



COUNCIL MEETING AGENDA

Monday 19 August 2024
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
13 August 2024

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NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 19 August 2024 commencing at 10.00am.

CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.



JOHN BROWN

GENERAL MANAGER

Date: 13 August 2024

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. A link to the audio/visual recordings will be made available to the public post the meeting on Council's website (within seven (7) days post the meeting in line with the uploading of the minutes from the meeting). The audio/visual recording of Council Meetings will only be retained for six (6) months.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.

OPENING

The Mayor to welcome Councillors and staff and declare the meeting open at 10.00am.

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.

LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.

08/24.1.0 ATTENDANCE

08/24.1.1 Present

Mayor Mick Tucker
Deputy Mayor Kristi Chapple
Councillor Ian Carter
Councillor Janet Drummond
Councillor Liz Johnstone
Councillor Vaughan Oldham
Councillor Kylie Wright
Councillor Gary Barnes

08/24.1.2 Apologies

Councillor Barry LeFevre

08/24.1.3 Leave of Absence

Nil

08/24.1.4 Staff in Attendance

General Manager, John Brown
Corporate Officer, Wanita Wells

08/24.2.0 PUBLIC QUESTION TIME

Nil

08/24.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

08/24.4.0 CONFIRMATION OF MINUTES

08/24.4.1 Confirmation of Minutes – Council Meeting 15 July 2024

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 15 July 2024 be confirmed.

08/24.5.0 COUNCIL WORKSHOPS HELD SINCE 15 JULY 2024 COUNCIL MEETING

There was a workshop held 5 August 2024 and the following items were listed for discussion.

- Presentation – TasWater
- Presentations – Reconciliation Action Plan
- Pending Development Application Updates
- Audit Panel Minutes
- Animal Control Report
- Scamander Sports Complex – Walking Trails
- Relocation of Ashes at Cemeteries
- Cecilia Street – Streetscape Concept
- Clean fill Type 1 and Type 2 materials recovery
- Safeguarding Children and Young People – Statement of Commitment
- Future use for the old Council offices, 29 Talbot Street, Fingal
- St Helens Surf Angling Club – Swimcart Beach Building
- Georges Bay Sailing & Aquatic Club – Permission to use Council leased land
- Request to waive fees for Stadium and camping at St Helens Sports Complex – Military Brotherhood Military Motorcycle Club
- Waiver of fees – A Festival Called George
- Youth Voice to Council
- Next Federal Election
- Local Government Association of Tasmania Feedback Request for the Local Government Code of Conduct

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

08/24.6.1

DA 140-2023 – Residential and Visitor Accommodation - Multiple Dwellings (two (2) co-joined dwellings) and associated works – 6 Coffey Drive, Binalong Bay

ACTION	DECISION
COUNCIL MEETING DATE	19 August 2024
PROPONENT	Jennifer Binns
OFFICER	Planning Officer – Kathryn Clausen
FILE REFERENCE	DA 2023 / 00140
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> 1. Original development proposal plans 2. Amended development proposal plans (post advertising) 3. Amended Wastewater report (post advertising) 4. Traffic Impact Assessment 5. Stormwater report 6. Representations (2) 7. Applicant response to representations 8. Representor's responses to amended plans (information only – not part of the formal representation) 9. RO Assessment

OFFICER'S RECOMMENDATION:

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme*, that the application for - Residential and Visitor Accommodation - Multiple Dwellings (two (2) co-joined dwellings and associated works) on land situated at 6 Coffey Drive, Binalong Bay described in Certificate of Title 11717/26 be APPROVED, subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Sheet		Jennifer Binns	06/08/2024
Site Plan	A04 Rev 3	Jennifer Binns	06/08/2024
Ground Floor Plan	A05 Rev 3	Jennifer Binns	06/08/2024
First Floor Plan	A06 Rev 3	Jennifer Binns	06/08/2024
Elevations (east, south and street)	A07 Rev 3	Jennifer Binns	06/08/2024
Elevations (west and north)	A08 Rev 3	Jennifer Binns	06/08/2024
Visuals (east and south)	A09 Rev 3	Jennifer Binns	06/08/2024

Visuals (northeast and north)	A10 Rev 3	Jennifer Binns	06/08/2024
Shadow Diagrams (June)	A12 Rev 3	Jennifer Binns	06/08/2024
Shadow Diagrams (March, December)	A13 Rev 3	Jennifer Binns	06/08/2024
Traffic Impact Assessment (TIA)	Final 2	Richard Burke	July 2024
On-site Wastewater Assessment and Design (Amended)		Geo-Environmental Solutions (GES)	Revised July 2024
Stormwater Assessment and Design		Geo-Environmental Solutions (GES) & Flussig Engineers	October 2023 and Hydraulic Design dated 15/4/2024

CONDITIONS

CONDITION		TIMING
1	Approved Plans and/or Document	
A	Undertake use and development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
B	The approved plans dated 06/08/2024 are for the use class 'residential' only. The permit description shall read: Residential - Multiple Dwellings – Two (2) co-joined dwellings and associated works.	
2	Stormwater	
A	Stormwater shall be directed to the kerb via a new connection. The connection must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.	Prior to use and maintained at all times
B	Prior to any work commencing on the stormwater connection a permit must be obtained by submitting a Works Permit application form.	Prior to commencement of work.
3	Vehicle Crossover	
A	Widening of the crossover and crossover construction must be undertaken in accordance with standard drawing TSD-SW29-v3	Prior to use and maintained at all times.

CONDITION		TIMING
B	No works are to commence on the crossover until a permit to undertake works in the road reservation has been issued by Council's Works Department.	Prior to commencement of work.
4	Residential Use Car Parking	
	The areas shown to be set aside for vehicle access and car parking must be: a) completed before the use of the development; b) constructed in accordance with the approved plans including stormwater management. c) compliant with Australian Standard AS 2890.1:2004 – Parking facilities, Part 1: Off-street car parking.	Prior to use and maintained at all times.
5	Landscaping	
	The areas indicated for landscaping shall be planted with a suitable mix of vegetation and include screening elements to a height of at least 3m.	Prior to use and maintained at all times
5	Nuisance	
A	Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.	At all times.
6	Demolition	
A	During demolition all existing materials must be checked for the presence of asbestos and if found, handling, protection and disposal must be carried out in accordance with the requirements of Work Safe Tasmania and Safe Work Australia "How to Safely Remove Asbestos Code of Practice (2018)".	At all times.

ADVICE

1. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works, then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
2. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

3. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by a Tasmanian Licenced designer.

- B. That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit).

	Applicable Y/NA	Referral Agency
That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit)	NA	

- C. That the following information be included in the Permit.

Development Permit Information	Details
<i>Development Description</i>	Residential - Multiple Dwellings – Two (2) co-joined dwellings and associated works
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Council Works Permit
<i>Attachments</i>	Approved Plans and Reports
<i>Representations</i>	Two (2)

INTRODUCTION:

Development application (DA 140-2023) was lodged with Council on 26 June 2023, seeking approval for the construction of multiple dwellings, in the form of two (2) co-joined dwellings and associated works, at 6 Coffey Drive Binalong Bay. Dual use classes 'residential' and 'visitor accommodation' were sought. Both use classes are 'Permitted' without qualification in the Low Density Residential Zone.

Background

The application was lodged with all information requirements set out in section 8.1.2 (application requirements) of the Interim Planning Scheme, and the relevant planning fees were paid on 28 June 2023, making the application valid for assessment under version 20 of the Break O'Day Interim Planning Scheme.

A request for additional information under section 8.1.3 was made by Council staff on 10 July 2023, relating to various aspects of the proposal, including requirements for stormwater and wastewater disposal. The application was subject to a number of additional requests for further clarification of information and in April 2024, it was considered that the proposal had sufficient information to proceed to advertising.

The application commenced advertising on 4 May 2024 for the required fourteen (14) day period and two (2) representations were received.

After the advertising period and in response to concerns raised by staff and representors, the proposal was amended to abandon the use class 'visitor accommodation' and alter some of the siting and design aspects of the proposal.

At this point, staff were required to consider whether the amended plans constituted a new application or whether the planning authority could grant a permit subject to a condition requiring compliance with the amended plans. Council should note that the LUPA Act makes no provision for the re-advertising of amended plans. This is confirmed in the deliberations of the Supreme Court of Tasmania decision – *Tomaszewski v Hobart City Council* [2020] TASSC 48, which in relation to the LUPA Act state:

'...Counsel for the Council informed me that there is a common practice whereby councils repeat the statutory notification process if an applicant changes a development application after the statutory notices have been given. He also acknowledged that the fact that that practice is long-standing and efficacious does not make it lawful...'

It goes on to say:

'...If, after the modification of a development proposal in a particular case, there was reason to think that members of the public might wish to make further representations relating to the modified proposal, or that the planning authority might benefit from additional representations, that might be a powerful indication that the revised proposal was one for a substantially different development, rather than a modification of the development originally proposed...'

The Court recognises that the LUPA Act provides for mediations to be conducted, which may result in compromises being reached on proposals, and provides for the planning authority to give effect to a compromise by imposing a permit condition that varies the original development proposal.

In this context, staff are of the opinion that the amended plans do not constitute a new application because the amended plans do not transform the original proposal into something substantially different. Some discretions have been removed or improved but staff do not consider that there are any new aspects that would benefit from additional representations. Although the plans were not re-advertised, they were provided to the representors for information. The post advertising process is discussed under section 5 – Mediation.

PREVIOUS COUNCIL CONSIDERATION:

Nil

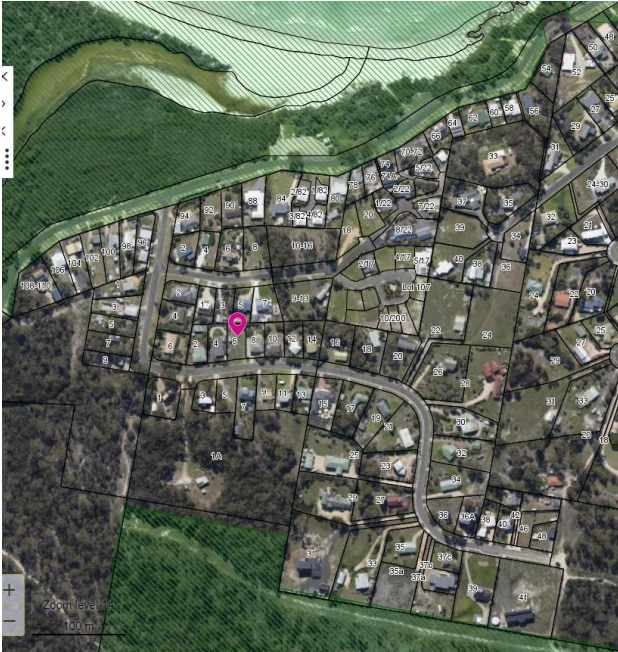
OFFICER'S REPORT:

1. The Proposal

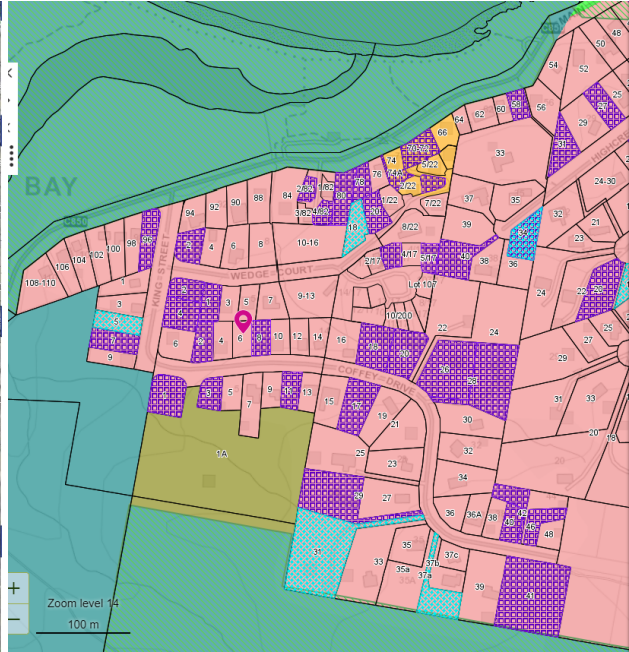
The subject land

The subject and is a regular shaped vacant lot located on the northern side of Coffey Drive at Binalong Bay. The site has an area of 781m² with a frontage width of 20.45m, and a depth of 39.65m on the western boundary and 37.99m on the eastern boundary. It is located on the low side of the road and slopes down at a gradient of approximately 11 degrees to the north/northeast. The land is zoned Low Density Residential and is surrounded by residential properties within the same zone. Some of these properties have additional visitor accommodation use. The site has a small shed and

some vegetation towards the rear, which will be removed as part of the proposal. A constructed single vehicle access is located at the eastern end of the frontage. The site has access to stormwater infrastructure (kerb and gutter and a side entry pit) but does not have access to public sewerage or water supply infrastructure. The site is bushfire prone and not affected by any other planning overlays.



Locality



Zoning (distribution of visitor accommodation)



Subject site looking north



Looking east up Coffey Drive



Looking west down Coffey Drive



Streetview of subject vacant site heading west along Coffey Drive

Original development proposal (advertised)

The original development proposal was for the construction of two dwellings and associated works in a co-joined building form, meaning that they are built as a single building with a common wall separating the dwellings. Dual uses – residential and visitor accommodation were proposed.

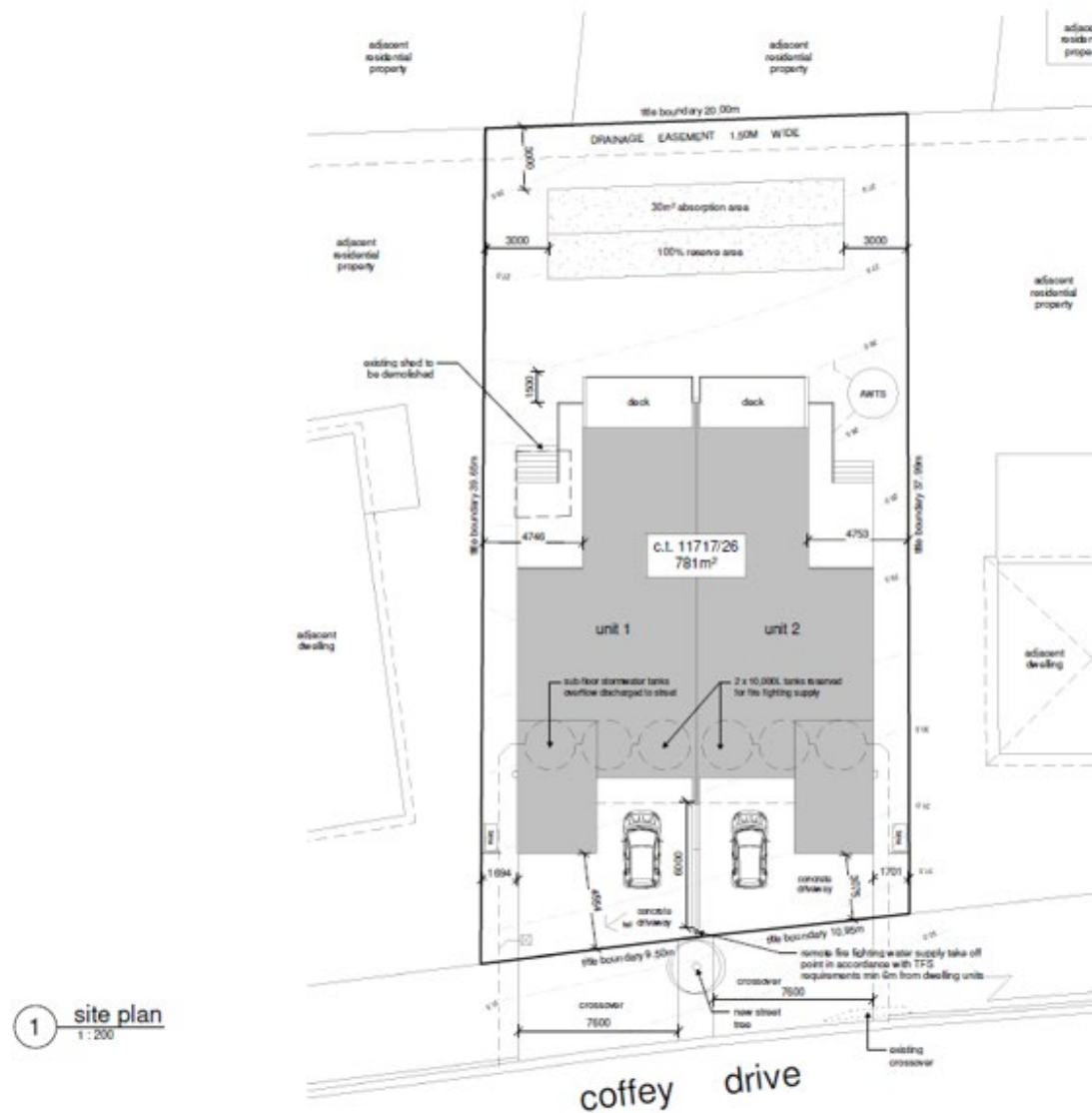
The dwellings have single storey entry levels, increasing to 2-storey as the building extends towards the rear. The height of the building varies, with the highest point being 8m above natural ground level. The dwellings each have three (3) bedrooms, two (2) bathrooms, open plan living/kitchen/dining, rumpus room, laundry, store and pantry. Each has an upper-level patio adjacent to the living area and a rear and side deck accessed from the ground floor level.

