

# **COUNCIL MEETING MINUTES**



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# Minutes

Held at the **Courthouse, Circle Street, New Norfolk on Thursday, 25 November 2021** commencing at **6.00 pm**

This meeting was held in accordance with the Minister's Order made pursuant to section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2021*, by telephone or other electronic means.

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***The meeting commenced at 6.00 pm.***

### **Audio Recording of Council Meetings Policy**

*The public is advised that it is Council Policy to record the proceedings of open meetings of Council on digital media to assist in the preparation of minutes, and to ensure that a true and accurate account of debate and discussion of meetings is available.*

*This audio recording is authorised by the Local Government (Meeting Procedures) Regulations 2015.*

### **Acknowledgement of Country**

*I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners, and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past and present.*

### **Conduct of Council Meeting**

*Derwent Valley Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.*

*These premises form part of Council's workplace and it is expected that everyone who attends Council meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.*

*The guidelines and protocols for conduct at Council meetings can be obtained upon entry.*

## **1. Record of Attendance/Apologies/Leave of absence**

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### **RECORD OF ATTENDANCE**

**Mayor Ben Shaw**

**Deputy Mayor Jessica Cosgrove**

**Cr Martin Evans**

**Cr Frank Pearce**

**Cr Julie Triffett**

**Cr Natasha Woods**

**General Manager Dean Griggs and the Executive Leadership Team**

### **APOLOGIES**

**Cr Paul Belcher**

**Cr Luke Browning**

### **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

### **NOTE:**

Under ***Division 3 - General Provisions 342 (1) of Local Government Act***, Councillor Evans' decisions made at the November 2021 meeting are deemed valid.

## 2. Confirmation of Minutes

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<b>NO:</b>	275/2021
<b>File:</b>	194

*A copy of the minutes has been previously circulated to Councillors prior to the meeting.*

**Moved by Cr Pearce / Seconded by Cr Cosgrove**

**That the minutes of the council meeting held on 28 October 2021 held at the Courthouse, Circle Street, New Norfolk be confirmed as a true record.**

***The motion was put and was CARRIED***

<b><i>Mayor Shaw</i></b>	<b><i>For</i></b>
<b><i>Cr Cosgrove</i></b>	<b><i>For</i></b>
<b><i>Cr Evans</i></b>	<b><i>For</i></b>
<b><i>Cr Pearce</i></b>	<b><i>For</i></b>
<b><i>Cr Triffett</i></b>	<b><i>For</i></b>
<b><i>Cr Woods</i></b>	<b><i>For</i></b>



### 3. Declaration of Pecuniary Interest and Interest by Members

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#### 3.1 Declaration of Pecuniary Interest

NO:	
File:	198

Nil

#### 3.2 Declaration of Conflict of Interest

NO:	276/2021
File:	203

**Cr Evans** - A standing perceived Conflict of Interest (at all Council Meetings) for concretes, aggregates and developments pertaining to, due to his work for Boral Concrete.

*Cr Triffett declared a conflict of Interest in Closed Agenda Item 3.3 – Derwent Valley 2022 Australia Day Awards (renumbered during the closed meeting to 3.1).*

*Cr Evans declared a conflict of Interest in Closed Agenda Item 3.1 – Tender 2021/006 Andrews Street Stormwater Upgrade (renumbered during the closed meeting to 3.3).*

*Cr Browning attended the Closed Council meeting at 7.05pm and declared a conflict of Interest in Closed Agenda Item 3.1 – Tender 2021/006 Andrews Street Stormwater Upgrade (renumbered during the closed meeting to 3.3).*

#### 4. Notification of Council Workshops

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<b>NO:</b>	277/2021
<b>File:</b>	194

#### Purpose

That the Council notes the Council Workshop date and purpose.

#### DETAILS

#### Council Workshops

Date	Purpose
11 November 2021	<b>Presentations</b> <ul style="list-style-type: none"><li>• Corumbene Care update: CEO and President to attend</li><li>• Review of Special Committees</li></ul>
<b>Attendance</b> Mayor Shaw Deputy Mayor Cosgrove Cr Pearce Cr Triffitt Cr Browning Cr Woods Cr Evans	<b>In brief</b> <ul style="list-style-type: none"><li>• Esplanade Stage</li><li>• Barracks lease</li><li>• Caravan Park</li><li>• Investment Prospectus</li><li>• Outstanding rates</li><li>• Black Hills Road DA update</li></ul>

Moved by Cr Evans / Seconded by Cr Woods

That the Council notes the following Council Workshops were conducted by Council since its last ordinary Council meeting.

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>For</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>

## 5. Public Question Time

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<b>NO:</b>	278/2021
<b>File:</b>	201

### 5.1 Response(s) to Public Questions Taken on Notice from Previous Meeting

#### 5.1.1 Mr James Graham – Monthly Financial Report and Our Valley (asset renewal)

Mr Graham also queried if the index of 2.5% per annum for the Annual Asset Renewal requirement is still the same as per Our Valley Financial Management Strategy Plan 2021-2031 plan.

*The Executive Manager Corporate took the question on notice and met with Mr Graham to better understand and answer the question.*

### 5.2 Public Question Time Received in writing

#### 5.2.1 Mr James Graham – Draft Community Engagement Policy and Framework

Mr Graham referred to an attachment for Agenda Item 10.4 Review of Special Committees Project and queried:

On page 29 is there a difference between Community Forum and Community Forums?

*The General Manager indicated that there is no difference.*

Should the Council Annual General Meeting be included as an example of engagement activities?

*The General Manager indicated that this oversight will be included.*

### 5.3 Public Question Time

#### 5.3.1 Mr James Graham – Community Forums

Mr Graham queried, should the ratepayers be happy or accept with the Councils adherence/participation to the policy, procedures and implementations associate to community Forums?

Can the community look forward to a continued improvement and adjustment around community forums?

*Mr Graham moved onto the next question.*

### **5.3.2 Mr James Graham – Council Caretaker Policy for election periods**

Mr Graham queried if the Council could explore or discuss the idea of a Council Caretaker Policy and would it be possible to invite the Mayor of Kingborough Council to a workshop or Council meeting to talk about the adoption of their policy.

*The Mayor indicated that he would discuss this with the Mayor of Kingborough Council and report back.*

### **5.3.3 Ms Brigette Kaiser – Special Committees report, opportunities section**

Ms Kaiser stated that in the above-mentioned report there was reference to the cancellation of Youth Week activities however, it did not state the reason for the cancellation of the events, why?

To avoid misinterpretation by the community the report should have stated that the Youth Week Activities were cancelled due to COVID-19.

*The Executive Manager Community and Economic Development indicated that this was an oversight and that the report will be amended to include this information.*

Ms Kaiser also queried why DFA'T was not considered for a partnership with Council to be able to provide evidence-based youth programmes. For example, DFAT have event surveys which indicates what programmes the youth of the Derwent Valley want to participate in.

*The Executive Manager Community and Economic Development indicated that the report could not pre-empt tonight's conversations regarding the future of DFA'T, until it is considered by the Council this evening.*

### **5.3.4 Ms Tamara Walton – Dissolution of Special Committees**

Ms Walton queried how will the Council and the Derwent Valley benefit from the dissolution of Special Committees.

*The Executive Manager Community and Economic Development indicated that it is not about the validity or the good will of the community members in what they are trying to do for those particular assets. It is about the Council's Governance structure and relationship, not about what the committee members have done. However, the report does go into detail about why it is no longer appropriate for community members to be managing Council's assets, as the Council Works crew will take on that work. Regardless tonight's decision, there is still an opportunity for the committees to remain community committees to continue to advocate for the passions and assets that they have a focus on.*

Ms Walton also queried what is the Council proposing to replace the Special Committees with, especially given tonight's other report regarding the Community Engagement Framework

specifically mentions Special Committees. How would you communicate with those groups given the dissolution?

*The Mayor indicated that the Executive Manager Community and Economic Development could not pre-empt a Council decision.*

*The Executive Manager Community and Economic Development indicated that the report could not pre-empt tonight's decisions, so that is why the Special Committees were referred to in the Community Engagement Framework. Council will look to engage with all types of community groups through the Community Engagement Framework.*

### **5.3.5 Mr Wayne Shoobridge – Local Government Act and Councillors**

Mr Shoobridge referred to the Local Government Act 1993 Section 25, Schedule 5 Item 3 part (1) The office of a councillor becomes vacant if the councillor – (c) is absent without leave from 3 consecutive ordinary meetings of the council;. Mr Shoobridge queried if the Mayor or General Manager have notified the department and the Electoral Commission that a Councillor on this Council has missed three ordinary meetings in a row without leave previously being granted?

*The Mayor advised that he has not notified the Department.*

*The General Manager advised that this has not occurred.*

Mr Shoobridge further queried why not and will it be done.

*The Mayor advised that this was an oversight and if that is what the Act says then the Department would be notified.*

## 6. Petitions/Deputations/Presentations

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<b>NO:</b>	
<b>File:</b>	194

### **Petitions**

Nil

### **Deputations**

Nil

### **Presentations**

Nil

## 7. Notices of Motion

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<b>NO:</b>	
<b>File:</b>	197

Nil

## 8. Consideration of Supplementary Items to the Agenda

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<b>NO:</b>	279/2021
<b>File:</b>	194

### DETAIL

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council, by an absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:-

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

Nil

### Procedural Motion

Moved by Cr Pearce / Seconded by Cr Cosgrove

That due to the interest in Agenda Item 10.4 Review of Special Committees Project that this item is brought forward in the Agenda and becomes Item 9. All other reports are to be re numbered accordingly.

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>For</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>



## 9. Review of Special Committees Project

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<b>NO:</b>	280/2021
<b>Responsible Officer:</b>	General Manager
<b>Reporting Officer:</b>	Executive Manager Corporate
<b>Date:</b>	15 November 2021
<b>File:</b>	
<b>Attachments:</b>	A) Special Committee Profiles and Research Findings B) Engagement Summary Report (all attached separately)

### PURPOSE

The purpose of the Review of Special Committees Project (Project) is to identify a new governance structure that aligns to all of Council's strategies and provides a contemporary approach to engaging the community in the future of the region, with a model that is proportional to the resources of Council.

