



**GLAMORGAN
SPRING BAY
COUNCIL**

ORDINARY COUNCIL MEETING AGENDA

TUESDAY 22 AUGUST 2023

2:00 PM

Council Chambers, Triabunna

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday 22 August 2023, commencing at 2:00 pm.

QUALIFIED PERSON CERTIFICATION

I hereby certify that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this Agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

Dated this Thursday 17 August 2023



Greg Ingham
GENERAL MANAGER

IMPORTANT INFORMATION

- As determined by Glamorgan Spring Bay Council in April 2017, all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.
- A recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website following the meeting.

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

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1 OPENING OF MEETING

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

1.1 Acknowledgement of Country

Glamorgan Spring Bay Council acknowledge and pays respect to the Tasmanian Aboriginal people as the traditional and original owners, and continuing custodians of this land on which we gather and acknowledge their Elders - past and present.

1.2 Present

1.3 Apologies and Leave of Absence

1.4 In Attendance

1.5 Late Reports

(Motion to receive required)

1.6 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or

2. any conflict as described in Council's Code of Conduct for Councillors,

in any item included in the Agenda.

2 CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 25 July 2023

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 25 July 2023 at 2:00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop(s) Held

TUESDAY 8 AUGUST 2023

In accordance with the requirement of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council Workshop was held from 1.30pm to 6.00pm on Tuesday 8 August 2023 at the Council Offices, Triabunna.

Present:

*Mayor Cheryl Arnol
Deputy Mayor Michael Symons (via remote video conference)
Clr Rob Churchill
Clr Neil Edwards
Clr Carole McQueeney
Clr Jenny Woods
Clr Robert Young

** Note Mayor Arnol declared a conflict in agenda item DA2023/00055 - 1100 Coles Bay Road and left the room during discussion.*

Apologies:

Clr Greg Luck (approved leave of absence)

In Attendance:

Mr Greg Ingham, General Manager
Mr Alex Woodward, Director Planning and Development
Mr Peter Porch, Director Works and Infrastructure
Mrs Elysse Blain, Director Corporate and Community
Mr James Bonner, Senior Planner
Mr Mick Purves, Planning Consultant

Guests

- Howard Colvin
- Mel Fazakerley
- Josie Kelman
- Sean Riley
- Zack Wingfield
- Steven Thompson
- Rennick Kerr
- Gemma Gwilliams

Agenda

- East Coast Catchment Committee & Landscape Recovery Foundation Presentation
- Presentation by Tassal
- Rheban Road Planning Scheme Amendment & Subdivision
- DA2023/00055 – 1100 Coles Bay Rd, Coles Bay
- Solis Water Provision – Council undertakings
- Local Government Reform

RECOMMENDATION

That Council notes the information.

3 PUBLIC QUESTION TIME

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

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

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

3.1 Questions on Notice

Nil.

3.2 Questions Without Notice

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

4 PLANNING AUTHORITY SECTION

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015, the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 4 of the Agenda.

RECOMMENDATION

That Council now acts as a Planning Authority at [time].

4.1 DA2023/00055 - 1100 Coles Bay Rd, Coles Bay - Visitor Accommodation, Cafe, Cellar Door and Dwelling

Proposal:	8 x Visitor Accommodation Cabins, Cafe, Cellar Door and Dwelling
Applicant:	Robert Alfeldi
Application Date:	07 July 2023
Statutory Date:	29 August 2023
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	20.0 Rural Zone
Codes:	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Code, C7.0 Natural Assets Code, C8.0 Scenic Protection Code
Specific Area Plans:	N/A
Use:	Visitor Accommodation, Food Services and Residential
Development:	8 x Visitor Accommodation Cabins, Cafe, Cellar Door and Dwelling
Discretions:	20.3.1 Discretionary Uses, C3.5.1 Traffic Generation, C7.6.1 - Buildings and works within waterway buffer, C8.6.2 Buildings and works within scenic corridor
Representations:	36
Attachments:	<ol style="list-style-type: none">1. Revised Plans - DA 2023/00055 [4.1.1 - 19 pages]2. De-identified Representations DA 2023/00055 [4.1.2 - 75 pages]3. Exhibited Documents DA 2023/00055 [4.1.3 - 115 pages]
Author:	James Bonner, Senior Planner

Executive Summary

Planning approval is sought for the construction and use of 8 x visitor accommodation cabins, a café and cellar door within one building and a separate single dwelling. The application was advertised for two weeks from 06 July to 20 July 2023. During the representation period 36 submissions were received with the majority objecting to the proposal. The report assesses the proposal against the standards of the relevant zone, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations and the matters raised in the representations and make a final determination by 29 August 2023.

PART ONE

1. Statutory Requirements

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

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

The initial assessment of this application identified where the proposal met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

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

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

2. Approving applications under the planning scheme

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

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

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

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

3. The Proposal

The proposal is to construct 8 x one-bedroom single storey visitor accommodation cabins, a café and cellar door building with associated parking area and a four-bedroom single storey dwelling with associated outbuilding.

The visitor accommodation buildings are proposed to be located in a line to the south of the café/cellar door building to take advantage of the views over Moulting Lagoon. Each cabin has a modest footprint of approximately 43m². During the assessment it was identified that some of the cabins and infrastructure would have been located in the Future Coastal Refugia area. The applicant provided revised plans that relocated the cabins and infrastructure outside of this area. The revised plans are included in the attachments.

The cafe/cellar door building is of an American Barn type design sited 88m from the frontage with Coles Bay Road. The building provides a café dining area, cellar door sales, office and amenities. It has an overall height of approximately 6.3m from finished floor level to the building apex. Parking for 43 vehicles is provided in the adjacent carpark with three spaces provided in front of the building.

The dwelling and associated outbuilding are to be located to the north of the café/cellar door building. The dwelling is located and orientated to take advantage of the views over the lagoon.

It is noted that the vineyard shown on the plans is identified as being existing, and therefore has not been assessed under the current application.

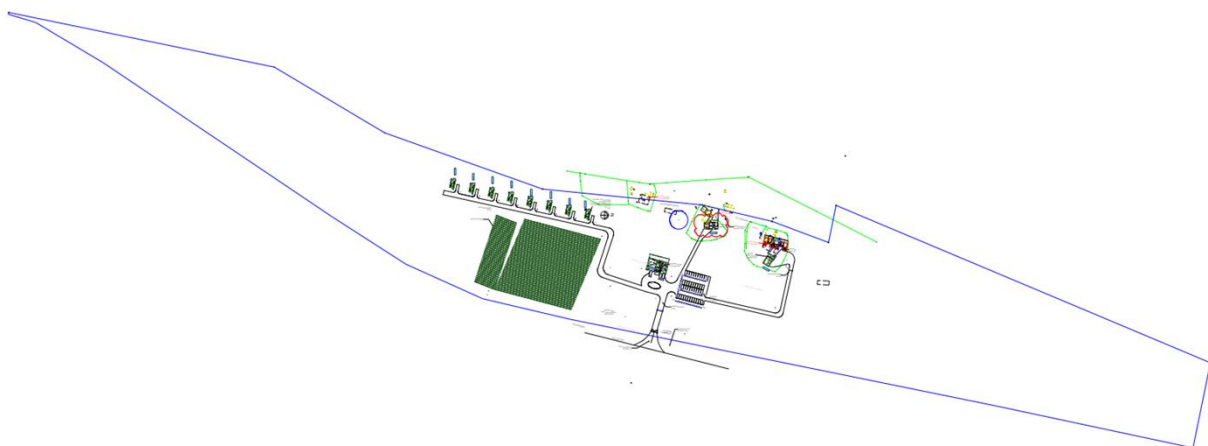


Figure 1 – Site plan showing property boundaries

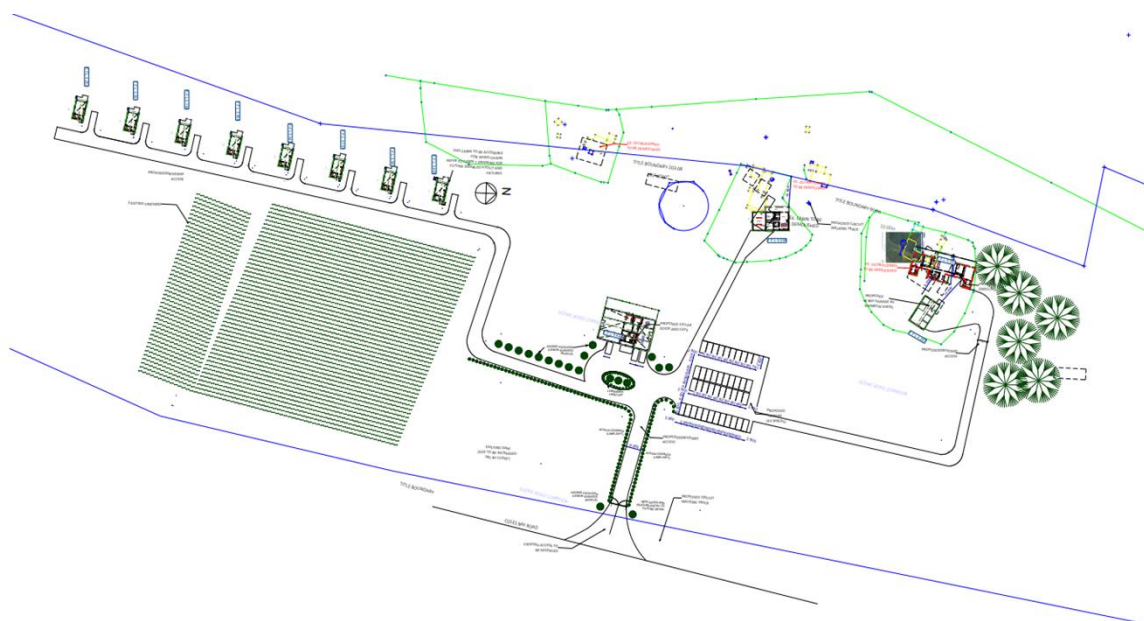


Figure 2 – Site plan

4. Risk and implications

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

5. Background and past applications

The following planning applications and permits are considered relevant to the current proposal.

