

GLENORCHY CITY COUNCIL

ATTACHMENTS

MONDAY, 25 JULY 2022



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State Planning Provisions Review

Scoping Paper



State Planning Office
Department of Premier and Cabinet



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Minister's Foreword

The Government is committed to improving Tasmania's planning system and it will not be long before the Tasmanian Planning Scheme is fully in effect across our State, establishing a fairer, more consistent approach to planning and development approval. A single set of planning rules will apply across every local government area, generating efficiencies and increasing certainty and transparency for developers, planners, councils and our communities.

Having a well-drafted and contemporary planning scheme will ensure that our strategic land use planning policies and strategies are appropriately implemented, and that what is delivered on the ground through development applications are in accordance with community expectations.

As the new Minister for Planning, I believe that it is important that we regularly review our planning instruments to ensure they remain fit-for-purpose and current. Reviews provide the Government, councils, the community and other stakeholders with opportunities to identify areas for improvement and enable us to apply appropriate changes in policy and update specifications.

The State Planning Provisions (SPPs) came into effect as part of the Tasmanian Planning Scheme on 2 March 2017 following a comprehensive assessment process undertaken by the independent Tasmanian Planning Commission (the Commission), which included extensive public exhibition and 25 days of public hearings.

The SPPs establish the single set of planning rules for the 23 zones and 16 codes, which manage the use, development and conservation of land in Tasmania. Put simply the SPPs set out planning requirements such as the height of buildings, the uses allowed in particular locations, and what additional controls might be required for developing a heritage building. The SPPs are currently in effect across 12 municipalities in the State and will come into effect in the remaining areas following the approval of each council's Local Provisions Schedules.

Under the *Land Use Planning and Approvals Act 1993* (LUPAA), the SPPs are required to be reviewed every five years. This review is now due.

It is also a requirement that the SPPs be reviewed in the context of the Tasmanian Planning Policies (TPPs) once they are made. The TPPs are currently being prepared and a suite of draft TPPs are expected to be publicly exhibited towards the end of this year.

The State Planning Office has already started preparing for the SPPs review, which will formally commence with the public release of this Scoping Paper. While the review will cover all the SPPs, we want to identify any issues of specific concern so that we can focus our efforts to where they are most needed, and develop a suite of short, medium and longer-term amendments.

The SPPs are a vital part of our planning system and I encourage everyone to consider how they could potentially be improved.

I look forward to hearing your views.

Hon Michael Ferguson MP
Minister for Planning



Introduction

This paper introduces the first comprehensive review of the SPPs, the Statewide planning rules that apply as part of the Tasmanian Planning Scheme, and invites you to inform the scope of that review.

The aim is to identify the provisions of the SPPs that may require review, as well as if there is a need for any new provisions in the SPPs.

This paper has been prepared to help you provide feedback to assist us in identifying the scope of the SPPs review. The paper includes some key questions for you to consider and is organised with the following sections:

Section 1 explains what the SPPs are, how they work within the planning system, and why the government is reviewing them.

Section 2 details what the review will cover and how it will happen.

Section 3 lets you know how you can get involved.

Links and references to additional information that may assist you with providing feedback are included throughout this paper.

Why are we reviewing the State Planning Provisions?

The State Planning Provisions (SPPs) play an important role in the management of the use, development, and conservation of land in Tasmania, and it is important that they are regularly reviewed to ensure they remain contemporary and fit-for-purpose.

For these reasons, section 30T of LUPAA requires that the SPPs are reviewed every 5 years. Section 30T of LUPAA also requires a review of the SPPs to take place after the making of the TPPs, which is expected to occur during 2023. This ensures consistency with the policies contained in the TPPs.

Having been approved in 2017, the SPPs are due for review during 2022. Regular review of planning instruments is considered best practice to:

- improve how they achieve their purpose,
- apply improvements in knowledge and policy, and
- give people and groups a chance to provide their views on how those planning instruments are working, and to suggest improvements.

While the SPPs are not yet fully in effect across all our State, a suitable period has now passed since the SPPs were drafted to initiate a review. The full suite of SPPs have been in effect in some local government areas for nearly 2 years, and some parts of the SPPs are also already in effect in the remaining interim planning schemes. This provides enough information and experience for conducting the review.



I. Understanding the SPPs

I.1 Overview of land use planning in Tasmania

Land use planning is about putting in place a guiding framework of policies, strategies, and rules for use and development that will shape the future of how our society looks and functions. These tools then influence decision making about how our settlements, our infrastructure, and our landscapes look and how we want them to function.

Figure 1 illustrates an overview of Tasmania's land use planning system.

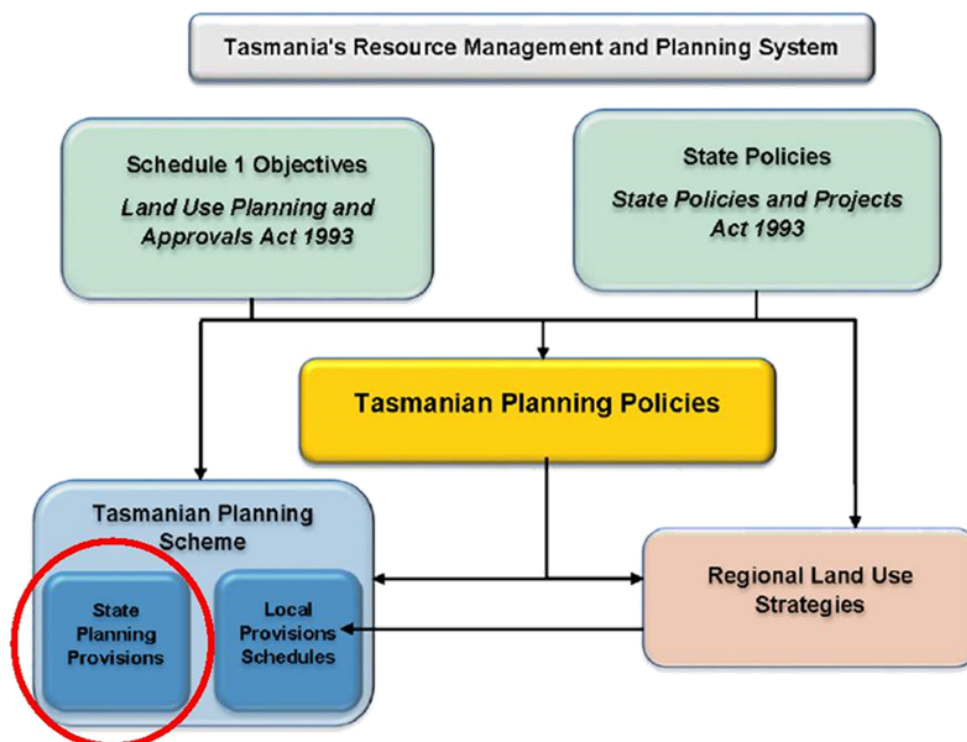


Figure 1 - Tasmania's land use planning system

The range of land use planning documents that make up Tasmania's planning system can be described as either 'strategic' or 'statutory' planning documents. The framework that provides for these documents is set out in LUPAA.

Strategic planning documents guide longer term land use and development through statements such as objectives, principles, policies, or strategies which are informed by social, economic, and environmental data. Strategic planning documents in Tasmania include the State Policies, the TPPs that are currently under preparation, and the three regional land use strategies. Councils also prepare a range of other local strategic planning documents.

The main statutory planning documents in Tasmania are the current planning schemes: the Tasmanian Planning Scheme and the remaining interim and older planning schemes. These set the rules for making decisions about use or development on particular sites in the immediate future.



It is the role of local councils acting as 'planning authorities' to assess applications for planning permits (often referred to as development applications) in accordance with the rules contained in planning schemes. The processes for making decisions on development applications are outlined in LUPAA.

1.2 The Tasmanian Planning Scheme

The Tasmanian Planning Scheme is made up of the SPPs and Local Provisions Schedules (LPS), as shown in Figure 2.

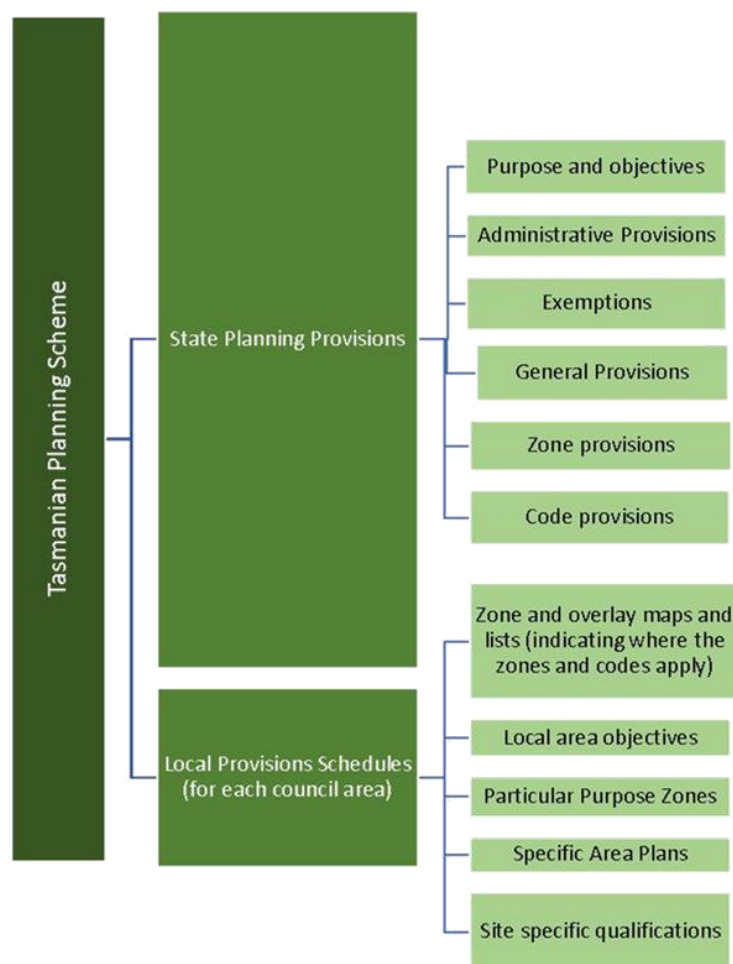


Figure 2 - Structure of the Tasmanian Planning Scheme

The rules in the Tasmanian Planning Scheme control the use, development, and conservation of land across the State in support of the LUPAA Schedule 1 Objectives, State Policies, and the TPPs (once made).

The SPPs are the Statewide set of rules (or provisions) expressed mainly through 23 zones and 16 codes. The SPPs also include administrative, general, and exemption provisions, and the requirements and a template for the LPS. More information on the SPPs is available on the [Planning in Tasmania website](#).

The SPPs are prepared, approved and amended by the Minister for Planning, with expert planning advice provided by both the Commission and the State Planning Office.



The LPS apply the SPPs in each local government area through zone maps, overlay maps, and lists of places where the codes apply. LPS may also contain local area objectives, particular purpose zones (PPZs), specific area plans (SAPs), and site-specific qualifications (SSQs). Each of these is a form of planning control for unique places specific to the local area.

The Tasmanian Planning Scheme, including the SPPs, only applies once a council has its LPS approved. For this reason, some councils still operate under the older Interim Planning Schemes. All councils will eventually use the Tasmanian Planning Scheme to make decisions about land use and development.

The Tasmanian Planning Scheme also operates alongside other legislative requirements, including integrated assessment processes for:

- certain activities with the potential for environmental emissions or impacts (Level 2 activities) administered by the [Environment Protection Authority \(EPA\) Tasmania](#);
- works on heritage places of State significance listed on the [Tasmanian Heritage Register](#) administered by [Tasmanian Heritage Council](#); and
- considering impacts on [TasWater's water and sewerage infrastructure](#).

Certain forestry operations and works, mineral exploration, and marine farming are managed under separate legislation. There are also exemptions from the Tasmanian Planning Scheme for certain electricity, water and sewerage, gas and railway infrastructure works as outlined in their relevant legislation.

1.3 Background of the SPPs

The first SPPs were drafted during 2015 as part of the Government's planning reform agenda to introduce a single Statewide planning scheme.

The drafting of the SPPs involved input from technical reference groups and consultative groups including State and regional organisations across business, industry, the community sector, environmental and heritage interests, and local government.

The SPPs largely adopted the structure established by [Planning Directive No. 1 – The Format and Structure of Planning Schemes](#) (Planning Directive No. 1) on which all interim planning schemes were based. Departures from Planning Directive No. 1 occurred to align the administrative provisions with the Tasmanian Planning Scheme structure required by LUPAA, in addition to:

- detailed reconsideration of the planning scheme exemptions;
- additional Special Provisions (renamed as General Provisions) from interim planning schemes; and
- reconsideration of some zones, such as replacing the Rural Resource Zone and Significant Agriculture Zone with the Rural Zone and Agriculture Zone, removal of the Environmental Living Zone, and inclusion of the Landscape Conservation Zone and the Future Urban Zone.

The content of the zones and codes in the SPPs was drafted with detailed regard to all interim planning schemes that were in operation at the time. It also captured the latest versions of codes as recommended by the Commission in accordance with:

- other approved or draft planning directives (the Bushfire-Prone Areas Code, Road and Railway Assets Code and Potentially Contaminated Land Code), and



- latest State Government policies on natural hazards (the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code and Landslip Hazard Code).

During 2016, the Commission undertook a comprehensive independent assessment of the SPPs, including 60 days of public consultation and 25 days of public hearings.

The Commission's assessment of the SPPs concluded in December 2016 with a recommendations report being provided to the then Minister for Planning. In making the SPPs, the then Minister accepted the majority of the Commission's recommendations. A statement of reasons was released in response to those recommendations that were not accepted.

The SPPs were made on 2 March 2017.

2. Understanding the review

2.1 Scope of the review

The review will consider the SPPs component of the Tasmanian Planning Scheme. All of the SPPs are open to review.

It is important to note that this review does not include the:

- Local Provisions Schedules;
- Regional Land Use Strategies;
- State Policies; or
- the broader planning framework within LUPAA and associated legislation.

The review will not consider where zones and codes are applied in the Local Provisions Schedules. This is the role of individual councils with independent oversight from the Commission. Instead, the review will consider the rules and administrative requirements in the SPPs.

There are limitations on matters that may be covered by the Tasmanian Planning Scheme and the SPPs as listed in sections 11(3) and 12 of LUPAA. Certain building design and engineering and safety requirements are also covered by the Building Act 2016, associated regulations, and the National Construction Code. These also do not form part of the review.

2.2 Review process

The SPPs review begins with the release of this scoping paper and related information documents (Step 1 in Figure 3 below).

Feedback received from the scoping process will assist with identifying those provisions in the SPPs that require review, potential gaps in the SPPs, and inform options for improvement and potential amendments to the SPPs. A report will be prepared in response to the feedback from the scoping process (Step 2 in Figure 3 below).

The scoping process will help inform key themes or parts of the SPPs that require more detailed consideration for progression through separate projects and conclude in amendments to the SPPs. The State Planning Office will establish reference groups and consultative groups to assist with these detailed projects and amendments.



Some matters may be addressed in the short-term through amendments to the SPPs (Step 3 in Figure 3 below), while others may require the finalisation of the TPPs before progressing (Step 4 in Figure 4 below). It is a requirement of LUPAA for the SPPs to be consistent with the TPPs.

The making of the TPPs, which is expected to occur during 2023, will result in a review of the SPPs for consistency. A discussion paper will be released for consultation to consider options for amendments to the SPPs to make them consistent with the TPPs (Step 4 in Figure 3 below).

The SPPs amendment processes are detailed in [Part 3, Division 2](#) of LUPAA. All non-minor amendments are subject to public consultation, and independent assessment, including public hearings, by the Commission. The Commission then provides recommendations on the draft SPPs amendments which must be considered by the Minister for Planning before determining whether or not to make the amendment.



Figure 1 - The SPP review process

2.3 What has happened so far

The State Planning Office has put together a list of issues that have already been raised through conversations with stakeholders, along with submissions received through other processes. These processes include exhibition of [Planning Directive No. 8 – Exemptions, Application Requirements, Special Provisions and Zone Provisions](#) and reports provided to the Commission on the SPPs in accordance with [section 35G](#) of LUPAA.

A summary of these issues is available on the [Planning in Tasmania website](#).

Section 35G of LUPAA provides a process for a local council, after considering submissions on their draft LPS, to advise the Commission on potential amendments to the SPPs. The Commission must consider the advice of the council and provide a recommendation to the Minister for Planning. More information on the process under s.35G of LUPAA is available of the [Commission's website](#).

Several current projects will also inform the SPPs review. These projects are detailed below.



Residential and Housing Reviews

Review of the residential development standards derived from Planning Directive 4.1

The rules in the SPPs General Residential Zone and Inner Residential Zone are based on those in *Planning Directive 4.1 – Standards for Residential Development in the General Residential Zone* (Planning Directive No. 4.1).

In 2014, Planning Directive No. 4.1 introduced a Statewide set of rules for residential development in the General Residential Zone across all interim planning schemes.

In 2020 the State Planning Office commissioned a consultant to engage with stakeholders about their key concerns with the requirements in Planning Directive No. 4.1 and to seek examples of their practical application. This process has resulted in the *Review of Tasmania's Residential Development Standards – Issues Paper* which has been made available through the [Planning in Tasmania website](#) to further assist with scoping the SPPs Review.

Medium Density Residential Development Standards Project

In 2019, the then Premier of Tasmania announced a project to prepare planning rules to deliver consistent requirements for apartment developments in Tasmania. The new requirements will be implemented through an Apartment Code in the SPPs to provide a clear pathway for the assessment of apartments and encourage good quality design and liveable spaces.

The project is being managed by the State Planning Office in partnership with Hobart City Council through the Hobart City Deal and will be delivered through a future amendment to the SPPs.

This project will be informed by the SPPs Review, and the review of the residential development standards derived from Planning Directive No. 4.1.

More information on the medium density residential development standards project and the Apartment Code is available through the [Planning in Tasmania website](#).

Tasmanian Planning Policies (TPPs)

The TPPs are high-level strategic policy ambitions and directions on land use planning matters of State and community interest. They will provide a way for the Tasmanian Government and community to consider and set directions on a broad range of complex and emerging planning issues. These high-level policies will inform strategic planning and the statutory planning provisions within the SPPs and LPS.

Some matters raised during the SPPs review scoping process may need to be considered in conjunction with the broader policies in the TPPs. The SPPs must be reviewed for consistency with these policies once the TPPs are made.

Once the TPPs are made, a discussion paper will be circulated to explore how consistent the SPPs are with the TPPs and what changes may need to be made to the SPPs.

More information on the TPPs is available through the [Planning in Tasmania website](#).



3. How to get involved

The Government wants to hear from you about issues with the SPPs.

We want to hear about the provisions in the SPPs that you think require review, or any provisions that you think are missing.

Your feedback will help scope the 5-yearly review of the SPPs and to identify issues to be addressed through amendments to the SPPs.

We encourage you to read this scoping paper in full before providing your comments as a submission. Please note, the scope of the review is outlined in section 2.1 of this scoping paper. We also encourage you to peruse all other documents made available as part of the scoping process as these may help inform your submission.

To help you respond, we invite you to consider the following questions. We also encourage you to provide reasons and examples (where possible).

QUESTIONS TO CONSIDER

Which parts of the SPPs do you think work well?

Which parts of the SPPs do you think could be improved?

What improvements do you think should be prioritised?

Are there any requirements that you don't think should be in the SPPs?

Are there additional requirements that you think should be included in the SPPs?

Are there any issues that have previously been raised on the SPPs that you agree with or disagree with?

Are there any of the issues summarised in the *Review of Tasmania's Residential Development Standards – Issues Paper* that you agree or disagree with?

Submissions on the State Planning Provisions Scoping Paper can be made until the close of business on **29 July 2022** in one of the following ways:

- Via email to yoursay.planning@dpac.tas.gov.au
- Via post to:

Department of Premier and Cabinet
State Planning Office
GPO Box 123
HOBART TAS 7001

Submissions will be treated as public information and will be published on the [Planning in Tasmania website](#), unless confidentiality is specifically requested.



No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact the State Planning Office via email: stateplanning@dpac.tas.gov.au, or read the [Tasmanian Government Public Submissions Policy](#).

The State Planning Office website contains more information on the Tasmanian Planning Scheme and the SPPs:

If you would like to discuss the SPPs review further, or would like a briefing, please contact the State Planning Office at: stateplanning@dpac.tas.gov.au or by telephoning 1300 703 977.

4. What will happen next?

Once the consultation period has ended, the State Planning Office will carefully consider all comments received.

Feedback received from this scoping process will assist with deciding the extent of the SPPs review. A report will be prepared in response to the feedback from the scoping process.

The scoping process will help inform key themes or parts of the SPPs that require more detailed consideration for progression through separate projects and conclude in amendments to the SPPs.





Tasmanian
Government

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Section 35G Report

Council officers maintain the issues raised with the SPPs in the Council Report of 9 May 2016 and included in Appendix 1 of the Draft LPS Supporting Report, are still relevant and if not addressed will likely result in interpretation problems, cumbersome process outcomes and an inability to further the objectives of LUPAA, State Policies and the Regional Land Use Strategy in future planning decisions.

However, the following specific changes to the SPPs have been identified as a result of representations received under S35E of LUPAA, and it is requested, in accordance with S35G of LUPAA that these changes be put to the Minister.

