



**GLAMORGAN
SPRING BAY
COUNCIL**

ORDINARY COUNCIL MEETING MINUTES

TUESDAY 27 FEBRUARY 2024

2:00 PM

Council Chambers, Triabunna

ACKNOWLEDGEMENT OF COUNTRY

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

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 27 February 2024, 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 22 February 2024



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 welcomed Councillors, staff and members of the public and declared the meeting open at 2.00pm.

1.1 Present

Present:

Mayor Cheryl Arnol
Deputy Mayor Michael Symons
Clr Rob Churchill
Clr Kenneth Gregson
Clr Jenny Woods

1.2 Apologies and Leave of Absence

Apologies

Nil.

Leave of Absence

Clr Robert Young (approved leave of absence).

In accordance with r.39 of the Local Government (Meeting Procedures) Regulations 2015, the Chairperson hereby requests Leave of Absence for Clr Carole McQueeney for this meeting of Council, for the purposes of the State Elections, and for Clr Neil Edwards for this meeting of Council, for personal reasons.

RECOMMENDATION

That Council grant Clr Carole McQueeney leave of absence for the meeting of Council held on Tuesday 27th February 2024.

DECISION 22/24

Moved Clr Jenny Woods, seconded Deputy Mayor Michael Symons:

That Council grant Clr Carole McQueeney leave of absence for the meeting of Council held on Tuesday 27th February 2024.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Kenneth Gregson and Clr Jenny Woods

Against: Nil

RECOMMENDATION

That Council grant Clr Neil Edwards leave of absence for the meeting of Council held on Tuesday 27th February 2024.

DECISION 23/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council grant Clr Neil Edwards leave of absence for the meeting of Council held on Tuesday 27th February 2024.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

1.3 In Attendance

General Manager, Mr Greg Ingham
Executive Officer, Mrs Jazmine Kerr
Director Planning and Development, Mr Alex Woodward
Director Works and Infrastructure, Mr Peter Porch
Director Corporate and Community, Mrs Elysse Blain
Senior Planner, Mr James Bonner

1.4 Late Reports

Nil.

1.5 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.*

Nil.

1.6 Declaration of Office

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Certificate of Election - Kenneth Gregson [1.7.1 - 1 page]

PURPOSE

To acknowledge the making of the declaration of office by newly elected Councillor, Kenneth Gregson, on Tuesday 13 February 2024 as per the requirement of the Local Government Act 1993.

BACKGROUND/OVERVIEW

The General Manager advises that the Certificate of Election for Councillor Kenneth Gregson was issued to Glamorgan Spring Bay Council on 6 February 2024 (as per attached).

Section 321 of the *Local Government Act 1993 (Tas)* requires that:

- (1) Any person elected as councillor must make a prescribed declaration in a prescribed manner.*
- (2) A person elected as a councillor who has not made a declaration must not-*
 - (a) act in the office of councillor, mayor or deputy mayor; or*
 - (b) take part in the proceedings of any meeting of the council or a committee.*
- (3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting*

The General Manager advises that Councillor Kenneth Gregson named in the Certificate of Election (as per Attachment 1) made his declaration of office on Tuesday 13 February 2024 at the Council Chambers, Triabunna

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

- Develop and foster a strong, supportive and respectful organisational culture.

STATUTORY IMPLICATIONS

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

BUDGET IMPLICATIONS

N/A

RISK CONSIDERATION/S

N/A

OFFICER'S COMMENTS

As per section 321 (Declaration of Office) of the *Local Government Act 1993* and regulation 40 of the *Local Government (General) Regulations 2015*, Councillor Kenneth Gregson completed, read the completed prescribed declaration and signed the same in front of the General Manager (as witness).

OFFICER'S RECOMMENDATION

That Council formally acknowledges the making of the declaration by Councillor Kenneth Gregson in the presence of the General Manager at Council Chambers, Triabunna on Tuesday 13 February 2024.

DECISION 24/24

Moved Clr Rob Churchill, seconded Deputy Mayor Michael Symons:

That Council formally acknowledges the making of the declaration by Councillor Kenneth Gregson in the presence of the General Manager at Council Chambers, Triabunna on Tuesday 13 February 2024.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

2 CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 23 January 2024

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 23 January 2024 at 2:00pm be confirmed as a true and correct record.

DECISION 25/24

Moved Clr Jenny Woods, seconded Deputy Mayor Michael Symons:

That the Minutes of the Ordinary Meeting of Council held on 23 January 2024 at 2:00pm be confirmed as a true and correct record.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

2.2 Date and Purpose of Workshop(s) Held

TUESDAY 13 FEBRUARY 2024

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 4.15pm on Tuesday 13th February 2024 at the Council Offices, Triabunna.

Present:

Mayor Cheryl Arnol
Deputy Mayor Michael Symons (via remote video conference)
Clr Rob Churchill
Clr Kenneth Gregson
Clr Carole McQueeney
Clr Jenny Woods

Apologies:

Clr Neil Edwards
Clr Robert Young

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

Guests

Nil.

Agenda

- Strategic Plan Review
- Public Toilet Strategy
- Mobile Food Vans, Pop-up Stalls & Kerbside Vending Policy
- Planning Appeal costs
- 2024 National General Assembly
- MOU - East Coast Strategic Regional Partnership

RECOMMENDATION

That Council notes the information.

DECISION 26/24

Moved Deputy Mayor Michael Symons, seconded Clr Rob Churchill:

That Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

3 PUBLIC QUESTION TIME

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

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

In accordance with the *Local Government (Meeting Procedures) 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

Jen Hackett

Q1. *I have been prompted to write this question on notice after attending a meeting in Coles Bay today with Minister Ellis and Jane Howlett MLC on emergency situations. Following this meeting a discussion was held between a few attendees (not the Parliamentary Members) regarding whether Council are now allowing pets, so cats, dogs, rabbits, parrots etc (ok, not horses, goats or cows) into buildings being utilised in emergency situations when people are evacuating during bushfires for instance, as was the case in November 2023 for the Bagot Point evacuees. We were extremely concerned that people would put themselves in danger to stay with their pets if the pets are refused entry to buildings. A more simple, common sense and humane approach could be taken, allowing pets secured into buildings with owners under the stressful and potentially life threatening circumstances a bushfire for instance could bring, for those seeking refuge from danger in order to maximise protection of human life.*

Given how upset the November 2023 Bagot Point evacuees were that their pets were not allowed in to the Swansea Hall with them, has Council now reconsidered their stance and will now allow people to bring their pets, appropriately secured (on leads or in cages) in to buildings being utilised for emergency management situations, as was the case at the Swansea Hall in both September and November 2023 for the Coles Bay Rd fire and the Dolphin Sands fire? Are pets now allowed in buildings under these circumstances?

I seek a yes or no answer please.

Response from General Manager, Greg Ingham

Council’s evacuation centers and emergency management arrangements have been limited to facilities not purpose built for the task, and 2 bags of very basic response materials. For many years up to recent times these have been adequate for the community needs in emergency response and so funds have not been allocated for a greater response capability.

Recent events have exposed those limitations and measures are underway to address the deficiencies. These include procuring a collection of cages for small domestic animals to assist owners with their animal management responsibilities in a shared space.

Some pets, (primarily dogs and cats), may be allowed at evacuation centers but not necessarily inside the building where people, who may have allergies, are housed. Environmental Health matters must be managed. The TFS website advises that pets can be taken to an Evacuation or refuge center as long as the owner/minder of the pet ensures the pets are secured and cared for.

Pets range to all sorts of animals including horses, pigs, lama's, and other livestock. All of these have been brought to evacuation centers during emergency events in Australia. Council does not have facilities at any of its potential centers to accommodate livestock. Further advice is that larger animals such as farm livestock should not be taken to an Evacuation center. Owners should seek placement of these animals through their personal networks of appropriate organisations. The TFS provides guidance on what to do with larger animals in an emergency.

Mayor Arnol requested the General Manager to provide further information in regard to Jen Hackett's question on notice. Subsequently, the General Manager provided the following response:

Further response from General Manager, Greg Ingham

We appreciate that a black and white answer has been requested, however the issue is many shades of grey.

As per response on the 27 February Ordinary Meeting agenda domestic pets may be brought to evacuation centres. It will be up to the centre manager to determine if the animal can be brought into the actual centre building. Issues to be considered include the size of the centre and the amount of people seeking shelter, the behaviour of the animal; the risk to people with specific and chronic health issues of exposure to an animal.

Council has some limited pound facilities and buildings which may assist in temporary animal accommodation in the event they cannot be brought into an evacuation centre.

Q2. *On January 15th 2024 a copperhead snake chased a family on bikes down Hazards View Drive in Swanwick.*

As there are no footpaths on that section of Hazards View Drive, which is one of the main roads in Swanwick, we had a young 5 year old girl riding down the road alone whilst her mother blocked the snake, turned her own bike around and protected her toddler on the bike from the snake.

Here is a link to the post.

<https://www.facebook.com/groups/170573196288944/permalink/7478171755529015/>

Here is a quote from the poster

"We were so scared that had to call for someone to come and collect us and our bikes.. was still there when we drove back home.. if I hadn't yelled at my daughter to turn when she did and move it would have bitten her for sure"

██████████ rightly pointed out that snakes are protected and it is the property owners responsibility to call a snake catcher and have a snake removed, per Council's policy.

I then asked █████ given the snake was on the road, who is responsible for removing the snake? █████ did not know answer and said she'd never been asked that question. █████ asked me to contact Council and/or Parks for advice as she was on leave, hence my question now. I am asking publicly so all can see the answer and I can share it on social media.

So my question is, who is responsible for removing a snake on Council managed land? Say on a road, or in the park, or the dog exercise area, or on the nature strip? Who is responsible for paying for this service in these areas? How would someone make contact on a weekend to arrange for Council to remove a snake from the park for instance? Snakes have been very active in Swanwick this year. I've seen more this year in Swanwick than in the last 5 together. I for one would not go anywhere near the dog exercise area in Swanwick at the moment. And any parent should walk the playground before letting their kids play there. Perhaps a sign at the Swanwick park and dog exercise area put up during snake season for tourists using the areas to check for snakes would be wise.

Can Council please provide advice and give instruction, both on this question on the agenda and on your website, as to what people should do and your policy please?

Response from General Manager, Greg Ingham

All three species of naturally occurring snake are protected in Tasmania, therefore it is illegal to harm them in either Council's parks, reserves and road corridors or on private property.

There are several agencies that may be of assistance in regard to snake removal and relocation in Tasmania:

All Round Pest Control: 0418 348 352

Tas Snake Catchers: 0488 929 761

Reptile Rescue Inc.: 0499 116 690

Natural Resources and Environment, NRE - Wildlife Services (business hours) 03 6165 4305

If there is a snake on Council owned or managed land, residents can contact council on (03) 6256 4777. Generally, Council will only engage an authorised agency to collect and relocate a snake if it is in a public area such as a playground/park and is an immediate risk to person(s) or pet(s).

As parks and playgrounds are no greater risk to attracting snakes to other areas, it is not considered necessary to install signage.

