



GLAMORGAN SPRING BAY
COUNCIL

Minutes

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

22 September 2020

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held on Tuesday 22 September 2020 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 17 September 2020.

**Marissa Walters
ACTING 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.***



**Marissa Walters
ACTING GENERAL MANAGER**



Table of Contents

1.	OPENING	5
1.1	ACKNOWLEDGEMENT OF COUNTRY.....	5
1.2	PRESENT AND APOLOGIES	5
1.3	IN ATTENDANCE.....	5
1.4	LATE REPORTS.....	6
1.5	DECLARATION OF INTEREST OR CONFLICT	6
2.	CONFIRMATION OF MINUTES.....	7
2.1	ORDINARY MEETING OF COUNCIL – 25 AUGUST 2020	7
2.2	DECLARATION OF OFFICE.....	8
2.3	DATE AND PURPOSE OF WORKSHOP/S HELD	10
3.	PUBLIC QUESTION TIME	11
3.1	QUESTIONS WITHOUT NOTICE	12
3.2	QUESTIONS ON NOTICE	13
4.	PLANNING AUTHORITY SECTION.....	14
4.1	DEVELOPMENT APPLICATION 2019 / 272	15
4.2	DEVELOPMENT APPLICATION 2020 / 99	16
5.	FINANCIAL REPORTS	33
5.1	FINANCIAL REPORTS FOR THE PERIOD ENDING 31 AUGUST 2020	33
6.	SECTION 24 COMMITTEES.....	41
6.1	REPORT ON THE MEETING OF THE STATEMENT OF EXPECTATIONS COMMITTEE (#8)	41
6.2	STATEMENT OF EXPECTATIONS COMMITTEE MEETING UNCONFIRMED MINUTES – 14 SEPTEMBER 2020	43
6.3	STATEMENT OF EXPECTATIONS COMMITTEE MEETING CONFIRMED MINUTES – 17 AUGUST 2020	46
6.4	INDEPENDENT REPORT ON THE IMPLEMENTATION OF THE 2020 GLAMORGAN SPRING BAY COUNCIL STATEMENT OF EXPECTATIONS	49
7.	OFFICERS' REPORTS REQUIRING A DECISION.....	53
7.1	PETITION TO AMEND SEALED PLAN 174663	54
7.2	ROAD NAMES	56
7.3	PROPOSED FREYCINET SCULPTURE TRAIL.....	58
7.4	2020-2021 ANNUAL PLAN	59
7.5	LOCAL GOVERNMENT PARTICIPATION IN THE NATIONAL REDRESS SCHEME	60
7.6	MUNICIPAL EMERGENCY MANAGEMENT PLAN.....	63
8.	NOTICES OF MOTION	65
9.	PETITIONS.....	66

10. QUESTIONS WITHOUT NOTICE	67
11. CONFIDENTIAL ITEMS (CLOSED SESSION).....	68
12. CLOSE.....	69

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 2.02pm.

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 Keith Breheny
Clr Annie Browning
Clr Rob Churchill
Clr Grant Robinson

Apologies

Clr Michael Symons

1.3 In Attendance

Acting General Manager, Mrs Marissa Walters
Executive Manager Development Services, Mr Deon Bellingan
Executive Officer, Ms Josie Higgins
General Manager, Mr Greg Ingham (via conference call)

1.4 Late Reports

Nil.

1.5 Declaration of Interest or Conflict

The Mayor requested 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 – 25 August 2020

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held Tuesday 25 August 2020 at 2.00pm be confirmed as a true and correct record.

DECISION 308/20

Moved Deputy Mayor Jenny Woods, seconded Cllr Cheryl Arnol that the Minutes of the Ordinary Meeting of Council held Tuesday 25 August 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:

2.2 Declaration of Office

Responsible Officer – Acting General Manager

SUMMARY

To acknowledge and record the making of the declaration of office by newly elected Councillor and Mayor Robert Forbes Young.

STATUTORY IMPLICATIONS

In accordance with the requirements of s.321(3) of the Local Government Act 1993, a Council is to acknowledge the making of a declaration at its meeting and the General Manager is to record that fact in the minutes of that meeting.

RECOMMENDATION

That the Declaration of Office made under Section 321 of the Local Government Act 1993 by newly elected Mayor and Councillor Robert Forbes Young and as witnessed by the Acting General Manager, be noted and form part of these minutes.

DECISION 309/20

Moved Cllr Keith Breheny, seconded Cllr Grant Robinson that the Declaration of Office made under Section 321 of the Local Government Act 1993 by newly elected Mayor and Councillor Robert Forbes Young and as witnessed by the Acting General Manager, be noted and form part of these minutes.

The Deputy Mayor welcomed Mayor Young and advised that she and the Acting General Manager would be assisting Mayor Young through the process of today's meeting.

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:

Mayor Young addressed the meeting and made the following statement:

"I am a new boy on the block. I am not in Council because I have or seek a political future. I'm not here for the pats on the back or because of high status. I am in Council because I want in these difficult times to do something that will be of use to the individual residents and individual ratepayers of the Glamorgan Spring Bay municipality."



Declaration of office

(Local Government Act 1993, Regulation 40
Declaration of Office – s. 321)

I, **Robert Forbes Young** having been elected as **Mayor and Councillor**

to the Glamorgan Spring Bay Council, do solemnly declare that I will

- a) faithfully carry out the functions and exercise the powers vested in me by virtue of that office to the best of my ability and in accordance with the law; and
- b) comply with the Council's code of conduct;
- c) engage in ongoing professional development;
- d) abide by the principles of good governance.

.....
(Signature of Councillor)

Made before me at **Triabunna** in Tasmania on the **3 September 2020**.

.....
Marissa Walters
(Acting General Manager)

2.3 Date and Purpose of Workshop/s Held

Tuesday 8 September 2020

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 12.30pm to 4.15pm on Tuesday 8 September 2020 via remote conference.

Present

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

Apologies

Nil.

In Attendance

Mrs Marissa Walters, Acting General Manager
Mr Deon Bellingan, Executive Manager Development (in part)
Mr Rob Brunning, Works Manager (in part)
Ms Robyn Bevilaqua, Planner

Guests

Ms Susan Carins, Coles Bay

Agenda

- Welcome – Newly appointed Mayor Cllr Robert Young
- Sculpture Walk – Coles Bay
- Draft Personal & Private Information Policy No. 6.3
- Draft 2020/2021 Annual Plan
- Visitor Information Centres – Update
- Review of constructed walkway across Crown Land to Stapleton Beach – Update
- Development Application 2019/272, Lot 250 River Street, Swansea (CT161323/250)
- Land Clearing at River & Rocks Road, Coles Bay
- MOU – Local Government Participation in the National Redress Scheme
- Legal Advice Received
- Other Matters & Councillor Discussion

RECOMMENDATION

That Council notes the information.

DECISION 310/20

Moved Cllr Rob Churchill, seconded Cllr Annie Browning 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:

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.

The Mayor advised that questions without notice had been received from the Australian Services Union. The Mayor advised that as one of the questions received related to personnel matters, the question would not be accepted.

The Acting General Manager read Mr De La Torre’s questions out loud to the meeting.

Mr Aaron De La Torre, Australian Services Union

The financials released by the Acting General Manager, in response to Mr Yon Kikkert’s question on notice to the August 2020 Ordinary Council Meeting, detail that as at 30 June 2020 the Visitor Information Centres have run at a profit to Council, contrary to the huge loss which was forecast by the management team when providing information to Councillors to enable the decision to divest from the centres. The profit comes despite the unprecedented closure of all state borders to tourism and temporary periods of closure and reduced service levels in the centres due to COVID-19.

Councillors, individually, are bound by Section 28 (1)(b) of the Local Government Act 1993 “to act in the best interests of the community” and Section 28 (1) (c) “to facilitate communication by the council with the community”. Making the decision to divest behind closed doors, ignoring strong community sentiment, forgoing profit and cutting local jobs and services at a significant cost to Council (through redundancies), would appear to make little sense.

To seek to understand Council’s actions, I would ask the following questions:

1. *What efforts have Council made to respond to the strong community opposition to divesting the Visitor Information Centres as is evidenced by over a thousand signatures on the recently tabled ASU petition, the single largest petition received by this Council in at least the last five years?*

The Acting General Manager advised that the question will be taken on notice.

2. *Council have recently elected to survey all residents in the municipality in relation to the Buckland Walking Track. This appears to be in response to a series of questions on notice put to Council by Ms Kathleen Ford at the June Ordinary Council Meeting, which was signed by “near a dozen people in Orford”. Why has Council taken action on this matter, to survey the entire community, but has not taken any action to engage with the community before divesting the Visitor Information*

Centres following the submission of a petition containing over a thousand signatures, almost 90 times more than Ms Ford's letter?

The Acting General Manager advised that the question will be taken on notice.

3.2 Questions on Notice

Mr Yon Kikkert

Not long before Debbie Wisby resigned as mayor, she remarked on Leon Compton's ABC Radio show that Stage 1 of the Prosser Plains Raw Water Scheme (pump-station and pipeline) was now "cost neutral" because of the sale of water delivered to Tassal.

- Q1. *Could you please provide further information about the ex-Mayor's statement in regard to income and costs generated from Stage 1?*

The Acting General Manager Mrs Marissa Walters advised that a response will be provided to Mr Kikkert pending further advice.

Dr Robyn Moore

In December 2018, Council decision 153/18 rescinded previous decisions to sell Council properties at 2 and 4 Arnol St. However, I'm unable to find information pertaining to the decision to create a Community Shed/Hub at this site.

- Q1. *Please explain the process whereby it was decided to create a Community Shed/Hub in Swansea, ie who made the decision, in what forum and what financial data was considered during the decision-making process (eg, loss of income from sale of property and ongoing rates revenue, running and maintenance costs, insurance, depreciation etc).*
- Q2. *Council meeting minutes from June 2020 (p. 95) state that the Community Hub is to 'become self sufficient - income generated covers all costs'. Please provide the data which informs this statement, showing which costs will be covered, eg utilities, insurance, depreciation, maintenance, land and water tax etc.*

The Acting General Manager advised that a response will be provided to Dr Moore pending further advice.

Mr Deon Bellingan, Executive Manager Development Services, left the meeting at 2.11pm.

4. PLANNING AUTHORITY SECTION

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015* the Chairperson declared 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 311/20

Moved Cllr Cheryl Arnol, seconded Cllr Rob Churchill that Council now acts as a Planning Authority at 2:12pm.

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:

Ms Robyn Bevaliqua, Planner, entered the meeting at 2.12pm.

Mr Leigh Wighton, Contract Development Engineer, entered the meeting at 2.12pm.

4.1 Development Application 2019 / 272

Lot 250, River Street, Swansea (CT 161323 / 250)

This item was withdrawn with the consent of the applicant.

4.2 Development Application 2020 / 99

20 Holkham Court, Orford (CT 24937 / 40)

Dwelling	
Applicant	Wilson Homes
Lodged	05 June 2020
Statutory Date	25 September 2020 (extended by consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	Low Density Residential
Codes	Road and Railway Assets, Parking and Access, Stormwater Management, Waterway and Coastal Protection, and Inundation Prone Areas.
Use	Class: Residential. Type: No Permit Required
Development	Discretionary
Discretions	Five
Representations	One
Attachments	A – Application Documents B – Engineering Report C – Representation
Author	Robyn Bevilacqua, Planner

Executive Summary

Planning approval is sought to construct a single dwelling on a Low Density Residential lot in Orford.

