



GLAMORGAN SPRING BAY
COUNCIL

Unconfirmed Minutes

For the Ordinary
Meeting of Council
held at the Triabunna
Council Offices

19 January 2021

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held in the Council Offices, Triabunna on Tuesday 19 January 2021 commencing at 2.00pm.

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

Dated this Thursday 14 January 2021.



**Greg Ingham
GENERAL MANAGER**

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

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

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

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.***
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –***
 - (a) the general manager certifies, in writing –***
 - (i) that such advice was obtained; and***
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee;***
 - and***
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.***



**Greg Ingham
GENERAL MANAGER**

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Audio/Video Recording of Ordinary Meetings of Council

As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.

In response to COVID-19 social gathering regulations, members of the public will not be able to attend the meeting. Where possible a live stream of the meeting will be made available.

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.

1. Opening

The Mayor welcomed Councillors and staff and declared the meeting open at 2:00pm

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

Present

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

Apologies

Clr Michael Symons

1.3 In Attendance

General Manager, Mr Greg Ingham
Executive Officer, Ms Jazmine Murray
Senior Planner, Mr James Bonner
Planner, Ms Robyn Bevilacqua
Biodiversity Officer, Dr Nicky Meeson

1.4 Late Reports

Nil.

1.5 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

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

in any item included in the Agenda.

Nil.

2. Confirmation of Minutes

2.1 Ordinary Meeting of Council – 15 December 2020

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on Tuesday 15 December 2020 at 2.00pm be confirmed as a true and correct record.

DECISION 01/21

Moved Cllr Grant Robinson, seconded Cllr Cheryl Arnol that the Minutes of the Ordinary Meeting of Council held on Tuesday 15 December 2020 at 2.00pm be confirmed as a true and correct record.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

2.2 Date and Purpose of Workshop/s Held

Tuesday 12 January 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 6:20pm on Tuesday 12 January 2021 at the Council Offices, Triabunna.

Present

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

Apologies

Nil.

In Attendance

Mr Greg Ingham, General Manager
Mr Mick Purves, Senior Planning Consultant (in part)
Mr James Bonner, Senior Planner (in part)
Ms Robyn Bevilacqua, Planner (in part)
Mr Vince Butler, Project Engineer – Asset Management (in part)

Guests

Mr John Lewis
Mr Jack Cotton
Ms Anna Cotton
Ms Sue Nettlefold

Agenda

- Tempus Development Proposal – Presentation
- Spring Bay Museum Container Project
- Draft Asset Management Plan (Hydraulic Infrastructure)
- Governance Matters
- Other Matters and Councillor Discussion

RECOMMENDATION

That Council notes the information.

DECISION 02/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Keith Breheny that Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

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 without notice

In response to COVID-19 social gathering regulations, Council meetings will be held remotely via video conference until further notice and therefore members of the public are unable to attend the meetings.

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.

3.2 Responses to Previous Questions without Notice taken on Notice – 15 December 2020

G V & S M Hodgson

- Q1. *How long will Council allow a local business to discharge liquid industrial waste onto public land (Amelia Street, Triabunna)? We first mentioned this to Council in 2006.*

Response from General Manager, Mr Greg Ingham

This matter has been brought to Council's attention previously. Council's Plumbing Inspector and Environmental Health Officer worked with the owner of the business to address the overflow from the concrete truck wash down area. The site was attended on many occasions and follow up inspections were undertaken. At the last inspection the slurry ponds had been dredged creating ample room in the ponds for the water. The owner of the business also advised that a new pre-formed concrete pit was being made off-site to be installed on-site, at which time the ponds would be decommissioned. If this has not yet occurred Council staff will follow up on the matter.

- Q2. *Who is responsible for the remediation of the contamination of public land?*

Response from General Manager, Mr Greg Ingham

There is no identified contaminated land outside of the concrete property as at December 2020.

Freycinet Association Incorporated

- Q1. *What is the council's plan for the NRM?*

Response from General Manager, Mr Greg Ingham

Glamorgan Spring Bay Council will continue to support NRM in our municipality through our NRM staff. Once the outcome of the restructure and changes are confirmed the General Manager stated at the 25 November 2020 NRM Committee Meeting, that he would be happy to come back to the NRM Committee to outline the new structure, discuss any concerns and work with the Committee in finding solutions. We will also look for opportunities to strengthen relationships and support for groups, although capacity is likely to be limited.

NRM staff remaining within the organisation will continue to fulfil roles in land management and invasive weed species control to ensure Council meets its legislated environmental responsibilities. Council will also continue to work with relevant stakeholders in regards to biodiversity and climate change.

In regards to the Section 24 NRM Committee of Council there is no intent to disband the Committee at this stage. At the NRM Committee Meeting in late November 2020 the General Manager provided a background as to the Glamorgan Spring Bay Council organisational structure review and decisions made to ensure the organisation was fit for purpose and sustainable into the future. It was explained to the Committee that decisions had to be made, and were made, that impacted on the existing NRM department within Council.

Mr. Andrew Menzies

- Q1. *Please provide the cost to date of the Statement of Expectation process and in particular the cost of consultants engaged in this process. If the committee is to continue in its current form, or a revised format, please advise what the ongoing costs would be. Please also advise if the consultants are engaged in other advisory roles within Council, what these roles are and the costs associated.*

Response from General Manager, Mr Greg Ingham

The costs for two independent representatives on the Statement of Expectations (SOE) Committee was \$51,926. This covered the period from March 2020 when the SOE Committee was formed to 15 December 2020 when the Committee was disbanded by decision of Council at its Ordinary Meeting. Staff costs over this period are more difficult to quantify but estimated at approximately \$15,000.

At its 15 December 2020 Ordinary Meeting Council considered a report on a restructured and streamlined SOE Committee going forward, to be represented by the Mayor, Deputy Mayor, General Manager and an external representative. After some discussion Council decided to disband the SOE Committee completely, effective immediately. Therefore, there will be no ongoing costs incurred as a result of the SOE Committee being in place.

The consultants that have been involved in the SOE to date are the consultant Accountant/Corporate Director who was the Acting General Manager at the time the SOE Committee was formed, and the HR consultant. Both continue to provide accounting and HR advice to Council on a contract basis. Council intends to fill both very important roles as soon as practical.

The Corporate Director role is currently advertised. It is not appropriate to divulge rates, but once the aforementioned roles are filled, Council will be in a position to significantly reduce its reliance on external consultants.

Mrs. Jane Wing

Q1. *At a recent Natural Resource Management Committee meeting the General Manager advised the committee that Council needed to recruit permanent staff in the areas of Human Resources, Risk Management/OH&S and Accounting and that the financial implications of these appointments was in part the reason for disbanding the Natural Resource Management Department of Council.*

As these functions (Human Resources, Risk Management/OH&S and Accounting) have for some time been provided to Council by contractors could the General Manager provide the community with the combined cost of contracting out these functions during the 19/20 financial year and the first half of 20/21 financial year? Would it be correct to assume that the savings made from not engaging contractors would go along way to paying for permanent staff to fill these positions?

Response from General Manager, Mr Greg Ingham

Council has recently created four new positions within the Corporate and Community Directorate; a Director, Workplace Health and Safety Officer, Risk Management Officer and Records Management Officer, all critical roles for the core operations of Council. These new positions will cost in the order of \$325,000 per annum.

This is predominantly being funded by savings from NRM positions (\$190,000 per annum), savings in Casual Corporate positions that will be superseded by the permanent positions (\$56,000 per annum), and savings in reduced costs for accounting and HR consultants in the order of \$60,000 (44% estimated reduction on 19/20).

Savings from redundant Visitor Information Centre positions will also assist in funding the critical permanent roles within Council currently unfilled.

Q2. *Please provide the community with a combined costing for all of the acting General Managers this council has engaged since January 2019 until the current General Managers [SIC] appointment. (Manager)*

Response from General Manager, Mr Greg Ingham

Council's previous permanent General Manager's employment ended on 1 July 2019. In the previous six months from 1 January to 30 June 2019 this General Manager was on leave. His absence was covered by a combination of internal staff and externally appointed Acting General Managers and a permanent General Manager.

From 1 July 2019 until the current General Manager Greg Ingham started on 25 September 2020, Council spent \$168,058 on Acting General Managers, including accommodation and travel. Comparatively this was \$5,060 more than what it would have cost to have a General Manager on staff for the same period based on the General Manager package for the period between the two appointments.

For the period 1 January to 30 June 2019 Council spent \$57,203 on externally appointed Acting General Managers. This was less than the rate for a permanent General Manager on staff, saving in the order of \$11,180.

Council is required to have a General Manager appointed at all times, so in periods of substantial leave an Acting General Manager is required to be appointed.

Overall, there was no material budget implication incurred by Council for engaging Acting General Managers during the period in question, that would not otherwise be incurred during normal operations.

3.3 Questions on Notice

G & D Nichols

- Q1. *We note that Council has acknowledged that due process has not been followed in relation to the Buckland Walking Trail project, and that there were no planning approvals given and no detailed engineering drawings prepared for this project. In noting this, we would like to know whether these will be required if Council decide to complete the project and what is the expected cost to prepare these documents if required?*

Response from General Manager, Mr Greg Ingham

Whilst there is no planning approval required to complete the walkway there will need to be consideration given to aspects of the construction. For example overland stormwater impacts and associated drainage and retaining structures. If Council decided to continue with the construction of stage 1 of the walk engineering aspects would need to be reconsidered.