The single width garages and parking areas have been designed at the front of the dwellings on a higher land contour to enable vehicle access directly from the street level. A stone feature wall separates the side-by-side driveways and entries to the dwellings.

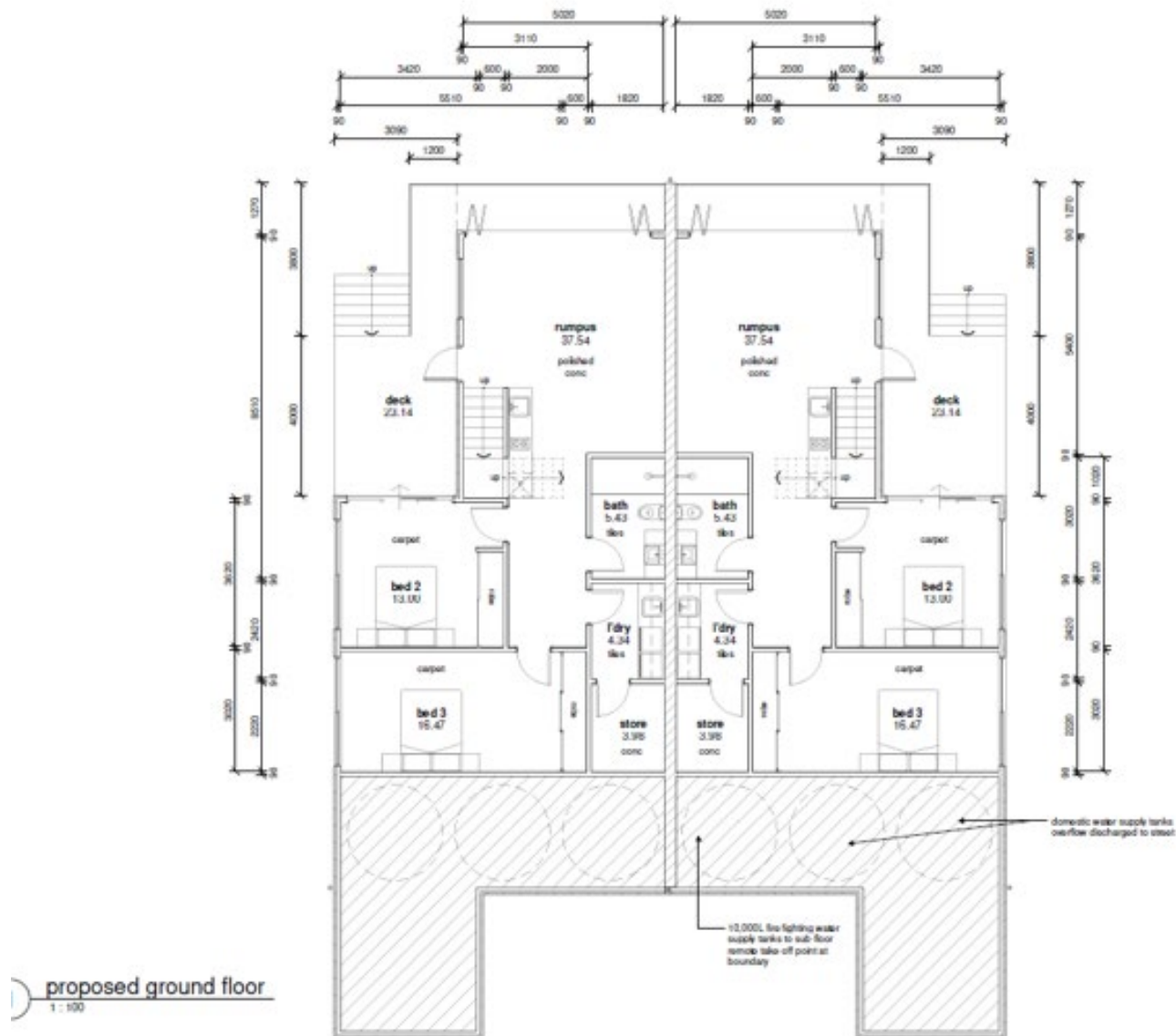
Sub-floor rainwater tanks will collect stormwater for household use and firefighting and the overflow is to be directed to a new 100mm connection at the kerb. Run-off from the driveways will be directed to the kerb connection.

A single on-site wastewater disposal system has been designed to accommodate both dwellings. The system incorporates a secondary treatment system with on-site absorption.

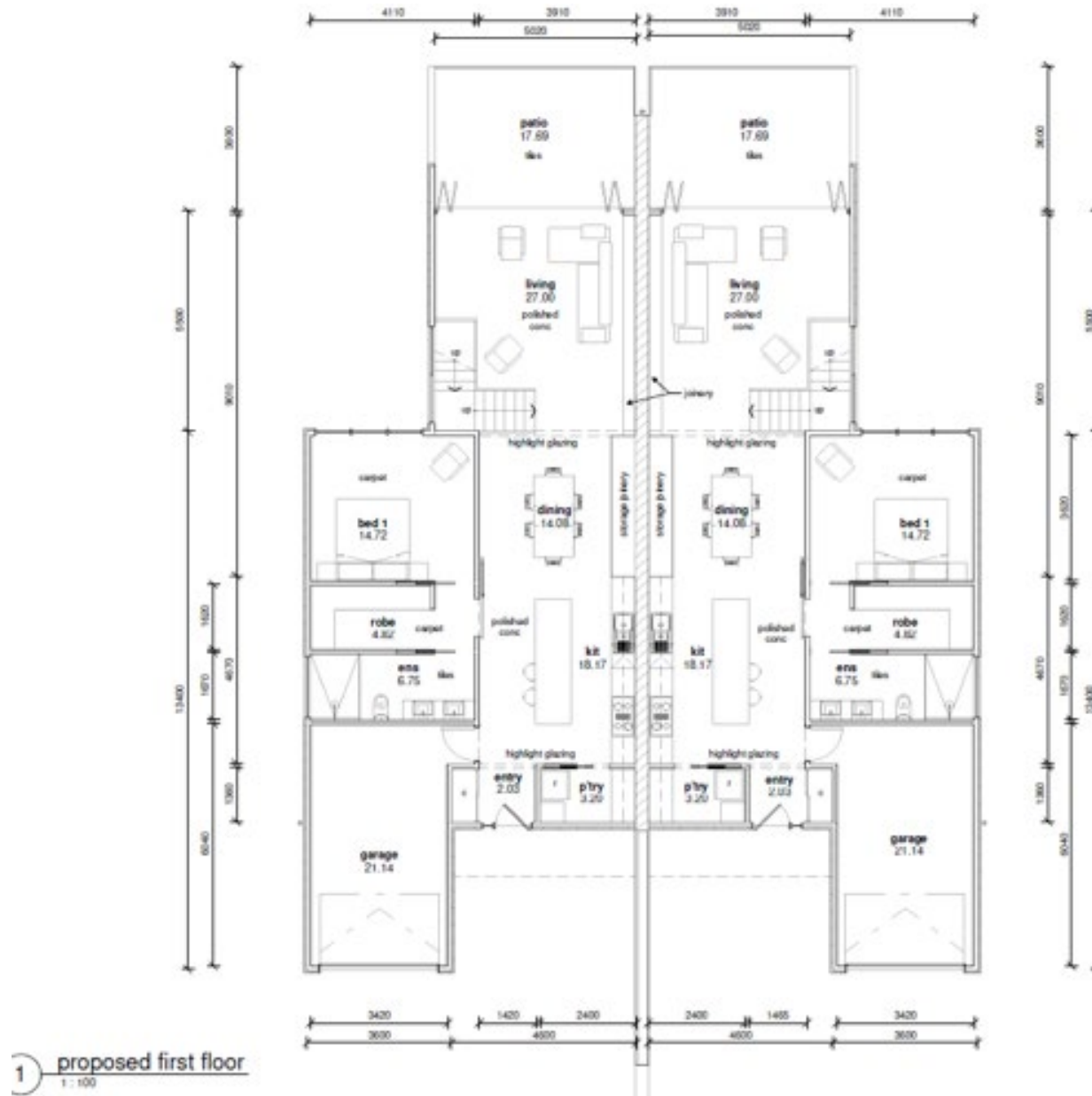
The full set of original plans is contained in **(Attachment 1)**.



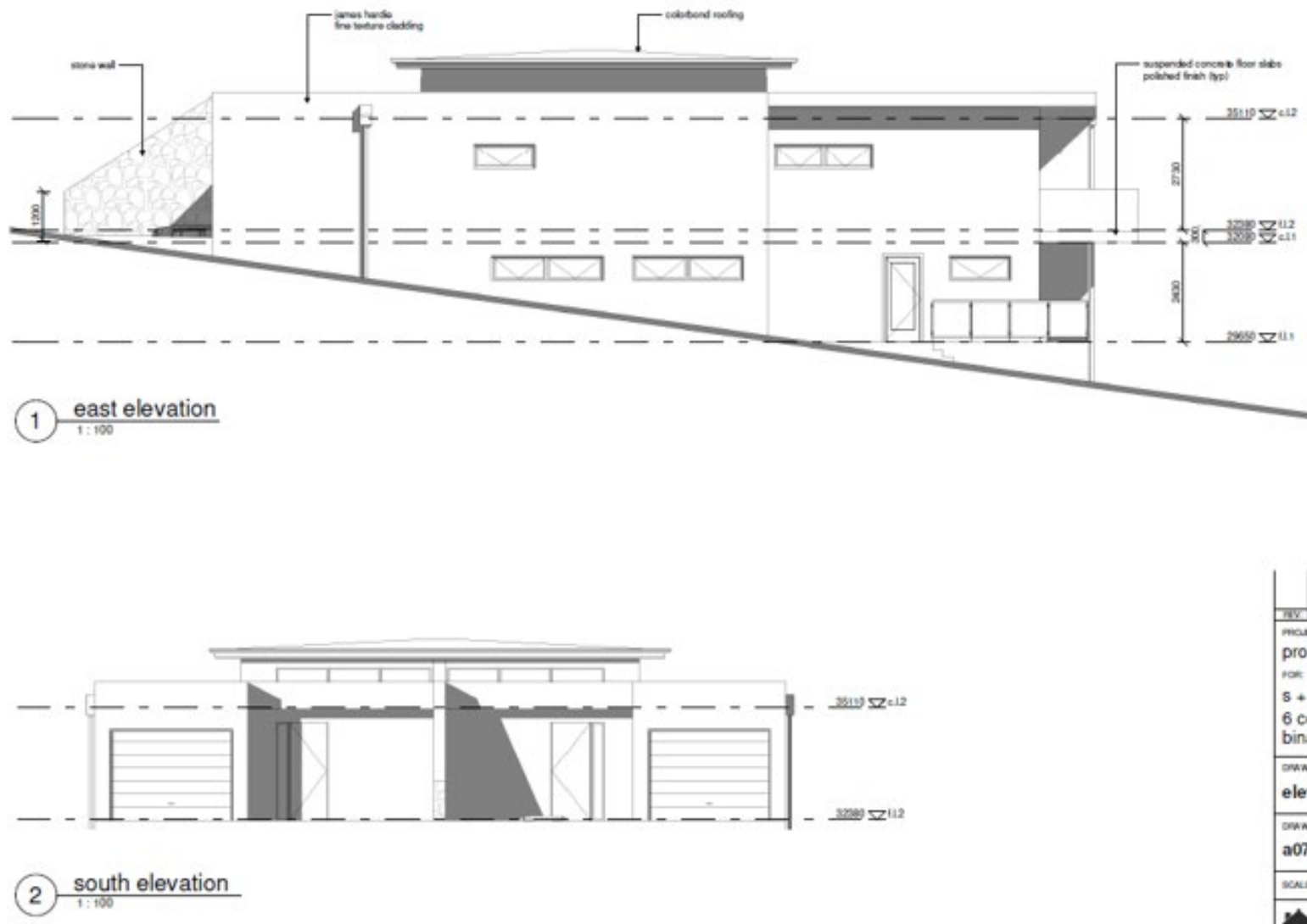
Original site plan



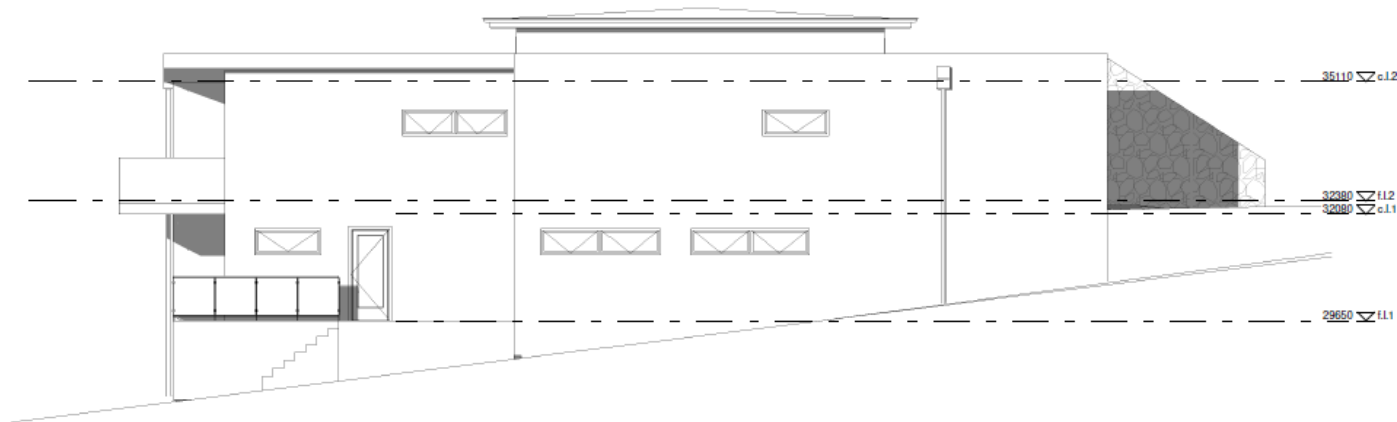
Original ground floor plan



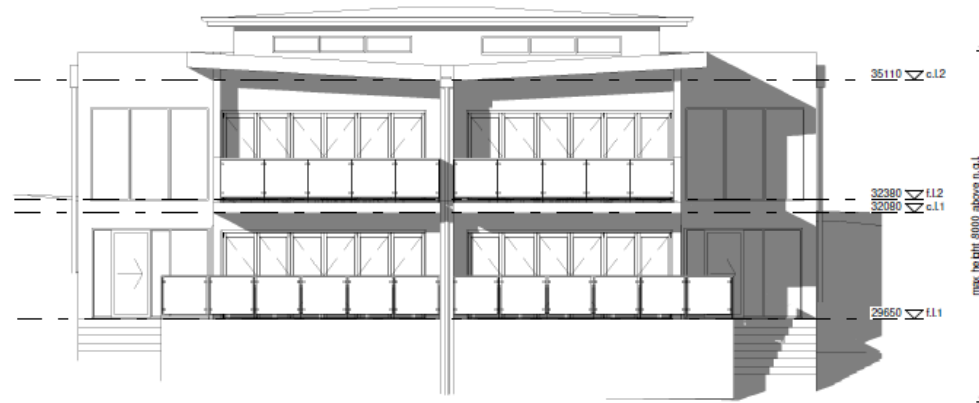
Original first floor plan



Original elevations – east and south (street)



