



ORDINARY COUNCIL MEETING AGENDA

TUESDAY 23 AUGUST 2022

2:00 PM

Council Chambers, Triabunna

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday 23 August 2022, 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 18 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.

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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 and Apologies

1.3 In Attendance

1.4 Late Reports

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.

2 CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 26 July 2022

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 26 July 2022 at 2:00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop(s) Held

TUESDAY 09 AUGUST 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 5:30pm on Tuesday 09 August 2022 at the Council Offices, Triabunna.

Present:

Mayor Robert Young
Deputy Mayor Jenny Woods
Clr Cheryl Arnol
Clr Keith Breheny
Clr Annie Browning
Clr Rob Churchill
Clr Michael Symons (via remote video conference)

Apologies:

Clr Grant Robinson

In Attendance:

Mr Greg Ingham, General Manager (via remote video conference)
Mr Alex Woodward, Director Planning and Development
Mr Peter Porch, Director Works and Infrastructure
Mrs Elysse Blain, Director Corporate and Community
Mr Adrian O'Leary, Manager Buildings and Marine Infrastructure
Mr Mick Purves, Senior Planning Consultant
Mr James Bonner, Senior Planner

Guests

- Samuel Paske & Trent Swindells (TasWater)
- Laurel McGinnity (NRM South)
- Rocky Caccavo (via remote video conference)

Agenda

- Presentation by TasWater
- Presentation by Laurel McGinnity from NRM South - Moulting Lagoon
- Triabunna Marina Development Presentation
- RA1 Swanwick Road - Creation of Wetland
- Dolphin Sands Subdivision
- Cambria Update
- Central Orford Stormwater Catchment Plan
- Tree Policy update

RECOMMENDATION

That Council notes the information.

3 PUBLIC QUESTION TIME

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

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

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

3.1 Questions on Notice

Nil

3.2 Questions Without Notice

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

4 PLANNING AUTHORITY SECTION

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

RECOMMENDATION

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

4.1 DA2022/124 Four Visitor Accommodation, 3 Jetty Road, Coles Bay

Proposal:	4 new visitor accommodation villas
Applicant:	Tanner Architects
Application Date:	01/06/2022
Statutory Date:	30/08/2022
Planning Instruments:	Tasmanian Planning Scheme
Zone:	Low Density Residential
Codes:	C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets
Specific Area Plans:	N/A
Use:	Visitor Accommodation
Development:	4 x Visitor Accommodation Villas
Discretions:	10.3.2 Visitor Accommodation, Fencing 10.5.1 Non-Dwelling, C2.0 Surface and drainage
Representations:	7
Attachments:	Exhibited Documents (Part 1,2 and 3) Representations
Author:	Tiara Williams, Planning Officer

Executive Summary

Planning approval is sought for a development comprising four (4) visitor accommodation buildings (villas) at 3 Jetty Road, Coles Bay. The proposal was advertised for two weeks from 24 June 2022 – July 2022 and 7 representations were received objecting to the proposal.

This report assesses the proposal against the standards of the relevant zone and 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 30 August 2022.

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 applicant has proposed to demolish the existing dwelling and build four (4) visitor accommodation buildings (villas), with the fourth being proposed for the occasional use of the owners as well as visitor accommodation. The proposed buildings are all two storeys, with a proposed communal BBQ area.

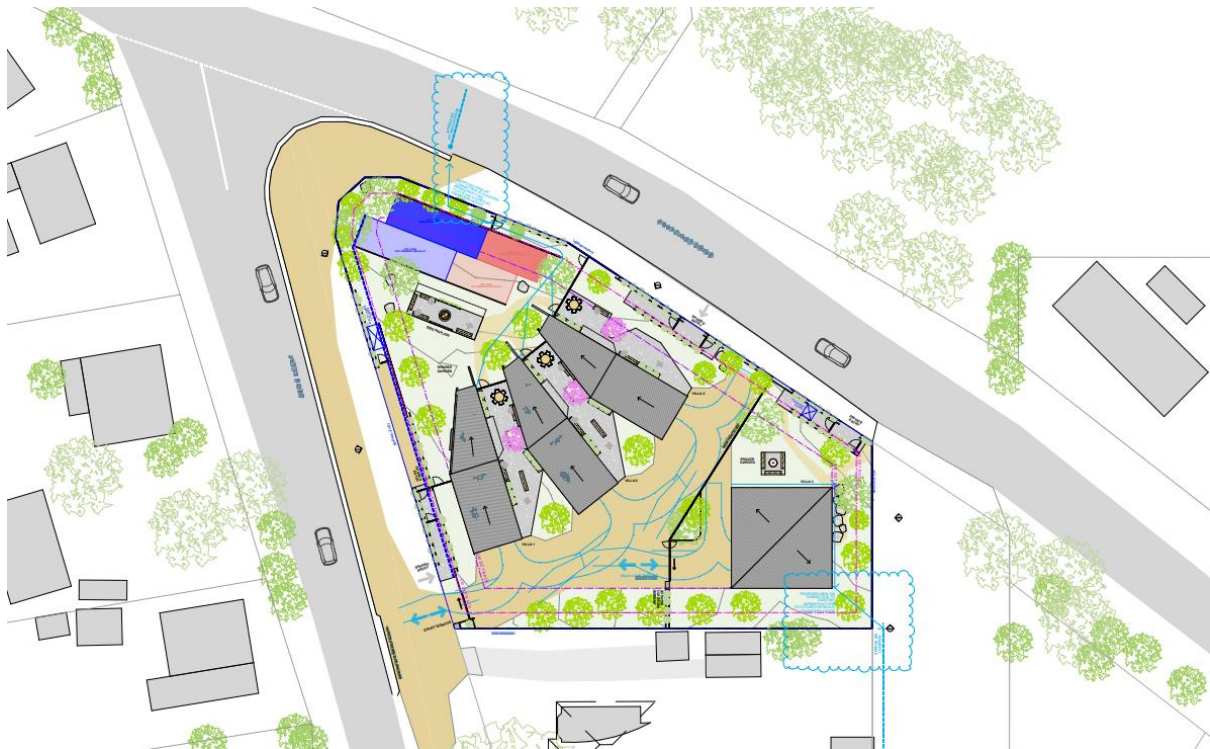


Figure 1: Site Plan

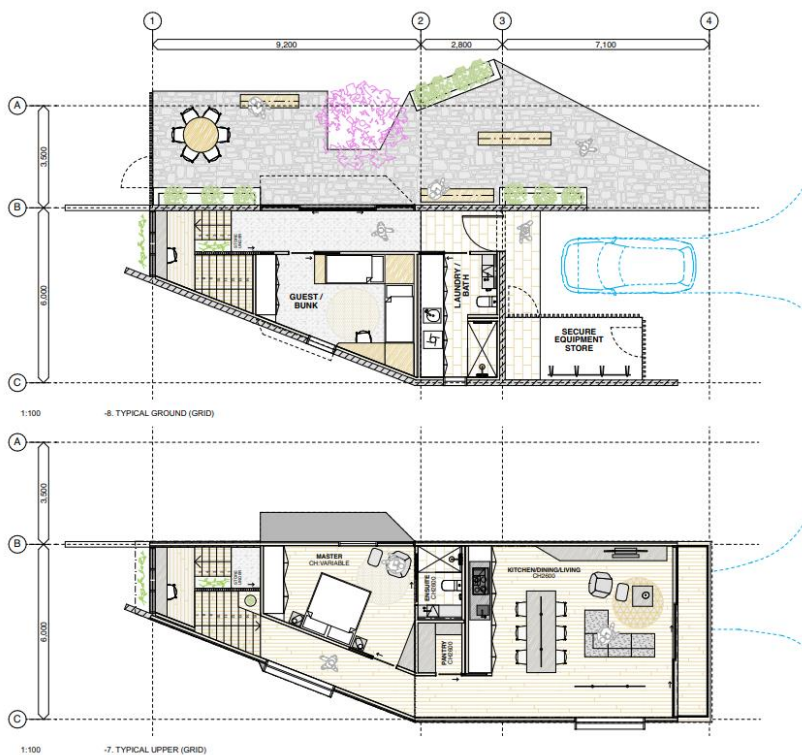


Figure 2: Design of villas 1-3

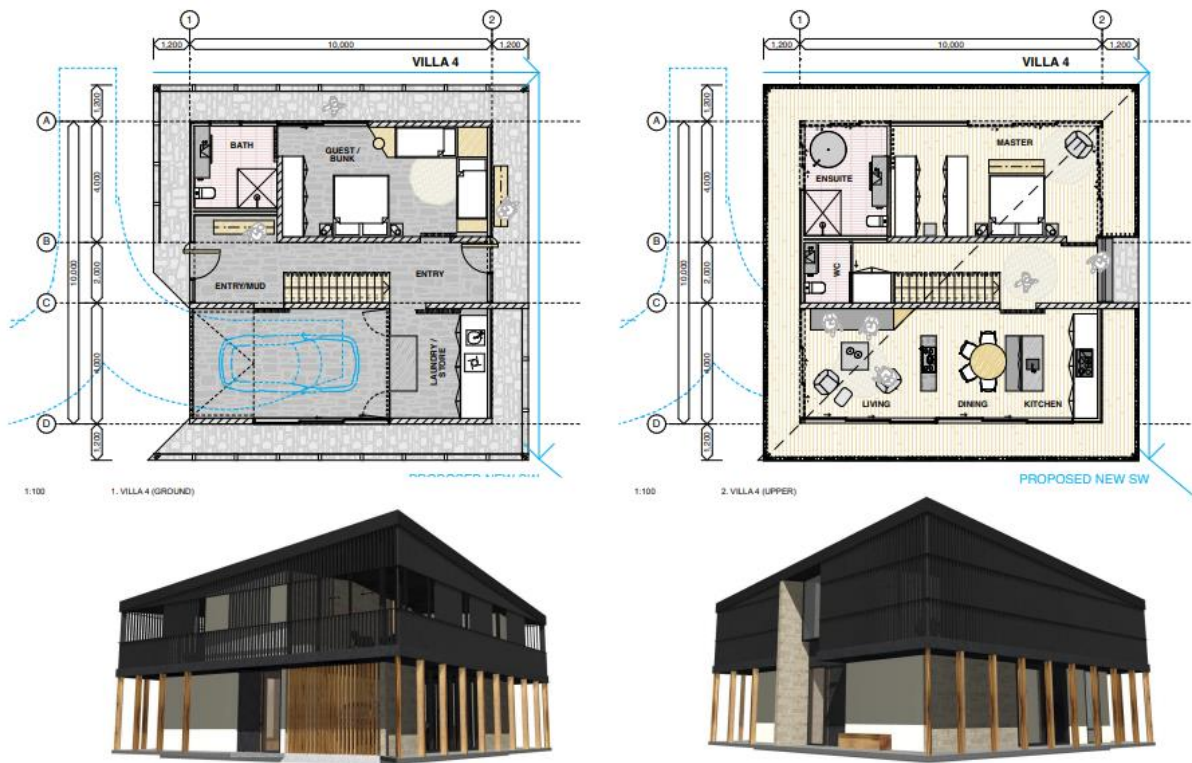


Figure 3: Design of villa 4

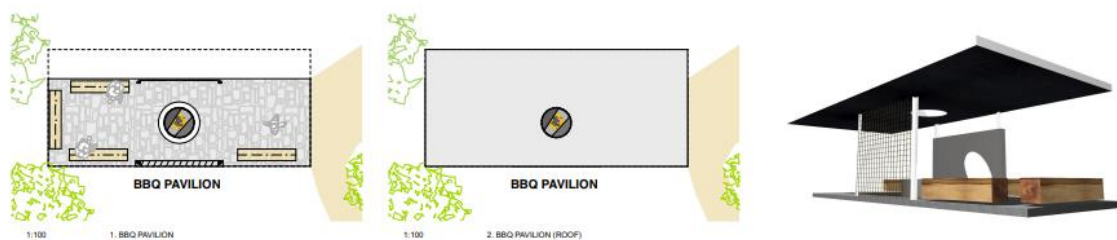


Figure 5: Communal open space and BBQ area proposal

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

Previously a development application was submitted and deemed No Permit Required under DA2018/275 to build and operate a homebased business out of the current existing demountable structure.

6. Site Description

The proposed site is zoned as low density residential and is a corner block fronting Freycinet Drive and Jetty Road, the existing crossover and access is from Jetty Road. The site is comprised of 2480m² of relatively flat land.

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

Nil

9. Covenants

Nil

PART TWO

10. Meeting the Standards via Acceptable Solution

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

- 10.0 Low Density Residential
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Asset Code

All standards were met by Acceptable Solution excepting those identified below. These have been 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.

- 10.3.2 Visitor Accommodation (A1)
 - (a) accommodate guest in existing habitable buildings; and
 - (b) have a gross area of not more than 200m² per lot
- 10.4.3 Setback (A1)
 - Dwellings, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m
- C2.6.1 (A1) construction of parking areas
 - (b) be drained to the public stormwater system, or contain stormwater on site

PART THREE

12. Assessing the Proposal against the Performance Criteria

10.0 Low Density Residential Zone

10.3.2 Visitor Accommodation (A1) - The acceptable solution is that visitor accommodation is within existing buildings and have a gross floor area of no more than 200m² per lot. The proposed visitor accommodation is not located within existing buildings and the gross floor area will exceed 200m². As such the proposal does not comply with the acceptable solution and must meet the following performance criteria.

Performance Criteria	Planner's Response
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:	
(a) the privacy of adjoining properties;	Properties are setback >3m from the adjoining property boundaries which meets privacy setbacks. Villa 4 which would be the building that would have the greatest impact on privacy and overlooking of adjoining properties has screening on the second floor and is setback 5m from the boundaries. Complies.
(b) any likely increase in noise to adjoining properties;	The outdoor areas are positioned away from the adjoining properties and is screened to reduce noise. The noise is not expected to exceed residential noise levels. Complies.
(c) the scale of the use and its compatibility with the surrounding character and uses within the area;	The area is known for its tourism and already has many visitor accommodation buildings. This use is compatible with the character and uses within the area. Complies.
(d) retaining the primary residential function of an area;	The current use of the property is for homebased business not residential living, therefore the development does not impact the primary residential function of the area. Complies.
(e) the impact on the safety and Efficiency of the local road network; and	Noting the small amount of car parking and the provision of bicycle parking, in addition to pedestrian access on the opposite side of the property, there is expected to be minimal

Performance Criteria	Planner's Response
	impact on the existing safety and efficiency of the local road network. Complies.
(f) any impact on the owners and users rights of way.	No owners and users right of way will be impacted. Complies.

