- C2.6.1 There should be additional provisions for the construction of access ways in respect slope issues and site triangle. Reference could be made to the Australian Standards.
- C2.6.3 A1 The term 'whichever is the greater' appears superfluous to the content of the provision.
- C2.6.3 Why does P2 also require the access to be on a pedestrian priority Street? If its not what applies?
- C2.6.5 A1 (b): Typo: is there supposed to be an 'and' at the end of this sentence? It seems implicit that both A1.1 and A1.2 apply.
- C2.6.5 A1.2: should the reference be to 'footpath' or 'ramp'?
- C2.6.5 P1: The requirements are very technical, it may be appropriate that this is assessed by a suitably qualified traffic engineer.
- 2.6.8 A1: The location of vehicle parking areas should be clearly visible however.
- C2.6.8 P1: Typo: (e) ends with and 'or' and the next sentence starts with an 'and'.
- C2.6.8 A2 and P2 should also ensure there is adequate casual surveillance of any car park
- C2.7.1 A1: Typo: missing 'be' from (a) 'not **be** provided'.
- Table C2.1: Typo: still using term 'church' in *Community meeting and entertainment*: replace with 'place of worship'

- Table C2.1 *Education and occasional care*: It is appropriate not to provide any onsite parking for drop off pick up around schools and especially day care centres.
- Table C2.1 Why is there no car parking requirement for emergency services other than fire/ambulance?
- Table C2.1 A requirement for motor racing facility is required, the interim schemes use '*subject to a traffic and parking impact assessment*'
- Table C2.1 A requirement for Port and Shipping is required, the interim schemes use '*subject to a traffic and parking impact assessment*'
- Table C2.1 There is a very high requirements for other residential uses in residential zones (and other residential uses in other zones, which could be student housing or aged care when lower car ownership occurs and want to promote less car parking)
- Table C2.1 Requirement of 50 spaces for other sports and recreation facilities is very high, the interim schemes have this as '*subject to a traffic and parking impact assessment*'
- Notes to table C2.1 3): should be amended to ensure the number is rounded up to the nearest whole number.
- There is no applicable standard to clearly assess shared parking areas where there are two or more use classes on the one site.

Road and Railway Assets Code

- C3.2.1 identifies that the Code applies to development including subdivision. The definition of development in LUPAA includes subdivision. Including the reference here is not only superfluous, but also creates confusion as to whether other provisions which only use the term 'development' also include subdivision. A scheme needs to be read as a whole and consistency of expression through a scheme is essential to its operation.
- C3.5.1 A1.5 should be included in a separate row and have no performance criteria. It is unsafe for any vehicle to reverse onto Brooker Highway.
- C3.5.1 A1.4 How can the variations in Table C3.1 be assessed without a TIA? This is not an acceptable solution.

Electricity Transmission Infrastructure Protection Code

- This Code should be matched to the current Southern Interim Planning Schemes Code, as it has been revised in consultation with TasNetworks. The revised Code provides acceptable solution pathways for many of the applicable standards.

Telecommunications Code

- There are no provisions to actively encourage co-location under this Code.

Local Historic Heritage Code

- General comment:
 - The draft SPP Heritage Code is overly complicated and overly wordy. In the Standards, there are too many categories of Development. These can, and should, be rationalised. In a number of cases, Performance Criteria contain elements that are already subject to exemption.

In some cases, wording has been adopted that is contentious, bears no relation to the stated Objective, and is potentially at odds with any overarching intention to deliver fairer, faster, cheaper, simpler planning processes by increasing the likelihood of time consuming and potentially costly appeals. Provisions must be clearly worded so they can be consistently applied (and explained at the front counter!).

More attention should be paid to including specific [and only] heritage positive/heritage neutral exempt development clauses leaving residual provisions in the Standards that are appropriately prescriptive, clearly defined and assessable, that promote certainty, and most importantly achieve (ie, actually result in) sound heritage outcomes.

- The City of Glenorchy supports the qualification in the Heritage Code (C6.2.1) that makes the Code effectively inoperative if a listed place or precinct is [also] included in the Tasmanian Heritage Register.

This is consistent with national regulatory practice which advocates that heritage places should be managed by the level of government that matches the place's level of significance. When considered in tandem with the objective of streamlining planning processes, removal of duplication in decision-making (ie, so-called red tape) is supported.

That said, in accepting this principle, it is the City of Glenorchy's firm expectation that the Tasmanian Heritage Council will consider and actively manage the local heritage values of places and precincts on the State heritage list. This is implicit on p7 of the Heritage Council's own guidelines for Assessing Historic Heritage Significance for application with the Historic Cultural Heritage Act 1995 version 5 of 2011, which state that:

"In practice, the majority of places of state heritage significance are also likely to be of local heritage significance. That is, a place that is important to most Tasmanians is also usually important to the people who live in the local area around the place."

To ensure adequate protection, it would be necessary for the Heritage Council to manage both state and local values, in consultation with the local planning authority."

- Local Heritage Lists were historically created to identify the location of a heritage place, and simply served as the trigger for heritage provisions in the planning scheme, they are a list of sites not an assessment of the heritage elements on the site. Second generation planning schemes such as the GIPS 2015 were, in accordance with TPC instructions, a direct translation of the first generation schemes (GPS 1992). In recognition of this, the Heritage Code in the TPS should be re-drafted to modify all provisions or definitions that rely on the LHPL for applicable heritage values. If left as currently worded, and the GIPS 2015 heritage lists translated across to the LHPL, really important heritage attributes such as outbuildings, established garden settings containing established trees (and streetscapes) will be at grave risk of unmitigated impact through unregulated development.

It is an unrealistic expectation to expect Councils will have the resources and budget to augment the lists with the additional information when their role has only ever been to define a location.

It is recommended that a revised list (Figure 1) be incorporated into the Code (note above the inclusion of a column identifying that internal works should not be exempt)

Figure 1 – recommended Heritage List column headings

Ref No.	THR No.	Heritage Listed Certificate of Title	Extent	Particular Exempt Development	Property Name	Unit No.	Street No.	Street	Suburb	General Description	Significant Interior

- The repeated use of the wording “the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule” is not supported – see comment – above - on Local Heritage Lists.
- In general, the manner in which the Heritage Code (C6.0) has been drafted provides much greater scope for costly delays to development through increased frequency in Appeals on heritage grounds than either the GIPS 2015, or its predecessor, the GPS '92 proved to be.
- Local provisions: The extent to which individual LGAs will be able to include local provisions remains unclear.
- Simplify title to Heritage Code and use throughout. Include a definition elsewhere to clarify that it relates to historic cultural heritage.
- **C6.1.1 The Code Purpose:** Should make reference to the Australia ICOMOS Burra Charter 2013. The Burra Charter is the nationally recognised standard that sets out the key principles and procedures to be observed in the care of places of cultural significance. Include an additional sentence: In assessing and determining an application for development, The Burra Charter, its definitions, conservation principle, processes and practices must be considered.
- **C6.2.3 Internal works.** The exclusion of internal alterations as a matter for consideration in the statutory planning context is at odds with published and widely-used heritage standards such as the Australia ICOMOS *Burra Charter* and J.S.Kerr's, *The Conservation Plan* which advocate a holistic consideration of all aspects that together contribute to the significance of a heritage place. What about circumstances whereby internal works manifest an exterior change?
- **C6.3.** With the exception of ‘archaeological impact statement’, Application Requirements and associated Terms are absent. It is imperative these be included and defined in C6.0 as per the wording in the GIPS 2015 (E13.3 and E13.5.1) to guide and inform Applicants, and in the interests of transparency.
- **C6.3.1** The definition of the term ‘local heritage place’ is deficient as it is reliant on the wording in the Local Heritage Places List (LHPL), which essentially – and only - contains sufficient information to identify and locate a heritage place spatially, but does not (ie, was never intended to) constitute a comprehensive inventory of its heritage attributes. Instead the definition should adopt the wording for ‘place’ in the GIPS 2015 or, alternatively The Burra Charter.
- **C6.3.1** The definition of the term ‘local historic heritage significance’ should be aligned with either the definition in the Historic Cultural Heritage Act 1995 (which reflect HERCON criteria) or The Burra Charter, both of which have been widely adopted nationally.
- **C6.4 Development Exempt from this Code:** Development within a local heritage place, heritage precinct or historic landscape precinct (a) should be modified so it reads:

Works incidental to the maintenance of a garden or grounds, including:

(i) general gardening; weeding; cutting of grass; maintenance of garden beds, layouts and features;

(ii) lopping and pruning of trees and shrubs to promote healthy growth, and where the form and normal growth habit of the plant species comprising the garden or grounds is maintained.

A note on windows and doors: It is not appropriate to exempt replacement of windows and doors. These are key style markers. The broad interpretation of what constitutes ‘like for like’

could result in loss of significance through the introduction of inappropriate materials and glazing. For this reason windows and doors should be removed from the exempt works category.

Additional specific exemptions should be included to provide clear guidance in respect to repainting, and re-roofing, replacing (h) in the draft SPPs, and as follows:

[On places subject to the Heritage Code, the following works are exempt:]

(XX) The re-painting of exterior surfaces that are already painted in colours applicable to the architectural style of the place, or that are otherwise sympathetic to the heritage character of the place.

(XX) The re-rendering of exterior surfaces that are already rendered in materials that match the existing surface finish and texture.

(XX) The maintenance and selective, minor, repair of existing roof cladding in materials and colours matching the existing roof, and where the profiles and details of the ridge capping, flashings, barge boards and fascias, gutters and downpipes, vents and skylights are retained.