1 west elevation
1 : 100



2 north elevation
1 : 100

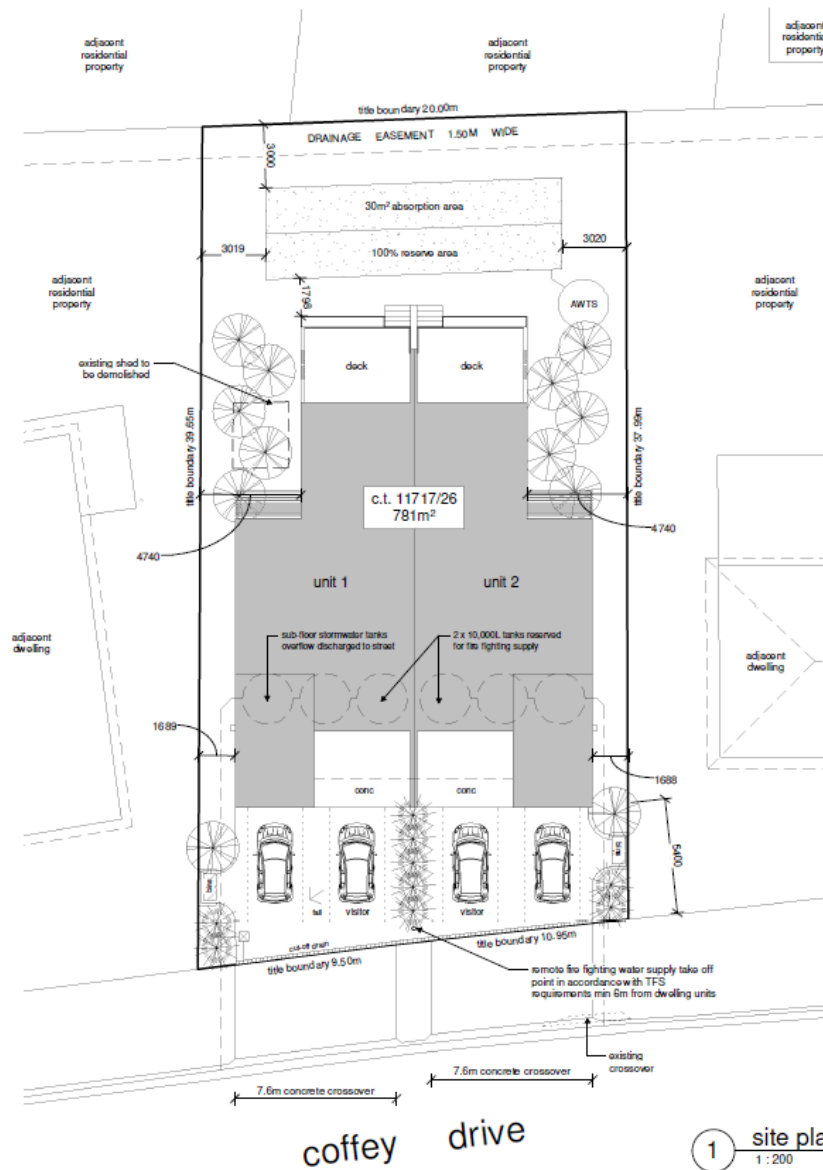
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Original elevations – west and north (rear)

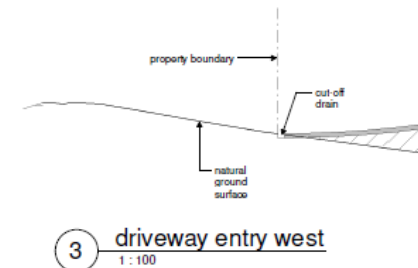
Amended development proposal (post advertising)

In response to concerns raised by planning staff and by representors during the formal advertising period, some design changes have been made to the original proposal. A full set of the amended plans are contained in **Attachment 2**. In summary the changes are:

- Visitor Accommodation use deleted to respond to concerns regarding amenity and parking. This amendment removes one use standard discretion of the advertised proposal (Planning Directive No 6 – Visitor Accommodation)
- Increased the front setback of the dwellings to the street and reduced the length of the feature stone wall divider to provide better consistency with the adjoining building setbacks. This has increased the setback of the closest part of the building from 3.1m to 5.4m. It has also provided sufficient space in front of the garages for tandem (one behind the other) parking and additional space for two (2) visitor spaces. This amendment removes two discretions of the advertised proposal (development standard -12.4.1.4 Frontage Setbacks) and (use standard - E6.6.1 Car Parking Numbers).
- Lowered the floor level of the building by 1m so it responds to a lower contour of the land. This is intended to visually reduce the scale of the building from the street and surrounding properties. This amendment does not or add or remove any discretions but responds to streetscape and visual amenity concerns.
- Removed the ground level side decks and doors on the eastern and western sides of the dwellings to respond to concerns about privacy and amenity and to allow room for some landscaping to the sides of the dwellings. This has reduced the length of building subject to the side setback discretion of the advertised proposal (12.4.1.5 Rear and Side Setbacks).
- Introduced external privacy screening (1.4m long) on the north facing windows of bedroom 1 (upper level) and bedroom 2 (lower level) to reduce the extent of side facing views into neighbouring properties. This responds to concerns about privacy in relation to the side setback discretion of the advertised proposal (12.4.1.5 Rear and side setbacks).
- Introduced privacy screening on the upper level patios of both dwellings. Although the side setback of the upper level patios exceeds the acceptable solution requirement, the applicant has provided this screening as a courtesy, and responds to concerns raised by the representors.
- Increased size of the rear ground floor level decks. This has introduced a discretion under the Wastewater Code (E16.7.1 Onsite wastewater management). The applicant has provided an amended wastewater assessment (**Attachment 3**) addressing this discretion.



2 driveway entry east
1:100

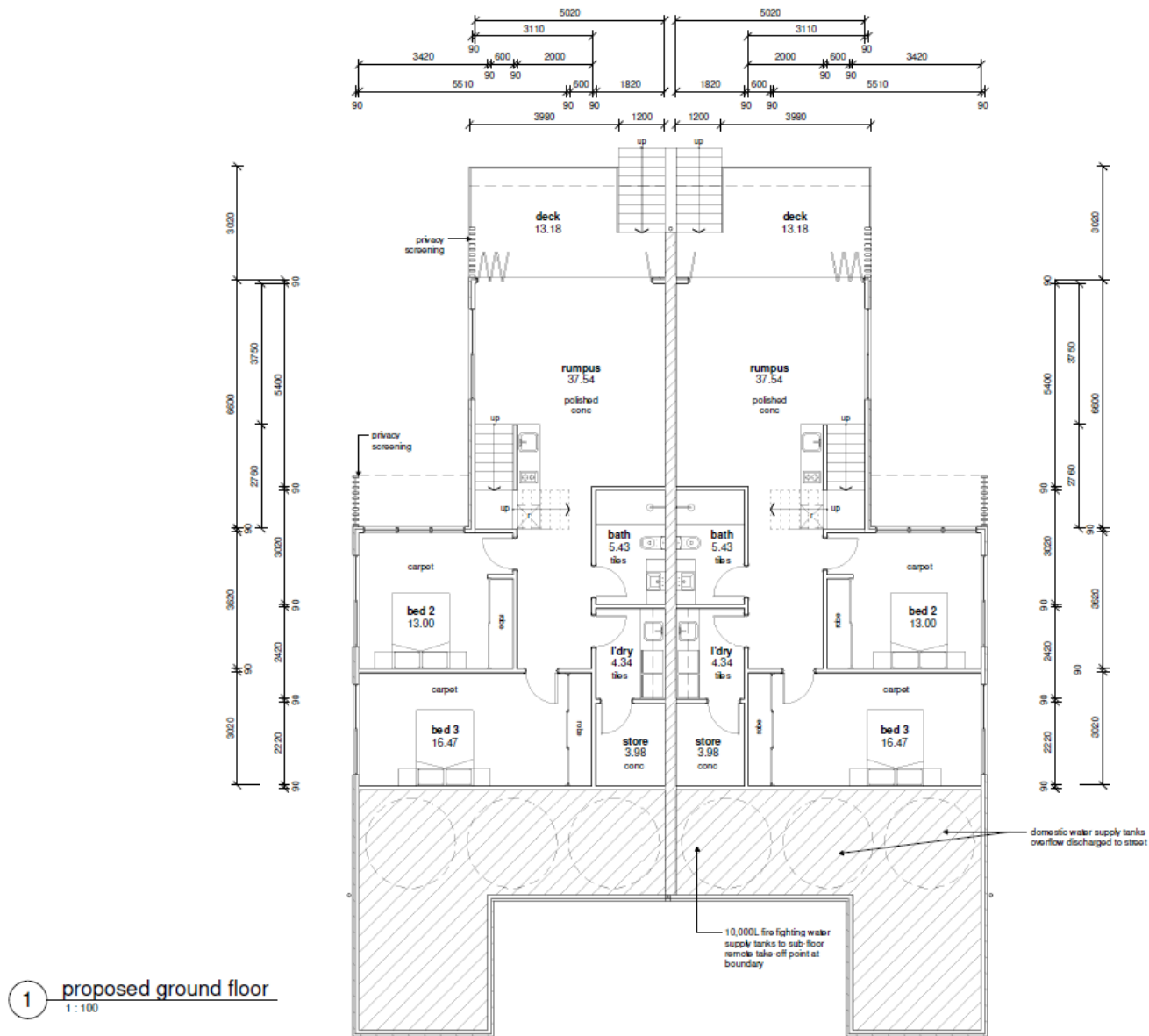


Building Areas

unit 2 ground floor	93.12
unit 2 first floor	126.07
unit 2 deck 2	19.27
unit 2 deck 1	13.81
unit 1 ground floor	93.58
unit 1 first floor	126.07
unit 1 deck 2	19.27
unit 1 deck 1	13.81
	505.00

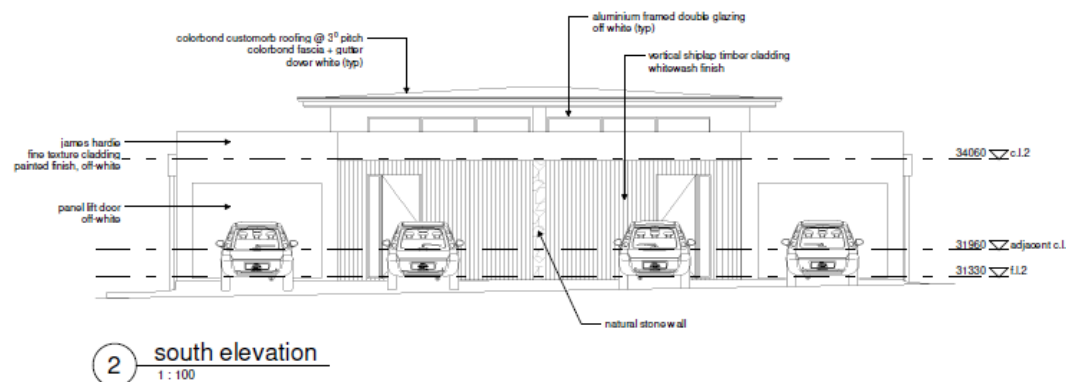
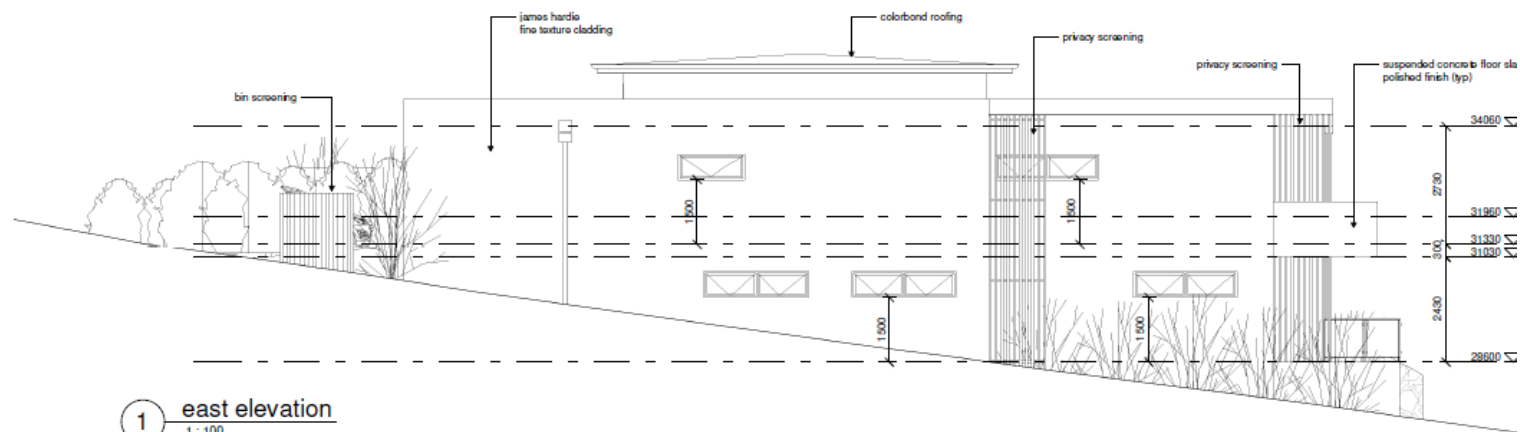
roofed building footprint area = 278.2m² / 35.6% site coverage