The NRE website provides some great information in regard to snake management in Tasmania including advice on how to avoid being bitten or coming into contact with snakes. In the unfortunate circumstance of a snake bite the website also provides valuable first aid advice.

Snakes are not habitually aggressive, and venom is used primarily to secure food and not as a defence.

Where humans are concerned, snakes are shy animals that prefer to hide or lie still in the hope of being overlooked. Contrary to popular belief, they will not deliberately chase humans, but if provoked or cornered they may bluff or even attempt to bite.

The good news is attitudes towards snakes are beginning to change and people are learning to respect these marvelous reptiles. Glamorgan Spring Bay Council and the Parks and Wildlife Service, who manage much natural landscape in the Coles Bay area strongly support the protection of our natural environment including snakes.

General advice when encountering a snake is to stay clear, give the snake a wide berth and room to get away.

Yon Kikkert

The 24 January 2024 Agenda of the Launceston City Council page 44 has an itemised list of TASCAT cases and resultant costs revealing that council spent \$294,797.45 over two years on TASCAT.

Could Glamorgan Spring Bay Council please let ratepayers and residents know exactly how much GSBC has spent on TASCAT cases in each of the last 4 financial years?

How many TASCAT cases were as a result of council refusal of planning application and what was each of the resultant costs?

Response from General Manager, Greg Ingham

The General Manager will provide a written response for the Ordinary Council Meeting to be held on Tuesday 26 March 2024.

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.

Sue Southorn

Q1. *I ask that consideration be given to the installation of a shower on behalf of the Raspins Beach Surf Lifesaving Club, Triabunna School, Blue Bottle swimmers, community and tourists alike, all these improvements that have been made by Council help our little seaside towns on the map with tourists especially with recommending our town to fellow tourists.*

Response from General Manager, Greg Ingham

In regard to the Spring Beach toilets, we are waiting for materials to arrive that will complete the re-development of the Spring Beach toilets, including the installation of a shower.

In terms of Rospin Beach toilets, the timing of your question is opportune as Council is currently undertaking a survey in regards to our public toilets which is available to the public to take part in. The aim of the survey is to get an understanding of the community feedback on our toilets across the municipality and then be in a position to consider upgrades and improvements. Certainly, external showers should be considered as part of our toilet upgrades or improvements.

Judy Mollineaux

Q1. *Following a question that I asked at a previous meeting, has Council made a decision on the mowing of naturestrips, if so what is the decision?*

Response from General Manager, Greg Ingham

The Council decision was to operate a trial of a reduced level of service for a period of time, during that period we invited feedback from the community. A database was established to document community input, including comments and concerns. This feedback has been utilized to address issues with various property owners, resulting in positive outcomes in most cases.

We do recognize that there are instances where it is difficult for a property owner to maintain their naturestrip which was previously mowed by Council, and those instances we engaged with those specific property owners to broker a deal that can help them out in that regard.

Council remains responsible for mowing areas deemed to pose fire risks or public health hazards, and will continue to do so as necessary.

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].

DECISION 27/24

Moved Deputy Mayor Michael Symons, seconded Clr Rob Churchill:

That Council now acts as a Planning Authority at 2.14pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

4.1 DA2024/00003 - 14876 Tasman Hwy, Cranbrook - Change of Use to Wine Sales Centre

Proposal:	Change of Use of Church to Wine Sales
Applicant:	Adam Greenhill
Application Date:	02/01/2024
Statutory Date:	07 March 2024
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	12.0 Village and 21.0 Agriculture Zone
Codes:	C2.0 Sustainable Parking and Transport Code; C3.0 Road and Railway Assets Code
Specific Area Plans:	Nil
Use:	General Retail & Hire - Cellar Door
Development:	Change of Use to Cellar Door (wine sales) and construction of amenities building
Discretions:	12.4.3 Setback to boundary; C2.6.1 Construction of Parking Spaces
Representations:	6
Attachments:	1. Exhibited Documents (1) [4.1.1 - 62 pages] 2. Redacted Representations [4.1.2 - 7 pages]
Author:	James Bonner, Senior Planner

Executive Summary

Planning approval is sought for a change of use of the deconsecrated church to a cellar door, advertised as being a wine sales centre. The application was advertised from 04 January 2024 to 25 January 2024. During the representation period six (6) submissions were received 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 07 March 2024.

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 change the use of the deconsecrated church to a cellar door for wine tasting and sales and to construct a building for storage and an accessible unisex WC.

The proposal states that the cellar door will offer a "... bookable experience to educate and entertain customers over a one hour booked timeslot. Staffing levels will generally be one staff to two customers with 2 separate tasting tables."

