



**GLAMORGAN
SPRING BAY
COUNCIL**

ORDINARY COUNCIL MEETING AGENDA

TUESDAY 28 NOVEMBER 2023

2:00 PM

Council Chambers, Triabunna

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday 28 November 2023, commencing at 2:00 pm.

QUALIFIED PERSON CERTIFICATION

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

Dated this Thursday 23 November 2023



Greg Ingham
GENERAL MANAGER

IMPORTANT INFORMATION

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

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

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1 OPENING OF MEETING

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

1.1 Acknowledgement of Country

Glamorgan Spring Bay Council acknowledge and pays respect to the Tasmanian Aboriginal people as the traditional and original owners, and continuing custodians of this land on which we gather and acknowledge their Elders - past and present.

1.2 Present

1.3 Apologies and Leave of Absence

1.4 In Attendance

1.5 Late Reports

(Motion to receive required)

1.6 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

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

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

in any item included in the Agenda.

2 CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 24 October 2023

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 24 October 2023 at 2:00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop(s) Held

TUESDAY 14 NOVEMBER 2023

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 14 November 2023 at the Council Offices, Triabunna.

Present:

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

Apologies:

Deputy Mayor Michael Symons (due to work commitments)
Clr Richard Parker

In Attendance:

Mr Peter Porch, Acting General Manager
Mr Alex Woodward, Director Planning and Development
Mrs Elysse Blain, Director Corporate and Community

Guests

- Dominic Hughes (TasWater)
- Matt Jordon (TasWater)
- Donnick Mugusto (TasWater)
- Joe Davis (TasWater)

Agenda

- Presentation by TasWater
- Swansea School request - Loo with a View
- Strategic Plan Review Commencing
- Review - Long Term Financial Plan / Financial Strategy
- Our Park - Development Options
- Draft Land Use Planning and Approvals (Development Assessment Panel) Amendment Bill 2024
- Community Connect Proposed agenda items
- Elected Member Training Opportunity

RECOMMENDATION

That Council notes the information.

3 PUBLIC QUESTION TIME

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

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

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

3.1 Questions on Notice

Nil.

3.2 Questions Without Notice

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

4 PLANNING AUTHORITY SECTION

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

RECOMMENDATION

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

4.1 Development Assessment Panels Position Paper – Planning Authority submission to consultation period

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

ATTACHMENT/S

1. Development Assessment Panel Position Paper DPAC Nov 22

PURPOSE

The purpose of this report is for the Planning Authority (Authority) to consider a submission to the *Development Assessment Panel (DAP) Framework, Position Paper* (Position Paper), ahead of the drafting of legislation for *Draft Land Use Planning and Approval (Development Assessment Panel) Amendment Bill 2023*.

BACKGROUND/OVERVIEW

The State recently announced that DAP's would be established and released the Position Paper for consultation, closing on 30 November 2023. It is understood that legislation will be drafted for the *Draft Land Use Planning and Approval (Development Assessment Panel) Amendment Bill 2023* in early 2024.

The stated aims for implementation of DAP's are:

- To remove the politics from planning decisions;
- To remove the opportunity for conflict between elected members as community representatives and decision makers in the role as a Planning Authority;
- Implement reforms identified in the *Future of Local Government Review Stage 2 Interim Report* (the Interim Report) (released in May 2023);
- To fix delays to timely approvals caused by the broad appeal rights under the Tasmanian system;
- To replace the existing appeal rights with a public hearing process under the DAP assessment to improve timeframes; and
- Determine the role of DAP's for initiating planning scheme amendments.

The existing system

The *Land Use Planning and Approvals Act 1993* (Act) establishes the Council as the planning Authority within the municipality and establishes obligations to establish, maintain, implement and enforce a planning scheme. The current planning scheme within the Council is the Tasmanian Planning Scheme - Glamorgan Spring Bay and includes both the State Planning Provisions and the Local Provisions Schedule – Glamorgan Spring Bay.

When acting as the Planning Authority, the Council is obliged to receive, assess, process and determine planning applications. The Act provides a range of methods for decisions to be made on planning issues and application, which include:

- delegation to selected staff for routine decisions;

- presentation to the Planning Authority for applications where representations are received; or
- a dedicated panel where planning appeals are lodged to those decisions, or the application includes a planning scheme amendment.

The Planning Authority must represent itself when decisions are appealed to the Tasmanian Civil and Administrative Appeals Tribunal (Tribunal), who provide an independent expert review of the application and decision and determine a range of matters relevant to planning permits.

In addition to this, the Planning Authority must maintain its planning scheme through review of its Local Provisions Schedule and determination of applications to amend the planning scheme. The Act allows for the planning authority to receive applications to amend the Local Provisions Schedule, determine whether to support those applications, complete exhibition and reporting where those applications are supported and then lodge the application with the Tasmanian Planning Commission (Commission).

The Commission is an independent state agency charged with the assessment of applications to amend Local Provisions Schedules for each Planning Authority, and the State Planning Provisions for the State. The Commission process includes their own assessment against the relevant statutory requirements, holding public hearings to investigate a specific amendment and provide opportunity for all parties to make submissions and present their case for or against any amendment and then use a range of processes to determine amendments by either approving them, modifying them or refusing them.

In response to findings from both the post covid recovery and the recent *Interim Report on the Future of Local Government Review* that was released by the Minister for Local Government, the State announced that delegated assessment panels would be established to address problems with the approval systems.

The proposal

The State proposed to establish delegated assessment panels to determine selected planning applications, on the basis that they are contentious or potentially subject to a conflict of interest (particularly where the Council is the applicant / proponent).

The subject applications would then be referred to the Tasmanian Planning Commission (Commission), who would delegate determination of the planning application to a panel of delegates drawn from their members, to make the final decision after the exhibition and reporting were completed by the Planning Authority.

This process would not include the normal planning appeals process within the final decision. The Position Paper proposes that public hearings would be held in place of the normal appeal process, similar to what happens with planning scheme amendments.

The Position Paper identified that applications could be referred:

- by the applicant, Planning Authority or the Minister for Planning; and
- at various stages through the process that include:
 - following lodgment;
 - after the exhibition process was completed; or

- prior to determination.

The Position Paper and various discussions around the proposal identified that the Planning Authority would retain all the obligations for statutory processing, assessment, reporting and administration of the application and decision.

It is understood that most, if not all, interstate planning systems have a DAP style process to determine selected planning applications.

The State Planning Office held an information session on Monday 13 November, which was attended by the Author. The Position Paper was workshopped with the Planning Authority on 14 November 2023 and provided as a separate Attachment to this report.

STRATEGIC PLAN REFERENCE

The role of the Planning Authority has significant influence and impact on the achievement of the Council's Strategic Plan objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the various assets of the municipality, diversify and support a local economy and preserve the natural environment. Strategic Plan focus areas include:

Guiding Principles

1. Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.
5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.
7. Communicate and explain Council's decisions and reasons in an open and timely manner.

Key Foundations

1. Our Governance and Finance

What we plan to do

- Set realistic budgets and monitor income and expenditure closely.
- Advocate and lobby effectively on behalf of the community.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The proposal will inform amendments to the Act to facilitate the reform.