Amended Site Plan



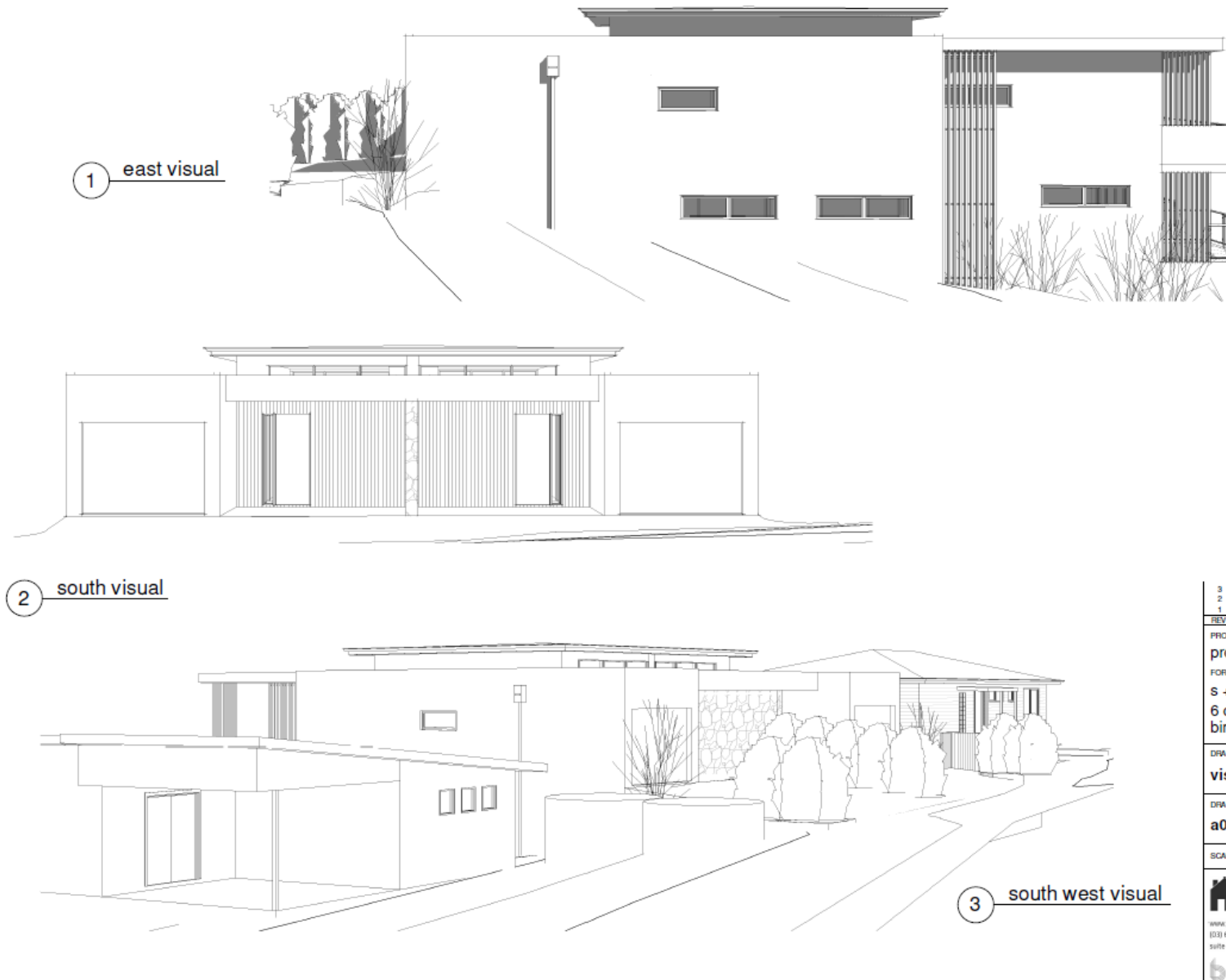
Amended Ground Floor Plan





REV	3	2	1
PROJ	proj		
FOR	S + 6 cc bina		
DRAW	elev		
DRAW	a07		
SCALE			
	www.jm		
	(03) 637		
	suite 8 h		

Amended Elevations and Street view



Amended Visuals



Amended Visuals

Applicable Planning Assessment

The applicable planning assessment is based on the post-advertising amended plans and includes the following Zone and Codes:

- Low Density Residential Zone
- E4 Road and Railway Assets Code
- E6 Car Parking and Sustainable Transport Code
- E16 On-Site Wastewater Management Code

3. Referrals

- Council Works Department (access, stormwater)
The applicant provided a Traffic Impact Assessment (**Attachment 4**) and stormwater assessment (**Attachment 5**) prepared by suitably qualified persons. Both reports were accepted by the Works Department and conditions for the stormwater connection are included in the draft permit conditions.
- Council EHO (on-site wastewater)
The applicant has provided a wastewater report (**Attachment 3**) prepared by a suitably qualified person. The report has been accepted by the Council's Environmental Health Officer without condition.

4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

Break O'Day Interim Planning Scheme – Version 20 (dated 10 May 2023)

Use Standards

E16.6.1 P1 - On-Site Wastewater Management Code - Use Standards - *Use and Lot Size*

Development Standards

12.4.1.1 P1.2 - Low Density Residential Zone - *Residential Density for Multiple Dwellings*

12.4.1.2 P1 - Low Density Residential Zone - *Site Coverage*

12.4.1.5 P2 - Low Density Residential Zone - *Rear and Side Setbacks*

12.4.1.6 P1 - Low Density Residential Zone - *Location of Car Parking*

12.4.1.8 P1 - Low Density Residential Zone - *Filling of sites*

E4.7.2 P1 - Road and Railway Assets Code - *Management of Road Accesses and Junctions*

E4.7.4 P1 - Road and Railway Assets Code - *Sight distances at Accesses, Junctions and Level Crossings*

E6.7.2 P1 and P2 - Car Parking and Sustainable Transport Code - *Design and Layout of Carparking*

Detailed assessment against the provisions of the *Break O'Day Interim Planning Scheme - Version 20* where the proposal was reliant on satisfying the performance criteria, is provided below.

The proposal is deemed to comply with the performance criteria applicable.

Planning Assessment

12 Low Density Residential Zone

12.4 Development Standards

12.4.1.1 Residential Density for Multiple Dwellings

Objective To ensure that the density of multiple dwellings: <ol style="list-style-type: none"> makes efficient use of low density residential land for housing; and optimises the use of infrastructure and community services. 	
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than: <ol style="list-style-type: none"> 1500m² if it has a connection or is capable of being connected to a reticulated sewerage, stormwater and potable water system; or 2500m² otherwise. 	P1.2 For a site that is not capable of being connected to a reticulated sewerage, stormwater and potable water system, multiple dwellings must only have a site area per dwelling that is less than 2500m ² if the number of dwellings: <ol style="list-style-type: none"> is not out of character with the pattern of development existing on established properties in the area; does not result in an unreasonable loss of natural or landscape values; and can be provided with adequate on-site wastewater disposal and water supply.
Assessment against the Performance Criteria is required. Performance Criteria Assessment The total site area is 781m ² , which makes the site area per dwelling 391m ² . The site is not capable of being connected to reticulated sewerage, it does not meet the acceptable solution part b) - 2500m ² per dwelling. The following assessment of P1.2 is provided: <ol style="list-style-type: none"> The co-joined nature of the proposed design means that they are constructed as one building with a common wall separating the two dwellings. In Binalong Bay, the pattern of development is described as having a built form which is suburban in nature and reflects: <ul style="list-style-type: none"> the predominantly residential use of the area variety of lots sizes and shapes the physical opportunities/limitations of the sloping topography and surrounding coastal and natural environment variation in the architectural style and scale, from early shack style development to large contemporary forms. <p>In terms of density, Binalong Bay is mostly developed at densities higher than anticipated in the Low Density Residential Zone and is more similar to those found in the General Residential Zone. The zone purpose speaks of <i>development on larger lots where there are infrastructure or environmental constraints that limit development</i>. In Binalong Bay development has been constrained by the lack of sewerage infrastructure, however, as technology around wastewater systems has improved, the ability to develop on smaller lot sizes has increased. The zone contains no Character Statements or Local Area Objectives for Binalong Bay so does not provide more guidance on character aspects. There are no environmental constraints other than wastewater and stormwater (addressed), relevant to the subject site.</p> <p>Lot sizes vary, however most are more than 700m² but smaller than the 2500m² acceptable solution for unsewered sites. There are a range of dwelling styles, from modest single storey forms (including original shacks) to large modern 2 storey and split-level forms. The sloping topography of the land is central to the pattern of development with buildings responding to</p> 	

different land contours. Some internal lot development has occurred along Coffey Drive and where this occurs, there are examples of side-by-side driveway accesses, forming continuous breaks to the kerb and guttering along Coffey Drive. Examples are 29-33 Coffey Drive, 42-48 Coffey Drive and 35-37b Coffey Drive. Lot sizes for these internal lots are between 775m² and 5384m².

Examples of multiple dwelling developments (strata developments) are found along Main Road and Wedge Court. Density within these strata developments is calculated at:

17 Wedge Court – total area = 8199m² divided by 14 (13 lots plus common property) = **585m²**

22 Wedge Court – total area = 4063m² divided by 8 (7 lots plus common property) = **508m²**

82 Main Road - total area = 1971m² divided by 4 lots and common property) = **394m²**

Within these developments, individual lot sizes are generally smaller than the surrounding development with the smallest lot being 280m² and most being between 300m² and 400m².

Overall, the pattern of development displays a range of one and two storey residential building forms located on individual lots (including strata lots). The buildings are sited on various land contours which increases or decreases their prominence depending generally on whether they site on the high or low side of the roads.

The proposed development has a density per dwelling of 391m² which is not out of character with the size of other lots within the established strata developments. Although the co-joined nature of the dwellings is not a typical building form within the area, the presentation as one building on the lot is consistent with other single building forms in the area. The streetscape aspects of the co-joined form, being the side-by-side driveway placement and the width of the development across the site, are considered less relevant to the density provision and more relevant to the siting and design development standard characteristics of the proposal. In any case, side by side driveways are a feature in Coffey drive and there are numerous examples of buildings within the area which do not achieve the 3m side setback acceptable solution.

The objective of this density clause is to ensure that the density:

- *makes efficient use of low density residential land for housing; and*
- *optimises the use of infrastructure and community services.*

In this context, the proposed density will make efficient use of the land for housing. In terms of infrastructure, Binalong Bay has varying amounts and quality of public infrastructure – the main ones being roads, stormwater and electricity. The level of community services within Binalong Bay is not high, with most services being provided in St Helens. It has not been demonstrated that the proposed density will have any impact (positive or negative) on infrastructure and community services, so it is considered that the proposal is neutral in this context.

- b) The subject land is vacant, and vegetation is limited to mown grass and some shrubs at the rear of the site. Natural values and landscape values are not defined in the Scheme. The Zone Purpose refers to development '*respecting the natural and conservation values of the land*'. For the purpose of this assessment, 'values' can be considered as something of merit or importance.

Natural values are therefore considered to be the merit or importance of something in its natural state. The subject land is no longer in its natural state and therefore it is considered that there are no natural values attached to this site. The natural values of the broader area of Binalong Bay are found mostly along the foreshore reserves and areas of Environmental Management Zoning, where areas of native vegetation, including mapped priority vegetation,

are generally zoned for protection. Within the developed area of Binalong Bay, some of the larger sites contain remnant large trees and native vegetation, which also contribute to the natural values, however, most of the area displays a modified landscape, where housing development has changed the natural state of the land. In this regard, the proposed density will have no impact physically or visually on the natural values of the area.

Landscape values are more difficult to define. In the absence of a definition within the scheme, the most relevant dictionary meaning of 'landscape' is:

1. A view or prospect of rural scenery, such as is comprehended within the scope or range of vision from a single point of view. 2. A piece of such scenery. 3. A picture representing natural inland or coastal scenery.

In this context, the landscape values are considered to be related to the merit or importance of the views and scenery associated with Binalong Bay. The important scenic aspects of Binalong Bay are the coast and coastal reserve views, which can be seen when approaching Binalong Bay by vehicle, from the surrounding beaches and from the water. The developed part of Binalong Bay also provides a vista of different styles of housing sited on various land contours, interspersed with larger trees and pockets of vegetation. Due to the location of the subject site, the proposed development is not likely to be highly visible within the broader landscape and, in any case, will add to the already diverse mix of housing styles. In this regard, the proposed density increase will not have any unreasonable impact on the broader landscape values of the area.

- c) The applicant has provided an on-site wastewater report prepared by a suitably qualified person which demonstrates that the proposed density can be accommodated. This has been confirmed by the Council's Environmental Health Officer. The proposal includes rainwater storage for household use and firefighting purposes.

In the context of the objectives of this provision it is considered that the performance criteria is satisfied.

12.4.1.2 Site Coverage

Objective	
<p>a) To ensure that site coverage respects the existing or preferred neighbourhood character: and</p> <p>b) To reduce the impact of increased stormwater runoff on the drainage system; and</p> <p>c) To ensure sufficient area for landscaping and private open space.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The site coverage must not exceed 20%, unless the existing lot is less than 1000m², in which case maximum site coverage is 30%.</p>	<p>P1</p> <p>The site coverage must have regard to the:</p> <p>a) size and shape of the site; and</p> <p>b) existing buildings and any constraints imposed by existing development or the features of the site; and</p> <p>c) site coverage of adjacent properties; and</p> <p>d) effect of the visual bulk of the building and whether it respects the neighbourhood character; and</p>

	<p>e) capacity of the site to absorb runoff; and</p> <p>f) landscape character of the area and the need to remove vegetation to accommodate development.</p>
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Assessment against the Performance Criteria is required.

Performance Criteria Assessment

The planning scheme definition of site coverage is *'the proportion of a site, excluding any access strip, covered by roofed buildings'*. For this proposal, the site coverage calculated by the designer is 278m², which equals 35.6% site coverage. This is 5.6% above the acceptable solution of 30% for a site which is less than 1000m². The following assessment against P1 is provided:

a) The site is 781m² and regular in shape. The proportion of the site taken up by the building footprint allows for areas of private open space and some landscaping, the placement of on-site wastewater treatment infrastructure, garaging and on-site parking for six (6) vehicles. In this regard the additional 5.6% site coverage does not limit the ability to provide all of the facilities expected in a residential development.

b) The existing shed on the site is to be demolished so there are no constraints imposed by existing development or features of the site to be considered in the overall calculation of site coverage.

c) Under the planning scheme definition, 'adjacent' properties include nearby and adjoining (neighbouring) properties. The approximate site coverage of the adjoining (neighbouring) properties is as follows:

-No 4 Coffey (817m²) = 25%

-No 8 Coffey (759m²) = 18%

-No 5 Wedge (748m²) = 24%

-No 3 Wedge (740m²) = 7% (vacant with shed)

Some examples of adjacent (or nearby) dwellings which exceed site coverage include 2 Coffey Drive (32%), 7 Coffey Drive (at 24% exceeds the site coverage of 20% for sites over 1000m²), 15 Coffey Drive (at 33% exceeds the site coverage of 20% for sites over 1000m²), 37B Coffey Drive (37%), 2 King Street (60%). Also, the multiple dwelling sites (Wedge Court and 82 Main Road) have smaller lot sizes and where development has occurred, most would be well in excess of the 30% acceptable solution. Overall, the level of site coverage on adjacent properties is mixed as is the variation in lot sizes. Generally, site coverage on newer development sites tends to be higher, reflecting contemporary dwelling design tending towards larger development footprints. In this regard, the additional site coverage proposed for this site is not inconsistent with the site coverage of adjacent (nearby and neighbouring) properties in this zone.

d) The objective of this site coverage provision is to ensure that it *'respects the existing or preferred neighbourhood character'*, neither of which is described in the Low Density Residential Zone (there are no Local Area Objectives or Desired Future Character Statements). In general terms, neighbourhood character could be expressed as the range of building types and their design and siting characteristics. In Binalong Bay, the built form is predominantly domestic (residential) in nature. The pattern of development is somewhat irregular, which reflects different eras of subdivision and the physical opportunities/limitations of the sloping topography and surrounding coastal and natural environment. There is significant variation in the architectural style and scale, from early shack style development to large contemporary forms. The slope of the land means that the scale of the buildings is generally more prominent on the high side of the roads and less prominent on the low side. Most dwellings on sloping land are elevated to maximise coastal

views where possible and often have balconies and decks, which allow overlooking between properties. On sloping land, the scale of the buildings generally increases with the slope. The subject dwellings will be located on the low side of the road and have been designed to have a single storey entry level from the street, increasing to 2 storeys towards the rear. The visual bulk of the building form increases with the slope of the land and will have decks and patios to maximise coastal views. In this regard the form and siting characteristics are similar to other buildings in the neighbourhood. Because of the side-by-side design of the dwellings, the building will have a relatively wide frontage when viewed from the street. Although this is not a typical dwelling form in Binalong Bay, it will become part of the mix of architectural styles and is not considered to be so different as to offend the neighbourhood character. Overall, the contribution of the additional amount of site coverage (5.6%) to the overall appearance (visual bulk) of the building is considered to be minimal.