The development is considered to comply with the performance criteria P1.

10.0 Low Density Residential Zone

10.4.3 Setback (A1) – The acceptable solution is for buildings to have a setback of not less than 8m from the frontage of the property, the application proposed 5m setback from the frontage for villa 1, with all other villas comply with the 8m setback.

Performance Criteria	Planner's Response
The siting of a dwelling must be compatible with the streetscape and character of development existing on established properties in the area, having regard to:	
(a) the topography of the site;	The development is on flat cleared land and is consistent with other two storey development and other multiple dwellings on surrounding sites. Complies.
(b) the setbacks of surrounding buildings;	Surrounding buildings vary significantly in setback lengths. The buildings are setback a similar length to the current existing building on site from the frontage and have a large nature strip between the boundary and the road. Complies.
(c) the height, bulk and form of existing and proposed buildings;	The size of existing properties range from 600m ² to around an average of 1000m ² some with multiple dwellings. This development proposes 650m ² per dwelling taking up 26% of the property which is consistent with the surrounding properties. This area has a range of dwelling types including small shacks, multiple dwellings on single sites, single storey brick homes and multiple storey

Performance Criteria	Planner's Response
	homes and includes a mix of new and old aesthetic and style. This development fits density, bulk and size based on the diversity of the surrounding area. Complies.
(d) the appearance when viewed from roads and public open space adjacent to the site; and	The development has been architecturally designed with significant landscaping to create an interesting but not overbearing appearance for these buildings when viewed from adjacent sites. Complies.
(e) the safety of road users.	The increase in traffic is expected to be minor, with the development having a large emphasis on bike parking hoping to provide a suitable accommodation to cyclists. The development complies with parking requirements set out in the Parking and Sustainable Transport Code Table C2.1. Complies.

The development is considered to comply with the performance criteria P1.

C2.0 Parking and Sustainable Transport Code

C2.6.1 Construction of Parking areas (A1) – the proposed development does not currently have the capacity to drain excess stormwater from the driveway into the stormwater system, and is already a problematic site regarding stormwater and will not be able to contain it on site. Engineering conditions have been provided as part of the application to address stormwater management and allowing drainage into the existing infrastructure.

Performance Criteria	Planner's Response
All parking, access ways, maneuvering and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:	
(a) the nature of the use;	The proposed construction is considered suitable for the proposed development use. Complies
(b) the topography of the land;	The topography is relatively flat and is suitable for the proposal. Complies.

Performance Criteria	Planner's Response
(c) the drainage system available;	Drainage in the area is a large problem and the main issue raised in the representations. This is to be conditioned in the permit to ensure problems are not further exacerbated by the development, which may also benefit and improve existing problems. Complies.
(d) the likelihood of transporting sediment or debris from the site onto a road or public place;	The driveway construction is concrete and is unlikely to cause sediment or debris to transport into public places. Complies.
(e) the likelihood of generating dust; and	The proposal is unlikely to generate dust based on the materials proposed for construction. Complies.
(f) the nature of the proposed surfacing.	The proposed surface is suitable for the purpose of the development. Complies.

The development is considered to comply with the performance criteria P1.

13. Referrals

The application was referred to Council's Engineers and Environmental Health Officer who provided advice.

14. Representations

Representation 1	Response
<p>Representor 1 raised the following concerns:</p> <p>This site is already low lying and is susceptible to stormwater and is often soaked for extended periods of time.</p> <p>The existing drain to the bushland across the road drains onto 3 Jetty exacerbating the problem.</p>	<p>Stormwater and associated infrastructure has been provided as a condition of the permit below, the proposed works could have beneficial impact on the existing stormwater issues of surrounding properties.</p> <p>As part of the development a second entrance is not permitted and has been expressed to the applicant. The applicant would be required to apply for another development</p>

<p>Lack of curbing and drainage infrastructure to support the increase in pedestrians and vehicles from the development.</p> <p>Traffic safety of increasing the number of vehicles and pedestrians especially noting the lack of infrastructure creating muddy walkways encouraging pedestrians to walk on the road instead of the road reserve.</p> <p>Concern for a second entrance.</p> <p>Concerns about the septic system smelling bad.</p>	<p>application for a second access to be approved.</p> <p>Wastewater is not an issue that can be addressed under the planning scheme.</p>
Representation 2	Response
<p>Representor 2 also noted the existing issues regarding stormwater and flooding in the area:</p> <p>Ongoing storm water issues from adjoining properties including 3 jetty and the national park having excess stormwater not being managed by existing systems. This has caused their property to have substantial damage to its infrastructure.</p>	<p>See response to representation 1</p>
Representation 3	Response
<p>Representor 3 also noted concerns with the storm water and sewerage:</p> <p>Existing issues of stormwater not being adequately dispersed of by existing systems</p>	<p>See response to representation 1</p>
Representation 4	Response
<p>Representor 4 raised the following concerns as well as the same concerns regarding stormwater and wastewater:</p> <p>Issues with traffic generation, people not having infrastructure for walking or riding bikes.</p> <p>Concerns of blocking sunlight and view from their property.</p>	<p>See response to representation 1 for comments on stormwater and wastewater.</p> <p>The development meets the setback requirement of 5 metres from the side and rear boundaries of the adjoining property and so overshadowing was not a consideration under the planning scheme. Views are also not a consideration under the planning scheme.</p>

<p>Increased noise coming from the BBQ area.</p> <p>Lack of car parking allocated for the development.</p> <p>Lack of infrastructure regarding footpaths, kerb and gutter.</p>	<p>Car parking provisions are consistent with table C2.1 in the planning scheme. Additionally, the development has proposed provisions for bicycle parking to provide alternative transport options and alleviate impact on the road network, and a separate pedestrian access on the opposite side to the vehicle accessway.</p>
Representation 5	Response
<p>Representor 5 echoed the same sentiments of the previous representors regarding storm water drainage and flooding events.</p>	<p>See response to representation 1</p>
Representation 6	Response
<p>Representor 6 raised similar concerns around wastewater:</p> <p>Concerns about noise emanating from the proposed BBQ area continuing into the late evening.</p> <p>The representor believes the 8m setback could be achieved if the development was redesigned.</p>	<p>See response to representation 1</p> <p>The location of the BBQ area is proposed with noise as a consideration, angling the area away from adjacent properties and providing landscape screening from the public roads to minimise noise travelling.</p> <p>Council believes a 5m setback is suitable noting the generous buffer between the development and the road.</p>
Representation 7	Response
<p>Representor 7 expressed similar concerns over storm water:</p> <p>Noting there is already ample short stay accommodations and claims many are vacant majority of the time.</p> <p>The development does not fit the character of the existing area.</p>	<p>The Tasmanian Planning Scheme does not have limitations on the number of short stay accommodations permitted in the municipality. As such this cannot be assessed under the Tasmanian Planning Scheme.</p> <p>Character of the development has been addressed previously in the report.</p>

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. Recommended That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2022/124, at 3 Jetty Rd, Coles Bay (CT211236/10) for the construction of 4 visitor accommodation buildings 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. Advertising signage for the visitor accommodation is to be limited to a maximum of one sign no greater than 0.2m² in size and located within the property boundary. No additional signs are to be displayed without separate approval.
3. The visitor accommodation buildings are approved to provide short or medium-term accommodation for persons away from their normal place of residence.
4. 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.

5. Landscaping is to be undertaken in accordance with the approved plans and maintained for the life of the development to the satisfaction of the Council's General Manager.
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.

8. Stormwater drainage must be undertaken in accordance with the endorsed Stormwater Management Plan and in accordance with a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

Engineering Drawings

9. 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;
 - (g) all finished floor levels (FFL) must in Australian Height Datum (AHD).
10. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

Road Access and Parking:

11. 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.
12. To the satisfaction of the Council's General Manager, the internal driveway and areas set aside for vehicle parking and associated access and turning must be provided, controlled and drained to an approved stormwater system to avoid unreasonable impact to adjoining land in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney, and must include all of the following:
 - (a) Have a minimum width carriageway of 3.6m;
 - (b) Be 6m long x 5.5m wide passing bay at the road and at every 30m,
 - (c) Have a sealed surface of asphalt, concrete or equivalent approved by Council's General Manager;

(d) Drain to an approved stormwater system.

13. Kerb and channel must be provided along Freycinet Drive for the length of the property and match into any existing kerb and channel. The kerb and channel must be constructed in accordance with LGAT Standard Drawing TSD-R16-v3. The kerb and channel must be appropriately drained, in accordance with Council standards and to the satisfaction of Council's General Manager
14. The existing crossover must be upgraded to meet the current requirement of LGAT standard drawing TSD-R09-v3.
15. The developer must provide a piped stormwater property connection capable of servicing the entirety of site by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.

Advice: The existing property and adjacent road is poorly serviced for stormwater. There is currently no connection from the property to Council's urban stormwater system. Council will not accept on site disposal or a pumped system. As such an extension to the existing stormwater system in 52 Freycinet Drive is required. It is expected that Council's existing DN300 stormwater pipe, located at the south-west corner of 52 Freycinet Drive, will be extended north to Freycinet Drive, adjacent the north-eastern corner of 3 Jetty Road. Connection for the development and the new kerb and channel will then be able to be made to the new stormwater main. It is anticipated the design of the stormwater system extension will end in a grated side entry pit (SEP), or V-pit at the end of the kerb. It is also anticipated that a separate grated SEP pit will be required on Freycinet Drive at the kerb low point, where the existing kerb and channel meets the new.

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 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>

4.2 Subdivision application to create 4 new lots at 907 Dolphin Sands Road, Dolphin Sands (SA2022-024)

Proposal:	4-lot subdivision
Applicant:	PDA Surveyors Engineers & Planners
Application Date:	9/6/2022 (valid 22/5/22 – payment of fees)
Statutory Date:	30 August (Extension of time)
Planning Instruments:	Tasmanian Planning Scheme - Glamorgan Spring Bay
Zone:	Dolphin Sands Particular Purpose Zone
Codes:	C2.0 Parking & Sustainable Transport, C3.0 Road and Railway Assets, C7.0 Natural Assets, C13.0 Bushfire-Prone Areas Code
Specific Area Plans:	None
Use:	N/AA
Development:	Subdivision
Discretions:	GSB-P1.7.1 Subdivision, C7.7.2 Subdivision within a priority vegetation area
Representations:	2
Attachments:	<ol style="list-style-type: none">1. Exhibited application documents2. Representations
Author:	Town Planning Solutions Pty Ltd, Senior Planning Consultant

Executive Summary

Planning approval was sought for the subdivision of an existing lot to create 4 lots at 907 Dolphin Sands Road, Dolphin Sands.

The application was advertised for two weeks from 8 July 2022 to 22 July 2022 and received 2 representations against the proposal.

The report assesses the proposal against the standards of the relevant zones, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations, and the matter raised in the representations and make a final determination by 30 August 2022.

The Planning Authority may recall the subdivision provisions that allowed creation of new lots were understood to be an error within the processing of the LPS. The Tasmanian Planning Commission recently advised that the change to the subject provision was an intentional change and was not an error. A planning scheme amendment was lodged with the Commission last month seeking to address this situation.

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.

In addition to the normal requirements of assessing an application under the planning scheme, the Dolphin Sands Particular Purpose zone contains what was understood to be an error in the subdivision provisions by inclusion of the conjunction **or** at the end of criterion a of P1. The provision is reproduced below, with the subject word highlighted in bold.

- 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 equivalent provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 did not include the subject word, which was not identified as a permitted alteration in the declaration of the transitional status afforded to the zone for assessment of the Local Provisions Schedule.

The Planning Authority will recall from recent reporting on this issue that the subject word was recognised as an error in the Local Provisions Schedule by both the Tasmanian Planning Commission and legal advice on this matter.

The legal advice provides that the error has no legal effect and the subdivision provisions under GSB-P1.7.1 Subdivision should be read as though the error had not been made.

2. Determining 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.

The Tasmanian Planning Scheme provides the following to determine an application:

5.6 Compliance with Applicable Standards

5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.

5.6.3 Compliance for the purposes of sub-clause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.

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 approval to subdivide the existing single lot at 907 Dolphin Sands Road, Dolphin Sands into 4 lots of 3.02 to 3.05 hectares.

The existing house on the property would be contained within the proposed Lot 3. Each lot has direct frontage to Dolphin Sands Road to provide access to the proposed lots.