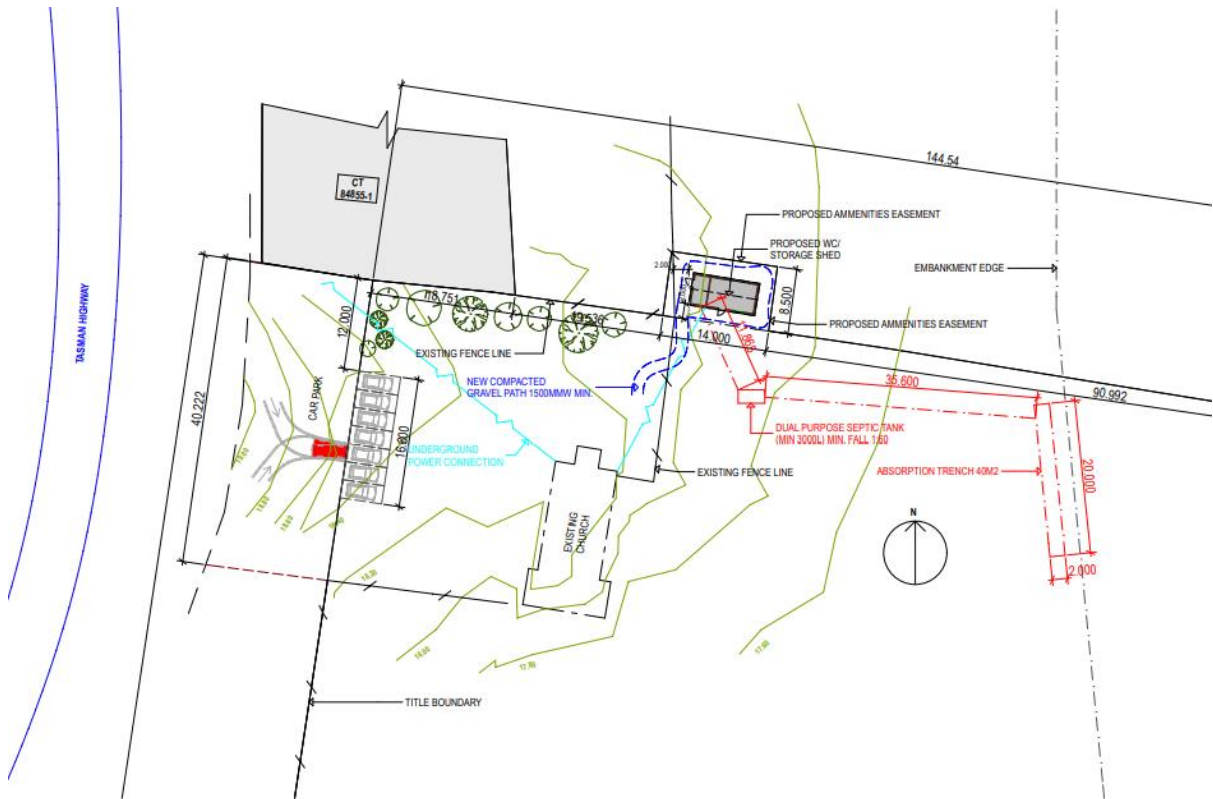


Figure 1 – Site Plan

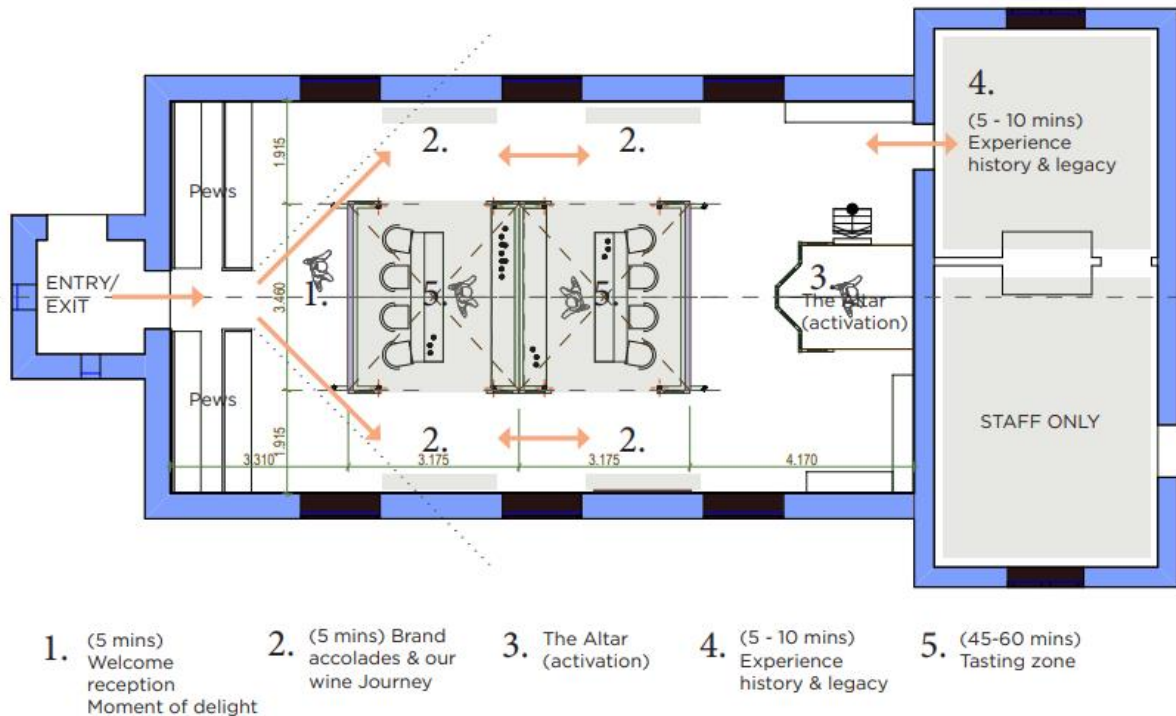


Figure 2 – Floor plan of church

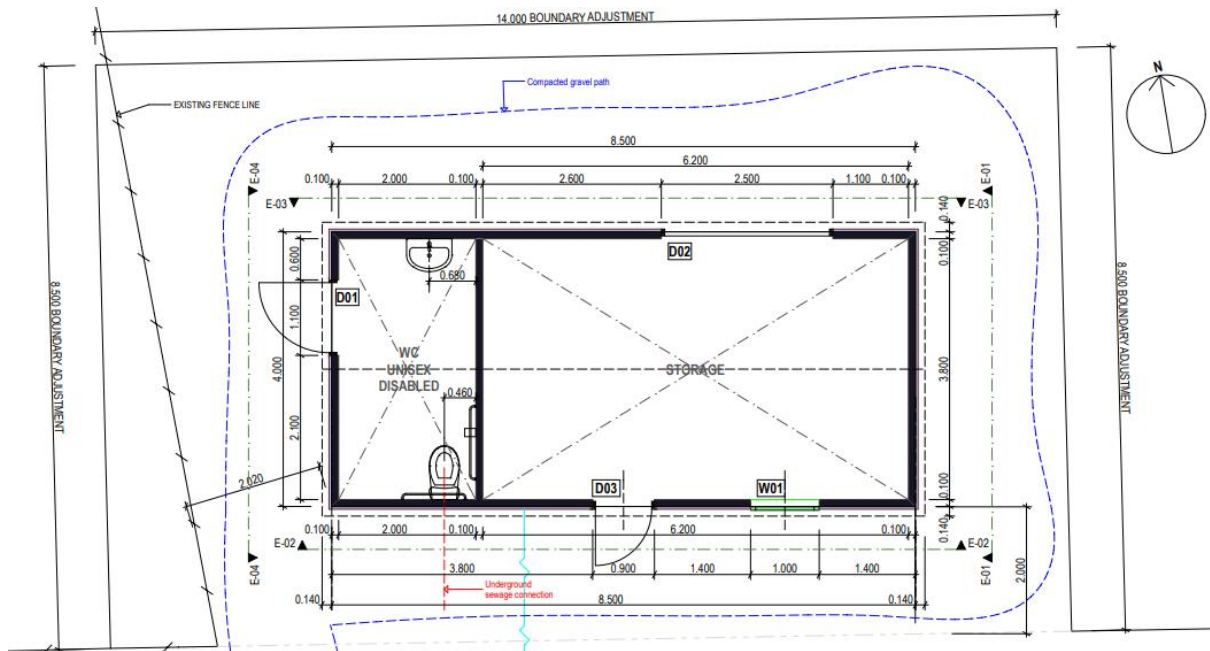


Figure 3 – Floor plan of storage building

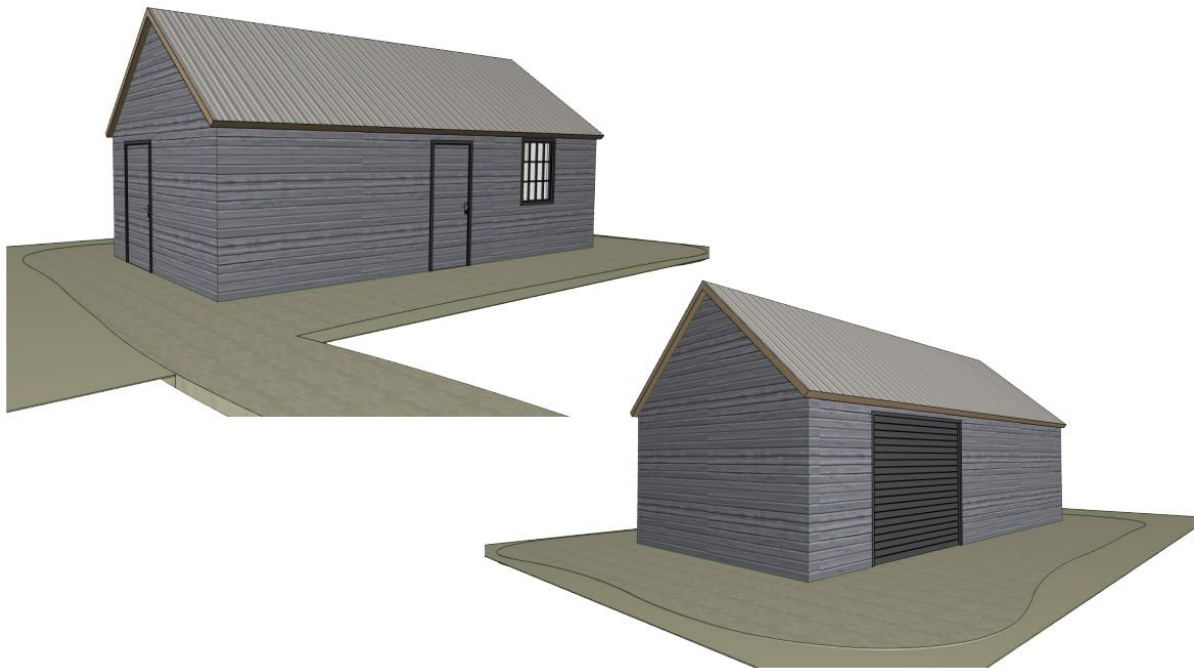


Figure 4 – Elevations of storage building

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 have been approved on the subject lot.
DA2019/00374 – Memorial cairn located in front of and to the south of the church.
DA2014/00064 – Re-roof of church and tree removal.
DA2008/00011 – Removal of tree.

6. Site Description

The subject lot, where the church is located, is on the eastern side of the Tasman Hwy at the southern end of Cranbrook. The lot is approximately 2ha in size with the church located at the northern end and the cemetery located to the south. Most of the lot is undeveloped and is predominantly pasture.

The proposed storage building is to be located on the adjoining lot to the north with access to the subject lot being by a gravel path via a Right Of Way easement.



Figure 5 – Locality Source: LISTMap

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

There are no current easements that are relevant to the proposal.

9. Covenants

There are no covenants that are relevant to the proposal.

PART TWO

10. Meeting the Standards via Acceptable Solution

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

- 12.0 Village Zone
- 21.0 Agriculture Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets 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.

21.0 Agriculture Zone – cl21.4.2 – setback from boundary

C2.0 Parking and Sustainable Transport Code – cl C2.6.1 – gravel driveway and parking area

PART THREE

12. Assessing the Proposal against the Performance Criteria

21.0 Agriculture Zone

21.4.2 Setback (A1) – The acceptable solution is that buildings must be setback, whichever is the greater of, not less than 5m or half the wall height of the building. The proposed storage building is proposed to be located 2m off the boundary and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on	The storage building measures 8.5m x 3.8m x 4m high. The building will be clad in rough sawn timber with a pitched roof and presents as a farm building.

Performance Criteria	Planner's Response
<p>existing use on adjoining properties, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the nature of existing use on the adjoining properties;</p> <p>(c) separation from existing use on the adjoining properties; and</p> <p>(d) any buffers created by natural or other features.</p>	<p>The building is setback over 19m from the lot to the west and approximately 5m behind the line of the church building and is unlikely to cause an unreasonable impact on adjoining uses.</p> <p>The use on the adjoining properties is residential and the separation is satisfactory.</p> <p>It is considered that the proposal meets the performance criteria.</p>

C2.0 Parking and Sustainable Transport Code

C2.6.1 Construction of parking areas (A1) – The acceptable solution is that parking and access ways within the Village Zone are constructed to a sealed standard to restrict abrasion from traffic and minimise entry of water to the pavement. The proposal is to utilise the existing informal gravel parking area 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>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	<p>The current parking area is an unformed gravel area located at the front of the property.</p> <p>The access from the highway is over a large gravel shoulder area (approximately 13m wide) that has no constructed drainage which reduces the likelihood of transporting sediment from the site onto the road due to the wide gravel shoulder.</p> <p>The application was referred to State Growth who as the road authority advised they had no comments to make on the proposal.</p> <p>It is considered that the proposal satisfies the performance criteria though it is recommended that the parking area is upgraded to provide a defined all weather parking area.</p>

13. Referrals

The application was referred to the following agencies who advised the following:

- Heritage Tasmania – No interest in the application as heritage works are consistent with eligibility for a Certificate of Exemption under the Historic Cultural Heritage Act.
- State Growth – No comments or recommendations.

14. Representations

The application was advertised for two weeks from 04 January 2024 to 25 January 2024. During the representation period six (6) submissions were received 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.

Representation 1	Response
<ul style="list-style-type: none"> • Concerned about non-local traffic stopping at this location and creating a hazard to other road users. • The speed limit is not being adhered to and should be reduced to 60km/h. • The road verges are in poor condition and kerb and guttering should be installed. • Stormwater runoff from the road should be controlled. 	<ul style="list-style-type: none"> • The application was referred to State Growth, who are the road authority for the highway, and they did not provide any comments or recommendations on the proposal. • The speed limit on the highway, stormwater runoff from the highway and maintenance of the road verge are not matters that can be addressed under the current proposal.
Representation 2	Response
<ul style="list-style-type: none"> • Careful consideration must be given to the historical gala kirk church. I want my children and grandchildren to experience the place. 	<ul style="list-style-type: none"> • The application was referred to Heritage Tasmania who advised they had no declared interest in the proposal.
Representation 3	Response
<ul style="list-style-type: none"> • The location of the parking area would detract from the view of the church from the highway. • Cars used to park to the north and south of the church building and not in front of it. An alternate location would be to place the parking along the northern boundary with a turning circle around the tree. • Access from the highway may require a turning lane, acceleration and deceleration lanes. • The verge and front boundary should be landscaped to enhance the setting. 	<ul style="list-style-type: none"> • Heritage Tasmania have not provided any comment on the location of the parking area. The applicant advised that Heritage Tasmania preferred as little change as possible around the church and so the parking area was not moved. • The alternate parking arrangement shown may impact on the memorial tree and heritage building which has not been assessed by Heritage Tasmania. • State Growth have not provided any recommendations to upgrade the road. • The planning scheme does not include any requirements for landscaping in the village zone.
Representation 4	Response
<ul style="list-style-type: none"> • The village zone purpose is to provide amenity for residents appropriate to the mixed-use characteristics of the zone and to provide for small rural centres a mix of commercial activities. The village has no commercial uses other than wine sales 	<ul style="list-style-type: none"> • The zone purpose and the objective of a standard, such as 12.3.1, is taken into consideration when assessing a discretion from a use standard. Where a proposal meets the use standard there is no further assessment of that provision. The proposal

<p>and food service at other cellar doors. proposed use fails to provide a mix of activities.</p> <ul style="list-style-type: none"> • Service industry and tourism are both discretionary so council has discretion regarding approval or otherwise. • The cemetery, columbarium and heritage signage should remain accessible to the public. • Signage must be consistent with the Signage Code and in keeping with the dignity and heritage of this property. • Parking facilities must ensure safe and adequate access for pedestrians, vehicles and cyclists without loss of amenity to the local area. Thus access to the heritage monument, columbarium and cemetery must be retained. • Parking areas must consider all weather pavement and stormwater drainage. • Parking areas should be located behind the building line as there has never been existing designated parking at this property. • Vehicles turning into the site must rapidly decelerate and will hold up traffic. Milton Vineyard has received a turning land and one anticipates that this safety feature would be factored into on this unsafe corner. • The Heritage Code requires building alterations and fencing be compatible with the existing building. Concern is raised that electrical and plumbing will detract form the heritage dignity and charm of the building. 	<p>meets the acceptable use standards in 12.3.1 in that:</p> <ul style="list-style-type: none"> ○ the hours of operation (10:00am to 5:00pm) meet the acceptable solutions of A1. ○ The proposal does not propose external lighting and does not adjoin the zones listed in A2; ○ Commercial vehicle use will be undertaken within the acceptable solution hours in A3; and ○ The gross floor area of the buildings is under 250m² as per A4. <ul style="list-style-type: none"> • The proposed use is assessed as being a cellar door (general retail and hire) associated with resource processing and is not considered to be a service industry or tourism use. • Access to facilities on the site not associated with the proposal are not a consideration under the planning scheme, noting that the property is now privately owned. It is noted that access to the cemetery is governed under different legislation. • The proposal does not include external signage. Signs within a building are exempt from the Signage Code as per C1.4.2. • The number of spaces proposed exceeds the number required by the code and there is ample space on site for bicycle parking. • Parking is not required behind the building line as it is considered that parking was previously provided in front of the building line. • State Growth have not required any upgrades to the access from the highway. • The site is listed as being a State Heritage item and therefore the Local Historic Heritage Code in the planning scheme does not apply. Heritage Tasmania have advised that the proposal would meet the exemption requirements under the Heritage Act.
<p>Representation 5 & 6</p>	<p>Response</p>
<ul style="list-style-type: none"> • The proposal has not given due consideration to the heritage building or the heritage precinct, including the 	<ul style="list-style-type: none"> • See previous comments about heritage. • See previous comment on the parking arrangements.