### BACKGROUND

The Review of Special Committees Project has been developed from a set of actions outlined in Section 8 of Our Strategic Plan 2030. The Strategic Plan states a desired outcome: **'The Plan is implemented through effective and transparent governance and partnerships.'** The strategic actions related to this Project are:

- 8.4. *Explore the feasibility of establishing portfolios for councillors.*
- 8.6. *Review the structure and effectiveness of Council's Special Committees in consideration of the Plan's future delivery.*
- 8.7. *Facilitate the development and implementation of a Beyond 2030 Committee – with State government involvement.*

Section 8 also seeks the outcome **'Services are integrated to maximise opportunities and participation'**. Items 4.7, 4.8, 4.9, 4.11 further articulate strategic actions related to this Project:

- 4.7. *Facilitate the establishment of a Derwent Valley Arts and Culture Body to more effectively coordinate offerings.*
- 4.8. *Facilitate the establishment of a Derwent Valley Sports and Recreation Body.*
- 4.9. *Facilitate the establishment of a Derwent Valley Youth and Family Services Body.*
- 4.11. *Facilitate the establishment of a Derwent Valley Heritage Body.*

The Project is designed to deliver on all of the strategic actions outlined above and to be based on good practice change management, community engagement and open and transparent governance/decision-making.

The objectives for this Project are:

- To develop options for a good-practice governance model that aligns to the Council's Strategic Plan based on a councillor portfolio model;
- For elected members to choose a preferred option for a potential Advisory Bodies and Councillor Portfolio model;
- To consult with existing Special Committees on the benefits received from Council and benefits received by Council from Special Committees;
- To explore other mechanisms to deliver those benefits;
- To consult with Special Committees on a potential Advisory Bodies and Councillor Portfolio model;
- For Council to approve final model of governance and Council portfolio system; and
- To implement the approved governance model through an open and transparent process.

## DETAILS

In March 2020, Council endorsed a set of guiding principles that allowed for the Special Committees to conduct a self-assessment as part of the Review of Special Committees Project. Desktop research identified eleven 'active' committees. Further research was conducted to compile profiles of the Special Committees to fully document and represent their activities and composition. The profiles and results of the self-assessment are included in the *Special Committee Profiles and Research Findings* report attached.

An in-person consultation session was offered to each of the eleven active Special Committees June - August 2021. Ten Special Committees participated; Molesworth Recreation Reserve declined, pending their decision to voluntarily dissolve. Consultation sessions involved an update on the Project, discussion on benefits, challenges, solutions, and briefing on a potential Advisory Bodies and Councillor Portfolio model. Council staff were also consulted on their interactions with the Special Committees. An *Engagement Summary Report* (attached separately) has been prepared and includes feedback from members of the Special Committees and Council staff. The report includes common themes and observations from the data provided from the stakeholders.

### Key Findings and Observations

- The desktop research found that several of the Special Committees, and therefore Council, are not complying with the Terms of Reference.
- Research and consultation found that some of the Special Committees are exposing Council to unnecessary risk.
- Changes in Work, Health and Safety practices have made some of the asset-based committees work redundant and impractical.

- The scope of some of the Special Committees has drifted from their original purpose.
- While the Strategic Plan has vague references the Historical Information Centre, the New Norfolk Business Alliance and Tidy Towns, there are concerns about whether these Special Committees are the most effective mechanism to deliver the actions of Council's Strategic Plan.
- The combination of the above factors may have contributed to the inconsistent delegate involvement with the Special Committees.
- Council staff are not engaged or involved with all of the Special Committees.
- The 2014 creation of generic Terms of Reference (refer to Policy Implications) for all Special Committees has had unintended consequences – locking in the ambiguity of purpose and lacking any project-specific or time-based parameters for committees that could be used to review and refine their activities.
- There is consensus that the current model is not working effectively for the benefit of Council or the Special Committees and there is evidence that the current model is not delivering on Council's Strategic Plan.

#### Advisory Bodies and Councillor Portfolio Model

Council is exploring a governance model that will support the development of the Strategic Plan 2034 and will integrate with Council's organisation structure and business systems. The strategic Advisory Bodies and aligned Councillor portfolio model could provide a credible mechanism to engage and collect feedback from a wide set of stakeholders. The model could combine local advocates with subject matter experts to bring diverse perspective and enable Council to build both grassroots and high-level support for projects and initiatives that enhance the community's well-being and prosperity. The proposed model is below (Figure 1):

Figure 1 - Advisory Bodies and Councillor Portfolio Model



Further work is required to progress the establishment of this model. Engagement with the Derwent Valley community and stakeholders will further refine the model and the mechanisms that support it in operation.

### **STATUTORY IMPLICATIONS** *(Statutory Requirements)*

The *Local Government Act 1993* Section 24 states:

#### ***Special committees***

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

### **STRATEGIC IMPLICATIONS** *(Strategic Plan Reference)*

As outlined in the Background, there are seven strategic actions relating to this project.

## **POLICY IMPLICATIONS**

The Terms of Reference below were endorsed by Council in September 2014.

### **Terms of Reference for Special Committees of Council**

#### **1. COUNCIL SPECIAL COMMITTEES (Section 23 of the Local government Act 1993)**

##### **1.1 Meeting Procedures**

That pursuant to Section 24 (3) of the Local Government Act, 1993, Council determines that meetings of Special Committees are to be held in accordance with the following procedures:

##### **1.2 Special Committees – Meeting Procedures**

- a) Meetings of special committees are to be conducted in accordance with the Local Government (Meeting Procedures) regulations 2005, with the exception of the following section:  
7 (2) The General manager is to publish a notice in a daily newspaper or other newspaper prescribed in the Local Government (General) Regulations 2005 circulating in the municipal area of the time and place of a meeting-
- b) The quorum of any meeting shall one more than half of the number of members forming the special committee.
- c) An annual general meeting of a special committee shall be held within three (3) months of the end of the financial year and shall be open to members of the public.
- d) Advertising of the annual general meeting is to be undertaken no later than 21 days prior to the date of the annual general meeting.
- e) Nominations for membership of a special committee are to be sought prior to the conduct of the annual general meeting, nominations can be received at the annual general meeting, and if more than the required number of nominations are received then a public ballot shall be conducted at the annual general meeting.

##### **1.3 Membership of the Special Committee**

That pursuant to Section 24 of the Local Government Act, 1993, Council establishes the special committees comprising membership representation as follows:

- (a) The names of at least (5) representatives nominated from the community, once appointed to the special committee, are to be submitted to Council for adoption by Council on an annual basis.

- (b) The special committee membership comprise of at least one representative nominated by Council, who is in addition to those representatives stated in (a) above.
- (c) The representative appointed under section (b) shall be reviewed every two (2) years by Council.

#### **1.4 Powers and functions of the special committee**

That pursuant to Section 22 of the Local Government Act, 1993 Council delegates the following powers and functions to the special committee:

1. To manage, develop and provide the services for the benefit of the whole community for which the special committee was instituted.
2. To co-opt additional committee members with observer status only (i.e. no voting powers) to assist on an “as required basis” with special projects that have council support.
3. To elect a Chairperson from its own membership.
4. To elect a Secretary/treasurer from its own membership
5. To elect a Treasurer from its own membership.
6. To determine its own meeting schedule (must meet at least four times per annum)
7. To make decisions necessary to achieve the goals of the Committee specific to its delegated functions.
8. To confirm its own minutes.
9. To provide Council with a copy of their confirmed minutes which are to be tabled at a Council Meeting.
10. To provide a briefing to council at a council workshop on a quarterly basis, by either a member of the committee, or by the council representative on the committee.
11. To provide council with an annual report which is to be included in Council’s Annual Report.
12. To submit to Council no later than March each year a list of projects requiring capital expenditure for the consideration of Council for inclusion within the annual Capital Works Program.
13. The Chairperson or any representative of any committee is not authorised to undertake a press release from the committee without prior approval being given by the Mayor or in the absence of the Mayor the Deputy Mayor. Approval shall be either in writing or verbal.
14. That Special Committees expend monies in accordance with those amounts allocated within Council’s budget for this committees purposes.

## **FINANCIAL IMPLICATIONS**

Details of the financial circumstances for each Special Committee is contained in the *Special Committee Profiles and Research Findings* report.

There are significant amounts of money held in reserve for the purposes related to the Historical information Centre (approx. \$45,000) and the New Norfolk Business Alliance (approx. \$96,000) at 30 June 2021.

Council will need to consider the future of the Historical Information Centre in future reports to Council to enable a decision regarding the reserve fund.

The CBD Levy and matching General Rates that fund the New Norfolk Business Alliance is due for review by 30 June 2022. The outcomes of the review will inform Council's decision on the future of the funds held in reserve.

Other smaller amounts of money held in independent bank accounts should be disclosed and brought to Council for a decision on its use. This is on the basis that Special Committees are delivering Council services or improving Council-owned assets. Members of Special Committees can make suggestions and/or recommendations about how those funds are best used for those purposes.

The operational budgets for Special Committees currently total \$6,250. In line with the recommendations of this report, this budget can be reallocated to the community grant pool.

## **RISK IMPLICATIONS**

Fundamentally, Special Committees are arms of Council and are intended to operate under the same controls that govern Council; most Special Committees are operating outside of Council's control. Aside from procedural noncompliance, there are committees whose core purpose now introduce risk to Council. Other committees are breaching the Terms of Reference by undertaking activities without the approval of Council and not in alignment with their original purpose. The primary risks being introduced by the current Special Committees include:

- Public Liability;
- Occupational Health and Safety;
- No formal Volunteer/Facilitator arrangements;
- No risk planning and mitigation at certain sites;
- Reputational damage;
- Poor operational and strategic alignment;
- Potential damage to or loss of heritage assets;
- Limited representation of the wider community;
- Limited or no control of finances; and
- No Council supervision or involvement in activities.

## CONSULTATION PROCESS

As outlined in the Background, Council has conducted two rounds of formal consultation with the Special Committees. Elected members and Council staff have also had the opportunity to input into the Project.

## COMMENT

Nil

It was therefore recommended that the Council:

- A. Progress the establishment of the Advisory Bodies and Councillor portfolio governance structure in line with the good governance principles published by the Local Government Division;
- B. Consult on the preferred model of governance utilising Council's Community Engagement Framework;
- C. Note the findings and observations of the attached reports;
- D. Formally acknowledge and thank all members of the Special Committees, past and present, for their voluntary contributions to the Derwent Valley community over the years;
- E. Disestablish the following Special Committees on the basis they are inactive and defunct:
  - Access Advisory Committee;
  - Derwent Valley Council Scholarship Trust Fund;
  - Economic Growth Special Committee;
  - Environmental Management Committee;
  - Gleeson Park Special Committee;
  - RAFT (Real Action Forward Thinking);
  - William Hazelwood Reserve;
  - Willow Court and Barracks Working Group; Willow Court Conservation Special Committee;
- F. Disestablish the Molesworth Recreation Reserve Special Committee at their request and ask for all monies and assets to be returned to Council;
- G. Disestablish the following Special Committees on the basis that Council will maintain the assets in the future but agree that Council officers will continue to engage with members as a stakeholder/advocacy group:



- Boyer Oval Management Committee;
  - Bushy Park Pool Committee;
  - Friends of Frascati Community Garden;
  - Friends of Willow Court;
  - Molesworth Recreation Reserve;
  - New Norfolk Pool Committee;
  - Tynwald Development Committee;
- H. Disestablish the Derwent Valley Future Action Team (D’FAT) Special Committee but agree that Council officers will continue to engage with members as a stakeholder/advocacy group;
- I. Disestablish the Tidy Towns Special Committee but agree that Council officers will continue to engage with members as a stakeholder/advocacy group;
- J. Disestablish the New Norfolk Business Alliance Special Committee but agree that Council officers will continue to engage with members as a stakeholder/advocacy group and:
1. Delegate to the General Manager the management of existing NNBA projects and funding commitments of for 2021-2022 financial year; and
  2. Hold the unallocated Levy funds in reserve pending the outcome of the CBD Levy Review;
- K. Disestablish the Historical Information Centre Special Committee and:
1. Formalise the existing volunteering arrangements;
  2. Request the General Manager to provide Council with a report on the future options for the service and management of the collection; and
  3. Hold the unallocated Reserve funds pending a Council decision on the future of the service and management of the collection;
- L. Require all disestablished Special Committees to return all monies and assets, including documents, belonging to Council;
- M. Increase the community grants pool by \$10,000 annually for three years to assist (via application to the fund) community groups originating from former special committees to become independent incorporated associations; and
- N. Develop a Volunteering Policy that enables individuals to volunteer in Council’s places and spaces by March 2022.

