



**GLAMORGAN  
SPRING BAY  
COUNCIL**

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**ORDINARY COUNCIL MEETING AGENDA**

TUESDAY 18 APRIL 2023

2:00 PM

Council Chambers, Triabunna

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## 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 18 April 2023, commencing at 2:00 pm.

## QUALIFIED PERSON CERTIFICATION

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

**Dated** this Thursday 13 April 2023



Greg Ingham  
**GENERAL MANAGER**

### IMPORTANT INFORMATION

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

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

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## **1 OPENING OF MEETING**

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

### **1.1 Acknowledgement of Country**

*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**

### **1.3 Apologies and Leave of Absence**

### **1.4 In Attendance**

### **1.5 Late Reports**

*(Motion to receive required)*

### **1.6 Declaration of Interest or Conflict**

*The Mayor requests Elected Members to indicate whether they have:*

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

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

*in any item included in the Agenda.*

## **2 CONFIRMATION OF MINUTES**

### **2.1 Ordinary Meeting of Council - 28 March 2023**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 28 March 2023 at 2:00pm be confirmed as a true and correct record.

## 2.2 Date and Purpose of Workshop(s) Held

### TUESDAY 4 APRIL 2022

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 4<sup>th</sup> April 2023 at the Council Offices, Triabunna.

#### Present:

Mayor Cheryl Arnol  
Clr Rob Churchill  
Clr Neil Edwards  
Clr Greg Luck  
Clr Carole McQueeney  
Clr Jenny Woods  
Clr Robert Young

#### Apologies:

Deputy Mayor Michael Symons (due to work commitments)

#### 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  
Senior Planner, Mr James Bonner  
Consultant Planner, Mr Mick Purves

#### Guests

- Heather Salisbury
- Ric De Santi

#### Agenda

- Audit Panel Presentation - Heather Salisbury & Ric de Santi
- Draft Amendment AM2022-02 – Glamorgan Spring Bay Local Provisions Schedule – Subdivision of additional lots under the Dolphin Sands Particular Purpose zone
- DA2023/38 – 124 Tasman Hwy, Bicheno – change of use to visitor accommodation
- DA2023/0044 – 1 Sally Peak Rd, Buckland – Change of use to function venue, market, and museum
- Community Budget Survey
- Community Connect - 5 & 6 April 2023

#### **RECOMMENDATION**

That Council notes the information.

### **3 PUBLIC QUESTION TIME**

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

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

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

#### **3.1 Questions on Notice**

Nil.

#### **3.2 Questions Without Notice**

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



## **4 PLANNING AUTHORITY SECTION**

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

### **RECOMMENDATION**

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

#### 4.1 DA2023/38 - 124 Tasman Highway Bicheno - Change of use to visitor accommodation

<b>Proposal:</b>	Change of Use to Visitor Accommodation
<b>Applicant:</b>	Lee McWilliams
<b>Application Date:</b>	21/02/2023
<b>Statutory Date:</b>	28/04/2023
<b>Planning Instruments:</b>	Tasmanian Planning Scheme – Glamorgan Spring Bay
<b>Zone:</b>	8.0 General Residential
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Visitor Accommodation
<b>Development:</b>	Change of Use to Visitor Accommodation
<b>Discretions:</b>	8.3.2 Visitor Accommodation
<b>Representations:</b>	3
<b>Attachments:</b>	1. Exhibited Documents [4.1.1 - 7 pages] 2. De-identified Representations [4.1.2 - 3 pages]
<b>Author:</b>	James Bonner, Senior Planner

#### Executive Summary

Planning Approval is sought for the change of use from residential to visitor accommodation for the property Strata Lot 3, 124 Tasman Highway Bicheno (CT 61231/5). The property is part of a strata title and the building exceeds the 200 sqm gross floor area provided as the acceptable solution in the general residential zoning.

The application was advertised from 2 March 2023 to 17 March 2023 with 3 representations 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 28 April 2023.

#### PART ONE

##### 1. Statutory Requirements

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

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

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

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

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

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

## **2. Approving applications under the planning scheme**

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

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

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

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

## **3. The Proposal**

The application seeks to change the residential use of the existing dwelling to visitor accommodation. No works are proposed to the building.



Figure 1: Floor Plan

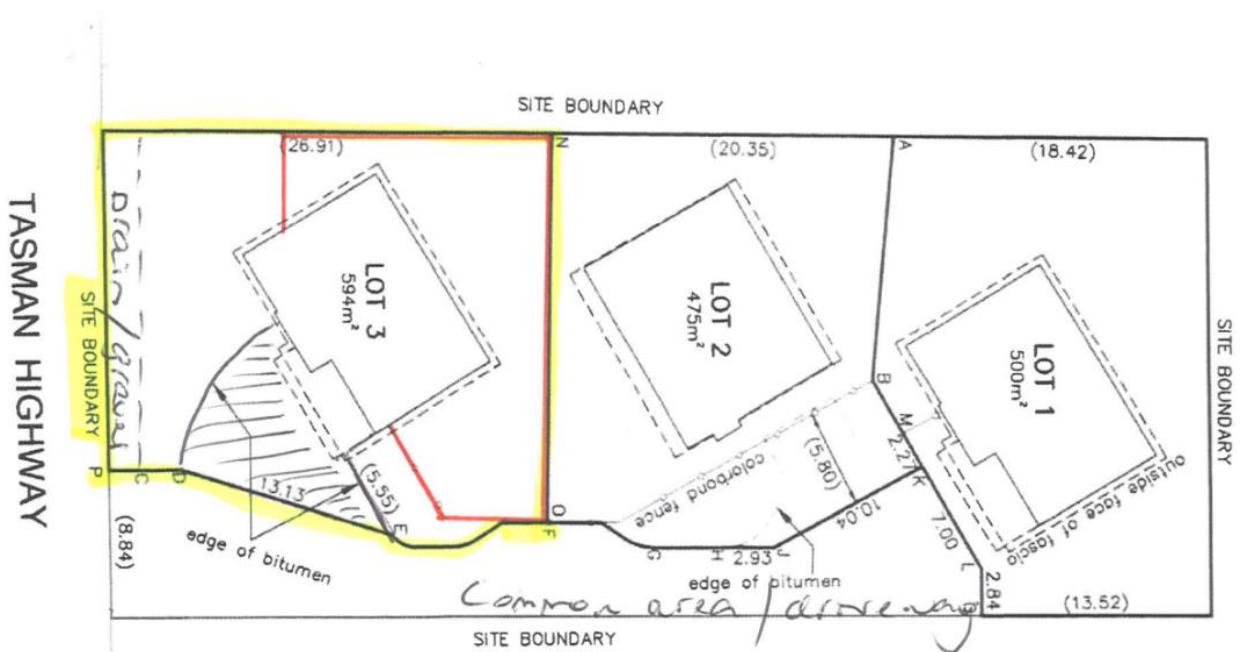


Figure 2: Site Plan

#### 4. Risk and implications

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

#### 5. Background and past applications

The previous application which the representations refer to in their submissions was for the development of the three multiple dwellings under DA2021/200, which was assessed as a permitted application.