(XX) The total replacement of roof cladding on domestic residential buildings where the profiles and details of the ridge capping, flashings, barge boards and fascias, gutters and downpipes, vents and skylights match the existing or predominant historic built form using like for like materials and including:

(i) Replacement of corrugated galvanised iron with corrugated galvanised steel, in sheet lengths matching the roof to be replaced and either unpainted, or with a painted finish in a colour either matching or similar to that of the pre-existing roof (excluding black) or in a colour that is appropriate to the period and style of the place.

(ii) Replacement of corrugated galvanised iron roof cladding with corrugated Colorbond steel (or equivalent product) in sheet lengths matching the roof to be replaced and in a colour either matching or similar to, that of the pre-existing roof (excluding black) or in a colour that is appropriate to the period and style of the place.

(iii) Replacement of corrugated Colorbond steel (or equivalent product) with corrugated Colorbond steel (or equivalent product), in sheet lengths matching the roof to be replaced and, with a colour finish either matching or similar to that of the pre-existing roof (excluding black) or in a colour that is appropriate to the period and style of the place.

(iv) Replacement of glazed or unglazed terracotta tiles matching the original in both dimension and colour tone, using non-corrosive fixings, and colour-matched lime based mortar where re-pointing of ridge and hip tiles is required.

(XX) Replacement of slate tiles matching the original slate in both dimensions and colour tone.

(XX) Replacement of split timber shingles with split timber shingles in matching dimensions and species wood type.

(XX) The total replacement of circa 1970s pressed metal tiles (e.g. Decramastic, Decrabond, Colortile) with:

(i) Corrugated galvanised steel, either unpainted, or with a painted finish in a colour either matching, or similar to, that of the pre-existing roof (excluding black), or in a colour that is appropriate to the period and style of the place.

(ii) Corrugated Colorbond steel (or equivalent product) in a colour either matching or similar to that of the pre-existing roof (excluding black), or in a colour that is appropriate to the period and style of the place.

(XX) The total replacement of unpainted Zinalume roof cladding with:

(i) Corrugated galvanised steel, either unpainted, or with a painted finish in a colour appropriate to the period and style of the place (excluding black).

(ii) Corrugated Colorbond steel (or equivalent product) in a colour either matching or similar to that of the pre-existing roof (excluding black), or in a colour that is appropriate to the period and style of the place.

▪ **C6.6 Development Standards:**

- The number of categories of development could be rationalised, potentially reducing 11 to 6. Rationalised Categories could include: Demolition; Maintenance and Repair; Development including additions, alterations and new buildings; Outbuildings, driveways and carparking; Fences; Subdivision.
- Performance Criteria provide limited direction in what is necessary to achieve the stated objective. Use of the term 'having regard to' does not give appropriate weight to the Performance Criteria. It is unlikely this approach will promote orderly (or timely) land use planning - nor are sound heritage outcomes assured. Replace "having regard to" with "must satisfy" throughout.
- The repeated use of the wording "the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule" is not supported – see earlier note on Local Heritage Lists.
- **C6.6.1 Demolition:** Re-word. P1. Replace "unreasonable" with "adverse". Delete (a) and (b), neither are relevant to the Objective. Delete (c) – consideration of safety issues is covered in exemptions. Delete (f) – again, there are exempt works categories for this. Delete (g) – how can demolition secure the long-term future of a building? Delete (h) – bears no relation to values, nebulous, can't be measured. Neither (g) nor (h) bear any relation to the Objective.
- **C6.6.2 Maintenance and Repair of Buildings and Structures:** Delete the word "New" at the beginning of P1. In many cases it may be more appropriate to maintain a place using sound salvaged, recycled or reused materials. Maintenance and repair must not detract from the character or appearance of a place. Maintenance and repair actions must be conservative and adopt the principle of 'as much as necessary and as little as possible to preserve, and not detract from, the character or appearance of a place as far as possible. Materials used in maintenance and repair must be compatible with significant heritage fabric.
- **C6.6.3 Site Coverage.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions, alterations and new buildings". Performance criteria should include consideration of historic land use patterns, the characteristics of the area in establishing front, side and rear setbacks.
- **C6.6.4 Height and Bulk of Buildings.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions, alterations and new buildings". Replace the word "compatible" in the Objective and P1 preamble with "sympathetic to". Delete (c) – in many cases taking cues from the height and bulk of surrounding buildings may not result in an appropriate design response.
- **C6.6.5 Siting of New Buildings and Structures.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions,

alterations and new buildings". Preservation of the streetscape character of a place should be included in the Objective and Performance Criteria.

- **C6.6.6 Fences.** Replace "compatible" with "sympathetic to" in the Objective. The acceptable solution and performance criteria a confusing and contain logical inconsistencies. Re-word A1 so it reads:

New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.

Simplify and re-word P1 so it reads:

New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period, and characteristics of the place.

- **C6.6.7 Roof Form and Materials.** Superfluous clause, particularly if the revised exemptions for roofing are adopted, and otherwise covered in C6.6.4 and C6.6.5 – or the proposed combined new clause under the heading "Development including additions, alterations and new buildings".
- **C6.6.8 Building Alterations other than Roof Form and Materials.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Development including additions, alterations and new buildings". P1 should make reference to rear exterior walls (as well as front or side exterior walls). To exclude consideration of the rear exterior walls of a place is to remove any capacity to consider and respond to important fabric, or elements that represent the evolution of a place over time and are significant as a result.
- **C6.6.9 Outbuildings and Structures.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Outbuildings, Driveways and Carparking". In doing so it is imperative that the clause controls the location of any new outbuilding including carports and garages, and retains the landscaped area between a dwelling and a street without intrusion and with reference to the historic pattern of development.
- **C6.6.10 Driveways and Parking.** Delete this clause and incorporate relevant principles in a combined new clause under the heading "Outbuildings, Driveways and Carparking". The Objective, Acceptable solution and Performance Criteria must be amended so as not to exclude residential applications. Delete the words "for non-residential purposes" throughout.
- **C6.6.11 Removal, Destruction or Lopping of Trees or Removal of Vegetation that is specifically part of a Local Heritage Place.** Delete the clause. See earlier note re the limitations of lists and the flaws inherent in adoption of the wording "the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule". To avoid potential conflicts and in reviewing the applicability of any amended clause, note the scope proposed exemptions relating to the management of trees and vegetation. If re-wording the clause, remove "specifically" from the Clause title, Objective, Acceptable Solution and Performance Criteria. Include the requirement for advice from a suitably qualified person in the wording of the P1 criteria.
- **C6.8 – Development Standards for Places or Precincts of Archaeological Potential.** Include the word "understand" in the Objective to C6.8.1 (as existing in the GIPS 2015). In the Performance Criteria, include an additional criterion (as existing in the GIPS 2015), as follows:

(XX) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation.

- **C6.9 Significant Trees.** Should be extracted from Heritage Code and afforded individual Code status as trees can have a multitude of values.
- **C6.9.1 P2 (a) and (b)** should be accompanied by an arboricultural assessment prepared by a suitably qualified person and specifically addressing the Performance Criteria. Arboricultural Assessment and Arborist Statement should be included in the Application Requirements of the TPS, and their scope defined in the interests of transparency.

- **C6.9.1 P2 (b).** Economic reasons should not be justification for removal of a significant tree.
- **C6.10 Development Standards for Subdivision.** Re-word C6.10.1 to reflect the Objective and Performance Criteria in Clause E13.7.3 in the GIPS 2015.

Natural Assets Code

- Application of the Code – General comments:
 - The current requirements for an application to submit a natural values assessment by a suitable qualified person has made assessment of new applications very streamlined, the loss of these requirements will decrease clarity around requirements and potentially require these matters to be resolved at appeal.
 - Glenorchy municipality has clearly defined areas of suburbia and council reserves, with the majority of values located in the western half, largely in reserved land such as Wellington Park and Goat Hills. However, there are some values remaining in suburban areas (eastern half) including riparian corridors, threatened flora species, and coastal natural values. Numerous values will not be protected under the draft provisions, including:
 - Potential habitat for threatened species (e.g. hollows, certain understorey features, mosaic vegetation).
 - Coastal and riparian values (although these have some protection as part of the Waterway Protection Areas).
 - Locally significant vegetation communities or species which are not listed at a State level.
 - Buffers and connection for other values.
 - Mapping issues:
 - The Biodiversity maps will be drafted by State Government (DPIPWE) and not local Councils, apparently based on current data of threatened vegetation and species. The proposed criteria for these maps will result in piecemeal patches of protected areas interspersed with other native vegetation, and apparently no potential for ground-truthing values at the time of a development application. This does not allow for accurate decision-making or protecting values which exist on the ground but may not be acknowledged by the maps.
 - Overall, to adequately reflect and implement the objectives of LUPAA in promoting sustainable development etc, there needs to be consideration of and allowance for the movement of natural values. Such movement has always occurred in any case but will be exacerbated over the coming decades by climate change.

For example, on a short-term timescale, the Chaostola skipper may appear within Gahnia radula suddenly where it was not present six months previously. Similarly for threatened flora species and other threatened fauna such as the forty-spotted pardalote. On a mid-term timescale, vegetation communities move and regenerate if left undisturbed. Over the longer term, climate change will cause species, communities and ecosystems to move. At the local scale, this is particularly critical for coastal species, hence the need for refugia. It is also critical for the edges of existing vegetation communities and mapped habitats, and for connectivity between habitats. All values generally need 'room to move' to maintain biodiversity and viability.

Therefore it is not possible to draw a tight line around values on maps, and to do so may limit their viability.

- The definition of values under the proposed code also relies heavily on State and Federal listings of threatened species and vegetation communities. However, it does not take into account:

- The full list of Regional Forest Agreement-captured communities where they are threatened on a bioregional basis;
- Species of high conservation value at a local or regional level;
- Individual trees or vegetation communities which are not themselves listed but may provide habitat to threatened species, e.g hollow-bearing eucalypts.