**Amended Motion - Moved by Cr Triffett / Seconded by Cr Pearce**

**That the Council:**

- A. Complete the establishment of the Advisory Bodies and Councillor portfolio governance structure in line with the good governance principles published by the Local Government Division by June 2022;**
- B. Consult on the preferred model of governance utilising Council's Community Engagement Framework and have a Terms of Reference for Advisory Bodies and a Volunteer Policy by March 2022;**
- C. Note the findings and observations of the attached reports;**
- D. Formally acknowledge and thank all members of the Special Committees, past and present, for their voluntary contributions to the Derwent Valley community over the years;**
- E. Disestablish immediately the following Special Committees on the basis they are inactive and defunct:**
  - Access Advisory Committee;**
  - Derwent Valley Council Scholarship Trust Fund;**
  - Economic Growth Special Committee;**
  - Environmental Management Committee;**
  - Gleeson Park Special Committee;**
  - RAFT (Real Action Forward Thinking);**
  - William Hazelwood Reserve;**
  - Willow Court and Barracks Working Group;**
  - Willow Court Conservation Special Committee;**
- F. Disestablish immediately the Molesworth Recreation Reserve Special Committee at their request and ask for all monies and assets to be returned to Council;**
- G. Disestablish the following Special Committees by March 2022 on the basis that Council will maintain the assets in the future but agree that Council officers will continue to engage with members as a stakeholder/advocacy group:**
  - Boyer Oval Management Committee;**
  - Bushy Park Pool Committee;**
  - Friends of Frascati Community Garden;**
  - Friends of Willow Court;**
  - Molesworth Recreation Reserve;**
  - New Norfolk Pool Committee;**
  - Tynwald Development Committee;**

- H. Disestablish the Derwent Valley Future Action Team (D’FAT) Special Committee by March 2022 but agree that Council officers will continue to engage with members as a stakeholder/advocacy group;
- I. Disestablish the Tidy Towns Special Committee by March 2022 but agree that Council officers will continue to engage with members as a stakeholder/advocacy group;
- J. Disestablish the New Norfolk Business Alliance Special Committee by March 2022 but agree that Council officers will continue to engage with members as a stakeholder/advocacy group and:
  - 1. Delegate to the General Manager the management of existing NNBA projects and funding commitments of for 2021-2022 financial year; and
  - 2. Hold the unallocated Levy funds in reserve pending the outcome of the CBD Levy Review;
- K. Disestablish the Historical Information Centre Special Committee by March 2022 and:
  - 1. Formalise the existing volunteering arrangements;
  - 2. Request the General Manager to provide Council with a report on the future options for the service and management of the collection; and
  - 3. Hold the unallocated Reserve funds pending a Council decision on the future of the service and management of the collection;
- L. Require all disestablished Special Committees to return all monies and assets, including documents, belonging to Council; and
- M. Increase the community grants pool by \$10,000 annually for three years to assist (via application to the fund) community groups originating from former special committees to become independent incorporated associations.

Moved by Cr Cosgrove / Seconded by Cr Woods

That this item is deferred until a future date to allow for herself and colleagues to make a fully informed decision, particularly around consideration given to the public view.

*The motion was put and was LOST*

<i>Mayor Shaw</i>	<i>Against</i>
<i>Cr Cosgrove</i>	<i>For</i>
<i>Cr Evans</i>	<i>Against</i>
<i>Cr Pearce</i>	<i>For</i>
<i>Cr Triffett</i>	<i>Against</i>
<i>Cr Woods</i>	<i>For</i>

**Amended Motion - Moved by Cr Triffett / Seconded by Cr Pearce**

**That the Council:**

- A. Complete the establishment of the Advisory Bodies and Councillor portfolio governance structure in line with the good governance principles published by the Local Government Division by June 2022;**
- B. Consult on the preferred model of governance utilising Council's Community Engagement Framework and have a Terms of Reference for Advisory Bodies and a Volunteer Policy by March 2022;**
- C. Note the findings and observations of the attached reports;**
- D. Formally acknowledge and thank all members of the Special Committees, past and present, for their voluntary contributions to the Derwent Valley community over the years;**
- E. Disestablish immediately the following Special Committees on the basis they are inactive and defunct:**
  - Access Advisory Committee;**
  - Derwent Valley Council Scholarship Trust Fund;**
  - Economic Growth Special Committee;**
  - Environmental Management Committee;**
  - Gleeson Park Special Committee;**
  - RAFT (Real Action Forward Thinking);**
  - William Hazelwood Reserve;**
  - Willow Court and Barracks Working Group;**
  - Willow Court Conservation Special Committee;**
- F. Disestablish immediately the Molesworth Recreation Reserve Special Committee at their request and ask for all monies and assets to be returned to Council;**
- G. Disestablish the following Special Committees by March 2022 on the basis that Council will maintain the assets in the future but agree that Council officers will continue to engage with members as a stakeholder/advocacy group:**
  - Boyer Oval Management Committee;**
  - Bushy Park Pool Committee;**
  - Friends of Frascati Community Garden;**
  - Friends of Willow Court;**
  - Molesworth Recreation Reserve;**
  - New Norfolk Pool Committee;**
  - Tynwald Development Committee;**

- H. Disestablish the Derwent Valley Future Action Team (D’FAT) Special Committee by March 2022 but agree that Council officers will continue to engage with members as a stakeholder/advocacy group;
- I. Disestablish the Tidy Towns Special Committee by March 2022 but agree that Council officers will continue to engage with members as a stakeholder/advocacy group;
- J. Disestablish the New Norfolk Business Alliance Special Committee by March 2022 but agree that Council officers will continue to engage with members as a stakeholder/advocacy group and:
  - 1. Delegate to the General Manager the management of existing NNBA projects and funding commitments of for 2021-2022 financial year; and
  - 2. Hold the unallocated Levy funds in reserve pending the outcome of the CBD Levy Review;
- K. Disestablish the Historical Information Centre Special Committee by March 2022 and:
  - 1. Formalise the existing volunteering arrangements;
  - 2. Request the General Manager to provide Council with a report on the future options for the service and management of the collection; and
  - 3. Hold the unallocated Reserve funds pending a Council decision on the future of the service and management of the collection;
- L. Require all disestablished Special Committees to return all monies and assets, including documents, belonging to Council; and
- M. Increase the community grants pool by \$10,000 annually for three years to assist (via application to the fund) community groups originating from former special committees to become independent incorporated associations.

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>Against</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>

*During discussion, Councillor Woods acknowledged amendments to the report. The Mayor agreed the amendments could be made without being included in the motion.*

## 10. Planning Authority Items

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The Chairperson is to advise the meeting if the Council (or a Council Committee) intends to act at a meeting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

The General Manager is to ensure that the reasons for a decision by the Council (or a Council Committee) acting as a Planning Authority are recorded in the minutes.

Any alternative decision the Council may make to a recommendation appearing on the Agenda, requires a full statement of reasons in order to maintain the integrity of the planning approval process and to comply with the requirements of the Judicial Review Act.

### 10.1 Glamorgan Spring Bay Council – Amendment to Southern Tasmania Regional Land Use Strategy

<b>NO:</b>	281/2021
<b>Responsible Officer:</b>	Executive Manager Development
<b>Reporting Officer:</b>	Planner
<b>File:</b>	
<b>Appendices:</b>	A) Glamorgan Spring Bay Council letter B) Glamorgan Spring Bay Council agenda and minutes (all attached separately)

## EXECUTIVE SUMMARY

### PURPOSE

The purpose of this report is to consider correspondence from Glamorgan Spring Bay Council (GSBC) regarding a request to amend the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS).

## LEGISLATIVE REQUIREMENTS

The Minister for Planning has requested that Glamorgan Spring Bay Council seek endorsement for this amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) from all councils within the southern region, in the form of a Council resolution.

## ASSESSMENT REPORT

### 1. Proposal

Glamorgan Spring Bay Council have requested to amend the Southern Tasmanian Regional

Land Use Strategy (STRLUS) 2010-2035 to provide for future residential development. If approved, it will facilitate the rezoning and subdivision of land at Certificate of Title Folio 149641/2, Rheban Road, Orford.

The site at Rheban Road is currently zoned Rural Resource under the Glamorgan Spring Bay Interim Planning Scheme 2015 (the Scheme) and is proposed to be zoned Future Urban under the Glamorgan Spring Bay Local Provisions Schedule (LPS) in the Tasmanian Planning Scheme (TPS). The land was subject to a combined planning scheme amendment and development application in 2017 to rezone the site from Rural to General Residential and subdivision. This was refused by the Tasmanian Planning Commission, with one of the reasons cited as being that the proposal was not consistent with the low growth scenario established for Orford within the STRLUS and was not considered to represent infill development as required by the consolidation growth scenario established for Orford within the STRLUS.

The amendment to the STRLUS seeks to make the following changes to Table 3 Growth Management Strategies at page 89 for Orford to allow for the application to rezone Rheban Road (CT 149641/2) to be reconsidered:

- I. Growth Strategy be changed from LOW to HIGH;
- II. Growth Scenario be changed from CONSOLIDATION to MIXED; and
- III. Add a new footnote to Orford: Note 1: refer to the Triabunna/Orford Structure Plan 2014 and 2021 addendum.

The proposed changes are shown below:

<b>Settlement</b>	<b>Proposed Regional Function</b>	<b>Growth Strategy</b>	<b>Growth Scenario</b>
Orford <sup>(Note 1)</sup>	Township	High	Mixed

The amendment will allow for the development of the subject and other lands to address the growing needs for housing in Orford as identified in the Orford Residential Capacity and Demand Analysis report by SGS Economics and Planning which was provided to GSBC in support of the proposed change.