- BA2023/031 approved the demolition of sheds located on Crown land adjacent to 1100 Coles Bay Road.
- DA2015/172 approved a winery with a vineyard, café, parking area and signage. It is noted that this permit has been acted upon and therefore has not lapsed, though the current owner is not intending to build the proposed cafe.
- DA1999/029 approved the change of use of an outbuilding to a dwelling.

6. Site Description

The subject lot is a thin parcel with a frontage to the road of approximately 1,500m and a depth of around 100 – 170m and with a gradual fall to the lagoon. It is located on the western side of Coles Bay Road approximately 8.5km from Swanwick and directly adjoins Moulting Lagoon.

The lot has in the past been substantially cleared of native vegetation with small patches remaining in the northern portions and along the foreshore. The remaining vegetation is predominantly pasture.

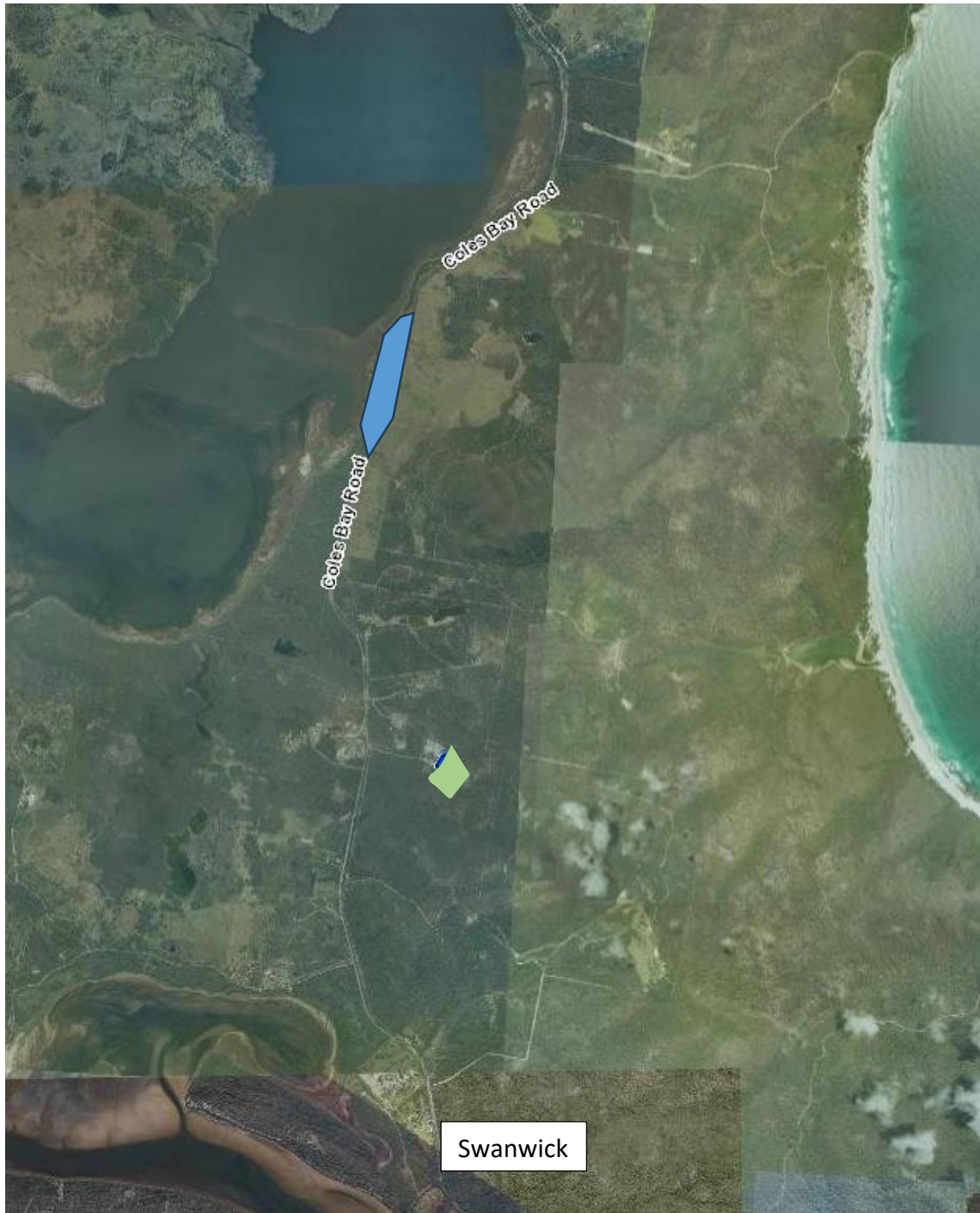


Figure 3 – Locality Source: LIST Maps



Figure 4 – Site Source: LIST Maps

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

The property is service by reticulated electricity. It is not serviced by reticulated sewer or water.

9. Covenants

There is one covenant related to the location of the access from Coles Bay Road. The existing access location is consistent with the requirements of the covenant.

PART TWO

10. Meeting the Standards via Acceptable Solution

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

- 20.0 Rural Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C8.0 Scenic Protection Code

All standards were met by acceptable solution excepting those identified below which were assessed against the applicable performance criteria.

11. Meeting the Standards via Performance Criteria

The standards below could not meet the Acceptable Solution criteria and have been assessed against the relevant Performance Criteria.

- 20.0 Rural Zone – cl20.3.1 – discretionary use
- C3.0 Road and Railway Assets Code C3.5.1 – increased vehicular traffic
- C7.0 Natural Assets Code – C7.6.1 – buildings and works within waterway buffer
- C8.0 Scenic Protection Code – C8.6.2 – buildings and works within scenic corridor

PART THREE

12. Assessing the Proposal against the Performance Criteria

20.0 Rural Zone

20.3.1 Discretionary Use (A1) – The acceptable solution is that a use listed as discretionary, excluding residential, is for the alteration or extension to an existing use. The visitor accommodation cabins are a discretionary use that are not existing and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
P1 A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to: (a) the nature, scale and intensity of the use;	The area required for 8 x one-bedroom cabins requires a rural location to accommodate the cabins and the effluent treatment and disposal area.
(b) the importance or significance of the proposed use for the local community;	The cabins will provide purpose built visitor accommodation for visitors to the area which provides some employment opportunities on and off site through servicing of the cabins and increased expenditure in the local community.
(c) whether the use supports an existing agricultural use;	The use will support the agricultural use being the approved vineyard which has been partly developed.
(d) whether the use requires close proximity to infrastructure or natural resources; and	The use does not require close proximity to infrastructure or natural resources, other than proximity to Moulting Lagoon which adds to the attraction for visitors.
(e) whether the use requires separation from other uses to minimise impacts.	The use requires separation to be able to accommodate the on-site effluent management system required for 8 cabins.

20.3.1 Discretionary Use (A2) – There is no acceptable solution and as such the proposal must meet the following performance criteria.

Performance Criteria	Planner's Response
P2 A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to: (a) the location of the proposed use; (b) the nature, scale and intensity of the use; (c) the likelihood and nature of any adverse impacts on adjoining uses; (d) whether the proposed use is required to support a use for security or operational reasons; and (e) any off site impacts from adjoining uses	<p>The proposed use is not required to support a use for security or operational reasons and there are no off-site impacts identified from adjoining uses that could be further constrained by the proposed development.</p> <p>A number of representations have stated that the development will constrain the use of firearms during duck hunting season, though how this intermittent use would be constrained is not detailed, other than Firearms cannot be used within 250m of a dwelling.</p> <p>It is noted that a change of use from an outbuilding to a dwelling was approved in 1999. It is considered that the current proposed dwelling should not</p>

Performance Criteria	Planner's Response
	restrain or confine uses any more than would currently apply.