- Q2. *Has Council factored into the ongoing maintenance costs of the trail the cost of maintaining the vegetation within their lease area and if so, what is the figure that has been arrived at?*

Response from General Manager, Mr Greg Ingham

If Council decided to complete construction of stage 1 of the walk there would be ongoing maintenance costs for the upkeep of the walk. It is difficult to estimate this cost because of weather unpredictability. A rising river could damage sections of the walk for example.

If Council decided to rehabilitate the site rather than complete the walk, aside from the rehabilitation cost, there would be an ongoing minimal cost of weed control. Again, it is difficult to put an accurate estimate to this.

3.4 Responses to Previous Questions on Notice taken on Notice – 15 December 2020

Mr Nick Johnston

- Q1. *I have a question on notice as to why I and we at Coles Bay have received no answers to a proposal put to council by me regarding the change of use fees charged to a residence so they can be let out short term.*

At a meeting 18 months or more ago there was considerable issue with the change of use provision for residential properties in our area. Noise pollution, over occupancy of dwellings and the absolute issues with sewerage in our area this has helped cause.

Every towns person at this initial community meeting voiced this concern and wanted to know what council would do about this problem.

The response from council was we have no money to do anything about it, even though council was issuing the change of use and expanding the issues. Council has caused this problem. Then council asked us how this could be fixed.

My proposal was that the change of use fee was a one off fee of about \$165 give or take. Why can't this be changed to an annual fee of \$5000, this would increase revenue to fund the policing of the change of use.

With well over 300 properties in Coles Bay alone. We were told that this was an interesting idea and a workshop would be convened to explore it. After asking after this proposal 4 times over the last 18 months there has been no reply.

Response from General Manager, Mr Greg Ingham

The issues and concerns raised by residents at Coles Bay are not unique in Tasmanian or mainland coastal communities. Striking the balance between growth and economic strength and environmental and public health impacts is complex and challenging.

Glamorgan Spring Bay Council has always acted in accordance with relevant planning legislation in regards to land zoning and change of use for residential properties within Coles Bay. Council will continue to play its role in ensuring growth and development is in keeping with the environment, bearing in mind the increased visitations in Coles Bay over summer months and increased development generally.

In regards to a meeting held over 18 months ago, the current General Manager, not being privy to previous discussions cannot provide much comment except to say Council is willing to listen to the community and work in a collaborative way to achieve the right outcomes for the whole community. Any agreement to one off fees or a special rate to fund the 'policing of the change of use' may be worthy of further discussion but is not a high priority for Council at this stage.

Council will continue to fulfil its obligations under pertinent environmental health and other legislation.

- Q2. *A second question is why have we had no response from council regarding Taswater's, Waste Water Feasibility Study for Coles Bay and surrounds. This is an extremely important document for our area, that is factually wrong and lacking in numerous areas.*

Response from General Manager, Mr Greg Ingham

The matter of alleged inaccuracies within Taswater's Waste Water Feasibility Study for Coles Bay and surrounds would need to be taken up with Taswater as the relevant authority and Study owner.

4. PLANNING AUTHORITY SECTION

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015* the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993* for Section 4 of the Agenda.

RECOMMENDATION

That Council now acts as a Planning Authority at (Time:).

DECISION 03/21

Moved Cllr Cheryl Arnol, seconded Cllr Grant Robinson that Council now acts as a Planning Authority at 2:05pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

4.1 Development Application 2020 / 163

80 Burgess Street, Bicheno (CT 134465/50)

Twelve, two-storey buildings housing 14 visitor accommodation units, and seven campervan sites

Applicant	Phillip Lighton Architects
Lodged	14 August 2020
Statutory Date	26 January 2021 (extended by consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	Local Business
Codes	Parking and Access, Stormwater Management, Inundation Prone
Use	Class: Visitor Accommodation. Type: Discretionary
Development	Discretionary
Discretions	Six
Representations	Three
Attachments	A – Application Documents B – Representations
Author	Cameron Wilson-Yapp, Planner

Executive Summary

Planning approval is sought to demolish the existing hotel/resort (Silver Sands) and construct twelve 'nests' housing fourteen visitor accommodation units, and seven campervan spaces on a Local Business zoned-lot on Peggy's Point in Bicheno.

The proposal is discretionary under the planning scheme because Visitor Accommodation is considered a Discretionary development in the Local Business Zone, and because it relies on discretions for six standards:

- 20.4.2 A1 Front Setback
- 20.4.3 A1 Appearance
- 20.4.4 A1 Passive Surveillance
- E6.7.6 A1 Surface treatment of access and parking areas
- E6.7.8 A1 Landscaping in Car Parking Area
- E7.7.1 A1 Stormwater Disposal

The proposal was on public exhibition from 20 November - 04 December 2020. Three representations were received.

The Planning Authority must consider the planner's comments, the representations, the engineering report, the recommendation, and make a final determination by 26 January 2021.

The recommendation is to approve the application with conditions.

PART ONE

1. Statutory Requirements

The Land Use Planning and Approvals Act 1993 (LUPAA) requires the planning authority to take all reasonable steps to ensure compliance with the planning scheme.

The planning scheme provides the overriding considerations for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

The initial assessment of this application identified where the proposal meets the Acceptable Solutions, and where discretions are required. This report addresses the discretions only and makes a final recommendation.

The report considers the three representations received.

The Planning Authority must consider the report but is not bound to it. It may:

1. Adopt the recommendation
2. Vary the recommendation
3. Replace an approval with a refusal (or vice versa).

If an alternative decision is made to the recommendation, the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015 require a full statement of reasons.

2. Approving applications under the planning scheme

A Development Application must meet every relevant standard in the planning scheme to be approved. In most cases, the standards can be met in one of two ways:

1. By Acceptable Solution, or if it cannot do this,
2. By Performance Criteria.

If a proposal meets an Acceptable Solution, it does not need to satisfy the Performance Criteria.

The Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria, and to consider the issues raised in the representations.

3. The Proposal

To demolish the existing Silver Sands hotel and construct 12 high-quality visitor accommodation buildings (referred to as 'nests') housing 14 units at Peggy's Point, Bicheno. All the buildings would be two storey. Ten would house a single, one-bedroom unit utilising both levels. The remaining two would house two, one-bedroom units - one on each floor.

Materials used will be concrete slabs, naturally-finished timber cladding, and iron roofing. In addition to the 'nests', there would be seven campervan spaces.

Access would remain from Burgess Street. Car parking would be provided for 21 vehicles: fourteen undercover and the seven campervan spaces. There would be three service buildings, located with the undercover car parks.

A raised timber boardwalk would connect all the buildings from the undercover parking areas and will incorporate integrated penguin nesting boxes to provide shelter for the little penguins that use the site.

The site would be remediated with native endemics, in accordance with a master landscaping plan lodged with the application. Construction will occur in line with guidelines lodged with the application to minimise disturbance of little penguin habitat (refer Exhibited Documents for both). Figures 1, 2 and 3 show the site set out, an example image of the 'nests', and a typical floor plan.



Figure 1: the proposed set out of the 'nests'. The campervan spaces will be along the south eastern part of the parking area (from the application documents).



Figure 2: Example image of the proposed 'nests' (from the application documents)