## **2. DISCUSSION**

The STRLUS is one of three regional land use strategies that operate across Tasmania and is intended to operate as a broad strategic land use planning policy framework that guides future development of the region over a 25-year period. The strategy has not been subject to a major or minor review since its declaration in 2011.

Under Section 5A of the Land Use Planning and Approvals Act 1993 (LUPAA), a request for an amendment can be made by an individual or a planning authority provided it is supported by

documentation to justify the need for the amendment. As the regional land use strategy is a regional plan, it also requires the support from all Council's within the region.

New Norfolk is described as a Major District Centre and has a High growth strategy with a Mixed growth scenario. The proposed amendment to the Orford Growth Strategy and Scenario from Low and Consolidation to High and Mixed respectively, is not considered to have strategic implications on the current or future development and growth of the New Norfolk settlement.

The Minister for Planning has released a roadmap for the review of the STRLUS. Of particular relevance to Council is the modifications to growth strategies for regional towns, such as New Norfolk. Each town, village or small settlement in the southern region is subject to the growth strategy specified in the STRLUS which places an upper limit on growth. Due to the age of the STRLUS, strong dwelling approvals above projected rates and new activities, such as Airbnb, the growth strategies for many towns are out of date and are an unreasonable constraint on necessary development. However, this discussion is best left to be considered through our own growth strategy in the future.

### **3. CONSULTATION**

The Minister for Planning has requested that Glamorgan Spring Bay Council seek endorsement for this amendment to the STRLUS from all councils within the southern region, in the form of a Council resolution.

There is no requirement for the request to amend the Regional Land Use Strategy to be publicly exhibited.

### **4. STATE POLICIES AND THE OBJECTIVES OF THE ACT**

4.1 The proposal is consistent with the outcomes of any relevant State Policies, including the State Policy on the Protection of Agricultural Land 2009 and the State Coastal Policy 1996. Supporting documentation provided to Glamorgan Spring Bay Council as part of the development of the draft Local Provisions Schedule has demonstrated that the subject site is not prime agricultural land, and the proposal will continue to protect the natural and cultural values of the coastal zone.

4.2 The proposal is consistent with and furthers the objectives of Schedule 1 of LUPAA.

### **5. COUNCIL STRATEGIC PLAN AND OTHER IMPLICATIONS**

5.1 It is considered that the proposal further the objectives of the Strategic Plan.

5.2 There are no other significant policy, financial or risk implications



## **CONCLUSION**

That Council endorses the request from Glamorgan Spring Bay Council to amend the Southern Tasmania Regional Land Use Strategy (STRLUS).

**Moved by Cr Pearce / Seconded by Cr Evans**

**That Council endorses the request from Glamorgan Spring Bay Council to amend the Southern Tasmania Regional Land Use Strategy (STRLUS).**

***The motion was put and was CARRIED***

<b><i>Mayor Shaw</i></b>	<b><i>For</i></b>
<b><i>Cr Cosgrove</i></b>	<b><i>For</i></b>
<b><i>Cr Evans</i></b>	<b><i>For</i></b>
<b><i>Cr Pearce</i></b>	<b><i>For</i></b>
<b><i>Cr Triffett</i></b>	<b><i>For</i></b>
<b><i>Cr Woods</i></b>	<b><i>For</i></b>

## 10.2 Planning Scheme Amendment - PSA2021/6 - Lots 5 & 6 Poulters Road, New Norfolk

<b>NO:</b>	282/2021
<b>Responsible Officer:</b>	Executive Manager - Development
<b>Reporting Officer:</b>	Senior Planner
<b>File:</b>	Lots 5 & 6 Poulters Road
<b>Appendices:</b>	A) Proposal Scheme Amendment Report by Urbis Planning B) Draft Specific Area Plan (all attached separately)

### EXECUTIVE SUMMARY

#### PURPOSE

The purpose of the report is to consider initiating a request for a planning scheme amendment to rezone the land zoned Low Density Residential and Rural Living to General Residential at Lots 5 & 6 Poulters Road, New Norfolk. The amendment also seeks to apply a Specific Area Plan (SAP) to Lots 5 & 6 Poulters Road, New Norfolk.

#### PLANNING PROVISIONS

The property is zoned General Residential, Low Density Residential and Rural Living. It is subject to the Bushfire-Prone Areas Overlay, Landslide Hazard Area Overlay, Electricity Transmission Infrastructure Protection Overlay, Waterway and Coastal Protection Overlay and the Historic Heritage Overlay under the Derwent Valley Interim Planning Scheme 2015.

#### CONSULTATION

Requests made under Section 33 of the Land Use Planning and Approvals Act, 1993 (LUPAA) are advertised for public comment, for a minimum of 28 days, after Council has agreed to certify the Amendment. Any representations will be considered at a future meeting of the Planning Authority.

#### LEGISLATIVE REQUIREMENTS

This report details the assessment of the proposal and basis for recommendation. An alternative decision by Council will require supporting reasons in order to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015.

References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of the Act as outlined in Schedule 6 – Savings and Transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that

was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015.

## **ASSESSMENT REPORT**

### **1. PROPOSAL**

The request seeks to rezone the portion of the site zoned Low Density Residential and Rural Living to General Residential at Lot 5 Poulters Road (CT 142090/5) and Lot 6 Poulters Road (CT 141514/6), New Norfolk. The amendment also proposes to apply a Specific Area Plan (SAP) to the land at Lots 5 & 6 Poulters Road.

### **2. BACKGROUND**

An existing permit approval for the subdivision of 718 lots exists for the site (DA 89/2020). A total of 173 lots from this approval have already been sealed by the previous developer, with 545 lots of differing sizes yet to be developed across a number of stages.

At the time the permit was approved, the site was zoned as a Special Development Zone. A number of amendments to the stages and lot layout of the permit were gained with the current layout approved in April 2012. During the transition to the Interim Planning Scheme in 2015 the land was broadly zoned its current layout of General Residential, Low Density Residential and Rural Living.

This existing zoning arrangement is inconsistent with the subdivision layout as it does not match the pattern of proposed development including minimum lot sizes for the zone and ability for future development to meet the permitted standards of the Scheme.

The mismatch between the subdivision approval and the underlying zone, is a known issue, and will be considered by Council through the development of the Derwent Valley Local Provision Schedule (LPS) of the Tasmanian Planning Scheme currently being drafted. This amendment seeks consideration of an alternative layout to the current approval which necessitates an amendment to the Interim Scheme.

A separate Planning Scheme Amendment (PSA) PSA 2021/3 was certified by Council at the 28 October meeting. That amendment sought to rezone a small triangular portion of land below the transmission line easement from Low Density Residential to General Residential to better align the zoning with the approved subdivision layout. The land to be rezoned under that amendment (PSA 2021/3) does not form a part of this amendment.

### **3. STATUTORY PROVISIONS**

- 3.1 In considering a draft amendment to the planning scheme, the Planning Authority must be satisfied that the requirements of s32 of LUPAA are met.

3.2 Section 32 of LUPAA states:

*“(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –*

*(a) ...*

*(b) ...*

*(c) ...*

*(d) ...*

*(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

*(ea) must not conflict with the requirements of section 300 ; and*

*(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

*(2) The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.”*

3.3 Once initiated, a draft planning scheme amendment is publicly advertised for a minimum of 28 days, during which representations may be received.

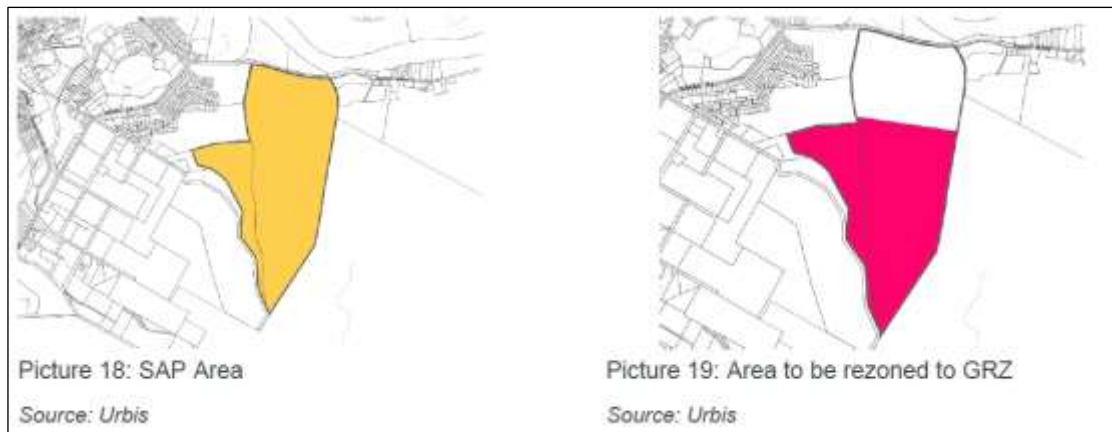
3.4 Following the public comment period, Council is required to consider the merits of the representations and need to modify the draft amendment and forward the application to the Tasmanian Planning Commission (TPC), who may hold a hearing to determine the matter.

3.5 No subdivision or development is proposed as part of this application. Any future changes to the approved subdivision permit, or subsequent use or development applications would require a separate application which would be determined on their merits based on the Scheme provisions at the time of the assessment.

#### **4. APPLICATION IN DETAIL**

##### **4.1 Proposal in Detail**

The proposed Planning Scheme Amendment includes a rezoning and the introduction of a Specific Area Plan (SAP). The spatial extent of both the rezoning and the SAP are shown in Figure 1 below.



*Figure 1 Spatial extent of SAP Area (shown in yellow) and rezoning (shown in red).  
Source: Urbis*

## **Rezoning**

The request seeks to rezone a portion of land from Low Density Residential and Rural Living to General Residential at Lot 5 Poulters Road (CT 142090/5) and Lot 6 Poulters Road (CT 141514/6), New Norfolk.

The current zoning does not allow for substantial modification of the approved subdivision layout, due to subdivision standards including minimum and maximum lot sizes with the Low Density Residential and Rural Living Zones. The current landowners have developed a concept Masterplan which provides for lots of arrangements and sizes which are reflective of the provisions of the General Residential Zone.

The concept Masterplan, prepared by Kenton Cox Architecture (Figure 2) provides for a layout that better responds to the topography and physical site constraints through clustering small-lot development. The Masterplan also provides for a reduced development footprint and an increase in open space (proposed at this stage to be private) for recreation and retention of vegetation. The concept Masterplan is indicative only and does not form a part of this amendment.

