GLAMORGAN SPRING BAY COUNCIL

Unconfirmed Minutes of Meeting

For the Ordinary Meeting of Council held **via remote video conference.**

28 July 2020

GLAMORGAN SPRING BAY COUNCIL

NOTICE OF ORDINARY MEETING

Notice is hereby given that the next ordinary meeting of the Glamorgan Spring Bay Council will be held on Tuesday 28 July 2020 commencing at 2.00pm.

Please note in response to COVID-19 social gathering regulations, the meeting will be held via remote video conference. Members of the public will be unable to attend the meeting.

Dated this Thursday 23 July 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

GLAMORGAN SPRING BAY COUNCIL

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Audio/Video Recording of Ordinary Meetings of Council

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

In response to COVID-19 social gathering regulations, this meeting was held remotely via video conference.

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 Acting Mayor welcomed Councillors and staff and declared the meeting open at 2.01pm.

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 (via remote video conference)

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

Apologies

Nil.

1.3 In Attendance

Mrs Marissa Walters, Acting General Manager
Mr Deon Ballingan, Executive Manager Development
Mr Rob Brunning, Works Manager
Ms Josie Higgins, Executive Officer
Ms Robyn Bevilacqua, Planner

1.4 Declaration of Interest or Conflict

The Acting 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.

1.5 Late Reports

DECISION 243/20

Moved Clr Cheryl Arnol, seconded Clr Keith Breheny that Council accepts the late report item Performance Improvement Direction as Agenda Item 7.11.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Michael Symons, Clr Grant Robinson

Against: Nil.

2. Confirmation of Minutes

2.1 Ordinary Meeting of Council – 23 June, 2020

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held Tuesday 23 June 2020 at 2.00pm be confirmed as a true and correct record.

DECISION 244/20

Moved Clr Rob Churchill, seconded Clr Annie Browning that the Minutes of the Ordinary Meeting of Council held Tuesday 23 June 2020 at 2.00pm be confirmed as a true and correct record.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

2.2 Special Meeting of Council – 6 July, 2020

RECOMMENDATION

That the Minutes of the Special Meeting of Council held Monday 6 July at 2.30pm be confirmed as a true and correct record.

DECISION 245/20

Moved Clr Annie Browning, seconded Clr Grant Robinson that the Minutes of the Special Meeting of Council held Monday 6 July at 2.30pm be confirmed as a true and correct record.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

2.3 Date and Purpose of Workshop/s Held

Tuesday 30 June 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 1.30pm to 5.00pm on Tuesday 30 June 2020 via remote conference.

Present

Mayor Debbie Wisby
Deputy Mayor Jenny Woods
Clr Chery Arnol
Clr Keith Breheny
Clr Annie Browning
Clr Rob Churchill
Clr Grant Robinson
Clr Michael Symons

Apologies
Nil

In Attendance

Mrs Marissa Walters, Acting General Manager
Ms Melanie Kelly, Manager Natural Resources
Mr Mick Purves, Senior Planning Consultant

Guests

Various community members (*involved in the Rural Water Use Strategy Position Paper*)

Agenda

- Rural Water Use Strategy Position Paper – Presentation & Discussion
- Acting General Manager's Update
- Local Provision Schedule

Tuesday 7 July 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 1.30pm to 3.00pm on Tuesday 7 July 2020 via remote conference.

Present

Mayor Debbie Wisby
Deputy Mayor Jenny Woods
Clr Keith Breheny
Clr Annie Browning
Clr Rob Churchill

Apologies

Clr Cheryl Arnol *(due to IT issues)*
Clr Grant Robinson
Clr Mike Symons *(due to work commitments)*

In Attendance

Mr Mick Purves, Senior Planning Consultant

Agenda

- Local Provisions Schedule

Tuesday 14 July 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 1.30pm to 4.30pm on Tuesday 14 July 2020 via remote conference.

Present

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

In Attendance

Mrs Marissa Walters, Acting General Manager

Agenda

- Address to Councillors by Acting Mayor Jenny Woods
- East Coast Tourism Tasmania (verbal update)
- Visitor Information Centre (verbal update) & Gap Analysis
- Orford Sandspit and Nearby Beaches – Consultant's Report
- Medical Centre
- University Lease – 6 Rectory Street, Swansea
- Other Matters
- Councillor Discussion

RECOMMENDATION

That Council notes the information.

Clr Michael Symons advised that he was present at the Workshop held on the 30th June 2020.

DECISION 246/20

Moved Clr Chery Arnol, seconded Clr Michael Symons that Council notes the information.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

3. Public Question Time

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

Answers to questions will be given immediately if possible, or taken "on notice" if an 'on the spot' answer is not available.

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

3.1 Questions without notice

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

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

Ms Samantha Batchelor, ASU

The Acting Mayor advised that the question received from Ms Batchelor would be refused as it related to personnel matters.

Mr Aaron De La Torre, ASU

Q1. ***Agenda Item 7.4 - Ordinary Council Meeting 28/7/20***

I note with interest, the inclusion on the agenda for this meeting of item 7.4 in which the Acting General Manager requests that Councillors consider the reimbursement of previous Mayor, Debbie Wisby, for legal advice sought following allegations being made against her, personally, by the ASU and our members.

In my communication, as Councillors will undoubtedly remember, Ms Wisby was alleged to have personally breached the Councillor Code of Conduct and was also alleged to be risking the psychosocial health and safety of workers at Council as a result of her actions. These were personal matters, not directly related to her position as Mayor, and as such any legal advice that she sought before responding to this letter should be borne by her alone, not by ratepayers.

Given that this was a personal matter, could the Acting General Manager please explain why she has put Councillors in the awkward position of considering the reimbursement of Ms Wisby for these expenses, some 10 months after the fact and only following Ms Wisby's resignation from Council and does the Acting General Manager want such a precedent being set for future personal matters incurred by Councillors?

Response from the Acting General Manager, Mrs Marissa Walters

This matter that Mr De La Torre has raised is on the Agenda today and this will be a decision of Council.

3.2 Questions on Notice

Mrs Jenny Logie, President Bicheno Community Association Inc.

Q1. Recently ex-Mayor Debbie Wisby stated in her article titled "Mayor Wisby Setting the Record Straight" published in Great Oyster Bay Community News "An example is the proposed Bicheno Skateboard Park where the decision to go ahead with this project was recently deferred by Council. The ongoing additional cost for this project, to all ratepayers, would be in the order of $20,000 to $40,000 per annum." Could Council please provide details as to how this amount was calculated and to what it applies?

Response from Mrs Marissa Walters, Acting General Manager

The information provided in item 7.13 of the agenda for the 23 June 2020 Ordinary Council meeting states that:

"Council would incur public liability insurance, maintenance and ongoing depreciation cost which is estimated to be in the range of $20,000 to $40,000 per annum (taking into consideration the construction of a new accessible public toilet, as show in figure 3 above, which would require regular ongoing cleaning and maintenance)."

A general guide that some other councils use is 10% of constructions costs for operating/maintenance cost.

The figures below are an estimated breakdown based on the total construction price provided of $450,000:

Below is a conservative estimate breakdown:

Depreciation	$10-$12k
Wages & internal plant use for mowing, cleaning and inspections	$6-10k
Insurance	$1k
Cleaning materials, toilet supplies and maintenance	$5-15k
Utilities (Water, Sewerage & Power)	$2-3k

Whilst it is understood that only the first stage of the development, costing $383,000, was planned at this stage. Council need to consider the overall impact of the project.

3.3 Responses to Questions on Notice Taken on Notice – 23 June 2020

Mrs Kathleen Ford on behalf of Buckland Residents

GLAMORGAN SPRING BAY COUNCIL

7 July 2020

Kathleen Ford
On behalf of Buckland Residents

Email: [redacted]

Dear Kathleen

QUESTIONS ON NOTICE – ORDINARY COUNCIL MEETING – 23 JUNE 2020

I refer to your questions on notice received by Council on the 21 June 2020 which were submitted to the Ordinary Council meeting held on 23 June 2020.

The Mayor read the 16 questions submitted on behalf of the Buckland Residents at the meeting which were taken on notice by myself.

In endeavoring to respond to the 16 questions, I provide the following summarised response:

Council at its meeting held on the 26 May 2020 received a report from myself providing the background of the Buckland Walk, a copy of which is attached. I believe this report will respond to a number of the questions the Buckland residents have raised.

As mentioned within the report, Councillors requested that work on the walkway cease and the site closed, due to safety concerns and pending further investigation. In early May an independent expert was asked to visit the site, review the planning walking proposed and provide a recommendation. A report was received on 6 May 2020, a copy of which is also attached for your review.

At the May 2020 Ordinary Meeting of Council it was resolved that the Item relating to the Buckland Walk Trail be deferred until further information from a qualified Engineer is obtained in regards to the Buckland Walk Trail.

It is anticipated that an Agenda report item on the Buckland Walk Trail, together with a report from the qualified Engineer will be presented to Council in the coming months. I encourage you to visit Council's website prior to the scheduled future Ordinary Meetings of Council where you will be able to view the report.

Any questions relating to Council personnel are considered confidential in nature and therefore no response is provided.

I trust the above satisfactorily responds to your questions.

Yours sincerely

Marissa Walters
ACTING GENERAL MANAGER

Enc.

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Mr Aaron De La Torre, Australian Services Union

GLAMORGAN SPRING BAY COUNCIL

21 July 2020

Mr Aaron De La Torre
Tasmanian Coordinator
Australian Services Union
265 Macquarie Street
HOBART TAS 7000

Email: [redacted]

Dear Aaron

QUESTIONS ON NOTICE JUNE 2020 MEETING

I refer to your following questions on notice received by Council via email on the 19 June 2020.

Your questions which were submitted to the Ordinary Council Meeting held on the 23 June 2020 were read out loud at the meeting by the then Mayor and taken on notice by myself.

Accordingly, please find my responses below:

Q1. *It is widely known that some of the Councillors sitting in this meeting of Council campaigned for election on a platform of removing the General Manager, David Metcalf, due to some thought that he had acted corruptly in his role (which was incorrect). It is deeply concerning, therefore, that Council last month chose to limit the number of questions that could be asked in public question time, despite there being no policy which allowed such a limit to be placed and despite the documented long standing history of more than two questions regularly being permitted if placed in writing and put on notice, with a limit only applying to the number of questions which could be asked without notice at the Council meeting due to time constraints.*

Councillors will be aware that Public Question Time is the only forum in which members of the public can publicly hold Council to account and seek information in relation to the operation of Council and the expenditure of funds.

I am now astonished that Council have moved to formalise this restriction in the agenda for this meeting, at agenda item 7.9, by moving a proposal to permanently limit the number of questions which can be asked by a member of the public to just two.

From my understanding this would be the single most restrictive condition on public question time of any Council in the state.

Firstly, I implore Councillors to vote against the recommendation in agenda item 7.9 to ensure that transparency and accountability can remain and I ask, why is it, in this Council, where Councillors and the Mayor were elected on a platform of bringing about more accountability and transparency, that the public will have such a restriction placed upon them? It is not fair to say that it is due to the time being taken answering these questions as that is a core function of Council.

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Response

In accordance with the requirements of regulation 31(3) of the *Local Government (Meeting Procedures) Regulations 2015* (LGMPR) Council is to ensure that at least 15 minutes of that meeting is made available for questions by members of the public.

Council has recently reviewed its Public Question Time Procedures at the ordinary June 2020 Council Meeting determining that in future there is to be a limit of two (2) questions per person either in writing or in person.

Regulation 31(7) of the LGMPR provides for a Council to determine any other procedures to be followed in respect of public question time at an ordinary council meeting.

Visitor Information Centres Closure

Q2. *It should go without saying that we, and our members affected by the change, were mortified to hear that, under the secrecy of Closed Council and without any community consultation whatsoever, a decision was made to divest the Triabunna, Swansea and Bicheno Visitor Information Centres.*

The ASU has been running a petition calling on Council to reverse this short-sighted decision which will be extremely damaging to a tourism sector in your municipality which is already on its knees. We have collected signatures from everyone from tourism operators to ratepayers and visitors to the area alike and have received well over 700 signatures already; making this the single largest petition that Council will have dealt with since at least the start of 2016 (when agendas from the meetings stop being available online). In fact, this petition already contains more signatures than all of the petitions submitted to Council in those four and a half years combined and significantly more than half of those signatures are from people who reside in your municipality.

This petition will be presented to Council for their consideration at the next Council meeting.

The Tourism Industry Council list GSBC as the fifth-most tourism-dependent economy in the country and Council's own Annual Report from 2019 states that "1,984 people are employed in our tourism industry, making the tourism industry one of the East Coast's largest employers".

With these figures in mind, given that no one in the community you were elected to represent was consulted around this huge decision and the huge number of signatures already on the petition, will Council reconsider this decision and continue to support the ongoing viability of tourism operators in your area by maintaining the Visitor Information Centres, whilst looking at ways of bringing the centres to a cost-neutral position (something which was already underway but not sufficiently progressed)? If not, I loathe to think what the next vital community service will be considered a "non-core Council service" landing on the chopping block; the doctors surgeries perhaps?

Response

Council continues to work collaboratively with Visitor Information Centre staff, tourism operators and key industry stakeholders including the Department of State Growth to ensure we can work in partnership to provide the outcomes needed.

I trust the above satisfactorily respond to your questions.

Yours sincerely

Marissa Walters
ACTING GENERAL MANAGER

John & Jill Vagg (and as signed by 18 Orford residents)

GLAMORGAN SPRING BAY COUNCIL

21 July 2020

John & Jill Vagg
Email [redacted]

Dear John & Jill

QUESTIONS ON NOTICE JUNE 2020 MEETING

I refer to your following questions on notice submitted on behalf of a number of Orford residents and received by Council via email on the 12 June 2020.

Your questions which were submitted to the Ordinary Council Meeting held on the 23 June 2020 were read out loud at the meeting by the then Mayor and taken on notice by myself.

Accordingly please find my responses below:

Q1. What has been the total cost to ratepayers for the following items related to area signed Orford Bird Sanctuary which was installed without ratification by Council at an OCM and without public consultation.

- *The fencing and re-fencing of the Orford Sandspit along the walking track*
- *The Prosser River Mouth Masterplan October 2018 by Gilby-Brewin, commissioned by NR Manager Ms Mel Kelly*
- *The report by a consultant on submissions to the proposal for Management of the Orford Sandspit and Beach*
- *Signage, labour and equipment usage by Council Staff for installing and monitoring fencing*

Response

An approx. 150m section of fence along the walking track has been rebuilt three times, twice due to vandalism and once due to the Prosser pipeline. An estimate of cost to build the type of (3-5 strand farm) fence is approximately $11/m therefore a length of fence 150m would cost a maximum of $1650.

The first time it was rebuilt due to vandalism on Christmas Eve 2018 involved three Council Officers and took 4 hours at penalty rates. New wire was required due to the damage done at an estimated cost of $2000.

The second time it was rebuilt due to vandalism involved one Council Officer and 5 community volunteers. Most of the fencing material was reused at an estimated cost of $300.

The Prosser pipeline budget covered the cost of rebuilding it the third time as that also involved widening the track at an estimated cost of $1650.

The Prosser River Mouth Masterplan cost was $2,000.

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The report by a consultant on the submissions to the proposal for the Management of the Orford Sandspit and Beach cost $4,000. With regard to the Prosser River Mouth Advisory Group proposal, a significant amount of staff time was required to acknowledge and collate submissions received during the public consultation.

The estimated total length of the Orford Bird Sanctuary fencing is 800m therefore the total cost estimate is a maximum of $9,000. Sections of the fence have been built with grant funding including labour - the Catchments To Coast Coordinator was co-funded by Council and NRM South until 2018 and did most of the initial fencing together community volunteers and PWS staff.

The more permanent style farm fencing has greatly reduced the need to install as extensive temporary fencing which needs to be checked almost daily is much more labour intensive over time.

Funding for fencing came from a number of sources over many years including:

- Orford Community Group (OCG) which received funding from the Australian Government via NRM South in 16/17 for the project 'Orford Bird Sanctuary – Habitat Conservation and Protection'. The funding was for fencing, gravel pathway, signage and revegetation. Total Project Budget (ex GST): $8,490. NRM South contribution (ex GST): $4,160. Financial and in-kind contribution (from OCG/BirdLife Tasmania (BLT)/GSBC): $4,330.

- GSBC received $1,000 (ex GST) funding from NRM South which was raised from a Crowd Funding campaign for shorebird protection initiatives in southern Tasmania by the South East Regional Shorebird Association (SERSA).

There has been significant voluntary time spent by local community members in monitoring and assisting Council and PWS staff building / rebuilding both the permanent and temporary fencing over many years. The most recent rebuilding of a section of the fence was due to some of the Prosser River Stabilisation Project sandbags failing.

