



ORDINARY COUNCIL MEETING MINUTES

TUESDAY 22 FEBRUARY 2022

2:00 PM

Via remote video conference

NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held via remote video conference on Tuesday 22 February 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 17 February 2022



Greg Ingham
GENERAL MANAGER

IMPORTANT INFORMATION

- In response to COVID-19 restrictions, members of the public will not be able to attend the meeting. Where possible a live stream of the meeting will be made available.
- 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 welcomed Councillors and staff and declared the meeting open at 2.05pm

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

Present:

Mayor Robert Young
Deputy Mayor Jenny Woods
Clr Cheryl Arnol
Clr Keith Breheny
Clr Annie Browning
Clr Rob Churchill
Clr Grant Robinson
Clr Michael Symons

Apologies:

Nil.

1.3 In Attendance

General Manager, Mr Greg Ingham
Executive Officer, Ms Jazmine Murray
Director Planning and Development, Mr Alex Woodward
Director Works and Infrastructure, Mr Peter Porch
Director Corporate and Community, Mrs Elysse Blain

1.4 Late Reports

Nil.

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.

Please note that Clr Annie Browning declared an interest in Agenda Item 8.2

2 CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - Tuesday 25 January 2022

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 25 January 2022 at 2:00pm be confirmed as a true and correct record.

DECISION 25/22

Moved Deputy Mayor Jenny Woods, seconded Cllr Keith Breheny:

That the Minutes of the Ordinary Meeting of Council held on 25 January 2022 at 2:00pm be confirmed as a true and correct record.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

2.2 Date and Purpose of Workshop(s) Held

TUESDAY 8 FEBRUARY 2022

In accordance with the requirement of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council Workshop was held from 1:30pm to 5:25pm on Tuesday 8 February 2022 via remote video conference.

Present:

Mayor Robert Young
Clr Cheryl Arnol
Clr Keith Breheny
Clr Annie Browning
Clr Rob Churchill
Clr Grant Robinson
Clr Michael Symons (from 3:10pm)

Apologies:

Deputy Mayor Jenny Woods

In Attendance:

Greg Ingham, General Manager
Alex Woodward, Director Planning and Development
Peter Porch, Director Works and Infrastructure
Elysse Blain, Director Corporate and Community
James Bonner, Senior Planner
Charlotte Win, Graduate Planner

Guests

- David Tucker
- Alan Morgan

Agenda

- Presentation by Natural Resource Management Committee
- Budget Timeframe
- Draft - Code for Tenders and Contracts
- Waste - Operational Service Level
- 1000 Dolphin Sands Road, Dolphin Sands - DA 2021/231
- RA128 Cambria Drive, Dolphin Sands -DA 2021/334
- East Coast Tourism Priorities

RECOMMENDATION

That Council notes the information.

DECISION 26/22

Moved Cllr Grant Robinson, seconded Cllr Cheryl Arnol:

That Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

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

Robyn Moore

One reason for the rate rises given by council in 2021 was that council was ineligible for some grants due to the previous rating system. A letter to GOBC news (issue 4 2022) quotes the Mayor as writing that 'Our state Government grants will reduce because the properties in this municipality have increased in value'. As these statements seem contradictory, I am requesting clarification:

- Q1. Please provide examples of specific grants for which council would be ineligible due to the previous rating system, including names of grants and eligibility criteria.*
- Q2. Please provide details of funding for which council revenue will be reduced due to receiving increased revenue from rates, including names of the relevant grant/fund etc and eligibility criteria.*

Response from General Manager, Greg Ingham

After rates, one of Council’s main sources of funding is the Financial Assistance Grants (FAG). It is assumed that these are the grants referred to in Robyn Moore’s questions and these are the grants referred to in the Mayor’s correspondence. The Financial Assistance Grants are a Federal Grant distributed through the State Grants Commission (SGC) to each Council. The grants are made up of three components, General, Roads and Bridges called Base Grants. They are an untied grant, not a specific purpose grant.

The criteria for determining how much each Council gets is complex. Factors that influence the calculation of the Base Rate component include;

- the uneven nature of population growth across Australia
- the uneven distribution of increases in property values across regions. Indexation factors were used for all Council Assessed Annual Values. (It remains unclear as to how Glamorgan Spring Bay Council and two other Councils were assessed under the AAR system).
- changes arising from the allocation of the Road Grant Allocations in the Base Grant modelling.

- the implementation of the Service Industry Employment Cost Adjustor to better reflect the impact on non-residents.

The aim of the FAG is to assist Councils who are disadvantaged to ensure they have enough funding to operate at a certain level of service. One criterion that the SGC consider is the capacity for a Council to generate its own rate revenue. In the case of Glamorgan Spring Bay Council (GSBC) when you compare rate revenue to the property valuations in the municipal area, GSBC has historically had the capacity to generate significantly more rate revenue when compared to other Councils in Tasmania. Because we have this perceived capacity to generate higher income, and our spending on corporate and governance activities to run Council has been very low over recent years, then GSBC is assessed as not needing a very much assistance and our Financial Assistance Grant funding for general operations have significantly decreased over the years to the point that there is now a significant disparity between GSBC and the other 28 Tasmanian Councils. Glamorgan Spring Bay Council has over many years received the least Base Grant of any other Council, and by some margin.

A total of \$38,783,248 in Base Grants was made available by the Australian Government for allocation by the State Grants Commission to Tasmanian Councils for the 2021/22 financial year. The total Base Grant allocation to GSBC was \$147,825 well below the average of the other 28 Councils of \$1,379,837 each. In fact, only a tenth of what other Councils are receiving. Put another way, GSBC received 0.38% of the Tasmanian allocation. And this is not just comparing with metropolitan Councils. The majority of regional Councils similar to GSBC received well in excess of \$1million in FAG Base Grants in 2021/22 with three regional Councils in excess of \$2million.

Rate revenue does not impact Council's ability to apply for specific purpose grants, this is a misunderstanding. Specific grants each have their own criteria to be assessed against. Unfortunately, specific purpose grants don't usual help Council fund ordinary operating activities, these need to be funded by rates, user charges and financial assistance grants mentioned above. Specific purpose grants usually relate to capital works type project, i.e. new assets or upgrade/replacement of existing assets.

As our funding for the General component of the Financial Assistance Grants has been falling, then the only options Council have is to cover this short fall is from general rates and/or user charges or decrease services provided to the community, which is very hard to do given current levels. It should be noted that GSBC general rates compare very favourably with other Councils and in some cases remain lower.

Please note all of the above information and more is available on Council's website, the Treasury Department website and the State Grants Commission website.

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.

Nil.

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].

DECISION 27/22

Moved Cllr Cheryl Arnol, seconded Deputy Mayor Jenny Woods:

That Council now acts as a Planning Authority at 2.11pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

Senior Planner, James Bonner, and Graduate Planner, Charlotte Win entered the meeting at 2.12pm.

4.1 RA128 Cambria Drive, Dolphin Sands - DA 2021/334

Proposal:	Dwelling
Applicant:	Engineering Plus
Application Date:	15 December 2021
Statutory Date:	01 March 2022 (extended by consent of applicant)
Planning Instruments:	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone:	D13.0 Rural Living Zone
Codes:	E5.0 Road and Railway Assets Code, E6.0 Parking and Access Code, E7.0 Stormwater Management Code, E10.0 Biodiversity Code
Specific Area Plans:	N/A
Use:	Residential
Development:	Discretionary
Discretions:	13.4.3 (P1) Design E6.7.3 (P1) Vehicular Passing Areas Along an Access E6.7.6 (P1) Surface Treatment of Parking Areas E7.7.1 (P1) Stormwater Drainage and Disposal E10.7.1 (P1) Building and Works
Representations:	4
Attachments:	1. Application Documents [4.1.1 - 146 pages] 2. Representations [4.1.2 - 5 pages]
Author:	Charlotte Win, Graduate Planner

Executive Summary

Planning approval is sought for a dwelling and a shed at 128 Cambria Drive, Dolphin Sands.

The proposal was advertised for two weeks from 14 January 2022 to 29 January 2022 and four representations were received.

This report assesses the proposal against the standards of the relevant zones and codes, and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 01 March 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 proposal is for the construction of a dwelling and a shed at 128 Cambria Drive, Dolphin Sands.

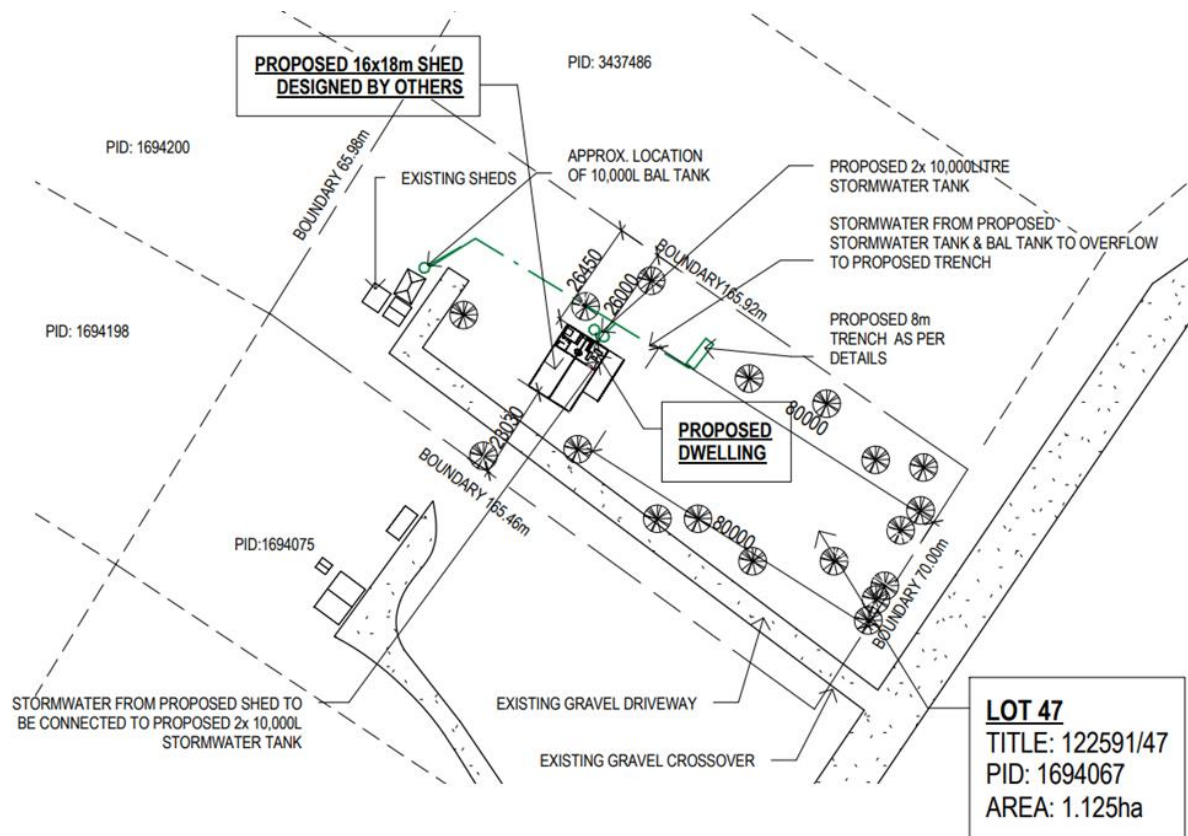


Figure 1. Site Plan (Source: Application Documents)

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

There are no relevant planning permits on file for the property.

6. Site Description

The site is located on the northern side of Cambria Drive and is partially vegetated with *Eucalyptus viminalis* (Eucalyptus globulus coastal forest and woodland). There is an existing gravel access from Cambria Drive, gravel driveway and sheds at the back of the site.



Figure 2. Site and locality (Source: the LIST)

7. Planning Instruments

Glamorgan Spring Bay Interim Planning Scheme 2015

- D13.0 Rural Living Zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Code

8. Easements and Services

There are no easements on the land to which this application relates. The site has access to reticulated electricity, however reticulated water and sewerage is not provided to the site.

9. Covenants

There are no covenants on the land to which this application relates.

PART TWO

10. Meeting the Standards via Acceptable Solution

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

- D13.0 Rural Living Zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Code

All standards were met by Acceptable Solution excepting those identified below. These have been assessed against the applicable Performance Criteria.