Abbreviations

Draft Glenorchy LPS: Draft Glenorchy Local Provisions Schedule

GIPS 2015: Glenorchy Interim Planning Scheme 2015

LUPAA: *Land Use Planning and Approvals Act 1993*

SPPs: State Planning Provisions

STRLUS: *Southern Tasmania Regional Land Use Strategy 2010-2035*

TPC: Tasmanian Planning Commission

TPS: Tasmanian Planning Scheme

S8A Guidelines: Guideline No 1 Local Provisions Schedule (LPS): zone and code application, June 2018

1. Exemptions 4.3.2 internal buildings and works – heritage interiors

Raised in representation no: 33

Discussion:

The exclusion through exemption of internal building and works as a matter for consideration renders the Local Historic Heritage Code deficient and unworkable because, by definition, the Code Purpose Statement - that has the objective of recognising and protecting the local historic heritage significance of local places - cannot be fulfilled.

Further, the exclusion of internal building and works as a matter for consideration:

- has no foundation in the *Land Use Planning and Approvals Act 1993*, the premise having been tested in the Resource Planning and Appeals Tribunal – refer to findings in: *MA and JM Purton v A and M Jackson [2013] TASRMPAT 99*. Further, the inclusion of an exemption for internal work in the SPPs demonstrates that LUPAA has been read to apply to internal development;
- is inconsistent with the *Historic Cultural Heritage Act 1995* which does include scope for consideration of internal building and works for places entered on the Tasmanian Heritage Register; and
- does not reflect industry best practice as set out in published and widely-used heritage standards such as the *Australia ICOMOS Burra Charter* and J.S.Kerr's, *The Conservation Plan*

which advocate holistic consideration of all aspects that together contribute to the significance of a heritage place.

The exemption is inconsistent with:

- LUPAA Objective Part 2 (g): *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value,*
- Regional policies under STRLUS:
 - CV 2 - *recognize, retain and protect historic cultural heritage values...*
 - CV 2.5 - *to base heritage management on the Burra Charter.*

Recommended changes to the SPPs:

Add a column headed 'Significant Interior' to LPS Table C6.1 Local Heritage Places.

Amend the wording of 4.3.2 in the SPPs so it reads:

"All internal building and works **unless identified as a Significant Interior in Table C6.1 Local Heritage Places**" (retaining the footnote relating to places entered on the Tasmanian Heritage Register as is).

This is a pragmatic and procedurally fair solution since population of the column will be via the planning scheme amendment process.

2. Exemptions 4.4.1 Vegetation Exemptions

Raised in representation no: 33

Discussion:

The exemptions at 4.4.1 enables removal of vegetation under a variety of circumstances, including, clearance within 1.5m of a lot boundary in any zone (or within 3m for a Rural or Agricultural Zone) to construct or maintain a fence, and within 2m of lawfully constructed buildings for maintenance repair and protection, without qualification.

Scenic protection provisions in C8.4.1(a)(ii) - exemption qualification for hedgerows and C8.6.2 - development within a scenic road corridor, become redundant when vegetation within those setback measurements is removed to construction or maintain fencing. That is, the Scenic Protection Code does not do what it is specifically written to do.

Heritage protection provisions in C6.6.10 – to regulate the removal of vegetation in heritage gardens and C6.9.1 - protection of significant trees, are essentially nullified wherever clearance around lawfully constructed buildings and lot boundary fences is carried out. Again, this Code cannot do what it is intended to do: to protect/regulate removal of heritage significant vegetation because the SPPs fail to work as a cohesive document.

The purpose of the Natural Assets Code is to minimise impacts on priority vegetation. However, the broad exemption to allow vegetation removal within 3m of a boundary fence in a Rural Zone has the potential to significantly degrade priority vegetation (allowing for the introduction of weeds etc).

The exemption does not factor in any site-specific controls developed via a planning scheme amendment process that protects specific vegetation.

The exemption is inconsistent with:

- LUPAA Objectives:
 - Part 1 (a) – *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity*
 - Part 2 – (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*
- Regional policies under STRLUS:
 - BNV 1 and BNV 2 managing and protecting biodiversity and ecosystems and their resilience to climate change.
 - C 1 and CV 4 scenic landscape protection
 - CV 2 recognise and protect historic cultural values.

Recommended changes to SPPs:

Include qualifying statements for heritage scenic landscapes and priority vegetation as follows:

4.4.1 vegetation removal for safety or in accordance with other Acts

If for:

- (a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the Forest Practices Act 1985, unless for the construction of a building or the carrying out of any associated development;
- (b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the Forest Practices Regulations 2007;
- (c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a use or development;
- (d) fire hazard reduction required in accordance with the Fire Service Act 1979 or an abatement notice issued under the Local Government Act 1993;
- (e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmanian Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council;
- (f) clearance within 2m of lawfully constructed buildings for maintenance, repair and protection, unless the Local Heritage Code applies; or
- (g) clearance within 2m of infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection;
- (gh) safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or
- (hi) for the purpose of erecting or maintaining a boundary fence, if within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence, or within 3m of a lot boundary, in the Rural Zone and Agriculture Zone, unless:
 - (i) the Local Historic Heritage Code or Scenic Protection Code applies;

- (ii) the vegetation is identified as Priority Vegetation under the Natural Assets Code; or
- (iii) a Particular Purpose Zone or Specific Area Plan applies and includes an applicable standard for vegetation protection.

3. Front fence exemption at Clause 4.6.3 - conflict with Specific Area Plan and Particular Purpose Zone provisions and inability to address visual safety

Raised in representation no: 33

Discussion:

The exemption under Clause 4.6.3 fences within 4.5m of a frontage, applies to all front fences except where a permit is required under a Local Historic Heritage Code.

However:

- GLE-S1.7.5.7 Fences A1(b) (GLE-S1.0 Claremont Peninsula Specific Area Plan) requires fences between buildings and the foreshore to be no more than 0.5m in height if solid, in order to promote open and natural areas with connections to the foreshore.
- GLE-P2.6.7 Fencing A1(b) (GLE-P2.0 Particular Purpose Zone – Technopark), requires a fence along a frontage to be 50% transparent above a height of 1.2m, to ensure an appropriate balance of security and passive surveillance.

It has been demonstrated through a planning scheme amendment process that for these unique sites, lower frontage fences, or variation in design of the front fence, are required to meet specific social, aesthetic and environmental values. These provisions are also required to transitioning in the Glenorchy LPS - however these outcomes will be lost due to the conflict with the exemptions at Clause 4.6.3.

This is also like to create interpretation issues and reduce the effective operation of the planning scheme.

Further, fences adjacent to driveways, can be constructed without adequate sight lines to maximise pedestrian safety.

The exemption is inconsistent with:

- LUPAA Objectives:
 - Part 2 – (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.*

Recommended change to SPPs:

The introductory and last sentence of Clause 4.6.3 of the SPPs should be modified to:

Fences (including free-standing walls) that meet the sight lines at junctions and for driveways in accordance with Australian Standard AS/NZS 2890.1, within 4.5m of a frontage, if located in:

....

unless the Local Heritage Code applies or an applicable standard under a Particular Purpose Zone or a Specific Area Plan applies, and requires a permit for the use or development

4. Adequate access onto a lot and well-designed new roads

Raised in representation no: 33

Discussion:

To satisfy Section 107 (2) Access orders, of the *Local Government (Building and Miscellaneous Provisions) Act 1993* [LG(B&MP)], subdivision designs need to demonstrate that a vehicle can get from the road **onto** the lot – not just from the road **to** the lot. This prevents the creation of lots that are so steep with a small frontage, that the new owner needs to construct retaining walls or commit significant funds to ensure a 'reasonable access' is achieved. While the concept of 'buyer beware' could be considered relevant, ensuring that these matters are addressed in the planning stage, and that planning permits align with the requirements of LG(B&MP), benefits both future land holders and Council.

Further, early advice from the road authority can mitigate poor design impacts, such as where the road access is too steep, has lots of retaining walls, lots of culs-de-sac or internal lots with limited parking, making it easier for Councils to determine whether to take over the road.

Unless these issues are addressed, the SPPs will be obstructed from furthering the Objectives of LUPAA, particularly:

- Part 1 (b) to provide for the fair, orderly and sustainable use and development of air, land and water
- Part 2 (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.

Recommended changes to the SPPs

Modify the Lot Design applicable standard in all residential zones as shown below:

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings.	
Acceptable Solutions	Performance Criteria	
A1	P1	
...	...	
A2	P2	
...	...	
A3	Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access <u>to a boundary of</u> the boundary of the lot to a road <u>onto the lot</u> in accordance with the requirements of the road authority.	
	Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of <u>onto</u> a lot or building area on the lot, if any, having regard to: (a) the topography of the site;	

	(b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site; and (e)(f) any advice from the road authority.
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Modify the Road applicable standard in all residential zones, as shown below:

Objective:	That the arrangement of new roads within a subdivision provides for: (a) safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.
Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i> ; (i) the topography of the site; and

	(j) the future subdivision potential of any balance lots on adjoining or adjacent land; ; and (j)(k) any advice from the road authority
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5. Revised open space and ways provision

Raised in representation no: 33

Discussion:

The Panel Report (Draft State Planning Provisions, 9 December 2016, p.63) included the recommendation that the *Local Government (Building and Miscellaneous Provisions) Act 1993* [LG(B&MP) Act] be reviewed to enable planning assessment for subdivision to be wholly considered under the Tasmanian Planning Scheme. The community and the development industry are likely to experience a confused and convoluted assessment process with elements for subdivision assessment divided between the planning scheme and LG(B&MP) Act. There is also an increased potential for refusal of proposals that do not meet legislative requirements – even where they have been designed in accordance with the planning scheme provisions.

Without an applicable standard for the assessment of ways and open space, the State Planning Provisions represent an disjointed assessment path that is inconsistent with the objectives of LUPAA [Part 1 (b) *to provide for the fair, orderly and sustainable use and development of air, land and water*, and Part 2 (e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals*].

Recommended changes to the SPPs

Insert the following applicable standard into the residential zone provisions of the SPPs:

Objective	That ways and public open spaces provide for: (a) safe, convenient and efficient connections; (b) the adequate accommodation of pedestrian and cycling traffic; and (c) useable and enjoyable public spaces.
Acceptable Solution	Performance Criteria
A1	P1
No Acceptable Solution	Ways and public open space within a subdivision must be designed to be well-connected, safe and functional having regard to: (a) appropriate connections through the provision of ways to the common boundary with: (i) adjoining ways; (ii) neighbouring land; and (iii) the neighbourhood road network;

	(b) opportunities to create convenient access to local shops, community facilities, public open space and public transport routes; (c) the ability to provide adequate passive surveillance from development on neighbouring land and public roads, as appropriate; (d) creation of a legible movement network; (e) the slope, location and amenity of any open space areas; (f) any pedestrian and cycle way, public open space plan or landscaping policy adopted by Council; and (g) minimising opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following: (i) the width of the way; (ii) the length of the way; (iii) landscaping within the way; (iv) lighting; (v) provision of opportunities for 'loitering'; (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).
A2 No Acceptable Solution	P2 Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.

6. C1.0 Signage Code

▪ Application of C1.6.4 to places listed on the THR

Raised in representation no: 33

Discussion:

In reviewing heritage and the application of the various SPP provisions, it was noted that while the Local Historic Heritage Code does not apply to assessment of places listed on the Tasmanian Heritage Register, the same process does not apply to the assessment of signs associated with THR listed sites. To avoid confusion, inconsistency and duplication of decision-making, C1.6.4 of the Signs Code should not apply to Places listed in the Tasmanian Heritage Register.

Recommended Change to the SPPs

Insert:

C1.2.3 C1.6.4 does not apply to a registered Place entered on the Tasmanian Heritage Register.

▪ *Undefined terms in the Signs Code in relation to heritage provisions*

Raised in representation no: 33

Discussion:

While the representation specifically referenced the Local Historic Heritage Code, similar undefined terms appear in the Signs Code in relation to heritage provisions. In C1.6.4 Signs on local heritage places and in local heritage precincts and local historic landscape precincts, both the Objective and P1 preamble refer to 'unacceptable impact'.

The Code Purpose statement (C1.1) refers to provision of well-designed signs that are compatible with the visual amenity of the surrounding area.

Local historic heritage significance is described strictly according to the defined format in LPSTable C6.1 Local Heritage Places.

The Objective and P1 Performance Criterion, however, introduces – through use of the term 'unacceptable impact' – an extraneous performance measure that:

- is neither defined nor originates from the qualities that make a Place significant
- requires a planning authority to forecast, divine, guess and otherwise have regard to matters that are incapable of anything approaching objective assessment and in direct contradiction of key functions expressed in, but not limited to, SPP 6.8.1 (b).

On this basis, the P1 Performance Criterion relying as it does on the wording, 'unacceptable impact', is effectively unworkable. This is inconsistent with:

LUPAA Objectives:

- Part 2 – (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Regional policies under STRLUS:

- CV 2 recognise and protect historic cultural values.

Recommended changes to the SPPs:

Delete the term 'unacceptable impact' wherever it appears in C1.6.4 Signs on local heritage places and in local heritage precincts and local historic landscape precincts, and replace it with the term 'adverse impact'.

▪ *Assessment of illuminated signs*

Raised in representation no: 33

Discussion:

Illuminated signs have the potential to impact drivers not only at controlled intersections, but also at busy intersections or along busy roads. While C1.6.2 provides for the assessment of illuminated

signs near traffic control devices, it does not indicate who is qualified to provide that assessment. This gap in assessment impedes the ability of the SPPs to further the Objectives of LUPAA, particularly:

- Part 1 (b) *to provide for the fair, orderly and sustainable use and development of air, land and water*
- Part 2 (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.*

Recommended changes to the SPPs

Modify C1.6.2 P1 (f) as shown below:

Objective:	That: (a) illuminated signs are compatible with the streetscape; (b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and (c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to: (a) the location of the sign; (b) the size of the sign; (c) the intensity of the lighting; (d) the hours of operation of the sign; (e) the purpose of the sign; (f) (the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) the intended purpose of the changing message of the sign; (h) the percentage of the sign that is illuminated with changing messages; (i) proposed dwell time; and (j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device <u>drivers of motor vehicles and other road users as assessed by a suitably qualified person.</u>
A2 An illuminated sign visible from public places in adjacent roads must not create the effect of	P2 No Performance Criterion.

flashing, animation or movement, unless it is providing direction or safety information.	
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7. C2.0 Parking and Sustainable Transport Code

▪ Accessible Parking

Raised in representation no: 33

Discussion:

There are provisions within C2.0 Parking and Sustainable Transport Code (ie C2.6.2 A1.2 and C2.6.5 A1.2), that require accessible car parking spaces to appropriately located and meet the design requirements of the relevant Australian Standards. However, the Code has no standard that requires accessible parking be provided – so these requirements cannot be applied.

It is unclear why the Code would require accessible parking to be designed in a specific manner but fail to specifically require any such spaces. It may be possible that omission of accessible parking numbers was an error.

In any instance, the failure to address accessible parking provision it is inconsistent with the objectives of LUPAA, particularly:

- Part 1 (b) to provide for the fair, orderly and sustainable use and development of air, land and water
- Part 2 (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.

Recommended Change to the SPPs

Modify Clause C2.5.1 to include A2 and P2:

Objective	That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria	
A1	P1.1	
....		
A2	P2	
The number of accessible car parking spaces must be provided in accordance with the National Construction Code.	No Performance Criteria	

▪ Clarity of terms

Raised in representation no: 33

Discussion:

The terms 'access' and 'access ways' are used within the SPPs but have no definition.

A definition for 'vehicular crossing' is provided; however, the word 'driveway' is used within the definition (noting that 'driveway' is used independently within the SPPs and is not defined). It is also

considered that colloquially, the term driveway is more likely to be interpreted as the 'access' rather than the 'crossover'.

Clear and consistent definitions are required otherwise there will be misinterpretation and inconsistent decision making.

Recommended change to the SPPs

In Table 3.1

- Insert the new term and definition:

driveway: private access from the carriageway that leads to the car park on the land.

- Replace the definition of 'vehicle crossing' with:

the portion of land, over which a vehicle travels, between a site's boundary and the adjoining carriageway

- Clarify the term 'access' where it appears throughout the SPPs.

▪ ***Technical issues***

Raised in representation no: 33

Discussion:

Given the limitations S35E of LUPAA – which effectively prevents further comment on the SPPs - consideration of some of the technical impacts of the Code could not be raised. However in reviewing the issues raised in the representations it is considered that the technical issues relating to the design for parking in C2.6.2, which refers to Table C2.3 for width and length of car parking spaces and aisles and is different to AS2890.1 figures 2.2 and 2.5 should be raised.

In respect to consistency in decision making, clarity of provisions and in terms of safety that Clause C2.6.2 is inconsistent with the objectives of LUPAA, particularly:

- Part 1 (b) *to provide for the fair, orderly and sustainable use and development of air, land and water*
- Part 2 (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.*

Recommended changes to the SPPs

Revise car parking width and length requirements, particularly within C2.6.2 and table 2.3 to ensure design requirements are consistent with Australian Standards.

8. Heritage issues and C6.0 Heritage Code

- ***6.1.3 Assessment of an Application for Use or Development***

Raised in representation no: 33

Discussion:

Application requirements make no reference to the ability of a planning authority to require additional information on heritage grounds.

6.1.3 provides a comprehensive list of categories of additional information that may be requested by a planning authority.

Heritage is conspicuously absent from the list.

The omission of any reference in the SPPs to the ability of a planning authority to request additional information to inform assessment as to how an Application may impact upon the historic cultural heritage significance of a Place as set out in LPS GLE-Table C6.1 effectively:

(a) nullifies the ability of a planning authority to exercise due diligence in fulfilling its fundamental obligations with respect to SPP 6.0 *Assessment of an Application for Use or Development* (including but not limited to - 6.8 *Discretionary Use or Development*, 6.10 *Determining Applications*, 6.11 *Conditions and Restrictions on a Permit*),

by:

(b) impeding operation of C6.0 *Local Historic Heritage Code* through failure to provide the planning authority with the ability to request specific information to enable assessment of Applications with respect to the C6.1 *Code Purpose* noting the extensive reliance upon Performance Criteria in the Code and the nuanced values that characterise LPS GLE-Table C6.1.

A lack of clarity on the extent and scope of information that can be requested for heritage matters is likely to lead to frustration for both applicants and the planning authority, and is inconsistent with the Objectives of LUPAA, particularly:

- Part 1 (b) *to provide for the fair, orderly and sustainable use and development of air, land and water*
- Part 1 (c) *to encourage public involvement in resource management and planning*
- Part 2 (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Recommended change to the SPPs:

Insert the following into 6.1.3:

(d) in relation to Local Heritage places, Local Heritage Precincts, Local Historic Landscape Precincts, Significant Trees, and Places or Precincts of Archaeological Potential:

- photographs, drawings or photomontages necessary to demonstrate the impact of the proposed development and works on the local historic heritage significance of the place;
- a conservation plan (with definition as follows: **conservation plan** means a plan prepared by a suitably qualified person in accordance with *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance* (Kerr J, National Trust of Australia, NSW, 1982).
- a heritage impact statement (with definition as follows: **heritage impact statement** means a report from a suitably qualified person setting out the effect of the proposed development and works on the local historic heritage significance of the Local Heritage Place, Local Heritage Precinct or Local Landscape Precinct).

- an arboricultural impact statement (with definition as follows: **arboricultural impact statement** means a report from a suitably qualified person setting out the effect of the proposed development and works on significant trees or trees/tree groups that contribute to the local historic heritage significance of the Local Heritage Place, Local Heritage Precinct or Local Landscape Precinct.
- a statement of archaeological potential (with definition as follows: **statement of archaeological potential** means a report from a suitably qualified person that includes; a written and illustrated site history, overlay plans showing the main historical phases of site development and land use on a current base layer, a disturbance history, a written statement of archaeological significance and potential taking into consideration key significant phases of site development and land use, and the impacts of disturbance).
- an archaeological method statement (with definition as follows: **archaeological method statement** means a report from a suitably qualified person that includes: strategies to identify, protect and/or mitigate impacts to known and/or potential archaeological values (typically described as a statement of archaeological potential), collections management specifications including proposed storage and curatorial arrangements, identification of measures aimed at achieving a public benefit, details.

▪ *Application of Code to THR listed sites excluding significant trees*

Raised in representation no: 16 & 33

Discussion:

In reviewing representations on issues relating to dual listings and the need to avoid confusion, inconsistency and duplication of decision making, the circumstance under C6.2.3 to exclude places listed on the Tasmanian Heritage Register (THR), from assessment under C6.0 Local Historic Heritage Code, *except for the lopping, pruning, removal or destruction of a significant tree...* would appear to be at odds with this goal. It is unclear why significant trees can be dual listed and require assessment by both the planning authority and the Tasmanian Heritage Council (THC), but all other places only require assessment by the THC (note that signage is also subject to this anomaly and is discussed elsewhere in this S35G Report).

Recommended Change to the SPPs

Council officers believe the best planning outcome is the creation of a standalone Code for Significant Trees – as they have a range of values beyond purely heritage significance. Additionally, modification to the SPPs to ensure that places listed both locally and on the THR are only assessed by the Tasmanian Heritage Council is required.

▪ *Undefined terms – particularly in the assessment of demolition*

Raised in representation no: 33

Discussion:

C6.1.1 (a) Code Purpose
C6.3 Definition of Terms

C6.6 Development Standards for Local Heritage Places

C6.6.1 Demolition. LPS GLE Table C6.1 Local Heritage Places

The Code Purpose statement (C6.1.1) refers to recognition and protection of local historic heritage significance and significant trees.

Local historic heritage significance is described strictly according to the defined format in LPS Table C6.1 Local Heritage Places.

The Performance Criteria comprising C6.6.1 Demolition, however, introduces extraneous performance measures that are neither defined nor originate from the qualities that make a Place significant. Specifically in C6.6.1:

- Both the Objective and P1 preamble refers to 'unacceptable impact'.
- P1 (g) refers to 'reasonable option'
- P1 (h) refers to 'any economic considerations'.