The proposal is discretionary under the planning scheme because it relies on discretions for five standards:

- E6.7.3 A1 Vehicular passing areas along an access
- E6.7.6 A1 Surface treatment of access and parking areas
- E7.7.1 A1 Stormwater disposal
- E15.7.5 A1 Solid walls greater than 5m in length in riverine or coastal investigation areas
- E15.7.5 A2 Mitigation measures for flooding in riverine or coastal investigation areas

The proposal was placed on public exhibition from 14 August – 28 August 2020. One representation was received.

The Planning Authority must consider the planner's comments, the representation, the engineering report, the recommendation, and make a final determination by 25 September 2020.

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 and makes a final recommendation.

The report does not consider the two representations provided in the first round of notification. This is because one of the representations was from the Tasmanian Fire Service and the issues raised have been resolved. The other was from a resident who wanted to ensure no blasting was undertaken during construction, which cannot be dealt with under the planning scheme. Notwithstanding that, a condition around set times for construction activity would be placed on the permit.

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).

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

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.

In assessing this application, the Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criterion and must consider the issues raised in the representations.

3. The Proposal

To construct a single dwelling on a residential lot in Orford. The dwelling will have four bedrooms, a home theatre, a children's activities room, an 'al fresco' area and a double garage.

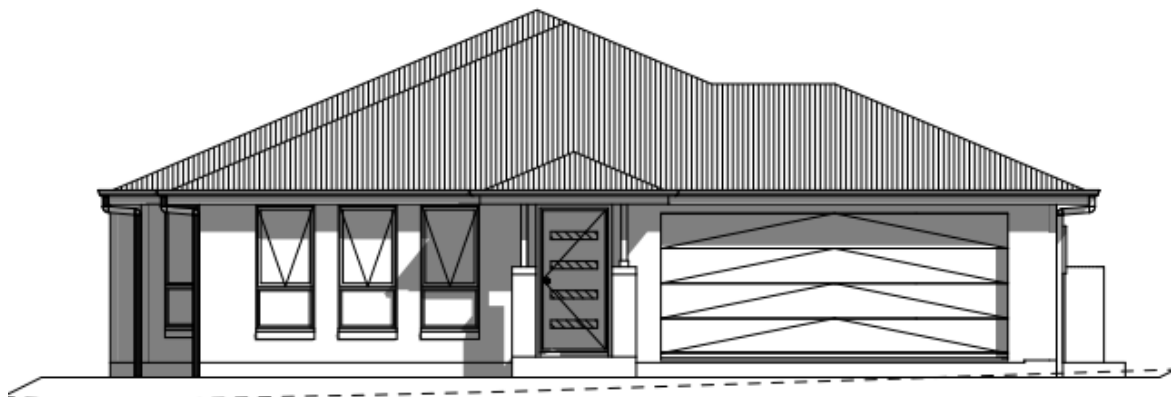


Figure 1: The proposed dwelling (from the application documents).

4. Location

The land is located in a Low Density Residential zone, on the northern side of the Prosser River and the western side of the Tasman Highway, shown in Figure 2 below.

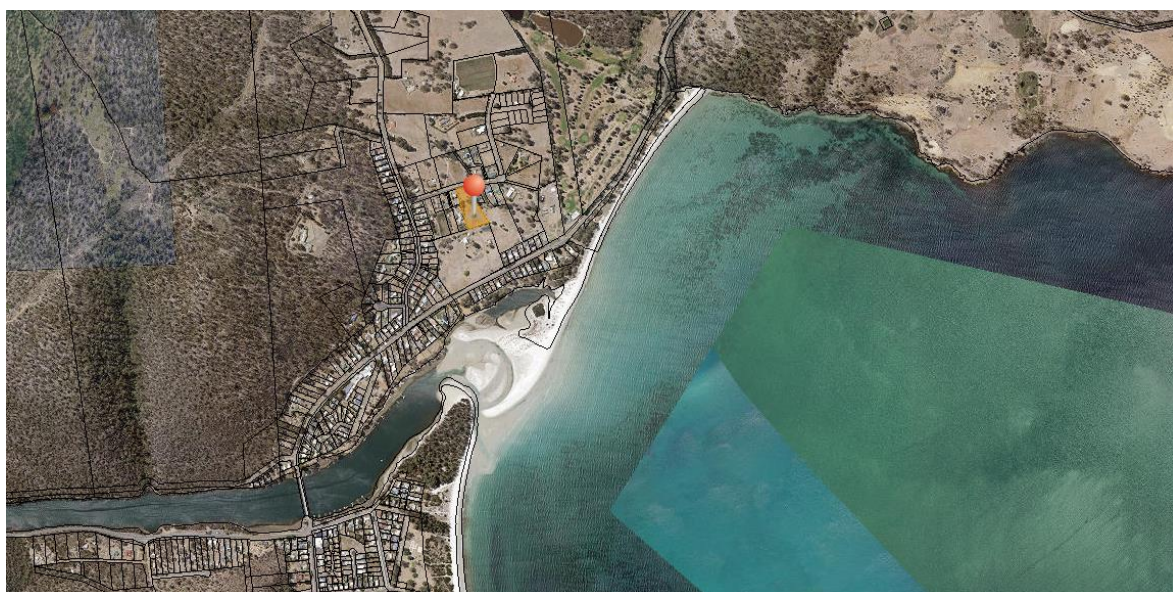


Figure 2: 20 Holkham Court, Orford – pinned (LISTmap)

5. Site Description

The site is 8,176m² in area and currently vacant. A creek runs along the northeast corner with a stand of native trees, shown in Figure 3 below. The land is generally sloping from west to east at 1:10.

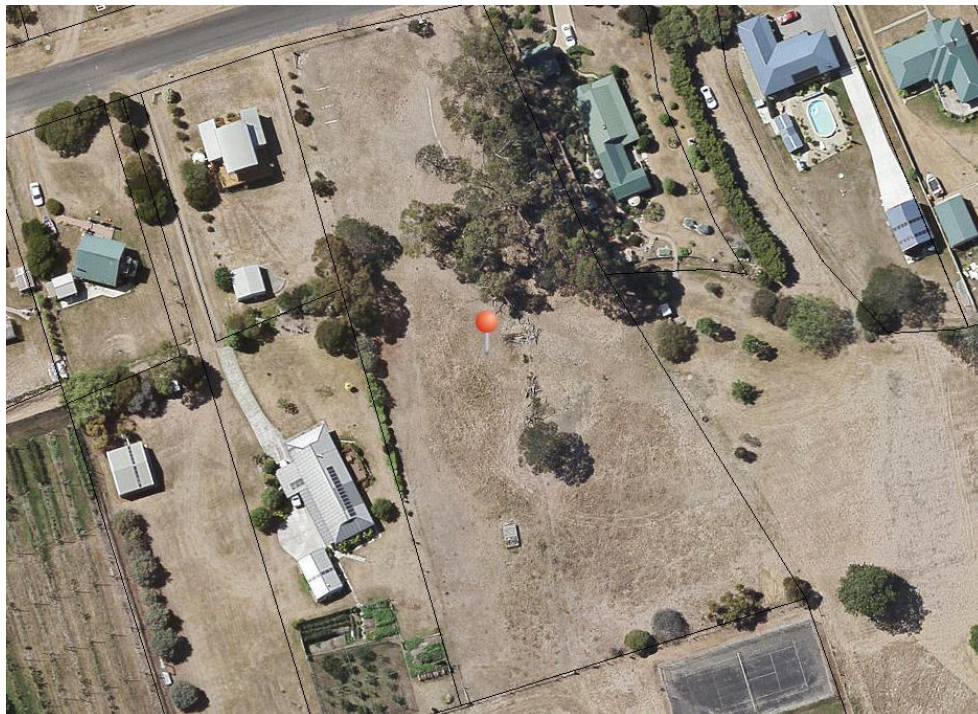


Figure 3: Stand of native trees over the Waterway and Coastal Protection area (LISTmap).

6. Overlays

The site is subject to Waterway and Coastal Protection, and Coastal Inundation Hazard Area overlays as shown in Figure 4:

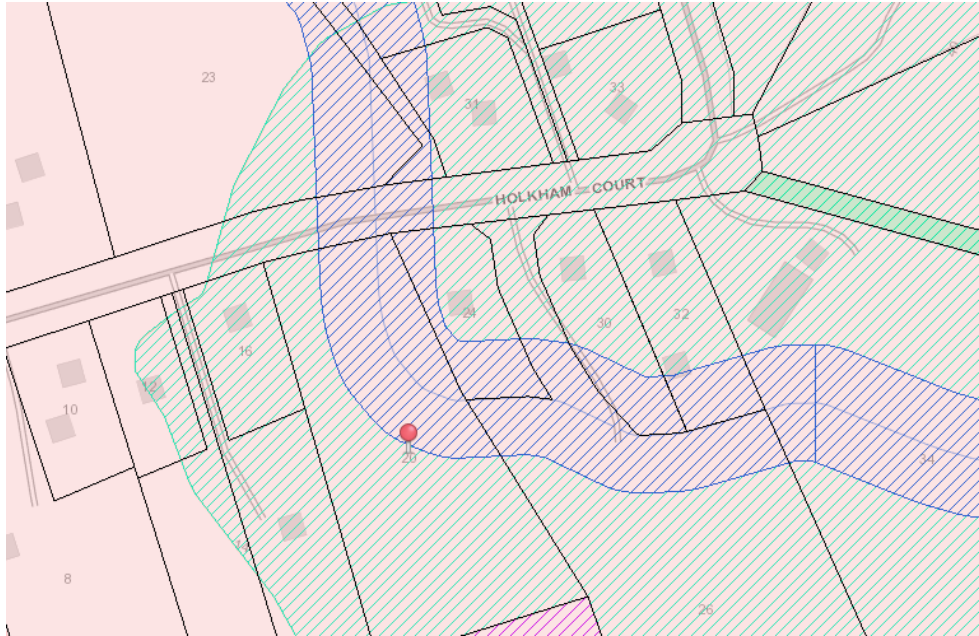


Figure 4: The Waterway and Coastal Protection overlay in dark blue stripes over the creek, and the Coastal Inundation Hazard Area overlay in pale blue stripes (LISTmap)

7. Easements and Services

20 Holkham Court was Lot 40 on the plan of subdivision. A drainage easement 4m wide crosses the title from west to east where it meets the creek (not north orientated in the Folio Plan shown in Figure 5 below).