20.3.1 Discretionary Use (A3) – There is no acceptable solution and as such the proposal must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P3 A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:</p> <p>(a) the nature, scale and intensity of the use;</p> <p>(b) the local or regional significance of the agricultural land; and</p> <p>(c) whether agricultural use on adjoining properties will be confined or restrained</p>	<p>The conversion of the land to a non-agricultural use is limited to the areas utilised by the tourist cabins, café, parking area, dwelling and associated effluent management areas. The property is identified as having a land capability of class 5 which has limited agricultural uses.</p> <p>The uses are compatible with the agricultural use as a vineyard.</p> <p>The land is not identified as being prime agricultural land and does not have local or regional significance as agricultural land.</p> <p>The proposed use would not confine or constrain agricultural uses on adjoining properties.</p>

20.3.1 Discretionary Use (A4) – There is no acceptable solution and as such the proposal must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P4 A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:</p> <p>(a) the nature, scale and intensity of the proposed use;</p>	<p>The nature and scale of the development of the proposed visitor accommodation and café/cellar door is appropriate for the rural location which is isolated from nearby agricultural uses.</p>
<p>(b) whether the use will compromise or distort the activity centre hierarchy;</p>	<p>The café/cellar door is located approximately 8.5 km from Swanwick and a further 5-6km from Coles Bay village and is unlikely to distort the activity centre of Coles Bay.</p>
<p>(c) whether the use could reasonably be located on land zoned for that purpose;</p>	<p>While there is Local Business zoned land in Swanwick and Coles Bay it is considered that this proposal could not be reasonably located on the available land.</p>

Performance Criteria	Planner's Response
(d) the capacity of the local road network to accommodate the traffic generated by the use; and	A Traffic Impact Assessment has been submitted that identifies that subject to some road improvements Coles Bay Road can accommodate the additional traffic movements.
(e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting	The only impact that requires the rural location is the land area required for effluent disposal. This would be difficult to accommodate in an urban area with a much smaller area of land available for effluent treatment and disposal.

C3.0 Road and Railway Assets Code

C3.5.1 Discretionary Use (A1.4) – The acceptable solution is that vehicular traffic to and from the site will not increase more than the amounts in Table C3.1. The vehicular traffic will increase more than the amounts in the table and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>	<p>A Traffic Impact Assessment (TIA) was submitted with the application and referred to State Growth for consideration.</p> <p>The TIA proposes a Basic Right (BAR) turn facility and sight line improvements for the access off and onto Coles Bay Road that will address the performance criteria in regard to minimising any adverse impacts from the proposed development.</p> <p>State Growth reviewed the TIA and advised they have no objection to the proposal subject to the road improvements being undertaken in a staged approach in accordance with the recommendations of the TIA.</p>

C7.0 Natural Assets Code

C7.6.1 Buildings and works within waterway area (A1) – The acceptable solution is that buildings and works must be within a building area on a sealed plan. There is no building area on the sealed plan and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (n) the guidelines in the Tasmanian Coastal Works Manual 	<p>The buildings and works located within the waterway buffer area are the tourist cabins, dwelling and associated effluent management areas.</p> <p>Potential impacts from erosion, sedimentation and runoff during construction works for the tourist cabins and dwelling are able to be managed by the requirement for the implementation of a soil and water management plan.</p> <p>The application does not propose the removal of littoral or riparian vegetation on the property and any permit could be conditioned that requires riparia vegetation to remain. The property owner is not permitted to modify vegetation on the Crown land without approval from the Crown.</p> <p>It is recommended that any permit include a requirement that the visitor accommodation cabins and the dwelling are setback a minimum of 15m from the boundary with Moulting Lagoon to minimise any impact on riparian or littoral vegetation.</p> <p>The proposal is not located within a waterway and will not impact on in-stream habitat, impede natural waterflows or fish passage.</p> <p>The tourist cabins are grouped together and the dwelling is located close to an existing building.</p> <p>As the topography is essentially flat, cut and fill will be minimised with buildings responding to the generally level topography of the land.</p> <p>The location of the tourist cabins have been revised so they are located entirely outside of the coastal refugia area thereby minimising impacts on coastal processes and minimising the need for future works for protection of the infrastructure. The property is not identified on LISTMap as being affected by sea level rise.</p> <p>Any permit could be conditioned to include works to be undertaken in accordance with the Wetlands</p>

Performance Criteria	Planner's Response
	and Waterways Manual and Tasmanian Coastal Works Manual where relevant.

C8.0 Scenic Protection Code

C8.6.2 Development in scenic corridor (A1.4) – The acceptable solution is that buildings and works within the scenic corridor must not be visible from the scenic road. The café/cellar door building and carpark are located within the scenic corridor and will be visible and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1 Buildings or works within a scenic road corridor must not cause an unreasonable reduction of the scenic value of the road corridor, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) proposed reflectance and colour of external finishes; (c) design and proposed location of the buildings or works; (d) the extent of any cut or fill required; (e) any existing or proposed screening; (f) the impact on views from the road; and (g) the purpose of any management objectives identified in the relevant Local Provisions Schedule. <ul style="list-style-type: none"> (a) To minimise native vegetation clearance adjacent to the road by setting development back from the road. (b) To provide for, and be sensitive to, views that enhance the traveller experience by setting development back from the road and minimising building bulk within proximity to the road. (c) To avoid signage that is unnecessary, excessive in size or otherwise unreasonably interferes with the landscape character in which they are located. 	<p>It is noted that the tourist cabins and dwelling are located outside of the scenic corridor and therefore are not a consideration under this code.</p> <p>The café/cellar door building is located approximately 88m from Coles Bay Road and therefore is only 12m within the scenic corridor.</p> <p>The building has a height of approx. 6.6m and a length of 25m. The building is proposed to be colorbond finished in Night Sky which is a dark nearly black colour with a light reflectance value (LRV) of 4. Darker colours can be recessive when used in the natural environment as they don't reflect as much light back to the observer and therefore blend more into the surrounding landscape.</p> <p>The distance from the road (88m), the size of the building in relation to the property frontage of 1.5km, the 100km/h speed limit and the darker colour scheme will reduce any impact on views, so the building does not cause an unreasonable impact on the scenic corridor and views to Moulting Lagoon.</p> <p>In regard to the management objectives identified in Table C8.2 of the LPS:</p> <p>The application does not propose the removal of native vegetation adjacent to the road.</p> <p>Development is setback 88m from the road which minimises the bulk of the building when viewed from the road.</p>

Performance Criteria	Planner's Response
(d) To preference tourism visitor information system (TVIS) signage or other coordinated and branded commercial signage.	Signage is not included in the application.

13. Referrals

The application was referred to TasNetworks, State Growth and Council's Infrastructure Department. Replies were received providing advice and/or recommendations.

14. Representations

The application was advertised for two weeks from 06 July to 20 July 2023. During the representation period 36 submissions were received with the majority objecting to the proposal. A summary of concerns raised related to planning matters and responses, are included in the Table below. The complete submissions are included in the attachments to the report with personal details redacted for privacy reasons.

Ramsar Wetland	Response
<ul style="list-style-type: none"> • Moulting Lagoon is a Ramsar wetland that provides nesting and habitat for a wide range of species and the proposal may impact on the listed wetland. • The proposal may impact on the breeding of the black swans. • No detail provided as to how the wetland will be protected. • The Tasmanian Coastal Works Manual states that vegetation within the riparian zone protects the wetland from erosion and excess nutrient and sediment input. • Impacts could occur from light pollution, noise, erosion and siltation, stormwater runoff and pollutants from effluent management systems. • The development will impact on the wetland due to people accessing the foreshore from the property. • Freshwater dams on the property are used by waterfowl and any development near them will be detrimental to their survival. 	<ul style="list-style-type: none"> • All buildings are shown to be setback a minimum of 10m to the property boundary with most of the cabins setback further. Recommended that the minimum setback be increased to 15m. • No detail has been provided as to how the proposal could impact on breeding of swans. A sanctuary for breeding is located at the northern end of Moulting Lagoon which is located over 1km from the proposed development. • The vegetation proposed to be removed for the cabins is grasses and a portion of the partly constructed vineyard. It is recommended the setback be increased to 15m to minimise potential impact on riparian vegetation. • Rainwater will be collected for re-use as there is no reticulated water to the property, which will reduce stormwater runoff from the buildings. • The plans indicate that the effluent management systems for the cabins and café/cellar door building are to be located further inland from the lagoon. The

	<p>assessment of the effluent management systems is undertaken at the building and plumbing application stage.</p> <ul style="list-style-type: none"> • Application has not proposed any work to alter dams on the property. • Application does not propose providing access onto the Crown foreshore land.
Pesticide and Fertiliser Use	Response
<ul style="list-style-type: none"> • Grapevines often use chemicals and pesticides and these could leach into the soil and potentially contaminate the waterway. • Storage of standard farming items such as hazardous goods need to be considered. 	<ul style="list-style-type: none"> • The vineyard is identified as being existing and is not a consideration in the current application. • The application does not propose a shed for the storage of farming equipment.
Stormwater runoff	Response
<ul style="list-style-type: none"> • Stormwater runoff from the buildings and carpark area may deposit sediment, nutrients and pollutants such as oil and coolants into the wetland. • Plans don't show that the cabins will have rainwater tanks. Request that a condition be included that these buildings have rainwater tanks 	<ul style="list-style-type: none"> • Stormwater from building roofs is proposed to be captured for re-use on site. • Any permit issued would require a sedimentation and erosion control plan be implemented during construction works. • Any permit issued would require stormwater management in accordance with the Wetlands and Waterways Manual and Tasmanian Coastal Works Manual where relevant.
Impact on duck hunters	Response
<ul style="list-style-type: none"> • The development will restrain the use of the wetland by duck hunters by restricting where they can shoot. • Existing duck hides are located within 250m of the proposed dwelling and tourist cabins. Under the Firearms Act a person must not discharge a firearm within 250m of a dwelling. The location of the dwelling and tourist cabins means that duck hunting will be restricted in this area. 	<ul style="list-style-type: none"> • No detail is provided as to how duck hunting would be restrained or restricted by the proposed development other than the reference to the Firearms Act. • It is noted that there was already a dwelling located on the property and therefore, in theory, duck hunting in this area should already be restricted in the example given in the representation. • It is noted that visitor accommodation is not defined as being a dwelling and therefore the restriction quoted in the Firearms Act would appear to not apply to the visitor accommodation.
Rural Zone	Response