- e) The site is able to be connected to the Council maintained stormwater system. A stormwater report has been provided which includes a stormwater design supported by the Council Works Department.
- f) The existing landscape character of the neighbourhood is varied, with some properties having well vegetated gardens and others having very little vegetation cover. This possibly reflects the 'holiday home' history of the area, where owners were often absent, and it was preferable to keep gardens low maintenance. The subject site is vacant and has no established garden. There is no provision in the Low Density Residential Zone for landscaping requirements for development. The proposal requires no vegetation removal and does have small areas nominated for landscaping, which will provide some visual softening of the building from the street and from the neighbouring dwellings.

Overall, it is considered that the additional amount of site coverage proposed is not significant, allows for appropriate stormwater management, allows areas for landscaping and private open space, and does not offend the existing neighbourhood character.

It is considered that the performance criteria is satisfied in the context of the objective of this provision.

12.4.1.5 Rear and Side Setbacks

Objective

To ensure that the:

- a) Height and setback of dwellings from a boundary respects the existing neighbourhood character and limits adverse impact on the amenity and solar access of adjoining dwellings; and**
- b) Separation of buildings is consistent with the preferred low density character and local area objectives if any.**

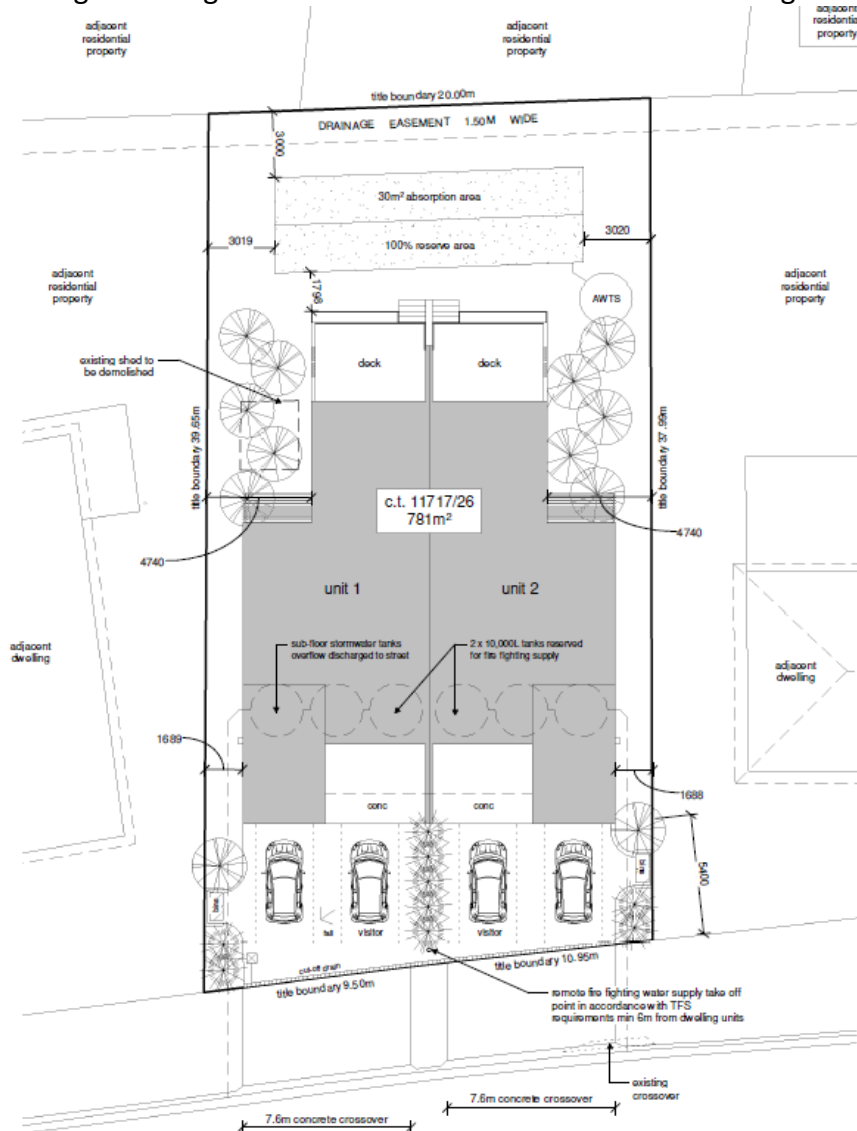
Acceptable Solutions	Performance Criteria
A2 Buildings must be set back from side boundaries 3m.	P2 Building setback to the side boundary must be appropriate to the location, having regard to the: <ul style="list-style-type: none"> a) ability to provide adequate private open space for the dwelling; and

	<ul style="list-style-type: none"> b) character of the area and location of dwellings on lots in the surrounding area; and c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and e) locations of existing buildings and private open space areas; and f) size and proportions of the lot; and g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.
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Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Both dwellings have a side setback from the eastern and western side boundaries of 1.69m, extending for a length of 13.4m. The remainder of each dwelling has a side setback of 4.74m.



The following assessment of P2 is provided:

- Private open space for the dwellings is provided at the rear of the dwellings, and also within the upper-level patios adjacent to the main living areas. While there is no quantitative allocation for private open space in this zone, it is considered that the patios and rear yards are adequate for this purpose.
- As stated previously, the area is characterised mostly by single dwelling lots. The multiple dwelling sites are limited to strata developments in Wedge Court and along Main Road. Siting characteristics vary because of the topography of the area and particularly on irregular shaped lots. Examples of side setbacks of less than 3m can be found within the locality (highlighted on map below) so in that regard, the reduced side setbacks of the proposed dwellings are not considered inconsistent with the character of the surrounding area.



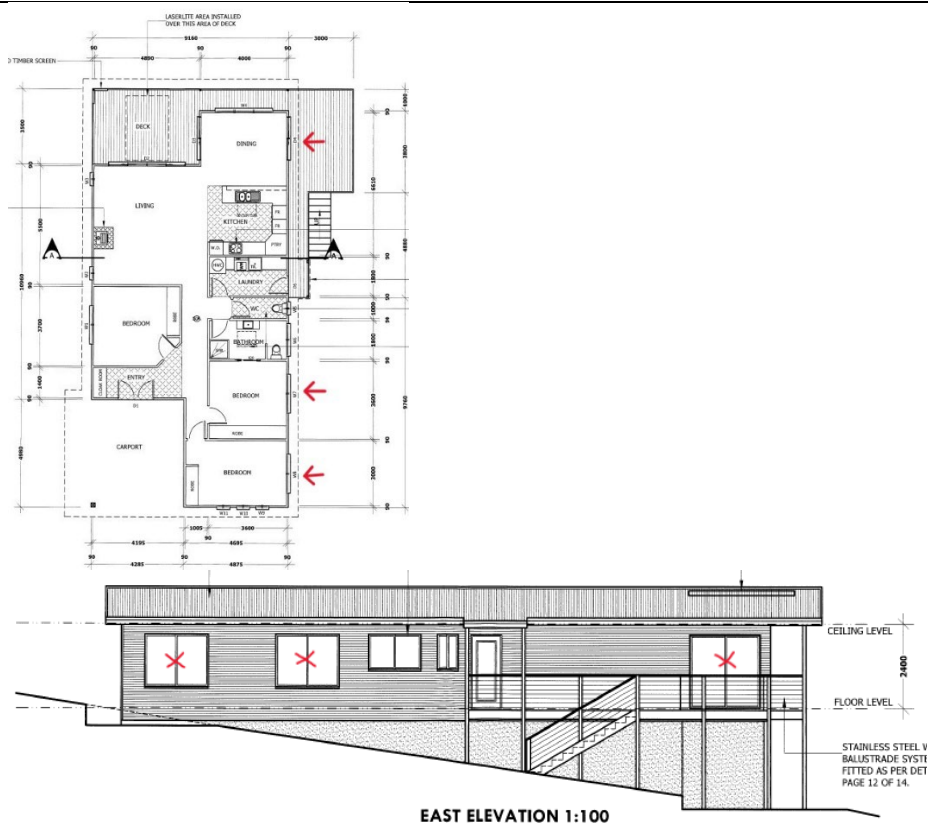
Examples of properties with reduced side setbacks (marked pink)

- c) The discretionary parts of the side walls of the dwellings are between 5m and 7m high on the western side and between 4m and 6m high on the eastern side.
- The following is an analysis of each neighbouring dwelling and the impact on habitable room windows and private open space.

No 4 Coffey (western side)

No 4 Coffey Drive is a single story dwelling and due to the slope of the land sits on a lower land elevation than the subject land. This dwelling has the following habitable windows/doors and private open space on the affected (eastern) elevation:

- bedrooms (x2) with windows facing the side boundary
- dining room with double doors facing the side boundary
- deck area adjacent to the dining area



EAST ELEVATION 1:100

4 Coffey Drive – floor plan and east elevation – affected habitable rooms



Visual of affected side elevation of 4 Coffey Drive

Visual amenity (outlook)

The dining room doors are located at the northern end of the dwelling on the eastern side, and open onto an open elevated decked area which forms part of the private open space. This part of

the dwelling is not directly adjacent to the discretionary section of the wall. While the outlook from these areas will be impacted by the development, the northerly aspect (towards the coast) will be unaffected. The two (2) bedrooms located on the eastern side of 4 Coffey Drive have windows that will have an outlook towards the discretionary section of the wall. The current outlook through the subject site and beyond from these bedroom windows will be significantly reduced looking east/northeast, but largely unaffected looking north. The reduced side setback will make the building appear closer but moving it a further 1.3m from the boundary will not alter the physical presence of a two-storey building where there was previously none and is unlikely to open up the views to any significant extent. The building will be highly visible to the neighbours particularly given the topography, but it should be acknowledged that any form of development on a vacant site is likely to cause some visual and amenity impacts on neighbours.

Privacy amenity (overlooking)

The proposed dwelling has one window on the upper level side elevation (bathroom) and two windows on the lower level side elevation (bedrooms). All of these windows are high level with sill heights of 1.5m so will not cause any direct overlooking of the neighbouring bedroom window or dining room windows/doors. On the northern elevation, the windows of the main bedroom (bedroom 1) have been designed to have views to the north (and coast). Part of this glazed section sits within the 3m side setback acceptable solution and due to the siting could have some impact on the privacy of the dining room/deck area. **The applicant has amended the original proposal to include a section of privacy screening to the outside of this window.** This will reduce the extent of the view to the west and northwest and direct the views mostly to the north. Consideration should also be given to the use of this room as a bedroom and not part of the living areas where people are more likely to gather and for extended periods of time therefore increasing the opportunity for overlooking. **The applicant has also amended the original application to remove the side deck from the ground level of the dwelling, which reduces the extent of the side setback discretion and the potential privacy and noise amenity issues arising from the use and activity of the open deck area.**

The applicant has also included privacy screening to the upper level patios as a courtesy, in response to concerns raised by the representors regarding privacy (these patios do not require screening as the setback exceeds the acceptable solution).

Noise amenity

Issues were raised regarding the potential for noise from the side deck areas and if plant and air conditioning equipment is located down the side of the dwelling within the reduced side setback area. **As previously stated, the applicant has amended the original application to remove the side deck and door opening in response to concerns raised.** An exemption applies to air conditioning equipment under 5.6.7 of the scheme (minor structures) providing that they are at least 1m from the boundary and they are minor attachments to the side or rear of the building. The proposal does not include any air conditioning equipment. Pumps for the stormwater system are likely to be located under the dwelling near the tanks.

Solar access (overshadowing)

The applicant has provided shadow diagrams which demonstrate the level of overshadowing caused by the development. Figure 1 below shows the extent of overshadowing on 4 Coffey Drive during the day on 21 June. Figure 2 shows additional diagrams for the 9am shadow in December

and March. The diagrams also indicate by way of a dotted line dissecting the shadow, the shadow caused by the discretionary section of the building. The diagrams show that the dining room doors and deck area will experience minimal if any overshadowing (the 9am March shadow is the only one showing any shadowing of this area). The bedroom windows will experience some overshadowing in the morning for part of the year before 11am. This amount of overshadowing is considered acceptable and will not affect access to sunlight from 11am onwards.