Signage within the greater area comes from both grant money and department budgets as appropriate. Interpretative signage has been for the most part externally funded with in kind from Council/PWS/OCG/BLT and the Orford Primary School. The Orford Interpretative Walk which include QR style signs along the Orford Bird Sanctuary fence was a collaborative project involving the Orford Primary School, PWS, OCG, BLT and Council.

In addition to fencing and signage Council also received funding from NRM South and other funding organisations for many years to undertake a range of activities to inform and engage the community around shorebird issues in collaboration with other stakeholders.

Q2. *To Councillor Cheryl Arnol, Chairperson of the Natural Resources Committee. As chairperson of the Natural Resources Committee were you aware of the incremental fencing on the Orford Sandspit and along the walking track, and if so were you not concerned that this matter was not presented to a GSBC OCM for ratification since the Prosser River Mouth Masterplan (Oct 2018) had been commissioned from Gilby-Brewin and 75% implemented this was clearly a strategic and not an operational manner?*

Response

Questions to the Committee should be addressed to the Committee directly.

Q3. *To the acting General Manager. The Council Staff were deployed within 12 – 24 hours last year to erect and re-erect fencing along the walking track, and to protect nests outside existing fencing areas, why do the temporary stakes and signage, which are falling down still remain in place?*

Response

The temporary stakes and signs have been removed.

I trust the above satisfactorily respond to your questions.

Yours sincerely

Marissa Walters
ACTING GENERAL MANAGER

3.4 Responses to Question on Notice Taken on Notice – 28 January 2020

Mr Andrew Menzies

GLAMORGAN SPRING BAY COUNCIL

7 July 2020

Mr Andrew Menzies
[redacted]

Dear Mr Menzies

Thank you for your emails of 22 April 2020 and 13 May 2020 where you refer to your question asked at the 28 January 2020 ordinary meeting of Council which was taken on notice by the General Manager at the time, being:

Mr Andrew Menzies

i. Mr Menzies advised that Jane Howlett the Member for Prossor had declined to comment on the PRAG Committee proposed management plan for the Orford Sands Spit and nearby beaches citing conflict of interest. Mr Menzies stated that he understood that two other members of the PRAG Committee may also have had a similar conflict of interest but voted on the item. Could Council please investigate this possible conflict of interest and take appropriate action.

I apologise for the delay in responding to your question and refer you to the following section of the *Local Government Act*:

53. Notification of pecuniary interest
(1) Any person who considers that a councillor, member or member of an audit panel has an interest in a matter to be, or being, dealt with by a council, council committee, special committee, controlling authority or audit panel may notify the general manager in writing of that interest.
(2) On receipt of a notification, the general manager is to advise the following persons of the notification:
(a) the councillor, member or member of an audit panel who is the subject of the notification:
(b) all other councillors, members or members of the audit panel.

53A. Notification of pecuniary interest of member
(1) Any person who considers that a member of a board of a single authority or joint authority has an interest in a matter to be, or being, dealt with by a single authority or joint authority may notify the chief executive officer of that authority in writing of that interest.
(2) On receipt of a notification, the chief executive officer is to advise -
(a) the chairperson; and
(b) the member who is the subject of the notification.

Whilst it is appreciated that you outlined your concerns at the January 2020 ordinary Council meeting and in your follow up emails, this does not constitute a formal notification as required by section 53 of the Local Government Act.

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In conclusion, should you consider that a member or members of the Prosser River Mouth Advisory Group section 24 Committee have a potential interest in a matter to be, or being, dealt with by that Committee, please specify your concerns in writing to myself.

I trust the above response satisfactorily responds to your question.

Yours sincerely

Marissa Walters
Acting General Manager

4. PLANNING AUTHORITY SECTION

Under Regulation 25 of *Local Government (Meeting Procedures) Regulations 2015* the Chairperson declares that the Council is now acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993* for Section 3 of the Agenda.

RECOMMENDATION

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

DECISION 247/20

Moved Clr Michael Symons, seconded Clr Grant Robinson that Council now acts as a Planning Authority at 2:11pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

Mr Leigh Wighton, Contract Development Engineer, entered the meeting at 2.14pm.

4.1 Subdivision Application 2017 / 5

2 Inkerman Street, Triabunna (CT 24575/6)

Proposal	Subdivision into 3 lots
Applicant	Rogerson & Birch Surveyors
Application Date	14 February 2017
Statutory Date	29 July 2020 (extended by consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	General Residential
Codes	1.0 Bushfire-Prone Areas, 5.0 Road and Railway Assets, 6.0 Parking and Access, 7.0 Stormwater Management, 15.0 Inundation Prone Areas
Use	Class: Residential subdivision. Type: Discretionary
Development	Discretionary
Discretions	Two
Representations	One
Attachments	A – Application Documents B – Representation C – Engineering Referral
Author	External Planning Consultant

Executive Summary

Planning approval is sought for a 3 lot residential subdivision at 2 Inkerman Street, Triabunna (the subject site). The subject site is zoned General Residential zone and is within the Coastal Inundation Hazard Area overlay.

Residential subdivision is 'discretionary' in the zone pursuant to Clause 9.7.2 of the planning scheme. The proposal does not meet the Acceptable Solution of the following development standards:

1. 10.6.1 A2 Building area
2. 10.6.1 A3 Frontage width

The proposal was advertised for two weeks from 24 June to 8 July 2020. One representation was received.

This report assesses the proposal against the Performance Criteria for the standards listed above and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 29 July 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 met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

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

Approval is sought for 3 lot residential subdivision with vehicular access provided off Inkerman Street. Proposed lots 1, 2 and 3 are 905 m^2, 544 m^2 and 535 m^2 respectively.

4. Risk and implications

Approval or refusal of this application should have no direct financial implications for Council, other than should an appeal against the Authority's decision be lodged or should the Planning Authority fail to determine the application within the statutory timeframe.

5. Background and past applications

This application was originally submitted on 10 February 2017 and a revised submission was submitted later in February with a slightly different lot layout albeit still three lots in the same configuration. The revised application was advertised from 25 June to 9 July 2020.

6. Location

The subject site is located on the corner of Inkerman Street and Esplanade East and approximately 62 m east of the Spring Bay foreshore (see Figure 1). The site is approximately 600 m east of the Triabunna local business area.

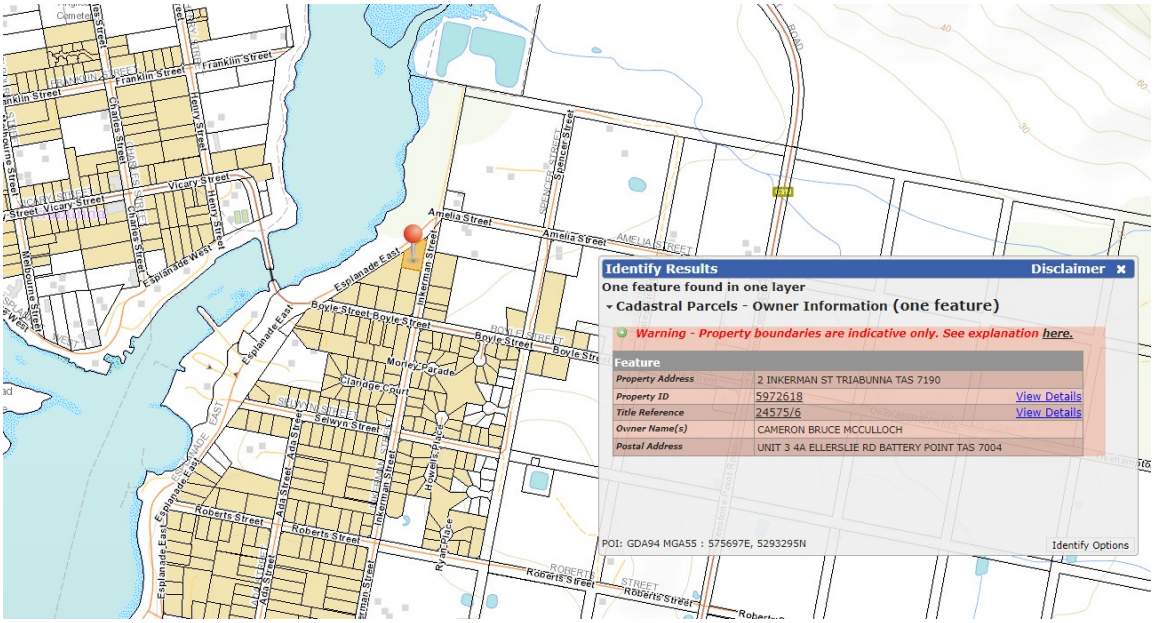


Figure 1 – 2 Inkerman Street, Triabunna (LISTmap)

7. Site Description

The site is a corner allotment with an overall area of 1,983 m^2. It is currently vacant land with no built structures or improvements (Figure 2). The site is an irregular shaped lot and has frontages to both Inkerman Street and Esplanade East to the northern boundary. The site falls approximately 1.5 m from the southeast to the northwest corner. The site is fully serviced with reticulated water and sewer.

Figure 2 – 2 Inkerman Street, Triabunna (outlined in blue) (LISTmap)

8. Planning Instruments

1) Glamorgan Spring Bay Planning Scheme 2015

- D10.0 General Residential Zone
- E1.0 Bushfire-Prone Areas Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E15.0 Inundation Prone Areas Code

9. Easements and Services

- Drainage easement along the northwest boundary and traversing east west centrally through the site.
- TasWater sewer and water mains within the Inkerman Street road reserve.
- Council stormwater main running centrally through the site and connecting to Esplanade East at the northwest boundary.

10. Covenants

There are no restrictive covenants listed on the title.

PART TWO

11. Meeting the Standards – via Acceptable Solution

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

- D10.0 General Residential Zone
- E1.0 Bushfire-Prone Areas Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E15.0 Inundation Prone Areas Code

All bar two standards were met by Acceptable Solution.

12. Meeting the Standards – via Performance Criteria

The two standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

D10.6.1 A2 Minimum building area (all lots are subject to Codes)

D10.6.1 A3 Minimum/maximum frontage width

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 29 July 2020.

PART THREE

13. Assessing the proposal against the Performance Criteria

Standard 1: Development Standards for Subdivision – Lot Design (D10.6.1)

The objective of the lot design standards is:

To provide for new lots that:

(a) Have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements; and

(b) Contain building areas which are suitable for residential development, located to avoid hazards; and

(c) Are a mixed of lot sizes to enable a variety of dwelling and household types; and

(d) Are capable of [providing for a high level of residential amenity including privacy, good solar access, and passive surveillance of public spaces;

(e) ensure an average net density for new suburban areas no less than 15 dwellings per hectare with higher densities close to services, facilities and public transport corridors;

(f) are not internal lots, except if the only reasonable way to provide for desired residential amenity;

(g) are provided in a manner that provides for the efficient and ordered provision of infrastructure.

Performance Criteria	Planner's response
Clause 10.6.1 A2	All three building areas within the proposed subdivision are subject to the Inundation Prone Area and Bushfire-Prone Area codes and the building area on proposed lot 1 is not clear of the required side setback. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A2 and has been assessed against the corresponding performance criteria.
P2 The design of each lot must contain a building area able to satisfy all of the following: (a) be reasonably capable of accommodating residential use and development.	Each lot within the proposed subdivision is provided with a 10 x 15 m building area on a lot of no less than 535 m^2, thus providing lots which are slightly larger than the minimum lot size required under Table 10.1. The slightly larger lot sizes will allow for any additional measures required to address bushfire requirements or for management of stormwater or flood flow, to be provided within each lot. Future residential development on all three lots will be serviced by reticulated water and sewer infrastructure. In order to create unencumbered building areas, an existing stormwater pipe traversing the site is proposed to be relocated, and an existing drainage reserve located on proposed lot 1 is to be expunged and replaced with a 3 m wide drainage easement further to the north of the lot.

Performance Criteria	Planner's response
	It is therefore considered that each lot is reasonably capable of accommodating residential use and development, consistent with P2(a).
(b) meets any applicable standards in codes in this planning scheme.	The proposed subdivision meets all applicable standards under the following codes: • Bushfire-Prone Areas • Road and Railway Assets • Parking and Access • Stormwater Management • Inundation Prone Areas The proposal is consistent with the requirements of P2(b).
(c) enables future development to achieve maximum solar access, given the slope and aspect of the land.	The site has a gentle slope down towards the northwest boundary, and the alignment of each lot runs southeast (front boundary) to northwest (rear boundary). The long axis of each building area shown on the proposed plan of subdivision faces due north, therefore maximising the opportunity for solar access for future residential development. In addition, the area most likely to be used as private open space on each lot is located to the west of the building area and would receive unobstructed northern solar access should the proposed building area alignment be maintained by future development. The proposal is consistent with the requirements of P2(c).
(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development.	The site has a gentle slope towards the northwest boundary and a level vehicular access is proposed at the frontage of each lot onto Inkerman Street. Due to the relatively flat topography of the site, future development of each lot will require minimal earthworks to achieve a level building pad and area of private open space. The proposal is consistent with the requirements of P2(d).
(e) provides for sufficient useable area on the lot for both of the following; (i) on-site parking and manoeuvring	The proposed lots range in size from 535 m^2 up to 905 m^2 which is more than the minimum lot size required under Table 10.1 but does not exceed the maximum lot size allowable. Each proposed lot is provided with a driveway crossover from Inkerman Street and will require a maximum driveway length of approximately 8 m – 9 m to reach the building

Performance Criteria	Planner's response
(ii) adequate private open space	area on each lot. Sufficient area is available for both onsite vehicle parking located behind the building line as well as onsite turning, should it be required. It is noted that whilst the site is within a bushfire-prone area, a fire-fighting vehicle will not be required to enter any of the proposed lots in order to access a water supply as the bushfire report submitted with the application requires the installation of a fire hydrant at the Inkerman Street frontage. A minimum area of approximately 200 m^2 is available to the rear of each proposed building area for use as private open space. The proposal is consistent with the requirements of P2(e).
Clause 10.6.1 A3	The minimum frontage width required under Table 10.2 is 15 m and the maximum frontage width for lots adjoining or opposite public open space is 15 m. Proposed lot 3 has a minimum frontage width of 13.5 m where 15 m is required and proposed lot 1, which is located opposite an area of public open space, has a maximum frontage width in excess of 15 m. As such, the proposed subdivision does not meet the criteria under Clause 10.6.1 A3 and has been assessed against the corresponding performance criteria.
P3 The frontage of each lot must satisfy all of the following: (a) provides opportunity for practical and safe vehicular and pedestrian access.	Each proposed lot within the subdivision is provided with a 3.6 m wide vehicular access which meets council's requirements in terms of vehicular crossovers and sight distances. As such, the proposed subdivision can be considered as providing sufficient opportunity for practical and safe vehicular and pedestrian access. The proposal is consistent with the requirements of P3(a).
(b) provides opportunity for passive surveillance between residential development on the lot and the public road.	Each lot maintains a frontage of at least 13.5 m, therefore allowing ample space for an undeveloped view corridor between a future dwelling and Inkerman Street. This will provide sufficient opportunity for passive surveillance between future development and the public road. The proposal is consistent with the requirements of P3(b).
(c) is no less than 6 m.	The proposed minimum frontage widths are as follows: Lot 1: 31.6 m Lot 2: 15.2 m Lot 3: 13.5 m No frontages are less than 6 m in width and therefore, the performance criteria under P3(c) is met.

14. Referrals

The application was referred to Council's Engineering Consultant, who provided input to this report.

15. Concerns raised by representors

The following table summarises the issues raised by the representor. As the issues raised were in relation to stormwater management and site flooding, council's development engineer has provided a response. The representation is provided in full at Attachment B.

Representation 1	**Engineer's response**
1) Flooding and drainage issues on the site and in the surrounding area. 2) Concerns regarding the proposed stormwater pipeline design. 3) Design, construction, and capacity of existing stormwater infrastructure to accommodate heavy rain events. 4) Design of future dwellings on the proposed lots. Concern in relation to the overall height of these futures dwellings due potential loss of privacy resulting from a two storey dwelling. 5) Remnant eucalypt located on corner of the site to be protected.	1) As the issues raised under points 1 – 3 relate to flooding, drainage and stormwater management issues, the representation was referred to council's development engineer who provided the following comments. A copy of the engineer's referral response is provided under Attachment C: *"Representation was received on the subdivision based on stormwater. The representation raised concern over the capacity of the existing stormwater, particularly the DN375 under Inkerman St and provided photos of a flood event from a couple of years ago.* *The representor's concerns are valid.* *The catchments above the subdivision serviced by the DN375 and DN600 pipes are relatively large. Whilst the catchment serviced by the DN600 is largely developed there is potential for significant further development. The catchment serviced by the DN375 pipe is smaller and largely undeveloped.* *Conditions requiring further detailed calculations to accompany the engineering design plans are required. It is recommended that the subdivider be required to size the stormwater pipes through the subdivision and across the Esplanade to the outfall to cater for a 1 in 20 year ARI rainfall event for the upstream catchments.* *The stormwater pipe providing property connections to the lots should be extended to the southern boundary of the subdivision and sized to service the land to the south in addition to the subdivision.* *Further, the subdivider will need to install drainage along Inkerman St frontage to protect the lots from inundation. This may be in the form of a swale drain or possibly kerb and channel.* *An overland flow path will need to be provided through or around the subdivision. It may be possible for the overland flow (exceeding the 1 in 20 year ARI) to be*

	conveyed through the subdivision over the proposed drainage easement." The conditions recommended by council's development engineer have been incorporated into the draft conditions of consent. 2) Addressed under item 1 above. 3) Addressed under item 1 above. 4) The Planning Authority cannot take into account potential future proposals until they are lodged. However, it is noted that any future development on the land would be subject to the provisions of the General Residential zone. Specifically, clause 10.4.6 includes development standards which must be met within the design of any future dwelling in order to protect the privacy and amenity of adjoining dwellings. 5) The tree is located at the corner of proposed lot 3 and approximately 6 m from the proposed driveway crossover (measured from the tree trunk). An existing stormwater pipe located within close proximity to the tree is proposed to be made redundant and a new alignment, at a greater distance from the tree, is proposed. No other works are proposed within proximity of the tree and a condition is recommended to be included on the permit which specifies that no native vegetation is to be removed, willfully destroyed or impacted upon other than the minimum necessary for construction works.