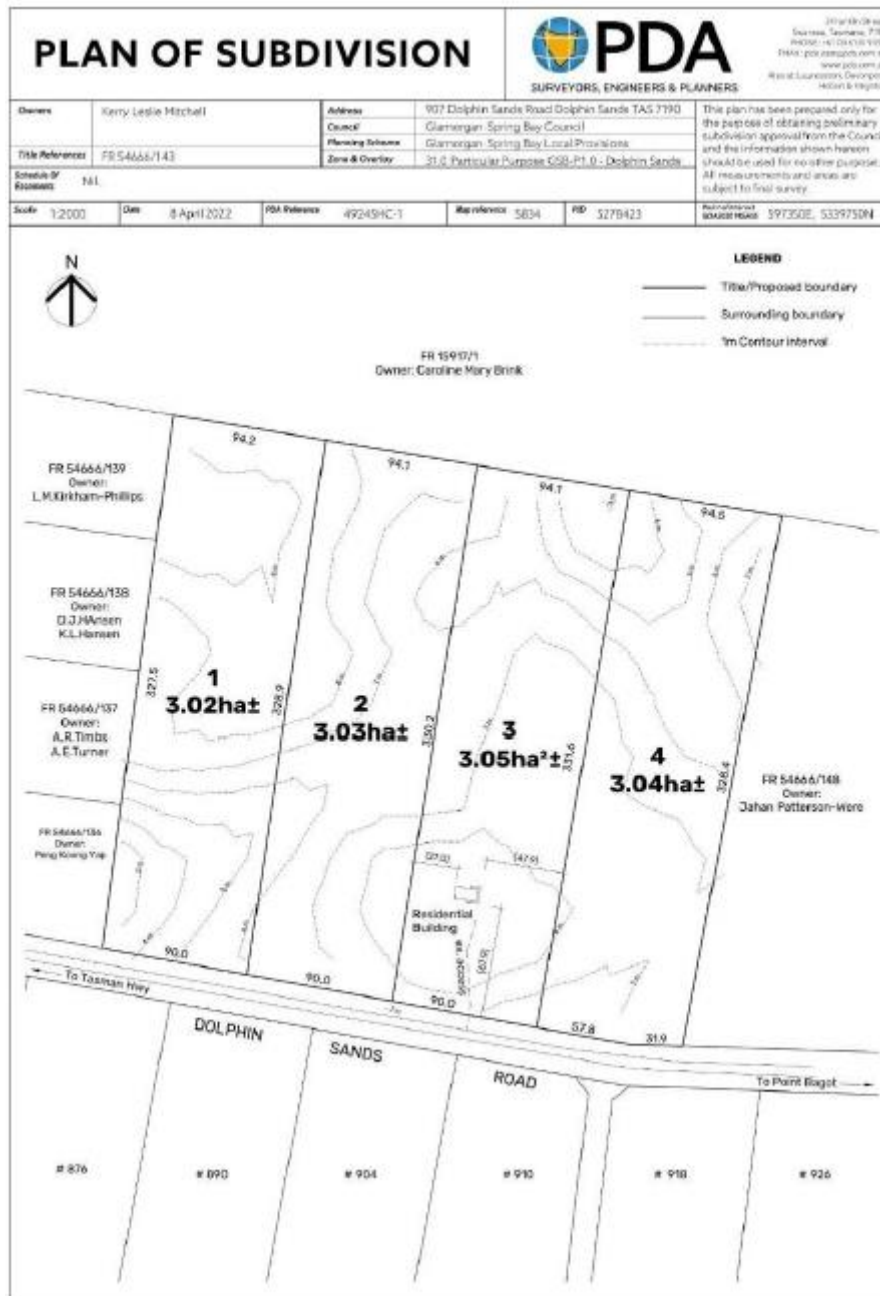


Figure 1 – proposed plan of subdivision

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 existing house at 907 Dolphin Sands Road was approved in 1996. No other approvals were identified for the property.

6. Site Description

The site is contained within certificate of title CT 54666/143 with a total land area of 12.146ha±. The description of the site provided within the Planning Report for the application as *characterised by native scrub and sandy openings spread across an array of dunes*. That description is supported.



Figure 2 – aerial imagery with existing title highlighted in blue (from applicants report)

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

No easements were identified on the title. The site does not have access to reticulated services.

9. Covenants

No covenants were identified on the title.

PART TWO

10. Meeting the Standards via Acceptable Solution

The proposal was assessed and found to comply with the acceptable solutions provided in the following:

- GSB-P1.6.2 Dolphin Sands Particular Purpose zone – Setback;
- C2.0 Parking & Sustainable Transport Code;
- C3.0 Road and Railway Assets Code; and
- C13.0 Bushfire Prone Areas Code.

11. Meeting the Standards via Performance Criteria

The standards not met by Acceptable Solution need to satisfy the relevant Performance criteria to be approved. These are:

- GSB-P1 Particular Purpose - Dolphin Sands
 - GSB-P1.7.1 Subdivision
- C7.0 Natural Assets Code
 - C3.7.2 Subdivision within a priority vegetation area

The Planning Authority must consider the representations and the Performance Criteria and make a determination by 30 August 2022.

PART THREE

12. Assessing the Proposal against the Performance Criteria

GSB-P1.7.1 Subdivision

A1 cannot be met as the proposal is not for the consolidation of lots. The application seeks to create new lots for development.

Performance Criteria	Planner's Response
P1 Subdivision of land must:	
(a) provide for public open space, a public reserve, public services or utilities; or	As previously noted, legal advice identified that this provision contains an error and must be read as if the error had not been made. The word or was not an approved alteration and following the legal advice, must be ignored. The proposal does not provide the required functions. Following the legal advice, the proposal fails this criterion.
(b) have a minimum frontage of 60m; and	The proposed lots meet this criterion.
(c) not create a lot that is less than 1 hectare in area.	The proposed lots meet this criterion.

The application complies with criteria b and c but cannot meet a. Following the legal advice, the application fails assessment against this standard.

C3.7.2 Subdivision within a priority vegetation area

The application cannot comply with A1 as it is not for:

- (a) create separate lots for existing buildings;
- (b) public use by the Crown, a council, or a State authority;
- (c) the provision of Utilities;
- (d) the consolidation of a lot; or
- (e) works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access outside a priority vegetation area.

Performance Criteria	Planner's Response
P1.1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:	
(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person:	Not applicable as not for an existing use on the site.
(b) subdivision for the construction of a single dwelling or an associated outbuilding;	The proposal will result in lots for the construction of single dwellings within the zone.
(c) subdivision in the General Residential Zone or Low Density Residential Zone;	Not applicable.
(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;	Not applicable.
(e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or	Not applicable.
(f) subdivision involving clearance of native vegetation that is of limited scale relative to	The ECOTas report identifies the native vegetation onsite does not comprise priority vegetation and is of limited scale relative to the extent of priority vegetation. ECOTas identify compliance with this requirement.

Performance Criteria	Planner's Response
the extent of priority vegetation on the site.	
P1.2 Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:	The ECOTas Report identified that the site does not contain vegetation that meets the definition under the Scheme of priority vegetation. P1.2 is arguably not applicable to the application on that basis. ECOTas provided responses to these criteria that further informed this assessment.
(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;	Based on the ECOTas findings, future development will not impact priority vegetation on the site. Complies.
(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;	Based on the ECOTas findings, works and future development will not impact priority vegetation on the site. Complies.
(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;	Based on the ECOTas findings, bushfire hazard management requirements will not impact priority vegetation on the site. Complies.
(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;	Based on the ECOTas findings, mitigation measures will not impact priority vegetation on the site. Complies.
(e) any on-site biodiversity offsets; and	Not applicable.
(f) any existing cleared areas on the site.	Not applicable.

Based on this assessment, the proposal complies with the requirements of P1.1 and P1.2.

Conclusion

This assessment identified the following:

- The application cannot meet the requirements of GSB-P1.7.1 Subdivision (following legal advice); and
- The application meets the requirements of P1.1 and P1.2 of C3.7.2 Subdivision within a priority vegetation area.

Following the legal advice and requirements of section 5.6 of the Tasmanian Planning Scheme, the conclusion of this assessment is that the application must be refused.

13. Referrals

Advice on referrals is not relevant to this assessment as the application cannot meet the requirements of the Scheme and cannot be approved.

14. Representations

The proposal was exhibited for the required 2-week period and two representations were received. An individual response was not provided to each representation, as the issues and objections they raised were consistent. The representations were provided as an attachment to this report.

Issue 1	Response
Objection to the dilution of subdivision standards to enable new lots to be created, noting the contradiction with the zone purpose statements to protect natural values and amenity of the area.	As previously noted, the change to the subdivision provisions was identified as an error. Legal advice confirmed the error cannot be considered in the assessment of applications. No further change is required as a result of this concern.
Issue 2	Response
Request for immediate amendment of the planning scheme to stop further subdivision.	An amendment to correct the error was initiated last month and lodged with the Commission. That process is underway. This issue is not relevant to the current assessment.

The representations raised issues that were addressed through assessment against the requirements of the planning scheme and subject to legal advice. No alterations are required to the assessment to reflect matters raised in the representations.

15. Conclusion

The conclusion of this assessment is that the application must be refused, as it fails to meet the requirements of GSB-P1.7.1 P1 Subdivision (following legal advice).

16. Recommendation

That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, SA2022/24 at 907 Dolphin Sands Road, Dolphin Sands (CT 54666/143) for subdivision, be refused for the following reasons:

- Failure to meet the requirements of clause GSB-P1.7.1 P1 Subdivision.

The following advice is provided for information and assistance only

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgement or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

4.3 DA2022-122 Creation of a Wetland, RA 1 Swanwick Coles Bay

Proposal:	Creation of Wetland
Applicant:	CBM Sustainable Design
Application Date:	01/06/2022
Statutory Date:	30/08/2022
Planning Instruments:	Tasmanian Planning Scheme
Zone:	Rural Zone and Environmental Management Zone
Codes:	C1.0 Sign Code, C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Asset Code, C7.0 Natural Assets Code, C8.0 Scenic Protection Code, C10.0 Coastal Inundation Code
Specific Area Plans:	N/A
Use:	Natural and Cultural Values Management
Development:	Creation of Wetland
Discretions:	23.0 Environmental Management Zone - 23.4.1 Development area and 23.4.4 – Vegetation Management C3.0 Road and Railway Assets Code - C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction, C7.0 Natural Assets Code - C7.6.1 Buildings and works in a waterway and coastal areas and C7.6.2 Clearance of priority vegetation, C8.0 Scenic Protection Code - C8.6.1 Development within a scenic road corridor
Representations:	14
Attachments:	Exhibited Documents Representations
Author:	Tiara Williams, Planning Officer

Executive Summary

Planning approval is sought for a development intending to establish a wetland and associated infrastructure to allow public access to the recreational amenity, at RA1 Swanwick Road, Coles Bay.

The application was advertised for two weeks from 3 June 2022 to 17 June 2022 with 14 representations received objecting to the proposal.

The report assesses the proposal against the standards of the relevant zones, codes and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendations, and the matter raised in the representations and make a final determination by 30 August 2022.

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:

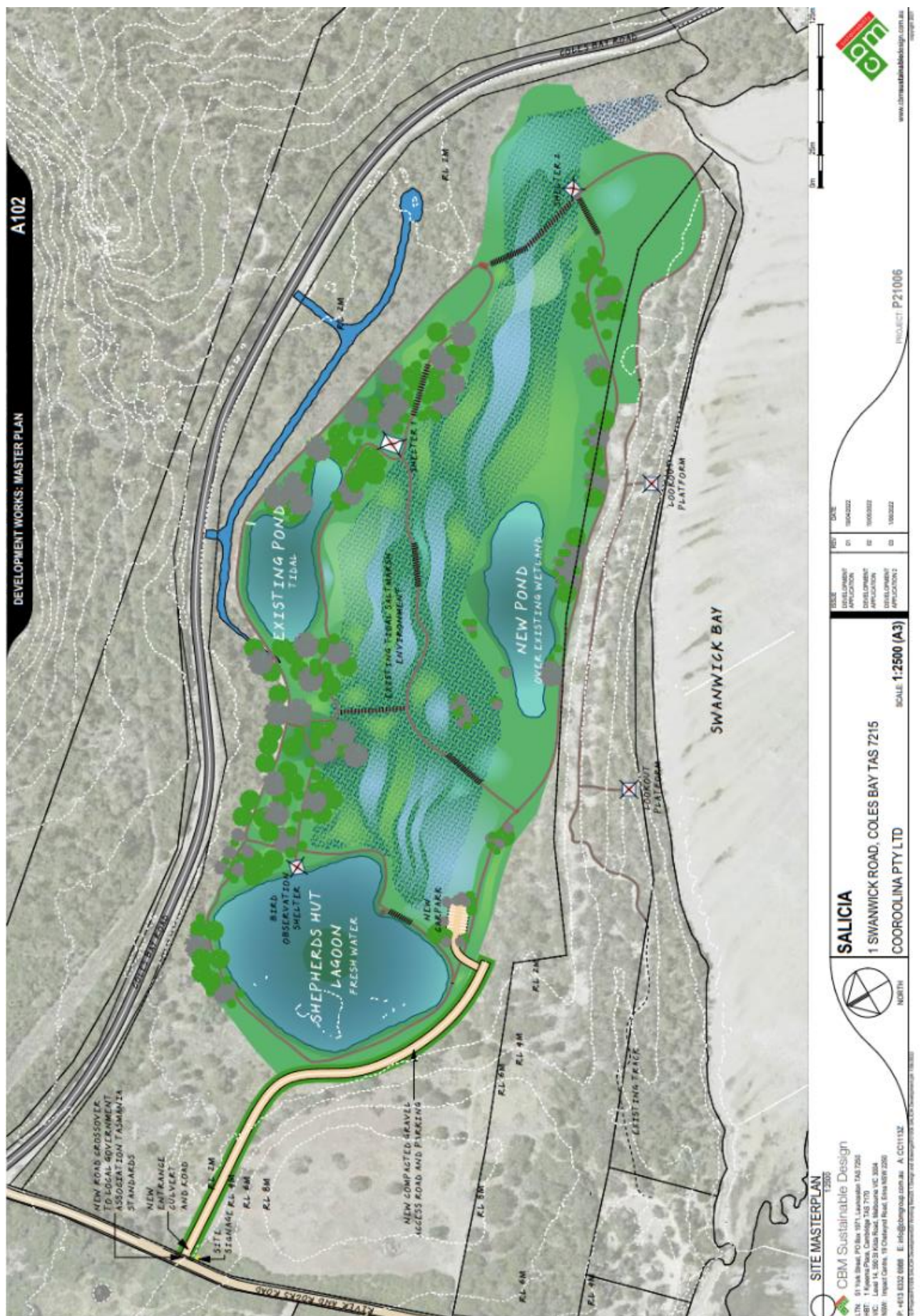
1. By Acceptable Solution, or if it cannot do this,
2. By Performance Criteria.

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 states the intend of proposed development and works is to enhance the natural assets of the property whilst simultaneously providing a passive recreational opportunity for the local community and tourists.