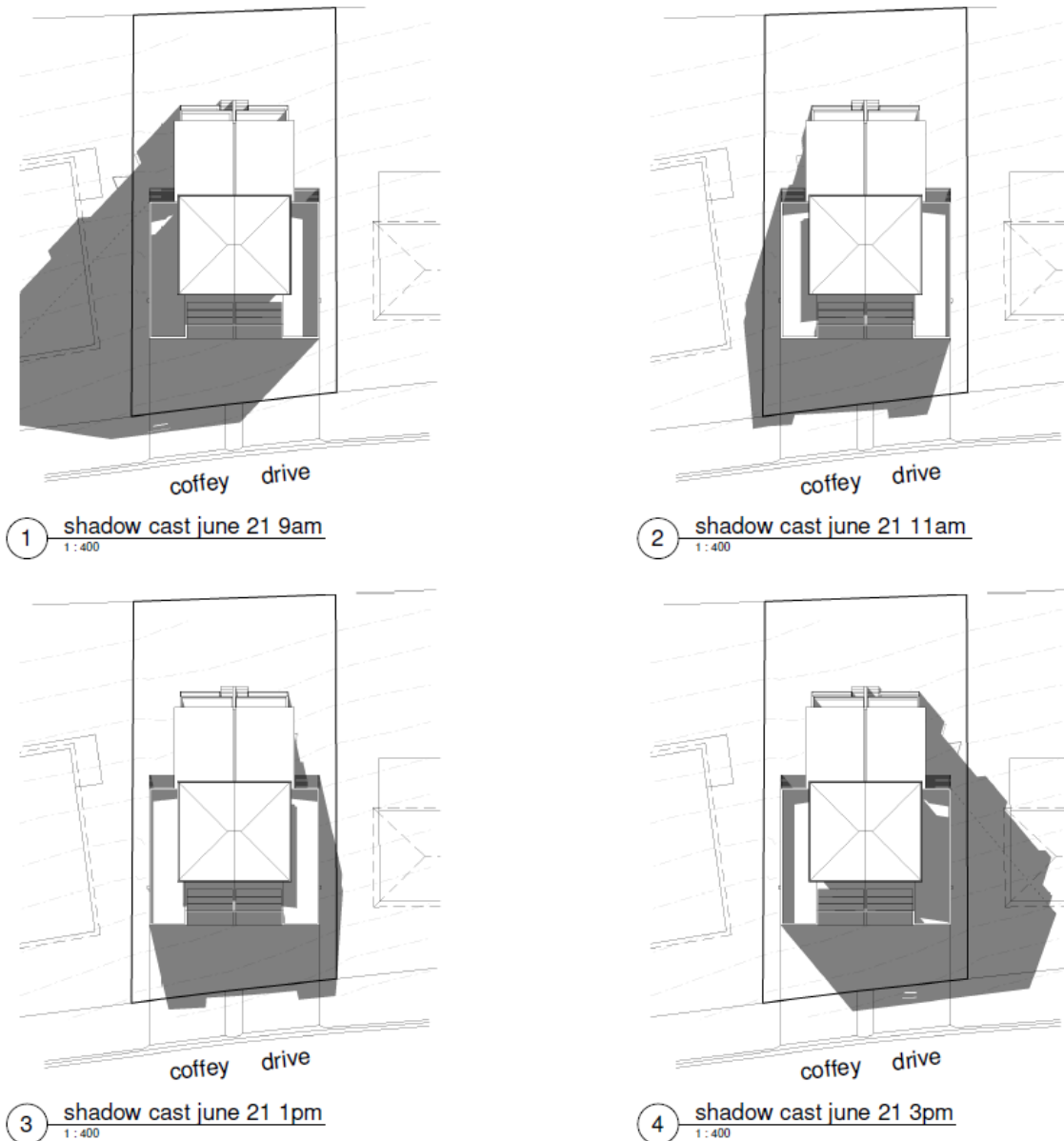


Figure 1 - Overshadowing June 21

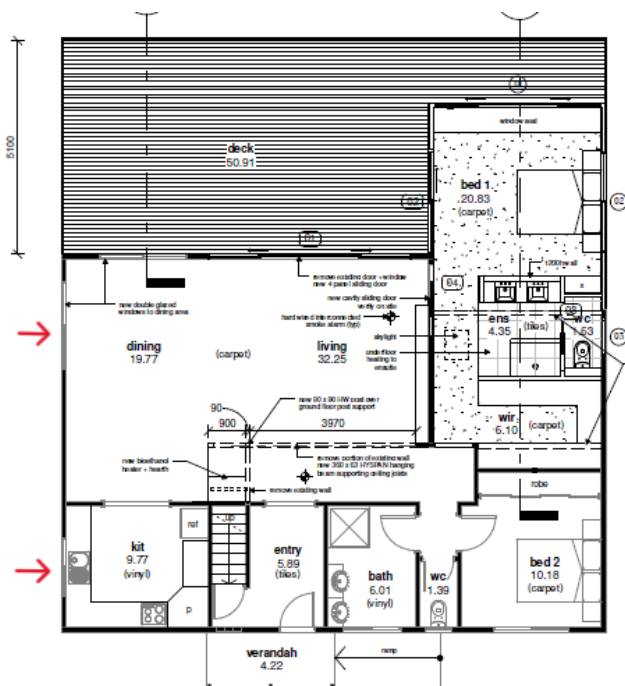


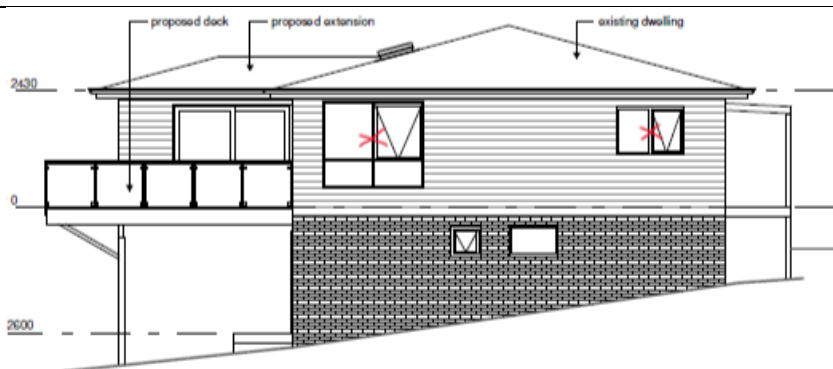
Figure 2 – 9am overshadowing – December and March

No 8 Coffey (eastern side)

No 8 Coffey Drive is a two storey dwelling and has the following habitable room windows/doors on its western elevation:

- kitchen window facing the side boundary
- dining/living





8 Coffey Drive – floor plan and west elevation – affected habitable rooms



Visual of affected elevation of 8 Coffey Drive

Visual amenity (outlook)

The kitchen and dining rooms windows on the western side of no 8 Coffey Drive will have an outlook directly towards the discretionary part of the dwelling. The deck and main bedroom also have an outlook to the west but more towards the part of the dwelling which meet the side setback acceptable solution. The outlook from the kitchen window will be significantly reduced looking west/northwest, but largely unaffected looking north. The outlook from the dining room window will be affected to a lesser extent because of the elevation (8 Coffey Drive sits on a higher land contour). Views to the west will be mostly impacted while views to the northwest will be less affected and views to the north will be unaffected. The reduced side setback will make the building appear closer but moving it a further 1.3m from the boundary will not alter the physical presence of a two-storey building where there was previously none and is unlikely to open up the views to any significant extent. The building will be highly visible to the neighbours particularly

given the topography, but it should be acknowledged that any form of development on a vacant site is likely to cause some visual and amenity impacts on neighbours.

Privacy amenity

As stated previously, the proposed dwelling has one window on the upper level side elevation (bathroom) and two windows on the lower level side elevation (bedrooms). All of these windows are high level with sill heights of 1.5m so will not cause any direct overlooking of the neighbouring windows or private open space. On the northern elevation, the windows of the main bedroom (bedroom 1) have been designed to have views to the north (and coast). Part of this glazed section sits within the 3m side setback acceptable solution and due to the siting could have some impact on the privacy of the dining room/deck area. **The applicant has amended the original proposal to include a section of privacy screening to the outside of this window.** This will reduce the extent of the view to the east and northeast and direct the views mostly to the north. Consideration should also be given to the use of this room as a bedroom and not part of the living areas where people are more likely to gather and for extended periods of time therefore increasing the opportunity for overlooking. **The applicant has also amended the original application to remove the side deck from the ground level of the dwelling, which reduces the extent of the side setback discretion and the potential privacy and noise amenity issues arising from the use and activity of the open deck area.**

The applicant has also included privacy screening to the upper level patios as a courtesy, in response to concerns raised by the representors regarding privacy (these patios do not require screening as the setback exceeds the acceptable solution).

Noise amenity

Issues were raised regarding the potential for noise from the side deck areas and if plant and air conditioning equipment is located down the side of the dwelling within the reduced side setback area. **As previously stated, the applicant has amended the original application to remove the side deck and door opening in response to concerns raised.** An exemption applies to air conditioning equipment under 5.6.7 of the scheme (minor structures) providing that they are at least 1m from the boundary and they are minor attachments to the side or rear of the building. The proposal does not include any air conditioning equipment. Pumps for the stormwater system are likely to be located under the dwelling near the tanks.

Solar access (overshadowing)

The applicant has provided shadow diagrams which demonstrate the level of overshadowing caused by the development. Figure 1 below shows the extent of overshadowing on 8 Coffey Drive during the day on 21 June. Figure 2 shows additional diagrams for the 9am shadow in December and March.

The dwelling will only be impacted by shadow for part of the year in the afternoon, from just before 3pm onwards. The diagrams also indicate by way of a dotted line dissecting the shadow, the shadow caused by the part of the building within the 3m side setback. The dining room window appears to be outside of this section of shadow which means the shadow is caused by the part of the building which exceeds the 3m setback acceptable solution. Overall, the shadowing impact on the dining room and kitchen windows is considered acceptable. The upper-level deck which is considered private open space will be unaffected by shadow.

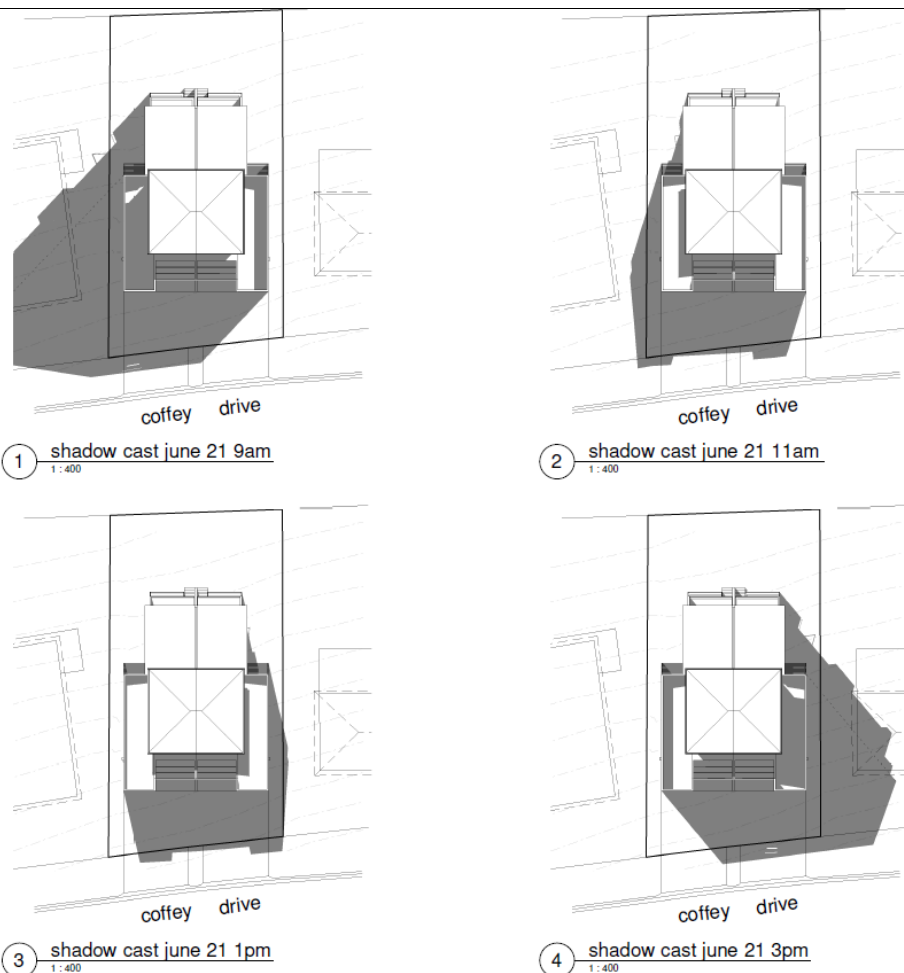


Figure 1 - Overshadowing June 21

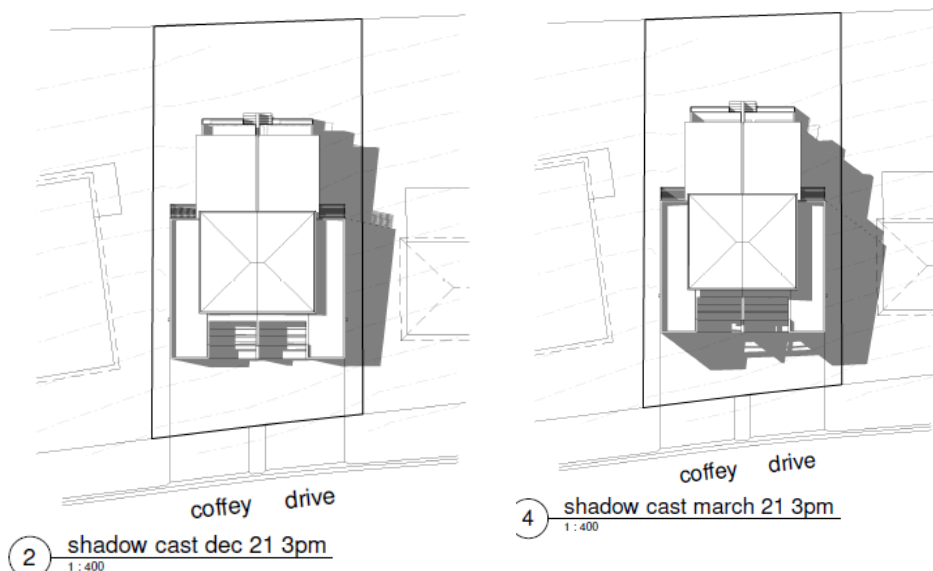


Figure 2 – 3pm overshadowing – December and March

d) Solar access for habitable room windows and private open space has been discussed previously and is considered acceptable based on the shadow diagrams provided.

- e) There is only an existing shed which is proposed to be demolished as part of the application. Existing buildings and private open space on the subject land have no relevance to the proposed reduced side setbacks.
- f) The subject lot is a regular shaped lot of 781m² being 37.99 – 39.65m in length, with a 20.45m frontage. The width of the site limits the ability to achieve side-by-side dwellings which achieve the acceptable side setback. The reduced side setbacks have been discussed under this provision as being reasonable with regard to other developments which have reduced side setbacks, impacts on neighbours and streetscape.
- g) The slope of the land will increase the impact of the reduced side setbacks on the western side. The land falls away from the front to the rear and from the east to the west, meaning that the property at no 4 Coffey Drive sits lower than the subject site and the walls will be slightly higher above natural ground level on this side (but still under the acceptable solution maximum height of 8m). The impact of this is discussed under this provision as being acceptable. On the eastern side the slope reduces the impact of the reduced side setback as the property at no 8 Coffey Drive sits higher than the subject site. The applicant has provided some visuals which show the relationship between the subject and neighbouring dwellings from the street and on the western (low side) approach.



Overall, it is considered that the reduced side setbacks do not offend the objective of this provision in that the height does not exceed the acceptable solution, the setbacks are not inconsistent with other properties in the area with reduced side and rear setbacks, the impacts on the neighbouring properties are limited to the extent that they are considered acceptable, and there are no Character Statements or Local Area Objectives for assessment.

In this context, it is considered that the performance criteria is satisfied.

12.4.1.6 Location of Car Parking

Objective a) To provide convenient parking for resident and visitor vehicles b) To minimise the impacts of garage doors to the neighbourhood.	
Acceptable Solutions A1 A garage or carport must be located: a) within 20 metres of the dwelling it serves; and b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.	Performance Criteria P1 Car parking facilities must be: a) close and convenient to dwellings and residential buildings; and b) located to minimise visual impact to the streetscape; and c) provided in a form that is appropriate to the area and development.
Assessment against the Performance Criteria is required. Performance Criteria Assessment The proposal includes single width garages which are partially forward of the main part of the dwellings. The garage of dwelling 1 has a setback of between 6.8m and 7.4m. The garage of dwelling 2 has a setback of between 5.4m and 5.9m. The following assessment against P1 is provided: a) The carparking facilities are close and convenient to the dwellings. b) The garages are designed to be integrated into the main dwelling form and using the same palette of materials and finishes. They are single width and located on the outer sides of the co-joined dwellings. A single canopy structure between the garages assists in reducing the prominence of the garages. A stone feature wall and landscaping provide separation between the 2 driveways and assists in providing a more cohesive single building form. c) A variety of carparking facilities are found within the area, including open parking areas, integrated designs and outbuildings. While the garage components are forward of the main part of the dwellings, the addition of the canopy between the garages and the stone feature wall provides more cohesion with the main dwelling form. While this form is not typical in the area, it adds to the mix of garaging and carparking found in the area and is appropriate to the development given that the slope of the land. The adjoining dwellings (4 and 8 Coffey Drive) both have carparking areas in front of or in line with the dwelling. No 11 Coffey Drive has a carport located forward of the dwelling. No 2 Coffey Drive has a garage close to the street frontage in line with the main dwelling. Numbers 36A and 38 Coffey Drive have garages/carports forward of the dwelling. Overall, it is considered that the garages have been designed to minimise the impact of the garage doors on the street and provide convenient access for residents and visitor parking in accordance with the objectives of this provision.	