<ul style="list-style-type: none"> • The development does not meet the objectives or performance criteria in the rural zone. 	<ul style="list-style-type: none"> • See the assessment above under 20.0 Rural Zone.
Lack of assessments	Response
<ul style="list-style-type: none"> • The application was not supported with Natural Values, Bushfire, Cultural Values, or Effluent Management assessments. 	<ul style="list-style-type: none"> • The property is not covered by the Priority Vegetation overlay and a natural values assessment is not required. • A bushfire assessment, cultural values assessment and effluent management assessment is not required at the planning stage. • It is noted that the effluent management areas have been shown on the plans and are located away from the wetland. The detailed assessment at building and plumbing approval stage will determine if adjustment is required to the proposed systems and their location on the property. • Any permit will include advice that if Aboriginal cultural material is discovered to contact Aboriginal Heritage Tasmania.
Scenic Protection Code	Response
<ul style="list-style-type: none"> • The cellar door structure and carpark are located within the middle of the scenic road corridor. The cellar door structure is 25m long by 25m wide and 10m high. • This section of road is one of the only places you can see Moulting Lagoon from the road. The 8 cabins, dwelling and cellar door and added trees will affect this view. 	<ul style="list-style-type: none"> • The café/cellar door building is 25m x 15m (with a 5m covered area) x 6m high. • See the assessment above under C8.0 Scenic Protection Code.
Demolition of shacks	Response
<ul style="list-style-type: none"> • Shacks located close to the foreshore were recently demolished, was approval given for the demolition? 	<ul style="list-style-type: none"> • Separate approval was given by Council for the demolition works.
Future Coastal Refugia Zone	Response
<ul style="list-style-type: none"> • The cabins are partly located within the coastal refugia area which has not been addressed in the application. 	<ul style="list-style-type: none"> • During the advertising period it was identified that some of the cabins and access would be located within the future coastal refugia area which is not permitted. The applicant provided revised plans showing the buildings and access moved so

	that no works would be contained within this area.
Building Design	Response
<ul style="list-style-type: none"> •The building designs do not have architectural merit and do not address the scenic corridor requirements of not causing an unreasonable reduction of the scenic value of the corridor. •The buildings do not pay attention to context, scale or the site. 	<ul style="list-style-type: none"> •The closest building is located 88m back from the road frontage. The café/cellar is a similar design to a farm shed and is not out of keeping with the rural character of the locality. •The cabins and dwelling are located outside of the scenic corridor.
Traffic Impacts	Response
<ul style="list-style-type: none"> •The increased traffic will impact on the amount of native animals killed on the road. 	<ul style="list-style-type: none"> •The Traffic Impact Assessment identified that a new right turn facility is required. State Growth provided advice and recommendations on the approval process for the road works. •Animals being killed and injured on the road, while distressing, is not an issue that is able to be addressed under the planning scheme.

15. Conclusion

The assessment of the application taken in association with the representations received has identified that the proposal satisfies the relevant provisions of the Tasmanian Planning Scheme - Glamorgan Spring Bay and therefore the application is recommended to be approved subject to the recommended conditions.

16. Recommendation

That:

Pursuant to section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2023/00055 at 1100 Coles Bay Road, Coles Bay (CT 125767/1) for 8 x Visitor Accommodation Cabins, Cafe, Cellar Door and Dwelling be approved with the following conditions:

Endorsed Plans and Documents

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

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

Building Location

2. Plans submitted for building approval must show the 8 visitor accommodation buildings and the dwelling located a minimum of 15m from the property boundary with Moulting Lagoon. The location of each building must be pegged on the ground and be verified by a registered land surveyor to confirm the required setback.

Reason: To minimise any impact on riparian and littoral vegetation in the waterway buffer area.

Building Finishes

3. All external surfaces must be finished using colours with a light reflectance value not greater than 40 percent and must be natural colours such as black, grey, brown and green.
4. Low reflectance glass treatment is to be applied to the visitor accommodation buildings and the dwelling to reduce the risk of bird strike from birds using Moulting Lagoon.
5. Lighting provided to external areas is to be low level light and baffled to reduce light spill into the adjoining Moulting Lagoon.

Landscaping

6. An amended landscape plan, prepared by a suitably qualified person, is required prior to the commencement of works that addresses the following:
 - a) Uses predominantly native plants being a combination of trees and shrubs that are endemic to the locality to provide a softening of the cafe/cellar door building and parking area;
 - b) If considered satisfactory, the landscape plan will be endorsed and will form part of the permit; and
 - c) Be implemented in accordance with the landscape plan no later than one month after the completion of works unless otherwise agreed to in writing by Council's General Manager.

Visitor Accommodation

7. The visitor accommodation buildings are only approved for visitor accommodation and must not be occupied by the same person(s) for a period exceeding three months within any 12-month period and must not be occupied as residences.

Access and Driveway

8. Prior to the commencement of the 8 x visitor accommodation units use, plans showing all service works to be undertaken in the road reservation (drainage, sewer, water, power and communications etc.) along with the required modifications to the existing property access as outlined by the applicant's Traffic Impact Assessment (prepared by TCS and dated 5 June 2023) will need to be submitted to the Department of State Growth for review and acceptance as part of a works permit application.
9. Prior to the commencement of the café/cellar door use, detailed engineering plans showing all necessary works for the provision of road widening to implement a Basic Right Turn (BAR) facility as outlined by the applicant's Traffic Impact Assessment

(prepared by TCS and dated 5 June 2023) will need to be submitted to the Department of State Growth for review and acceptance as part of a works permit application.

Advice: A valid works permit is required for all works undertaken in the State road (Coles Bay Road) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/service_works_gas_water_electricity for relevant underground service works and; www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/general_works_pathways_stock_underpass for all other road related works. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

10. Prior to the issue of any Certificate of Completion under the *Building Act* 2016 for the visitor accommodation and café/cellar door use described above, works to the property access and road widening as required by State Growth are to be completed to the satisfaction of Council's General Manager and State Growth.
11. Prior to the issue of any Certificate of Completion under the *Building Act* 2016 for the café/cellar door use, the internal driveway and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and must include all of the following:
 - a) Have a minimum width carriageway of 5.5m; or 3.6m carriageway with passing bays 5.5m wide x 6m long at the every 30m;
 - b) be designed, line marked, constructed and maintained to a durable all-weather surface to avoid dust or mud generation, erosion, and sediment transfer off site, to the satisfaction of the Council's General Manager.

Environmental Management

12. Native vegetation must not be removed, lopped, ring-barked or otherwise willfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.
13. Bushfire hazard management areas must be contained within the property boundaries.
14. All vehicles and equipment associated with construction of the development and/or operation must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases to the satisfaction of the Council's General Manager.
15. All stormwater run-off from roofed surfaces generated as a result of the development must be collected and stored in tank(s) for on-site use. Overflows from the tanks are to be contained on-site and are not to be directed towards the adjoining Moulting Lagoon.

16. Surface water runoff from the internal driveway and areas set aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land, including the adjoining Moulting Lagoon. A stormwater management plan that addresses how stormwater from hard stand areas, such as the driveway and carpark, will be managed to minimise impacts on the water quality of Moulting Lagoon is required to be submitted and approved by Council's General Manager prior to commencement of works. Once approved, the plan will form part of this permit.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

17. The onsite detention and stormwater treatment system must be maintained for the life of the development to ensure quantity and quality targets are achieved and stormwater does not create a nuisance to adjacent properties

18. Sediment and erosion control measures, sufficient to prevent sediment leaving the site and in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the satisfaction of Council's General Manager.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act* 2016 or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008).

All work required by this condition must be undertaken in accordance with the approved SWMP.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

19. Environmental best practice guidelines in the Wetlands and Waterways Works Manual and the guidelines in the Tasmanian Coastal Works Manual must be adhered to and form the basis of a Construction Environmental Management Plan (CEMP) to be prepared for the approved development. The CEMP must be submitted to and approved by Council's General Manager prior to commencement of any works. Once approved, the CEMP will form part of this permit.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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

- a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
- b) not burn debris or waste on site;
- c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;

- d) pay the costs associated with any alteration, extension, reinstatement and repair or cleaning of Council infrastructure or public land.
21. The developer must provide a commercial skip (or similar) for the storage of builders waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

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

The following advice is provided for information and assistance only

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent may be required for the following:
 - i. Building and plumbing approval from Council under the *Building Act 2016*
 - ii. Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*
- d. Condition Endorsement
 - iii. If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition.
 - iv. Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).
 - v. Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.
- e. The permit does not take effect until 15 days after the date it was served on you the applicant and the representor provided no appeal is lodged, as provided by s.53 of the *Land Use Planning and Approvals Act 1993*.
- f. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- g. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- h. The native vegetation approved for removal is limited to that necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of the Bushfire Hazard Management Plan. Clearing or adversely impacting other native vegetation on the property at any stage in the future may require a separate planning permit and advice should be sought from the Glamorgan Spring Bay Council prior to commencing any additional works.

