



GLAMORGAN SPRING BAY
COUNCIL

Special Meeting Minutes

For the Special
Meeting of Council
held **via remote
conference**

8 May, 2020

NOTICE OF SPECIAL MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council to be held on Friday 8 May 2020 commencing at 7.00pm **via remote video conference**.

Please note in response to COVID-19 social gathering regulations, members of the public will be unable to attend the meeting.

Dated this Monday 4 May 2020.



**Marissa Walters
ACTING GENERAL MANAGER**

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and**
- 2. Where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from any appropriately qualified or experienced person. "**

Note: Section 65 of The Local Government Act 1993 states:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.**
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council or council committee.**



**Marissa Walters
ACTING GENERAL MANAGER**



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Please Note: Due to limits imposed on public gatherings for coronavirus (COVID-19) this meeting will be held via remote conference. Members of the public will be unable to attend the meeting.

Audio/Video Recording of Ordinary and Special Meetings of Council

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.

In response to COVID-19 social gathering regulations, this meeting will be held remotely via video conference. Where possible a live stream of the meeting will be made available.

In accordance with the GSBC Council Meetings – Audio/Visual Recording and Live Streaming Policy No. 6.2, a recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website within five business days of 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.

1. Opening

The Mayor welcomed Councillors and staff and declared the meeting open at 7:02pm.

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 (via remote conference)

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

1.3 In Attendance (via remote conference)

Mrs Marissa Walters, Acting General Manager
Mr Mick Purves, Contract Planner
Ms Josie Higgins, Executive Officer

1.4 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.

Nil.

2. Officers' Reports Requiring a Decision

2.1 TEMPUS PLANNING APPLICATIONS – DETERMINATION OF BASE APPLICATION FEE

Responsible Officer: Senior Planning Consultant for Acting General Manager

The purpose of this report is to determine the base application fee for the planning applications for the Tempus proposal at the intersection of Mount Pleasant Road and Tasmanian Highway, on part of RA12371 Tasman Highway, Swansea.

Background / Overview

Council will recall ongoing discussions regarding the planning applications for the Tempus retirement community at Tasman Highway/Mount Pleasant Road, south of Swansea.

The proponents now wish to make an application for the planning scheme amendment, subdivision and stage 1 of the overall proposal. The applicant advised that stage 1 is likely to have a project value of \$8 Million.

Assessment of the proposal against Council's fee schedule provides the following summary:

Development fees	\$
Base application fee: \$1 Million + POA	POA
Scaled assessment fee \$7,975 x 1.65	13,159
Subdivision – 2 lots + Balance	0
Subdivision Base fee	520
2 lots + balance \$53 each	106
Discretionary application fee	400
Planning Scheme Amendment	0
Notification fee	1,030
Planning scheme amendment fee	13,000
Total	28,215 + POA

The Base application fee applies to all applications and provides as follows:

Base Application Fee (Applicable to All Applications)	
<\$10,000 value of works	\$75
> \$10,000 value of works	\$130
>\$1,000,000 value of works	P.O.A

During research for the application, it was determined that the existing delegations to the General Manager do not authorise the setting of fees for this type of application under section 205 of the *Local Government Act 1993*.

A report was therefore required for determination by Council.

The proposal is substantial in extent (total value estimated at \$84 Million). There is potential that the project will be contentious in terms of the local community and assessment by the Tasmanian Planning Commission.

Following a review of similar types of fees with other councils and a workshop, it was determined that the Base Application Fee should be charged at the rate of \$2 per \$1000 development cost. On the available information, this generates a fee of \$16,000.

Total application fees for the application would therefore be \$44,215.

It is understood that the structure base application fees will be reviewed for the coming financial year.

Statutory Implications

Rates and charges of Council are regulated under Part 12 Division 7 of the *Local Government Act 1993*. Delegations are regulated under section 22 of the same.

Delegations provided to the General Manager at the October 2019 meeting do not provide authority to establish and set fees under section 205 of the *Local Government Act 1993*. Determination of a fee designated as POA therefore requires a decision of Council.

Budget Implications

Budget implications that relate to the decision before Council can be addressed through the principle of cost recovery. However, costs to Council are likely to be substantive in each of the respective phases of the process: the initial assessment; notification and assessment of representations; Commission assessment and public hearings. It is estimated that the proposed fees will cover in the order of 70-85% of Council's anticipated costs of the planning process for this initial development application.

Risk Considerations

Identified risks to Council relate to:

- the delivery of the statutory process;
- refusal of the proposal by the Tasmanian Planning Commission; and
- Council subsidizing of parts of the planning assessment process.

Risk for the statutory process can be managed through obtaining qualified and experienced advice to support the required decisions and following the statutory process.

Refusal of the proposal by the Commission is a risk largely beyond Council's management.

The structure of the proposed fees provides for a measure of cost recovery by Council and therefore is expected to minimize risks to the organisation and community to the best extent that is reasonably possible.

Conclusion

Determination of the fee is required to allow an invoice to be raised for the project. A recommendation was provided to enable this.

Recommendation

That Council:

- a. pursuant to Section 205 of the *Local Government Act 1993*, sets a Base Application Fee of \$2.00 per \$1000 development cost for the planning application for Tempus, to be lodged on part of RA 12371 Tasman Highway, Swansea; and
- b. this fee remains valid for the balance of the 2019/2020 financial year.



Decision 156/20:

Moved Cllr Keith Breheny, seconded Cllr Annie Browning that Council:

- a. pursuant to Section 205 of the *Local Government Act 1993*, sets a Base Application Fee of \$2.00 per \$1000 development cost for the planning application for Tempus, to be lodged on part of RA 12371 Tasman Highway, Swansea; and
- b. this fee remains valid for the balance of the 2019/2020 financial year.

The motion was put and carried unanimously 8/0

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

Against: Nil

3. Confidential Items (Closed Session)

Nil.

4. Close

The Mayor declared the Special Meeting closed at 7:09pm.

CONFIRMED as a true and correct record.

Date:

Mayor Debbie Wisby

The recording of the meeting was switched off.