16. Conclusion

The assessment of the application taken in association with the representations received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 by condition and can therefore be approved.

17. Recommendation

That:

A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Subdivision Application 2017 / 5, to subdivide an existing lot into 3 residential allotments at 2 Inkerman Street, Triabunna (CT 24575/6) be approved with the following conditions:

Subdivision

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

   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. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

4. The development must be substantially in accordance with the Bushfire Hazard Report prepared by Enviro-dynamics, dated May 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.

5. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.

7. Easements over the stormwater lines are to be a minimum of 3 metres wide unless approved otherwise by Council's General Manager.

   Advice: Easements where overland flow is being conveyed by the major stormwater network my need to be wider than 3m and are to be determined by detail design.

Services

8. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's General Manager or responsible authority.

9. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Drainage

10. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.

11. The developer is to provide a piped stormwater drainage system capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.

12. The proposed stormwater pipe along Inkerman Street and through the site is to be sized to cater for the fully developed upstream catchment for an ARI of 20 years, to the satisfaction of Council's General Manager. Detailed stormwater calculations are to be provided with the engineering design plans for approval.

13. The stormwater drainage system downstream of the subdivision, comprising the culvert under Esplanade East, is to be upsized to cater for the flow from the upgraded pipe through the proposed subdivision.

14. The developer is to extend the stormwater line inside the western boundary of the subdivision to service the land to the south.

15. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.

    Advice: An overland flow path is required to convey stormwater through or around the proposed subdivision.

TasWater

16. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2017/00214-GSB, dated 27/02/2020.

Telecommunications and electrical reticulation

17. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

18. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

19. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.

20. Prior to sealing the final plan of survey the developer must submit to Council:

    a) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.

    b) A Letter of Release from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

Road and Access

21. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

22. A reinforced concrete vehicle access must be provided from the Inkerman Street road carriageway to each lot in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.

23. A swale drain or kerb and channel is to be provided across the Inkerman Street frontage of the subdivision to capture any stormwater runoff from the road.

Engineering drawings

24. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.

25. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show –

    a) All existing and proposed services required by this permit;

    b) all existing and proposed roadwork required by this permit;

c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;

d) measures to be taken to limit or control erosion and sedimentation;

e) any other work required by this permit.

26. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

Construction

27. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.

28. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.

29. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

30. Vehicles associated with construction workers must be parked on site.

31. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:

    a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.

    b) Not burn debris or waste on site

    c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property

    d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage

    e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

    f) Erect suitable barriers to ensure native vegetation is not damaged during construction works.

    g) Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

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

Environmental Management

32. 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 be approved by Council's General Manager and before development of the land commences.
    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

33. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.

34. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.

35. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

36. Native vegetation must not be removed, lopped, ring-barked or otherwise willfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.

'As constructed' drawings

37. Prior to the works being placed on the maintenance and defects liability period an "as constructed" drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's General Manager. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the General Manager in accordance with Council's *Guidelines for As Constructed Data*.

Maintenance and Defects Liability Period

38. The subdivision must be placed onto a twelve month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

39. Prior to placing the subdivision onto the twelvemonth maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

40. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the whole plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

    Advice: this condition is imposed pursuant to section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

DECISION 248/20

Moved Clr Rob Churchill, seconded Clr Michael Symons that:

A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the Glamorgan Spring Bay Interim Planning Scheme 2015, Subdivision Application 2017 / 5, to subdivide an existing lot into 3 residential allotments at 2 Inkerman Street, Triabunna (CT 24575/6) be approved with the following conditions:

Subdivision

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

   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. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

3. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

4. The development must be substantially in accordance with the Bushfire Hazard Report prepared by Enviro-dynamics, dated May 2020, and submitted with the application, or as otherwise required by this permit, whichever standard is greater.

5. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

6. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.

7. Easements over the stormwater lines are to be a minimum of 3 metres wide unless approved otherwise by Council's General Manager.

   Advice: Easements where overland flow is being conveyed by the major stormwater network my need to be wider than 3m and are to be determined by detail design.

Services

8. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's General Manager or responsible authority.

9. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Drainage

10. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.

11. The developer is to provide a piped stormwater drainage system capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.

12. The proposed stormwater pipe along Inkerman Street and through the site is to be sized to cater for the fully developed upstream catchment for an ARI of 20 years, to the satisfaction of Council's General Manager. Detailed stormwater calculations are to be provided with the engineering design plans for approval.

13. The stormwater drainage system downstream of the subdivision, comprising the culvert under Esplanade East, is to be upsized to cater for the flow from the upgraded pipe through the proposed subdivision.

14. The developer is to extend the stormwater line inside the western boundary of the subdivision to service the land to the south.

15. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.

    Advice: An overland flow path is required to convey stormwater through or around the proposed subdivision.

TasWater

16. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2017/00214-GSB, dated 27/02/2020.

Telecommunications and electrical reticulation

17. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

18. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

19. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.

20. Prior to sealing the final plan of survey the developer must submit to Council:

    a) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.

    b) A Letter of Release from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

Road and Access

21. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

22. A reinforced concrete vehicle access must be provided from the Inkerman Street road carriageway to each lot in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.

23. A swale drain or kerb and channel is to be provided across the Inkerman Street frontage of the subdivision to capture any stormwater runoff from the road.

Engineering drawings

24. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.

25. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show –

    a) All existing and proposed services required by this permit;

    b) all existing and proposed roadwork required by this permit;

    c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;

    d) measures to be taken to limit or control erosion and sedimentation;

    e) any other work required by this permit.

26. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

Construction

27. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.

28. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.

29. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

30. Vehicles associated with construction workers must be parked on site.

31. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:

    a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility.

    b) Not burn debris or waste on site

    c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property

    d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage

    e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

    f) Erect suitable barriers to ensure native vegetation is not damaged during construction works.

    g) Ensure that all vehicles and equipment associated with construction of the development are cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases.

    Advice: Construction waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of

Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.

Environmental Management

32. 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 be approved by Council's General Manager and before development of the land commences. *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*

33. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.

34. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.

35. All disturbed surfaces on the land, except those set aside for driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

36. Native vegetation must not be removed, lopped, ring-barked or otherwise willfully destroyed, removed or adversely impacted on other than the minimum necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of a Bushfire Hazard Management Plan to the satisfaction of Council's General Manager.

'As constructed' drawings

37. Prior to the works being placed on the maintenance and defects liability period an "as constructed" drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's General Manager. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the General Manager in accordance with Council's *Guidelines for As Constructed Data*.

Maintenance and Defects Liability Period

38. The subdivision must be placed onto a twelve month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

39. Prior to placing the subdivision onto the twelvemonth maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

40. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in the whole plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

Advice: this condition is imposed pursuant to section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

Mr Leigh Wighton, Contract Development Engineer, left the meeting at 2.16pm.

4.2 Development Application 2020 / 69

50 Gordon Street, Bicheno (CT 128239/4)

Proposal	Single dwelling and fencing
Applicant	Jeremy Rowbottom and Rebecca Davern
Application Date	20 April 2020
Statutory Date	29 July 2020 (extended by consent of applicant)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015
Zone	10.0 General Residential
Codes	6.0 Parking and Access, 7.0 Stormwater Management
Use	Residential – No Permit Required
Development	Discretionary
Discretions	Two
Representations	One
Attachments	A – Application Documents B – Representation
Author	Robyn Bevilacqua, Planner

Executive Summary

Planning approval is sought to construct a single dwelling in the form of a caravan with attached annexe for use as a holiday shack and for future accommodation for a builder when the time comes to construct a more permanent dwelling.

Residential use is a 'No Permit Required' use in the zone. The proposal is discretionary by not meeting two development standards via Acceptable Solution:

3. D10.4.2 A3 private open space accessible from a habitable room
4. E6.7.6 A1 gravel driveway

The proposal was advertised for two weeks from 27 May to 11 June 2020. One representation was received.

This Report assesses the proposal against the Performance Criteria for the two standards listed above, considers the representation and makes a recommendation. The Planning Authority must make a final determination by 29 July 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 a discretion is required. This report addresses only the discretions and the representation and makes a final recommendation.

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 representation.

3. Risk and implications

Approval or refusal of this application should have no direct financial implications for Council, other than should an appeal against the Authority's decision be lodged or should the Planning Authority fail to determine the application within the statutory timeframe.

4. Background and past applications

A previous application for a dwelling was approved in 2012, but nothing has been constructed and the permit is now out of date.

5. Location

Gordon Street is within the township on the northern side of Bicheno. On its northern end it leads to the only parking area for Redbill Beach.

Figure 1: 50 Gordon Street on the north-western side of Bicheno (LISTmap)

6. Site Description

Approximately 833m^2 of vacant, cleared, residential land sloping gently to the west at a ratio of 1:10. Fully serviced.

Figure 2: The site (LISTmap)

7. The Proposal

Approval is sought for a single dwelling comprising a six metre caravan and seven metre annexe and fencing on a vacant lot at 50 Gordon Street, Bicheno.

The dwelling is to be used as a shack, and accommodation for a builder when the times comes to build a more permanent dwelling.

The caravan is already on the block with a free-standing shower and standard toilet. The caravan has a gas oven and stove, and electric heating. See the photos below.

There will be Colorbond fencing all round.

Figure 3: caravan and annexe

Figure 4: caravan

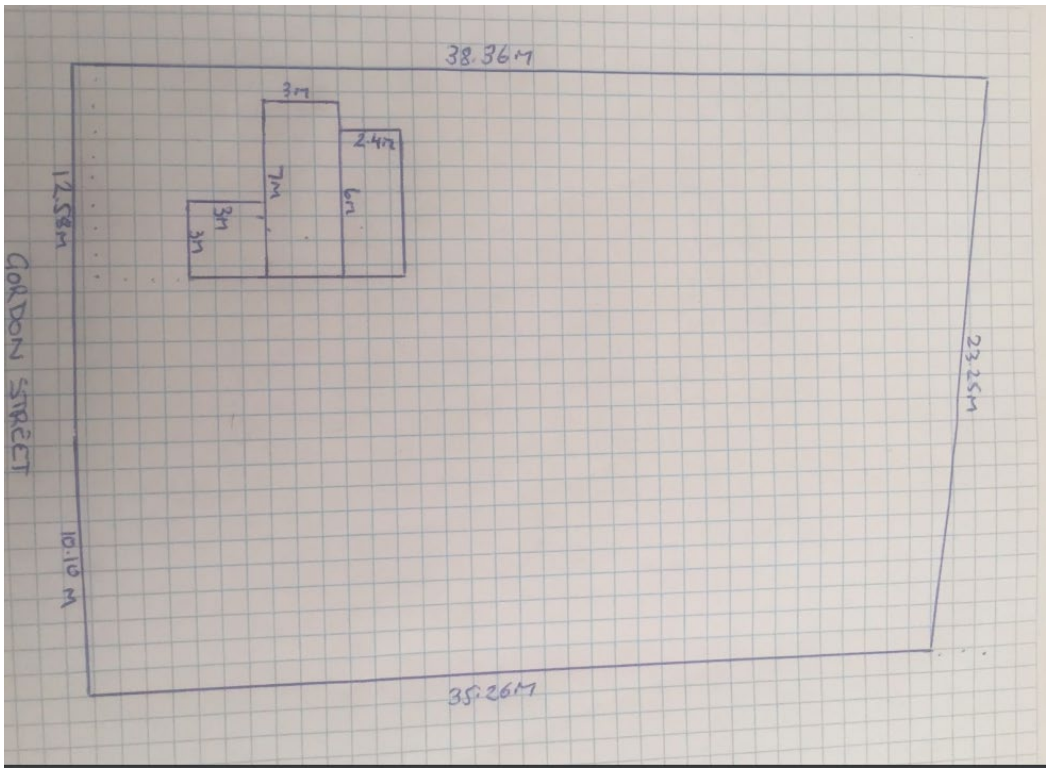


Figure 5: Site Plan

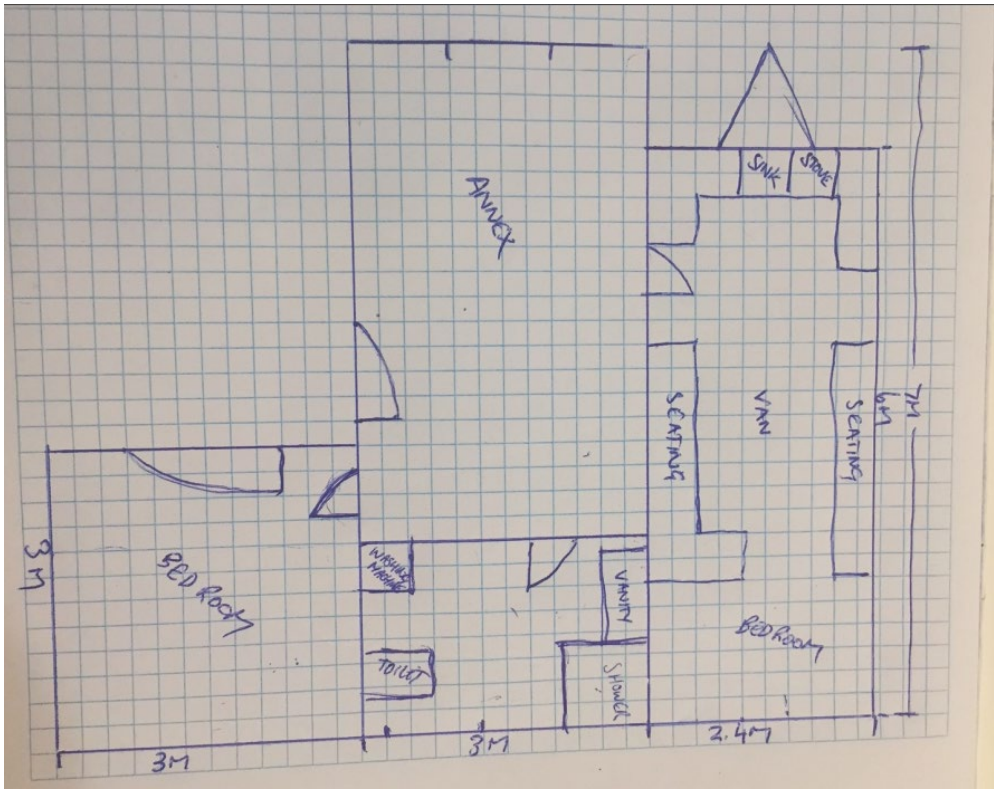


Figure 6: Floor Plan

8. Planning Instruments

Glamorgan Spring Bay Planning Scheme 2015

9. Easements, services and covenants

- There are no easements on the title
- There are no covenants on the title
- TasWater sewer gravity main runs along the west and east boundaries.
- TasWater water main runs along the west side of Gordon Street
- Council reticulated stormwater along the west and east boundaries

PART TWO

10. Meeting the Standards – via Acceptable Solution

The proposal has been assessed against the Acceptable Solutions provided in the Glamorgan Spring Bay Interim Planning Scheme 2015:

- D10.0 General Residential Zone
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code

All bar two standards were met by Acceptable Solution.

11. Meeting the Standards – via Performance Criteria

The two standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

D10.4.3 A2	Private open space accessible from a habitable room
E6.7.6 A1	Gravel driveway

The Planning Authority must consider the planner's comments in the next section and the representation, and make a determination by 29 July 2020.

PART THREE

12. Assessing the proposal against the Performance Criteria

Standard 4: Development Standards – private open space (D10.4.3 A2)

The objective of the private open space standard is:

To provide:

(a) for outdoor recreation and the operational needs of the residents;

(b) opportunities for the planting of gardens and landscaping;

(c) private open space that is integrated with the living areas of the dwelling;

(d) private open space that has access to sunlight.