- i. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- j. The issue of this permit does not ensure compliance with the provisions of the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- k. To minimise the spread of weeds and plant diseases through the site and region it is recommended that
 - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site or the transport depot
 - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- l. Please be advised that it is illegal to clear native vegetation on land adjoining your property that is public land, including foreshore reserves.
- m. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- n. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

4.2 Draft Amendment AM2023-01 – Glamorgan Spring Bay Local Provisions Schedule – Rezone 155 Rheban Road, Orford & 90-lot subdivision –Representations

Author: Senior Planning Consultant (Town Planning Solutions Pty Ltd)

Responsible Officer: Director Planning and Development

ATTACHMENT/S

1. Plan of subdivision
2. Draft Planning Permit AM2023-01
3. Representations
4. 40K Report - Draft Amendment AM2023-01

PURPOSE

The purpose of this report is for the Planning Authority to consider the 27 representations that were received to the exhibition of AM2023-01 to the Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme) to rezone land at 155 Rheban Road from Future Urban to General Residential and approve a subdivision of the land for residential purposes, as shown in Attachment 1 to this report.

BACKGROUND/OVERVIEW

The Planning Authority will recall that AM2023-01 was initiated and certified at its meeting on 28 March 2023. The Planning Authority supported the proposed subdivision and determined to approve it subject to 46 conditions.

The following attachments were provided for this report:

1. the plan of subdivision that supports the application
2. draft Planning Permit AM2023-01
3. Copies of Representations
4. 40K Report draft Amendment AM2023-01.

STRATEGIC PLAN REFERENCE

Guiding Principles

7. Communicate and explain Council's decisions and reasons in an open and timely manner.

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

- Division 3B – Amendments to LPS's

- 40G. Notice of exhibition
- 40H. Exhibition
- 40J. Representations
- 40K. Report to Commission about draft amendments
- 40Z. Exhibition in respect of permit application
- 41. Representations
- 42. Report in relation to draft amendment of LPS to contain representations

AM2023-01 and the associated draft planning permit were exhibited for the statutory period of 28 days in accordance with the requirements of sections 40 G, H and Z of the Act, from 2012 April to 12 May 2023.

Sections 40K and 42 of the Act require that the Planning Authority submits a report on the representations that were received addressing the following:

- a. A copy of each representation received during the exhibition period;
- b. A copy of each representation that was received *after* the exhibition period, that the Planning Authority decides to include;
- c. A statement on the merit of the representation regarding:
 - i. whether the draft amendment should be modified as a result of the representation; and
 - ii. the effect on the draft amendment and the Scheme, as a result of the recommendation;
- d. A statement on compliance with the LPS criteria (defined at section 34 of the Act);
- e. Any recommendations about the draft amendment the planning authority thinks fit.
- f. A statement on each representation against the subdivision regarding:
 - iii. The merits of the representation against the subdivision; and
 - iv. whether the decision on the subdivision should be modified as a result of the representation; and
- g. The recommendations about the subdivision the planning authority thinks fit.

The detailed analysis and responses to these requirements were provided in the 40K Report on Representations provided as Attachment 4 to this report.

BUDGET IMPLICATIONS

Ongoing maintenance of the Scheme was addressed as part of Council's operational budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				None required.
Nil				
Do not adopt the recommendation				Seek an extension of time from the Commission
The statutory deadline will expire.	Possible	Moderate	Moderate	
The 40K Report is not provided to the Commission	Possible	Moderate	Moderate	The Commission may take over the Planning Authority functions under the Act.

OFFICER'S COMMENTS

The majority of representations oppose the proposal, in part or completely. Copies of the representations were provided as an attachment to this report, along with the 40K Report that provided a detailed assessment of the issues raised within the representations.

A summary of the issues that were raised in the representations follows.

LUPA, RLUS & Structure Plan, Previous amendment and associated issues

- The proposal is similar to a recent proposal refused by the Commission and disregards the relevant Commission findings (i.e., number and size of lots).
- The proposal is inconsistent with the objectives of the Act (i.e., sustainable development, orderly release of land, health and wellbeing, encourage public involvement).
- Inconsistent with STRLUS (i.e., growth scenario, Orford strategy).
- Opposing assertions that the Structure Plan and STRLUS are out of date.

Access to other services

- The lack of facilities for medical care and healthy communities and impacts on rural based health services, difficulties recruiting health practitioners and existing limitations on doctor services in the area;
- The general lack of availability of services at Orford;

Demographics

- The proposal and SGS report have not demonstrated demand and have not had regard to recent lot creation (Solis, Holkham, Bayport).
- Proposal likely to result in more holiday homes rather than permanent residents.

Amenity/Character/Suitability

- The proposed lots are too small and will result in over-development, changing the existing low-density character of the area to suburban residential and detracting from the character of Orford generally.
- Oppose development in existing POS areas.

Infrastructure

- Inadequate infrastructure (i.e., public open space, traffic management [during construction and ongoing], parking, pedestrian paths) leading to increased costs to ratepayers and the community.
- Inadequate infrastructure (i.e., water supply, sewer, NBN) which struggles at peak/dry/flood times.

Roads

- Roads should be wider and redesigned to provide improved safety and to satisfy performance criteria.
- More consideration of holiday period impacts.

Stormwater flooding

- Failure to comply with Coastal Erosion Hazard Code and Tasmanian Stormwater Policy
- No Stormwater Management Report to demonstrate that proposed stormwater services will be adequate and not adversely impact neighbours or East Shelly Beach.
- Flooding impacts are not properly considered – uses old data and proposal not consistent with limitations identified in the Aldanmark and Flussing reports.
- Proposal will not comply with conditions or meet predevelopment flows for 1%AEP event.

Sewerage

- The existing sewerage treatment plant has odour issues – greater impact on existing residents.
- Questioning whether the treatment plant can cope with additional loads and not overflow and contaminate East Shelly Beach in high rainfall events.
- Contesting compliance with the Attenuation Code – reports did not consider future population estimates and upgrades to the treatment plant.

Flooding, Coastal & Erosion

- Failure to comply with Coastal Erosion Hazard Code and Tasmanian Coastal Works Manual, and likely failure to comply with conditions.
- Contesting capacity of existing stormwater systems to cope, the site is prone to flooding which will increase with climate change.
- Proposal relies on mitigation rather than design solutions to address natural hazards.

Vegetation

- The lack of a flora or fauna report to consider vegetation removal (notably the existing Eucalyptus Ovata on site);
- Lots too small to promote replacement tree planting.

Other Issues

- Lots should be larger.
- More public open space required.
- Limiting the use of caravans on the lots;
- Limiting development on lots adjoining properties to East Shelley Beach Road to single-story development.
- Contesting the loss of local landscape and environmental values that were unique to the area.
- Contesting the lack of substantial independent analysis.
- The lack of medical facilities in the area and provision for affordable housing,

AM2023-01 followed an extended process where the strategic future development of the subject land for urban residential purposes was supported by the Council. The previous rezoning and subdivision application was refused by the Commission in July 2019 for a range of reasons including:

- Failure to comply with the low growth strategy and consolidation growth scenario defined for Orford in the Southern Tasmanian Regional Land Use Strategy (RLUS);
- The Commission was not satisfied there was not a 15-year supply of land available in Orford, as defined Triabunna/Orford Structure Plan (Structure Plan) and as a result, the proposal did *not* represent orderly development and created a potential oversupply if infrastructure issues were resolved elsewhere in the Structure Plan area;
- While the application was not inconsistent with the relevant state policies, it was not consistent with the Schedule 1 Objectives under the Act; and
- As a result, the amendment was refused as it was not consistent with the RLUS and did not represent an orderly release of land.

Since that decision, the following occurred:

- Additional demographic data was provided in the *Orford Residential Capacity and Demand Analysis* by SGS Economics and Planning (SGS Report), which included a detailed assessment of demand based on approval and growth rates up to 2021 and expert assessment of the potentially available lots through further subdivision in the existing zoned lands;
- Council endorsed the Addendum to the Triabunna/Orford Structure Plan, which reflected the SGS Report findings and identified that a High Growth Strategy to meet the demonstrated demand at Orford;
- The RLUS was revised by the Minister for Planning to address the dated nature of demand projections across the southern region by inclusion of SRD1.1A, to enable consideration of up to date demographic data;
- The Local Provisions Schedule confirmed the Future Urban zoning of the lands; and
- The 2021 Census data became available, confirming the assessment and projections within the SGS Report.

As in 2019, many locals oppose the rezoning and subdivision of this land under AM2023-01.

As a result of the analysis in the SGS Report, insertion of SRD1.1A to the RLUS, revisions to the Structure Plan and 2021 Census data, many of the reasons that generated the 2019 refusal by the Commission are no longer relevant.