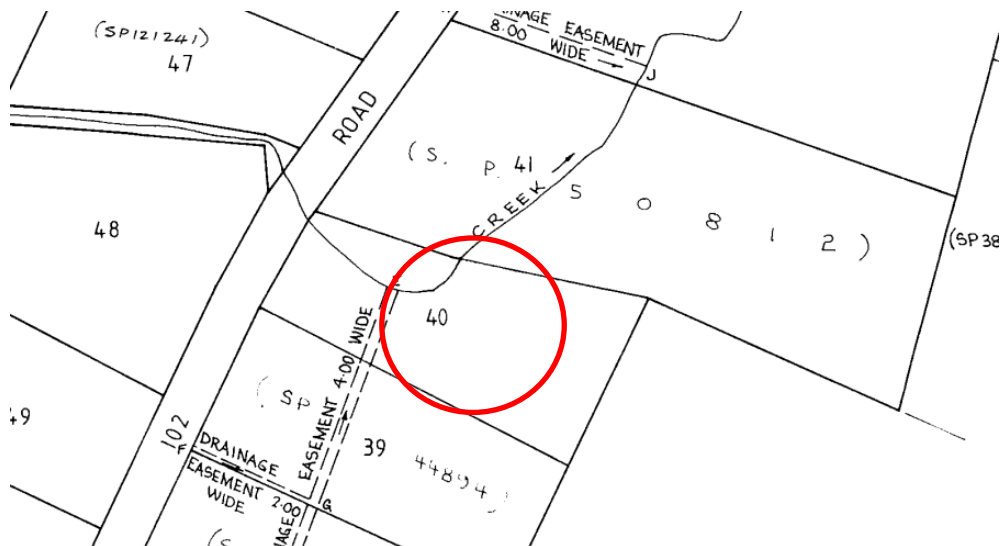


Figure 5: Lot 40 showing the drainage easement extending across the lot to the creek (from the Folio Plan).

Water mains run along the northern side of Holkham Court with a connection to 20 Holkham Court, and reticulated sewerage crosses the site at an angle from west to east as shown in Figure 6 below.



Figure 6: TasWater water mains and sewerage (Exponaire, Council's GIS system).

8. Background and previous applications

There have been no previous development applications for 20 Holkham Court. The lot was created under a subdivision completed in 1985.

The surrounding area has been the subject of several subdivision applications in recent years.

9. Risk and implications

The Holkham Court / Alma Road catchment area is subject to flooding. Figure 7 below, shows the waterway that crosses 20 Holkham Court (pinned) in the lower left-hand corner running down to the southern end of Raspins Beach. Sheas Creek is to the north, outflowing to the northern end of Raspins Beach. The yellow/brown highlighted area in between is the Coastal Inundation Hazard Area. The bright green is a landscape corridor – not relevant to this application but can't be removed without removing the other layers.

The representation raises flooding and stormwater issues.

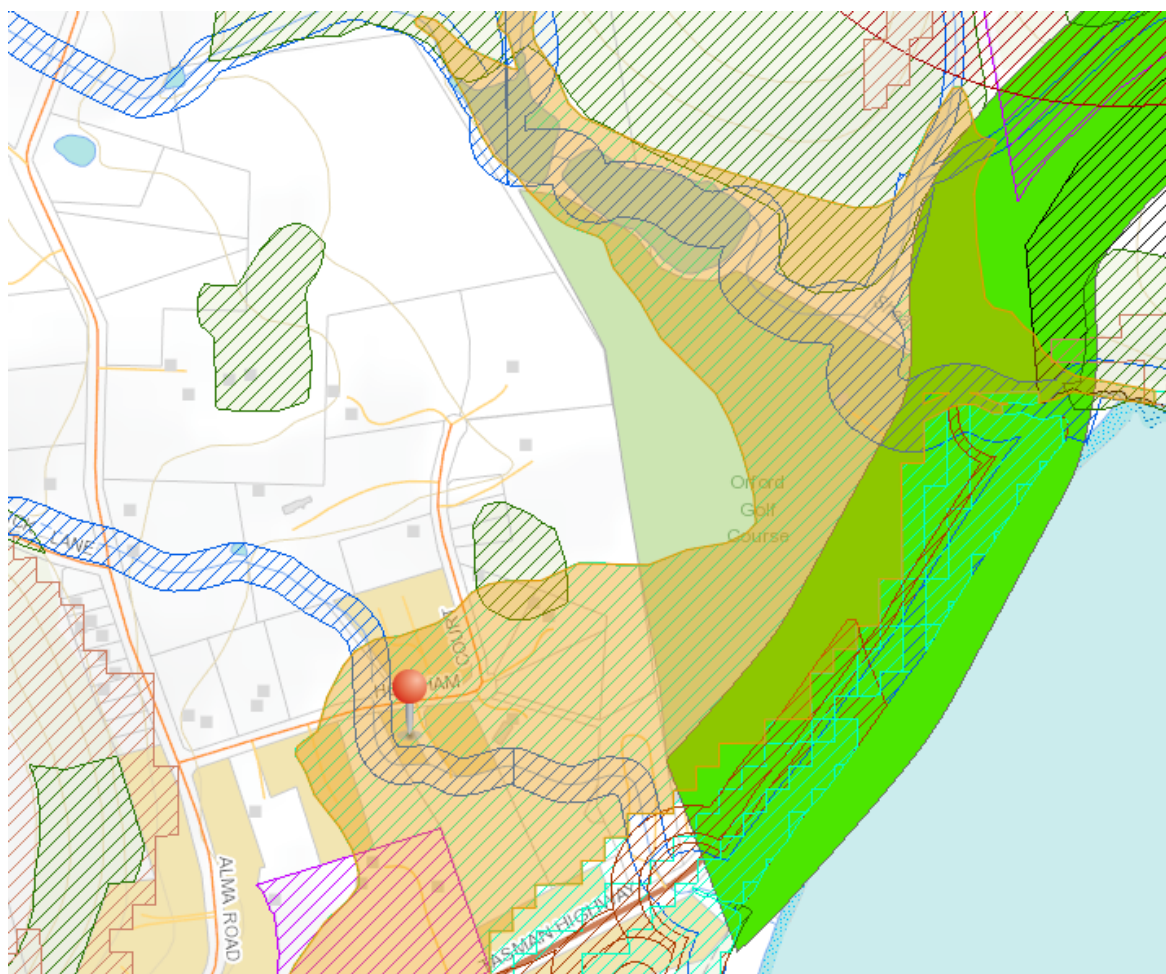


Figure 7: Holkham Court, the Orford Golf Course and Sheas Creek all with the Coastal Inundation Hazard area in brown highlight.

PART TWO

10. Meeting the Standards – via Acceptable Solution

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

- D10.0 General Residential Zone
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E11.0 Waterway and Coastal Protection Code
- E15.0 Inundation Prone Areas Code

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

11. Meeting the Standards – via Performance Criteria

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

- E6.7.3 P1 Vehicular passing areas along an access
- E6.7.6 P1 Surface treatment of access and parking areas
- E7.7.1 P1 Stormwater management
- E15.7.5 P1 Development in a coastal investigation area (landfill or solid walls).
- E15.7.5 P2 Development in a coastal investigation area (mitigation measures)

The Planning Authority must consider the planner's comments and the performance criteria, and make a determination on the application by 25 September 2020.

PART THREE

12. Assessing the proposal against the Performance Criteria

Standard 1: Vehicular passing areas along an access (E6.7.3)

Acceptable Solution A1 requires that vehicular passing areas must be provided if an access is more than 30m long. These need to be 6m long and 5.5m wide, have the first constructed at the kerb, and be at intervals of no more than 30m along the access.

The proposed driveway is approximately 111m in length. Passing is available approximately 80m from the frontage where turning is provided for a fire appliance at the firefighting water supply. The land is flat and passing would be possible off the side of the driveway. As sight distances are clear and the driveway only services a single dwelling no additional passing is considered necessary (refer Engineering Report).

Performance Criterion	Planner's comments
P1 Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:	
(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;	The area is zoned Low Density Residential with lot sizes ranging from around 1500m ² to as large as the subject lot at more than 8000m ² . There are currently no footpaths. Many of the dwellings are used as holiday homes. The area does not have a high number of pedestrians or cyclists. The relaxed density of the area would mean little conflict between vehicles, pedestrians and cyclists.
(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;	It is considered unlikely that a vehicle would be trying to enter the lot at the same time as a vehicle were trying to exit, while at the same time that another vehicle was coming along Holkham Court that might be held up.
(c) suitability for the type and volume of traffic likely to be generated by the use or development;	The proposed use is residential and the volume of traffic is expected to be no more than that of a residence.
(d) ease of accessibility and recognition for users.	The access point will be easily accessible and recognisable for users. Satisfied with condition of approval.

Standard 2: Surface treatment of parking areas and driveways (6.7.6)

Acceptable Solution A1 requires that parking spaces and driveways must be in accordance with (a) paved or treated with a durable all-weather pavement where within 75m of a property

The proposal is for a gravel driveway.

Performance Criterion	Engineering comments
P1 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:	
(a) The suitability of the surface treatment	The property has an existing gravel access off Holkham Court. This will need to be upgraded to Council standards with a sealed surface from the edge of the road to the property boundary (refer Engineering Report). Satisfied by condition of approval.
(b) The characteristics of the use or development.	
(c) Measures to mitigate mud or dust generation or sediment transport.	

Standard 3: Stormwater drainage and disposal (E7.7.1)

Acceptable Solution A1 requires that stormwater from new impervious surfaces be disposed of by gravity to public stormwater infrastructure. There is no reticulated public stormwater servicing the property.

The proposal is to retain stormwater on site and dispose of overflow via absorption trenches.

Performance Criterion	Engineering comments
P1 Stormwater from new impervious surfaces must be managed by any of the following:	
(a) Disposed of on site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles	Disposal of stormwater via absorption trenches is considered an acceptable method of disposal in this instance, particularly compared to a direct connection to the watercourse. The development will require a plumbing permit and the onsite disposal system will need to be designed by a suitably-qualified person in accordance with the Building Act 2016. While the absorption trenches may exceed capacity in extreme rainfall events, overflow will be directed towards the existing watercourse and the resultant flows will likely mimic pre-development conditions (from the Engineering Report) Satisfied by condition of approval.
(b) Collected for re-use on site	
(c) 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.	

Standard 4: Development in coastal investigation areas (E15.7.5) – landfill or solid walls

The Coastal Inundation Hazard Area overlay falls across the site, but has not been classified as high, medium or low risk. Due to the absence of accurate LiDAR mapping, the overlay has been placed along the 10m contour in LISTmap. Under the planning scheme, an area where 'risk from inundation from storm tide and permanent inundation from sea level rise has been identified but where the high, medium and low hazard areas have not been spatially quantified due to limitations of available data' is a 'Coastal Identification Area'. Standard E15.7.5 applies inter alia to Coastal Identification Areas and therefore to the subject site.

The Coastal Inundation Hazard Bands provided on the LIST show the Low Hazard Area well clear of the subject property (Engineering Report). Council's GIS contours show that the lowest level on the site is 6m AHD (Engineering Report).

The proposed location of the house is 6-7m AHD, which more than meets the minimum level of 2.3m AHD as provided by Table E15.1 of the planning scheme.

Notwithstanding the above, there is no Acceptable Solution for solid walls greater than 5m in length and 0.5m in height.

The proposal must satisfy the performance criteria to be approved.