Performance Criteria	Planner's response
Dwellings must have: (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and	The lot is 833m^2 in size with ample open space suitable for outdoor recreation.
(ii) operational needs, such as clothes drying and storage; and	There is ample space for operational needs.
(b) reasonable space for the planting of gardens and landscaping.	There is ample space for gardens and landscaping. The Performance Criterion is considered satisfied.

Standard 5: Surface Treatment of Parking Areas (E6.7.6)

The objective of this standard is:

> To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

Performance Criteria	Engineer / Planner's response
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 of the following:	
(a) the suitability of the surface treatment;	Given the application is for holiday accommodation until a permanent dwelling is constructed, a gravel parking

(b) the characteristics of the use or development	area and internal driveway is considered reasonable as an interim measure providing it is properly maintained. Conditions for a higher standard parking and access area can be imposed when an application for a permanent dwelling is made.
(c) measures to mitigate mud or dust generation or sediment transport.	

13. Referrals

The application was referred to Council's Engineering Consultant, who provided input to this report.

14. Concerns raised by the representor

Concerns	Planner's response
I have no objection to the caravan and annexe being placed on the block provided it does not become a permanent fixture and a house is built within a reasonable period of time. There is already one van permanently located on the other side of my property. I am not keen on the street taking on the appearance of a caravan park. Had I wanted to live amongst caravans I would have moved to a van park. Is there a limit as to how long vans can remain as temporary accommodation before a permanent dwelling is built? Thank you for the opportunity to respond.	In terms of planning approvals there isn't a limit on how long the structure can remain on the block. At the building permit stage, it may be assessed for temporary occupancy, but this limits the number of consecutive nights that can be spent in the dwelling rather than how many years the structure can stay there.

15. Conclusion

The assessment of the application taken in association with the representation received identifies that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and can therefore be approved with conditions.

16. Recommendation

That:

A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 69, to construct a single dwelling at 50 Gordon Street Bicheno (CT 128239/4/1) be approved with 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.

2. 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.

Fencing

3. The frontage fence must be no higher than 1.2m, and must only reach its maximum height of 1.8m along the sides when it is 4.5m and more from the frontage.

Stormwater and sediment management

4. Stormwater drainage must drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with the Building Act 2016.

5. 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.

6. No top soil is to be removed from the site.

7. 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.

   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

Parking and Access

8. 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.

9. 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) Be constructed with a durable all-weather pavement

   b) Have a gravel surface that is designed, construction and maintained to avoid dust or mud generation, erosion or sediment transfer off site

   c) Drain to an approved stormwater system

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

Construction

10. Through the construction process to the satisfaction of Council's General Manager, the developer must:

    a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility

    b) not burn debris or waste on site

c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage

General Notes and Advice

a. Please read all conditions of this permit and contact the planner for clarification if required.

b. All costs associated with acting on this permit are borne by the person(s) acting on it.

c. The permit takes effect 15 days after the date it was issued to 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.*

d. 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.

e. Further and separate approval or consent may be required for the following:

i. Building and plumbing approval from Council under the *Building Act 2016*

f. *The Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* prohibit backyard burning in incinerators or in the open on lots less than 2,000m^2, and the burning of plastics and other non-wood or non-vegetative material.

DECISION 249/20

Moved Clr Cheryl Arnol, seconded Clr Annie Browning that**:**

A. Pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2020 / 69, to construct a single dwelling in the form of a caravan with an attached annex at 50 Gordon Street Bicheno (CT 128239/4) be approved with 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.

2. 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.

Fencing

3. The frontage fence must be no higher than 1.2m, and must only reach its maximum height of 1.8m along the sides when it is 4.5m and more from the frontage.

Stormwater and sediment management

4. Stormwater drainage must drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with the Building Act 2016.

5. 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.

6. No top soil is to be removed from the site.

7. 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.

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

Parking and Access

8. 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.

9. 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) Be constructed with a durable all-weather pavement

b) Have a gravel surface that is designed, construction and maintained to avoid dust or mud generation, erosion or sediment transfer off site

c) Drain to an approved stormwater system

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

Construction

10. Through the construction process to the satisfaction of Council's General Manager, the developer must:

a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility

b) not burn debris or waste on site

c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

4.3 Report to Planning Authority: delegations to determine development applications in specific circumstances.

Responsible Officer: Robyn Bevilacqua (Planner)

ATTACHMENT/S

Nil.

BACKGROUND/OVERVIEW

This report is to request the Planning Authority to delegate power to the Executive Manager Development and General Manager to determine planning applications in two circumstances:

1) when three or less objecting representations are received during notification

2) when an applicant refuses an extension of time and the statutory timeframe cannot be met.

1) Delegation of power to determine applications when fewer than a specified number of representations are received

Currently, development applications that receive a representation (whether objecting or supporting) must go to the Planning Authority for determination. In each case, a detailed report is required. An increasing proportion of applications are discretionary, and an increasing number of those seem to be receiving representations.

There are already six applications that, under the current arrangements, will require reports to the Planning Authority at its August meeting. This work consumes much of the resources and time available to the planner to the detriment of other work, and requires the planning authority to expend much time to read and digest.

Work being held up includes assessing and issuing Final Plans for Sealing, Stratum Title applications, and Petitions to Amend Sealed Plans. These applications are not subject to statutory timeframes and tend to suffer in terms of prioritisation. Delays can have significant financial implications for developers, people with time-critical contracts pending titles, and people seeking to purchase land in the municipality, and can be seen as Council being too tied up in red tape to deal with important development issues.

Other work held up includes complex planning issues that need time on details to resolve. There is a wide range, and significant backlog, of matters that require attention, but these also take a back seat when other work has statutory timeframes that must be met.

A way to provide more time to deal with these planning matters would be to raise the bar over which a development application must to go to the Planning Authority. As noted, currently the receipt of one representation whether in support of or objecting to the proposal results in an application going to the Planning Authority.

Councils differ in terms of where ‘the trigger’ is set. An email audit of Southern councils yielded the information in the table below. There is no other Planning Authority in this set that requires an application to go to the planning authority when a single representation is received regardless of whether it is objecting or supporting.

Council	Trigger to go to Planning Authority	Delegation
Brighton	One objecting representation	Manager Development has delegation to determine when there is one representation (supporting)
Sorell	Two representations	Senior Planner has delegation to determine when there is one representation (either objecting or supporting)
Huon Valley	Three objecting representations	General Manager has delegation to determine when there are up to two objecting representations
Kingborough	Three objecting representations, or if recommended for refusal	General Manager, Deputy General Manager and Manager Development Services have delegation to approve when there are up to two representations and the recommendation is to approve. Recommendations for refusal go to the Planning Authority
Hobart City (planning committee)	Three objecting representations and a recommendation for approval	Director has delegated power to the Senior Planner/s to approve when there are up to two objecting representations and the recommendation is to approve Recommendations for refusal go to the Planning Authority
Hobart City (full council)	Four objections or more. A recommendation for refusal. If Council land is involved, if Council is the applicant, large projects (over three storeys or over 2000m^2), Council employee makes a rep, if 'called in' by Councillors	

2) Delegation of power to approve or refuse applications when the applicant refuses an extension of time.

Development applications are subject to statutory timeframes. If an application is not determined within the statutory timeframe, section 59 of the *Land Use Planning and Approvals Act 1993* (LUPAA) comes into play. Under section 59, an application out of time is 'deemed to constitute a decision to grant a permit on conditions to be determined by the Appeal Tribunal'. The applicant may apply to the Tribunal for an order determining the application and setting any required conditions. It may refuse the permit (if discretionary). The Tribunal will typically order the planning authority to pay the costs for all parties for the appeal, as required by section 59 of the Act.

To avoid this risk, the senior staff need to be able to approve or refuse an application where an applicant refuses to extend a timeframe and as a result the application would overrun the statutory timeframe.

An existing delegation already provides the General Manager with the ability to make these decisions under limited circumstances. Previous legal advice identified that function of this delegation could be improved to manage this risk. This report provides a delegation to achieve this outcome.

BUDGET IMPLICATIONS AND RISK

1) With fewer reports to the planning authority, resources may be employed on other planning work currently subject to backlogs.
2) The costs of a 'section 59' situation are significant and can be $50,000 - $100,000 or more, depending upon the circumstances. The granting of a delegation to circumvent this is crucial.

STATUTORY IMPLICATIONS

The delegations of the Executive Manager Development and the General Manager will need to be updated.

STRATEGIC PLAN

This paper references the first of the key foundations underpinning GSBC's future success: Governance and Finance.

OFFICER'S RECOMMENDATION

That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate the following powers to the Executive Manager Development and General Manager upon the recommendation of a planner:

Section 57	To approve an application, with or without conditions, where up to three representations are lodged against the application
Section 57	To refuse an application where the applicant will not agree to an extension of time in accordance with section 57(6) or section 57(6A)

DECISION 250/20

Moved Clr Keith Breheny, seconded Clr Rob Churchill that the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate the following powers to the Executive Manager Development and General Manager upon the recommendation of a planner:

Section 57	To approve an application, with or without conditions, where no more than two representations are lodged against the application
Section 57	To refuse an application where the applicant will not agree to an extension of time in accordance with section 57(6) or section 57(6A)

And review the instrument of delegations accordingly.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

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

RECOMMENDATION

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

DECISION 251/20

Moved Clr Cheryl Arnol, seconded Clr Rob Churchill that Council no longer acts as a Planning Authority at 2.42pm.

THE MOTION WAS PUT AND CARRIED UNANIMOULSY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

5. Financial Reports

5.1 Financial Reports for the period ending 30 June 2020

Responsible Officer – Acting General Manager

ATTACHMENT/S

1. Profit & Loss – June 2020
2. Balance Sheet – Comparative – June 2020
3. Statement of Cash Flows – Year to Date
4. Capital Works – June 2020

BACKGROUND/OVERVIEW

The financial reports for the period ended 30 June 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 30 June 2020

DECISION 252/20

Moved Clr Michael Symons, seconded Clr Grant Robinson that Council receives and notes the Financial Reports as attached to this report for the period ended 30 June 2020.

THE MOTION WAS PUT AND CARRIED UNANIMOULSY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

Attachment 1 – Agenda Item 5.1

Profit and Loss

Glamorgan Spring Bay Council
For the year ended 30 June 2020

Account	YTD Actual	YTD Budget	Budget Var	Var %	2019/20 Budget	Notes
Trading Income						
Rate Revenue	8,405,390	8,502,440	(97,050)	-1%	8,502,440	
Statutory Charges	585,369	534,500	50,869	10%	534,500	1
User Charges	799,333	805,050	(5,717)	-1%	805,050	
Grants	1,357,703	1,282,653	75,050	6%	1,282,653	2
Interest & Investment Revenue	248,559	674,400	(425,841)	-63%	674,400	3
Contributions	111,239	37,000	74,239	201%	37,000	4
Other Revenue	1,810,259	1,729,083	81,176	5%	1,729,083	
Net Gain (Loss) on Disposal of Assets	82,787	50,000	32,787	66%	50,000	5
Total Trading Income	**13,400,641**	**13,615,126**	**(214,485)**	**-2%**	**13,615,126**	
Gross Profit	**13,400,641**	**13,615,126**	**(214,485)**	**-2%**	**13,615,126**	
Capital Grants						
Grants Commonwealth Capital - Other	1,422,727	1,900,000	(477,273)	-25%	1,900,000	6
Grants Commonwealth Capital - Roads to Recovery	601,631	401,000	200,631	50%	401,000	7
Grants State Capital - Other	400,000	0	400,000	0%	0	8
Total Capital Grants	**2,424,358**	**2,301,000**	**123,358**	**5%**	**2,301,000**	
Other Income						
Other Income - PPRWS Reimbursement of Principal Loan	61,394	61,394	0	0%	61,394	
Total Other Income	**61,394**	**61,394**	**0**	**0%**	**61,394**	
Operating Expenses						
Employee Costs	4,706,710	5,174,067	(467,357)	-9%	5,174,067	9
Materials & Services	6,857,019	5,491,080	1,365,939	25%	5,491,080	10
Depreciation	2,336,478	2,336,478	0	0%	2,336,478	
Interest	230,460	229,035	1,425	1%	229,035	
Other Expenses	154,684	219,000	(64,316)	-29%	219,000	11
Internal Plant used on Capital Jobs	(146,993)	(135,000)	(11,993)	9%	(135,000)	
Employee Oncosts	(401,153)	0	(401,153)	0%	0	
Total Operating Expenses	**13,737,204**	**13,314,660**	**422,544**	**3%**	**13,314,660**	
Net Profit	**(336,564)**	**300,466**	**(637,030)**	**-212%**	**300,466**	

Capital Works Program (Current Year WIP)					
Work in Progress Capital Works - Plant Internal	146,993	0	146,993	0%	0
Work In Progress Payroll - Salaries and Wages	222,627	0	222,627	0%	0
Work in Progress Capital Works - On Costs	109,181	0	109,181	0%	0
Work in Progress Capital Works - Contractor Costs	4,760,579	0	4,760,579	0%	0
Work in Progress Capital Works - Other Costs	138,639	0	138,639	0%	0
Work in Progress Capital Works - Materials	897,290	0	897,290	0%	0
Work in Progress Capital Works - Consultancy	625,908	0	625,908	0%	0
Work in Progress Capital Works - Plant Hire External	97,828	0	97,828	0%	0
Total Capital Works Program (Current Year WIP)	**6,999,045**	**0**	**6,999,045**	**0%**	**0**

Notes

*The figures for 30/06/2020 presented are only preliminary and do not include all the end of year adjustments. Depreciation shown is only an estimate based on the prior year. The draft Financial Statements for the year ended 30/06/2020 are due for completion by 14 August and will presented for audit at that stage. The audit is scheduled by the Tas Audit Office in November.

1. Statutory Chages are up $51k (10%) for the year due to increased Development Applications.
2. (Operating) grant income is up $75k of 6% due to the receipt of additional grants including $55k from the State for Weeds Action Fund and $10k for Primary Health Care to assist with COVID response in the medical centres.
3. Interest & Investment income is down $425k or 63% due primarily to the decrease in TasWater dividend.
4. Contributions are up $74k due to increased Developer Contributions, such as Public Open Space & Parking.
5. Net Gain on Disposal of Assets is up $33k or 66% due to the profit on sale of the old Triabunna Council Chambers.

6. Other Commonwealth Capital Grants are down $477k due to the delay in receiving milestone payments to early in the 20/21 Financial Year. The PPRWS and DRG programs require audit before final milestone payments will be received and the Dolphin Sands Project milestone payment should be received in July/August.

7. Council received an additional 50% Roads to Recovery Grant due to drought.

8. Other State Capital Grants relate to Boat Trailer Parking at Coles Bay.

9. Employee Costs are down $467k or 9% due to staff vacancies during the year.

10. Materials & Services are up $1.37m or 25% due increased contractor costs, legal costs and increased materials purchased. This is partially offset by the decrease in wages and increased revenue. Increased planning applications, responding to the LPS and staff vacancies in development services has seen and increase in contractors of $360k and $168k in legal fees. Works has had an increase in contractors of $485k and $111k in materials. Responding to fires, flood damage and COVID-19 has contributed to some of these cost increases. Governances has an increase in contractor cost of $158k due to coverage by acting GMs and the SOE process.

