



dorset
C O U N C I L

Ordinary Minutes

Council Meeting

18 September 2023

it's in the making

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Council Meeting Minutes 18 September 2023

Meeting Opened: 6:00 pm

Present: Commissioner Andrew Wardlaw

General Manager: John Marik, Assistant General Manager / Director – Community & Development: Rohan Willis, Finance Manager: Allison Saunders, Administration Manager: Lauren Tolputt, Regulatory Services Manager / Town Planner: Thomas Wagenknecht, Community and Development Administration Officer: Elizabeth Hadley, Executive Assistant: Sarah Forsyth

Apologies: Nil

Acknowledgement of Country

Dorset Council acknowledges the deep history and culture of the First People who were the traditional owners of the lands and waterways where we live and work. We acknowledge the clans-people who lived here for over a thousand generations on the Country where Scottsdale is built and throughout the area we know as the north east region.

Dorset Council acknowledge the present-day Aboriginal custodians and the inclusive contribution they make to the social, cultural and economic essence of the municipality.

Commissioner Wardlaw acknowledged the passing of former Mayor and Deputy Mayor, Mrs Yvonne Thorne

Item 133/23 **Confirmation of Ordinary Council Meeting Minutes – 21 August 2023**
Ref: DOC/23/9999

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 21 August 2023 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 21 August 2023 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED: COMMISSIONER

DECISION**MOVED / SECONDED: Commissioner Wardlaw**

That Council confirm the Agenda and order of business for the 18 September 2023 Council Meeting.

CARRIED: COMMISIONER

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Commissioner is requested to indicate whether he has, or is likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Nil

Commissioner Wardlaw's Calendar | 15 August 2023 – 13 September 2023**August 2023**

- 16 Meeting with member of the public with General Manager, Scottsdale
- 17 Meeting with Audit Panel Chair, Ian Wright, Launceston
- 21 Weekly meeting with Council management team regarding weekly meeting and Council Workshop process, Scottsdale Bike Park project overview, Derby master planning, Scottsdale community garden project progress update and Board of Inquiry / insurance update
- 21 August Council Meeting, Council Chambers
- 23 Meeting with ratepayer, Derby
- 23 Attendance at the Dorset Coastal Working Group Meeting, Bridport
- 24 Meeting with Dorset Community House Manager, Naomi Buster, Community House
- 24 Meeting with ratepayer, Council Chambers
- 28 Attendance at the launch of the Northern Tasmania Alliance for Resilient Councils with the General Manager, Riverside
- 28 Weekly meeting with Council management team regarding 2022/23 bad debts update, MAST update, Dorset Coastal Working Group Meeting items, update on Scottsdale Bike Park from previous meeting, and other items including the Rail Trail, Tassie Scallop Fiesta and Bridport Innovations meeting request
- 29 Meeting with Future-Links Gladstone community group with John Marik, Rohan Willis and Craig Wheeler, Gladstone
- 30 Attendance and Presentation at the Rotary Club of Scottsdale Meeting, Scottsdale Art Gallery Cafe

September 2023

- 4 Weekly meeting with Council management team regarding Board of Inquiry update, Regional Development Australia meeting and other items including Scottsdale community garden project update, Future-Links Gladstone meeting, Rail Trail update,
- 4 North East Chamber of Commerce Meeting, Scottsdale Art Gallery Café

- 5 September Council Briefing Workshop, Council Chambers
- 5 Dorset Suicide Prevention Network General Meeting, Scottsdale Library
- 5 Meeting with ratepayer, Council Chambers
- 6 Meeting with ratepayer, Bridport
- 6 Dorset Community Grants Selection Meeting, Council Chambers
- 7 Meeting with ratepayer, Council Chambers
- 11 Weekly meeting with Council management team regarding Regional Development Australia update, Derby shuttle bus progress update, upcoming State Government visit to Dorset, Annual Plan 2023/24 – Road and Footpath Committee discussion, community meetings update, mountain bike framework update, Blue Derby Foundation updates on accommodation provider program and brand and additional Local Government Association of Tasmania motion for 1 November meeting.
- 12 Presentation from Northern Tasmania Development Corporation, Council Chambers
- 12 Dorset Wellbeing Network meeting, Dorset Community House
- 13 Meeting with Bridport Life Saving Club Members with General Manager, via online meeting
- 13 Inspection of Jehovah Witness Kingdom Hall renovations, Scottsdale
- 13 Site visit to the Scottsdale Waste Transfer Station with Acting Director - Infrastructure
- 13 Future-Links Gladstone, Annual General Meeting, Gladstone Hall

Item 137/23 Management Team Briefing Report

The purpose of this agenda item is to provide the Commissioner and the community with a briefing on matters of interest dealt with during the past month by Council’s Management Team.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Management Team Briefing Report be received and noted.

CARRIED: COMMISSIONER

Item 138/23 Council Workshops Held Since Last Council Meeting

- 5 September | Briefing Workshop
- 12 September | Special Briefing Workshop

Item 139/23 Applications for Leave of Absence

Nil

Item 140/23 Public Question Time

The following questions were **taken on notice** at the 21 August Council Meeting:

Kahlia Simmons, Scottsdale

When will the footpath on the corner of Victoria and King Street be fixed?

Response from Acting Director – Works & Infrastructure, Craig Wheeler:

Council cannot give a definite completion date based on the following. TasWater are investigating the water main including potential replacement. Council have pavers on order, which have a minimum five week lead time for delivery.

Jenny Bellinger, Pioneer

Can someone give us an update on the water allocation that we bought with the Scottsdale Irrigation Scheme and where that's at?

Response from Finance Manager, Allison Saunders:

In the 2022/23 financial year, 95ML of water rights were sold for a total of \$136,650. At 30 June 2023, 547ML remain for sale, with a carrying amount of \$766,000.

Vincent Teichmann, Pioneer

In Schedule 1 on page 17 of the agenda, it mentions that you are immune from any personal liability in accordance with Section 341 of the Act. Is there a similar provision for other Councillors and Council staff that they are immune from prosecution for personal liability?

Response from Commissioner, Andrew Wardlaw:

Councillors and employees are afforded the same personal liability protection under Section 341 of the *Local Government Act 1993* as the commissioner.

Councillors, employees and the commissioner do not incur any personal liability in respect of any act done or omitted to be done by the person in good faith in the performance or exercise of their duties.

A personal liability that may otherwise lie against councillor or employee will lie against the Council. In regard to the commissioner, the liability will lie against the Crown.

Jacki Moore, Gladstone

With the resheeting of the roads, we were told last year that Cape Portland Road, which is desperately needed, was going to be done, but I can't see it listed anywhere?

Response from General Manager, John Marik:

The resheeting of Cape Portland Road is included in Council's Road Plan for 2025/26 financial year. Council's Infrastructure team will make contact and undertake a review of the road condition, which may alter Council's maintenance schedule.

The following questions were received **on notice** from members of the public:

Lawrence Archer, Bridport | 5 September 2023

What is the total of legal costs incurred by Council since July 1 2022 and how much of those costs are attributable to advice attempting to deny Right to Information requests?