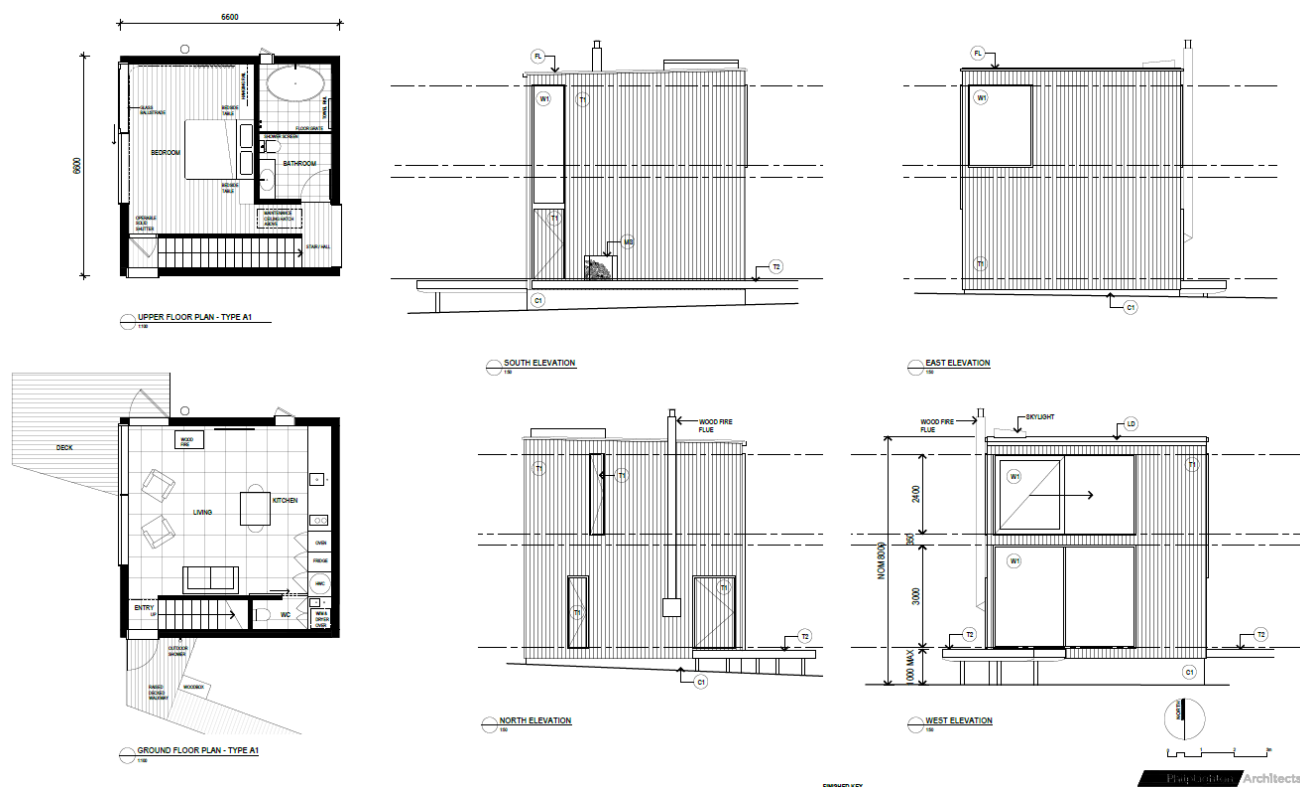


Figure 3: a typical cabin design for a 'nest' housing a single, double-storey, one-bedroom unit.

4. Location

The land is located a Local Business Zone, on the Peggy's Point peninsula and east of Waubs Bay, shown in Figure 4 below.

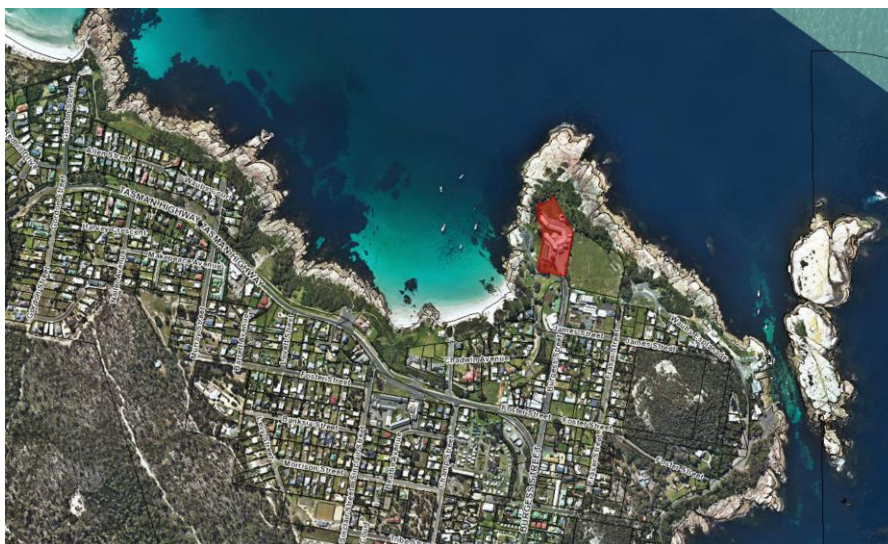


Figure 4: 80 Burgess Street, Bicheno – highlighted (LISTmap)

5. Site Description

The site is 1.196 hectares in area and currently accommodates the Silver Sands hotel/resort and several outbuildings. The existing buildings span the majority of the site, with access from Burgess Street at the southern boundary. It is surrounded on all sides by Crown land and land owned by Council. To the east are the sporting grounds (owned by Council) and to the SE is the primary school (owned by the Department of Education). All the foreshore is Crown land under licence to Council. To the west is a parking area and boat ramp to Waubs Bay, as shown in Figure 5 below. The slope of the site descends in a north-westerly direction. Little penguins are established on the site and shelter under a series of existing cabins and a refrigerated container. Surveys indicate that areas of the property are used by the Little Penguins for 6-9 months a year and a conservative estimate is that ten breeding pairs occupy the site (Guidelines for Construction Activities 2016 included with the application documents).



Figure 5: the site (LISTmap)

6. Overlays

A very small portion of the site is subject to a Waterway and Coastal Protection overlay, and a Heritage Area surrounds the site (Coal Bin – The Gulch coastal reserve). The Waterway and Coastal Protection area is minor and will not affect the works. Heritage Tasmania advised that the proposal does not constitute Heritage Works and therefore no approval from Heritage Tasmania is required.

The only code that might impact on the site itself is the Inundation Prone (high risk) code, which covers the northern half of the site. However, the planning scheme exempts 80 Burgess Street from the code. Table E15.1 of the planning scheme provides a list of properties exempt from the code and Figure 6 below shows the entry listing 80 Burgess Street.

Bicheno	
27.	80 Burgess Street, Bicheno (CT 134465/50)
28.	309 Harveys Farm Road, Bicheno (CT 101885/19)
29.	311 Harveys Farm Road, Bicheno (CT 101885/24)
30.	313 Harveys Farm Road, Bicheno (CT 101885/20)

Figure 6: an excerpt from Table E15.1 of the planning scheme, which exempts 80 Burgess Street from assessment under the Inundation Prone Areas code (GSB Interim Planning Scheme 2015)

7. Easements and covenants

The site is not subject to any easements or covenants.

8. Services

The site has mains sewerage and water connections. Stormwater will need to be pumped to the stormwater outlet at Waubs Bay – on the left of Figure 6 below.

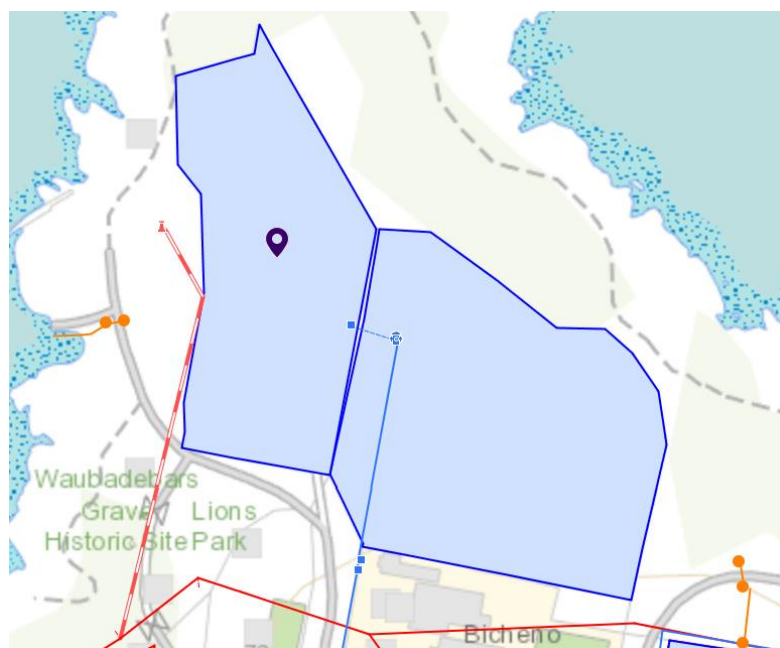


Figure 6: Water mains (blue) and pressurised sewerage (red) connections. Stormwater is shown in orange. (Spectrum Spatial, trial GIS system).

9. Background and previous applications

The existing 'Silver Sands' hotel on the subject site was constructed during the 1960s. The hotel halted operation in 2015 and has not been operated as a hotel or resort since. A development application for a new hotel was lodged in 2015, but did not progress.

10. Risk and implications

The northern half of the site is covered by the 'high risk' class Inundation Prone Area overlay, see Figure 7 below. As such, there may be a risk of flooding across the site. However, as stated, the development is exempt from assessment against the Inundation Prone Areas Code.

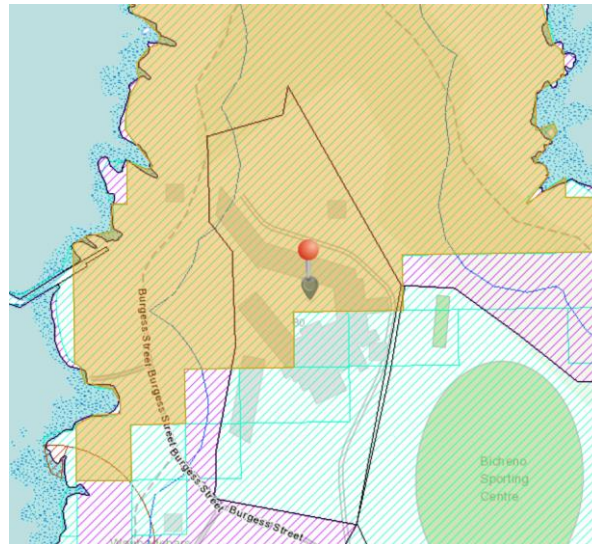


Figure 7: the 'high risk' Coastal Inundation Hazard area in brown highlight (LISTmap)

Stormwater management will be via a pump system to Council's stormwater infrastructure at the foreshore Crown reserve land to the west of the site. This stormwater infrastructure will need to be upgraded as a result of the connection. A condition of approval will be placed on the permit requiring upgrade of the infrastructure at the developer's expense.