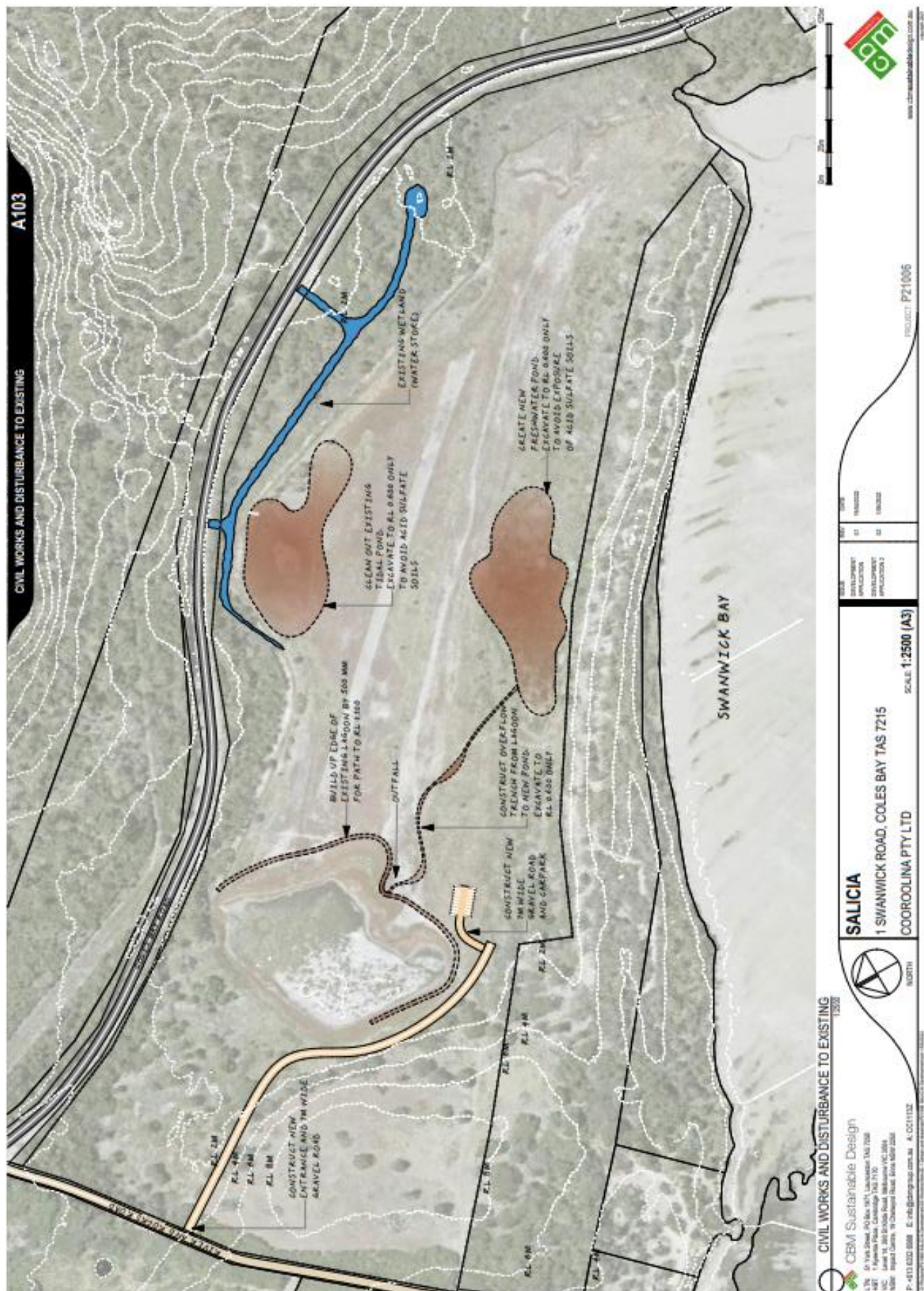
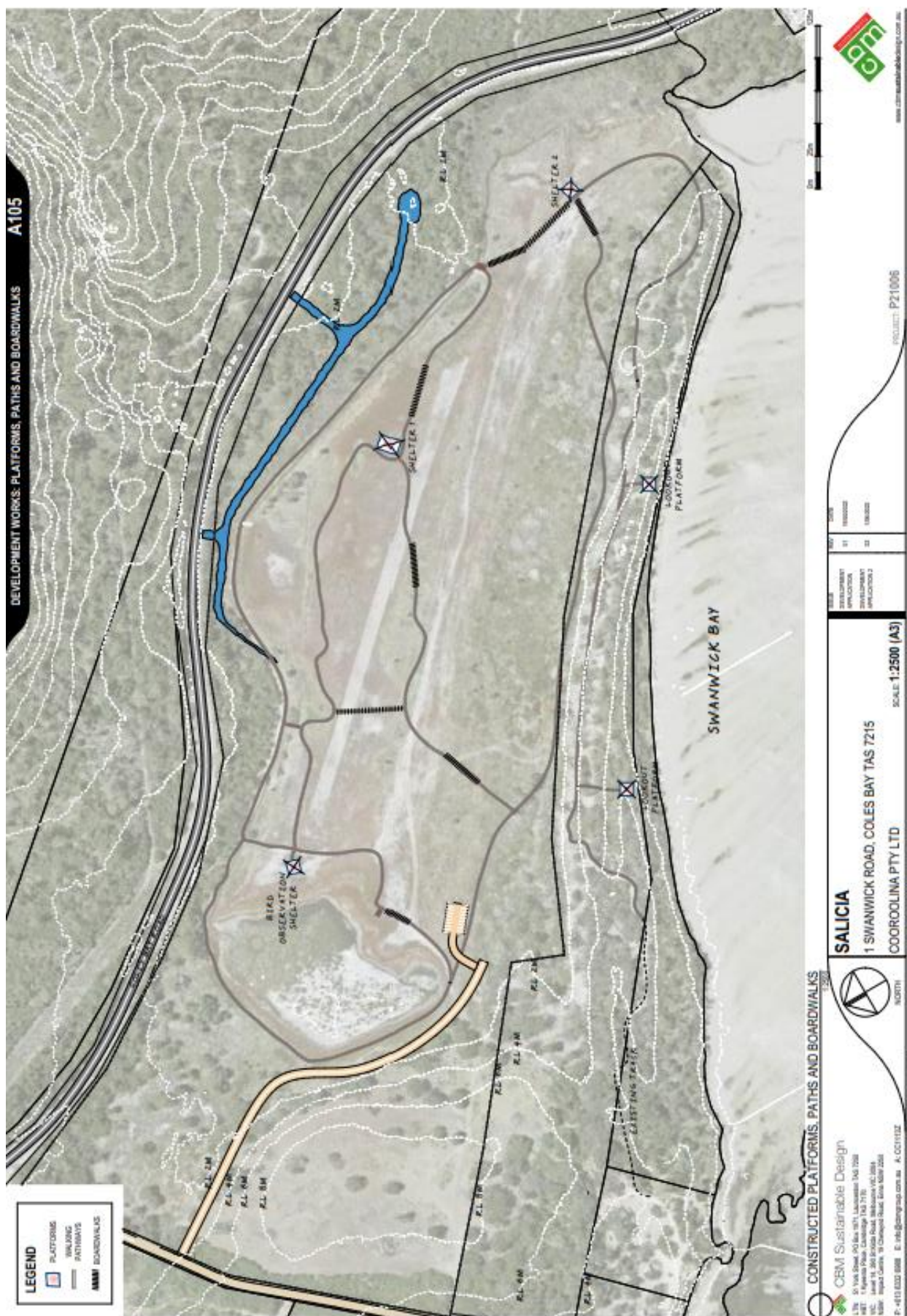


Figure 2: Proposed Civil Works and Disturbances



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

These parcels of land have been subject to previous unauthorised development, land filling and complaints of motorbike use. A retrospective approval was sought for a motocross track under DA2021/81, this application has since been withdrawn and the only current active application for these sites is DA2022/122.

6. Site Description

This development application includes two privately owned parcels of land CT127121/4 and CT6472/6.

- CT127121/4 land parcel is zoned Rural; and
- CT6472/6 land parcel zoned Environmental Management.

The site is bordered by Coles Bay Conservation area and Moulting Lagoon Game Reserve, which is classified as a globally recognised Ramsar Wetland.

Both land parcels have been significantly disturbed over time from a variety of activities including agricultural uses, vehicle access, an airstrip and other vegetation clearance activities. The site is subjected to a number of overlay codes including: coastal inundation, waterway and coastal protection areas, future coastal refugia area, bushfire and priority vegetation.

7. Planning Instruments

Tasmanian Planning Scheme – Glamorgan Spring Bay

8. Easements and Services

Nil

9. Covenants

Nil

PART TWO

10. Meeting the Standards via Acceptable Solution or Exemption Criteria

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

- 20.0 Rural Zone
- 23.0 Environmental Management Zone
- C1.0 Signs Code
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C8.0 Scenic Protection Code
- C10.0 Coastal Erosion Hazards Code

11. Meeting the Standards via Performance Criteria

The standards not met by Acceptable Solution need to satisfy the relevant Performance criteria to be approved. These are:

- 23.0 Environmental Management Zone
 - o 23.4.1 - Development area
 - o 23.4.4 – Vegetation Management
- C3.0 Road and Railway Assets Code
 - o C3.5.1 - Traffic Generation at a vehicle crossing, level crossing or new junction
- C7.0 Natural Assets Code
 - o C7.6.1 - Buildings and works in waterway and coastal areas or a future coastal refugia area
 - o C7.6.2 - Clearance of priority vegetation
- C8.0 Scenic Protection Code
 - o C8.6.2 – Development within a scenic road corridor

The Planning Authority must consider the representations and the Performance Criteria and make a determination by 30 August 2022.

PART THREE

12. Assessing the Proposal against the Performance Criteria

23.0 Environmental Management Zone

23.4.1 Development area - A1 cannot be met as the land is privately owned and the development area exceeds 500 m² (works are defined under the Act as development, which includes landscaping) which does not comply with the Acceptable Solutions set out in the Tasmanian Planning Scheme (TPS). As previously noted, the site has been extensively modified from its natural state and values compromised by previous use and developments. The application states their intention is to re-establish values similar to those that existed previously on the site.

Performance Criteria	Planner's Response
P1: The development area must not cause an unreasonable impact on the values of the site and surrounding area having regard to:	
(a) The design, sitting, scale and type of development	The proposed works within this section of the development are minor with regard to boardwalks and viewing platforms and are not considered to have an unreasonable impact on the natural values. Complies.
(b) The operation and the use	The operation and use of the site is compatible with natural values of the site and provides the community and visitors opportunities for bird watching and recreation. Complies.
(c) The impact of the development on the values of the site and surrounding area	Whilst the Natural Values Assessment (ECOtas 2020) indicated on pages 39-40 notes that future potential land use within the study area will have limited impact on the adjacent Ramsar wetland. This assessment was not conducted based on the proposed wetland development and was more an overview of the existing sites natural values. Therefore, the potential impact on Moulting Lagoon cannot be adequately assessed or determined. It cannot be determined that the impact on the surrounding area will not be unreasonable. Does not comply.
(d) The need for the development to be located on the site,	The proposed use is compatible with the existing site, surrounding sites and the zone uses. Complies.
(e) How any significant values are managed, and	The Acid Sulphate Soil recommendations have been considered in the proposal recommendations. The recommendations in the Natural Values report have not as development and works are proposed in areas that were recommended to be avoided. These reports do not specifically address potential impacts on surrounding Ramsar Wetland and Coles Bay Conservation areas, or how any potential impacts will be managed and monitored. Does not comply.
(f) Any protection, conservation, remediation or mitigation works.	The application has proposed works to remove an unauthorised motocross track for natural revegetation and remediate previous vegetation clearance and works. Complies.

The proposal is not considered to comply with the requirements of P1.

23.0 Environmental Management Zone

23.4.4 Vegetation Management - A1 cannot be met as the land is privately owned and the previous native vegetation clearance was conducted unlawfully without council consent or permission, and as such doesn't comply with the Acceptable Solutions. The application seeks to re-establish values similar to those that existed previously on the site.

Performance Criteria	Planner's Response
P1: Building and works must be located to minimise native vegetation removal and the impact on values of the site and surrounding area having regard to:	
(a) The extent of native vegetation to be removed	Vegetation has previously been removed and some additional vegetation will be removed for the limited infrastructure proposed. The development is expected to result in a net increase of vegetation, and the Natural Values Assessments (ECOtas 2019,2020) did not indicate any threatened vegetation on site. Complies.
(b) Any proposed remedial, mitigation or revegetation measures	The application proposes remediation of vegetation clearance. Some of the plant species identified are not endemic to the site or to Tasmania and their potential impact and interaction with existing ecosystems is unknown. Noting the dynamic nature of wetlands there is not enough information to inform if the proposed plantings will negatively impact the existing systems present at the site. Does not comply.
(c) Provision for native habitat for native fauna	The net increase in vegetation is likely to increase the provision of habitat for fauna, however these suggestions are unsubstantiated by suitably qualified persons, and many of the proposed plants for revegetation are not endemic to the site or even broader Tasmanian in some cases. Does not comply.
(d) The management and treatment of the balance of the site or native vegetation areas; and	The whole site is considered as part of the application. Not Applicable.
(e) The type, size and design of development.	The works proposed in the zone does not adequately address the applications claims of enhancing the natural values of the site and do not adequately address the potential impact of the works proposed. Does not comply

The proposal is not considered to comply with the requirements of P1

C3.0 Road and Railway Assets Code

C3.5.1 Traffic Generation at a vehicle crossing, level crossing or new junction - A1.4 cannot be met as the proposal seeks to allow the public to access the site and it could reasonably be considered that this would increase traffic to and from the site that could exceed the acceptable numbers outlined in table C3.1. As such it doesn't comply with the Acceptable Solutions set out in the TPS. The site has an existing crossing intended to be utilised off River and Rocks Road as the entrance into the wetland to a proposed carpark.