11. Other expenses is down $64k, this primarily relates to delay in the interim audit for 19/20.

Statement of Financial Position

Glamorgan Spring Bay Council
As at 30 June 2020

	30 JUN 2020	30 JUN 2019
Assets		
Current Assets		
Cash & Cash Equivalents	1,751,753	3,805,456
Trade & Other Receivables	711,454	546,426
Inventories	26,817	26,817
Other Assets	89,229	101,840
Total Current Assets	**2,579,252**	**4,480,539**
Non-current Assets		
Trade & Other Receivables	15,257	15,257
Investment in Water Corporation	36,627,343	36,627,343
Property, Infrastructure, Plant & Equipment		
Fixed Assets	114,702,771	115,869,490
Work in Progress	4,910,735	4,910,735
Total Property, Infrastructure, Plant & Equipment	**119,613,506**	**120,780,225**
Total Non-current Assets	**156,256,106**	**157,422,825**
Total Assets	**158,835,359**	**161,903,363**
Liabilities		
Current Liabilities		
Trade & Other Payables	1,141,905	1,575,556
Trust Funds & Deposits	534,472	169,435
Provisions	614,714	750,592
Interest bearing Loans & Borrowings	517,934	1,402,911
Total Current Liabilities	**2,809,025**	**3,898,493**
Non-current Liabilities		
Provisions	117,389	114,059
Interest Bearing Loans & Borrowings	6,723,587	5,635,699
Total Non-current Liabilities	**6,840,975**	**5,749,758**
Total Liabilities	**9,650,000**	**9,648,251**
Net Assets	**149,185,358**	**152,255,112**
Equity		
Current Year Earnings	(3,069,754)	3,070,861
Equity - Surplus/Deficit Current Year	15,917,078	12,846,217
Equity - Surplus/Deficit Prior Years	60,905,527	60,905,527
Equity - Reserves	75,432,507	75,432,507
Total Equity	**149,185,358**	**152,255,112**

Statement of Cash Flows

Glamorgan Spring Bay Council
For the year ended 30 June 2020

	2020	2019
Operating Activities		
Receipts from customers	12,074,920	11,723,289
Payments to suppliers and employees	(12,319,674)	(10,923,663)
Receipts from operating grants	1,364,203	1,380,641
Cash receipts from other operating activities	803,198	688,360
Net Cash Flows from Operating Activities	**1,922,646**	**2,868,626**
Investing Activities		
Proceeds from sale of property, plant and equipment	760,922	56,498
Payment for property, plant and equipment	(7,796,849)	(6,732,583)
Receipts from capital grants	2,491,631	2,737,745
Other cash items from investing activities	-	5,632
Net Cash Flows from Investing Activities	**(4,544,297)**	**(3,932,708)**
Financing Activities		
Trust funds & deposits	365,036	121,491
Net Proceeds/(Repayment) of Loans	202,910	3,266,680
Net Cash Flows from Financing Activities	**567,947**	**3,388,171**
Net Cash Flows	**(2,053,703)**	**2,324,090**
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	3,677,197	1,353,107
Cash and cash equivalents at end of period	1,623,494	3,677,197
Net change in cash for period	**(2,053,703)**	**2,324,090**

Attachment 4 – Agenda Item 5.1

as at 30 JUNE 2020	2019 - 2020 CAPITAL NEW // BICHENO - BUCKLAND - COLES BAY - ORFORD - SWANSEA - TRIABUNNA					
Department	**Description**	**Budget Est - adopted**	**Govt Funding (drought relief & infrastructure)**	**Invoices rec'd to date**	**On-Site Progress***	**Comments**
Roads, Footpaths, Kerbs						
Buckland - Nugent Road R2R	Prep and bitumen seal 6000m		330,000	300,077	90%	Fully Funded by RTR - $330,000 (additional funding of $200,543). To be carried f/wd as to wet to finish road seal in June.
Dolphin Sands		-	600,000	624,172	60%	$1.0 million project fully grant funded to be split over 2 years.
Saltworks - Saltworks Road	Bitumen Sealing 700m	215	-	215	Complete	Project completed 2018-19
	SUB TOTAL	**215**	**930,000**	**924,465**		
PG,Walking Tracks, Cemeteries						
Bicheno Rec Ground	New Cricket Practice Nets / Surface	-	7,000	6,000	Complete	Part of $1.0m grant - fully funded
Coles Bay Boat Trailer Parking	New carparks and footpath	-	400,000	233,687	70%	New DPIPWE Grant
Swansea Boat Trailer Parking				436	1%	New DPIPWE Grant (20/21)
Buckland Walk	Construct River Walk	32,000	-	33,998	50%	$10k prior year state funding, $22k Council funds. Project under review.
Orford Rec Ground	New Cricket Practice Nets / Surface	-	40,000	50,820	Complete	Part of $1.0m grant - fully funded
Triabunna - Rec Ground	Electronic Score Board	-	20,000	21,036	Complete	Part of $1.0m grant - fully funded
Triabunna - Tennis Courts	Relocate to RecGround	-	250,000	314,102	Complete	Part of 1.0m grant ($10k contribution Tennis Club)
Buckland Dog Exercise Yard	Develop	-	20,000	17,759	Complete	Part of $1.0m grant - fully funded
Orford Dog Exercise Yard	Develop	-	20,000	18,249	Complete	Part of $1.0m grant - fully funded
Swansea Dog Exercise Yard	Develop	-	20,000	16,174	Complete	Part of $1.0m grant - fully funded
Swanwick Dog Exercise Yard	Develop	-	20,000	23,253	Complete	Part of $1.0m grant - fully funded
Triabunna Dog Exercise Yard	Develop	-	20,000	18,544	Complete	Part of $1.0m grant - fully funded
	SUB TOTAL	**32,000**	**817,000**	**754,059**		
Council Buildings						
Swansea Loo with a View	New constructed toilets / disability access	200,000	-	133,233	70%	Council to consider relocation
Dog Control	Microchip reading stick	5,000	-	-		Moved to operational
Triabunna Old Offices	Relocate Memorial	30,000	-	680	10%	Waiting RSL advice re centotaph. Project to be c/fwd
Triabunna Clubrooms	Install catch nets for window protection	20,000	-	8,900	Complete	
Triabunna Clubrooms	c/fwd project from 18/19	-	-	29,205	Complete	Late invoices from 18-19
Bicheno Hall	New Chairs	-	17,500	19,485	Complete	Part of $1.0m grant - fully funded
Coles Bay Hall	New Chairs	-	14,000	15,700	Complete	Part of $1.0m grant - fully funded
	SUB TOTAL	**255,000**	**31,500**	**207,203**		
Plant & Equipment						
Excavator 305E		48,000	-	92,000	Complete	Cost relocated to replacement
IT Equipment		44,785	-	31,597	Complete	Server, PC, Laptop & printer
	SUB TOTAL	**48,000**	**-**	**123,597**		
Municipal						
Event	Allocation for Education	-	30,000	11,256	Complete	Peter Andrews visit fully funded
	SUB TOTAL	**-**	**30,000**	**11,256**		
	CAPITAL TOTAL - NEW	**335,215**	**1,808,500**	**2,020,580**		

as at 30 JUNE 2020		2019 - 2020 CAPITAL RENEWAL // BICHENO - BUCKLAND - COLES BAY - ORFORD - SWANSEA - TRIABUNNA				
Department	**Description**	**Budget Est - adopted**	**Govt Funding (drought relief)**	**Invoices rec'd to date**	**On-Site Progress***	**Comments**
Sealed Road Pavements						
Sealed Road Pavement Assessments	General Road Pavement Condition Inspection	25,000	-	-	0%	To commence in August 2020
Swansea Road Repairs	General Road Repairs Swansea	30,000	-	212	Operational	All roads repairs covered by works undertaken through the operational budget.
Bicheno Road Repairs	General Road Repairs Bicheno	30,000	-	212	Operational	
Coles Bay Road Repairs	General Road Repairs Coles Bay	30,000	-	-	Operational	
Orford Road Repairs	General Road Repairs Orford	30,000	-	364	Operational	
Buckland Road Repairs	General Road Repairs Buckland	30,000	-	-	Operational	
Triabunna Road Repairs	General Road Repairs Triabunna	30,000	-	335	Operational	
Orford - Jetty Road R2R	Rheban Road to West Shelly Road (460m x 6.5m)	-	225,601	225,601	Complete	Fully Funded by RTR
Orford - Louisville Road	Additional funds to complete project	30,000	-	19,837	Complete	
	SUB TOTAL	**235,000**	**225,601**	**246,561**		
Sealed Roads						
Various locations						
Buckland	Jetpatcher costs	25,000	-	27,643	Complete	
Triabunna	Jetpatcher costs	35,000	-	77,851	Complete	
Orford	Jetpatcher costs	35,000	-	26,354	Complete	
Swansea	Jetpatcher costs	35,000	-	37,025	Complete	
Bicheno	Jetpatcher costs	35,000	-	24,403	Complete	
Coles Bay/Swanwick	Jetpatcher costs	35,000	-	25,120	Complete	
	SUB TOTAL	**200,000**	**-**	**218,395**		
Unsealed Road Pavements						
Gravel Roads - General	Resheeting - general	225,000	-	245,091	Complete	
Orford - Alice Street	Tasman Highway to Russell Street	49,000	-	46,103	Complete	Council contribution
	SUB TOTAL	**274,000**	**-**	**291,193**		
Stormwater & Drainage						
Orford - Rheban Road	West Shelly properties - drainage works	12,000	-	-	0%	To be review by Stormwater Engineer
		12,000	**-**	**-**		
Bridges and Culverts						
General Structures	Required repair works to a number of structures	60,000	-	9,723	Complete	Works to be completed by end of May
Old Coach Road R2R	Replace timber deck to concrete		55,000	53,854	Complete	Fully Funded by RTR
Orford Bridge Repacement	Replace deck and realignment	-	-	28,008	5%	Fully grant funded (Federal 20/21)
	SUB TOTAL	**60,000**	**55,000**	**91,585**		
Parks & Reserves						
Coles Bay Reserve	Playground Rejuvenation Hall Surrounds	-	40,000	44,480	90%	Part of $1.0m grant - fully funded. Fully paid for. Slide to be installed end of July
Swanwick Reserve	Playground Rejuvenation	-	20,000	31,004	90%	Part of $1.0m grant - fully funded. Fully paid for. Playground to be installed end of July
Bicheno Lions Park	Playground / Amenities Rejuvenation / Fence	-	40,000	52,420	90%	Part of $1.0m grant - fully funded. Fully paid for. Playground to be installed end of July

Bicheno Foreshore Track	Replace old timber walkway bridge (northern end)	25,000	-	13,116	40%	Gravel and signage done, bridge replacement to be carried forward to 20/21 project.
Buckland Reserve	Playground / Amenities Rejuvenation	-	5,000	2,837	Complete	Part of $1.0m grant - fully funded
Triabunna Seafarers Memorial	Replace flagpole masts	10,000	-	1,054	Complete	Repaired 1 flagpole
Swansea Rec Ground	Refurbish Scorers Box - awning over servery	-	25,000	18,815	Complete	Part of $1.0m grant - fully funded
	SUB TOTAL	**35,000**	**130,000**	**163,727**		
Council Buildings						
Bicheno - Gulch Toilet	Building extension	-	60,000	31,778	Complete	Part of $1.0m grant - fully funded
Bicheno Hall	Floor Sanding, Paint, window coverings, stage carpet	-	40,000	26,562	Complete	Part of $1.0m grant - fully funded
Coles Bay Reserve	Subsurface Irrigation replacement	20,000	-	20,256	Complete	
Coles Bay Hall	Floor Sanding, painting, carpet, window curtains	-	47,000	23,887	Complete	Part of $1.0m grant - fully funded
Coles Bay Toilets	Refurbish Hall Toilets	-	20,000	33,624	Complete	Part of $1.0m grant - fully funded
Cranbrook Hall	Paint	-	10,000	11,750	Complete	Part of $1.0m grant - fully funded
Swansea Depot Sheds	storage bays - 2 Mus / 3 Depot / 2 Bdg Dept / 2 NRM	25,000	-	33,850	Complete	
Swansea Old SES Building	Community Shed / Re-use Shop	-	184,500	201,803	Complete	Part of $1.0m grant - fully funded
Triabunna Depot	Dog pound upgrade - incl power and security	12,600	-	1,364	20%	Project to be c/fwd 20/21
Swansea Depot	Dog Pound Upgrade	7,000	-	-	0%	Project to be c/fwd 20/21
Bicheno Depot	Dog Pound Upgrade	7,000	-	-	0%	Project to be c/fwd 20/21
Triabunna Community Hall	Kitchen Renovations	-	20,000	23,826	Complete	FF (plus committee contribution)
Asbestos Assessment and Register	For all Council Buildings as per Building regulations	20,000	-	-	0%	
	SUB TOTAL	**91,600**	**381,500**	**408,698**		
Plant & Equipment						
Bicheno Depot - Trailer	Heavy duty box trailer with brakes	3,800	-	2,216	Complete	Purchased
	SUB TOTAL	**3,800**	**-**	**2,216**		
	CAPITAL TOTAL - RENEWAL	**911,400**	**792,101**	**1,422,375**		
Water Scheme						
Prosser Plains Raw Water Scheme		3,000,000	-	3,556,090	Complete	BBR Grant/Loan - Final retention amount still to be incurred
	SUB TOTAL	**3,000,000**	**-**	**3,556,090**		
	CAPITAL TOTAL - NEW & RENEWAL	**$ 4,246,615**	**$ 2,600,601**	**$ 6,999,046**		
		102%	*$$ Expended*			
Adopted Budget 2019-2020 / 'Total Capital Works' $5,711,900 (New Grant $400,000 now included)						
** Status of onground works - project final invoicing may still be outstanding*						
2019-2020 R2R allocation $601,630 (additional Drought Extension funding of $200,543 included)						

6. Section 24 Committees

6.1 Report on the Meeting of the Statement of Expectations Committee (#6)

Ms Lynn Mason - Chairperson, Adviser

Meeting held on 20 July 2020

Attendance: Lynn Mason (Chairperson, Adviser), Greg Preece (Adviser), Acting Mayor Jenny Woods, Acting General Manager Marissa Walters, Cr Rob Churchill

Observers: Cr Keith Breheny, Cr Annie Browning, Cr Cheryl Arnol

The Committee is focusing on the steps necessary to implement the Statement of Expectations, noting that a progress report is to be provided to the Director of Local Government at the end of September.

The Committee resolved to delay the provision of training to Council until the new General Manager has been appointed, and the elections for Mayor and Councillor are completed. It is expected that this will therefore be conducted in September 2020.

The Committee reviewed an Issues Resolution Policy from Hobart City Council, and considered how it might be adapted for Glamorgan Spring Bay Council. Cr Robinson and Mr Preece also provided a draft flow chart, illustrating the steps which could be taken in the event of an alleged breach of the SoE. Both documents will be reworked on the basis of the discussion, and will be circulated to the Committee for comment, before being considered by full Council at its workshop on 11 August 2020.

The next meeting of the Committee will be in mid-August.

RECOMMENDATION

That the Report on the Meeting of the Statement of Expectations Committee (#6) be received.

DECISION 253/20

Moved Clr Keith Breheny, seconded Clr Rob Churchill that the Report on the Meeting of the Statement of Expectations Committee (#6) be received.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

6.2 Statement of Expectations Committee Unconfirmed Meeting Minutes – 20 July 2020

GLAMORGAN SPRING BAY COUNCIL

GLAMORGAN SPRING BAY COUNCIL

STATEMENT OF EXPECTATIONS SPECIAL COMMITTEE

Meeting # 6 – 20 July 2020

LOCATION: Via video-call

1.0 PRESENT:
Ms Lynn Mason (Chairperson and Adviser), Acting Mayor Jenny Woods, Councillor Rob Churchill, Acting General Manager Ms Marissa Walters, Mr Greg Preece (Adviser)

2.0 OBSERVERS:
Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning

3.0 APOLOGIES:
Clr Grant Robinson (Unavailable to attend as Observer)

The Chairperson noted that Clr Arnol would record the Minutes for this meeting.

Chairperson opened meeting at 2.03 pm and noted a quorum was present. Mr Preece had not joined the meeting at the time of opening.

4.0 PREVIOUS MINUTES

RESOLUTION

Resolved that the minutes of the previous meeting (meeting # 5) held 15 June 2020 be confirmed as a true record.

Mr Preece joined the meeting at 2.04pm

5.0 BUSINESS ARISING FROM THE MINUTES: REPORTS ON ACTIONS FROM # 5

a. Report from Acting General Manager on progress with training providers as requested

Ms Walters advised that, after consulting with Ms Kristy Scott (HR adviser), it might be better to wait until Council has a new General Manager and a newly elected Mayor and Councillor.

DRAFT

RESOLUTION

Resolved to delay the provision of training to Council until approximately September, by which time a new General Manager will have been appointed and the new Mayor and Councillor elected.

b. Contact with Mayor Kristie Johnson

Contact has been made with Mayor Johnson by the Chairperson. Further contact will be made after the General Manager appointment and the Mayor/Councillor election.

c. LGAT survey – next one due date and most recent survey results

The Acting General Manager expected that a report will be available for next Committee meeting.

d. WORKSHOP WITH STAFF RE IMPLEMENTATION OF THE SOE

Acting General Manager reported that she had discussed the potential workshop with the Managers and they were keen to undertake this process. Arrangements to undertake the training is pending further action from the Acting General Manager, who will co-ordinate with Mr Preece.

6.0 GENERAL BUSINESS

6.1 CORRESPONDENCE FROM MR KEITH PYKE

The Chair outlined action that had been taken and that Mr Pyke had agreed to an extension of time for response.

RESOLUTION

Resolved that the Chair respond to Mr Pyke by acknowledging his letter(s) and providing a broad outline of how Council has progressed with the SoE and further that the committee felt that his letter was better responded to by the Director and Minister; noting that the Committee has directed the Chair to forward his correspondence to both the Minister and Director for their information.

DRAFT

6.2 PROTOCOLS FOR IMPLEMENTATION OF THE SOE

The Chair recorded her thanks to Mr Preece and Clr Robinson for their input into the protocols and providing the draft for the consideration of the Committee.

RESOLUTION

Resolved that the Committee will write the draft protocols for implementation and circulate to the Committee and elected members prior to the next Council workshop on August 11 2020, for discussion.

