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## **ORDINARY COUNCIL MEETING AGENDA**

TUESDAY 26 JULY 2022

2:00 PM

Council Chambers, Triabunna

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## NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday 26 July 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 21 July 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 - Tuesday 28 June 2022**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 28 June 2022 at 2:00pm be confirmed as a true and correct record.

## **2.2 Special Council Meeting - Thursday 30 June 2022**

### **RECOMMENDATION**

That the Minutes of the Special Meeting of Council held on 30 June 2022 at 12:30pm be confirmed as a true and correct record.

### **2.3 Special Council Meeting - Wednesday 6 July 2022**

#### **RECOMMENDATION**

That the Minutes of the Special Meeting of Council held on 6 July 2022 at 2:00pm be confirmed as a true and correct record.



## **2.4 Date and Purpose of Workshop(s) Held**

### **TUESDAY 12 JULY 2022**

In accordance with the requirement of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council Workshop was held from 1:30pm to 4:30pm on Tuesday 12 July 2022 at the Council Offices, Triabunna.

#### **Present:**

Deputy Mayor Jenny Woods  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning  
Clr Rob Churchill  
Clr Grant Robinson

#### **Apologies:**

Mayor Robert Young  
Clr Michael Symons

#### **In Attendance:**

Mr Greg Ingham, General Manager  
Mr Alex Woodward, Director Planning and Development  
Mr Peter Porch, Director Works and Infrastructure  
Mrs Elysse Blain, Director Corporate and Community  
Ms Tiara Williams, Graduate Planner

#### **Guests**

- Mr Andrew McCullagh

#### **Agenda**

- Meredith River Walking and Pedestrian Bridge
- NRM Services Proposal
- DA 2022/122 – RA1 Swanwick Road, Coles Bay – Creation of a Wetland
- Swanwick Quarry Rehabilitation
- Dolphin Sands Beach Access Licenses

#### **RECOMMENDATION**

That Council notes the information.

## **TUESDAY 19 JULY 2022**

In accordance with the requirement of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council Workshop was held from 1:30pm to 4:15pm on Tuesday 19 July 2022 via remote video conference.

### **Present:**

Mayor Robert Young  
Deputy Mayor Jenny Woods  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning  
Clr Rob Churchill

### **Apologies:**

Clr Grant Robinson  
Clr Michael Symons (due to work commitments)

### **In Attendance:**

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

### **Guests**

Nil.

### **Agenda**

- Cambria Presentation
- East Coast Tourism Presentation
- Draft Public Art & Memorial Policy

### **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

##### **Mr Greg Luck**

*In regards to my recent submission of an alternate Rates proposal - Principle Residence Remission, The General Manager has advised councillors that the alternative proposal is non compliant with State Legislation.*

*In order to understand that statement I wish to know:*

- Q1. *Which Legislation is it non compliant with*
- Q2. *Which rules in the Legislation is it non compliant with*
- Q3. *Who gave the advice re. it's non compliance and what qualifications to they carry relevant to that advice.*

##### **Response from General Manager, Greg Ingham**

The right to ask questions on notice to be address at a Council meeting (r.31, Local Government (Meeting Procedures) Regulations 2015) has its limits. Public question time provides members of the community with a platform for interacting directly with Councillors and Council staff by asking questions concerning Council activities. The platform promotes transparency in local government activities and provides Council with a mechanism for identifying matters of importance to members of their community.

Public question time is not a platform for:

- a) making statements or submissions rather than asking questions;
- b) debating issues with Councillors and/or Council staff; or
- c) asking questions about matters that are not associated with Council’s activities, beyond Council’s control, offensive or otherwise inappropriate.

Further, public question time:

- 1. is not a forum for seeking advice regarding the operation of legislation and access to documents (including legal advice); and

2. should not be used to pursue Council about a subject matter that has already been addressed (in this case Mr Luck's desire for a 'principal residence remission', which per your instructions has been discussed with him, presented to the elected members and rejected).

Other avenues are available for seeking documents, most notably the assessed disclosure process prescribed in the Right to Information Act 2009. As a general rule, councils do not provide legal advice to members of the public.

Council's guidelines on "Public Question Time - How do I ask a question" stipulate that there is a limit of two (2) questions per person either in writing or in person. As Mr Luck's questions are related and do not require a lengthy or detail response, the General Manager has included all seven (7) questions here.

Questions one, two and three are a request for legal advice; Council does not give legal advice to members of the public.

*Q4. can a written copy of that advice be viewed by all.*

*Q5. If the advice was verbal or informal - please provide a certified transcript of that advice as required under the Local Govt. Act 1993*

#### **Response from General Manager, Greg Ingham**

Questions four and five are a request for a document, which should be made under the *Right to Information Act 2009*.

*Q6. Clr Churchill made a statement at the Swansea Community Connect regarding "differential" rates not being allowed to be applied to short term accommodation premises - they are residential - it's against the Legislation", I wish to know the source of that advice, the Legislation to which he refers and the rule to which he refers.*

*Q7. If the advice in 1-6 is received from within the council has it been verified by other external sources to validate the responses.*

#### **Response from General Manager, Greg Ingham**

Questions six and seven are a request for legal advice; Council does not give legal advice to members of the public. Any comment by a Councillor at a Community Meeting is made by that Councillor as an individual, and may not reflect Council position or be endorsed by Council.

#### **Ms Heather Davis**

- *My name is Heather Davis.*
- *I am a Rate Payer in Swanwick.*

*Chairperson, regarding the proposed "separate charge for maintaining and improving the Swanwick Water Treatment Plant" –*

*Q1. How many rate payers, owners or occupiers are, at present, connected to the Swanwick Water Treatment Plant?*

**Response from General Manager, Greg Ingham**

There are 71 rateable properties connected at present.

*Q2. How is the proposed rate calculated?*

**Response from General Manager, Greg Ingham**

The proposed charge is calculated by dividing the total approved properties for connection (through planning permits) by the operational and asset renewal costs of the facility. Ongoing maintenance costs and long term asset management renewal and upgrade works costs are annualised and divided by the approved number of properties to determine the charge.

**3.2 Questions Without Notice**

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

## **4 PLANNING AUTHORITY SECTION**

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

### **RECOMMENDATION**

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

#### 4.1 RA1 Swanwick Road - Creation of Wetland

<b>Proposal:</b>	Creation of Wetland
<b>Applicant:</b>	CBM Sustainable Design
<b>Application Date:</b>	01/06/2022
<b>Statutory Date:</b>	03/08/2022
<b>Planning Instruments:</b>	Tasmanian Planning Scheme
<b>Zone:</b>	Rural and Environmental Conservation
<b>Codes:</b>	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
<b>Specific Area Plans:</b>	N/A
<b>Use:</b>	Natural and Cultural Values Management
<b>Development:</b>	Creation of Wetland
<b>Discretions:</b>	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 - cl C7.6.1 Buildings and works in a waterway and coastal areas - cl C7.6.2 Clearance of priority vegetation, C8.0 Scenic Protection Code cl 8.6.1 Development within a scenic road corridor
<b>Representations:</b>	14
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. EXHIBITED DOCUMENTS D A 2022-122 [4.1.1 - 318 pages]</li><li>2. Response to dredging and recla [4.1.2 - 3 pages]</li><li>3. D A 2022-122 All Wetland Reps-_d [4.1.3 - 63 pages]</li></ol>
<b>Author:</b>	Tiara Williams, Graduate Planner

#### 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, as RA1 Swanwick Road, Coles Bay.

The application was advertised for two weeks from 3 June 2022 to 17 June 2022 with 14 representations 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 3 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 intent of the application is to create a wetland and nature park that the public can access recreationally, to enjoy the native fauna and flora of the area, see figure one for the site plan of the wetland. The proposed development works aim to improve and enhance the condition of the sites and work to restore it to a similar condition as existed prior to various activities that have degraded the land overtime. Figure 2 and 3 demonstrate the proposed civil and



construction works for the wetland. This proposal includes revegetation, reconfiguration of water ways and works including boardwalks, overland tracks, viewing platforms and huts.





**CIVIL WORKS AND DISTURBANCE TO EXISTING**

**A103**

**CIVIL WORKS AND DISTURBANCE TO EXISTING**

**SWANWICK BAY**

**COLES BAY TAS 7215**

**SCALE 1:2500 (A3)**

**PROJECT P21006**

**0m 20m**

**CONSTRUCT NEW ENTRANCE AND 7M WIDE GRAVEL ROAD**

**BUILDS UP EDGE OF EXISTING LAGOON BY 500 MM FOR PATH TO RL 1150**

**CLEAN OUT EXISTING TIDAL POND. EXCAVATE TO RL 0.450 ONLY TO AVOID ACID SULFATE SOILS**

**CONSTRUCT OVERFLOW TRENCH FROM LAGOON TO NEW POND. EXCAVATE TO RL 0.450 ONLY**

**CREATE NEW FRESHWATER POND. EXCAVATE TO RL 0.400 ONLY TO AVOID EXPOSURE OF ACID SULFATE SOILS**

**EXISTING WETLAND (WATER STORES)**

**OUTFALL**

**RL 1150**

**RL 1140**

**RL 1130**

**RL 1120**

**RL 1110**

**RL 1100**

**RL 1090**

**RL 1080**

**RL 1070**

**RL 1060**

**RL 1050**

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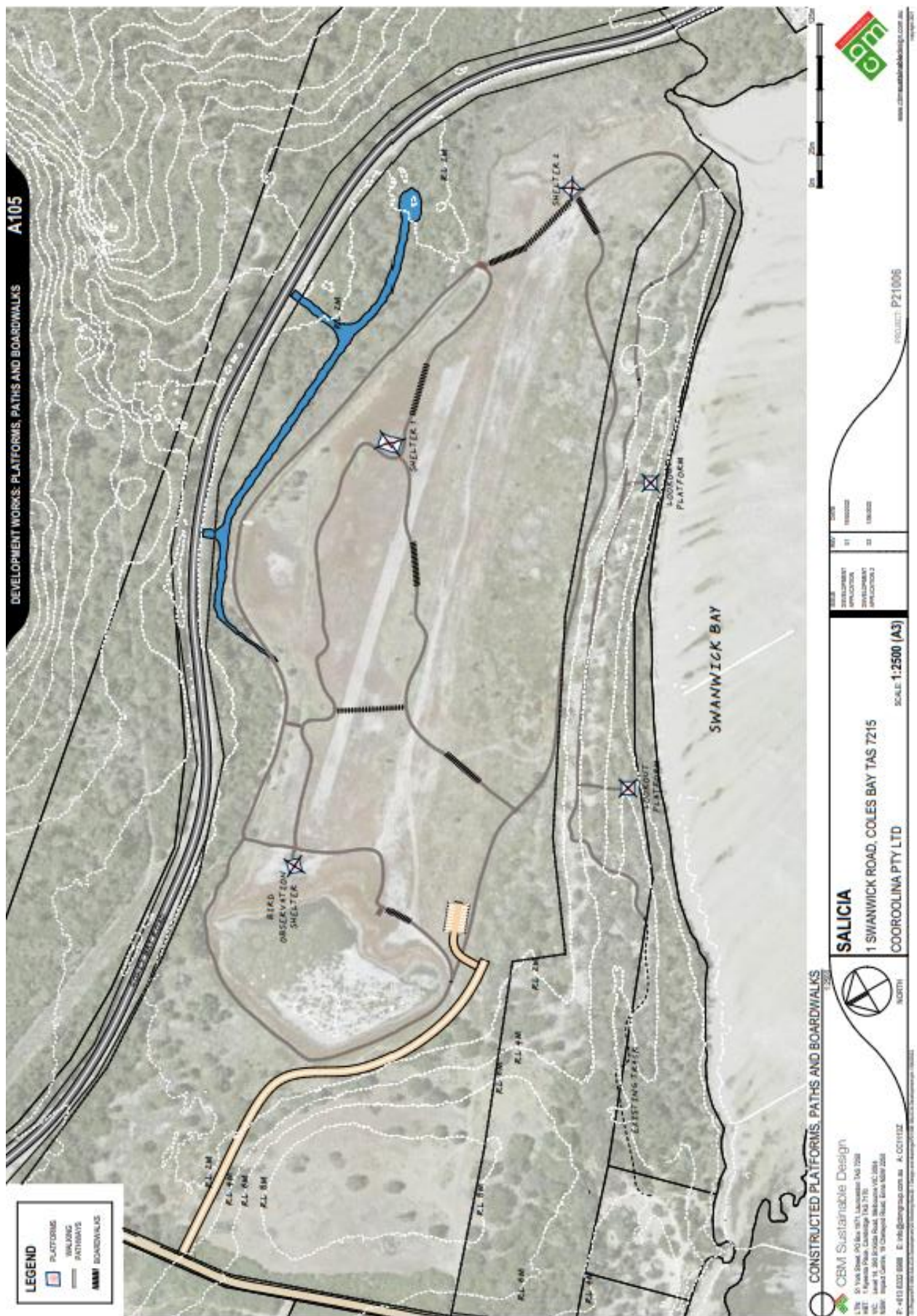


Figure 3: Proposed Constructed Paths, Boardwalks and Platforms

#### **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 DA 2021/81, this application has since been withdrawn and the only current active application for these sites is DA 2022/122.

