



ORDINARY COUNCIL MEETING AGENDA

TUESDAY 26 OCTOBER 2021

2:00PM

Council Chambers, Triabunna

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held at the Triabunna Council Offices on Tuesday, 26 October 2021, commencing at 2:00pm

QUALIFIED PERSON CERTIFICATION

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

Dated this Wednesday 20 October 2021



Greg Ingham
GENERAL MANAGER

IMPORTANT INFORMATION

- In response to current COVID-19 social gathering regulations, members of the public will not be able to attend the meeting. Where possible a live stream of the meeting will be made available.
- As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.
- A recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website following the meeting.

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

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1. OPENING OF MEETING

The Mayor to welcome Councillors and staff declare the meeting open at [time].

1.1 Acknowledgement of Country

The Glamorgan Spring Bay Council acknowledges the Traditional Owners of our region and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

1.2 Present and Apologies

1.3 In Attendance

1.4 Late Reports

1.5 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

- 1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- 2. any conflict as described in Council's Code of Conduct for Councillors,*

in any item included in the Agenda.

2. CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of Council - 28 September 2021

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 28 September 2021 at 2:00pm be confirmed as a true and correct record.

2.2 Date and Purpose of Workshop/s Held

TUESDAY 12 OCTOBER 2021

In accordance with the requirements of regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that a Council workshop was held from 1:30pm to 5:00pm on Tuesday 12 October 2021 at the Council Offices, Triabunna.

Present

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

Apologies

Nil.

In Attendance

Mr Greg Ingham, General Manager
Mr Alex Woodward, Director Planning and Development
Mrs Elysse Blain, Director Corporate and Community
Mr Peter Porch, Director Works and Infrastructure
Mr Adrian O'Leary, Manager Buildings and Marine Infrastructure
Mr Mick Purves, Senior Planning Consultant
Mr James Bonner, Senior Planner

Guests

Ms Denise McIntyre
Ms Rhonda Taylor

Agenda

- Department of State Growth Presentation by Denise McIntyre
- East Coast Tasmania Tourism Presentation by Rhonda Taylor
- Draft Personal and Private Information Policy
- Tempus Update
- Draft Environmental Amenity By-Law
- Draft Tasmanian Stormwater Policy for New Developments
- Gordon Street Boat Ramp, Swansea

RECOMMENDATION

That Council notes the information.

3. PUBLIC QUESTION TIME

Public question time gives any member of the public the opportunity to freely ask a question on any Council related matter.

Answers to questions will be given immediately if possible or taken “on notice” if an ‘on the spot’ answer is not available.

In accordance with the Local Government (Meeting Procedures) 2015 questions on notice must be provided at least 7 days prior to the Ordinary Meeting of Council at which a member of the public would like a question answered.

3.1 Questions on Notice

Ms Jen Hackett

- Q1. *Please state/provide the dollar value of the commercial, industrial, primary production and sports and recreation general rates per rate category as I have listed in this sentence and per GSBC rate regions budgeted for the 2022 financial year, in the same way/format as you provided me personally mid this year for the 2021 financial year agenda for the stated rate sectors per GSBC rate region.*
- Q2. *Please state the actual general rates (dollar value) for a residential property under the old AAR rating (i.e. for an individual residential property or per residential property) in Orford, Triabunna, Swansea, Coles Bay and Bicheno for the 2020 and 2021 financial year, plus provide a table of the budgeted 2022 financial year rates under the new AAV rating plus the projected/budgeted rates for the next 5 years for residential properties under the new AAV rating, with an AAV (or adjusted AAV) of \$10K, \$20K, \$30K, \$40K, and \$50K.*

Response from General Manager, Greg Ingham

The General Manager will provide a written response for Ordinary Council Meeting to be held on Tuesday 23 November 2021.

Mr Greg Luck

First may I say that I am confused by some issues relating to the move in Rating Methodology from AAR to AAV - with particular reference to the advice, apparently, received from Mr. Shaun Mc Elwaine via Financial Consultant Mrs Marissa Walters.

The Mayor stated publicly, in answer to a Question without Notice – 24 August 2021 from Clr. M.Symons:

Response from Mayor, Robert Young

“The advice was given orally by a consultant hired by Council to advise Councillors on rates. That consultant indicated that they had consulted with Mr Shaun McElwaine as to the obligations contained in section 109 of the Local Government Act 1993 which dealt with the Assessed Area Rating (AAR). It was oral advice; it was not provided in writing.”

From Questions without Notice from Councilors – September 28th 2021

*This is my recollection of what was said at the Workshop: (Clr. M.Symons)
Ms Walters conveyed she had a brief phone conversation with lawyer Mr McElwaine whilst he was driving. Ms Walters went on to say he may potentially agree with her assumption that there could be issues as to the obligations for Glamorgan Spring Bay Council contained in section 109 of the Local Government Act 1993.*

Ms Walters then went on to say that Mr McElwaine said his recollection of the Act could not be relied upon in this situation (whilst driving) and if proper sound advice was required Glamorgan Spring Bay Council would need to send a written brief to his office for Consideration.

Again Clr. Symons had to press the General Manager for answers asking:

Q4. Could you advise if Mr McElwaine & Associates provided any written advice on the matter and if so, provide a copy of such advice?

Response from General Manager, Greg Ingham

I can confirm that the company you refer to has provided written advice on the rating system.

I will confirm with the Lawyer as to whether a copy of this advice can be provided to Councillors.

My Questions are:

Q1. *How can the Mayor and General Manager give the public two separate and opposing answers to simple questions? (I refer to the above questions from Clr. Symons). Who is ultimately responsible for ensuring the veracity of all information provided to Councillors as they considered making such a major change to the Rating Methodology?*

Is it the Mayor saying the advice from Shaun Mc Elwaine was not “formal”, nor in writing but that it was accepted and the Rating methodology change was introduced as a result, even in part, of that advice? Or is it The General Manager who now states he has the information in “writing”?

Response from General Manager, Greg Ingham

Qualified advice was provided to Council at the 11 May 2021 Council workshop in regards to rating methodology and specifically the AAR. The Mayor’s response to Clr Symons Question without Notice on 24 August was correct, except for the comment that the advice was ‘oral’ only and not provided in writing. Whilst Council had only received ‘oral’ advice at the time of the 11 May Council workshop, written advice was received later on the 31 May 2021.

Q2. *Given the significance of the Rating Methodology change, to many Ratepayers, will the General Manager and Mayor place a copy of the “Written advice from Mr. Shaun Mc Elwaine relating to AAR for GSBC 2021” onto the minutes of this meeting (October 2021) in order that all Ratepayers may have access to that information and not be denied Natural Justice ? A “full” copy of that advice including it’s formal status, date of issue and the qualifications and signature of the author would suffice.*

I have concerns that the Rating Methodology change was presented to Councillors to vote on based on Mrs Marissa Walters “assumptions “only:

*“Ms Walters went on to say he (Mr. Shaun Mc Elwaine) may **potentially** agree with her assumption that*

there could be issues as to the obligations for Glamorgan Spring Bay Council contained in

section 109 of the Local Government Act 1993.”

No consideration or voting should have been allowed with such an issue pending. Councillors were potentially NOT FULLY INFORMED before making the rating change.

Response from General Manager, Greg Ingham

A copy of the advice received has been placed on the following page.



SHAUN
McELWAIN
+ ASSOCIATES

31 May 2021

The General Manager
Glamorgan Spring Bay Council
PO Box 6
TRIABUNNA TAS 7190

Attn: Marissa Walters

By email: marissa.walters@freycinet.com.au

Dear Ms Walters,

RATING ADVICE

I refer to our conference earlier today. I said that I would confirm in writing the advice that I provided to you. There is insufficient time for detailed elaboration of my opinions, and what follows should be regarded as a summary only. Doubtless if further detail is required then you will contact me.

The first question relates to the obligation to calculate the averaged area rate in each rating year. Council adopts the mechanism provided for at s.109A of the *Local Government Act 1993* of making an averaged area rate that applies to a category of rateable land and within defined localities of the municipal area. You have explained to me that, in recent years, council have applied '*an arbitrary increase*' by way of percentage instead of recalculating the averaged area rate in each year.

Proceeding in that way is not authorised by the Act. The starting point is that s.109A(1) confers permissible authority '*on the same day*' that council makes a general rate '*in respect of the financial year*' to also make an averaged area rate. The amount of the average area rate is determined in accordance with s.109B. A mathematical calculation exercise is required. A component of that calculation '*is the amount of the general rate that would be payable in respect of the land if the general rate*' were applied to it: s.109B(4). Self-evidently the amount of the general rate varies in each year according to the assessed annual value of rateable land. Once that is understood, it follows that the calculation for the averaged area rate must be undertaken in each financial year and it is not permissible to apply a percentage increase to the calculation that applied in an earlier year.