A rezoning by itself could allow for a higher lot yield than the approved permit, therefore it is also proposed that a Specific Area Plan be introduced to cover the site, to provide alternative development and subdivision controls, while restricting total lot yield.



Figure 2 Proposed concept Masterplan for the Mills Residential Estate (Source: Kenton Cox Architecture)

### Specific Area Plan (SAP)

A Specific Area Plan (SAP) is a planning control which allows for unique planning controls to be introduced to a spatially mapped area. The provisions of an SAP may override or be additional to the planning controls of the underlying zone and/or Codes.

The proposed SAP proposed seeks to introduce planning controls to override some provisions of the General Residential Zone, which reflect the intent of the concept Masterplan.

The SAP introduces a 'Development Framework plan' that designates land for Residential (Area A) and Non-Residential – balance land (Area B). The following would be introduced by the inclusion of the SAP and are intended to prevail over the provisions of the General Residential Zone:

- Purpose and Desired Future Character statements for both Area A and Area B.

- Provide a Development Framework Plan to spatially defined Areas A and B, and provide a total number of lots or 'Land Budget' capped at 321 lots for Area A and eight lots for Area B.
- Provide a tailored Use Table for the balance land (Area B), to support appropriate non-residential uses for the balance land.
- Provide tailored Development Standards which allow dwellings to better respond to the site, including zero frontage setbacks and tailored building envelopes.

A summary of the SAP Development controls is included below:

*Table 1 Explanation of proposed SAP Controls (modified from Urbis Planning Report p. 22)*

<b>SAP Provision</b>	<b>Control</b>	<b>Comment</b>
<b>1.1</b>	<b>Purpose</b>	Tailored purpose statements address the concept masterplan design, amenity and environmental risks and values
<b>1.3</b>	<b>Desired Future Character Statements (DFCS)</b>	<i>Substitutes GRZ Clause 10.1.3</i> Tailored DFCS to address future character for land intended for both residential and non-residential use
<b>1.4</b>	<b>Use Table</b>	<i>Substitutes GRZ Clause 10.2 – only for the areas of balance land (Area 'B')</i> A use table is proposed to control use within the balance land, including prohibiting multiple dwellings, and allowing consideration of additional discretionary commercial uses.
<b>1.5</b>	<b>Development Standards for Dwellings</b>	Some general GRZ provisions will be substituted to achieve desired dwelling development character (tailored controls will allow desired dwelling development to achieve relevant standards and therefore will not trigger discretionary individual planning permits).
<b>1.5.1</b>	<b>Setbacks and building envelopes</b>	<i>Substitutes Clause 10.4.2 in GRZ</i> <b>Setbacks:</b> No minimum front setback required for dwellings and carports/garages to account for the distinct topography. A consistent street character will be achieved. Street road reserve width of 18m is sufficient visual separation of dwellings. Pedestrian safety requirements will still be met. <b>Building envelopes:</b> Tailored building

		envelopes are provided for steep 'uphill' and 'downhill' sites. A minimum side setback of 3m has been introduced, balancing the reduction of primary frontage setback. Maximum height typically remains 8.5m although as downhill sites slope down the practical above-natural-ground height increases to 9.5m, measured 20m from the front boundary. Additional building envelopes for 'uphill' and 'downhill' sloping sites have been included.
<b>1.5.2</b>	<b>Site coverage and private open space</b>	<i>Substitutes Clause 10.4.3 in GRZ</i> Modification to provision to allow up to 50% of the private open space to be sloping due to the steep topography.
<b>1.6</b>	<b>Development Standards for Subdivision (1.5.1 Lot Design)</b>	<i>Substitutes A1, P1, A2, P2, A5 and P5 of Clause 10.6.1 in GRZ</i> Residential lot minimum and maximum sizes provided to achieve design intent and consistency. Removes A2 (d) and (e) to account for the site's topography. P5 creates a residential lot cap, as discussed above.

## 4.2 Site Description

The broader site is a triangular arrangement of lots located to the south of the Lyell Highway. The site slopes up towards the south with elevations ranging from 45m to 290m above sea level. There are a number of creeks on the site, with a central creek leading to the Derwent River. The town centre is located 1km to the northwest.

Two titles are subject to this amendment, Certificates of Title 142090/5 and 141514/6 and are described in Figure 3.



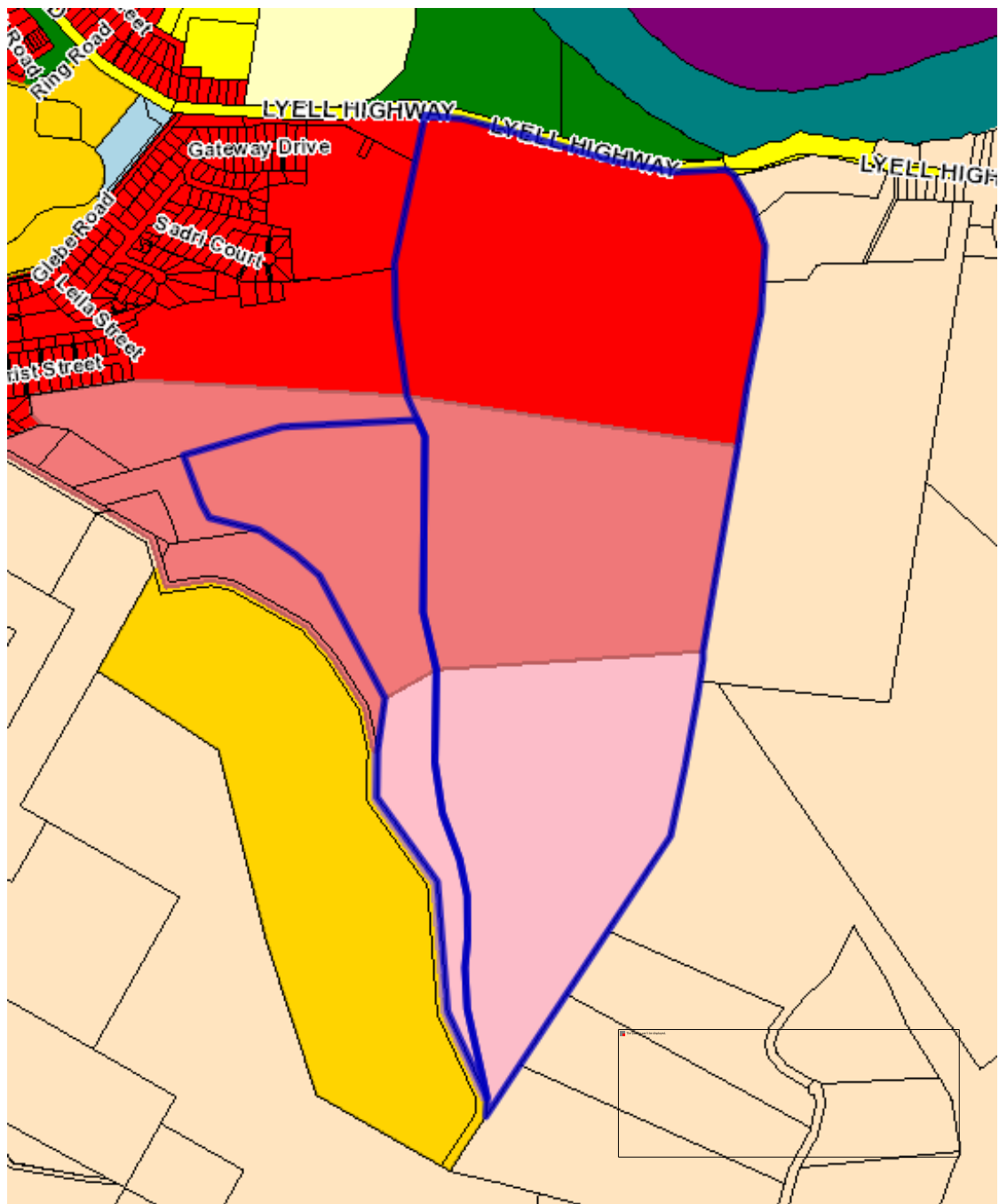


Figure 3 Current zoning of lots subject to the amendment request

#### 4.3 Zoning

During the transition to the Interim Planning Scheme the land was rezoned from the Special Development Zone to a combination of General Residential, Low Density Residential and Rural Living. The 2015 zoning reflects an increasing lot size as you move uphill, however the portion subject to the rezoning is inconsistent with the minimum lot size under the Low-Density Residential Zone. This amendment seeks to rezone the parts of the site zoned Low Density Residential and Rural Living to General Residential which will allow for a reduction to lot sizes to generally 600m<sup>2</sup> - 1000m<sup>2</sup> in area, from the approved permit.

#### 4.4 Approved Subdivision

Approved Planning Permit DA 89/2005 is substantially commenced and is ongoing. Stages 1 – 5 were constructed by the previous owners, with the new landowners taking over construction in 2020. Stage 6 is currently under construction. There are a total of twenty-eight stages approved.

The permit has been subject to a number of minor amendments under Section 56 of LUPAA, mostly in relation to staging but also altered the total number of approved lots (the most recent layout approved in 2012). The SAP introduces a Development Framework Plan which includes a lot cap, ensuring that the rezoning does not allow for a net increase in the number of lots remaining from the existing permit.

#### 4.5 No Permit Required Development

Planning Directive 4.1 allows for development under the use class of *Residential, if for single dwelling*, to be made No Permit Required, if the development meets all of the relevant acceptable solutions under the zone. This reduces the number of permit applications made to Council for standard residential development.

Due to the topography of the site, it is difficult to design a dwelling to achieve a No Permit Required (NPR) which also responds efficiently and sensitively to the site. The intention of introducing development controls to override the provisions of the General Residential Zone is to for reduced setbacks and altered building envelopes to allow for a clearer pathway for NPR dwelling design on the steep site.

### 5. ASSESSMENT

#### 5.1 Regional Land Use Strategy

The Southern Tasmanian Regional Land Use Strategy 2010 – 2035 (STRLUS) provides key directions and policies for and use in the region.

New Norfolk is designated as a Rural Services Centre in the Activity Centre Network, and a Major District Centre in the Regional Settlement Strategy. STRLUS nominates a High Growth Strategy of Mixed Growth (i.e., mix of greenfield and infill) for New

Norfolk with a growth target to increase dwellings by 20% -30%. As New Norfolk is outside of the Greater Hobart Urban Growth Boundary the 50/50 greenfield/infill development targets do not apply.

The Strategy recognises that a Low-Density Residential Zone should only be applied to manage site constraints or to acknowledge existing patterns of development. Considering this, as well as the growth targets and, the rezoning is consistent with the STRLUS in addressing the misalignment of the zoning to the approved subdivision layout.

The SAP provides for additional controls which caps the number of lots to be consistent with the existing approved permit, and the rezoning does not seek to increase the total lot yield.