#### **6. Site Description**

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

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

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

#### **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:

- 20.0 Rural Zone
- C1.0 Signs Code
- C2.0 Parking and Sustainable Transport 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
  - 23.4.1 - Development area
  - 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 waterway and coastal areas or a future coastal refugia area
  - C7.6.2 - Clearance of priority vegetation
- C8.0 Scenic Protection Code
  - 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 3<sup>rd</sup> August 2022.

## PART THREE

## 12. Assessing the Proposal against the Performance Criteria

### 23.4.1 Development area

A1 cannot be met as the land is privately owned and the development area exceeds 500 m<sup>2</sup> (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 seeks to re-establish values similar to those that existed previously on the site and is supported by the relevant reports to demonstrate suitability of the proposal.

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 design, sitting and scale of the infrastructure proposed will not cause an unreasonable impact on the natural values of the site. The design and sitting of the minor infrastructure will require limited vegetation removal and is of design that is consistent with the surrounding landscape.

(b) The operation and the use	The operation and use of the site is compatible with natural values of the site and provides an opportunity to enhance the natural landscape and environmental integrity of the area.
(c) The impact of the development on the values of the site and surrounding area	The development is proposed to enhance natural values of the site. The 2020 Natural Values assessment indicated on pages 39-40 it is noted that future potential land use within the study area will have limited impact on the adjacent Ramsar wetland.
(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.
(e) How any significant values are managed, and	The Acid Sulphate Soil report and Natural Values reports have been considered in the proposal and recommendations have been adhered to. These reports do not specifically address the impact on surrounding Ramsar Wetland and Coles Bay Conservation areas.
(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.

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

#### 23.4.4 Vegetation Management

A1 cannot be met as the land is privately owned and the previous native vegetation clearance was conducted lawfully without council consent or permission, and as such doesn't comply with the Acceptable Solutions set out in the TPS. The application seeks to re-establish values similar to those that existed previously on the site and is supported by the relevant reports to demonstrate suitability of the proposal.

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.

(b) Any proposed remedial, mitigation or revegetation measures	The application proposes remediation of vegetation clearance, unauthorised works and land degrading activities that have occurred over time.
(c) Provision for native habitat for native fauna	The application aims to improve and restore the natural values of the site which lends itself to benefiting native fauna and providing habitat that has previously been damaged.
(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.
(e) The type, size and design of development.	The development is compatible with the environmental management zone.

The proposal is 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
<b>P1:</b> 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's submissions state 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.
(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.
(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, which

	was considered to be comparatively safer than direct access to the site off Coles Bay Road.
(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.
(e) any alternative access to the road	Not applicable
(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.
(g) any traffic impact assessment; and	A traffic impact assessment was not requested for the proposal.
(h) any advice received from the rail or road authority	Council's engineers did not raise any concerns with the proposal.

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 set out. As such the performance criteria has been addressed.

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, as such the performance criteria was addressed.

Performance Criteria	Planner's Response
<b>P1.1:</b> 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, and this can be conditioned.



Performance Criteria	Planner's Response
(b) impact on riparian or littoral vegetation;	The impact on vegetation is expected to result in a net overall increase, and improvement on the previous vegetation clearing.
(c) maintaining natural streambank and streambed condition, where it exists;	The applicant's report notes the natural streambed conditions that enter from the norther 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 proposal would revert it to a similar state.
(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	The applicant intends to alter the existing waterway systems and will likely have impact on the in-stream habitat as a result. The impact is with intention of improving the natural state of the wetland and should have minor overall impact.
(e) the need to avoid significantly impeding natural flow and drainage;	The applicant intends to reconfigure the waterbodies with regard to their original natural state before various artificial drainage had occurred. The proposed works have been proposed with consideration to the Acid Sulphate and Natural Values Assessments recommendations and have adhered to them.
(f) the need to maintain fish passage, where known to exist;	Not applicable.
(g) the need to avoid land filling of wetlands;	Wetlands are not intended to be filled.
(h) the need to group new facilities with existing facilities where reasonably practical;	Not applicable.
(i) minimising cut and fill;	Minimal cut and fill is proposed and supported by the Acid Sulphate Soils Report, and recommendations within the Acid Sulphate Soils report have been adhered to.
(j) building design that responds to the particular	Building design as previously addressed.

Performance Criteria	Planner's Response
size, shape, contours or slope of the land;	
(k) minimising the need for future works for the protection of natural assets, infrastructure and property;	These works propose to remedy the existing works that have previously taken place and are intended to improve the natural assets of the area. In addition to providing a recreational space for the public to enjoy.
(l) the environmental best practise guidelines in the Wetlands And Waterways Works Manual; and	Best practice was addressed in the application documents and can be conditioned.
(m) the guidelines in the Tasmanian Coastal Works Manual.	These were addressed in application and can be conditioned.
<b>P1.2:</b> 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:	
(a) the need to access a specific resource in a coastal location	The wetland is proposed in the area as a compatible use with the landscape and relevant environmental constraints of the coastal location.
(b) the need to operate a marine farming shore facility;	Not applicable.
(c) the need to access infrastructure in a coastal area	The boardwalks and platforms have been designed with the coastal environment and tidal nature of the area in mind. 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.
(d) the need to service a marine or coastal related activity;	Not applicable.
(e) provision of essential utility or marine infrastructure	No essential utility or marine infrastructure proposed.

Performance Criteria	Planner's Response
(f) provisions for open space for marine-related education, research or recreational facilities.	The development provides for open space and recreational facilities.
<b>P2.1:</b> 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.
(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. The proposed works have been proposed with consideration to the Acid Sulphate and Natural Values Assessment recommendations in mind.
(c) Allowing the coastal processes of sand deposition or erosion to continue to occur;	The applicants planning reports states coastal processes will not be adversely affected.
(d) The need to group new facilities with existing facilities where reasonably practical;	Not applicable.
(e) The impacts on native vegetation	Minor negative impacts are expected from the proposal, the proposal intends to result in net benefits on native vegetation. The application does propose the use of vegetation that are not endemic to the site which could have unexpected negative impact. The landscaping of the site can be conditioned as part of their permit.

Performance Criteria	Planner's Response
(f) Minimising cut and fill	Cut and fill is proposed on the site to create the new landscape. This was not identified as having any significant impacts on natural coastal processes or values.
(g) Building design the responds to particular size, shape, contours or slope of the land;	Complies.
(h) The impacts of seal level rise on natural coastal processes and coastal habitat;	Development is not expected to impact or be impacted by sea level rise.
(i) The environmental best practice guidelines in the wetlands and waterways works manual; and	Best practice was addressed in the application documents and can be conditioned.
(j) The guidelines in the Tasmanian Coastal works	These were addressed in application and can be conditioned.
<b>P4.1:</b> 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:	
(a) impacts caused by erosion, siltation, sediment and runoff	The supplied planning report claims that there will be no impact on erosion, siltation, sediment and runoff. This can be conditioned.
(b) impacts on riparian or littoral vegetation	The applicant reported in response to a request for the performance criteria to be addressed that: The NVA did not find any threatened flora that are present that would be impacted by the works. It did make recommendations for areas to avoid which have been adhered to in the development proposal.
(c) the need to avoid land filling of wetlands	Wetlands are not intended to be filled.

Performance Criteria	Planner's Response
(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.
(e) the potential for increased inundation of adjacent land	It is not likely that the proposed works will have significant impact on the existing inundation of the area, and has been designed with the understanding that the area is in a high inundation hazard code.
P4.2 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.	
(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: (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.

The proposal is considered to comply with the requirements of P1.1, P1.2, P1.2, P2.2, P4.1 and P4.2.

### 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
<b>P1.1</b> 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	The clearance of vegetation is of a limited scale compared to the net benefits of the proposed revegetation plans.

limited scale relative to the extent of priority vegetation on the site.	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 in their report but was identified to contain a well reserved vegetation type that was considered to establish post clearance (page 44).
<b>P1.2:</b> 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.
(c) minimise impacts from bushfire hazard management measurements	No bushfire hazard management required.
(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.
(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. The planting of endemic species can be conditioned in a permit.
(f) any existing cleared areas on the site.	The proposed revegetation of the land would be of net benefit to remedy some of the previously activities that have disturbed areas of the sites in question.

The proposal is considered to comply with the requirements of P1.1 and P2.1.

## 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 likely to have any negative visual impact on the scenic road corridor.
(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 significantly.
(b) proposed reflectance and colour of external finishes	Design and colour of the proposed huts and boardwalks are in keeping with the environment.
(c) design and proposed location of the buildings or works	Location of buildings and works are unlikely to be visible from the scenic road.
(d) the extent of any cut or fill required	There is some proposed fill around Shepherds hut lagoon within the corridor which is unlikely to have any visual impact from the road.



Performance Criteria	Planner's Response
(e) any existing or proposed screening	There is existing screening that is required to be maintained in keeping with the scenic code.
(f) the impact on views from the road; and	If any impact at all, it will be minor
(g) the purpose of any management objectives identified in the relevant local provisions Schedule.	Not applicable

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 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 is 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:  <i>"However, it is generally understood that the future proposal is for limited visitor accommodation in the approximate northwestern third of the subject title"</i> (EcoTas 2019).</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 this application does not include that use.</p> <p>Any future intention 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 sited concerns about how the existing campground at the end of River and Rocks road, adjacent to the land parcels in this proposal. They sighted concerns regarding the interaction of the camp site, campers and the wetland proposal:</p> <ul style="list-style-type: none"> <li>- Increased road traffic</li> <li>- Camping in the car park of the wetland</li> <li>- Rubbish</li> <li>- No toilet facilities provided</li> <li>- No on-site management of the wetland</li> </ul>	<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>

<ul style="list-style-type: none"> <li>- Vandalism / Hooning</li> <li>- Road integrity</li> </ul>	
<b>Theme Three</b>	<b>Response</b>
<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 existing infrequent inundation and tidal flows come from and goes out of the river mouth and unlikely to travel up to Moulting Lagoon itself. The application intends the sites to be used for environmental conservation. 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>Consultation with environmental organisations is not a requirement under the TPS. Notwithstanding this, the applicant has engaged with Nature Glenelg Trust regarding this project who are working across Moulting Lagoon at the Grange/Long Point on remediation projects, similar to this project. They will provide input into the detailed planning as the project progresses.</p>
<b>Theme Four</b>	<b>Response</b>
<p>The application does not meet clause 6.1.2 and 6.1.3</p> <ul style="list-style-type: none"> <li>- Does not provide full description of the proposal</li> <li>- Council has not obtained sufficient information to conduct assessment</li> </ul>	<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>
<b>Theme Five</b>	<b>Response</b>
<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>
<b>Theme Six</b>	<b>Response</b>
<p>The representors have identified concerns with the assessment of the Natural Values Asset Code:</p> <ul style="list-style-type: none"> <li>- Application does not assess P4.1 and P4.4;</li> <li>- Planning have had no regard to P2.2.</li> </ul> <p>Natural Values Assessments</p> <ul style="list-style-type: none"> <li>- EcoTAS report 2019 is not valid as it was &gt; 2 years old;</li> <li>- EcoTAS report 2020 is not valid as it was completed before unauthorised</li> </ul>	<p>Council completed assessment against all relevant standards in section 3 of this report.</p> <p>Noting the assessments reported no threatened fauna or flora at either interval or under the previous and current planning schemes or prior to the unauthorised works, it is unlikely that more recent natural values assessments would have had significantly different outcomes based on the post assessment works undertaken.</p>

substantial works had been conducted on site.	
<b>Theme Seven</b>	<b>Response</b>
The representors have expressed concern that the Scenic Protection Code P1 and P2 has not been significantly addressed.	The relevant standards were assessed by Council through this report and were addressed.
<b>Theme Eight</b>	<b>Response</b>
Most representors expressed concerns over existing motocross track	The applicant has expressed that the motocross track will be levelled in the application and intended for natural remediation to take over.
<b>Theme Nine</b>	<b>Response</b>
Most applicants highlighted concerns for plant revegetation plans and proposed plants that do not occur within Tasmania or were not endemic to the site.	The landscaping and revegetation of the site can be conditioned and has been done so below to ensure the provision of endemic and beneficial plant life to the site.
<b>Theme Ten</b>	<b>Response</b>
One representor cited concerns about no Aboriginal Site assessment having been undertaken.	Aboriginal heritage is managed outside of Planning Schemes, 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.
<b>Theme Eleven</b>	<b>Response</b>
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 application.