Performance Criteria	Engineering comments
P1 Landfill or solid walls greater than 5m in length and 0.5m in height must satisfy all the following:	
(a) No adverse effect on flood flow over other property through displacement of overland flows.	A condition requiring the existing pipe and overland flow through the drainage easement be maintained is recommended. Satisfied by condition of approval.
(b) The rate of stormwater discharge from the property must not increase.	
(c) Stormwater quality must not be reduced from predevelopment levels.	

Standard 5: Development in Coastal Investigation Areas (E15.7.5) – flooding and flood flow

There is no Acceptable Solution A2 regarding mitigation measures for flooding. The application must satisfy the Performance Criteria to be approved.

Performance Criteria	Engineering comments
P1 Mitigation measures, if required, must satisfy all of the following:	
(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise	The Engineering Report notes that the proposed dwelling falls outside the 1% AEP storm-affected area identified by the stormwater modelling undertaken as part of the stormwater report commissioned by Council and dated 10/9/2019. However, the land may be subject to overland sheet flow and it is recommended that the finished floor level be 300mm above natural ground level and advice to this effect is recommended. Satisfied by condition.
(b) not have a significant effect on flood flow.	

Referrals

The application was referred to Council's Engineering Consultant and Natural Resource Management officer.

Concerns raised by representors

One representation was received.

Representation	Response
The development would put further unacceptable pressure on the already overloaded and inadequate Alma Road and Holkham Court stormwater system.	The proposal of a single dwelling results in a minimal increase in impervious area in a catchment which has a total area of approximately 80 hectares and is likely to have an insignificant impact.
The proposal contains no mention of the Holkham Court Stormwater Assessment by Anna Wilson.	Council has a budget allocation for stormwater and flood mitigation works. Works within the Holkham Court catchment have been identified in accordance with the "Holkham Court Storm Water Assessment" and council is currently progressing the design of those solutions.
There is no detail provided about the disposal of stormwater, other than a 'stormwater soakage trench' connected to the down pipes with no further details.	The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016. The development will require a plumbing permit and the onsite stormwater disposal system will need to be designed by a suitably qualified



	person in accordance with the Building Act 2016.
'Infiltration basins', 'detention ponds' and now 'stormwater trenches', all suffer from the same failing, which is the poor absorbency of the soils in the area. They are useless in a downpour; they fill rapidly and overflow.	Whilst the proposed absorption trenches may exceed capacity in extreme rainfall events, overflow will be directed towards the existing watercourse below adjacent residential properties and the resultant flows will likely mimic pre-development conditions.
The engineer's reports of satisfactory infiltration measurements for 54 Holkham Court subdivision, taken during a drought period, have proven ridiculously optimistic as demonstrated by the lake on the Orford Golf Course. The soil has very low permeability. The basin will increase water table levels to the detriment of nearby properties.	Not relevant to the proposal.
The increased stormwater runoff from this application can only find its way in the very inefficient network of open drains comprising the lower Holkham infrastructure.	Addressed above.
It is Council's responsibility to consider the downstream effects of the proposal and its increased flows on the infrastructure. This deliberation should include reference to all available information – not just that included by the developer.	Council uses a wide range of information when determining development applications and any increased pressure on infrastructure.
Council should be mindful of the scientifically accepted concept of sea level rise and its consequences (ref. GSBC Corporate Adaption Plan of April 2012). Storm surge and tidal level dramatically influence the ability of storm water to escape to the sea at Raspins Beach, regardless of the size of the culvert under the Tasman Highway.	Council is mindful of sea level rise and its consequences.

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 / 99 to construct a single dwelling at 20 Holkham Court, Orford (CT 24937/40) be approved subject to the following conditions:

- 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) 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.

Advice: The developer may submit photographs showing the existing condition of roads, footpaths, kerb and gutter and similar in the nearby area as evidence of the existing conditions prior to any works occurring.

Parking and Access

- 4) Prior to the commencement of use, at least two car parking spaces must be provided on site, and must be available for car parking at all times.
- 5) To the satisfaction of Council's General Manager, the internal driveway and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and must include all of the following:
 - a. The driveway from Holkham Court to the proposed dwelling must be upgraded/constructed with a minimum width carriageway of 4.0m;
 - b. Be constructed with a durable all-weather pavement;
 - c. Have a gravel surface that is designed, constructed and maintained to avoid dust or mud generation, erosion or sediment transfer on or off site;
 - d. Be in accordance with the requirements of the approved Bushfire Hazard Management Plan.
 - e. Unless approved otherwise by Council's General Manager must be fully complete prior to the commencement of use.
- 6) 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.

- 7) The existing vehicular access from the road seal to the lot boundary must be upgraded as required to have:
 - a. A sealed surface.
 - b. Gradient, construction and sight distance be in accordance with standard drawing TSD-R03-v2, TSD-R04-v2 and TSD-RF01-v2.

- c. Be fully complete within six months of the commencement of use to the satisfaction of Council's General Manager.

Advice: standard drawings are available at <https://www.lgat.tas.gov.au/member-services/policy-and-projects/engineering-local-government-standards-and-guidelines>

Stormwater

- 8) The existing drainage easement, including the pipe and overland flow path, must be maintained to ensure stormwater is conveyed from the western boundary of the property to the existing watercourse running through the north-eastern portion of the property.
- 9) Stormwater drainage from the proposed development must be retained on site to the satisfaction of Council's General Manager Engineer and in accordance with the Building Act 2016.

Soil and Water Management

- 10) The developer must implement a Soil and Water Management Plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process 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 building sites is available at <https://epa.tas.gov.au/epa/water/stormwater/soil-and-water-management-on-building-sites>

- 11) No top soil is to be removed from the site.
- 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.

Construction

- 13) Vehicles associated with construction workers must be parked on site.
- 14) 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 to be dispose 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.
 - d. Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage.

ADVICE:

- i. The Holkham Court area has a history of stormwater flooding. It is recommended that the finished floor level of the proposed dwelling be 300mm above existing ground level and/or measures are taken to protect the dwelling from potential inundation.
- ii. Please read all conditions of this permit and contact the planner for clarification if required.
- iii. All costs associated with acting on this permit are borne by the person(s) acting on it.
- iv. The permit does not take effect until 15 days after the date 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*.
- v. 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*.
- vi. 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.
- vii. The *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2,000m², and the burning of plastics and other non-wood or non-vegetative material.
- viii. Further and separate approval or consent may be required for building and plumbing approval from the Permit Authority under the *Building Act 2016*.

DECISION 312/20

Moved Cllr Keith Breheny, seconded Cllr Annie Browning 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 / 99 to construct a single dwelling at 20 Holkham Court, Orford (CT 24937/40) be approved subject to the conditions 1 to 14 and advice i to viii.

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:

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson declared 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 4 of the Agenda.

RECOMMENDATION

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

DECISION 313/20

Moved Cllr Grant Robinson, seconded Cllr Cheryl Arnol that Council no longer acts as a Planning Authority at 2:30pm.

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:

Ms Robyn Bevaliqua, Planner, left the meeting at 2.30pm.

Mr Leigh Wighton, Contract Development Engineer, left the meeting at 2.30pm.

5. Financial Reports

5.1 Financial Reports for the period ending 31 August 2020

Responsible Officer – Acting General Manager

ATTACHMENT/S

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

BACKGROUND/OVERVIEW

The financial reports for the period ended 31 August 2020 as attached to this report are presented for the information of Council.

BACKGROUND / OVERVIEW

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 August 2020.

DECISION 314/20

Moved Cllr Rob Churchill, seconded Cllr Keith Breheny that Council receives and notes the Financial Reports as attached to this report for the period ended 31 August 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:

Profit and Loss

Glamorgan Spring Bay Council

For the 2 months ended 31 August 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2020/21 Budget	Notes
Trading Income						
Rate Revenue	8,538,693	8,663,463	(124,770)	-1%	8,663,463	
Statutory Charges	108,867	75,500	33,367	44%	448,549	1
User Charges	233,344	247,250	(13,906)	-6%	424,800	
Grants	375,803	330,696	45,107	14%	1,465,667	2
Interest & Investment Revenue	2,179	1,500	679	45%	17,850	
Contributions	22,112	3,000	19,112	637%	30,000	3
Other Revenue	462,349	428,610	33,739	8%	1,700,778	
Total Trading Income	9,743,348	9,750,019	(6,671)	0%	12,751,107	
Gross Profit	9,743,348	9,750,019	(6,671)	0%	12,751,107	
Capital Grants						
Grants Commonwealth Capital - Other	0	1,100,000	(1,100,000)	-100%	4,242,500	4
Grants Commonwealth Capital - Roads to Recovery	7,824	0	7,824	0%	1,003,468	
Grants State Capital - Other	0	0	0	0%	600,000	
Total Capital Grants	7,824	1,100,000	(1,092,176)	-99%	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	817,378	847,380	(30,002)	-4%	5,487,953	
Materials & Services	1,444,756	1,578,277	(133,521)	-8%	6,916,442	5
Depreciation	392,890	392,890	0	0%	2,357,337	
Interest	(28,451)	25,749	(54,200)	-210%	238,131	6
Other Expenses	23,595	50,406	(26,811)	-53%	227,429	7
Internal Plant used on Capital Jobs	(23,773)	(20,834)	(2,939)	14%	(125,000)	
Employee Oncosts	(25,472)	122,465	(147,937)	-121%	63,299	8
Total Operating Expenses	2,600,923	2,996,333	(395,410)	-13%	15,165,591	
Net Profit	7,142,426	6,753,686	388,740	6%	(2,414,484)	
Total Comprehensive Result (incl Capital Income)	7,150,250	7,853,686	(703,436)	-9%	3,531,174	
Capital Works Program (Current Year WIP)						
Work in Progress Capital Works - Plant Internal	23,773	0	23,773	0%	0	
Work In Progress Payroll - Salaries and Wages	30,642	0	30,642	0%	0	
Work in Progress Capital Works - On Costs	16,477	0	16,477	0%	0	
Work in Progress Capital Works - Contractor Costs	95,647	0	95,647	0%	0	
Work in Progress Capital Works - Materials	73,345	0	73,345	0%	0	
Work in Progress Capital Works - Consultancy	26,267	0	26,267	0%	0	
Total Capital Works Program (Current Year WIP)	266,150	0	266,150	0%	0	

Notes

1. Statutory Charges are up \$33k or 44% on budget for the YTD due to the higher level of development applications lodged.
2. Operating Grants are up \$45k or 14% up on budget due to receiving \$50k instalment from MAST for Saltworks Jetty not included in the original budget.
3. Contribution are up \$19k due to the level of development applications received.
4. Capital Grants are down \$1.1m on budget YTD due the timing of milestone payments.
5. Materials & Services are down \$134k or 8% on budget YTD primarily related to the Works Department and focus on Capital Works, however insurance costs are up \$50k and contractor costs are up in Development Services (offset by higher income), in Governance (offsetting staff vacancy) and Medical (offset by other Medical income).
6. Interest expense is down \$54k due to the timing of loan repayments and accrual reversals.
7. Other expenses are down \$27k or 53% on budget due to EOY audit being delayed until November.
8. Employee oncosts are down on budget YTD due to the payment of workers comp insurance in quarterly instalments this year, rather than all upfront as in previous years.