## 5.2 New Norfolk Structure Plan

The structure plan is a Council endorsed document which provides direction for future land use and development within New Norfolk over the next 15 years. This plan is significantly out-of-date and is unhelpful in considering current residential provision – which has been recognised by the Commission in recent decisions.

Nonetheless, the extent of the current subdivision approval was not identified under the Structure Plan as part of the existing supply of residential land when the strategy was prepared in 2016, although the potential under the current zones was considered.

Urbis have provided additional Residential Land Need & Supply analysis as part of this application, which further justifies the proposed Amendment.

## 5.3 State Policies

The State Coastal Policy 1996 applies to the site as it is within 1 km of the high-water mark and is considered to be consistent with the Policy given the existing residential zoning and proximity to the town centre.

The State Policy on the Protection of Agricultural Land 2009 does not apply given the current residential zoning of the land.

The State Policy on Water Quality Management 1997 applies but is more relevant to specific proposals for use and development and is predominately implemented through planning scheme standards related to stormwater management, waterway and with respect to powers to impose conditions related to soil and water management.

## 5.4 Objective of the Resource Management and Planning System

The Resource Management and Planning System (RMPS) objectives are outlined in the table below:

Objectives	Compliance
<b>Part 1</b>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	<p>The proposal promotes the sustainable development of the site to ensure that the approved subdivision layout can continue to provide residential development at higher densities than allowed by the current zoning and subdivision planning permit.</p> <p>Allowing for the same number of lots at a higher density will allow for retention of vegetation, which has ecological benefits as well as ensuring landscape values are retained.</p> <p>Future altering of the subdivision layout will allow for flexibility to consider any natural or physical site constraints.</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	<p>The amendment will not affect the ability of the existing permit to provide for the fair, orderly and sustainable use and development of air, land and water. The rezoning and SAP will allow for greater flexibility to make layout changes which will support sustainable use and development of the land.</p>
<i>(c) to encourage public involvement in resource management and planning</i>	<p>This procedural objective is satisfied to the extent possible noting public exhibition will occur if the request is initiated.</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	<p>Economic development will be facilitated through residential development, as well as appropriate non-residential development on the balance land.</p>
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	<p>This procedural objective is satisfied to the extent possible.</p>
<b>Part 2</b>	

<i>(a) to require sound strategic planning and coordinated action by State and local government</i>	The amendment continues to support the High Growth Strategy for New Norfolk under the STRLUS and ensures that development under the existing permit is carried out with strategic direction and consideration.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	<p>The rezoning and application of the SAP will allow future residential development, and appropriate non-residential development to be carried out with appropriate controls.</p> <p>It will also allow for a revision of the subdivision layout to better respond to the site, while controlling the maximum number of lots as currently approved.</p>
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	The rezoning of the land will ensure that changes can be made to the layout as necessary to provide for both efficient and suitably dense residential development, as well as consideration of any physical or environmental constraints of the land. The Specific Area Plan will
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i>	This procedural objective is not relevant.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i>	The amendment will allow for revision to the existing subdivision layout that better responds to the physical constraints to the site, while maintaining a lot of cap, constituent with the current approval (DA 89/2005).
<i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i>	<p>The amendment does not seek to make changes to the number of lots approved under the existing permit.</p> <p>Residential development is already approved for the site but will ensure that appropriate development controls</p>

	<p>would be applied, and vegetation and other important site values are protected. The amendments will ensure that residential development can occur in a way which is beneficial to both the site and future residents.</p>
<p><i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i></p>	<p>The land is within a mapped Historic Heritage - Place of Archaeological Potential Overlay. There are several known Aboriginal heritage sites within the boarder subdivision area, however no known sites within the area subject to this amendment.</p> <p>An Aboriginal Heritage Assessment Report was undertaken by CHMA in 2020 for the whole of the subdivision site.</p> <p>A rezoning would allow any modifications to be made to the subdivision layout should a site or relic be discovered in the future.</p>
<p><i>(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community</i></p>	<p>The future development of the approved subdivision will provide for provision of public assets and will provide benefit to the community.</p> <p>The rezoning and SAP will not affect existing public infrastructure and will not change the benefit to community from the approval of the existing permit, other than to allow for small lot sizes and appropriate development controls for development at densities consistent with the General Residential Zone.</p>
<p><i>(i) to provide a planning framework which fully considers land capability</i></p>	<p>The Land Capability of the site has not been mapped, however residential development, in the form of subdivision has already been approved for site and this amendment seeks to make changes to the approved permit, without increasing the number of approved lots, while protecting site values.</p>

## 5.5 Statutory Compliance

With respect to s32 of LUPAA:

- Consideration of land use conflicts is provided above in the report.
- Section 300 requires consistency with STRLUS and all mandatory provisions of the planning scheme. The request does not seek to vary or impact a mandatory provision. Compliance with STRLUS is detailed earlier in the report.
- The rezoning amendment has no regional implications as it is not allowing for new medium residential development but allow bring approved development into greater conformity with the underlying zone.

## 6. EXTERNAL REFERRALS

6.1 If initiated, the planning scheme amendment must be referred to TasWater.

6.2 No other referrals are necessary.

## 7. STATE POLICIES AND THE OBJECTIVES OF THE ACT

7.1 The proposal is consistent with the outcomes of any relevant State Policies.

7.2 The proposal is consistent with and furthers the objectives of Schedule 1 of LUPAA.

## 8. COUNCIL STRATEGIC PLAN AND OTHER IMPLICATIONS

8.1 It is considered that the proposal further the objectives of the Strategic Plan.

8.2 There are no other significant policy, financial or risk implications

## 9. CONCLUSION

9.1 A request for a planning scheme amendment seeks to rezone the portion of the site zoned Low Density Residential and Rural Living to General Residential and apply a Specific Area Plan (SAP) at Lot 5 & 6 Poulter's Road, New Norfolk.

The intent of the Amendment is to facilitate changes to the approved subdivision layout, to better reflect the proposed concept Masterplan, developed by the current landowners, for the site. The concept Masterplan provides for a layout that better responds to the topography and physical site constraints.

The proposed amendment would facilitate modification of the subdivision layout including controls to cap the maximum number of lots and define the areas for residential development. This will provide for a reduced development footprint and an increase in open space and retention of vegetation, as well as appropriate non-residential development on the balance land.

9.2 The request is considered to be fair, orderly and sustainable and it is recommended that the Planning Authority initiate the planning scheme amendment request.

Moved by Cr Pearce / Seconded by Cr Triffett

That Council:

1. In accordance with Section 34(1) of the Land Use Planning and Approvals Act 1993, resolves to initiate draft planning scheme amendment PSA 2021/06 at Lots 5 & 6 Poulters Road, New Norfolk.
2. In accordance with Section 35(1)(a) of the Land Use Planning and Approvals Act 1993, certifies that draft Amendment PSA 2021/06 meets the requirements of s300 and s32 of the Land Use Planning and Approvals Act 1993.
3. Endorses the accompanying Assessment Report as the reasons and basis for Council's decision.

*The motion was put and was CARRIED*

<i>Mayor Shaw</i>	<i>For</i>
<i>Cr Cosgrove</i>	<i>For</i>
<i>Cr Evans</i>	<i>For</i>
<i>Cr Pearce</i>	<i>For</i>
<i>Cr Triffett</i>	<i>For</i>
<i>Cr Woods</i>	<i>For</i>



## 11 Reports of Officers and Committees

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### 11.1 Minutes of Special Committees of Council

<b>NO:</b>	283/2021
<b>Responsible Officer:</b>	General Manager
<b>Reporting Officer:</b>	Executive Manager Corporate
<b>File:</b>	381, 715.06, 322, 365
<b>Appendices:</b>	(A) Bushy Park War Memorial Swimming Pool Minutes (B) Derwent Valley Youth Future Action Team Minutes (C) Historical Information Centre Minutes (D) Molesworth Recreation Reserve Committee (all attached separately)

#### PURPOSE

That the minutes of the meeting(s) of Special Committees of Council as listed below, are laid on the table and circulated:

- A. Bushy Park War Memorial Swimming Pool Minutes 6 September 2021;
- B. Derwent Valley Youth Future Action Team Minutes 16 September, 14 October and 21 October 2021;
- C. Historical Information Centre Minutes 19 August 2021;
- D. Molesworth Recreation Reserve Committee Minutes 25 August 2021, Annual Report 2020-2021 and letter of 21 September 2021.

#### STATUTORY IMPLICATIONS

There are no significant statutory implications.

#### STRATEGIC IMPLICATIONS

- 4. *Services are integrated to maximise opportunities and participation*

#### POLICY IMPLICATIONS

There are no significant policy implications.

#### FINANCIAL IMPLICATIONS

There are no significant financial implications.

## **RISK IMPLICATIONS**

There are no significant risk implications.

## **CONSULTATIONS PROCESS**

The Special Committee of Council minutes and notes are available on Council's website ([www.derwentvalley.tas.gov.au](http://www.derwentvalley.tas.gov.au)).

## **COMMENT**

Nil

**Moved by Cr Woods / Seconded by Cr Pearce**

**That the Council note the minutes of the following Special Committee meeting(s):**

- A. Bushy Park War Memorial Swimming Pool Minutes 6 September 2021;**
- B. Derwent Valley Youth Future Action Team Minutes 16 September, 14 October and 21 October 2021;**
- C. Historical Information Centre Minutes 19 August 2021;**
- D. Molesworth Recreation Reserve Committee Minutes 25 August 2021, Annual Report 2020-2021 and letter of 21 September 2021.**

***The motion was put and was CARRIED***

<b><i>Mayor Shaw</i></b>	<b><i>For</i></b>
<b><i>Cr Cosgrove</i></b>	<b><i>For</i></b>
<b><i>Cr Evans</i></b>	<b><i>For</i></b>
<b><i>Cr Pearce</i></b>	<b><i>For</i></b>
<b><i>Cr Triffett</i></b>	<b><i>For</i></b>
<b><i>Cr Woods</i></b>	<b><i>For</i></b>

## 11.2 Performance Improvement Direction

<b>NO:</b>	284/2021
<b>Responsible Officer</b>	General Manager
<b>Reporting Officer:</b>	General Manager
<b>File:</b>	203
<b>Attachments:</b>	A) Letter from Minister of Local Government B) Performance Improvement Direction - Councillor Paul Belcher (all attached separately)

### PURPOSE

To update the councillors and community on the determination of the Minister of Local Government in relation to the Performance Improvement Direction on Councillor Paul Belcher.

### BACKGROUND

Council received the attached letter advising the Minister of Local Government's determination on issuing a Performance Improvement Direction on Councillor Paul Belcher under section 214N(2) of the *Local Government Act 1993* (the Act).

The Performance Improvement Direction is issued on the grounds that Councillor Belcher failed to comply with his obligations under the Act by failing to comply with the Code of Conduct and by failing to observe the legislated requirements of all other food business operators in the Derwent Valley municipality.