The Position Paper also raises Ministerial Direction to initiate a planning scheme amendment. Existing powers at section 40C of the Act are therefore relevant:

40C. Direction to prepare draft amendments of LPS

- (1) *The Minister, by notice in writing to a planning authority in respect of a municipal area, may direct the authority to prepare under [section 40D](#) a draft amendment of an LPS that applies to the area, for any one or more of the following purposes:*
 - (a) *to ensure that the LPS will comply with, or be consistent with, the SPPs;*

- (b) to ensure that the LPS is, as far as practicable, consistent with the applicable regional land use strategy;
- (c) to ensure the satisfactory application of a State Policy;
- (d) to ensure that the LPS is in accordance with a direction of the Minister under this Act;
- (e) on the advice of the Commission, any other purpose the Minister thinks fit.

BUDGET IMPLICATIONS

Ongoing participation on the planning reform process forms part of Council’s operational budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				None required.
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Make submission to current and future consultation programs
Adverse strategic impacts to future development of the Municipality				

OFFICER’S COMMENTS

The integrity of decisions made on planning applications is a key component of the integrity of the land use planning system in Tasmania, which includes the manner in which decisions are made.

The Position Paper identified that Tasmanian arguably has the fastest regulatory system in Australia and that decisions were made in a timely manner (page 6). Review of the Annual Reports for the *Tasmanian Civil and Administrative Appeals Tribunal* between 2013 to 2023 identified that appeal numbers remained relatively low despite planning application numbers almost doubling in that time and being determined within the 90-day statutory timeframe.

Following the reasons and data provided in the Position Paper, the case for DAP’s did not appear to be made by the State:

- the available statistics did not establish the problems that were cited as reasons to require DAP’s, arguably establishing there was actually no case;
- there was no review of how similar mechanisms work interstate or how they would improve decision making in the Tasmanian system;
- the retention of local representation in the assessment and decision making was not investigated or addressed beyond the Council retaining statutory assessment and processing obligations; and

- the proposal appears to be contrary to the Schedule 1 Objectives of the Act to encourage the sharing of management and decision making and facilitating public involvement in the planning system.

A major reason for establishing DAP's was cited as removing the conflict between the role of Councilors as elected members and their statutory function as the Planning Authority, by reference to similar processes for processing applications and administration of planning permits that currently exist for planning appeals and planning scheme amendments.

The cited examples are not as simple as the Position Paper suggests, as the Planning Authority retains its existing statutory obligations under the existing arrangements, where the DAP says that elected members will be released from those obligations.

The potential conflicts with post decision processes was not examined in the Position Paper. The DAP proposal in the Position Paper is likely to transfer the conflict from the determination of the application to all administration and enforcement processes where elected members advocate for their community. This creates further conflicts between the elected members, the community and the staff who must enforce DAP permits that do not exist at present. This issue was not examined in the Position Paper and must be addressed.

The following must be addressed:

- clear criteria for referral of proposals under this process by the applicant and the planning authority, with the Minister having no role;
- better integration of the DAP assessment into the assessment of applications;
- improved representation in the decision-making process at the local and regional levels;
- a review of interstate systems and the learnings for reforms to the Tasmanian system;
- better access to current assessment and approvals expertise in the members of DAP's;
- clarification on how DAPs will deal with any additional information they require or other matters that arise from the representations and hearings as part of the decision process;
- better opportunity for involvement of parties in the hearing and decision process, specifically providing realistic timeframes for:
 - the assessment of representations and submission to the DAP for at least 28 days;
 - scheduling hearings and enabling representors and parties to participate, with at least 14 days' notice of hearings;
- integration of the DAP into post decision processes for amendments and revisions to permits; and
- clear responses to deal with errors in decisions that do not become a burden for the Council, applicant/proponent and/or the Community.

The Position Paper sought responses on allowing the Minister for Planning to instruct a Planning Authority to initiate planning scheme amendments. The reasons cited in the Position Paper are largely consistent with those already available under section 40C of the Act (reproduced later in this item). This proposal does not address how any of the subsequent processes would be addressed or how this proposal relates to the DAP concept.

The proposal for Ministerial direction to initiate a planning scheme amendment is not substantiated under the Position Paper. Any review of the existing provisions of section 40C of the Act should be completed outside this current process.

Both the DAP and Ministerial Direction processes in the Position Paper propose that the planning authority retain all obligations for the processing and assessment of proposals. It is suggested that this part of the process is inconsistent with both the purpose of the DAP reform and the various statutory processes under the Act.

Should this reform be implemented, the assessment and reporting obligations must be completed by the instructing body (the Minister or the State Planning Office).

The timeframe for consultation of what is a critical reform to the decision systems within the Act was very tight and is not consistent with the Schedule 1 Objectives of the act to facilitate participation and responsibility for decision making and an integrated system of planning tools.

It is understood that DAP's provide an important role in planning decision interstate. Conceptually, they are capable of doing the same within Tasmania.

Following the discussion within this report and Position Paper, it is concluded that DAP's can be supported as a concept but the current proposal is premature and cannot be supported.

16. Recommendation

That the following submission be made to the consultation of the: *Development Assessment Panels (DAP) Position Paper*:

Glamorgan Spring Bay Council thanks the State Planning Office for the opportunity to make a submission to the Development Assessment Panels (DAP) Position Paper.

Council supports the concept of DAP's within the Tasmanian Planning System.

The proposal within with Position Paper is premature and cannot be supported. Council opposes the preparation of draft legislation for DAP's until the concerns within this submission are addressed.

Further consultation is required to examine and develop informed positions on the following issues:

- *a review of interstate systems and the learnings for the Tasmanian system;*
- *the potential conflicts between the varying roles of elected members, the planning authority and staff for the assessment of applications and post-decision administration and enforcement of any planning permits that result from DAP decisions;*
- *better investigation and establishment of the assessment process between the DAP and the planning authority for the assessment and processing of applications;*
- *establishment of a process for the DAP to complete the processing and assessment of subject applications;*

- *clear criteria for referral of proposals under this process by the applicant and the planning authority, with the Minister having no role;*
- *improved representation in the DAP's process at the local and regional levels, including better access to current assessment and approvals expertise in the members of DAP's;*
- *clarification on how DAPs will deal with any additional information they require or other matters that arise from the representations and hearings as part of the decision process;*
- *timeframes that allow, rather than prevent, the involvement of parties in the hearing and decision process, particularly for the assessment of representations and scheduling hearings that enabling representors and parties to participate, with a reasonable minimum notice period;*
- *integration of the DAP into post decision processes for amendments, revisions to and enforcement of permits; and*
- *clear responses to deal with errors in decisions that do not become a burden for the Council, applicant/proponent and/or the Community.*

Council supports reforms that improve the operation and integrity of the planning system, resulting from informed decisions and following meaningful and respectful engagement with the sector and community.

Council also advises that there is no additional role for the Minister for Planning to instruct a planning authority to initiate a planning scheme amendment outside the provisions established at Section 40C of the Land Use Planning and Approvals Act 1993. Review to improve the operation of those provisions should be completed outside the DAP reform process.

Council remains open to considering DAP's where the concerns in this submission and those of the Local Government sector are addressed and result in a more informed proposal that can be considered.

Detailed responses to the consultation questions and framework were provided as Attachment 1 to this letter.

Consultation issue 1 – Types of applications suitable for DAP referral

- a) *What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?*

Options

- i. Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;*
- ii. Critical infrastructure;*
- iii. Applications where the Council is the applicant and the decision maker;*
- iv. Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;*
- v. Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;*
- vi. Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;*
- vii. Complex applications where the Council may not have access to appropriate skills or resources;*
- viii. Application over a certain value;*
- ix. Other?*

The criteria for referral are critical to the operation of the reform and integrity of the process/outcomes.

The options listed at i through ix are not justified except through their establishment. There is no discussion. This is inconsistent with the requirements that will be imposed on local government and the community for evidence based decisions under the Tasmanian Planning Policies.