Statement of Financial Position

Glamorgan Spring Bay Council

As at 31 August 2020

	31 AUG 2020	30 JUN 2020
Assets		
Current Assets		
Cash & Cash Equivalents	3,264,303	1,751,504
Trade & Other Receivables	6,198,762	819,741
Inventories	23,755	23,755
Other Assets	44,026	81,600
Total Current Assets	9,530,845	2,676,599
Non-current Assets		
Trade & Other Receivables	9,435	9,435
Investment in Water Corporation	28,139,885	28,139,885
Property, Infrastructure, Plant & Equipment		
Fixed Assets	125,125,748	125,125,748
Work in Progress	1,523,058	1,523,058
Total Property, Infrastructure, Plant & Equipment	126,648,807	126,648,807
Total Non-current Assets	154,798,127	154,798,127
Total Assets	164,328,972	157,474,726
Liabilities		
Current Liabilities		
Trade & Other Payables	863,024	1,207,652
Trust Funds & Deposits	534,472	534,472
Provisions	614,714	614,714
Interest bearing Loans & Borrowings	457,870	512,113
Total Current Liabilities	2,470,080	2,868,950
Non-current Liabilities		
Provisions	117,389	117,389
Interest Bearing Loans & Borrowings	6,685,523	6,723,587
Total Non-current Liabilities	6,802,911	6,840,975
Total Liabilities	9,272,992	9,709,926
Net Assets	155,055,981	147,764,801
Equity		
Current Year Earnings	7,291,180	1,559,133
Equity - Surplus/Deficit Current Year	17,476,438	15,917,305
Equity - Surplus/Deficit Prior Years	61,491,326	61,491,326
Equity - Reserves	68,797,036	68,797,036
Total Equity	155,055,981	147,764,801

Statement of Cash Flows

Glamorgan Spring Bay Council For the 2 months ended 31 August 2020

	JUL-AUG 2020	2020
Operating Activities		
Receipts from customers	4,086,559	12,092,448
Payments to suppliers and employees	(2,217,393)	(12,512,321)
Receipts from operating grants	325,803	1,364,203
Cash receipts from other operating activities	191,383	804,199
Net Cash Flows from Operating Activities	2,386,351	1,748,529
Investing Activities		
Proceeds from sale of property, plant and equipment	-	775,026
Payment for property, plant and equipment	(789,070)	(7,636,926)
Receipts from capital grants	7,824	2,491,631
Other cash items from investing activities	-	8,493,119
Net Cash Flows from Investing Activities	(781,246)	4,122,850
Financing Activities		
Trust funds & deposits	-	365,036
Net Proceeds/(Repayment) of Loans	(92,306)	197,089
Other cash items from financing activities	-	(8,487,458)
Net Cash Flows from Financing Activities	(92,306)	(7,925,332)
Net Cash Flows	1,512,799	(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	3,136,044	1,623,245
Net change in cash for period	1,512,799	(2,053,953)

Budget Capital Works Detail

Glamorgan Spring Bay Council
as at 31 August 2020

Attachment 4 – Agenda Item 5.1

New Capital	Actual YTD	2020/21 Revised Budget	Government Funding	Council Funding	Project Progress	Government Funding
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.	-	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	-	54,000	54,000		Procurement in Progress	Drought Relief Grant
Charles St, Triabunna - Rec Ground entrance - Concrete Footpath approx 400m. Western Side	-	103,000	103,000		Procurement in Progress	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.	262	403,000	403,000		Project manager & designer being awarded in September.	Drought Relief Grant
Friendly Beaches - Reconstruct & Seal 700m, ind Pullout Bay	-	100,000	100,000		Procurement in Progress	Community Infrastructure Fund
R2R - Nugent Rd Seal - Carry forward from 2019/20 + EMF	87	50,000	40,775	9,225	To be sealed in October	\$12,775,RTR + EMF \$28k
Dolphin Sands Share Pathway	37,821	374,608	374,608		80%	Fed Grant Fund (\$1.0m commenced 19/20)
Swansea Main Street Upgrade	262	400,000	400,000		Project manager & designer being awarded in September.	Fed Grant Funding in 21/22
Total Roads, Footpaths, Kerbs	38,432	1,819,608	1,810,383	9,225		
Parks, Reserves, Walking Tracks, Cemeteries						
Coles Bay Trailer Parking - c/fwd project	144,445	155,462	155,462		95%	DPIPWE Funds
Swansea Boat Trailer Parking	3,504	500,000	500,000		Concept design completed	DPIPWE Funds
Bicheno Triangle	436	600,000	600,000		Project manager & designer being awarded in September.	Fed Grant Fund
Coles Bay Foreshore	747	800,000	800,000		Project manager & designer being awarded in September.	Fed Grant Fund
Buckland Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	-	25,000	25,000			Drought Relief Grant
Triabunna Recreation Ground - Installation of cricket practice nets, pitch with synthetic surface	-	25,000	25,000			Drought Relief Grant
Buckland Walk	-	60,000	-	60,000	Community Consultation underway	Pending Council decision
Total Parks, Reserves, Walking Tracks, Cemeteries	149,132	2,165,462	2,105,462	60,000		
Plant & Equipment						
Small plant	-	31,000		31,000	Ordered	
Skidsteer	-	41,000		41,000	Procurement in Progress	
New Vehicle GM	-	45,000		45,000	Ordered	
IT Computer Equipment	4,747	30,000		30,000	16%	
Total Plant & Equipment	4,747	147,000	-	147,000		
Total New Capital	192,311	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	6,551	210,000	157,500	52,500	3%	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	-	125,000	100,000	25,000		75% funded by EMF
Emergency Repairs - Springs & Crossins Rd Resheet	-	17,000	12,750	4,250		75% funded by EMF
Emergency Repairs - Rosedale Rd Resheet 4.4km	18,276	80,000	60,000	20,000	23%	75% funded by EMF
Emergency Repairs - Nugent Rd Resheet	-	45,000	30,000	15,000		75% funded by EMF
Resheet - to be allocated	-	59,025		59,025		
R2R - Charles St Orford 150m Reconstruction, Reseal, Kerb, Channel & Footpath (Henry St to Elizabeth St)	-	150,000	150,000		Commenced preliminaries	May need additional funds in 21/22 RTR allocation
R2R - Charles St Triabunna (Vicary to Espl. W. Waterfront Drive), reconstruct, Reseal & Streetscape	-	328,631	328,631			
Total Roads, Footpaths, Kerbs	24,826	1,172,656	931,881	240,775		
Parks, Reserves, Walking Tracks, Cemeteries						
Bicheno Walk - Bridge replacement - carried forward from 2019/20	-	30,000	20,000	10,000	Procurement in Progress	Community Infrastructure Fund
Total Parks, Reserves, Walking Tracks, Cemeteries	-	30,000	20,000	10,000		
Stormwater, Drainage						
Address stormwater infrastructure issues - projects to be determined and approved by Council	10,499	500,000		500,000	2%	
Total Stormwater, Drainage	10,499	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	-	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			Community Infrastructure Fund
Coles Bay Tennis Courts - Resurface/Reconstruct	-	65,000	65,000			Community Infrastructure Fund
Replace Fencing, paving & awning Swansea Child Care Centre	-	25,000	25,000			Community Infrastructure Fund
Bicheno Medical Centre - Refurb Treatment Room	-	25,000	25,000			Community Infrastructure Fund
Swansea Courthouse Drainage Works	-	25,000	25,000			Community Infrastructure Fund
Swansea Community Hall - Toilet Refurbishment	-	40,000	40,000			Community Infrastructure Fund
Total Council Buildings	544	340,000	280,000	60,000		
Bridges, Culverts						
Orford Bridge Replacement	5,545	990,840	990,840		5%	\$1.02m project started May 2019. Fully Federal Grant funded
Holkham Crt Culvert	-	56,087	56,087			Community Infrastructure Fund



RTR - BRP Rheban Rd Griffith River Bridge	526	300,000	300,000	Commenced preliminaries	RTR/BRP 50% EMF50% (to be confirmed)
Total Bridges, Culverts	6,071	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)	265	122,000		122,000	Ordered	
Replace Animal Control Vehicle	31,835	35,000		35,000	Complete	
Plant replacement - replace 3 utes/works vehicles	-	109,230		109,230		
Total Plant & Equipment	31,900	266,230	-	266,230		
Total Renewal Capital	73,840	3,655,813	2,578,808	1,077,005		
Total Capital Works	266,150	7,787,883	6,494,653	1,293,230		

6. Section 24 Committees

6.1 Report on the Meeting of the Statement of Expectations Committee (#8)

Meeting held on 14 September 2020

Attendance: Lynn Mason (Chairperson, Adviser), Greg Preece (Adviser), Mayor Robert Forbes-Young, Acting General Manager Marissa Walters, Cr Rob Churchill

Apology: Deputy Mayor Jenny Woods

Observers: Cr Keith Breheny, Cr Annie Browning, Cr Grant Robinson

The Committee discussed the draft Report for the Director of Local Government on the implementation of the SoE. Some amendments were suggested to further highlight the progress made by Council as a whole since the SoE process commenced in January 2020.

The Committee noted that with Council's adoption of the *Statement of Expectations Issues Resolution Policy*, Council had become only the second Council in Tasmania to successfully formulate and adopt a process for dealing with contentious issues as they arise. Adoption of such a process has been advocated to try to minimise any detriment to the community, and provide for a more constructive, productive Council. Despite recommendations that all Tasmanian Councils adopt such a policy, Glamorgan Spring Bay is one of only two in Tasmania to have done so.

Council agreed that at its October meeting, it will discuss the future role and constitution of the Committee, once its Report has been accepted by the Director of Local Government.

Lynn Mason
Chairperson
Statement of Expectations Committee

RECOMMENDATION

That the Report on the Meeting of the Statement of Expectations Committee (#8) be received.

DECISION 315/20

Moved Clr Annie Browning, seconded Clr Grant Robinson that the Report on the Meeting of the Statement of Expectations Committee (#8) be received.

Through the Chair, Clr Cheryl Arnol advised that she would like to address section 6 of the Statement of Expectations Committee Meeting #8, and made the following statement:

"Part a. refers to 'the management of the issue of a Councillor choosing not to be a signatory' and the Resolution that the matter of 'an elected member declaring his or her unwillingness to comply with an approved Council Policy' be referred to the Local Government Legislation Review Committee.

My assumption is that this is a reference to the recalcitrant Councillor also known as Clr Arnol who chose not to sign the SoE.

So as Clr Arnol, I need to state that at no time have I declared an unwillingness to comply with the Statement of Expectations. If elected members and others like to check the minutes of recent meetings, I have moved motions relating to the SoE going forward so how does that translate into an 'unwillingness' to comply? I think it is important to note here that every Council policy has to be complied with whether an elected member agrees with it or not and no other policy has to be physically signed. I have really tried to work out the analogy

behind this move as the signing of the SoE was not mandatory whether it became Council policy or not.

I'm disappointed that the s.24 Committee can question my integrity and ethics by making an assumption that I am unwilling to abide by a Council policy and take that assumption to a higher level without attempting to resolve it with me first.