11. Meeting the Standards via Performance Criteria

The standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

- 13.4.3 (P1) Design
- E6.7.3 (P1) Vehicular Passing Areas Along an Access
- E6.7.6 (P1) Surface Treatment of Parking Areas
- E7.7.1 (P1) Stormwater Drainage and Disposal
- E10.7.1 (P1) Building and Works

PART THREE

12. Assessing the Proposal against the Performance Criteria

D13.0 Rural Living Zone

13.4 Development Standards for Buildings and Works

Standard	Planner's response
Clause 13.4.3 Design	<p>The acceptable solution of this clause requires the location of buildings and works to comply with any of the following: (a) located within a building area on the title (b) an addition or alteration to an existing building (c) be located in areas clear of native vegetation and is not on a skyline or ridgeline.</p> <p>(a) and (b) are irrelevant, and the proposal requires the removal of native vegetation. Therefore, it is reliant on the performance criteria (P1), as outlined below.</p>
P1 <i>The location of buildings and works must satisfy all of the following:</i> <i>(a) be located on a skyline or ridgeline only if:</i> <i>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</i> <i>(ii) there is no significant impact on the rural landscape;</i> <i>(iii) building height is minimised;</i> <i>(iv) any screening vegetation is maintained.</i> <i>(b) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are</i>	<p>The proposal is supported by a Natural Values Assessment which confirms the proposed dwelling is within an area "essentially devoid of trees" and the extent of native vegetation clearing is the minimum necessary for the buildings and associated works and avoids threatened flora located on the site.</p> <p>The proposal satisfies the performance criteria.</p>

Standard	Planner's response
<p><i>provided, have regard to the landscape.</i></p> <p><i>(c) be located in an area requiring the clearing of native vegetation only if:</i></p> <p><i>(i) there are no sites clear of native vegetation or any such areas are not suitable for development due to access difficulties or excessive slope;</i></p> <p><i>(ii) the extent of clearing is minimum necessary to provide for buildings, associated works and associated bushfire protection measures.</i></p>	

E6.0 Parking and Access Code

E6.7 Development Standards

Standard	Planner's Response
<p>Clause E6.7.3 Vehicular Passing Areas Along an Access</p>	<p>The acceptable solution of this clause requires for vehicular passing areas to be provided for an access longer than 30m at the intervals of no more than 30m along the access. It also requires the first vehicular passing area to be constructed at the kerb and the dimensions of the vehicular passing areas be 6m long, 5.5m wide, and taper to the width of the driveway. The driveway is more than 30m and the proposal does not include any vehicular passing areas. Therefore, the proposal is reliant on the performance criteria (P1), as outlined below.</p>
<p>P1</p> <p><i>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</i></p> <p><i>(a) avoidance of conflicts between users including</i></p>	<p>There is a low likelihood of user conflict anticipated by the residential use. There is sufficient space on the existing driveway to provide for any passing bays that may be required by a subsequent Bushfire Report for the dwelling at the building approval stage.</p> <p>The proposal satisfies the performance criteria.</p>

Standard	Planner's Response
<p><i>vehicles, cyclists and pedestrians;</i> <i>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</i> <i>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</i> <i>(d) ease of accessibility and recognition for users.</i></p>	
<p>Clause E6.7.6 Surface Treatment of Parking Areas</p>	<p>The acceptable solution of this clause requires the parking spaces and vehicle circulation roadways to paved and drained to an approved stormwater system. The proposal does not propose upgrading of the existing gravel driveway. Therefore, the proposal is reliant on the performance criteria (P1) as outlined below.</p>
<p>P1</p> <p><i>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:</i> <i>(a) the suitability of the surface treatment;</i> <i>(b) the characteristics of the use or development;</i> <i>(c) measures to mitigate mud or dust generation or sediment transport.</i></p>	<p>The continued use of the existing gravel driveway is considered appropriate in the locality and can be conditioned to be maintained for the ongoing use.</p> <p>The proposal satisfies the performance criteria.</p>

E7.0 Stormwater Management Code
E7.7 Development Standards

Standard	Planner's Response
<p>Clause E7.7.1 Stormwater Drainage and Disposal</p>	<p>The acceptable solution of this clause requires stormwater from all new impervious surfaces to be drained to public stormwater infrastructure. Stormwater from the proposed dwelling and shed will be collected and reused on the site. Therefore, the proposal is reliance on the performance criteria (P1) as outlined below.</p>
<p>P1 Stormwater from new impervious surfaces must be managed by any of the following: (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles. (b) collected to re-use on the site; (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p>	<p>Stormwater from new impervious surfaces is to be collected and re-used on the site.</p> <p>The proposal satisfies the performance criteria.</p>

E10.0 Biodiversity Code
E10.7 Development Standards

Standard	Planner's Response
<p>Clause E10.7.1 Buildings and Works</p>	<p>The acceptable solution of this clause requires clearance and conversion, or disturbance of native vegetation is confined to Low Priority Biodiversity Values. The proposed clearance and conversion or disturbance is to High Priority Biodiversity Values. Therefore, the proposal is reliant on Performance Criteria (P1), as outlined below.</p>

Standard	Planner's Response
<p>P1</p> <p><i>Clearance and conversion or disturbance must satisfy the following:</i></p> <p><i>(c) if high priority biodiversity values:</i></p> <p><i>(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;</i></p> <p><i>(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;</i></p> <p><i>(iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures design to protect the integrity of these values;</i></p> <p><i>(iv) Special circumstances exist;</i></p> <p><i>(v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance</i></p>	<p>The proposal is supported by the Natural Values Assessment which assessed the impact on the high biodiversity values and determined that the proposal satisfied the performance criteria. Council's Natural Resource Management Officer advised that should a permit be issued conditions are recommended to retain white gum (<i>Eucalyptus viminalis</i>) trees and to minimise disturbance to native vegetation.</p> <p>The proposal satisfies the performance criteria.</p>

Standard	Planner's Response
<i>with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.</i>	

13. Referrals

The proposal has been referred to Council's Natural Resource Management Officer for E10.0 Biodiversity Code.

14. Representations

The Proposal has been advertised for the statutory 14-day period and 4 representations have been received. In determining an application for any permit, the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration any representations received pursuant to and in conformity with s57(5) of the Act.

With respect to these representations, matters to be considered in the planning scheme are outlined below and a response is provided. The representations in their entirety have been appended to this report.

Representation 1	Response
The current use of the existing sheds	Residential storage
The intended use of the proposed shed	Residential storage
Noise pollution from commercial activities	<p>The application does not propose commercial activities.</p> <p>It is a recommended condition that use and development must be substantially in accordance with the endorsed plans and documents.</p>
The roofing iron colour	Monument colour (shown on Member and Material Schedule of the sheet 5 of 7 from Fair Dinkum sheds)
The exterior cladding iron colour	Monument colour (shown on Member and Material Schedule of the sheet 5 of 7 from Fair Dinkum sheds)

Details for BED 1, the mezzanine floor and stair are missing	<p>Not applicable to the planning scheme.</p> <p>However, the applicant has confirmed that only one bedroom is proposed and the access to the mezzanine floor is likely to be via a ladder.</p>
Any controls for the modification of undercover roof space 12m x 4.4m into living	This not a planning consideration as the assessment is based on what is proposed not what may occur in the future.
Representation 2	Response
The style and scale of the proposal seems to be for a commercial or industrial workshop or storage facility	<p>The application does not propose a commercial or industrial workshop or storage facility.</p> <p>It is a recommended condition that use and development must be substantially in accordance with the endorsed plans and documents.</p>
Impacts of commercial or personal manufacturing workshops, storage facilities or transport depots on the residential neighbourhood and on the local environment, wildlife, tourism, etc	The application does not propose a commercial or industrial workshop or storage facility.
The proposed shed is not meant for domestic habitation and is larger than necessary for car and/or boat parking.	The proposal is for a dwelling and garage.
Hours of operations is needed for commercial activity.	The application does not propose a commercial or industrial workshop or storage facility.
On the application form, "If the building is to be used wholly or partly as a domestic workshop, what type of tools and machines will be used?" has been marked as Not Applicable.	The proposal is for a dwelling and garage.
The application has not indicated if the proposal is for a commercial or industrial building.	The proposal is for a dwelling and garage
Representation 3	Response
The intended use of a 6.5m height shed	See response to representation 1

Lack of clarity regarding the roof and cladding colour	See response to representation 1
The current use of the existing sheds	See response to representation 1
Representation 4	Response
Any controls to minimise and reduce any wood burning pollution that harms health	Not applicable to the planning scheme The application does not propose a wood heater.
Any assurances for a wood heater/stove to comply with the latest AS/NS standards	See above

15. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal satisfies the relevant provision of the planning scheme and therefore it is recommended the application is approved.

16. Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, development application 2021/334 be approved for reasons outlined in the officers report, subject to the following conditions.

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.
Advice: any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.
2. 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.
3. Suitable barriers must be erected prior to and during works to ensure that native vegetation outside the works footprint is not damaged by vehicles, machinery or building material and waste.
4. Vegetation debris and topsoil is not to be stored within areas of undisturbed vegetation.

5. Extant *Stellaria multiflora* (rayless starwort) must be retained. This area must be marked and identified to all persons inducted to undertake work on the site, as an area of exclusion from construction and fire management practices.
6. Extant White gum (*Eucalyptus viminalis*) trees must be retained unless required to be removed for the dwelling.

Advice: The vegetation on the property is a threatened vegetation community under the Nature Conservation Act 2002. The 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.

7. 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.

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 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.
- 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. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- j. 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.
- k. 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>

DECISION 28/22

Moved Deputy Mayor Jenny Woods, seconded Cllr Cheryl Arnol:

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, development application 2021/334 at RA128 Cambria Drive Dolphin Sands (CT 122591/47) be approved for reasons outlined in the officers report, subject to the following conditions.

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.

Advice: any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.

2. 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.

3. Suitable barriers must be erected prior to and during works to ensure that native vegetation outside the works footprint is not damaged by vehicles, machinery or building material and waste.
4. Vegetation debris and topsoil is not to be stored within areas of undisturbed vegetation.
5. Extant *Stellaria multiflora* (rayless starwort) must be retained. This area must be marked and identified to all persons inducted to undertake work on the site, as an area of exclusion from construction and fire management practices.
6. Extant White gum (*Eucalyptus viminalis*) trees must be retained unless required to be removed for the dwelling.

Advice: The vegetation on the property is a threatened vegetation community under the Nature Conservation Act 2002. The 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.

7. 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.

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 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.
- 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. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.

- j. 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.
- k. 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>

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

4.2 1000 Dolphin Sands Road, Dolphin Sands - DA2021/231

Proposal:	Dwelling
Applicant:	S Group
Application Date:	10 August 2021
Statutory Date:	28 February 2022
Planning Instruments:	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone:	34.0 Particular Purpose Zone 3 - Dolphin Sands
Codes:	E5.0 Road and Railway Assets Code E6.0 Parking and Access Code E7.0 Stormwater Management Code E10.0 Biodiversity Code E16.0 Coastal Erosion Hazard Code
Specific Area Plans:	N/A
Use:	Residential
Development:	Discretionary
Discretions:	D34.4.1 (P1) Building Height D34.4.2 (P4) Setback E6.7.3 (P1) Vehicular Passing Areas Along an Access E6.7.5 (P1) Layout of Parking Areas E6.7.6 (P1) Surface Treatment of Parking Areas E7.7.1 (P1) Stormwater Drainage and Disposal E10.7.1 (P1) Building and Works E16.7.1 (P1) Building and Works
Representations:	3
Attachments:	1. Application Documents [4.2.1 - 141 pages] 2. Representations [4.2.2 - 7 pages] 3. Supporting Documents [4.2.3 - 60 pages]
Author:	Charlotte Win, Graduate Planner

Executive Summary

Planning approval is sought for a single dwelling at 1000 Dolphin Sands Road, Dolphin Sands.

The proposal was advertised for two weeks from 26 November 2021 to 10 December 2021 and three representations were received.

This report assesses the proposal against the standards of the relevant zones and codes, and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 28 February 2022.

The recommendation is to approve the application, subject to conditions as detailed at the end of this report.

PART ONE

1. Statutory Requirements

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

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

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

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

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

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

2. Approving applications under the planning scheme

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

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

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

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

3. The Proposal

The proposal is for the construction of a Single Dwelling with a total area of 234.97m² at 1000 Dolphin Sands Road, Dolphin Sands.

