



**GLAMORGAN
SPRING BAY
COUNCIL**

SPECIAL COUNCIL MEETING MINUTES

TUESDAY 30 AUGUST 2022

Council Chambers, Triabunna

NOTICE OF MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council to be held at the Triabunna Council Offices on Tuesday 30 August 2022, commencing at 2:30 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 25 August 2022



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.

TABLE OF CONTENTS

1 OPENING OF MEETING	4
1.1 Acknowledgement of Country.....	4
1.2 Present and Apologies.....	4
1.3 In Attendance.....	4
1.4 Declaration of Interest or Conflict.....	4
2 PLANNING AUTHORITY SECTION	5
2.1 Draft Amendment AM2018-03 – Glamorgan Spring Bay Local Provisions Schedule – Cambria Green Specific Area Plan	6
3 CLOSE	13

1 OPENING OF MEETING

The Mayor welcomed Councillors and staff, and declared the meeting open at 2:30pm

1.1 Acknowledgement of Country

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

1.2 Present and Apologies

1.3 In Attendance

General Manager, Mr Greg Ingham
Executive Officer, Ms Jazmine Murray
Community & Communications Officer, Ms Eliza Hazelwood
Director Planning and Development, Mr Alex Woodward
Senior Planner, Mr James Bonner
Senior Planning Consultant, Mr Mick Purves (via remote video conference)
Graduate Planner, Tiara Williams

1.4 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.

Please note that Clr Rob Churchill and Clr Keith Breheny declared an interest in Agenda Item 2.1.

2 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 188/22

Moved Clr Keith Breheny, seconded Clr Cheryl Arnol:

That Council now acts as a Planning Authority at 2:32pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Rob Churchill, Clr Grant Robinson and Clr Michael Symons

Against: Nil

Clr Rob Churchill and Clr Keith Breheny having declared an interest in item 2.1 left the meeting at 2:35pm.

2.1 Draft Amendment AM2018-03 – Glamorgan Spring Bay Local Provisions Schedule – Cambria Green Specific Area Plan

Author: Senior Planning Consultant (Mick Purves, Town Planning Solutions P/L)
Responsible Officer: Director Planning & Development (Alex Woodward)

ATTACHMENT/S

1. Briefing note for Council __ A M 2018-03 Revised SAP Council Agenda 23 Aug [2.1.1 - 31 pages]
2. Attachment 1- Applicant submissions 22 July 2022 SAP [2.1.2 - 12 pages]
3. Attachment 2- TPC Published Amendment in TPS format track-changes 24 May 2022 [2.1.3 - 18 pages]
4. Attachment 3- TPC published revised use table __ SAP 17 June 2022 [2.1.4 - 19 pages]
5. Attachment 4-Commission-directions-19 July 2022 [2.1.5 - 2 pages]

PURPOSE

The purpose of this report is to determine the Planning Authority response to a revised amendment lodged by the applicant following completion of the hearings for the Cambria Green planning scheme amendments.

BACKGROUND/OVERVIEW

The Cambria Green planning scheme amendment (AM2018-03) was initiated and exhibited in 2018 and determined to be invalid by the Tasmanian Planning Commission (Commission) in 2019. It was then successfully challenged to the Supreme Court and the matter was returned to the Commission to complete the assessment.

Following a protracted process, the Commission held hearings over June and July 2022.

At the conclusion of the hearings, the applicant requested the ability to make changes to the amendment and submit a revised version to the Commission. The Commission issued directions on 19 July (19 July Directions) for:

1. a revised amendment to be submitted addressing seven issues that were identified by the applicant;
2. any responses to be submitted by 12 August (Council sought an extension of time for submission); and
3. the dates for future hearings to be considered following lodgement of the responses.

The full directions were provided as Attachment 4 to the *Briefing Report – 2018-03 Cambria Green Revised Amendment Applicants post hearing submissions* (Briefing Report).

A revised amendment was prepared by the applicant and submitted to the Commission on 22 July (Revised Amendment), as provided in Attachment 1 to the Briefing Report.

The Revised Amendment is comprised of three parts:
Part A – revised Specific Area Plan (SAP);

Part B – a new scenic protection area over prominent parts of the Hills Resort Precinct;
Part C – rezoning of the Hills Resort Precinct from Agriculture to Rural; and
Part D – establishing the Priority Vegetation Area Overlay within the Hills Resort precinct.

The following is noted:

- the remaining parts of the certified amendment are no longer supported;
- the Cambria Homestead and Agriculture Precincts will remain in the Agriculture zone;
- the underlying zone provisions of the agriculture and rural zones would remain in force and apply to planning applications;
- Rezoning lands subject to Conservation Covenants to Environmental Management and changes to the Coastal Inundation High Hazard and Coast Erosion High Hazard Area overlays were abandoned, following implementation of the Local Provisions Schedule; and
- application of the Priority Vegetation Area overlay to conservation covenanted lands was abandoned.

The Revised Amendment was provided as Attachment 1 to the Briefing Report.

The Briefing Report provided an assessment of the Revised Amendment and provides a response to the issues raised by the Planning Authority to date and the evidence presented during the hearings.

Pursuant to Direction 2 of the 19 July Directions, the Planning Authority must determine the response it will make to those submissions.

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

The Commission has powers to hear and determine planning scheme amendments under the *Land Use Planning and Approvals Act 1993* and *Tasmanian Planning Commission Act 1997*.

The Planning Authority fulfills its statutory obligations under both Acts by participating in the process and providing responses to Directions as required by the Commission.