Response from Finance Manager, Allison Saunders:

Total legal fees incurred by Council since 1 July 2022 amount to \$240,409. Of these fees, \$157,060 have already or will be reimbursed to Council (\$145,478 from Council's insurer relating to the Local Government Investigation/Board of Inquiry). A total of \$1,976 relates to advice received in relation to Right to Information Requests. Amounts stated are GST exclusive.

Karl Willrath, Scottsdale | 7 September 2023

The media has reported that some of the suspended Dorset Councillors attempted to resign but these resignations were unable to be accepted due to statutory reasons. If these resignations were accepted, would the Councillors have been allowed to gain access to Dorset Council computers, email, phone records, etc. in regards to evidence/information gathering for the current board of inquiry into Dorset?

Response from General Manager, John Marik:

From a procedural fairness perspective, all parties impacted by the Local Government investigation or the Board of Inquiry will be given access to relevant records. All information requests should be submitted in writing to the General Manager. This applies to suspended Councillors, former Councillors, and former and current Council Officers.

Has the Mayoral car been sold, and could we please have a final cost benefit based on the previous three years that Mayor Howard actually claimed for via kilometres travelled in his own vehicle (previously disclosed) including fuel, tyres, repairs, services etc. and did the Mayoral car actually work out cheaper as was claimed by GM Watson at the time of the Councillors voting for the car?

Response from General Manager, John Marik:

The Mayor's car has been included as part of Council's fleet available for Council Officers for conducting day to day operations of Council.

At the 16 September 2019 Council Meeting, a resolution was passed unanimously (with the Mayor declaring an interest in the matter) for Council to provide a fully maintained motor vehicle for the Mayoral role. The following extract articulates the background and former General Manager comments from the agenda item:

"Section 340A of the Local Government Act 1993 (the Act) entitles Councillors to allowances as prescribed in the Local Government (General) Regulations 2015. Whilst the Regulations allow for reimbursement of reasonable expenses in relation to travel, there is no specific car allowance for Councillors, Mayors or Deputy Mayors.

Accordingly, it is common practice within the sector for Councils to elect to provide fully maintained motor vehicles for the Mayoral position. This practice is typically adopted to mitigate the financial impost that Mayors incur as a result of the performance of their Mayoral responsibilities. The logic being that the allowances provided to a Mayor including reimbursement of travel expenses are substantially insufficient relative to the commitment that is required of Mayors to do justice to the role and the needs of the community.

Many Councils within the sector have for many years advocated for a substantial increase in allowances for the Mayoral position, particularly for small regional Councils where the

Mayor clearly plays a critical role in advocating for the local community and securing State and Federal Government funding. Unfortunately the recent review of Councillor allowances by the Tasmanian Industrial Commission (TIC) did not propose any changes to allowances. This decision by the TIC shows a poor understanding of the importance of the role of the Mayor in regional communities and in that respect it is not a reflection of the views of those in the sector who are better placed to make judgement on the matter.

The consensus of Councillors and Senior Staff is that the level of remuneration for the Mayoral position via Councillor allowances is an anachronism from a bygone era and in no way reflects the volume of the work performed in carrying out the duties of the role. Given the geographic spread of rural Councils the demands on the Mayor in a municipality such as Dorset are in many respects far greater than that of a Mayor of an urban Council. In addition, I have personally seen the importance of the role of the Mayor in advocating for the community and securing State and Federal funding and therefore in my professional view the allowances are grossly inadequate.

Whilst Council does not have the head of power to increase the level of allowances for the Mayoral position, Council does have the ability to provide a fully maintained motor vehicle and it is my recommendation that such a vehicle be provided to the Mayor including full private use in accordance with Council's Operational Policy - Plant and Vehicle Use."

The above agenda item made no reference about the mayoral vehicle being cheaper than paying the Mayor on a cents per kilometres basis for expended business kilometres.

Council Officers have provided information previously in relation to this matter (24 April 2023), specifying the Mayor historically claimed for out of municipality kilometres only. The mayoral vehicle was provided on a fully maintained basis, which included a certain amount of private kilometres. Therefore, a cost benefit analysis would not be comparing like for like data sets.

It will be up to a future Council to decide whether this policy position requires review.

In addition to the abovementioned answer that was provided in the circulated agenda, the Commissioner referred to a transcript of this item from the 16 September 2019 Council Meeting, which is provided below:

Transcript | 16 September 2019 Council Meeting Item 160/19 – Provision of Mayoral Car

DJ – Dale Jessup (Deputy Mayor) | TW – Tim Watson (General Manager) | MC – Mervyn Chilcott (Councillor) | LS: Leonie Stein (Councillor) | EP – Edwina Powell (Councillor) | JN – Jerrod Nichols (Councillor) | WM – Wendy McLennan (Councillor)

Mayor Howard declared a pecuniary interest and asked the Deputy Mayor to take the Chair

DJ: *Thanks Mr Mayor. Councillors we have item 160/19 – Provision of the Mayoral Car. The reporting officer is the General Manager.*

TW: *Through you Deputy Mayor. I think the report is self-explanatory. I think anyone who lives in the general community would understand the importance of having an active Mayor in terms of – a) advocating for the community and I think just as importantly, is working with our political representatives at a State and Federal level and bringing funding into our area. Personally, I have observed the enormous amount of work that*

first Barry Jarvis did on behalf of this community, particularly when the community was going through a rough patch, and certainly worked closely with Greg to secure funding. One of those springs to mind is Aminya. We wouldn't of, I don't think, would have found a solution if it wasn't for Greg working with both myself and Julie Orr as a team. I get feedback all the time about just how active Greg, for example, is around the community. You guys must hear it as well. My view as a professional is I just think the allowances that councillors and certainly your mayor are paid, belong to another era. You want an active Mayor, it is ridiculous that the Mayor should be out of pocket while out representing your community. So I really think it is a no brainer to provide the Mayor with a fully maintained motor vehicle with full private use.

DJ: *Thanks Tim. Any questions?*

MC: *Is there a figure at the moment of what Greg's paid like for an allowance on his own vehicle?*

TW: *It's the same as any Councillor. So there is a cents per kilometre rate we pay for travel.*

MC: *So what would that amount to in a year that Greg would be paid? I do recognise that he does go to a considerable amount of meetings.*

DJ: *To my knowledge he doesn't claim a lot.*

TW: *He only claims out of the area.*

LS: *He only claims out of the area – only if he goes beyond the boundaries.*

TW: *It is not a lot, I couldn't put a figure on it, but it's only if he goes out of the area. So all the work he does inside the municipality, Barry was the same.*

DJ: *I know through the work I do on the Audit Panel, we see some of those claims that councillors make from time to time and yeah, certainly the claims I've seen come through from Greg for mileage is very limited.*

EP: *Was there any cost analysis made comparing what, you know, get for an allowance compared to actually having a car?*

TW: *I think you've answered that Dale. What Greg claims....*

EP: *I'm not asking what Greg claims, but in terms just in general, what would be the percentage? It is cheaper to provide a car compared to claiming an allowance?*

TW: *No it's not. The Mayor is not claiming all of his travel. So it will cost the community more than what is being paid now.*