This issue also arose during the exhibition and assessment of the Local Provisions Schedule that supports the Scheme. Multiple representations objected to application of the Future Urban zone under that process, which the Council did not support and ultimately saw the Commission zone the land Future Urban under the Local Provisions Schedule, as noted in the following extract of the decision:

94. The Commission considers that the planning authority is being prudent to effectively reserve the site for future consideration for residential development. Application of the Future Urban Zone will achieve this and ensure that there are no actions taken that will constrain the potential for the future use of the land. Should the planning authority seek to rezone the land for residential purpose in future, issues associated with the development of the land such as mentioned by the planning authority in its section 35F report can be considered in any assessment of the rezoning application.

95. The Commission considers that the primary objective in applying the Future Urban Zone should be to identify potential land for future urban use, noting the application of the zone should not compromise existing residential uses and overall demand within the planning area.

96. The location of the land in Orford indicates that it is prudent planning to establish a zone such as the Future Urban Zone, to prevent uses and development occurring on the land which would preclude a future consideration of the most appropriate use for the land, residential use clearly being a possibility.

(Source: P15, Tasmanian Planning Commission, Decision, Local Provisions Schedule, Glamorgan Spring Bay 4 February 2022)

While many of the concerns raised by the representors were determined to have merit, two changes were identified following assessment of the representations as follows:

- Revise AM2023-01 to establish an overlay for the attenuation buffer for the Orford Sewage Treatment Plant based on the attenuation reports provided as part of the application and terminated at the southern boundary of Rheban Road; and
- Revise condition 3 of Draft Planning Permit AM2023-01 as follows:
The POS shown on the Lot Layout Plan must be set aside for drainage on the Final Plan, when submitted.

A discussion of the issues and detailed response to the representations was provided as in the Section 40K Report provided as Attachment 4 to this report. A recommendation was provided to reflect this assessment.

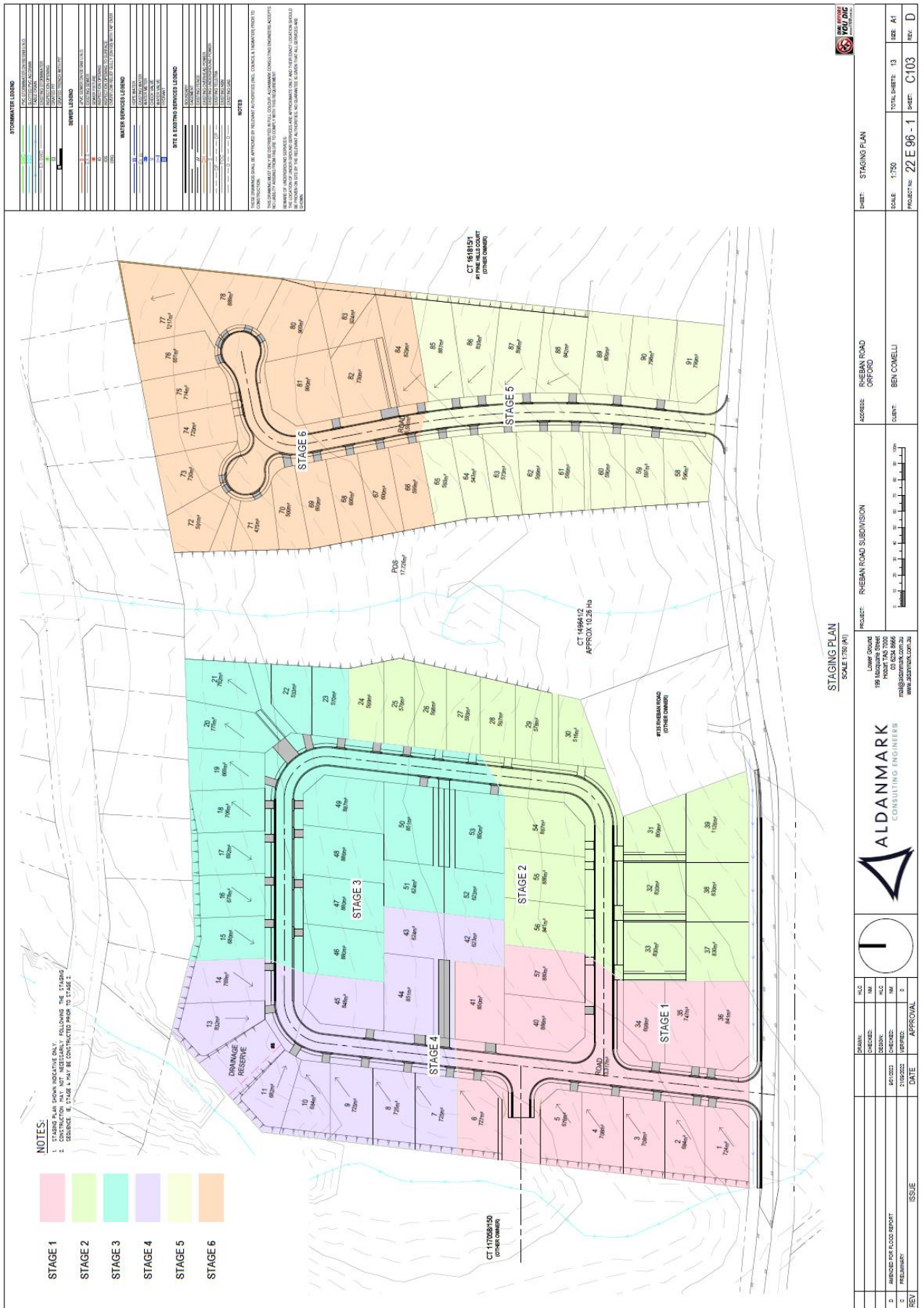
16. Recommendation

That:

Pursuant to Sections 40k and 42 of the Land Use Planning and Approvals Act 1993 the Planning Authority:

1. Endorse Attachment 4: *40K Report - Draft Amendment AM2023-01 v1.1* as its report on AM2023-01 in accordance with Sections 40K(2) and 42 of the Act; and
2. Recommend to the Tasmanian Planning Commission that AM2023-01 be modified establish an overlay for the attenuation buffer for the Orford Sewage Treatment Plant based on the attenuation reports provided as part of the application and terminated at the southern boundary of Rheban Road; and
3. Recommend to the Tasmanian Planning Commission that condition 3 of Draft Planning Permit AM2023-01 be amended as follows:
The POS shown on the Lot Layout Plan must be set aside for drainage on the Final Plan, when submitted.

Attachment 1 – Plan of proposed subdivision



Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015, the Chairperson hereby declares that the Council is no longer acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 4 of the Agenda.

RECOMMENDATION

That Council no longer acts as a Planning Authority at [time].

5 FINANCIAL REPORTS

5.1 Financial Report period ending July 2023

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Group Financial Statements 2023-07 [5.1.1 - 5 pages]

BACKGROUND/OVERVIEW

The financial reports for the period ended July 2023 as attached to this report are presented for the information of Council.

STATUTORY IMPLICATIONS

- Australian Accounting Standards Board (AASB)
- International Financial Reporting Standards (IFRS)

BUDGET IMPLICATIONS

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

RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
There are no material risks from adopting this recommendation.				
Do not adopt the recommendation				
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending 31 July 2023. Council needs to endorse.

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended July 2023.

6 SECTION 24 COMMITTEES

Nil.

7 INFORMATION REPORTS

7.1 Director Works and Infrastructure - Peter Porch

Asset Management; Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; Cemeteries

ATTACHMENTS

Nil

PURPOSE

This report provides information on the ongoing tasks of the Department in relation to Asset Management; Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; and Cemeteries.

OFFICER'S COMMENTS

ASSET MANAGEMENT

Asset Management practice is the strategic driver for the activities of the Department and is partnered by works that operate to maintain essential services to the community.

Work commences on the annual cycle of identifying new assets donated from subdivisions with asset details collected for addition to the asset management and finance systems. Inspections and approvals continue with respect to the construction of new subdivisions yet to be completed.

Assets added to councils listing are to either be included on existing inspection schedules, for assets of a kind, or have new schedules devised to monitor condition and program renewal intervals.

CONSULTANT SERVICES

Consultant services are required to deliver specialised services to Council for a range of generally short-term requirements. Current consultant activities comprise:

- Management of selected contract works
- Development of tenders and management of tender processes
- Design and survey where required
- Development Engineering assessment
- Various consultants for Building Application process for Coles Bay Annex

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- 9 Unsealed Road inspections completed.
- Old Coach Rd maintenance grade- Completed.

- Pontypool unsealed roads maintenance grade- Completed.
- Seaford Rd maintenance grade- Completed.
- Wielangta Rd- August/Sept, awaiting landslide repair to be completed before grading.
- Nugent Rd maintenance grade- Completed.
- Cold mixing of potholes across the municipality- Ongoing
- Box out road failures:
 1. Road failure - Harold St, Coles Bay - Ag drain installed and is now drying out, awaiting re-seal(been too wet) – reseal completed, more sub-drain work required.
- Milling/box outs and reseal of pavement failures:
 1. Buckland Rd box outs X 8 - Asphaltting completed.
 2. Seaford/Banwell Rd pavement failures- 10 box outs completed, reseal when weather warms up.
 3. Sally Peak Rd failures - box outs underway, re-seal to be completed in the Capital program at a later date.
 4. Seascape Drive, Bicheno- box out completed and sealed.