#### 6. Site Description

The dwelling is situated at the front of the lot with two additional dwellings to the rear that are part of a stratum title. An application to strata the multiple dwelling was approved and the notice of registration issued on the 16<sup>th</sup> of February 2023.

## 7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

## 8. Easements and Services

N/A

## 9. Covenants

N/A

## PART TWO

### 10. Meeting the Standards via Acceptable Solution

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

- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Asset Code

### 11. Meeting the Standards via Performance Criteria

The proposal has been assessed against the Performance Criteria provided in:

- 8.3.2 Visitor Accommodation

## PART THREE

### 12. Assessing the Proposal against the Performance Criteria

8.3.2 Visitor Accommodation: As the property exceeds 200sqm in gross floor area it cannot meet acceptable solution A1 and so the Performance Criteria must be addressed. As the proposed visitor accommodation is for strata titled property it cannot meet acceptable solution A2 and so the performance criteria must be addressed.

Performance Criteria	Planner's Response
<p>P1: Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>a) the privacy of adjoining properties;</p>	<p>a) The building existing and meets the setback and privacy requirements for the general residential zoning under the Tasmanian Planning Scheme.</p> <p>b) The property does exceed the 200sqm gross floor area but the majority of the</p>

Performance Criteria	Planner's Response
<p>b) any likely increase in noise to adjoining properties;</p> <p>c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>d) retaining the primary residential function of an area;</p> <p>e) the impact on the safety and efficiency of the local road network; and</p> <p>f) any impact on the owners and users rights of way.</p>	<p>ground floor is not useable space and it is only a 3 bedroom property. It is unlikely that noise would be above expected residential levels.</p> <p>c) The use and scale of the existing building is compatible with the surrounding area.</p> <p>d) The use retains the primary residential function of the area.</p> <p>f) the use will not impact owners or users right of way any more than it being used as a residential home.</p>
<p>P2: Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other strata lots within the strata scheme, having regard to:</p> <p>a) the privacy of residents;</p> <p>b) any likely increase in noise;</p> <p>c) the residential function of the strata scheme;</p> <p>d) the location and layout of the strata lots;</p> <p>e) the extent and nature of any other non-residential uses; and</p> <p>f) any impact on shared access and common property.</p>	<p>a) as above</p> <p>b) as above</p> <p>c) as above</p> <p>d) The property is at the very front of the strata and is easily accessible and visible to potential visitors.</p> <p>e) There are no other non-residential users in the strata scheme.</p> <p>f) The shared access of the driveway with the property being at the front of the lot will not impact the common property. The house itself has its own private open space and will not impact other dwellings on the property.</p>

### 13. Referrals

N/A

### 14. Representations

The application was advertised from 2 March 2023 to 17 March 2023 and three representations were received objecting to the proposal. A summary of concerns raised, and responses is included in the Table below. The submissions are included in the attachments to the report, with personal details removed for privacy reasons.

<b>Representation 1</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>- Voiced opposition to original development application noting issues with density and obstruction of ocean views.</li> <li>- Visitor accommodation units have no consideration for rental properties and cause noise disturbance</li> <li>- Property exceeds 200sqm and as such impacts residential function of the area.</li> </ul>	<ul style="list-style-type: none"> <li>- Previous applications and approvals are not taken into consideration in the current assessment.</li> <li>- See noise address in planners assessment above</li> <li>- See property size addressed in planners assessment above</li> </ul>
<b>Representation 2</b>	<b>Response</b>
Noted the same concerns as rep 1	See above response
<b>Representation 3</b>	<b>Response</b>
Noted the same concerns as rep 1 and 2	See above response

## 15. Conclusion

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

## 16. Recommendation

### That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2023/38 at Lot 3, 124 Tasman Highway , Bicheno (CT 61231/5) be approved subject to 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.*

### 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 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 appl



## 4.2 DA2023/44 - Change of use of Buckland Church - 1 Sally Peak Road, Buckland

<b>Proposal:</b>	Change of use of the Church to Function Centre, Market and Museum
<b>Applicant:</b>	Friends of Buckland Church Incorporated
<b>Application Date:</b>	27/02/2023
<b>Statutory Date:</b>	27/04/2023
<b>Planning Instruments:</b>	Tasmanian Planning Scheme - Glamorgan Spring Bay
<b>Zone:</b>	27.0 Community Purpose
<b>Codes:</b>	C2.0 Parking & Sustainable Transport Code; C3.0 Road and Railway Assets Code
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Community Meeting and Entertainment & General Retail and Hire
<b>Development:</b>	Change of Use of the Church and Grounds to Function Centre, Market and Museum
<b>Discretions:</b>	C2.0 Parking & Sustainable Transport Code - C2.5.1A1 – Car Parking Numbers
<b>Representations:</b>	37
<b>Attachments:</b>	1. Exhibited Documents [4.2.1 - 7 pages] 2. De-identified Representations [4.2.2 - 28 pages]
<b>Author:</b>	James Bonner, Senior Planner

### Executive Summary

Planning approval is sought for a change of the use of the Buckland Church and grounds to a function centre, market and museum. The application was advertised for two weeks from 07 March to 24 March 2023. The representation period was extended one week to 31 March 2023 at the request of a representor. During the representation period 37 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 27 April 2023.

### PART ONE

#### 1. Statutory Requirements

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

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

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

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

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

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

## **2. Approving applications under the planning scheme**

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

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

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

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

## **3. The Proposal**

The proposal is to change the use of the Church and a portion of the grounds (identified in green in the site plan) to function centre, market and museum. The function centre use to include provision of a venue for weddings, funeral services, community events and meetings, concerts and other events. The change of use of the church includes the church building and grounds inside the walled yard and the area between the church and the Tasman Hwy. The change of use does not propose to cease the cemetery use.



Figure 1 – Site Plan

#### 4. Risk and implications

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

#### 5. Background and past applications

The church and grounds are listed as being an item of heritage significance on the Tasmanian Heritage Register. The Statement of Significance states that the sandstone church has a fine, highly intact exterior with Gothic Revival forms, steeply pitched roof, belfry and stonework with finely carved headstones. The church interior is also highly intact and notable due to the original pews, tiled floor and intricate stained-glass windows.

#### 6. Site Description

The property is located on the southern outskirts of Buckland on the corner of the Tasman Highway and Sally Peak Road. The lot is substantially cleared of native vegetation and is essentially divided into three areas being an unused grassed area between the driveway and Tasman Highway, the church building and walled grounds in which there are a number of graves and the more substantial newer cemetery located to the east of the church.

The closest residential properties are identified below with approximate distances shown from each dwelling to the boundary of the church grounds.