Therefore there is discrepancy with the Forest Practices Code, where there should be consistency, and a lack of acknowledgement that this Scheme is for application at the local level, where impact on values is generally incremental.

It is possible to deal with these issues by:

- Allowing for on-ground ecological assessments to over-ride mapped values (which may be out of date)
- Allowing the mapped overlay to encompass all native vegetation and to have a buffer on that overlay (e.g. 10-15m) and/or resource regular updates of the mapping (e.g. annually based on on-ground assessments and revised aerial photography)
- Broadening definitions of values as discussed above
- C7.1 Code Purpose: This must consider connectivity with vegetation, threatened vegetation communities and reserve systems. It must also consider corridors to provide Refugia, and pathways of connectivity (these could be coastal, rivulet corridors or other elements), which aligns with the regional NRM strategy.
- C7.1.5: Does not aim to manage impacts on potential habitat of threatened species. Therefore it does not allow for consideration of habitat adjacent core or known habitat, or connectivity or refugia. This limitation relies too heavily on existing data without allowing for recent observations and increases the chances of dispute between developers and regulators as to definitions of habitat (e.g. is it core or known habitat if it is the right kind of tree 50m from the tree where the species was observed?) on technical grounds. The capacity to assess potential habitat as per the current Code allows for more realistic on-ground assessment of impact on highly threatened species, allows them to be protected more effectively now and into the future, and for onground mitigation to be negotiated and applied in a realistic way.
- C7.2 Application of this Code: The exclusion of certain zones is concerning. Biodiversity values can occur anywhere and zoning should not make any difference to the application of the code. In particular the Low Density Residential Zone includes a purpose of applying the zone where there are '*environmental or aesthetic constraints that limit density*'. However the Code that protects environmental elements cannot be applied. It is also questionable why it cannot be applied to the Recreation Zone.

NB the Single Planning Scheme process has consistently aimed to avoid duplication. However, in doing so, often the need has been created for dual processes to be undertaken by the applicant. The point of the planning process is to integrate issues and processes – it is better to ensure that an issue is considered in planning and that this process then avoids the need for a second process.

- C7.2.2 The application of this code should apply to use; be it grazing, or anything which may on one occurrence or over time have an impact on vegetation, fauna habitat, fauna and migratory species.
- C7.3: Definition of terms -
 - **Natural stream bank and stream bed condition** Has there has been statewide adoption of The Tasmanian River Condition Index? If not this may not be the best way of assessing watercourses.
 - **Natural assets** should include *connectivity value, buffer value, flora, fauna, landscape function* and consider *spatial scale*.
 - **Priority vegetation:** a) *it forms an integral part* – what does 'integral' mean? Could it be argued that vegetation outside of a community prescribed under the Act forms an integral part of a threatened community as it protects it???
The definition of 'habitat for threatened species' in the GPS is more helpful as it allows for the species' Recovery Plan to be considered. It is noted that many values can be considered priority values, the Values Table (Table E10.1) in the Kingborough Interim Planning Scheme explicitly captures:
 - Significant habitat
 - Potential habitat
 - Priority species considered of conservation significance in the municipal area
 - Native vegetation communities which have been largely cleared on a bioregional basis
 - Individual high conservation value trees (which provide potential habitat for threatened species)
 - All other native vegetation communities
 Priority vegetation area should also define buffers required around such vegetation to ensure adequate protection.
 - **Waterway and coastal protection area:** The wording for the definition of Class 4 watercourse with reference to Zones implies that a Class 4 watercourse can only be considered as such when within one of the listed zones, i.e. a Class 4 watercourse in another Zone becomes a Class 3. If it is meant to state that any watercourse within one of those Zones becomes Class 4, the wording needs to be changed. NB this may not be appropriate in all municipalities, where larger watercourses flow through peri-urban areas and *are not yet impinged upon by development* but have the potential to be zoned Low Density, Urban Mixed Use etc.
 - **Waterway values:** should include value to community.
- C7.4 exemptions:
 - c) This clause would allow for the clearance and conversion of "corridor" and "buffer vegetation" that is connecting or providing protection to adjacent reserve vegetation and or threatened vegetation and threatened fauna habitat. This is a significant change from the interim scheme which allows for clearance controls on these significant natural assets.
 - d) This raises some concerns that an existing approved vineyard etc may begin clearing land on the same property even if outside the historical use or permitted area. This needs re-wording to regulate as to whether area has ever been cleared, whether need can be demonstrated, definition of area to be cleared etc. Should there also be a reason why its appropriate to clear this vegetation on private and public land (ie safety fire protection etc or a limitation on the area to be cleared and a time frame).

- d) ii) interesting to see definition of a private garden. This exemption has been problematic in the current Interim Schemes and would continue to be so. Needs a strict definition if retained. It is arguable whether it is ever appropriate to obstruct or degrade a waterway, regardless of the context.
- C7.6.1 A1 - there should be provision about not introducing sedimentation and/or issues with impacts from chemicals.
- C7.6.1 (A1)(b) allows piping of a Class 4 watercourse, which should not be in the Acceptable Solution as this impacts on natural values. This is not consistent with the stated Code Purpose. Small and intermittent waterways may still support native fauna and flora, e.g. frog breeding.
- C7.6.1 (P1)(d) this clause may be too restrictive, e.g. does not allow for a culvert under a new access.
- C7.6.1 Despite the Explanatory Report, it is still not clear why (A2) and (P2) exclude Class 1, 2, 3 and 4 waterways.
- C7.6.1 P2 (b) is a significantly lesser control than (a) Why would anyone choose (a)? This provision needs to be clarified so it is an alternative due to circumstances on the site – not just because don't want to comply with (a).
- C7.6.1 P3: Is (b) supposed to be where the development is for residential or visitor accommodation and doesn't have to rely on a coastal location?? These provisions need correction and should be readvertised for comment.
- C7.6.1 P3 (c) Promotes continual use where perhaps infrastructure should be relocated.
- C7.6.1 (A5) and (P5) this Clause was originally drafted for development and works depending on a coastal location. The standard is now out of context and needs to be clarified.
- C7.6.1 (P5)(a) and (b) Standards are completely inadequate – is any new or expanded use or development to be permitted? Standards do not address potentially devastating impacts of dredging and reclamation on natural values within waterway.
- C7.6.1 (P6) Should require works to be demonstrably designed and undertaken in accordance with the Tasmanian Coastal Works Manual and Acid Sulphate Soil Guidelines.
- C7.6.2 A1 - allows for incremental loss, there is no time period proposed between applications and the area of 3000m2 is too large. The minimum area must be reduced and the clearance limited to per property and once every 5 years.
- C7.6.2 P1 (b) is another example of poor sentence construction – it reads 'satisfy the following' which would mean all, but there is an 'or' at (c) – so there is a possibility to misinterpret the provision.
- C7.6.2 P1 (b)(i)(d) Offsetting will require either Council or State government policy to ensure consistency in approach. How is 'net benefit' defined? How are the offsets to be conserved in perpetuity?
- C7.7.2 A1 parts (e) and (f) should apply to all of the listed circumstances
- C7.7.2 P1 (a)(i) Still allows for all priority values on the lot to be impacted if necessitated by the proposed yield of the subdivision. Needs a quantitative limit (e.g. 20% of priority veg impacted and the rest conserved).
- C7.7.2 P1 (b) – what are the 'benefits' anticipated here? Only C7.7.2 P1(b) b references social and economic benefits – if these are the benefits then these are already required to be considered and this part is redundant.
- C7.7.2 P1 (b)(d) See comment above re offsetting.

Scenic Protection Code

- Why is it inappropriate to apply this overlay to the Low Density Residential Zone (LDRZ)? The purpose of the LDRZ is to apply it where there are *'environmental or aesthetic constraints that limit density'*. Also a Village Zone or Recreation Zone could be part of a landscape area.
- C8.4.1 (b): Why is it appropriate to exempt vegetation removal in a private/public garden, State reserve etc? If the Heritage Code applied, there would not be an exemption for significant trees in private garden. The exemption is inconsistent with the tenor of the Code.
- C8.4.1 (b): A definition is required for 'private garden.' Anyone's land is private and could be considered as their garden.
- C8.4.1 (d) (iii): A reference to external finishes should include 'including reflectivity', currently this could simply be assumed as painted or not.
- C8.4.1 (g) the 'construction' of roads should not be exempt as it can have a significant impact on landscapes and should be appropriately assessed.
- C8.6.1 there is some confusion in this code as to whether the values relate to just native vegetation or include exotic vegetation. This standard allows for destruction of native vegetation, but there are no controls on exotic vegetation. It may be possible to propose the removal of a whole hedgerow, as while there is no exemption for it, there is nothing in the provision to guide decision making on it, so could be argued the standard doesn't apply.
- C8.6.1 A1 allows for destruction of up to 500m² of native vegetation. This must be limited to *'per property and within a 5 year time frame'*.
- There are no clear provisions in this Code relating to cut and fill, it is only considered if 50m above the skyline, but even below that height cut and fill could have significant impacts on the landscape.