Little penguins occupy the site for 6-9 months of the year, and are established under several of the buildings located on the property. Demolition, construction, and post-development activities have the potential to disturb the penguins. The developer has commissioned a set of guidelines to minimise threat, impact and disturbance during all phases of construction as well as post-construction (provided in the Exhibited Documents). A condition of approval will be that the guidelines be adhered to before, during and after construction.

An Aboriginal heritage assessment was provided with the application, and found that no Aboriginal cultural heritage places were located on the site and stated that re-development of the site will not directly impact on Aboriginal cultural heritage values and that harm minimisation activities are not required. However, it recommended that information sessions be provided for all contractors before the activity, to become familiar with the protection mechanisms required in the event of discovering Aboriginal materials or remains, and that a copy of the Aboriginal heritage report be kept on site at all times.

PART TWO

11. Meeting the Standards – via Acceptable Solution

The proposal has been assessed against the Acceptable Solutions provided in the:

- 20.0 Local Business Zone
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E15.0 Inundation Prone Areas Code

The proposal did not meet the Acceptable Solutions in six instances and will need to satisfy the Performance Criteria listed below to be approved.

12. Meeting the Standards – via Performance Criteria

The proposal will need to satisfy the following Performance Criteria to be approved:

- 20.4.2 A1 Front setback
- 20.4.3 A1 Appearance
- 20.4.4 A1 Passive surveillance
- E6.7.6 A1 Surface treatment of access and parking areas
- E6.7.8 A1 Landscaping in car parking area
- E7.7.1 A1 Stormwater management

The Planning Authority must consider the planner's comments and the performance criteria associated with the six discretions.

PART THREE

13. Assessing the proposal against the Performance Criteria

Standard 1: Clause 20.4.2 A1 - Front Setback

Acceptable Solution A1 requires that the building setback from the frontage must be parallel to the frontage and must be no more than 3 metres.

The proposed development would have a front setback of greater than three metres, with the front boundary fencing and gate being located six metres from the Burgess Street frontage, and the closest cabin being approximately 14 metres from the frontage. As such, assessment against the associated Performance Criteria (20.4.2 P1) is required.

Performance Criterion	Planner's comments
P1 <i>Building setback from frontage must satisfy all of the following:</i>	
<i>(a) be consistent with any Desired Future Character Statements provided for the area;</i>	There are no Desired Future Character Statements for the Local Business Zone.
<i>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</i>	The site is a parcel of Local Business-zoned land isolated from other land with the same zoning. It adjoins land zoned Environmental Management, Recreation, and Community Purpose. These separate the site from other local business sites, which are located in Foster Street. Consequently, there would be no possibility of maintaining a continuous building line within the streetscape, given the location of the proposal. Having the setback for the proposed visitor accommodation within 3m of the site frontage would serve no positive purpose in this instance, particularly given that the existing visitor accommodation on the site appears to have a setback of approximately 28m. For these reasons, the front setback for the proposed development is considered acceptable.
<i>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</i>	The proposed amount of landscaping and the gated entrance to the development would provide a high end feel to the street, whilst also providing an element of privacy to adjoining sites (namely the primary school and the library). As such, it is considered that the proposal would enhance the streetscape, whilst providing privacy to adjoining sites, thus achieving the outcome of the clause.
<i>(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment</i>	As the proposed front setback of any building would be 14 metres from the frontage, and obscured from view by sufficient landscaping, any variations in building alignment would have a negligible difference. Again, this clause is not considered relevant to this proposal.

or entrapment opportunity is created;	
(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.	There is no need for a public forecourt or any public amenities as the proposed use is for visitor accommodation on private land, far separated from the 'CBD' of Bicheno. Again, this clause does not seem relevant to this proposal. The Performance Criteria are considered satisfied.

Standard 2: Clause 20.4.3 A1 - Building Appearance

Acceptable Solution A1 requires new buildings to provide windows and door openings at ground floor level in the front façade and facades facing other public no less than 40% of the surface area of the ground floor facade. Additionally, there is to be no blank expanse of wall on the ground level façade and facades facing other public spaces of greater than 30% of the length of the façade.

Due to the unique design of the cabins, they would not meet these requirements for window and door openings and blank wall expanses. Consequently, assessment against the Performance Criteria is required.

Performance Criterion	Planner's comments
P1 <i>Building design must enhance the streetscape by satisfying all of the following:</i>	
(a) provide the main access to the building in a way that addresses the street or other public space boundary;	Due to the proposed setback and alignment of the buildings, the proposal would not directly address the street or a public space. Again, due to the circumstances of the site not being within the 'CBD', it would be unnecessary to require a redesign of the proposal to have one building located closer to the frontage and addressing the street, when the concept of the accommodation is to provide a sanctuary-like, 'Rookery' feel. There would be no benefit to having the entrances of the buildings addressing the street, and the current alignment of buildings provides greater passive surveillance to public spaces.
(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;	Due to the alignment of the cabins, the facades would face the views and internal to the site, rather than to the adjoining streets. Nonetheless, Cabins 1-7 would incorporate windows and balconies that face the adjoining public car parking area to the west of the site, thus providing elements of passive surveillance.
(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;	The proposed cabins would likely be viewable from the public car parking area to the west of the site. Whilst they will not incorporate public art, the walls would incorporate large windows and balconies that would be viewable from the public space. These elements help to break up the large expanses of wall.

	Furthermore, it is argued that the proposed cabins themselves are forms of art and interest.
<i>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</i>	No equipment would be viewable from the street, given the setbacks and the abundance of landscaping.
<i>(e) ensure rooftop service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</i>	No rooftop services proposed.
<i>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</i>	No public footpaths involved in the proposal.
<i>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</i>	No shutters proposed.
<i>(h) be consistent with any Desired Future Character Statements provided for the area;</i>	There are no Desired Future Character Statements for the area. The Performance Criteria are considered satisfied.

Standard 3: Clause 20.4.4 A1 – Passive Surveillance

Similar to the previous standard discussed, Acceptable Solution A1 requires new buildings to provide windows and door openings at ground floor level in the front façade and facades facing other public areas no less than 40% of the surface area of the ground floor facade. Additionally, there is to be no blank expanse of wall on the ground level façade and facades facing other public spaces of greater than 30% of the length of the façade.

Again, due to the unique design of the cabins, these thresholds cannot be achieved, and assessment against the associated Performance Criteria is required.

Performance Criterion	Planner's comments
P1 <i>Building design must provide for passive surveillance of public spaces by satisfying all of the following:</i>	

<i>(a) provide the main entrances or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</i>	As per the site plan, the proposed boardwalk would link to the entrances of all of the proposed cabins. Each of these entrances would be viewable from the balcony of a nearby cabin, thus providing elements of passive surveillance.
<i>(b) locate windows to adequately overlook the street and adjoining public spaces</i>	The proposed balconies and windows on Cabins 1-7 would face the public car parking area to the west, providing passive surveillance to that location.
<i>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</i>	No shops proposed.
<i>(d) locate external lighting to illuminate any entrainment spaces around the building site;</i>	As per the site electrical plans provided with the application, external lighting would be provided outside the entrance to each cabin and the car parking area.
<i>(e) provide external lighting to illuminate car parking areas and pathways;</i>	As per the site electrical plans provided with the application, external lighting would be provided along the raised boardwalks, footpaths, and the car parking area.
<i>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public access;</i>	No public pedestrian access to the site has been provided.
<i>(g) provide for sight lines to other buildings and public spaces.</i>	The majority of the balconies for each cabin would either have sightlines to other cabins or the public car parking area to the west. The Performance Criteria are considered satisfied.

Standard 4: Clause E6.7.6 A1 - Surface treatment of parking areas and driveways

Acceptable Solution A1 requires that parking spaces and driveways must be paved or treated with a durable all-weather pavement where within 75m of a property or sealed roadway, and drain to an approved stormwater system.

The proposal would incorporate a gravel driveway, comprised of granite and reinforced with a honeycomb grid. As this is not considered a sealed solution, assessment against the Performance Criterion is required.

Performance Criterion	Comments
P1 <i>Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all the following:</i>	

(a) <i>The suitability of the surface treatment</i>	The proposed granite gravel driveway and parking area encased in the honeycomb shaped grid is considered by the engineer to be an acceptable solution. The proposed treatment would be suitable and sympathetic to the characteristics of the proposed use, as it would be mostly small vehicles accessing the site, and these are able to utilise such a driveway/parking area. The use of granite gravel would ensure that there would be a low chance of dust or mud generation. Sediment transport would also be minimised by way of the honeycomb grid holding the gravel driveway together. For these reasons, the proposal is considered compliant with Performance Criterion E6.7.6 P1.
(b) <i>The characteristics of the use or development.</i>	
(c) <i>Measures to mitigate mud or dust generation or sediment transport.</i>	

Standard 6: Clause E6.7.8 – Landscaping in the Car Parking Area

Acceptable Solution A1 requires landscaping to be provided in parking and circulation areas where more than five car parking spaces are proposed. The landscaping must be no less than five percent of the area of the car park.

The proposal would not incorporate any landscaping within the proposed car parking area.