<p>commemorative tree, Amos cairn and pavers, columbarium and cemetery.</p> <ul style="list-style-type: none"> • The parking area should be re-located to the side of the building or behind it. • The access from the highway should be upgraded to provide a turning lane. • The applicant states that internal panels could be moved to free up total floor space. This would allow for functions such as weddings or similar which would require additional parking or require people to park across the road. 	<ul style="list-style-type: none"> • See previous comments on State Growth advice. • The application has not proposed holding functions or weddings. Council can only assess what has been proposed.
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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, DA2024/00003 at 14876 Tasman Highway, Cranbrook (CT 125767/1) and 56 Glen Gala Road, Cranbrook (CT176543/1) for a Change of Use of Church to Wine Sales Centre (Cellar Door) 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.

Access Over Adjoining Lot

2. Within six (6) months of the use commencing a right of way and services easement is to be recreated on both titles for access to the storage building and effluent management disposal area.

Access and Driveway

3. 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.

4. Prior to the commencement of the use the internal driveway and areas set aside for vehicle parking and turning must be designed, constructed and maintained to a durable all-weather surface to minimise dust or mud generation, erosion, and sediment transfer off site, to the satisfaction of the Council's General Manager.

Environmental Management

5. Plans submitted for building approval must include a Soil and Water Management Plan (SWMP) and this must be implemented to ensure soil and sediment does not leave the site during the construction process.

Advice: a series of Fact Sheets on [Soil and Water Management on Building Sites](#) and how to develop a SWMP is available on the Environment Protection Authority website.

6. 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.
7. 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. 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*.

- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- f. 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.
- g. 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.
- h. 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.
- i. 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>

DECISION 28/24

Moved Deputy Mayor Michael Symons, seconded Clr Jenny Woods:

That:

Pursuant to section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2024/00003 at 14876 Tasman Highway, Cranbrook (CT 125767/1) and 56 Glen Gala Road, Cranbrook (CT176543/1) for a Change of Use of Church to Wine Sales Centre (Cellar Door) be approved with the conditions 1 - 7 and associated advice.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

4.2 SA2022/00013 - 50 Tasman Highway, Swansea - Subdivision for 37 Lots With Access off Francis Street

Proposal:	37 lot subdivision with access from Francis Street
Applicant:	Delta Pi Pi Pty Ltd
Application Date:	29 March 2023
Statutory Date:	08 March 2024
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan spring Bay
Zone:	8.0 General Residential Zone
Codes:	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C13.0 Bushfire-Prone Areas Code
Specific Area Plans:	Nil
Use:	Nil
Development:	Subdivision into 37 lots
Discretions:	8.6.1 lot frontage and lot axis, 8.6.2 new road; C3.5.1 new junction
Representations:	5
Attachments:	1. Exhibited Documents [4.2.1 - 131 pages] 2. Redacted Representations [4.2.2 - 5 pages]
Author:	James Bonner, Senior Planner

Executive Summary

Planning approval is being sought for a subdivision of a lot into 37 residential lots with a new road and access off Francis Street. The application was advertised from 18 January 2024 to 02 February 2024. During the representation period five (5) submissions were received 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 08 March 2024.

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 subdivide the existing lot into 37 residential lots of various sizes from 450m² up to 717m². The proposal is to stage the development over four stages as shown in the site plan. The subdivision includes a new cul-de-sac with access gained off Francis Street.



Figure 1 – Subdivision Plan extract

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 have been approved on the subject lot.

- SA2003/00005 – Two lot subdivision – Lapsed.

6. Site Description

The subject lot is on the eastern side of the Tasman Hwy and is to the south of a recent subdivision (Syntax Court) that gains access off Gordon Street. The lot is relatively flat with a gentle fall to the north. The land is undeveloped and has been cleared of native vegetation and is predominantly covered in grassland pasture.

There is a drainage channel running along the northern boundary that drains water from the Tasman Highway and down through an adjoining lot on Old Spring Bay Road before discharging into the bay.

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

The Schedule of Easements identifies two stormwater drainage easements benefiting adjoining lots. The applicant has advised that these easements are no longer utilised and will be removed when the new schedule of easements is written.

9. Covenants

There are no covenants relevant to the proposal.

PART TWO

10. Meeting the Standards via Acceptable Solution

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

- 8.0 General Residential Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C13.0 Bushfire-Prone Areas 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

- 8.0 General Residential Zone – 8.6.1 – frontage width and lot axis, 8.6.2 – new road
- C3.0 Road and Railway Assets Code – C3.5.1 – new junction

PART THREE

12. Assessing the Proposal against the Performance Criteria

8.0 General Residential Zone

8.6.1 Lot Design (A2) – The acceptable solution is that each lot must have a frontage not less than 12m. Ten (10) of the lots have a frontage less than 12m 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>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</p>	<p>The ten lots that have a frontage under 12m have a variety of widths from 3.83m (lot 32) up to 11.91m (lot 19).</p> <p>All the lot frontages exceed the minimum of 3.6m, are functional for a future single dwelling, would allow for vehicles to manoeuvre on the site and are consistent with the varied lot frontages in existing cul-de-sacs in the locality.</p> <p>No lots are accessed via a right of carriageway.</p> <p>It is considered that the proposal meets the performance criteria.</p>

8.0 General Residential Zone

8.6.1 Lot Design (A4) – The acceptable solution is that each lot must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north. Seven of the lots do not meet the acceptable solution 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>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <p>(a) the size, shape and orientation of the lots;</p> <p>(b) the topography of the site;</p> <p>(c) the extent of overshadowing from adjoining properties;</p> <p>(d) any development on the site;</p> <p>(e) the location of roads and access to lots; and</p> <p>(f) the existing pattern of subdivision in the area.</p>	<p>The lots considered not to meet the acceptable solution (lots 13, 14, 22, 23, 27, 33 and 35) are capable of providing solar access for future dwellings due to the size and orientation of the lots.</p> <p>The indicative building areas show a dwelling is capable of being placed on each lot and gain solar access to the dwelling.</p> <p>The topography is relatively flat with minimal overshadowing from adjoining properties.</p> <p>The pattern of the subdivision is similar two existing cul-de-sacs in the locality.</p> <p>It is considered that the proposal meets the performance criteria.</p>

C3.0 Road and Railway Assets Code

C3.5.1 – Traffic generation (A1.2) – The acceptable solution is that written consent for a new junction to serve the use and development has been issued by the road authority. Council as the road authority has not issued written consent for the new junction onto Francis Street. As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>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> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority. 	<p>The application was referred to Council's Works and Infrastructure Department who did not raise any concerns with the vehicular traffic that would result from the subdivision.</p> <p>The proposed subdivision will result in increased traffic once developed. The nature of the use will be that typical of a residential subdivision with occasion heavy vehicles such as delivery trucks and routine service vehicles.</p> <p>The new junction is required to service the development and there is no alternative access for the subdivision.</p> <p>The Works and Infrastructure Department provided recommended conditions on road design and drainage requirements to be included in any issued permit.</p> <p>It is considered that the proposal meets the performance criteria.</p>

13. Referrals

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

14. Representations

The application was advertised for two weeks from 18 January 2024 to 02 February 2024. During the representation period five (5) submissions were received 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.

Representation 1	Response
<ul style="list-style-type: none"> • The 37 blocks are too small for healthy living and do not align with current 	<ul style="list-style-type: none"> • All the proposed lots meet the minimum lot size of 450m² and allow for a building area of 10m x 15m.

<p>aesthetics and values of neighbouring properties.</p> <ul style="list-style-type: none"> • The small blocks will result in an increased demand for public or open spaces and there seem to be no plans for open spaces or recreation areas in the subdivision. • There are no plans for a footpath/walkway connection to the recent Gordon Street subdivision. A walkway would provide access to local shops or open spaces. • The small blocks will increase parking on the road. Which is a problem in Meredith Court with garbage trucks and delivery trucks. • Concerned that people will build a garage and place a caravan on it and use it as a holiday shack. • Concerned about the extra traffic from the subdivision and children waiting at the highway in the 80km/h zone. The speed limit should be reduced. • Future dwellings may not be environmentally friendly and will install wood heaters. 	<ul style="list-style-type: none"> • The requirement for the provision of public open space has been considered in accordance with Council's Public Open Space Policy. As no public open space land is included in the subdivision or considered to be required a contribution condition has been included in the recommended conditions of the permit. • The provision for a walkway connection is supported by the developer and Council's Infrastructure Department and further discussion is proposed during the engineering approval stage to discuss options. • The lots meet the minimum lot size and the road widths are in accordance with Council's requirements. • The type of future residential use is not a consideration at the subdivision stage. • The subdivision will generate additional traffic, however Council's Works and infrastructure Department are of the opinion that the extra traffic is within the limits of a local road. • The speed limit on the highway is a matter for State Growth. • The design and energy efficiency of dwellings is not a consideration at the subdivision stage.
<p>Representation 2</p>	<p>Response</p>
<ul style="list-style-type: none"> • Concerned that increased traffic in Francis Street and connecting streets will lead to greater risks for pedestrians. • There are no footpaths and so you have to walk on the road or grass verge which can be difficult to navigate. • All the major streets in the area need at least one paved footpath for pedestrians prior to any new development. 	<ul style="list-style-type: none"> • The increase in traffic from the proposed subdivision is within the capacity of the local road network. • The provision of footpaths in surrounding streets is not a consideration in the assessment of the application.
<p>Representation 3</p>	<p>Response</p>
<ul style="list-style-type: none"> • There are multi lot subdivisions surrounding in Gordon St, Old Spring Bay Rd and Kennedia Place and now potentially in Francis St and there are no footpaths. 	<ul style="list-style-type: none"> • The increase in traffic from the proposed subdivision is within the capacity of the local road network.