Performance Criteria	Planner's Response
P1: Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:	
(a) any increase in traffic caused by the use	The applicant states that the proposal will not generate a significant increase in traffic as a result from the change of use this was supported by engineering staff. Complies.
(b) the nature of traffic generated by the use;	The traffic will be visitors to the wetland, and the wetland is not expected to be a significant generator of traffic. As noted, this was acceptable to Council's engineering staff. Complies.
(c) the nature of the road;	River and Rocks Road is a gravel road maintained by Council and is suitable for expected traffic. An existing access point was provided to Rocks and River Road. Complies.
(d) the speed limit and traffic flow of the road;	The speed limit on River and Rocks Road is 50km/h which is of a speed that is safe to turn off into the proposed wetland park. Complies.
(e) any alternative access to the road	River and Rocks Road access was considered by the applicant and Council to be the safest intersection as opposed to Coles Bay Road. Complies.
(f) the need for the use;	The wetland proposal relies on the location and intertidal nature of the subject site, which will provide an additional recreational area for visitors. Complies.
(g) any traffic impact assessment; and	A traffic impact assessment was not requested. Not Applicable.
(h) any advice received from the rail or road authority	Council's engineers did not raise any concerns with the proposal. Complies.

The proposal is considered to comply with the requirements of P1.

C7.0 Natural Assets Code

C7.6.1 Building and works in waterway and coastal area or a future coastal refugia area - A1 and A2 cannot be met as there is no building area indicated on a sealed plan under the planning scheme, therefore such doesn't comply with the Acceptable Solutions. A4 cannot be met as there is proposed dredging and reclamation as part of reconfiguring the waterbodies. The applicant was asked to respond to the performance criteria and cited that they believed they were not conducting dredging. The Council still believes the proposal according to the oxford dictionary definition (*"dredge (something) (for something) to remove mud, stones, etc. from the bottom of a river, canal, etc. using a boat or special machine, to make it deeper or to search for something"*) constitutes dredging and the works at Shepherds Hut Lagoon meets this criteria.

Performance Criteria	Planner's Response
P1.1: Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:	
(a) Impacts caused by erosion, siltation, sedimentation and runoff;	The planning report stated there will be no impact on erosion, siltation, sedimentation or runoff. However, the application did not address how this was to be achieved. Noting the gravel carpark is located within the inundation code overlay it would be a reasonable concern that this would result in sediment transfer and runoff into the salt marsh. There is not enough supporting evidence to support the planning reports statement. Does Not Comply.
(b) impact on riparian or littoral vegetation;	The impact on vegetation is expected to result in a net overall increase, however noting the species types identified by the applicants it is uncertain how these non-endemic plants would positively or negatively impact the natural existing ecosystems, water quality, habitat or food sources. Noting the dynamic nature of wetlands and the ecosystems within them a more extensive investigation and recommendations are required to adequately minimise adverse impact on natural assets. Does not comply.
(c) maintaining natural streambank and streambed condition, where it exists;	The applicant's report notes the natural streambed conditions that enter from the northern catchment areas and report to Shepherds Hut Lagoon. They intend to stop this drainage by blocking Shepherds Hut Lagoon to contain only freshwater. The applicant reported by email on 5/7/2022 that Shepherds Hut Lagoon historically was a freshwater body and the

	<p>proposal would revert it to a similar state. There was no supporting reports or documentation to support this claim by the applicant. Therefore, the performance criteria has not been met.</p> <p>Does not comply</p>
(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	<p>The applicant intends to alter the existing waterway systems and will likely have an impact on the in-stream habitat as a result. The level of impact on the site and adjacent Ramsar Site are unknown as no assessment or reports were provided by suitable qualified persons to substantiate these claims. There is no supporting documentation to address minimising adverse impacts on natural assets.</p> <p>Does not comply.</p>
(e) the need to avoid significantly impeding natural flow and drainage;	<p>The applicant intends to significantly reconfigure the waterbodies stating the proposed work would revert the site to its original natural state before various artificial drainage had occurred. The proposed works have considered the Acid Sulphate Soils report and adhered to recommendations. However, as stated above the statements in the submitted planning report of reverting the waterways back to a natural state have not been substantiated. Therefore, the application is considered to significantly impede natural flow and drainage through waterbody reconfiguration and dredging.</p> <p>Does not comply.</p>
(f) the need to maintain fish passage, where known to exist;	<p>No fish passage is known or recorded for this site.</p> <p>Not Applicable.</p>
(g) the need to avoid land filling of wetlands;	<p>Wetlands are not intended to be filled.</p> <p>Not Applicable.</p>
(h) the need to group new facilities with existing facilities where reasonably practical;	<p>Not applicable.</p>
(i) minimising cut and fill;	<p>Minimal cut and fill is proposed and recommendations within the Acid Sulphate Soils report have been adhered to.</p> <p>Complies.</p>
(j) building design that responds to the particular size, shape, contours or slope of the land;	<p>The buildings and boardwalks have been designed with inundation as a consideration and are designed with consideration to the natural environment.</p> <p>Complies.</p>
(k) minimising the need for future works for the protection of natural assets, infrastructure and property;	<p>The proposed developments and works within the waterway and coastal protection area like the gravel carpark and accessway are likely to require future works because of their placement in the inundation code overlay zoning. The statements made in the</p>

	<p>applicants planning report do not have supporting documentation to ensure the placement of infrastructure minimises adverse impact on natural assets.</p> <p>Does not comply.</p>
<p>(l) the environmental best practise guidelines in the Wetlands And Waterways Works Manual; and</p>	<p>Best practice was addressed in the application documents, however no specific reference to the guidelines were referenced in the development choices or practices. Where the Natural Values Assessments have stated recommended vegetation communities not be disturbed there is extensive reconfiguration of waterways which and introducing species of plants that are not from Tasmania is against some of the practices outlined in the guidelines. The proposed development has not shown due regard to the manual and as such cannot be assumed to be minimising potential adverse impacts.</p> <p>Does not comply.</p>
<p>(m) the guidelines in the Tasmanian Coastal Works Manual.</p>	<p>The manual states for healthy intact vegetation to be left undisturbed. The planned works specifically for building up Shepherds Hut Lagoon directly impacts ARS vegetation that has been recommended by ECOtas (2020) to be left undisturbed. "Wherever possible it is best to use species of local origin in any revegetation projects as this provides the best outcomes for the coastal ecosystem (Tasmanian Coastal Works Manual 2010)". The application has not addressed why non-endemic species have been chosen. Therefore the application has no had due regard to the Tasmanian Coastal Works Manual.</p> <p>Does not comply.</p>
<p>P1.2: Buildings a works within the spatial extent of tidal waters must be for use that relies upon a coastal location to fulfil its purpose having regard to:</p>	
<p>(a) the need to access a specific resource in a coastal location</p>	<p>The wetland is proposed in the area as a compatible use with the landscape and relevant environmental constraints of the coastal location.</p> <p>Complies.</p>
<p>(b) the need to operate a marine farming shore facility;</p>	<p>Not applicable.</p>
<p>(c) the need to access infrastructure in a coastal area</p>	<p>The need for this infrastructure is based on the application being for public recreational use and to limit damage from people walking on vegetation and wetlands.</p>

	Complies.
(d) the need to service a marine or coastal related activity;	Not applicable.
(e) provision of essential utility or marine infrastructure	Not applicable.
(f) provisions for open space for marine-related education, research or recreational facilities.	The development provides for open space and recreational facilities. Complies.
P2.1: Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets having regard to:	
(a) Allowing the landward transgression of sand dunes and the landward colonisation of wetlands, salt marshes and other coastal habitats from adjacent areas.	The applicant stated in their planning report that landward transgression is not expected to be affected by the development, however these claims were not accompanied by any supporting reports or documents. Noting the extensive works to reconfigure water bodies it is uncertain the impact this could have on landward transgression. Does not comply.
(b) Avoiding the creation of barriers or drainage networks that would prevent future tidal inundation.	The applicant intends to reconfigure the waterbodies with regard to their original natural state before various artificial drainage had occurred. Whilst the proposed works have been designed with consideration to the Acid Sulphate recommendations in mind. There is no supporting reports to state that the proposed works to limit coastal inundation of Shepherd Hut Lagoon are in line with historical natural water courses. The application is actively creating barriers that prevent future tidal inundation. Does not comply.
(c) Allowing the coastal processes of sand deposition or erosion to continue to occur;	The applicants planning report states coastal processes will not be adversely affected. No further information or reports have been provided to support these statements. Does not comply.
(d) The need to group new facilities with existing facilities where reasonably practical;	Not applicable.
(e) The impacts on native vegetation	The proposal aims to increase the net amount of vegetation. Many of the proposed plantings are not endemic to the site or greater Tasmania. The impact of these plantings are unknown on the existing natural values of the site. Additionally changing the water courses and increasing the freshwater bodies

	<p>have no supporting reports to note their impact on vegetation that has typically been subjected to saltwater inundation.</p> <p>Does not comply.</p>
(f) Minimising cut and fill	<p>Cut and fill is proposed on the site to create the new landscape, the proposal adheres to the Acid Sulphate Soil Reports recommendations.</p> <p>Complies.</p>
(g) Building design the responds to particular size, shape, contours or slope of the land;	<p>See previously addressed.</p> <p>Complies.</p>
(h) The impacts of seal level rise on natural coastal processes and coastal habitat;	<p>Majority of works has been considered with coastal processes in mind. However, the carpark being situated in the coastal inundation overlay is likely to be impacted and have impact on the natural values off site.</p> <p>Does not comply.</p>
(i) The environmental best practice guidelines in the wetlands and waterways works manual; and	<p>The manual states that undertaking construction works in wetlands can have significant harmful impact on wetland environments and should seek expert advice. The applications planning reports and broad statements without the consideration of a suitably qualified person does not show due regard to the manual.</p> <p>Does not comply</p>
(j) The guidelines in the Tasmanian Coastal works Manual.	<p>The manual highlights the impacts works can have on accelerating erosion and general impacts on coastal environments and the impacts of sediment transfer. The lack of expert advice on the buildings and works involved in this application cannot prove that the works are avoiding or minimising adverse impacts on the natural assets.</p> <p>Does not comply.</p>
<p>P4.1:</p> <p>Dredging or reclamation within a waterway and coastal protection or a future coastal refuge area must minimise adverse impacts on natural coastal processes and natural assets having regard to:</p>	
(a) impacts caused by erosion, siltation, sediment and runoff	<p>Previously Addressed.</p> <p>Does not comply.</p>
(b) impacts on riparian or littoral vegetation	<p>It is uncertain how changing Shepherd Hut Lagoon to only receiving freshwater may impact surrounding vegetation that previously was subjected to infrequent inundation. There has been no supporting</p>

	reports or evidence to state that the reconfiguring of water bodies will not impact vegetation. Does not comply.
(c) the need to avoid land filling of wetlands	Wetlands are not intended to be filled. Not Applicable.
(d) impacts on sand movement and wave action; and	The applicant reported in response to a request for the performance criteria to be addressed that the lagoon that is being deepened was historically a freshwater body and is being restored back to its original state. As previously stated no reports by suitable qualified persons have been provided to support the reconfiguration of water bodies, or their impact on sand movement and wave action. Does not comply.
(e) the potential for increased inundation of adjacent land	It is uncertain of the impact that reconfiguring these waterbodies could potentially have on inundation processes, and no supporting reports have been provided to state the level of impact. Does not comply.
P4.2 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary;	
(a) To continue an existing use or development on adjacent land; or	Not Applicable.
(b) For a use which relies upon a coastal location to fulfil its purpose having regard to: <ul style="list-style-type: none"> i. The need to access a specific resource; ii. The need to operate a marine farming shore facility iii. The need to access infrastructure available in a coastal location; iv. The need to service a marine or coastal related activity; v. Provision of essential utility or mariner infrastructure; and vi. Provision of open space for marine – related educational, research or recreational facilities. 	This site intends for the provision of open space and recreational facilities. Complies.

The proposal is not considered to comply with the requirements of P1.1, P2.2, and P4.1.
The proposal is considered to comply with the requirements of P1.2 and P4.2.

C7.0 Natural Assets Code

C7.6.2 Clearance within a priority vegetation area

A1 cannot be met as there is no building area indicated on a sealed plan under the planning scheme. As such the performance criteria has been addressed.

Performance Criteria	Planner's Response
P1.1 Clearance of native vegetation within a priority vegetation area must be for:	
(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person.	Not applicable.
(b) buildings and works associated with construction of a single dwelling or an associated outbuilding	Not applicable.
(c) subdivision in the general residential or low density residential zones	Not applicable.
(d) use or development that will result in significant long term social and economical benefits and there is no feasible alternative location.	Not applicable.
(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or;	See (f)
(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.	The clearance of vegetation is of a limited scale compared to the net increase of the proposed revegetation plans. The natural values assessment notes that there were not threatened species detected in the area. Vegetation clearance under this proposal was not assessed by ECOtas (2019, 2020), The 2020 report does state that "it is recommended

	that any areas of vegetation mapped as ARS, ASF, ASS, DGL and DOV be avoided" (p44). The application has proposed works in the ARS, ASS and DOV requiring clearing of vegetation. Does not comply.
P1.2: Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to;	
(a) the design and location of buildings and works and any constraints such as topography or land hazards;	See above addressed.
(b) particular requirements for the buildings or works;	The structures are not habitable and there are no particular requirements. Not applicable.
(c) minimise impacts from bushfire hazard management measurements	No bushfire hazard management required. Complies.
(d) any mitigation implemented to minimise the residual impacts on priority vegetation;	Mitigation measures included are revegetation plans to have a net increase in native vegetation on site, including the removal and natural rehabilitation of the motocross track. Complies.
(e) any on-site biodiversity offsets; and	The aim of the site is to restore its environmental integrity by increasing the amount of vegetation on site to support a wetland environment. The application did provide a list of proposed plants that were not endemic to the site which could have unintended impacts on the site and surrounding environments. Does not comply.
(f) any existing cleared areas on the site.	Land has been cleared previously without a permit and the application intends to remediate. Complies.

The proposal is considered to comply with the requirements of P1.1.

The proposal is not considered to comply with the requirements of P1.2

C8.0 Scenic Protection Code

C8.6.1 Development within a scenic road corridor

A1 cannot be met as there is some development proposed within the scenic road corridor that has potential to have visual impact.

A2 cannot be met as there are some proposed development of board walks in the corridor which have potential to be visible from the road. Therefore, the performance criteria has been addressed.