LS: *When you look at....*

DJ: *Councillor Stein is this a question?*

LS: *It will be, I will put a question mark at the end.*

LS: *When you look at what the Mayor in other communities or Councils get in comparison to what our Mayor gets, with the amount of work our mayor does, I can't understand how it can even be disputed. It is not warranted and for what he has achieved it is a good thing. My question is, how could it be seen to be against the community to have someone representing us as well as they do?*

DJ: *Thank you Councillor Stein, do you need an answer for that?*

LS: *No, I think I answered it for myself.*

DJ: *If there are no further questions, can I call for a mover of the motion?*

LS: *I am happy to move.*

DJ: *Moved by Councillor Stein.*

DJ: *Secunder?*

- JN: *I will.*
- DJ: *Seconded by Councillor Nichols.*
- DJ: *Councillor Stein.*
- LS: *I don't think I have anything left to say now.*
- DJ: *Councillor Nichols.*
- JN: *Nah, I think that it has all pretty well been explained. I think he goes above and beyond what is required and it is more than justified.*
- DJ: *Any discussion?*
- WM: *Only I don't think we are in a position to compare what other Mayors do as we don't know, but obviously Greg does a good job.*
- DJ: *I think from my position, I see the work that the Mayor does, it is just astounding and every organisation meeting, pretty well, in the north east Greg goes to. I know we've had personal conversations about it before, how he doesn't feel right about putting in applications for coverage of mileage, but I certainly think with the work that Greg does, that Council providing him with a car is easily justified. I suppose the only hesitation I have with it is the, that I wouldn't be so convinced that the next Mayor would deserve a car. So I think it's something that maybe the next round of Council need to think about, if you have a Mayor that didn't put in the level of work and diligence that our current Mayor does. Another Council may need to consider whether the provision of a mayoral car continues. What I wouldn't like to see is that, just start it from this day forward forever and a day that a mayor in Dorset always has a vehicle, which is something that future Councillors would need to consider. Certainly with what Greg does, I have no hesitation supporting the motion.*
- DJ: *Councillor Stein would you like to sum up?*
- LS: *I am quite happy to support what you just said as my sum up.*
- DJ: *Thank you. I call for the motion to be put to the meeting. All those in favour? (Aye's heard)*
- DJ: *Any against?*
- DJ: *Carried unanimously*

The following questions were received **without notice** from members of the public:

Dale Jessup, Youngtown:

At the August Council Meeting, the Council's Priority Projects paper was approved. One of the items listed was to advocate for realignment of stage 2 of the Sideling upgrade through Corkery's Road. Given stage 2 is currently being assessed, can Council outline what activities have been undertaken since the August meeting?

Response from General Manager, John Marik:

Council have a meeting scheduled with the Department of State Growth next week to discuss this matter, amongst others.

Commissioner, at the last Council Meeting you stated you would be in the position of Commissioner until 28 February 2024. Given the Board of Inquiry is due to provide its report on the 28 February, who do you expect to be representing Dorset ratepayers come 1 March 2024?

Response from Commissioner Andrew Wardlaw:

If I gave the impression it would be until the end of February, that's the expectation, but it's not a fixed appointment, it's associated with other events happening. In relation to the Board of Inquiry, what it finds, what it presents to the Minister, and the Minister will make those decisions moving forward about what happens post that. I am expecting to be here until 28 February, but it could be shorter or it could be longer.

A question regarding to the Personal Information Policy review listed for discussion in tonight's agenda. Under the Policy, in the security of personal information section it states "Generally there is an intention that information is destroyed or permanently de-identified when it is no longer required". Given the data hacks that Australian businesses have experienced relating to data that was exposed that has been later shown should've been deleted, do you consider the Policy wording will guarantee data no longer required to be held is deleted?

QUESTION TAKEN ON NOTICE

Louise Brooker, Bridport:

In relation to the planning application up for debate this evening, referring to the revised plan, in his response to representations about the excessive heights for parts of the Barnbogle development, why did the Town Planner not use readily available software to indicate the visual effects of the 12 metre tall build up from the various main streets?

QUESTION TAKEN ON NOTICE (as per Policy No.41)

Vincent Teichmann, Pioneer:

Are Councillors still bound by the Council Code of Conduct while they are stood down?

Response from General Manager, John Marik:

No

To clarify my question from last month, if a Councillor, Council employee or Commissioner was not acting in good faith, would they then be liable? Clearly it said that if they are acting in good faith, they are covered, but if they aren't, would they be liable personally?

Response from Commissioner Andrew Wardlaw:

I think you've answered your own question. It would be a matter subject to a range of laws, etc. if they have acted in good faith, but yes, essentially the obligation is to make decisions in good faith and if that occurs then liability is protected.

Is it your professional opinion, either directly or through you to John Marik, General Manager, that any of the reasons given to me by the former General Manager when he was refusing my request for a letter of support originally – and just to refresh that was apparently that the road was too small to handle any more traffic, that was reason one. That adding another operator might threaten the viability of existing operators – reason 2, then later he suggested that, supposedly, he and other operators had concerns about my driving, without providing any evidence or taking the appropriate action to refer that matter

to the Police. Would you consider any of these three constitutes valid reasons for refusing a letter of support?

Response from Commissioner Andrew Wardlaw:

First of all, decisions that were made in the past about, I am not in a position to talk about and there will be other places for that to happen. I understand that you have received a letter outlining the process the Council are going to work through. I am not going to get into hypotheticals, etc. but I think that is the position I and the General Manager are taking at the moment, and I support the General Manager's decision. I am not sure if you are participating in other things at the moment, such as the Board of Inquiry, but those suggestions you probably should direct in that direction.

I think there has been a misunderstanding. Because historically this matter was directed to Dorset Council two years ago, and you are now Dorset Council, I am asking you whether you think that was appropriately handled at the time. This isn't a hypothetical, this is a very real question as the three reasons were given, in my opinion, are not valid, and I would like your position as to whether you believe they are valid reasons or not?

Response from Commissioner Andrew Wardlaw:

I think that what is important in relation to what we are talking about, which is uplift of mountain bike riders at Derby to the head, is that we provide fairness and we ensure that there is a community safety, etc. I am satisfied that the process that is being undertaken now will achieve that going forward. I am not going to comment on whatever has happened in the past.

So you think I am being treated fairly at this point in time? After waiting for two years for a simple letter of support? I don't feel I am being treated fairly, but I am asking you whether you feel I am being treated fairly being asked now to wait further, and wait for a policy to be developed by this Council that currently does not exist so that it can be applied to considering to grant me a letter of support, which two years ago I was told I wasn't going to get, with reasons you aren't willing to stand up and say they were valid at the time. I am being put in a position where my business and my livelihood can't proceed, through no other reason or fault of my own. I am just wanting a letter of support so I can run my business and I am being told that I should be patient and kick this down the road for another year or two.

Response from Commissioner Andrew Wardlaw:

There are more than just yourself that are in the same situation and we have communicated to others in relation to that point and I believe that the process in place is fair and will ensure that if we have a situation going forward, that we have a clear position and we can protect the safety of the community.

