



ORDINARY COUNCIL MEETING MINUTES

TUESDAY 22 AUGUST 2023

2:00 PM

Council Chambers, Triabunna

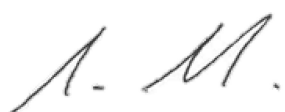
NOTICE OF MEETING

Notice is hereby given that the next Ordinary Council Meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday 22 August 2023, commencing at 2:00 pm.

QUALIFIED PERSON CERTIFICATION

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

Dated this Thursday 17 August 2023



Greg Ingham
GENERAL MANAGER

IMPORTANT INFORMATION

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

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

TABLE OF CONTENTS

1	OPENING OF MEETING	5
1.1	Acknowledgement of Country	5
1.2	Present	5
1.3	Apologies and Leave of Absence.....	5
1.4	In Attendance.....	5
1.5	Late Reports	5
1.6	Declaration of Interest or Conflict.....	6
2	CONFIRMATION OF MINUTES.....	7
2.1	Ordinary Meeting of Council - 25 July 2023	7
2.2	Date and Purpose of Workshop(s) Held.....	8
3	PUBLIC QUESTION TIME	10
3.1	Questions on Notice.....	10
3.2	Questions Without Notice.....	10
4	PLANNING AUTHORITY SECTION	12
4.1	DA2023/00055 - 1100 Coles Bay Rd, Coles Bay - Visitor Accommodation, Cafe, Cellar Door and Dwelling	13
4.2	Draft Amendment AM2023-01 – Glamorgan Spring Bay Local Provisions Schedule – Rezone 155 Rheban Road, Orford & 90-lot subdivision –Representations	35
5	FINANCIAL REPORTS.....	45
5.1	Financial Report period ending July 2023	45
6	SECTION 24 COMMITTEES	47
7	INFORMATION REPORTS	48
7.1	Director Works and Infrastructure - Peter Porch	48
8	OFFICERS' REPORT REQUIRING A DECISION.....	53
8.1	Request for Event Support - Freycinet Challenge 2023	53
8.2	Community Small Grant Application - Freycinet Volunteer Marine Rescue Association Inc	58
9	NOTICES OF MOTION.....	62
10	PETITIONS	63
11	COUNCILLORS.....	64
11.1	Questions on Notice by Councillors	64

11.2 Comments/statements	64
12 CONFIDENTIAL ITEMS (CLOSED SESSION)	65
13 CLOSE	66

UNCONFIRMED

1 OPENING OF MEETING

The Mayor welcomed Councillors, staff and members of the public and declared the meeting open at 2:01 pm.

1.1 Acknowledgement of Country

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

1.2 Present

Present:

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

1.3 Apologies and Leave of Absence

Clr Greg Luck (Approved Leave of Absence)

1.4 In Attendance

General Manager, Mr Greg Ingham
Executive Officer, Mrs Jazmine Kerr
Director Planning and Development, Mr Alex Woodward
Director Works and Infrastructure, Mr Peter Porch
Senior Planner, James Bonner
Senior Planning Consultant, Mick Purves
Community and Communications Officer, Eliza Hazelwood

1.5 Late Reports

(Motion to receive required)

Nil.

4.2 Draft Amendment AM2023-01 – Glamorgan Spring Bay Local Provisions Schedule – Rezone 155 Rheban Road, Orford & 90-lot subdivision –Representations

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

Responsible Officer: Director Planning and Development

ATTACHMENT/S

1. Plan of subdivision
2. Draft Planning Permit AM2023-01
3. Representations
4. 40K Report - Draft Amendment AM2023-01

PURPOSE

The purpose of this report is for the Planning Authority to consider the 27 representations that were received to the exhibition of AM2023-01 to the Tasmanian Planning Scheme – Glamorgan Spring Bay (Scheme) to rezone land at 155 Rheban Road from Future Urban to General Residential and approve a subdivision of the land for residential purposes, as shown in Attachment 1 to this report.

BACKGROUND/OVERVIEW

The Planning Authority will recall that AM2023-01 was initiated and certified at its meeting on 28 March 2023. The Planning Authority supported the proposed subdivision and determined to approve it subject to 46 conditions.