BARRISTERS + SOLICITORS

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The second question is whether it is open to set a minimum amount for the general rate pursuant to s.90(4) but then cap the rate increase by reference to a maximum percentage pursuant to s.88A? It is not open to proceed in that way for the reason that s.88A assumes that if there is an increase from year to year, then council may specify a maximum percentage increase *'in any or all of the rates payable on any rateable land within its area.'* That maximum percentage increase is capable of being varied in accordance with s.107.

The obvious difficulty in setting a minimum amount and adopting the maximum percentage increase mechanism is that there is likely to be conflict in individual cases: the minimum amount may be more than the maximum percentage increase. For that reason it is not open to adopt each of these statutory options.

The third question is whether council may determine a fixed charge as a component of the general rate pursuant to s.91, but then vary it within the municipal area by reference to land use? The answer is no because s.91(2)(a) specifies that the fixed charge *'must apply equally to each rateable land assessment.'*

We also discussed a fourth question, that you did not set out in your written request for advice. It concerns aggregating various localities for the purposes of the averaged area rate. Our discussion turned to the issue as to whether council is authorised to rate by reference to the averaged area method in that council does not have a certificate from the Director pursuant to s.109H for the reason that council has taken the view that it is exempt from the certificate procedure because of s.109D(6). I have very significant reservations as to whether that is so. The exemption at s.109D(6) is from the application of s.109D(3)(b). This imposes a requirement to issue a rates notice that *'is to contain the additional calculations in respect of the rateable land'* for the purposes of a proposed averaged area rate. That is not a general exemption from the procedural mechanisms that apply at ss.109A-H inclusive. In the limited time presently available to me I have not considered this question in any greater detail. However, on the information that you have provided to me I doubt that council is authorised by the Act to rate by reference to the averaging method. If further detailed advice is required on that point then I will provide it, if you provide to me all of the relevant background facts in relation to the adoption of the averaging procedure in the first place and whether any certificate was ever applied for and granted by the Director.

Yours faithfully

S B McELWAIN SC

3.2 Question without Notice

Glamorgan Spring Bay Council will allow questions to be provided by written notice by 12 noon the day before the ordinary council meeting by either emailing general.manager@freycinet.tas.gov.au or alternatively left in the post box outside the Council Chambers located at 9 Melbourne Street, Triabunna.

3.3 Responses to previous Questions without Notice taken on Notice – 28 September 2021

Mr John Heck

- Q1. *The history of our successive Administrations failure of the responsibility in regards to the timely registration of title of Granted/Gifted lots of Howells Hill and the Delivery of Policy of associated successful DA is easy to prove.*

When and how much will the Community Organisations who successfully petitioned the then Minister for Housing for the lots atop Howells Hill below unformed Spencer Street between Robert and Selwyn Streets Granted/Gifted 9 of the 10 Lots now major part of DA 2021-32 for Community Use other than residential use or sale be financially compensated per the Sale of Land provisions of the Local Government Act and Land Acquisitions Act as there exists no other site in Triabunna suited for the use as per the successful DA intended for Road, Look Out, Vehicle Parking and Parkland. Existing Market value of \$110,000 per lot is not unreasonable.

Response from General Manager, Greg Ingham

At the July 2020 meeting, Council made a decision to authorise the Acting General Manager, to develop a contract to transfer lots 62-72/55156 and 98/55156 to Centacare Evolve Housing for a proposed unit development in return for development of lots 25-28/55156 into fully serviced (power, water and sewer) lots with road access in Spencer St formed to a standard acceptable by Council's engineer, from the Boyle Street intersection past the access to lot 28. With a condition that the transfer of ownership being subject to the Development Application for the community housing units being approved. Council is currently dealing with Centacare Evolve Housing to work through the particulars in relation to the agreement. As the title of the property is currently in the ownership of Council, any funds received from the disposal will be placed in a separate Council account.

- Q3. *I think that what is before us and what you have said is correct as far as planning is concerned. I would hope that everyone here that's going to vote on this matter has actually been up to the site and had a look at the supposed steepness that you think may be acceptable, but the whole situation is a conflict of interest in respects to the serviceability and suitability of the site and the agreements that were made in July, if those agreements still exist, like I have asked for, what will the rate return be on this site and what the financial return to the community will be?*

Response from General Manager, Greg Ingham

The rental return for property in question will be based on the Valuer Generals valuation, when it is available.

Mr Keith Pyke

Given the latest public notices on council's website stating "no submissions have been received" has surprised and shocked many local residents, I would ask you to confirm for us that Council will now follow up the EOI by (using the words in your statement) "The next step is for Council to continue to explore options and seek opportunities to ensure the ongoing provision of primary health services to our communities"

My research has identified at least one primary health practice that was unaware of the EOI process (reason's unknown) there indeed may be other known medical firms in Southern Tasmania who may not have sighted the EOI?

- Q1. *Can you assure everyone in the Municipality because of what my personal research has identified that you will make direct contact with other primary health providers such as. Ochre Medical, GP Plus, Sorell Family Practice and others who may not have been aware of the EOI? In Southern Tasmania*

Response from General Manager, Greg Ingham

To comply with the requirements of Council's Code for Tenders and Contracts, as well as the procurement processes under the Local Government Act 1993 and associated regulations, Council advertised the EOI through local newspapers on two separate occasions, Council's website and sent to various parties. In addition the EOI was put through Tenderlink, which is considered to be Australasia's largest tender marketplace, and the most common tender portal used by Local Government. In addition to this the EOI was subject to media reports when first announced. It is not considered appropriate to now 'cold call' organisations looking to divest of the medical practices. If there are any interested parties they are more than welcome to contact Council. Council will continue to have discussions with any interested party.

4. PLANNING AUTHORITY SECTION

Nil reports.

5. FINANCIAL REPORTS

5.1 Financial Reports for the period ending 30 September 2021

Author: Accountant (Mr Yasir Qayyum)

Responsible Officer: Director Corporate & Community (Mrs Elysse Blain)

ATTACHMENT/S

1. Profit & Loss for the period ending 30 September 2021
2. Balance Sheet as at 30 September 2021
3. Statement of Cash Flows for the period ending 30 September 2021
4. Capital Works as at 30 September 2021

BACKGROUND/OVERVIEW

The financial reports for the period ended 30 September 2021 as attached to this report are presented for the information of Council.

As discussed at the Council workshop held on 7 May 2020 Council's management information reports including departmental financial reports, will in future not be submitted to Council via the Council Meeting Agenda. These information reports will be included in a Councillor Briefing Document which will be circulated bi-monthly initially for the first six months effective this month, then quarterly thereafter and will be publicly available on the website.

Council's major financial reports will continue to be reported in the monthly Council agenda.

STATUTORY IMPLICATIONS

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

BUDGET IMPLICATIONS

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

RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
There are no material risks from adopting this recommendation.				
Do not adopt the recommendation				
By not receiving and reviewing the major financial reports on a regular basis, such as the Profit & Loss, Statement of Cash Flows, Capital Works and Balance Sheet, Council risks not meeting its financial management obligations.	Likely	Likely	High	By not adopting the recommendation Council is not endorsing the financial reports for the period ending the 31 July 2021. Council needs to endorse.

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended 30 September 2021.

6. SECTION 24 COMMITTEES

6.1 Minutes of Cranbrook Hall Committee Meeting – 2 September 2021

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Meeting Minutes – Cranbrook Hall Committee (S24)

Location: Cranbrook Hall

Date: 2nd Sept 2021

Time: 17.50/5.30 pm

Present: Annie Browning, Robert Elliott, David Amos, Jennie Amos, Edith Stanfield

Apologies: Les Turner, Pat Greenhill

Minutes of Previous Meeting:

Minutes of the previous meeting were read & confirmed as correct.

Moved: Robert Elliott Seconded: Edith Stanfield Carried

Business Arising from Minutes of Previous Meeting:

- Fencing update: Adrian O Leary. Fencing underway as end assemblies in place for side fence. Back fence to be replaced also. 50/50 split. Gateways to be moved.
- Defib Signage : Eye spy signage suggested, need 2 for each direction. Annie to check with council too.
- Spring Vale Key: David to ask Tim when asks about wine for raffle.
- 1/8/2021 Cleaning quote obtained by Pat Greenhill from Chelsea Brown @ \$30 an hour. Estimated take 1 ½ to 2 hours for a 'deep clean'.
Discussion on implication for hire charges.

Motion:

That the hire charge be raised to \$30 an hour.