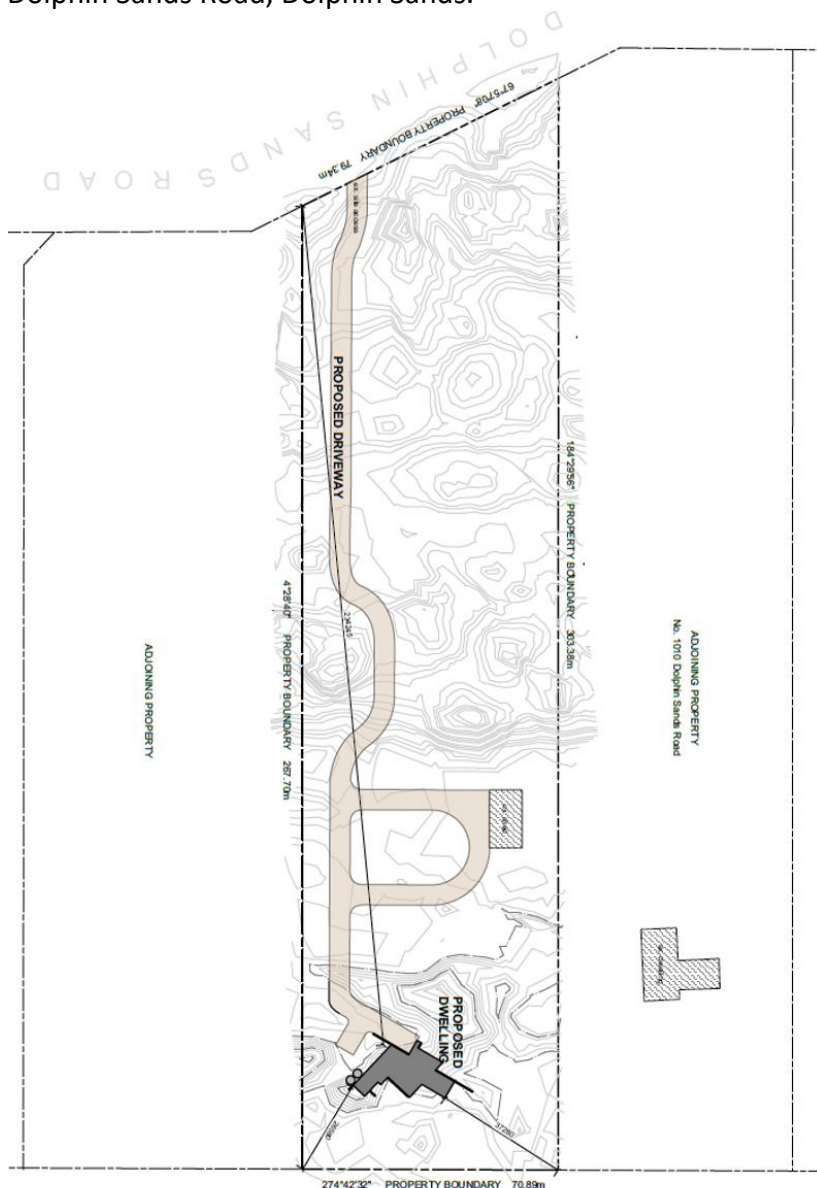


Figure 1. Site Plan (Source: application documents)

4. Risk and implications

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

5. Background and past applications

The following previous planning applications are relevant.

- DA2014/161 – Driveway – approved
- DA2016/13 – Dwelling and Outbuilding – approved; building permit issued for the construction of the outbuilding. The dwelling is located in essentially the same location as the current application.
- DA2017/186 – Dwelling and Outbuilding – approved; dwelling design largely reflects the current application. Building permits for dwelling and outbuilding were not issued and the permit is taken to have lapsed.

6. Site Description

The approximately 2ha site is located between Nine Mile Beach and Dolphin Sands Road. There is a dwelling to the east and a vacant residential lot to the west. The native vegetation community known as *Acacia longifolia* coastal scrub (SAL) is scattered across the site. There is an existing gravel access from Dolphin Sands Road, gravel driveway and an outbuilding.

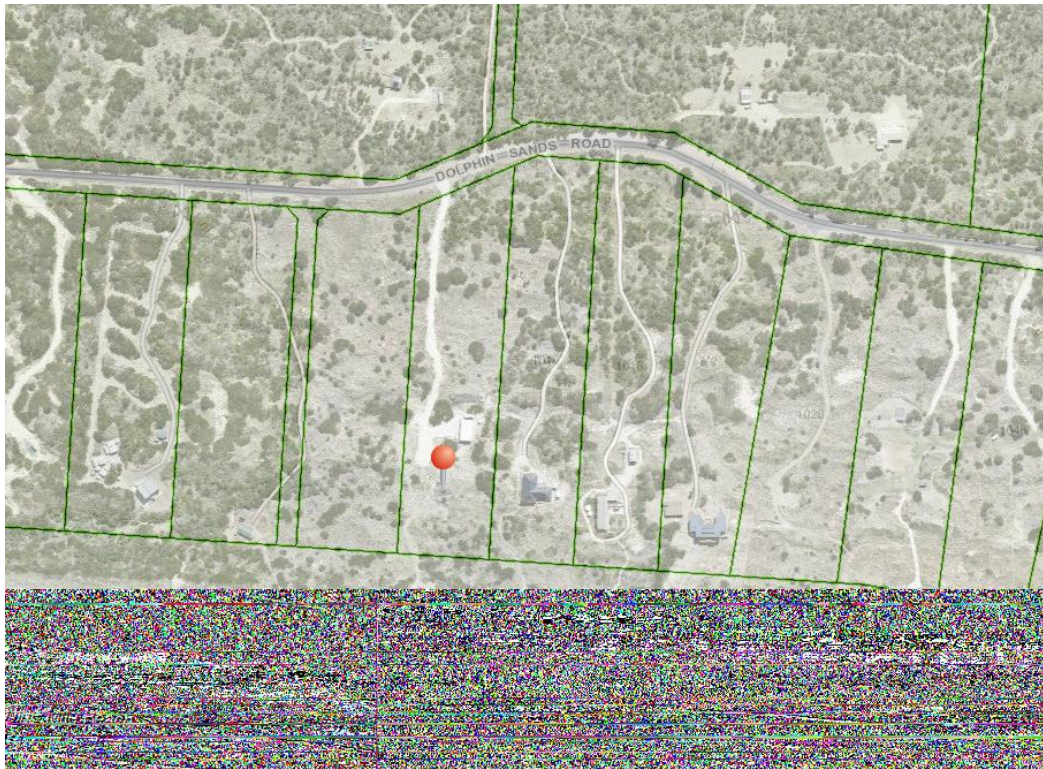


Figure 2 – Site and locality (Source: the LIST)

7. Planning Instruments

Glamorgan Spring Bay Interim Planning Scheme 2015

D34.0 Particular Purpose Zone 3 – Dolphin Sands

E5.0 Road and Railway Assets Code

E6.0 Parking and Access Code

E7.0 Stormwater Management Code

E10.0 Biodiversity Code

E16.0 Coastal Erosion Hazard Code

8. Easements and Services

There are no easements on the land to which this application relates. The site has access to reticulated electricity, however reticulated water and sewerage is not provided to the site.

9. Covenants

There are no covenants on the land to which this application relates.

PART TWO

10. Meeting the Standards via Acceptable Solution

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

- D34.0 Particular Purpose Zone 3 – Dolphin Sands
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

- E10.0 Biodiversity Code
- E16.0 Coastal Erosion Hazard Code

All standards were met by Acceptable Solution excepting those identified below. These have been assessed against the applicable Performance Criteria.

11. Meeting the Standards via Performance Criteria

The standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

- D34.4.1 (P1) Building Height
- D34.4.2 (P4) Setback
- E6.7.3 (P1) Vehicular Passing Areas Along an Access
- E6.7.5 (P1) Layout of Parking Areas
- E6.7.6 (P1) Surface Treatment of Parking Areas
- E7.7.1 (P1) Stormwater Drainage and Disposal
- E10.7.1 (P1) Building and Works
- E16.7.1 (P1) Building and Works

PART THREE

12. Assessing the Proposal against the Performance Criteria

D34.0 Particular Purpose Zone 3 – Dolphin Sands

34.4 Development Standards for Buildings and Works

Standard	Planner's Response
Clause D34.4.1 Building Height	The acceptable solution of this clause requires the building height from the natural ground level to be no more than 5m. The proposed building exceeds this height, therefore the proposal is reliant on the performance criteria (P1), as outlined below.
P1 Building height must: (a) be unobtrusive within the surrounding landscape; (b) be consistent with the surrounding pattern of development (c) not unreasonably impact on the amenity of adjoining lots from overshadowing,	<p>The proposed dwelling height from the natural ground level ranges from 4.326m to 6.533m as shown in drawings Elevations 03 and 04. This variation in height is due to the topography of the site being undulating sand dune and roof shape.</p> <p>The height above sea level has been used as this provides a good indication of how the proposed dwelling sits within the surrounding landscape and whether the proposed dwelling height is consistent with the surrounding pattern of development.</p> <p>The roof heights at the eastern and south-western section of the dwelling are 8.61m and 8.2m above sea level respectively.</p>

Standard	Planner's Response
overlooking or visual bulk.	<p>It is considered that the proposed building height is not obtrusive within the surrounding landscape and is consistent with the surrounding pattern of development. This is evident from the height and siting of the adjoining dwelling (No. 1010) to the east which has a height of approximately 9m to 11m above sea level.</p> <p>With respect to (c), the proposed will not unreasonably impact on the amenity of adjoining lots from overshadowing and overlooking, noting the siting of the proposed dwelling has an approximately 50m distance from the adjoining dwelling to the east at No.1010 and may be likely to have an approximately 25m distance from the potential future dwelling to the west if it was built to meet the acceptable solution of a 10m side boundary setback requirement.</p> <p>The visual amenity drawn from the adjoining dwelling at No.1010 is mainly towards the south to Great Oyster Bay and Freycinet National Park and not towards the west where the proposed dwelling is located. It is considered that the visual bulk when viewed from a small western section of deck and kitchen of the adjoining dwelling is limited and does not impact unreasonably on the visual amenity of the adjoining property. The adjoining lot to the west is vacant and the impact on the amenity of the bulk of the proposal is unascertainable, though it is noted that the protrusion ranges from 0.8m to 1.5m approximately.</p> <p>The proposal satisfies the performance criteria.</p>
Clause D34.4.2 Setback	<p>The acceptable solution of this clause requires all buildings to be located in existing areas clear of native vegetation or within a building envelope shown on the title. The siting of the proposed dwelling is within areas containing native vegetation and there is no building envelope shown on the title, therefore the proposal is reliant on the performance criteria (P4), as outlined below</p>
<p>P4</p> <p>Buildings may be located in areas containing native vegetation where no other alternatives exist due to a lack of cleared area with suitable topography, setbacks, and having regard to</p>	<p>Council's NRM officer advised that should a permit be issued conditions are recommended to retain native vegetation outside the building area. The values of the habitat for threatened species are not significant, and any loss of habitat is minimal having regard to the size of the property, and that the native vegetation (SAL) would be classed as being Low Priority Values under the Planning Scheme.</p>

Standard	Planner's Response
bushfire hazard management.	