Attenuation Code

- It is difficult to accept a report giving the ok when Council officers believe the activity is likely to cause an issue. Who is responsible when the issue occurs: it will be Council as they granted the permit.
- Recommend inclusion of provisions on application requirements which identify that the applicant may need to provide a site specific study to demonstrate compliance with the Performance Criteria.
- Clarity as to the qualifications of what constitutes a 'suitably qualified person' should be included. Council officers should not have to determine what qualifications are appropriate, as it is likely to lead to inconsistencies in interpretation.
- Attenuation distances should be able to be applied to industrial areas. This will enable an applicant to make a commercial decision at the being of the project whether to proceed and cost in any design elements that could mitigate negative impacts. Otherwise the applicant will be subject to EMPCA requirements at the end of the process, when it may be too costly to retro-fit building to address noise measures or alter layouts. Many projects may not be able to continue to operate. This is considered to create a significant negative impact on business in Tasmania verses making operators aware of the issues before they being construction/operation.
- If attenuation areas are not applied to development in industrial areas (which is a poor planning response) this is likely to create future conflicts when residential subdivision cannot be assessed and required to mitigate negative amenity impacts. A possible solution could be applying the

Code to residential subdivision within 50m or 100m metres of a Light Industrial, General Industrial, Port and Marine or Utilities Zone. Specific standards for ensuring subdivision layout could be applied. A 'no acceptable solution' would be appropriate, noting subdivision is already discretionary, and the PC for subdivision layout would provide for a design layout or works to mitigate impacts from noise, odour and traffic from adjacent industrial zones.

Coastal Erosion Hazard Code

- It is disappointing to see the focus of this Code is about people management, not about protecting the coast. A planning scheme should be able to identify locations where it is not appropriate to develop.
- C10.4.1 (a) (iii) Why aren't coastal protection works, if undertaken by a public authority, exempt but a **Tourist operation** could be exempt?
- C10.5.1 – objective (b) – 'deeming' certain uses as not meeting a standard, is not an objective, this needs to be reworded.
- C10.5.2 relates to uses within a non-urban zone and on low or medium band. Where are uses in an urban zone and on a low or medium band assessed?
- Typo: C10.5.3 P1 (b) (ii) and (iii) are the same.
- Does C10.5.1 (which prohibits residential and visitor accommodation) conflict with C10.5.3 which allows for Vulnerable uses to be considered in certain circumstances in high hazard bands?
- C10.6.2 P1 (a) (ii) refers to *coastal erosion risks till 2100*. What document is used to determine those risks?
- C10.7.1 P1 Must be amended to require a coastal erosion hazard report to enable a technical expert to determine if the risk is tolerable.
- C10.7.1 P1 (g) If the works have to be undertaken on actively mobile landforms to protect human life, does this not imply the project is not a good idea? The Code should be about protecting these areas and making sure further erosion does not occur, instead it is focused on mitigating risks to development, this is a poor planning outcome.
- There is no specific standard to discourage activities from being in a coastal area unless it is essential that they are there. The draft SPP only requires certain uses that may be impacted by being in the coast (or could have a significant threat if impacted by erosion) to demonstrate the need to be there (ie critical, hazardous and vulnerable) other uses like tourist operation or food services do not appear to have to be assessed. All uses should be required to demonstrate a need to be located on the coast.

Coastal Inundation Hazard Code

- Again the focus for this Code is how best to allow development in these areas, rather than identifying some development is inappropriate. This is particularly evident in the use of term 'tolerable risk', rather than demonstrating the activity is appropriate for the area.
- Is there an assumption that nothing in an urban zone would be affected by this Code?? There are no standards for proposals within an urban zone and a low or medium hazard band.
- Where are the maps for the 1% AEP coastal inundation event in 2100 (if they form one of the bands that is not clear in the definitions or in the application of the Code). If there is no map this needs to be a state-wide standard, as 1% AEP coastal inundation event in 2100 is not defined, so who's work would be used to demonstrate the impacts?

Riverine Inundation Hazard Code

- Why do the Coastal Erosion Hazard and Coastal Inundation Hazard codes give exemptions if need a building permit but this code doesn't? Why are impacts on erosion and protection of the coast less of a planning concern than riverine inundation?

Bushfire Code

- The removal of habitable building assessment is likely to create a 'planning application loop' when a proponent will have to return to planning for an assessment of vegetation removal to address any requirements of a hazard management plan.
- C13.2.2 This provision is inconsistent with other Codes and could cause interpretation issues. Recommend it be deleted.
- C13.3: It would appear that the intention was that where there is no overlay, land that is within 100 m of an area of bushfire prone vegetation equal to or greater than 1 ha is considered to be within a bush fire prone area. However the work currently being undertaken by the TFS in conjunction with councils seeks to map ALL bushfire prone areas. It should be either mapped or not mapped, not mapped plus some possible extra unmapped bits. Suggest a rewrite along the lines of:
Bushfire-prone areas means:
(a) land that is within the boundary of a bushfireprone area shown on an overlay on a planning scheme map; or
(b) where there is no planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.
- C13.6.1 and C13.6.2 both provide in the PC that 'any advice from the TFS' should be taken into consideration when assessing a subdivision proposal. The inclusion of a PC places a significant onus on Council officers to determine an application beyond the technical requirements of the TFS. It is unlikely that Council officers would go against any advice from the TFS.

Potentially Contaminated Land

- C14.2.3 This provision is inconsistent with other Codes (except the Bushfire Prone Areas Code) and could cause interpretation issues. Recommend it be deleted.
- C14.4.1 (c) provides an exemption where a 'site history' has been provided to confirm potentially contaminated activities did not occur on the site. However the application of the Code C14.2.1 identifies circumstances where the land has been mapped by the overlay or a report associated with an application identifies it is potentially contaminated. It is appropriate that this lesser requirement facilitates an exemption? It will be very difficult for a site history to confirm there were no potentially contaminating activities on the land.
- There are several references to 'use classes listed in Table C14.1 and is one of the uses specified as a qualification' in applicable standard objectives, but the statement should be in the AS and PC. The objective should be 'to ensure PCL is suitable for the intended use'.
- Table C14.1 should be at the end of the Code, its currently randomly placed at the front with no introduction.
- C14.2.2 limits requests to ask for report to land which may have been used for one of the activities in Table C15.2, however the introduction to Table C14.2 indicates that the table is not

exhaustive. This will cause problems in interpretation and abilities for councils to make requests for reports.

Landslip Hazard Code

- The report required is quite extensive and requires certain conclusions to be made rather than just to provide a report (as under the GIPS) which is an improvement.

LP3.5 – Natural Assets Code

- Allows for use of DPIPWE mapping. The Natural Values Atlas is considered to be 2 years out of date and Council officers have noted that some of the mapping is incorrect (it has not been ground-truthed). There appears to be an opportunity to modify the map for an area contained in a Local Provisions Schedule but there is no information or guidance as to how it can be modified or what documentation needs to be provided to justify a modification.

LP4.4 – Site specific qualifications and 3.0 Local Area Objectives

- Iplan would facilitate the inclusion of local site specific qualifications in a use table, and tables for local area objectives. Having all relevant uses provisions – ie uses – in one section improves the clarity and readability of the Scheme.

C6.0 List to Historic Heritage Code

- We need the ability to add in the 'THR ref' to the table. The table will then identify all of the state and local heritage sites and an applicant will know whether to talk to Council or the State. If the State removes a site – it will still be listed with Council and so remove the need to go through a formal amendment to list the site – it will always be protected –either at State or local level (but only ever assessed by one level of government).

P1.0 Particular Purpose Zone – Future Urban Zone

- Many councils have a PPZ - Future Urban Zone – why not include this zone as part of the suite of zones, particularly given a template has been created for it?

Applied, Adopted or Incorporated Documents

- If a document is incorporated into the planning scheme – it should be there to enable a decision – so full access to the documents will need to be available (ie to Australian Standards) -will they be available on iplan?
- What is the role of reference documents?

APPENDIX 1

CX.0 Stormwater Management Code

CX.1 Code Purpose

The purpose of the Stormwater Management Code is:

CX.1.1 To ensure that stormwater from development, in both construction and operational phases, is of a quality and quantity that enables protection of natural assets, infrastructure and property.

C7.2 Application of this Code

CX.2.1 This Code applies to development, including subdivision.

CX.2.2 This Code applies to change of use resulting in an increase or change in potential stormwater contamination.

CX.3 Definition of Terms

CX.3.1 In this Code, unless the contrary intention appears:

Term	Definition
annual exceedance probability (AEP)	means the probability of an event with a certain magnitude being exceeded in any one year.
stormwater	Rain (or snow and ice melt) runoff from impervious or pervious surfaces that is not trade waste, industrial waste, or waste water effluent. Includes runoff water that has been concentrated by means of a drain, surface channel, subsoil drain or formed surface (as per UDA).
typical urban stormwater	Runoff from urban areas containing impervious roads, paths and roof surfaces that drain into a stormwater drainage system without prior detention and water quality treatment
impervious surface	Includes any roof or external paved or hardstand area, including for a road, driveway, a vehicle loading, parking and standing apron, cycle or pedestrian pathway, plaza, uncovered courtyard, deck or balcony or a storage and display area.
Potential stormwater contamination	Use or developments likely to result in key contaminants of concern, other than total suspended sediment (TSS), total nitrogen (TN) and total phosphorous (TP), to increase above typical urban stormwater contamination loads and concentrations.
major stormwater drainage system	means the combination of overland flow paths (including roads and watercourses) and the underground reticulation system designed to provide safe conveyance of stormwater runoff and a specific level of flood mitigation.
minor stormwater drainage system	means the stormwater reticulation infrastructure designed to accommodate more frequent rainfall events (in comparison to major stormwater drainage systems) having regard to convenience, safety and cost.
stormwater drainage system	means a major or minor stormwater drainage system.
natural assets	means biodiversity, environmental flows, natural streambank and stream bed

Comment [WJ1]: Stormwater definition as per Urban Drainage Act adding 'Rainwater' to clarify NOT tradewaste etc)

	condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values.			
Term	Definition			
suitably qualified person	means a professional engineer currently practising with relevant CPEng or NPER accreditation, or a person who in respect to the type of work to be undertaken can adequately demonstrate relevant academic qualification, and an appropriate level of professional indemnity and public liability insurance.			
Stormwater Service Provider	As under the Urban Drainage Act 2014			
water sensitive urban design (WSUD)	means the integration of urban planning with the management, protection and conservation of the urban water cycle to ensure that urban water management is sensitive to natural hydrological and ecological cycles.			
Acceptable Stormwater Quality and Quantity Targets	means stormwater quantity and quality targets: (a) other than area specific stormwater quantity and quality targets within relevant Local Provisions Schedules, legislated water quality targets, or licenced operational targets. Table 1 (see also Footnote R1): <table><tr><td>80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations.</td></tr><tr><td>45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations.</td></tr><tr><td>45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations.</td></tr></table> The Planning Authority can request stormwater treatment and risk minimisation of other key pollutants that are associated with carparks, roads, recreational, commercial and industrial sites. Stormwater quantity requirements must always comply with requirements of the local authority including catchment-specific standards. All stormwater flow management estimates should be prepared according to methodologies described in Australian Rainfall and Runoff (Engineering Australia, current version) or through catchment modelling completed by a suitably qualified person.	80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations.	45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations.	45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations.
80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations.				
45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations.				
45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations.				