Moved: Robert Elliott Seconded: David Amos Carried

Motion:

To pass on the appreciation from the Hall Committee to the Cranbrook Craft Group for the care & cleaning of the Cranbrook Hall.

Moved: Jennie Amos Seconded: Annie Browning Carried

Treasurer's Report:

Current Balance as of 2/9/2021 \$ 629.52

Accounts paid: \$ 45 to Wendy Sainty for cleaning.

Confirmed that Jennie, Robert & Tracey are signatories.

Motion:

That the Treasurer's statement be accepted & to transfer the mailing address from the old address at Springvale to Trangie, 140 Springvale Road and the account be attached to Robert Elliott's Bendigo Bank, Internet Banking.

Moved: Robert Elliott

Seconded: Edith Stanfield

Carried

Correspondence:

- Fence correspondence
- Old scholar contact re. Centenary: Jane Amos, Robert Amos & Helen Burdon (nee Webb) for contacts & memories of schooling.

General Business:

- Annie shared Section24 Committee review by GM happening.
- New Hire protocols discussed by meeting:

Motion:

That all approaches for the hiring of the Cranbrook Hall need to be addressed to the Secretary, who will ask for approximate hours or to be informed promptly after the meeting or occasion, so an online invoice can be issued, if appropriate, with a copy emailed to the Treasurer.

Moved: Robert Elliott

Seconded: Annie Browning

Carried

(See amended Hire Policy below)

- Celebrations for the Centenary of the Cranbrook School now Cranbrook Hall
- Ideas from last meeting discussed:

'Centenary of the Cranbrook School/Hall'

Sunday 17th October 2021

Gala Kirk Service 11am

Picnic Lunch & BYO food for BBQ from 12 noon

- Agreed **17th October**, the 3rd Sunday in October (as for church roster, UC turn, instead of St Andrews)
- **Gala Kirk/Service 11am** being planned for that day. Liz Grey to take service as approved now by Uniting Church. **(ACTION: Jennie & Pat, Alison Quinn & Liz)**
- Advertise those formal proceedings e.g. 'Memories /& Reflections on the Centenary' would be shared in the Church Service. Copies will be available afterwards.
- Robert approved use of Cranbrook Fire Shed BBQ.
Bring your own meat to cook.
Gold coin donation to Fire Brigade/Hall.
Bring own salads, rugs, drinks & picnic rug.
- Annie suggested invitations to GM & Council.
- **RAFFLE** to be drawn on the day
Prizes suggested:
1st Prize Accommodation: Meredith House
James: voucher towards a wine tour
2nd & 3rd prizes Local Wine mixed dozens: & walnuts & pastries???
4th Prize James: voucher towards a wine tour
5th Prize: Craft item

2 tickets for \$5.00

- GSBH society & TROVE research: Jennie shared.
- **Brain storming, for contact & to collect memories of old scholars:**
 Jennie so far spoke with Helen Burdon nee Webb. Jane Amos.
 Jennie spoke to GSBHS Meeting last Friday & Glenn Wigg said his wife Sally's grandmother was Mrs. Glover taught piano. Lived at Glen Herriot.
 Did Sally Pearce nee Coleman from Glen Herriot go to Cranbrook?
 Heather & Pam -David Cranbrook House
 Stella & John Castle- Cranbrook
 Ann Jane Bruce(dec)
 Helen Alison & Pat- Gala
 Rodney Louise Sally-Springvale
 Michael Geoff (dec) Sue & Flora Lyne -Trangie
 Roger & Jeanie Gamble(dec) Whelans
 Doug Poole
 Milton -the Ferrier family. Doug Chipman Mayor of clarence is grandson & wife Doris was an Amos.
 The Plains ???
 Brook Lodge ??
 Helen Burdon contacted Jennifer Young & will contact eldest Tunks boy Ron

Edith said Cranbrook School closed in 1958 as her David was 6 and had to go to Swansea. Ronald went for a year & stayed with Ethel Poole.
 Sefton also went there for a year after Riversdale School close. Rode his bike & crossed the river at Springvale.

Action Items:

- **All committee:**
 Contact & spread the word to old scholars & those connected with the Hall in the past; e.g. Craft Group, Cranbrook Craft/Country Fair, Haphazard Art Group.(Norah Dellavechia in May Shaw)
- **Annie:**
 Ask GN for protocols on deep clean in other halls.
 Check on DEFIB signage .
 Ask Neal & Noel -Meredith House for voucher 1st prize
 Ask Rodney Jones for walnuts
- **Robert:**
 Contact Tracey
 Banking changes as in report
 Milton wine for raffle
 Check toilet ready to use in Fire Shed for the day?
- **David:**
 Springvale office Hall Key: David to ask Tim when asks about wine for raffle.
 Ask Craigie for wine raffle & 2 Pastry boxes ?
 Ask James for a wine tour voucher

- **Edith:** Craft group ask for raffle item
- **Pat :** ask for Gala wine for raffle
- **Jennie as secretary:**
Advertise in: GOBC news, Bicheno Forward, East Coast News
Social media e.g. Gala Kirk page, others???
Email/ contact:
The Village & ERDO
GSBH Society
Swansea School

Card of thanks to Wendy Sainty.
- **Jennie & Edith:** collate the memories/ reflections
- **Gala Kirk Service :** Jennie & Pat, Alison Quinn & Liz

Meeting closed at: 6.50pm

Next meeting: AGM 4th November 5.30

- ***Hire agreements:***
Not for profit community groups: no charge
Cranbrook Craft Group: no charge.
Hire charge is \$30 per hour.
All bookings to be confirmed by Secretary & invoiced, with a copy sent to Treasurer.

RECOMMENDATION

That the Minutes of the Cranbrook Hall Committee meeting held on 2 September 2021 be received and noted.

7. INFORMATION REPORTS

7.1 Director Works and Infrastructure - Mr Peter Porch

Asset Management; Roads, Bridges and Footpaths; Stormwater; Waste Management; Public Amenities; Parks, Reserves and Walking Tracks; Cemeteries

ASSET MANAGEMENT

Asset Management practice is the strategic driver for the activities of the department and is partnered by works that operate to maintain essential services to the community.

Asset management activities required for the implementation and development of the set of asset management plans include asset locations in Geospatial mapping (GIS). The collection of council stormwater assets in GIS continues with past development and subdivision “as constructed” drawings being sought out and reviewed to enable addition of these unmapped infrastructure assets to our systems.

CONSULTANT SERVICES

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

- Vince Butler engaged to develop specifications for repairs to road infrastructure damaged in the March 2021 flood event. Activity continuing. Investigations and design for the solution to Wielangta Rd damage continued with a report on the geotechnical road condition received. A preliminary claim has been submitted to the State with costs incurred at the time of the event \$68,884.75 and repair cost estimates of \$448,778.04 yet to be confirmed as design solutions progress. A quantity of the repairs to bridge infrastructure will only be partially funded, as the grant will only reinstate to prior condition rather than new. This will mean allocations from council or other grant opportunities are required to meet the difference in cost of a full renewal.
- Stormwater Management Plan: Cameron Oakley continues to work through a multitude of inundation issues with the outcome to be a schedule of future works encompassing a number of years of forward works. Each of these projects will come before council for consideration in future capital works programs. Projects will be assessed on the basis of risk to form a priority for scheduling the program that will be presented to council.
The South Orford Stormwater System Study is almost complete. This is to assess the stormwater system capacity and function from Shed Hill through Mary St to Walters Drive and Strawberry Hill Court. The draft has identified a number of measures required to improve this system to meet council's threshold limits. This study with associated outcomes will ensure the design proposed for a levy along the Orford Rivulet does not have any negative consequences. AD Design and Consulting are carrying out these works. Ongoing.
The North Orford study commenced in conjunction with the Department of State Growth (DSG) who are jointly funding this project.
Holkham Crt works are yet to be delivered from the consultants working on this catchment zone. This consultant progress on this location has been disappointing being months overdue for delivery. Recent correspondence has highlighted council's disappointment with progress and resources now appear to be deployed to the job.
The Stormwater Management Plan is being developed for presentation to council in coming months. Development of Stormwater Policy is progressing.
- Grant fund project delivery: Graeme Edwards is retained to deliver a range of projects funded by commonwealth Grants. A number of sub-consultants are involved in these works also. Ongoing.
- Pitt and Sherry are developing tender design and specification for Vicary Street and The Esplanade intersection in Triabunna. Ongoing.
- Sustainable Engineering are developing plans for the Triabunna School Crossing.
- Design request for quotations have been pursued for pavement repair works on Charles St Orford; Nugent Road in sections for the first three kilometres from the Tasman Highway and Alma Road. Pavement failures are quite evident on these three roads with Nugent road in very bad condition.