Figure 2 – Locality Source: LISTMap





Figure 3 – Site Source: LISTMap

## 7. Planning Instruments

The property is zoned Community Purpose under the Tasmanian Planning Scheme – Glamorgan Spring Bay. In the zone Community Meeting and Entertainment (function centre, museum) are a permitted use and General Retail and Hire for a market is a discretionary use.

## 8. Easements and Services

There are no easements affecting the lot and it is not serviced by reticulated water or sewer.

## 9. Covenants

There are no covenants on title affecting the lot.

## PART TWO

### 10. Meeting the Standards via Acceptable Solution

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

- 27.0 Community Purpose 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 below standards could not meet the Acceptable Solution criteria and have been assessed against their relevant Performance Criteria.

- C2.0 Parking and Sustainable Transport Code - C2.5.1A1 – Car Parking Numbers

## PART THREE

### 12. Assessing the Proposal against the Performance Criteria

#### C2.0 Parking and Sustainable Transport Code

C2.5.1 Car parking numbers (A1) – The acceptable solution is that on-site parking is provided in accordance with Table 2.1 of the code. There are no designated on-site parking spaces currently provided or proposed and as such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
<p>P1 - The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p>	<p>The existing use as a church and cemetery did not provide any formalised parking on the site. It is likely that for church related events people would have parked along the edges of the driveway or on the road verges on Sally Peak Road.</p> <p>There is ample area on Sally Peak Road opposite the driveway entrance and at the rear of the church for approximately 40 vehicles to park at a 90<sup>0</sup> angle to the road as well as limited parking along the edge of the driveway.</p> <p>Council's engineering consultant has recommended that any permit include a condition requiring a traffic management plan be developed and be approved by Council for any events that will likely cater for over 40 vehicles or 80 people.</p>

Performance Criteria	Planner's Response
(d) The availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.	

### 13. Referrals

The application was referred to the Tasmanian Heritage Council who advised they had no interest in the application as what is applied for is not 'heritage works' as defined in s32 of the *Historic Cultural Heritage Act, 1995*. The application was also referred to Council's consultant engineer who provided advice on the parking arrangements.

### 14. Representations

The application was advertised for two weeks from 07 March to 24 March 2023. The representation period was extended one week to 31 March 2023 at the request of a representor. During the extended representation period 37 submissions were received objecting to the proposal. A summary of concerns raised, 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.

Issue: Uses Proposed	Response
Objection to the cemetery being used as a function centre, a market, for concerts, or a place to sell alcohol, food or other items.	The land is zoned Community Purpose under the planning scheme in which the proposed uses are permissible. The management of the cemetery is administered under separate legislation that is not connected to the assessment under the planning scheme. It is noted that the proposal does not include the

	active cemetery located outside of the walled grounds of the church.
<b>Issue: Inappropriate use of cemetery</b>	<b>Response</b>
At a previous event people were observed sitting among the graves eating and drinking and listening to music from a band that was also set up amongst the graves. This is inappropriate and disrespectful.	The management of the cemetery is administered under the <i>Burial and Cremation Act 2019</i> and regulations and not under the planning legislation.
<b>Issue: Noise impacts</b>	<b>Response</b>
The noise from music events already held has been loud and has impacted on people within their homes.	There are no noise restrictions or hours of operation in the planning scheme for the village zone. Any instances of complaints of offensive noise to Council would be managed under the noise control provisions of the <i>Environmental Management and Pollution Control Act, 1994</i> .
<b>Issue: Details of Functions</b>	<b>Response</b>
No information has been provided as to what sort of functions would be held, where they would be held, how often and what sort of amenities would be provided.	A function centre is a permissible use in the zone and detail around what type of functions and how many might be held is not information that is required to be provided.
<b>Issue: Heritage</b>	<b>Response</b>
Council should consider the impact the change of use may have on the gravestones, monuments and unmarked graves and obtain a heritage impact statement.	The lot is listed as a heritage item on the State Heritage Register. The application was referred to the Tasmanian Heritage Council who advised that had no comments as the proposal did not involve heritage works.
<b>Issue: Permissibility</b>	<b>Response</b>
The uses listed on the last page of the exhibited documents are different to the uses listed in the advertising notice as being a change of use to function centre, market and museum. Neither function centre or museum are listed as being a permitted or discretionary use in the Community Purpose zone.	In the community purpose zone, community meeting and entertainment is listed as being a permitted use with no qualifications. Community meeting and entertainment is a use class and function centre and museum are listed as being examples that are included in that use class. The majority of uses listed on the last page of the application documents such as venue for weddings, funeral services, community events, meetings and concerts all fall within the definition of function centre.



## 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.

## 16. Recommendation

### That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2023/44 at 1 Sally Peak Road, Buckland (CT 241553/1) for a change of use to function centre, market and museum 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. The approved use does not override the existing cemetery use and must not vary from or intensify from this permit, or any other planning permit applying to the land, unless agreed to in writing by Council's General Manager or as allowed by a future planning permit.
3. A Traffic Management Plan (TMP) is required to be submitted to Council for approval prior to any event being held that may exceed 40 vehicles or 80 attendees. The approved TMP will form part of the approved documents and must be implemented for any event to which the TMP applies.
4. Portable toilet facilities are to be provided as required at events. The number of toilet facilities is to take into consideration the number of people expected to attend and the duration of each event.
5. The areas approved for the function centre, market and museum use includes all areas identified on the approved plan, except hatched area C.

### **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. The permit granting of this permit takes in no account of the *Burial and Cremation Act 2019* and does not override any requirement of that Act in relation to the operation and management of the cemetery.

- c. All costs associated with acting on this permit are borne by the person(s) acting on it.
- 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 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.
- h. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

### 4.3 Draft Amendment AM2022-01 – Glamorgan Spring Bay Local Provisions Schedule – Subdivision of additional lots under the Dolphin Sands Particular Purpose zone

Author: Senior Planning Consultant (Town Planning Solutions Pty Ltd)  
Responsible Officer: Director Planning and Development

#### **ATTACHMENT/S**

1. Representations
2. 40K Report - Draft Amendment AM2022-02

#### **PURPOSE**

The purpose of this report is for the Planning Authority to consider representations that were received to the exhibition of AM2022-02 to revise clause GSB-P1.7.1 Subdivision of the Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme).

#### **BACKGROUND/OVERVIEW**

The Planning Authority will recall that implementation of the Scheme identified that the wording of clause GSB-P1.7.1 Subdivision was changed so that it enabled the subdivision of additional lots, where the Dolphin Sands area had been subject to a prohibition on subdivision since its creation under previous planning schemes.