Performance Criteria for demolition in the Development Standards for Local Heritage Places are unworkable because they use wording that is not defined, has no genesis in the local historic heritage significance statements that underpin LPS Table C6.1 Local Heritage Places, and is so broad that it is incapable of objective assessment.

Use of the wording 'unacceptable impact' and/or 'unreasonable impact' throughout C6.0 that is not defined and so broad it renders the objectives and performance measures, wherever it is used, incapable of objective assessment.

Reference to 'reasonable option' and 'any economic considerations' introduces an undefined performance measure that has no place in values-based regulation.

All the aforementioned are nebulous terms that require a planning authority to forecast, divine, guess and otherwise have regard to matters that are incapable of anything approaching objective assessment and in direct contradiction of the reference to applicable standards in the Discretionary Use or Development decision making requirements referred to in SPP 6.8.1 (b).

Performance criteria must be clearly articulated to enable an applicant to demonstrate compliance, the use of these terms provides no guidance as to what may be acceptable or reasonable to the applicant nor does it make for consistent decision making.

On this basis, C6.6.1 Demolition is considered unworkable to all intents and purposes.

This is inconsistent with:

- LUPAA Objectives:
 - Part 2 – (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*
- Regional policies under STRLUS:
 - CV 2 recognise and protect historic cultural values.

Recommended changes to the SPPs:

In the C6.6.1 Objective and the P1 preamble delete the words 'unacceptable impact' and replace with the words 'adverse impact'.

Delete C6.6.1, P1 (g) whether demolition is a reasonable option to secure the long-term future of a building or structure.

Delete C6.6.1, P1 (h) any economic considerations.

▪ **Undefined terms - generally**

Raised in representation no: 33

Discussion:

C6.1.1 (a) Code Purpose

C6.3 Definition of Terms

C6.6.1 Demolition

C6.6.10 Removal, destruction or lopping of trees or the removal of vegetation that is specifically part of a local heritage place

C6.7.1 Demolition within a local heritage precinct

C6.7.2 Demolition within a local landscape precinct

C6.8.1 Development Standards for Places or Precincts of Archaeological Potential

GLE Table C6.1 Local Heritage Places

C6.10 Development Standards for Subdivision.

In C6.6.1 both the Objective and P1 preamble refers to 'unacceptable impact'.

In C6.6.10 the P1 preamble refers to 'unreasonable impact'.

In C6.7.1 both the Objective and P1 preamble refers to 'unacceptable impact'.

In C6.7.2 both the Objective and P1 preamble refers to 'unacceptable impact'.

In C6.8.1 the P1 preamble refers to 'unacceptable impact'.

In C6.10.1 both the Objective and P1 preamble refers to 'unacceptable impact'.

The Code Purpose statement [C6.1.1 (a)] refers to recognition and protection of local historic heritage significance and significant trees.

Local historic heritage significance is described strictly according to the defined format in LPS Table C6.1 Local Heritage Places.

The Objective/s and/or Performance Criteria cited above, however, introduce – through use of the terms 'unacceptable impact' and 'unreasonable impact' - extraneous performance measures that:

- (a) are neither defined nor originate from the qualities that make a Place significant; and
- (b) require a planning authority to forecast, divine, guess and otherwise have regard to matters that are incapable of anything approaching objective assessment and in direct contradiction of key functions expressed in, but not limited to, SPP 6.8.1 (b).

On this basis, all the performance measures that rely on the wording 'unacceptable impact' and 'unreasonable impact' are effectively rendered unworkable.

This is inconsistent with:

- LUPAA Objectives:

- Part 2 – (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- Regional policies under STRLUS:
 - CV 2 recognise and protect historic cultural values.

Recommended changes to the SPPs:

Delete the terms 'unacceptable impact' and 'unreasonable impact' wherever they appear in C6.0 Local Historic Heritage Code and replace, in each case, with the term 'adverse impact'.

9. C7.0 Natural Assets Code

Raised in representation no: 33

Discussion:

The Panel, in its report on the Draft State Planning Provisions, 9 December 2016, indicated that *the Natural Assets Code requires revision as a high priority* (section 5.74, p.36-37).

LGAT and the Meander Valley Council in their representation on the Draft Meander Valley LPS, identified key flaws with the SPP Natural Assets Code, that is, it fails to:

- further the objectives of LUPAA to maintain ecological processes and genetic diversity;
- deliver its stated Code purpose to "minimise impacts on identified priority vegetation" and "to manage impacts on threatened fauna species, by minimizing clearance of significant habitat;
- implement a cogent division of responsibility between agencies charged with the responsibility of regulating the management of native vegetation through the interaction between the Forest Practices System and the planning scheme and does not account for the different overarching objectives of scale, the land use practices under each system or a hierarchy of controls;
- outline clear responsibilities and expectations for land owners and developers so that in proposing land use and development, it is understood what the code purpose of 'minimising impacts' and 'minimising clearance' actually means. In particular, there is no foundation in data or scientific practice to determine what "unreasonable loss of priority vegetation", the fundamental premise for the operation of Section C7.6.2, actually is. Section C7.6.2 is inoperable, as it is without meaning and has no prospect of measurement. This will inevitably end in confused, inconsistent and inconclusive administration of the planning scheme provision.

Essentially, LGAT and the Meander Valley Council came to the conclusion that, due to the inability to measure many of the terms in the Natural Assets Code, the Code is unworkable.

Council officers note and support this assessment of the Code. Further, the inability to evaluate on-ground values of a site during the application assessment stage, or provide for a buffer to protect priority vegetation and facilitate the movement of natural values, demonstrates that the Code fails on a number of levels and is inconsistent with:

- LUPAA Objectives:
 - Part 1 (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

- Part 1 (b) to provide for the fair, orderly and sustainable use and development of air, land and water.
- Part 2 (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.
- Part 2(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- Part 2 (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- Regional policies under STRLUS:
 - BNV 1 Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.
 - BNV 2 Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.

Recommended changes to the SPPs

Undertake a review of the Natural Assets Code including the suggested changes put forward in the Meander Valley S35G Report.

It is noted that Tasmanian Planning Commission has put a notice to the Minister for Planning under S35G(2) of LUPAA for a review of the Natural Assets Code

10. Need for a revised Scenic Protection Code

Raised in representation no: 33

Discussion:

In preparing the Draft Glenorchy LPS and seeking to populate the scenic values and management objectives in Table at C8.1, significant problems with C8.0 Scenic Protection Code were realised.

In particular:

- A focus on skylines and not all scenic landscapes, in that the Code does not adequately provide for landscapes in coastal areas, river estuaries, or highly scenic rural areas. There is also no definition for skyline.
- There are difficulties in interpreting and applying the Scenic Road Corridor provisions, and limited ability to provide scenic protection in any instance.
- There is limited scenic protection within Rural and Agricultural Zones.

It is understood that the policy intent behind the Tasmanian Planning Scheme was to ensure that zone provisions address use and development standards relevant to the zone (uses, heights, setbacks, lot sizes), while overlays would address elements relevant to the value or hazard. In the instance of the Rural Zone, controls on Design (light reflectance and impacts caused by cut and fill), present in similar zones in the interim schemes were not included in the SPP zone, and while it was anticipated that they would instead occur in the Scenic Protection Code (where such impacts on values should be assessed) they do not.

Due to the matters identified above, applying the Scenic Protection Overlay over land in a Rural Zone, such as Collinsvale where the landscape value is primarily in its rural/residential character, is ineffective in managing design elements like cut and fill and light reflectance and there are no other appropriate tools in the SPPs that enable this.

For instance an Extractive industry, proposing 500m² of cut and fill to 10m in depth, could be established on top of a ridgeline, but 50m below a skyline, and 120m from a road, in a Rural Zone and within a Scenic Protection Area, but there would be no standards to assess its visual impact.

Also, as noted earlier, the intent to protect hedgerows and exotic trees close to scenic road corridors under the Code is effectively removed by the vegetation removal exemption at Clause 4.4.1 (or even Clause 4.4.2 – as there is no definition of what a private garden constitutes with the SPPs).

The Code at C8.0 is inconsistent with:

- LUPAA Objectives:
 - Part 2 (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*
- Regional policies under STRLUS:
 - C 1 *Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.*
 - CV 4 *Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.*

The Scenic Protection Code is significantly flawed and is ineffective in achieving its purpose.

Recommended changes to the SPPs:

Replace C8.0 Scenic Protection Code with the revised code included in Appendix 1

11. Flood Prone Areas Code

Raised in representation no: 21

Discussion:

The Flood Prone Areas Hazard Code does not provide for an acceptable solution pathway, even where an application can demonstrate through site-specific survey information, that finished floor levels are to be above predicted flood levels (noting that the southern interim planning schemes provide for a finished floor level for habitable rooms being no less than 300mm above the flood level).

With Councils mapping flood prone areas, it is considered that this, along with site specific survey information, should be able to be relied upon to determine appropriate development.

It is considered that modifications to the Flood Prone Areas Hazard Code to include an Acceptable Solution that allows for development to be a specified height above flood levels would be consistent with the:

- LUPAA Objectives:
 - Part 2 (f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation*

- Regional policies under STRLUS:
 - MRH 2 *include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.*

Recommended changes to the SPPs:

Introduce Acceptable Solutions to the Flood Prone Areas Hazard Code standards to enable a permitted pathway for use and development within a flood prone hazard areas overlay map.

12. Stormwater Management

Raised in representation no: 33

Discussion:

Stormwater management is essentially the same as water and sewerage management and needs to be considered at the time of assessment of a planning application.

There are no other tools available to management stormwater, as the *Urban Drainage Act 2013* is ineffective as it was not written with the intent of being used as a planning control, and thus provides no head-of-power to manage stormwater quality in new developments. Further, it only applies to urban areas.

The lack of a planning tool to manage stormwater is also considered inconsistent with the *State Policy on Water Quality Management 1997*, the objectives of LUPAA and the STRLUS.

While some stormwater provisions occur in the SPP zones, they are only triggered for subdivision applications, and even in this instance are inadequate to address water quality and would be better accommodated with a consistent code applicable to all land.

It is noted that Clause 6.11.2 (g) of the SPPs provides a broad head of power for applying conditions on a permit with regard to '*erosion, and stormwater volume and quality controls*', however it is unclear how this could ensure stormwater is appropriately addressed as:

- there are no standards in the SPPs to relate the condition to (as required under Clause 6.10.1)
- the principles for applying conditions do not allow a planning authority to defer making a decision through conditional approval.

It is considered that the SPPs require modification to include a Stormwater Management Code that will enable a wholistic consideration of all the issues related to development.

It is noted that the Panel in its report on the Draft State Planning Provisions, 9 December 2016 recommended *that a stormwater management code or standards suitable for inclusion in zones be prepared to better manage the stormwater disposal.*

In 2016, the Southern Tasmanian Councils drafted a Stormwater Code for inclusion in the State Planning Provisions (SPPs). The code was drafted in alignment with the SPWQM to facilitate the implementation of the provisions (Clause 31 and 33) outlined in the policy. It is recommended that this Code be included into the SPPs to appropriately manage stormwater.

The omission of a way to appropriately manage stormwater within the TPS is inconsistent with:

- LUPAA Objectives:

- Part 2 (b) ensuring a scheme is the *principal way of setting objectives, policies and controls for the use, development and protection of land*
- Part 2 (e) providing for the *consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals*
- Regional policies under STRLUS:
 - WR 1.1 - *Use and development is to be undertaken in accordance with the State Policy on Water Quality Management.*

Recommended changes to the SPPs:

Insert the C17.0 Stormwater Management Code included in Appendix 2 into the SPPs.

13. Identifying THR listed Sites of archaeological potential

Raised in representation no: 33

Discussion:

Places listed on the THR can be include in the LPS. THR sites can also include places of archaeologic potential. Table at Clause C6.4 Place or Precinct of Archaeological Potential also requires modification to enable reference to THR sites to be included.

Suggested changes to the SPPs:

Insert a column to identify THR Number of places of precincts of archaeological potential:

Table C6.4 Places or Precinct of Archaeological Potential

Reference Number	<u>THR Number</u>	Town/ Locality	Property Name / Address / Name of Precinct	Folio of the register	Description, Specific Extent and Archaeological Potential

Appendix 1 – Draft Scenic Protection Code

C8.0 Scenic Protection Code

C8.1 Code Purpose

The purpose of the Scenic Protection Code is:

C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.

C8.2 Application of this Code

C8.2.1 This code applies to development on land within a scenic protection area.

C8.2.2 This code does not apply to use.

C8.3 Definition of Terms

C8.3.1 In this code, unless the contrary intention appears:

Term	Definition
backing ridgeline	means the first ridgeline located behind the proposed development.
key landscape feature	means a visually prominent and distinguishing element within the broader landscape that adds positive scenic value to the scenic protection area. It may be described in the scenic protection areas list in the relevant Local Provisions Schedule. Key landscape features may be natural or cultural elements (e.g., a prominent mountain peak, a distinctive and large rock outcrop, a distinctive or colourful area of vegetation, or a building/structure that adds positive aesthetic or scenic value to the scenic protection area).
management objectives	means the management objectives for the scenic protection area as detailed in the scenic protection areas list in the relevant Local Provisions Schedule.
ridgeline	means the line formed by the highest visible points (or crest) of a hill, mountain or intervening ridge. A landscape may be composed of more than one ridgeline.
scenic protection area	means an area shown on an overlay map in the relevant Local Provisions Schedule, as within a scenic protection area, and is listed and described in the scenic protection areas list in the relevant Local Provisions Schedule. The protection value column in scenic protection areas list in the relevant Local Provisions Schedule identifies whether a scenic protection area is of medium or high value.
scenic value	means the specific characteristics or features of the landscape that collectively contribute to a scenic protection area as described in the scenic protection areas list in the relevant Local Provisions Schedule.
skyline	means the line at which the sky and the land and/or extensions of landcover from the land (e.g., trees or buildings) appear to meet, forming a visible horizon.

	Where such landcover extensions exist, the skyline is located at the top of those extended features, not at the ridgeline. However, where no landcover extensions exist, the ridgeline and the skyline may be synonymous.
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C8.4 Use or Development Exempt from this Code

C8.4.1 The following development is exempt from this code:

- (a) planting, clearing or modification of vegetation on existing pasture or crop production land, unless for the clearing or modification of the following:
 - (i) exotic trees, other than part of an agricultural crop, that are more than 10m in height and located within 120m of the edge of a carriageway of a road; or
 - (ii) hedgerows within 120m of the edge of a carriageway of a road;
- (b) buildings and works required for an agricultural use, including structures for controlled environment agriculture, irrigation and netting, on land within an Agriculture Zone or Rural Zone, excluding the destruction of vegetation identified in C8.4.1(a);
- (c) alterations or extensions to an existing building if:
 - (i) the gross floor area is increased by not more than 25% from that existing at the effective date;
 - (ii) there is no increase in the building height;
 - (iii) external finishes are the same as those on the existing building; and
 - (iv) external finishes are similar to those on existing buildings and do not have a light reflectance value above 40%.
- (d) subdivision not involving any works; and
- (e) development subject to the Telecommunications Code.

C8.5 Use Standards

C8.5.1 There are no Use Standards in this code.

C8.6 Development Standards for Buildings and Works

C8.6.1 Development within a medium value scenic protection area

Objective:	That: (a) key landscape features, elements and scenic attributes of a medium value scenic protection area are maintained or enhanced; (b) vegetation clearing or modification does not diminish the value of a scenic protection area; and (c) development is designed and located to minimise visual impact on scenic values.
Acceptable Solutions	Performance Criteria
A1 Clearing or modification of vegetation within a medium value scenic protection area must: (a) be on land greater than 50m in elevation below a backing ridgeline; and	P1 Clearing or modification of vegetation within a medium value scenic protection area must not cause an unreasonable reduction of the scenic value of a medium value scenic protection area, having regard to: (a) the species, age and location of the vegetation to be removed;

(b) not total more than 500m² in extent, per title, including any land cleared since the effective date. A1.2 Clearing or modification of: (a) exotic trees, other than part of an agricultural crop, that are more than 10m in height and located within 120m of the edge of a carriageway of a road; or (b) hedgerows within 120m of the edge of a carriageway of a road; must not be visible from a road.	(b) the area of vegetation to be removed including any vegetation removed since the effective date; (c) the topography of the site; (d) the visual impact on a ridgeline, skyline or key landscape feature; (e) the number of viewpoints and travel routes the area to be cleared or modified would be seen from; (f) the location, species and extent of proposed replanting; and (g) any management objectives identified in the scenic protection areas list in the relevant Local Provisions Schedule.
A2 Buildings and works within a medium value scenic protection area must not be visible from public spaces.	P2 Buildings or works within a moderate value scenic protection area must not cause an unreasonable reduction of the scenic value of a medium value scenic protection area, having regard to: (a) the location of any visually dominant elements and their impact on viewlines to key landscape features, ridgelines or skylines; (b) the number of viewpoints and travel routes the buildings and works would be seen from; (c) the topography of the site; (d) the location of, and materials used in construction of, driveways or access tracks; (e) the ability of the selection of exterior colours and textures to blend into those of the landscape; (f) building height, bulk and form; (g) the extent of any cut and fill required; (h) proposed screening vegetation; and (i) any management objectives identified in the relevant Local Provisions Schedule.
A3 Exterior building finishes for additions or extensions to existing buildings in a medium value scenic protection area must have a light reflectance value of not more than 40%.	P3 Exterior building finishes for additions or extensions to existing buildings in a medium value scenic protection area must not cause an unreasonable reduction of the scenic value of a medium value scenic protection area, having regard to: (a) light reflectance value; and (b) ability of the selected materials and finishes to blend into those of the landscape.
A3 Exterior building finishes for new buildings in a medium value scenic protection area must have a light reflectance value of not more than 40%.	P3 No Performance Criteria.

C8.6.2 Development within a high value scenic protection area.

Objective:	That: (a) key landscape features, elements and scenic attributes of a high value scenic protection area are maintained or enhanced; (b) vegetation clearing or modification does not diminish the value of a scenic protection area; and (c) development is designed and located to minimise visual impact on scenic values
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution	P1 Clearing or modification of vegetation within a high value scenic protection area must not cause an unreasonable reduction of the scenic value of a high value scenic protection area, having regard to: (a) the species, age and location of the vegetation to be removed; (b) the area of vegetation to be removed including any vegetation removed since the effective date; (c) the topography of the site; (d) the visual impact on a ridgeline, skyline or key landscape feature; (e) the number of viewpoints and travel routes the area to be cleared or modified would be seen from; (f) the location, species and extent of proposed replanting; and (g) any management objectives identified in the scenic protection areas list in the relevant Local Provisions Schedule.
A2 No Acceptable Solution	P2 Buildings or works within a high value scenic protection area must not cause an unreasonable reduction of the scenic value of a high value scenic protection area, having regard to: (a) the location of any visually dominant elements and their impact on viewlines to key landscape features, ridgelines or skylines (b) the topography of the site; (c) the location of, and materials used in construction of, driveways or access tracks, (d) the ability of the selection of exterior colours and textures to blend into those of the landscape; (e) the number of viewpoints and travel routes the buildings and works would be seen from; (f) building height, bulk and form; (g) the extent of any cut and fill required; (h) proposed screening vegetation; and (i) any management objectives identified in the relevant Local Provisions Schedule.

A3 Exterior building finishes for additions or extensions to existing buildings in a high value scenic protection area must have a light reflectance value of not more than 40%.	P3 Exterior building finishes for additions or extensions to existing buildings in a high value scenic protection area must not cause an unreasonable reduction of the scenic value of a high value scenic protection area, having regard to: (a) light reflectance value; and (b) ability of the selected materials and finishes to blend into those of the landscape.
A3 Exterior building finishes for new buildings in a high value scenic protection area must have a light reflectance value of not more than 40%.	P3 No Performance Criteria.

<prefix>-Table C8.1 Scenic Protection Areas

Reference Number	Protection Value	Scenic Protection Area Name	Description	Scenic Value	Management Objectives

Appendix 2 – Draft Stormwater Management Code

C17.0 Stormwater Management Code

C17.1 Code Purpose

C17.1.1 The purpose of this provision is to ensure that stormwater from use and development, in both construction and operational phases, is of a quality and quantity that enables protection of natural assets, infrastructure and property.

C17.2 Application of this Code

C17.2.1 This Code applies to:

- (a) use involving:
 - i) vehicle storage and/or display;
 - ii) carparking for 6 or more vehicles;
 - iii) a service station;
 - iv) potentially contaminating activities, industries and land uses;
 - v) industrial vehicle storage;
 - vi) un-bunded outdoor chemical storage;
 - vii) sediment, fertiliser, gravel, soil or mulch stockpiled for commercial storage; and
- (b) development.

C17.3 Definition of Terms

C17.3.1 In this Code, unless the contrary intention appears:

Term	Definition
Acceptable Stormwater Quality and Quantity Targets	means the stormwater quantity and quality targets in Table 1 other than area specific stormwater quantity and quality targets within relevant legislated water quality targets, or licenced operational targets.
annual exceedance probability (AEP)	means the probability of an event with a certain magnitude being exceeded in any one year.
stormwater	means rain (or snow and ice melt) runoff from surfaces that is not trade waste, industrial waste, or waste water effluent, and which has been concentrated by means of a drain, surface channel, subsoil drain or formed surface
typical urban stormwater	means 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	means any surface that impedes the infiltration of water into the soil and 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.

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 condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values.
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	means as defined in the Urban Drainage Act 2013
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.

C17.4 Development Exempt from this Code

C17.4.1 The following development is exempt from this code:

- (a) A single dwelling that will be connected to existing stormwater infrastructure;
- (b) A subdivision creating new lots greater than 5000m² in area and with new roads and footpaths less than 500m² in area; and
- (c) Subdivisions which are solely for the purpose of creating road reserve, public open space, littoral or riparian reserve; minor boundary adjustments.