OPERATIONAL WORKS

ROADS, BRIDGES, FOOTPATHS, KERBS

- Unsealed road inspections: 9 carried out
- Brockley Road bridges (X3) - design being developed to form concrete approaches to bridges to mitigate flood damage and reduce frequent reconstruction expenses.
- Jetpatching of selected road sections continued.
- Maintenance grading carried out on: Nugent Road, Brockley Rd, Triabunna township unsealed roads, Happy Valley Rd and Wielangta/Earlham Roads.
- East Shelley Road box out of failed section of sealed road completed.
- Pot hole repairs ongoing
- Grange Road Bridge: cleaned up after flooding
- Vehicle barrier erected on Jetty Rd Coles Bay at cliff edge. Included additional signage, road maintenance and tree trimming.
- Roadside slashing - Dolphin Sands Road, part of Wielangta and Stonehurst Rd completed
- Nature strip contract mowing Orford/Triabunna completed
- Roadside weed spraying continued

STORMWATER, DRAINAGE

- Investigations at Coles Bay and Orford to determine where pipes go and what sizes they are
- Coles Bay replace damaged stormwater pipes on Jetty Road - part of ongoing investigation into subsoil drainage issues.
- Murphy Court (Orford) pump station serviced and tested.
- Pre-rainfall event storm checklist for problem locations developed

WASTE MANAGEMENT

- Unauthorised dumping occurred at Orford and Coles Bay sites. Installing camera.
- Eftpos arrangements being implemented with Orford the first site. Training to be carried out for operator.
- Green waste burning conducted at Orford, Swansea and Bicheno.
- Summer Hours to commence for all Transfer stations from 24th October.
- Open skip bin for tyre collection to limit contamination at Orford completed
- Orford cardboard bin replaced with bin with lid. Previously unlidded bin meant cardboard got wet and couldn't be recycled.
- Fermentation of green waste trial No.1 at Orford WTS - continued

PARKS, PLAYGROUNDS, RESERVES, WALKING TRACKS, CEMETERY

- 15 inspections for playgrounds the month completed
- Toddler swing at Triabunna rec ground playground replaced
- Finger entrapment on slide in Jubilee Park (identified by parent) rectified.
- Tree trimming assessments underway
- Bicheno Triangle - renovation of 4 garden beds due to severe weed infestation (completion prior to Bicheno Food and Wine Festival mid- November)

Covid 19 signage

- As per a new directive from State Health, signage and a QR code is to be installed at all playgrounds and skateparks. Staff are preparing the signage to be installed in October.
- Also, they are to be installed at Ovals and recreation Grounds and this will be communicated to the Section 24 Committees controlling these locations.

EMERGENCY MANAGEMENT:

After hours rostering carried out as scheduled.

- Attendance at Tas Fire Interoperability center Cambridge for Emergency Response Exercise: Fire at Coles Bay. Testing of understanding of municipal emergency management plan and establishment processes for an evacuation center.

The Department of Premier and Cabinet is developing a policy likely to be implemented through SES to administer funds for rehabilitating private property following bushfire fighting activities including establishment of fire breaks. These activities destroy fences and create run-off and weed spread damages which councils are now required to make good to. As there is currently no method for funding these works, this policy responds to the situation and provides a mechanism for council to administer the works and manage the funds.

SES Activity

- Planning for the Swansea Christmas parade

CUSTOMER REQUESTS

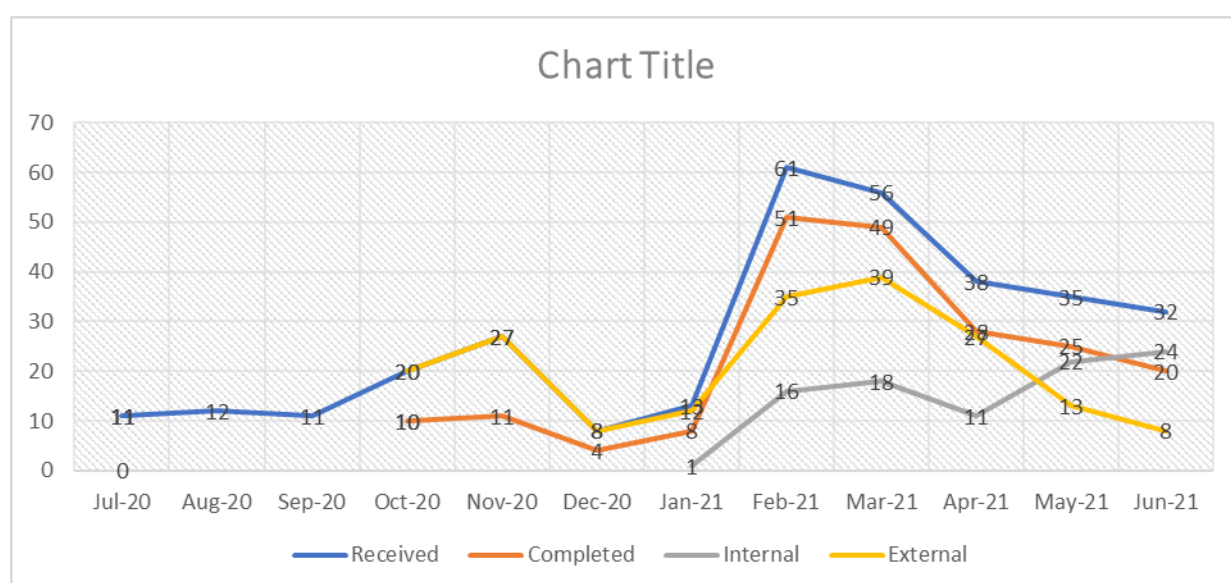
The chart below is a snapshot of customer requests for the 2020-21 financial year. The statistics indicate a change in use of the system and the way in which infrastructure issues are managed.

Previously, few issues were logged in the request system and the majority were from external contact - the general public. Staff are now proactively using the request system to demonstrate risk management practice and as a record of work activity. The increase in the activity lines demonstrate the increased use.

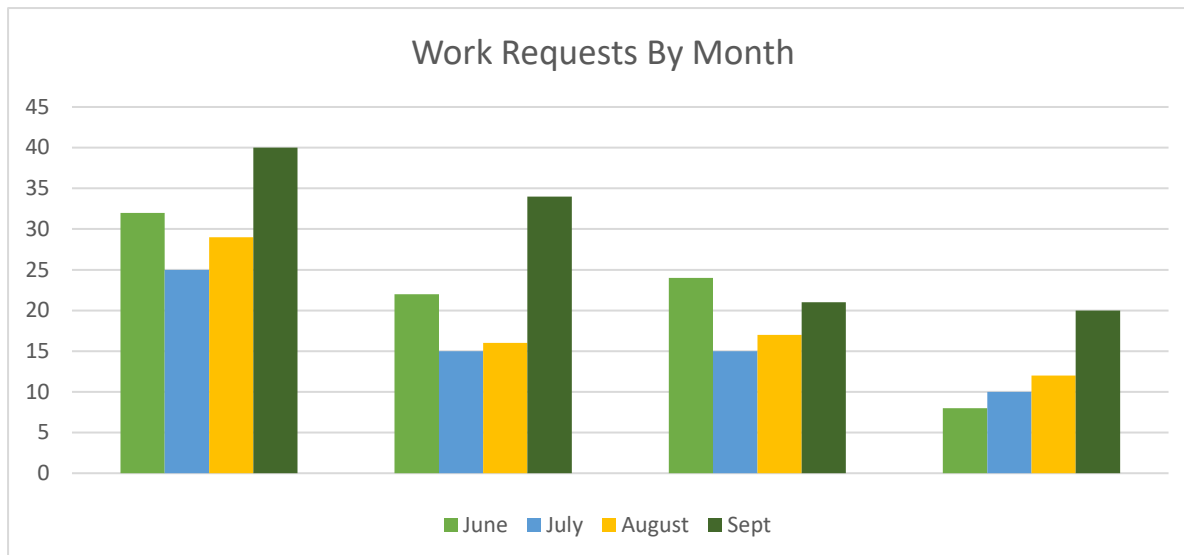
Total number of requests for the year: 324

Highest volume request categories:

Stormwater	74
Trees	37
Unsealed roads	34
Mowing	30
Sealed roads	29
Footpaths	29
Playgrounds	18



The Chart below summarises the requests received year to date by the numbers received; the number completed; those generated by the public and those generated by officers.