Criteria iv and vi are the only matters that cannot be resolved through internal assessment or administration processes within the Council.

The application types must be clarified, i.e., sections 57 and/or 58, and minor amendments and informed by a review of how interstate systems operate and what actual applications experience problems under the current process.

- b) *Who should be allowed to nominate referral of a development application to a DAP for determination?*

Options

- i. *Applicant*
- ii. *Applicant with consent of the planning authority;*
- iii. *Planning authority*
- iv. *Planning authority with consent of the applicant*
- v. *Minister*

Referrals should be from the applicant or Council.

Legislating a *with consent* process is not supported and is unlikely to address the reasons cited for the reform. Consent may be part of a nomination by the parties but should not be required.

No information was provided to support Ministerial direction. Ministerial directions for planning scheme amendments are addressed at section 40C of the act. This section of the Act could be amended to include *any other prescribed purpose*, rather than the cumbersome process for the minister to instruct initiation of a planning scheme amendment through a process that deals with DAP's.

- c) *Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?*

Options

- i. *At the beginning for prescribed proposals;*
- ii. *Following consultation where it is identified that the proposal is especially contentious;*
- iii. *At the approval stage, where it is identified that Councillors are conflicted.*

The referral process needs to establish different criteria for developer and council referred proposals.

Designation in the DAP process from the beginning must provide for the Delegates to have input as part of the initial assessment, any requests for further information and the assessment of representations.

Options ii and iii in the paper effectively have the same outcome.

Consultation issue 2 – Provision of an enhanced role for the Minister

- a) *Under what circumstances should the Minister have a power to direct the initiation of a planning scheme amendment by a Council?*

The circumstances established at section 40C of the Act for the Minister to direct an amendment to a local provisions schedule.

The proposal creates a complex situation that could be easily addressed if that section of the Act were amended to include *any other prescribed purpose*.

- b) *Is it appropriate for the Minister to exercise that power where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission?*

No. The State either accepts the responsibility of the LG sector in determining planning scheme amendment requests or it does not.

This reform may be subject to other drivers. Any proposal for the Minister to overrule the planning authority to initiate amendments must require carriage of the entire process by the Minister or State.

Any process outside of section 40C must require the instructing party to carry the obligations and associated burdens of that process for the full assessment/determination and implementation process.

- c) *Are there other threshold tests or criteria that might justify a direction being given, such as it aligns to a changed regional land use strategy, it is identified to support a key growth strategy, or it would maximise available or planned infrastructure provision?*

The examples are or can be addressed through provisions at 40C of the Act.

No other circumstances were identified for planning scheme amendments.

Any intervention by the Minister on initiation of planning scheme amendments must be consistent with the provisions at 40C of the Act. Where other mechanisms are established, the State must be responsible for the processing and assessment of the amendment to enable the planning authority to represent its community (assuming all potential conflicts between roles are addressed).

Consultation issue 3 – Local knowledge and process

- i. **Incorporating local knowledge in DAP decision making.**
ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**

- a) *To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:*
- *the primary contact for applicants;*

- *engage in pre-lodgement discussions;*
- *receive applications and check for validity;*
- *review application and request additional information if required;*
- *assess the application against the planning scheme requirements and make recommendations to the DAP.*

Where there are issues with resources, perceptions of bias or Ministerial call in, the DAP process should provide for all functions.

The Planning Authority should be represented in the reporting process (either as author, reviewer or referral agency) and on the DAP itself (as delegate).

The DAP reform must also provide a process to deal with the advice from the other statutory authorities within the Council for functions such as roads (access, road layouts and infrastructure, design standards, etc), risk & liability, finances, open space and works. Those authorities sit under other legislation and outside LUPAA.

- b) *Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?*

Generally yes, except:

- where there are perceptions of bias against Council/staff by the applicant;
- where there are resource limitations within the Planning Authority;
- suitable processes are established for corrections, revisions and amendments to permits issued through the DAP process; and
- the legal complications between the DAP and TASCAT processes me be resolved.

In addition, the potential for conflict of roles for the administration and enforcement of planning permits must be resolved, as discussed earlier.

Consultation issue 4 – Further information.

- a) *Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?*

More information is required on how information requests would work with the DAP process.

DAP referral should include opportunity for review of the responses in addition to the initial request. Experience suggests there are significant delays due to partial or inconsistent information responses following information requests.

Independent review may assist with those issues.

- b) *Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?*

There should be a maximum number of opportunities for response to information requests or the application automatically lapses. This would require the quality and coordination of responses to improve.

Consultation issue 5 – Appeal rights and timeframes.

- a) *Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?*

Applications under s.57 LUPA have appeal rights. The position paper does not provide any evidence to substantiate or prove the argument that appeals are an overwhelming and unjustified burden on the assessment and permit process. Available data appears to contradict reasons for the reform.

Based on the principle of evidence based decisions, this aspect of the reform must fail.

Noting there are other pressures for this aspect of the proposal, any change to remove appeal rights must deal with the legal function of the different assessment (TPC/inquisitorial v TASCAT/judicial).

The TPC takes on the role of the Planning Authority under the DAP process, which means the same body determining the application will be completing the review. Comparisons to planning scheme amendment processes are not valid as the planning authority retains its own determination roles, with the TPC providing review of those decisions and a second stage of assessment.

The DAP proposal is different as the same body will be completing the assessment and the independent review. This is further complicated by the provision for Ministerial Directions to initiate amendments and does not deal with other arguments in the Position Paper around conflict of interest and perceptions of bias.

Equivalent processes must be provided to enable participation and maintain equity for all parties in the process, refer comments at items 14 and 15.

It is not clear how the independence of the review process will be maintained on the available information.

- b) *Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?*

OPTIONS	7 days	Running total
Lodging and referrals, including referral to DAP		
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35

Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

The identified timeframes are generally supported, noting the following:

- the process needs to deal with other statutory referrals and associated approval processes that are required such as heritage or EMPCA and the time impacts they have;
- at least 28 days is required for submission of reporting to the DAP following exhibition. 14 days is unreasonable and will not allow for proper consideration of the representations or internal review processes. A sign off will be required within the Planning Authority prior to submission of the report to the DAP;
- consistent with normal appeal process, opportunity for additional information, submissions and responses must be provided before, during and post the hearing phase;
- timeframes need to be realistic and enable proper consideration rather than force a fast decision, particularly for scheduling the hearing and issuing the determination.
- procedural matters need to be addressed through the process and factored to the timeframe, particularly where and how the DAP decides they want additional information in response to the application or to deal with matters through the determination process. Is this by directions and what are the time implications?

Timeframes must be revised to:

- enabling extension of the statutory consultation period, consistent with a normal application process;
- allow proper investigation and reporting on representations by allowing at least 28 days for reporting to the DAP following the close of exhibition; and
- clarify that public hearings must be subject to at least a 14-day notice period; and
- requiring the decision to be issued within 35 days of the completion of the hearings.

Consultation issue 6 – Post DAP determination issues.

- a) *Should the planning authority remain the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP?*

This is consistent with the current 40T and TASCAT processes.

Further work is required on the potential conflicts between roles for administration and enforcement of planning permits.

b) *Is it appropriate for planning permits associated with a DAP determined application to be enforced the Council?*

This is consistent with the current 40T and TASCAT processes. Further work is required on the potential conflicts between roles for administration and enforcement of planning permits.

c) *Is it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by the planning authority?*

Criteria 1a iii, iv and vi (refer consultation issue 1, Council as applicant, conflict of interest and perceived bias by applicant) suggest that there are circumstances where the DAP should retain these functions as the reforms suggest there are questions over the capacity or independence of the Planning Authority.