C17.5 Application Requirements

In addition to any other application requirements, the planning authority may require the applicant to provide a report from a suitably qualified person if considered necessary to determine compliance with acceptable solutions or performance criteria, as specified:

- (a) a report demonstrating the suitability of private and public stormwater systems for a proposed development or use;
- (b) a report that demonstrates stormwater treatment meets acceptable stormwater quality and quantity targets;
- (c) a report that demonstrates the suitability of a site for an on-site stormwater disposal system, which includes topography, soil analysis, geohazards, and may consider other pressures and risks.

C17.6 Use Standards

C17.6.1 Stormwater management

Objective:	To ensure altered pollutant types and/or loadings are managed appropriately to protect natural values, infrastructure and property.
Acceptable Solutions	Performance Criteria
A1.1 Use of a site does not include any of the following: (a) chemical storage that requires new bunding and spill management (Footnote R1); (b) a new service station; (c) potentially contaminating activities, industries, and land uses' (Footnote R2); or (d) long-term industrial vehicle storage, or a regular use carpark for 6 or more vehicles, or sediment, fertiliser, gravel, soil or mulch stockpiled for commercial storage, except if within any of the following zones: i) Rural Living Zone; ii) Landscape Conservation Zone; iii) Rural Zone; and iv) Agriculture Zone. A1.2 Sediment, fertiliser, gravel, or mulch stockpiles are either under roof, covered, bunded, or managed to prevent stormwater contamination (Footnote R1 or R4).	P1 (a) Stormwater treatment must be suitable for the site and designed such that stormwater volume, pollutant load and pollutant concentrations achieved through: i) appropriate chemical bunding and spill management (Footnote R1); and ii) acceptable Stormwater Quality and Quantity Targets (Table 1) (Footnote R3), and the proposed treatment is suitable for the site, and includes an acceptable ongoing maintenance burden (including site access). (b) If (a)(ii) cannot be achieved stormwater may be captured and held for later removal and disposal to public sewer if to TasWaters satisfaction. (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 is a provision of any developer contribution required pursuant to a policy adopted by Planning Authority for stormwater treatment.

C17.7 Development Standards for Buildings and works

C17.7.1 Stormwater Drainage and Disposal

Objective:	To ensure that buildings, works and stormwater drainage and disposal create stormwater of a quality and quantity that enables protection of natural assets, infrastructure and property.
Acceptable Solutions	Performance Criteria
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 and is consistent with the current disposal method and within any of the following zones:	P1 Stormwater from new impervious surfaces must be disposed of by one or both of the following: (a) on-site, if a report by a suitably qualified person demonstrates that the site is suitable and that the onsite disposal system is designed, and will be maintained and

i) Rural Living Zone; ii) Landscape Conservation Zone; iii) Rural Zone; iv) Agriculture Zone; or v) Environmental Management Zone.	managed, to minimise the risk of failure to the satisfaction of the Planning Authority; (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 and works where sediment and stormwater is managed during development (Footnote R4), and does not include any of the following: a) more than 500m² additional impervious area; b) 6 or more car parks; c) increased vehicle refuelling area at existing service stations; d) new service stations; (e) potentially contaminating activities, industries, and land uses' (Footnote R2); (f) chemical storage that requires new bunding and spill management (Footnote R1); (g) long-term industrial vehicle storage; or (h) sediment, fertiliser, gravel, soil or mulch stockpiled for commercial storage, except if within any of the following zones: i) Rural Living Zone; ii) Landscape Conservation Zone; iii) Rural Zone; and iv) Agriculture Zone.	P2 (a) Sediment and stormwater is managed so that Acceptable Stormwater Quality Targets (Table 1) (Footnote R3) are achieved, and the proposed treatment is suitable for the site, and includes an acceptable ongoing maintenance burden (including site access) and sediment and water is managed during development (Footnote R4). (b) 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 is a provision of any developer contribution required pursuant to policy adopted by Planning Authority for stormwater treatment.
A3 Building and works must comply with one of the following: a) results in no change in the proportion of total impervious areas to pervious area for the whole site; b) the proportion of total impervious areas to pervious area for the whole site, for a non-commercial or non-industrial development is less than 50% of the site; c) the proportion of total impervious areas to pervious area for the whole site for a commercial or industrial development is less than 70% of the site; or d) the quantity and conveyance of stormwater caused is compliant with stormwater	P3 Building and works must comply with one of the following: a) Any increase in stormwater runoff can be accommodated within an existing stormwater drainage system (or infrastructure upgraded as part of the development 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;

drainage system requirements of 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).
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C17.8 Development Standards for Subdivision

C17.8.1 Stormwater management for subdivision

Objective:	To ensure that subdivision storm water drainage and disposal creates stormwater of a quality and quantity that enables protection of natural assets, infrastructure and property.
Acceptable Solutions	Performance Criteria
A1 Stormwater from new impervious surfaces must be disposed of to public stormwater infrastructure.	P1 Stormwater from new impervious surfaces may be disposed of on-site if a report to the Planning Authority demonstrates that the site is suitable and that the onsite disposal system is designed, and will be maintained and managed to minimise the risk of failure to the satisfaction of the Planning Authority.
A2 Subdivision includes no new road.	P2 Subdivision must be designed such that stormwater quality from the proposed impervious surfaces and likely future impervious surfaces following development of the lots (taken to be up to 500m ² per lot) is maintained and must comply with one of the following: a) Acceptable Stormwater Quality Targets (Table 1; Footnote R3) are achieved, and the proposed treatment is suitable for the site, and includes an acceptable ongoing maintenance burden (including site access) and sediment and water is managed during development (Footnote R4); or b) 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 is a

	provision of any developer contribution required pursuant to policy adopted by Planning Authority stormwater treatment.
A3 Subdivision includes no new road.	P3 Subdivision must comply with one of the following: a) any increase in stormwater runoff can be accommodated within an 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; 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).

Table 1 (see also Footnote R1 & R5):

80% reduction in the average annual load of total suspended solids (TSS) based on typical urban stormwater TSS concentrations or acceptable to the stormwater service provider.
45% reduction in the average annual load of total phosphorus (TP) based on typical urban stormwater TP concentrations or acceptable to the stormwater service provider.
45% reduction in the average annual load of total nitrogen (TN) based on typical urban stormwater TN concentrations or acceptable to the stormwater service provider.
Stormwater treatment and risk minimisation of potential stormwater contamination associated with carparks, roads, recreational, commercial and industrial sites, that are acceptable to the: (a) Stormwater Service Provider, (b) Urban Drainage Plan (or similar) created or accepted by the Stormwater Service Provider, (c) legislated water quality targets, (d) licenced operational targets. (e) ANZEC (2000) guidelines in the absence of local water quality objectives for receiving waters

Footnotes

R1

Tasmanian EPA 'Bunding and Spill Management Guidelines' at:
http://epa.tas.gov.au/documents/bunding_and_spill_management_guidelines_dec_2015.pdf
Note: Section 4. describes assessment considerations for bunding

R2

'Potentially contaminating activities, industries and land uses' are listed by the Tasmanian EPA at:
<http://epa.tas.gov.au/regulation/potentially-contaminating-activities>

R3

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

R4

Advice can be obtained for preparing sediment and water management plans or appropriate control measures for development from the
Derwent Estuary Program:
<http://www.derwentestuary.org.au/stormwater-factsheets/>
and International Erosion Control Association:
<http://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

R5

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.

Glenorchy City Council response on State Planning Provisions Review – 25 July 2022

The list below identifies issues to be further investigated, along with some suggested changes to specific provisions where applicable. Several of these matters are further detailed in Glenorchy's Section 35G Report, which was submitted to the Tasmanian Planning Commission in November 2022 with the Glenorchy Local Provisions Schedule.

The Section 35G Report forms part of this response.

Priority for Review:

While it is considered that all the matters raised need to be addressed, priority consideration should be given to those matters that improve amenity and protect natural and cultural values, and public infrastructure, that is:

- review of residential development standards;
- review of Local Historic Heritage Code, Natural Assets Code and Scenic Protection Code; and
- introduction of a Stormwater Code.

SPP Key Areas for Review

ADMINISTRATION

3.0 Interpretation - Table 3.1 Planning Terms and Definitions

ISSUE	Suggested Rework / comments
The definition for home-based business and home occupation doesn't take any account of amenity impacts or traffic generation.	• <i>there is no adverse impact on the amenity of nearby properties; and</i> • <i>the level of vehicular traffic generated by the business is not greater than that expected for a single dwelling.</i>
No definition of 'report' – some report definitions (eg flood hazard report, coastal erosion hazard report) repeat the following info as part of the definition:	Have a separate definition in Part B for 'report': <i>Report means a report prepared by a suitably qualified person for a site, that must include:</i>

ISSUE	Suggested Rework / comments
"xyz report" means a report prepared by a suitably qualified person for a site, that must include: (a) details of, and be signed by, the person who prepared or verified the report; (b) confirmation that the person has the appropriate qualifications and expertise; (c) confirmation that the report has been prepared in accordance with any methodology specified by a State authority; and (d) conclusions based on consideration of the proposed use or development.	(a) details of, and be signed by, the person who prepared or verified the report; (b) confirmation that the person has the appropriate qualifications and expertise; (c) confirmation that the report has been prepared in accordance with any methodology specified by a State authority; and (d) conclusions based on consideration of the proposed use or development. Then other definitions of particular reports can just say "xyz report" means a report that addresses/considers/includes [the specifics for that type of report], – and no longer have to state 'prepared by a suitably qualified person' etc each time, as that is covered in the definition of 'report.'
Some types of report definitions don't include the above, but it's unclear why not. Eg coastal erosion investigation area report, archaeological impact assessment. Unsure what the rationale would be that a hazard report requires the above information, but a heritage report doesn't?	Adopt a consistent approach to defining the various types of reports referred to in the scheme.
Some reports are not defined terms at all, eg acoustic report, or a report regarding local historic heritage significance.	Include definitions for all report types.
The terms 'articulation', 'passive surveillance' and 'public domain' are used in several places in the SPPs but are only defined in the LPS-G GLE-S8.0 Glenorchy Activity Centre Urban Design SAP.	Include the following definitions (or similar) in Table 3.1: <i>articulation</i> means the arrangement of building elements such as windows and door openings, variations in wall plane, roof form, horizontal or vertical wall features and materials that make up a building and affect its relationship to the streets, spaces and other buildings. <i>passive surveillance</i> means the location and design of use or development to maximize visibility by passers-by, or casual onlookers from adjoining sites in order to reduce opportunities for crime by

ISSUE	Suggested Reword / comments
	<i>making potential offenders feel exposed and making legitimate users feel safer.</i>
	<i>public domain means the publicly used space and includes streets, plazas, parks and public infrastructure.</i>
Employment training centre definition	Change to:
The reference to 'unemployed persons' can exclude the ability for people seeking to upgrade their skills (ie forklift licence, working at height etc)	<i>employment training center means use of land to provide education and training to jobseekers and those seeking skill upgrades and unemployed persons</i>

4.0 Exemptions

ISSUE	Suggested Reword / comments
4.3.10 demolition of exempt buildings	Change to:
<i>Demolition of buildings for which the construction would be exempt under Tables 4.2 – 4.6, unless....</i>	<i>Demolition of buildings which would not, under this planning scheme, require a permit to construct, unless....</i>
This means a permit is required to demolish a building that would be No Permit Required (clause 6.6), rather than exempt (Tables 4.2-4.6), to construct.	

4.2.5 vehicle crossings, junctions and level crossings The interaction of this exemption with the application of the C3.0 code is unclear.	Change to: ff. (a) development of a vehicle crossing, junction or level crossing; (f) by the road or rail authority; or (ff) in accordance with the written consent of the relevant road or rail authority; or (b) use of a vehicle crossing, junction or level crossing by a road or railway authority. should be for a crossing with no new development or use intensification.
Various exemptions ... unless the Local Historic Heritage Code applies ... The exemption still applies if the property is listed on the Tasmanian Heritage Register.	Change to: ... unless the Local Historic Heritage Code applies and requires a permit, or the place is listed on the Tasmanian Heritage Register.
Vegetation exemptions As identified in Council's S35G Report, there is a conflict between vegetation exemptions and what the Codes (Local Historic Heritage Code and Scenic Protection Code) are seeking to protect. These exemptions need review in line with the review of these Codes.	
Fences Fence requirements introduced under Particular Purpose Zones or Specific Area Plans should not be exempt as they may be required to address character issues specific to the area.	

6.0 Assessment of an Application for Use or Development

ISSUE	Suggested Rework / comments
Table 6.2 Use classes	Change to:

Residential use includes 'secondary residence,' even though this forms part of the definition of a 'single dwelling' use. A secondary residence is not a use in its own right as it forms part of a single dwelling. This would be like listing 'outbuilding' or 'carport' as an example of a residential use.	<i>Residential use of land for self-contained or shared accommodation. Examples include a secondary residence boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, and single or multiple dwellings and single dwellings (including a secondary residence).</i>
Since a secondary residence is listed as a separate example of the use class, could it be viewed as being excluded from the use status specified for Single Dwellings in zone Use Tables?	
Clause 6.2.6 As a boundary adjustment is not listed, does this mean it still requires classification into a use class? Noting that a subdivision creates rights, whereas a boundary adjustment only reorganises existing rights, and is therefore not a subdivision.	Include boundary adjustment in the list of uses that don't require categorisation into a use class.
Clause 6.10.2 These elements and particularly Local Area Objectives must be able to be considered for discretionary development	Reword to: <i>In determining an application for a permit for a Discretionary use <u>or development</u> the planning authority must, in addition to the matters referred to in subclause 6.10.1 of this planning scheme, have regard to ...:</i>

GENERAL PROVISIONS

ISSUE	Suggested Reword / comments
Introduce provisions to prevent buildings from becoming derelict.	
Introduce provisions to control hours of operation for gaming and gambling activities	

7.10 Development not Required to be Categorised into a Use Class	
The cross-referencing to clause 6.2.6 and 6.2.8 makes this provision awkward to apply.	Include the provision at clause 6.2.6 as part of the 7.10 General Provision and delete clause 6.2.6, or cross reference from 6.2.6 to 7.10 and not the other way around.

ZONES**General**

ISSUE	Suggested Rework / comments
The term 'food and beverage production'	
The term 'food and beverage production' could be extrapolated to include an abattoir, cheese factory, fish processing, milk processing, winery, brewery, cidery and distillery. All these individual uses cause food to be produced for consumption in varying degrees. The large scale versions are not appropriate for Central & General Business Zone.	Review the term and development a qualification for the use class that it is based on the volume produced and what other uses are associated with it.
Business Zones – Apartment Code/Medium Density Housing	
Additional amenity provisions for residential use should be included. This could be addressed through the Apartment Code / Residential Design Guidelines	
Outdoor storage areas in Industrial and Commercial Zones	
The requirements should relate to interface issues where employment activities and residential activities about each other – not just visibility of goods. Other factors such as layout, location of roller doors etc should also be addressed through interface standards.	

Residential zones

ISSUE	Suggested Rework / comments
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Undertake a comprehensive review of the residential development standards A full and extensive review of the residential development standards are required ■ consider neighbourhood character; ■ reduce potential for overlooking; ■ consider solar access to open space of subject dwelling; ■ separate standards for height and setback requirements; ■ review the intent of garage width standard – the focus should be on presentation of the dwelling to the street; ■ include the requirement to consider Council policy when assessing waste management (ie requiring communal bins for multiple dwellings); and ■ include landscaping provisions;	Significant and detailed review is required
Review / modify the provision around Visitor Accommodation to address housing supply issues	Significant and detailed review is required
Review and strengthen assessment requirements for buildings on steep slopes – particularly around the need for emergency and service vehicle access	Additional standards in residential zones to address this are required
Inner Residential Zone A full and extensive review of the Inner Residential Zone is required to facilitate a diversity of housing types and encourage medium density housing	Significant and detailed review is required
Subdivision standard There is no requirement for provision of public open space Include a requirement for provision of public open space in accordance with Council policy	
Waste storage	Change to:

Various provisions in residential zones 8.4.8 etc Currently 8.4.8 A1 requires 1.5m² of storage area per dwelling if it is for the exclusive use of each dwelling OR part of a common storage area – a common storage area would have several bins (particularly as many Councils now have a 3 bin system) and exceed the minimum 1.5m² in area potentially resulting in a poor outcome. Many Councils also have local policies to maximize common storage and the reduction in numbers of bins. The ability to comply with a Council policy should be included.	A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations: <u>(a) for up to two multiple dwellings:</u> <u>(i) is not less than 2.0 ± 5m² per dwelling; and</u> <u>(ii) is in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</u> <u>(b) for three or more multiple dwellings:</u> <u>(i) complies with any Council policy; and</u> <u>(ii) is a common storage area with an impervious surface that:</u> <u>(a) has a setback of not less than 4.5m from a frontage;</u> <u>(b) is not less than 5.5m from any dwelling; and</u> <u>(c) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</u>
Subdivision standards A weed management plan should be a requirement for residential subdivision.	

8.4.2/9.4.2 Setbacks and building envelope for all dwellings A3 8.4.2. A3(b)(ii) is unclear about whether it applies to only the side boundary or both the rear and side boundaries. GCC officers have been interpreting the standard so that (b)(ii) only applied to the relationship of the dwelling to the side boundary, even though the first sentence of (b) refers to both the side and rear boundary. It is for the dwelling to be no more than 9 m in length adjacent to the side boundary, or a third of the length of the side boundary, whichever is lesser. However, (b)(ii) can be read as the 'total length of 9 m of the dwelling' relative to its orientation to both the side and/or rear boundary, or it could be that 'one-third the length of the boundary' only applies to the side boundary. The first interpretation option would result in the rear boundary being built along with no control of the length of the dwelling (or outbuilding or structure) along the rear boundary, other than the 3 m height limit at the boundary.	A3 (b) <i>only have a setback of less than 1.5 m from a side or rear boundary if the dwelling:</i> (i) <i>does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property;</i> (ii) <i>does not exceed a total length of 9m or one third the length of the side or rear boundary (whichever is the lesser), which it is to be built along.</i>
8.4.2/9.4.2 A1 It is unclear what setback you should choose if you have a primary and secondary frontage but the proposal only satisfies the primary or secondary requirements – do they have to satisfy both? GCC officers believe the 'or' enables one of the four options to be selected but the provisions should be clearer.	Further consideration required. Potentially change operator from <i>or</i> to <i>and</i>.
8.4.3/9.4.3 Site coverage and private open space for all dwellings A2	Modify to include:

The Acceptable Solution does not have any requirement for sunlight or convenient access, whereas these factors are considered in the Performance Criterion. Open space area should be able to be accessed from a living area. It is requested that similar provisions as to those of the interim planning scheme (10.4.3) be reinstated.	<i>is directly accessible from a habitable room (other than a bedroom);</i>
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15.0 General Business Zone

ISSUE	Suggested Rework / comments
15.4.3 Design A1 prohibits new buildings from including security shutters or grilles over windows, in order to promote active frontages. However A2, which considers alterations to an existing façade appears to allow for security shutters and grilles to be installed.	Refine the provisions to prohibit grilles and security shutters as part of an alteration to an existing façade.

18.0 Light Industrial Zone

ISSUE	Suggested Rework / comments
18.2 Use Table Vocational training should be permissible in the Light Industrial Zone (and is permissible in the General Industrial Zone). Industrial areas are the best places to learn how to drive a forklift for instance	Include the following wording under Discretionary uses in the 18.2 Use Table: <i>Educational and Occasional Care if for alterations or extensions to existing Educational and Occasional Care, or for an employment training centre.</i>

20.0 Rural Zone

ISSUE	Suggested Rework / comments
20.1.1	Include <i>and</i> at the end of clause (c).

List lacks and/or operator.

CODES

General

ISSUE	Suggested Reword / comments
Stormwater Management Code	It is considered that a Stormwater Code should be introduced that: - includes the detail on stormwater management in a Council stormwater policy called up by the code 9 which would enable Council's to tailor the approach for stormwater management and therefore reduce disagreement on what the Code should do/include - provides the ability to refuse application based on stormwater issues - allows for conditioning in non-urban areas - would strengthen Council's position in any appeal
CPTED requirements	Include a CPTED Code that applies to development in CBZ, GBZ, LBZ and Commercial Zone and industrial areas; alternatively, it could be applied to anywhere in the public realm. Substantial further work required.
Requirements are scattered throughout zones and codes, with sometimes inconsistent scope/wording.	

C1.0 Signs Code

ISSUE	Suggested Reword / comments
Election signs	
Prohibit election signs.	
Illuminated signs	
Review the standards around illuminated signs and particularly their impact on traffic	

C2.0 Parking and Sustainable Transport Code	
ISSUE	Suggested Reword / comments
C2.2.1 <i>Unless stated otherwise in a particular purpose zone, or subclause C2.2.2, C2.2.3 or C2.2.4, this code applies to all use and development.</i> Clauses C2.2.2, C2.2.3 and C2.2.4 only exclude the application of specific clauses within the code, not the code as a whole. There don't seem to be any instance where the code does not apply.	C2.2.1 <i>Unless stated otherwise in a particular purpose zone, this code applies to all use and development.</i>
Table C2.1 Parking Space Requirements	
<i>Educational and Occasional Care</i> No parking required for year 11 & 12 students (who may have their licence).	<i>Educational and Occasional Care</i> Include a parking requirement for year 11 & 12 students, based on advice from a Traffic Engineer.
<i>Storage</i> Site is a defined term and means the lot or lots on which a use or development is located or proposed to be located – so the whole lot, not part of a lot. Where parking is based on site area (which is generally the case as site area generates more spaces than employees), this means the whole lot including the area used for carparking if existing, which means parking spaces are generating additional parking requirements. It also includes areas of the site that may be occupied by other uses, or that are unusable (eg contain a waterway or are in a split zone). This is onerous for the initial calculation, and then could be inadequate on the other hand as any degree of intensification of storage use doesn't trigger any additional parking, provided the site area doesn't change.	<i>Storage</i> Base the calculation on the floor area used for storage, plus the area of any outdoor storage area. <i>General</i> Further Traffic Engineer review of parking requirements may be worthwhile.