Resolved that the flow chart to accompany the policy be amended to reflect the Committee's discussion today and circulated to the committee and Council prior to the August Council workshop with a view to the committee being able to make a recommendation for adoption at the August Council meeting.

Resolved that only one external officer should be in involved in the mediation process.

7.0 OTHER BUSINESS

7.1 REPORT FOR COUNCIL

RESOLUTION

Resolved that the Chairperson will write a report to Council for the July Council meeting and this report can be used as the reported outcomes to be made public and placed on Council website and/or media release as required.

7.2 ATTESTATION CLAUSE

Committee discussed the draft Elected Member Attestation shown here and as provided with the agenda.

Elected Member Attestation (Upon election)

I acknowledge that I have been elected by the community to a position of significant responsibility with the expectation that I will act in accordance with the principles and behaviours of good governance and demonstrate values which are accepted within our society.

I declare my commitment to abide by this expectation by attesting my adherence to the Statement of Expectations Policy.

Signed

Date

DRAFT

RESOLUTION

Resolved that the draft provided would be a basis for an attestation that could be made voluntarily by all Councillors on election as an addition to the legislated commitment statement.

8.0 NEXT MEETING AND MEETING CLOSE

Next meeting will be in August on a date to be advised.

The Chairperson closed the meeting 3.10pm

DRAFT

RECOMMENDATION

That the Unconfirmed Minutes of the Statement of Expectations Committee meeting held on the 20 July 2020 be received and noted.

DECISION 254/20

Moved Clr Annie Browning, seconded Clr Cheryl Arnol that the Unconfirmed Minutes of the Statement of Expectations Committee meeting held on the 20 July 2020 be received and noted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

7. Officers' Reports Requiring a Decision

7.1 Appointment of Acting Deputy Mayor

Responsible Officer – Acting General Manager

ATTACHMENT/S

Nil.

BACKGROUND/OVERVIEW

Since the recent resignation of the Mayor, Deputy Mayor Jenny Woods has acted in the position of Acting Mayor.

The by-election to fill a vacancy for one Councillor and one Mayor is currently underway.

Until an announcement is made in respect to the results of the by-election, which is expected to be on Tuesday 1 September 2020 and in accordance with s.44 (5) of the *Local Government Act 1993,* it is considered good governance for Council to appoint one of their number to act as Deputy Mayor during this period.

The appointment of the Acting Deputy Mayor by Council can be undertaken via secret ballot with the outcome to be made publicly available in the Minutes of the meeting.

STRATEGIC PLAN

Guiding Principle/s

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

Key Foundation/s

1. Sound governance and financial management that shows Council is using ratepayers' funds to deliver best value and impact for the GSBC community.

What we plan to do to achieve results

- *Advocate and lobby effectively on behalf of the community.*

STATUTORY IMPLICATIONS

s.44 of the *Local Government Act 1993:*

> ***44 Term of office***
>
> *(4) If the office of deputy mayor becomes vacant for any reason, the councillors are to elect one of their number to the office of deputy mayor in the prescribed manner for the balance of the term.*
>
> *(5) If the deputy mayor is acting as mayor or is temporarily absent for any period, the councillors may appoint one of their number to act as deputy mayor during that period.*

RISK CONSIDERATIONS

Should Council not appoint an Acting Deputy Mayor, Council risks a lack of structure to the Council leading up the conclusion of the by-election should at any time the Acting Mayor be temporarily absent or unavailable to conduct official Council business.

OFFICER'S RECOMMENDATION

That Council appoints (Insert name of Councillor) as Acting Deputy Mayor until the outcome of the by-election to fill a vacancy for one Councillor and Mayor is known.

The Acting Mayor called for nominations and advised that should the nominated Councillor accept the nomination, Councillors were requested to text their vote to the Acting General Manager.

- *Clr Churchill nominated Clr Robinson. Clr Robinson accepted the nomination.*
- *Clr Arnol nominated Clr Symons. Clr Symons accepted the nomination.*

The Acting Mayor requested that votes now be sent to the Acting General Manager via text message in support of either Clr Robinson or Clr Symons.

The Acting General Manager advised that 7 votes had been received and that Clr Robinson received the majority of votes.

DECISION 255/20

Moved Clr Cheryl Arnol, seconded Clr Rob Churchill that Council appoints Clr Grant Robinson as Acting Deputy Mayor until the outcome of the by-election to fill a vacancy for one Councillor and Mayor is known.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

7.2 Transfer of Land to Centacare Evolve Housing

Responsible Officer – Acting General Manager

ATTACHMENT/S

1. Valuation Report Spencer St Triabunna (Lot 25, 26 and 27/55156)
2. Valuation Report Spencer St Triabunna (Lot 62-72/55156 and 98/55156)

BACKGROUND / OVERVIEW

Centacare Evolve Housing (CEH), through funding from the Department of Communities, are proposing to develop affordable housing to rent by community members over 50 in the Triabunna area.

Council previously considered the sale of public land to CEH for the development of 21 unites on lots 30, 31 & 94 Spencer St (decision 254/19, Item 8.11 of the Ordinary Council Meeting held on 17 December 2019). After community consultation the project was abandoned on this site and alternative sites have been considered taking on board community feedback.

CEH are now proposing to develop on lots 62-72/55156 and 98/55156 into 19 units. The subject land is located on the southern side of Selwyn Street, Triabunna. Three lots have road frontage to Selwyn Street, the remaining lots on the title show road frontage to Spencer Street which is an unformed road.

The 11 lots have been valued and the valuation report provided from the Office of the Valuer General (OVG) is attached. The valuation is $320,000, at 1 July 2019 it was valued at $270,000.

Rather than buying the land outright, CEH are proposing to develop for Council lots 25-28/55156 to be fully services lots with formed road access for Council to be able to sell. These lots are currently adhered with 8 other lots with a combined total valuation of $38,000, making and average lot value of $3,455, although lots sizes do vary slightly. The valuation report from the OVG is attached which show that these lots, once serviced and accessible by road could expect to be sold by Council for between $85,000 to 90,000 per lot, this is based on current market sales data. Giving an expected combined sales value of $355,000.

Original CEH were proposing to turn lots 25-27/255156 from 3 titles into 4 lots if Council required, however they are now prepared to extend the road down to lot 28, to enable a 4th lot to be developed without needing to go through a subdivision process. This would require the driveway of lot 28 to come from Spencer Street rather than the normal cul-de-sac. Whilst not the normal place for the driveway it would enable a 4th lot to be developed for Council to sell at and afford price for CEH budget and provide a better return for Council in return for lots to be transferred to CEH.

STRATEGIC PLAN

Vision

2. *Our economy will be robust and diverse, providing local employment throughout the year.*
3. *We will see steady growth in the permanent population and residential housing.*
4. *Infrastructure for which we are responsible will be provided and maintained to high, safe standards.*

Guiding Principle/s

1. *Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.*
3. *Attract and welcome people of all backgrounds, cultures and ages to live in our region.*
4. *Take and East Coast perspective but also acknowledge the differing needs and priorities of each town or area.*

STATUTORY IMPLICATIONS

s.177 Local Government Act 1993

BUDGET IMPLICATIONS

Once lots 25, 26 and 27/55156 are sold this will assist Council's cash flow in the order of $355,000. Expected profit on sale of assets is expected to be in the order of $70,000 when the developed lots have all sold.

RISK CONSIDERATION/S

1. The development proposed by Centacare will require separate planning approval.
2. It is unknown how quickly the developed lots will sell.
3. Spencer St will be formed to cover the developed lots, leaving the remainder of Spencer St to be formed at later stage.

OFFICER'S RECOMMENDATION

In accordance with *s.177 of the Local Government Act 1993,* that Council by absolute majority authorise the Acting General Manager, to develop a contract to transfer lots 62-72/55156 and 98/55156 to Centacare Evolve Housing for a proposed unit development in return for development of lots 25-28/55156 into fully serviced (power, water and sewer) lots with road access in Spencer St formed to a standard acceptable by Council's engineer, from the Boyle Street intersection passed the access to lot 28. With a condition that the transfer of ownership being subject to the Development Application for the community housing units being approved.

DECISION 256/20

Moved Clr Grant Robinson, seconded Clr Rob Churchill in accordance with *s.177 of the Local Government Act 1993,* that Council by absolute majority authorise the Acting General Manager, to develop a contract to transfer lots 62-72/55156 and 98/55156 to Centacare Evolve Housing for a proposed unit development in return for development of lots 25-28/55156 into fully serviced (power, water and sewer) lots with road access in Spencer St formed to a standard acceptable by Council's engineer, from the Boyle Street intersection past the access to lot 28. With a condition that the transfer of ownership being subject to the Development Application for the community housing units being approved.

THE MOTION WAS PUT AND CARRIED BY ABSOLUTE MAJORITY 6/1

For: Acting Mayor Jenny Woods, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Clr Cheryl Arnol

7.3 East Coast Tasmania Tourism Funding

Responsible Officer – Acting General Manager

ATTACHMENT/S

1. ECTT Draft Strategic Plan 2020
2. April-May Social Media Stats
3. Regional Snapshot – East Coast YE March 2020

BACKGROUND / OVERVIEW

East Coast Tasmania Tourism (ECTT) is funded jointly by Tourism Tasmania (TT), Break O'Day Council and Glamorgan Spring Bay Council.

Council has supported the regional tourism organisation for a number of years, in recent year's Council has contributed $60,000 per annum. ECTT is requesting funding of $60,000 for 2020/21.

Included in the attachments is a draft copy of ECTT's Strategic Plan for 2020 which has just been submitted to the State Government, this includes their KPIs. They have also provided Social Media Stats for the period April – May 2020 and a Regional Snapshot – East Coast for the Year Ended March 2020 showing a +4% growth, which are also included in the attachments.

ECTT have recently undertaken a desktop product and experience audit on the East Coast. Their goal from the audit is to address the following:

- Improve engagement and rapport with stakeholders, building on newsletter content, interactive Facebook groups and face to face connection.
- Increase listing on Australian Tourism Data Warehouse (ATDW), (remove separate listing option for ECTT – all listings must funnel from ATDW)
- Provide or source training and education to increase use of digital marketing, and improve standard of practices.
- Improve partnership and collaboration between stakeholders and ECTT, TT and within the industry
- Build on marketing with regard to the diversity of experiences available in the region, building on story, local heroes, unordinary adventures, Journeys (Itineraries) and individual USP (increasing visitation and duration of stay)
- ECTT website is currently supporting out of date information, listings and articles and images; functionality is compromised with regard to listings funnelled thought ATDW. The website needs investment to update / repair or rebuild. ECTT will work with TT as on this project.

ECTT have also provided a list of key projects achieved to date:

- Grow visitation all year round with focus on shoulders and low season.
- Advocate for the East Coast with all relevant State Agencies.
- Introduction of fortnightly/monthly forums to stay connected with Industry.
- Attendance at all East Coast Destination Action Plan (DAP) Meetings.
- Support the Industry to engage in Government funding opportunities to develop the Industry and product.
- Introduced effective strategies in communications, marketing & social media.
- Weekly comms to Industry and monthly to consumers.
- East Coast Tasmania Tourism Awards.
- Great Eastern Wine Weekend program development and marketing in partnership with RACT.
- Introduction of co-operative marketing opportunities with the Industry.
- Product & Experience Audit - 3 month project (as above).
- Website development with plug-in from ATDW.
- Launch of East Coast Shines campaign.

- Secured funding for the development of the Alpaca map for the town walks and the development of a whole East Coast map.
- Holiday Park & Camping Guide for the East Coast.
- Conference & Events Guide for the East Coast.

STRATEGIC PLAN

Guiding Principle/s

1. *Balance economic and tourism growth with preserving our lifestyle, celebrating our rich history and protecting the region's unique and precious characteristics.*
2. *Reinforce and draw on the strengths of our communities at both a local and regional level.*
4 *Take an East Coast perspective but also acknowledge the differing needs and priorities of each town or area.*
5 *Ensure that our current expenditure and ongoing commitments fall within our means so that rates can be maintained at a manageable and affordable level.*
6 *Draw on the knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans – listening to and taking account of ideas and feedback from residents, businesses and ratepayers.*

Key Foundation/s

1. *Sound governance and financial management that shows Council is using ratepayers' funds to deliver best value and impact for the GSBC community.*
2. *Cohesive, inclusive and resilient communities that work together across the region to make the most of our collective talents, skills and resources and help and support each other.*

What we plan to do to achieve results

- *Manage cash flow tightly to ensure current liabilities can be paid from unrestricted (available) cash.*
- *Set realistic budget and monitor income and expenditure closely.*
- *Encourage and support the arts, cultural activities, programs and events.*

Mission-critical priorities for 2020/21

4 *Identify current activities that are non-core to Council and develop plans to manage, exit or outsource them.*
6. *Commence the development of an Economic Development Plan for the Glamorgan Spring Bay region.*

STATUTORY IMPLICATIONS

Not applicable

BUDGET IMPLICATIONS

$30,000 for first 6 months, $60,000 for 12 months.

$110,000 is included in the budget for Tourism & Economic Development. This would leave $50,000 to put towards the development of an Economic Development Plan, as identified as a mission-critical project for 2020/21 in Council's Strategic Plan.

RISK CONSIDERATION/S

ECTT is working closely to support local operators through the currently challenging environment with COVID-19 and Council's decision to transition from running the Visitor Information Centres after 31 October 2020. Council is continuing to work with key stakeholders in relation to a transition plan; however, this may change the role and responsibilities of ECTT post 31 October 2020. A review of the funding relationship is therefore recommended after 31 October 2020.

OFFICER'S RECOMMENDATION

That Council provide East Coast Tasmania Tourism $30,000 in funding for the period 1 July 2020 – 31 December 2020 and that the funding arrangement be reviewed before 31 December 2020 for the 6-month period 1 January 2021 to 30 June 2021.

DECISION 257/20

Moved Clr Cheryl Arnol, seconded Clr Michael Symons that Council provide East Coast Tasmania Tourism $60,000 in funding for the period 1 July 2020 – 30 June 2021.

THE MOTION WAS PUT AND CARRIED 6/1

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Clr Annie Browning

7.4 Reimbursement of Costs

Responsible Officer – Acting General Manager

ATTACHMENT/S

Nil.

BACKGROUND / OVERVIEW

In September 2019, the ASU wrote to the then Mayor, Debbie Wisby with various allegations and demands. The letter was circulated by the ASU to all Councillors, the General Manager and the Director for Local Government at the time.

Ms Wisby personally sought her own legal advice through Abetz Curtis in relation to the letter and was charged $1,391.50 for this advice.

STRATEGIC PLAN

Key Foundation/s

1. *Sound governance and financial management that shows Council is using ratepayer funds to deliver best value and impact for the GSBC community.*
1. *Creating a positive working environment where Elected Member, staff and volunteers can give of their best in performing their roles for Council and community.*

STATUTORY IMPLICATIONS

Schedule 5 of the Act provides that councillors are entitled to be reimbursed for reasonable expenses in accordance with the Policy 4.2 in relation to:

(a) any expenses prescribed in r.43 of the *Local Government (General) Regulations 2015* which do not include personal legal expenses); and

(b) any other expenses the council determines appropriate (i.e. whatever the Councillors, in their discretion, may resolve to reimburse).

BUDGET IMPLICATIONS

$1,391.50

RISK CONSIDERATION/S

This may create a precedence on how the current Council deals with similar situations where an elected member incurs legal costs in relation to allegations that are made against them whilst carrying out their role.

OFFICER'S RECOMMENDATION

That Council reimburse Debbie Wisby $1,391.50 in expenses incurred in the role of Mayor of Glamorgan Spring Bay Council in seeking legal advice in relation to claims and demands by the ASU.

Moved Clr Michael Symons, seconded Clr Cheryl Arnol that Council not reimburse Debbie Wisby $1,391.50 for expenses incurred in September 2019 during her role as Mayor of Glamorgan Spring Bay Council in seeking legal advice in relation to claims and demands made by the ASU.

A FORESHADOWED MOTION WAS

Moved Clr Rob Churchill that Council reimburse Debbie Wisby $1391.50 in expenses incurred in the role of Mayor of Glamorgan Spring Bay Council in seeking legal advice in relation to claims and demands by the ASU.

DECISION 258/20

Moved Clr Michael Symons, seconded Clr Cheryl Arnol that Council not reimburse Debbie Wisby $1,391.50 for expenses incurred in September 2019 during her role as Mayor of Glamorgan Spring Bay Council in seeking legal advice in relation to alleged claims and demands made by the Australian Services Union.

THE MOTION WAS PUT AND LOST 4/3

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Michael Symons

Against: Clr Annie Browning, Clr Rob Churchill, Clr Keith Breheny, Clr Grant Robinson

DECISION 259/20

Moved Clr Rob Churchill, seconded Clr Keith Breheny that Council reimburse Debbie Wisby $1,391.50 in expenses incurred in the role of Mayor of Glamorgan Spring Bay Council in seeking legal advice in relation to claims and demands by the ASU.