The Glamorgan Spring Bay Local Provisions Schedule (Scheme) saw an *or* inserted to clause GSB-P1.7.1 Subdivision (bold for highlight):

*P1 Subdivision of land must:*

- (a) *provide for public open space, a public reserve, public services or utilities;*  
**or**
- (b) *have a minimum frontage of 60m; and*
- (c) *not create a lot that is less than 1 hectare in area.*

The Planning Authority initiated AM2022-02 at its 13 December 2022 meeting, following a previous attempted amendment and the response of the Commission.

AM20022-02 sought to amend clause GSB-P1.7.1 Subdivision of the Scheme as follows:

1. Delete the existing provisions;
2. Insert the following new provisions:

Objective:	To prevent subdivision within Dolphin Sands other than that incidental to existing lots.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Subdivision must:	P1 No performance criteria.

(a) be for the consolidation of lots with no additional lots are created; or (b) provide for public open space, a public reserve, public services or utilities.	
A2 Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have an area of not less than 1 hectare.	P2 No performance criterion.
A3 Each lot, or a lot proposed in a plan of subdivision, excluding for riparian or littoral reserves or utilities, must have a minimum frontage of 60m.	P3 No performance criterion.

## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

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

### **Key Foundations**

1. Our Governance and Finance

### **What we plan to do**

- Advocate and lobby effectively on behalf of the community.

## **STATUTORY IMPLICATIONS**

Land Use Planning and Approvals Act 1993

- Division 3B – Amendments to LPS's
- 40G. Notice of exhibition
- 40H. Exhibition
- 40J. Representations
- 40K. Report to Commission about draft amendments

AM2022-02 was exhibited for the statutory period of 28 days in accordance with the requirements of sections 40 G and H. This period ran from 23 December 2022 to 30 January 2023, and was extended to account for the office closures over the Christmas and New Year period. Four representation was received during that period.

Section 40K(2)(b) allows the Planning Authority to consider representations that are received after the exhibition. An extension of time was obtained from the Commission to allow property owners to be directly contacted about AM2022-02.

An additional 19 representations were received following the close of the representation period. The Planning Authority must formally determine whether to receive and consider those representations as part of this process.

Section 40K requires that the Planning Authority submits a report on the representations that were received during the exhibition period. Subsection (2) requires that this report must contain:

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

### **BUDGET IMPLICATIONS**

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

### **RISK CONSIDERATION/S**

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

### **OFFICER’S COMMENTS**

AM2022-02 results from a complex process.

The initial exhibition period resulted in four representations being lodged to the amendment, three objecting and one supporting. This was not consistent with the Planning Authorities understanding of the community views.

Following close of the formal exhibition period, property owners were contacted by mail and an extension of time obtained for the consideration of representations. This resulted in an additional 19 representations being submitted. These were summarised as follows:

No.	Representor	Support	Oppose
1	P J Coon	Supports	
2	DMA for Patterson-Were		Opposes
3	Hugh Clement		Opposes
4	DMA for Rooke		Opposes
	<b>Received after 30/1/2023</b>		
5	Peter Rooke		Opposes
6	A & K Swan	Supports	
7	G Stoward, L Turner	Supports	
8	P Gillick C Zeng	Supports	
9	J Topfer	Supports	
10	A Wilson	Support	
11	I Helmond	Support	
12	S Davenport	Support	
13	N Bax & P Lovell	Support	
14	M Chamberlain	Support	
15	N Shakespear, G Johnson	Support	
16	S & S Barrett	Support	
17	A Coltier	Support	
18	M & P Flanagan	Support	
19	J Kay	Support	
20	T Flanagan & F Joske	Support	
21	G Isherwood	Support	
22	J Crawford	Support	
23	G Harrison	Support	

The representations opposing the amendment cite the following reasons:

- The change was not inadvertent or an error, citing the advice of the Tasmanian Planning Commission;
- AM2022-02 fails the statutory tests at Section 34(2) and section 32 of the Act, contending that the amendment does not meet those requirements;
- the area has limited subdivision potential, described as follows by Mr Hugh Clement (a registered land surveyor):
  - approximately 164 small lots (less 2ha or less) and only 5 or 6 lots have real subdivision potential;
  - approximately 163 lots are between 2.8 and 6.1 ha, which may result in an additional 35 lots;
  - 14 larger lots (between 9.1 and 14.1 ha) may result in an additional 41 lots;
  - approximately 65 of the original 240 lots have subdivision potential
  - the adjoining Cambria Drive area suggests that the 1ha minimum lot size is appropriate;

- the existing controls would likely generate a potential yield of 49 lots, which would be likely to generate an additional 25 lots over time;
- the amendment does not further the Schedule 1 objectives of the Act, as it will prevent rather than promote development;
- The objections to planning applications are low (2 representations for the one exhibited subdivision application);
- The provision was subject to extensive exhibition, assessment, representation and review through the LPS process and ultimately approved by the Commission;
- The existing provision complies with the STRLUS, particularly SRD1.3 & 1.4; and
- The existing controls promote infill within an existing area consistent with the requirements of the Tasmanian Planning Scheme.

It is noted that Representor 3, Mr Hugh Clement, will be providing expert evidence from EcoTas once it is available. This information will likely be available for the hearings that the Commission will schedule at a future time.

In response to these points, the following is noted:

- Legal advice was obtained before AM2022-02 was commenced that informed the decision to commence the current process;
- The Planning Authority respectfully disagrees with the advice of the Commission that the change was not an error is noted;
- It is not clear to the Planning Authority how a substantial change could be made to the planning scheme under the Transitional process as part of the LPS process;
- The previous and supporting reports clearly identify that the Planning Authority did not strategically consider the change that occurred to the specific provisions through the Local Provisions Schedule process;
- the Transitional status afforded by the Ministerial declaration meant that the provisions were not subject to the formal exhibition, representation, assessment and submission process as all other parts of the LPS were during that process;
- statements in the representations that the subject provisions were open to assessment multiple times through the LPS process are incorrect;
- statements that the Scheme must allow further subdivision to comply with the Schedule 1 Objectives of the Act disregard multiple objectives across a range of matters, most specifically 2g for the conservation of areas or places with specific values; and
- The assessment of the additional lot yield provided by Mr Clement is accepted.

Following from the representations against AM2022-02, no changes are recommended.

Representations that supported AM2022-02 generally cite a combination of the following reasons:

- The amenity afforded to the Dolphin Sands area and lifestyle;
- Disturbance to the fragile environment and wildlife;
- The sensitive littoral landscape;
- Recent increases in development, particularly around tourism;
- Risk of over-development;
- threat to the aquifer from increased and potentially inappropriate use;
- increased fire risk in a high risk zone;

- damage to vegetation protecting the stability of the dunes;
- disturbance to wildlife;
- loss of general amenity (the privacy and tranquillity typically resulting from a dispersed, low population);
- increased demands for infrastructure; and
- diminishing community amenity.