<i>General</i>	
Parking numbers are generally perceived to be excessive, usually not met (other than for Residential use), and TIAs often demonstrate less parking demand than implied by Table C2.1.	
C2.5.1 Car parking numbers P1	
PC often relies on on-street, there is a lot of discretion here – hard to consider cumulative impact.	Further work needed to consider how the cumulative impact of discretionary approvals should be taken into account.
Landscaping	
Landscaping of car parks should be required.	Reinstate landscaping requirement for car parks in C2.0.

C3.0 Road and Railway Assets Code

ISSUE	Suggested Reword / comments
C3.2.1 <i>This code applies to a use or development that:</i> <i>(a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;</i> <i>(b) will require a new vehicle crossing, junction or level crossing; or</i> <i>(c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.</i> The Code should apply to any increase in vehicular movements (the 'or' for the length of vehicles under (a) makes this unclear).	Change to: This code applies to a use or development that: (a) will increase: (i) the amount of vehicular traffic; or (ii) the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing; (b) will require a new vehicle crossing, junction or level crossing; or (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use. Re (b), refer to proposed change to exemption 4.2.5 under 4.0 Exemptions above.

Re: (b), new crossings are exempt under clause 4.2.5. This makes the application of the code confusing.	
C3.6 Development Standards for Buildings or Works Lack of requirements for road and pathway design for accessibility needs.	Consider introducing planning requirements for subdivisions to have accessibility requirements for the roads and footpaths. More work required.

C6.0 Local Historic Heritage Code

Significant work is required to address the deficiencies in this Code. There are three broad areas of concern:

- Omissions. Content that has been left out that should be in (in the interests of customer service if nothing else).
- Structure. The compartmentalised nature of the LHC in particular and the important considerations that 'fall through the cracks' as a consequence.
- Unclear or defective wording.

It is considered that a comprehensive review is required (see also comments in Council's S35G Report). Additional detail will be provided by Council staff based on experience with working the SPPs for over a year, when this full review of the Code occurs. However below is one example of a correction that could be implemented as part of a fix up/correction amendment that could form part of the Stage 1 SPP review:

ISSUE	Suggested Reword / comments
C6.9.1 (P1) The code only applies to the lopping, pruning, removal or destruction of a significant tree. There is no trigger for the code to apply to other works within a tree protection zone per se.	Add: <i>construction, soil disturbance or soil compaction within the tree protection zone of a significant tree</i> to the application of the code C6.2.1.

C7.0 Natural Assets Code

It is considered that a comprehensive review is required (see also comments in Council's S35G Report). Additional detail will be provided by Council staff based on experience with working the SPPs for over a year, when this full review of the Code occurs. However below is one example of a correction that could be implemented as part of a fix up/correction amendment that could form part of the Stage 1 SPP review:

However, some fix ups are identified below:

ISSUE	Suggested Reword / comments
C7.2.1 The use of 'and' in this list means the code only applies if the land is within all three areas?	Change 'and' to 'or'?

C8.0 Scenic Protection Code

Significant work is required to address the deficiencies in this Code. It is considered that a comprehensive review is required. A suggested reword of the Code is included as part of Council's S35G report.

C9.0 Attenuation Code

ISSUE	Suggested Reword / comments
C9.4.1 (b) Need to exempt garages (and other outbuildings). These are currently picked up if they are new and therefore an application becomes discretionary.	<i>The following use or development is exempt from this code:</i> (a) use or development assessed as a level 2 activity; and (b) additions or alterations to an existing building used for sensitive use, provided that the gross floor area does not increase by more than 50% or 100 m ² , whichever is the greater, from that existing at the effective date; <u>and</u> (b)(c) <u>residential outbuildings.</u>
Mapping Changes to the process for mapping areas under this Code should be considered, as new uses can be approved regularly, but planning scheme amendment updates to identify attenuation areas can take 12 months and significant council resources to implement. If the use has been approved, a fast-track technical amendment process should be applied	
Code is more onerous than interim scheme Code This Code is now more onerous than the Code under the Interim Scheme, a review of this Code could highlight any opportunities to remove certain uses	

C13.0 Bushfire Prone Areas Code

ISSUE	Suggested Rework / comments
A review of this Code should be undertaken to consider whether people should be able to build in Bushfire Prone Areas.	
Review of provisions to ensure that access for service and emergency vehicles in these areas can be achieved is required.	

C14.0 Potentially Contaminated Land Code

ISSUE	Suggested Rework / comments
Accredited Auditors	
Clarification or a register of accredited auditors would be useful, as Council often has to request further information to determine if the auditor has the correct qualifications	
Permit triggers	
There is a significant gap between the volume of disturbed land for an exemption and the requirement under the Acceptable Solution	

C7.0 Natural Assets Code, C10.0 Coastal Erosion Hazard Code, C11.0 Coastal Inundation Hazard Code, C12.0 Flood-Prone Areas Code and Bushfire-Prone Areas Code

These codes need to be reviewed to address issues around making communities more resilient to climate change. Decision making about whether a use or development should be permitted in these impact/hazard areas should be the focus, not how the development will be constructed.

STATE PLANNING PROVISIONS - APPLIED, ADOPTED OR INCORPORATED DOCUMENTS

ISSUE	Suggested Rework / comments
Note S2 in clause 3.1 regarding the definition of 'hazardous chemical of a manifest quantity' states that 'It will be necessary	Include the Safety Datasheets in the list of Applied, Adopted or Incorporated Documents

ISSUE	Suggested Reword / comments
to refer to the relevant Safety Datasheet" The Safety Datasheets are not listed in the Applied, Adopted or Incorporated Documents	

OTHER

ISSUE	Suggested Reword / comments
Advertising The Attenuation Code, for example, requires a proposal to be advertised, but there is may not be an amenity or 'planning' issue' being considered – the issue may be how the design protects from noise on the subject land – so how would a neighbor be impacted by this?	More work needed.
There is an issue with the Act and the simplified approach of 'permitted' and 'discretionary' – with discretionary automatically requiring advertising – whereas not all discretions will impact on the amenity of neighbours.	
Various codes Reports required from a suitably qualified consultant Consultants are engaged by applicants and the reports reviewed but to a large extent relied on by the planning authority. Potential for conflict of interest where consultants are incentivised to produce assessments favouring the applicant.	Could there be consideration of provision to allow the planning authority to obtain the reports, at the applicant's cost? Potentially through a Council policy. More work needed.

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Mr Tony McMullen
General Manager
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Glenorchy City Council - Draft Public Places and Infrastructure By-Law No. 1 of 2022

Dear Mr McMullen

I write in response to the email of Mr Michael Jacques of 24 February 2022 requesting that I certify the Regulatory Impact Statement (RIS) for the Draft Public Places and Infrastructure By-Law No. 1 of 2022 in accordance with section 156A of the *Local Government Act 1993*.

As Director of Local Government, I am required to issue a certificate if satisfied that a RIS complies with the Act. I have examined the RIS and consider it to address the range of matters in the Act. I enclose the section 156A certificate for this by-law.

Regulatory Impact Statement

Despite this approval, I do wish to record that the RIS as presented could better convey to the community the breadth of individual proscriptions you intend to make through this by-law. As a consequence, the RIS may not assist the community to properly understand and consider the social, environmental, and economic benefits and disbenefits of individual areas of proposed regulation (including alternatives, such as there being no by-law, or less restrictive regulation), and to consider whether any resultant impacts on business and restrictions on competition are justified.

I also note that the statement in the heading in table one, "Activity proscribed by previous and recent draft GCC by-law", is misleading. The proposed by-law seeks to regulate areas not within the scope of any expired by-laws, and, irrespective of this, the RIS should enable the community to understand that the current, relevant state for comparison is to these matters not being regulated through any by-law.

Issues in the scope and enforceability of proposed by-law

I wish to draw your attention to other matters regarding the drafting and operation of the by-law as proposed, noting that the determination of the lawfulness of by-laws, or the provision of any legal advice to councils, is outside my statutory remit.

In summary, I suggest that you consider the following:

1. Tightening the definition of aircraft to limit the offence to behavior that more closely aligns with the regulatory intent of the by-law
2. Tightening the prohibition of certain items in Parks to more closely align with the regulatory intent of the by-law
3. Tightening the circumstances upon which an officer can issue a direction.
4. Enumerating the factors that can be considered by the General-Manager in issuing permits or condition that can be imposed on permits

As a general principle, I do not support the legislative approach of broadly prohibiting behavior that would ordinarily be considered acceptable for the purposes of making enforcement easier. I consider that this blurs the regulatory intent of the Council, makes the law difficult to explain in terms of acceptable and unacceptable behavior and places too much discretion in the hands of administrators. A commitment to light touch, infrequent or targeted enforcement does not mitigate this, and raises concerns for natural justice and basic consistency in approach.

The most recent draft provided to this Office appears to categorically ban the possession of any aircraft in every public open space in the municipality, without provision for any permits to be issued. The definition of aircraft in the by-law encompasses items including model planes and small drones sold for recreational purposes and as toys, and even kites and paper planes. I note that drones are widely and increasingly used for lawful commercial purposes, including aerial photography and surveying. It is not clear to me that any reader of the RIS would understand the breadth of this intent, and indeed, there are contradictory statements in the RIS to the effect that permits for the use of aircraft can be obtained.

I note the letter to Council of Mr Scott Tilyard, then Deputy Commissioner of Police, of 9 June 2020, which stated that "a ban on simple possession [of proscribed items] ... appears to be an overreach", that "...it would be unreasonable to expect the public to be aware of this by-law", and that "A blanket ban on the possession of drones in public spaces appears to be an unreasonable interference with a lawful recreational activity and may also interfere with legitimate use of business and government use of such aircraft." I encourage you to have close regard for the various matters outlined in Mr Tilyard's letter.

Section 9 of the By-Law is also problematic in that it creates an offence to possess, for example, an axe in the boot of your car in a car park of a public park. It is not clear how the term 'without lawful excuse' would operate in these circumstances.

Mr Tilyard's letter notes the potential overlap of the by-law with provisions in the *Police Offences Act 1935* (including in respect of weapons and the definition of "interference"), *Firearms Act 1996*, *Animal Welfare Act 1993*, *Wildlife (General Regulations) 2010*, *Litter Act 2007*, *Environmental Management and Pollution Control Act 1994*, *Nature Conservation Act 2002* (in respect of a definitional issue), and *Pollution of Waters by Oil and Noxious Substances Act 1987*. I note that, in accordance with section 150(1)(d) and (2) of the *Local Government Act*, a provision of a by-law which is contrary to law is invalid, and will have no effect. As a principle, delegated legislation cannot be contrary to the general law.

I encourage you to seek legal advice as to the potential overlap of the by-law with Tasmanian and Commonwealth legislation (eg. Civil Aviation Safety Authority regulations). I would further encourage you to send the RIS and proposed by-law to the Department of Police, Fire, and

Emergency Management, Department of Natural Resources and Environment, and the Department of Justice during, or prior to, the public consultation period.

I note some concern with the offence provisions, especially in respect of compliance with the directions of an authorised person. As presently expressed, an authorised person seems to be capable of directing any person to remedy any breach—even to prevent an anticipated or hypothetical breach—at their own effort or expense, and failure to comply with such a direction can incur the maximum allowable penalty under the Act. The person so directed does not appear to need to be responsible for, or connected to, the breach (or future breach) of the by-law. I further note that such a direction may be verbal, despite the potential impact of a direction's requirements.

While I am confident that the Council does not intend for extreme outcomes to eventuate, and that if tested in a court, the reasonableness of any direction would be considered, the proposed by-law should be drafted such that reasonableness and proportionality on the part of an authorised officer is required. This could include, for example, limiting a direction to individuals responsible for, or connected to the actual or potential breach.

The Office of Local Government has received advice in respect of the extent of delegation within permit systems established in by-laws. The advice stressed that by-laws which provide for permit conditions to be imposed at the discretion of the general manager may improperly delegate the legislative function of the Council in making the by-law.

The draft by-law does not enumerate conditions which may be imposed under the by-law, as is contemplated by s168(b) of the Local Government Act, instead stating that the Council or general manager may impose "any conditions... they consider appropriate". As a result, there is a risk that conditions imposed on permits under the by-law as proposed may later be found to be unlawful. Similarly, the reference to the general manager (or Council) taking into account "any matter" in the grant of a permit is not ideal. The by-law should enumerate the matters which would be taken into account by Council in the granting or refusal of a permit. I note is partially attempted in the remainder of clause 13(2) of the proposed by-law

At s147(2), the Local Government Act requires that documents, standards, and so on be incorporated into by-laws only by static reference. Your proposed by-law makes reference to unspecified policies, guidelines, or standards at sections 12 (1) (b) and 13(2)(d), which may be relied upon by the Council or general manager in the issuing of a permit, or in exempting activities from requiring a permit. Mr Jacques, in prior correspondence, provided examples of draft Council policies or guidelines to this effect.

s147(2) of the Act has the practical effect of bringing the text of the policy, guideline or standard into the By-Law as it stands at the time of the introduction of the By-Law. The Council cannot rely on future, hypothetical policies to provide the actual parameters of permit systems established under the by-law; but instead, must determine these matters prior to the making of the by-law.

Additional, generic advice is provided below:

I would like to draw your attention to the provisions of section 164 of the Act which states that:

A council is to forward to the Director –

- (a) a sealed copy of the by-law; and
- (b) the certification under section 162; and
- (c) a statement explaining –

- (i) the purpose and effect of the by-law; and
- (ii) the outcomes of public consultations in respect of the by-law.

I await the provision of the abovementioned documents in relation to the by-law on completion of the certification process.

Please also note the following:

Section 162(1)(a) requires a by-law to be certified by a legal practitioner that its provisions are in accordance with the law. I note in particular the restrictions on making by-laws under section 150(1) and that, other than section 150(1)(da), the Director has no statutory role in assessing a by-law.

Section 153 of the Act states that a council must cause a by-law to be published in the *Tasmanian Government Gazette* and that a by-law that is not published in the *Gazette* is of no effect.

Section 47 of the *Acts Interpretation Act 1931* requires a by-law to be published in the *Gazette* within 21 days after the day on which it is made.

Section 47 of the *Acts Interpretation Act* also requires that a by-law be tabled in Parliament within ten sitting days of publication in the *Gazette*.

It is a requirement of the Subordinate Legislation Committee, established under the *Subordinate Legislation Committee Act 1969*, that a council send copies of a by-law to the Subordinate Legislation Committee within seven days of publication in the *Gazette*.

Further information on these requirements can be found in *Making by-laws good practice guidelines* - 4 & 5 available at

www.dpac.tas.gov.au/divisions/local_government/councillor_resources/resources_for_councillors.

Yours sincerely



Mathew Healey
Director of Local Government

25 May 2022

Attachment: Certificate approval of Regulatory Impact Statement RIS - Glenorchy City Council - Draft Public Places and Infrastructure By-Law No. 1 of 2022



Proposed By-Law and Regulatory Impact Statement

Glenorchy City Council
**Public Places and Infrastructure By-Law
2022**

By-Law No. 1 of 2022
Version 1
Adopted by Council on xxxxxx

Glenorchy City Council

Glenorchy City Council

Public Places and Infrastructure By-Law 2022

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Glenorchy City Council Public Places and Infrastructure By-Law 2022

Preliminary

1 Short title

This By-law may be cited as the Public Places and Infrastructure By-Law.

2 Dictionary

In this By-law—

Act means legislation of the State or Commonwealth.

Aircraft means any manned or unmanned craft that can fly through the air.

Authorised Person means:

- (a) an employee of the Glenorchy City Council staff who has been assigned duties related to compliance with legislation and Council policies; or
- (b) a police officer.

Busk means conducting a public performance on a Road, including playing musical instruments, dancing, singing and other acts of a similar nature.

Camp/Camping includes the erection or use of a tent or other similar moveable or temporary shelter.

Council means the Glenorchy City Council established under the *Local Government Act 1993*.

Event means a presentation, public display, assembly, concert, or similar occasion but excludes:

- (a) a private function, party, reception, dinner, where less than 150 people are present and no animals other than guide dogs and assistance animals are involved; or
- (b) a sporting event where less than 50 people are present, other than an activity for the purpose of using wheeled transport such as Vehicle racing.

Hunting Equipment includes a firearm, slingshot, archery devices, traps, snares, hunting animals, or similar thing capable of injuring a person or animal.

Interfere means without Council approval on or under a Road or Park:

- (a) carry out works (including excavations, erecting signs, landscaping, creating entrances to Park, fencing, making gardens, building tracks, altering vegetation);

- (b) damage, alter, or remove Council infrastructure;
- (c) cause or allow the persistence of an encroachment or obstruction (including the storing of objects such as building materials, firewood, shipping containers, skip bins, caravans, boats, Vehicle parts, and construction plant and equipment);
- (d) discharge or dump of material (such as excessive amounts of water, soil or pollutants); or

but excludes the lawful use of a Road by a Vehicle exercising highway rights.

Permit includes a letter, ticket, licence, lease or other form of written approval issued by Council for the purposes of allowing or regulating the activities described in this By-law, but excludes a permit for a use or development issued under the *Land Use Planning and Approvals Act 1993*.

Permit holder means a person who has obtained a Permit from the Council under this By-law.

Park means the whole or any part of a:

- (a) sports ground, pool facility, or recreation ground;
- (b) area of reserve, bushland, esplanade or other public open space;
- (c) planted embankment, gardens, rockery or similar installation;
- (g) any other area or facility designated by a sign at a public entry point as a Park, reserve, or similar type of public open space; or
- (f) any Vehicle route, cycleway, pathway or car park area within any of the above areas,

that is owned by, or under the control of, the Council.

Public Speaking means delivering an address to the public.

Riparian Area means any part of:

- (a) a watercourse or public stormwater system as defined in the *Urban Drainage Act 2013*;
- (b) a "A landslip area" or a "B landslip area" or equivalent declared under the *Mineral Resources Development Act 1995*
- (c) an area identified in a public notice published by the Council as a Riparian Area for the purposes of this By-Law.

Road means a highway subject to the care, control or management of Council and includes (but is not limited to) any part of a —

- (a) highway;
- (b) local highway as defined by the *Local Government (Highways) Act 1982*;
- (c) footpath or cycleway not within a Park; and
- (d) nature strip or median strip.

Roadside Vending means:

- (i) the sale, promotion or provision of goods, services, food or drink to the public from a Park or on a Road; and
- (ii) the bringing on to a Park or Road of a Vehicle, equipment or goods for that purpose,

but excludes the temporary display for sale of a lawfully parked Vehicle outside the Vehicle owner's residence.

Special Event means an activity approved as a Special Event by the Council.

Vehicle has the meaning given in the *Traffic Act 1925*.

Wildlife includes whole or parts of, any living creature as defined in the *National Parks and Wildlife Act 1970*, except domestic or farmed animals.

Public Places Generally

3 Permit required to interfere with Public infrastructure

- (1) Unless authorised by a Permit, a person must not Interfere with a Road or Park.

Penalty: Fine not exceeding 20 penalty units.

4 Commercial activity

- (1) Unless authorised by a Permit, a person must not conduct Roadside Vending.

Penalty: Fine not exceeding penalty—5 penalty units.

5 Busking and similar activities

- (1) Unless authorised by a Permit, a person must not Busk in a Park or on a Road.

Penalty: Fine not exceeding 5 penalty units.

6 Public speaking and similar activities

- (1) Unless authorised by a Permit, a person must comply with a Council sign on Park or Road that regulates or prohibits a person, organising or participating in an Event, Public Speaking, or any similar activity.

Penalty: Fine not exceeding 5 penalty units.

7 Camping

- (1) Unless authorised by a Permit, a person must comply with a Council sign that regulates or prohibits Camping in an area.
Penalty: Fine not exceeding 5 penalty units.
- (2) It is a defence to a charge under subclause 7(1) that the person was homeless and had no alternative options for accommodation.

Recreational areas, Natural Area and Reserves**8 Restricted access to certain places**

- (1) Unless authorised by a Permit, without lawful excuse a person must not enter or remain in any part of a Park contrary to a sign, or notice reserving, prohibiting or restricting access to that part of the Park
Penalty: Fine not exceeding 5 penalty units.
- (2) Unless authorised by a Permit, without lawful excuse a person must not drive or park a Vehicle in a Park unless it is:
 - (a) driven on a road or trail designated as open for Vehicles of that type; or
 - (b) parked within an area set aside by the Council as a parking area.Penalty: Fine not exceeding 5 penalty units.

9 Possession of certain items in Parks

- (1) Without lawful excuse, or a permit, a person must not enter or remain in a Park while in possession of any Hunting Equipment, poisonous baits, Wildlife, woodcutting implements, or Aircraft.
Penalty: Fine not exceeding 5 penalty units.

Flood Catchment Management**10 Protection of Riparian Areas**

- (1) Unless authorised by a Permit, a person must not, contrary to the instructions of an Authorised Person, create or allow the continuance of a danger of harm to the health, safety or welfare of the public in relation to a Riparian Area, including (but not limited to):
 - (a) causing or permitting the continuance of a water flow obstruction;
 - (b) taking inadequate measures to secure against contaminating a Riparian Area with soil, debris and pollutants; or
 - (c) obstructing inspections, testing, or other control measures intended to deal with risks to life and property in a Riparian Area."

Penalty: Fine not exceeding 5 penalty units.