Further work is required on the potential conflicts between roles for administration and enforcement of planning permits. If permit amendments are to be addressed by the Planning Authority, a referral and consent process is appropriate for the DAP as part of the assessment process.

Draft DAP Framework Responses

Generally, Ministerial direction for DAP assessments must provide for the DAP to assume administration of the process for the entire amendment.

The lack of information from other DAP style systems interstate in development of this reform must be addressed, and the outcomes used to inform revisions to the DAP Position Paper.

Item	Issue	Response
1, 2	Should allow for DAP participation where conflict of interest or Ministerial direction identified at start of process.	Revise to reflect better process.
3	Must allow referral to other statutory functions within Council.	Clarify how addressed, noting jurisdictional constraints
4A	Does this include where Council is the applicant, proponent or both?	Clarify
4A	Discretionary DAP criteria.	
	Dispute over DAP criteria. Ministerial direction is not appropriate.	DAP to determine, clarify process
	Value based referral – unclear how value determined when subdivision or staged – better information required to determine calculation of \$ value.	Clarify
	Establishment of bias is unclear and a process must be identified to resolve this conflict. Discretionary referral process questioned as fit for purpose where bias raised.	Establish process to identify and determine perceived bias. Transfer to mandatory referral, even if only to determine bias issue.

Item	Issue	Response
	Timeframe for determination of referral	7 days forces delegation to staff and prevents decision by the planning authority.
4B	Mandatory DAP referral	
	Set \$ based thresholds for compulsory referral for clear operation	Set \$ threshold
5	Timeframe to determine DAP suitability must not penalise Council for attempting to use process	Exclude DAP suitability from s.57 timeframe
6	Information requests DAP should have input to information requests to ensure the required information is provided. If not, the subsequent assessment process must clarify how any additional information requirements will be addressed through the process	Clarify
7	Appeal for information requests Proposal consistent with normal application process	Support.
8	Response to information should address bias issues and enable DAP input or assessment	Revise to reflect
9	Assessment, recommendation and exhibition Completion of reporting and assessment prior to exhibition is not required under a normal assessment process. The proposal parallels the planning scheme amendment process and is not consistent with the DA process, where exhibition is completed prior to the reporting. 40T is not relevant to the normal PA process.	Resolve conflict between planning scheme amendment and normal DA processes.
10	Exhibition process Consistent with normal DA process and Regulation 9: <ul style="list-style-type: none"> • 14 days exhibition • Site notices • Newspaper Exhibition ought to allow for extended exhibition process to align with s.57 process and contentious or complex proposals.	Support with revisions to extend exhibition period at discretion of Planning Authority.
11	Section reads as though it is dealing with a planning scheme amendment and not a normal PA under the planning scheme. Section 42 of the Act is not relevant to a normal PA process.	Resolve conflict between planning scheme amendment and normal DA processes.
12	Provision of documents Revise to reflect the normal planning application process and not the planning scheme amendment process. A report is required on:	Revise to reflect planning application process and not planning scheme amendments.

Item	Issue	Response
	<ul style="list-style-type: none"> assessment of the representations against the planning scheme; and review of the original recommendation and draft in light of the representation. 	
	<p>14 days following exhibition for submission of completed assessment to DAP is not sufficient and will not allow for proper consideration of issues raised in representations, peer review of reports or delegated sign off of reports for submission from the Planning Authority to the DAP.</p> <p>Additional time will also be required for particularly contentious proposals or those with extensive representation.</p>	<p>Revise to 28 days.</p> <p>Establish process for extension to timeframe</p>
13	<p>DAP may hold hearing.</p> <p>Clarify to require DAP to hold hearing where parties want to be heard, consistent with Schedule 1 objectives for participation.</p> <p>Clarify whether hearing process allows for directions to be issued prior to hearing and impacts on timeframes</p>	<p>Require DAP to hold hearing where parties wish to be heard.</p> <p>Clarify ability of DAP to issue directions prior to hearings.</p>
14	<p>Hearing participation</p> <p>Planning Authority participation at hearing must be mandatory rather than discretionary.</p> <p>Confirm the nature of the hearings (inquisitorial or judicial).</p>	<p>Mandate Planning Authority participation.</p> <p>Confirm nature of hearing process.</p>
	<p>One week notice of hearings is impractical and can deny parties opportunity to attend. It is also unrealistic for scheduling absent identification of key dates at the same time as designation as a DAP occurs.</p> <p>A minimum of 14 days' notice is consistent with other similar processes.</p>	<p>Mandate 14 days minimum notice for hearings.</p> <p>Require scheduling of key dates at same time as designation for DAP assessment.</p>
15	<p>DAP determination</p> <p>Decision issued within 35 days of referral, subject to extensions from Minister.</p> <p>Does not address ability of DAP to issue directions during and following hearings. This denies opportunity for true and thorough review of information and proposal available through normal appeal process with evidence and submissions.</p> <p>35 days from referral also likely to result in rushed decisions and prevent same.</p>	<p>Revise to:</p> <ul style="list-style-type: none"> enable DAP to issue directions prior, during and post hearings; allow DAP to postpone hearings pending submission of additional information to reflect the nature of Commission hearings, opportunity for participation and equity of access to and consideration of relevant materials;

Item	Issue	Response
		<ul style="list-style-type: none"> require decision from completion of hearings rather than initial referral.
16	Notification of DAP decision 7 days to all parties, the same as the normal planning application process	Support.
17	Planning Authority to issue permit Same as normal Planning Application and Appeal processes.	Support
18	Enforcement Proposed to sit with the Planning Authority. Same as normal Planning Application and Appeal processes.	Support Consider additional enforcement options through DAP process.
19	Appeals of decisions No appeals proposed, different to normal process. Has process issues in comparison to normal appeals through TASCAT process and Commission processes for planning scheme amendments and the inquisitorial nature of their operation.	Revise to reflect inquisitorial nature of Commission operation and hearings. Ensure equity with appeal process maintained.
20	Minor Amendments to decisions Same as normal Planning Application process. Different to normal TASCAT decisions from Appeals as no limitation on nature of amendments.	Enable DAP assessment for limited circumstances and referral for requests to amend decision.
21	Ministerial call in Cited as necessary at any stage of the application process where working relationship effectively fails. For planning applications, this may be useful under a range of circumstances. For planning scheme amendments, this is not supported. The TPC has capacity to assess compliance with the DAP criteria. This mechanism may be useful for other circumstances. Shared consent for the referral does not appear to be a required matter for this type of referral.	NOT supported for planning scheme amendments. May support for planning applications, but further discussion is required on the circumstances and triggers. Shared consent is not required.
22	Ministerial Direction (follows 21) If required, then the same timeframe and process requirements should be applied as other mechanisms and triggers. A timeframe should be established for determination of the request, and this must be outside the normal application timeframes.	Establish timeframe for determination of referral by Minister, 7 days for consistency with other processes. Timeframe must apply in addition to the normal statutory processing timeframes.
23	Establishment of Panel	Not supported.