Had I been elected as the new Mayor, I would have signed the SoE to signify a commitment to a way forward. I did not, and will not, sign the SoE as a 2018 elected member as a protest for the manner in which the very legitimate complaints of community, staff and some elected members that should have been addressed through a board of inquiry were not listened to by the Director or the Minister. It does not alter the fact as established Council policy I will abide by the SoE as an elected member for the balance of this term as I have abided by other policies and legislation governing council over many years. I will commit to work with this Council in a respectful manner as long as the respect is reciprocal.

Thank you"

Through the Chair, Cllr Keith Breheny stated that his recollection of any discussion for noting at the Statement of Expectations Committee meeting in relation to persons who didn't sign the Statement of Expectations had absolutely nothing to do with current Councillors, past Councillors; it was to do with what needs to be considered should in the future a Councillor who was elected elect not to sign it. It had nothing to do with whether somebody has in the past decided not to do it. That was his understanding of it and it still is in his reading of it. If it was taken by Councillor Arnol as being a personal affront, I would suggest that that shouldn't be a case because it was never intended for that.

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:

Mr Deon Bellingan, Executive Manager Development Services, entered the meeting at 2.34pm.

6.2 Statement of Expectations Committee Meeting Unconfirmed Minutes – 14 September 2020



GLAMORGAN SPRING BAY COUNCIL

STATEMENT OF EXPECTATIONS SPECIAL COMMITTEE

Meeting # 8

Zoom

Time: 1.30 pm 14 September 2020 (Hobart time)

1. WELCOME AND ATTENDANCE

Lynn Mason (Chairperson and Adviser), Mayor Robert Young, Cllr Rob Churchill, Ms Marissa Walters (Acting General Manager), Mr Greg Preece (Adviser)

The Chairperson noted the presence of a quorum.

In Attendance as Observers: Cllr Annie Browning, Cllr Keith Breheny, Cllr Grant Robinson

The Chairperson opened the meeting at 1.34 pm and noted that she was recording the meeting and would prepare the draft Minutes herself.

2. APOLOGIES

Deputy Mayor Jenny Woods

Cllr Arnol advised that she would be unable to attend as an observer.

3. CONFLICT OF INTEREST

No conflicts declared.

4. MINUTES OF MEETING # 7

RESOLVED that the minutes of the previous meeting (meeting # 7) held 17 August 2020 be confirmed as a true record.

5. BUSINESS ARISING FROM THE MINUTES: REPORTS ON ACTIONS FROM # 7

a. Correspondence from the Deputy Mayor to the Director Local Government

The Committee advised that this had been done.

b. Correspondence from Mr Pyke, 20 August 2020

The correspondence was sent to all committee members by Mr Pyke. The Chairperson requested advice from the Committee upon receipt of the correspondence. The Committee agreed that no further action should be taken by the Committee.

6. GENERAL BUSINESS

a. Report on the Implementation of the SoE

The Committee discussed management of the issue of a Councillor choosing not to be a signatory to the SoE, given that Council had passed a motion to approve the adoption of the SoE by Council as a whole.

The Committee also discussed how to try to encourage residents to bring Council issues to Council to resolve, rather than involving the Local Government Division or the Minister's office as a first step. The Committee noted that work will be done to improve Council's community response protocols as soon as practicable, and that the elected Council will continue an active program of talking with and consulting its community, to try to deal with issues as they arise.

RESOLVED

That Draft Report v3, with amendments, be recommended to the Council for approval, and then forwarded to the Director by the Mayor on behalf of Council, in accordance with the request made by the Director in his letter of 13 May 2020.

RESOLVED

That at the next meeting of the Local Government Legislation Review Steering Committee, Mr Greg Preece bring the matter of an elected member declaring his or her unwillingness to comply with an approved Council Policy, such as the SoE, to the attention of the Director and other committee members.

b. Future role and structure of the committee

RESOLVED

That the future role and scope of the SoE Special Committee be placed on the agenda for the October meeting of the Committee, with a view to taking a recommendation on its future to the October 2020 ordinary meeting of Council.

7. NEXT MEETING AND MEETING CLOSE

The next meeting to be held on Monday 19 October at 1.00 pm (to be confirmed).

The Chairperson closed the meeting at 2.48 pm.

RECOMMENDATION

That the Unconfirmed Minutes of the Statement of Expectations Committee meeting held on the 14 September 2020 be received and noted.

DECISION 316/20

Moved Cllr Rob Churchill, seconded Cllr Keith Breheny that the Unconfirmed Minutes of the Statement of Expectations Committee meeting held on the 14 September 2020 be received and noted.

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:

6.3 Statement of Expectations Committee Meeting Confirmed Minutes – 17 August 2020



GLAMORGAN SPRING BAY COUNCIL

STATEMENT OF EXPECTATIONS SPECIAL COMMITTEE

Meeting # 7

Zoom

Time: 1 pm 17 August 2020 (Hobart time)

1. WELCOME AND ATTENDANCE

Lynn Mason (Chairperson and Adviser), Acting Mayor Jenny Woods, Clr Grant Robinson, Clr Rob Churchill, Ms Marissa Walters (Acting General Manager)

In Attendance: Clr Annie Browning, Clr Keith Breheny, Clr Cheryl Arnol

The Chairperson opened the meeting at 1.03pm and noted that, with the permission of the meeting, Clr Arnol would record the Minutes for this meeting.

2. APOLOGIES

Mr. Greg Preece (Adviser)

3. CONFLICT OF INTEREST

No conflicts declared.

4. ADDITIONAL ITEMS

The Committee agreed to consider a late item for the agenda, a letter from Minister Shelton dated 14 August 2020.

5. MINUTES OF MEETING # 6

RESOLVED that the minutes of the previous meeting (meeting # 6) held 20 July 2020 be confirmed as a true record.

6. BUSINESS ARISING FROM THE MINUTES: REPORTS ON ACTIONS FROM # 6

a. LGAT survey:

Ms Walters reported on the outcome of her inquiries. Council did not pay to get survey results and questioned the worth of the data as it is generally collated for a group of Councils. Council can elect to be part of the next survey.

MOVED Acting Mayor Woods, seconded Cllr Grant Robinson,

That the committee recommend to Council that it actively considers whether to participate in the next survey to obtain information specific to Glamorgan Spring Bay Council.

Carried unanimously

b. Workshop with staff re implementation of the SoE:

The Acting General Manager reported that Mr Preece had held a workshop for staff and only three staff members had attended.

c. Correspondence from and concerning Mr Pyke:

The Chairperson advised that she had responded to Mr Pyke in accordance with the decision at the last Committee meeting. She advised of the actions she had taken in response to his further requests for information.

d. Protocols for Implementation of the SoE:

Item 5 (e) on the agenda.

7. GENERAL BUSINESS

a. Draft Policy for implementation of the SoE

The Committee discussed the draft policy, including the establishment of the panel for the Respectful Conduct Advisers and the mediation process. Some amendments were agreed.

MOVED Acting Mayor Woods, seconded Cllr Grant Robinson,

That the draft policy with amendments be recommended to Council for adoption.

Carried unanimously

b. Protocols for Signing the SoE

The Committee discussed the draft protocols and provided some amendments.

MOVED Cllr Grant Robinson, seconded Acting General Manager Walters,
That the protocols for signing the Statement of Expectations as amended be
recommended to Council for adoption.

Carried unanimously

c. Terms of Reference, Statement of Expectations Committee

Ms Mason provided additional background to support the need for changes
to the Terms of Reference (ToR). The Committee discussed the draft revised
ToR and provided some amendments.

RESOLVED

That the suggested changes to the Terms of Reference for the Statement of
Expectations Special Committee of Council be submitted to Council for
consideration and decision.

8. OTHER BUSINESS

Letter from Minister Shelton

Acting Mayor Woods outlined her discussion with the Minister regarding
concerns expressed by Councillors in relation to his letter of 14 August 2020.

It was agreed that the Acting Mayor write to the Minister on behalf of
Council to reiterate recent achievements by the Council, and to refute some
of the statements in his letter.

It was agreed that Council should consider re-commencing the Community
Connect sessions to advise the public of Council's achievements during the
Covid-19 lockdown period.

RESOLVED that the Acting Mayor respond to Minister Shelton's letter after
further consultation with all Councillors.

9. NEXT MEETING AND MEETING CLOSE

The next meeting to be held on Monday 14th September at 1.00 pm

The Chairperson closed the meeting at 3.27pm.

RECOMMENDATION

That the Confirmed Minutes of the Statement of Expectations Committee meeting held on the 17
August 2020 be received and noted.

DECISION 317/20

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that the Confirmed Minutes of the Statement of Expectations Committee meeting held on the 17 August 2020 be received and noted.

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:

6.4 Independent Report on the Implementation of the 2020 Glamorgan Spring Bay Council Statement of Expectations

Background

The Glamorgan Spring Bay Council Statement of Expectations Special Committee was established by Council in January 2020 to manage the development of a Statement of Expectations (SoE). The Committee comprises the Mayor and Deputy Mayor, one additional Councillor, the General Manager, and the two independent advisers, Mr Greg Preece and Ms Lynn Mason. Ms Mason is the current chairperson of the Committee.

In April 2020 Council sent a signed copy of its completed SoE to the Director of Local Government, Mr Craig Limkin. The Statement was signed by seven of the eight Councillors.

On 13 May 2020, the Director wrote to the Mayor, Glamorgan Spring Bay Council. He acknowledged the collective work of all Councillors in developing the SoE and the commitment to good governance demonstrated by those Councillors who had signed the Statement.

The Director also stated that while the SoE provided a clear framework for Council to refer to and operate within, its effectiveness would rely on a commitment to embedding the SoE in practice, as well as diligent monitoring and ongoing review. To this end, the Director requested that Council seek independent advice to prepare a report on the implementation of the SoE, to consider and assess the effectiveness of the SoE in improving Council's overall governance and the professional roles and relationships between elected members and the General Manager.

Additionally, the Director requested that Council prepare its own report on the implementation and effectiveness of the SoE. Both reports were to be submitted to Council at its ordinary meeting of September 2020, and then sent to the Director for his review. At a subsequent meeting between Council and the Director, the Director agreed that as Council intended to have the report prepared by its independent advisers, Mr Greg Preece and Ms Lynn Mason, it would be unnecessary to provide two separate reports to the Director.

Benchmark Survey

As a first step, Council agreed at its May 2020 meeting to amend the Terms of Reference of the Committee to allow it to oversee the establishment of implementation procedures.

The SoE Special Committee then agreed that to commence the process of implementation, Councillors and the General Manager would be asked to complete a survey of their views on the state of Council's governance and their priorities for the future¹. The survey was conducted by Ms Lynn Mason and the results conveyed to the June meeting of the Committee.

Councillors and the Acting General Manager broadly agreed that Council's priorities needed to focus on achieving greater financial stability and managing the legislated requirements of the Council accurately and on time. There was also general agreement that since the SoE process had started in January 2020, Council was operating more effectively than previously. This was seen as an outcome of the work of the Acting General Manager, and improved awareness of their proper roles and responsibilities by the Councillors themselves.

The survey also revealed that the areas of greatest concern were that a majority of Councillors did not believe that matters decided in closed Council would remain confidential as a matter of course; and that from time to time, Council's decisions were not supported by Councillors in the community. Both these matters raised concerns about disunity and distrust, and needed to be addressed.