Performance Criteria	Planner's Response
P1: Destruction of exotic trees with a height more than 10m, native vegetation, or hedgerows within a scenic road corridor must not cause an unreasonable reduction of the scenic value of the road corridor having regard to;	
(a) the nature, extent and location of the exotic trees, native vegetation and hedgerows; and	The proposed works are unlikely to require any of the screening vegetation to be removed, and is unlikely to have a negative visual impact on the scenic road corridor. Complies.
(b) the purpose of any management objectives identified in the relevant Local Provisions Schedule	Not applicable.
P2: Buildings or works within a scenic road corridor must not cause an unreasonable reduction of the scenic value of the road corridor, having regard to:	
(a) topography of the site	The site topography located within the corridor is not expected to change. Complies.
(b) proposed reflectance and colour of external finishes	Design and colour of the proposed huts and boardwalks are in keeping with the colours of the existing environment and are designed to be recessive in nature Complies.
(c) design and proposed location of the buildings or works	Location of buildings and works are unlikely to be visible from the scenic road, and will not have a negative impact on the scenic view from the road. Complies.
(d) the extent of any cut or fill required	There is some proposed fill around Shepherds hut lagoon within the corridor which will not have any visual impact from the road. Complies.
(e) any existing or proposed screening	There is existing screening that is required to be maintained in keeping with the scenic code. Complies.
(f) the impact on views from the road; and	Impact on views from the road are only expected to enhance the scenic value through increasing vegetation. Complies.
(g) the purpose of any management objectives identified in the	Not applicable.

relevant local provisions Schedule.	
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The proposal is considered to comply with the requirements of P1 and P2.

13. Referrals

The application was referred to Councils engineers for comment and advice.

14. Representations

The proposal was advertised for two weeks from 3 June 2022 to 17 June 2022 and 14 representations were received objecting to the proposal. A summary of concerns raised, and responses are included in the Table below. The submissions are included in the attachments to the report, with personal details redacted for privacy reasons.

Theme One	Response
<p>Most representors established a distrust and concerns on future intentions for the site by the applicant.</p> <p>In the natural values assessment from 2019 there is a reference to visitor accommodation:</p> <p><i>"However, it is generally understood that the future proposal is for limited visitor accommodation in the approximate northwestern third of the subject title" (ECOTas 2019).</i></p> <p>This has raised concerns for the representors.</p>	<p>Council only assesses the submitted application and cannot base an assessment on previous discretions, the actions or accusations of an applicant or any potential future plans for the site.</p> <p>The visitor accommodation reference was not an application for visitor accommodation and has not been assessed as one.</p> <p>Any future intention for development would require a new development application to be submitted for visitor accommodation and assessed against the requirements of the zone and codes under the TPS.</p>
Theme Two	Response
<p>Majority of representors cited concerns about how the existing campground at the end of River and Rocks road, adjacent to this proposal. They cited concerns regarding the interaction of the camp site, campers and the wetland proposal:</p> <ul style="list-style-type: none"> - Increased road traffic - Camping in the car park of the wetland - Rubbish - No toilet facilities provided - No on-site management of the wetland - Vandalism / Hooning - Road integrity 	<p>The wetland is to be largely a passive recreational space where it is not expected to generate significant increase in people visiting the site. The wetland is not intended to be a campsite or a tourism venture, it is intended to be an environmental park available to the public.</p>
Theme Three	Response

<p>Majority or representors had concerns about Ramsar Wetland environmental health and integrity.</p> <p>One representor specifically highlighted concerns for the impact on water quality, rising water levels and reconfiguration of waterbodies. In addition there were concerns that there was no input from environmental organisations on the project.</p>	<p>The site is located at the river mouth of the Ramsar site. The application claims to reconfigure the water bodies to a similar condition prior to the history of land degradation the site has endured. The impact of rising water levels has been taken into consideration in the design of the limited infrastructure. The water quality is not expected to be impacted as there is no proposal for toilets or other amenities that could contaminate the water.</p> <p>Nature Glenelg trust was contacted by the applicant and has since notified Council that they have no affiliation with this project.</p>
Theme Four	Response
<p>The application does not meet clause 6.1.2 and 6.1.3</p> <ul style="list-style-type: none"> - Does not provide full description of the proposal - Council has not obtained sufficient information to conduct assessment 	<p>Council is satisfied that clauses 6.1.2 and 6.1.3 have been met.</p> <p>The access from River Rocks Road is existing and was at the time of the application submission.</p>
Theme Five	Response
<p>Road and railway asset code</p> <p>Does not address P1 of clause 3.5.1</p>	<p>Addressed in section 3 of this report.</p>
Theme Six	Response
<p>The representors have identified concerns with the assessment of the Natural Values Asset Code:</p> <ul style="list-style-type: none"> - Application does not assess P4.1 and P4.4; - Planning have had no regard to P2.2. <p>Natural Values Assessments</p> <ul style="list-style-type: none"> - ECOtas report 2019 is not valid as it was > 2 years old; - ECOtas report 2020 is not valid as it was completed before unauthorised substantial works had been conducted on site. 	<p>Council completed assessment against all relevant standards in section 3 of this report.</p> <p>The Natural Values Assessments (ECOtas 2019,2020) reported no threatened fauna or flora at either interval or under the previous and current planning schemes or prior to the unauthorised works. However, the reports did not comment on the wetland works themselves, this has been addressed in the report. Additionally, some of the recommendations from the reports have not been taken into consideration when designing the development.</p>
Theme Seven	Response
<p>The representors have expressed concern that the Scenic Protection Code P1 and P2 has not been significantly addressed.</p>	<p>The relevant standards were assessed by Council through this report and were addressed.</p>
Theme Eight	Response
<p>Most representors expressed concerns over existing motocross track</p>	<p>The applicant has expressed in the application that the motocross track will be levelled and</p>

	intended for natural remediation to take over.
Theme Nine	Response
Most applicants highlighted concerns for plant revegetation plans and proposed plants that do not occur within Tasmania or were not endemic to the site.	Addressed in section 3 of this report.
Theme Ten	Response
One representor cited concerns about no Aboriginal Site assessment having been undertaken.	Aboriginal heritage is managed outside of Planning Scheme, through the Aboriginal Heritage Act 1975. It protects all relics that exist (both known or uncovered through the development process) and applies to all people.
Theme Eleven	Response
The application was not valid as the General Manager had not signed it, and a works in the road reserve permit had not been obtained for the cross over.	The application submission was considered sufficient and valid by the Council. The cross-over was existing at the time of the application and therefore a permit was not required as part of the current application.

15. Conclusion

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

16. Recommendation

That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2022/122, RA1 Swanwick Road, Coles Bay for wetland creation, be refused for the following reasons:

- Failure to meet the requirements of:
 - o Clause 23.4.1 P1 – Development Area
 - o Clause 23.4.4 P1 – Vegetation Management
 - o Clause C7.6.1 P1.1 & P4.1 – Building and works in waterway and coastal area or a future coastal refugia area
 - o Clause C7.6.1 P1.2 - Clearance within a priority vegetation area

The following advice is provided for information and assistance only

- a. Pursuant to section 57(7) of the Land Use Planning and Approvals Act 1993 (LUPAA) this letter is to serve notice to you as applicant of this decision.
- b. Pursuant to section 61 of LUPAA, the applicant may appeal against this refusal to the Appeal Tribunal. Any appeal must be instituted within fourteen days after the day on which this notice was served.
- c. To lodge an appeal or to obtain any information relating to the lodgment or conduct of an appeal please refer to the Appeal Tribunal website at <https://www.tascat.tas.gov.au/resource-and-planning/home>.

4.4 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 v 1 [**4.4.1** - 31 pages]
2. Attachment 1 - Applicant submissions 22 July 2022 SAP [**4.4.2** - 12 pages]
3. Attachment 2 - TPC Published Amendment in TPS format track-changes 24 May 2022 - Copy [**4.4.3** - 18 pages]
4. Attachment 3 - TPC published revised use table & SAP 17 June 2022 [**4.4.4** - 19 pages]
5. Attachment 4 - Commission-directions-19- July-2022 [**4.4.5** - 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 provide 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 was 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, and requests that the Commission determine the amendment based on the certified amendment and Section 39 Report endorsed by Council.

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 Reports for the period ending 31 July 2022

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Group Financial Statements 2022-07 [5.1.1 - 3 pages]
2. Capital Works Projects 2022-07 [5.1.2 - 3 pages]

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 July 2022 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	Moderate	Likely	High	There is no mitigation treatment for not reviewing financial performance.
By not receiving and reviewing standard financial reports on a regular basis, (Profit & Loss, Cash Flow Statement, Capital Works and Balance Sheet), Council risks not meeting its financial management obligations.				

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended 31 July 2022.

6 SECTION 24 COMMITTEES

6.1 Triabunna Recreational Ground Advisory Committee Minutes - 9 August 2022



GLAMORGAN SPRING BAY COUNCIL

Section 24 Advisory Committee Meeting
Triabunna Recreation Ground

MINUTES

MEETING HELD – *Tuesday 9th August, 2022 - Recreation Room*

MEETING OPENED: 6.00 pm

PRESENT: Phil Giffard, Councillor Cheryl Arnol, Deputy Mayor Jenny Woods,
Jan Sweet

APOLOGIES: Nerissa Alomes, Steve Davies

ABSENT: Jim Walters

CONFIRMATION OF LAST MINUTES: (5th May 2022)

Moved: Deputy Mayor Jenny Woods Seconded: Jan Sweet Carried

CORRESPONDENCE IN:

- Service agreement notification from Hawes Pest Control.
- Emails from Adrian O'Leary – Manager of Buildings & Marine Infrastructure re: installation of new kitchen flooring, showers/toilets upgrade, new signs, bins around the oval, replacement of doors, security camera, rekeying the building.
- Email from Tom Chadwick – Chairman Tasmanian Commercial Divers Association re: room hire 15th July 2022.
- Invoices from Aurora, Hawes Pest Control & Australia Post.
- Email from Phil Giffard tendering his resignation.

CORRESPONDENCE OUT:

- Email to Geoff Gadd, President Triabunna Football Club suggesting updated site plan be forwarded to Liquor and Gaming indicating extended “wet areas”
- Emails to Adrian O'Leary – Manager of Buildings & Marine Infrastructure re: installation of new kitchen flooring, showers/toilets upgrade, new signs, bins

around the oval, replacement of doors, security camera, rekeying the building and request to repair lock on side sliding door.

- Response to Tom Chadwick confirming room booking 15th July 2022.

MATTERS ARISING FROM PREVIOUS MINUTES

- Mens toilet blockage fixed by Council
- Steve Davies going to purchase large swivel broom once in stock
- Hawes Pest Control have installed bait stations around Recreation Room perimeter
- Adrian O'Leary – Manager of Buildings & Marine Infrastructure has organized "Toilet", "Canteen" & "No Smoking" signs for building
- Adrian O'Leary – Manager of Buildings & Marine Infrastructure advised that replacement doors to umpire changeroom, recreation room & timekeepers box will be installed by Castle Constructions during installation of new changeroom showers and toilets.

TREASURERS REPORT -

Working Financial

Opening Balance	\$ 14,589.83
Income	\$ 200.00
Expenditure	\$ 2,480.41
Closing Balance	\$ 12,309.42

Moved: Deputy Mayor Jenny Woods Seconded: Councillor Cheryl Arnol Carried

NEW BUSINESS

- Deputy Mayor Jenny Woods thanked Phil Giffard for his unwavering support and commitment to the S24 Committee over the past 6 years and wished him well in his future endeavours.
- Jan Sweet to email Greg Ingham – General Manager suggesting recommendations for a review of the Section 24 Special Committees of Council

NEXT MEETING

To be advised

There being no further business, the meeting was declared closed at 6.45 pm

RECOMMENDATION

That the Minutes of the Triabunna Recreation Ground Advisory Committee meeting held on 9 August 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

1. Glamorgan Springbay SES Unit Annual report 2021 2022 Written [7.1.1 - 2 pages]

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 works conducted in our asset management program proceed directly from, or contribute to, the fulfillment of the respective Asset Management Plan (AMP) Improvement Plans sections.

- Activity continues on service level development across all asset classes with renewal of operating contracts through development of tenders and requests for quotations for a range of items and activities.
- Updating of geographical information systems continues to enable better linkage to budget for planning and expenditure monitoring.
- End of financial year asset data capture and recognition activities commenced for capital works, donated assets from development and old existing assets discovered and mapped.
- Subdivision construction inspections being carried out as they fall due across the council area.

CONSULTANT SERVICES

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

- Commonwealth Grant capital project design and delivery
- Hydraulic – stormwater advice for engineering assessment of subdivisions
- Stormwater management plan ongoing investigation of urban catchments
- Specialist services to cover staff leave provisions where time critical activities require milestone achievement e.g. engineering assessment for development.
- End of year Asset capitalisation activities supported by consultant technicians through Assetic, council's asset software provider.