Item	Issue	Response
	<p>Proposes current TPC process with no local representation. Not supported.</p> <p>Current timeframes for assessments identify additional expertise will be required in the Local Government and planning fields.</p> <p>Local representation from the planning authority should be required on the DAP, subject to completion of suitable education or qualification requirements.</p>	<p>Additional staff will be required to ensure suitable representation of current experience and qualifications in both planning and local government sectors, and elected members.</p>
24	<p>Normal planning application fees No change to the current process.</p> <p>Potential legal issues with determination of validity and issue of invoice under s.51A</p>	<p>Resolve potential validity conflict</p>
25	<p>DAP fees Proposed to be lodged following Council referral to DAP for assessment.</p> <p>Does not address applicant referrals to DAP and should do.</p>	<p>DAP fee should apply to applicant regardless of referral source.</p>

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

RECOMMENDATION

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

5 FINANCIAL REPORTS

5.1 Financial Report for October 2023

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Group Financial Statements 2023-10 [5.1.1 - 5 pages]

BACKGROUND/OVERVIEW

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

STATUTORY IMPLICATIONS

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

BUDGET IMPLICATIONS

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

RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
There are no material risks from adopting this recommendation.				
Do not adopt the recommendation				
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending 31 October 2023. Council needs to endorse.

OFFICER'S RECOMMENDATION

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

6 SECTION 24 COMMITTEES

Nil.

7 INFORMATION REPORTS

7.1 Director Works and Infrastructure - Peter Porch

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

ATTACHMENTS

Nil

PURPOSE

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

OFFICER'S COMMENTS

ASSET MANAGEMENT

Asset Management practice is the strategic driver for the activities of the Department and is partnered by works that operate to maintain essential services to the community. Works conducted through the capital program to construct new, or renew existing assets generate financial and spatial information which is collated as works are completed and imported into the asset management software periodically.

CONSULTANT SERVICES

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

- Development Engineering services
- Civil Engineering contract supervision
- Reports for permit application requirements e.g. Bushfire, Environmental, Heritage and Natural Values
- Design works
- Specialised Inspection Services

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- 5 unsealed road inspections completed
- Cold mixing of potholes across the municipality- Ongoing across municipality- approx 4 ton of cold mix placed for October.
- Milling/box outs and reseal of pavement failures:

- Seaford/Banwell Rd pavement failures- 10 box outs completed, reseal when weather warms up.
- Nugent Rd- box outs- 2 remaining to hot mix- all completed.
- Rheban Rd box outs (6 of) in preparation for reseal campaign- completed.
- Denison Crt, Bicheno box out (1 of) in preparation for reseal campaign- completed.
- Cooks Crt, Swansea box out (1 of) in preparation for reseal campaign- completed.
- Cnr Harold St and Jetty Rd, Coles Bay dig out pre reseal crew- completed.
- Replace delineators on Ravensdale Rivulet bridge (Strip Rd)- completed.

STORMWATER, DRAINAGE

- Open drain and culvert/cross over maintenance- ongoing across municipality
- End of East Shelly Rd, stormwater extension to foreshore at Luther Pt to mitigate property flooding- awaiting cultural permit.

WASTE MANAGEMENT

- All WTS stations operating on summer opening hours- Monday, Tuesday, Wednesday, Thursday, Friday and Sunday until April 2024
- Negotiating sale of scrap metal and recyclables- completed. Reduced rates/costs for E waste by 35%, increased bulk scrap metal income by approx \$55.00/ton
- 3 additional bins to install at Triabunna rec ground.

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES

- 11 playground inspections conducted
- Bicheno walking tracks from Murray St to Champ St, southern sides of road - DSG approved TMP.
- Blockage issues at Swansea Rec ground public toilets- completed.
- Spraying and general maintenance of walking tracks Orford/Triabunna- completed.
- Roadside spraying of sealed and unsealed roads- underway
- Mulching of gardens at Triabunna boat ramp- completed.
- Maintenance of walking track in Jubilee Park, Swansea- underway
- Upgrade of toilet in Loo with a view, Swansea due to daily blockages- underway.

BUILDINGS

- Triabunna Hall: Failure of small section of floor has prompted investigation into the adequacy of ventilation and replacement of some flooring. Bars installed on walls for Barre classes.
- Roof repairs programmed for Triabunna Depot – failed laserlight replacement
- Investigating water leaks at Bicheno Hall/Ambulance station annex. Rain head to be installed.
- Bicheno – Jetty Road Toilets: quotes sought to replace all cisterns

- Loo with a view: insufficient water pressure to fill the cistern swiftly between uses results in blockages through peak periods. Investigating proposal to install a water tank and pump for swift refilling.
- Engaged with Bicheno Hall Committee regarding future plans for the hall which are ambitious but come from an engaged and active community.
- Triabunna Football Ground: Checked all kitchen circuits, Identified the coffee machine faulty, another 15 amp PowerPoint can be installed for the coffee machine if and when it is fixed. Investigating ventilation and sound attenuation measures. Prices sought for proposal for CCTV installation.
- Programming maintenance painting to Elderly units on Esplanade West. Refurbishment of Unit 5 to be considered in 2024-25 budget.

MARINE INFRASTRUCTURE

- Maintenance of fire-fighting equipment within the Marina identified as deficient. Programming upgrade to meet regulations.
- Emergency Response and Evacuation plan being developed in conjunction with local Fire crew.
- Investigating bunding for waste oil storage.
- Inspection for the marina infrastructure ordered. Condition report to be provided.
- MAST dredging of channel continued with planning for removal of a couple of navigation hazards within the Marina.
- CCTV camera maintenance program under review.

EMERGENCY MANAGEMENT

After hours rostering carried out as scheduled.

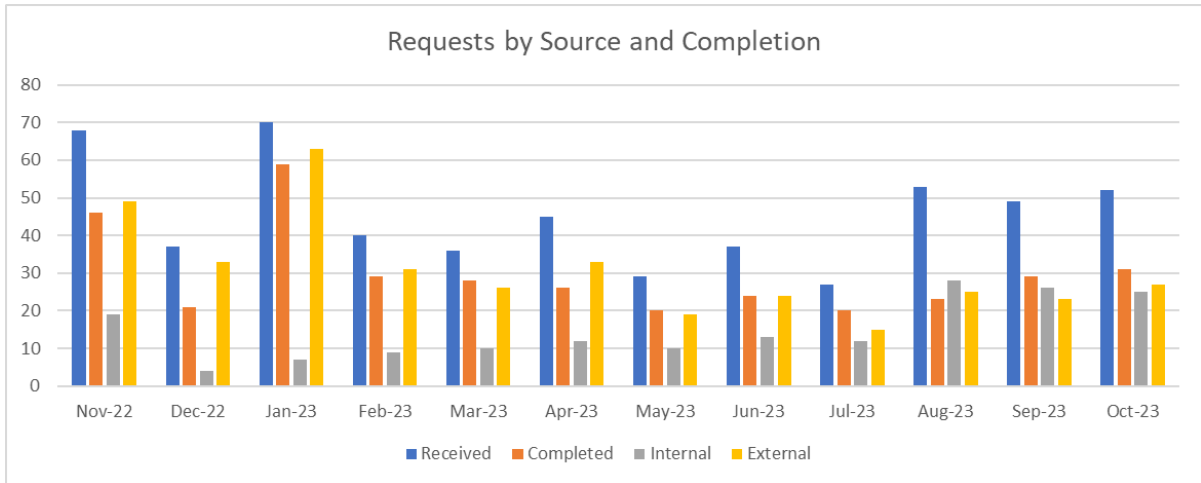
Follow up actions from the Friendly Beaches fire.

- Meeting with Recovery Tasmania and SES to identify improvement actions for Coles Bay area responses in emergencies resulting in:
 - Development of Municipal Emergency Management sub-plan for Coles Bay evacuation centre.
 - Development of training package for volunteers to open the Coles Bay Hall for relevant emergency responses.
 - Liaison with Red Cross to deliver training to Coles Bay volunteers for opening an emergency Response centre at the Coles Bay Hall.