The Minister of Local Government considered responses from Councillor Belcher and the Mayor on the draft Performance Improvement Direction before determining to proceed with formally issuing the Performance Improvement Direction.

### DETAILS

As per the Minister's advice, the letter and Performance Improvement Direction are to be noted at the next full Council meeting.

**Moved by Cr Pearce / Seconded by Cr Triffett**

**That Council notes the Performance Improvement Direction from the Minister of Local Government, the Hon Roger Jaensch MP, on Councillor Paul Belcher.**

***The motion was put and was CARRIED***

<b><i>Mayor Shaw</i></b>	<b><i>For</i></b>
<b><i>Cr Cosgrove</i></b>	<b><i>For</i></b>
<b><i>Cr Evans</i></b>	<b><i>For</i></b>
<b><i>Cr Pearce</i></b>	<b><i>For</i></b>
<b><i>Cr Triffett</i></b>	<b><i>For</i></b>
<b><i>Cr Woods</i></b>	<b><i>For</i></b>

### 11.3 Community Engagement Policy and Framework

<b>NO:</b>	285/2021
<b>Responsible Officer:</b>	Executive Manager Community and Economic Development
<b>Reporting Officer:</b>	Economic Development Project Officer
<b>File:</b>	051
<b>Appendices:</b>	(A) Engagement Summary Report: Community Engagement Framework and Policy November 2021 (B) Community Engagement Policy (C) Community Engagement Framework (all attached separately)

#### PURPOSE

To consider adoption of the Community Engagement Policy and Framework.

#### BACKGROUND

The Draft Community Engagement Policy and Framework was developed in response to a 'Communications and Engagement Survey' conducted in July 2021. This survey indicated a desire for Council to provide better opportunities for the community to have their say on Council projects, plans and strategies.

Derwent Valley Council currently does not have a current Policy or standard procedure to conduct community engagement. This policy gap has led to an inconsistent and ad-hoc approach to community consultation. This limits the ability for Councillor's to make fully informed decisions that consider diverse stakeholder and community views and exposes Council to reputational risk.

The Community Engagement Policy and Framework will provide the basis and rigor for communicating decisions, sharing perspectives, improving transparency, and building trust between Council the community and other partners.

The Draft Policy and Framework was presented at the September 2021 Council Meeting and endorsed for release for a 42-day public comment period.

#### DETAILS

The ***Community Engagement Policy*** outlines Derwent Valley Council's commitment and approach to community engagement practice. The draft policy details the principles that guide how Council will undertake meaningful engagement with the community and stakeholders when making decisions, delivering services, or representing the community. The *Community Engagement Policy* will form a key pillar of the *Community Engagement Framework*.

The **Community Engagement Framework** provides a structure for the way in which Council delivers community engagement activities and embraces community input to help inform Council decision making. The Framework serves as a reference for how Council will approach engagement, and what the community should expect from us when we deliver engagement activities.

The Framework consists of four components that when combined, ensure that Council delivers effective community engagement. These components include:

- A whole-of-council **Commitment** to embed effective community engagement throughout the whole of Council operations.
- A **Policy** that sets out the scope, policy position, and guiding principles that Council will use when undertaking community engagement.
- **People** including trained Council staff involved in engagement activities, engagement consultants and practitioners that we work with, and the stakeholder sand wider community with which we will engage.
- The **Process** which includes our systems and consistent steps that we will follow when designing and delivering a community engagement project.

The framework builds on Derwent Valley Council's experience in delivering community engagement for projects, plans and strategies, and has been developed with input from community, Council staff, and elected members.

In preparing this framework, international, national, and Tasmanian examples of best practice community engagement within local government have been reviewed. A communication and engagement survey conducted by Council in July 2021 provided community insights that have helped to inform the draft framework.

The Community Engagement Framework is underpinned by the methodology of the International Association for Public Participation (IAP2), considered to be best practice internationally and in Australia.

## **STATUTORY IMPLICATIONS** *(Statutory Requirements)*

The Local Government Act 1993 sets out the functions and powers of Tasmanian councils in section 20. Those functions include, '*to represent and promote the interest of the community*' (section 20(1)). In performing its functions, Council is to '*consult, involve and be accountable to the community*' (section 20(2)).

A review of the Local Government Legislation Framework is currently underway by the Tasmanian Government, with new legislation expected to be implemented within the next 12 months. The requirement for Council to develop a Community Engagement Strategy has been

indicated in the proposed reform directions released by the Department of Premier and Cabinet.

### **STRATEGIC IMPLICATIONS** *(Strategic Plan Reference)*

- 4 - Services are integrated to maximise opportunities and participation
- 6 - The valley has highly liveable and engaged communities supported by access to its needs
- 8 - The Plan is implemented through effective and transparent governance and partnerships

### **POLICY IMPLICATIONS**

If adopted, the Community Engagement Policy will be the first of its kind for Derwent Valley Council.

### **FINANCIAL IMPLICATIONS**

There are no significant financial implications. It is expected that community engagement activities will be factored into future project timelines and budgets.

### **RISK IMPLICATIONS**

Council current does not have an adopted Community Engagement Policy or Framework. This has resulted in community consultation being conducted in an inconsistent and ad hoc way – exposing Council to reputational and project risks.

Adopting the Community Engagement Policy and Framework will help to reduce this risk and will lead to better outcomes through improved stakeholder communications, and more informed decision making.

Having an adopted policy and framework will set a certain expectation with the community that Council will need to ensure it can deliver on with the appropriate resourcing and accountability.

### **CONSULTATION PROCESS**

The Draft Community Engagement Policy and Draft Community Engagement Framework was advertised for public comment for a period of 42 days following the September 2021 Council meeting. Two formal representations were received during this time. Both responses were satisfied with the quality and content of the Framework and made positive references to the Framework's commitment to consult with diverse stakeholders, and the

commitment to reporting outcomes. Feedback received has been documented in the attached Engagement Summary Report.

**Moved by Cr Cosgrove / Seconded by Cr Evans**

**That the Council:**

- A. note the feedback received during the 42-day public comment period as reported in the attached engagement summary report;**
- B. adopt the Community Engagement Policy and Community Engagement Framework.**

***The motion was put and was CARRIED***

<b><i>Mayor Shaw</i></b>	<b><i>For</i></b>
<b><i>Cr Cosgrove</i></b>	<b><i>For</i></b>
<b><i>Cr Evans</i></b>	<b><i>For</i></b>
<b><i>Cr Pearce</i></b>	<b><i>For</i></b>
<b><i>Cr Triffett</i></b>	<b><i>For</i></b>
<b><i>Cr Woods</i></b>	<b><i>For</i></b>



#### **11.4 Review of Special Committees Project**

Agenda Item 10.4 was brought forward in the Agenda and became Item 9.

## 11.5 Council Meeting Schedule 2022

<b>NO:</b>	286/2021
<b>Responsible Officer:</b>	General Manager
<b>Reporting Officer:</b>	Executive Manager Corporate
<b>File:</b>	194
<b>Attachments:</b>	

### PURPOSE

To determine Council's meeting schedule for the next 12 months.

### BACKGROUND

Council's meeting schedule expires with its December meeting and this report recommends a meeting schedule for the next 12 months.

Over the last 12 months, Council has been holding meetings on the fourth Thursday of the month (exception being with the December meeting for which the Annual General Meeting is also held). Councillor workshops were held on the second Thursday of each month and forums at other times as required.

### DETAILS

It is suggested that Council adopt the following dates and times for the next twelve months for Council meetings.

Council meetings to be held on the fourth Thursday of each month commencing at 6.00 pm allowing for public question time as per the Local Government (Meeting Procedures) Regulations 2015.

Date	Location
25 January 2022	New Norfolk
24 February 2022	New Norfolk
24 March 2022	New Norfolk
28 April 2022	New Norfolk
26 May 2022	New Norfolk
23 June 2022	New Norfolk
28 July 2022	New Norfolk
25 August 2022	New Norfolk
22 September 2022	New Norfolk
27 October 2022	New Norfolk
24 November 2022	New Norfolk
15 December 2022	New Norfolk (including AGM)

## **STATUTORY IMPLICATIONS** *(Statutory Requirements)*

*Local Government (Meeting Procedures) Regulations 2015, Part 2 – Meetings, Division 1 - Convening and agendas, Section 7 – Notice of meetings*

## **STRATEGIC IMPLICATIONS** *(Strategic Plan Reference)*

*8 - The Plan is implemented through effective and transparent governance and partnerships*

## **POLICY IMPLICATIONS**

There are no significant policy implications as a result of this report.

## **FINANCIAL IMPLICATIONS**

There are no significant financial implications as a result of this report.

## **RISK IMPLICATIONS**

There are no significant risk implications as a result of this report.

## **CONSULTATION PROCESS**

Once adopted the Council meeting schedule for the 2022 calendar year will be advertised to the public.

## **COMMENT**

Moved by Cr Evans / Seconded by Cr Triffett

That the Council:

1. resolves to hold all Council Meetings for the 2022 calendar year in New Norfolk as per the below schedule:

Date	Location
25 January 2022	New Norfolk
24 February 2022	New Norfolk
24 March 2022	New Norfolk
28 April 2022	New Norfolk
26 May 2022	New Norfolk
23 June 2022	New Norfolk
28 July 2022	New Norfolk
25 August 2022	New Norfolk
22 September 2022	New Norfolk
27 October 2022	New Norfolk
24 November 2022	New Norfolk
15 December 2022	New Norfolk (including AGM)

2. holds Council meetings each month commencing at 6.00 pm;
3. in accordance with the Local Government (Meeting Procedures) Regulations 2015, item 7 Notice of meetings, readvertises the times and locations of ordinary Council meetings for 2022.

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>For</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>

## 11.6 Monthly Financial Report – October 2021

<b>NO:</b>	287/2021
<b>Responsible Officer:</b>	Executive Manager Corporate
<b>Reporting Officer:</b>	Senior Financial Accountant, Management Accountant
<b>File:</b>	737
<b>Appendices:</b>	Monthly Report ( <i>attached separately</i> )

### PURPOSE

For the Council to receive the current financial position of the organisation.

### BACKGROUND

The Monthly Financial Report for the period 1 July 2021 to 31 October 2021 is attached.

The Report sets out Council's 2021/2022 Budget, it's year-to-date anticipated and actual performance, how these two year-to-date measures compare in both dollar variance and percentage variance terms and a forecasted result to the end of the financial year.

### DETAILS

Council's Monthly Financial Report is submitted for consideration which details the operating results of Council for four months of the 2021/2022 financial year.