THE MOTION WAS PUT AND CARRIED 4/3

For: Clr Annie Browning, Clr Rob Churchill, Clr Keith Breheny, Clr Grant Robinson

Against : Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Michael Symons

The Acting Mayor called an adjournment at 3.59pm for a refreshment break with the meeting to reconvene at 4.10pm.

The meeting reconvened at 4.10pm.

7.5 Buckland Walk

Responsible Officer – Acting General Manager

ATTACHMENT/S

1. Memorandum – Engineer, Harry Galea
2. Report – Works Manager, Rob Brunning

BACKGROUND / OVERVIEW

The Glamorgan Spring Bay Council passed a motion on the 26th of May "That item 7.17 Buckland Walk Trail be deferred until further information from a qualified Engineer is obtained in regards to the Buckland Walk Trail."

The purpose of this report is to form part of this advice.

This decision was made after the following reports were tabled at the council meeting on the 26th of May.

- The report by LANGE design titled "Buckland Township Local Scenic Walking Tracks – Stage 1 dated the 6th May 2020

Acting General Manager's item tabled to Council on the 26th May.

Engineering
Refer to the attached reports covering the engineering issues.

Planning
Planning advice from Council's Consultant Planner, Mick Purves:

> It is recommended that prior to the commencement of any work on the northern part of the trail, the proposed route is compared with the existing track. Where there are any substantial departures from the existing trail for the northern portion, they are also likely to require planning approval. While the existing track has is expected to have some form of existing use rights under the Act, any new routes will not have this status and require planning approval for similar reasons to the southern portion of the trail.

Flooding
Refer to the engineers reports regarding flooding data. Recent rainfall has shown that some sections of the track will be affected by flooding on a regular basis and require maintenance.

Community Consultation
There has been no formal community consultation undertaken by Council to date in relation to this project. There have been many community members expressing their concerns both for and against the project. Given that the engineering and planning issues can be overcome and the financial cost is fairly equally weighted, it would be recommended to engage with the residents and ratepayers of Buckland to determine if they would like to see the walking track completed.

Aboriginal Heritage
Council have complied with its work permit issued by Crown Land Services in relation to Aboriginal Heritage. Council cannot comment as to the validity of the conditions of the works permit, that is a matter for Crown Land Services. Council may need to seek independent advice from an Aboriginal Heritage expert if works are to continue or if the site is rehabilitated.

STRATEGIC PLAN

Primary Functions and Activities

4. Planning and creating recreational spaces and facilities.

Guiding Principle

4 Take an East Coast perspective but also acknowledge the differing needs and priorities of each town or area.
5. Ensure our current expenditure and ongoing commitments fall within our means so that rates can be maintained at manageable and affordable levels.
6. Draw on knowledge and expertise of local people and communities in shaping and delivering our initiatives and plans – listening to and taking account of ideas and feedback from residents, businesses and ratepayers.

Key Foundations

1. Sound Governance and financial management that shows Council is using ratepayer funds to deliver best value and impact for the GSBC community.
4. Deliver high quality, cost-effective infrastructure and services that meet the needs of our communities, resident and visitors.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993
Local Government Act 1993
GSBC Interim Planning Scheme

BUDGET IMPLICATIONS

Option 1: Based on the reports provided by engineers Harry Galea and Works Manager, Rob Brunning. Estimated construction cost to finish Stage 1 of the Buckland Walk is $43,692. Plus an allowance for community consultation, aboriginal assessment (if required) and other non-construction contingencies. Allowing a total of $45-50k.

Option 2: Based on the Lange Report an estimate of $50,000 to rehabilitate the site plus return of grant funds of $10,000. Making a total of $60,000.

RISK CONSIDERATION/S

As outlined in the report and attachments.

OFFICER'S RECOMMENDATION

That Council undertake community consultation with the residents and ratepayers of Buckland in relation to the Buckland Walk.

DECISION 260/20

Moved Clr Keith Breheny, seconded Clr Cheryl Arnol that Council undertake community consultation with the residents and ratepayers of Buckland in relation to the Buckland Walk.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

7.6 Renew Lease for 6 Rectory Street, Swansea

Responsible Officer – Senior Finance Officer

ATTACHMENTS

Nil.

BACKGROUND/OVERVIEW

The University of Tasmania (UTAS) currently has a five-year lease on the house at 6 Rectory Street, Swansea.

The lease expires on the 1st of July 2020 and an email requesting to extend that lease by another five years has been received.

After a discussion with Amanda Sundstrup, Property Manager for UTAS today, this request has been revised and UTAS would now like to rent the property for a ***12 months*** period only.

UTAS uses the premises as a base for Rural Health teaching, learning and research as well as sporadic accommodation for persons employed by them in the provision of these activities. The tenant is not permitted to use the premises for any other purpose. UTAS has always paid in advance and cared for the property in accord with the Lease agreement ensuring the premises is kept in good condition.

UTAS also pay all water and power bills and maintain their own public liability insurance and Landlord insurance.

The value for the current lease is $26,000 (ex GST) in total for a 5 year period with this amount **including** the payment of rates for the property. This equates to an amount of $100 per week to rent the premises.

Total costs to maintain the building over the past 5 year period has equated to $35,664.45 which equates to a cost of $137.17 per week. Refer figures below.

Should Council determine to continue the lease of the residence at 6 Rectory Street Swansea for a further 12 months with UTAS, it is considered that an amount of $150 per week in rent would be reasonable to cover costs and future maintenance.

This matter was discussed at the Council Workshop held on the 14 July 2020.

Additional Information

Since Council first looked at this situation it has had a property appraisal completed on the property showing its value to be between $330,000 & $350,000 in today's market.

A rental appraisal was also completed showing the property rental asking price to be up to $280.00 per week.

In addition the Mayor and Councilors visited both Council owned residences in Swansea to get a better overall understanding of each building, their condition and their potential.

UTAS has undergone a major financial reversal due to COVID-19 with the loss of international students and staff cuts are expected with others having to accept a pay freeze. UTAS has expressed that purchasing the property at Swansea is out of the question at this stage in time and leasing is only tenable for 12 months and not 5 years as previously thought.

Financial Analysis over the past 5 years 2014-2019FY

INCOME	5 years	Annually	Weekly
Income from UTAS rental	$26,000	$5,200	$100
TOTAL FOR INCOME	$26,000	$5,200	$100
EXPENSES			
Depreciation	$14,500	$2,338.06	$44.96
Employee Costs Payroll	$364.33	$72.86	$1.40
Employee Costs-Oncosts	$16.02	$3.20	$0.06
Maintenance Costs	$2,115.58	$423.11	$8.13
Water & Sewerage Costs	$4,943.77	$988.75	$19.01
Materials	$804.30	$160.86	$3.09
Land Tax	$12,920.45	$2,584.09	$49.69
TOTAL FOR EXPENSES	$35,664.45	$7,132.89	$137.17

STATUTORY IMPLICATIONS

None recognised.

BUDGET IMPLICATIONS

None recognised. Will not affect the current adopted Budget negatively.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

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

What we plan to do

- *Advocate for adequate healthcare professionals/providers.*

Mission-critical priorities for 2020/21

1. *Conduct an audit and assessment of all Council assets.*

RISK CONSIDERATIONS

If Council do not increase the rent, it risks bearing the ongoing costs associated with the maintenance of this property. Should Council increase the rent to the marked appraised amount we risk the University not continuing with the lease arrangements.

OFFICER'S RECOMMENDATION

That Council renews the lease for the property located at 6 Rectory Street Swansea to the University of Tasmania for a period of twelve months at a weekly rental of $150.00 to cover costs and future maintenance, effective 1 July 2020.

DECISION 261/20

Moved Clr Cheryl Arnol, seconded Clr Keith Breheny that Council renews the lease for the property located at 6 Rectory Street Swansea to the University of Tasmania for a period of twelve months at a weekly rental of $150.00 to cover costs and future maintenance, effective from the 1 July 2020.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

7.7 Saltworks Jetty Replacement

Responsible Officer – Manager of Buildings & Marine Infrastructure

ATTACHMENT/S

Nil.

BACKGROUND/OVERVIEW

In June 2019, MAST advised Council that grant money was available from the Government through the recreational boating fund to replace old recreational Jetties.

The Acting General Manager at the time asked the Manager of Building & Marine Infrastructure to lodge an application to replace the Jetty at the Saltworks boat ramp, as this jetty is old, (refer picture below), and costly to repair. Recreational fisher people use this jetty frequently.

A notification of the application being successful was sent to the Manager of Building & Marine Infrastructure and Mayor Debbie Wisby on the 8th of October 2019 from Peter Hopkins at MAST.

The amount approved for the replacement jetty is $100,000.00. On the 7th of July 2020 a deed of agreement was sent to Council for signing and to accept the funding.

Existing jetty, Saltworks boat ramp

BUDGET IMPLICATIONS

The replacement jetty would require a Planning permit and engineering certification. The grant funding would pay for these costs. Ongoing maintenance would be a Council responsibility. A new replaced structure would be constructed of longer wearing materials as opposed to the existing timber structure. The design for the new jetty has not yet been decided.

STRATEGIC PLAN

Guiding Principle

5. *Take an East Coast perspective but also acknowledge the differing needs and priorities of each town or area.*

Key Foundation/s

2. *Sound governance and financial management that shows Council is using ratepayers' funds to deliver best value and impact for the GSBC community.*
4. *Delivering high quality, cost-effective infrastructure and services that meet the needs of our communities, residents and visitors.*

What we plan to do

- *Maintain public amenities and recreational facilities.*

STATUTORY IMPLICATIONS

Local Government Act 1993

RISK CONSIDERATIONS

By not taking advantage of the available funding to replace the existing jetty at Saltworks Road, Council risks being unable to fund the replacement of the jetty making it unsafe for recreational users.

OFFICER'S RECOMMENDATION

That Council authorises the Acting General Manager to execute the Deed of Agreement and accepts the funds to replace the old Saltworks Jetty.

Moved Clr Michael Symons, seconded Clr Grant Robinson that the Council authorises the Acting General Manager to execute the Deed of Agreement and accept the funds to replace the old Saltworks Jetty.

A FORESHADOWED MOTION WAS

Moved Clr Annie Browning that Council:

1. Request marine and safety Tasmania consider the option of funding a toilet at the Saltworks boat ramp and maintenance of this structure; and
2. Conduct a survey of users of this jetty and determine whether replacement of the jetty is required and is a good use of public funds.

DECISION 262/20

Moved Clr Michael Symons, seconded Clr Grant Robinson that the Council authorises the Acting General Manager to execute the Deed of Agreement and accepts the funds to replace the old Saltworks Jetty.

THE MOTION WAS PUT AND CARRIED 4/3

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Grant Robinson, Clr Michael Symons

Against: Clr Annie Browning, Clr Keith Breheny, Clr Rob Churchill

7.8 Freycinet Volunteer Marine Rescue Association Inc.

Responsible Officer – Manager Community Development

ATTACHMENT/S

Nil

BACKGROUND / OVERVIEW

An application under the Community Small Grants Program has been received from the Freycinet Volunteer Marine Rescue Association Inc.

The Association is a 100% volunteer, not-for-profit, community service organisation based in Swansea and was formed in 2001 as a Flotilla of the Australian Volunteer Coast Guard Association.

In 2011 the Association affiliated with Surf Life Saving Tasmania (SLST). Since June 2015, it has operated solely as Freycinet VMR as part of a network that has brought all Tasmanian marine rescue volunteers under the management umbrella of SLST.

The objectives of the Association are:-

- To promote safe boating.
- To assist in the preservation of life and property.
- To train members and members of the public in safe operation of sea craft and use of marine radio.

Freycinet VMR operates in conjunction with Tasmania Police and Surf Life Saving Tasmania to provide marine emergency response within the Glamorgan Spring Bay municipal area.

The Association is seeking financial assistance of $1,000 towards its “Extra Care for Longer Life” project.

The project aims to extend the usable life of equipment used by marine rescue volunteers. Volunteer marine rescue is regarded as a commercial activity by the Australia Maritime Safety Authority. As such, the Stormy Lifejackets used must be returned to the manufacturer for service every year. The cost of this service is the first part of the project. The second part is a proactive approach to extending the life of the Association’s boat trailers and vehicle through the purchase of equipment that will allow the equipment to be washed and treated with corrosion inhibitor, not only above but also from beneath, using a pressure washer with an extension lance.

The total cost of the project is $1,789, made up as follows:

Stormy Lifejacket Service for 10 Life Jackets	400.00
Karcher HD 5/11 Cage Classic Pressure Washer	799.00
Corrosion Inhibitor Mixer Attachment	140.00
Flexible Underbody Lance	450.00
	$1,789.00

Freycinet VMR will be contributing a minimum of $789.00, as well as covering the following costs:-

Delivery and collection of life jackets to/from Stormy Australia (Mornington)
Any additional life jacket replacement parts found during service.
Delivery of Karcher equipment from Hobart to Swansea.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

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

What we plan to do

- *Support and facilitate social and community events that promote community health and wellbeing.*

STATUTORY IMPLICATIONS

Local Government Act 1993

BUDGET IMPLICATIONS

There is provision in the budget for the Community Small Grants Program, however, the amount has not yet been confirmed as Council plans to review the program and policy.

RISK CONSIDERATION/S

By not supporting this application, there is risk of negative publicity to Council in that it is not promoting the efforts of a community service organisation, on this occasion the Freycinet Volunteer Marine Rescue Association Inc., in its attempt to promote safe boating.

OFFICER'S RECOMMENDATION

That Council approves a grant of $1,000 to the Freycinet Volunteer Marine Rescue Association towards the cost of its "Extra Care for Longer Life" project.

DECISION 263/20

Moved Clr Keith Breheny, seconded Clr Michael Symons that Council approves a grant of $1,000 to the Freycinet Volunteer Marine Rescue Association towards the cost of its "Extra Care for Longer Life" project.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

7.9 Budget Re-allocation – Dog Management Vehicle

Responsible Officer – Executive Manager - Development

ATTACHMENT/S

Nil.

BACKGROUND / OVERVIEW

It is Council's legal responsibility in terms of the Dog Control Act and Dog Control Regulations to protect community health, safety, amenity and wildlife from stray and potentially dangerous dogs.

In this respect, Council has previously approved in principle funding ($35k), to purchase three trailers for collecting stray dogs.

The Council's Animal Control Officers are currently using an ageing vehicle (2015 Ford Ranger Rego. E05UZ with 222,000km on the odometer) for purposes of collecting dogs.

It is proposed to re-allocate the approved funds to purchase a new vehicle dedicated to this purpose.

The ageing Ford Ranger will also be traded in to supplement the purchase.

The benefits of a dedicated vehicle as opposed to a trailer(s) are as follows:

1. No issues with reversing. Some staff may have challenges with manoeuvring a trailer, towed behind a vehicle.
2. The pound, where dogs are dropped off, has limited space in which to manoeuvre a trailer.
3. Reduced administration/logistics.
4. One vehicle is easier to safely store.
5. Reduced WH&S risk – see Risk considerations

STATUTORY IMPLICATIONS

None recognised.

STRATEGIC PLAN

Guiding Principle

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

Key Foundation/s

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

What we plan to do

- *Manage cash flow tightly to ensure current liabilities can be paid from unrestricted (available) cash*

BUDGET IMPLICATIONS

The $35,000 to purchase the vehicle will be through a re-allocation of funds, supplemented by the trade in of an ageing vehicle in Council's fleet.

RISK CONSIDERATION/S

The type of vehicle recommended, i.e. a van, would reduce lifting hazards for Council Officers that are required to collect dogs.

This is because the vehicle is lower to the ground and most dogs would be able to enter without lifting at all.

OFFICER'S RECOMMENDATION

That Council approves the re-allocation $35,000 within the budget, initially set aside for the purchase of trailers, to purchase a dedicated vehicle of approximately the same value, for purposes of Dog Control.

DECISION 264/20

Moved Clr Cheryl Arnol, seconded Clr Keith Breheny that Council approves the re-allocation of $35,000 within the budget, initially set aside for the purchase of trailers, to purchase a dedicated vehicle of approximately the same value, for the purposes of Dog Control.

THE MOTION WAS PUT AND CARRIED 6/1

For:	Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Annie Browning, Clr Rob Churchill, Clr Keith Breheny, Clr Grant Robinson
Against	Clr Michael Symons

7.10 Glamorgan Spring Bay park names not entered into Placenames Tasmania

Responsible Officer: Robyn Bevilacqua (Planner)

ATTACHMENT/S

Nil.

BACKGROUND/OVERVIEW

Land Tasmania, in the Department of Primary Industries, Parks, Water and the Environment, has advised of two Council-owned park names that were included in Land Tasmania's *Features of Interest* dataset when the Street Atlas was being field checked some years ago, but which have never been entered into Placenames Tasmania.

The current situation

Land Tasmania has asked for guidance as to whether to enter the two names into Placenames Tasmania or to remove them from the dataset.