E6.0 Parking and Access Code

E6.7 Development Standards

Standard	Planner's Response
Clause E6.7.3 Vehicular Passing Areas Along an Access	The acceptable solution of this clause requires for vehicular passing areas to be provided for an access longer than 30m at the intervals of no more than 30m along the access. It also requires the first vehicular passing area to be constructed at the kerb and the dimensions of the vehicular passing areas be 6m long, 5.5m wide, and taper to the width of the driveway. The driveway is more than 30m and the proposal does not show any vehicular passing areas therefore the proposal is reliant on the performance criteria (P1), as outlined below.
<p>P1</p> <p>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p>There is a low likelihood of user conflict anticipated by the residential use.</p> <p>The proposal satisfies the performance criteria.</p>
Clause E6.7.5 Layout of Parking Areas	The acceptable solution of this clause requires the layout of car parking spaces, access aisles, circulation roadways and ramps to be designed and constructed in accordance with section 2

Standard	Planner's Response
	<p>"Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1 : Off-Street car parking and headroom to be in accordance with clause 5.3 "Headroom" of the same Standard. The proposal does not clearly demonstrate if it complies with required section and clause of the Standard, therefore the proposal is reliant on the performance criteria (P1), as outlined below.</p>
<p>P1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.</p>	<p>The layout of car parking spaces is considered safe, user-friendly and easy to manoeuvre on site.</p> <p>The proposal satisfies the performance criteria.</p>
<p>Clause E6.7.6 Surface Treatment of Parking Areas</p>	<p>The acceptable solution of this clause requires the parking spaces and vehicle circulation roadways to paved and drained to an approved stormwater system. The proposal is for driveway to be of gravel, therefore the proposal is reliant on the performance criteria (P1) as outlined below.</p>
<p>P1 Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following: (a) the suitability of the surface treatment; (b) the characteristics of the use or development; (c) measures to mitigate mud or dust generation or sediment transport.</p>	<p>The use of gravel is considered appropriate in the area.</p> <p>The proposal satisfies the performance criteria.</p>

E7.0 Stormwater Management Code
E7.7 Development Standards

Standard	Planner's Response
<p>Clause E7.7.1 Stormwater Drainage and Disposal</p>	<p>The acceptable solution of this clause requires stormwater from all new impervious surfaces to be drained to public stormwater infrastructure. There is no public stormwater infrastructure in the vicinity, therefore the proposal is reliance on the performance criteria (P1) as outlined below.</p>
<p>P1 Stormwater from new impervious surfaces must be managed by any of the following: (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles. (b) collected to re-use on the site; (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p>	<p>The proposal is for stormwater from new impervious surfaces to be collected and disposed or re-used on the site.</p> <p>The proposal satisfies the performance criteria.</p>

E16.0 Coastal Erosion Hazard Code
E16.7 Development Standards

Standard	Planner's Response
<p>Clause E16.7.1 Building and Works</p>	<p>There is no acceptable solution for development within the Coastal Erosion Hazard Area and therefore the proposal is reliant on the performance criteria (P1), as outlined below.</p>
<p>P1 Buildings and works must satisfy all of the following:</p>	<p>The proposal is supported by a coastal vulnerability assessment by a geotechnical engineering consultant which considered that erosion risks at the site are acceptable for the 2072</p>

Standard	Planner's Response
<p>(a) not increase the level of risk to the life of the users of the site or of hazard of adjoining or nearby properties or public infrastructure;</p> <p>(b) erosion risk arising from wave run-p, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings and works;</p> <p>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</p> <p>(d) need for future remediation works is minimised;</p> <p>(e) health and safety of people is not placed at risk;</p> <p>(f) important natural features are adequately protected;</p> <p>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</p> <p>(h) access to the site will not be lost or substantially compromised by expected future erosion</p>	<p>projected life of the building as per the assessment findings and recommendations in the assessment.</p> <p>It is a recommended condition of approval that prior to commencement of works, construction drawings demonstrate compliance with recommendations in the coastal vulnerability assessment.</p>

Standard	Planner's Response
<p>whether on the proposed site or off-site;</p> <p>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</p> <p>(j) not be located on an actively mobile landform.</p>	

13. Referrals

The proposal has been referred to Council's Development Engineer for E6.0 Parking and Access Code and Stormwater Management Code, and Natural Resource Management Officer for E10.0 Biodiversity Code.

14. Representations

The Proposal has been advertised for the statutory 14-day period and 3 representations have been received. In determining an application for any permit, the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration any representations received pursuant to and in conformity with s57(5) of the Act.

With respect to these representations, matters to be considered in the planning scheme are outlined below, and a response is provided. The representations in their entirety have been appended to this report.

Representation 1	Response
The siting of the proposed dwelling is within an area subject to erosion. This will destabilise dunes, pose flooding risk to neighbours and impact natural groundwater supply.	See response to Clause E16.7.1 Building and Works above
The degree by which the proposed dwelling will impede on the erosion zone shown on the Figure 7 (Site Gemorphology) is referenced misleadingly on architectural diagram A101, with no actual shading or boundary shown.	The boundary of the erosion hazard area shown on Figure 7 Site Geomorphology of the Costal Vulnerability Assessment, which is in line with the LISTmap has been applied in the assessment of the proposal.

Representation 1	Response
The setback of the proposed dwelling is inconsistent with that of at 1010 to the east.	The rear and side setbacks of the proposal meet the acceptable solutions A2 and A3 of the Clause 34.4.2 Setback.
The setback distance from the Nine Mile Beach boundary shown on the plans are inconsistent with that of shown on the Bushfire Hazard Management Plan and Coastal Vulnerability Report.	<p>The applicant has confirmed that the setback distance from the Nine Mile Beach is 20m which meets the acceptable solutions A3 of the Clause 34.4.2 Setback.</p> <p>It is a recommended condition that the building setback to the Nine Mile Beach Crown Reservation be no less than 20m.</p>
Failed to give any accurate details on visibility from the beach, main road, neighbouring properties and residence at 1010 to the east.	<p>The visibility from the Dolphin Sands Road will be inconspicuous due to the approximately 240m frontage setback.</p> <p>And the visibility from the immediate vicinity of the Nine Mile Beach will be limited owing to the presence of frontal sand dune. However, the degree to which the dwelling is clearly visible from the beach depends on how far away from the proposed site a person may view on the beach and how far a person may climb the dune.</p> <p>Some degree of visibility from the neighbouring properties and residence at 1010 to the east is expected due to the surrounding patterns of one dwelling per lot development.</p>
Detailed elevation calculations are needed.	The applicant has provided supporting documents with the same building design and location, which demonstrate detailed elevations above sea levels to better present to the Council and the representors.
The proposed height is approximately 7m above ground level. This is out of character.	See response to Clause D34.4.1 Building Height above.
The elevation figures are inconsistent. The North, West and South elevations reference to existing ground with the East elevation referencing NGL.	The applicant has provided supporting documents demonstrating detailed elevations above sea levels to better present to the Council and the representors.
The Roof heights are only nominal estimates and only reference the	The applicant has provided supporting documents demonstrating detailed elevations

Representation 1	Response
<p>finished, built up ground level, not the NGL.</p> <p>The heights appear to be understated by up to 1.4m above existing ground level and cannot be determined above NGL.</p>	<p>above sea levels to better present to the Council and the representors.</p> <p>See response to Clause D34.4.1 Building Height above</p>
<p>The setback from the boundary facing the beach and coastal reserve is insufficient and not consistent with its neighbour.</p>	<p>The applicant has confirmed that the setback distance from the Nine Mile Beach is 20m which meets the acceptable solutions A3 of the Clause 34.4.2 Setback.</p> <p>It is a recommended condition that the building setback to the Nine Mile Beach Crown Reservation be no less than 20m.</p>
<p>The height of the finished residence exceeds a 5m maximum height limit. It is obtrusive and not consistent with the surrounding development. It may unreasonably impact the visual amenity of the neighbouring lots.</p>	<p>See response to Clause D34.4.1 Building Height above</p>
<p>The proposed location of the dwelling is directly behind a dune that has been moved to gain vehicular access directly onto the Nine Mile Beach through the reserve.</p>	<p>Not Applicable.</p>
<p>Maximising the setback from the shoreline will protect the surrounding environment.</p>	<p>The applicant has confirmed that the setback distance from the Nine Mile Beach is 20m which meets the acceptable solutions A3 of the Clause 34.4.2 Setback.</p> <p>It is a recommended condition that the building setback to the Nine Mile Beach Crown Reservation be no less than 20m.</p>
<p>The elevation of the proposed dwelling and proximity to the beach will result in loss of amenity including views of natural across dunes, natural flow of dunes without visible buildings, privacy on the beach without being overlooked.</p>	<p>See response to Clause D34.4.1 Building Height above.</p>
<p>The proposal fails to address the objective of the Clause E16.0 Coastal Erosion Hazard Code in that the impact of the angle of the dwelling on changing the natural wind</p>	<p>See response to Clause E16.7.1 Building and Works above.</p>

Representation 1	Response
erosion process and the prohibition of natural landward transgression by building over a sand dune.	
Building on exposed dunes will change the dynamics. Building on dunes that lay within the coastal erosion will accelerate erosions and inundation of this and neighbouring lots, result in loss of usable land, contaminate bore water and render the wastewater treatment inoperable.	See response to Clause E16.7.1 Building and Works above.
Inundation due to premature erosion will increase the level of hazard for adjoining or nearby properties. Premature inundation may create a hazard as it destabilises the hill on which a neighbouring house sits.	<p>Though E15.0 Inundation Code does not apply with specific regard to Clause 15.2, it is considered reasonable that conditions be imposed per s51(3a) of LUPAA regarding the implementation of recommendations of the Coastal Vulnerability Assessment prepared by GES 2022.</p> <p><i>Note: The Coastal Vulnerability Assessment prepared by GES in 2015 has been updated and recommendations remain the same.</i></p>
Representation 2	Response
Building needs to be placed well away from where any possible future inundation may occur.	See response to representation 1 above
Anything over 5m in height does not preserve the amenity of the suburb.	See response to Clause D34.4.1 Building Height above
Heights marked 'nom C.O.S' are not good enough. IT is impossible to know the final height of this development.	The applicant has provided supporting documents with the same building design and location, which demonstrate detailed elevations above sea levels to better present to the Council and the representors.
Representation 3	Response
The building height and rear boundary setback are not meet.	See response to representation 1.
Wastewater design will detrimentally impact the neighbouring land and surrounding environment before the expected life of the development is expected to end.	It is a recommended condition that the location of the on-site wastewater system be entirely outside the Coastal Erosion Hazard Zone shown on Figure 7 (Site Geomorphology) and the Inundation areas shown on Figure 10 (Site Inundation Given 1 1% AEP Storm Event

Representation 1	Response
	for 2100 combined with Wind Setup Conditions) of Coastal Vulnerable Assessment by GES 2022).
Plan detail is representative of the post-build ground levels not the original ground level before disturbance.	See response to representation 1.
The building is too obtrusive.	See response to Clause D34.4.1 Building Height above
Different rear boundary setbacks have been quoted (19m and 20m) in different reports.	See response to representation 1.
The tide coming up underneath the development (Figure 14 of the Coastal Vulnerability Assessment)	See response to representation 1.
The wastewater AES bed (page 12 of the site and soil evaluation and design report) will be under water by 2065 (pages 12,16,21 of the Coastal Vulnerability assessment). This shows the septic system will fail and start contaminating Great Oyster Bay and surrounding land before this date.	It is a recommended condition that the location of the on-site wastewater system be entirely outside the Coastal Erosion Hazard Zone shown on Figure 7 (Site Geomorphology) and the Inundation areas shown on Figure 10 (Site Inundation Given 1 1% AEP Storm Event for 2100 combined with Wind Setup Conditions) of Coastal Vulnerable Assessment by GES 2022).

15. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal satisfies the relevant provisions of the planning scheme and therefore it is recommended the application is approved.

16. Recommendation

That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, development application 2021/231 be approved for reasons outlined in the officers report, subject to the following conditions.

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.

Advice: any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.

2. 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.

3. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council's infrastructure or private property incurred as a result of the proposed development works. Any work required is to be specified or undertaken by the authority concerned.

Advice: Prior to commencement of any works, the developer must obtain a Works in Road Reserve Permit for any works within the road reserve.

4. 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.

5. The developer must provide a commercial skip (or similar) for the storage of builders waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

Advice: Builders waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.

6. All external surfaces must be finished using colours with a light reflectance value not greater than 40 percent and must be natural colours such as black, grey, brown and green.
7. The siting of the proposed building to the Nine Mile Beach Crown Reservation must not be less than 20m.

Parking and Access

8. The existing crossover must be upgraded to meet the current requirements of Local Government Association Tasmania (LGAT) standard drawings TSD-R03-v3 and TSD-R04-v3.

9. To the satisfaction of Council's General Manager, the internal driveway and areas set aside for vehicle parking and turning must be
 - a. designed, constructed and maintained to a durable all-weather surface to avoid dust or mud generation, erosion and sediment transfer off site;
 - b. In accordance with the requirements of an approved Bushfire Risk Assessment prepared by Lark Creese.
10. To the satisfaction of Council's General Manager, surface water runoff from the internal driveway and areas set aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining lands.

Stormwater

11. All stormwater run-off from roof surfaces generated as a result of the development must be collected and stored in detention tank(s) to provide a minimum total on-site capacity of 10,000 litres for on-site use.