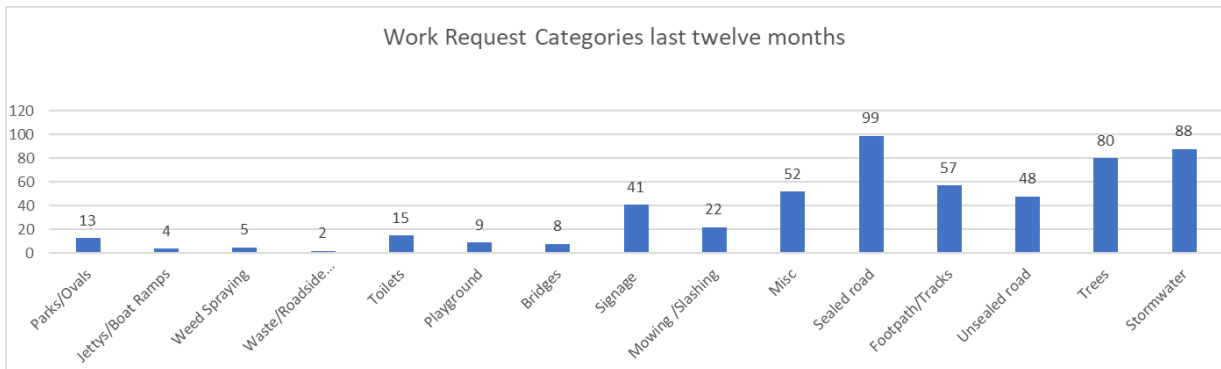
Letters sent on behalf of CFS to all property owners in Dolphin Sands raising the awareness of the high fire risk in the area and the need for adherence to recommended fire management and control practices.

CUSTOMER REQUESTS

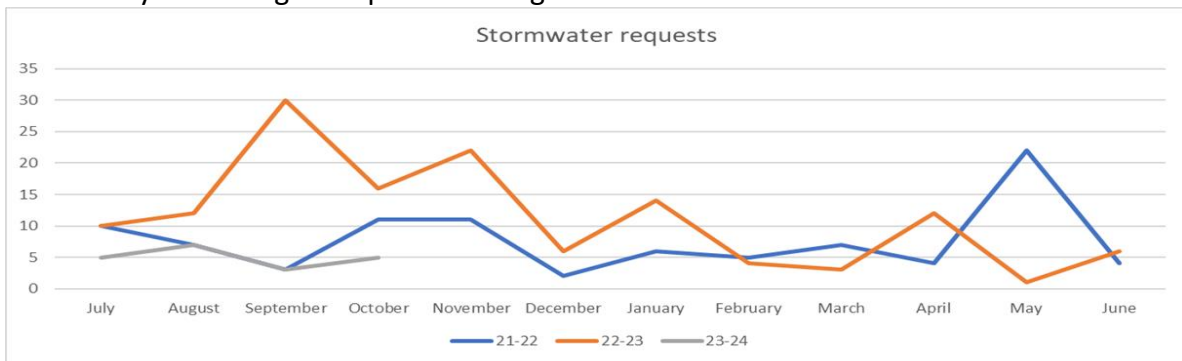
The chart below summarises the requests received year to date by the total numbers received; the number completed; those generated by the public and those generated by officers.



The requests are sorted into categories to provide an overview of the areas showing the most interest or greatest need for attention as per the bar chart below:



The chart below shows the fluctuation and reduction in stormwater requests from the start of the 2021-22 financial year to date indicating the additional problems experienced by community stemming from periods of high rainfall.



CAPITAL WORKS

- Triabunna depot toilet/washroom upgrade - Asbestos removal currently being planned.
- 2023/2024 capital reseal campaign including pavement renewal works: starting first week of November with works programmed for Dolphin Sands Road, Freycinet Drive and Muir's Beach car park, Aubin, Apsley and Denison courts, Barton Ave and Charles St Triabunna, Rheban Road, Swanwick Drive and Sally Peak Road. The program is scheduled to be complete before the end of December.

- Old Coach Rd land slide - works commenced to rehabilitate the corner and improve drainage with completion projected for late November.
- Kerb and footpath renewal: Replacement of 8 pram ramps to LGAT standards, Cnr of Vicary St and Charles St, Triabunna- completed except for tactile install.
- Footpath/Kerb & Channel replacement- contract scope completed, ready for RFQ.
- Kerb & Channel replacement ready for re-seal campaign- Aubin Crt, Charles St (Triabunna), Esplanade (C/Bay), Cooks Crt- completed.
- Installation of V drain on Esplanade, Coles Bay opposite access road to Muir's Beach- completed.
- SW pit replacements/upgrades (3 of) in Cooks Crt, Swansea- completed.
- Application for grant funding to replace 17 Acre Creek Bridge not successful. Project to be deferred.
- Install pit and concrete V drain on Rheban Rd at top of hill above Bennet Creek- awaiting seal.
- Spring Beach Toilet Refurbishment – external shower and water tank to be installed however toilets are open to the public. Mural on the public side of the block makes an attractive appearance.

The photos below are of Freycinet Drive Coles Bay where the pit and pipe capital program is used to good effect to improve the visual amenity and practical improvement of stormwater system deficiencies.



Grant funded

- Rheban Rd landslide - completed. Traffic Barrier installed, new pit and drain; new section of subsoil drainage and kerb installed. Road surface rehabilitated and sealed.
- Coles Bay foreshore footpath- Sealing works complete. Line marking to be installed
- Spring Beach public toilet refurbishment - completed.
- Bicheno Triangle Tenders pending close
- Bicheno Gulch contract awarded. Works to commence after the busy holiday period.

- Bicheno Skate Park is progressing well with an official opening being planned for December.



PLANT AND VEHICLES

- 2 Replacement utilities ordered – 9 month delivery timeframe puts them in the 2024-25 financial year

GENERAL

- A second application for Bridges Renewal grant funding for 17 Acre Creek Bridge has been unsuccessful. The bridge is not yet load limited. Once a limit is imposed it will increase in competitiveness for the funding.

RESERVE BOOKINGS AND ROAD CLOSURES

- Freycinet Challenge- organised for 7th October- completed.
- Triabunna Seafarers Ceremony- organised for 15th October- completed.
- Triabunna Village Car Show- organised for 14th October- completed.
- Triabunna Oval Nutbush- Organised for 14th October- completed.
- Bicheno Food and Wine Festival- organised for 18th November.

Road closures for the events noted will be carried out under section 19.1(a) of the *Local Government Highways Act 1982* requiring consultation with the Commissioner of Police:

- Triabunna Remembrance Day Ceremony- organised for 11th Nov, Road closure permit approved by DSG.
- Triabunna Christmas Parade- organised for 15th Dec.

RECOMMENDATION

That Council notes the information.

7.2 Director Planning and Development - Alex Woodward

Animal Control and Compliance; Building and Plumbing; Environmental Health; Medical Centres; Planning and Property

ATTACHMENT/S

1. Attachment 1 DA with Representatons received September Nov 2023 [7.2.1 - 1 page]
2. Attachment 2 Planning Appeals Sept Nov [7.2.2 - 1 page]

PURPOSE

The purpose of this report is to provide an update on the activities on the Planning and Development Directorate and to specifically report on the development approvals issued under delegation.