Comment [WJ2]: Definition proposed here differs to State Planning Scheme as we also request appropriate insurance.

Comment [WJ3]: It is acknowledged here that Acceptable Stormwater Quality targets should include other pollutants of concern;

To avoid creating prescriptive lists of potentially contaminating activities and uses, a performance based definition has been chosen. This could be too inclusive perhaps some common sense on cut-off should be used (NOT YET DEFINED HERE). For example, hydrocarbons and heavy metals (fine sediment fraction) are not more a concern from vehicular pollution. Industrial sites in particular may have specific contaminants of concern.

CX.4 Development Exempt from this Code

CX.4.1 No development is exempt from this Code:

CX.X Application Requirements

In addition to any other application requirements, the planning authority may require the applicant to provide any of the following information if considered necessary to determine compliance with performance criteria, as specified:

- (a) a report from a suitably qualified person advising of the suitability of private and public stormwater systems for a proposed development or use;
- (b) a report from a suitably qualified person on the suitability of a site for an on-site stormwater disposal system.

Comment [WJ4]: These application requirements are necessary to allow assessment – however the State Scheme does not have a separate section for application requirements, and instead requires them to be integrated into the PC or PC. Therefore these have also been included in the Quality and Onsite Disposal PCs.

CX.5 Use Standards

CX.5.1 Objective:	To ensure altered pollutant types and/or loadings are managed appropriately to protect natural values, infrastructure and property.
Acceptable Solutions	Performance Criteria
A1 There is no change in use or intensification of use, excluding subdivision or building and works, which increase stormwater volume and stormwater total suspended sediment (TSS), total nitrogen (TN) and total phosphorous (TP), and potential stormwater contamination.	P1 Council may request a report demonstrating the use and proposed treatment is suitable for the site and is designed such that stormwater volume, pollutant load and pollutant concentrations are minimised to levels acceptable to the: i) Stormwater Service Provider, j) Local Provision Schedules, k) Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider, l) legislated water quality targets, m) licenced operational targets.

CX.6 Development Standards for Buildings and works

CX.6.1 Objective:	To ensure that buildings, works and stormwater drainage and disposal creates stormwater of a quality and quantity that enables protection of natural assets, infrastructure and property.
Acceptable Solutions A1 Stormwater from new impervious surfaces must be disposed of by one or both of the following: (a) gravity to public stormwater infrastructure; (b) On site if an existing residential or rural development at the effective date of this planning scheme and is consistent with the current disposal method and within any of the following zones: i) Low Density Residential Zone, ii) Rural Living Zone, iii) Rural Zone, iv) Agricultural Zone, v) Landscape Conservation Zone, vi) Environmental Management Zone	Performance Criteria P1 Stormwater from new impervious surfaces must be disposed of by one or both of the following: (a) on-site having regard to the suitability of the site. The onsite disposal system must be designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council. Council may request a report demonstrating suitability of the site prepared by a suitably qualified person which includes topography, soil analysis, geohazards, other pressures and risks. (c) to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of Stormwater Service Provider.
A2 Building or works that increases stormwater pollutants or volume, or changes pollutant type. The proposal must not include any of the following: a) an increase in potential stormwater contamination; b) more than 500m² additional impervious area; c) 6 or more car parks.	P2 The proposal must be designed such that: a) the Acceptable Stormwater Quality Targets (Table 1; Footnote R1) are achieved, or b) Concentrations of key contaminants of concern are minimised to levels acceptable to the Stormwater Service Provider, Local Provisions Schedules, legislated water quality targets, or licenced operational targets. Council may request a report demonstrating the proposed treatment is suitable for the site, and includes an acceptable ongoing maintenance burden (including site access), or c) The Stormwater Service Provider may, at their discretion, accept a cost contribution for stormwater quality in lieu of meeting the targets that are linked to an Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider, or d) If alternate solutions (a), and (b) are proven to be unsuitable, stormwater may be captured and held for later removal and

Comment [WJ5]: The only issues arising from gravity reticulation to public mains is that of receiving capacity- are dealt with in parts 3 & 4 (below).

Comment [WJ6]: Important to be aware that onsite stormwater disposal not adequately covered by Plumbing. There is no guidance in AS3500 or the as regards design, let alone appropriate setbacks or geotechnical considerations (landslip, dispersive soils, etc). This comment addresses this shortfall.

Comment [WJ7]: Pump systems addressed with in AS3500- however not installs a deemed to satisfy pump unit AS3500, as the restrictions are onerous. The risks of failure due to power outages and lack of maintenance are real, and maintenance plans are best required Planning. Again the wording 'to the satisfaction of the council' allows opportunity for a Council policy to be written.

Comment [WJ8]: Consistent with DPIPW State Stormwater Strategy 2

A3 The development must be such that either: a) No change in the fraction of total impervious areas (roof, roads, paths) to pervious area for the whole site, or b) fraction of total impervious areas (roof, roads, paths) to pervious area for the whole site, for a non-commercial or non-industrial development is less than 50% of the site, or c) fraction of total impervious areas (roof, roads, paths) to pervious area for the whole site for a commercial or industrial development is less than 70% of the site, or d) is compliant with stormwater drainage system requirements within the relevant Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider.	disposal to public sewer if to TasWaters satisfaction. P3 The proposal must be designed such that: a) Any increase in stormwater runoff can be accommodated within existing stormwater drainage system (or infrastructure upgraded as part of this proposal) to the satisfaction of the Stormwater Service Provider, and the Stormwater Service Provider may, at their discretion, accept a cost contribution for a future improvement of the public stormwater system for infrastructure upgrades that are linked to an Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider. b) a new minor stormwater drainage system must be sized in accordance with the requirements of the Stormwater Service Provider., or c) a new major stormwater drainage system must be designed to accommodate a 1% AEP storm event (and having regards to climate change), or	Comment [WJ9]: Receiving capacity not dealt with by Plumbing Regulation the Urban Drainage Act (excepting if connection is required). It is likely a number of Councils will be assessing piped systems as part of their obligation under the Urban Drainage Act (by Dec 2019), however this level of detail is not required by this legislation. In the meantime, a development size trigger required to provide smaller developments an easy path through the system. Determining appropriate size trigger tricky. Comment [WJ10]: New area impervious triggers as used by Brighton Council
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CX.7 Development Standards for Subdivision

CX.6.1 Objective:	To ensure that subdivision storm water drainage and disposal creates stormwater of a quality and quantity that enables protection natural assets and infrastructure and property.
Acceptable Solutions	Performance Criteria
A1 Stormwater disposal from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	P1 Stormwater from new impervious surfaces must be managed by either of the following: (a) disposed of on-site having regard to the suitability of the site. The onsite disposal system must be designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council. Council may request a report demonstrating suitability of the site prepared by a suitably qualified person which includes topography, soil analysis, geohazards, other pressures and risks.
A2	P2

Comment [WJ11]: The only issue arising from gravity reticulation to public mains is that of receiving capacity- and is dealt with in parts 3 & 4 (below).

Comment [WJ12]: Important to be aware that onsite stormwater disposal is not adequately covered by Plumbing. There is no guidance in AS3500 or the Code as regards design, let alone appropriate setbacks or geotechnical considerations (landslip, dispersive soils, etc). This code addresses this shortfall.

Subdivision that increases stormwater pollutants or volume, or changes pollutant type. The proposal must not include any of the following: d) more than 500m² additional impervious area	The proposal must be designed such that: a) the Acceptable Stormwater Quality Targets (Table 1; Footnote R1) are achieved, or b) Concentrations of key contaminants of concern are minimised to levels acceptable to the Stormwater Service Provider, Local Provisions Schedules, legislated water quality targets, or licenced operational targets. Council may request a report demonstrating the proposed treatment is suitable for the site, and includes an acceptable ongoing maintenance burden (including site access), or c) The Stormwater Service Provider may, at their discretion, accept a cost contribution for stormwater quality in lieu of meeting the targets that are linked to an Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider.	Comment [WJ13]: Consistent with DPIPWE State Stormwater Strategy 2
A3 [The development must be such that either] e) For a new lot created for a single residential dwelling, or a) Is compliant with stormwater drainage system requirements within the relevant Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider.	P3 The proposal must be designed such that: a) Any increase in stormwater runoff can be accommodated within existing stormwater drainage system (or infrastructure upgraded as part of this proposal) to the satisfaction of the Stormwater Service Provider, and The Stormwater Service Provider may, at their discretion, accept a cost contribution for a future improvement of the public stormwater drainage system for infrastructure upgrades that are linked to an Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider, or b) a new minor stormwater drainage system must be sized in accordance with the requirements of the Stormwater Service Provider, or c) a new major stormwater drainage system must be designed to accommodate a 1% AEP storm event (and having regards to climate change), or	Comment [WJ14]: Receiving capacity is not dealt with by Plumbing Regulation or the Urban Drainage Act (excepting new connection is required). It is likely a number of Councils will be assessing piped systems as part of their obligations under the Urban Drainage Act (by Dec 2019), however this level of detail is not required by this legislation. In the meantime, a development size trigger is required to provide smaller developments an easy path through the system. Determining appropriate size trigger is tricky.