Biodiversity

12. Native vegetation must not be removed, lopped, ring-barked or otherwise willfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.
13. All vehicles and equipment associated with construction of the development and/or operation must be cleaned of soil prior to entering and leaving the site to minimize the introduction and/or spread of weeds and diseases to the satisfaction of the Council's General Manager.

Inundation and Coastal Erosion Hazard

14. The location of the on-site wastewater system must be entirely outside the Coastal Erosion Hazard Overlay shown on Figure 7 (Site Geomorphology) and the future inundation overlay shown on Figure 10 (Site Inundation Given a 1% AEP Storm Event for 2100 combined with Wind Setup Conditions) of Coastal Vulnerable Assessment by Geo-Environmental Solutions (GES) dated January 2022.
15. Prior to commencement of any works, construction drawings must be provided which demonstrate compliance with recommendations of the Coastal Vulnerable Assessment by GES dated January 2022.

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. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- j. Please be advised that it is illegal to clear native vegetation on land adjoining your property that is public land, including foreshore reserves.
- k. 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.
- l. 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.
- m. 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>

DECISION 29/22

Moved Cllr Keith Breheny, seconded Cllr Rob Churchill:

That pursuant to section 57 of the Land Use Planning and Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, development application 2021/231 at 1000 Dolphin Sands Road, Dolphin Sands (CT 54666/157) be refused as it fails to meet the requirements relating to Development Standards E16.7.1 (P1 (b), (c) and (h), specifically:

- The application has not demonstrated that the erosion risk arising from wave run-up, including impact and material suitability, will be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works.
- The application has not demonstrated that erosion risk is mitigated to an acceptable level.
- The application has not demonstrated that the access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site

AND there are inconsistencies between the information provided within the Application Form for Planning Approval and the supporting documents, specifically details on cut and fill, site lot size and site access.

Through the Chair, Cllr Keith Breheny stated the following as reasons for refusal:

In my judgement, there are a series of issues that do not enable me to support the recommendation.

The Planners Report relies upon professional qualified advice provided with the application and I understand that this is the valid basis for the recommendations and conditions associated with this report.

My firm assertion is that the professional qualified information provided with the Development Application is flawed and therefore misleading and therefore must be corrected, reassessed, and the amended application should be reassessed.

A series of anomalies include:

- *Incorrect/misleading details contained in the Application form relating to cut and fill*
- *An outdated Site and Soil Assessment Report relating to waste water treatment.*
- *A Coastal Vulnerability Assessment that relies upon grossly outdated Climate Change data.*

The claim on the application form, that the development does not involve cut and fill, may be considered on face value, to be a simple typographical error, but it is possible that representors may have been influenced by this statement and so the effective presentation of details of the development has been misrepresented to the public. A simple re-advertising of the application would have eliminated this mistake would have reduced the likelihood of misrepresentation. This is a transparency and good Governance issue as well as a simple Planning matter.

The Site and Soil Assessment report (Mason?) shows a site plan (pp 277 of attachments) that does not show the correct location or layout of the proposed dwelling. It seems to be related to a previous development and is misleading. The location of the AES bed is shown in the inundation zone and the dimensions are given as 1.1m x 1.35m. This is incorrect information.

The Coastal Vulnerability Assessment was provided by Geo-Environmental Solutions (GES) and is dated 2015. This coincides with the presentation of this same report for the previous lapsed 2017 Development Application for this site. This report is currently 7 years out of date and relies entirely on obsolete data related to assessments of Coastal inundation and Coastal erosion. These two issues (inundation and coastal erosion) are standard issues that must be addressed in the planning assessment – particularly relevant here in a vulnerable coastal area. To overlook or underestimate their importance violates the LUPAA 1993 in that it fails to meet the requirements of Development Standards E.16.7.1 Performance Criteria (b), (h), and (i).

*In relation to these Performance Criteria, I refer to the source of the Coastal Vulnerability Data provided by the GES Assessment. The source and associated assumptions of erosion and inundation provided in the Assessment are based entirely upon the **Department of Premier and Cabinet (DPAC) Coastal Hazards in Tasmania: Summary Report on Coastal Hazard Technical Report (DPAC) 2016.***

*The projections used in the DPAC report are based purely on the **Intergovernmental Panel on Climate Change Fifth Assessment Report (IPCC 5AR) dated 2014.** That DPAC report is now outdated and has been superseded by the latest **2021 IPCC 6AR.** All the assumptions contained in the GES assessment are superseded and obsolete.*

*It is clear from the **2021 6AR** report that the estimates and projections for sea level rise and storm surge as used by the proponent's report are now grossly understated. As an example of the likely degree of disparity, the Sea Level Rise and Coastal Vulnerability section of the latest IPCC 6AR report states that 'by 2050, many latitudes will experience 100-year events annually'.*

To ignore this fact relegates a Planning Authority to the status of Climate Change deniers and guilty of failing to implement fundamental statutory planning obligations, by ignoring critical information relating to key sections of a Planning Scheme.

Chapter 4 of the IPCC AR6 2022 Implications for Low-Lying islands, Coasts and Communities states the following.....

"Choosing and implementing responses to SLR presents society with profound governance challenges and difficult social choices, which are inherently political and value laden (high confidence). The large uncertainties about post 2050 Sea Level Rise, and the substantial impact that is expected, challenge established planning and decision-making practises and introduce the need for coordination within and between governance levels and policy domains."

The report goes on to state.....

"Choosing and implementing responses is further challenged through various coastal stakeholders having conflicting interests in the future development of heavily used coastal zones..."

Our Planning Scheme insists that we seriously consider the impacts of Climate Change and sea level rise when considering proposed development in coastal zones. This proposal is an example of a coastal development in a coastal zone and one that requires serious consideration.

I do not agree that the information provided in the report adequately addresses the related Performance Criteria I have raised and therefore I cannot support this motion.

THE MOTION WAS PUT AND CARRIED 5/3

For: Mayor Robert Young, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill and Cllr Grant Robinson

Against: Deputy Mayor Jenny Woods, Cllr Cheryl Arnol and Cllr Michael Symons

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

RECOMMENDATION

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

DECISION 30/22

Moved Deputy Mayor Jenny Woods, seconded Cllr Cheryl Arnol:

That Council no longer acts as a Planning Authority at 2.57pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

Senior Planner, James Bonner, and Graduate Planner, Charlotte Win left the meeting at 2.57pm

5 FINANCIAL REPORTS

5.1 Financial Reports for the period ending 31 January 2022

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Group Financial Statements 2022-01 [5.1.1 - 3 pages]
2. Capital Works Projects 2022-01 [5.1.2 - 3 pages]

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 January 2022 as attached to this report are presented for the information of Council.

STATUTORY IMPLICATIONS

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

BUDGET IMPLICATIONS

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

RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
There are no material risks from adopting this recommendation.				
Do not adopt the recommendation	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period. Council needs to endorse.
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.				

OFFICER'S RECOMMENDATION

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

DECISION 31/22

Moved Cllr Annie Browning, seconded Cllr Grant Robinson:

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

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

6 SECTION 24 COMMITTEES

Nil.

7 INFORMATION REPORTS

7.1 Director Works and Infrastructure - Mr 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.

Work has commenced on first cut Operational Service Level Documents for Waste, Parks and Reserves, Roads and Hydraulic Infrastructure.

The development of a 10 year works program has commenced and is informed significantly by the asset management and long-term financial plans adopted by council. The ten-year capital works program enables the scheduling of renewal works and proposed staging of other projects to be considered by council in later years. Works proceeding from adopted management plans are included in this plan to assist in understanding likely forward commitments for new projects also.

CONSULTANT SERVICES

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

- Stormwater Management Plan: Cameron Oakley continues to work through a multitude of inundation issues with the outcome to be a schedule of future works encompassing a number of years of forward works. Each of these projects will come before council for consideration in future capital works programs. Projects will be assessed on the basis of risk to form a priority for scheduling the program that will be presented to council.
- The North Orford study continued in conjunction with the Department of State Growth (DSG) who are jointly funding this project.
- Holkham Crt culvert and drain works continued with plans for culverts now provided.

- Grant fund project delivery: Graeme Edwards is retained to deliver a range of projects funded by commonwealth Grants. A number of sub-consultants are involved in these works also. Ongoing.
- Andrew Walter Constructions are carrying out test pits and developing a design report to inform repair options and costs for Nugent Road.

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- Unsealed road inspections: 4 carried out
- Wielangta Rd and Earlham Rd maintenance grading complete
- Rheban Rd maintenance grade commenced
- Pothole repairs ongoing
- Roadside slashing program continued
- Nature strip mowing Orford, Triabunna, Buckland completed
- Crews undertaking pothole repairs across the municipality
- Cold Mix - Sourcing bulk cold mix for pot holing. \$206/ton compared to \$1800per ton in 20kg bags
- Assessment and inspection of subdivision assets through the practical completion and end of maintenance period - ongoing

STORMWATER, DRAINAGE

- Orford Rivulet S/W outlet from West Shelly Rd- Located and expose buried 300mm storm water outlet in Orford Rivulet
- Existing foreshore storm water outlets on West Shelly- cleaned out drains and cleared pipe outlets
- 49-41 West Shelly Rd- open drains reformed and larger driveway culverts installed to minimise flooding risk to properties

WASTE MANAGEMENT

- Fermentation trial results are not promising. The process does not appear viable.
- Enquiries have progressed to chipping for mulch as done by a number of councils for reuse in council maintenance programs and potential sale to the public.
- Orford Transfer Station – assessment of flap arrangement to bins. Safety improvements to be implemented.
- Safety concerns have been raised relating to children roaming at Waste Transfer Stations. signage to be installed at each WTS stating “Children to stay in vehicles”, to manage the risk of children being injured from other vehicles driving/reversing, broken glass, sharp metal edges and falls into 40m3 bins- signs have been ordered.



Council staff have been liaising with State Growth and Wallaroo Contracting to provide safer access to the Bicheno Waste Transfer Station. This comes about with the development of the Industrial Subdivision by Wallaroo and the intersection access being developed there as a result.

A single access point for all traffic reduces risk to vehicles entering and exiting the highway. A new Transfer Station Entry will be constructed to enable access off Industrial Road. This has been negotiated with no impact to council's budget.

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERIES

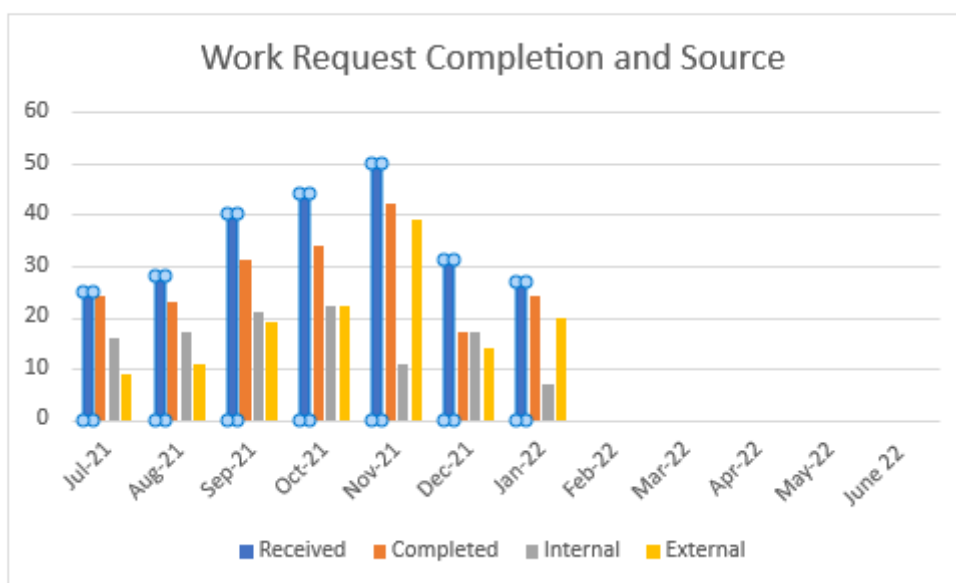
- 5 weekly playground inspections completed
- Nature strip and park/Reserve mowing continued
- Soft fall for playground top ups continued.
- High risk tree hazard trimming park and reserve areas – identified tree hazards numerous areas
- Walking track maintenance ongoing – Orford, Bicheno, Triabunna, Swansea
- Tree trimming in high-risk locations (parks and public spaces) across municipality - Ongoing