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- Unsealed road inspections carried out: 6
- Nugent Rd maintenance grade- Completed
- Cutting Grass Rd maintenance grade- Completed
- Levendale Back Rd maintenance grade- Completed
- Sand River Rd maintenance grade- Underway
- Wielangta Rd potholing- Completed
- 1st Bridge Brockley Rd deck panels replaced – completed
- Woodsden Rd bridge deck replacement completed

Sealed Road Maintenance and Re-Sealing:

- Alma Rd- sub drainage completed along kerb, awaiting quote for reclaiming and sealing
- Cold mixing of potholes across the municipality- Ongoing- approx 15tonnes cold mix applied during July

Box out road failures:

- Hazards View Drive, Swanwick- August
- Esplanade, Coles Bay- Underway
- Charles St, Orford opposite police station- Underway
- Road failure- Harold St, Coles Bay- Underway, investigating source of water

STORMWATER, DRAINAGE

- Planning underway for multiple small scale stormwater infill projects

WASTE MANAGEMENT

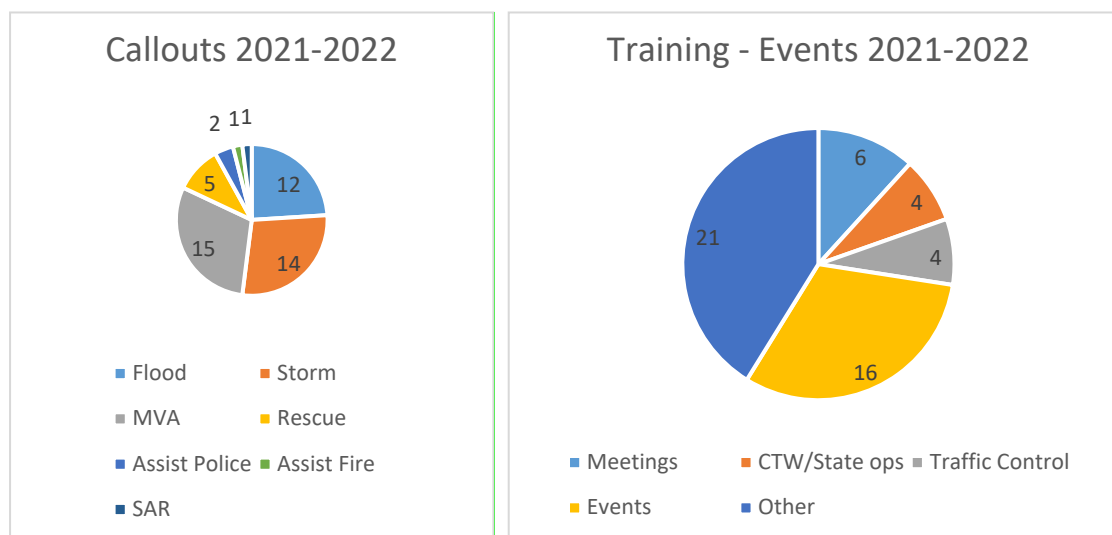
- The tender for kerbside collection and Transfer Station Bin servicing is now closed.
- Mulching option enquiries for green waste continue ahead of the burning permit cessation at the end of December. A waste strategy is being developed to provide direction to waste management activities for the next 5 – 10 years.
- Recycling signage updated for transfer stations

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES

- Normal maintenance activities mowing etc
- Tree trimming in high-risk locations (parks and public spaces) across municipality - Ongoing
- Bicheno walking tracks from Murray St to Champ St, both sides of road- waiting for ground conditions to dry out
- 12 weekly playground inspections for the month across the entire municipality.
- Oct 2021 annual inspection report - identified issues- 85% completed
- New roof installed on playground equipment in Duck Park- Completed
- Annual playground inspection by third party- Booked for August 2022

EMERGENCY MANAGEMENT

The Swansea SES unit has been active over during 2021-22 with numerous callouts and training events undertaken through the year.



Training hours totalling 787 for the crew were delivered across a range of 52 competencies during the year.

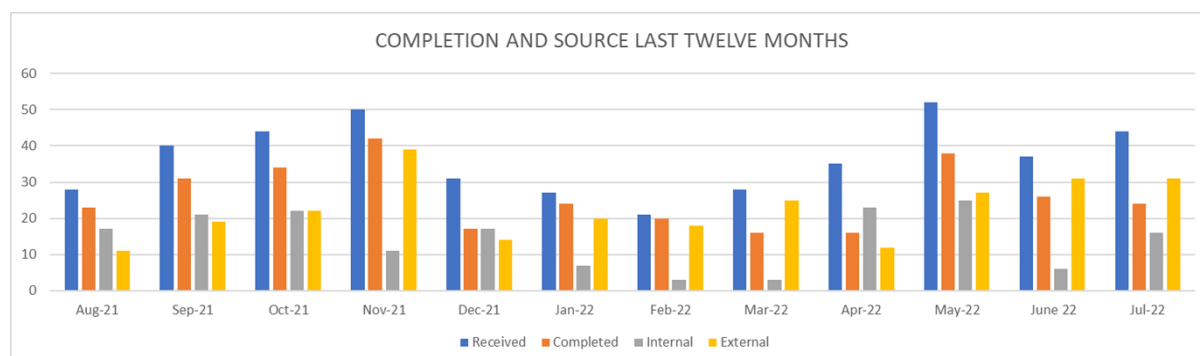
50 call outs were recorded with volunteer response hours totalling 373 for these incidents and ranging across the municipal area and beyond from Bicheno to the Tasman Peninsula. Further detail is provided in the annual report from the Glamorgan Spring Bay SES unit attached.

Council's after hours rostering carried out as scheduled.

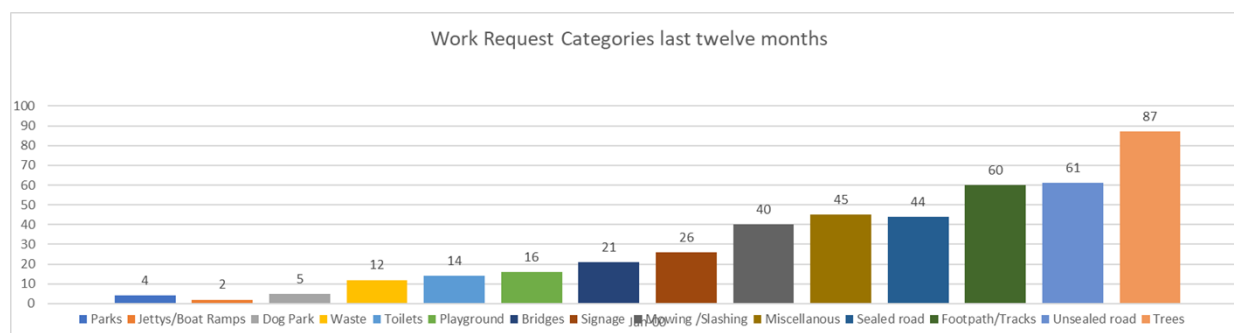
CUSTOMER REQUESTS

Summary charts are provided below to show data for the preceding twelve months.

The chart below shows the completion rate. Incomplete requests occur as a result of the timing of the request which might relate to a long-term plan or scheduling; The request may require other investigation; there may be insufficient budget to complete the request at the present; the request might not be council's responsibility.



The requests are sorted into categories to provide an overview of the areas showing the most interest or greatest need for attention. This gives management a guide as to resourcing and system functionality to inform both short and long term plan priorities.



CAPITAL WORKS

- Holkham Court Culvert Upgrade – continued

Grant funded

- Planning for Black Summer Bushfire Projects commenced with survey for the Helipad site undertaken.
- Bicheno Triangle tender documents in development
- Bicheno Gulch consultation with Parks continues. DA lodgement underway.
- Survey work on the Coles Bay walking track to the original concept completed
- Swansea street upgrade tender closed for assessment.
- Alma Rd Orford: Scope of pavement stabilisation and seal being resolved with contractor.
- Approved bridge repairs - (1) Culvert List 50, Orford Rivulet, Wielangta Road - Twin 3.10m dia. 'Multi-plate' Culvert, (2) List 44 Bridge 100V Unnamed Ck Glen Gala Road, (3) List 47, Bridge Griffiths Rivulet, Wielangta Road and (4) List 13 Bridge No 2001, Larges Creek, Besnehan's Road. Little Swanport- Underway

PLANT AND VEHICLES

- Replacement plant items 80% ordered. Delivery of items varies from 3 to 9 months from order.

GENERAL

- The Capital Works program is being developed with projects being scheduled across the financial year.

RESERVE BOOKINGS AND ROAD CLOSURES

- Bicheno Food and Wine Festival November 17-21st
- Bicheno Triangle Antarctic Festival 15th August
- Squid Festival Triabunna November 26th
- Freycinet Challenge 8-9 October

RECOMMENDATION

That Council notes the information.

8 OFFICERS' REPORT REQUIRING A DECISION

8.1 Bicheno Food and Wine Festival

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

ATTACHMENT/S

1. Bicheno Food & Wine Festival - Map [8.1.1 - 1 page]

PURPOSE

Recommendation for Council to approve expenditure to support a community event in Bicheno and an associated road closure.

BACKGROUND/OVERVIEW

Council provides a level of support in cash and kind to a number of community events each year. The Bicheno Food and Wine Festival is one event which Council has been pleased to support in past years. Other events drawing a level of support include the Freycinet Challenge, The Seafarer's Memorial Service (which is also supported by a Section 24 committee), Bicheno Beams, Swansea Christmas pageant and others.

Council has received a request to provide support to the Bicheno Food and Wine Festival scheduled for Thursday November 17 to Monday 21st this year.

The application from Matt Woodham, Event Manager for Bicheno Festivals is for a contribution similar to previous years in value and extent.

1. Supply of signage, bollards, witches hats, for approved road closures if required.
2. Stocking of public amenities
3. Wheelie bins including the supply of bin liners.
4. Supply of 2 trucks and driver for disposal of rubbish and recyclables during the event.
5. Compost site at Waste Transfer Station
6. A cash contribution of \$2,000 toward the likes of acquiring stable temporary internet (the 4G network couldn't handle stallholders' transactions last year) and hiring an MC for the day to reinforce messaging around COVID safety and keeping the site tidy.
7. Road Closure advertising and administration.
8. Temporary fence removal
9. Use of Oval for parking

The event draws significant visitors to Bicheno businesses over the festival weekend. An event permit will be required as will a permit for the use of the road reserve.

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.
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

Local Government Highways Act 1982

19. Closure of local highways for public functions, &c.

(1) For a purpose in connection with a public function, or in order to facilitate work on land adjoining a local highway, a corporation may, after consulting the Commissioner of Police—

(a) close a local highway or part of a local highway in the municipality;

(b) forbid the use of a local highway or part of a local highway in the municipality by all person, or by all persons with vehicles, subject to such exceptions as the corporation considers appropriate; or

(c) subject to a resolution of the council, grant exclusive licences to occupy part of a local highway so closed for such periods and on such conditions as the corporation thinks fit.

(2) When practicable, a corporation shall give notice in a local newspaper circulating in the municipality of any action that it proposes to take under this section.

(3) The forbidding under [subsection \(1\) \(b\)](#) of the use of a local highway or part of a local highway in a municipality shall be effected by an order—

(a) published in a local newspaper circulating in the municipality; or

(b) displayed where the public right of passage ceases under the order.

(4) A licence granted under [subsection \(1\) \(c\)](#) is to name at least one licensee and may describe other licensees in general terms.

(5) While part of a local highway is closed or forbidden to be used under [subsection \(1\)](#), that part shall be deemed to be the property of the corporation for the purpose of civil or criminal proceedings against persons who are not authorized to enter that part.

Road closure powers delegated to General Manager.

BUDGET IMPLICATIONS

The budget for events for 2022-23 is \$12,000.

Anticipated expenditure at this stage is:

Event	value	
Seafarers Memorial	\$5000	Council event
Australia Day	\$1000	Council event
Citizenship ceremonies x 3	\$1500	Council event
Freycinet Challenge	\$1100	Community event
Total	\$8,600	

RISK CONSIDERATION/S

There are several risks to Council associated with approval of events and permitting use of public open space. These are managed through standard operational processes. A review of the issues associated with unauthorized overnight camping at the oval carpark and waste management issues at the same location has been undertaken with the event organiser and measures have been committed to mitigate these risks

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation	Possible	Moderate	Medium	Organiser's insurance and risk management plan actions implemented to address risks.
Risks to road users and event participants				
Do not adopt the recommendation	Possible	Moderate	Medium	Develop alternative motion to express the will of council.
Risks to event viability and council reputation				

OFFICER'S COMMENTS

Last year a question was flagged about the Community Small Grants Fund and whether event assistance, forms an aspect of this policy coverage. This year, some distinction has been made to identify a budget specifically for events and a review of policy is being developed to assist with governance.

Between labour to transport waste, road closure and advertising costs there is a non-cash contribution in the order of \$1500 to the event.

Council is not able to provide 2 trucks and drivers to service waste due to limited resource availability. We have provided one truck and driver in past years and can do the same this year.

OFFICER'S RECOMMENDATION

That Council:

1. approve the application for event assistance of \$2,000 and provide in-kind assistance for signage, amenities consumables, oval parking, road closure advertising and administration, waste removal and bin provision as requested and within available resources.
2. Notes the road closure.

8.2 Policy Review - Council Meetings- Audio Visual Recording and Live Streaming Policy

Author: Executive Officer (Jazmine Murray)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Council Meetings - Audio Visual Recording and Live Streaming - REVIEWED 2022 (1)
[8.2.1 - 6 pages]

PURPOSE

To recommend that Council adopts the updated draft *Council Meetings – Audio/Visual Recording and Live Streaming Policy* 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 *Council Meetings – Audio/Visual Recording and Live Streaming Policy* has been reviewed and updated.

Council's existing *Council Meetings – Audio/Visual Recording and Live Streaming Policy* was last reviewed in April 2020 and reflected the COVID-19 situation at the time of the adoption, however due to the ongoing changes associated with COVID-19 a review of the Policy has been undertaken which now reflects the current situation.

The updated Policy includes the below changes:

- Reporting of YouTube views changed from monthly to quarterly as this is now reported in the quarterly Information Briefing Document rather than the monthly Council Meeting Agenda.
- Removal of the following:
 - *The Mayor will clearly announce via a written statement at the beginning of the meeting agenda that all Ordinary and Special Meetings of Council are streamed live (audio and visually), as well as audio/visually recorded and made available to the public for viewing post the meeting.*
 - *All Ordinary and Special Council meetings will be held via remote conference until further notice.*
- Addition of the following:
 - *Ordinary and Special Council meetings will be held in accordance with the relevant COVID-19 regulations and restrictions at the time.*

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

- Review and update existing Council strategies and plans.

STATUTORY IMPLICATIONS

- *Local Government Act 1993*
- *Local Government (Meeting Procedures) Regulations 2015*
- *COVID-19 Disease Emergency (Miscellaneous Provisions) Bill 2015*

BUDGET IMPLICATIONS

N/A

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 amend Policy for presentation at a future Council Meeting.
By not updating and reviewing the Audio Visual Recording and Live Streaming Policy, Council risks noncompliance with the existing Policy in its current form.				

OFFICER'S COMMENTS

The *Council Meetings – Audio/Visual Recording and Live Streaming Policy* has been reviewed and updated to reflect current times and is recommended for adoption.