The Financial Report contains the following information for consideration:

- Statement of Income and Expenditure for the period ending 31 October 2021 with detailed explanations for major line items.
- Detailed Operating Revenue and Expenditure for the period ending 31 October 2021 separated into the Program areas.
- A detailed summary of each of the six Program areas.
- Summary of Cash Position detailing Council's current Cash Balance as at 31 October 2021 with comparisons against 2020/2021 position.
- Forecast of Cash Position as at 30 November 2021. Also included is a reconciliation of Council's unrestricted cash funds after accounting for all amounts that have been set aside for a particular purpose.
- Summary of Loan Borrowings for the period ended 31 October 2021.
- Capital/Renewal Works and Special Projects Report for period ending 31 October 2021.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1993*

## **STRATEGIC IMPLICATIONS**

*8 - The Plan is implemented through effective and transparent governance and partnerships*

## **POLICY IMPLICATIONS**

There are no significant Policy implications.

## **FINANCIAL IMPLICATIONS**

There are no significant financial implications.

## **RISK IMPLICATIONS**

There are no significant risk implications.

## **CONSULTATION PROCESS**

The financial statements form part of the public record within the Council minutes.

## **COMMENT**

Nil

**Moved by Cr Pearce / Seconded by Cr Evans**

**That the Monthly Financial Report for the period 1 July 2021 to 31 October 2021 be noted and received.**

***The motion was put and was CARRIED***

<b><i>Mayor Shaw</i></b>	<b><i>For</i></b>
<b><i>Cr Cosgrove</i></b>	<b><i>For</i></b>
<b><i>Cr Evans</i></b>	<b><i>For</i></b>
<b><i>Cr Pearce</i></b>	<b><i>For</i></b>
<b><i>Cr Triffett</i></b>	<b><i>For</i></b>
<b><i>Cr Woods</i></b>	<b><i>For</i></b>

## 11.7 Senior Management Report

<b>NO:</b>	288/2021
<b>Responsible Officer:</b>	General Manager
<b>Reporting Officer:</b>	Executive Manager Corporate
<b>File:</b>	202
<b>Appendices:</b>	Monthly Report <i>(attached separately)</i>

### PURPOSE

To provide information on issues of significance or interest, together with statistical information and summaries of specific areas of operations.

### USE OF CORPORATE SEAL

Date	Document	Subject
1 November 2021	Agreement for the use of Kensington Park for 12 months	Council and the New Norfolk Trotting Club
1 November 2021	Draft amendment PSA 2021/3 to rezone	CT 179148/1 and 141514/6 from Low Density Residential Zone to General Residential Zone.

Moved by Cr Pearce / Seconded by Cr Evans

That the Senior Management Report be noted.

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>For</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>



## Training/Workshops Offered to Councillors

Councillors/General Manager Advised of Training	Organisation	Title	Location	Date of Event	Councillors/General Manager Attending
2 July 2020 (Councillors Workshop)	Local Government Association of Tasmania (LGAT)	Elected Member Online Networking Event	Online	29 July 2020	Unknown
4 August 2020 (LGAT emailed all mayors)	Local Government Association of Tasmania (LGAT)	Mayors Professional Development Workshop	Windsor Park, Riverside	10 September 2020	Mayor Shaw
August 2020 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	LGAT general Meeting	Windsor Park, Riverside	11 September 2020	Mayor Shaw General Manager
October 2020 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	Code of Conduct Sessions	Hockey Centre, New Town	20 October 2020	Cr Woods
3 September 2020 (LGAT emailed all General Managers)	Local Government Association of Tasmania (LGAT)	General Managers Conference	Bicheno	5-6 November 2020	General Manager
3 December 2020 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	LGAT One Day Conference 2020	Wrest Point Casino, Hobart	3 December 2020	Mayor Shaw General Manager
20 January 2020 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	LGAT Elected Members' Professional Development Weekend 2021	Hotel Grand Chancellor, Launceston	20-21 February 2021	Mayor Shaw Cr Browning Cr Triffett

<b>Councillors/General Manager Advised of Training</b>	<b>Organisation</b>	<b>Title</b>	<b>Location</b>	<b>Date of Event</b>	<b>Councillors/General Manager Attending</b>
11 March 2021 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	Mayors Professional Development Workshop	Paranple Convention Centre, Devonport	11 March 2021	Mayor Shaw
12 March 2021 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	LGAT General Meeting	Paranple Convention Centre, Devonport	12 March 2021	General Manager
15 March 2021 (LGAT emailed all General Managers)	Local Government Association of Tasmania (LGAT)	General Managers Workshop	Stewarts Bay Lodge, Port Arthur	29-30 April 2021	General Manager
5 -6 August 2021 (LGAT emailed all Councillors)	Local Government Association of Tasmania (LGAT)	LGAT Annual Conference	Wrest Point Convention Centre, Hobart	5 -6 August 2021	Mayor Shaw Cr Triffett General Manager

*TBA= To be advised*

## **12 Councillor Raised Questions**

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### **12.1 Response(s) to Councillor Questions Taken on Notice from Previous Meeting**

Nil

### **12.2 Councillor Questions received in writing**

NO:	
File:	199

Nil

### **12.3 Councillor Questions without notice**

NO:	289/2021
File:	200

#### **11.3.1 Cr Cosgrove – Park benches**

Cr Cosgrove queried the location of the park benches, which were removed from the Esplanade.

*The Executive Manager Infrastructure advised that they are being stored at the Depot.*

Cr Cosgrove advised that Fairview Primary School Association are looking for donations of two or three park benches to be used a 'Buddy Benches'.

*The Executive Manager Infrastructure advised that a number of enquiries have been received from schools and the Department of Education regarding the 'Buddy Benches' as a matter of consideration.*

#### **11.3.2 Cr Evans – Wetlands**

Cr Evans referred to a previous decision of Council regarding the wetlands area and queried if there is an update or when will the works be completed.

*The Executive Manager Infrastructure advised that TasWater have deferred to project for a period of 12 months so that they can update their digester and gain EPA approval to undertake the works.*

### **11.3.3 Cr Evans – Council Policies**

Cr Evans queried if he could have a copy of all of the Council Policies which have elapsed or expired and why they have not come back to Council. Cr Evans also asked for this information to be included in next month's Agenda.

*The General Manager advised that this can be provided.*

### **11.3.4 Cr Evans – Public Question Time**

Cr Evans referred to the Public Question Time question regarding a Councillor missing three Council Meetings. Cr Evans acknowledged that it was himself who has missed three Council Meetings.

### **11.3.5 Cr Evans – Food Business**

Cr Evans queried if all Food Business within the Derwent Valley are presently compliant with the correct permits.

*The Executive Manager Development advised that all food licences have been checked and issued this financial year. In regards to Permit Requirements, the Executive Manager Development took the question on notice.*

Cr Evans requested that the answer is provided in the Council Minutes.

### 13 Matters Proposed For Consideration in Closed Meeting

NO:	290/2021
File:	194

Moved by Cr Evans / Seconded by Cr Pearce

That the Council CONFIRMS BY AN ABSOLUTE MAJORITY that the matters listed below be considered in Closed Meeting:-

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<b>2. Confirmation of Minutes of the Closed Meeting</b>	15 (2)
<b>3.1 Tender 2021/006 Andrews Street Stormwater Upgrade</b>	15 (2) d
<b>3.2 New Norfolk Caravan Park</b>	15 (2) b, c, e ii, f, g,
<b>3.3 Derwent Valley 2022 Australia Day Awards</b>	15 (2)
<b>3.4 Valley Children's Centre</b>	15 (2)
<b>3.5 Closed Senior Management Report</b>	15 (2)
<b>3.6 Requests for Leave of Absence</b>	15 (2)

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>For</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>

## 14 Closure of Meeting to the Public

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NO:	291/2021
File:	194

Moved by Cr Evans / Seconded by Cr Pearce

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 6.54 pm:

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
2. Confirmation of Minutes of the Closed Meeting	15 (2)
3.1 Tender 2021/006 Andrews Street Stormwater Upgrade	15 (2) d
3.2 New Norfolk Caravan Park	15 (2) b, c, e ii, f, g,
3.3 Derwent Valley 2022 Australia Day Awards	15 (2)
3.4 Valley Children's Centre	15 (2)
3.5 Closed Senior Management Report	15 (2)
3.6 Requests for Leave of Absence	15 (2)

*The motion was put and was CARRIED*

<b>Mayor Shaw</b>	<b>For</b>
<b>Cr Cosgrove</b>	<b>For</b>
<b>Cr Evans</b>	<b>For</b>
<b>Cr Pearce</b>	<b>For</b>
<b>Cr Triffett</b>	<b>For</b>
<b>Cr Woods</b>	<b>For</b>

**Recommendation of Audio Recording**

*The Chairperson is to declare the meeting reopened (time), welcome those present in attendance and advise that the meeting will be recorded, in accordance with the Council Policy titled "Audio Recording Policy" to 'record meetings of Council to assist in the preparation of minutes and ensure a true and accurate account of debate and discussion at meetings is available.'*

**At 8.11 pm the Open Meeting was resumed with the following persons in attendance.**

**RECORD OF ATTENDANCE**

**Mayor Ben Shaw**

**Deputy Mayor Jessica Cosgrove**

**Cr Luke Browning** (*arrived during the Closed Meeting at 7.05 pm*)

**Cr Martin Evans**

**Cr Frank Pearce**

**Cr Julie Triffett**

**Cr Natasha Woods**

**General Manager Dean Griggs and the Executive Leadership Team**

*Cr Browning declared a conflict of Interest in Closed Agenda Item 3.1 – Tender 2021/006 Andrews Street Stormwater Upgrade.*

**APOLOGIES**

**Cr Belcher**

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

NO:	300/2021
File:	194

The Chairperson announced that pursuant to Regulation 15(8)(9) of the *Local Government (Meeting Procedures) Regulations 2015* and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Min. No and Subject	Decisions/Documents
<b>2. Confirmation of Minutes of the Closed Meeting</b>	<b>Confirmed the Minutes</b>
<b>3.1 Derwent Valley 2022 Australia Day Awards</b>	<b>Confirmed the recipients</b>
<b>3.2 New Norfolk Caravan Park</b>	Received and Noted the report. Resolved by an absolute majority pursuant to Section 27 of the Local Government General Regulation 2015 to proceed with the non-application of public tender process due to extenuating circumstances. Authorised the General Manager to negotiate with Peter and Dianne Cashion a 12-month contract to provide caretaker services at the New Norfolk Caravan Park without undertaking a external tender process due to extenuating circumstances.
<b>3.3 Tender 2021/006 Andrews Street Stormwater Upgrade</b>	<b>Awarded the Tender</b>
<b>3.4 Valley Children's Centre</b>	<b>Noted the report</b>
<b>3.5 Closed Senior Management Report</b>	<b>Noted the report</b>

**THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 8.13 PM**

**Confirmed,**

**MAYOR**

25 November 2021