Performance Criterion	Comments
P1 <i>Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following:</i>	
(a) <i>relieve the visual impact on the streetscape of large expanses of hard surfaces</i>	a) The car parking area servicing the complex would be located approximately 20 metres from the Burgess Street frontage. It would, therefore, be difficult to view the car parking area from Burgess Street, thus mitigating any visual impact the car parking area would have on the streetscape. The proposed gravel solution to both the driveway and car parking area would also avoid the appearance of hard surfaces, instead providing a textured finish throughout the car parking area. b) It should be noted that landscaping would be provided almost entirely around the car parking area, as per the landscaping concept plan provided with the application. Whilst no landscaping would be found within the car parking area, due to it being undercover, its appearance would be softened to all boundaries by the landscaping proposed around the area. c) The lack of vegetation and landscaping through the car parking area would arguably enhance view lines throughout the area, improving passive surveillance. Furthermore, the reception/office room would be at the entrance of the car parking area, which would ensure
(b) <i>soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape</i>	
(c) <i>reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from public spaces and buildings</i>	

	that there is a form of surveillance during working hours. The Performance Criterion is considered satisfied.
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Standard 7: Clause E7.7.1 A1 - Stormwater drainage and disposal

Acceptable Solution A1 requires that stormwater from new impervious surfaces be disposed of by gravity to public stormwater infrastructure, which is not possible in this instance.

The proposal is to dispose of stormwater via a pump system, which does not comply with the Acceptable Solution.

Performance Criterion	Engineering comments
P1 <i>Stormwater from new impervious surfaces must be managed by any of the following:</i>	
(a) <i>Disposed of on site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>	Disposal of stormwater would be via a pump system to Council's public stormwater infrastructure. The infrastructure would connect to the reserve land to the west of the site, which is owned by Council.
(b) <i>Collected for re-use on site</i>	This infrastructure will need to be upgraded as a result of the connection.
(c) <i>Disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i>	Council's engineering specialist has agreed to the proposed arrangement, provided the upgrade of this infrastructure is a condition of approval. Doing so would ensure compliance with clause E7.7.1 P1 (c). The Performance Criterion is considered satisfied by condition.

Referrals

The application was referred to Council's Engineering Consultant and TasWater. The Engineering Consultant provided advice that has been incorporated into this report. TasWater provided conditions to be placed on the permit.

Representations

Three representations were received – two objections and one in support. These are identified and provided at Attachment B.

Representation points (objecting)	Response
The development, being in such a prominent location, should be for the use and enjoyment of all; residents, visitors, tourists.	The site is zoned Local Business, and is privately owned. Visitor Accommodation is an acceptable use within this zone, and is the existing approved use (Silver Sands hotel / resort). The owner of the site is not required to provide access to anyone but the customers that will use the proposed visitor accommodation.

The proposed development under-utilises this site and has no long-term benefits for the town of Bicheno and surrounding areas. The current plans will create minimal employment, with most of it being casual.	It could be argued that the unique style of visitor accommodation in such a prominent location as Peggy's Point could draw tourists and visitors to the region, thus stimulating the economy. Particularly when viewed against the fact that the existing hotel is and has been non-operational for several years. Regardless, the planning scheme does not recognise whether a development contributes economically to a local town, nor does it stipulate how many employees a development should have.
The proposed development is very visually challenging for the site and does not suit the landscape.	The subject site is indeed a prominent location in Bicheno, due to its location on the point. The landscaping proposed, as per the concept plan provided with the application, combined with the reduced 'footprint' of the buildings (around 40 percent less built area) is likely to increase natural amenity to the site. Many would consider the 'nests' to be a more visually-appealing development on the site than the existing 'Silver Sands' hotel, which features a dated design, is unkempt, and has a much larger 'footprint' on the site. In addition, the proposed buildings feature very dark colours. Dark colours – in this case blacks and dark greys – tend to recede into the background rather than 'pop' out into visibility.
The development should be more accessible to those who are elderly or are wheelchair bound.	The proposal provides wheelchair access to the ground floor units in the buildings that contain two units (one up, one down). Other than that the proposal does not explicitly showcase accessibility amenities at this stage of its design. However it is not required at this stage (planning approval). The development will need to meet accessibility standards as per the National Construction Code at the building permit stage.

Conclusion

The assessment of the application identifies that the proposal satisfies the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and should be recommended for approval.

Recommendation

That:

Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 163 to construct 12 two-storey buildings housing 14 visitor accommodation units, and seven campervan sites at 80 Burgess Street, Bicheno (CT 134465/50) be approved subject to the following conditions:

General

- 1) Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.

Advice: Any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.

- 2) This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager or otherwise extended by written consent.
- 3) Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2020/01302, dated 15/09/2020 and attached to this permit.
- 4) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure, or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Use and amenity

- 5) The rooms must be used for visitor accommodation and must not be occupied by the same person(s) for a period exceeding three months within any 12-month period and cannot be occupied as residences.
- 6) Advertising signage, unless approved via a subsequent development application, is to be limited to a maximum of one sign no greater than 0.2m² in size and located within the property boundary. No additional signs are to be displayed without separate approval.
- 7) At all times, a person must be present on site or readily available who is responsible for ensuring that activities on the premises and the conduct of persons on the premises do not detrimentally impact amenity of the locality.
- 8) Goods, equipment, waste, packaging material or machinery stored outside a building must be:
 - a) located, screened or managed such that visibility from any public road, public land or adjoining residence is restricted; and
 - b) maintained in a clean and hygienic mannerto the satisfaction of Council's General Manager.
- 9) Landscaping through a combination of trees, shrubs and lawn, must:
 - a) be provided and maintained on the land to soften the appearance of, and partially screen, the bulk of buildings; and
 - b) be implemented in accordance with The Rookery Landscape Strategy prepared by Inspiring Place and dated September 2020 no later than one month after the completion of works unless otherwise agreed to in writing by Council's General Manager.

- 10) All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

Environment

- 11) The developer must develop and implement a Soil and Water Management Plan (SWMP) to ensure soil and sediment does not leave the site during the demolition and construction processes and must provide a copy of the SWMP together with the drawings submitted for building approval.

Advice: a series of fact sheets on Soil and Water Management on construction sites is available at <https://epa.tas.gov.au/epa/water/stormwater/soil-and-water-management-on-building-sites>

- 12) Appropriate temporary control measures include, but are not limited to, the following:
 - a) Minimise site disturbance and vegetation removal;
 - b) Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
 - c) Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - d) Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - e) Stormwater pits and inlets installed and connected to the approved stormwater system before the roadworks are commenced; and
 - f) Rehabilitation of all disturbed areas as soon as possible.
- 13) No top soil is to be removed from the site.
- 14) Native vegetation must not be removed, lopped, ring-barked or otherwise willfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.
- 15) All pre-construction, during construction and post construction activities must adhere to the *Guidelines for Construction Activities at Silver Sands (Bicheno) to Minimise Disturbance to Nesting Little penguins On Site and in the Adjacent Coastal Reserve*, prepared by Eric J Woehler and dated July 2016 with bi-monthly reporting commencing prior to any works including demolition, to the satisfaction of Council's General Manager.

Demolition and Construction

- 16) Vehicles associated with demolition and construction must be parked on site.
- 17) Demolition works are to be to the satisfaction of Council's General Manager and must:
 - a) Incorporate physical and/or administrative process to protect adjoining land and the environment from damage, dust or nuisance as well as being incorporated into the Soil and Water Management Plan (SWMP) referred to in Condition 11.

Advice: Demolition works require the issue of a building permit under state legislation.

- 18) Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
 - a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;

- b) not burn debris or waste on site;
 - c) promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property; and
 - d) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage.
- 19) The developer must provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

Advice: Construction waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.

Parking and Access

- 20) Prior to the commencement of the use car parking spaces must be constructed that:
- a) Provide no less than 21 spaces for customers, inclusive of an allocation for use of people with a disability required under the National Construction Code as determined by a building surveyor or otherwise proposed;
 - b) Have a driveway with sufficient onsite turning to allow vehicles to enter and exit in a forward direction
 - c) The siting of car parking spaces must generally accord with the endorsed plans.
- 21) The internal driveway and areas set aside for vehicle parking and turning must have a minimum width driveway of 5.5m.
- 22) To the satisfaction of Council's General Manager, the internal driveway and areas set aside for vehicle parking and turning must be designed, constructed and maintained to avoid:
- a) dust or mud generation
 - b) erosion; and
 - c) sediment transfer off site.
- 23) To the satisfaction of Council's General Manager, surface water runoff from the internal driveway and areas set aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.
- Advice: The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016 and may require a Certificate of Likely Compliance or Plumbing Permit under the Building Act 2016.*
- 24) Car parking spaces, vehicular access and vehicular turning areas, including line marking, signage and drainage, and access to all such areas, must be constructed and maintained to the satisfaction of Council's General Manager.

Stormwater

- 25) The existing stormwater infrastructure must be upgraded at the developer's expense to the standard required to service the development, to the satisfaction of Council's General Manager and prior to commencement of use.
- 26) Drainage must be pumped, or drain to, a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.

ADVICE:

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent will be required for:
 - i) Building and plumbing approval from Council under the *Building Act 2016*
 - ii) Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*
- d. The permit does not take effect until 15 days after the date that it was served on you as the applicant and each representor provided that no appeal is lodged, as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- f. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- g. It is recommended that information sessions be provided for all contractors before commencement of work to become familiar with the protection mechanisms required for nearby Aboriginal heritage sites and contingencies in case of unanticipated discovery of Aboriginal materials or remains.
- h. A copy of the Aboriginal heritage assessment prepared by Zvonka Stanin & Associates and dated July 2015, should be kept on site at all times.
- i. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <https://www.aboriginalheritage.tas.gov.au>
- j. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. The issue of this permit does not ensure compliance with the provisions of the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- l. To minimise the spread of weeds and plant diseases through the site and region it is recommended that
 - i) Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site of the transport depot
 - ii) Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- m. The granting of this permit takes no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.