OFFICER'S RECOMMENDATION

That Council adopts the reviewed *Council Meetings - Audio Visual Recording and Live Streaming Policy* as attached to this report item effective 23 August 2022.

8.3 Road Closure - Triabunna Remembrance day

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

ATTACHMENT/S

Nil

PURPOSE

To implement a road closure to facilitate an event.

BACKGROUND/OVERVIEW

November 11th is Remembrance Day and a request has been received from the Triabunna RSL club to close a section of Vicary St for the period of the service from 10.45 to 11.45am at the Cenotaph at the junction of Vicary St and the Esplanade.

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

What we plan to do

- Sustain a safe and well-maintained road network across the municipality.

STATUTORY IMPLICATIONS

For a public function, section 19 of the Local Government Highways Act provides the power for the road closure.

Local Government Highways Act 1982

19. Closure of local highways for public functions, &c.

(1) For a purpose in connection with a public function, or in order to facilitate work on land adjoining a local highway, a corporation may, after consulting the Commissioner of Police—

(a) close a local highway or part of a local highway in the municipality;

(b) forbid the use of a local highway or part of a local highway in the municipality by all person, or by all persons with vehicles, subject to such exceptions as the corporation considers appropriate; or

(c) subject to a resolution of the council, grant exclusive licences to occupy part of a local highway so closed for such periods and on such conditions as the corporation thinks fit.

(2) When practicable, a corporation shall give notice in a local newspaper circulating in the municipality of any action that it proposes to take under this section.

(3) The forbidding under [subsection \(1\) \(b\)](#) of the use of a local highway or part of a local highway in a municipality shall be effected by an order—

(a) published in a local newspaper circulating in the municipality; or

(b) displayed where the public right of passage ceases under the order.

(4) A licence granted under [subsection \(1\) \(c\)](#) is to name at least one licensee and may describe other licensees in general terms.

(5) While part of a local highway is closed or forbidden to be used under [subsection \(1\)](#), that part shall be deemed to be the property of the corporation for the purpose of civil or criminal proceedings against persons who are not authorized to enter that part.

Road closure powers have been delegated to the General Manager.

BUDGET IMPLICATIONS

Internal resource cost to implement the road closure funded from operating accounts.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation	Unlikely	Moderate	Low	Traffic management plan development and implementation
Risks to road users and event participants				
Do not adopt the recommendation	Possible	Moderate	Moderate	No mitigation actions identified
Community dissatisfaction and disappointment				

OFFICER'S COMMENTS

For practical purposes, the closure will have to be implemented from the corner of Melbourne St and Vicary to the highway and the same for the Esplanade with the exception of local traffic to the caravan park and school on Vicary St and the units on the Esplanade. This enables timely detour advice to be provided to motorists needing to continue through. Advice will have to be provided to State Growth to manage impacts to traffic from the Tasman Highway expecting to enter Triabunna along Vicary St.

OFFICER'S RECOMMENDATION

That Council notes the road closure, in accordance with Section 19, 1, (a) of the Local Government Act 1982, of Vicary St and the Esplanade Triabunna, from Melbourne St to the Tasman Highway from 10.45am to 11.45am on Friday 11th November 2022.

8.4 Road Closure Triabunna - Squid Festival

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

ATTACHMENT/S

1. Squid Festival Road Closure [**8.4.1** - 1 page]

PURPOSE

To implement a road closure to facilitate an event.

BACKGROUND/OVERVIEW

The Spring Bay Mill is planning to implement an annual festival in Triabunna from Friday 25th November to Saturday 26th November at the southern end of the Marina and the Esplanade. This first year of the event will assist the organiser to identify improvements and demand for future years of the event.

The organiser has successfully engaged with the building owners and occupiers of the Art Studio and Men's shed to gain buy-in and space for the main features of the event. Additionally, there is a need for road and car park space to accommodate the event activities and circulation space.

The organiser is requesting a closure of the road and plan to stage this as follows

- Early November – place signage detailing carpark and road closures in late Nov.
- Friday 25th Nov (morning) – place signage on temporary bollards explaining imminent carpark and road closures.
- Friday 25th Nov (evening) – block 12 x parking spots with bollards and / or CCB
- Saturday 26th Nov (7am) – road closure start
- Saturday 26th Nov (7pm) – road closure end

A traffic management plan will be prepared for this once the current plan has been approved by council.

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

What we plan to do

- Sustain a safe and well-maintained road network across the municipality.

STATUTORY IMPLICATIONS

For a public function, section 19 of the Local Government Highways Act provides the power for the road closure.

Local Government Highways Act 1982

19. Closure of local highways for public functions, &c.

(1) For a purpose in connection with a public function, or in order to facilitate work on land adjoining a local highway, a corporation may, after consulting the Commissioner of Police—

(a) close a local highway or part of a local highway in the municipality;

(b) forbid the use of a local highway or part of a local highway in the municipality by all person, or by all persons with vehicles, subject to such exceptions as the corporation considers appropriate; or

(c) subject to a resolution of the council, grant exclusive licences to occupy part of a local highway so closed for such periods and on such conditions as the corporation thinks fit.

(2) When practicable, a corporation shall give notice in a local newspaper circulating in the municipality of any action that it proposes to take under this section.

(3) The forbidding under [subsection \(1\) \(b\)](#) of the use of a local highway or part of a local highway in a municipality shall be effected by an order—

(a) published in a local newspaper circulating in the municipality; or

(b) displayed where the public right of passage ceases under the order.

(4) A licence granted under [subsection \(1\) \(c\)](#) is to name at least one licensee and may describe other licensees in general terms.

(5) While part of a local highway is closed or forbidden to be used under [subsection \(1\)](#), that part shall be deemed to be the property of the corporation for the purpose of civil or criminal proceedings against persons who are not authorized to enter that part.

Road closure powers have been delegated to the General Manager.

BUDGET IMPLICATIONS

There are costs for advertising and implementation of the closure. These are expected to be met by the organiser however a second report will come to council at a later date to request assistance if required.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation	Unlikely	Moderate	Moderate	Traffic management plan development and implementation
Risks to road users and event participants				
Do not adopt the recommendation	Likely	Moderate	High	No risk mitigation action identified
Event in jeopardy of not proceeding.				

OFFICER'S COMMENTS

The event organiser engaged by the Spring Bay Mill is the same as delivers the Bicheno Food and Wine Festival. There is a high level of confidence that the event will be well planned and managed and that the road closure will be implemented effectively.

Officers understand the properties directly impacted by the event and the road closure have been consulted.

There is a small loss of parking associated with the closure plan. It is inevitable that the tourist season coinciding with the event will result in an increase in car parking through the area. If attending an event in Hobart or other major center there is an expectation that a moderate walk is required to reach a venue for an event. The additional walking from available parking for this event is not expected to exceed these expectations.

OFFICER'S RECOMMENDATION

That council notes the road closure, in accordance with Section 19, 1 (a) of the Local Government Act 1982, of Esplanade West from Melbourne St for 190 metres to the car park at the Marina from 7.00am Saturday 26th to 7.00pm Saturday 26th November 2022.

8.5 Community Small Grant - Swansea Community Christmas

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Community Small Grant Application Form - Swansea Community Christmas [8.5.1 - 1 page]
2. Quotation - Insurance Renewal [8.5.2 - 6 pages]

PURPOSE

Recommendation for Council to approve a Community Small Grant application for \$1,000 to 'Swansea Community Christmas Committee' to assist with the payment of insurance, permits and application fees required to host the annual Swansea Christmas Parade and Festivities.

BACKGROUND/OVERVIEW

Community 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.

This application from Swansea Community Christmas group, dated 22 July 2022 is for a contribution towards the insurance, license fees, decorations, prizes and youth activities to help fund the event, the costs are approximately \$3,000 p/a. Council have been supporting this event for several years as below.

2018	\$1,000
2019	\$500
2020	N/A
2021	\$1,000

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

Item	Cost
McKillop Insurance Renewal	\$900
Decorations	\$100
Total	\$1,000

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

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 \$30,000 Community Small Grants Program provision in the 2022/23 budget. As at 31 July 2022 there is \$29,000 of the budget available to support this application.

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 reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising.
Swansea Community Christmas may not find alternate funding to pay the insurance and fees to host the community event.				

OFFICER'S COMMENTS

Integrity Assessment:

The 'Swansea Community Christmas Committee' are not a registered incorporated association or registered charity. The applicant has supplied bank account details in the name of the group and minutes of the last committee meeting.

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 -	Yes
(2) are initiated within the community and actively involve local people	Yes
(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 'Swansea Community Events Committee' to support the Swansea Christmas Parade and Festivities for 2022.

8.6 Community Small Grant Application - Eastcoast Regional Development Organisation Inc.

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Community Small Grant Application - Eastcoast Regional Development Organisation Inc. [8.6.1 - 1 page]
2. Orford Quarry Quotation [8.6.2 - 1 page]

PURPOSE

Recommendation for Council to approve a Community Small Grant application to East Coast Regional Development Organisation Inc (ERDO) for \$868 towards the Gardening Together Project.

BACKGROUND/OVERVIEW

Community 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.

In this application, dated August 9, 2022, ERDO seeks for Council to help cover costs of gravel and delivery fees for compacted gravel walkways that are suitable for wheelchairs and other mobility aids to enable access to the raised community vegetable beds.

Estimated costs for gravel and delivery:

Item	Cost
12 x m3 gravel @ \$60 m3	\$720.00
Delivery \$37 per load (est m3)	\$148.00
Total	\$868.00

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

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 \$30,000 Community Small Grants Program provision in the 2022/23 budget. At 31 July 2022 there is \$29,000 of the budget available to support this application.

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 reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising.
ERDO may not find alternate funding to complete the project.				

OFFICER'S COMMENTS

Integrity Assessment:

The ERDO is a registered incorporated association. **Registration Number:** 02611C

Acceptance 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 -	Yes
(2) are initiated within the community and actively involve local people	Yes
(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 East Coast Regional Development Organisation Inc to support the Gardening Together Project that will create compacted gravel walkways suitable for wheelchairs and other mobility aids to enable access to the raised community vegetable beds.

8.7 Minutes of Glamorgan Spring Bay Audit Panel

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate & Community (Elysse Blain)

ATTACHMENT/S

1. Audit Panel Minutes 2022-06-07 [8.7.1 - 4 pages]

PURPOSE

To recommend that Council receives and notes the attached Minutes from the Glamorgan Spring Bay Council Audit Panel.

BACKGROUND/OVERVIEW

The Glamorgan Spring Bay Council Audit Panel (the Panel) plays a vital role in assisting Elected Members of the Glamorgan Spring Bay Council in fulfilling responsibilities relating to the review of the Council's financial performance and effectiveness as well as safeguarding its long-term financial position.

As required by the Audit act, Tasmanian councils are audited annually through submission of their financial statements to the Auditor-General via the Tasmanian Audit office (TAO). The Audit panel plays an important role in reviewing these documents to ensure there is a transparent alignment and disclosure of operational activities and accepted financial standards and controls in the industry.

The Panel met on 7 June 2022 at the Triabunna Council Office, the day of the last of 3 Council budget workshops and have since reviewed the budget 2022-23 assumptions and recommendations. A summary of the key actions are provided at the end of the Minutes. The majority of these require action by Council staff or the Chair of the Panel.

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

- Set realistic budgets and monitor income and expenditure closely.

STATUTORY IMPLICATIONS

- Local Government Act 1993
- Glamorgan Spring Bay Audit Charter
- Australian Accounting Standards Board (AASB)
- International Financial Reporting Standards (IFRS)

BUDGET IMPLICATIONS

Nil.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation	Nil	Nil	Nil	Nil
There is no material risk from not adopting this recommendation				
Do not adopt the recommendation	Nil	Nil	Nil	Nil
There is no material risk from not adopting this recommendation				

OFFICER'S COMMENTS

The audit function is recognised as a critical component in the accountability and governance framework of any local government entity, and, under the Act, all Tasmanian councils are required to establish and maintain an audit panel. Not doing so would be a breach of the Act and significantly reduce oversight of Councils finances.

The Audit Panel has been pleased to note the substantial and ongoing improvement in Councils organisational financial governance and controls significantly assisting towards the resulting positive financial performance results and audit results.

OFFICER'S RECOMMENDATION

That Council receives and notes the attached Minutes of the Glamorgan Spring Bay Council Audit Panel Meetings held on the 7 June 2022.

9 NOTICES OF MOTION

9.1 Notice of Motion - Deputy Mayor Jenny Woods

BACKGROUND

It was noted that a new pedestrian safety fence has been installed in Midway Point on the new highway works. It seems reasonable that such a fence would perform the task of keeping children and other pedestrians from falling into the traffic lane on the Orford and Buckland bridges on the Tasman Highway. Questions have been raised with the Department of State Growth in recent times with the response centred on vehicles entering the pedestrian space when the concerns are the opposite; that pedestrians, and especially young children, are at risk of falling into the traffic lane.

Moved Deputy Mayor Jenny Woods, seconded

That council write to the Department of State Growth requesting the installation of a barrier that will prevent pedestrians from falling into traffic on the Orford and Buckland, Tasman Highway Bridges.

9.2 Notice of Motion - Deputy Mayor Jenny Woods

BACKGROUND

Council receives requests from property owners from time to time where property access roads are not presently maintained by council. One such request pertains to an unformed road of around 680 metres in length from Strip Road to the south. The road is identified as a licence area. Residents have requested council upgrade and maintain the road to service the 6 or so properties who use this as their only access.

Moved Deputy Mayor Jenny Woods, seconded

That council seek a report from officers providing information on the mechanisms for developing a road to an acceptable standard and the impacts for council and property owners of those processes.

10 PETITIONS

Nil.

11 QUESTIONS FROM COUNCILLORS

11.1 Questions on Notice by Councillors

Nil

11.2 Questions Without Notice by Councillors

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: Swansea Streetscape Tender Recommendation

As per the provisions of Regulation 15 (2) (d) of the *Local Government (Meeting Procedures) Regulations 2015*.

Item 2: Kerbside and Transfer Station Bin Services 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].

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 Robert Young