The following attachments were provided for this report:

1. the plan of subdivision that supports the application
2. draft Planning Permit AM2023-01
3. Copies of Representations
4. 40K Report draft Amendment AM2023-01.

STRATEGIC PLAN REFERENCE

Guiding Principles

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

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

- Division 3B – Amendments to LPS's
- 40G. Notice of exhibition
- 40H. Exhibition
- 40J. Representations
- 40K. Report to Commission about draft amendments
- 40Z. Exhibition in respect of permit application
- 41. Representations
- 42. Report in relation to draft amendment of LPS to contain representations

AM2023-01 and the associated draft planning permit were exhibited for the statutory period of 28 days in accordance with the requirements of sections 40 G, H and Z of the Act, from 2012 April to 12 May 2023.

Sections 40K and 42 of the Act require that the Planning Authority submits a report on the representations that were received addressing the following:

- a. A copy of each representation received during the exhibition period;
- b. A copy of each representation that was received *after* the exhibition period, that the Planning Authority decides to include;
- c. A statement on the merit of the representation regarding:
 - i. whether the draft amendment should be modified as a result of the representation; and
 - ii. the effect on the draft amendment and the Scheme, as a result of the recommendation;
- d. A statement on compliance with the LPS criteria (defined at section 34 of the Act);
- e. Any recommendations about the draft amendment the planning authority thinks fit.
- f. A statement on each representation against the subdivision regarding:
 - iii. The merits of the representation against the subdivision; and
 - iv. whether the decision on the subdivision should be modified as a result of the representation; and
- g. The recommendations about the subdivision the planning authority thinks fit.

The detailed analysis and responses to these requirements were provided in the 40K Report on Representations provided as Attachment 4 to this report.

BUDGET IMPLICATIONS

Ongoing maintenance of the Scheme was addressed as part of Council's operational budget.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation				None required.
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	Seek an extension of time from the Commission
The statutory deadline will expire.				
The 40K Report is not provided to the Commission	Possible	Moderate	Moderate	The Commission may take over the Planning Authority functions under the Act.

OFFICER'S COMMENTS

The majority of representations oppose the proposal, in part or completely. Copies of the representations were provided as an attachment to this report, along with the 40K Report that provided a detailed assessment of the issues raised within the representations.

A summary of the issues that were raised in the representations follows.

LUPA, RLUS & Structure Plan, Previous amendment and associated issues

- Whilst on part of the previous site, the application is similar to the recent proposal refused by the Commission and disregards the relevant Commission findings (i.e., number and size of lots).
- The proposal is inconsistent with the objectives of the Act (i.e., sustainable development, orderly release of land, health and wellbeing, encourage public involvement).
- Inconsistent with STRLUS (i.e., growth scenario, Orford strategy).
- Opposing assertions that the Structure Plan and STRLUS are out of date.

Access to other services

- The lack of facilities for medical care and healthy communities and impacts on rural based health services, difficulties recruiting health practitioners and existing limitations on doctor services in the area;
- The general lack of availability of services at Orford;

Demographics

- The proposal and SGS report have not demonstrated demand and have not had regard to recent lot creation (Solis, Holkham, Bayport).
- Proposal likely to result in more holiday homes rather than permanent residents.

Amenity/Character/Suitability

- The proposed lots are too small and will result in over-development, changing the existing low-density character of the area to suburban residential and detracting from the character of Orford generally.
- Oppose development in existing POS areas.

Infrastructure

- Inadequate infrastructure (i.e., public open space, traffic management [during construction and ongoing], parking, pedestrian paths) leading to increased costs to ratepayers and the community.
- Inadequate infrastructure (i.e., water supply, sewer, NBN) which struggles at peak/dry/flood times.

Roads

- Roads should be wider and redesigned to provide improved safety and to satisfy performance criteria.
- More consideration of holiday period impacts.