## 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 subject to the following conditions.

## 16. Recommendation

That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Glamorgan Spring Bay, DA2022/122 at 1 Swanwick Road, Coles Bay (CT127121/4 & CT6472/6) be approved for reasons outlined in the officers report. Subject to the following conditions.

### 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. 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.
3. 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.*  
*Advice: Standard drawings are available at*  
*Advice: Prior to commence of any works, the developer must obtain a Works in Road Reserve Permit for any works within the road reserve and for the connection into a Council stormwater network.*
4. To the satisfaction of Council's General Manager, the internal driveway and areas set aside for vehicle parking and turning must be designed, constructed and maintained to a durable all-weather surface to avoid:
  - a) dust or mud generation
  - b) erosion
  - c) sediment transfer off site.

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

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

#### **Environment Management:**

6. Prior to commencement of any works, a landscaping plan prepared by a landscape architect or other person approved by Council. must be submitted and approved by Council's General Manager. The landscaping plan must show the areas including the existing authorized motocross track to be landscaped, the form of landscaping, and the species of plants (only endemic species are permitted) and estimates of the cost of the works. Once endorsed the Landscaping plan will form part of the permit.
7. Prior to commencement of any works, a waterway assessment and works plan must be conducted by a suitably qualified person and submitted to council. To ensure dredging and reconfiguration of water bodies is in accordance with the natural flow and historic nature of this site. Once endorsed the waterways works plan will form part of the permit.
8. The recommendations of the Natural Values Assessments (2020 and 2019 prepared by Mark Wapstra) and Acid Sulphate soils reports (2022 prepared by William Cromer) must be implemented adhered to.
9. All works must be in accordance with the Acid Sulphate Soil Report recommendations. Primarily actively avoid disturbing any Acid Sulfate Soils and Potential Acid Sulfate Soils by restricting excavation to less than one meter depth across the saltmarsh. Any disturbance of these materials management must be in accordance with the General Guidelines for ASS Management.
10. All work must be in compliance with the Tasmanian Coastal Works Manual and the Waterways and Wetlands Works Manual.

*Advice: The documents can be found here*

*<https://dpiwwe.tas.gov.au/conservation/coastalmanagement/managing-the-coast/tasmanian-coastal-works-manual> and [Wetlands and Waterways Works Manual | Department of Natural Resources and Environment Tasmania \(nre.tas.gov.au\)](#)*

11. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot and outside the Waterway and Coastal Protection Area during all works on the site. These works are to comply with a Stormwater Management Plan developed for the site.
12. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to

minimise the introduction and/or spread of weeds and diseases to the satisfaction of Council's General Manager.

13. Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.
14. The siting of the carparking must be outside of the areas indicated in the Natural Values Assessment (2020 Mark Wapstra) as succulent saline herbfield (TASVEG CODE: ASS) and saline sedgeland/rushland (TASVEG CODE: ARS) as indicate on page 38 of the report.

**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 native vegetation approved for removal is limited to that necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of the Bushfire Hazard Management Plan. Clearing or adversely impacting other native vegetation on the property at any stage in the future may require a separate planning permit and advice should be sought from the Glamorgan Spring Bay Council prior to commencing any additional works.
- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the *Tasmanian Threatened Species Protection Act 1995* or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.

- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that
  - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site or the transport depot
  - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. 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.
- l. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

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

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

Responsible Officer: Director Planning and Development

### **ATTACHMENT/S**

Nil

### **PURPOSE**

The purpose of this report is for the Planning Authority to consider instructing staff to prepare an amendment to the Local Provisions Schedule to address a drafting error in the Dolphin Sands Particular Purpose zone that enabled subdivision of additional lots for development.

### **BACKGROUND/OVERVIEW**

The *Glamorgan Spring Bay Local Provisions Schedule* came into operation on 30 March 2022. Following its commencement, a change was identified in the provisions that regulate subdivision that allowed additional lots to be created at Dolphin Sands.

The subject provisions were first established under the *Glamorgan Spring Bay Planning Scheme 1994*, as follows:

#### *8.10.2 Development standards*

##### *a) Subdivision*

*There will be no further subdivision within the zone except in accordance with clause 4.16 and 4.17 provided the resultant lots are no less than 1 hectare.*

Clauses 4.16 and 4.17 provided for boundary adjustments and Reorganization of titles, and minor subdivisions respectively and did not allow the creation of additional lots.

These provisions were established under the *Glamorgan Spring Bay Interim Planning Scheme 2015* (Interim Scheme) through a Particular Purpose zone, as follows:



## 34.5 Development Standards for Subdivision

### 34.5.1 Subdivision

Objective:	
To prevent subdivision of land other than that necessary for existing or approved uses or the management of environmental values.	
Acceptable Solutions	Performance Criteria
<b>A1</b> The subdivision is for the consolidation of lots where no additional lots are created.	<b>P2</b> Subdivision of land must: (a) provide for public open space, a public reserve, public services or utilities; (b) have a minimum frontage of 60 metres; (c) not create a lot that is less than 1 hectare in area.

Drafting of the Interim Schemes did not provide a qualifier at the end of each sub-clause. The full assessment of the Interim Schemes was never completed, due to a change in government and commencement of the Tasmanian Planning Scheme process.

During preparation of the Local Provisions Schedules, provisions were identified that would transition from the Interim Scheme to the Local Provisions Schedule with a special status that did not require detailed assessment, known as transitional provisions. The Dolphin Sands Particular Purpose zone was subject to a declaration under the transitional provisions. Changes to transitional provisions were limited to translation to the new format of the Local Provisions Schedule.

The Local Provisions Schedule provides the following provision for subdivision of land within the Dolphin Sands Particular Purpose zone at clause GSB-P1.7.1 Subdivision (bold for highlight):

*P1 Subdivision of land must:*

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

The bold *or* is a change to the provisions that is not consistent with the intent of the provisions under the former planning schemes.

A recent subdivision application at Dolphin Sands brought this issue to the attention of the Council and the local community. This has changed how the clause was understood to operate and has now enabled the subdivision of additional lots for development, where they have a minimum frontage of 60 metres and area of 1 hectare.

The Commission was contacted about this change to the planning scheme and confirmed that the change results from the Local Provisions Schedule process. It is understood that the subject change may be outside the powers for transitional provisions provided to the Particular Purpose zone through the Local Provisions Schedule process.

## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

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

### **Key Foundations**

1. Our Governance and Finance

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

- Advocate and lobby effectively on behalf of the community.

## **STATUTORY IMPLICATIONS**

Land Use Planning and Approvals Act 1993

- Division 3b – Amendments to LPS's
- S.40D – preparation of amendments;
- S.40I – Exemption from public exhibition.

Section 40D(b) of the Act allows the Planning Authority to prepare an amendment of its own motion. A decision of the Planning Authority is required to commence this process.

A delegation exists to the General Manager and Director Planning and Development Services to certify the planning scheme amendment and submit it to the Commission for assessment under section 40F.

Section 40I of the Act allows the Commission to waive the public exhibition process that normally applies to LPS amendments. It is understood that the amendment may be able to have the normal process for public exhibition waived under Section 40I of the Act. A decision of the Planning Authority is required to request the exemption be applied to an amendment.

## **BUDGET IMPLICATIONS**

Ongoing maintenance of the Local Provisions Schedule are addressed as part of Council's operational budget.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>			Low	None required.
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	A decision will be required from the Planning Authority at a future time.
Subdivision of additional lots for development will remain possible.				

## **OFFICER'S COMMENTS**

The change to the provisions for subdivision under the Dolphin Sands Particular Purpose zone is understood to result from an error through the Local Provisions Schedule process.

A planning scheme amendment is required to address this situation and it is understood that that it may be possible to obtain an exemption from the normal public exhibition process for amendments. As previously noted, a decision of the Planning Authority is required to commence this process and seek the waiver from public exhibition.

A recommendation was provided to address this situation.

## **OFFICER'S RECOMMENDATION**

That an amendment be prepared and submitted to the *Glamorgan Spring Bay Local Provisions Schedule* under Division 3A of the *Land Use Planning and Approvals Act 1993* to:

- amend clause GSB-P1.7.1 Subdivision P1(a) by deleting the final word of the subclause *or* under Section 40D; and
- apply to the Tasmanian Planning Commission for exemption from public exhibition requirements under Section 40I.

*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 30 June 2022**

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Group Financial Statements 2022-06 (1) [5.1.1 - 6 pages]

#### **BACKGROUND/OVERVIEW**

The financial reports for the period ended 30 June 2022 as attached to this report are presented for the information of Council.

These accounts are issued as a preliminary result that is then subject to audit and may see some year end adjustments. This is a normal process that occurs at the end of each financial year as many tasks and information is not available or completed in the short time frame imposed by the monthly reporting cycle.

These financial reports present a pleasing result for the financial year, despite tightening economic constraints, ongoing covid-19 impacts to the workforce and considerable effort to improve process efficiencies and minimise wasteful expenditure. The results have improved on the planned financial position as proposed by the 2021-22 budget and demonstrate clear progress towards the aspirations portrayed by Councils' long-term financial management plan to restore financial sustainability and focus on core business.

#### **STATUTORY IMPLICATIONS**

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

#### **BUDGET IMPLICATIONS**

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

## **RISK CONSIDERATIONS**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> There are no material risks from adopting this recommendation.				
<b>Do not adopt the recommendation</b> By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending 31 July 2021. Council would need to provide further direction on what information it would require.

## **OFFICER'S RECOMMENDATION**

That Council receives and notes the Financial Reports as attached to this report for the period ended 30 June 2022.

## 6 SECTION 24 COMMITTEES

### 6.1 Coles Bay Community Hall Minutes - 6 May 2022

#### ***Coles Bay Community Hall Committee Meeting Minutes***

5pm, 6<sup>th</sup> May 2022

Meeting Facilitator: Nigel Carins

- I. Nigel Carins called to order the regular meeting of the Coles Bay Community Hall Committee at 5pm on Monday, 6<sup>th</sup> May 2022, at the Coles Bay Community Hall.

- II. Apologies from Rob Churchill.

Thanks to Rob for providing updates on issues for this meeting.

- III. **Present:** Nigel Carins, Kristin Hoerlein, Barb Barrett, Kathryn Whitchurch, Anne Melrose & Liz Swain via phone link.

- IV. **Minutes** approved as circulated.

Moved Liz Swain, 2<sup>nd</sup> Nigel Carins. Carried.

- V. **Treasurer's Report** is endorsed. Please see attached.