Item 141/23

Deputations

Mr Jeff Jennings

Planning Application (Item 148) (Ref: DOC/23/11292)

Representor

Mr Jay Wilson

Planning Application (Item 148) (Ref: DOC/23/11478)
Representor

Mr Richard Sattler

Planning Application (Item 148) (Ref: DOC/23/11533)
Property Owner

All deputations are attached to the Minutes

Item 142/23 Commissioner Question Time

The following questions were received **with notice** from the Commissioner:

7 September 2023 | Blue Derby Mountain Bike Trails

Since being in my role as Commissioner the community has been seeking clarification on the costs associated with the Blue Derby Mountain Bike Trails (Blue Derby MBT). I am also aware that there was a significant landslip event that incurred major expense and that this has been partly recouped from a disaster recovery grant.

1. *In 2022/23 was all expenditure associated with Blue Derby MBT costed to this activity?*

Response from Finance Manager, Allison Saunders:

Yes

2. *What was the actual net cost of maintaining the Blue Derby MBT in 2022/23?*

Response from Finance Manager, Allison Saunders:

Including associated income and expenditure from Blue Derby MTB Events, Camping and Shower facilities at Derby Pay and the Blue Derby Accommodation Booking Platform, the net cost of managing Blue Derby MTB was \$489,249. A Statement of Profit and Loss is attached.

3. *What is the 2023/24 Budget for Blue Derby MTB?*

Response from Finance Manager, Allison Saunders:

The 2023/24 Budget Estimates for Blue Derby MTB show a net cost of \$827,670. This cost includes \$280,000 required for extensive maintenance on the Air-Ya-Garn and Blue Tier trails, which is the first major maintenance required since their construction in 2016 and is in addition to the regular maintenance schedule for the mountain bike trail network.

The budget estimates also include a once-off payment of \$125,000 required to assist with the transition of commercial operations to the Blue Derby Foundation (BDF), as determined in the Memorandum of Understanding (MOU) adopted by Council at the March 2023 Council meeting. All revenue streams from Sponsorships, Blue Derby merchandise, camping and shower facilities, and commissions from the Derby Accommodation Booking Platform have also been transferred to the BDF as part of the MOU, however, it is expected that the BDF will contribute \$90,000 back to Council by the end of the 2023/24 financial year. As result of this contribution, the net impact to the overall result in the 2023/24 financial year is estimated to be \$35,000.

It is also important to note that this is the first year of the agreement with the Blue Derby Foundation and it is anticipated that additional funds will be contributed back to Council to assist with funding the maintenance of the Blue Derby trails in future.

A Statement of Profit and Loss is included in the attachments.

4. *What was the cost of the landslip and how much of this cost was recouped?*

Response from Finance Manager, Allison Saunders:

The total cost for rehabilitating the landslip area is expected to be \$363,010. Of this amount, Council expect to recoup costs of \$272,258.

Overall, the October 2022 Flood Event caused significant damage to the Blue Derby Mountain Bike Trails, with estimated costs of repairs amounting to \$619,168 (including the landslip costs outlined above). Council expect to receive approximately \$464,376 back from the Tasmanian Relief and Recovery Arrangements administered by the Department of Premier and Cabinet, and Council would like to thank the State Government for their assistance and contribution towards the cost of this flooding event.

Details of actual and forecast flood related expenditure for the Derby Mountain Bike Trails is included in the attachments.

5. *What is the estimated economic value of Blue Derby MBT in 2022/23 and how is this calculated?*

Response from General Manager, John Marik:

Mountain bike visitations to Derby peaked in the 2018/19 financial year with 51,199 interstate and international room nights stayed in Derby. More recently international and interstate visitations were impacted by COVID-19 and subsequent border restrictions from March 2020 until December 2021, however visitations have started to recover to 2018/19 levels.

The economic impacts of the Blue Derby MBT conservatively contribute \$20 million per annum directly to Derby from accommodation, transport, experiences and food and beverage. However, this figure would be closer to a \$50 million contribution when a multiplier effect is taken into account, including positive impacts of employment and construction in the area required to service the demand. Blue Derby’s importance to the region cannot be overstated and must be protected in light of the expansion of mountain biking within Tasmania and nationally. High level assumptions for Blue Derby economic impacts can be seen below.

Visitor Category	Room Nights / Visitors	Spend per Day <i>(per Tourism Tasmania average for accommodation, car hire, shuttle bus hire, food and beverage)</i>	TOTAL
International and Interstate (account for 1/3 of visitations to Derby)	90% of 2018/19 peak = 46,079 room nights (11,520 visitors)	\$230 per night	\$10.6 million
Intrastate (account for 2/3 of visitations to Derby)	17,454 visitors (assume 2.5 night stay per visitor)	\$230 per night	\$10.0 million
TOTAL			\$20.6 million

Council is currently lobbying the State Government to undertake a Tasmanian mountain bike economic and social impact study. This study would highlight the positive impacts of mountain biking not only for the state, but by each regional mountain bike trail. This would allow Council to ascertain the true economic and social impacts of the Blue Derby MTB on the Dorset municipality. The study would help Council attain further state and federal grant funding for the Blue Derby MTB, and give current and future commercial operators and sponsors the confidence to invest in the area.

The following questions were received **without notice** from the Commissioner:

Nil

Item 143/23 **Notices of Motion by the Commissioner**

See Item 144.

Item 144/23 **Notice of Motion | Commissioner Andrew Wardlaw – Blue Derby Mountain Bike Trails**

Ref: DOC/23/11177 | NoM: DOC/23/11045

Purpose

The purpose of this agenda item is to consider a notice of motion proposed by Commissioner Andrew Wardlaw.

Recommendation

That Council be provided with a quarterly financial report in October 2023, January 2024, April 2024 and July 2024 on the costs and revenue streams of Blue Derby MTB and any significant adverse events relating to the performance of the Memorandum of Understanding with the Blue Derby Foundation.

Amended Recommendation

That Council be provided with a quarterly report in October 2023, January 2024, April 2024 and July 2024 on the costs and revenue streams of Blue Derby MTB and any significant adverse events relating to the performance of the Memorandum of Understanding with the Blue Derby Foundation.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council be provided with a quarterly report in October 2023, January 2024, April 2024 and July 2024 on the costs and revenue streams of Blue Derby MTB and any significant adverse events relating to the performance of the Memorandum of Understanding with the Blue Derby Foundation.