Licenses and Permits

11 Application for a Permit

- (1) An application for a Permit must be in writing to the Council. The application is to be accompanied by:
 - (i) any prescribed fee;
 - (ii) in any form that may be prescribed by the Council; and/or
 - (iii) any other information and materials requested by Council officers or specified elsewhere in this By-law.

12 Permit Not Required

- (1) Despite anything else in this By-law, a Permit is not required if:
 - (a) the activity is otherwise authorised under an Act without the person requiring the agreement of Council as the owner and manager of the relevant land;
 - (b) a public notice or approved Council policy explicitly identifies the activity as one which does not require a Permit under this By-law; or
 - (c) the activity or class of activity is approved as a Special Event.
- (2) Emergency services personnel do not require a Permit for an activity regulated by this By-Law while acting in:
 - (a) the ordinary course of their employment, or
 - (b) the role of an emergency services volunteer..

13 Grant of a Permit

- (1) The Council may grant a Permit.
- (2) When considering the grant of a Permit, the Council may have regard to any matter including (but not limited to):
 - (a) the applicant's prior record of compliance with this By-law or any other relevant law;
 - (b) any failure to comply with a request to provide relevant information;
 - (c) the safety and convenience of the public; and
 - (d) the provisions of any relevant Act, standard, policy, or guideline.Applications which do not meet the above criteria may be refused.
- (3) When considering an application for a Permit, or the setting of Permit conditions, any competition that might arise between new and previously established businesses is not a relevant consideration. Otherwise, the

Council may impose any conditions on a Permit granted under this By-law that they consider appropriate.

- (4) The Council may grant a Permit of any duration and for single or multiple activities.
- (5) Unless specified otherwise by Council, a Permit is not transferrable.
- (6) The holder of a Permit must not contravene the conditions of a Permit granted under this By-law.

Penalty: Fine not exceeding 5 penalty units.

14 Cancellation, variation or suspension of a Permit

- (1) The Council may cancel, vary, or suspend a Permit—
 - (a) if the Permit Holder contravenes any Act, this By-law; or a condition of a Permit;
 - (b) if the Permit was granted on the basis of false, misleading or incomplete information;
 - (c) if changes in circumstances since the Permit was granted make the continued operation of the Permit inappropriate or unlawful;
 - (d) if necessary to prevent—
 - (i) non-compliance with an Act or this By-law;
 - (ii) harm to human health or safety or personal injury;
 - (iii) property damage or a loss of amenity;
 - (iv) the unsafe movement or obstruction of traffic;
 - (v) the unsafe use of a road; or
 - (e) at the Permit Holders request.
- (2) Council must give the Permit Holder written notice of a variation to, or cancellation or suspension of a Permit.

Notices and Enforcement

15 Directions of Authorised Persons

- (1) An Authorised Person may give a direction to a person to—
 - (a) cease any conduct or activity which constitutes a breach of the by-law; or
 - (b) take action to prevent or remedy a breach of the by-law.
- (2) A direction given by an Authorised Person under this By-law may be given verbally, or in writing.
- (3) A direction given under this By-law may:

- (a) be subject to such conditions and requirements and allow such time period as the Authorised Person may determine;
 - (b) may require that the action or work is to be done only by a person with the appropriate qualification or experience.
- (4) Unless otherwise specified in a direction, a person to whom a notice or direction is given is to comply with the direction at the cost of that person.
- (5) A person must not without lawful excuse, fail to comply with a direction given under this By-law.
Penalty: Fine not exceeding 20 penalty units.
- (6) The Council may undertake the work required in a direction given pursuant to this By-law if the person to whom a direction is given fails to comply with the direction within the time specified in the direction.
- (7) 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 that person and is recoverable in a court of competent jurisdiction in addition to any penalty imposed under this By-law.

16 Infringement notices

- (1) An infringement notice may be issued by an Authorised Person:
 - (a) for an offence; and
 - (b) for the penalty,
listed in column 1 of Schedule 1.
- (2) The infringement notice may be issued for more than one offence.
- (3) payment of the monetary penalty set out in an infringement notice must be made to Council in the manner specified in the infringement notice.
- (4) To avoid having the matter referred to the Monetary Penalties Enforcement Service a person who is served with an infringement notice must, within 28 days of the date of service of the notice, do one or more of the following:
 - (a) pay the monetary penalty in full;
 - (b) apply to the Council for withdrawal of the infringement notice; or
 - (c) lodge a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

17 Continuing offences

- (1) Where a person:
 - (a) commits an offence under this By-law;
 - (b) is given notice of the offence;
 - (c) continues to carry out the act or omission that constituted the offence after being given notice of the offence; and

(d) is subsequently convicted of the offence,

the person is liable to a further penalty of 2 penalty units for each day during which the act or omission continues after the person was given notice of the offence.

- (2) The penalty in sub-clause (1) does not displace the penalty specifically prescribed elsewhere for the offence and is to be imposed in addition to the penalty for the offence.
- (3) In this clause **convicted** includes a deemed conviction, such as a result of a person paying a fine or failing to appeal an infringement notice within a prescribed time limit.

18 Supply of name and address

- (1) An Authorised Person may require a person to give his or her name and address if the Authorised Person 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 5 penalty units.

Schedule 1 Specified Offences

Column 1	Column 2	Column 3
Clause	General description of offence	Penalty units
3	Interfere with Public Infrastructure without a permit	2
4(1)	Roadside Vending without a permit	2
5	Busking without a permit	1
6	Public speaking without a permit	1
7(1)	Camping without a permit	2
8(1)	Entering a restricted place	2
8(2)	Misuse of Vehicle in a Park	2
9	Restricted items in a Park	2
10	Nuisances in Riparian Areas	2
13	Contravening permit conditions	2
15(5)	Obstruction or Failure to Comply with a Direction	5
18(2)	Failure to provide name and address	2

Agenda

Attachment 3 – Comments on further submissions and proposed amendments to the By-law

Comment	Response
the broad powers of direction by authorised officers	Council is a landholder with a right to deny access to its land and the by-law spells out rather than enlarges Council's existing powers.
a particular concern about aircraft (drones)	It was intended that drone permits could be granted for use of aircraft on Council land and the by-law has been amended . A permit is only a landowner consent, it would still be the responsibility of a person to otherwise comply with CASA rules, the by-law does not displace those restrictions.
The offence of possession of certain articles in parks,	The prohibition is on items which could only be used in connection with another offence, the example of an axe incidentally in a car in a park, is an example of lawful use which is provided for in the by-law. Ordinarily, bringing guns and chainsaws into the Wellington Park is clearly an inappropriate activity on that class of land.
Authority to set of permit conditions by held by the General Manager rather than Council.	This has been amended , the delegations for granting permits will be dealt with in a later meeting as part of a review of delegations.
Lack of detail on permit conditions.	In discussions with the State, much of the commentary was about mobile food vans and roadside dining. The Council is already separately updating these policies and will provide more detail on the permit regime for these activities.
"...too much discretion in the hands of administrators"	The By-law was checked against other precedents and has been limited to only those matters that are a current management issue. It sets a legal framework (requirement to get permits for potential nuisance activities) and is not intended to be a detailed policy or procedural document. It is consistent with other By-laws.
Generic references to future policies	Incorporation of any specific current document or fixed permit requirements will quickly become out of date, as

Agenda

	desirable as it might be to spell out the criteria for every permit. This has to be a separate process with the Council setting out its detailed requirements for the exercise of its powers and functions (a policy). The By-law is written as a basic description of powers, that approach is not inconsistent with other similar documents.
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COUNCIL POLICY

Dealing with Unreasonable Customer Conduct



PURPOSE

The purpose of this policy is to provide guidance to staff on how to deal with unreasonable conduct by ~~customers~~ persons, either in face to face or virtual interactions.

SCOPE

This policy applies to all ~~customers of Council~~ persons who interact with Council staff and Aldermen.

To avoid any doubt, this policy does not apply to Council employees who engage in unreasonable customer conduct in the course of their employment with Council. Those matters would be dealt with as a separate disciplinary action.

STRATEGIC PLAN ALIGNMENT

Making Lives Better

Objective 1.1 Know our communities and what they value

Strategy 1.1.1 Guide decision making through continued community engagement based on our community plan

Leading Our Community

Objective 4.1 Govern in the best interests of our community

Objective 4.2 Prioritise our resources to achieve our community's goals

RELATED DOCUMENTS

Glenorchy City Council Customer Service Charter 2017~~2019~~

Guidelines for Managing Unreasonable Conduct by Complaints (Office of the Tasmanian Ombudsman, 2013)

Managing unreasonable conduct by a complainant – A manual for frontline staff, supervisors and senior managers (Australasian Parliamentary Ombudsman, 2021)

STATUTORY REQUIREMENTS

Acts	Local Government Act 1993 Work Health and Safety Act 2012 Personal Information Protection Act 2004 Right to Information Act 2009
Regulations	N/A

Australian/International Standards	N/A
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DEFINITIONS

Customer means any person who has dealings with Council.

Unreasonable Customer Conduct means any behaviour (physical or via electronic methods) by a ~~current or former customer~~ person which, because of its nature or frequency, adversely impacts the health or safety of Council's staff, Aldermen, other service users and customers or the customer himself/herself, or the ability of Council to equitably utilise its resources to provide services to the community.

Unreasonable customer conduct includes the following, as defined in of this policy:

- unreasonable demands
- unreasonable persistence
- unreasonable arguments
- unreasonable lack of cooperation, and
- unreasonable behaviour.

POLICY STATEMENT

1. Introduction

Glenorchy City Council is committed to our community and to giving customers outstanding service in accordance with Council's Customer Service Charter 2017⁹. However, at times Council's obligation to provide services or outcomes may be inconsistent with customers' requests or expectations. This may result in unpleasant dealings or interactions.

This policy sets out the actions that Council will take in response to unreasonable customer conduct.

This policy should be considered in conjunction with Council's Customer Service Charter 2017-2019, and the 'Guidelines for Managing Unreasonable Conduct by Complainants', issued by the Office of the Tasmanian Ombudsman (2013).

Council will use 'Managing unreasonable conduct by a complainant – A manual for frontline staff, supervisors and senior managers' by the Australasian Parliamentary Ombudsman (2021) to guide staff to identify and manage unreasonable conduct.

2. Overarching principles

Council will give fair consideration to customer requests and dealings, whilst ensuring that:



- investigating and resolving the customer's request does not excessively or unreasonably use Council's resources
- Council's response to complaints is proportionate to the circumstances, having regard to the resources of Council that are available to serve the community and to principles of equity and fairness, and
- the health and safety of staff is protected and compliance with workplace health and safety and duty of care obligations are met.

In exchange, Council requires that customers:

- treat our staff with mutual respect
- respect the privacy and rights of other community members
- give us accurate and complete information to work with
- work with us to solve problems, and
- give us constructive feedback on how we can continue to improve our service

3. Types of unreasonable customer conduct

The following are examples of different types of unreasonable customer conduct which will not be tolerated by Council.

3.1 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances, regardless of the situation, because it places the health, safety, and security of staff in an unreasonable position at risk.

Examples of unreasonable behaviour include:

- displaying confronting behaviour such as, rudeness, aggression, threats, discriminatory comments, or harassment,
- sending or posting rude, confronting, or threatening letters correspondence,
- making threats of self-harm,
- making threats of harm to others,
- displaying manipulative behaviour (e.g. overly ingratiating, tears or veiled threats), or
- deliberately misrepresenting facts or circumstances related to their complaint (including misquoting Council officers) in the public arena or in dealings with Council staff.

Unreasonable behaviour will not be tolerated by Council in any form.

3.2 Unreasonable demands



Unreasonable demands are any demands (expressed or implied) that are made by a customer, that have a disproportionate and unreasonable impact on Council's, staff, services, time and/or resources (having regard to all the relevant circumstances).

Some examples of unreasonable demands include:

- issuing instructions and making demands about a process or outcome,
- insisting on talking to a senior manager personally when it is not appropriate or warranted,
- emotional blackmail and manipulation with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised, when this is not the case,
- insisting on outcomes that are not possible or appropriate in the circumstances (e.g. for someone to be disciplined or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this), or
- demanding services that are of a nature or scale that Council cannot (or has no legal obligation to) provide when this has been explained previously.

3.3 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council's, staff, services, time, or resources (having regard to all the relevant circumstances).

Some examples of unreasonably persistent behaviour include:

- unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with,
- persistently demanding a review of decisions ~~simply because it is available and~~ without arguing or presenting a case for one,
- pursuing and exhausting all available review options when it is not warranted, and refusing to accept that further action cannot or will not be taken on service requests or complaints,
- re-framing a service request or complaint in an effort to get it taken up again,
- bombarding overwhelming Council with phone calls, visits, letters, and emails (including copying staff into email correspondence) after previously being asked not to do so, and/or
- contacting different people within Council or externally to get in order to achieve a different outcome or a more sympathetic response to their complaint (internal and external forum shopping).

3.4 Unreasonable arguments



Unreasonable arguments include any arguments that are not based ~~in~~on reason or logic, that are incomprehensible, false, or inflammatory, trivial or delirious, and that disproportionately and unreasonably impact Council's staff, services, time, or resources (having regard to all the relevant circumstances).

Arguments are unreasonable when they:

- fail to follow a logical sequence,
- are not supported by any evidence or are based on conspiracy theories,
- lead a customer to reject all other valid and contrary arguments,
- are trivial when compared to the amount of time, resources, and attention that the customer demands, or
- are vexatious, false, inflammatory, or defamatory.

3.5 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness ~~or inability~~ by a customer to cooperate with our organisation, staff, or complaints system and processes which results in a disproportionate and unreasonable use of Council's services, time, or resources (having regard to all the relevant circumstances).

Some examples of unreasonable lack of cooperation include:

- sending a stream of comprehensive or disorganised information without clearly defining any issues of complaint or explaining how it relates to the core issues being complained about,
- providing little or no detail with a complaint or presenting information in 'dribs and drabs' or not in the required format,
- refusing to follow or accept instructions, suggestions, or advice without a clear or justifiable reason for doing so,
- arguing frequently or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations, or
- displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

4. Managing unreasonable customer conduct

Where the unreasonable customer contact is of a serious nature (such as threatening or abusive behaviour towards Council staff), Council will take whatever action available to it which is appropriate in the circumstances. This may involve:

- calling the police, ~~or~~
- directing the customer to immediately leave a Council property, or
- reporting the behaviour to any other relevant authorities.



Council will otherwise manage unreasonable customer contact by restricting or adapting the ways in which services are delivered to the customer, in accordance with the procedures set out below.

4.1 Initial response to unreasonable customer conduct

Where a Council officer is interacting with a customer and believes the customer is exhibiting unreasonable customer conduct, the Council officer is empowered to advise the customer of this and withdraw themselves from the interaction. The physical and mental wellbeing, and safety of staff is paramount, and unreasonable customer conduct will not be tolerated.

Immediately after such an incident, the Council officer is to report the incident to their supervisor.

~~Unless a customer's conduct poses a substantial risk to the health and safety of staff or other third parties,~~Following an interaction that is deemed as unacceptable behaviour by this policy, a Director or the General Manager will initially provide the customer with a written warning about their conduct.

The written warning will:

- explain the date, time, and general nature of the conduct,
- identify which category of unreasonable customer conduct that it falls under,
- direct the customer to immediately stop engaging in the unreasonable customer conduct, and
- explain what will happen if the customer does not stop engaging in the unreasonable customer conduct, as directed.

The warning may also state that any further investigations into the matter will be undertaken at the customer's cost or include any other information that the Director considers relevant.

4.2 Changing or restricting a customer's access to services

Where unreasonable conduct remains ongoing despite warnings, or where the conduct may pose a risk to the health and safety of staff or other parties, Council will change or restrict a customer's access to Council's services.

This will generally occur after a customer has failed to comply with a written warning, but is not required to if, for example, the unreasonable conduct is serious enough to warrant taking immediate action.

Examples of how access to services may be changed or restricted include:

- who the customer has contact with (e.g. limiting a customer to a sole contact person/staff member in Council),
- what the customer can raise with us (e.g. restricting the subject matter of communications that we will consider and respond to),
- when the customer can have contact with Council (e.g. limiting a customer's contact with staff to a particular time, day, or length of time, or curbing the frequency of their contact with us).



- where the customer can make contact (e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office-), [or](#)
- how the customer can make contact (e.g. limiting or modifying the forms of contact that the customer can have with us). This can include modifying or limiting face-to-face interviews, telephone, and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

The authority to change or restrict a customer's access to our services will rest with the relevant Director, or the General Manager. The General Manager or Director must advise the customer in writing of the restrictions that have been imposed and of their right to appeal the decision.

Discretion will need to be used to adapt the particular restriction to suit a customer's personal circumstances, level of competency, literacy skills, and severity of the type of unreasonable customer conduct.

5. Right of appeal

Customers are entitled to appeal the decision to change or restrict their access to services.

An appeal must be in writing and addressed to the General Manager. A review of the decision will be undertaken, taking into consideration all aspects of the issue and Council dealings with the customer. The General Manager may undertake the review or delegate responsibility to an appropriate person.

The customer will be advised in writing of the review and provided with an explanation of the outcome.

If a customer continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman.

6. Review periods of cases where this policy has been applied

In each case where a decision has been made to change or restrict access to services, the case will be reviewed after the service changes or restriction was initially imposed or continued.

The time period for the review will be at the discretion of the relevant Director or the General Manager but must not be more than 12 months. Restrictions may be extended indefinitely, provided the case is reviewed periodically and at least once every 12 months.

The customer will be advised in writing of the review and provided with an explanation of the outcome.

7. Documentation and reporting

Council will maintain a register which documents each time this policy is applied. Each entry into the relevant database must outline the nature of the restrictions imposed, their duration and any other relevant information.

The register is to be maintained by the Manager responsible for Council's customer service function. Council staff members are required to notify the manager of any incident required to be recorded on the register and provide all relevant information.



DD Month 20##

Council's 'Customer Service Annual Report' required under section 339F of the *Local Government Act 1993* will include details of the occasions that actions were taken under this policy during the reporting period.

DOCUMENT CONTROL

Version:	2.0	Adopted	DD Month YYYY	Commencement Date	DD Month YYYY
Minutes Reference	#####			Review Period	4 Years from adoption
Previous Versions:	v 1.0 adopted 26 March 2018 (Council meeting, Item 14)				
Responsible Directorate	Corporate Services	Controller:	Executive Officer		
ECM Document No.:	Policies by Directorate				

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Objective 4.2 Prioritise our resources to achieve our community's goals

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DD Month 20##

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- Council's response to complaints is proportionate to the circumstances, having regard to the resources of Council that are available to serve the community and to principles of equity and fairness, and
- the health and safety of staff is protected and compliance with workplace health and safety and duty of care obligations are met.

In exchange, Council requires that customers:

- treat our staff with mutual respect
- respect the privacy and rights of other community members
- give us accurate and complete information to work with
- work with us to solve problems, and
- give us constructive feedback on how we can continue to improve our service

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- sending or posting rude, confronting, or threatening correspondence,
- making threats of self-harm,
- making threats of harm to others,
- displaying manipulative behaviour (e.g. overly ingratiating, tears or veiled threats), or
- deliberately misrepresenting facts or circumstances related to their complaint (including misquoting Council officers) in the public arena or in dealings with Council staff.

Unreasonable behaviour will not be tolerated by Council in any form.



3.2 Unreasonable demands

Unreasonable demands are any demands (expressed or implied) that are made by a customer, that have a disproportionate and unreasonable impact on Council's, staff, services, time or resources (having regard to all the relevant circumstances).

Some examples of unreasonable demands include:

- issuing instructions and making demands about a process or outcome,
- insisting on talking to a senior manager personally when it is not appropriate or warranted,
- emotional blackmail and manipulation with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised, when this is not the case,
- insisting on outcomes that are not possible or appropriate in the circumstances (e.g. for someone to be disciplined or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this), or
- demanding services that are of a nature or scale that Council cannot (or has no legal obligation to) provide when this has been explained previously.

3.3 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council's, staff, services, time, or resources (having regard to all the relevant circumstances).

Some examples of unreasonably persistent behaviour include:

- unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with,
- persistently demanding a review of decisions without arguing or presenting a case for one,
- pursuing and exhausting all available review options when it is not warranted, and refusing to accept that further action cannot or will not be taken on service requests or complaints,
- re-framing a service request or complaint in an effort to get it taken up again,
- overwhelming Council with phone calls, visits, letters, and emails (including copying staff into email correspondence) after previously being asked not to do so, or
- contacting different people within Council or externally in order to achieve a different outcome or a more sympathetic response to their complaint (internal and external forum shopping).



3.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false, or inflammatory, trivial or delirious, and that disproportionately and unreasonably impact Council's staff, services, time, or resources (having regard to all the relevant circumstances).

Arguments are unreasonable when they:

- fail to follow a logical sequence,
- are not supported by any evidence or are based on conspiracy theories,
- lead a customer to reject all other valid and contrary arguments,
- are trivial when compared to the amount of time, resources, and attention that the customer demands, or
- are vexatious, false, inflammatory, or defamatory.

3.5 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness by a customer to cooperate with our organisation, staff, or complaints system and processes which results in a disproportionate and unreasonable use of Council's services, time, or resources (having regard to all the relevant circumstances).

Some examples of unreasonable lack of cooperation include:

- sending a stream of comprehensive or disorganised information without clearly defining any issues of complaint or explaining how it relates to the core issues being complained about,
- providing little or no detail with a complaint or presenting information in 'drips and drabs' or not in the required format,
- refusing to follow or accept instructions, suggestions, or advice without a clear or justifiable reason for doing so,
- arguing frequently or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations, or
- displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

4. Managing unreasonable customer conduct

Where the unreasonable customer contact is of a serious nature (such as threatening or abusive behaviour towards Council staff), Council will take whatever action available to it which is appropriate in the circumstances. This may involve:

- calling the police,
- directing the customer to immediately leave a Council property, or



- reporting the behaviour to any other relevant authorities.