Stormwater flooding

- Failure to comply with Coastal Erosion Hazard Code and Tasmanian Stormwater Policy
- No Stormwater Management Report to demonstrate that proposed stormwater services will be adequate and not adversely impact neighbours or East Shelly Beach.
- Flooding impacts are not properly considered – uses old data and proposal not consistent with limitations identified in the Aldanmark and Flussing reports.
- Proposal will not comply with conditions or meet predevelopment flows for 1%AEP event.

Sewerage

- The existing sewerage treatment plant has odour issues – greater impact on existing residents.
- Questioning whether the treatment plant can cope with additional loads and not overflow and contaminate East Shelly Beach in high rainfall events.
- Contesting compliance with the Attenuation Code – reports did not consider future population estimates and upgrades to the treatment plant.

Flooding, Coastal & Erosion

- Failure to comply with Coastal Erosion Hazard Code and Tasmanian Coastal Works Manual, and likely failure to comply with conditions.
- Contesting capacity of existing stormwater systems to cope, the site is prone to flooding which will increase with climate change.
- Proposal relies on mitigation rather than design solutions to address natural hazards.

Vegetation

- The lack of a flora or fauna report to consider vegetation removal (notably the existing Eucalyptus Ovata on site);
- Lots too small to promote replacement tree planting.

Other Issues

- Lots should be larger.
- More public open space required.
- Limiting the use of caravans on the lots;
- Limiting development on lots adjoining properties to East Shelley Beach Road to single-story development.
- Contesting the loss of local landscape and environmental values that were unique to the area.
- Contesting the lack of substantial independent analysis.
- The lack of medical facilities in the area and provision for affordable housing,

AM2023-01 followed an extended process where the strategic future development of the subject land for urban residential purposes was supported by the Council. The previous rezoning and subdivision application was refused by the Commission in July 2019 for a range of reasons including:

- Failure to comply with the low growth strategy and consolidation growth scenario defined for Orford in the Southern Tasmanian Regional Land Use Strategy (RLUS);
- The Commission was not satisfied there was not a 15-year supply of land available in Orford, as defined Triabunna/Orford Structure Plan (Structure Plan) and as a result, the proposal did *not* represent orderly development and created a potential oversupply if infrastructure issues were resolved elsewhere in the Structure Plan area;
- While the application was not inconsistent with the relevant state policies, it was not consistent with the Schedule 1 Objectives under the Act; and
- As a result, the amendment was refused as it was not consistent with the RLUS and did not represent an orderly release of land.

Since that decision, the following occurred:

- Additional demographic data was provided in the *Orford Residential Capacity and Demand Analysis* by SGS Economics and Planning (SGS Report), which included a detailed assessment of demand based on approval and growth rates up to 2021 and expert assessment of the potentially available lots through further subdivision in the existing zoned lands;
- Council endorsed the Addendum to the Triabunna/Orford Structure Plan, which reflected the SGS Report findings and identified that a High Growth Strategy to meet the demonstrated demand at Orford;
- The RLUS was revised by the Minister for Planning to address the dated nature of demand projections across the southern region by inclusion of SRD1.1A, to enable consideration of up to date demographic data;
- The Local Provisions Schedule confirmed the Future Urban zoning of the lands; and
- The 2021 Census data became available, confirming the assessment and projections within the SGS Report.

As in 2019, many locals oppose the rezoning and subdivision of this land under AM2023-01.

As a result of the analysis in the SGS Report, insertion of SRD1.1A to the RLUS, revisions to the Structure Plan and 2021 Census data, many of the reasons that generated the 2019 refusal by the Commission are no longer relevant.