STORMWATER, DRAINAGE

- Open drain and culvert/cross over maintenance- ongoing across municipality
- Paradise Crt, Orford, upgrade culvert crossing to mitigate flooding- Underway.
- Sally Peak Rd failed culvert replacements- 2 completed.
- Swanston Rd- install extra culverts- completed.
- End of East Shelly Rd, stormwater extension to foreshore at Luther Pt to mitigate property flooding- awaiting cultural permit.
- Crossings Rd, Swansea open drain cleanouts- 50% completed.
- Cleanout open drains at Bicheno boat ramp- completed.

WASTE MANAGEMENT

- Second mulch trial conducted at Orford. 500m³ of mulch produced at a finer grade than the first trial.
- Signage updated to reflect new year fees.
- New attendant appointed to Orford Transfer Station
- New Lease for Swansea transfer Station executed.

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES

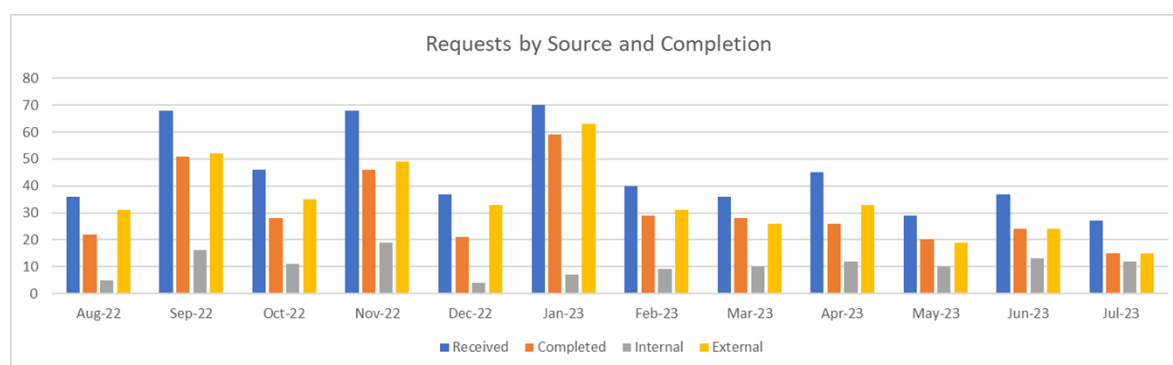
- 11 playground inspections completed.
- Annual external consultant assessment completed and received.
- Re-planting of Triabunna vertical gardens- Underway.
- Walkway across open drain beside Blue Waters parallel to Tasman Hwy- completed.
- Upgrade of toilet cisterns in Burgess St, Bicheno public toilets- completed.
- Removal of large dead tree in Our Park- completed.
- Assist Triabunna fire station to progress a memorial garden- completed.
- Swansea practice cricket nets- top soil runup and surrounding areas- completed.
- Tree removals around Swansea after storm- completed.
- Blow hole walking track maintenance at Bicheno- completed.

EMERGENCY MANAGEMENT

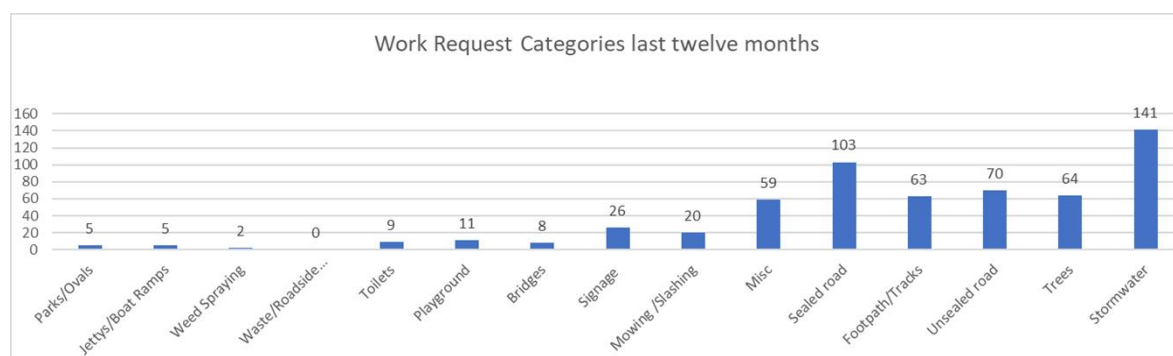
- After hours rostering carried out as scheduled.
- Review of Municipal Plan template in conjunction with SES
- Attendance at Swansea Redi-Communities session with Red Cross
- Attendance at Southern Regional Emergency Management Coordinators Forum
- Liaison with SES through Weather alert periods
- Clearing stormwater outlets and regular blockage points ahead of weather alerts

CUSTOMER REQUESTS

The chart below summarises the requests received year to date by the total numbers received; the number completed; those generated by the public and those generated by officers.



The requests are sorted into categories to provide an overview of the areas showing the most interest or greatest need for attention. Miscellaneous has been broken down to provide a category for roadside dumping and weed spray as per the bar chart below:



Up to the 7th August, seven enquiries have been received relating to mowing change to level of service. These were in the form of email or phone calls. Two were neutral, seeking clarifications. Two were supportive of the changes. Four were not supportive.

CAPITAL WORKS

- Sand River Road works are complete with guardrail now installed.
- 1km Sand River resheeting completed.
- 1km Nugent resheeting Road completed.

- Bicheno walking track footbridge replacement is complete.
- Spring Beach public toilet refurbishment- underway- facility to be closed on 3rd September for 4 weeks to completed upgrade.

Grant funded

Generally, the grant funded projects are experiencing delays as consultation with major stakeholders is slower to progress than anticipated:

- Tenders are open for a stage of Bicheno Gulch based on road works out of Parks areas.
- Contract works are set to commence on Coles Bay Walking Track off road sections in August.
- A start date for the contractor for the Coles Bay walking track all abilities sections is yet to be confirmed.
- Drawings are now completed, and tenders are open for the Coles Bay Annex building with a report to council expected to be provided to the September meeting on the outcome. The building application process is running concurrently.
- Swansea footpath works are practically complete.
- Wielangta Road landslip repairs are approaching completion.
- Bicheno Skatepark works are set to commence towards the end of August.
- Rheban Road Landslip remediation tenders are closed pending award.
- The Marina Shelter structure is expected to be erected by the end of August.

PLANT AND VEHICLES

- Backhoe replacement has been tendered and a replacement ordered. This is expected to be delivered within a couple of months.
- Spray utility being replaced though insurance.
- 2 Vehicle replacements are on order – 9 month delivery.

GENERAL

- Recruitment underway for key roles to address long term staff and service absences in temporary, fixed term and contract roles. Some service provision difficulties have been experienced in the last few months within the department which these roles are intended to address. Staff are striving to meet community and stakeholder agency requirements.

RESERVE BOOKINGS AND ROAD CLOSURES

Road closures for the events noted will be carried out under section 19.1(a) of the *Local Government Highways Act 1982* requiring consultation with the Commissioner of Police:

- Coles Bay Triathlon

RECOMMENDATION

That Council notes the information.

8 OFFICERS' REPORT REQUIRING A DECISION

8.1 Request for Event Support - Freycinet Challenge 2023

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Letter to Glamorgan Spring Bay Council Request for Assistance 2023 [8.1.1 - 2 pages]

PURPOSE

To request for Council to provide event support for \$1,500 to Jamset Pty Ltd for the Freycinet Challenge 2023 event.

BACKGROUND/OVERVIEW

Council periodically provides a level of financial and or in-kind assistance to community events that aim to involve, engage and provide benefit to community groups within the Glamorgan Spring Bay municipality. Events supported by Glamorgan Spring Bay Council celebrate and engage local communities and promote tourism to our region. Councils ongoing support to organisations and groups assists in the delivery of events in the Glamorgan Spring Bay municipal area that have creative, community and economic outcomes.

About the event & organiser

The Freycinet Challenge event is run by a private company Jamset Pty Ltd (ABN 82 659 528 524) who took over the event in 2022 following the absence during the Covid period. Freycinet Challenge sources its funding through entry fees, sponsorship, grants and donations to support the cost of the event. The event is a two-day multi-sport event hosted at Coles Bay, Tasmania, within the Freycinet National Park. The 2023 Freycinet Challenge is scheduled to run on Saturday 7th and Sunday 8th October.

The event offers participants a local opportunity to engage in four different sports over two days, including road cycling on Coles Bay Road, mountain biking on trails near Friendly Beaches, running along the Hazards-Wineglass Bay loop and Muir's Beach, and paddling along the coastline off Muirs and Richardsons beaches.

The focal point of the event is the Village Green in Coles Bay, where all leg transitions occur, and where spectators gather during the two-day extravaganza.

Benefits/impact on the Glamorgan Spring Bay Community

Last year, the Freycinet Challenge welcomed 343 athletes and an estimated 350 spectators. The majority of participants engaged in the comprehensive two-day challenge, leading to many individuals spending two nights in and around Coles Bay and the neighboring East Coast Towns.

This year, Freycinet Challenge are expanding the reach by targeting mainland athletes, hoping to attract competitors from different states, thus enhancing exposure for local businesses and showcasing the awe-inspiring beauty of the East Coast.

The Village Green in Coles Bay serves as a central location where participants and spectators come together. This fosters a sense of community, camaraderie, and excitement throughout the two-day event.