<ul style="list-style-type: none"> • There is increased traffic relating to heavy construction equipment and tradespeople and ultimately more residents. With the cessation of mowing of nature strips it is no longer safe to walk on the nature strips due to rabbit holes and open piping. • New subdivisions are being approved with minimal focus on infrastructure such as footpaths. • State Growth should be contacted to reduce the speed limit between Kate's Berry Farm and Gordon Street as the increased traffic will impact those trying to enter Francis Street. 	<ul style="list-style-type: none"> • The provision of footpaths in surrounding streets is not a consideration in the assessment of the application. • The concern about the speed limit on the Tasman Highway has been forwarded to the Council Works and Infrastructure Department.
<p>Representation 4</p>	<p>Response</p>
<ul style="list-style-type: none"> • Concerned about the number of lots and impact on Francis St and surrounding roadways. Increased traffic to turning circle at the end of Francis St will impact on safety and noise levels to immediate residents. • The small lots deviate from the normal lot sizes in Swansea thus creating future impacts in safety and wellbeing of residents. 	<ul style="list-style-type: none"> • The increase in traffic from the proposed subdivision is within the capacity of the local road network. • All the proposed lots meet the minimum lot size of 450m² and allow for a building area of 10m x 15m.
<p>Representation 5</p>	<p>Response</p>
<ul style="list-style-type: none"> • The majority of the blocks are below 500m² and such small blocks will likely lead to the construction of container like structures or sheds rather than quality development evident in surrounding area. This could compromise the aesthetic appeal and long-term values of the neighbourhood. • The reduced block sizes are likely to contribute to increased noise due to congestion in the area. • The proposed development lacks recreation space. Open green areas and communal spaces are essential for promoting a sense of community and wellbeing. A lack of such areas could result in a lack of opportunities for residents to engage in recreational activities. 	<ul style="list-style-type: none"> • The type of future residential use is not a consideration at the subdivision stage. The design of dwellings must meet the requirements of the Tasmanian Planning Scheme and National Construction Code. • The requirement for the provision of public open space has been considered in accordance with Council's Public Open Space Policy. As no public open space land is included in the subdivision or considered to be required a contribution condition has been included in the recommended conditions of the permit. • The increase in traffic from the proposed subdivision is within the capacity of the local road network.

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| <ul style="list-style-type: none">• Potential multi-storey buildings have the potential to cast shadows over adjoining properties in Meredith Court directly affecting the quality of life of residents. | |
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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, SA2022/00013 at 50 Tasman Highway, Swansea (CT 32947/3) for a 37 lot subdivision with access off Francis Street be approved with the following conditions:

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

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

2. Use and development must comply with the requirements of TasWater specified by 'Amended Submission to Planning Authority Notice' reference number TWDA 2022/00578-GSB, dated 21/02/2024 and attached to this permit.

Final Plan

3. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
4. All land noted as roadway, footway, and open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
5. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's Municipal Engineer.
6. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

Bushfire Certification

7. Prior to sealing the Final Plan of Survey for each stage or execution of the Schedule of Easements and associated documents, certification must be provided from an accredited bushfire practitioner that all recommendations and requirements of the Bushfire Hazard Report by GEO-Environmental Solutions, Report No. J6835v2, dated December 2023, have been implemented and complied with.

Public Open Space

8. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land of each lot as described in the endorsed plan as at the date of lodgment of the final plan of survey for each stage.

The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001* and as agreed to by the Council's General Manager.

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

Environment Management

9. All work must be generally in compliance with the Tasmanian Coastal Works Manual, available at. <https://dipwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
10. The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.
11. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot during all works on the site. These works are to comply with a Stormwater Management Plan developed for the site.

The approved erosion and sedimentation control measures must be maintained for the duration of the construction works and the full defects liability period.

12. No top soil is to be removed from the site unless otherwise agreed to in writing by Council's General Manager.
13. All vehicles and equipment associated with construction of the development and/or operation of the use 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 Council's General Manager.

Engineering

14. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.

15. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, these drawings must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences. The detailed engineering drawings must show the following:

- a) all existing and proposed services required by this permit;
- b) all proposed stormwater infrastructure.
- c) all existing and proposed roadwork required by this permit;
- d) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
- e) measures to be taken to limit or control erosion and sedimentation;
- f) any other work required by this permit.

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

16. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

17. Unless approved otherwise by Council's General Manager roadworks must include -

- a) Concrete kerb and channel along the entire frontage of the subdivision;
- b) Reinforced concrete footpaths 1.50 metres wide on one side of the road;
- c) Underground stormwater drainage; and
- d) Underground telecommunications and electrical reticulation including street lighting in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

18. A reinforced concrete vehicle access must be provided to each lot and located and constructed in accordance with the standards shown on standard drawings TSD-R09-v3, Urban Roads TSD-R06-v3 and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's General Manager.

Advice: Prior to commencement of any works, the developer must obtain a Works in Road Reserve Permit for any works within the road reserve and for the connection into a Council stormwater network. <https://gsbc.tas.gov.au/wp-content/uploads/2016/06/Work-Within-Road-Reserve-Permit.pdf>

Landscaping

19. The road reserve must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council, and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.

Drainage

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

Advice: The proposed detention basin is an acceptable solution to the above condition.

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

Alternatively, the developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment downstream of the proposed subdivision. The value of the contribution must be equal to the cost of implementing on site treatment as agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to sealing the Final Plan of Survey.

Construction

23. The subdivider must provide not less than forty-eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
24. The subdivider must provide not less than forty-eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring hold point inspection by Council unless otherwise agreed by the Council's General Manager.
25. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.
26. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
 - a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
 - b) Not burn debris or waste on site;
 - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property;

- d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;
- e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

Sealing of Final Plan

27. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.

- 28. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
- 29. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the Final Plan of Survey.
- 30. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Telecommunications and Electrical Reticulation

- 31. Underground electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
- 32. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

'As constructed' Drawings

- 33. Prior to the works being placed on the maintenance and defects liability period an 'as constructed' drawings with CCTV footage of all engineering works provided as part of this approval must be submitted to Council to the satisfaction of the Council's General Manager. This data must be prepared by a qualified and experienced civil engineer or

other person approved by the General Manager in accordance with Council's *Guidelines for As Constructed Data*.

Maintenance and Defects Liability Period

34. Works within the road reserve are subject to a twelve-month maintenance and defects liability period commencing from the date of the submission of the notice of completion of works in accordance with the approved engineering plans and permit conditions.
35. If Water Sensitive Urban Design elements provided as part of the subdivision, then WSUD elements are to be placed on an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty-four (24) months.
36. Prior to placing the subdivision onto the twelve-month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.
37. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot during all works on the site and for the entire Defects Liability Period. These works are to comply with the approved Soil and Water Management Plan developed for the site.
38. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property, incurred as a result of the development works. Any remedial work required is to be specified or undertaken by the authority concerned.

The following advice is provided for information and assistance only and imposes no direct obligation on the developer.

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. The permit does not take effect until 15 days after the date that it was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- d. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of the Council Senior Planner or otherwise extended by written consent.
- e. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- f. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed

development is restricted or prohibited by any such covenant and what consequences may apply.

- g. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- h. The 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. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
 - *Aboriginal Relics Act 1975* (Tasmanian)
 - *Threatened Species Protection Act 1995* (Tasmanian)
 - *Weed Management Act 1999* (Tasmanian)
 - *Environment Protection and Biodiversity Conservation Act 2000* (Commonwealth)
 - *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014* (Tasmanian)
- j. The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2000m² and the burning of plastics, and other non-wood or non-vegetative material.
- k. Sealing of a final plan of survey is subject to a prescribed Council fee. Please refer to www.gsbc.tas.gov.au for the fee current at the date of lodgement of the final plan or survey.
- l. Land Title Office fees must be paid directly to the Recorder of Titles.
- m. The developer is responsible to ensure that all necessary inspections are undertaken before proceeding past mandatory inspection points as detailed in the Tasmanian Subdivision Guidelines. A minimum of two full working days' notice must be provided to ensure Council can inspect at the requested time.
- n. The Final Plan of Survey will not be sealed until all works required by this permit are complete.
- o. The Final Plan of Survey is inclusive of any schedule of easement and Part 5 Agreement.
- p. Construction waste, other than of a quantity and size able to be enclosed within a standard 140 litre mobile garbage bin, will not be accepted at Council's Waste

Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.

- q. Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.
- r. The applicant is advised to contact Aurora Energy on 1300 137008 to ensure that the works do not impede on existing electricity easements and to ensure that proposed works are at a safe distance from powerlines.
- s. The applicant is advised to refer to the Tasmanian Coastal Works Manual while undertaking development. <https://dipwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
- t. In the event that any suspected Aboriginal cultural material is encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and Aboriginal Heritage Tasmania must be informed to enable further assessment of the situation. Go to <https://www.aboriginalheritage.tas.gov.au> for further assistance.

DECISION 29/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That:

Pursuant to section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/00013 at 50 Tasman Highway, Swansea (CT 32947/3) for a 37 lot subdivision with access off Francis Street be approved with the conditions 1 - 38 and advice a - t.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

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].

DECISION 30/24

Moved Clr Rob Churchill, seconded Deputy Mayor Michael Symons:

That Council no longer acts as a Planning Authority at 2.26pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

5 FINANCIAL REPORTS

5.1 Financial Report for February 2024

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Group Financial Statements 2024-01 [5.1.1 - 5 pages]

BACKGROUND/OVERVIEW

The financial reports for the period ended January 2024 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 January 2024 Council needs to endorse.

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended January 2024.

DECISION 31/24

Moved Cllr Rob Churchill, seconded Deputy Mayor Michael Symons:

That Council receives and notes the Financial Reports as attached to this report for the period ended January 2024.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Cllr Rob Churchill, Cllr Jenny Woods and Cllr Kenneth Gregson

Against: Nil

6 SECTION 24 COMMITTEES

6.1 Spring Bay Eldercare Committee Minutes - 10 July 2023

ATTACHMENT/S

1. 2023 07 10 Meeting Minutes Spring Bay Eldercare [6.1.1 - 2 pages]

RECOMMENDATION

That the Minutes of the Spring Bay Eldercare Committee meeting held on 10 July 2023 be received and noted.

DECISION 32/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That the Minutes of the Spring Bay Eldercare Committee meeting held on 10 July 2023 be received and noted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

6.2 Spring Bay Eldercare Committee Minutes - 16 October 2023

ATTACHMENT/S

1. 2023 10 16 Minutes Spring Bay Eldercare Committee [6.2.1 - 2 pages]

RECOMMENDATION

That the Minutes of the Spring Bay Eldercare Committee meeting held on 16 October 2023 be received and noted.

DECISION 33/24

Moved Clr Jenny Woods, seconded Clr Kenneth Gregson:

That the Minutes of the Spring Bay Eldercare Committee meeting held on 16 October 2023 be received and noted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

6.3 Spring Bay Eldercare Committee Minutes - 15 January 2024

ATTACHMENT/S

1. 2024 01 15 Minutes Spring Bay Eldercare Committee [6.3.1 - 2 pages]

RECOMMENDATION

That the Minutes of the Spring Bay Eldercare Committee meeting held on 15 January 2024 be received and noted.

DECISION 34/24

Moved Clr Jenny Woods, seconded Clr Kenneth Gregson:

That the Minutes of the Spring Bay Eldercare Committee meeting held on 15 January 2024 be received and noted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: 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; Buildings, Marine Infrastructure, 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; Buildings, Marine Infrastructure 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.