Moved Barb Barrett, 2<sup>nd</sup> Kathryn Whitchurch. Carried.

- VI. Open issues

**FAI report from Liz.** Supplied as a cross reference for the activities in the community.

A strategic planning meeting was held, with the outcomes of continuing the work on the sewerage issue of Coles Bay, and raising the question: Can there be a better linking in of the various local groups to raise awareness of the different issues arising? Coles Bay is an area of diverse opinions, which can raise problems, but a consistency of opinions with Council will improve outcomes for the area. A good example is pursuing the board walk, if it achieves 80% approval, then this is a good outcome.

Catch up on:

1. **Lockable Noticeboards:** One will be at the Hall and the other at the Golf Club in Swanwick, placed undercover. The Men's Shed at Swansea has started work on them.

2. **Repairs to the cracks in the tennis court:** Propose keeping a photographic record, measuring the cracks to monitor if there is further deterioration. We will check when we hold the Hall meetings.

Moved Nigel Carins, 2<sup>nd</sup> Kristin Hoerlein. Carried.

3. **Hit up wall:** This will have engineering and design requirements, it had been thought to include it with the New Annex construction, but there is no place for this on the new building. Nigel will continue discussions with Adrian.

Moved Nigel Carins, 2<sup>nd</sup> Anne Melrose. Carried

4. **Bench outside the Hall:** The Bench has been ordered and will be in place soon.
5. **Repairs to the ceiling:** The ceiling is fixed, but it will fall out again. A new ceiling structure may be the best way to stop the recurrence.
6. **Heritage listing on the Annex building:** There is no heritage listing on the Annex. We will, however, keep the plaque as a reminder of the story behind the building – and place it in the new building.

Moved Anne Melrose, 2<sup>nd</sup> Barb Barrett, Carried.

**The hall and annex plans and costings have been completed as requested.**

The next Grant round is coming up soon, with first level applications due 9th August. Nigel to obtain quotes from the *Red Tape Busters* to write the Grant application, paying with the Hall Money in the term deposit.

Moved Nigel Carins, 2<sup>nd</sup> Kathryn Whitchurch. Carried.

In the meantime, the committee members to read the 2021 Grant guidelines to understand the possible requirements, and information we will need to provide.

VII. General discussion

- a). The Local doctor, who came to the Hall every fortnight, has decided to halt this due to Covid. This is an important service for the community.

The secretary of the Hall Committee will write to council, asking the General Manager for clarification: Is it a council obligation to provide a doctor for the area?

Moved Anne Melrose, 2<sup>nd</sup> Kathryn Whitchurch. Carried.

- b). Note: The Children's Street Library has been placed in Swanwick at the bus stop.

VIII. Next meeting: Monday 22<sup>nd</sup> August 2022. 5pm in the hall.

Nigel Carins adjourned the meeting at 6.00pm



Minutes submitted by Kristin Hoerlein.

Minutes approved by Nigel Carins.

### **Treasurer's Report**

#### **May-22**

Opening Bank balance Feb 2022	\$ 4,329.86
Total	<b>\$ 4,329.86</b>

#### **Income**

St Patricks College	\$ 300.00
Christadelphians Church	\$ 50.00
Nick Goddard	\$ 40.00
Total	<b>\$ 390.00</b>

#### **Cash on Hand**

	\$ 176.70
	<b>\$ 176.70</b>

#### **Expenditure**

Leave it to Me, Hall cleaning	<b>-\$110.00</b>
	<b>-\$ 110.00</b>

Term deposit	\$ 5,975.41
Total	<b>\$ 5,975.41</b>

End Feb 2022	<b>\$ 10,761.97</b>
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### **RECOMMENDATION**

That the Minutes of the Coles Bay Hall Committee meeting held on 16 May 2022 be received and noted.

## 6.2 Spring Bay Eldercare Committee Minutes - 23 May 2022

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### GLAMORGAN SPRING BAY COUNCIL S24 COMMITTEE ELDERCARE UNITS - MINUTES

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Location: Meeting Room, Triabunna Council Offices

Date: Monday 23 May 2022 9:00am

#### 1. ATTENDANCE

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Attendees: Cllr Keith Breheny (Council representative) Cheryl Arnol (Chair), Mrs Kath Fergusson, Mrs Lona Turvey, Mr Tony Brown and Mr Greg Ingham (General Manager), Ms Elysse Blain (Director Corporate and Community) via zoom, Ms Eliza Hazelwood (Community & Communications Officer).

Apologies: Mr Michael Fama

#### 2. CONFIRMATION OF MINUTES

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The last meeting was a workshop – discussion followed the agenda.

#### 3. INTRODUCTION AND GENERAL DISCUSSION

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- S.24 committee review update from the General Manager. The units provide a critical service to the community and as part of Council's continuous improvement, a review of the governance processes is to ensure an effective service and acceptable risk. This acknowledges that adverse consequences of risk sits with Council not with the committee were there ever a dispute on safety, negligence, suitability of the facility or equitable rules to all tenants.
- The Terms of Reference and Guidelines are not suitable for all committees of Council and will be reviewed to make more appropriate.
- A discussion has been held with Catholic Care Tasmania with intent to offer additional services to tenant over and above just accommodation. Representatives have visited a vacant unit and Council will assess any opportunities that may be presented from this group.
- Discussion around the current agreement and that we need to tighten up the legal documentation for this process. E.g., Permission for dogs, Council's process is that the committee give permission for the tenant to have animals in writing – not sure if there is a record of this.
- Council wishes to put in place a structured process. Put a normal tenant agreement in place with rules and regulations around pets etc. Council and their committee need to be confident that this agreement will stand in court.
- A new agreement will be drawn up that all tenants are to sign, the current tenants will need to sign the agreement, but will not lose any of their current terms.
- General Manager gave a commitment that Unit 6 would be tenanted as soon as possible but after refurbishment.

#### 4. FINANCIAL REPORT

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- Financial report tabled as of 30 April 2022 - \$216,570 in the reserve account. Reserve balances are very pleasing. Intent to use for building maintenance if required.
- The Eldercare Units are part of our Asset Management Plan and costs of maintenance need to be in line with that plan. Council and the committee need to be mindful of the affordability of the units in context of the cost to maintain.
- Future rental value. Agree to review rental amount in coming months for adequacy to cover cost and assess options such as capacity to pay.
- **Action Committee to develop and endorse a recommendation to Council of the rationale of rent value charges to tenants.**

#### 5. REVIEW OF TENANCY AGREEMENT

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- Agree current lack of clear tenancy rules put council at risk of being unable to enforce fair expectations, such as those around pets or unit condition, across all tenants.
- Concerns that a plain English conditions document, as is currently in place, does not provide appropriate legal protection for tenant or owner as required in case of litigation for negligence, damage to property or clarity required to manage daily living expectations.
- Agreed for Council to adopt a standard contemporary Real Estate Institute of Tasmania (REIT) tenant agreement.
- **Action Council to issue template to committee to review.**
- **Action Committee to review standard document and identify what additions are suggested eg pets on approval. These then to be forwarded to Council to assess for suitability and a final version to be produced.**
- Agreed to have in place for proposed tenant for vacant unit 6 and to be rolled-out to existing tenants. Standard conditions shouldn't have much impact on existing tenants.
- **Action Council will arrange someone to manage the agreements.**
- Agree for Building and Facilities Manager to continue to administer maintenance where appropriate

#### 6. VACANT UNIT #6

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- Need to complete unit maintenance and determine an **availability date** to ensure all maintenance is complete prior to signing of tenancy agreement.
- **Action General Manager (Greg Ingham) to liaise with Building and Facilities Manager (Adrian to finalise requirements.**
- Agree to begin advertising process for vacant unit 8 subject to availability date.

- **Action Community Officer (Eliza) to advertise the vacant unit, follow up with the people on the waiting list to see if they are still interested in the unit.**
- Agreed new REIT Tenancy agreement to be utilised.
- Agree for **Tenant Selection Criteria** to be reviewed.
- **Action Committee to supply existing list to Council including any updates suggested. To be reviewed and updated prior to next round of tenant interviews incorporating risk items such as:**
  - **Capacity to pay rent – income stream, asset maximum.**
  - **Referees – type of person, previous rental history re damage to property**
  - **Police check? – exposure of unwelcome solicitation/visitors to the other tenants**
- Committee to continue to support this process by interviewing potential Candidates

## **7. Review of Eldercare Name**

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- There is concern that the current name Eldercare units is misleading and agree for this to change. The name Eldercare implies housing and care services for elderly people. This intent and meaning has possibly changed over the years.
- Agree that care services are not currently provided and it is an accommodation facility only, with age and financial capacity restrictions to target a more disadvantaged tenant group.
- Agreed to consider a new name such as Elder Court units.
- **Action Committee to suggest possible names and to submit to Council at a future meeting.**

## **8. NEXT MEETING**

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**Monday 4 July 2022, 9:00am**

## **RECOMMENDATION**

That the Minutes of the Spring Bay Eldercare Committee meeting held on 23 May 2022 be received and noted.

## **7 INFORMATION REPORTS**

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

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

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

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

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

##### **ASSET MANAGEMENT**

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

## **OPERATIONAL WORKS**

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

- Cold mix potholing sealed roads underway
- Maintenance grading to unsealed roads completed:
  - Swansea
  - Pontypool
  - Seaford road
  - Triabunna
  - Okehampton Rd

Other works:

- Jetpatching Freycinet Drive completed. Increased bitumen content required to achieve stone embedment with this targeted activity.
- Road inspections Unsealed: 13
- Harold St Coles Bay eroded footpath repaired
- Bicheno Walking track repairs commenced
- Traffic Island modifications for disabled access at corner Vicary and Charles St Triabunna completed
- Reach mowing country roads – Rheban Rd complete; 10km Wielangta Rd and 4.5km Bresnehans rd complete

### **STORMWATER, DRAINAGE**

- Triangle Marsh Road drainage graded/reformed
- Parson Rd and Fisheries, Coles Bay road erosion repairs carried out

### **WASTE MANAGEMENT**

- The tender for kerbside collection and Transfer Station Bin servicing is being developed and is expected to go to market late July.
- Bicheno Transfer Station new entry operational
- Mulching option enquiries for green waste continue ahead of the burning permit cessation at the end of December

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

- Tree trimming in high-risk locations (parks and public spaces) across municipality - Ongoing
- Playground inspection maintenance report Oct 2021 tasks continue
- Request For Quote (RFQ) for town maintenance consumables closed – tenders being reviewed
- RFQ for weekend, public holiday public facility servicing (cleaning toilets and stocking, empty bins in public spaces, BBQ cleaning) - RFQ developed and will be put out for expressions of interest in July 2022

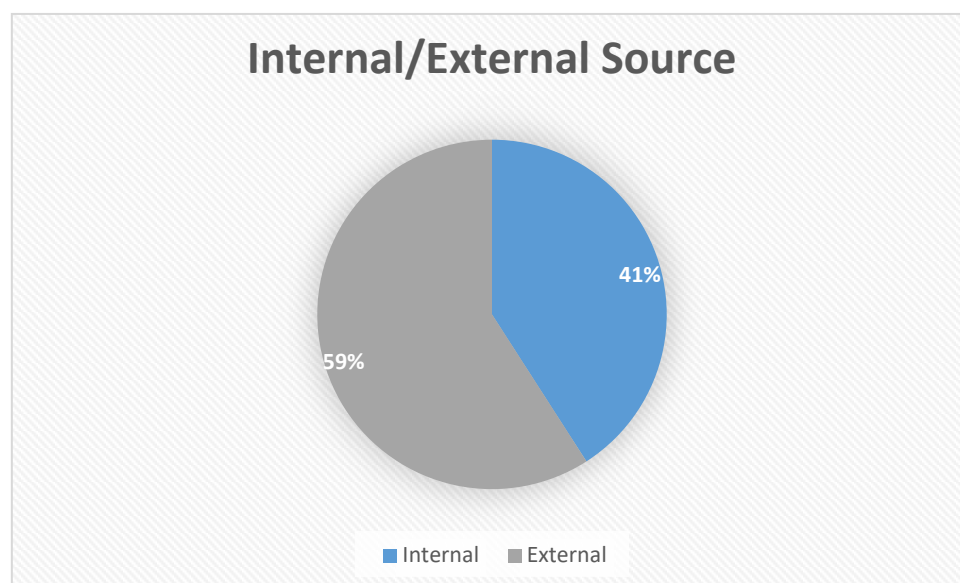
## EMERGENCY MANAGEMENT

After hours rostering carried out as scheduled.