The advice and decisions of the Planning Authority are consistent with many of the views expressed in those representations. In response to some of the issues raised:

- many of the matters are managed outside the land use planning system and include the following:
  - extraction of ground and aquifer water;
  - onsite waste water management systems;
  - threatened species legislation at State and Federal levels;
  - Bushfire hazard management (through abatement and building process);
  - Littoral landscapes (through crown land ownership) and
- the respective merits of the original masterplan and lifestyle/amenity afforded to the Dolphin Sands area were recognised through AM2022-02.

The Planning Authority remains of the view that the change to the opportunity for subdivision through the LPS process was not considered at a strategic level, despite the advice issued by the Commission.

Representation 22 suggested the deletion of the provisions at A1 of AM2022-02 to remove any potential for a smart operator to wriggle through the provisions.

The general provisions at clause 7.3 of the Scheme provide for an adjustment of a boundary and does not mention consolidation of lots. The proposed wording for A1 requires that lots must be for consolidation, public open space, public reserve, public services or utilities. Any lots that do not meet those requirements fail assessment at A1 and must be refused. There is no potential for any other lots. No changes are recommended as a result of this concern.

Following the representor's concerns, it was noted that some of the terminology was dated and should be revised under criteria a and b, such as the term *public services* having been replaced by the term utilities through the Tasmanian Planning Scheme. As a result, minor revisions are proposed for A1 a and b.

A discussion of the issues and detailed response to each representation was provided as Attachment 2 to this report.

A recommendation was provided to accept the representations received after the statutory exhibition process and reflect this assessment.



## 16. Recommendation

### That:

Pursuant to Section 40k under Division 3 of the *Land Use Planning and Approvals Act 1993* the Planning Authority:

1. Include representations 5 to 23 inclusive in its assessment of the representations to AM2022-02 under section 40K(2)(b) of the Act;
2. Endorse Attachment 2: *40K Report - Draft Amendment AM2022-02 v1.1* as its report on AM2022-02 in accordance with Section 40K(2) of the Act; and
3. Recommend to the Tasmanian Planning Commission that AM2022-02 be modified to revise A1 (a) and (b) as follows:
  - (a) be for the consolidation of lots with no additional lots created; or
  - (b) be for public open space or utilities.

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

**RECOMMENDATION**

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

## 5 FINANCIAL REPORTS

### 5.1 Financial Report period ending March 2023

Author: Director Corporate & Community (Elyse Blain)

Responsible Officer: {custom-field-responsible-officer}

#### ATTACHMENT/S

1. Group Financial Statements 2023-03 [5.1.1 - 5 pages]

#### BACKGROUND/OVERVIEW

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

#### STATUTORY IMPLICATIONS

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

#### BUDGET IMPLICATIONS

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

#### RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
There are no material risks from adopting this recommendation.				
<b>Do not adopt the recommendation</b>				
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. Council needs to endorse.

**OFFICER'S RECOMMENDATION**

That Council receives and notes the Financial Reports as attached to this report for the period ended 31 March 2023.

## 6 SECTION 24 COMMITTEES

### 6.1 Triabunna Recreation Ground Advisory Committee - 13 September 2022



## GLAMORGAN SPRING BAY COUNCIL

Section 24 Advisory Committee Meeting  
Triabunna Recreation Ground

# MINUTES

**MEETING HELD** – *Tuesday 13<sup>th</sup> September, 2022 - Recreation Room*

**MEETING OPENED:** 5.40 pm

**PRESENT:** Nerissa Alomes, Deputy Mayor Jenny Woods, Councillor Cheryl Arnol, Steve Davies, General Manager – Greg Ingham, Jan Sweet

**APOLOGIES:** Geoff Gadd, Jim Walters

**ABSENT:**

**CONFIRMATION OF LAST MINUTES:** (9<sup>th</sup> August, 2022 )

Moved: Councillor Chery Arnol                      Seconded: Jan Sweet      Carried

#### **CORRESPONDENCE IN:**

- Service invoice from Hawes Pest Control.
- Email from Jazmine Murray Executive Officer requesting Greg Ingham, General Manager's attendance at next S24 meeting.
- Email from Phil Giffard advising he has completed Evaluation of the Stronger Communities Programme Survey on S24's behalf.

#### **CORRESPONDENCE OUT:**

- Email to Greg Ingham – General Manager re: Review of S24 Committee

#### **MATTERS ARISING FROM PREVIOUS MINUTES**

- Email to Greg Ingham – General Manager re: Review of S24 Committee

## **TREASURERS REPORT -**

### Working Financial

Opening Balance	\$ 14,589.83
Income	\$ 200.00
Expenditure	\$ 2,480.41
<b>Closing Balance</b>	<b>\$ 12,309.42</b>

Moved: Deputy Mayor Jenny Woods

Seconded: Jan Sweet Carried

## **NEW BUSINESS**

- Jan Sweet presented General Manager – Greg Ingham with photos of perimeter of recreation ground after flooding from heavy rainfall on 13<sup>th</sup> August. General Manager to liaise with Council staff re: drainage as this is ongoing problem.
- Steve Davies advised he would organize to have ground rolled before commencement of cricket season.
- General Manager – Greg Ingham addressed the meeting re: the revision and dynamics of Section 24 committees as per the Local Government Act 1993. General Manager – Greg Ingham commended the committee on its valued role in assisting the Council and management of the facility.
- Discussion was held regarding the 12 month delay in commencement of the current upgrade to the changerooms and Section 24 committee expressed their disappointment as this has greatly impacted financially on other improvements which were to have been included in the original funding.
- Jan Sweet to forward Terms of Reference to General Manager – Greg Ingham.
- It was noted that upcoming election may determine new Council representatives for Section 24 committee.

## **NEXT MEETING**

To be advised

There being no further business, the meeting was declared closed at 6.50 pm

## **RECOMMENDATION**

That the Minutes of the Triabunna Recreation Ground Advisory Committee meeting held on 13 September 2022 be received and noted.

## **7 INFORMATION REPORTS**

### **7.1 Director Works and Infrastructure - Peter Porch**

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

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

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

#### **OFFICER'S COMMENTS**

##### **ASSET MANAGEMENT**

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

The process of asset take up has commenced with new assets from development and internal council construction now being measured up for addition to the asset registers.

Completed capital works on existing assets is updated in the system to keep the data as accurate as possible. This includes applying the as-constructed renewal values and identifying any capital works not previously identified for capturing and depreciating.

An example of this is the development of the car parking area at the marina in Triabunna. The works cost in the order of \$20,000 which is above the recognition value for assets and as a result this becomes a new asset with depreciation and renewal consequences.