Local Government Reform includes a strong emphasis on Asset Management and improving these practices in Tasmania as a key element of the proposed reforms. Officers have engaged with the LGAT Asset Management network to commence enquiry and investigation into the Local Government Reform recommendations relating to Asset Management. Some of the detail relating to Asset Management in the Review Final Report is found under the following recommendations:

- Recommendations: 10, 11, 12, 13, 16, 25, 26, 30, 31, 37, 38
- Asset Management and shared services noted on pages: 37, 38, 39, 41, 43, 45, 51, 52, 66, 68, 69, 71, 76, 88, 89, 95, 96, 102

Regardless of boundary reform or amalgamation, the way in which asset management services are managed in Local Government will be changed in some way. At a minimum with some form of shared services and possibly with the inclusion of a centralised council owned authority as is suggested in Recommendation 13.

CONSULTANT SERVICES

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

- Civil Engineering supervision and reporting for projects
- Civil and Hydraulic Engineering for development engineering
- Bridge Inspections
- Specialist reports for building and development applications

- Waste Water system solutions

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- A 10t gross mass load limit has been implemented on 17 Acre Creek Bridge on Wielangta Road. Bridge inspection reports are conducted 6 monthly on all council bridges and these reports have incrementally raised the flag regarding the condition of structural logs in the 17 Acre Creek Bridge formation. The inspection in January identified structural weakness at a point where a load limit must be implemented. The National Heavy Vehicle Regulator has been advised along with impacted local businesses including forestry.
- Wielangta Rd maintenance grade- completed.
- Cutting Grass Rd maintenance grade- completed.
- Levendale Back Rd maintenance grade- completed.
- McConnon's Rd maintenance grade- completed.
- Sand River Rd maintenance grade- underway.
- Sand River Rd box outs- 9 completed.
- Cold mixing of potholes across the municipality- Ongoing across municipality- approx 7 ton of cold mix placed for January.
- Seaford/Banwell Rd pavement failures- reseals completed.
- Buckland Rd cold mixing and spray sealing failures- completed.
- 4 unsealed road inspections completed
- Roadside and fire break slashing (deck slashing) – Annual roadside completed.
- Reach Slashing of roadsides not accessible to deck slashing- booked for Feb 24.

STORMWATER, DRAINAGE

- Advice has been received from TasWater about properties confirmed to have stormwater connected into sewer systems. Further advice on additional properties across the municipality are expected as their investigations progress. Officers will work with property owners to capture the stormwater into public system.
- End of East Shelly Rd, stormwater extension to foreshore at Luther Pt to mitigate property flooding- cultural permit approved.
- Open drain and culvert/cross over maintenance- ongoing across municipality

BUILDINGS & MARINE

- Building Inspections continued with defects being rated for priority and consideration for capital renewal.
- Millington Beach toilet repair after been reversed into by truck- completed other than mural repairs.
- Service level agreements are being developed for Council Chamber Solar array, Generator set and Mechanical Services; all buildings insect treatment; Garnet St Toilets effluent system

- Muir's Beach toilets failed with a blocked outfall. Resolved to pump as often as needed to manage loads while biological systems recover.
- Continued assessment and summary of required works for all buildings including budgets.
- Marina leases and lease condition and sub-lease management ongoing. Investigating options for a software solution to reduce time required.
- Register of Defibrillators on council buildings being developed.
- Numerous minor maintenance issues attended to for marina and buildings.
- Marina dredged soil progress: soils are stored where they will be eventually spread, blended into surrounding contours and seeded. Material is still drying out and will be worked on when dry enough for heavy machines.

WASTE MANAGEMENT

- Green waste burning ceased – all green waste to be chipped in the future
- Land tenure for three of the four waste transfer stations resolved through renegotiated leases and procurement. Long term lease exists for the fourth of four.

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES

- 15 weekly playground inspections for the month across the entire municipality.
- Tree trimming in high-risk locations (parks and public spaces) across municipality – Arborist booked for early Feb 2024.
- Roadside spraying of sealed and unsealed roads- underway
- Maintenance of walking track in Jubilee Park, Swansea- underway
- Gravel walking track maintenance Orford/Triabunna- completed.
- Rock lining of drain along walking track near Riverside Drive- completed.
- 5 Tree assessments carried out in January

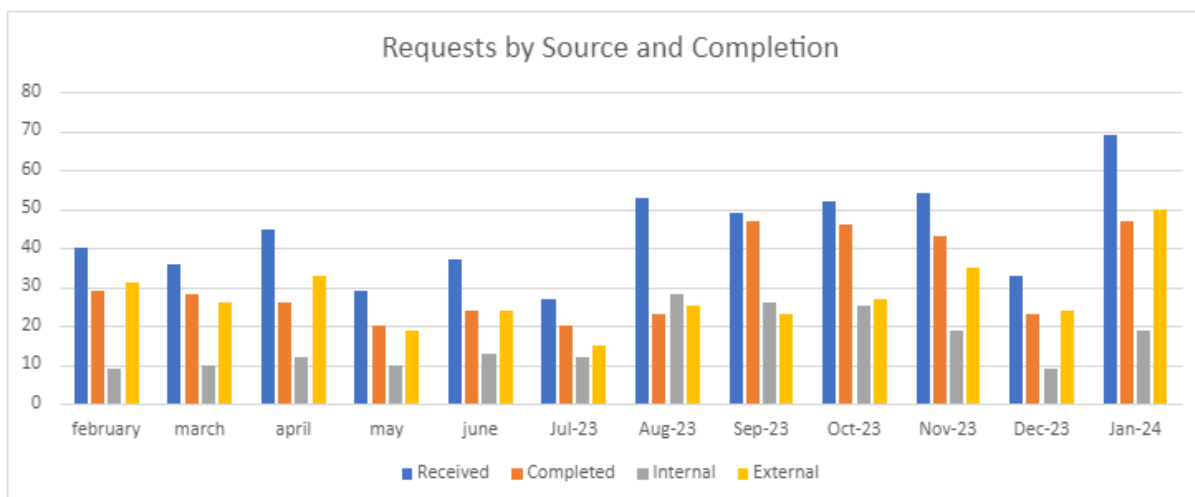
EMERGENCY MANAGEMENT

After hours rostering carried out as scheduled.

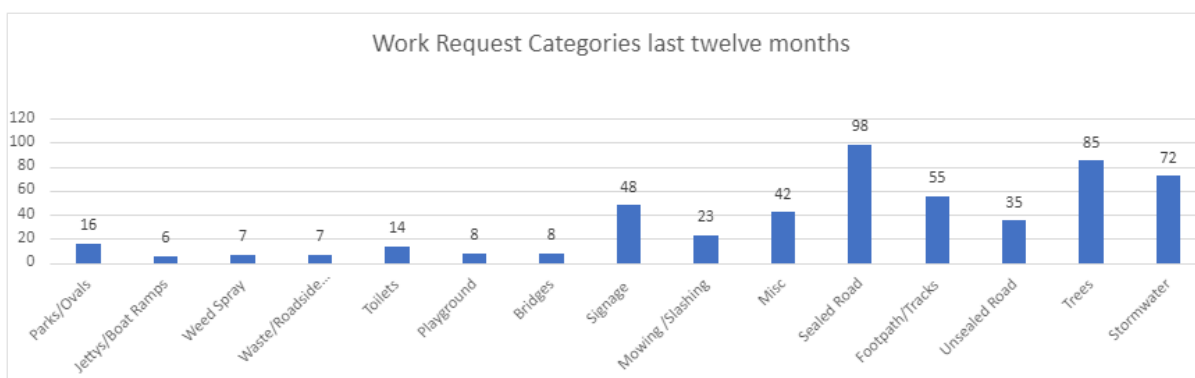
It is noted that the festive season raised little in the way of after-hours or holiday staff matters with generally good weather and few resourcing issues.

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 as per the bar chart below:



Signage requests are close to double last year's total already with sealed roads almost matching the full year number of requests from last year already. Footpath and track requests have matched last year's total in 7 months. Trees are also trending to eclipse last year's numbers while stormwater requests continue to show a reduction on the previous year. Total requests are 10% down on last year to date.

CAPITAL WORKS

- Contracts for footpath and kerb works have been issued as a part of the renewal program project. Footpath will be renewed in Bicheno between the Sea Life Centre and Jetty Road to complete a link to the skatepark.
- Other footpath and kerb included is Triabunna: Corner Vicary and Melbourne Streets replace pavers and upgrade pedestrian ramp & replace 57m2 footpath towards Henry St and 12 lm kerb. Tapner Court replace 100m2 footpath and 43 lm kerb and 2 crossovers. Ada St replace 53m2 footpath, 43 lm kerb. Selwyn St replace 55m2 footpath, 9 lm kerb and 2 crossovers. Charles St replace 12m2 pavers.
- Rosedale Rd bridge re-decking- Quotes being reviewed
- Triabunna depot Asbestos removal, toilet/washroom upgrade- underway.
- Spring Beach toilet outdoor shower install- Shower received awaiting delivery of extra water tank to install to supply shower.

- 2023/2024 capital reseal campaign- completed.
- Old Coach Rd land slide rehab- completed.
- Earlham Rd round culvert upgrades (2) to box culverts- new box culverts ordered, and delivery expected mid Feb.

Grant funded

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

- Bicheno Triangle – separate report provided for tender award recommendation
- Bicheno Gulch – Site works commence mid-February.
- Coles Bay walking trail – stage 1 complete. Stage 2 elevated walkway section design modifications being devised to minimise intrusion into private lease areas. It is anticipated that this stage, linking the wharf to Garnet Avenue, will be able to be constructed in the near future from remaining funds.
- Coles Bay Hall Annex – Parks advice received for the BAL rating of the building. This has now been provided to the designer to enable minor design amendments to match the BAL rating. Once the design has been modified, the revised plan will be resubmitted to Parks for their assessment and an expected agreement letter which must accompany lodgement of the building permit application.

PLANT AND VEHICLES

- Auctioning surplus plant as renewals progress.

GENERAL

Department activities are supported by ongoing development of staff. That development includes periodic update of existing and engagement with new requirements for accreditation with aspects of our roles.

- Traffic Management Accreditation has undergone change to nationalise the tickets. Delays in establishing the new training has meant many of our staff need to complete 4 modules of training involving multiple days to renew all aspects of their prior accreditation.
- "Safe System Assessment" training is required to update skills in road management infrastructure for intersections, Pedestrians, Cyclists and Motorcyclists and is subsidised by the Department of State Growth. Only one staff member is required to attend this training. Knowledge of the "system" is required to provide supporting reports for state government grants like the Vulnerable Road User Program.
- A new training requirement has been issued for the running of an evacuation centre with at least one evacuation centre staffer required to be accredited in a new module for Child Safety. Relevant staff have been enrolled to attend.
- Reviews of legislation including the Local Government Act result in engagement with the relevant industry sector to gain information and attend meetings for input and to understand proposed change and likely impacts. Recently this has included the Emergency Management Act and all road legislation.