BUDGET IMPLICATIONS

Budget implications of the current decision form part of annual allocations to the various functions of the planning authority.

RISK CONSIDERATION/S

Council mitigates any risk by participating in the process and providing a submission as invited by the Commission.

OFFICER'S COMMENTS

The Cambria Green amendments have been contentious and protracted.

The Revised Amendment provided a simplified set of amendments that respond to the evidence that was presented and tested through the Commission hearings.

The Briefing Report identified that the Revised Amendment had positive attributes, but did not address all of the issues that were relevant to the amendment. The Recommendations within the Briefing Report address the outstanding matters from previous decisions of Council with suggested changes, and the changes proposed by the applicant.

From a technical perspective, the Revised Amendment provides a better response to both the purpose of the proposal and many of the issues raised in representations and evidence. The changes identified in recommendations 1 to 12 of the Briefing Report address a range of refinements and standards for additional matters that remain relevant to consideration of the amendment. Other matters within the Briefing Report result from the Section 39 Report on Representations (recommendations 13 to 20).

The combination of the two provides an outcome that better facilitates delivery of the outcomes of the various strategic documents and objectives of the Resource Management and Planning System.

The Revised Amendment is different to the certified amendment that was considered by Council and requires a decision by the Planning Authority to determine whether the extent of changes in the Revised Amendment should be supported. The Planning Authority will need to consider whether they wish to support these changes and the Revised Amendment, or whether they do not.

If the Planning Authority supports the Revised Amendment, the recommendations provided within the Briefing Report provide suggested improvements to the amendment. Recommendation option A provides for this decision, with support for the changes in the Briefing Report.

Recommendation option B and C were provided should the Planning Authority not support the Revised Amendment.

The Commission Direction does not force the Planning Authority to provide a response to the Revised Amendment, but provides the opportunity to do so. Given the recommendations

identified in the Briefing Report, it is suggested that a response is appropriate and is likely to benefit the Commission in their assessment of both the revised and overall amendment.

The Commission will then need to consider both the revised and overall amendment within the scope of the legislation that controls the current process, before they determine the application.

Delegations are in place to inform the Commission of the Planning Authorities decision.

Recommendations were provided for the Planning Authority to determine their opinion.

OFFICER'S RECOMMENDATION

That the Planning Authority provide the following response to Direction 2 of the Tasmanian Planning Commission directions issued 19 July 2022:

- A. The Planning Authority supports the revised amendment provided in the Applicant's 22 July submissions, subject to the revisions identified in the attached *Briefing Report – 2018-03 Cambria Green Revised Amendment Applicants post hearing submissions*.

Or

- B. The Planning Authority does not support the revised amendment in the Applicant's 22 July submissions.

Or

- C. The Planning Authority does not support the revised amendment in the Applicant's 22 July submissions, noting the following:
- i. the revised amendment provides a significant improvement on the certified amendment;
 - ii. the *Briefing Report – 2018-03 Cambria Green Revised Amendment Applicants post hearing submissions* identifies issues that were raised in the Section 39 Report but were not addressed by the applicant in the revised amendment; and
 - iii. the extent of changes in the revised amendment and Briefing Report raise concerns over consideration of the revised amendment under the current process.

Moved Clr Grant Robinson, seconded Clr Michael Symons:

That:

1. Pursuant to 19 July 2022 correspondence from the Tasmanian Planning Commission referencing the Glamorgan Spring Bay Local Provisions Schedule Draft Amendment 2018-03, Cambria Estate Swansea, the Planning Authority resolves not to submit a response.
2. The Planning Authority acknowledges its legislative obligation to uphold the decision of 24 April and 27 November 2018, and understands the final decision on the planning scheme amendment rests with the Tasmanian Planning Commission.

DECISION 189/22

Moved Deputy Mayor Jenny Woods, seconded Clr Michael Symons:

That the meeting be adjourned until 2:55pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Grant Robinson and Clr Michael Symons

Against: Nil

The Meeting reconvened at 2:55pm

DECISION 190/22

Moved Clr Cheryl Arnol, seconded Deputy Mayor Jenny Woods:

That the meeting be adjourned until 3:30pm to enable Council to receive further advice.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Grant Robinson and Clr Michael Symons

Against: Nil

The Meeting reconvened at 3:30pm

DECISION 191/22

Moved Clr Grant Robinson, seconded Clr Michael Symons:

That:

1. Pursuant to 19 July 2022 correspondence from the Tasmanian Planning Commission referencing the Glamorgan Spring Bay Local Provisions Schedule Draft Amendment 2018-03, Cambria Estate Swansea, the Planning Authority resolves not to submit a response.
2. The Planning Authority acknowledges its legislative obligation to uphold the decision of 24 April and 27 November 2018, and understands the final decision on the planning scheme amendment rests with the Tasmanian Planning Commission.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 5/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Grant Robinson and Clr Michael Symons

Against: Nil

Clr Keith Breheny returned to the meeting at 3:33 pm.

Clr Rob Churchill returned to the meeting at 3:33 pm.

The Mayor advised Clr Rob Churchill and Clr Keith Breheny of the outcome of Council's decision in respect to agenda item 2.1

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 192/22

Moved Clr Cheryl Arnol, seconded Clr Grant Robinson:

That Council no longer acts as a Planning Authority at 3:34 pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Rob Churchill, Clr Grant Robinson and Clr Michael Symons

Against: Nil

3 CLOSE

The Mayor declared the meeting closed at 3:35pm

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young