It is intended that the outcomes of this survey will provide a benchmark for future surveys regarding governance and the efficiency and effectiveness of council relationships.

¹ The Survey is to be found at Attachment A.

The Statement of Expectations Issues Resolution Policy²

At its August meeting Council adopted its policy to provide guidance on resolving issues arising from perceived breaches of the SoE. In summary, the Policy sets out the steps to be taken in the event of an alleged breach. These range from one-on-one discussions between the parties, to intervention by a Responsible Conduct Adviser selected from a group of suitable independent persons appointed by Council, and if necessary, from there to external professional mediation or resolution by the full Council in closed session.

The Policy includes a statement to be made by a General Manager on appointment, or by committed Councillors upon election. Both the newly appointed Mayor, and the newly appointed General Manager, are signatories to the SoE.

Council is to be commended for its unanimous adoption of this Policy. It is one of only two councils in Tasmania to have taken the essential step of formalizing its approach to mediating and resolving alleged breaches of legislation, and alleged breaches of its protocols and procedures, without recourse to the legislated processes of Code of Conduct complaints, or complaints to the Integrity Commission, or the Director of Local Government.

Changes to the Terms of Reference of the Committee³

At its August meeting Council adopted version 3 of the Terms of Reference (ToR) for the Special Committee. Versions 1 and 2 of the ToR stated that the Committee comprised the Mayor, the Deputy Mayor, one additional Councillor, the General Manager, and the two independent advisers, Mr Preece and Ms Mason. Version 3 added the condition that all of the elected members of the Committee had to be signatories of the Statement of Expectations. This removed the possibility that any one of the Councillors putting themselves forward for a position on the Committee could become a member of the Committee without having committed to the principles espoused by the SoE.

As the new Mayor, the Deputy Mayor, and the current third Councillor are all signatories to the SoE, there is no need for further elections to the Committee at this time.

The Committee recommended, and Council agreed, that all Councillors, whether signatories or not, could attend Committee meetings as observers.

Further Progress

- Council successfully organised the selection and appointment of its new General Manager.
- The current Acting General Manager has appointed a number of senior staff to fill positions which had been vacant for some time, thus strengthening the operational arm of Council. These appointments include:
 - The Works Manager;
 - The Executive Development Manager;
 - A Risk and Emergency Management Project Officer; and
 - A Planner.
- In late June 2020, the Minister issued Council with a Performance Improvement Direction, requiring Council to prepare and maintain compliant Statutory Plans within 180 days of the issue of the Direction. At the time the Direction was issued, Councillors and the Acting General Manager had already commenced work to address this issue. In a letter to the Minister on 2 September 2020, the Acting General Manager reported that:
 - Council has engaged Pitt and Sherry to undertake condition assessment of road, footpath, and kerb and channel assets, and work has commenced;

² The *Statement of Expectations Issues Resolution Policy* in full is Attachment B.

³ The Terms of Reference version 3 are to be found as Attachment C.

- Council has engaged a Stormwater Engineer to review Council's stormwater and drainage assets, and to develop the Stormwater Management Plan, as well as addressing urgent stormwater issues;
 - Council's playgrounds have been independently inspected and assessed;
 - Council has engaged an Asset Manager for six months to work on bringing all the plans and data together into the Long Term Asset Management Plan;
 - Council has also employed a casual Surveyor to assist with collecting data and updating Council's GIS system; and
 - Council's Asset Management Policy is currently being drafted and should be ready to be reviewed by Council by 30 September.
- Council has made some difficult decisions to reduce operational costs in non-core areas, and has resolved to defer other new major capital works until the Plans required by the Performance Improvement Direction (PID) are completed. These Plans will provide greatly improved tools for the efficient management of Council's infrastructure and resources. Council is thus committed to concentrating on core business in an effort to manage its essential tasks and the associated critical capital projects, at the same time as rates are held at current levels for the current financial year.

Council and the Acting General Manager together consider that reaching agreement on the rules of engagement between Councillors, Mayor and General Manager, as espoused in the Statement of Expectations, has significantly enhanced Council's collective ability to achieve these outcomes.

Next steps

- Council will consider any recommendations arising from the Director's review of this report when this is made available.
- Council will shortly commence the process of appointing a group of independent Responsible Conduct Advisers who will be able to assist in the resolution of alleged breaches of the SoE.
- The Committee is considering further changes to its role and scope at its September meeting, and it is expected that a recommendation will be made to Council for consideration at Council's October meeting. The Committee is currently charged with monitoring the implementation of the SoE. This may be broadened to provide for oversight of governance matters in general. If this is adopted, it will provide the community with greater insight into the management of governance by the leaders of Council through reports to Council and to the Annual General Meeting.
- The Committee has already recommended that after the appointment of the new Mayor and the new General Manager, appropriate behavioural training will be provided to all Councillors and the General Manager. This is intended to promote awareness of inappropriate behaviour and allow discussion of ways of dealing with issues that arise. Further training will be provided as necessary.
- Another survey will be conducted in 12 months' time to gauge the effectiveness of the measures taken to this point. It is reassuring to note that even at the time of the first survey, the majority of Councillors already considered that the Council was in a far better place than it had been for some time; and that while there were issues to be dealt with, they now had the tools and the knowledge to try to manage the inevitable difficulties which will arise.

Lynn Mason
Greg Preece

September 2020

RECOMMENDATION

That Council endorses the Independent Report on the Implementation of the 2020 Glamorgan Spring Bay Council Statement of Expectations.

DECISION 318/20

Moved Cllr Keith Breheny, seconded Deputy Mayor Jenny Woods that Council endorses the Independent Report on the Implementation of the 2020 Glamorgan Spring Bay Council Statement of Expectations.

Through the Chair, Cllr Grant Robinson asked Deputy Mayor Jenny Woods whether she would like to insert the item that she was considering into the Report, being that Mr Greg Preece held a workshop with interested Council staff in relation to the Statement of Expectations and perhaps this could be inserted under "Further Progress".

Through the Chair, Deputy Mayor Jenny Woods responded yes and advised that she would forward that additional dot point to the Executive Officer for insertion into the Independent Report.

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:

7. Officers' Reports Requiring a Decision

7.1 Petition to Amend Sealed Plan 174663

Responsible Officer: Robyn Bevilacqua (Planner)

BACKGROUND

This report seeks agreement to amend Sealed Plan 174663, which contains three lots – 101, 102 and 103. The subject land is at 201, 205 and 207 Harveys Farm Road Bicheno.

DETAIL

The owners of lots 101 and 103 (201 and 207 Harveys Farm Road) were granted a planning permit in July 2019 (SA 2018/18) to adjust their adjoining boundaries.

The boundary adjustment renders many of the easements on the sealed plan redundant.

In November 2019, the owners of lot 103 petitioned Council to amend the sealed plan with the signed support of the owners of the other two lots. No other properties are affected.

The proposed amendment seeks to update the easement structure on the Sealed Plan and the wording in the Schedule of Easements to accord with the planning permit.

STATUTORY PROCESS

Under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) a person may apply 'petition' Council to amend a Sealed Plan.

The person is to serve a copy of the petition on all persons appearing by the registers under the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* to have an estate or interest at law affected by the proposed amendment. These parties may ask to be heard in support or opposition. Under section 104 of the Act, at the end of 28 days after the notice is served Council may cause the amendment to be made, or appoint a day for hearing any persons who have asked to be heard. This process has been followed.

ASSESSMENT

The petition to amend was signed by the owners of all three lots. No other properties are affected. The other parties to the sealed plan include any mortgagees. These were notified of the petition as per section 103 and have not objected to the amendment.

The proposed amendment will bring the easement structure on the sealed plan into line with the new boundaries permitted by the planning permit. It does not affect any planning permit conditions or planning scheme requirements.

OFFICER'S RECOMMENDATION

THAT, in accordance with *Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993*, Council directs the General Manager to sign and seal an 'Instrument Form' agreeing to the requested amendment, and for that form to be lodged at the Land Titles Office together with the amended Schedule of Easements.

DECISION 319/20

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that in accordance with *Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993*, Council directs the General Manager to sign and seal an 'Instrument Form' agreeing to the requested amendment, and for that form to be lodged at the Land Titles Office together with the amended Schedule of Easements.

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:

7.2 Road Names

Responsible Officer: Robyn Bevilacqua (Planner)

BACKGROUND

From time to time Council as the Road Authority is asked to approve road names. Early this year, Council requested a list of names from the Swansea Historical Society and from Aboriginal Heritage Tasmania (AHT) from which to choose.

Current situation

- 1) AHT has advised they are happy to help and there are dozens of place names and words for landscape features, plants, animals and other natural resources that could be considered.

However, they suggest that to determine the words or names best suited, rather than providing a list, it might be better to request names related to the specific area when a name is required. AHT could then provide a few locally-relevant options for consideration.

- 2) Pertinent to the above, there is an un-named road off Strip Road, Little Swanport that requires a name. Due to recent approvals for dwellings in the area, Property Services (DPIPWE) has suggested that Council provide the road with a name. The un-named road is shown in yellow in Figure 1 below. The purple is Strip Road. If Council agrees to the process outlined above, a request would go to AHT requesting locally-relevant words or names for consideration.

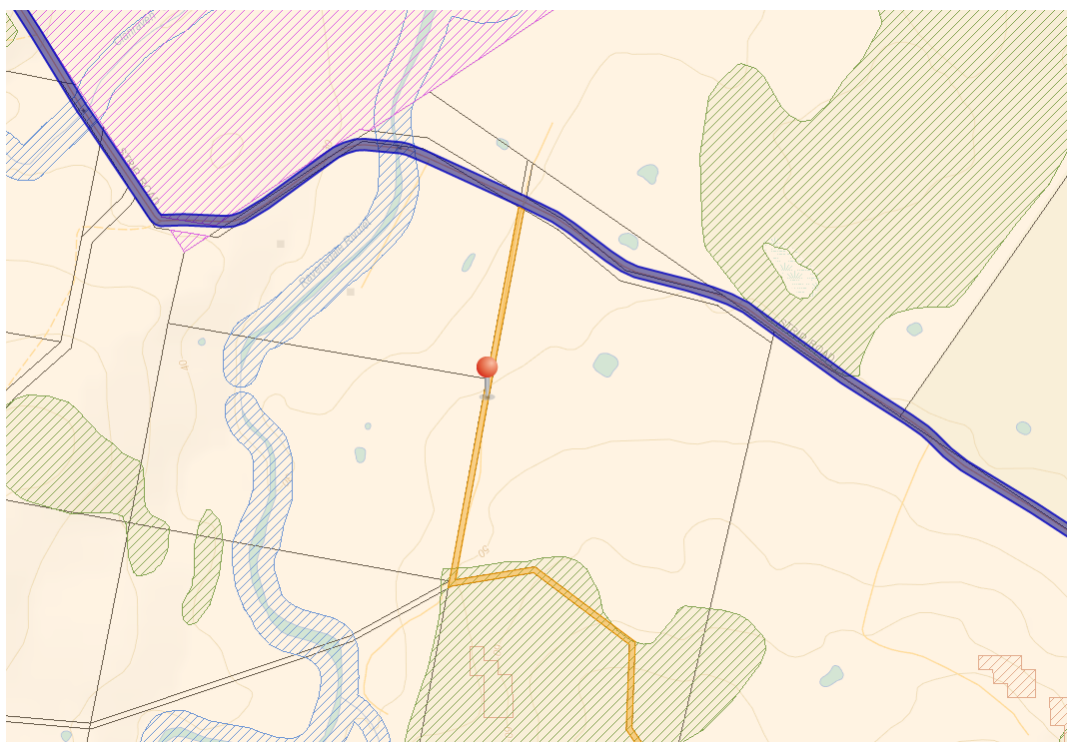


Figure 2: un-named road (yellow) off Strip Road (purple)

BUDGET IMPLICATIONS

There may be pressure on Council to maintain the road as the area is developed, but the naming of the road has no impact on that.