CARRIED: COMMISSIONER

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Families Tasmania	Breathe, Nurture and Play – Guided mediation and creative expression through art play	\$2,620	\$2,000	Recommended
Ringarooma Community Cultural Heritage Association Inc.	Data Presentation Equipment	\$1,272	\$1,157	Recommended
Ringarooma Golf Club	Purchase 50 new chairs for clubhouse	\$4,400	\$2,000	Recommended
Lions Club of Bridport	Megaphone Equipment	\$1,712	\$1,556	Recommended
Scottsdale Amateur Swim Club	Swim Club Development Program	\$1,879	\$1,709	Recommended
Scottsdale RSL Sub Branch	RSL Military Museum Display Cabinets	\$1,399	\$1,090	Recommended

N.B. All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$2,000 to Families Tasmania;
- \$1,157 to Ringarooma Community Cultural Heritage Association Inc.;
- \$2,000 to Ringarooma Golf Club;
- \$1,556 to Lions Club of Bridport;
- \$1,709 to Scottsdale Amateur Swim Club; and
- \$1,090 to Scottsdale RSL Sub Branch.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council approve the following funding contributions under the Community Grants Program:

- **\$2,000 to Families Tasmania;**
- **\$1,157 to Ringarooma Community Cultural Heritage Association Inc.;**
- **\$2,000 to Ringarooma Golf Club;**
- **\$1,556 to Lions Club of Bridport;**

- \$1,709 to Scottsdale Amateur Swim Club; and
- \$1,090 to Scottsdale RSL Sub Branch.

CARRIED: COMMISSIONER

Item 146/23

2023/24 Matching Funds Grants Application Assessments – Round 1

Reporting Officer: Community and Development Administration Officer, Elizabeth Hadley
 Ref: DOC/23/11200 | Summary: DOC/23/11176

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Blue Derby Foundation Limited	Blue Derby Destination Website Redevelopment	\$8,800	\$4,000	Recommended
Bridport Golf Club	Security Cameras	\$4,137	\$1,881	Recommended
Musselroe Bay Community Group Inc.	Ride-on Lawn Mower	\$8,000	\$4,000	Recommended
Dorset Community Association	Children’s Space at Dorset Community House	\$29,859	\$13,573	Recommended

N.B. All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contributions under the Community Grants Program:

- \$4,000 to Blue Derby Foundation Limited;
- \$1,881 to Bridport Golf Club;
- \$4,000 to Musselroe Bay Community Group; and
- \$13,573 to Dorset Community Association.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council approve the following funding contributions under the Community Grants Program:

- \$4,000 to Blue Derby Foundation Limited;
- \$1,881 to Bridport Golf Club;
- \$4,000 to Musselroe Bay Community Group; and
- \$13,573 to Dorset Community Association.

CARRIED: COMMISSIONER

Purpose

The purpose of this agenda item is to present the recommendations of the Community Grants Selection Panel to Council for approval.

Organisation	Project	Project Cost (Incl. GST)	Grant Requested (Excl. GST)	Grant Recommendation
Tomahawk Community Association	Replacement of Tennis Net at Tomahawk	\$467	\$425	Recommended

N.B. All figures have been rounded up to the nearest dollar.

Recommendation

That Council approve the following funding contribution under the Community Grants Program:

- \$425 to Tomahawk Community Association;

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council approve the following funding contribution under the Community Grants Program:

- \$425 to Tomahawk Community Association;

CARRIED: COMMISSIONER

*** Council acted as the Planning Authority for Item 148

Purpose

The purpose of this report is for Council to consider a proposal for the use and development of twenty visitor accommodation units at 429 Waterhouse Road Bridport.

Recommendation

It is recommended that the proposal for the use and development of Visitor Accommodation (20 Units) at the subject land, be approved subject to the following conditions:

DECISION

MOVED / SECONDED: Commissioner Wardlaw

It is recommended that the proposal for the use and development of Visitor Accommodation (20 Units) at the subject land, be approved subject to the following conditions:

1. Basis of Approval

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2022/107). Any substantial variation from this application will require the further planning consent of the Council.

2. Amended Plans

Prior to the commencement of the approved works, and to the satisfaction of Council's General Manager, the responsible person must submit:

- (a) an Amended Site plan, informed by a check survey undertaken by a suitably qualified person, detailing and notating:
 - i) the number of each unit;
 - ii) the boundary setbacks of all buildings from the northern boundary;
 - iii) the boundary setback of Unit 1 from the western boundary;
 - iv) all buildings being located behind the rear toe of the primary dune;
 - v) sufficient area at the western end of the vehicle access to provide for at least a three point turn;
 - vi) new sewer connection under road connected back to the existing treatment plant;
 - vii) underground power connection to the units running eastward and connected back to existing site connection;
- (b) Amended Elevations showing:
 - i) a minimum finished floor level for all proposed buildings at height of at least RL 3.1m AHD; and
 - ii) notated building heights above existing natural ground level and post-fill ground level; and
 - iii) setbacks of all buildings from the rear toe of the primary dune; and
- (c) Amended Floor Plans clearly notating the number of the unit being depicted.

When approved by the Council's General Manager, the amended plans will be endorsed and will then form part of this permit.

3. External Appearance

- (a) Prior to the commencement of building works, a printed sample and schedule of external building materials, finishes and colours, including details of cladding and roofing materials, must be submitted to Council's General Manager for approval.
- (b) The external building materials of all buildings and structures applying to the development must be non-reflective and of types and colours that will blend rather than contrast with the surrounding landscape.
- (c) When approved by the Council's General Manager, the schedule of will be endorsed and will then form part of this permit.

4. Site Landscaping Plan

Prior to the commencement of works, a site landscaping plan comprising native species suitably representative of local vegetation communities must be submitted to the Council's General Manager, to the satisfaction of the Council's General Manager, for approval. The plan must be

prepared by a suitably qualified person, must be drawn to scale and must include the following details:

- (a) major identifying site features such as building footprints, topography, contours, drainage lines and existing vegetation;
- (b) show proposed garden areas and plantings (including a schedule of proposed trees, shrubs, and groundcover including common name, botanical name and likely size at maturity);
- (c) show all proposed garden beds, fences, retaining walls, lawn, sealed surfaces and pathways;
- (d) details of revegetation of areas of bare soil exposed due to construction activities associated with the approved works, ensuring that no declared weeds or environmental weeds or non-endemic plants with highly invasive reproductive characteristics/qualities are to be planted;
- (e) any additional stabilisation works required as a result of tree or vegetation removal; and
- (f) the planting of a continuous vegetation buffer commencing from the north-western corner of along the western boundary of F/R 200350/1 and continuing south alongside the western boundary of the title, for a length of approximately 100 metres and a depth of 3 metres, to integrate the approved development into the coastal landscape when viewed from Main Street. The vegetation buffer must comprise native individuals suitably representative of the TASVEG Community SAL 'acacia longifolia coastal scrub' and be comprised of approximately 95% coastal wattle (*acacia longifolia subsq. sophorae*). All individuals planted in accordance with the plan are to be continuously maintained in a healthy condition to the satisfaction of Council's General Manager. Where individuals perish within five (5) years of the commencement of the approved use, replacement individuals are to be planted in the same position and to the satisfaction of Council's General Manager.

Once approved by the Council's General Manager the plan will be endorsed and will form part of the permit.

The landscaping:

- (a) must be installed in accordance with the endorsed plan; and
- (b) must be completed during construction of the buildings and prior to the use commencing;
- (c) maintained throughout the lifetime of the development; and
- (d) must not be removed, destroyed or lopped without the written consent of the Council's General Manager.