CAPITAL WORKS

- Spring Bay boat club storm water main construction completed.
- Seal tender for reseal program for 2021-22 conducted
- Alma Rd and Fieldwick Drive drainage works commenced
- Freycinet Fisheries Drive drainage and roadworks- commenced
- Mount Murray Rd resheet completed

Grant funded

Generally, the grant funded projects are experiencing delays as consultation with major stakeholders is slower to progress than anticipated.

- Swansea Main St Paving: Concept nearing Community engagement phase.
- Bicheno Tasman Highway Footpath: progressed
- Coles Bay Foreshore Footpath: Concept design developing to inform consultation.
- Bicheno Gulch Foreshore and Esplanade Upgrade: Awaiting approvals prior to final design.
- Bicheno Triangle Upgrade: Design and consultation ongoing with a well attended consultation session held on Saturday the 18th September 2021.

PLANT AND VEHICLES

- Planned trade and sale of vehicles continued as programmed.

GENERAL

- Officers have lodged an application for the Black Summer Bushfires Grant. The grant focusses on initiatives that support community recovery. The application includes the installation of a Telstra tower to eliminate black spots through Devil's Corner; provision of water tanks at strategic locations for fire-fighting purposes; fire trail road upgrades and a helipad at Swansea SES facility.

RESERVE BOOKINGS AND ROAD CLOSURES

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

- Swansea Christmas Parade by SES - Road closure required
- Bicheno Food and Wine Festival Lions Park 18 - 23rd November

RECOMMENDATION

That Council notes the information.

8. OFFICERS' REPORT REQUIRING A DECISION

8.1 Minutes of Glamorgan Spring Bay Council Audit Panel

Author: General Manager (Mr Greg Ingham)

Responsible Officer: General Manager (Mr Greg Ingham)

ATTACHMENT/S

1. Minutes of Meeting – 15 June 2021
2. Minutes of Meeting – 22 September 2021
3. Glamorgan Spring Bay Council Audit Panel Report

PURPOSE

To recommend that Council receives and notes the attached Minutes and Annual Report from the Glamorgan Spring Bay Council Audit Panel.

BACKGROUND / OVERVIEW

The Glamorgan Spring Bay Council Audit Panel (the Panel) plays a vital role in assisting Elected Members of the Glamorgan Spring Bay Council in fulfilling responsibilities relating to the review of the Council's performance and effectiveness as well as safeguarding its long-term financial position.

Historically, audit panels focused on financial reporting and the integrity of accounting systems. Audit panel functions have evolved, and they now have a much broader mandate. They cover risk management, financial and non-financial performance and compliance. Audit panels also provide an independent check of key council plans, policies, systems and controls relating to a council's administration, culture and personnel.

As required by the Audit act, Tasmanian councils are audited annually through submission of their financial statements to the Auditor-General. The Audit panel plays an important role in reviewing these financial statements. The audited financial statements are included the annual report.

The Panel met on 15 June 2021 and 22 September 2021 at the Triabunna Council Office, with some Panel members attending online via Microsoft Teams. The Panel has made a number of recommendations and a summary of the key actions are provided at the end of the Minutes. The majority of these require action by Council staff or the Chair of the Panel.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

1. OUR GOVERNANCE AND FINANCE

What we plan to do

Set realistic budgets and monitor income and expenditure closely.

STATUTORY IMPLICATIONS

- Glamorgan Spring Bay Council Audit Panel Charter
- Audit Act
- Local Government Act 1993

BUDGET IMPLICATIONS

N/A

RISK CONSIDERATION/S

Risk is managed by the panel providing checks and balances to give elected members another source of scrutiny and a means of highlighting issues that require strategic

attention. This can be invaluable to Council by contributing to the avoidance of reputational damage and helping to ensure ratepayers are receiving the best possible oversight over the management of their assets.

OFFICER'S COMMENTS

The audit function is recognised as a critical component in the accountability and governance framework of any local government entity, and, under the Act, all Tasmanian councils are required to establish and maintain an audit panel. Not doing so would be a breach of the Act and significantly reduce oversight of Councils finances.

It has been pleasing to note the Audit Panels involvement in progressing the Long Term Financial Management Plan, Financial Policy and Asset Management in 2021. In reviewing Councils financial management and comparing how we perform against our long term plans the panel has ensured that GSBC has complied with its policies and procedures.

As one example of Council's ongoing good governance, the Audit panel identified the value of having Integrity Commission training for staff earlier in the year which included fraud awareness and prevention strategies.

RECOMMENDATION

That Council receives and notes the attached Minutes and Annual Report of the Glamorgan Spring Bay Council Audit Panel Meetings held on the 15 June 2021 and 22 September 2021.

8.2 Proposed Council Office Closure – 2021 Christmas / New Year Holiday Period

Author: General Manager (Mr Greg Ingham)

Responsible Officer: General Manager (Mr Greg Ingham)

ATTACHMENT/S

Nil.

PURPOSE

The purpose of this report is to request Council's endorsement of the proposed closure of the Council Office over the 2021 Christmas/New Year Holiday period.

BACKGROUND / OVERVIEW

It is proposed that the Christmas/New Year closure period for 2021 is as follows:

- Business closes Friday 17 December 2020 at 12.00pm and re-opens Tuesday 4 January 2021 at 9.00am.
- Arrangements will be put in place in respect to the taking of annual leave by staff as required.
- Call-out arrangements will also be put in place.

As per Council's Enterprise Bargaining Agreement (2018-2021) section 37 states:

"The three days between Christmas and New Year will be paid as Christmas gratia leave and will not be deducted from an employee's leave accruals. If the employee is required to work on any of these days or part thereof, they are to be taken in lieu."

Therefore, the following entitled days will be taken as "Christmas Gratia Leave":

- Wednesday 29 December 2021
- Thursday 30 December 2021; and
- Friday 31 December 2021.

As per previous years, a roster system will be developed for the Works staff to ensure essential tasks and emergency work can be carried during this Christmas/New Year period.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

3. OUR PEOPLE

What we plan to do

Show personal appreciation for good performance and/or positive behaviours.

STATUTORY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Any costs associated with Annual Leave taken by staff will be in accordance with individual officer entitlements.

RISK CONSIDERATION/S

No risks are identified in closing the Council Office during the Christmas/New Year period.

OFFICER'S COMMENTS

Should Council endorse the proposed office closure, the General Manager will advertise the closure accordingly.

RECOMMENDATION

That Council endorses the closure of the Triabunna Council Offices from 12.00pm Friday 17 December 2021 to re-open Tuesday 4 January 2021 at 9.00am.

8.3 Proposed Schedule – 2022 Ordinary Meetings of Council

Author: Executive Officer (Ms Jazmine Murray)

Responsible Officer: General Manager (Mr Greg Ingham)

ATTACHMENT/S

Nil.

PURPOSE

The purpose of this report is to provide a schedule of proposed meeting dates for the 2022 Ordinary Meeting of Council to Council for review, consideration, and adoption.

BACKGROUND / OVERVIEW

Regulation 4(4) of the *Local Government (Meeting Procedures) Regulations 2015* requires that an Ordinary Meeting of a Council is to be held in each month.

The proposed dates for Ordinary Council Meetings for 2022 continue to be scheduled for the fourth Tuesday of each month, commencing at 2:00pm in the Council Chambers, except for the December 2022 Meeting which is proposed to be held on Tuesday 13 December 2022 due to the Christmas holiday period. Meetings will continue to be live streamed to the public during 2022.

If the proposed meeting dates are adopted by Council, the General Manager will ensure that a public notice containing the times and places of the Ordinary Council Meetings is published in accordance with regulation 7(2) of the *Local Government (Meeting Procedures) Regulations 2015*.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

1. OUR GOVERNANCE AND FINANCE

What we plan to do

Advocate and lobby effectively on behalf of the community.

STATUTORY IMPLICATIONS

- *Local Government (Meeting Procedures) Regulations 2015*

BUDGET IMPLICATIONS

Other than advertising costs, no significant budget implications are identified in Council adopting of the proposed 2022 schedule of Ordinary Meetings of Council and Council's Annual General Meeting as presented.

RISK CONSIDERATION/S

By not adopting and advertising its schedule of dates for the 2022 Ordinary Meetings of Council and the 2022 Annual General Meeting Council risks non-compliance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*.

OFFICER'S COMMENTS

It is recommended that the 2022 Ordinary Meetings of Council from January to November inclusive are held on the fourth Tuesday of each month commencing at 2.00pm in the Council Chambers, Triabunna (subject to COVID-19 restrictions).

It is further recommended that the December 2022 Ordinary Meeting of Council be held on the second Tuesday being the 13 December 2022, and that the 2022 Annual General Meeting be held at 5.30pm on the 13 December following the Ordinary Meeting of Council.