STATUTORY IMPLICATIONS

The new *Place Names Act 2020* (the Act) came into effect on 1 July 2020. Under the Act, Council is responsible for naming roads and streets in the municipal area.

OFFICER'S RECOMMENDATION

That Council:

- 1) Agrees to the approach recommended by Aboriginal Heritage Tasmania of referring requests for place or road names as they are required.
- 2) Agrees to request a list of names pertaining to the un-named road off Strip Road from Aboriginal Heritage Tasmania for consideration at a subsequent Council meeting.

DECISION 320/20

Moved Cllr Cheryl Arnol, seconded Cllr Keith Breheny that Council:

- 1) Agrees to the approach recommended by Aboriginal Heritage Tasmania of referring requests for place or road names as they are required.
- 2) Agrees to request a list of names pertaining to the un-named road off Strip Road Little Swanport from Aboriginal Heritage Tasmania for consideration at a subsequent Council meeting.

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:

7.3 Proposed Freycinet Sculpture Trail

Report Author – Executive Manager Development

ATTACHMENT

Proposal – Freycinet Sculpture Trail.

BACKGROUND

Freycinet Adventures has proposed an interpretive sculpture trail for the township of Coles Bay and the Freycinet Peninsula. The proposal was presented to Council at its workshop of 8 September 2020.

The proposal

The aim is to enable the community (past and present) to tell its stories. Art would be commissioned by Tasmanian artists and comprise a range of materials and objects sympathetic to the sites. At commencement, the trail will have five to eight sculptures. The project will evolve over time as artworks are acquired and added. The artworks will include a Coles Bay town entrance sign.

Freycinet Adventures would consult with Council, the community, Parks and Wildlife and other stakeholders including the Indigenous community regarding the trail, locations and artworks proposed. The project would be overseen by a Board.

BUDGET IMPLICATIONS

Council has already committed funding to and gained Federal funding for the Coles Bay Foreshore Walk around the township extending from Muirs Beach possibly to the National Park. Work is yet to commence. It is understood the sculpture trail will follow and complement that walk.

STATUTORY IMPLICATIONS

Requires assessment under the Glamorgan Spring Bay Interim Planning Scheme 2015.

The use (passive recreation) is likely to be considered 'No Permit Required' depending on the exact route taken, but a development application is required to determine this. Regarding development, some of the artworks (interpretive signage) may be exempt, while others (for example the town entrance sign) may not. A planning application will determine this.

OFFICER'S RECOMMENDATION

That Council consents to the lodging of the Development Application.

DECISION 321/20

Moved Deputy Mayor Jenny Woods, seconded Cllr Grant Robinson that Council consents to the lodging of the Development Application Proposed Freycinet Sculpture Trail.

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:

7.4 2020-2021 Annual Plan

Responsible Officer – Acting General Manager

ATTACHMENT/S

Draft 2020/2021 Annual Plan.

PURPOSE

The purpose of this report is to submit the Glamorgan Spring Bay Council 2020-2021 Annual Plan to Council for review, consideration and adoption.

BACKGROUND / OVERVIEW

The Annual Plan is one of Council's main reporting documents and provides specific information about the services and projects Council will undertake during the financial year in order to achieve the objectives and goals outlined in the Glamorgan Spring Bay Council's 10-year Strategic Plan 2020-2029.

The Budget Estimates provide information about how Council will fund those services and projects during the financial year.

The Draft 2020-2021 Annual Plan was reviewed at the Council workshop held on the 8 September 2020.

STATUTORY IMPLICATIONS

Section 71 of the Local Government Act 1993 requires:

- (1) A council is to prepare an annual plan for the municipal area for each financial year.
- (2) An annual plan is to – (a) be consistent with the strategic plan; and
 - (b) include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and
 - (c) include a summary of the estimates adopted under section 82; and
 - (d) include a summary of the major strategies to be used in relation to Council's public health goals and objectives.
- (3) As soon as practicable after a council adopts an annual plan, the general manager is to –
 - (a) Make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and
 - (b) Provide the Director and the Director of Public Health with a copy of the annual plan.

BUDGETARY IMPLICATIONS

The actions contained within the 2020-2021 Annual Plan are consistent with the summary of estimates previously adopted by Council under section 82 of the Local Government Act.

RISK CONSIDERATIONS

Risk associated with the adoption of the 2020–2021 Annual Plan is considered minimal as the initiatives identified within the Annual Plan are consistent with Council's Strategic Plan and Council's adopted 2020-2021 budget.

OFFICER'S RECOMMENDATION

That Council adopts the 2020-2021 Annual Plan as presented.

DECISION 322/20

Moved Cllr Annie Browning, seconded Cllr Grant Robinson that Council adopts the 2020-2021 Annual Plan as presented.

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:

7.5 Local Government Participation in the National Redress Scheme

Responsible Officer – Acting General Manager

ATTACHMENT/S

Memorandum of Understanding on the participation of local councils in the National Redress Scheme for Institutional Child Sexual Abuse.

PURPOSE

The purpose of this report is to seek Council endorsement of the Memorandum of Understanding (MOU) and to authorise the Mayor to sign the MOU on behalf of Council.

BACKGROUND / OVERVIEW

In July 2019 the Hon. Elise Archer MP, Attorney-General and the Minister for Justice together with the then Treasurer and Minister for Local Government, the Hon. Peter Gutwein, wrote to all Mayors regarding the participation of local councils in the National Redress Scheme for Institutional Child Sexual Abuse attaching a draft MOU.

The Tasmanian Government welcomed the decision of the 2 July 2019 Local Government Association of Tasmania General Meeting by all local councils to join the National Redress Scheme with the Tasmanian Government as a 'State Institution' with support from the Tasmanian Department of Justice with administrative arrangements to be undertaken by the Child Abuse Royal Commission Response Unit.

The Memorandum of Understanding has since been signed by the Attorney-General on behalf of the Tasmanian Government and is presented for Council's endorsement.

The MOU was discussed at the Council Workshop held on 8 September 2020.

Note: The signatory on the attached MOU will need to be updated to reflect the current Mayor, Cllr Robert Young. Advice will be sent to the Response Unit accordingly.

STATUTORY IMPLICATIONS

- *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth) and other related legislation*

BUDGETARY IMPLICATIONS

As outlined in Part 6 – Financial Arrangements – Memorandum of Understanding.

RISK CONSIDERATIONS

No risk implications to Council are recognised in signing the MOU as presented. By signing the MOU Council is supporting the foundation for governments to work together to implement the National Redress Scheme.

OFFICER'S RECOMMENDATION

That Council enters into the Memorandum of Understanding in recognition of the importance of the National Redress Scheme for Institutional Child Sexual Abuse and authorises the Mayor to sign the Memorandum of Understanding as presented on behalf of the Glamorgan Spring Bay Council.

DECISION 323/20

Moved Deputy Mayor Jenny Woods, seconded Cllr Grant Robinson that Council enters into the Memorandum of Understanding in recognition of the importance of the National Redress Scheme for Institutional Child Sexual Abuse and authorises the Mayor to sign the Memorandum of Understanding as presented on behalf of the Glamorgan Spring Bay Council.

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:

Mr Bellingan, Executive Manager Development Services left the meeting at 2.56pm.

7.6 Municipal Emergency Management Plan

Responsible Officer – Emergency Management and Risk Project Officer

ATTACHMENT/S

Municipal Emergency Management Plan.

BACKGROUND / OVERVIEW

Under the requirements of the *Emergency Management Act 2006*, Council is obligated to review and submit for reauthorisation its Municipal Emergency Management Plan (MEM Plan) every two years. At its meeting on 16 September 2020, the Municipal Emergency Management Committee approved the Municipal Emergency Management (MEM) Plan and it is now submitted to Council for adoption.

The plan has been reviewed and updated with changes in line with the Tasmanian Emergency Management Arrangements (TEMA). This enables consistency with plans at all levels throughout the State (Municipal, Regional and State) and falls in line with requests from the State Emergency Service.

Consultation has occurred with the State Emergency Service Regional Planner as per their requirements, together with the Municipal Emergency Management Committee.

The process for approval of the plan under the terms of the *Emergency Management Act 2006* is outlined below:

- Approval from Municipal Emergency Management Committee
- Approval from Glamorgan Spring Bay Council
- Approval from Regional Emergency Management Controller
- Final approval and sign off by the State Emergency Management Controller.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

1. Our Governance and Finance

What we plan to do

- Accountable and good governance
- Strong stewardship and leadership
- Ensure policies, procedures and practices are effective

STATUTORY IMPLICATIONS

- *Emergency Management Act 2006*
- *Local Government Act 1993*

BUDGET IMPLICATIONS

No budget implications are identified in this plan.

RISK CONSIDERATION/S

Under the requirements of the *Emergency Management Act 2006*, Council is required to have in place a Municipal Emergency Management plan to manage the risks of emergencies in the municipal area. Should Council not have an Emergency Management Plan that is consistent with State arrangements there is a risk of confusion regarding roles and responsibilities when responding to an emergency event in the municipal area.

The *Local Government Act 1993* requires Councils provide for *the health, safety and welfare of the community*.

OFFICER'S RECOMMENDATION

That Council endorse the revised and updated Municipal Emergency Management Plan (Issue 10, 2020) and that the plan be forwarded to the State Emergency Management Controller for sign off and authorisation.

Ms Bev Allen, Emergency Management & Risk Project Officer, entered the meeting at 2.57pm.

DECISION 324/20

Moved Cllr Keith Breheny, seconded Cllr Annie Browning that Council endorse the revised and updated Municipal Emergency Management Plan (Issue 10, 2020) and that the plan be forwarded to the State Emergency Management Controller for sign off and authorisation.

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:

Ms Bev Allen, Emergency Manager & Risk Project Officer, left the meeting at 3.18pm.

8. Notices of Motion

Nil.

9. Petitions

Nil.

10. Questions without Notice

Nil.

11. Confidential Items (Closed Session)

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

Item 1: Contract Proposal

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

RECOMMENDATION

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

DECISION 325/20

Moved Cllr Annie Browning, seconded Cllr Rob Churchill that Council moves into closed session at 3.20pm.

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:

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

12. Close

The Mayor declared the meeting closed at 3.38pm.

CONFIRMED as a true and correct record.

Date:

Mayor Robert Young