5. **Construction Environmental Management Plan**

Prior to the commencement of works, a Construction Environmental Management Plan must be submitted to Council's General Manager, to the satisfaction of Council's General Manager. The plan must be prepared by a suitably qualified person(s) and must include the following details:

- a) a soil and water management plan that details how soil and water is to be managed on the site during the construction process to prevent the escape of soil and sediments from the development site, including:
 - i. the proposed location of any topsoil stockpiles;
 - ii. the erosion and sediment control practices to be used on the site or otherwise for the purpose of the use;
 - iii. revegetation of areas of bare soil, including timing of any site rehabilitation or landscaping programs;
 - iv. compliance with the requirements of the *Wetland and Waterways Works Manual* (NRE Tasmania 2003), particularly for the siting and designing of stream crossings;

- b) a weed and management and hygiene plan that details how weeds are to be managed on the site during construction works to control weed establishment and prevent weed spread, including:
 - i. control of weeds in areas of bare soil, prior to and following construction, where appropriate;
 - ii. wash-down and inspection of vehicles, machinery and boots before leaving/entering the site to avoid transporting viable plant materials or large clods of soil;
 - iii. wash-down to be conducted in accordance with the *Tasmanian Weed and Disease Planning and Hygiene Guidelines* (DPIPWE 2015);
- c) measures that will ensure native vegetation outside the development area is satisfactorily protected during construction works;
- d) noise mitigation measures to be implemented during construction, including traffic noise and mitigation of noise impacts to fauna; and
- e) the mitigation and management measures recommended for implementation by the pre-construction fauna survey report referred to in Condition 6 below.

When approved by the Council's General Manager, the Construction Environmental Management Plan will be endorsed will then form part of this permit.

6. *Pre-construction Fauna Surveys*

- (a) Prior to the commencement of works, pre-construction surveys must be undertaken by a suitably qualified person for:
 - (i) eagle nests (wedge-tailed eagle [*Aquila audax subsq. fleayi*] and white-bellied sea eagle [*Haliaeetus leucogaster*]) within 1 km of the boundary of the subject site and on the land itself. The nest survey must be undertaken outside of eagle breeding season (July to February);
 - (ii) New Holland Mouse (*Pseudomys novaehollandiae*). The survey must be undertaken within potential habitat identified within the development footprint and in accordance with the Department of Natural Resources and Environment Tasmania (2022) Management and Survey Guidelines for Wild Populations of New Holland Mouse (*Pseudomys novaehollandiae*);
 - (iii) eastern-barred bandicoot (*Perameles gunnii gunnii*) within potential habitat identified within the development footprint;
 - (iv) Tasmanian devil dens within the identified potential habitat within the development footprint. The survey must be undertaken in accordance with the Natural and Cultural Heritage Division (2015) Survey Guidelines and Management Advice for Development Proposals that may impact on the Tasmanian devil (*Sarcophilus harrisii*).
 - (v) shoreline birds within 500 metres of the development area, including, but not limited to, the following:
 - i. white-fronted tern
 - ii. fairy tern;
 - iii. little tern;
 - iv. red knot;
 - v. curlew sandpiper;
 - vi. eastern curlew;
 - vii. great crested grebe;

- viii. azure kingfisher;
 - ix. hooded plover; and
 - x. bar-tailed godwit.
- (b) Prior to the commencement of works a pre-construction fauna survey report, prepared by a suitably qualified person, must be submitted to Council's General Manager for approval that:
- (i) outlines the findings of the pre-construction surveys referred to in (a) above; and
 - (ii) recommends appropriate mitigation and management measures to ensure that the proposed development will not unduly compromise the representation of species of significant within the bioregion during construction and throughout the lifetime of the development.

When approved by the Council's General Manager, the report will be endorsed and then form part of this permit.

Any mitigation and management measures identified as part of this condition must be implemented as directed in writing by Council's General Manger.

- (c) Unless otherwise undertaken in accordance with the endorsed mitigation and management measures referred to in (b) above, construction activities must not occur between 1 September to 31 March, inclusive, to avoid disruption to incubation and hatching activities to nearby shorebird breeding.

7. Exterior and Security Lighting

- (a) To ensure low impact or subdued lighting is used, exterior lighting and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "*Control of the obtrusive effects of outdoor lighting*" such that no direct light is emitted outside the boundaries of the subject land.
- (b) Prior to commencement of works, a detailed lighting plan must be submitted to Council's General Manager, to the satisfaction of Council's General Manager, that details how lighting will comply with (a) above. When approved by the Council's General Manager, the lighting plan will be endorsed and then form part of this permit.

8. Coastal Erosion Hazard Management Plan

Prior to the commencement of works, a Coastal Erosion Hazard Management Plan must be submitted to Council's General Manager, to the satisfaction of Council's General Manager. The plan must be prepared by a suitably qualified person(s) and must detail how the coastal dune system, where within the bounds of the subject site, will be monitored and managed during the construction process and throughout the lifetime of the approved use to mitigate the risk of coastal erosion through strengthening the natural protection provided by the coastal dune system, including:

- (a) the erosion and sediment control practices to be used on the site or otherwise for the purpose of the use;
- (b) stabilisation of the coastal dune system, particularly primary dunes, through establishing and maintaining native vegetation ground cover;
- (c) revegetation of areas of bare soil, including timing of any site rehabilitation or landscaping programs; and
- (d) ongoing monitoring, including procedures, timing and reporting:
 - (i) during construction;

- (ii) post-storm events; and
- (iii) at least annually.

When approved by the Council's General Manager, the Coastal Erosion Hazard Management Plan will be endorsed will then form part of this permit.

9. Coastal Inundation Mitigation

Prior to the commencement of the approved use, and to the satisfaction of Council's General Manager, the following works must be undertaken and completed:

- (a) the minimum finished floor level of all habitable buildings must be greater than RL 3.1 AHD;
- (b) the minimum ground level within the curtilage of the approved units must be greater than RL 2.8 AHD;
- (c) the proposed access road, and the broader development footprint to the north of the proposed access road, must be control filled to a height greater than of RL 2.0m AHD at any point;
- (d) site filling must use natural sand from the locality that is clean and free of weeds;
- (e) building foundations must be adequate for the site conditions and include allowance for sea level rise; and
- (f) the broader area of the development footprint must well drained in a manner consistent with Condition 5 and Condition 11.

10. Construction of Unsealed Vehicle Parking and Internal Access

Prior to the commencement of the approved use, and to the satisfaction of Council's General Manager, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be designed and constructed to be:

- a) provided with an impervious all weather seal of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which use the areas;
- b) constructed, drained and maintained in a continuously useable condition; and
- c) marked or provided with clear physical means to delineate vehicle parking spaces.

11. Stormwater Management

Storm water discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be managed within the subject land so as to ensure that:

- a) flooding, erosion and environmental nuisance is minimised to the satisfaction of the Council's General Manager; and
- b) points of discharge do not give rise to pollution as defined under the *Environmental Management and Pollution Control Act 1994*.