MEETING DATE	TIME
Tuesday 25 January 2022	2:00pm
Tuesday 22 February 2022	2:00pm
Tuesday 22 March 2022	2:00pm
Tuesday 26 April 2022	2:00pm
Tuesday 24 May 2022	2:00pm
Tuesday 28 June 2022	2:00pm
Tuesday 26 July 2022	2:00pm
Tuesday 23 August 2022	2:00pm
Tuesday 27 September 2022	2:00pm
Tuesday 25 October 2022	2:00pm
Tuesday 22 November 2022	2:00pm
Tuesday 13 December 2022	2:00pm
Tuesday 13 December 2022 (Annual General Meeting)	5.30pm

It is also recommended that Special Council Meetings be held at any time from 2.00pm.

RECOMMENDATION

That Council:

1. Adopts the following schedule of dates for the 2022 Ordinary Meetings of Council to commence at 2.00pm; and
2. That the 2022 Annual General Meeting of the Glamorgan Spring Bay Council be held on Tuesday 13 December 2022 commencing at 5.30pm; and
3. That Special Meetings of Council can be held at any time from 2:00pm.

8.4 Draft Personal and Private Information Policy

Author: General Manager (Mr Greg Ingham)

Responsible Officer: General Manager (Mr Greg Ingham)

ATTACHMENT/S

1. Draft Personal and Private Information Policy

PURPOSE

To recommend that Council adopts the draft Personal and Private Information policy as attached to this agenda item.

BACKGROUND / OVERVIEW

The Personal and Private Information Policy ensures that information gathered by Council is protected; and that on the collection of the information, it is kept private.

This Policy applies to all Councillors, Council employees, contractors, workplace participants and volunteers of Council and covers any personal information that is collected, retained, stored and used by Council where it is necessary for one or more of the Council's functions or activities.

The Policy does not preclude the provision of information to enable Councillors to perform their civic functions effectively. The General Manager and staff are responsible for providing Councillors with certain information to facilitate the decision making process.

Key elements addressed in the Policy are:

- Collection of Personal Information
- Use and Disclosure of Personal Information
- Disclosure of Personal Information outside of Tasmania
- Data Quality
- Data Security
- Openness, accessing and correcting Personal Information

Council's existing Personal and Private Information Policy was adopted in September 2018 and was due for review by the end of 2020. The new Policy now includes all related and updated legislation and a two year review period.

The draft Personal and Private Information Policy was presented to Council at a Workshop held on 12 October 2021.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

1. OUR GOVERNANCE AND FINANCE

What we plan to do

Be accountable and ensure good governance practice.

STATUTORY IMPLICATIONS

- Archives Act 1983
- Personal Information Protection Act 2004 (Tas)
- Right to Information Act 2009 (Tas)
- GSBC Customer Service Charter Policy
- GSBC Code of Conduct

BUDGET IMPLICATIONS

N/A

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation Policy becomes current				Positive consequences achieved.
Do not adopt the recommendation Policy review date overdue	Low	Low	Low	Review and amend Policy for presentation to Council at a future meeting.

OFFICER'S COMMENTS

The draft policy has been reviewed in accordance with Council's Corporate Calendar.

RECOMMENDATION

That Council adopts the Personal and Private Information Policy as attached to this report.

8.5 Project Consultation Processes

Author: Director Works and Infrastructure (Mr Peter Porch)

Responsible Officer: Director Works and Infrastructure (Mr Peter Porch)

ATTACHMENTS

1. GSBC - Project Communication Strategy
2. Communication Plan – Bicheno Triangle – September 2021
3. Communication Plan – Swansea Main St – October 2021

PURPOSE

This report is for information on consultation processes associated with Major Projects currently underway.

BACKGROUND/OVERVIEW

Council has many projects within its capital program and they range in size, complexity and impact to the community. The smallest projects may have impacts to local residents only while the larger projects have impacts to local residents, tourists, industry and commerce, other Government agencies and other infrastructure providers as well as the natural environmental.

In accord with the spectrum of impact, so the level of consultation is required to increase as impacts become greater.

There are currently major projects being delivered in a number of communities with significant community impact and interest.

The attached Project Communication strategy broadly outlines the processes for delivery of current projects requiring substantial community engagement with the individual communication plans demonstrating how the strategy is implemented for the individual projects identified. Elements of the strategy will be considered for implementation for projects across the spectrum from large impact to small impact.

STRATEGIC PLAN

Key Foundation/s

4. INFRASTRUCTURE AND SERVICES

Delivering high quality, cost-effective infrastructure and services that meet the needs of our communities, residents and visitors.

What we plan to do

- Set clear annual budget priorities to meet needs and community expectations in consultation with the community.

STATUTORY IMPLICATIONS

- *Local Government Act 1993*
Section 20. Functions and Powers of Councils (2)
(c) develop, implement and monitor procedures for effective consultation between the council and the community;
(d) inform the community of its activities and provide reasonable opportunities for involvement in those activities

BUDGET IMPLICATIONS

Project consultation is a component of budget for capital projects so there is no additional budget impact.

RISK CONSIDERATIONS

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Perceived Adequate Consultation Works of low impact to all stakeholders	Moderate	Unlikely	Low	Processes implemented to adequately inform those impacted. Likely low impact works
Perceived Inadequate consultation Some projects present difficulties for sectors of community – special interest groups who may be loud and prominent yet not necessarily represent the majority	Likely	Likely	High	Implement and follow strategic processes. Evaluate risks and devise communication and consultation processes appropriate to the identified risks for the project. Review plans and modify as necessary. Consider feedback and modify designs as necessary.

OFFICER'S COMMENTS

Projects undertaken by council and its representatives are from time to time controversial with stakeholders and special interest groups providing unexpected feedback and opposition.

Projects should be devised by council and staff that provide benefits to the majority of the community ensuring that there is limited negative impact for the project concept. The detailed design elements are often the sensitive components and adequate communication for the majority of people impacted should be implemented.

Consideration of properties impacted by construction programming is a further consideration in project planning and may result in adverse communication from those affected where considered inadequate.

RECOMMENDATION

That Council notes the information.

8.6 Vehicle Loading Crane Replacement

Author: Director Works and Infrastructure (Mr Peter Porch)

Responsible Officer: Director Works and Infrastructure (Mr Peter Porch)

ATTACHMENTS

Nil

PURPOSE

For council decision on a variance within the plant renewal program.

BACKGROUND/OVERVIEW

The Vehicle Loading Crane (VLC) on the small Triabunna tip truck (2019 Isuzu N Series NQR) was fitted inhouse by council personnel approx. 18 months ago. The VLC is utilised extensively to lift small items on and off the back of the truck such as vibrating plates, precast stormwater structures, excavator buckets, lift stormwater pit lids and other items within its load capacity required for projects and maintenance.

Having this crane on the truck eliminates the need to have the likes of an excavator brought to site to execute the lifting (thus down time reduced) and/or personnel attempting to lift items manually resulting in incidents/injuries.

The installation of the VLC by GSBC was a successful safety and work efficiency outcome, but now a number of issues have been identified that has rendered the VLC inoperable and it is currently out of service:

- The VLC was fitted by GSBC and not an approved installer, so the truck does not have an approved NHVR modification plate attached to it, only an approved installer can issue a NHVR modification plate. If identified by the authorities the truck can be immediately de-registered and if there was an incident and a work safe investigation GSBC would be liable.
- The VLC currently fitted is over 10 years old. For commercial VLC's such as this one, the VLC must be refurbished and re-tested every 10 years. This process is more expensive than purchasing a new crane.
- Been an older VLC it does not have the required safety mechanisms on it. For example the operator can swing the boom over his/her head while operating the controls, this is a noncompliance as the crane cannot swing the boom over the operator.
- Crane must have a current load test certificate at all times (annual load test at 125% - then returned to 100%)
- Crane must have a boom stow alarm & ideally leg out alarm if the stability leg is sliding



PROPOSAL

This truck is not due for replacement until 2029/2030 financial year (by 10-year plant replacement plan). This VLC is critical to continue to reduce manual handling injuries/incidents for the Triabunna team, and to improve efficiencies within the plant pool GSBC has.

A quote has been sourced from FRM Hobart to supply and install a new VLC on this truck at a cost of \$18,324.79 incl GST. This includes all the relevant safety compliance including NHVR modification plate fitted to the truck. The cost of the crane could be recouped from the cost of a single serious back injury claim.

With the truck planned for replacement in 2029/2030, the new crane would still be within its 10-year commercial life and would add to the sale value of the truck. Going forward, as we have done this year (2021/2022), new trucks will be supplied already fitted with a VLC by an approved installer to ensure compliance.