There will be a requirement for road closures. Private operators do not have authority to close a road and are required to apply to the road owner to do so for Council owned roads. Most of the impacted area is for State Growth roads, however two Council managed areas, Coles Bay Esplanade intersection and the Village Green will required a Council Permit. The cost incurred for the permit is administrative coordination and the requirement to advertise.

Ticket Costs:

1-DAY CHALLENGE	
\$140.00	Solo competitor (18+ years)
\$110.00	Part of a 2 person senior team (18+ years)
\$85.00	Part of a 3- or 4-person senior team (18+ year)
\$85.00	Part of a 2-person junior team (14-17 years)
\$55.00	Part of a 3- or 4-person junior team (14-17 years)
2-DAY CHALLENGE	
\$220.00	Solo competitor (18+ years)
\$185.00	Part of a 2 person senior team (18+ years)
\$155.00	Part of a 3 or 4 person senior team (18+ years)
\$115.00	Part of a 2 person junior team (14-17 years)
\$85.00	Part of a 3 or 4 person junior team (14-17 years)

Request for support from Council

Jamset Pty Ltd has applied for sponsorship from Council for \$1,500 and in-kind support to assist with:

- Costs towards the three safety boats for the event.
- Social media and marketing support through your existing channels to help promote the event and encourage people to compete and or/spectate over the course of the event.
- Provision of extra wheelie bins / dumpsters positioned in locations primarily where spectators and competitors will be congregating throughout the two days i.e., the Village Green) and removal of bins at the conclusion of the event.
- Cleaning of the toilets at the Village Green and additional toilet paper, as they are in high use throughout the two days by both competitors and spectators.
- Assistance in informing Coles Bay residents about the event and associated road closures.

Previous Council Support:

2022	<ul style="list-style-type: none"> • \$509 Cash contribution of towards road traffic signs procurement • Provision of additional wheelie bins and kerbside collection • Social media and marketing support through Council’s existing channels to help promote the event.
2021	<ul style="list-style-type: none"> • No record
2020	<ul style="list-style-type: none"> • No record

2019	<ul style="list-style-type: none"> • \$2,000 Cash contribution (No record of in-kind assistance)
2018	<ul style="list-style-type: none"> • \$2,000 Cash contribution (No record of in-kind assistance)

STRATEGIC PLAN REFERENCE

Guiding Principles

1. Balance economic and tourism growth whilst preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

- Support and facilitate social and community events that promote community health and wellbeing.

STATUTORY IMPLICATIONS

Section 77 of the Local Government Act 1993 outlines the statutory requirements in relation to grants.

77. Grants and benefits

(1) A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.

(1A) A benefit provided under subsection (1) may include –

- a. in-kind assistance; and*
- b. fully or partially reduced fees, rates or charges; and*
- c. remission of rates or charges under Part 9.*

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.

BUDGET IMPLICATIONS

Council has an allocation of \$27,000 for events and programs in the 2023/24 budget for events that Council conducts with any excess being available for other events such as this one. As at 1 August 2023 there is \$24,000 from this budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<p>Adopt the recommendation</p> <p>Council should ensure that the funding decision is fair and not favoring one event over others.</p>	Unlikely	Minor	Moderate	If other events seek funding in the future, Council's approach is first in best dressed.
<p>Do not adopt the recommendation</p> <p>Not funding the event might lead to disappointment within the local community and a missed opportunity for community engagement for such an activity.</p>	Rare	Insignificant	Low	

OFFICER'S COMMENTS

For a small sponsorship amount plus in-kind support by Council, this event is an effective way of bringing people together during the winter period, boosting visitors to the Coles Bay area during the quieter season. The event is a great motivation to encourage exercise outdoors where people can congregate in groups, socialize, and improve their physical well-being and mental health and support of local businesses.

In terms of in-kind assistance, Council can provide support for provision of:

- Provision of wheelie bins and kerbside collection as resources permit, quantity to be coordinated.
- Provision of toilet consumables and amenity labour as resources permit
- Labour will be required to work on the weekend at penalty rates.
- Permit costs for the road closure of Council roads shall be coordinated through councils permit process and public notices will be communicated in accordance with necessary road closure legislation, using the local newspaper Bicheno Forward as well as Councils' usual communication channels.
- Social media and marketing support through existing channels to promote the event and encourage people to compete and or/spectate over the course of the event.

Council will request that the event acknowledge this support through displaying the Council logo at the event and include Council as a sponsor on the Freycinet Challenge website.

OFFICER'S RECOMMENDATION

That Council approves the application for event support from Jamset Pty Ltd for the Freycinet Challenge event, to be held on 7 & 8 October 2023, of \$1,500 cash towards the costs of three safety boats for the event, and in-kind support as recourses permit.

8.2 Community Small Grant Application - Freycinet Volunteer Marine Rescue Association Inc

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Freycinet Volunteer Marine Resue - Community Small Grant Application [**8.2.1** - 1 page]
2. Quotation - Life Jacket Service Cost [**8.2.2** - 1 page]
3. Quotation - Laminator [**8.2.3** - 1 page]

PURPOSE

Recommendation for Council to approve a Small Grant application for \$823.00 to Freycinet Volunteer Marine Safety (Freycinet Volunteer Marine Rescue Association Incorporated) for a contribution towards the service costs of 10 Stormy Life Jackets and a laminating machine.

BACKGROUND/OVERVIEW

Small Grant funding is available to assist the undertaking of programs and activities within the Glamorgan Spring Bay municipal area. The assessment criteria is outlined in the Community Small Grants Fund policy, including:

- Grants are restricted to \$1,000, with exceptions up to \$1,500 at Councils discretion.
- Grants are available to not for profit individuals, community organisations and groups.
- Grants are intended to assist projects that (1) address relevant community issues of significance (2) are initiated within the community and actively involve local people and (3) improve access and encourage wider use of facilities.

About the Applicant

Freycinet volunteer marine rescue association inc. (Trading as Freycinet Marine Safety)
Incorporated Registration # IA11033 ABN # 24 359 379 647

The Freycinet Volunteer Marine Rescue Association contributes significantly to the safety of waterways and coastal areas. Their presence ensures that prompt assistance is available in case of emergencies such as boating accidents, medical incidents, and distress situations. This leads to a safer and more secure environment for boaters, swimmers, and other water enthusiasts in the Glamorgan Spring Bay area.

This application is for a contribution towards the servicing costs of 10 Stormy Life Jackets and a laminating machine.

The operational capacity involves the utilisation of two vessels, which collectively accommodate ten Stormy Life Jackets. Despite being a volunteer-based organisation, they are mandated by maritime authorities to uphold commercial standards. This entails undertaking annual servicing for each life jacket, incurring a cost.

The second part of the project involves the purchasing of an A3-sized laminating machine. This machine holds significant value in facilitating the creation of resources relevant to public education, member training, recruitment, and fundraising initiatives for the community. Estimated costs for event activities to be covered by Community Small Grant funding:

Item	Cost
Servicing of X10 Stormy Life Jackets @ \$48.40 including GST	\$484
A3 Laminator	\$339
Total	\$823

STRATEGIC PLAN REFERENCE

Guiding Principles

1. Balance economic and tourism growth whilst preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

- Support and facilitate social and community events that promote community health and wellbeing.

STATUTORY IMPLICATIONS

Section 77 of the Local Government Act 1993 outlines the statutory requirements in relation to grants.

77. Grants and benefits

(1) A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.

(1A) A benefit provided under subsection (1) may include –

- a. in-kind assistance; and*
- b. fully or partially reduced fees, rates or charges; and*
- c. remission of rates or charges under Part 9.*

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.

BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$15,000 Community Small Grants Program provision in the 2023/24 budget. As at 1 August 2023 there is \$12,500 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council provides the reasoning for not supporting the recommendation and provide alternative funding solutions or ideas.
Freycinet Volunteer Marine Rescue may be unable to obtain adequate funding to meet the standards.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy.

Integrity Assessment:

The Freycinet Marine Resue Association are a registered incorporated association
Registration Number: # IA11033

Criteria Assessment:

Funding value is within the acceptable allowance	Yes
Applicant is a not-for-profit community organisations and groups or individual	Yes
Grant is to assist projects that: 1. address relevant community issues of significance – 2. are initiated within the community and actively involve local people (3) improve access and encourage wider use of facilities	Yes

OFFICER'S RECOMMENDATION

That Council approve the application for Community Small Grant funding of \$823 to Freycinet Volunteer Marine Rescue Association Incorporated (trading as Freycinet Marine Safety) for a contribution towards the service costs of 10 Stormy Life Jackets and a laminating machine.

9 NOTICES OF MOTION

Nil.

10 PETITIONS

Nil.

11 COUNCILLORS

11.1 Questions on Notice by Councillors

Nil.

11.2 Comments/statements

12 CONFIDENTIAL ITEMS (CLOSED SESSION)

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

- Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 25 July 2023**
As per the provisions of Regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 2: Tender Rheban Road Landslip**
As per the provisions of Regulation 15 (2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 3: General Manager’s Performance Review**
As per the provisions of Regulation 15 (2) (a) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That Council moves into Closed Session at [time].

The Mayor to confirm that the recording has been terminated.

13 CLOSE

The Mayor to declare the meeting closed at [time].

CONFIRMED as a true and correct record.

Date: **Mayor Cheryl Arnol**