This issue also arose during the exhibition and assessment of the Local Provisions Schedule that supports the Scheme. Multiple representations objected to application of the Future Urban zone under that process, which the Council did not support and ultimately saw the Commission zone the land Future Urban under the Local Provisions Schedule, as noted in the following extract of the decision:

- 94. The Commission considers that the planning authority is being prudent to effectively reserve the site for future consideration for residential development. Application of the Future Urban Zone will achieve this and ensure that there are no actions taken that will constrain the potential for the future use of the land. Should the planning authority seek to rezone the land for residential purpose in future, issues associated with the development of the land such as mentioned by the planning authority in its section 35F report can be considered in any assessment of the rezoning application.*
- 95. The Commission considers that the primary objective in applying the Future Urban Zone should be to identify potential land for future urban use, noting the application of the zone should not compromise existing residential uses and overall demand within the planning area.*
- 96. The location of the land in Orford indicates that it is prudent planning to establish a zone such as the Future Urban Zone, to prevent uses and development occurring on the land which would preclude a future consideration of the most appropriate use for the land, residential use clearly being a possibility.*
- (Source: P15, Tasmanian Planning Commission, Decision, Local Provisions Schedule, Glamorgan Spring Bay 4 February 2022)

While many of the concerns raised by the representors were determined to have merit, two changes were identified following assessment of the representations as follows:

- Revise AM2023-01 to establish an overlay for the attenuation buffer for the Orford Sewage Treatment Plant based on the attenuation reports provided as part of the application and terminated at the southern boundary of Rheban Road; and
- Revise condition 3 of Draft Planning Permit AM2023-01 as follows:
The POS shown on the Lot Layout Plan must be set aside for drainage on the Final Plan, when submitted.

A discussion of the issues and detailed response to the representations was provided as in the Section 40K Report provided as Attachment 4 to this report. A recommendation was provided to reflect this assessment.

16. Recommendation

That:

Pursuant to Sections 40k and 42 of the *Land Use Planning and Approvals Act 1993* the Planning Authority:

1. Endorse Attachment 4: *40K Report - Draft Amendment AM2023-01 v1.1* as its report on AM2023-01 in accordance with Sections 40K(2) and 42 of the Act; and
2. Recommend to the Tasmanian Planning Commission that AM2023-01 be modified establish an overlay for the attenuation buffer for the Orford Sewage Treatment Plant based on the attenuation reports provided as part of the application and terminated at the southern boundary of Rheban Road; and
3. Recommend to the Tasmanian Planning Commission that condition 3 of Draft Planning Permit AM2023-01 be amended as follows:
The POS shown on the Lot Layout Plan must be set aside for drainage on the Final Plan, when submitted.

42



DECISION 174/23

Moved Clr Jenny Woods, seconded Clr Neil Edwards:

That:

Pursuant to Sections 40k and 42 of the *Land Use Planning and Approvals Act 1993* the Planning Authority:

1. Endorse Attachment 4: *40K Report - Draft Amendment AM2023-01 v1.1* as its report on AM2023-01 in accordance with Sections 40K(2) and 42 of the Act; and
2. Recommend to the Tasmanian Planning Commission that AM2023-01 be modified to establish an overlay for the attenuation buffer for the Orford Sewage Treatment Plant based on the attenuation reports provided as part of the application and terminated at the southern boundary of Rheban Road; and
3. Recommend to the Tasmanian Planning Commission that condition 3 of Draft Planning Permit AM2023-01 be amended as follows:

The POS shown on the Lot Layout Plan must be set aside for drainage on the Final Plan, when submitted.

THE MOTION WAS PUT AND LOST 3/4

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons and Clr Neil Edwards

Against: Clr Rob Churchill, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Mayor Arnol adjourned the meeting at 3:09pm to seek further advice on this matter and advised that the meeting would reconvene at 3:25pm.

Mayor Arnol resumed the meeting at 3.29pm and sought a further motion for agenda item 4.2.

DECISION 175/23

Moved Deputy Mayor Michael Symons, seconded Clr Rob Churchill:

That the Planning Authority agenda item 4.2 be adjourned to the Special Council Meeting on Tuesday 5 September 2023.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Neil Edwards, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

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 176/23

Moved Clr Robert Young, seconded Clr Jenny Woods:

That Council no longer acts as a Planning Authority at 3:30pm

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Clr Rob Churchill, Clr Neil Edwards, Clr Carole McQueeney, Clr Jenny Woods and Clr Robert Young

Against: Nil

Director of Planning and Development, Mr Alex Woodward, Senior Planner, James Bonner and Senior Planning Consultant, Mick Purves left the meeting at 3:31pm.