EMERGENCY MANAGEMENT

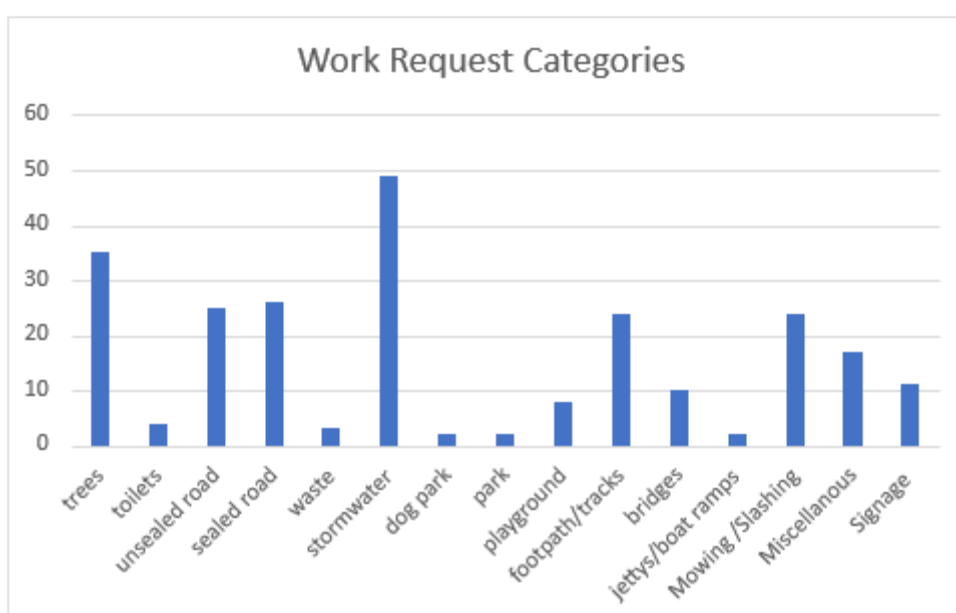
After hours rostering carried out as scheduled – minimal enquiries received with responses provided.

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:



Council receives many requests for removal of trees with 35 received year to date. Each request is investigated with an inspection and assessment of the trees in question carried out. A scoring system is used to attribute a risk score with trees exceeding a threshold value prioritised for maintenance trimming or removal subject to condition and location etc and within budget parameters.

CAPITAL WORKS

- Strip Road culvert concreting – mail sent to all residents of Strip Road to engage over short term road closure which will effectively close the road to vehicles exiting for 1

day. Response received from 2 residents only. Planning and property owner contact efforts continue.

- Reseal works have commenced and are programmed to occur through to April.
- Resheeting projects are on program with the list roads almost complete.

Grant funded

- Road to Recovery – Generally projects progressing as planned.
- Proposed projects list for LRCIP Phase 3 yet to be confirmed by Funding provider
- Black Summer Bushfires Grant application pending
- Orford Levy grant application unsuccessful – not able to confirm council contribution to the project
- Bridges Renewal Fund grant application for 17 Acre Creek Bridge replacement for 2022-23 capital renewal program pending
- Bicheno Triangle – Summary project update being prepared for circulation to community prior to advertising of DA
- Coles Bay Foreshore Path – Public consultation to occur Saturday 26th February at Coles Bay
- Bicheno Gulch – Drawings to come to council workshop prior to community review, then planning application and tender stages.
- Swansea Street Upgrade – Design progressed sufficiently for construction estimates which indicate a need to reduce scope to stay within budget. Scope review underway.

PLANT AND VEHICLES

- Replacement trucks to arrive in February

GENERAL

- Planning progresses to identify the renewal priorities for budget development for the 2022-23 financial year capital program

RESERVE BOOKINGS AND ROAD CLOSURES

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

- An application for the staging of the Coles Bay Half Marathon will involve road closure of state growth roads and some service assistance as per previous years.

RECOMMENDATION

That Council notes the information.

DECISION 32/22

Moved Deputy Mayor Jenny Woods, seconded Cllr Annie Browning:

That Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

8 OFFICERS' REPORT REQUIRING A DECISION

8.1 Community Small Grant Application - The Village (ERDO)

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Community Small Grants Application - The Triabunna Village (ERDO) [8.1.1 - 3 pages]
2. Community Small Grants - The Triabunna Village (ERDO) - Quote by Impress Print [8.1.2 - 1 page]

PURPOSE

Recommendation for Council to approve a Community Small Grant application to The East Coast Regional Development Organisation (The Village) for \$1,000 for printing of career booklets.

BACKGROUND/OVERVIEW

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

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

This application from East Coast Regional Development Organisation dated and received on 7 February 2022 seeks contribution towards a Tasmanian Career Booklet designed to educate and assist individuals by providing guidance, clear information, and a human voice at the end of the phone when making decisions on what career choices exist. This will be distributed throughout Tasmania.

The purchase comprises:

- | | |
|----------------------------------------|--------------|
| 1. 20,000 copies of the Career Booklet | \$4,896.00 |
| 2. Print preparation | \$180.00 |
| | GST \$507.60 |

Total \$5,583.60

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 by:

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

STATUTORY IMPLICATIONS

Nil

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 2021/22 budget. As at 31 January 2022 there is \$10,200 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Nil	Nil	Nil	
Nil				
Do not adopt the recommendation	Minor	Possible	Moderate	Council reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising.
East Coast Regional Development Organisation may not find alternate funding for this project.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy where (1) this is a not for profit community organisation and (2) this project addresses relevant community issues of significance. This project assists to educate people navigating the process of starting work or changing employment, and helps to link them with opportunities in the local community.

OFFICER'S RECOMMENDATION

That Council approve the application for Small Grant funding of \$1,000 for the Triabunna Village (ERDO) to assist in supporting the 'Tasmanian Career Booklet'.

Director of Corporate and Community, Elysse Blain entered the meeting at 3.17pm.

DECISION 33/22

Moved Clr Cheryl Arnol, seconded Clr Keith Breheny:

That Council approve the application for Small Grant funding of \$1,000 for the Triabunna Village (ERDO) to assist in supporting the 'Tasmanian Career Booklet'.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

Clr Annie Browning having declared an interest in item 8.2 left the meeting at 3.22pm.

8.2 Community Small Grant Application – Amos Family BiCentenary Committee Inc

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Small Community Grants Application - Amos Family Bi Centenary Committee Inc [**8.2.1** - 3 pages]
2. Development Application Approval Letter - Memorial Amos Bicentennial Committee [**8.2.2** - 1 page]
3. Redarrow Project (Cranbrook Cairn) Quote [**8.2.3** - 1 page]
4. Redarrow Project (Cranbrook Cairn) LTG sign [**8.2.4** - 1 page]
5. Redarrow Project (Cranbrook Cairn) Design/Drawing [**8.2.5** - 1 page]
6. Redarrow Panel Designs [**8.2.6** - 1 page]
7. Cairn Panel Final Wording [**8.2.7** - 1 page]
8. Glamorgan Map Section [**8.2.8** - 1 page]

PURPOSE

Recommendation for Council to approve a Community Small Grant application to the Amos Family BiCentenary Committee Inc for \$1,000 for educational interpretation panels at the Gala Kirk Uniting Church, Cranbrook.

BACKGROUND/OVERVIEW

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

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

This application from Amos Family BiCentenary Committee Inc dated 12 January 2022 received 13 January 2022 is for a contribution towards the design and install of two interpretation panels at the Gala Kirk Uniting Church, Cranbrook to:

- Educate visitors on 1821 history of the Amos family as European settlers to Cranbrook
- First nations people in the east coast area at the time, and
- Scottish cairn symbolism.

The purchase comprises:

1. Sign 1200mm x 350mm	\$1,200
2. Sign 320mm x 300mm	\$480
3. Amos family interpretation artwork, materials and installation	\$960
Plus GST \$264	Total \$2,904

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

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

STATUTORY IMPLICATIONS

Nil

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 2021/22 budget. As at 31 Jan 2022 there is \$10,200 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Minor	Possible	Medium	Reputational Risk: Council acknowledge sensitivity to the interest of some.
Council needs to be mindful of sensitivity by some community members who have alternative views on how history is portrayed.				
Do not adopt the recommendation	Minor	Unlikely	Low	Reputational Risk: Council reviews the application and provides reasons for not adopting the recommendation.
The Amos Family BiCentenary Committee may not find alternate funding for this community project.				

OFFICER'S COMMENTS

Amos Family BiCentenary Committee's Small Grant Application satisfies the necessary criteria of the relevant policy where (1) this is a not for profit group and (2) the project addresses relevant community issues of significance. These interpretation/education panels are intended to increase historical awareness in the Glamorgan Spring Bay Municipal area. It should be encouraged to share history of our community in a way that is sensitive and informative.

OFFICER'S RECOMMENDATION

That Council approve the application for Small Grant funding of \$1,000 to Amos Family BiCentenary Committee Inc.

DECISION 34/22

Moved Cllr Michael Symons, seconded Cllr Keith Breheny:

That Council approve the application for Small Grant funding of \$1,000 to Amos Family BiCentenary Committee Inc.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

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

Against: Nil

Cllr Annie Browning returned to the meeting at 3.24 pm.

The Mayor advised Cllr Annie Browning of the outcome of Council's decision in respect to Agenda item 8.2.

8.3 Community Small Grant - Glamorgan Suicide Awareness Network

Author: Community & Communications Officer (Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Small Community Grant Application [8.3.1 - 3 pages]

PURPOSE

Recommendation for Council to approve a Community Small Grant application to Glamorgan Suicide Awareness Network for \$1,000 as a contribution towards their Mental Health First-Aid course.

BACKGROUND/OVERVIEW

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

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

This application from Glamorgan Suicide Awareness Network dated 27 January 2022 and received 31 January 2022 is for a contribution towards a Mental Health First Aid Course being conducted over 2 days by Rural Alive and Well organisation, where six Glamorgan Suicide Awareness Network committee members and nine ambulance/community volunteers intend to attend.

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, specifically to:

- Work with health professionals to enhance the physical and mental health of ageing people.

STATUTORY IMPLICATIONS

Nil

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 2021/22 budget. As at 31 January 2022 there is \$10,200 of the budget available to support this application.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Nil	Nil	Nil	
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council reviews the application and reasons for not adopting the recommendation and provide support for alternative fund raising.
The Glamorgan Suicide Awareness Network may not be able to raise the desired funds and deliver the course to critical first responders and increase awareness around mental health.				

OFFICER'S COMMENTS

This application satisfies the necessary criteria of the relevant policy where (1) this is a not for profit community group and (2) the project addresses relevant community issues of significance. Mental health issues and suicide are issues in our community. This course will assist to equip fifteen members of our community with skills to assist in recognising and assisting others who may need support for mental health issues.

OFFICER'S RECOMMENDATION

That Council approves the application for Small Grant funding of \$1,000 for the Glamorgan Suicide Prevention Awareness Network to assist in supporting mental health and suicide prevention awareness.

DECISION 35/22

Moved Cllr Michael Symons, seconded Cllr Cheryl Arnol:

That Council approves the application for Small Grant funding of \$1,000 for the Glamorgan Suicide Prevention Awareness Network to assist in supporting mental health and suicide prevention awareness.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

8.4 Glamorgan Spring Bay Council Section 24 Special Committees

Author: General Manager (Greg Ingham)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Guidelines for Section 24 Special Committees [8.4.1 - 19 pages]

PURPOSE

The purpose of this report is to seek Council's endorsement to start the process of undertaking a review of the Guidelines for Section 24 Committees of Council and a review of each individual Committee.

BACKGROUND/OVERVIEW

There have been informal discussions with Council recently on the need for a review of Section 24 Special Committees of Council.

The Local Government Act 1993 enables Council to establish Section 24 Special Committees to assist with the management of facilities and to carry out functions on behalf of the Council:

24. Special Committees

- (1) A council may establish, on such terms and for purposes as it thinks fit, special committees.
- (2) A special committee consist of such persons appointed by the council as the council thinks appropriate.
- (3) The council is to determine the procedures relating to meeting of a special committee.

The Committees within our municipal area play an important and valued role in assisting Council, our Community Halls are just an example of the Section 24 Committee process achieving good community outcomes. Volunteers in our community freely give their time in fulfilling their roles as members on the various Committees which cover a wide range of activities.