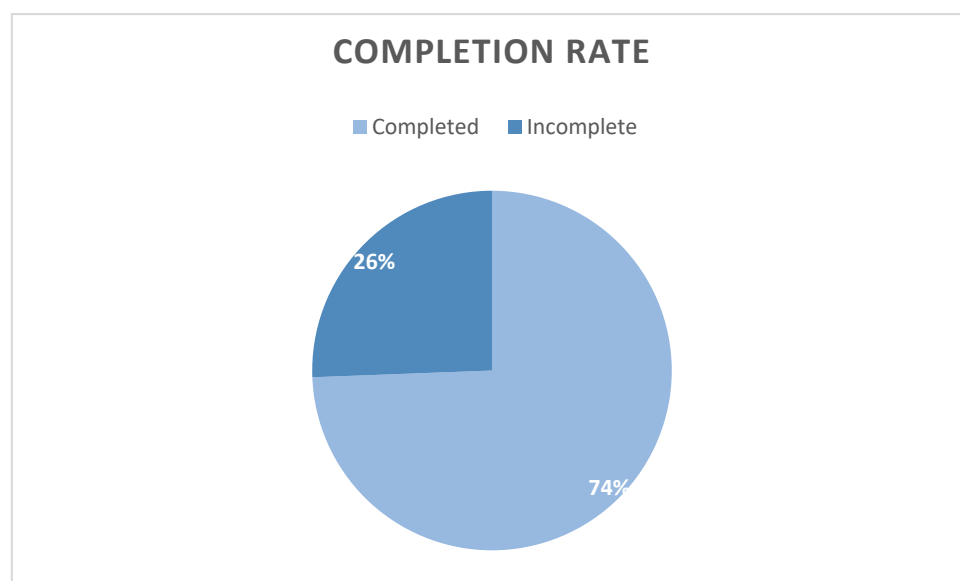
## CUSTOMER REQUESTS

Summary charts are provided below to show data for the full 2021-22 financial year for benchmarking purposes.

The chart below summarises the number of requests received from the public and those generated by officers.

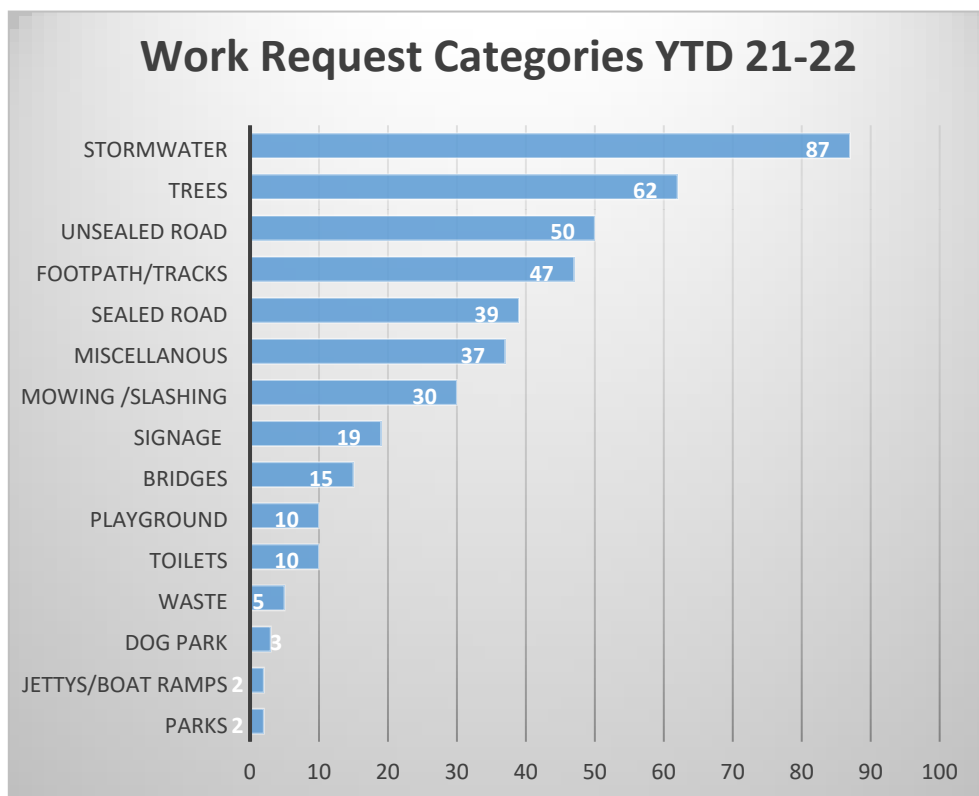


The chart below shows the completion rate. Incomplete requests occur as a result of the timing of the request which might relate to a long-term plan or scheduling; The request may require other investigation; there may be insufficient budget to complete the request at the present; the request might not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

The totals of work requests for the 2021-22 financial year and sorted by category are as per the bar chart below:



## CAPITAL WORKS

- Holkham Court Culvert Upgrade – continued
- Resheeting Sandford Road 1km complete
- Resheeting Medora St Pontypool complete

## Grant funded

- Planning for Black Summer Bushfire Projects commenced. Further meeting with Tas Fire Helipad stakeholders held
- Triabunna School Crossing relocation complete
- 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 commenced
- Swansea street upgrade tender opened for submissions
- Alma Rd Orford subsoil drainage installed. 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**

- Due to projected delays in delivery of plant and vehicles in the foreseeable future, quotations for plant listed in the 2022-23 financial year have been sought through Vendor panel to enable timely ordering for the financial year.

#### **GENERAL**

- The Capital Works projects programmed for completion in 2021-22 is substantially complete at the end of June with multi year projects and new grant projects the only carried forward projects.

#### **RESERVE BOOKINGS AND ROAD CLOSURES**

- Bicheno Food and Wine Festival November 17-21<sup>st</sup>
- Bicheno Triangle Antarctic Festival 15<sup>th</sup> August
- Bicheno Beams Lions Park 1<sup>st</sup> – 31<sup>st</sup> July

#### **RECOMMENDATION**

That Council notes the information.

## 8 OFFICERS' REPORT REQUIRING A DECISION

### 8.1 Request for Support - Freycinet Challenge 2022

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Freycinet Challenge 2022 - Letter to Glamorgan Spring Bay Council Request for Assistance [8.1.1 - 4 pages]

#### **PURPOSE**

Recommendation for Council to approve Event funding and in-kind support to the Freycinet Challenge that is proposed for 8-9 October 2022 at Coles Bay.

#### **BACKGROUND/OVERVIEW**

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

Council has received an application from Emma Wienker on the Freycinet Challenge Organising Committee, requesting support for the Freycinet Challenge, a multi-sport event running over two days on the 8 & 9 October 2022 within the Freycinet National Park subject to any Covid restrictions in place at that time.

Freycinet Challenge is run by a private incorporated company Jamset Pty Ltd (ABN 82 659 528 524) established in 2022 for the purpose of facilitating continuity of this event. Freycinet Challenge sources its funding through entry fees, sponsorship, grants and donations to support the costs of the event and prizes to competitors. Financial sustainability is largely dependent on achieving a minimum competitor numbers and surplus is to be applied to running the next years event.

Entry fee for competitors as follows:

1 DAY CHALLENGE	2 DAY CHALLENGE
Solo competitor \$129	Solo competitor \$199
2 person team \$99 pp	2 person teams \$169 pp
3 or 4 person team \$79 pp	3 or 4 person team \$139 pp
3 or 4 junior team \$49 pp	3 or 4 junior team \$79 pp

The event involves four different components, including road cycling along the Coles Bay Road, mountain biking in trails south of Friendly Beaches, running along the Hazards-

Wineglass Bay loop and along Muir's Beach, and paddling along the coastline's off Muirs and Richardsons beaches.

This year will be the 21st year the event has been running; the event is attracting up to 450 competitors and an estimate of 900 spectators over the two days.

This year, Freycinet Challenge would also like to promote a minimal waste event, emphasising the importance of managing our human footprint and protecting our pristine wilderness.

The application seeks the following contributions.

- Provision of wheelie/skip bins positioned where spectators and competitors will congregate over the two days i.e. the Village Green. Removal at the event conclusion.
- Provision of water tanks/dispensers to encourage the use of reusable water bottles by both competitors and spectators to minimise unnecessary waste.
- Additional toilet paper and cleaning of the toilets at the Village Green, as they are in high use throughout the two days by both competitors and spectators.
- Inform Coles Bay residents about the event
- Social media and marketing support to encourage people to compete or spectate
- Financial support to fund road traffic signs (\$509.30)
- A road closure is required for the Esplanade Coles Bay. The road closure will be from 07:30 till 16:30 on both days of the event. The closure will be modified Sunday afternoon at the end of the event for the presentations when Coles Bay road intersection will be opened as well as Okines Link and the road blocked just past the Service Station on The Esplanade.
- There will be two traffic control points for the event one at Coles Bay Rd & The Esplanade and one at the Road Cycle turnaround point 20km along Coles Bay Rd from The Esplanade. Costs associated with this are limited to the advertising required.



## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

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

### **Key Foundations**

2. Our Community's Health and Wellbeing

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

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

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1993**

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.*

### **Local Government (Highways) Act 1982 Division 3 - Temporary closure of local highways 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*
- (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.*

## **BUDGET IMPLICATIONS**

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a provision of \$12,000 for Community Events in the 2022/23 budget including fixed Council event commitments. As of 01 July 2022, there is \$12,000 of the budget available to support this application.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Possible	Negligible	Low	Ensure all contributions are transparent.
Council needs to be mindful of the perceptions of equity when supporting community events.				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Council reviews the application and reasons for not adopting the recommendation.
The Freycinet Challenge may be limited in what output it can produce for the event subject to other funding sources.				

## **OFFICER'S COMMENTS**

This event is an effective way of bringing people together during the winter period, boosting visitors to the Coles Bay area during the quieter season. The event is a great motivation to encourage exercise outdoors where people can congregate in groups, socialize, and improve their physical well-being and mental health.

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

- Wheelie bin supply and collection by Council staff, quantity to be coordinated.
- Provision of toilet paper to top up the supply at the Council toilet block facility.
- Road closure of Council roads shall be coordinated through councils permit process.
- Council contractors will be required to assist in maintaining the amenities throughout the event with supplies as necessary to meet demand.

Private operators do not have authority to close a road and are required to apply to Council to do so for Council owned roads. Usually for private works the costs of the required newspaper advertising plus administration of letters to notify local residents of approx \$600.00 and \$100.00 respectively are charged to the applicant as part of the permit costs. In this case it is an option to offer further support to the applicant by Council paying these costs on behalf of the applicant.

The applicant seeks cash contributions for the following:

- Road traffic signage procurement from eye spy - \$509.00

Council does not provide the following:

- Skip bins. These would require sourcing from an external contractor, and it is recommends the organiser coordinates themselves.
- Drinking water tanks. These would require sourcing from an external contractor and recommends the organiser coordinates themselves. There is a new drinking fountain and bottle fill station at Muir's Beach as a result of the Freycinet Association Incorporated's initiative to supply these. This is a new installation since the last Freycinet Challenge was run.

It is noted that Freycinet challenge website does not currently list Council as a sponsor and this would be a requirement if support is provided.