This report advises of the reallocation of \$18,324.79 incl GST from the current budget allocation to have this VLC installed as soon as practical and is funded from savings on planned plant and vehicle replacement within the current budget.

STRATEGIC PLAN

Key Foundation/s

4. INFRASTRUCTURE AND SERVICES

Delivering high quality, cost-effective infrastructure and services that meet the needs of our communities, residents and visitors.

STATUTORY IMPLICATIONS

- *WHS Act 2012 Management of Hazards & Evaluation of Risks*
- *WHS Regulations 2012 Identification of Hazards and reasonably practicable mitigation measures implemented*

BUDGET IMPLICATIONS

Council has an allocation of \$320,000 for Plant and Equipment excluding the allocations for Computer and Medical Equipment. Savings across the program with 85% of the expenditure items committed or purchased come to around \$38,000 and exceed the value of the Vehicle Loading Crane replacement. This has mainly been achieved through reallocation of fleet vehicles.

The VLC replacement can be made within the allocated budget while fulfilling all planned replacements for the year.

RISK CONSIDERATIONS

Key risks to council include work health and safety management risks to workers.

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Replace the Crane	Moderate	Unlikely	Low	Risks reduced.
Hierarchy of control implemented for managing manual handling hazards				
Do not replace the crane	Likely	Likely	High	Mitigate through increased labour or plant hire for alternative equipment.
WHS risks increase				

OFFICER'S COMMENTS

Officers are making the recommendation to ensure continued performance of staff on site and for the management of WHS risks. Musculoskeletal Injuries associated with manual handling activities is a key area of concern for management of civil works and other manual task oriented employees.

Injuries associated with lifting can have long lasting impacts and managing staff with physical incapacity impacts team productivity and can materially impact a worker's quality of life. Engineering solutions to lifting hazards are important initiatives.

RECOMMENDATION

That the budget for Plant and Equipment be amended to include the replacement of the Vehicle Loading Crane without amending the total allocated budget value.

8.7 Community Small Grant Application – Swansea Community & Men’s Shed

Author: Community and Communications Officer (Ms Eliza Hazelwood)

Responsible Officer: Director Corporate and Community (Mrs Elysse Blain)

ATTACHMENTS

1. Supporting letter
2. Submitted application from Swansea Community & Men’s Shed
3. Quotation from The Cable Dr

PURPOSE

Recommendation for Council to approve a Community Small Grant application for \$1,000 for the Swansea Community & Men’s Shed for the payment of a security equipment.

BACKGROUND / OVERVIEW

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

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

This application from Swansea Community & Men’s Shed dated 15 September 2021 received 17 September 2021 is for a contribution towards the purchase of:

1. Swann ProHD CCTV system
2. 2x Vandal Dome Cameras and 4x Bullet Cameras
3. 200m Cat6 Data Cable
4. Final Setup and Commissioning

STRATEGIC PLAN REFERENCE

Guiding Principles

Reinforce and draw on the strengths of our communities at both a local and regional level.

Key Foundations

Cohesive, inclusive, and resilient communities that work together across the region to make the most of our collective talents, skills and resources and help and support each other.

STATUTORY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Applications for funding are considered throughout the financial year until such time as the available funds are exhausted. There is a \$25,000 Community Small Grants Program provision in the 2021/22 budget. At October 2021, \$20,200 from the annual budget is available to support this application.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Low	Rare	Low	
Protection of camera function. Risk of covid exposure and theft				
Do not adopt the recommendation	Possible	Moderate	Moderate	Council reviews the application and reasons for not adopting the recommendation.
Unable to contribute to COVID tracing. Unable to contribute to identifying theft.				

OFFICER'S COMMENTS

Whilst this application satisfies the necessary criteria of the relevant policy, it is noted that as a solution to theft or covid exposure, the camera installation is not likely to reduce the risk of these activities. Per the risk hierarchy of control, the camera would be referred to as an administrative control, as it doesn't eliminate or substitute or isolate the hazard of theft or covid exposure but may help act as a theft deterrent and has potential to assist an investigation after a theft or for covid tracing.

RECOMMENDATION

That Council approve the application for Small Grant funding of \$1,000 to Swansea Community & Men's Shed.

8.8 Report on request to support deferral of decision on Local Provisions Schedule to enable determination of Tempus Planning Scheme Amendment and Planning Approval – 12371 Tasman Highway, Swansea (Part Of)

Author: Senior Planning Consultant (Mr Mick Purves)

Responsible Officer: Director Planning and Development (Mr Alex Woodward)

ATTACHMENT/S

1. Request to defer Commencement of LPS 1 October 2021
2. Submission Applicant 14 September-2021

PURPOSE

The purpose of this report is to consider a request to support delaying the decision on the Local Provisions Schedule to allow a decision on an application for a planning scheme amendment and planning applications submitted for the Tempus proposal.

BACKGROUND / OVERVIEW

An application (DA202/80) was lodged under sections 33(3) and 43(A) of the former provisions of the Land Use Planning and Approvals Act 1993 (the Act) for a combined planning scheme amendment and a development application for a subdivision and the development of stage 1A of the Tempus Retirement Village and nursing home proposal, which included:

- Establishing a new Particular Purpose zone in the Glamorgan Spring Bay Interim Planning Scheme 2015;
- Rezoning approximately 17 hectares of land to the newly established Particular Purpose zone;
- Subdivision of land to create two new land titles for the Tempus proposal;
- Determination of the planning application for stage 1A of the proposal.

That application was supported by Council (AM2021-01) and progressed through the statutory exhibition and reporting processes. The Tasmanian Planning Commission scheduled hearings on the amendment and representations for 18 and 19 October, which were affected by the recent Covid shutdown on the southern region.

Council officers recently became aware of a potential legislative problem that would terminate the Tempus amendment application upon determination of the Local Provisions Schedule.

The proponents of Tempus have lodged a request for Council to support delaying the decision on the Local Provisions Schedule to enable the Tempus amendment to be determined and avoid the potential termination of the amendment.

See Attachment 1 for a copy of the request.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation

Our Governance and Finance

What we plan to do

Be accountable and ensure good governance practice

STATUTORY IMPLICATIONS

The process to amend a planning scheme is established at Schedule 6 of the Act until a local provisions schedule is declared within a municipal area and the Tasmanian Planning Scheme becomes effective.

Schedule 6 reinstates the process established under the former division 2 of the Act (the former provisions). Specific provisions are made in the Schedule for how to deal with amendments when a Local Provisions Schedule is determined. The applicant provided submissions to the Commission on the meaning of these clauses to the Tempus amendments. Those submissions were provided as Attachment 2 to this report and provide a detailed description of the provisions.

The Billet submissions conclude that the Tempus amendment complies with clause 4 of the former provisions, but that there is a risk for challenge to that interpretation that might undermine the decision on the amendment.

BUDGET IMPLICATIONS

Budget implications of the subject process form part of Council's operational costs and statutory obligations as a planning authority.

RISK CONSIDERATION/S

Risk	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation There may be some concerns about the additional delay to the LPS.	Negligible	Unlikely	Low	Ensure adequate information is provided to enquiries to ensure rationale is explained.
Do not adopt the recommendation There is a potential risk that any future challenge to the amendment may arrive at a different interpretation. This risk will arise from the decision of the Tasmanian Planning Commission on the Amendment. If that was to occur, there are potentially significant impacts for the developer, purchasers of sites and Council that may result from such a decision.	Moderate	Possible	High	Seek legal advice on the potential impacts and how these may be addressed.

OFFICER'S COMMENTS

It is understood that the Local Provisions Schedule is expected to have decisions issued by the Commission and commence operation late this year.

The proponents requested that Council support their request to delay a decision on the Local Provisions Schedule to remove the risk for challenge to the decision of the Commission.

The likely impact of such support is expected to be low:

- The decision on the Local Provisions Schedule is understood to usually take some months to implement and may be prone to delays for other reasons;
- Technical issues are understood to occasionally arise with the documents under the Local Provisions Schedule, particularly the mapping that supports it that can take some time to resolve;
- Changing to a new planning scheme is typically a difficult process that involves developing internal processes and documentation as a result of the change; and
- If supported, the request is expected to delay the change over from the current Interim Planning Scheme to the Local Provisions Schedule by a relatively short period (weeks rather than months).

Given the balance of the issues surrounding the request, it is preferred that the decision on the Local Provisions Schedule is delayed to enable determination of the Tempus amendment.

RECOMMENDATION

That Council write to the Minister for Planning and the Tasmanian Planning Commission to support the request to defer commencement of the Local Provisions Schedule to allow determination of the Tempus Amendment (AM2021-01).