Footnotes

R1

Advice can be obtained from the Derwent Estuary Programs Water Sensitive Urban Design Engineering

Procedures for Stormwater Management

<http://www.derwentestuary.org.au/wsudengineeringinfo/>

The *DPIPWE State Stormwater Strategy 2010*

<http://epa.tas.gov.au/epa/document?docid=721>

The Model for Urban Stormwater Improvement Conceptualisation (MUSIC),

<http://ewater.org.au/products/music/>

a nationally recognised stormwater modelling software package used to assess land development proposals based on local conditions including rainfall, land use and topography, is recognised as current best practice

R2

Advice can be obtained for preparing sediment and water management plans from the Derwent Estuary Program:

<http://www.derwentestuary.org.au/stormwater-factsheets/>

and International Erosion Control Association:

<http://www.austleca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

Reference F 84.88

Mayor Kristie Johnston
Glenorchy City Council
PO Box 103
GLENORCHY TAS 7010



**Tasmanian
Electoral Commission**

DATE RECEIVED

Level 2 Telstra Centre 2 2 APR 2016
70 Collins Street
Hobart Tasmania 7000

GPO Box 300
Hobart Tas 7001

Phone (03) 6208 8700
Fax (03) 6208 8791
ballot.box@tec.tas.gov.au
www.tec.tas.gov.au

GLENORCHY CITY COUNCIL

Dear Mayor Johnston

**Local Government Association of Tasmania (LGAT)
2016 by-election (Southern Electoral District)**

The LGAT has asked the Tasmanian Electoral Commission to conduct a by-election for one member from the *Southern Electoral District* having a population of 20,000 or more councils to fill a casual vacancy.

Only the Clarence City, Glenorchy City and Kingborough Councils are eligible to participate in the nomination process. Any elected member from these three councils can be nominated.

Election timetable

Nominations open Thursday 21 April 2016
Nominations close 5 pm Wednesday 18 May 2016
Ballot material posted (if a ballot is required)..... Tuesday 24 May 2016
Close of postal ballot 10 am Friday 1 July 2016
Declaration of result Friday 1 July 2016

Please note that for a nomination to be valid it must be endorsed through a decision at a Council meeting as described in the *Local Government (Meeting Procedures) Regulations 2015*. Further nomination requirements can be found on the nomination form enclosed.

If a ballot is required, all councils of the Southern Electoral District are entitled to vote.

If you have any queries please call Rod Huskins of this office on 6208 8716.

Yours sincerely

Andrew Hawkey
ELECTORAL COMMISSIONER

21 April 2016

Cc: Member councils within electoral district with a population less than 20,000
Chief Executive Officer, LGAT



Nomination Form



Local Government Association of Tasmania

Nomination of a candidate for election as Local Government Association of Tasmania General Management Committee (GMC) member.

Nominations are invited and must be lodged, posted, sent by facsimile or emailed so as to be received by the Returning Officer at the address shown below, **before 5 pm on Wednesday 18 May 2016**. The candidate and nominator will be notified of receipt of their nomination by this office.

It is the responsibility of the nominator to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each Member Council is entitled to nominate one elected member of a Member Council for the position of Committee Member of the GMC. Member Councils can only nominate an elected member within their electoral district and population category. Please see reverse.

A valid nomination is one which has been endorsed through a decision at a Council meeting as described in the *Local Government (Meeting Procedures) Regulations 2015*.

Candidate details			Please print
Nomination for the position of Committee Member (from a Member Council of the Southern Electoral District having a population of 20,000 or more)			
Title Mr Ms Mrs	Surname	Given names	Member Council
Residential address		Postal address (if different from residential)	
Contact phone numbers Home Mobile Work		Given names for ballot paper (if different from above) Email address	
☐ I accept the nomination as a candidate for election to the position shown above.			
Signature		Date	

Nominator	
Name of Member Council	Date of Council Meeting at which the nomination was endorsed
hereby nominates the above named candidate for election.	
Name of Authorised Person	Postal address
Contact phone numbers Home Mobile Work	Email address
Signature of Authorised Person.	Date

The address for lodgement at the Tasmanian Electoral Commission is:

Level 2, Telstra Centre, 70 Collins Street, Hobart.
Phone: 1800 801 701 or 6208 8700
Email: byelection@tec.tas.gov.au

Postal address: GPO Box 300, Hobart TAS 7001.
Fax: 6208 8791

Electoral Districts

(for the purpose of electing members to the General Management Committee)

NORTH WEST & WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – *no election*

Burnie City Council

Circular Head Council

King Island Council

Waratah-Wynyard Council

Kentish Council

Latrobe Council

West Coast Council

Members within the electoral district having a population of 20,000 or more – *no election*

Devonport City Council

Central Coast Council

NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – *no election*

Break O'Day Council

Flinders Council

Meander Valley Council

Dorset Council

George Town Council

Northern Midlands Council

Members within the electoral district having a population of 20,000 or more – *no election*

Launceston City Council

West Tamar Council

SOUTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – *no positions*

Brighton Council

Glamorgan-Spring Bay Council

Derwent Valley Council

Southern Midlands Council

Central Highlands Council

Huon Valley Council

Sorell Council

Tasman Council

Members within the electoral district having a population of 20,000 or more – *one position*

Clarence City Council

Glenorchy City Council

Kingborough Council

NOMINATION AND APPOINTMENT OF ALDERMEN TO COMMITTEES)

Policy Manual Number: 05-1

Council Minutes Ref: Council Meeting 2nd April 2007
Council Meeting 21st July 2003
Council Meeting 4th June 2001
Council Meeting 4th September 2000
Council Meeting 21st February 2000
File Ref: 01550

Background

There are three categories of appointment of Aldermen to Committees:

1. Council nominations to an outside body

In this case a request will have been made by a body such as the Local Government Association of Tasmania with which the Council is associated, that names of persons who wish to have their names included in a list of candidates for appointment to an office be provided. In such cases the nomination is requested of the Council, appointment however is made by the outside body. Examples of this category include a request that the Council provide people to be considered for appointment by the L.G.A.T. to the Board of Quadrant Superannuation, or the Southern Regional Library Advisory Board.

Nominations in this category may take a number of forms:

- a) Council may be asked to nominate a specific number of Glenorchy Aldermen
- b) Council may be asked to nominate a specific number of persons - in this instance Council's nominations need not be restricted to Glenorchy Aldermen – they may be Council staff, Glenorchy citizens or other municipalities' councillors
- c) Any number of Glenorchy Aldermen may be nominated

It is often the case that there is only a short time between the receipt of the request and the next Council meeting. There are also occasions when the closing date for nominations is before the next Council meeting.

2. Council appointment to an outside body

In this case the Council will have been invited to provide a person (or persons) to serve on an outside body, a situation where the person nominated will be automatically appointed since the Council has the right to have a representation on the outside body. Examples of this category include membership of the Hobart Water Joint Authority; the Southern Waste Management Strategy Board or the Southern Regional Cemetery Trust.

3. Appointment to a Council Committee, Special Committee or Council Working Group

In this case appointment is made by the Council to a Committee which it has set up and over which it has control. Examples include appointment of Aldermen to serve on a Precinct committee or a Working Group to Review the Parking Strategy.

Policy Statement

1. Nominations

(a) *Where Council has been asked to nominate a specific number of Aldermen the following procedure will be implemented:*

- (I) A memo will be sent to Aldermen seeking their expression of interest. Relevant details of the proposed appointment will be included.
- (II) Expressions of interest will be accepted up until 24 hours before the close of the Council agenda (this would usually be noon on Monday the week before the Council meeting).
- (III) The expression of interest from an Alderman may contain a statement in support of nomination to the position of no more than 100 words.
- (IV) If one or more nominations is received from Aldermen:
 - i. a report will be made to the next Ordinary Meeting of the Council with a list of Aldermen who have expressed interest including any supporting statements which will be transcribed exactly as provided. If necessary a ballot will be held at that meeting to select the required number of nominations. The results of a ballot will be put to Council in the form of a motion so that a formal decision can be made.
 - ii. the outside body will be informed of Council's resolution.
- (V) If no nominations are received from Aldermen the General Manager may advise the outside body that there is no nomination from Glenonorchy.

(b) *Where Council has been asked to nominate a specific number of persons*

- (I) A memo will be sent to Aldermen seeking their nomination or expression of interest. Relevant details of the proposed appointment will be included. If the General Manager wishes Council to consider the nomination of Council staff, relevant details will be included in the memo.
- (II) Nominations and expressions of interest will be accepted up until 24 hours before the close of the Council agenda (this would usually be noon on Monday the week before the Council meeting).
- (III) The expression of interest from an Alderman may contain a statement in support of appointment to the position of no more than 100 words.
- (IV) A report will be made to the next Ordinary Meeting of the Council with a list of nominations, including any supporting statements which will be transcribed exactly as provided. If necessary a ballot or ballots will be held at that meeting to select the required number of nominations. The results of a ballot will be put to Council in the form of a motion so that a formal decision can be made.
- (V) The outside body will be informed of Council's resolution.

- (c) ***Where any number of Glenorchy Aldermen may be nominated***
 - (I) A memo will be sent to Aldermen providing details of the proposed appointment.
 - (II) Aldermen will be advised to submit their nomination directly to the body seeking the nomination.