BACKGROUND/OVERVIEW

Animal Control and Compliance:

Since July 1 there have been 12 formal caution notices and 9 infringement notices issued for various offences under the Dog Control Act 2000. Staff are continuing to monitor and patrol public areas, specifically beaches where dogs are restricted or prohibited.

A total of 524 dogs were registered from 1 July, we currently have 1113 dogs registered for the 2023/2024 registration period.

Council's updated Draft Dog Management Policy is currently awaiting approval from Parks and Wildlife before it can be presented to Council to be put out for community consultation.

On Tuesday 3rd October 2023, TasFire declared that a fire permit period had commenced. Following this notification Council's compliance staff commenced issuing Fire Abatement Notices to properties that were assessed as being a fire risk. This task is continuing with 15 Fire Abatement Notices being issued since this time, 4 Infringement notices have been issued as a result of non-compliance with these notices.

Building and Plumbing:

There has been a slight reduction in the number of building and plumbing applications so far this financial year. Since July 1 there have been 65 applications approved with a total value of \$28,642,268.00. For comparison, this time last financial year 84 approvals were issued with a total value of \$21,317,828.00. Whilst the number of applications have reduced, the value of works has significantly increased. This is largely due to a large multi-unit development in Spencer Street, Triabunna

There are a number of building non-compliance matters that are currently being managed. The Permit Authority has issued several Building Notices and Orders over the past two months and are currently working with the owners to rectify these matters.

Environmental Health:

Council's Environmental Health team have been working through the renewal of annual health licences and food registrations. In addition, staff continue to provide advice on the new mandatory food safety supervisor (FSS) training for food businesses. This will commence in December this year.

Other matters currently being dealt with by staff include nuisance investigations, failing onsite wastewater systems and assessment of environmental health related development applications.

Medical Centres:

On the 16th October 2023, both the Triabunna and Bicheno medical centres were transferred to co health to manage and operate. The transition was successful and both practices are now being completely operated by co health. Council will receive an annual report on the operation of the centres in approximately 12 months.

Planning:

Council's Planning section continue to see a steady flow of Development Applications submitted, however this has declined somewhat likely due to economic pressures at present. Year to date 77 Development Applications have been approved with a total value of \$46,930,813.00. For comparison, this time last year there was 114 Development Applications with a total value of \$30,466,044.00. The key reason for the difference in total value of works is that Council has received a number of large development proposals including the Maria Island infrastructure upgrade project (\$5m) and number of large private developments.

Council has engaged ERA Planning and Environment as the project team to undertake community engagement and prepare new structure plans for the townships of Bicheno, Coles Bay, Swansea and Triabunna/Orford. The structure plans will consider population trends, community needs, local planning context, economic drivers, development trends, and land use demand and supply. The structure plans will support the upcoming review of the Southern Tasmania Regional Land Use Strategy that provides direction for zoning and settlement strategies for towns across the southern region. As part of the consultation, drop in sessions have been organised across the municipality in late November. Further to this a survey is open on Council's website.

On the 16th October 2023, The Tasmanian Planning Commission handed down a decision to reject the Draft Amendment for the Cambria Green Development which has been ongoing since 2018. At the time of writing this report, no notification has been received to advise if the decision has been appealed.

On the 3rd November 2023, The Tasmanian Planning Commission handed down a decision to approve the draft amendment to delete the existing provisions of GSB-P1.7.1 of the GSB-P1.0 Particular Purpose Zone - Dolphin Sands and replace them with new provisions. This change took effect on the 16th November 2023.

Presently, Council have provided delegation to the General Manager to approve an application, with or without conditions, where no more than two representations are lodged against the application. A report on these approvals is provided in Attachment 1.

A report on current planning appeals and recently resolved appeals is also provided in Attachment 2.

Property:

Officers have now finalised a number of rental agreements with tenants of Council's property. These new agreements provide a clear outline of obligations and provide secure tenure for our tenants.

At the October ordinary Council Meeting, two reports were presented on the disposal of land at Spencer Street, Triabunna and 50 Beattie Avenue, Bicheno. Council endorsed the commencement of the investigation into the disposal of these properties. Following this decision, advertisements were placed in the local newspapers and surrounding properties were notified of the intention. Objections to the disposal can be lodged with Council until the 23rd November 2023. Following this date, Officers will review submissions and the produce a report to Council for a decision on the disposal of each parcel of land.

STATUTORY IMPLICATIONS

Given this report is for information only, there are no statutory implications.

BUDGET IMPLICATIONS

Given this report is for information only, there are no budgetary implications.

RISK CONSIDERATION/S

No risk associated with receiving an information report

OFFICER'S RECOMMENDATION

That Council receive and note the report on the activities on the Planning and Development Directorate.

8 OFFICERS' REPORT REQUIRING A DECISION

8.1 Community Small Grant Application - Swansea Community Christmas Parade & Activities

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Swansea Community Christmas Parade & Activities Application Form [8.1.1 - 9 pages]
2. Auspice grant Swansea Christmas Parade [8.1.2 - 1 page]

PURPOSE

Recommendation for Council to approve a Community Small Grant application for a \$1,000 contribution to Swansea Community Christmas Committee for entertainment supporting the Christmas Parade in Swansea on Saturday 15 December 2023.

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.

Swansea Community Christmas is a committee of volunteers that are committed to providing Christmas activities to the Swansea community. This Committee are not a registered incorporated association or not-for-profit organisation and for the purposes of receiving any grant funding, the Glamorgan Spring Bay Historical Society Inc Reg# IA09985 will auspice the grant funds on behalf of the applicant 'Swansea Community Christmas'. (Letter attached with application).

The Committee are hosting the annual Christmas parade on 15th December 2023. The parade will start behind Morris' store Swansea at 3:00pm and run along the main street to Wellington Street and finish at the Swansea Recreational Ground for Christmas activities.

The parade encourages students, local businesses and community members to participate by creating decorating and entering homemade floats into the parade to display and enjoy, which are then judged by the community and the winner receives a prize organised by the Committee.

The Committee seeks funding to provide face painting, Crazy bikes, balloon artists, music, and information stands to be attended by SES, Salvation army, MAST and others.

The Swansea main street will be closed during the parade, the committee has received the documentation from the Department of State Growth approving the road closure. The committee will also be working with Council to decorate the township.

The committee fundraises throughout the year and receives donations from local businesses to host the annual event which covers annual costs including. permits, decorations, insurance and prizes.

Council has been supporting the Swansea Community Christmas Committee event for many years, below is a table outlining our support:

Year	Council Contribution
2018	\$1,000
2019	\$500
2020	N/A (Cancelled due to COVID)
2021	\$1,000
2022	\$1,000

This application is for a contribution of \$1,000 towards the entertainment activities (crazy bikes, balloon artists and face painting activities) to be held after the parade.

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

Item	Cost
Island Entertainment – Balloon Artist, Face Painter, Crazy Bikes	\$1,672.00

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

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

STATUTORY IMPLICATIONS

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

77. Grants and benefits

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

(1A) A benefit provided under subsection (1) may include –
a. in-kind assistance; and

- b. fully or partially reduced fees, rates or charges; and*
c. remission of rates or charges under Part 9.
- (2) *The details of any grant made or benefit provided are to be included in the annual report of the council.*

BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$15,000 Community Small Grants Program provision in the 2023/24 budget. As at 31 October there is \$9,677 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising.
Not approving the recommended grant may result in missed opportunities for community support.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy.