12.4.1.8 Filling of sites

Objective To ensure that the filling of sites does not create a nuisance to adjoining land owners	
Acceptable Solutions A1 Fill must be;	Performance Criteria P1 Larger amounts of fill must have regard to:-

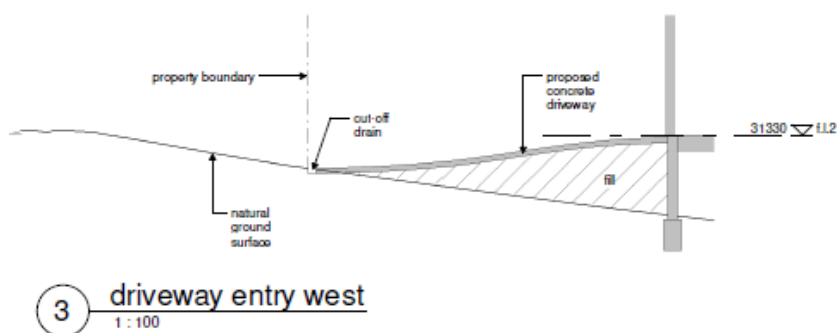
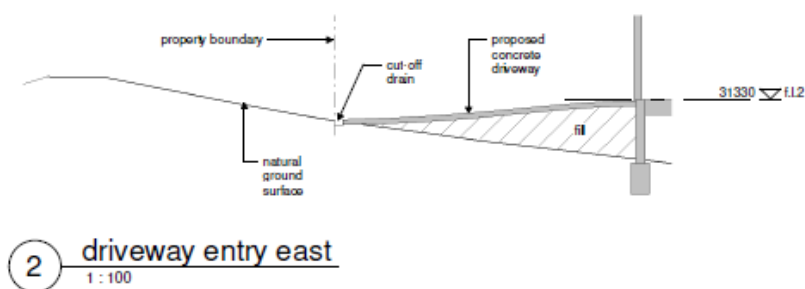
- a) No more than 50m³, and
- b) Clean fill, uncontaminated by weeds, disease or toxic materials.
- c) Located more than 2m from any boundary.

- a) how stormwater overflows will be directed towards the reticulated stormwater collection points or where this is not possible, how storm water run off will be directed away from adjoining lots so as not to cause a nuisance, and
- b) how privacy of adjoining outdoor living areas will be maintained.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Due to the slope of the land, the proposal includes driveways which provide a relatively flat entry level from the street. This will require fill to be placed at the front of the site to build up the driveways.



The amount of fill is not quantified but because it will be for the driveways, it will commence at the front property boundary so does not meet the acceptable solution which requires that fill must be located more than 2m from any boundary. The following assessment against P1 is provided:

- a) The proposal includes a cut-off drain across the property frontage to prevent water from the road entering the driveways. It also includes a pit on the western side of the driveway to capture surface water from the driveways and direct it into the main stormwater connection. The driveways are setback at least 2m from the side boundaries of the site and include areas for landscaping between the driveways and the property boundaries. This design should ensure that the driveways do not cause stormwater nuisance.
- b) The raised driveway areas are located at the front of the site adjacent to the street and will not cause privacy issues.

It is considered that the performance criteria is satisfied.

E4 Road and Railway Assets Code

E4.7 Development Standards

E4.7.2 Management of Road Accesses and Junctions

Objective

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

Acceptable Solutions

A1
For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.

Performance Criteria

P1
For roads with a speed limit of 60km/h or less, the number, level of safety for all road users location, layout and design of accesses and junctions must maintain an acceptable, including pedestrians and cyclists.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

The proposal includes two (2) separate accesses (1 for each unit) and does not satisfy the acceptable solution. The applicant has provided a Traffic Impact Assessment (TIA) prepared by a suitably qualified person which provides the following response to P1:

There are no road safety issues associated with the proposal as:

- a) Site distance is adequate
- b) There is adequate space for entry and exit manoeuvres
- c) Road safety review identifies no issues
- d) Austroads Safe System Assessment indicates a very low crash risk as traffic volumes are low and speed environment is low.

On the basis of the TIA assessment, it is considered that the performance criteria is satisfied.

E4.7.4 Sight distances at Accesses, Junctions and Level Crossings

Objective

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solutions

A1
Sight distances at

- a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and
- b) rail level crossings must comply with *AS1742.7 Manual of uniform traffic control devices - Railway crossings*, Standards Association of Australia; or
- c) If the access is a temporary access, the written consent of the relevant authority has been obtained.

Performance Criteria

P1
The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.

<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The TIA notes that the site distance requirement of 80m allocated to a road with a speed limit of 50km/h or less is not achieved in one direction and provides the following assessment against P1. Looking right from on exit from the driveway, the site distance is 68m, which is acceptable under AS/NZS 2890.1 (3.2.4 Figure 3.2) which indicates that 40m is the acceptable minimum distance for domestic properties.</p> <p>On the basis of the TIA assessment, it is considered that the performance criteria is satisfied.</p>	

E6 Car Parking and Sustainable Transport Code

E6.7 Development Standards

E6.7.2 Design and Layout of Carparking

<p>Objective</p> <p>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for a dwelling in the General Residential Zone) must be located behind the building line;</p>	<p>P1</p> <p>The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The proposal requires five (5) on-site car parking spaces and provides six (6). The parking areas for the second space and the visitor spaces are not located behind the building line (the garages are incorporated within the main building so form part of the building line). The following assessment against P1 is provided:</p> <ul style="list-style-type: none"> a) Due to the slope of the land, the driveways/garages have been designed at the front of the site to provide a reasonably flat entry level and minimise the extent of driveways. There are no existing buildings on the land (except for an old garden shed to be demolished). The layout provides for efficient vehicle manoeuvring. b) The garages have been designed to integrate with the main form of the dwelling and have been limited to single width to reduce their visual impact from the street. The second residential spaces and visitor spaces are open (no structures), and the visual impact will be limited mostly to times when these spaces are occupied. A feature stone wall with a landscaping strip has been 	

incorporated to provide some visual relief and separation between the car parking areas. Small landscaping areas are also provided between the side boundaries and the driveways. There are many examples of parking areas located in front of dwellings within the area, particularly where situated on the low side of the road (both neighbouring dwellings have parking areas in line with, or forward, of the building line). Although the double driveways will limit the amount of front yard vegetation, it is not considered that the occasional view of vehicles parked in front of the dwellings will be significantly detrimental in a streetscape where vehicles are on view within property boundaries. Other than the visual impact on the streetscape, this configuration of vehicle parking will have little impact on the amenity of the area. The TIA has assessed the configuration as being safe with regard to traffic.

c) Due to the slope of the land, it would be more difficult to design garages and car parking areas further into the site and behind the building line without compromising convenient access.

d) Carparking in the vicinity tends to respond to topography and appears relatively informal, with a mix of open parking areas, carports and a range of garage designs. The neighbouring properties both have parking areas (carport and open parking) at the front of the dwelling.

e) The proposal includes small areas for landscaping between the driveways, and between the driveways and the side boundaries which will provide some visual softening of the hard surface area of the concrete driveways.

Overall, it is considered that the performance criteria is satisfied in the context of the objective of this provision.

Acceptable Solutions	Performance Criteria
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; 	<p>P2 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

The proposal does not satisfy part b) of the acceptable solution as reversing is required. The TIA provides the following assessment against P2:

a) The proposal is assessed as safe & efficient in terms of slope, dimensions, layout, expected traffic activity & type of vehicles i.e. Austroads Car - B99 vehicle 5.2m long by 1.94m wide for User Class 1A (residential access)

- b) Reverse exit manoeuvres can be achieved for all 5 proposed parking spaces in accordance with manoeuvre space requirements for 90-degree parking – Figure 2.2 of AS / NZS 2890.1 Part 1 – Off Street car parking, also see Figure 15.

On the basis of the TIA assessment, it is considered that the performance criteria is satisfied.

E16 On-Site Wastewater Management Code

E16.6 Use Standards

E16.6.1 Use and Lot Size

Objective	
To ensure that use occurs in a manner that accommodates onsite water management	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Residential uses that rely on onsite wastewater management must:</p> <p>a) be on a site with minimum area of 2,000m²; and</p> <p>b) have four bedrooms or less.</p>	<p>P1</p> <p>Residential use on sites less than 2,000m² or with more than four bedrooms that rely on onsite wastewater management must be able to accommodate:</p> <p>a) the proposed residence and associated buildings and structures;</p> <p>b) private open space;</p> <p>c) vehicle manoeuvring and car parking;</p> <p>d) hardstand and paved areas; and</p> <p>e) onsite wastewater management</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The proposal is for a development which is on a site of less than 2000m². The following assessment against P1 is provided:</p> <p>a) The site plan indicates the location of the dwellings in relation to the wastewater infrastructure.</p> <p>b) Private open space is not specified in the Low Density Residential Zone with regard to size and amount of space. The dwellings include upper-level patios and ground level decks which provide private open space for the occupants. Other ground level areas to the side provide further opportunity for private open space. The provision of private open space is considered adequate and is separate from the wastewater infrastructure.</p> <p>c) Adequate areas for vehicle manoeuvring and car parking are provided for each dwelling.</p> <p>d) Hardstand and paved areas are provided</p> <p>e) The applicant has provided an on-site wastewater assessment prepared by a suitably qualified person. The report includes a wastewater design and has assessed the site as being suitable for two (2) dwellings.</p> <p>It is considered that the performance criteria is satisfied.</p>	

E16.7 Development Standards

E16.7.1 Onsite Wastewater Management

Objective	
To ensure that use occurs in a manner that accommodates onsite water management	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and buildings and structures.</p>	<p>P1.1</p> <p>Buildings and structures must not be placed over onsite wastewater infrastructure; and</p> <p>P1.2</p> <p>Buildings and structures within 3m of onsite wastewater infrastructure must not have a detrimental impact on the operation or integrity of the onsite wastewater management infrastructure; and</p> <p>P1.3</p> <p>Onsite wastewater management must not have a detrimental impact on the foundations or footings of buildings or structures.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The plans indicate that the ground level decks will be within 3m of the absorption area. The wastewater assessment report provides the following response to P1.2 and P1.3:</p> <p>The proposed system will be more than 1.5m from a building or structure. The risk of wastewater reducing the bearing capacity of foundations is acceptably low – the system is located downslope of proposed foundations or footings. The wastewater area is on the northern side of proposed buildings and structures and as such these should not impact on the wastewater area. Providing foundation depths are below the depth of the wastewater area, there should be no detrimental impact from onsite wastewater.</p> <p>On the basis of the assessment contained in the wastewater report, it is considered that the performance criteria is satisfied.</p>	
Acceptable Solutions	Performance Criteria
<p>A4</p> <p>Onsite wastewater management infrastructure must be on lots with an average slope of 10% percent or less.</p>	<p>P4</p> <p>Onsite wastewater management infrastructure located on lots with an average slope of more than 10% must have no detrimental impacts:</p> <ul style="list-style-type: none"> a) through wastewater seepage, or soil erosion; and b) on the foundations or footings of buildings or structures.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The wastewater report identifies the average slope as being 10-11% and provides the following response to P4:</p> <p>There are no detrimental impacts on the natural or built environment expected to result from the proposed wastewater management system. Subsurface application within the predominately highly permeable sandy soils safeguards against wastewater seepage or soil erosion.</p> <p>The proposed system will be more than 1.5m from a building or structure. The risk of wastewater reducing the bearing capacity of foundations is acceptably low – the system is located downslope of proposed foundations or footings. The wastewater area is on the northern side of proposed buildings and structures and as such these should not impact on the wastewater area. Providing</p>	

foundation depths are below the depth of the wastewater area, there should be no detrimental impact from onsite wastewater.

On the basis of the assessment contained in the wastewater report, it is considered that the performance criteria is satisfied.

5. Representations

The application was advertised 4 May 2024 to 17 May 2024 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Two (2) representations were received prior to the closing date and time and are contained in **Attachment 6**. The issues raised within the representation are as follows:-

Issue	Response
<p><u>Representation 1</u></p> <ol style="list-style-type: none"> Several statements in the DA are overtly incorrect and reference wrong zoning criteria The designation of residential and visitor accommodation is confusing – residential designation is appropriate Non-conformity with use standard 12.3.1 Amenity Non-conformity with use standard 12.3.2 Low Density Residential Character Non-conformity with development standard 12.4.1.1 Residential density for multiple dwellings <ul style="list-style-type: none"> block too small, out of character with established properties in the area not in harmony with the landscape values of adjoining properties in the Binalong area Non-conformity with development standard 12.4.1.2 Site Coverage <ul style="list-style-type: none"> exceeds 30% acceptable solution Visual bulk of the buildings particularly in relation to width of development and lack of off-street parking Side setbacks are non-compliant and concern with ability to absorb run-off (flood concerns during high rainfall events) Non-conformance with 12.4.1.3 Building Height 	<p><u>Representation 1</u></p> <ol style="list-style-type: none"> Staff believe that this is referring to an error in the Traffic Impact Assessment which makes a reference to the General Residential Zone instead of the Low Density Zone. The error is not critical and has no bearing on the assessment or recommendations of the report. Dual use designation (particularly for additional visitor accommodation use) is allowed under the planning scheme and was correctly assigned. In any case, the applicant has amended the application to remove the additional visitor accommodation use aspect of the proposal. Use standard 12.3.1 relates to non-residential use only and is not applicable the proposal. With regard to the visitor accommodation aspect (now deleted) this provision is superseded by Planning Directive No 6 – Visitor accommodation. Use standard 12.3.2 is not applicable to this proposal as this standard is only applicable to discretionary uses (both residential and visitor accommodation are permitted uses). Assessment against development standard 12.4.1.1 (density) is contained under section 4 of this report. Assessment against development standard 12.4.1.2 (site coverage) is contained under section 4 of this report. The proposal satisfies the acceptable solution for development standard 12.4.1.3 (height).