DECISION 04/21

Moved Cllr Keith Breheny, seconded Cllr Grant Robinson that pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 163 to construct 12 two-storey buildings housing 14 visitor accommodation units, and seven campervan sites at 80 Burgess Street, Bicheno (CT 134465/50) be approved subject to the conditions 1 to 26 and advice a to m.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

Dr Nicky Meeson, Biodiversity Officer entered the meeting at 2:13pm

Dr Nicky Meeson, Biodiversity Officer left the meeting at 3:01pm

Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015, the Chairperson hereby declares that the Council is no longer now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 3 of the Agenda.

RECOMMENDATION

That Council no longer acts as a Planning Authority at (Time:).

DECISION 05/21

Moved Cllr Annie Browning, seconded Deputy Mayor Jenny Woods that Council no longer acts as a Planning Authority at 3:06pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

Mr James Bonner, Senior Planner left the meeting at 3:08pm

Ms Robyn Bevilacqua, Planner left the meeting at 3:08pm

5. Financial Reports

5.1 Financial Reports for the period ending 31 December 2020

Responsible Officer – General Manager

ATTACHMENT/S

1. Profit & Loss for the period ending 31 December 2020
2. Balance Sheet as at 31 December 2020
3. Statement of Cash Flows for the period ending 31 December 2020
4. Capital Works as at 31 December 2020

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 December 2020 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

Various legislation.

BUDGET IMPLICATIONS

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

RISK CONSIDERATIONS

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.

OFFICER'S RECOMMENDATION

That Council receives and notes the Financial Reports as attached to this report for the period ended 31 December 2020.

DECISION 06/21

Moved Cllr Rob Churchill, seconded Cllr Cheryl Arnol that Council receives and notes the Financial Reports as attached to this report for the period ended 31 December 2020.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

Profit and Loss

Glamorgan Spring Bay Council

For the 6 months ended 31 December 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
Trading Income						
Rate Revenue	8,727,889	8,663,463	64,426	1%	8,663,463	1
Statutory Charges	340,375	233,680	106,695	46%	448,549	2
User Charges	382,541	366,100	16,441	4%	618,300	
Grants	660,387	487,892	172,495	35%	1,465,667	3
Interest & Investment Revenue	9,989	5,650	4,339	77%	17,850	
Contributions	62,339	15,000	47,339	316%	30,000	
Other Revenue	931,538	956,633	(25,095)	-3%	1,507,278	
Net Gain (Loss) on Disposal of Assets	16,437	0	16,437	0%	0	
Total Trading Income	11,131,493	10,728,418	403,075	4%	12,751,107	
Gross Profit	11,131,493	10,728,418	403,075	4%	12,751,107	
Capital Grants						
Grants Commonwealth Capital - Other	2,000,543	2,000,000	543	0%	4,644,337	
Grants Commonwealth Capital - Roads to Recovery	222,723	301,734	(79,011)	-26%	601,631	4
Grants State Capital - Other	146,000	600,000	(454,000)	-76%	600,000	5
Total Capital Grants	2,369,266	2,901,734	(532,468)	-18%	5,845,968	
Other Income						
Other Income - PPRWS Reimbursement of Principal Loan	0	0	0	0%	99,690	
Total Other Income	0	0	0	0%	99,690	
Operating Expenses						
Employee Costs	2,851,363	2,750,408	100,955	4%	5,487,953	6
Materials & Services	4,016,575	3,723,778	292,797	8%	6,916,442	7
Depreciation	1,178,670	1,178,670	0	0%	2,357,337	
Interest	68,356	120,549	(52,193)	-43%	238,131	8
Other Expenses	101,289	106,218	(4,929)	-5%	227,429	
Internal Plant used on Capital Jobs	(50,363)	(62,502)	12,139	-19%	(125,000)	
Employee Oncosts	(93,481)	57,647	(151,128)	262%	63,299	
Total Operating Expenses	8,072,410	7,874,768	197,642	3%	15,165,591	
Net Profit	3,059,084	2,853,650	205,434	7%	(2,414,484)	
Total Comprehensive Result (incl Capital Income)	5,428,350	5,755,384	(327,034)	-6%	3,531,174	
Capital Works Program (Current Year WIP)						
Work in Progress Capital Works - Plant Internal	50,363	0	50,363	0%	0	
Work In Progress Payroll - Salaries and Wages	120,886	0	120,886	0%	0	
Work in Progress Capital Works - On Costs	60,240	0	60,240	0%	0	
Work in Progress Capital Works - Contractor Costs	992,212	0	992,212	0%	0	
Work in Progress Capital Works - Materials	526,245	0	526,245	0%	0	
Work in Progress Capital Works - Consultancy	134,853	0	134,853	0%	0	
Work in Progress Capital Works - Plant Hire External	34,055	0	34,055	0%	0	
Total Capital Works Program (Current Year WIP)	1,918,854	0	1,918,854	0%	0	

Notes

1. Rates revenue is up \$64k on budget YTD due to supplementary valuations and a change in the method for recognition of rates received in advance.
2. Statutory charges are \$107k or 46% up on budget YTD due to a higher than expected level of development applications.
3. Operating grants are up \$172k on budget YTD primarily due to the change in treatment of carried forward grant income from the prior year.
4. Capital - roads to recovery grants income is down \$76k on budget YTD due to the timing of grant payments and project milestones.
5. State capital grants income is down \$454k on budget YTD due to the timing of grant payments and project milestones.
6. Employee costs are up \$101k on budget YTD due the timing of redundancy payments.
7. Materials & services are up \$293k on budget YTD, this primarily relates to additional consultant costs to assess development application and medical locum costs, both offset by additional revenue. With the employment of additional planning staff, the need for contractors in this area has significantly reduced.
8. Interest expense is down \$52k for the YTD due to reversal of year end accruals. This is still expected to be on budget by the end of the year.

Statement of Financial Position

Glamorgan Spring Bay Council
As at 31 December 2020

	31 DEC 2020	30 JUN 2020
Assets		
Current Assets		
Cash & Cash Equivalents	1,892,658	1,683,196
Trade & Other Receivables	3,957,718	658,232
Inventories	22,402	23,755
Other Assets	87,885	81,600
Total Current Assets	5,960,663	2,446,782
Non-current Assets		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
Property, Infrastructure, Plant & Equipment	126,700,280	126,700,280
Total Non-current Assets	154,849,601	154,849,601
Total Assets	160,810,264	157,296,383
Liabilities		
Current Liabilities		
Trade & Other Payables	801,111	1,207,652
Trust Funds & Deposits	343,662	534,472
Provisions	614,714	614,714
Contract Liabilities	-	434,919
Interest bearing Loans & Borrowings	361,350	512,113
Total Current Liabilities	2,120,837	3,303,870
Non-current Liabilities		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	6,645,001	6,723,587
Total Non-current Liabilities	6,762,390	6,840,975
Total Liabilities	8,883,227	10,144,845
Net Assets	151,927,037	147,151,538
Equity		
Current Year Earnings	4,775,499	891,985
Retained Earnings	78,300,617	77,408,632
Equity - Asset Revaluation Reserve	68,435,124	68,435,124
Equity - Restricted Reserves	415,797	415,797
Total Equity	151,927,037	147,151,538

Statement of Cash Flows

Glamorgan Spring Bay Council
For the 6 months ended 31 December 2020

	JUL-DEC 2020	2020
Operating Activities		
Receipts from customers	7,473,217	11,890,656
Payments to suppliers and employees	(7,266,432)	(12,601,575)
Receipts from operating grants	665,487	1,232,203
Cash receipts from other operating activities	486,113	870,199
Net Cash Flows from Operating Activities	1,358,384	1,391,483
Investing Activities		
Proceeds from sale of property, plant and equipment	16,437	774,845
Payment for property, plant and equipment	(2,336,466)	(7,636,926)
Receipts from capital grants	1,869,266	2,345,631
Other cash items from investing activities	-	8,561,427
Net Cash Flows from Investing Activities	(450,763)	4,044,977
Financing Activities		
Trust funds & deposits	(190,810)	365,036
Net Proceeds/(Repayment) of Loans	(229,348)	197,089
Other cash items from financing activities	(278,000)	(8,052,539)
Net Cash Flows from Financing Activities	(698,158)	(7,490,413)
Net Cash Flows	209,463	(2,053,953)
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	1,623,245	3,677,197
Cash and cash equivalents at end of period	1,832,707	1,623,245
Net change in cash for period	209,463	(2,053,953)