### **OFFICER'S RECOMMENDATION**

1. That Council approves the application for Community Event assistance from Jamset Pty Ltd for the Freycinet Challenge 2022 by the way of:
  - Provision of additional wheelie bins & kerbside collection as resources permit;
  - Provision of toilet consumables and amenity labour as resources permit;
  - Social media and marketing support through Council's existing channels to help promote the event;
  - Cash contribution of \$509 towards road traffic signs procurement
  - Seek for Freycinet Challenge to include Council as a sponsor on the Freycinet Challenge website.
2. That Council approves the road closure of Esplanade, Coles Bay, between Coles Bay Road and No 39 Esplanade, between 07:30 and 16:30 on Saturday the 8th October and between 07:30 and 16:30 on Sunday the 9<sup>th</sup> October 2022 for the organizer, Freycinet Challenge Organising Committee, to conduct the Freycinet Challenge event, and that Council advertise the road closure in accordance with policy.
3. That Council approves to pay for advertising and administration costs associated with the road closure.

## 8.2 Community Small Grant - Swansea Local Events Committee

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

### **ATTACHMENT/S**

1. Community Small Grants Application - Swansea Local Events Committee [8.2.1 - 1 page]
2. Local Community Insurance Services - Quote [8.2.2 - 2 pages]
3. Village Roadshow - Public Performance Licensing - Quote [8.2.3 - 1 page]

### **PURPOSE**

Recommendation for Council to approve a Small Grant application for \$1,000 to 'Swansea Local Events' a sub-committee of the "Swansea Chamber of Commerce" for a Swansea Car and Bike Show and Movie under the Stars event.

### **BACKGROUND/OVERVIEW**

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

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

The Swansea Local Events Committee is a new group who are hosting a Swansea Car and Bike Show on the 13 November 2022 and annually thereafter. This group will also be hosting a Movie Under the Stars on the 31 December 2022. This application from Swansea Local Events Committee was received on 11 July 2022 and seeks a contribution towards the purchase of public liability insurance and movie hire for the event. The intent is to encourage people to Swansea and involve local businesses, community members.

Item	Cost
Public liability insurance (annual policy)	\$596.51
Village Roadshow (movie hire)	\$440.00
<b>Total</b>	<b>\$1,036.51</b>

### **STRATEGIC PLAN REFERENCE**

#### **Guiding Principles**

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

## Key Foundations

### 2. Our Community's Health and Wellbeing

#### What we plan to do

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

#### STATUTORY IMPLICATIONS

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

##### *77. Grants and benefits*

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

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

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

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

#### BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$25,000 Community Small Grants Program provision in the 2022/23 budget. As at 1 July 2022 there is \$25,000 of the budget available to support this application.

#### RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>	Nil	Nil	Nil	Nil
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Council reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising.
Bringing the Community Together Group may not find alternate funding for these events.				



## **OFFICER'S COMMENTS**

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

Integrity Assessment:

The 'Swansea Chamber of Commerce' and the sub-committee 'Swansea Local Events' 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 meeting endorsing the committee.

## **OFFICER'S RECOMMENDATION**

That Council approve the application for Small Grant funding of \$1,000 to 'Swansea Local Events Committee' to support their Car Show and Movie night.

### **8.3 Community Small Grant Application - Freycinet Volunteer Marine Rescue Association Inc**

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

#### **ATTACHMENT/S**

1. Small Grant Application - Freycinet Volunteer Marine Rescue Association Inc [**8.3.1** - 1 page]
2. Quotation - Mariner Binoculars W/Compass (Fujinon 7 x 50 WP C-XL) [**8.3.2** - 1 page]
3. Quotation - Service of Stormy Life Jackets [**8.3.3** - 2 pages]

#### **PURPOSE**

Recommendation for Council to approve a Small Grant application for \$839 for Freycinet Volunteer Marine Rescue Association Inc to purchase a pair of Marine Binoculars and the annual service cost of ten stormy Seas Life Jackets.

#### **BACKGROUND/OVERVIEW**

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

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

The Freycinet Volunteer Marine Rescue Association Inc is a non-profit marine rescue and training association based in Swansea, Tasmania. All members are volunteers, the main objectives are to promote safe boating to assist in the prevention of life and property and to train members and members of the public in safe operation of sea craft and use of marine radio. Freycinet Volunteer Marine Rescue Association operates in conjunction with Tasmania Police and Surf Life Saving Tasmania to provide marine emergency response within the Glamorgan Spring Bay Municipality.

This application from Freycinet Volunteer Marine Rescue Association received 28 June 2022 is for a contribution towards the purchase of:

DESCRIPTION	COST
Annual Service of 10 x self-inflating lifejackets (stormy brand) at \$44 each	\$440
Fujinon 7x50 WPC-XL Marine Binoculars that are nitrogen filled to minimise condensation and fitted with an in-built compass.	\$399
<b>Total</b>	<b>\$839</b>

Council has supported this group regularly for many years including:

Year supported	Amount	Year supported	Amount
Aug 2021	1,200	Jun 2018	2,000
Jul 2020	1,000	May 2018	767
Mar 2020	1,000	May 2017	600
Jul 2019	400	Jun 2016	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**

### *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 \$25,000 Community Small Grants Program provision in the 2022/23 budget. As at 1 July 2022 there is \$25,000 of the budget available to support this application.

## **RISK CONSIDERATION/S**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Risk Mitigation Treatment</b>
<b>Adopt the recommendation</b>	Nil	Nil	Nil	Nil
Nil				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Council reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising for the Freycinet Volunteer Marine Rescue Association.
Freycinet Volunteer Marine Rescue Association may not find alternate funding running the risk on unserved lifejackets run failing in an emergency event.				

## **OFFICER'S COMMENTS**

This application satisfies the necessary criteria of the relevant policy.

### **Acceptance criteria assessment:**

Funding value is within the acceptable allowance	Yes
Applicant is a not-for-profit community organisations and groups or individual	Yes
The 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	-

**Integrity assessment:** This group is a not-for-profit incorporated association (Freycinet Volunteer Marine Rescue Association), Registration #IA11033.

## **OFFICER'S RECOMMENDATION**

That Council approve the application for Small Grant funding of \$839 to The Freycinet Volunteer Marine Rescue Association Inc. for purchase of lifejacket servicing and a set of binoculars.

## **8.4 Draft Triabunna Marina and Wharf Precinct Policy**

Author: Manager Buildings & Marine Infrastructure (Adrian O'Leary)

Responsible Officer: Manager of Buildings & Marine Infrastructure (Adrian O'Leary)

### **ATTACHMENT/S**

1. DRAFT Marina and Wharf Policy [8.4.1 - 5 pages]

### **PURPOSE**

To recommend that Council adopts the updated draft Triabunna Marina and Wharf Precinct 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 Triabunna Marina and Wharf Precinct Policy has been reviewed and updated in conjunction with the Marine Infrastructure Committee (Section 24 Special Committee of Council).

The Triabunna Marina and Wharf Precinct Policy aims to establish a process and procedure for the management of the Triabunna Marina and Wharf Precinct. The Policy also complements the Glamorgan Spring Bay Council Marina Lease Agreement with individual berth holders and applies to all users of the Triabunna Marina and Wharf Precinct (this policy excludes the main Maria Island Ferry Operator who will be operating under a separate agreement).

Council's existing Triabunna Marina and Wharf Precinct Policy was adopted in October 2016 and was due for review in 2020. This was delayed due to the onset of Covid-19. The updated Policy includes minor amendments such as an updated contact for contamination spills and has also been inserted into the new policy template.

### **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**

- Develop plans, policies and guidelines for built assets.

### **STATUTORY IMPLICATIONS**

Nil.

## **BUDGET IMPLICATIONS**

N/A

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				Nil.
No material risk associated with adopting the recommendation.				
<b>Do not adopt the recommendation</b>	Low	Low	Low	Review and amend Policy for presentation at a future Council Meeting.
Policy review date overdue.				

## **OFFICER'S COMMENTS**

The draft Policy has been reviewed in accordance with Council's Corporate Calendar and is recommend for adoption.

## **OFFICER'S RECOMMENDATION**

That Council adopt the Triabunna Marina and Wharf Precinct Policy as attached to this report item effective 26 July 2022.

## 8.5 Draft Councillor Allowances and Expense Reimbursement Policy

Author: Executive Officer (Jazmine Murray)

Responsible Officer: Director Corporate and Community (Elysse Blain)

### **ATTACHMENT/S**

1. Draft Councillor Allowances & Expense Reimbursement Policy - July 2022 [8.5.1 - 10 pages]

### **PURPOSE**

The purpose of this report is to recommend that Council update and combine two existing policies, *Payment of Allowances and Expenses Policy* and the *Provision of Communication Equipment to Councillors*, and replace with a new *Councillor Allowances and Expense Reimbursement Policy*.

### **BACKGROUND/OVERVIEW**

The two existing Council policies, *Payment of Allowances and Expenses Policy* and *Provision of Communication Equipment to Councillors Policy*, were both adopted in March 2009 and are due for review. To promote and continue to improve the good governance within Glamorgan Spring Bay Council, a review of these two policies has been undertaken, and following investigation with similar policies at other Tasmanian Councils, the proposal is to simplify and combine both into one single policy.

The draft *Councillor Allowances and Expense Reimbursement Policy* is attached to this report for Council's consideration. This policy applies to all Councillors elected to the Glamorgan Spring Bay Council and addresses the following key items:

#### **Councillor Allowances**

- Prescribed Allowances
- Communication Devices
- Insurance

#### **Reimbursement Claims for Expenses**

- Meal & Accommodation Expenses
- Use of Vehicles & Travelling Expenses
- Dependent Person Care Expenses
- Facilities and Administrative Expenses
- Conferences & Seminar Expenses
- Functions & Events Expenses
- Partners Expenses
- Privacy and Transparency

The draft policy aims to ensure that there is transparency in relation to the claiming and payment of expenses and allowances on behalf of Councillors. An early draft was discussed with Councillors at a Workshop held on Tuesday 8 March 2022 and has since been updated following comments and feedback from the Workshop.

If adopted by Council, the Policy will be made available on Council's website and staff and Councillor intranet.

## **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
- Local Government (General) Regulations 2015

## **BUDGET IMPLICATIONS**

A budget line item for Councillor expenses has been provided for.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>				Nil
No material risk associated with adopting the recommendation				
<b>Do not adopt the recommendation</b>	Unlikely	Negligible	Low	Review and amend Policy for presentation at a future Council Meeting.
Policy review date becomes further overdue.				

## **OFFICER'S COMMENTS**

The draft replacement policy has been reviewed and developed in accordance with Council's Corporate Calendar and is recommend for adoption.

## **OFFICER'S RECOMMENDATION**

That Council adopt the *Councillor Allowances and Expense Reimbursement Policy* as attached to this report.



## **8.6 Memorandum Of Understanding - Landscape Recovery Foundation**

Author: Director Planning & Development (Alex Woodward)

Responsible Officer: Director Planning and Development (Alex Woodward)

### **ATTACHMENT/S**

1. DRAFT MOU LRF AND GSBC v2 002 [8.6.1 - 8 pages]

### **PURPOSE**

To present a Memorandum of Understanding with the Landscape Recovery Foundation for the delivery of Natural Resource Management Services in the Glamorgan Spring Bay Local Government Area for Council adoption.

### **BACKGROUND/OVERVIEW**

Following on from the review into resources in the Natural Resource Management (NRM) activities of Council, Officers met with the Landscape Recovery Foundation (LRF) about investigating a different model of delivery of services within the NRM field.

The LRF is currently delivering a successful model through the Derwent Catchment Project which includes the Derwent Valley, Central Highlands and Brighton Councils. This model involves the development of a committee of volunteer community members (including local government Councillors) to provide oversight and governance of delivery to ensure transparency. The model revolves around working with community to deliver services that reflect the strategic NRM needs of the catchment area. The core funding provided by Councils allow for ongoing security to work towards growing a comprehensive program of works.

Over the last 5 years the Derwent Catchment Project model has driven a tenfold increase in the amount of funding attracted into the region for NRM activities. In 2021 the model attracted a million dollars' worth of funding for NRM programs. More recently this co-investment model has secured almost 1 million dollars for the Derwent Valley Flood Recovery program on the Lachlan River through a grant application in partnership with Council.

This model has seen good community buy-in and a sense of community ownership in NRM matters. Further to this some of the other benefits are the ability of obtaining funding which would not be otherwise available to Council. For instance, applying for grants where Council is not eligible, or seeking funds from private organisation's etc.