Council will otherwise manage unreasonable customer contact by restricting or adapting the ways in which services are delivered to the customer, in accordance with the procedures set out below.

4.1 Initial response to unreasonable customer conduct

Where a Council officer is interacting with a customer and believes the customer is exhibiting unreasonable customer conduct, the Council officer is empowered to advise the customer of this and withdraw themselves from the interaction. The physical and mental wellbeing, and safety of staff is paramount, and unreasonable customer conduct will not be tolerated.

Immediately after such an incident, the Council officer is to report the incident to their supervisor.

Following an interaction that is deemed as unacceptable behaviour by this policy, a Director or the General Manager will initially provide the customer with a written warning about their conduct.

The written warning will:

- explain the date, time, and general nature of the conduct,
- identify which category of unreasonable customer conduct that it falls under,
- direct the customer to immediately stop engaging in the unreasonable customer conduct, and
- explain what will happen if the customer does not stop engaging in the unreasonable customer conduct, as directed.

The warning may also state that any further investigations into the matter will be undertaken at the customer's cost or include any other information that the Director considers relevant.

4.2 Changing or restricting a customer's access to services

Where unreasonable conduct remains ongoing despite warnings, or where the conduct may pose a risk to the health and safety of staff or other parties, Council will change or restrict a customer's access to Council's services.

This will generally occur after a customer has failed to comply with a written warning, but is not required to if, for example, the unreasonable conduct is serious enough to warrant taking immediate action.

Examples of how access to services may be changed or restricted include:

- who the customer has contact with (e.g. limiting a customer to a sole contact person/staff member in Council),
- what the customer can raise with us (e.g. restricting the subject matter of communications that we will consider and respond to),
- when the customer can have contact with Council (e.g. limiting a customer's contact with staff to a particular time, day, or length of time, or curbing the frequency of their contact with us),



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- where the customer can make contact (e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office), or
- how the customer can make contact (e.g. limiting or modifying the forms of contact that the customer can have with us). This can include modifying or limiting face-to-face interviews, telephone, and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

The authority to change or restrict a customer's access to our services will rest with the relevant Director, or the General Manager. The General Manager or Director must advise the customer in writing of the restrictions that have been imposed and of their right to appeal the decision.

Discretion will need to be used to adapt the particular restriction to suit a customer's personal circumstances, level of competency, literacy skills, and severity of the type of unreasonable customer conduct.

5. Right of appeal

Customers are entitled to appeal the decision to change or restrict their access to services.

An appeal must be in writing and addressed to the General Manager. A review of the decision will be undertaken, taking into consideration all aspects of the issue and Council dealings with the customer. The General Manager may undertake the review or delegate responsibility to an appropriate person.

The customer will be advised in writing of the review and provided with an explanation of the outcome.

If a customer continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman.

6. Review periods of cases where this policy has been applied

In each case where a decision has been made to change or restrict access to services, the case will be reviewed after the service changes or restriction was initially imposed or continued.

The time period for the review will be at the discretion of the relevant Director or the General Manager but must not be more than 12 months. Restrictions may be extended indefinitely, provided the case is reviewed periodically and at least once every 12 months.

The customer will be advised in writing of the review and provided with an explanation of the outcome.

7. Documentation and reporting

Council will maintain a register which documents each time this policy is applied. Each entry into the relevant database must outline the nature of the restrictions imposed, their duration and any other relevant information.

The register is to be maintained by the Manager responsible for Council's customer service function. Council staff members are required to notify the manager of any incident required to be recorded on the register and provide all relevant information.



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Council's 'Customer Service Annual Report' required under section 339F of the *Local Government Act 1993* will include details of the occasions that actions were taken under this policy during the reporting period.

DOCUMENT CONTROL

Version:	2.0	Adopted		Commencement Date	
Minutes Reference				Review Period	4 Years from adoption
Previous Versions:	v 1.0 adopted 26 March 2018 (Council meeting, Item 14)				
Responsible Directorate	Corporate Services	Controller:	Manager Customer Service		
ECM Document No.:	Policies by Directorate				

COUNCIL POLICY

ELECTION CARETAKER PERIOD**PURPOSE**

The purpose of this Policy is to provide for caretaker arrangements during the leadup to a local government general election period and until a new Council is elected to ensure:

- (a) continuity of the routine service provision of the Council during the caretaker period;
- (b) avoidance of decisions that might inappropriately bind the future freedom of action of an incoming Council;
- (c) the impartial role of council officers so that the public can have confidence that service delivery is carried out apolitically; and
- (d) appropriate use of Council resources.

SCOPE

This policy applies to elected members and employees of Glenorchy City Council for the duration of the Caretaker Period of a local government general election.

This policy does not apply to local government by-elections.

STRATEGIC PLAN ALIGNMENTLeading Our Community

- | | |
|----------------|---|
| Objective 4.1 | Govern in the best interests of our community |
| Strategy 4.1.1 | Manage Council for maximum efficiency, accountability and transparency |
| Strategy 4.1.3 | Maximise regulatory compliance in Council and the community through our systems and processes |

RELATED DOCUMENTS

- Aldermanic Code of Conduct Policy
- Aldermen Support and Expenses Policy
- Advertising Devices on Council Property Policy
- Tasmanian Planning Scheme - Glenorchy
- Good Governance Policy

STATUTORY REQUIREMENTS

Acts	<i>Local Government Act 1993</i> <i>Land Use Planning and Approvals Act 1993</i>
Regulations	<i>Local Government (General) Regulations 2015</i>

DEFINITIONS

Act means the *Local Government Act 1993*.

Alderman means a councillor of Glenorchy City Council.

By-election means an election to replace an Alderman after the Alderman's office becomes vacant.

Caretaker Period means the period from the issue of a notice of election under section 269 of the Act to the issue of a certificate of election under section 304 of the Act.

Candidate means a person standing for election.

Election Material means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended to affect the result of an election.

Election Campaign means the activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers, telephone canvassing, social media campaigns, media commentary and advertising.

Emergency means a declared emergency, or a similar situation in which there is likely to be immediate threat to life or property.

Officer means a Council employee.

POLICY STATEMENT

Caretaker Period notification

The General Manager will notify Aldermen and officers when a Caretaker Period begins and ends. The General Manager will also provide this Policy to assist officers and Aldermen with compliance.

Continuation of Services

During the Caretaker Period ordinary Council services continue and statutory responsibilities are not affected.

It is expected that respectful debate between Aldermen on matters of policy will continue during the Caretaker Period.



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Individual Alderman may still discuss future policy options as part of their election campaign.

Officers can still carry out activities, such as policy reviews, that are not likely to attract political controversy and are required regardless of the future election outcome.

While Council business continues, the caretaker conventions set out in this Policy do affect some types of Council activity.

Freedom of action for future Councils

Council is to avoid making major decisions during the Caretaker Period that are likely to commit an incoming Council in a way that might later limit its freedom to act.

What is a major decision?

A major decision:

- commits the use of significant resources;
- approves capital works not previously approved as part of the annual budget process;
- entrenches a policy, program or administrative structure that is politically contentious; or
- is likely to be a matter of controversy in an election campaign.

The following major decisions are to be avoided during a caretaker period:

- a major program or funding opportunity with another tier of government which commits Council resources over a number of years;
- grants to community groups;
- borrowing or remission of debts outside of existing policy guidelines;
- changes to budgets or spending in a way that would restrict future policy options;
- General Manager appointments or contract renewals for extended periods after the election (also see 'Emergency appointments' below); and
- entry into major contracts, except for:
 - (i) continuation of routinely provided services, independently entered into at arm's length from Aldermen, by officers exercising an existing delegation to approve that expenditure (usually an agreement under \$1 million in value);
 - (ii) approval of contracts that have used a prescribed public tender process where the preferred contractor has been independently assessed by Council officers;
 - (iii) contracts required to respond to a declared emergency;



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- (iv) circumstances where failure to do so would breach a binding commitment made prior to the Caretaker Period exposing the Council to potential liability; or
- (v) capital works previously approved by Council as part of the annual budget process.

Meetings

During the Caretaker Period Aldermen will not submit notices of motion to Council or Council Committees pursuant to clause 16(5) of the Local Government (Meeting Procedures) Regulations 2015 (LGMPR). Additionally, Aldermen will not ask a question without notice at a Council meeting, pursuant to clause 29 LGMPR.

During the Caretaker Period an Alderman may submit a question on notice to a Council meeting pursuant to clause 30 LGMPR.

Planning Instruments

Council will not make of its own motion, amend or repeal a local planning instrument under the Land Use Planning and Approvals Act 1993. For ease of interpretation, this includes a planning scheme, a temporary local planning instrument or a planning scheme policy, but does not apply to applications made by third parties.

Announcements

If a decision was made before the Caretaker Period, then that decision may be announced during the Caretaker Period. Where possible, policy announcements should be made ahead of the Caretaker Period if their announcement is likely to cause controversy during the election campaign.

The Mayor will continue to act as the spokesperson of Council in fulfilment of their obligations under s. 27(e) of the Act in relation to the ordinary business of the Council. The Mayor will also carry out the civic and ceremonial functions of the Mayoral Office during the Caretaker Period.

Tender process

Potential tenderers should be advised about the implications of the election and Caretaker Period, and the possibility that tender finalisation might be delayed.

Impartiality of Officers

Officers are to be impartial and apolitical, performing their public functions in an ethical and professional manner at all times.

Officers are to deal with all Aldermen equitably when performing the ordinary business of Council.

Officers are to act in a manner that avoids perceptions of partisanship in their dealings with Aldermen and the public.

Officers are to avoid comments that might be seen to be promoting the achievements of particular Aldermen.



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While officers are entitled to their private political opinions away from a work setting, they are not to make public statements about their perceptions of candidates or give opinions on political matters where they might be perceived to be expressing the official view of Council, or of Council officers.

Officers must decline any request to be involved in an activity which appears to be linked to a campaign message or may be perceived as an endorsement.

Officers are to actively prevent Council resources from being used in a campaign, such as deleting links to candidates' pages or candidate election statements, from Council social media platforms.

Officers are not to be approached in relation to matters directly or indirectly involving an Alderman's campaign.

Aldermanic enquiries are to be managed through the Aldermanic Interaction with Officers Directive.

If an officer has any doubt about the appropriateness of an activity, they are to consult with their relevant manager.

If an Alderman has any doubt as to the appropriateness of an activity, they are to consult the General Manager.

Appropriate use of Council Resources

Distribution of election material

Aldermen are to comply with Council's 'Advertising Devices on Council Property Policy' and the Tasmanian Planning Scheme – Glenorchy.

Use of Council equipment and stationery

Council supplied equipment and Council branded material is not to be used by Aldermen or officers in any manner that supports a candidate's election campaign.

Aldermen may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as set out in Section 28 of the Act.

Media

Aldermen are not to use their access to employees, events, or resources, to gain personal media attention in support of their, or any other candidate's, election campaign.

Aldermen are expected to engage in robust but still respectful debate, including on social media platforms.

Council committees and groups

An Alderman is not to use their membership of a Council Committee or reference group, or their appointment as a member of an external group on behalf of Council, to disseminate information or promote their, or any other candidate's, election campaign.

Allowances



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Aldermen may continue to claim any allowances and expenses to which they are entitled under Council's Aldermen Expenses Policy that relate to the essential business of Council, and that do not relate to their electoral campaign activity.

DOCUMENT CONTROL

Version:	1.0	Adopted	DD Month YYYY	Commencement Date	DD Month YYYY
Minutes Reference	#####			Review Period	4 Years from adoption
Previous Versions:					
Responsible Directorate	Office of the General Manager		Controller:	General Manager	
ECM Document No.:	Council Policies				

GLENORCHY CITY COUNCIL AUDIT PANEL REPORT 2021-22

BACKGROUND / INTRODUCTION

Glenorchy City Council's Audit Panel was formally established by a decision of Council. The operation of the Panel is guided by Council's Audit Panel Charter which is based on the requirements of the Local Government (Audit Panels) Order issued by the Minister for Local Government under section 85B (1) of the Local Government Act 1993.

AUDIT PANEL MEMBERSHIP AND MEETINGS

Membership of the Audit Panel comprises two Councillors and three independent members.

Aldermen Angela Ryan and Peter Bull represented Council on the Audit Panel for the 2021-2022 financial year.

During 2021-22 the independent members of the Panel were Mike Derbyshire (Chair), Belinda Webster, Michael Stevens (term ended December 2021), and Ric de Santi (appointed January 2022). We would like to thank Michael for his valuable contribution to the Audit Panel over many years.

MEETINGS OF THE PANEL

The Panel met five times during the financial year ending 30 June 2022. In addition to Panel members, meetings were also attended by a range of Council staff including the General Manager, Director Corporate Services, Chief Financial Officer, Manager Corporate Governance, Manager ICT and Minutes Secretary (who acts as secretariat for the Panel).

Representatives from Council's Internal Auditors, WLF and Crowe Australasia, and the Tasmanian Audit Office (TAO) also attended Audit Panel meetings.

ROLE OF THE PANEL

The role of the Audit Panel is to support the elected Council by providing independent assurance and advice in relation to Council's financial reporting and controls, risk management framework and practices, internal controls, legislative compliance, long term planning, fraud control and corruption prevention. Its role is complemented by both internal and external auditors.

The main responsibilities of the Audit Panel include reviewing:

- whether the annual financial statements of the Council accurately represent the state of affairs of Council
- whether and how the Part 7 plans (these include the Strategic Plan, Long Term Financial Plan and Strategic Asset Management Plan) are integrated and the processes by which, and assumptions under which, those plans were prepared
- the accounting, internal control, anti-fraud, anticorruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position
- whether the Council is complying with the provisions of the Act and any other relevant legislation, and

- whether the Council has taken any action in relation to previous recommendations provided by the Audit Panel to the Council, and so, what that action was and its effectiveness.

In addition, as the result of a Ministerial Direction issued by the then Minister for Planning and Local Government, the Panel was directed by Council to review and report annually on compliance with a range of matters including Local Government legislation, Council policy, procedures and codes and Council's Statement of Expectations between Aldermen and the General Manager.

EXTERNAL AND INTERNAL AUDIT

External Audit

As legislated, Council's external audit service is provided by TAO, whose staff attended one Audit Panel meeting during the 2021-22 financial year. During this meeting, the Audit Panel and TAO officers discussed the 2021-22 Financial Year Audit Strategy and Plan and a review of key audit areas identified for the year.

In addition, outstanding audit recommendations from previous external audits were reviewed including findings from the 2020-2021 audit, which were provided to the Panel on 29 November 2021.

There are a total of five findings that needed to be addressed by Council. These were all in the low to moderate risk categories. The Audit Panel will monitor progress on these matters during 2022-23.

Internal Audit

Internal audits support the work of Council and the Audit Panel by reviewing Council's systems and operations in accordance with an agreed internal audit plan. The plan is based on a risk management approach, is reviewed annually and can be altered should specific issues require attention.

These audits aim to identify how well risks are managed, whether the appropriate processes are in place, whether agreed procedures are being followed and whether improvement can be made.

Recommendations to address issues or to adopt improvements are considered by Council's management. The final report reviewed by the Audit Panel and all recommendations are monitored by the Audit Panel at each ordinary meeting, to ensure they are implemented.

To present the findings and recommendations of the internal audits undertaken during the year, senior staff from WLF (1 project) and Crowe Australasia (2 projects) attended meetings during the year.

Council approved the 2109 to 2022 internal audit program in October 2019. The internal audit program for 2021-22 included:

- Management of Portable and Attractive Assets (Completed)
- ICT Operating Controls (Completed)
- Business Continuity Planning (Completed)
- Succession Planning and Single Point Dependency Staffing Risks (Due July 2022)

An audit findings report was received from WLF for the Management of Portable and Attractive Assets Audit in May 2022. All identified risks were included in Council's risk register and audit actions register.

Audit findings reports were received from Crowe Australasia for the Business Continuity Planning Audit in July 2021 and the ICT Controls Audit in May 2022. All identified risks were included in Council's risk register and audit actions register.

The Audit Panel regularly monitors progress with adopted audit recommendations. As at June 2022 there were 17 recommendations outstanding of which 5 related to areas identified as being of high, significant or notable risk. This compares to the situation in June 2021 when there were 16 recommendations still to be finalised including 4 recommendations that related to areas identified as being high, significant or notable risk.

While there is some difficulty in comparing year on year progress, as new audit recommendations are added and completed recommendations are removed, the Audit Panel is pleased to note the significant progress that has been made by Council during the year in addressing outstanding audit recommendations and look forward to further progress in 2022-23.

The Panel would like to acknowledge the funding that was provided in 2021-22 budget by Council to enable the implementation of internal audit recommendations.

OTHER PANEL ACTIVITIES DURING THE REPORTING PERIOD

During the year under review the Audit Panel:

- monitored the roll-out of the legislative compliance process
- monitored and reviewed the Compliance Status Summary Report which records the status of Council's compliance with regulatory obligations on an ongoing basis
- finalised the internal audit program for 2022-23
- endorsed the draft Complaint and Request Process for inclusion in a revised Audit Panel Charter
- endorsed the revised Audit Panel Charter for submission to Council
- regularly reviewed the Audit Panel annual work plan
- continued to review and advocate for implementation of outstanding audit recommendations
- received an update on Council's revised Strategic Planning Framework
- received and reviewed a report on the 2021-22 budget estimates
- reviewed and endorsed the Financial Statements for financial year ending June 2022
- met with TAO to discuss the 2021-22 audit and any issues that arose, and recommendations made
- oversaw the 2022-23 External Audit planning process
- received updates on the Workplace Health and Safety Committee and reviewed the minutes of their monthly meetings
- regularly reviewed and commented on General Manager's Quarterly Report information and issues raised by this information, as well as periodic Financial Performance Reports
- reviewed quarterly status updates on Significant Risk, Insurance and Legal Matters
- received information about the renewal of Council's insurances for both 2021-22 and proposed changes in insurance coverage for some items in 2022-23
- reviewed credit card expenditure incurred by Council's General Manager

Audit Panel members also attend Audit Panel workshops when conducted by the Local Government Association and meetings of the Southern Region Council Audit Panel Chairs. In addition, Audit Panel members may attend Council workshops over the course of the year where relevant.

MINISTERIAL DIRECTIONS PROGRESS REPORT

The Panel is pleased to confirm that Council completed all the 2018 Ministerial Directions in the 2019-20 year, except for Direction 5(b). Direction 5(b) requires the Audit Panel to undertake an annual review Council's compliance with the Local Government Act, various regulations, codes, policies and procedures.

No recurrence of any of the matters identified in the Ministerial Directions has been identified by the Audit Panel.

The Panel can confirm ongoing compliance with Ministerial Direction 5(b) and that all items identified are included in the Audit Panel's Annual Work Plan.

The Minister informed Council that quarterly progress reporting is no longer necessary and that two annual reports will be required to cover the period from 1 October 2019 to 30 September 2021. In June 2020 it was agreed with representatives from Local Government that the Audit Panel Chair's annual report to Council will satisfy the annual reporting requirements. It is therefore anticipated that this report will constitute the final required report.

Mike Derbyshire
Chair, Audit Panel
July 2022

Code for Tenders and Contracts Exemptions

Supplier's / Contractor's name	Supplier's / Contractor's business address	Description of Goods/Services and/or Works	The circumstances for engaging the contractor or supplier without undertaking required procurement process	Value of the purchase (excluding GST)	Requesting Officer (Manager or Coordinator)	Approval Date	Approving Officer (Director or General Manager)	Source doc ECM ID
Mental Health First Aid Australia	Level 18, 150 Lonsdale Street Melbourne VIC 3000	Deliver a Standard Mental Health First Aid Private Instructor Course for community organisations and Council staff 1-5 August 2022	The commodities can only be provided by a particular service provider and no reasonable alternative or substitute exists because the commodities are of a specialised nature, which a limited number of suppliers are capable of supplying or carrying out.	\$34,200 (estimated)	Coordinator Community Development/ Social Recovery Coordinator	23 June 2022	Director Community and Customer Services	3128753
Civica Pty Ltd	L 10 163-175 O'Riordan St Mascot NSW 2020	Reflect software maintenance and data hosting 01/07/22 to 30/06/23	A change in software at this point in time "cannot be made for technical reasons, such as requirements of interchangeability or interoperability with existing software, services or installations procured under the initial procurements or due to conditions under original licensing requirements or supplier warranties; and would cause a significant disruption to business continuity or substantial duplication of costs for Council	\$70,998.26 (estimated)	Technical Officer - Works	30 June 2022	Director Infrastructure and Works	3132273



Statement of Commitment on Housing

Recognising housing as a basic human right, Glenorchy City Council is committed to facilitating access for our residents to a diversity of safe, liveable, accessible and affordable housing options in our City. We will work closely with our residents, businesses, housing providers, developers, government and non-government partners to implement the following commitment.

Glenorchy City Council will

Engage with our community and data providers to gather and share information about Glenorchy's housing needs, including land availability and demand.

Provide our staff and residents with knowledge and confidence to help people access housing and homelessness services.

Engage with our community and housing providers about different types of housing and the benefits of having a diversity of housing options in our City.

Advocate to the Tasmanian and Australian governments to invest in and provide affordable and social housing and supported accommodation in Glenorchy.

Partner with housing providers and developers to increase the overall supply of affordable and social housing, and supported accommodation in Glenorchy and to encourage liveable housing design.

Actively explore opportunities to increase affordable and social housing and supported accommodation in Glenorchy, when developing and disposing of Council land, where appropriate.

Facilitate affordable and social housing and supported accommodation in Glenorchy through considering zoning at strategic sites and working with developers, where appropriate.