2. Appointments

Where appointment is to be made to an outside body or to an internal committee, working party, steering committee etc. by the Council the following procedures will be followed:

- (a) If the appointment is to a proposed new internal committee or working party a report will be provided to the Council outlining the purpose of the appointment, its term and the nature of the duties to be undertaken. Such a report will conclude with a recommendation that expressions of interest be called from Aldermen wishing to serve on the committee.
- (b) If the appointment is to an outside body or to an existing internal committee or working group a memo will be sent to Aldermen seeking their expression of interest. Relevant details of the proposed appointment will be included..
- (c) The expression of interest from an Alderman may contain a statement in support of appointment to the position of no more than 100 words.
- (d) Expressions of interest will be accepted up until 24 hours before the close of the Council agenda (this would usually be noon on Monday the week before the Council meeting).
- (e) A report will be made to the next Ordinary Meeting of the Council with a list of Aldermen who have expressed interest including any supporting statements which will be transcribed exactly as provided. If necessary a ballot or ballots will be held at that meeting to select the required number of nominations. The results of a ballot will be put to Council in the form of a motion so that a formal decision can be made.
- (f) For internal appointments Council may resolve to increase the number of Aldermen to be appointed to the internal committee or working group.
- (g) If the appointment is to an outside body it will be informed of Council's resolution.

3. Appointments or re-appointments following a Council Election.

Appointment or re-appointment to outside bodies and to internal committees, working parties, steering committees etc. will be made by the Council at the first possible ordinary meeting of the Council following a Council Election. The following procedures will be followed:

- (a) As soon as possible after the declaration of the Poll each newly-elected and existing Alderman will be provided with a memorandum which indicates that appointment or re-appointment of Aldermen to outside bodies and internal committees, working parties, steering committees etc. will be made at the next possible ordinary meeting of the Council. The memorandum will outline the

purpose of each appointment, its term, the nature of the duties to be undertaken and the name of the incumbent prior to the election. It will in addition indicate whether the position has been held ex officio by the Mayor or Deputy Mayor or whether the appointment has been made by an outside body. The memorandum will request Aldermen to lodge an expression of interest in any appointment with the General Manager.

- (b) Expressions of interest will be accepted up until 24 hours before the close of the agenda of the Council meeting at which the report will be presented (this would usually be noon on Monday the week before the Council meeting).
- (c) The expression of interest from an Alderman may contain a statement in support of appointment to the position of no more than 100 words.
- (d) The report to the first possible Ordinary Meeting of the Council will contain all of the information described in (a) above and will provide a list of Aldermen who have expressed interest in each position and provide copies of supporting statements.
- (e) An Alderman may nominate or be nominated for a position, or a proxy position, at the meeting if no or an insufficient number of expressions of interest have been lodged
- (f) Where the number of expressions of interest exceeds the number of appointments a ballot will be held to determine appointment(s). For internal committees or working groups Council may resolve to increase the number of Aldermen to be appointed.

4. Review of Aldermanic Appointments to Precinct Committees.

- (a) A review of the assignment of Aldermen to Precinct Committees will be undertaken in November of each year.

5. Conduct of a Ballot

- (a) Whenever possible, ballot papers and an envelope will be prepared and distributed to Aldermen prior to the meeting in the event that a ballot may be required.
- (b) The envelopes containing each Alderman's vote will be collected, and the results calculated, at the meeting when the item is being considered by Council.
- (c) If an Alderman forgets to bring the ballot paper to the Council meeting, or if the timeframe for nominations prevents distribution of ballot papers prior to the Council meeting, ballot papers and envelopes will be provided when the item is discussed.
- (d) Only Aldermen who are present may vote.
- (e) If an election is held and if there is one appointment to be made and only two candidates have been nominated, voting will be by each Alderman marking the box beside the name of the preferred candidate (preferably with an "X") to clearly indicate that this is their preference (eg "1" or "✓" will be accepted). If both boxes are marked, with one box marked "1" and the other marked "2", the box marked with a "1" will be taken as the voter's preferred candidate. If both boxes are marked other than with a "1"

and a “2”, unless the voter’s preference is not clear the vote will be accepted.

- (f) If an election is held, if there is more than one appointment to be made or if there are three or more candidates, voting will be by a preferential system. Under such a system the voting Alderman places the number 1 in the box next to the name of the most preferred candidate, a number 2 next to the name of the next most preferred candidate and so on. A number must be placed in the box next to the name of every candidate.
- (g) The votes will be counted by a Council officer with another officer acting as a scrutineer. In the case of the method of election described in (e) the name of the person obtaining the majority of the votes will be appointed. In the case of the method of election described in (f) the name/s of candidates receiving the least number of votes will be appointed.
- (h) The officer counting the votes will write the name of the successful candidate/s on a piece of paper and hand it to the Mayor or the Alderman chairing the meeting who will read the name/s to the Council.
- (i) If the vote is tied the Mayor or Chairman will be told and selection made by the toss of a coin.
- (j) For committees that require a proxy:
 - i. If a ballot is held for appointment as Council’s representative to a committee, the unsuccessful candidates will be offered the position as proxy representative to that committee in order of preference according to their position in the ballot. That is:

The person who is next in the ballot will be offered the position of proxy first. If the person who is next in the ballot declines the appointment as proxy the person who follows in the ballot will be offered the position, as proxy and so on.
 - ii. An Alderman may nominate as proxy for that committee but will only be considered if all unsuccessful candidates decline the proxy appointment.
- (k) A recommendation will then be put to the meeting that the successful candidate/s be appointed and that all ballot papers and other election material be destroyed.
- (l) The election and scrutiny will be confidential.

6. Refusal of Nomination or Appointment

- (a) An Alderman may refuse nomination or appointment to a committee, including nomination or appointment as a proxy to that committee.
- (b) Council, may refuse to appoint an Alderman to a committee if it is considered that the Alderman may be unable to provide satisfactory representation on the committee (eg excessive workload, other commitments etc).

7. Reporting Requirements for Appointments to External Committees

- (a) If minutes of committee meetings are not routinely provided to the Council by the secretary, chairperson or other source, Aldermen should provide the General Manager with a copy of the minutes of every “external”

committee meeting as soon as possible after the date of the meeting but preferably no later than the date of the following meeting.

- (b) Aldermen should present a written briefing report to Council outlining major issues and activities addressed by each "external" committee to which they have been appointed.
- (c) If more than one Alderman is appointed to a committee, only one report from either Aldermen is required. Aldermen may choose to collaborate in the production of the report.
- (d) A separate briefing report for each committee is to be provided on the proforma used for this purpose.
- (e) Briefing reports should be presented in July each year and will cover the period during the financial year that the Alderman has been Council's representative on the committee.

8. Aldermen's attendance and performance

- (a) A briefing report will be provided on a quarterly basis detailing the attendance record of Aldermen at committees to which they have been appointed.
- (b) If an Alderman's attendance at a committee is deemed unsatisfactory, or if a committee reports, in writing, that it is dissatisfied with an Alderman's performance on a committee, Council may withdraw the Alderman's appointment to that committee and appoint another Alderman as a replacement.

Review **2nd April 2010**

Status: Current

POLICY DOCUMENT CONTROL SHEET

Policy Name: NOMINATION AND APPOINTMENT OF ALDERMEN
TO COMMITTEES

Policy Manual Number: 05-1

Department: Governance and Performance

Date Policy Approved by Council: 4th September 2000

Reviewed by (Name and Job Title of officer)	Nature of Amendment (List changes made to Policy)	Date Council Endorsed Amendment
Trevor Jones Manager, Governance & Performance	Periodic Review – changes made to nomination process to allow request via memo; Changes to ballot process to allow acceptance of votes where voter's intention clear (for selection of 1 from 2 Aldermen) Improved mode of appointment as proxy when required, Removed prescriptive requirements for annual review of appointment to Precinct Committees	2 nd April 2007
Trevor Jones Manager, Governance & Performance	Review policy – included provision to enable Council or Alderman to refuse nomination. Included requirement for Alderman to provide minutes of external committees and to produce annual report. Included provision to withdraw appointment if performance unsatisfactory.	21 st July 2003
Frank Pearce General Manager	Inclusion of clause enabling ballot paper distribution prior to meeting.	23 rd September 2002
Trevor Jones Manager, Governance & performance	Procedural matter enabling distribution of ballot papers prior to the meeting – actual policy not amended at this time.	4 th June 2001
David Lovell General Manager	Review Policy	4 th September 2000
David Lovell General Manager		21 st February 2000