#### **Model for Glamorgan Spring Bay:**

Following the initial discussions, a proposal was developed with the LRF which outlined the key deliverables. The focus of investment in this first year of activities will involve a comprehensive contemporary review of existing NRM planning documents to develop an overarching NRM and Climate Resilience Strategy for Glamorgan Spring Bay Council. The strategy will review existing documents, identify gaps and outline priority activities and opportunities for investment. It will provide strategic direction for cross-tenure collaboration

to manage natural systems to improve sustainability, maintain vegetation buffers, prevent loss of biodiversity and build climate change resilience.

A communication and engagement plan to promote community and stakeholder participation and ownership of the NRM Strategy will be developed and implementation initiated. This will include a review of key stakeholders and community groups. It will identify opportunities for forming, supporting, and/or reinvigorating community groups to support the implementation of the NRM Climate Resilience Strategy. A process will be developed and documented for planning community activities on Council land and/or adjacent public lands.

A review and update of Native Flora and Fauna Management Plans for public reserves managed by Council will be undertaken in collaboration with key stakeholders. The number of plans reviewed will reflect the budget available. Priority will be given to those reserves where community groups are currently active. How these plans can be integrated into broader Reserve Management Plans will be considered to enable a more holistic approach to public reserve management.

General facilitation services to support community and stakeholder engagement include: supporting education and awareness programs and grant proposals as opportunities arise; facilitating partnerships with neighbouring councils, and cross tenure programs to maximise opportunities for securing funding to support NRM activities in Glamorgan Spring Bay; and provision of NRM advice for weed, biodiversity and coastal management, fire management, revegetation and restoration, agricultural best practice, climate change mitigation, adaptation and recovery.

Strategic weed management planning will also be to build upon the many years of work that Glamorgan Spring Bay Council has done in collaboration and cooperation with other land managers and owners across the municipality. This will be done in collaboration with Council's weed team and key stakeholders. The scope of weed management services will continue to remain the responsibility of Council through the weed management section.

The Landscape Recovery Foundation will use the funds, and any additional provisional funding allocations, provided by Glamorgan Spring Bay to develop collaborative initiatives to leverage additional funding to undertake Natural Resource Management activities in the Glamorgan Spring Bay area.

#### NRM Committee:

The proposal put forward to Council from the LRF was then shared with the NRM Committee and discussed at the May meeting. Following the discussion, the NRM Committee moved the following motion:

*Moved: Jane Wing   Seconded: Howard Colvin*

- 1.        That the Committee advises the Director Planning and Development that they would like to investigate a potential alliance with Landscape Recovery Foundation/Enviro-Dynamics*
- 2.        The Committee request the Director Planning and Development ensure that an appropriate amount is provided in the budget to facilitate this alliance in 2022/23 if it proceeds to an MOU.*

3. *The Committee is keen to remain a s.24 Committee of Council to maintain the NRM connection between Council and the community and remain a conduit to provide related strategic advice to Council.*

4. *The Committee sees this as an opportunity to ensure the sustainable future of NRM in the GSBC municipal area and seek the support of Council to progress discussions.*

*Carried unanimously*

#### Memorandum of Understanding

Following the motion of the NRM Committee, a Memorandum of Understanding (MOU) was developed (See Attachment 1). This MOU sets out the terms and understanding between the Landscape Recovery Foundation Ltd and Glamorgan Spring Bay Council to deliver Natural Resources Management Services in the Glamorgan Spring Bay Local Government Area.

This MOU outlines how it will assist Council in delivering several key objectives in the Strategic Plan 2020-2029. Furthermore, it goes on to specify the following key objectives of the partnership:

1. To ensure the effective and efficient delivery of NRM Services.
2. To facilitate a new way forward for NRM in GSB that recognises and values the input, expertise and contributions of key stakeholders to date including those of the NRM committee, community members and other stakeholders who have worked with GSBC to further NRM in GSB.
3. To foster community engagement.
4. To provide technical expertise and facilitate input from a range of experts in order to implement effective NRM.
5. To ensure that NRM activities align with the values and objectives of both organisations.
6. To ensure effective communication between partners and with key stakeholders and community, and
7. To facilitate the sharing of knowledge and skills for effective Natural Resource Management

The duration of the agreement is for an initial period of three years, but there will be a review after 12 months to ensure that the model is achieving the key goals. The MOU goes on to identify the governance model that is proposed which will involve an East Coast Catchment Steering Committee. This committee will be made up of primarily community members and one nominated Councillor. This will effectively transfer the existing section 24 NRM committee to a different governance model and be managed through the LRF. This model will provide the Committee with a higher degree of autonomy and be less restricted with legislative controls that the s24 committee brings.

The MOU then outlines the key resources and roles between the parties and is in line with the initial discussions between the organisations. Finally, the key governance matters are outlined.

## **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.
6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.

### **Key Foundations**

2. Our Community's Health and Wellbeing
5. Our Environment

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

- Create an informed and involved community by developing relevant and accessible communication channels.
- Involve, engage and equip groups and individuals in Natural Resource Management.
- Invest in external expertise and capacity to complement GSBC resources.

## **STATUTORY IMPLICATIONS**

In accordance with Part 16, Division 2A, Section 333B of the Local Government Act 1993 (Act), Council must comply with its Code for Tenders and Contracts (the 'Code') when acquiring goods and services.

## **BUDGET IMPLICATIONS**

It is estimated that the annual outlay for this model will be approximately \$55,000. At present the Planning and Development Directorate has budgeted for this in the 2022/23 year and subsequent financial years.

## **RISK CONSIDERATION/S**

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b> The key outcomes and objectives of the MOU are not achieved as outlined.	Minor	Unlikely	Moderate	The organisation has a good track record and the objectives specified are achievable. Furthermore, the MOU has a review period after 12 months.
<b>Do not adopt the recommendation</b> Council will not have the resources to undertake some key objectives identified in this agreement and this may not meet the expectations of the community	Moderate	Likely	Moderate	If Council does not endorse this agreement, recruitment will be undertaken for a part time officer and an achievable annual work plan developed.

## **OFFICER'S COMMENTS**

It is the opinion of Officers that this proposal presents an ideal opportunity for improvements in the NRM outcomes for our area.

The governance structure provides the community to have direct input into the goals for the area. It is noted that this structure does not necessarily align with the motion of the NRM Committee (being that the committee will not continue in its current form under s24), there are benefits of changing to this model. The s24 committee will effectively transition to a steering committee and will not have to be restricted by legislative requirements determined by the *Local Government Act 1993*. Furthermore, the organisation will be able to seek outside funding like to what the Derwent Catchment Project has achieved.

As such, it is recommended that Council authorise the General Manager to sign the MOU with the LTF. In addition, it is the Officers opinion that the existing s24 NRM Committee Members be offered a transition to the role of the East Coast Catchments Steering Committee for the first 12 months. As such, the original s24 committee would then be dissolved.

It is further recommended that the members of the s24 Committee be thanked for their outstanding contribution to the field of NRM in the Glamorgan Spring Bay area. The Committee has provided valuable advice and input into all matters related to the natural environment since its inception and has achieved many accolades. By transitioning the s24 Committee members to the Steering Committee, it will ensure continuity of the members and the intellectual property.

## **OFFICER'S RECOMMENDATION**

That COUNCIL:

1. AUTHORISE that the General Manager to sign the Memorandum of Understanding with the Landscape Recovery Foundation.
2. ENDORSE that the existing s24 Natural Resource Management Committee Members be offered a transition to the role of the East Coast Catchments Steering Committee for the first 12 months.
3. AUTHORISE that the Section 24 Natural Resource Management Committee be dissolved following this transition.
4. AUTHORISE the General Manager to write to current members of the Section 24 Natural Resource Management Committee to thank them for their outstanding contribution to the field of NRM in the Glamorgan Spring Bay area

## **8.7 Esplanade West Triabunna One Way Section Proposal**

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

1. Triabunna Esplanade West One- Way Proposal survey results [8.7.1 - 5 pages]

### **PURPOSE**

To provide information to council following a public consultation process on a proposal to implement a one-way traffic scheme to a section of Esplanade West Triabunna between the RSL car park and Melbourne St.

### **BACKGROUND/OVERVIEW**

A report was presented to council in May 2022 proposing to conduct public consultation on the proposal for a one-way traffic system on Esplanade West Triabunna between the RSL Club car Park and Melbourne Street during June.


With the likely impact of the change restricted to local residents and businesses on this low volume road, notification was concentrated on Triabunna with wider reach obtained through social media. The following steps were taken during the month of June to consult and discover any unforeseen community concerns or difficulties that this proposal may introduce:

- Letter to all Triabunna residents and businesses inviting feedback through survey
- Notice on supermarket notice board advising of proposal and survey
- Details of proposal and Survey links through Website
- Facebook notification details and link to survey
- Hard copy survey available at front counter
- Direct discussion with public transport operator

Through the consultation there were no new issues identified. The survey was filled in by 22 people and the results are attached. One summary was filled in on hard copy and included in the summary outcomes. 41% of respondents view the proposal positively while 23% consider it to impact them negatively. 36% consider the move will have no impact. Therefore, 63% are either positively inclined or see no negative impact in the proposed change.

The survey response numbers are not high while information provided to those who live in Triabunna was comprehensive and timely through the mail out. The response numbers are not considered low given the low-impact on traffic movement expected from the proposed change to existing use.

As can be seen also from the Facebook post data below, 1105 people received direct or indirect notification of the proposed change with the opportunity to engage further. 145 people engaged to some extent and 22 people went further and, including the 1 hard copy, 22 completed the survey.





**Glamorgan Spring Bay Council**  
2 June at 14:22 · 🌐

**ESPLANADE WEST TRIABUNNA ONE WAY TRAFFIC PROPOSAL - SURVEY**  

Council is seeking comment on a proposal to change Esplanade West Triabunna into a one-way traffic street. The section is to flow from Melbourne Street to the RSL Club carpark near Vicary Street past the Eldercare Units.

Access off Vicary Street into the RSL Club car park will still be available but no further. This change to a one-way section of road was promoted in the Triabunna Tomorrow Plan.... [See more](#)




**Get more likes, comments and shares**  
When you boost this post, you'll show it to more people.

1,105  
People reached

145  
Engagements

Boost post

👍 5

6 shares

Like

Comment

Share

⋮

**Performance for your post**

1,105 People Reached

17 Likes, Comments & Shares 🗨️

8 Likes	5 On Post	3 On Shares
3 Comments	0 On Post	3 On Shares
6 Shares	6 On Post	0 On Shares

128 Post Clicks

3 Photo views	22 Link clicks 🗨️	103 Other Clicks 🗨️
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**NEGATIVE FEEDBACK**

0 Hide post	0 Hide all posts
0 Report as spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

Comments received in the survey include consideration of the impact on Bus routes where one way traffic in the proposed direction of the one-way flow makes no impact on existing bus services. All comments received are included in the attachment.

## **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.
6. Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans - listening to and taking account of ideas and feedback from residents, businesses and ratepayers.

### **Key Foundations**

4. Infrastructure and Services

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

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



## **STATUTORY IMPLICATIONS**

Local Government Highways Act S31

Traffic Act 1925

Transport Commission Direction – 2014/2 Direction for the use of Traffic Signs –

## **BUDGET IMPLICATIONS**

Advertising costs and other administrative functions will be sourced from the operating budgets. Road signage and line marking.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>			Low	Statutory process provides low residual risk
Proceed to advertising requirements of the Local Government Highways Act				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Defer the proposal and review again in the future.
Lost opportunity to capitalise on consultation conducted.				

## **OFFICER'S COMMENTS**

Traffic counts were collected for the road between Thursday the 19<sup>th</sup> May and Tuesday the 7<sup>th</sup> June with 64% of traffic heading east west which accords favourably with the proposed traffic direction of the one-way proposal. Average daily traffic volume recorded was 123 vehicles. 206 vehicles is the highest daily total on a Saturday and 87, equal lowest, also a Saturday.