The Guidelines were updated in October 2020, which was basically a check of the representative information for each Committee. See Appendix A in the Guidelines which lists 15 Special Committees. It is noted that the Spring Bay Memorial Trust Committee and the Prosser River Mouth Master Plan Advisory Group are not currently active.

The Guidelines contain information that is generic to each Committee such as responsibilities of members, the chair, treasurer etc. And also for example, information on meeting procedures. What is lacking is Terms or Reference (TOR) specific for each committee. For example, the activities of a Hall Committee would be different to that of the Youth Council which would be different again to that of the NRM Committee and therefore the current Guidelines are limited. Specific TOR will assist in the Committees role under section 24 of the *Local Government Act 1993*.

Engagement and consultation with each Committee will be critical to the success of a review. The process will take some time, it is too early to establish a time frame for completion of a review and establishment of TOR's. It will be a work in progress with the resources that Council has at its disposal.

Early engagement and discussion would seek to understand each individual Committees role and responsibilities. It may be, that over time, some Committees original objectives have evolved or changed to perhaps not reflect the original intent of establishing said committee. It may be that the external environment has changed over time, and some objectives of a committee are no longer relevant. Evaluating such matters will be a focus of the review.

It is intended to undertake the review internally.

The goal in reviewing the Guidelines and establishing Committee Terms of Reference is to ensure that Council and each Committee are enabled to achieve the best possible outcomes for the community.

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

- *Local Government Act 1993*
- *Building Act 2016*

BUDGET IMPLICATIONS

No material or significant budget implications other than operational costs to assist the committees.

OFFICER'S RECOMMENDATION

That Council:

1. Endorses a review of the Guidelines for Section 24 Special Committees of Council.
2. Endorses a review process for each individual Section 24 Special Committee.

DECISION 36/22

Moved Cllr Keith Breheny, seconded Cllr Grant Robinson:

That Council:

1. Endorses a review of the Guidelines for Section 24 Special Committees of Council.
2. Endorses a review process for each individual Section 24 Special Committee.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

8.5 March 2021 Storm Damage

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

ATTACHMENT/S

Nil

PURPOSE

To recommend the allocation of operating and capital funds to storm damage reinstatement works to enable works to be actioned.

BACKGROUND/OVERVIEW

In March 2021 there was significant rainfall associated with storm events across the council municipal area causing substantial damage to roads and bridges across the district. The following was reported to council in April 2021:

In late March the Bureau of Meteorology issued flood warnings for the lower East Coast which resulted in heavy rains over a twenty four hour period. In Orford, between 9am 24th to 9am 25th of March, 120.2mm was received.

The 10% Annual Exceedance Probability (AEP) (1 in 10) rainfall depth for this period is 110mm, and the 5% AEP (1 in 20 year) depth is 128mm.

Therefore Orford experienced somewhere between the 10% and 5% AEP. If a majority of that rain fell during a shorter period, the event would be rarer than a 5% AEP event. Heavy rains were experienced along the District coastline and inland during this time resulting in road wash-outs and some damage to infrastructure.

Immediate repairs were affected to some of the worst areas from operating costs with expenses at \$68,000 while assessment of the damage to other areas continued to be evaluated up until November 2021.

The resultant damage was the subject of a submission, including a report on the listed locations and damage, under State Governments Tasmanian Relief and Recovery Arrangements (TRRA): Community Recovery Policy. Approval was given for the State to progress with works at the level of funding provided under the policy.

The policy includes, what is effectively an excess above which a portion of funding is provided, and council must fund the balance. Funding of 50% and 75% from the State are then applied at specific thresholds relative to council's total annual recurrent expenditure. Other works, not directly attributable to the storm event, yet essential for adequate repair may have to be undertaken in some locations.

Roads impacted include: Wielangta Road (Internal corner collapse), Rosedale Road (Roadside Drainage washed away), undermining and structural damage to numerous head and end walls and other bridge infrastructure.

As council has no discretionary funds for committing to repairs such as this until the financial position of council is improved, officers have not been able to progress with the repair works until adequate council funds are identified and allocated for the works.

This report is provided to seek allocation of funds through some recently identified means to enable works in most locations to commence this financial year. Recent advice is that there are dividends to come soon from TasWater which are a number of years overdue and other rate revenue income above budget expectation. These funds in addition to a Road to Recovery allocation will substantially fund the emergency works with some excess.

Below is a summary of estimated costs and proposed funding arrangements:

	Costs	Income source
Total Estimated repair costs	\$477,337	
Emergency repair works completed in 2021	-68,884	
Balance	\$408,453	
TRRA Policy funds (nominally)		-\$189,000
Road to Recovery 22/23		-\$49,380
Portion of unplanned TasWater dividends and additional rate revenue		-\$169,418
Balances	\$408,453	-\$408,453

The works are a mix of operational and capital projects. The assets the works relate to are at greater risk of failure through delay in repair, and some projects are presenting greater risk to road users through the present reduced level of service of damaged infrastructure.

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

4. Infrastructure and Services

What we plan to do

- Manage cash flow tightly to ensure current liabilities can be paid from unrestricted (available) cash.
- Set realistic budgets and monitor income and expenditure closely.
- Sustain a safe and well-maintained road network across the municipality.

STATUTORY IMPLICATIONS

Local Government Highways Act 1982

S21. General responsibility of corporations

(1) Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.

BUDGET IMPLICATIONS

There is no budget allocation for these repairs within the adopted budget however additional income and a grant allocation may be attributed to these works.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation			Low	Risk mitigation in line with asset management plans
Provide funds to storm damage for essential repairs				
Do not adopt the recommendation	Moderate	Certain	Extreme	Monitor the condition of the assets. Seek an allocation for the projects in the 2022-23 financial year programs.
Further decrease in serviceability of roads and escalation in maintenance costs				

OFFICER'S COMMENTS

Council has many competing priorities for funding of failing and damaged assets in the road network. These works have gone through a process of identification and assessment to apply for state government funding under a specific program to address storm damage.

The state of councils assets including the backlog of road seal and pavement assets is well documented and known. Delaying these works will add to the substantial renewal and repair backlog.

OFFICER'S RECOMMENDATION

That Council progress with the emergency repairs and allocate identified funds from the additional income sources to commence works on the outstanding repairs identified under this TRRA grant submission this financial year.

DECISION 37/22

Moved Clr Grant Robinson, seconded Clr Michael Symons:

That Council progress with the emergency repairs and allocate identified funds from the additional income sources to commence works on the outstanding repairs identified under this Tasmanian Relief and Recovery Arrangements grant submission this financial year.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

8.6 Code for Tenders and Contracts Review

Author: Director Works & Infrastructure (Peter Porch)

Responsible Officer: General Manager (Greg Ingham)

ATTACHMENT/S

1. Draft 2021 Code-for- Tenders-and- Contracts (1) [8.6.1 - 16 pages]

PURPOSE

To provide an updated draft of Council's Code for Tenders and Contracts in accord with council's policy review goals.

BACKGROUND/OVERVIEW

Council has a Code for Tenders and Contracts in order to meet compliance with Section 28 of the Local Government Regulations. Irrespective of the statutory requirement, there are good principles, expressed in the Regulation, for adopting such a code.

Council's present version of the code was due for review in 2018. In planning for reviewing all policy the administration became aware that the Local Government Association of Tasmania (LGAT) were reviewing the code and proposing to provide a template for councils to consider for adoption. That template became available and with minimal addition, has been developed for council's determination.

The proposed version has minimal amendment to the LGAT template provided. The main change is the inclusion of a summary table of the expenditure thresholds for improved clarity. Dollar values for the various thresholds are at council's discretion except for the \$250,000 written quotation value contained in points 28 (h) and 28 (i).

Section 23 of the Local Government Regulations also nominates the \$250,000 threshold with reference to the public tender process:

23. Public tenders

(1) For the purpose of section 333A(1) of the Act, the prescribed amount is \$250 000 (excluding GST).

Proposed thresholds for the range of purchasing methods represent a balance between evaluation of risk and difficulties in securing of services in the lower end of the market where the technical expertise of contractors relating to administration often falls short. Any complexity of contractual documentation is avoided by many smaller contractors who often comprise the available pool of trades for a project.

Section 28 of the Regulations provides the following direction with respect to the development and adoption of a code:

28. Code for tenders and contracts

The code adopted under [section 333B](#) of the Act is to –

(a) promote the following principles:

- (i) open and effective competition;
- (ii) value for money;
- (iii) enhancement of the capabilities of local business and industry;
- (iv) ethical behaviour and fair dealing; and

(b) establish and maintain procedures to ensure that all potential suppliers are provided with the same information relating to the requirements of a tender or contract and are given equal opportunity to meet the requirements; and

(c) establish and maintain procedures to ensure that fair and equal consideration is given to all tenders or quotations received; and

(d) establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers; and

(e) establish and maintain procedures to ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers; and

(f) seek to minimise the cost to suppliers of participating in the tendering process; and

(g) protect commercial-in-confidence information; and

(h) for contracts valued at under \$250 000 (excluding GST), specify when 3 written quotations are required; and

(i) establish and maintain procedures for the use of multiple-use registers for contracts valued at under \$250 000 (excluding GST); and

(j) establish and maintain procedures for reporting by the general manager to the council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used; and

(k) establish and maintain procedures for the review of each tender process to ensure that it is in accordance with these regulations and the code; and

(l) establish and maintain procedures for the following:

- (i) amending or extending a tender once it has been released;
- (ii) opening tenders;
- (iii) the consideration of tenders that do not fully conform with the tender requirements;
- (iv) the debriefing of unsuccessful tenderers;
- (v) handling complaints regarding processes related to the supply of goods or services.

The code requires some support from operational procedures which have either been developed to support the existing code or will require review and possible amendment for the new code if adopted.

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

- Set realistic budgets and monitor income and expenditure closely.

STATUTORY IMPLICATIONS

Local Government Act 1993, S333(b)

Local Government Regulations 2015, Part 3, Tendering and Contracting

BUDGET IMPLICATIONS

There are no budget implications associated with adoption of the code revision.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation			Low	Implement the code.
Administer expenditure accordingly				
Do not adopt the recommendation	Inconsequential	Certain	High	Continue to manage and refer to the existing version
Further workshop any concerns with the proposed draft and re-present to council for consideration				

OFFICER'S COMMENTS

The proposed draft has been discussed in a recent council workshop to identify any concerns and the document is now being proposed for adoption.

OFFICER'S RECOMMENDATION

That council adopt the proposed draft Code for Tenders and Contracts.

DECISION 38/22

Moved Cllr Rob Churchill, seconded Cllr Keith Breheny:

That Council adopt the proposed draft Code for Tenders and Contracts.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

8.7 Coles Bay Half Request for Assistance and Road Closure

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Works and Infrastructure (Peter Porch)

ATTACHMENT/S

1. Coles Bay Triathlon - Application to use Council reserve [8.7.1 - 16 pages]

PURPOSE

Recommendation for Council to approve expenditure and road closure to support the Coles Bay Half-Triathlon community event.

BACKGROUND/OVERVIEW

Council periodically provides a level of support via cash and/or in-kind to community events. Other events drawing on support include the Freycinet Challenge, The Seafarer's Memorial Service (which is also supported by a Section 24 committee), Bicheno Beams, Bicheno Food & Wine Festival, Festival of Voices and others.

Council has received an application to support the Coles Bay Half-Triathlon scheduled for 5th of March 2022, subject to any Covid restrictions in place at that time. Council has been pleased to support this event for the last 12 years with the following contributions in recent years 2020 \$1,500, 2019 \$2,000, 2018 \$2,000, 2017 \$3,000.

Atlas Events Pty Ltd are a not for profit organisation and have recently acquired the rights to run the Coles Bay Half-Triathlon. The event is a swim, cycle, run endurance activity and provides mental and physical health benefits to participants and provides an opportunity for all fitness levels to engage.

The event draws visitors to the Coles Bay area and showcases the region. With the Covid induced reduction in visitation to the coast, the event will provide a significant impetus to local businesses. Much is discussed about the resilience of community and the impact of reduced visitation to community relationships as well as business from the interruptions to normality caused by the pandemic. This event will provide a stimulus to business and an interruption to the psychosocial malaise to positively impact the community.