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- 2nd March 24
- Echo festival Swansea- 22nd March
- Spoke Festival 1st March (subject to council approval)
- Triabunna Anzac Day Ceremony- 25th April 2024.

RECOMMENDATION

That Council notes the information.

DECISION 35/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

8 OFFICERS' REPORT REQUIRING A DECISION

8.1 Revised Strategic Plan 2020-2029

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Revised - Strategic Plan 2024 [8.1.1 - 14 pages]

PURPOSE

The purpose of this report is to submit the revised Glamorgan Spring Bay Council Strategic Plan 2020-2029 to Council for review, consideration, and adoption.

BACKGROUND/OVERVIEW

In accordance with section 66 of the *Local Government Act 1993* requires Council to prepare a Strategic Plan for the municipal area in respect of at least a ten-year period. Each year, Council reports progress on meeting its strategic objectives via the Annual Plan and the Annual Report.

The Strategic Plan informs and guides Council's annual Operating Plan and Budgets that are set and scrutinised by Council and which will provide residents, ratepayers and businesses with a clear sense of what Council is doing and why.

The 2020-2029 Strategic Plan was developed with community consultation throughout the 2020 year and formally adopted by Council in May 2020. With a new Council being elected in November 2022, it was deemed timely that an internal review of the Strategic Plan be undertaken to ensure that it continues to reflect the changing needs of our community.

The revised Plan includes the following changes:

- Inclusion of an Acknowledgement of Country.
- Updated Mayor's message.
- Updated demographic profile.
- Updated Key Foundations, notably the change from 'Our People' to 'Our Community' to emphasize an outward focus rather than inward.
- Updated objectives that are not in priority order.
- Inclusion of 'What we do: Our role'.
- Inclusion of 'Levels of Government in Australia'.
- A refresh of formatting and images.

It was generally agreed by Council and Management that the Plan remains broad enough to sufficiently allow us to continue with our present strategic focus and activities, whilst also being flexible enough to enable us to address emerging community priorities.

The Draft revised Glamorgan Spring Bay Council 10-year Strategic Plan was reviewed with Councillors at its 13th February 2024 Council Workshop.

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

Local Government Act 1993

BUDGET IMPLICATIONS

No significant financial implications are recognised in endorsing revised Strategic Plan.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation Risk associated with the adoption of the revised Strategic Plan is considered minimal as Council is acting within the requirements of the Local Government Act.	Minor	Possible	Low	There are no material risks associated with adopting the recommendation.
Do not adopt the recommendation An alternative or updated version of the Strategic Plan would need to be developed and endorsed.	Possible	Moderate	Moderate	Prepare an alternative Strategic Plan for adoption with consequent duplication of resources.

OFFICER'S COMMENTS

Following this internal review of the Strategic Plan, it is deemed that the plan remains suitably broad enough in its scope to allow us to continue with our present strategic focus and activities, whilst also being flexible enough to enable us to address emerging community priorities.

It is recommended that Council adopts the revised Strategic Plan, with a further review to be undertaken in 2028.

OFFICER'S RECOMMENDATION

That Council adopts the revised Strategic Plan 2020-2029 as presented.

DECISION 36/24

Moved Deputy Mayor Michael Symons, seconded Clr Rob Churchill:

That Council adopts the revised Strategic Plan 2020-2029 as presented.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

8.2 Review of Delegation Register

Author: Executive Officer (Jazmine Kerr)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Delegations Register Glamorgan Spring Bay Council Feb 2024 Review Copy [8.2.1 - 100 pages]

PURPOSE

The purpose of this report is to submit the revised Glamorgan Spring Bay Council Delegation Register to Council for review, consideration, and adoption.

BACKGROUND/OVERVIEW

Section 22 of the *Local Government Act 1993* provides for a Council to delegate its powers and functions under any Act to the General Manager, apart from some express exceptions that are outlined in the section. It also provides that the Council may authorise the General Manager to further sub-delegate those powers and functions to other officers as necessary.

The review of Councils Delegation Register (to the General Manager) and the Instrument of Delegation from the General Manager is an ongoing process, necessitating amendments in response to legislative changes and operational requirements. Council last reviewed its Delegations Register in September 2023.

The changes to the Delegations Register are indicated below:

- ***Cat Management Act 2009***
General Managers have functions under the Cat Management Act 2009 which are now tracked in the Register.
- ***Child and Youth Safe Organisations Act 2023***
The Child and Youth Safe Organisations Act 2023 introduces a range of new requirements for relevant entities, including Councils. For Councils, those obligations apply from 1 January 2024 (refer to ss.14(2) and 32; Schedules 2 and 3, clause 2).
- ***Land Use Planning and Approvals Act 1993***
The conditions or restrictions of Section 57(6) of the Land Use Planning & Approvals Act 1993 have been revised to align with a prior decision made by the Council.

Sections 40T, 51A and 56AA of the Land Use Planning & Approvals Act 1993 have also been added to the Register.

- ***Environmental Health By-Law No.1 of 2019***
Authorised Officers now tracked in the Register.

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

- Develop and foster a strong, supportive and respectful organisational culture.

STATUTORY IMPLICATIONS

- Local Government Act 1993, in particular S.22 and S.64
- Various Acts as outlined within the Delegation Register

BUDGET IMPLICATIONS

There are no budgetary implications associated with this recommendation.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				
Some delegations can have significant consequences if not utilised correctly.	Unlikely	Moderate	Moderate	Sub-delegation only provided to trained staff with procedures outlined on how to use delegations.
Do not adopt the recommendation				
Council would be unable to fulfill its statutory obligations.	Possible	Moderate	Moderate	Review and submit at a future Council meeting.

OFFICER'S COMMENTS

The proposed changes in the Delegations Register are required to ensure the register is current and up to date in accordance with the latest legislation. It is recommended for adoption.

OFFICER'S RECOMMENDATION

That Council endorses the revised Delegations Register as attached to this report item.

DECISION 37/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council endorses the revised Delegations Register as attached to this report item.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

8.3 Nomination of Councillor to Cranbrook Hall Section 24 Special Committee

Author: Executive Officer (Jazmine Kerr)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

Nil

PURPOSE

To recommend that Council nominates a new Council representative on the Cranbrook Hall Section 24 Special Committees of Council, following the resignation of Cllr Richard Parker.

BACKGROUND/OVERVIEW

On the 23 January 2024, Cllr Richard Parker resigned as an elected member of Glamorgan Spring Bay Council, therefore the Councillor representative position is now vacant for this Committee.

About Section 24 Committees of Council:

The Local Government Act 1993 (the Act) provides Councils with the power to establish Section 24 Special Committees of Council to assist Council to carry out its duties. Council establishes Section 24 Committees to assist with the management of facilities and to carry out other functions on behalf of the Council.

The role of the Councillor/s on a Section 24 Committee is to act on behalf of Council and in the best interests of the residents and ratepayers of Glamorgan Spring Bay. Councillors communicate between the elected members of Council and the Committee. Councillors need to be cognisant of the Local Government Act to ensure that all legislative requirements are met.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

- Create an informed and involved community by developing relevant and accessible communication channels.

STATUTORY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

There are no budget implications to Council apart from any out-of-pocket travel expenses to be reimbursed to Councillors if required.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil.
No material risk associated with adopting the recommendation.				
Do not adopt the recommendation	Possible	Moderate	Moderate	Review and present to Council at a future Council Meeting.
Council may not have representation on the above-mentioned committees, boards, or associations.				

OFFICER'S COMMENTS

To ensure there is adequate representation by Council on the above-mentioned committee it is recommended that Council appoints a Council representative as soon as possible.

OFFICER'S RECOMMENDATION

That Council appoint Clr <insert name> to the Cranbrook Hall Committee, effective 27 February 2024.

DECISION 38/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council appoint Clr Kenneth Gregson to the Cranbrook Hall Committee, effective 27 February 2024.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

8.4 Request for Event Support - Spoke Festival 2024

Author: General Manager – Greg Ingham

Responsible Officer: General Manager – Greg Ingham

ATTACHMENT/S

1. Pages from Draft- Unconfirmed- Ordinary- Council- Meeting- Minutes-23- January- 2024 [8.4.1 - 4 pages]

PURPOSE

For Council to reconsider providing event support to the Swansea Motorcycle Association Ltd for the Spoke Motorcycle Festival.

BACKGROUND/OVERVIEW

As per the 23 January 2024 Ordinary Council Meeting report the Spoke Motorcycle Festival is a unique celebration of everything motorcycle. The upcoming event over three days at Mayfield Estate from 1st to 3rd March 2024 is the festival's second edition following the first festival held in 2022.

Council considered a recommendation to provide \$2,500 financial contribution and additional waste management in kind support at the 23 January Meeting. A Motion to defer the matter to the February Ordinary Council Meeting was passed. (See attachment).

Council has not been involved with supporting the Spoke Motorcycle Festival previously.

The **Swansea Motorbike Association Ltd** are registered as an Australian Public Company ABN: 64 655 640 805.

The festival organiser's initial request for assistance was as follows;

- Waste Management
 - Provision, delivery and pick up of empty general waste and recycling bins.
- Financial Contribution
 - \$4000 to be used for professional photography and videography to capture and showcase the festival.
 - \$3500 for hire of public toilets, accessible toilet and shower block.

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
- 4. Our Environment

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. There is sufficient budget available to support the General Managers recommendation in this report.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation	Nil	Nil	Nil	Nil
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council offers an explanation for the non-approval of the request.
Not approving this may result in missed opportunities for community development.				

OFFICER’S COMMENTS

Festivals bring many benefits to our communities, such as boosting the local economy and attracting more tourists. Retail and tourism businesses can benefit from the increased visitor

numbers. The Spoke Festival will have a positive economic impact for the area and will showcase much of what our region has to offer.

However, the potential impact on the environment, particularly on a threatened shore bird, is of concern in regard to a particular event on the program. The location for the event at Mayfield Estate includes a pristine private beach that is included in the event program Festival events for a 'Beach Race' on motorcycles. There is concern as to the impact of this event on the natural environment. The event organiser informs that the beach race event will occupy the northernmost 100m of the beach and that the balance of the beach would be demarcated as off limits to motorcycles.

The Festival advertising of 'one of the East Coasts beautiful beaches, equal to any coastline in the world' conflicts with Councils commitment and responsibility in regard to the environment. Council has an important historical and ongoing interest in responsible management of our natural resources and supporting a motorcycle beach race event will potentially send the wrong message to our community.

The event organiser is reliant on the Council waste management assistance, and time doesn't allow for alternative arrangements to be made, so it is recommended that Council assist with the important matter of waste management.

Proposed event activities on the agricultural land of Mayfield Estate, away from the coastal strip are of negligible concern from an environmental perspective.

Spoke Festival organisers initially contacted Parks and Wildlife Services (PWS) to explore the opportunity of holding the event on the nearby Mayfield Beach a public area managed by PWS. PWS did not support the event being held on Mayfield Beach for the same environmental (shorebirds) and Aboriginal cultural concerns noted in this report, as well as public safety concerns.