Budget Capital Works Detail

Glamorgan Spring Bay Council
as at 31 December 2020

New Capital	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress
Roads, Footpaths, Kerbs					
Swanwick Rd, Swanwick - Swanwick Dr to Hazards View Dr - Concrete Footpath approx. 400m. Southern side.	-	95,000	95,000		Procurement in Progress Drought Relief Grant
Wellington St, Swansea - Noyes St to Vistoria St - Concrete Footpath approx. 220m. Southern side.	302	60,000	60,000		Procurement in Progress Drought Relief Grant
Noyes St, Swansea - Franklin St to Wellington St - Concrete Footpath approx. 200m. Eastern side	-	65,000	65,000		Procurement in Progress Drought Relief Grant
Elizabeth St, Orford - Charles St to Gore St - Concrete Footpath approx. 220m Northern Side	35,500	54,000	54,000		Complete Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	104,350	103,000	103,000		Complete Drought Relief Grant
Vicary St, Triabunna - Esplanade intersection - Realignment and paving RSL cenotaph	-	115,000	115,000		Procurement in Progress Drought Relief Grant
Tasman Highway, Bicheno - Harvey's Farm Rd to Douglas St - Concrete footpath approx. 1200m. Eastern side.	2,501	403,000	403,000		Project manager & designer awarded Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, incl Pullout Bay	103,537	100,000	100,000		Complete Community Infrastructure Fund
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF	50,000	50,000	40,775	9,225	Complete \$12,775,RTR + EMF \$28k
Dolphin Sands Share Pathway	257,345	374,608	374,608		95% Complete Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	10,760	400,000	400,000		Project manager & designer awarded. Fed Grant Funding in 21/22
Total Roads, Footpaths, Kerbs	564,294	1,819,608	1,810,383	9,225	
Parks, Reserves, Walking Tracks, Cemeteries					
Coles Bay Trailer Parking - c/fwd project.	150,505	155,462	155,462		Complete DPIPWE Funds
Swansea Boat Trailer Parking	4,719	500,000	500,000		Detailed design underway & Crown land approvals in progress. DPIPWE Funds
Bicheno Triangle	5,983	600,000	600,000		Project manager & designer being awarded. Fed Grant Fund
Bicheno Gulch	3,362				Project manager & designer being awarded. Fed Grant Fund
Coles Bay Foreshore	7,165	800,000	800,000		Project manager & designer awarded Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	-	25,000	25,000		Procurement in progress Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	12,288	25,000	25,000		Procurement in progress Drought Relief Grant
Buckland Walk	-	60,000	-	60,000	Community Consultation underway Pending Council decision
Total Parks, Reserves, Walking Tracks, Cemeteries	184,022	2,165,462	2,105,462	60,000	
Plant & Equipment					
Small plant	-	31,000		31,000	Ordered
Skidsteer	41,500	41,000		41,000	Waiting delivery
New Vehicle GM	44,568	45,000		45,000	Complete
IT Computer Equipment	8,567	30,000		30,000	29%
Total Plant & Equipment	94,635	147,000	-	147,000	
Total New Capital	842,951	4,132,070	3,915,845	216,225	



Renewal of Assets	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Roads, Footpaths, Kerbs						
RTR - RSPG Rheban Rd Resheeting / realignment for bridge	-	100,000	50,000	50,000		RTR 50% Safety & Productivity Grant 50% (to be confirmed)
Resheeting	-					
Emergency Repairs - Old Coach Rd Resheet	16,423	210,000	157,500	52,500		8% 75% funded by EMF
Emergency Repairs - McNiels Rd Resheet 3.1km	-	60,000	45,000	15,000		75% funded by EMF
Emergency Repairs - Wielangta Rd Resheet 7km	3,680	125,000	100,000	25,000		75% funded by EMF
Emergency Repairs - Springs & Crossins Rd Resheet	7,581	17,000	12,750	4,250		75% funded by EMF
Emergency Repairs - Rosedale Rd Resheet 4.4km	93,711	80,000	60,000	20,000	Complete	75% funded by EMF
Emergency Repairs - Nugent Rd Resheet	18,070	45,000	30,000	15,000		75% funded by EMF
Resheet - to be allocated	-	59,025		59,025		
R2R - Wielangta Road resheet southern end	62,944				Commenced	R2R project reallocation
R2R - Charles St Orford 150m Reconstruction, Reseal, Kerb, Channel & Footpath (Henry St to Elizabeth St)	2,667	150,000	150,000		Investigations for design started	
R2R - Charles St Triabunna (Vicary to Espl. W. Waterfront Drive), reconstruct, Reseal & Streetscape	-	326,631	326,631			May need additional funds in 21/22 RTR allocation
Total Roads, Footpaths, Kerbs	205,075	1,172,656	931,881	240,775		
Parks, Reserves, Walking Tracks, Cemeteries						
Bicheno Walk - Bridge replacement - carried forward from 2019/20	701	30,000	20,000	10,000	Procurement in Progress	Community Infrastructure Fund
Total Parks, Reserves, Walking Tracks, Cemeteries	701	30,000	20,000	10,000		
Stormwater, Drainage						
Mount St Orford - Kerb & channel	10,135				In progress	
Nailer Ave & Gamble St Bicheno - New culvert	270				In progress	
Address stormwater infrastructure issues - projects to be determined and approved by Council	96,031	500,000		500,000		19%
Total Stormwater, Drainage	106,436	500,000	-	500,000		
Council Buildings						
Triabunna Depot - Dog Pound Upgrades - carried forward from 2019/20	-	11,000		11,000		
Swansea Depot - Dog Pound Upgrades - carried forward from 2019/20	544	7,000		7,000		
Bicheno Depot - Dog Pound Upgrades - carried forward from 2019/20	-	7,000		7,000		
RSL Cenotaph - new memorial and relocate plaques - c/fw project	1,182	35,000		35,000	Plaques removed from old memorial and procurement in progress	
Buckland Community Hall - replacement of steps to the entrance	-	55,000	55,000			Drought Relief Grant
Buckland Community Hall - ramp access	-	45,000	45,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Coles Bay Tennis Courts - Resurface/Reconstruct+B19	-	65,000	65,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Replace Fencing, paving & awning Swansea Child Care Centre	-	25,000	25,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Bicheno Medical Centre - Refurb Treatment Room	-	25,000	25,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Swansea Courthouse Drainage Works	-	25,000	25,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Swansea Community Hall - Toilet Refurbishment	-	40,000	40,000		Programmed Approved by Fed Gov't	Community Infrastructure Fund
Total Council Buildings	1,726	340,000	280,000	60,000		
Bridges, Culverts						
Orford Bridge Replacement	561,566	990,840	990,840		50% Complete, bridge works done. Road works commenced.	\$1.02m project started May 2019. Fully Federal Grant funded
Holkham Crt Culvert	29,700	56,087	56,087		Design commenced	Community Infrastructure Fund
RTR - BRP Rheban Rd Griffith River Bridge	17,069	300,000	300,000		Commenced preliminaries	RTR/BRP 50% EMF50% (to be confirmed)
Total Bridges, Culverts	608,335	1,346,927	1,346,927	-		



Plant & Equipment	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
Wheel loader (replace backhoe)	121,996	122,000		122,000	Complete	
Replace Animal Control Vehicle	31,635	35,000		35,000	Complete	
Plant replacement - replace 3 utes/works vehicles	-	109,230		109,230	Ordered Nov	
Total Plant & Equipment	153,631	266,230	-	266,230		
Total Renewal Capital	1,075,903	3,655,813	2,578,808	1,077,005		
Total Capital Works	1,918,854	7,787,883	6,494,653	1,293,230		

6. Section 24 Committees

Nil.

7. Officers' Reports Requiring a Decision

7.1 Asset Management Plan – Hydraulic Infrastructure

Responsible Officer - Vince Butler, Project Engineer - Asset Management

ATTACHMENT

Asset Management Plan – Hydraulic Infrastructure

BACKGROUND / OVERVIEW

The *Asset Management Plan – Hydraulic Infrastructure* has been prepared following the receipt of a Performance Improvement Direction notice from the state government highlighting asset management requirements in the *Local Government Act 1993*. A draft of the plan was presented to Council at the January 2021 workshop.

STRATEGIC PLAN

Guiding Principles: (reference *Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029*)

5. Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.

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

Key Foundations: (reference *Glamorgan Spring Bay Council 10-year Strategic Plan 2020-2029*)

1. OUR GOVERNANCE AND FINANCE

- *Sound governance and financial management that shows Council is using ratepayer funds to deliver best value and impact for the GSBC community.*

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:

We plan to adopt and use this Asset Management Plan to allow informed decisions to be made regarding the sustainable provision of hydraulic infrastructure services to the community.

STATUTORY IMPLICATIONS

Local Government Act 1993

BUDGET IMPLICATIONS

There are no immediate budget implications associated with adopting the plan. However there are future budget decisions to be made relating to level of service provision - note section 1.3 on Page 5 and 1.6.2 on Page 7.

RISK CONSIDERATIONS

Not adopting the plan will contribute to a non-compliance with the Performance Improvement Direction issued by the state government. Refer also to *Table 6.2 Risk and Treatment Plans* on Page 38 for risks associated with the plan.

OFFICER'S RECOMMENDATION

That Council adopt the *Asset Management Plan – Hydraulic Infrastructure* and recognise this as a key document in achieving sustainable management of Council's assets. Once adopted the plan will be published on Council's website.

DECISION 07/21

Moved Deputy Mayor Jenny Woods, seconded Cllr Annie Browning that Council adopt the *Asset Management Plan – Hydraulic Infrastructure* and recognise this as a key document in achieving sustainable management of Council's assets. Once adopted the plan will be published on Council's website.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

7.2 Related Party Disclosures Policy

Responsible Officer – General Manager

ATTACHMENT/S

Related Party Disclosures Policy

BACKGROUND / OVERVIEW

From July 2016 Tasmanian Councils have been required to prepare financial and other statements in accordance with Australian Accounting Standards Board AASB. The objective of AASB 124 is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and financial performance may have been affected by related party transactions.