The application has been received from Todd Skipworth, Director at Atlas Events seeks support from Council for a contribution towards running of the event to the value of \$1,500 in cash plus in-kind support.

The current request incorporates the following:

1. Cash contribution of \$1,500 towards promoting the Coles Bay Triathlon on social media and marketing campaigns.
2. In-kind support with approximate value of \$2,150 to help with:
 - Permit & Application Fees waived; includes access permission on council land and advertising for the road closure approx \$500.00.

- Waste Removal (labour); Waste removal includes provision of wheelie bins and liners and labour approx \$450.00.
- Use of Green Space; may include some tidy up after the event and minimal pre-event activity which if not excessive can be incorporated in standard work schedules.
- Portable toilet hire (third party expense); 2021 cost \$1,200 plus attendance over the day.
- Council's public toilets will require additional attendance and cleaning on the day

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

- Set realistic budgets and monitor income and expenditure closely.

STATUTORY IMPLICATIONS

The organizer, Atlas Events Pty Ltd requires the partial closure of The Esplanade, Coles Bay, between Coles Bay Road and Jetty Road between 9.00am and 3.00pm on Saturday the 5th March 2022. Shared road closure will incorporate access for local traffic managed by SES.

The Local Government (Highways) Act 1982 requires Council approval to be provided for partial or full road closure for public functions like this event in consultation with the Commissioner of Police. The Commissioner of Police has provided approval for the event already.

There are statutory implications associated with the approval for the event with respect to use of the road reserve. Two roads are used at this event, the major road is managed by the Department of State Growth who have provided approval, and The Esplanade is contained within a parcel of land managed by Parks and maintained by 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

Council has a modest budget allowance each for small grants and events. Several of each have been approved to date and the table below includes a summary of expenses to January 2022.

	Small Grant	Events
Budget	25,000	30,000
Approvals for 7 months YTD	14,800	3,600
Balance Available	10,200	26,400

RISK CONSIDERATION/S

There are a number of risks to Council associated with approval of events and permitting use of road reserves and public open space. These are managed through standard operational processes and following the statutory processes.

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation for road closure	Unlikely	Moderate	Moderate	Manage expected risks through event management plan, event strategies and statutory processes.
Risk of incident involving vehicles and pedestrians				
Do not adopt the recommendation for the road closure	Almost Certain	Major	Extreme	No mitigation available
Event may not proceed, or may proceed without road closure increasing uncontrolled interaction between participants and traffic.				
Adopt the recommendation for funding	Rare	Insignificant	Nil	No mitigation necessary
Event managers funding plan supported				
Do not adopt the recommendation for funding	Unlikely	Major	High	
Event unable to obtain adequate funding to meet basic event needs.				

OFFICER'S COMMENTS

Events are important to the community and particularly as we seek to emerge from the shadow of Covid 19 to provide a focus and distraction from the associated restrictions.

The road closures have been carried out previously and managed through the SES with great success and it is recommended that council approve the partial road closure as requested.

It is the council officer's advice to not engage with third party equipment hire for events where Council is not the organiser, such as for toilet hire, due to associated logistics, maintenance, cleaning duties, risk of damage and safety protocol supervision. If it is considered appropriate a financial contribution towards the cost may be more suitable.

It is expected that Council logos be displayed on marketing material on line and at the event.

OFFICER'S RECOMMENDATION

1. That Council approves the part road closure of The Esplanade, Coles Bay, between Coles Bay Road and Jetty Road between 9.00am and 3.00pm on Saturday the 5th March 2022 for the organizer, Atlas Events Pty Ltd, to conduct the Coles Bay Half Marathon event, and that Council advertise the road closure in accordance with policy.

2. That Council approve the application from Atlas events Pty Ltd for Coles Bay Half-triathlon event assistance to the value of \$2,450 in the form of:
 - a. \$1,500 cash to assist with marketing and communications;
 - b. In kind support to supply and empty wheelie bins around the course valued at \$450 and;
 - c. In kind support to waive fees for permit application incorporating advertising for road closure valued at \$500.
3. That Council consider to further support the Coles Bay Half-triathlon by providing \$1,200 cash funding to the organizer for the purpose of portable toilet hire. This would bring the total support to \$3,650.

DECISION 39/22

Moved Deputy Mayor Jenny Woods, seconded Clr Cheryl Arnol:

1. That Council approves the part road closure of The Esplanade, Coles Bay, between Coles Bay Road and Jetty Road between 9.00am and 3.00pm on Saturday the 5th March 2022 for the organizer, Atlas Events Pty Ltd, to conduct the Coles Bay Half Marathon event, and that Council advertise the road closure in accordance with policy.
2. That Council approve the application from Atlas Events Pty Ltd for Coles Bay Half-triathlon event assistance to the value of \$950 in the form of:
 - a. In kind support to supply and empty wheelie bins around the course valued at \$450 and;
 - b. In kind support to waive fees for permit application incorporating advertising for road closure valued at \$500.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

8.8 Insurance for Crime and fraud protection - Premium increase

Author: Director Corporate & Community (Elysse Blain)

Responsible Officer: Director Corporate and Community (Elysse Blain)

ATTACHMENT/S

1. Crime Insurance Policy Summary for Council Meeting Feb 2022 [8.8.1 - 2 pages]

PURPOSE

To inform Council of the significant increase in annual cost of Crime and Fraud insurance renewal from \$7,860 last year to \$13,321.

BACKGROUND/OVERVIEW

Crime and Fraud insurance covers theft from the premises or by employees or whilst in transit, forgery, computer fraud, funds transfer theft, counterfeit currency fraud and credit card fraud.

In the recent past Local Government Association Tasmania (LGAT) have managed the provision of this insurance on behalf of Tasmanian local councils. Post the Hayne Royal Commission in 2021 a large array of changes to the regulatory environment in which Insurers, Brokers, Intermediaries and Distributors of policies operate have been implemented effective 5 October 2021. Implications of this were beyond the scope of LGAT's charter therefore for the current renewal period, LGAT have asked Council insurance broker Jardine Lloyd Thompson (JLT) to liaise directly with Members on the Commercial Crime program.

Commercial Crime insurance has continued to see an increase in claims activity over the past 12-24 months. Multiple factors have contributed to this, including the impact of the pandemic and social engineering fraud. Companies' risk control procedures have been tested, while employees work remotely as a result of the pandemic. While these risk mitigation protocols may be effective in an office environment, this has not necessarily translated to a remote workforce. As a result, insurers in the first half of 2021 insurers have sought increases in premium, larger deductibles, reduced limits and restrictions in cover where insured's are not able to demonstrate adequate risk controls and/or appropriate segregation of duties.

JLT have observed some insurers unwillingness to continue to offer "any one loss" cover, reverting to an "aggregate" limit basis. This has resulted in some significant increases in premiums and deductibles, and has increased focus around internal controls and fraud awareness and avoidance. JLT has secured insurance through Chubb Insurance who have offered insurance as a package to all Councils. The premium and excess has been determined in consideration of information from the market and feedback from questionnaires from each Councils that outlines their anti fraud controls.

JLT recommend placement of the Crime Insurance Programme with Chubb for the following reasons: 1. Coverage written on an "any one loss basis", with no aggregate limit; 2. Clarity on Social Engineering Fraud Coverage rather than post-loss uncertainty depending upon control

environment; 3. Lower minimum retentions across the program; and 4. Lower pro-rata premium for 18 Month cover.

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

- Set realistic budgets and monitor income and expenditure closely.

STATUTORY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Budget was set per the previous year premium of \$7,860. The renewal value for the same cover and same excess is \$13,321, over budget by \$5,461.75.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation			Low	Will need to be conservative with other purchases. Adopt controls that attempt to minimise opportunity for fraud.
Additional cost for this insurance cover may impact limited budget expenditure elsewhere.				
Do not adopt the recommendation	Possible	Moderate	Moderate	invest cost savings in fraud prevention expertise and best practice controls.
Accept the risk to self insure or locate alternative insurance that suits the budget limitations.				

OFFICER'S COMMENTS

This insurance renewal was received late this year due to the changes between LGAT and JLT. As the premium was considerably larger than the previous year, it was requested for JLT to investigate the basis upon which the insurer has determined the premium particularly for such a small council with relatively low risk. The resulting premiums and excess are reflected in the table below. The comparison information for the previous period insurance cover and

the proposed cover comprises 4 options, like for like, increase excess, reduce cover, reduce cover increase excess.

Proposed Change	Excess	Sum insured	Period	18 mth Premium	Premium 12 mth equiv	Note	% increase	Variance
Previous Period	\$25,000	\$1,000,000	1 Jan 21-1 Jan 22		\$7,860.00			
Proposal 1	\$25,000	\$1,000,000	1 Jan 22-30 Jun 23	\$19,982.63	\$13,321.75	Same sum insured, same excess	69%	\$5,461.75
Proposal 2	\$50,000	\$1,000,000	1 Jan 22-30 Jun 23	\$18,006.94	\$12,004.63	Increase excess	53%	-\$1,317.12
Proposal 3	\$25,000	\$500,000	1 Jan 22-30 Jun 23	\$14,053.84	\$9,369.23	Reduce sum insured	19%	-\$3,952.52
Proposal 4	\$50,000	\$500,000	1 Jan 22-30 Jun 23	\$12,670.47	\$8,446.98	Reduce sum insured, Increase excess	7%	-\$4,874.77

It is the understanding that there are limited insurers who are prepared to offer this cover for councils. Therefore options for cover are limited to this proposal, finding another insurer or self insuring. It is noted that this insurance does not cover cyber crime.

Feedback from other councils have indicated that they're not impressed with the substantial increase either. It is anticipated that if these increases continue for future years alternative risk mitigation options may need to be considered from the perspective of value for money and likelihood of occurrence.

OFFICER'S RECOMMENDATION

That Council agree to continuation with Crime and Fraud insurance cover through payment of the Chubb Insurance for the 18 month policy covering January 2022 to June 2023.

DECISION 40/22

Moved Cllr Cheryl Arnol, seconded Cllr Grant Robinson:

That Council agree to continuation with Crime and Fraud insurance cover through payment of the Chubb Insurance premium for the 18 month policy covering January 2022 to June 2023.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

9 NOTICES OF MOTION

Nil.

10 PETITIONS

Nil.

11 QUESTIONS FROM COUNCILLORS

11.1 Questions on Notice by Councillors

Nil.

11.2 Questions Without Notice by Councillors

Deputy Mayor Jenny Woods

I know that I have spoken about this to Council in the past but I'm not sure that it has been in this forum. I have two questions/requests on this matter.

Q1. *The safety of the Orford Bridge for pedestrian use. I walk over this bridge as do many. This bridge is on a major highway and although the speed limit is 60klm p/h, it is very concerning to me and others about the safety to pedestrians. There is no safety rail to stop pedestrian, that being old or young user, from tripping or falling on to the road, into traffic. It has been said that if there is a safety rail put there it would not be to regulation standards, is it as it is now regulation standards? And yes, I'm aware that there hasn't been an accident on the bridge but my question is, do we need to wait for it to happen or can we be proactive rather than re-active. We as Councillors heard at a workshop briefing, late last year, about the safety upgrades to the Tasman Bridge at a huge cost to taxpayers. Can we at least start conversations with State Growth around this issue and advocate for the safety of our community?*

Q2. *The safety of pedestrian and bike riders entering the Orford Bridge from the walkway at the Triabunna end of the Bridge. Users almost have to go onto the road with no safety barriers up and cars seem to wizz around the corner, and you don't know they are coming. I have become increasingly aware of this as I often walk my grandchildren to the park.*

I have another request which has been asked from a local and again it revolves around safety.

Q3. *Since the Blue Waters hotel have improved their car parking area at the front it is now very hard to back out onto the road from the parking area outside the bottle shop. Is there a possibility to investigate the installation of a curved mirror for people to use when needing to back out onto the road?*

Response from General Manager, Greg Ingham

The General Manager will provide a written response for Ordinary Council Meeting to be held on Tuesday 22 March 2022.

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 25 January 2022

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

RECOMMENDATION

That Council moves into Closed Session at [time].

DECISION 41/22

Moved Cllr Keith Breheny, seconded Cllr Cheryl Arnol:

That Council moves into Closed Session at 3.47pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 8/0

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

Against: Nil

The Mayor confirmed that the recording had been terminated.

13 CLOSE

The Mayor declared the meeting closed at 3.51pm

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young