With this consultation completed favourably, there are two rounds of advertising required under Section 31 of the Act before making an application for approval through State Growth, otherwise referred to in the Act as the Transport Commission.

(1) A corporation may, with the approval of the Transport Commission, construct or place obstructions in a local highway for the purpose of preventing or restricting the movement of vehicular traffic.

(2) Before making an application under this section for the approval of the Transport Commission, **the corporation shall cause a notice to be published twice in separate issues of a local newspaper circulating in the municipality of its intention to make the application**, specifying the situation and nature of the obstruction and stating that written representations may be made to the corporation with respect to the matter before such day as is specified in the notice, being a day not earlier than 28 days after its first publication.

(3) The Transport Commission shall not give its approval under this section in respect of an obstruction unless there has been submitted to the Commission a copy of the notice published under [subsection \(2\)](#), together with evidence that it has been published as required

by that subsection and copies of any representations made to the corporation in accordance with the notice and its comments on those representations.

Advertising provides the opportunity for anyone who has not made contact to date to make a submission which can be considered by State Growth and council as necessary. As required of S31(3), an application through State Growth will include any submissions made in response to the advertising.

Alternately, advice from State Growth is that other councils are using the powers derived from Transport Commission Direction 2014/2 for equivalent changes to traffic. Or, S31 is considered appropriate. Emphasis is to go through a process that explains to people why council is proposing the change and give any motorists who are impacted the opportunity to have their concerns considered.

Council may determine to take this path and resolve to implement the one-way system under direction 2014/2 on the strength of the consultation carried out to date with no further advertising. Given the information provided to the public thus far it is recommended to continue with the S31 requirements.

#### **OFFICER'S RECOMMENDATION**

That Council resolves that advertising and a subsequent application is carried out in accordance with the requirements of the Local Government (Highways) Act 1982 for implementing a one-way traffic system on Esplanade West Triabunna, between the RSL Club carpark and Melbourne Street with traffic flowing from East to West.

## **8.8 Bicheno Electric Vehicle Charging Station**

Author: Director Works & Infrastructure (Peter Porph)

Responsible Officer: Director Works and Infrastructure (Peter Porph)

### **ATTACHMENT/S**

Nil

### **PURPOSE**

To determine a location for the proposed Electric Vehicle Charging Station in Bicheno.

### **BACKGROUND/OVERVIEW**

The State Government has nominated Bicheno as a preferred site for the location of an Electric Vehicle (EV) charging station and supports this determination through the award of a grant to Electrona P/L for the installation of a charging station there.

A number of sites have been proposed and a level of consultation has been carried out with those directly impacted by the site choices. In all instances, the locations have presented difficulties which have not been able to be overcome for a range of reasons. These include the deed conditions, power supply issues, suitability of site, and land-owner rejection.

The project is in jeopardy of failure due to these issues.

It is evident, that there will not be a location suitable to all which will meet all the requirements. It is proposed to overcome this through a selection of site at council level that practically meets the intent of the program.

Outcomes of the implementation of the charging station are:

- Facilitation of tourism
- Drawing hire vehicles into the business centre of the township
- Encouraging sustainability and reduction in fossil fuel reliance
- Preparation for burgeoning future demand

Impacts of the implementation:

- Transfer of limited parking spaces from all vehicles to particular vehicles
- Occasional prohibition of use of limited parking locations

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

#### **Key Foundations**

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4. Infrastructure and Services
5. Our Environment

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

- Maintain public amenities and recreational facilities.
- Invest in external expertise and capacity to complement GSBC resources.

### **STATUTORY IMPLICATIONS**

Traffic Act 1925

Transport Commission Direction – 2014/2

### **BUDGET IMPLICATIONS**

There are no material budget impacts

### **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>			Low	Risk of project failure averted
Project can proceed.				
<b>Do not adopt the recommendation</b>	Possible	Moderate	Moderate	Implementation on hold.
Progress on transition to electric vehicles and lowered reliance on fossil fuels frustrated. Project abandoned.				

### **OFFICER'S COMMENTS**

There have been significant difficulties in finding a location in Bicheno which meets the grant criteria while minimising impact on stakeholders and having the requisite power supply at hand for a fast-charging station.

Projecting into the near future, the demand for electric vehicles within private ownership and hire vehicle fleets will see an abundance of electric vehicles searching for sites to park to recharge. Our tourism dependent economy needs to recognise the benefits of provision of facilities for electric vehicles within our area and understand the need for this type of infrastructure provision.

According to some sources, plug-in vehicles are predicted to make up 23% of new passenger vehicle sales globally in 2025, up from just under 10% in 2021. Three-quarters of those will be fully electric.

With demand on the increase, there is a likelihood that drivers of these vehicles will not choose to come to the East Coast because of travelling distance between charging stations and what will become increasing wait for charger availability where they are installed.

To move the location determination forward, it is proposed that council consider the car park at the shopping centre at the supermarket as the location for the charging station and allocate parking places on the southeast of the car park to electric vehicle charging.



There is a view that this prohibits parking and reduces available parking spots and so does allocation of bus parking spots and disability parking which is accommodated in this area already. Electric vehicle charging stations are an extension of the range of parking provision required to be made to accommodate demand.

As an existing car park there is no Development Application required to alter the site for EV parking and charging.

There are peak times when the car park is full under the current layout however there are on street parking options surrounding the car park when the car park is at capacity.

### **OFFICER'S RECOMMENDATION**

That Council resolves to establish an Electric vehicle charging station within the car park on the southwest corner of the intersection of Burgess and Foster Streets Bicheno.

## **8.9 Swanwick Waste Water Treatment System Rate**

Author: Director Works & Infrastructure (Peter Porch)  
Responsible Officer: Director Corporate and Community (Elysse Blain)  
Director Works and Infrastructure (Peter Porch)

### **ATTACHMENT/S**

1. F W\_ Petition Swanwick Water Treatment Plant Rate Redacted [8.9.1 - 1 page]

### **PURPOSE**

To complete the process for setting a rate for the connected properties for the Swanwick Waste Water system.

### **BACKGROUND/OVERVIEW**

Council has been bearing an operational cost for the operation of the water treatment system at Swanwick for several years since the first properties were connected and arrangements were agreed with the developer for this to occur. The implementation of a charge on system users will provide for the renewal of the assets over time and the day to day running of the system. The facility is effectively ten years old with short life electrical elements of the system already replaced through wear and tear and longer-term assets partially consumed in terms of depreciation.

A schedule consistent with asset management practice has been developed for the development of a proposed charge which will accommodate long term asset renewal and operational maintenance. Fees will be required to be levied across system users to recoup costs of \$50,739.00 plus gst per annum.

These funds will be managed as a discrete business unit to ensure transparent auditability for system customers. The impact on budget will be positive, reducing the operational costs council has been absorbing year on year and providing a fund from which to replace larger long-term assets over time.

In March 2022 Council resolved, as per S101, to provide notice to landowners connected to the Swanwick wastewater treatment plant advising of the separate rate, under S100 of the Local Government Act 1993, being considered to apply in the 2022-23 financial year budget process with advice of the order of cost of that rate to property owners.

Advertising has been carried out and the required thirty-day period since the advertisement appeared, for lodgement of a petition if residents were of a mind to do so, has elapsed.

One petition with two signatories has been received, as per Section 57, for council consideration in accord with Sections 102, 103 and 104. No submissions were received.

Section 103 requires at least 10% of affected ratepayers to present a petition to require a public meeting to discuss the issues involved. This baseline has not been reached and no public meeting is required.

## **STRATEGIC PLAN REFERENCE**

### **Guiding Principles**

5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.

### **Key Foundations**

1. Our Governance and Finance

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

- Implement a dedicated process to ensure rates and other fees are collected in a timely manner.
- Set clear annual budget priorities to meet needs and community expectations in consultation with the community.

## **STATUTORY IMPLICATIONS**

Local Government Act 1993

Part 9 Rates and Charges

S100 Separate rate or charge

S101 Intention to make separate rate or charge

S102 Submissions

S103 Petitions

S104 Consideration by council

Part 6 Division 1 Petitions

S57 Petitions

S58 Tabling Petition

S60 Action on Petition

## **BUDGET IMPLICATIONS**

The budget impact is positive and provides funds for the ongoing maintenance and renewal of the system to ensure it is a self-funding service.

Annual operating costs are in the order of \$11,000. Capital renewal costs are in the order of \$11,500 and there are improvement works required to be carried out to enable suitable vehicular access to the site and rising main upgrade within a few years.

## **RISK CONSIDERATION/S**

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
<b>Adopt the recommendation</b>			Low	Compliance with Local Government Act 1993
Dissatisfaction among ratepayers affected				
<b>Do not adopt the recommendation</b>	Certain	Moderate	High	Absorb costs of a unique service in other operating accounts and cancel renewal unless urgent for environmental compliance.
Continued drain on operating expenses – no budget for capital renewal.				

## **OFFICER'S COMMENTS**

The petition relates to a property with a dwelling, and an ancillary dwelling which operates as an Air BnB premises. The one lot is rated as two separate properties. Both properties on the one lot currently pay the waste charge. The proposed new charge is for the services provided by the system in its entirety, not limited by connection numbers alone. As separate rateable properties, the owners have received two letters.

The dwelling and ancillary dwelling are rated separately and provide 2 lots of the standard calculable volume that contribute to the systems ultimate capacity. The distribution of costs for the system are based on the number of rated properties contributing the standard wastewater volume to the system. While both rated properties share the one septic tank, the tank will have to be pumped twice as often under councils proposed management arrangements providing no saving in system costs. It is therefore recommended that the petition be rejected.

In accordance with S100(1) a council may, by absolute majority, make a separate rate or charge in respect of land, or a class of land, within a part of its municipal area.

(2) A separate rate or separate charge may be made –

(a) in addition to any other rates or charges; and

(b) in respect of a financial year or part of a financial year; and

(c) for the purpose of planning, carrying out, making available, maintaining or improving any thing that in the council's opinion is, or is intended to be, of particular benefit to –

(i) the affected land; or

(ii) the owners or occupiers of that land.

All ratepayers have been written to and the proposal has been advertised as required. Officers have received a few enquiries with respect to the listed properties to be refined to exclude two non-connected properties. Other enquiries have come from properties not within the connection plans and therefore not impacted by the proposed charge.

It is proposed to charge the remaining listed properties by making a separate rate.



## **OFFICER'S RECOMMENDATION**

Separate Rate

That Council:

1. Pursuant to Section 100 of the Local Government Act 1993, by absolute majority, makes the following charge for the Swanwick Wastewater System for properties connected to the system in Swanwick for the period commencing 1<sup>st</sup> July 2022 and ending 30<sup>th</sup> June 2023, namely:
  - (a) A charge of \$551.51 for all properties with a connection to the Swanwick wastewater treatment system managed by council.
2. Writes to the petitioners and advise that their petition has been considered.

## **9 NOTICES OF MOTION**

Nil.

## 10 PETITIONS

### 10.1 Petition Received - Swanwick Waste Water Treatment System Rate

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**From:** Davis, Danielle <  
**Sent:** Wednesday, 6 July 2022 2:14 PM  
**To:** GSBC Admin <[admin@freycinet.tas.gov.au](mailto:admin@freycinet.tas.gov.au)>  
**Subject:** Swanwick Water Treatment Plant Rate

To the General Manager,

I am writing to petition the Swanwick Water Treatment Plant Rate.  
We own the property at . This property includes a  
Dwelling and an ancillary dwelling, of which we are charged two sets of rates. This  
property only has one septic tank and waste water system.  
Our concern is that we will be charged the \$551.51 fee on both sets of rates, totalling  
\$1103.02 per year, when the council is not providing 2 lots of services to our property.

Thankyou,  
Danielle and Jye Davis

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## RECOMMENDATION

That Council receives the petition and notes that an outcome was recorded at agenda item 8.9.

## **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: Minutes of Closed Session – Ordinary Council Meeting 28 June 2022**

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

**Item 2: Coles Bay Electric Vehicle Charging Station – Expression of Interest**

As per the provisions of Regulation 15 (2) (c) 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**