9. NOTICES OF MOTION

Nil.

10. PETITIONS

Nil.

11. QUESTIONS FROM COUNCILLORS

11.1 Questions on notice by Councillors

Nil.

11.2 Questions without notice by Councillors

Nil.

11.3 Questions without notice by Councillors taken on notice – 28 September 2021

Through the Chair, Cllr Grant Robinson directed the following questions to the General Manager:

Cllr Grant Robinson

- Q1. *Has Tassal paid GSBC the full annual amount of interest and principal loan repayments for each of the past three financial years, namely, 2018/19; 2019/20 and 2020/21? If so, where is this identified in GSBC financial reports?*

Response from General Manager, Greg Ingham

Yes, they have paid amounts to cover the interest and principal since the pipeline was commissioned in May 2020 (including 20/21). This did not cover any interest and principal repayments Council were required to make prior to commissioning.

Through the Chair, Cllr Michael Symons directed the following questions to the General Manager:

Cllr Michael Symons

My next question is in relation to the advice that Council received around AAR. Please note this question was directed to the General Manager, but was answered by the Mayor.

With regards to this answer can I ask the General Manager to clarify the following:

- Q1. *That answer given by the Mayor formed part of the advice given at the workshop held on the 11th of May?*

Response from General Manager, Greg Ingham

Qualified advice was provided to Council at the 11 May 2021 Council workshop in regards to rating methodology and specifically the AAR. The Mayor's response to Cllr Symons Question without Notice on 24 August was correct, except for the comment that the advice was 'oral' only and not provided in writing. Whilst Council had only received 'oral' advice at the time of the 11 May Council workshop, written advice was received later on the 31 May 2021.

- Q2. *The advice given was from contract accountant Ms Marrison Walters as a result of a phone conversation with Launceston lawyer Mr Shaun McElwaine?*

Response from General Manager, Greg Ingham

Advice given at the 11 May Council workshop by Contract Accountant Mrs Walters was following a telephone discussion with a lawyer (McElwaine). As discussed with Council, at this stage, the General Manager and Contract Accountant did not see the need for Council to incur unnecessary legal costs by obtaining written advice when previous Director of Local Government advice on rates, the GSBC location AAR rates certificates themselves and the Local Government Act Section 109 made the AAR process and requirements clear. An in depth valuable Council discussion on the municipal rating system was held on 13 April 2021, unfortunately a workshop that you missed.

- Q3. *Can you confirm the following recollection of the advice given at that workshop by Ms Walters as being reasonably accurate summation of what was said?*

This is my recollection of what was said at the Workshop:

Ms Walters conveyed she had a brief phone conversation with lawyer Mr McElwaine whilst he was driving. Ms Walters went on to say he may potentially agree with her assumption that there could be issues as to the obligations for Glamorgan Spring Bay Council contained in section 109 of the Local Government Act 1993.

Ms Walters then went on to say that Mr McElwaine said his recollection of the Act could not be relied upon in this situation (whilst driving) and if proper sound advice was required Glamorgan Spring Bay Council would need to send a written brief to his office for consideration.

Response from General Manager, Greg Ingham

I have no reason to doubt the qualified advice given by Mrs Walters at the 11 May Council workshop was a 'reasonably accurate summation' of what was said or discussed verbally. As noted, written advice has been received since.

Wages and salaries in the audited results for the year ended 30th June 2019 were \$4.348 million. If we deduct the visitor centre wages (now closed) of \$0.489 million and the NRM department (now closed) \$0.176 million and include a conservative estimate of wages for the Doctor of \$0.200 million this leaves a net wages figure of \$3.483 million. The budgeted wages figure for 21/22 budget is \$4.976 million an increase in real wages of \$1.493 million or 42.9%.

Q5. *As this is the third time I have asked this question, could the General Manager please explain how an increase in wages over three financial years of \$1.493 million or 42.9% has occurred in times of national wage restraint.*

Response from General Manager, Greg Ingham

This question or similar questions have been answered numerous times. For the public record this was Glamorgan Spring Bay Council's position as at June 2020:

- Council's 10 year Long Term Financial Management Plan (LTFMP) had not been reviewed every 4 years in accordance with section 70E of the Act. The 2013 LTFMP at the time had not been reviewed for 7 years. In addition to being out of date, the 2013 LTFMP did not include all the matters required to be included by section 70 of the Act. Unfortunately, you were absent from the Council workshop on 2 March 2021 where a draft LTFMP was discussed prior to Council adoption.
- Council's 2015 Long Term Financial Strategy which had not been reviewed the previous year also did not satisfy all of the requirements of section 70A of the Act. This year Council has adopted a LTFMP that meets requirements.
- Council's only Asset Management Plan in June 2020 was an outdated Transport Plan. In breach of section 70B(2) of the Act it failed to relate to all major assets such as recreations facilities, stormwater and building. Council has since developed and adopted 5 Asset Management Plans (AMP's) this year that cover all of Council's major assets. Proper asset management is the most important aspect of a Council providing the appropriate level of service and meeting community needs. AMP's provide the basis for informed evidence based decisions on infrastructure, not an ad hoc approach. AMP's inform Council budget, without them and a LTFMP it is difficult if not impossible for an organisation to be financially sustainable.
- Council's Asset Management Policy was in breach of section 70 of the Act as it was deficient in information. Council has this year developed and adopted an Asset Mgt Policy.
- Council's Asset Management Strategy was out of date and again was deficient in information. Council has this year developed and adopted an Asset Management Strategy.

All of the above Plans and Policies are requirements under the Local Government Act and exist to support good governance. It should be noted that reports prior to 2020 highlighted deficiencies in GSBC's operation.

Subsequently on 22 June 2020 GSBC was served a Notice Under Section 214N of the *Local Government Act 1993* and given until the 31 March 2021 to get its house in order in a Performance Improvement Direction (PID). The PID is available on Council's website. The consequences of not meeting the PID requirements could have had significant repercussions for Council and unfairly the Community.

GSBC has achieved the requirements of the PID, a significant task in itself, and with other organisational improvements well on the way to financial sustainability and to be a best practice organisation.

It was clearly evident from the above and identified by external parties that Council had not been focused on core business. The lack of asset management planning being a good example. In June 2020 Council did not have the organisational structure to support core business. Most technical and specialist advice was outsourced. There was a strong focus on non-core business. My responsibility as General Manager of GSBC are outlined in the Local Government Act being the day to day running of Council. This includes ensuring we provide the best services we can to the community, ensuring the infrastructure we have a

responsibility for is maintained, ensuring the organisations finances are in order, ensuring risk is managed, ensuring Council provides a safe workplace to name a few.

In June 2020 Council did not have several key positions. Positions crucial to good governance and service to the community. There were deficiencies in financial management, engineering, infrastructure, planning and development, a situation that carried high risk (previously identified) and could not continue. An organisational re structure was undertaken in late 2020 and early 2021 to rectify the situation and to enable Council to re-focus on core business. My General Manager obligations under the Act could not have been achieved under the previous structure without a significant increase in staff numbers.

The wages and salaries budget for the 2018/2019 financial year was \$4.55million, each subsequent year in accordance with the Enterprise Bargaining Agreement (EBA) salaries have increased by 3% to the 2021/2022 of \$4.976million. The budget assumes a full time equivalent (FTE) compliment with no allowance for vacancies as these are impossible to forecast.

The actual budget reveals the changes throughout any given financial year. It should also be noted that superannuation has increased by 0.5% over the last 3 years, as has Council's focus on workplace health and safety training and the provision of PPE. The previous NRM positions have changed and been absorbed into other departments.

It should be noted that Council's full time equivalent staff have remained constant over the last 4 years, the only change being the for mentioned focus on core business and the filling of key roles to deliver on Council's strategic plan.

Year	Full time equivalent
2017-18	51
2018-19	49
2019-20	52
2020-21	51

The significant effort and challenge undertaken by GSBC to restructure the organisation, should be recognised and supported by Council. The organisation is fit for the future, on a financially sustainable pathway and most importantly, well placed to provide the services that our community need and deserve.

12. CONFIDENTIAL ITEMS (CLOSED SESSION)

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, the Mayor is to declare the meeting closed to the public in order to discuss the following matter/s:

Item 1: Minutes of Closed Session – Ordinary Council Meeting held on 28 September 2021

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

Item 2: Reseal and Asphalt Tender

As per the provisions of regulation 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.

RECOMMENDATION

That Council moves into closed session at (Time:).

The Mayor to confirm that the recording has been terminated.

13. CLOSE

The Mayor to declare the meeting closed at (Time).

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young