They ask Council:

- whether it recognises the names
- if yes, does it approve the names to be made official?
- If no, should the name be removed from mapping products?

When considering the names, Land Tasmania has asked that Council notes the following extract from the Tasmanian Place Naming Guidelines:

> (8.2) the use of the word 'Reserve' as a generic should ideally be restricted to areas of land reserved under the *Nature Conservation Act 2002*. Consideration should be made to using the generic 'Park' for other types of recreation areas, including those managed by local government.

If Council approves the names to be taken to the Advisory Panel, they will be submitted through the normal channel through the Placenames Tasmania register.

The names

1. Gordon Street Reserve, Swansea
2. Rita & Doris Reserve, Coles Bay

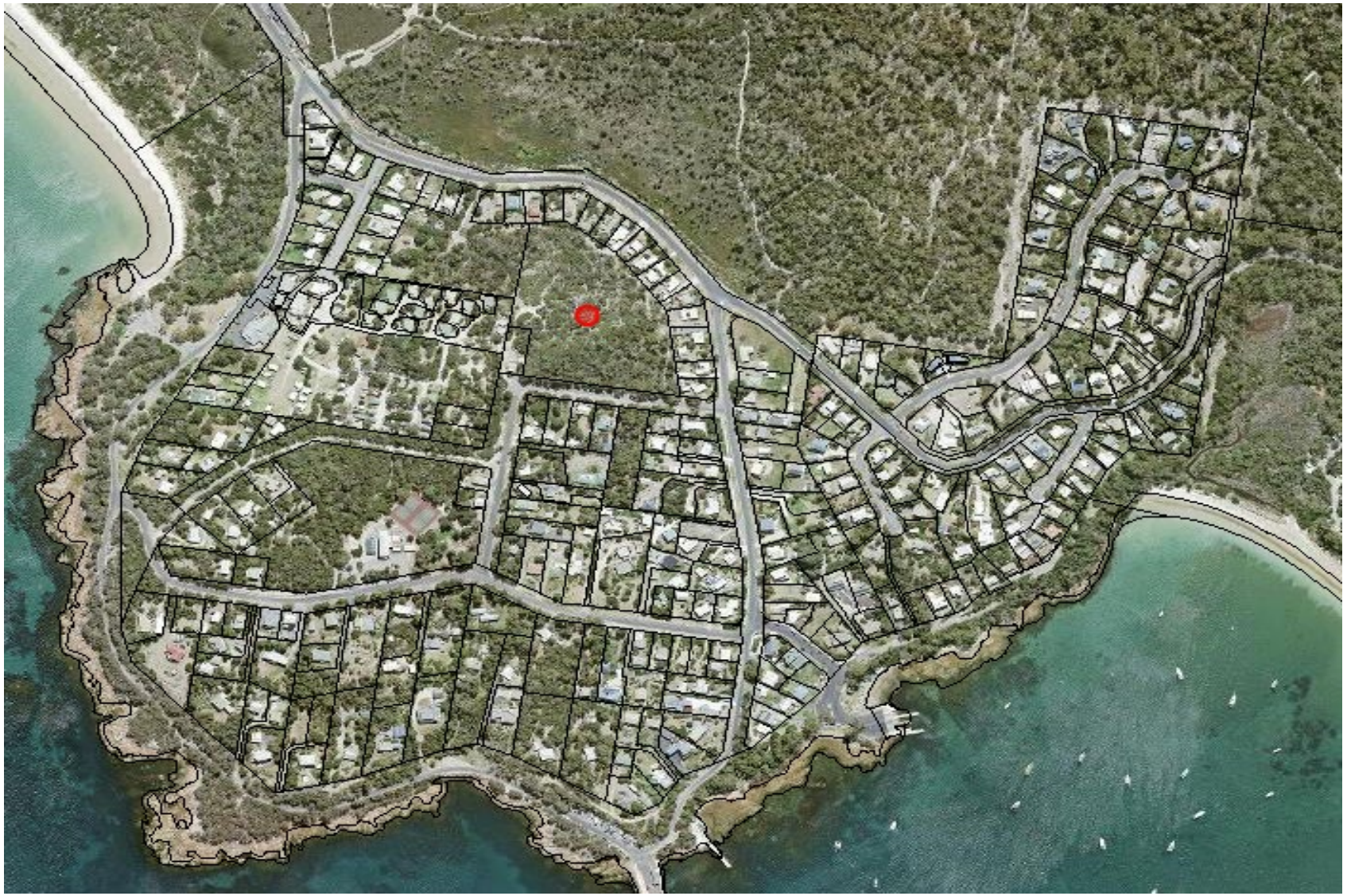
Images from LISTmap on the next page show the locations of the two reserves.

'Gordon Street Reserve' appears on LISTmap as a 'Point of Interest'. It does not appear on Google Maps. The point of interest appears to rest on the road reserve. There does not seem to be a definable park or reserve in the area.

'Rita & Doris Reserve' in Coles Bay appears on LISTmap as a 'Point of Interest'. It does not appear on Google Maps. The point of interest relates to two hectares of land owned by Council and addressed as Lot 1 Percy Street, Coles Bay.

Figure 3: Gordon Street Reserve, Swansea 'Point of Interest' (LISTmap)

Figure 4: Rita & Doris Reserve, Coles Bay 'Point of Interest' (LISTmap)



BUDGET IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

That Council:

1. Recognises the existing names:

   a) Gordon Street Reserve
   b) Rita & Doris Reserve; and

2. Authorise the Acting General Manager to lodge the name/s with Placenames Tasmania (in the process exchanging the word 'reserve' with 'park');

OR

3. Authorise the Acting General Manager to notify Placenames Tasmania to remove the name/s from the Land Tasmania's *Features of Interest* dataset.

DECISION 265/20

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

1. Recognises the existing names:

   a) Gordon Street Reserve
   b) Rita & Doris Reserve; and

2. Authorise the Acting General Manager to lodge the name/s with Placenames Tasmania (and in the process exchanging the word 'reserve' with 'park' for Gordon Street and that the name Rita & Doris Reserve be retained due to the historical value of the area).

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

7.11 Late Report Item – Performance Improvement Direction

Responsible Officer – Acting General Manager

ATTACHMENT/S

Nil.

SUMMARY

This late item report is submitted in accordance with regulation 8(6)(a), (b) & (c) of the Local Government (Meeting Procedures) Regulations 2015.

This report was not included in the Council agenda due correspondence being received from the Minister for Local Government and Director Local Government after the agenda was published.

The matter is considered to be urgent as it requires a response to the Minister for Local Government and Director Local Government with a revised milestone plan by 12 August 2020.

BACKGROUND/OVERVIEW

On 22 June 2020, Council received written notification from the Minister for Local Government of his intentions to issue a Performance Improvement Direction (PID) to Glamorgan Spring Bay Council. Council had 14 days to respond to the Minister's letter with a Milestone Plan included.

The Director's recommendation to the Minister is that Council complete all directed action within 180 days from the issue of the PID. This was considered by Council at a Special Council Meeting on 6 July 2020 and a letter subsequently sent to the Minister on the same day.

The Minister for Local Government has reviewed Council's request to complete the task identified by 30 April 2021. The Minister has now formal issued Council with a Performance Improvement requiring these tasks be completed by 31 March 2021.

Council now need to consider a revised Milestone Plan to achieve the directed tasks by 31 March 2021 and respond to the Minister by 12 August 2020 with this plan.

Program Outline

Long Term Financial Management Plan

- First draft presented to Council by 31 December 2020
- Updated and integrated with Long Term Strategic Asset Management Plan data by 31 March 2021

Long Term Strategic Asset Management Plan

- Condition assessment, audit and in some cases revaluation of data for required asset classes to be completed by February 2021, based on the following plan:
    - Roads, Footpath, Kerb & Channel expected to be completed by October 2020
    - Bridges & Culverts completed by October 2020
    - Stormwater & Drainage by February 2021
    - Marine Infrastructure by December 2020
    - Playgrounds by October 2020
    - Buildings by December 2020
- Long Term Strategic Asset Management Plan developed by 28 February 2021.

Financial Management Strategy

- Developed in conjunction with the Long Term Financial Plan and presented to Council by 31 December 2020.

Asset Management Strategy

- Developed post condition assessments and asset audit as listed above.
- Presented to Council by 28 February 2021.

Asset Management Policy

- Ready to review by Council by 30 September 2020 based on current data, however will require updating post any revaluation of assets

STATUTORY IMPLICATIONS

s.70 Local Government Act
s.70A-E Local Government Act
214L-N Local Government Act

RISK CONSIDERATONS

Should Council fail to comply with the PID the Minister may exercise his powers to take the following action:

1. Suspend any or all Councillors for a period not exceeding six months.
2. Establish a Local Government Board of Review to commence a specific or general review of the Council.
3. Establish a Board of Inquiry to commence an investigation into the activities of the Council.

BUDGET IMPLICATIONS

The estimated cost of completing the required works is in the order of $400-500k.

OFFICER'S RECOMMENDATION

That Council authorise the Acting General Manager to write to the Minister for Local Government and the Director Local Government with a milestone plan to meet the Performance Improvement Direction requirements by 31 March 2021.

DECISION 266/20

Moved Clr Annie Browning, seconded Clr Keith Breheny that Council authorise the Acting General Manager to write to the Minister for Local Government and the Director Local Government with a milestone plan to meet the Performance Improvement Direction requirements by 31 March 2021.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

8. Notices of Motion

Nil.

9. Petitions

9.1 Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres

Responsible Officer - Acting General Manager

BACKGROUND/OVERVIEW

On Wednesday 8 July 2020 the Acting General Manager was presented with a petition, via email, from the Australian Services Union (ASU) titled "Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres". A copy of the petition was also circulated to all Councillors by the ASU.

The petition to Council contains 1056 signatures calling on the reversal of the decision to divest from the Visitor Information Centres in Glamorgan Spring Bay.

The petition was assessed in accordance with s.57 of the *Local Government Act 1993* and the Acting General Manager is satisfied that it meets the following criteria:

57. Petitions

(1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.

(2) A person lodging a petition is to ensure that the petition contains –

- *(a) a clear and concise statement identifying the subject matter and the action requested; and*
- *(b) in the case of a paper petition, a heading on each page indicating the subject matter; and*
- *(c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and*
- *(d) a statement specifying the number of signatories; and*
- *(e) at the end of the petition –*
  - *(i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and*
  - *(iii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.*

58. Tabling Petition

(1) A councillor who has been presented with a petition is to –

(a)……...

(b) forward it to the general manager within 7 days after receiving it.

(2) A general manager who has been presented with a petition or receives a petition under subsection (1) (b) is to table the petition at the next ordinary meeting of the council.

In accordance with the above requirements, the Acting General Manager will present the "Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres" as presented by Mr Aaron De La Torre Australian Services Union, to Council.

S.60 of the *Local Government Act 1993* requires that within 42 days after the tabling of the petition the Council, at that meeting, is to determine any action to be taken in respect of the petition.

S.60 of the *Local Government Act 1993* also stipulates that the minutes of the meeting to which the petition is presented are to record the subject matter of the petition and the number of signatories to the petition.

STATUTORY IMPLICATIONS

s.57, 58 & 60, *Local Government Act 1993*

OFFICER'S RECOMMENDATION

That Council:

(a) Receives the "Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres" as presented by Mr Aaron De La Torre of the Australian Services Union and tabled by the Acting General Manager at the Ordinary Council Meeting held 28 July 2020; and

(b) Determines what action is to be taken in respect of the petition.

Moved Clr Michael Symons, seconded Clr Cheryl Arnol that Council:

(a) Receives the "Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres" as presented by Mr Aaron De La Torre of the Australian Services Union and tabled by the Acting General Manager at the Ordinary Council Meeting held 28 July 2020.

A FORESHADOWED MOTION WAS

Moved Clr Churchill that Council receives and notes the Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres.

A FORESHADOWED MOTION WAS

Moved Clr Arnol that in acknowledging the Petition received and the very strong community and tourism industry sector sentiment, Council review the decision made in closed session on the 26th May 2020 to divest from the Visitor Information Centre Network at the August Ordinary Meeting of Council.

DECISION 267/20

Moved Clr Michael Symons, seconded Clr Cheryl Arnol that Council:

(a) Receives the "Petition for Council – Save Glamorgan Spring Bay Council Visitor Information Centres" as presented by Mr Aaron De La Torre of the Australian Services Union and tabled by the Acting General Manager at the Ordinary Council Meeting held 28 July 2020.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Grant Robinson, Clr Michael Symons

Against: Nil.

DECISION 268/20

Moved Clr Cheryl Arnol, seconded Clr Michael Symons that in acknowledging the Petition received and the very strong community and tourism industry sector sentiment, Council review the decision made in closed session on the 26th May 2020 to divest from the Visitor Information Centre Network at the August Ordinary Meeting of Council.

THE MOTION WAS PUT AND LOST 4/3

For: Deputy Mayor Jenny Woods, Clr Cheryl Arnol, Clr Michael Symons

Against: Clr Annie Browning, Clr Keith Breheny, Clr Rob Churchill, Clr Grant Robinson

10. Questions without Notice

Questions without Notice taken on notice – Ordinary Council Meeting 23 June 2020

Cr Cheryl Arnol stated that she had questions on two different subjects.

Q1. I ask the first three questions as the Chair of the NRM Committee –

Why isn't the NRM Committee's submission to DPIPWE's Position Paper on Rural Water Use Strategy on this agenda for the consideration of Council?

Response from the Acting General Manager, Mrs Marissa Walters

It was determined by the Acting General Manager that the submission should be submitted to a Council workshop for discussion prior to submission to Council for endorsement. Due to the timeframe between the receipt of the submission and the date of the close of the Agenda for the June 2020 Council meeting the submission will be presented to a Council workshop to be held on the 30 June 2020 with a view to presenting the submission to a special meeting of Council to be held on the 6 July 2020 for endorsement. An extension of time was requested (& granted) by DPIPWE until 10 July 2020.

When will this Council start to trust the NRM Committee, its members and staff's expertise on these matters when they relate directly to No 8 in our core purpose as stated in the Strategic Plan – Protecting environmental values and amenity of the east coast.

Response from the Acting General Manager, Mrs Marissa Walters

Council continues to support the NRM Committee, its members and staff.

Does this Council have the expertise to re-write the submission once it is workshopped if they don't agree with the content of the draft submission?

Response from the Acting General Manager, Mrs Marissa Walters

It is not Council's intention to re-write the submission. As Council will be requested to endorse the submission at a Council meeting, it is appropriate for Councillors to be provided an opportunity to review the submission and ask questions in relation to its content at a Council workshop prior to making a formal determination.

Q2. Re: Buckland Walk. Noting that I did ask the Acting General Manager this question in an email and she did respond, I would like to now place that question on record. Council will recall that the Works Manager was asked if he had the capacity to prepare a further report on the proposed Buckland Walk given that at that time he had only been in the role for about a week and he replied in the affirmative. Why is that further report not on this agenda?

Response from the Acting General Manager, Mrs Marissa Walters

As per Council's decision 191/20 (26 May 2020) Council's Works Manager and Consultant Engineer, Harry Galea prepared and presented a report to the Acting General Manager as requested. However further qualified advise from Council's Planning Consultant was required before the matter could be presented to Council for a decision. The matter was discussed at the Workshop held on 14th July and is listed on the Agenda for the Ordinary Council Meeting to be held 28 July 2020.

Questions without Notice – Ordinary Council Meeting 28 July 2020

Clr Annie Browning asked the following questions:

Glamorgan Spring Bay Council took over a large section of Wielangta Road several years ago from the State Government.

This deal required State Government to give Glamorgan Spring Bay Council approximately $850k to bring this section of road up to a suitable and safe standard:

Please confirm if the full length of the Glamorgan Spring Bay Council owned road:

1. *Has been completed to the required standard?*
2. *That the funds provided by the State Government were sufficient to cover these cost?*
3. *That all safety railing has been installed and at whose cost?*
4. *That all the gravel purchase by Council for this project was of an appropriate standards and used on this project and if not, what happened with that gravel or what action was taken.*

The Acting General Manager Mrs Marissa Walters, took the questions on notice.

11. Confidential Items (Closed Session)

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

Item 1: **Minutes of Closed Session – Ordinary Council Meeting held on the 23 June 2020**
As per the provisions of regulation 34 of the *Local Government (Meeting Procedures) Regulations 2015.*

Recommendation

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

DECISION 269/20

Moved Clr Cheryl Arnol, seconded Clr Keith Breheny that Council moves into closed session at 5.26pm.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0

For: Acting Mayor Jenny Woods, Clr Cheryl Arnol, Clr Keith Breheny, Clr Annie Browning, Clr Rob Churchill, Clr Michael Symons, Clr Grant Robinson

Against: Nil.

The Acting Mayor confirmed that the audio recording had been terminated.

12. Close

The Acting Mayor declared the meeting closed at 5:30pm.

CONFIRMED as a true and correct record.

Date: **Acting Mayor Jenny Woods**