NOTE: Pollutant includes:

- (a) a gas, liquid or solid; or
- (b) an odour; or
- (c) an organism (whether alive or dead), including a virus; or
- (d) energy, including noise, radioactivity and electromagnetic radiation; or

(e) a combination of pollutants –

that may cause environmental harm

NOTE: Pollute means:

(a) discharge, emit, deposit or disturb pollutants; or

(b) cause or fail to prevent the discharge, emission, depositing, disturbance or escape of pollutants

12. Native Vegetation Removal

The removal of native vegetation must be limited to occur within:

- (a) the approved development footprint; and
- (b) the adjacent curtilage of the approved buildings, only where it is directly incidental to the development approved in this permit and not otherwise restricted by any other condition within this permit.

No other native vegetation is to be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without:

- (i) the further written consent of the Council’s General Manager; and
- (ii) being in accordance with a bushfire hazard management plan prepared by a certified Bushfire Hazard Practitioner.

13. Use Limitation – Visitor Accommodation

The approved visitor accommodation units must not be continuously occupied by the same person(s) for more than three months within any twelve month period and must not be considered a primary place of residence.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the Land Use Planning and Approvals Act 1993 (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

- *A planning appeal may be instituted by lodging a notice of appeal with the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).*
- *A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.*

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT) is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the Land Use Planning and Approvals Act 1993, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or*
- (b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,*

if the use or development is not substantially commenced within that period.

(vi) TasNetworks Advice

TasNetworks advised on 8 June 2022 that:

'Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

The standard arrangements will apply for connection to the electricity network. For further information, please refer to TasNetworks' website: [New electricity connections - TasNetworks.](#)'

(vii) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval*
- (b) Plumbing approval*

(viii) Aboriginal Heritage

If any Aboriginal relics are uncovered during works;

- (a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,*
- (b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania [Phone: **1300 487 045** (ask for Aboriginal Heritage Tasmania) Email: aboriginalheritage@dpac.tas.gov.au]; and*
- (c) the relevant approval processes will apply with state and federal government agencies.*

(ix) Ongoing Coastal Monitoring

The Coastal Erosion and Inundation Risk Assessment provided as part of the application recommends that monitoring of vegetation, shoreline erosion and dune levels (primary and ridge) should be maintained to monitor seasonal and progressive changes over periods of time. It is advisable that a suitably qualified person/s be engaged on an annual basis to undertake site investigation and provide necessary advice. If any recommendations provided during this process would result in substantial variation/s to the approved development, you should contact the Council's Town Planner prior to undertaking any such works as planning approval separate of this permit may be required.

(x) Acid Sulfate Soils

The subject site is mapped as possessing a high probably of occurrence (>70%) of coastal acid sulfate soils (ASS). There is no legislation directly relevant to ASS in Tasmania, however, all persons have a general environmental duty under the Environmental Management and Pollution Control Act 1994 to take such steps as practicable or reasonable to prevent or minimise environmental harm or environmental nuisance caused, or is likely to be caused by an activity conducted by that person. NRE Tasmania have prepared the Tasmanian Acid Sulfate Soil Management Guidelines that provides technical and procedural advice to avoid environmental harm from ASS, including the preparation of an ASS Management Plan. The application is thereby strongly encouraged to consider the active management of ASS soils throughout the construction process.

CARRIED: COMMISSIONER

Item 149/23**2023/24 Budget Estimates Variation – Financial Assistance Grants**

Reporting Officer: Finance Manager, Allison Saunders

Ref: DOC/23/11185

Purpose

The purpose of this report is to approve a variation to the 2023/24 Budget Estimates of \$309,000 expected to be received under the Financial Assistance Grant program.

Statement of Profit and Loss (Extract)

	2023/24 Original Budget	2023/24 Revised Budget	Budget Variance
Financial Assistance Grants - General	1,747,000	1,921,000	174,000
Financial Assistance Grants – Roads	2,338,000	2,481,000	143,000
Underlying Surplus/(Deficit)	4,085,000	4,402,000	317,000
Add: Financial Assistance Grants adjustment	181,000	173,000	(8,000)
Statutory Surplus/(Deficit)	4,266,000	4,575,000	309,000

Recommendation

That Council approve a variation to the 2023/24 Budget Estimates of \$309,000 to be received under the Financial Assistance Grant program.

DECISION**MOVED / SECONDED: Commissioner Wardlaw**

That Council approve a variation to the 2023/24 Budget Estimates of \$309,000 to be received under the Financial Assistance Grant program.

CARRIED: COMMISSIONER**Item 150/23****Review of Policy No. 3 – On Street Dining, Vending and Signage**

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/23/11186 | Policy: DOC/23/11187 | Guidelines & Form: DOC/23/11188 and 11189

Purpose

The purpose of this report is to review Policy No. 3 - On Street Dining, Vending and Signage.

Recommendation

That Council adopt the revised On Street Dining, Vending and Signage Policy (Policy No. 3), as provided in the Agenda Attachments.

DECISION**MOVED / SECONDED: Commissioner Wardlaw**

That Council adopt the revised On Street Dining, Vending and Signage Policy (Policy No. 3), as provided in the Agenda Attachments.

CARRIED: COMMISSIONER

Item 151/23

Review of Policy No. 31 – Code for Tenders and Contracts

Reporting Officer: Administration Manager, Lauren Tolputt

Ref: DOC/23/11196 | Original and Reviewed Policy: DOC/19/6677[v1] and DOC/19/6677[v2]

Purpose

The purpose of this report is to review Policy 31 – Code for Tenders and Contracts (the Code).

Recommendation

That Council adopt the revised Policy 31 – Code for Tenders and Contracts as provided at the Agenda Attachments.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council adopt the revised Policy 31 – Code for Tenders and Contracts as provided at the Agenda Attachments.

CARRIED: COMMISSIONER

Item 152/23

Review of Policy No. 36 – Personal Information Protection

Reporting Officer: Administration Manager, Lauren Tolputt

Ref: DOC/23/11191 | Existing Policy: DOC/18/1707[v1] Reviewed Policy: DOC/18/1707[v2]

Purpose

The purpose of this report is to review Policy 36 – Personal Information Protection (the Policy).

Recommendation

That Council adopt the revised Policy 36 – Personal Information Protection as provided at the Agenda Attachments.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council adopt the revised Policy 36 – Personal Information Protection as provided at the Agenda Attachments.

CARRIED: COMMISSIONER

Item 153/23

Closure of Meeting to the Public

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Meeting be closed to the public pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, and that members of the public be required to leave the meeting room.

Time Meeting Closed to the Public: 7:31 pm

CARRIED: COMMISSIONER

Meeting Adjourned: 7:31 pm

Reason: *Tea break with the public*

Meeting Resumed: 7:47 pm

CLOSED SESSION AGENDA ITEMS

The following matter was listed in the Closed Session Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015:

Item 154/23 Confirmation of Ordinary Council Meeting Closed Session Minutes – 21 August 2023

Item 155/23 Contract 2023/24-01 | Bituminous Sealing of Roads

The reports on these matter were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* as the detail covered in the respective reports relates to:

- Awarding of contract for bituminous sealing of roads within the municipality

Time Meeting Closed: 7:54 pm

Minutes Confirmed: 16 October 2023

Minute No: 157/23



Commissioner Wardlaw

Deputation – Jeff Jennings
16 September 2023 Council Meeting

My objections to the approval of this application are on three grounds.