The organiser has also been in contact with Eric Woehler, Shorebird ecologist with 40 years field research in Tasmania. Mr Woehlers advice to the event organiser was that he (Woehler) did not agree with motorcycle races on beaches. The beach in question is a known nesting location for Hooded Plovers, a vulnerable shorebird species. Mr Woehler does not agree that the event organisers can implement measure to mitigate the risk to Hooded Plovers in particular. The Hooded Plovers breeding season over the summer months, is known to extend into April in Tasmania.

Mr Woehlers has endorsed his comment below (verbatim) to be included in this report:

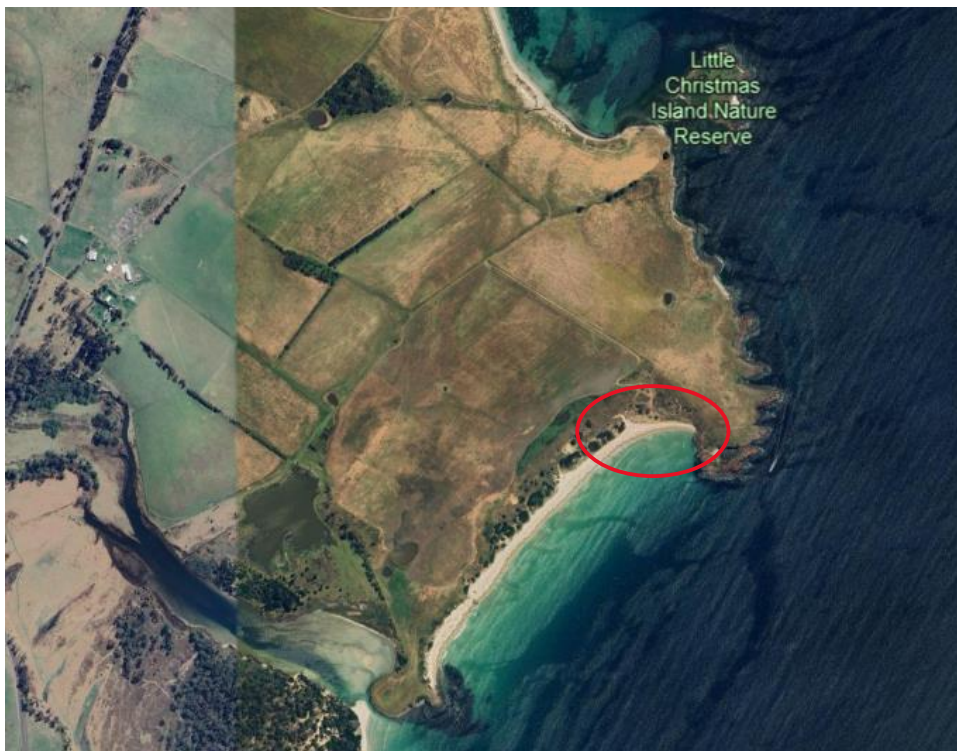
"I remain seriously concerned/strongly opposed to the event. This is a known nesting beach for a nationally listed Threatened Species, and the event will promote motorcycle riding on the beach, encouraging attendees to do the same elsewhere. Signage will do nothing to engage attendees in any meaningful conservation efforts for beach-nesting birds. The take home message is that its ok to ride/race motorcycles on beaches in Tasmania – this is utterly unacceptable to me"

PWS inform that nearby Little Christmas Island Nature Reserve and the two headlands north and south of the beach in question are known Shearwater and Penguin habitats.

In keeping with Councils Guiding Principles, Council must promote the balance between economic and tourist growth, whilst preserving our lifestyle, celebrating our rich history and protecting the regions unique characteristics.

It is proposed to provide limited support to the event with its present program which contains elements at odds with community priorities.

In summary there is a need to balance the event activities and outcomes with the recognition and protection of our coastline, a coastline identified by the Event Organiser as pristine.



OFFICER'S RECOMMENDATION

That Council approve the supply and removal of 12 bins to assist in waste management for the 2024 Spoke Festival event.

DECISION 39/24

Moved Deputy Mayor Michael Symons, seconded Clr Jenny Woods:

That Council approve event support for the Spoke Motorcycle Festival in the form of \$2,000 cash contribution to assist with infrastructure, and in kind support for the supply and removal of 12 red lid rubbish containers and 12 yellow lid recycle rubbish containers.

THE MOTION WAS PUT AND CARRIED 3/2

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons and Clr Jenny Woods

Against: Clr Rob Churchill and Clr Kenneth Gregson

8.5 Community Small Grants - Pickleball Association of Tasmania

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Pickleball Association of Tasmania Small Grant Application Form [**8.5.1** - 6 pages]
2. Pickleball Association [**8.5.2** - 1 page]

PURPOSE

Recommendation for Council to approve a Community Small Grant application for \$1,000 from Pickleball Association of Tasmania for Pickleball Court line-marking and windbreak.

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.

The Tasmanian Pickleball Association, operating as an incorporated association led by a committee of volunteers, oversees the activities of the Swansea Pickleball playing group. The group currently utilises the Swansea Primary School Hall outside of regular school hours.

In an effort to enhance community facilities, the Tasmanian Pickleball Association is seeking support from Council to line-mark one of the two existing tennis court at Swansea Primary School with markings for new Pickleball court. The funding will also support windbreak made out of shade cloth for protection from the weather. Permission has been secured from the school and the Swansea Tennis Club for this valuable addition to the community (see attachment).

The popularity of Pickleball in Swansea has grown significantly in recent years, resulting in notable achievements such as local players winning the Tasmanian Open and mainland tournaments. To accommodate the increasing demand, the addition of extra courts will create more opportunities for the local community to engage in and enjoy the sport of pickleball.

Estimated costs for event activities to be covered by Community Small Grant funding:

Item	Cost
Line Marking Items:	
Dulux A1 Roadmaster Line Marking Paint - \$280	\$280.00
Smith and Arrow Super High Temperature Tape (6 rolls)	\$40.00
Accent 80mm (2 @ \$3.20 ea)	\$6.40
Wind Break Items:	
Waratah (2 @ 1800 x 50 metres)	\$825.00
26 packets attaching clips (20 clips) @12.70 ea	\$330.20
300 Metre fencing wire – 300 metre roll	\$118.00
Total	1599.60

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 31 January 2024 there is \$4,360 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 alternative opportunities for funding to the Pickleball Association of Tasmania.
Pickleball Association of Tasmania will seek alternate funding to implement the line-marking.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy.

The main benefit of line-marking the tennis court and the provision of shelter for the Pickleball players and supporters is to encourage more participation opportunities for residents.

Integrity Assessment:

The '**Pickleball Association Tasmania Inc**' are a registered incorporated association
Registration Number: # IA12670

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 \$1,000 to Pickleball Association Tasmania for new court line-marking and a windbreak.

DECISION 40/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council approve the application for Community Small Grant funding of \$1,000 to Pickleball Association Tasmania for new court line-marking and a windbreak.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

8.6 Mobile Food Vans, Pop-up Stalls & Kerbside Vending Policy

Author: Director Planning & Development (Alex Woodward)

Responsible Officer: Director Planning and Development (Alex Woodward)

ATTACHMENT/S

Nil

PURPOSE

To recommend that Council rescinds the Mobile Food Vans, Pop-up Stalls & Kerbside Vending as attached to this agenda item.

BACKGROUND/OVERVIEW

In order to promote and continue to improve the good governance within Glamorgan Spring Bay Council, the Mobile Food Vans, Pop-up Stalls & Kerbside Vending Policy has been reviewed by Officers. The Policy was last reviewed in September 2018 and a variety of changes were adopted.

The original report outlined that *'The proposed policy seeks to balance the viability of existing bricks and mortar business and the needs of the visitor accommodation. The policy seeks to encourage mobile food vans to operate but not directly compete with existing businesses.'*

Broadly, the policy identifies where and when food vans are appropriate. In the following table, each site is listed along with any site specific limitations. Limitations will be implemented by mapped attachments to any new licence issued. As the policy is implemented, these limitations may be modified or reduced in response to operational issues at the discretion of the General Manager. A range of conditions relating to amenity, waste management and the like will apply to any licence at the discretion of.'

The majority of the sites listed in this Policy are in Crown Land ownership and some of these sites, Council has a lease or licence over with the Crown. Recently, Council have been reviewing these leases and licenses, and it has been identified that for all of these sites, subletting is not approved. In addition, the current By-Law does not support the policy and would need to be updated in order for permits to be issued. As such, Officers have not been issuing any approvals for operating on these sites.

It is now recommended that Council rescind the Policy until such time as the leases and licenses can be worked through with the Crown. During this time, Officers can also do a strategic review of potential locations and workshop the new Policy and By-Law with Council. In the interim, any enquiries for use on public land will be referred to Crown Land Service for approval. If proposals are put forward for Council owned land, these will be considered on a case by case basis.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

4. Infrastructure and Services

5. Our Environment

What we plan to do

- Maintain public amenities and recreational facilities.
- Review and update existing Council strategies and plans.

STATUTORY IMPLICATIONS

To implement a new Policy the By-Law would need to be updated to ensure licences can be issued.

BUDGET IMPLICATIONS

There will be no material impact on the budget due to licences not being issued for several years.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil.
No material risk associated with adopting the recommendation.				
Do not adopt the recommendation				Review and amend Policy for presentation at a future Council Meeting.
As outlined, there are several issues with the current Policy and it would be unable to be implemented in its current format.	Low	Low	Low	

OFFICER'S COMMENTS

The Policy has been reviewed in accordance with Council's Corporate Calendar and is recommended to be rescinded.

OFFICER'S RECOMMENDATION

That Council rescind the the Mobile Food Vans, Pop-up Stalls & Kerbside Vending Policy as attached to this report item effective 27 February 2024.

DECISION 41/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill:

That Council rescind the the Mobile Food Vans, Pop-up Stalls & Kerbside Vending Policy as attached to this report item effective 27 February 2024.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

9 NOTICES OF MOTION

Nil.

10 PETITIONS

Nil.

11 COUNCILLORS

11.1 Questions on Notice by Councillors

Nil.

11.2 Comments/statements

Clr Kenneth Gregson

Clr Gregson raised a historical vision concerning the Swansea Bowls Club and Swansea Golf Club outlined in the Swansea Structure Plan from several years ago.

Additionally, Clr Gregson commented on the trial period regarding the mowing of naturestrips.

Officers provided comment.

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 23 January 2024**
As per the provisions of Regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 2: Application for Leave of Absence**
As per the provisions of Regulation 15 (2) (h) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 3: Sale of land for unpaid rates**
As per the provisions of Regulation 15 (2) (f) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 4: Sale of land for unpaid rates**
As per the provisions of Regulation 15 (2) (f) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 5: Bicheno Triangle Tender**
As per the provisions of Regulation 15 (2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That Council moves into Closed Session at [time].

DECISION 42/24

Moved Clr Jenny Woods, seconded Clr Rob Churchill,

That Council moves into Closed Session at 3.22pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Jenny Woods and Clr Kenneth Gregson

Against: Nil

The Mayor confirmed that the recording had been terminated.

Senior Planner, James Bonner left the meeting at 3.22pm.

13 CLOSE

The Mayor declared the meeting closed at 3:49 pm.

CONFIRMED as a true and correct record.

Date:

Mayor Cheryl Arnol