##### **CONSULTANT SERVICES**

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

- Hydrological advice for development
- Project management
- Civil and Geotechnical Engineering Design – Rheban Rd Spring Beach/Old Coach Road
- Contract supervision – Wielangta Road

##### **OPERATIONAL WORKS**

##### **ROADS, BRIDGES, FOOTPATHS, KERBS**

**Unsealed road works:**

- 6 Unsealed road inspection completed.
- Old Coach Rd land slide due to wet weather- barricaded, signed posted and managed.
- Maintenance grade of small, unsealed roads around Swansea- completed.
- Springs Rd/Crossing Rd maintenance grade- Underway
- McNeills Road maintenance grade- completed.
- Flacks Rd maintenance grade- April/May
- River & Rocks Rd maintenance grade- April/May
- Grange Rd, Swansea- April
- Box outs Cutting Grass Rd- completed.
- Cutting Grass Rd potholing- completed.

**Sealed road works:**

- Cold mixing of potholes across the municipality- Ongoing
- Box out road failures:
  1. Road failure- Harold St, Coles Bay- Ag drain installed and is now drying out, awaiting re-seal (been too wet) – reseal completed, more sub-drain work required.
  2. Road failure, Cosgrove St, Coles Bay- Ag drain installed and now waiting for pavement to dry out- planning reseal.
  3. Opposite 42 Rosedale Rd, Bicheno- box out completed, awaiting re-seal (been too wet) - planning reseal, more box outs to do first on Rosedale Rd.
  4. Harvey Farm Rd road failure- boxed out, awaiting seal- planning reseal will be scheduled with Rosedale Rd reseals.
  5. Dolphin Sands Rd- 10 box outs and reseals completed
  6. Saltworks Rd, 1 patch- completed.
- Milling and reseal of pavement failures:
  1. Dolphin Sands Rd 12 patches- completed.
  2. Jetty Rd Coles Bay- completed.
  3. Esplanade Coles Bay- completed.
  4. Roberts St, Triabunna 7 patches- completed.
- Swansea, Gordon St- 1 patch- completed. Roadside and fire break slashing - Deck mowing completed across the municipality.
- Reach Slashing of roadsides not accessible to deck slashing- 80% completed.

**Bridges**

- Griffiths Rivulet – old bridge deck that had washed down stream three years ago has now been removed
- Nugent Rd bridge rail damage(2<sup>nd</sup> time) ordered flexible delineators to replace rail and chevron signs to install on top side of bridge- completed.
- Glen Gala bridge, install 4 X bridge width signs- completed.
- Glen Gala bridge, abutment repair- underway.



## **STORMWATER, DRAINAGE**

- Open drain and culvert/cross over maintenance - ongoing across municipality
- Repair of stormwater sink hole in Burgess St Bicheno
- Investigations of blockages and leaks continue

## **WASTE MANAGEMENT**

- All WTS stations operating on summer opening hours- Monday, Tuesday, Wednesday, Thursday, Friday and Sunday until April 2023
- EFTPOS for WTS's- Bicheno and Coles Bay to be completed in March- completed, all WTS's now have EFTPOS.
- Swansea WTS perimeter fencing- underway.
- Swansea WTS consolidation of materials- underway
- Swansea and Bicheno green waste burn- completed.

## **PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES**

- 8 playground inspections carried out
- Tree trimming in high-risk locations (parks and public spaces) across municipality - Ongoing.
- Bicheno walking tracks from Murray St to Champ St, southern sides of road - Planned for April. DSG approved TMP.
- Bicheno footpath between Sealife Centre and skate park- boxed out ready for concreting.
- Millington Beach toilet block parking/access road drainage issues- completed.
- Soft fall replenishment in playgrounds- completed.
- Graffiti removal on public amenities – completed
- 4 Quantified tree risk assessments completed

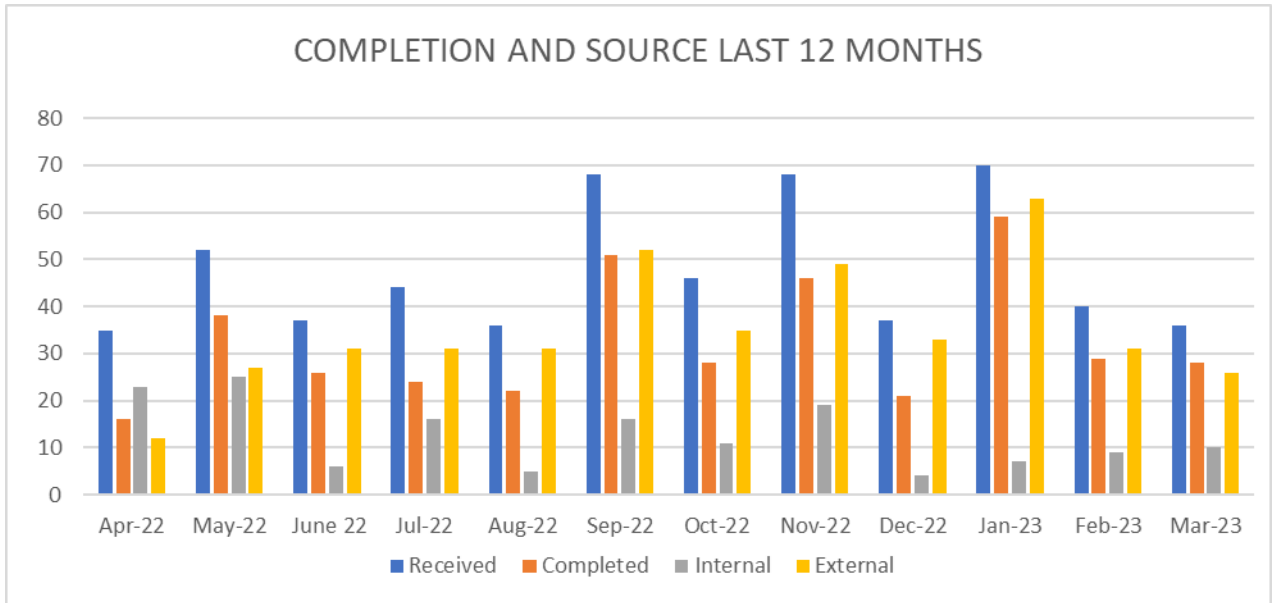
## **EMERGENCY MANAGEMENT**

After hours rostering carried out as scheduled.