The Policy has been developed through a working group comprising of representatives from the Tasmanian Audit Office, the Local Government Division of the Department of Premier and Cabinet, Clarence City Council and the Local Government Association of Tasmania.

The draft Related Party Disclosures Policy as attached to this report outlines what is expected of elected members and senior executive staff of Council (Directors and General Manager) in relation to Australian Accounting Standard AASB 124 Related Party Disclosures.

A briefing in regards to Related Party Disclosure was provided to Council at a workshop held in Triabunna on Tuesday 8 December 2020.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation

1. Our Governance and Finance

What we plan to do

- Be accountable and ensure good governance practice

STATUTORY IMPLICATIONS

Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).

BUDGET IMPLICATIONS

No budget implications are identified in the adopting of the Policy.

RISK CONSIDERATION/S

By not having a Related Party Disclosures Policy in place, Council is exposed to risk which can be damaging to Council through financial loss, and result in bad publicity and loss in public confidence.

OFFICER'S RECOMMENDATION

That Council adopt the Related Party Disclosures Policy as attached to this report effective 19 January 2021.

DECISION 08/21

Moved Cllr Keith Breheny, seconded Cllr Rob Churchill that Council adopt the Related Party Disclosures Policy as attached to this report effective 19 January 2021.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil.

8. Notices of Motion

Nil.

9. Petitions

Nil.

10. Questions without Notice from Councillors

Deputy Mayor Jenny Woods

Through the Chair, Deputy Mayor Jenny Woods directed the following questions to the General Manager:

As we have all received correspondence via email with regards to the Triabunna District School crossing. There was a motion put and carried on the 28 January 2020 which reads:

Decision: 30/20

Moved Cllr Cheryl Arnol, seconded Deputy Mayor Jenny Woods:

1. *That Council employs a suitably qualified person to assess both the Melbourne Street and Vicary Street Triabunna school crossings to determine their compliance with the current Australian Standards for School Crossings.*
2. *That, in the event, that either or both crossings are assessed as deficient Council take steps to immediately rectify the deficiency to ensure the safety of students at Triabunna District School.*

***The motion was put and carried
(4 votes to 2)***

My question is:

Q1. *Where is Council at with this particular motion?*

Response from Greg Ingham, General Manager

The previous motion was being dealt with by Council's previous Works Manager and an assessment of the crossings is currently underway with Council's new Director and Works Manager. Private property driveways at the location need to be considered in the final solution. It is important that the crossing complies with the Australian Standards.

I have two more questions. My questions are:

Q1. *There was supposed to be a report on the course of action with regards to the Prosser River Mouth Advisory Group in the December 2020 Agenda. When can we expect this report to be presented?*

Response from Greg Ingham, General Manager

An email was sent to Councillors last week regarding this matter stating that it will be later on this year. I have not convened the Prosser River Mouth Advisor Group yet as I am mindful of the need to finalise the three lease arrangements which need to progress first. A report will be presented later this year.

Q2. *When will we be able to have the public attend our Council meetings?*

Response from Greg Ingham, General Manager

Under the current COVID-19 rules Council is required to maintain 2m² and 1.5m social distancing in all meetings. To meet these requirements the Council Chambers has a limit of 11 people at a time. For the immediate future the public will not be permitted at Council Meetings.

Clr Cheryl Arnol

Through the Chair, Clr Cheryl Arnol asked the following question which was taken on notice by the General Manager:

My question is in relation to the Performance Improvement Direction.

The Performance Improvement Direction (PID) was issued under part 12B section 214M of the Local Government Act following a Council in confidence letter from the Minister advising of his intention to issue it.

We have been reporting on the timelines for the Performance Improvement Direction and outcomes that have now created some interest in the community as to what the Performance Improvement Direction actually consist of.

My question is:

- Q1. *Is there any reason why the Performance Improvement Direction should not be publicly released?*

Questions without Notice by Councillors taken on notice – 15 December 2020

Clr Cheryl Arnol

Through the Chair, Clr Cheryl Arnol directed the following questions to the General Manager which were taken on notice by the General Manager:

I have two questions that directly relates to an article in the latest Seaspeak regarding the End of an Era for Glamorgan Spring Bay Natural Resource Management –

Whilst I have a copy of the consultant's report that is a review of NRM resources, I did not see the consultant brief so am unaware of whether a desktop analysis is all that was requested and paid for. There is no reference to the credentials of the consultant in the report so it is, in my view, lacking in credibility and gives me no comfort as an elected member that the author had sufficient knowledge of NRM in Glamorgan Spring Bay to produce a report on which an organisational restructure of the size recently implemented could be undertaken. It is little more than an 8-page desktop analysis of NRM across the State that any person with a Google account could have undertaken.

My questions is:

- Q1. *Given the increasing community interest in the NRM restructure which will only be heightened by the Seaspeak article, what was the cost of the consultant's report and will the brief and report be made publicly available?*

Response from Greg Ingham, General Manager

The consultant report on the Glamorgan Spring Bay Council NRM activity cost \$900.

The brief was to undertake a desktop analysis and comparison with several other Tasmanian Councils of similar size in regards to the NRM function.

The report will be made available on Councils website.

Glamorgan Spring Bay Council has received \$2 million plus from NRM South alone since 2005. Other funding was received over the years from many other sources ranging from Landcare Tasmania, directly from the Australian Government including the current \$174,000 for drought Zone A weeds and community water grants for Bicheno and Coles Bay. The State Government has provided grants for years including the current \$55,000 weeds for drought farmers and various other grants for fire management and regional climate change. Couple this with other sources of funding from Australia Post to Tidy Towns to the STCA and the numerous private works undertaken for a range of stakeholders including Government departments and private property owners and it is estimated that up to a further million dollars in funding was brought into Council for this important environmental work. During the community consultation for the strategic plan there was strong support for celebrating, valuing and protecting the unique, precious qualities of Glamorgan Spring Bay and this objective was included in the strategic plan as direction 8.

My questions are:

- Q1. *How does Council intend to replace the NRM structure recently dismantled under the organisational restructure to ensure continued compliance with Strategic Direction 8 - Protecting the environmental values and amenity of the east coast?*

Response from Greg Ingham, General Manager

There is no intention to replace the previous NRM structure within the organisation. Council will continue to fulfil its obligations under environmental legislation and will work with approximately 18 relevant stakeholder organisation's within the municipality including NRM South.

Council has committed to deliver on its Strategic Plan including Direction 8 - Protecting the environment values and amenities of the east coast.

It should be noted that Glamorgan Spring Bay Council has performed well in regards to the Strategic Direction 8 in recent years. Unfortunately, the organisation has not achieved the same level of performance in other key Strategic Plan objectives. In fact, the organisation has performed poorly in critical Local Government activities stated and committed to in our Strategic Plan and identified in external reports going back several years. These activities are the foundation of Local Government good governance practice and include but are not limited to:

- Long term Financial planning
- Asset Management planning
- Stormwater management and urban plans
- Risk Management
- Procurement practices
- Record keeping practices

Q2. *How will the level of grant funding outlined be attracted to our municipal area in the future and more importantly will Glamorgan Spring Bay be able to deliver any funded projects to meet the obligations under our strategic plan?*

Response from Greg Ingham, General Manager

Glamorgan Spring Bay Council will maintain a level of NRM capacity and continue to support and encourage NRM activities in our municipal area. We will also look for opportunities to strengthen relationships and support across our NRM networks including other Local Government areas, Regional NRM and organisations such as Landcare Tasmania.

Council will seek or support grant funding applications within its and other stakeholders' capacity to deliver programs. It is intended to ensure that any existing project obligations are covered by remaining NRM staff or through other stakeholders.

Council is obligated to deliver on all of its Strategic objectives as outlined in the Plan. The changes required to ensure that it can do this into the future are underway.

In relation to the FAI (Freycinet Association Incorporated), my question without notice to the General Manager is:

Q1. *In response to my question at the November meeting, you advised that a desktop analysis had been completed in Coles Bay in relation to the location of septic tanks. Information received recently by the FAI from Council appears to indicate otherwise. Can you please confirm whether the desktop analysis has in fact been completed and what budgetary provisions have been made by Council to assess poorly managed septic systems?*

Response from Greg Ingham, General Manager

It is alleged the former Mayor of Glamorgan Spring Bay Council stated publicly that a desktop audit was complete and Coles Bay was 100% compliant several months ago. The current General Manager cannot verify or deny what may have been said previously and cannot comment on what the former Mayor advised the public regarding the audit.

An audit in the form of a desktop analysis is nearing completion. It relies on property owners responding to Council about information on sewerage treatment facilities on their properties. Work done to date has provided Council with a useable database to keep track of quarterly maintenance. Not all property owners responded. There may be a perception that the audit was a detailed analysis of individual properties. This was never the scope.

The audit did not entail Council officers visiting properties to inspect and verify accuracy of information. It was always intended to be a desktop exercise and Council does not have resources to undertake such an exercise.

As far as the General Manager is aware Council has not provided a budget to assess poorly managed septic systems. Council acts on reports of possible sewerage/effluent issues or public health risks as and when they are made, in accordance with its public health obligations.

11. Close

The Mayor declared the meeting closed at 3:23pm.

The Mayor confirmed that the recording of the meeting was terminated and the microphones were switched off.

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young