Preamble

In previous developments at the Barnbogle sites, Mr Sattler has taken great care to retain the natural values of the coastal rural landscape. Buildings were set back from the coastline, built on high dunes or merged into dune profiles. All buildings were located up to 5km from Bridport. Care was taken to protect wildlife from disturbances and habitat loss.

1. However, this has changed with the recent proposal. Buildings are 3 time higher, built on artificially raised land, in closer proximity to a changing coastline and much more visible to Bridport less than 1km away.

This development will be discordant with the existing coastal rural landscape which includes buildings. The area is highly visible from most parts of Bridport, particularly elevated sites. A professionally constructed visualization of the impact of his development needs to be made and advertised to the public before any decision to approve the development is given.

2. The consultants maintain, that through a desktop study, the coastline is stable even with predicted sea level rises. However no rigorous, on ground study has been conducted to ascertain the vulnerability of the area to damage and shoreline regression. This coastline is constantly undergoing changes from storms and tidal surges. These events are predicted to increase in severity and frequency and every day we are witness to this. A comprehensive study of this coastline needs to be made by independent coastal expert, to ascertain the true risks involved before any approval is given.

3. Although a detailed study of the fauna has been listed as a condition before work starts there is no mention of eagle roosting and feeding sites included. The site contains roosting and feeding sites for White Bellied Sea Eagles and Wedgetailed Eagles. Some of these sites would be destroyed if the development is permitted. Previous developments in this area have protected this type of sensitive use and this policy should be mandatory for this development. Buildings should not be permitted within 200m of known eagle roosting and feeding sites.

Jeff Jennings
18/9/2023

Deputation – Jay Wilson
16 September 2023 Council Meeting

I would like to speak to my submission for Planning Application 22/107.

Richard Sattler has made a significant contribution to the Bridport community with his Barnbogle golf course development, and, like many others, I am reluctant to be critical of further development at the site. The Barnbogle development has provided economic, social and environmental benefits for our community. Until now, site infrastructure has been sensitively constructed away from the foreshore to maintain the beautiful and iconic view of Anderson Bay from Bridport and to mitigate the risk of coastal erosion, inundation and sea level rise. However, this development application marks an important change of circumstances.

There are positive elements of the development application that should be acknowledged. The powerline will now be moved to a less sensitive location. Vegetation management prescriptions, fauna surveys and a soil and water plan will, if implemented, help protect biodiversity and habitat at the building site and the adjacent wetland.

Approval is being recommended for a development comprising 20 visitor accommodation units to be built up to an allowed height of 12 meters on a narrow and fragile seafront sand dune. The proposed development is in a rural area and it will be highly visible from the nearby Bridport township. The building height, scale and density of this development will forever alter the precious viewscape for scores of local residents whose houses were constructed to take advantage of the view over Anderson Bay. Projections of the visual impact of this development from Bridport and Edward Street, had they been either required or provided as requested, would have given Bridport residents a clear understanding of the visual impact this development would have on their seaward view. The proposed solutions to mitigate the visual impact will have little effect for a development of this scale and density. In respect to the visual impacts of the development, the proponent, states that “The proposed use and development is expected to have a visual appearance that will be consistent with the local area”. The Town Planner further states that when completed “the visual appearance of the use would be in broad harmony with that of the local area”. How can this possibly be the case when the nearest significant buildings at Barnbogle are approximately 2km away.

The proposed buildings and associated infrastructure are to be built on erodible sand on a narrow and vulnerable frontal dune. The proposed buildings and associated infrastructure are demonstrably at risk of coastal erosion, tidal inundation and sea level rise. These risks are clearly identified by coastal mapping and are conceded by the proponent’s consultants. The risks are further acknowledged by the recommendation for a Coastal Erosion Management Plan. The need for this plan demonstrates the fact that the planning conditions may well provide very little long term protection from predicted sea level rise and extreme weather events. It is now almost a daily occurrence around the world that similar infrastructure is being swept away in a single extreme weather event. This complex development application for highly visible accommodation in such a fragile and vulnerable environment, needs further consideration before being approved, if only for the precedent it will set. Surely, in an era of climate change, sensitive coastal infrastructure should be required to be built lower in height, farther from the sea and at higher elevations, as it has been previously at this site.

Deputation – Richard Sattler
16 September 2023 Council Meeting

I would like to point out that we have been working on this project for approximately two years. We've consulted with Burbury Consulting, who are recognised as the best coastal engineers in Tasmania, especially in areas where there is sand movement. They are experts in the area, we spent the money, studied that location, and there is very little erosion there. We've been monitoring it for the thirty years we've lived at Barnbougle. Further around the coast, yes there is substantial erosion, but that is nowhere near the location. We had a surging storm here Saturday week ago, we went down and filmed it, absolutely no erosion – further around the coast, yes, but not in that area.

We've received town planning advice from recognised town planners and received expert reports, so this project isn't something that is willy nilly or loosely identified. We've studied it over this period to ensure that we are abiding by all the regulations. We acted when we were told to move the power lines as people didn't want them going straight across the coast. We've realigned them at a huge cost from Barnbougle. Happy to have all the colour tones of the buildings so they mixed in with the surrounding, like we've done with other developments.

I should go back to the original time when we started Barnbougle. We copped the same criticism then but when we proved what we are doing is so assimilated with nature, in all aspects, not just the viewing but with birds, wildlife. We pride ourselves on what we have done. Being successful has been based on making Barnbougle a very natural habitat for animals which is part of the attraction. We have created what was just a farm and run down coastline into one of the world's top golfing attractions. We are now doing something that adds to accommodation and we want to be at the top end of the market. We are not going to build something that is second rate, we don't want to fail. We can only do the best and that's why we have spent the money on this proposal so that we make sure that every aspect is covered and I know it's very hard to convince the gentleman that we will do it properly and it won't be an eyesore because that's not part of our success. We try and do the exact opposite, but blending it in with the environment and still have guest satisfaction. To go for this top end market which has a huge hole and it's been proven the value of it by Saffire and some of the other Australian isolated locations for tourist experiences, we are trying to be that same tourist experience for the golf industry. So far we've been recognised worldwide for that, so what we want to do is work with the rules and also with the environment. I think we have done this with this proposal even though some people don't agree. I think the final result, everyone will be able to stand back and say yes and have no fears we didn't realise that it would be done that way. It is part of our success, we have to make it satisfactory to the guests and the neighbourhood to be successful otherwise we will be another failed place, and that is not our intention, or the way we operate. I would like to assure everyone that we will be doing it to the absolute best of our ability, like we have done the rest and we've created something that people originally said would never happen or couldn't happen. We are not one of the top rated resorts in Australia because we make mistakes.

In regards to the eagles, since we've been at Barnbougle there was hardly an eagle on the property, now we have a really active population of wedge-tailed eagles and sea eagles that very happily fly around the buildings and perch on the buildings. We will create a safety zone for them because the pictures of the sea eagles there are all within 20-30 metres of houses in that estuary, because the houses are on the other side. These houses are 650 metres from any other house, in an area not close to where they are nesting at present. I've offered to place dead trees in, at a height that they are familiar with and will be comfortable roosting.