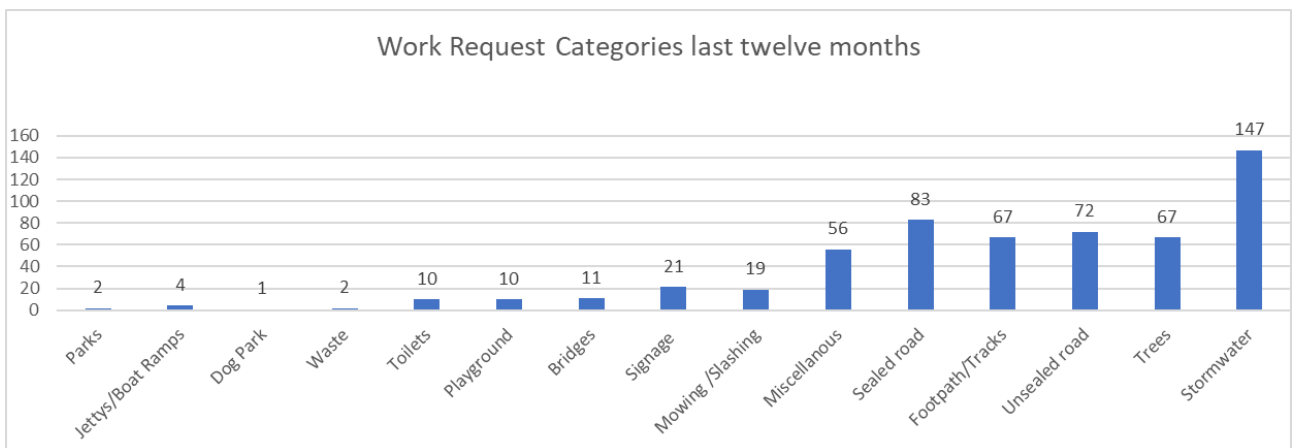
- Swansea Risks Roles Ready session completed on March 23<sup>rd</sup>.
- Bicheno Risk Ready Roles session scheduled for 12<sup>th</sup> May 5.00pm – 7.30pm

## **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:



The combined number of requests for unsealed and sealed roads has eclipsed stormwater for the first time in a long while. This is reflective of the warmer dryer season and a reduction in stormwater requests rather than an increase in road requests.

## CAPITAL WORKS

- 2023 capital reseal campaign:
  1. Alma Rd, highway to Holkham Crt- completed.
  2. Alma Rd new seal- completed.
  3. Charles St, Orford reseal- completed.
  4. Buckland Rd reseals- completed.
  5. Twamley Rd, return sealed section to unsealed road- completed.
  6. Rosedale Rd reseal- completed.
  7. Freycinet Drive reseal- completed.

## **Grant funded**

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

- Coles Bay Walking Track tenders closed – contract works imminent.
- Bicheno Gulch DA documents in development
- Swansea Footpath Upgrade construction continues
- Bicheno Triangle scope being reviewed to align with budget
- Funds to enable road widening to enable full use of Sand River Road have been secured from Defence. These works will be scheduled to commence in May.

## **PLANT AND VEHICLES**

- 16t replacement truck at bodybuilders
- Replacement utility (flat Tray) in service

## **GENERAL**

- Bicheno EV Charger now operational. This unit can be used with credit card, rather than an app, which is unique.

## **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:

- ANZAC Day Triabunna
- Traffic Management Plan provision for ANZAC day Bicheno

## **RECOMMENDATION**

That Council notes the information.

## **8 OFFICERS' REPORT REQUIRING A DECISION**

### **8.1 Swansea Courthouse Management Committee - 2022 Annual Report**

Author: Executive Officer (Jazmine Kerr)

Responsible Officer: General Manager (Greg Ingham)

#### **ATTACHMENT/S**

1. Annual Report to Council 2022 [**8.1.1** - 5 pages]
2. Terms of Reference - Swansea Courthouse Management Committee [**8.1.2** - 4 pages]

#### **PURPOSE**

The purpose of this report is to present the Swansea Courthouse Management Committee's (SCMC) 2022 Annual Report to Council for consideration and noting.

#### **BACKGROUND/OVERVIEW**

As per the Swansea Courthouse Management Committee's Terms of Reference (see attached), the SCMC are required to provide their Annual Report to Council.

The SCMC are also responsible for the following:

- the regular review of the business plan; hiring out of the Courthouse facilities; supervising the preparation of a Heritage Conservation Plan; applying for building permits; applying for funding assistance; overseeing conservation and improvement works.
- ensuring community commitment to support the on-going use of an upgraded building for community activities and events.
- working in partnership with Council to obtain funds for the Heritage Conservation Plan and for building works.
- Applying for incorporation and to that end voting on and accepting a constitution.

The SCMC have submitted their Annual Report to Council for consideration and have detailed the SCMC activities for 2022, noting the key achievements, current financial position and alignment to SCMC business plan.

#### **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**

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

**STATUTORY IMPLICATIONS**

N/A

**BUDGET IMPLICATIONS**

N/A

**RISK CONSIDERATION/S**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Risk Mitigation Treatment</b>
<b>Adopt the recommendation</b>				
N/A				
<b>Do not adopt the recommendation</b>				
N/A				

**OFFICER'S RECOMMENDATION**

That Council receives and notes the Swansea Courthouse Management Committee's 2022 Annual Report.

## **8.2 Southern Councils Climate Collaboration**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

1. Carbon & Energy Footprint - Glamorgan Spring Bay 2019 - 2022 [**8.2.1** - 18 pages]

### **PURPOSE**

To apprise council on progress in recognition of climate change and council's opportunities to manage its impacts.

### **BACKGROUND/OVERVIEW**

Council participates as a member of the Southern Councils Climate Collaboration and draws on the strengths of the group to facilitate and progress aspects of response to climate change for mitigation and reduction of outputs by member councils.

Officers have provided information relating to a range of energy and waste activities to enable the development of the attached report on councils Carbon and Energy Footprint.

### **STRATEGIC PLAN REFERENCE**

#### **Guiding Principles**

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

#### **Key Foundations**

5. Our Environment

#### **What we plan to do**

- Review and update existing Council strategies and plans.

### **STATUTORY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

There are no budget implications in presentation of the report. Officers will assess options for actions proposed and incorporate measures in future programs and activities in accord with councils Strategic and Annual Plan cycles and budgets.

## RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				
No risk identified				
<b>Do not adopt the recommendation</b>				
Strategic Plan Core Function 8 is best supported by the recommendation.	Possible	Moderate	Moderate	Officers seek other information to support the strategic plan actions.

## OFFICER'S COMMENTS

Council's Strategic Plan 2020 – 2029 identifies 8 core functions required to fulfil Council's purpose. Core Function 8 is: *Protecting the environmental values and amenity of the east coast.*

The description associated with this purpose is: *Our extraordinary natural values are precious and fragile and we will protect them for our own and future generations.*

This report provides information which enables council to review and update its strategies and plans, which is an action within the strategic plan designed to deliver our core functions.

## OFFICER'S RECOMMENDATION

That council notes the report and requests the General Manager consider the recommendations within the report for implementation as practical.

### **8.3 Leasing and Licensing of Council Owned and Managed Property Policy**

Author: Director Planning & Development (Alex Woodward)

Responsible Officer: Director Planning and Development (Alex Woodward)

#### **ATTACHMENT/S**

1. Leasing and Licensing of Council Owned and Managed Property Policy Final Ver (1)  
[8.3.1 - 8 pages]

#### **PURPOSE**

To recommend that Council adopts the Leasing and Licensing of Council Owned and Managed Property Policy.