Outstanding Actions List - Open Council Meeting

Council Meeting Date	Clause Number	Subject/Issue	Council Adopted Action	Department Responsible	Comments/Update	Estimated Completion Date
9/06/2015	13.3	Notice of Motion Alderman M. Stevenson	That a brief projects and major operational items summary be provided at each Council meeting.	Corporate Governance	Council recommendations to management with respect to reporting framework remains outstanding.	June 2016
3/08/2015	8	Community Garden - Kenbrae Avenue and Ritchain Street	That Council acknowledges that the Legal and Property Department will negotiate a lease under section 179 of the Local Government Act with the Glenorchy Precinct Group for the portion of land between Kenbrae Avenue and Ritchain Street on either side of the footpath to develop a community garden for the benefit of our community.	Corporate Governance	Council Officers have met 4 times in the past 4 months with a Precinct Working Group to develop the Community Garden proposal. The group has discussed management and operation of the space, stages to the development, local community consultation and placement of physical features e.g.: shading. Specifically trained Council staff completed a CPED review in early December and this was presented to the Working Party on 7 Dec 2015 for consideration. Council staff and The Greater Glenorchy Community Precinct now await an agreed layout plan and management / operation documentation from the working party to be able to progress with the project to the community consultation phase. There has been no agreed layout plan presented. Thus the Glenorchy Community Precinct have written to the working party requesting specific agreement on progress or the Community Precinct will withdraw support for the project.	No Estimate available at this time.
3/08/2015	15.1	Notice of Motion - Alderman D. Pearce	That Council re-examines its consultation processes and methods.	Community, Economic Development & Business	This is an action in the Glenorchy City Council Annual Plan 2015/16 to 2018/19 which was adopted by Council on 1 June 2015: 1.1.3.01 Utilise the community engagement process implemented for the new Community Plan to review Council's community engagement process including the operation of Precinct Committees and new methods such as social media. Review Council's community engagement strategy and develop a community engagement manual. The target date for completion of the Action is 30 June 2016.	30-Jun-16
3/08/2015	15.2	Notice of Motion - Alderman J. Branch-Allen	1. Glenorchy City Council plan to facilitate a community forum in 2016 to talk about community food security. 2. We invite Professor David Adams (leader in this area) to talk at the forum.	Community, Economic Development & Business	Resources to be allocated as part of 2016/17 to 2019/20 Annual Plan development. Subject to budgetary consideration.	31-Dec-16
10/06/2014	22.3	Notice of Motion - Alderman C. Lucas - 2 Car Parking Strategy	Council provide a report on current Car parking strategy in the City commercial precincts including: 1. The present parking strategy for the future of the city, and any proposed changes. 2. Details Cash-in-Lieu payments in Commercial areas, Glenorchy precinct, Moonah and Claremont - including total fees collected and numbers of spaces in-lieu by year since the year 2000. 3. Any feedback received from developers. 4. How application of this policy and fee levels relate to the Regional Planning scheme. 5. A schedule of fee rates for all Southern councils.	City Services & Infrastructure	Parking Strategy Working Group has been re-established. The Terms of Reference have been endorsed by Council. Meetings of the working group are now underway.	31-Dec-16
13/10/2014	7.1	Notice of Motion 7 - Alderman M. Stevenson Develop an 'expression of interest' process	That Council develop an 'expression of interest' process that could be implemented to help find a naming rights sponsor for the Darwin Entertainment Centre and other Council facilities.	Community, Economic Development & Business	EOI process to be developed in conjunction with Manager Legal & Property. To be implemented, in respect of the DEC, as an action item in the DEC Business Plan. Initially to be pursued as 'foyer naming rights' until the DEC brand consolidates.	Dec 2016

Council Meeting Date	Clause Number	Subject/Issue	Council Adopted Action	Department Responsible	Comments/Update	Estimated Completion Date
1/09/2014	13.4	Question on Notice - Alderman K. Johnston (Relates to Notice of Motion - Alderman K. Johnston - CCTV Evaluation (12 February 2013))	That a report be prepared by the Director Community, Economic Development & Business following consultation with Tasmania Police with respect to the Closed Circuit TV system. That the CCTV system be evaluated every six months and a report produced with a range of identified KPIs. That Council as a priority develop and adopt CCTV system operating procedures and protocols. (refer to Question On Notice for specific details)	Community, Economic Development & Business	Reply received from Tas Police 23 March 2016. Advising difficulties with provision of CCTV statistics.	Ongoing
31/08/2015	10	Community and Multi-Cultural Feasibility Study - Election Commitment Grant Deed	a) Council call for expressions of interest in developing a feasibility plan to meet the needs of the community for a Multi-Cultural Centre/ Community Spaces Plan. b) Confirm with the Department of Premier and Cabinet that the proposed grant timelines are acceptable - expenditure within the 2015/16 financial year.	Community, Economic Development & Business	Consultation with Aldermen has been undertaken. This project will be the subject of a future Council workshop.	June 2016
26/10/2015	17	Audio Recording of Meetings of Council	That Council APPROVE for the General Manager to negotiate and enter into an agreement with the preferred EOI applicant a suitable audio recording solution for Council. (a) That Council ENDORSES a database associated with all traffic signs and road markings within Glenorchy municipality be developed. (b) That Council ENDORSES a review of existing speed limit signs within the Glenorchy municipality so that the number of speed limit signs is minimised following the development of the proposed street sign database. (c) That Council ENDORSES a procedure for the 'No Stopping' restrictions be developed to determine where to use signage and/or line marking in terms of full-time 'No Stopping' parking restrictions with the consideration of minimising installation and maintenance costs. (d) That Council ENDORSES that the existing 'No Stopping' signs also be reviewed subsequent to the development of the proposed database. (e) That Council ENDORSES a long term plan for line marking maintenance to be developed subsequent to the development of the proposed database.	Corporate Governance	Contract for services is in the process of being negotiated by Council's legal team.	end May 2016
23/11/2015	9	Notice of Motion - Proposing the replacement of all speed limit signs and 'No Stopping' signs with pavement marking and the change of road markings from white to yellow.	(a) That Council ENDORSES a procedure for the 'No Stopping' restrictions be developed to determine where to use signage and/or line marking in terms of full-time 'No Stopping' parking restrictions with the consideration of minimising installation and maintenance costs. (b) That Council ENDORSES that the existing 'No Stopping' signs also be reviewed subsequent to the development of the proposed database. (c) That Council ENDORSES a long term plan for line marking maintenance to be developed subsequent to the development of the proposed database.	City Services & Infrastructure	Transport Engineer has commenced work on the development of the traffic signs and line marking database.	30-Dec-16
23/11/2015	10	Bushfire Management	2. That Council APPROVES the implementation of an improved, ongoing bushfire management program (stages 1-3) to meet statutory responsibilities that is expected to cost, on average, \$343,000 per year over the first 10 years and thereafter have an on-going cost of \$273,000. 3. That Council APPROVES a budget variation of \$45,000 for the 15/16 financial year to commence stage 1 of the bushfire management program for policy and strategy development.	City Services & Infrastructure	2. Council Policy, Strategy and Bushfire Management Plan to be developed by new position holder. 3. New Position Description has been developed for approval and advertising.	2. 30 Dec 2016 3. Expect position to be advertised in May 2016.
21/12/2015	9	Main Road Transit (Public Transport) Corridor, Bus Priority and Bus Stop Optimisation Measures	3. Requires a further report be provided to Council on completion of detailed design and prior to the implementation of bus priority measures at the intersection of Main Road and Derwent Park Road/Springfield Avenue	City Services & Infrastructure	Officers from the Department of State Growth have been made aware of the resolution and will provide Council with detailed design drawings for further review before final approval is agreed.	Subject to progressing by State Growth.
25/01/2016	9	Development Opportunities along the Potential Public Transit Corridor	That Council (b) subject to the matched support of Hobart City Council: (i) INITIATE a public Transit Corridor Urban Utilisation and Economic Benefit project for the current rail corridor, based on that Project Proposal, in partnership with Hobart City Council; (ii) EXCHANGE Memoranda of Agreement to proceed with the project on terms and conditions agreed by the General Managers of the respective Councils; (iii) PREPARE a brief requesting expressions of interest from suitably qualified and experienced public transport and urban development consultants demonstrating their capacity to fully develop a report and recommendations satisfying the combined requirements of the two Councils. (iv) AGREE to requesting submissions from consultants that have demonstrated through their expressions of interest submissions that they have the capacity to provide a report capable of satisfying the requirements of the brief. (v) ALLOCATE up to \$75,000 as Glenorchy City Council's contribution to the cost of engaging a consultant, subject to Hobart City Council agreeing to allocate \$75,000 with the total fee for the consultancy not exceeding \$150,000.	Community, Economic Development & Business	HCC & GCC Council officers met on 29 April 2016 to review submissions from potential consultants and a recommendation will be put to the next meeting of the Steering Committee.	30-Jun-16

Council Meeting Date	Clause Number	Subject/Issue	Council Adopted Action	Department Responsible	Comments/Update	Estimated Completion Date
25/01/2016	11	Actions List - Update Report	Corporate Performance Reporting • Management to provide a framework at February workshop. • Clarification as to reporting requirements of the Council.	Community, Economic Development & Business/Corporate Governance	An Annual Plan Progress Report was put to the 13 April 2016 Council meeting. A second Council Workshop is to be held before the end of the financial year.	Dec 2016
25/01/2016	19.1	Notice of Motion - Alderman M. Stevenson	That Council investigate its jurisdiction to ban smoking along the InterCity Cycleway and; Returns a report to Council advising if it does have jurisdiction to do so, and; If possible, provide an appropriate schedule for implementing such a ban, and Council to consult with HCC e.g. Salamanca markets compliance.	City Services & Infrastructure	This report was laid on the table pending a Council Workshop on a date to be determined.	30-Aug-16
15/02/2016	10	KSV Skate Park	That Council: RECEIVES and notes the update on the relocation and construction of the Skate Park and that there be extended community consultation about the location of the Skate Park and further report come back to Council, giving consideration to Council's strategic plan and projects, before the final location is determined by Council.	Corporate Governance	Presentation made to Council Workshop on 26 April 2016 outlining work done to date, current position, conceptual design and indicative timeframes for public consultation, Council Report and construction.	30-Aug-16
15/03/2016	9	InterCity Cycleway Proposed Chitane Gate Changes at Road Intersections	That Council remove one of the existing "paired" chitane gates, to replicate what the Hobart City Council has completed, at all road crossings along the InterCity cycleway.	City Services & Infrastructure	Project planning has commenced.	Dec 2016
13/04/2016	17.1	Notice of Motion - Alderman J. Branch-Allen	That Council: AGREES to hold a community forum prior to the adoption of the 2016/17 budget to outline the upcoming budget considerations and likely scenarios for rate setting for 2016-17 based on current information that will inform the Council when making its decisions in the Council meeting on the 6 June 2016.	Community, Economic Development & Business	Community forum to be held at 6.30pm on 19 May 2016 at the MAC. Preparations are under way in relation to communications strategy and agenda and presentation.	19-May-16