Criteria Assessment:

Funding value is within the acceptable allowance	Yes
Applicant is a not-for-profit community organisations and groups or individual	Yes
Grant is to assist projects that: 1. address relevant community issues of significance – 2. are initiated within the community and actively involve local people (3) improve access and encourage wider use of facilities	Yes

OFFICER'S RECOMMENDATION

That Council approve the application for Community Small Grant funding of \$1,000 to Swansea Community Christmas Committee auspiced through Glamorgan Spring Bay Heritage Society, for a contribution towards the entertainment for the Swansea Christmas Festivities.

8.2 Community Small Grant Application - Pop Up Book Stall (PUBS)

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Community Small Grant Application - Pop Up Book Store [8.2.1 - 3 pages]
2. Quotation - Pop up Book Stall [8.2.2 - 1 page]

PURPOSE

Recommendation for Council to approve a Community Small Grant application for \$1,000 from Pop Up Book Stall Inc for a portable accessibility ramp.

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 Pop Up Book Stall Inc, are a volunteer group that operates from the old council chambers in Triabunna. They sell used books donated from the public and use the funds to contribute to small community activities such as this purchase.

The Pop Up Book Stall Inc seek a contribution towards the purchase of a portable accessibility ramp to allow for easier access for patrons due to the step up into the shop. The equipment will be portable/removeable, this will ensure that when the bookshop moves from their current location that they are able to take the ramp with them.

Item	Cost
Heeve Recycled Rubber Wheelchair Threshold Door Ramp	\$1,317

STRATEGIC PLAN REFERENCE

Guiding Principles

3. Attract and welcome people of all backgrounds, cultures and ages to live in our region.

Key Foundations

2. Our Community's Health and Wellbeing

What we plan to do

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

STATUTORY IMPLICATIONS

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

77. Grants and benefits

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

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

a. in-kind assistance; and

b. fully or partially reduced fees, rates or charges; and

c. remission of rates or charges under Part 9.

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

BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$15,000 Community Small Grants Program provision in the 2023/24 budget. As at 31 October 2023 there is \$9,677 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council provides alternative opportunities for funding to the Pop Up Book Stall.
Pop Up Book Stall will seek alternate funding to implement the ramp.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy.

This initiative promotes inclusivity and ensures that individuals with disabilities can comfortably browse and enjoy the Pop Up Book Stall.

Integrity Assessment:

The **Pop Up Book Stall Inc** are a registered incorporated association **Registration Number: # IA12779**.

Criteria Assessment:

Funding value is within the acceptable allowance	Yes
Applicant is a not-for-profit community organisations and groups or individual	Yes
Grant is to assist projects that: 1. address relevant community issues of significance – 2. are initiated within the community and actively involve local people (3) improve access and encourage wider use of facilities	Yes

OFFICER'S RECOMMENDATION

That Council approve the application for Community Small Grant funding of \$1,000 to Pop Up Book Stall for a portable accessibility ramp.

8.3 Request for Event Support - Coles Bay Triathlon 2024

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Letter requesting assistance [8.3.1 - 1 page]

PURPOSE

To request for Council to provide Event funding support to Atlas Events for the Coles Bay Triathlon on 2nd March 2024.

BACKGROUND/OVERVIEW

Glamorgan Spring Bay Council periodically provides a level of financial and in-kind assistance to community events that aim to involve, engage and provide benefit to community groups within the municipality. Events supported by 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 municipality that have creative, community and economic outcomes.

Council has received an application from Atlas Events Pty Ltd ABN 35 650 446 512, seeking financial support for the Coles Bay Triathlon, scheduled for Saturday 2 March 2024. Atlas are a private commercial organisation and acquired the rights to run the Coles Bay Triathlon in 2022. This is a ticketed event for participant and has sponsored prizes from many organisations. This year will mark the 14th anniversary of the Triathlon at Coles Bay.

Council frequently supports two similar sporting events in the region. The one day Triathlon is held in late Summer, the other two days multisport challenge over, occurs in Spring.

The Coles Bay Triathlon consists of a half triathlon including swim 1.9km, cycle 90 km, run 21.1km as well as shorter sprint version of the same format. These are endurance activities that provides mental and physical health benefits to participants and provides an opportunity for all fitness levels to engage.

The event has strong economic impacts for the Coles Bay area as it draws media and visitors to the area for the spectacle and as support teams. The 2024 race is expecting to attract 350 participants and a further 300 spectators/supporters to the Coles Bay area.

Council has been a supporting this event for many years with the following contributions in recent years:

YEAR	SUPPORT
2022	\$950 (In kind support)
2021	N/A
2020	\$1,500

2019	\$2,000
2018	\$2,000
2017	\$3,000

The application received from Jason Crowther, Managing Director at Atlas Events seeks support from Council for the following:

1. Cash contribution of \$1,500 towards promoting the Coles Bay Triathlon on social media and marketing campaigns.
2. In-kind support consists of:
 - Permit & Application Fees for access to council land
 - Advertising for the road closure.
 - Waste removal includes provision of wheelie bins and liners and labour.
 - Access to the power box at Muir's Beach on the grassed area opposite Iluka.
 - Portable toilet hire

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

Council has an allocation of \$27,000 for events and programs in the 2023/24 budget for events that Council conducts with any excess being available for other events such as this one. As at 31 October 2023 there is \$22,500 from this budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				Nil
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council provide an explanation to why they are unable to support the event.
The grant may have been intended to fund an event that would positively impact the community.				

OFFICER'S COMMENTS

The Coles Bay Triathlon organisers have asked for a modest level of support from Council compared to other events. Council does not manage third party services, such as arranging for portable toilet hire. Commensurate with resource and staffing constraints, the Council officers suggest the following support:

- Cash contribution: \$1,500 towards promoting the Coles Bay Triathlon on social media and marketing campaigns.
- In kind contribution \$1,000: Council can supply services that are within the usual range of operational works as resources permit including:
 - Advertising fees for the road closure of Council owned road
 - Application fees for the recreational space (green area)
 - Supply, deliver and collect, 12 rubbish bins (red lid) and liners for the event. Damaged bins are to be repaired/replaced at the cost to the organiser.
 - Advertising of the event on Council's social media and website.

In the event that funding is provided, it is a requirement that the council logo is displayed on the Coles Bay Triathlon website and at the event on the day to acknowledge any support provided.

Festivals bring many benefits to our communities, such as boosting the local economy and attracting more tourists. Retail and tourism businesses can benefit from the increased visitor numbers. This event will have a positive economic effect for the area particularly for accommodation and eats. Council are very pleased to support Coles Bay Triathlon as one of the key events in our municipality.

OFFICER'S RECOMMENDATION

That Council provides to Atlas Events Pty Ltd ABN 35 650 446 512 for the Coles Bay Triathlon to be held on 2 March 2024 the following event grant funding and support:

1. Cash contribution of \$1,500 towards promoting the Coles Bay Triathlon on social media and marketing campaigns; and
2. In kind contribution of Council services that are within the usual range of operational works as resources permit including:
 - a. Advertising fees for the road closure of Council owned road;
 - b. Application fees for the recreational space (green area);
 - c. Supply, deliver and collect, 12 rubbish bins (red lid) and liners for the event.

9 NOTICES OF MOTION

Nil.

10 PETITIONS

Nil.

11 COUNCILLORS

11.1 Questions on Notice by Councillors

Nil.

11.2 Comments/statements

12 CONFIDENTIAL ITEMS (CLOSED SESSION)

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

Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 24 October 2023

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

Item 2: General Manager's Performance Review

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

RECOMMENDATION

That Council moves into Closed Session at [time].

The Mayor to confirm that the recording has been terminated.

13 CLOSE

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

CONFIRMED as a true and correct record.

Date: **Mayor Cheryl Arnol**