#### **BACKGROUND/OVERVIEW**

Council owns and manages a number of properties in our municipality. A significant number of these properties are occupied by different organisation's and/or persons. To ensure Council meets its governance and risks requirements, it is important that agreements are in place for all Council properties that are occupied. Furthermore, when managing these agreements, it is important to ensure that a consistent approach is taken.

To assist staff with this, a Leasing and Licensing of Council Owned and Managed Property Policy (the Policy) has been created. A copy of the recommended Policy is Attachment 1.

The new Policy applies to all groups, entities, and individuals (users) wishing to access a Council owned or managed community property or facility. It is noted that this Policy does not apply to land or buildings currently managed by Section 24 Committees.

#### **STRATEGIC PLAN REFERENCE**

##### **Guiding Principles**

5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

##### **Key Foundations**

4. Infrastructure and Services

##### **What we plan to do**

- Maintain public amenities and recreational facilities.
- Develop plans, policies and guidelines for built assets.

#### **STATUTORY IMPLICATIONS**

Council has statutory obligations under the *Local Government Act 1993* and the *Residential Tenancy Act 1997*. The details contained with this policy comply with these requirements.



## **BUDGET IMPLICATIONS**

It is not expected that there would be any significant financial implications stemming from this report. However, it is expected that there would be some financial gains for Council in regard to better cost recovery, the collection of bonds to cover the cost as damage to facilities and some increases in rent to be implemented over an appropriate time frame.

## **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> Some tenants may feel aggrieved about requiring a formal agreement and requirements contained within.	Minor	Possible	Low	Discretion to deviate from the Policy if necessary. Require an internal review of the Policy 12 months after its implementation.
<b>Do not adopt the recommendation</b> Risk to the reputation of Council. An ad hoc and inconsistent approach to leasing and licensing continues.	Moderate	Likely	Moderate	Attempt to apply a consistent approach to lease and licenses based off historical approaches.

## **OFFICER'S COMMENTS**

By adopting this Policy, it will assist in ensuring Council has a consistent approach to managing properties it owns and manages. It will also provide clear guidance for tenants and the responsibilities contained within leases and licences. Furthermore, it will address the risks to Council and also tenants.

## **OFFICER'S RECOMMENDATION**

That Council adopts the Leasing and Licensing of Council Owned and Managed Property Policy in the form of Attachment 1.

## **8.4 Request for Event Support - Bicheno Beams**

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

### **ATTACHMENT/S**

1. Bicheno Beams - Grant Application [**8.4.1** - 1 page]

### **PURPOSE**

Recommendation for Council to approve Event expenditure to support the local community event 'Bicheno Beams,' which is organised by the Bicheno Community Development Association.

### **BACKGROUND/OVERVIEW**

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

Bicheno Community Development Association (BCDA) (Incorporation number 02958C) has applied to Council for \$2,500 of financial support for the Bicheno Beams winter event, which is scheduled to run nightly from 6pm July 1st to 22nd, 2023.

Bicheno Community Development Association are a not-for-profit organisation that work with the community to improve the local environment and strengthen the Bicheno community through advocacy, networking, raising funds for the community and so much more.

Bicheno Beams is a laser light show that is scheduled for three weeks of July 2023, consisting of multi coloured lasers into the night sky choreographed to a music track streamed online that resonates with indigenous undertones and pulsating rhythms. The experience is enhanced by a personal 'meet and greet' from local volunteers who host the show each night.

Bicheno Beams was established in August 2021 with the support of Federal grant funding under the Recovery for Regional Tourism program.

Since inception of the event, Council has supported Bicheno Beams event in several ways provision of storage for the event's equipment while not in use at Council facilities, provided use of the Bicheno Lions Park and, paid for permission to broadcast music via a copyright licence. In 2022 in addition to the above Council provided \$2,650 of financial support to the event.

In 2021, 7,000 visitors attended the event over a 6-week period. In 2022, 10,640 visitors attending the event over a 4 week period. This year Bicheno Beams is anticipating 12,000 visitors over 3 weeks to come and watch the laser show.

The Bicheno Beams event project puts a focus on the East Coast at Bicheno as a winter destination, builds confidence and assists to continue economic activity into the off season. The event has a positive effect on all businesses and accommodation providers in the Bicheno and surrounding regions.

## **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 event assistance are considered throughout the year. Council has an allocation of \$12,000 in the 2022/23 budget. for Council run and other events & programs. As at 31 March 2023 there is \$1,648 remaining from this budget to support this application

**RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Low	Low	Low	Nil
The risks associated with providing funding to the event are immaterial				
<b>Do not adopt the recommendation</b>	Low	High	High	Council provides alternative funding opportunities for the event.
Event unable to obtain adequate funding to meet basic event needs.				

**OFFICER’S COMMENTS**

The applicant has not specified what the funding is for. There is not enough funding in the Events budget for the funding requested.

An additional \$1,000 could be contributed to this funding request from the community small grants budget which has capacity for this value.

**OFFICER’S RECOMMENDATION**

That Council approve the application from Bicheno Community Development Association for \$2,500 towards Bicheno Beams.

## 9 NOTICES OF MOTION

### 9.1 Notice of Motion - Deputy Mayor Michael Symons

#### **BACKGROUND**

Council fully supports the establishment of a new Ambulance Station within Bicheno's town boundaries.

Discussions with retailers and community members indicates that there are concerns with the chosen sites suitability due to:

- The high traffic and high pedestrian movements within close proximity to the proposed site.
- The proposed site has been identified as an important area which could potentially be used for future commercial and retail development within the Bicheno town centre.
- The current owner of the site has submitted a development application to council which as part of a commercial retail development includes a substantial amount of affordable housing.
- Concerns over the robustness of consultation around the choice of the proposed site, including no known traffic assessment or management plan having been undertaken.

I believe Council has an opportunity to put forward the existing Council Depot as an alternative site via a formal offer.

#### **MOTION**

Moved by Deputy Mayor Michael Symons, seconded

That Glamorgan Spring Bay Council write to the Health Minister requesting a meeting with his representative's to give the Council an opportunity to put forward the value of the existing Council Depot as an alternate site.

## **10    PETITIONS**

Nil.

## **11 COUNCILLORS**

### **11.1 Questions on Notice by Councillors**

Nil.

### **11.2 Comments/statements**

## 12 CONFIDENTIAL ITEMS (CLOSED SESSION)

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

- Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 28 March 2023**  
As per the provisions of Regulation 15 (2) (a) and (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 2: Tender Recommendation - Coles Bay Foreshore Path Track Works**  
As per the provisions of Regulation 15 (2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 3: Tender Recommendation Coles Bay Foreshore Esplanade Asphalt**  
As per the provisions of Regulation 15 (2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*.
- Item 4: Landfill Services**  
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].

***The Mayor to confirm that the recording has been terminated.***



## **13 CLOSE**

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

**CONFIRMED** as a true and correct record.

**Date:** **Mayor Cheryl Arnol**