Advocate to the Tasmanian Government for planning controls that facilitate affordable and social housing and supported accommodation, where appropriate.

FURTHER INFORMATION

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GCC STATEMENT OF COMMITMENT ON HOUSING

Action Plan 2020 – 2025

Adopted by Glenorchy City Council in August 2020

GCC Housing Action Plan 2020-2025

1. ACTION PLAN TO ENCOURAGE THE PROVISION OF AFFORDABLE HOUSING IN GLENORCHY

The Australian Institute of Health and Welfare states that:

“Housing plays a critical role in the health and wellbeing of Australians. It is vital for people’s social and economic security, associated with positive outcomes for education, employment and finances.”

Tasmania’s Affordable Housing Action Plan 2015-2025 agrees, stating that all Tasmanians should live in homes that are safe, affordable and appropriate to their needs.

Recognising housing as a basic human right, Glenorchy City Council is committed to facilitating access for our residents to a diversity of safe, liveable, accessible and affordable housing options in our City. We will work closely with our residents, businesses, housing providers, developers, government and non-government partners to implement the following. Council adopted the Statement of Commitment on Housing in August 2020 and this action plan has been developed to support its delivery.

Action area 1 Council will engage with our community and data providers to gather and share information about Glenorchy’s housing needs, including land availability and demand.			
Action	Timeframe	Responsibility	Resources
1.1 Monitor initiatives and models for the provision of affordable housing, social housing and supported accommodation across Tasmania.	Quarterly	Planning, Community	Peak Bodies and Community organisations and Networks State Govt Existing internal resources
• Ongoing (noting the State Government’s Ancillary Dwelling Grants Program) • Council is a member of the Greater Hobart Homelessness Alliance – at which updates are provided from Government and non-Government organisations. • Council facilitated inter-agency network meetings involving community and social services including those providing social housing.			
1.2 Monitor Glenorchy’s housing need, and share this information with Council Managers, Directors and Aldermen/Council and on the Council website, as well as with developers, governments and housing providers.	Annual	Community Planning, Director Strategy and Development	Communities Tas Housing, id and other information sources to be collated 6 monthly and reported annually

Glenorchy City Council

2

GCC Housing Action Plan 2020-2025

- Information on opportunities for housing developments have been provided to developers as appropriate, including for the Windermere Bay development and Showgrounds Development. - Letters prepared and sent to Tasmanian Minister for Housing and Premier from former Mayor advising of housing need and opportunities for housing. - Opportunity Mapping portal live on GCC website to identify opportunities for affordable and medium density housing. - Annual report prepared – to be finalised			
1.3 Undertake an annual review of implementation of actions under the Housing Statement of Commitment and Action Plan. Prepare a Progress Report and provide to the Executive Leadership Team and Aldermen for information.	Annual	Housing Working Group	Existing internal resources
Annual report prepared – to be finalised			
1.4 Undertake a property audit every two years to identify suitable Council, Commonwealth or State-owned sites that may be appropriate for the development of affordable and social housing, and supported accommodation.	2020 and then every two years	Property Planning Community	Opportunity mapping Existing internal resources
- Review of residential land availability completed in December 2020. - Opportunity Mapping portal live on GCC website to identify opportunities for affordable and medium density housing.			

Action Area 2 Council will provide our staff and residents with knowledge and confidence to help people access housing and homelessness services.			
Action	Timeframe	Responsibility	Resources
2.1 Design and implement a communication strategy to provide information to our community about services available for people in housing stress or with housing need. (e.g. accessing housing and homelessness services)	2021 annual	Community Communication	Existing internal resources
- Community Strategy 2021-2030 adopted by Council Aug 2021 - The action 2.1 communication strategy is being developed as part of the implementation plan for the Community Strategy			
2.2 Design and implement a communications strategy to provide information to Council staff to assist them in helping residents to access housing and homelessness services. This will include: - Providing information on the intranet - Including information in the staff induction - Facilitating training by housing providers, the Salvation Army or other about how - to assist people to access housing and homelessness services - Contact (Kindness) cards.	2021 annual	Community Communication People and Culture	Contact (Kindness) Card Engaging with Housing providers to undertake the training (no cost for trainers) Catering budget
- The Contact (Kindness) card has been updated and circulated - Family Violence state-wide contact card developed and circulated. - Community Strategy 2021-2030 adopted by Council Aug 2021 - The action 2.1 communication strategy is being developed as part of the implementation plan for the Community Strategy			

GCC Housing Action Plan 2020-2025

Action Area 3 Council will engage with our community and housing providers about different types of housing and the benefits of having a diversity of housing options in our city.			
Action	Timeframe	Responsibility	Resources
3.1 Encourage affordable housing, social housing and supported accommodation developers to engage with local residents and the broader community about proposed developments and the benefits of providing different types of housing.	Ongoing	Director Strategy and Development Community Planning Property	Existing internal resources
Advice provided to developers, including Communities Tasmania, Windermere Bay proponents and RAST as to the importance of engaging local residents about proposed developments.			
3.2 In partnership with housing providers, design and implement a community engagement program/communications strategy to provide community education on the benefits of providing different types of housing.	2021_22	Community Director Strategy and Development	Refer to 2.1 engagement/communication plan
The action 2.1 communication strategy is being developed as part of the implementation plan for the Community Strategy			

Glenorchy City Council

GCC Housing Action Plan 2020-2025

Action Area 4 Council will advocate to the Tasmanian and Australian governments to invest in and provide affordable and social housing and supported accommodation in Glenorchy.			
Action	Timeframe	Responsibility	Resources
4.1 Advocate to increase funding to the Tasmanian and Australian Governments opportunistically, and prior to elections, for social and affordable housing, and supported accommodation in Glenorchy.	Ongoing	Director Community and Customer Services General Manager/Mayor	Existing internal resources
Through Hobart City Deal partners, submission made during Tasmanian election campaign regarding importance of providing social and affordable housing in Glenorchy.			
4.2 Communicate through the Hobart City Deal for increased investment in social and affordable housing, and supported accommodation in Glenorchy.	Ongoing	Director Strategy and Development General Manager/Mayor	Existing internal resources
Through Hobart City Deal partners, submission made during Tasmanian election campaign regarding importance of providing social and affordable housing, and supported accommodation in Glenorchy.			
4.3 Engage regularly with the Tasmanian Government to leverage Tasmanian Government investment under the Affordable Housing Action Plan.	Quarterly	Director Community and Customer Services General Manager/Mayor	Existing internal resources
Council is a member of the Greater Hobart Homelessness Alliance – at which updates are provided from Government and non-Government organisations.			
4.4 Provide letters of support for housing providers seeking funding for housing projects in Glenorchy.	Ongoing	Director Strategy and Development General Manager/Mayor	Existing internal resources
- Letter of support provided from Acting GM to RAST to support social and affordable housing at Showgrounds development in September 2020 (budget submission). - Mayor and officers meeting with Hobart Womens Shelter re provision of support for housing in Glenorchy LGA via provision of land and / or waiving of fees.			
Glenorchy City Council			

Action Area 5 Council will partner with housing providers and developers to increase the overall supply of affordable and social housing and supported accommodation in Glenorchy and to encourage liveable housing design.			
Action	Timeframe	Responsibility	Resources
5.1 Provide housing providers and developers with information about opportunities to develop housing in Glenorchy, opportunistically, via the City Deal governance arrangements and through opportunity maps - Through Hobart City Deal partners, submission made during Tasmanian election campaign regarding importance of providing social and affordable housing in Glenorchy. - Opportunity Mapping portal live on GCC website to identify opportunities for affordable and medium density housing.	Ongoing	Director Strategy and Development	Existing internal resources
5.2 Work with housing providers and developers to improve understanding of the planning and development application and assessment process - Worked with major developers, including Windermere Bay proponents and RAST, to facilitate planning and development process. - Implementing a concierge approach with major developers. - Implementing the Open for Business Review Improvement Plan.	Ongoing	Planning	Existing internal resources
5.3 Work with housing providers and developers to encourage housing that is accessible and liveable, and that includes units that are suitable for high needs clients with disabilities - Council officers continue to be informed and explore ways of working with developers to provide information on the benefits of accessible and liveable housing options. - This action will form part of the implementation of Council's Community Strategy - Priority Outcome Safe / Objective 14 - Revised Council Access and Inclusion Policy (Sept 2021)	2021 Ongoing	Community	To be included in Community Strategy
5.4 Continue to develop relationships with Housing Associations to identify opportunities to add housing in Glenorchy to their portfolio, with particular emphasis on identified priority groups (seniors, single parents, young people and people with a disability). Ongoing relationships with the above	Ongoing	Community Director Strategy and Development	Peak Bodies, Networks Existing internal resources

GCC Housing Action Plan 2020-2025

5.5 Continue to be a member of relevant organisations for the progression of affordable and social housing and supported accommodation regionally, such as the Hobart Housing Alliance.	Ongoing	Community	Existing internal resources
Council is a member of the Greater Hobart Homelessness Alliance – at which updates are provided from Government and non-Government organisations.			

Glenorchy City Council

Action Area 6 Council will actively explore opportunities to increase affordable and social housing and supported accommodation in Glenorchy, when developing and disposing of Council land, where appropriate.			
Action	Timeframe	Responsibility	Resources
6.1 When disposing of Council land, consider suitability for affordable and social housing and supported accommodation. Where this is an appropriate use, be transparent about this in the Section 178 process and consider whether negotiations should be undertaken preferentially with housing providers and developers.	As required	Property	Land Disposal Framework
No current parcels of land being considered for the S178 process which meet these requirements.			
6.2 Provide information to housing providers and developers about upcoming disposals of Council land that might be suitable for housing developments.	As required	Property	EOI register of stakeholders
Currently there are two parcels of Council land suitable for housing developments which have previously been approved for disposal. These parcels are progressing through the rezoning process with the Tasmanian Planning Commission. When the parcels are available for sale, the housing providers will be notified.			

Action Area 7 Council will facilitate affordable and social housing and supported accommodation in Glenorchy through considering zoning at strategic sites and working with developers, where appropriate.			
Action	Timeframe	Responsibility	Resources
7.1 Undertake an audit of residential land supply and demand in the Glenorchy municipality	2020 and each 5 years	Planning	Existing internal resources
Audit of residential land supply and demand in the Glenorchy municipality completed in 2020.			
7.2 Following the audit, consider whether amendments are required to the Glenorchy Planning Scheme, to provide more land for housing in proximity to public transportation, activity centres, services and shopping centres.	2021-25	Planning	Existing internal resources
- Consideration of planning scheme amendments required has commenced. - Workshop with Aldermen to discuss strategic directions in land use planning and development held in April 2021. - Working with Tasmanian Government under City Deal to identify opportunities to facilitate affordable housing along Northern Suburbs Transit Corridor.			
7.3 Where appropriate, work with developers to provide information about the process for planning scheme amendments.	Ongoing	Planning	Existing internal resources
Advice provided as required (e.g. Hilton Hill / Granton)			

Action Area 8 Council will advocate to the Tasmanian Government for planning controls that facilitate affordable and social housing and supported accommodation, where appropriate.			
Action	Timeframe	Responsibility	Resources
8.1 Work with the Tasmanian Government to ensure Tasmanian Planning Policies support the needs of Glenorchy residents for housing.	Ongoing	Director Strategy and Development	Existing internal resources
- Officer feedback on the Scoping Paper for the planning policies advocated for the inclusion of: - Housing affordability and social housing issues relevant to land use planning; and - Accessibility and universal design in housing.			
8.2 Work with the Tasmanian Government to identify and implement planning controls under the Tasmanian Planning Scheme that will facilitate affordable and social housing and supported accommodation in Glenorchy.	Ongoing	Planning Director Strategy and Development	Existing internal resources
- Advice provided as necessary (feedback provided on the Draft Apartment Code – noting that increased housing provision improves housing affordability, and well-designed housing can reduce water and energy costs) - Working with Tasmanian Government under City Deal to identify opportunities to facilitate affordable housing along Northern Suburbs Transit Corridor.			

SUMMARY

The available data shows the following for the City of Glenorchy:

Population and Households

Whilst families are the dominant household type, this is closely followed by lone person households. Between 2011-2016 lone person households grew by 193 households, which was the largest change in this area. Couples with children, couples without children and one parent families all decreased.

The majority of households were either fully owned or with a mortgage, however the private rental tenure was the area with the most growth (+566), with fully owned, mortgaged and social renting all declining between 2011-2016.

Most household types in all categories lived in separate housing, with very small percentages living in high density housing. The City had more people than the greater Hobart area living in medium density housing in lone person, couples and family groups.

This could mean that there may need to be more consideration given to housing suitable for lone person households and rental properties. It may also indicate a lack of suitable housing for family groups.

Housing and Approvals

As indicated by tenure, the majority of housing in the City of Glenorchy is separate dwelling with 3 bedrooms, which may not necessarily suit the demographic of the City. There is a very low percentage of high-density housing. This is also reflected in the housing approvals, with most approvals being for houses rather than other types of dwellings. Council might consider ways to encourage other types of developments to appeal more to the City's demographic, which may also improve accessibility to larger housing for family groups.

Pricing and Income and Affordability and Availability

The City of Glenorchy has a higher proportion of very low, low and moderate incomes than Greater Hobart. Both housing and rental prices have increased. The data shows that there are significant levels of housing and rental stress, particularly in the very low-income bracket. This group would also have significant issues in being able to purchase or rent in the City.

The available data shows a need for affordable housing in the City, particularly for family and lone household groups.

Council's Housing Working Group will look at ways to increase affordable housing opportunities within the City, which will include working with developers, liaison with government and community organisations and increased public awareness/community engagement around housing needs within the City.

References to be added



Statement of Commitment on Housing

Recognising housing as a basic human right, Glenorchy City Council is committed to facilitating access for our residents to a diversity of safe, liveable, accessible and affordable housing options in our City. We will work closely with our residents, businesses, housing providers, developers, government and non-government partners to implement the following commitment.

Glenorchy City Council will

Engage with our community and data providers to gather and share information about Glenorchy's housing needs, including land availability and demand.

Provide our staff and residents with knowledge and confidence to help people access housing and homelessness services.

Engage with our community and housing providers about different types of housing and the benefits of having a diversity of housing options in our City.

Advocate to the Tasmanian and Australian governments to invest in and provide affordable and social housing and supported accommodation in Glenorchy.

Partner with housing providers and developers to increase the overall supply of affordable and social housing, and supported accommodation in Glenorchy and to encourage liveable housing design.

Actively explore opportunities to increase affordable and social housing and supported accommodation in Glenorchy, when developing and disposing of Council land, where appropriate.

Facilitate affordable and social housing and supported accommodation in Glenorchy through considering zoning at strategic sites and working with developers, where appropriate.

Advocate to the Tasmanian Government for planning controls that facilitate affordable and social housing and supported accommodation, where appropriate.

FURTHER INFORMATION

P: 6216 6800
E: gccmail@gcc.tas.gov.au,
www.gcc.tas.gov.au



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www.gcc.tas.gov.au

From: "State Planning Office Shared Mailbox" <StatePlanning@dpac.tas.gov.au>
Sent: Mon, 6 Jun 2022 09:15:47 +1000
To: "GCC Corporate Mail" <gccmail@gcc.tas.gov.au>
Subject: Proposed Housing Land Supply (Goodwood) Order 2022
Attachments: Housing Land Supply (Goodwood) Order 2022 - GCC.pdf

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Please find attached letter from The Hon Michael Ferguson MP, Minister for Planning

State Planning Office
Department of Premier and Cabinet
Level 7 / 15 Murray Street, Hobart TAS 7000 | GPO Box 123, Hobart TAS 7001
(p) 1300 703 977

stateplanning@dpac.tas.gov.au

www.planningreform.tas.gov.au | www.dpac.tas.gov.au



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Deputy Premier
Treasurer
Minister for Infrastructure and Transport
Minister for Planning

Level 10, Executive Building, 15 Murray Street, Hobart
Public Buildings, 53 St John Street, Launceston
GPO Box 123, HOBART TAS 7001
Phone: (03) 61 65 7754; Email: Michael.Ferguson@dpactas.gov.au



6 June 2022

Ald Bec Thomas
Mayor
Glenorchy City Council
PO Box 103
GLENORCHY TAS 7010
Email: gccmail@gcc.tas.gov.au

Dear Mayor

Housing Land Supply Act 2018
Proposed Housing Land Supply (Goodwood) Order 2022 – Goodwood and Howard Road, Goodwood

The State Government aims to increase the ready supply of affordable homes to address the real social need in the State. To do this the Government passed legislation in 2018 that allows for the making of Housing Land Supply Orders. The Orders enable surplus Government land that meets strict eligibility and suitability criteria to be rezoned for residential development more quickly. More affordable homes are then able to be built sooner.

The legislation for this is the *Housing Land Supply Act 2018* (the Act). More details about the Act and Housing Land Supply Orders can be found at www.planningreform.tas.gov.au. The Act provides for consultation with persons who may have an interest in a proposed Housing Land Supply Order.

The proposed Housing Land Supply (Goodwood) Order 2022 (the proposed Order) provides for part of the land at the intersection between Goodwood and Howard Road, Goodwood to be rezoned from the Utilities Zone to the General Residential Zone, which is consistent with the surrounding residential area. The area of land proposed to be rezoned is located at the intersection of Howard Road and Goodwood Road of the land and has an area of approximately 1438m².

The Act also requires me to provide you with a 'statement of reasons' as to why I wish to make the proposed Order and my opinions on why the proposed Order will not contravene the Act.

The proposed Order and my 'statement of reasons' are available for viewing at:

1. www.planningreform.tas.gov.au
2. the Glenorchy City Council Customer Service Centre at 374 Main Road, Glenorchy; or
3. the Service Tasmania shops at either 4 Terry Street, Glenorchy or 134 Macquarie Street, Hobart.

If the proposed Order is approved, the future development of the land will be subject to a development application to be considered by the Glenorchy City Council in accordance with the Tasmanian Planning Scheme consisting of the State Planning Provisions and the Glenorchy Local Provisions Schedule. The Tasmanian Planning Scheme as it applies to the Glenorchy City Council area can be viewed at www.iplan.tas.gov.au

22/5301

Further information on the future development plans for the land can be obtained by contacting the Department of Communities Tasmania on 1800 995 653 or email HousingProjects@communities.tas.gov.au.

I am seeking your feedback on the proposed Order as I understand you may live or own property or have an interest in the site that is subject to the proposed Order.

Consultation on the proposed Order also involves seeking the views of service providers in this area, such as Glenorchy City Council and Taswater, to make sure that the proposed Order is appropriate for local conditions and strategic planning.

How to make a submission

The Act provides for 28 days for you to make a submission on the proposed Order. Submissions can be made until close of business on **Monday, 4 July 2022** in one of the following ways.

1. Via email to: yoursay.planning@dpac.tas.gov.au
2. Or posted to:

State Planning Office
Department Premier and Cabinet
GPO BOX 123
HOBART TAS 7001

Any submissions are to be made in respect of the relevant matters that are listed in section 13 of the Act. Broadly, the relevant matters are whether the land is suitable for residential use and whether the intended zone is suitable.

Please note that the final step in the process for the making of the proposed Order requires a report to be tabled in Parliament and this report will be a public document. This report is required under the Act to include any submissions that have been made. Essentially, your submission will become part of a document on the public record.

If you would like your submission to be treated as confidential then please indicate this in writing at the time of making your submission and give reasons why.

Please note that once the final report is tabled in Parliament, the proposed Order may be disallowed by either House of Parliament. This means that your local member for Parliament is also able to consider any concerns you may have with the proposed Order.

If you would like to discuss the proposed Order, or would like a briefing, please contact the Department of Premier and Cabinet's State Planning Office by telephone at 1300 703 977 or by email at stateplanning@dpac.tas.gov.au

Thank you for your consideration of this important issue.

Yours sincerely



Michael Ferguson MP
Minister for Planning

Cc: Mr Tony McMullen, General Manager

From: "State Planning Office Shared Mailbox" <StatePlanning@dpac.tas.gov.au>
Sent: Mon, 6 Jun 2022 09:15:57 +1000
To: "GCC Corporate Mail" <gccmail@gcc.tas.gov.au>
Subject: Proposed Housing Land Supply (Chigwell) Order 2022
Attachments: Housing Land Supply (Chigwell) Order 2022 - Glenorchy City Council.pdf

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Phone: (03) 6165 7754; Email: Michael.Ferguson@dpactas.gov.au



6 June 2022

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Mayor
Glenorchy City Council
PO Box 103
GLENORCHY TAS 7010
Email: gccmail@gcc.tas.gov.au

Dear Mayor

**Housing Land Supply Act 2018
Proposed Housing Land Supply (Chigwell) Order 2022 – Allunga
Road, Chigwell**

The State Government aims to increase the ready supply of affordable homes to address the real social need in the State. To do this the Government passed legislation in 2018 that allows for the making of Housing Land Supply Orders. The Orders enable surplus Government land that meets strict eligibility and suitability criteria to be rezoned for residential development more quickly. More affordable homes are then able to be built sooner.

The legislation for this is the *Housing Land Supply Act 2018* (the Act). More details about the Act and Housing Land Supply Orders can be found at www.planningreform.tas.gov.au. The Act provides for consultation with persons who may have an interest in a proposed Housing Land Supply Order.

The proposed Housing Land Supply (Chigwell) Order 2022 (the proposed Order) provides for part of the land at Allunga Road, Chigwell (title reference FR 197749/1) to be rezoned from Open Space to General Residential, which is consistent with the surrounding residential area. The area of land proposed to be rezoned is located in the southern corner of the land and has an area of approximately 2,450m².

The Act also requires me to provide you with a 'statement of reasons' as to why I wish to make the proposed Order and my opinions on why the proposed

The proposed Order and my 'statement of reasons' are available for viewing at:

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