<ul style="list-style-type: none"> • Building is dramatically out of scale with adjoining and other properties on the street and Binalong Bay • Overshadowing and de-valuation concerns <p>6. Non-conformance with development standard 12.4.1.4 Frontage Setbacks</p> <ul style="list-style-type: none"> • 5m setback not achieved • Road safety concerns • Inadequate off-street parking • Appears as a high density capital city development • Out of character and no landscaping <p>7. Non-conformance with development standard 12.4.1.5 Rear and Side Setbacks</p> <ul style="list-style-type: none"> • Not appropriate to the location and the general Binalong Bay Area • Audacious wide design is fundamentally flawed in achieving the statutory performance criteria. • Doesn't allow adequate provision for private open space, bins will be placed along the fence line directly opposite bedrooms • Scale, mass and non-compliant setback will significantly infringe on privacy or bedrooms, bathroom and toilet of 4 Coffey Drive. • Significantly overshadows bedrooms, bathroom and toilet of 4 Coffey Drive • Impact amenity, liveability and quality of life for residents and de-values property. • Width of development resembles high density capital city living style of development and lacks any visual relationship to low density, regional, rural coastal building design. <p>8. Non-conformance with 12.4.6.1 Location of Carparking</p> <ul style="list-style-type: none"> • Setback not achieved • Negative visual impact on street • Inadequate off-street parking • TIA should be referenced to note non-compliance and lack of 1 off-street parking space 	<p>8. The proposal has been amended and now satisfies the acceptable solution for development standard 12.4.1.4 (frontage setbacks).</p> <p>9. Assessment against development standard 12.4.1.5 (side setback) is contained under section 4 of this report. Amended plans reduce the length of the building which is subject to the side setback discretion.</p> <p>10. Assessment against development standard 12.4.6.1 (location of carparking) is contained under section 4 of this report. The TIA has been prepared by a suitably qualified person. The incorrect reference to the zone in one part does not impact on the overall assessment. The TIA has been accepted by Council works Department without conditions.</p>
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<ul style="list-style-type: none"> • Credibility of TIA given incorrect zoning reference • Driveways should be down the side of both dwellings <p><u>Representation 2</u></p> <ol style="list-style-type: none"> 1. Concern with loss privacy and overshadowing 2. Building height should not exceed 7m 3. Concern that upper-level deck will overlook the private open spaces of No 8 Coffey Drive 4. Lower deck does not meet the 3m side setback requirement and will impact amenity and privacy 	<p><u>Representation 2</u></p> <ol style="list-style-type: none"> 1. The impacts on privacy and overshadowing are discussed under section 4 of this report. 2. The proposal satisfies the acceptable solution for development standard 12.4.1.3 (height). 3. The upper-level patio has a side setback which exceeds the 3m side setback acceptable solution. Windows and decks which satisfy the acceptable solution do not require privacy treatment. However, the applicant has now included some privacy treatment on the upper level patios as a courtesy to the neighbours. 4. The proposal has been amended to remove the lower side decks and relocate them to the rear section of the building. The setback of the decks now exceeds the 3m side setback acceptable solution and therefore they do not require privacy treatment. However, the applicant has now included some privacy treatment on the lower level decks as a courtesy to the neighbours.
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The recommendation for approval has been made following due consideration of the representation and comments.

5. Mediations

The application has not been subject to a formal mediation process, however, after the formal advertising period, the applicant did amend the plans and provide a written response to some of the concerns raised by the representors and staff. The written response is contained in **Attachment 7**. Staff determined that the changes did not constitute a new development application and there is no provision under LUPA to allow the formal re-advertising of an application.

Staff provided the amended plans to the representors for information about how their concerns had been addressed by the applicant. Both representors provided written responses to the amended plans. These responses do not form part of the formal representations.

In summary, while both responses acknowledge the changes, neither respondent has altered their position on the development application. The responses to the amended plans from both representors are provided for information and contained in **Attachment 8**.

Since this time, the applicant has made further changes to the proposal to include some privacy screening to the upper and lower level patios and decks to further address concerns about privacy. The screening is reflected in the plans recommended for approval.

7. Conclusion

In accordance with 6.10 of the *State Planning Provisions (Tasmanian Planning Scheme – Break O’Day)*, the application has been assessed against the objectives of the Scheme, in particular the Low Density Residential Zone all relevant Codes and issues. The received representations have been considered and the development was amended in response to some of these concerns. The amended application has demonstrated compliance with the Acceptable Solutions and ten (10) Performance Criterion.

The amended development application DA 140-2023 – Residential – Multiple Dwellings (2 Co-joined Dwellings) and associated works, is recommended for approval with conditions normally set to this type of development.

STRATEGIC PLAN & ANNUAL PLAN:

Break O’Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Key Focus Area

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

LEGISLATION & POLICIES:

Tasmanian Planning Scheme – Break O’Day

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable, all costs of the development are the responsibility of the developer.

VOTING REQUIREMENTS:

Simple Majority

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.

08/24.7.0

COUNCIL MEETING ACTIONS

08/24.7.1

Outstanding Matters

COUNCIL RESOLUTIONS - MEETINGS - PUBLIC
12/08/2024

24

GOALS

76%

GOAL COMPLETION

COUNCIL RESOLUTIONS PLAN

COUNCIL RESOLUTIONS - JULY 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	15/07/2024	05/08/2024	07/24.6.1.400 DA 065-2024 - Installation of Demountable Building & Storage Containers (3) - 21-23 Rex Court, St Helens	1. After due consideration of the application received and pursuant to Section 57 of the <i>Land Use Planning & Approvals Act 1993</i> and the <i>Tasmanian Planning Scheme - Break O'Day</i> , that the application for Installation of Demountable Building & Storage Containers (3) on land situated at 21-23 Rex Court, St Helens described in Certificate of Title 107563/10 be APPROVED subject to the following plans / documents and conditions:	DA065-2024 was determined by Council at its meeting 15 July 2024. 07/24.6.1 DA 065-2024 - Installation of Demountable Building & Storage Containers (3) - 21-23 Rex Court, St Helens 07/24.6.1.400 Moved: Cllr Chapple / Seconded: Cllr LeFevre CARRIED UNANIMOUSLY	Senior Town Planner
100%	15/07/2024	05/08/2024	07/24.13.4.405 Request for General Rate Remission and Service Rate Remission - PID 6414634 - 4 Dunn Street, Mathinna	That in accordance with the provisions of s.129 of the <i>Local Government Act 1993</i> and Council's <i>Rating Exemptions and Remission Policy no LG11</i> , Council approves a General Rate remission and a 50% Service Charge Remission to the total value of \$939.00 as requested for the property known as 4 Dunn Street, Mathinna identified as PID 6414634.	Applicant advised of Council's decision and waiver processed.	Corporate Services Coordinator

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	15/07/2024	05/08/2024	07/24.13.5.406 Amended Schedule of Fees and Charges	That Council adopt the following amendments to the Fees and Charges to be included in Councils Schedule of Fees & Charges 2024/2025. Development Charges · New Development (Subdivision/Adjustment) Section - Subdivision Application Fee - \$620.00 + \$170.00 per lot · Building Services – Plumbing – Commercial Section - Commercial Certificate of Likely Compliance Plumbing – Plumbing Permit/Assessment - Greater than 151m2 - \$1,500 · Environmental Health - Nuisance - Abatement Costs Associated with Non-Compliance – Cost of Works + \$175.00	Fees and Charges updated on Council's website and relevant systems.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	07/24.14.3.409 Policy review – AM03 Street Lighting Policy	That Policy AM03 Street Lighting Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	07/24.14.4.410 Policy review – AM06 Footpath Construction Policy	That Policy AM06 Footpath Construction Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	07/24.14.5.411 Policy review – AM07 Playground Management Policy	That Policy AM07 Playground Management Policy be accepted with minor amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	07/24.14.6.412 Policy review – AM08 Subdivision New Works & Infrastructure Construction Policy	That Policy AM08 Subdivision New Works & Infrastructure Construction Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	07/24.14.7.413 Policy review – AM10 Reserves Management Policy	That Policy AM10 Reserves Management Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
100%	15/07/2024	05/08/2024	07/24.14.8.414 Policy review – AM14 Mowing Policy	That Policy AM14 Mowing Policy be accepted without amendment.	Policy updated in all places.	Corporate Services Coordinator
0%	15/07/2024	05/08/2024	07/24.16.2.417 Naming of Road (Lynda Place) – “St Helens Fields” 46 Lot Subdivision P2382 Tully Street, St Helens	That Council approve the use of the name “Lynda Place” for the cul de sac currently un-named off Annabel Drive, St Helens (Subdivision Reference – DA159-2020)		Development Services Coordinator
90%	15/07/2024	31/08/2024	07/24.16.3.418 Revised Dog Management Policy 2024	That Council adopt the revised <i>Dog Management Policy 2024</i> including dog zones (Declared areas), having considered public submissions on a draft and noting the Declared areas it identifies are subject to the Parks and Wildlife Service agreeing to authorise the same on Reserves they manage.	Policy updated in all places by Corporate Services. New dog zones are subject to formal Declaration by Council under the Dog Control Act, pending agreement from the Parks and Wildlife Service to authorise the same access for dogs under their Reserve management legislation. Current Declared dog zones continue to apply until then.	NRM Facilitator

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
15%	15/07/2024	31/08/2024	07/24.9.1.401 Lease/ management agreement for the front garden of the old hospital site at St Helens – Cllr Carter	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council immediately pursue a lease/ management agreement for the front garden of the old hospital site at St Helens, from the State Government, and open it up as public open space.</p>	Discussions with the owner of the site have recommenced and Council's interest in securing this piece of land has been reinforced.	General Manager

COUNCIL RESOLUTIONS - JUNE 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
86%	24/06/2024	31/07/2024	06/24.14.3.391 Speed Limits – North Ansons Bay Road and Ansons Bay	That Council adopt the recommendations made by Traffic & Civil Services as stated in this report.	Recommendations made by TCS were endorsed by the Council at the June 2024 Council meeting. State Growth officers have reviewed the changed speed limit proposals and are assisting in our preparing our approval application to the Transport Commissioner.	Manager Infrastructure and Development Services

COUNCIL RESOLUTIONS - MAY 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
90%	20/05/2024	24/06/2024	05/24.9.1.358 Developing walking trails around and within the Scamander Complex precinct – Cllr Carter	A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation: That Council considers options to develop walking trails around and within the Scamander Complex precinct.	The Council's Infrastructure and Development Services and Community Services Manager have viewed the area. Track dimensions are confirmed on site, and cost estimates have been prepared in a report for Council's information and discussion at the August 2024 Councilor Workshop	Manager Infrastructure and Development Services
100%	20/05/2024	24/06/2024	05/24.15.2.370 RV Camping - Fingal	1. That Council consider relocating the RV caravan parking currently located within the Fingal Park area to the Fingal Recreation Ground; and 2. That Council engage with the Fingal Community to relocate the RV Caravan camping to the Fingal Recreation Ground and seek their comments on the proposed relocation.	Council staff have finalised fact sheet and the information has been mailed to all residents in Fingal explaining of why the decision was made to move the RV Campers and where they would not be relocated to	Manager Community Services

COUNCIL RESOLUTIONS - MARCH 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	04/03/2024	30/04/2024	03/24.9.1.323 Speed limit reduction – Cllr Le Fevre	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>The Break O'Day Council petition the Department of State Growth for a speed limit reduction (60kmh-50kmh) from the Golden Fleece Bridge in St. Helens to the intersection of the Tasman Highway and St. Helens Point Rd.</p>	<p>In June 2024, the Manager of Infrastructure & Development Services forwarded correspondence from a local Atlas Drive resident to State Growth about safety concerns along the Tasman Highway between St Helens Point Road and Medeas Cove Road and the junctions with Atlas Drive. The Department has subsequently advised that the section of the Tasman Highway between St Helens Point Road and Medeas Cove Road follows the coastline, and its width and alignment are constrained by a steep embankment on one side and the waterfront on the other. Any widening or straightening works would be prohibitively expensive and would have dramatic environmental impacts. The department currently has no plans to upgrade this section of the highway. The department has previously considered that the existing 60 km/h speed limit on this section of the Tasman Highway is appropriate but would welcome the Council's views on whether a 50 km/h speed limit would be supported by the community—workshop report to be prepared for Council information and discussion at the September 2024 workshop.</p>	Manager Infrastructure and Development Services
50%	04/03/2024	30/09/2024	03/24.9.3.325 Decision to demolish the Exhibition Hall at St Marys Recreation Ground – Cllr Drummond	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council rescind any former decision to demolish the Exhibition Hall at St Marys Recreation Ground and provide an assurance that the Exhibition Hall will not be demolished.</p>	<p>A report has been drafted for Workshop with Councilors. The report will be presented at the September Council workshop with an aim to present the report at the September Council meeting.</p>	Development Services Coordinator

COUNCIL RESOLUTIONS - JANUARY 2024

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	15/01/2024	05/02/2024	01/24.9.2.290 Binalong Bay Parking, Traffic and Pedestrian Safety – Mayor Tucker	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council Officers review the existing Binalong Bay Foreshore Master Plan and develop a project scope that can be used to engage an expert to provide a report on the following:</p> <ol style="list-style-type: none"> 1. Improved Parking Accessibility 2. Assessment of Additional Parking Areas, traffic calming and pedestrian safety improvements. 	<p>The Binalong Bay Foreshore Master Plan has recently undergone an initial review. Council officers are currently writing a project scope that can be used to engage an expert to provide a report on the following aspects: 1. Enhanced Parking Accessibility and 2. Assessment of Additional Parking Areas, Traffic Calming, and Pedestrian Safety Improvements.</p>	Manager Infrastructure and Development Services

COUNCIL RESOLUTIONS 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	20/03/2023	30/06/2023	03/23.15.7 St Helens Sports Complex	<ol style="list-style-type: none"> 1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project. 2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project. 	A draft Brief has been developed for this project. This project will now be incorporated into the St Helens and Binalong Bay Liveability Strategy which is currently being developed.	Manager Community Services
75%	26/06/2023	31/07/2023	06/23.9.2.131 Online Access Centre Funding – Clr Carter	<p>That Council write to the State Government requesting:</p> <ol style="list-style-type: none"> 1. A definitive answer about the future funding of Online Access Centres in the Break O'Day area beyond the completion of the current funding contract expiring on 30 June 2024. 2. An explanation of the Hub approach that the Minister mentioned in a meeting with the Mayor and Acting General Manager in February 2023. 3. Clear articulation to the affected communities and relevant service providers of the State Government's plans for the future delivery of services currently delivered by Online Access Centres at St Helens, St Marys and Fingal including how and who will be delivering these services and what services may be lost under the new approach. The articulation should include the financial consequences of establishing Hubs and the efforts that will be undertaken to seek ratepayer and service provider input 	Following numerous items of correspondence to a number of Ministers, Council was advised on 7/8/24 that the Centres will continue to receive annual funding until 30 June 2025. The Minister has also advised that the Government is planning to undertake an independent review if investment in digital inclusion programs, including the Digital Connections Grant program.	General Manager
20%	18/12/2023	29/02/2024	12/23.9.1.265 Indigenous name for St Patricks Head – Clr J Drummond	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council support the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.</p>	Initial response received from PWS. Council's approach to dual naming has been raised as part of the Reconciliation Action Plan process with the discussion being about an all encompassing approach rather than adhoc naming	General Manager

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	18/12/2023	31/01/2024	12/23.9.3.267 Community landscape plan or policy for our townships– Deputy Mayor K Chapple	<p>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</p> <p>That Council develop a community park / garden landscape plan / and or policy for our townships.</p>	<p>Policies by other LGAs have been researched. The Council's existing Policy AM18–Nature Strip Planting Policy is a policy statement about how the Council develops a community park/garden landscape plan and associated criteria. It is currently being redrafted to meet the intent of the Notice of Motion.</p>	Manager Infrastructure and Development Services

COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
70%	21/02/2022	31/03/2022	02/22.16.5.39 - Management of Freshwater Resources and Water Quality	Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.	Freshwater water resources and water quality management issues in the state and for Break O'Day are an on-going topic for Council's NRM Committee. Opportunities to address with Council developments in management of them by Tasmanian Government agencies and bodies will continue to be sought.	NRM Facilitator
77%	27/06/2022	31/10/2022	06/22.15.3.123 - Outdoor Exercise Equipment - Scamander	That Council seek external funding to cover the cost of this project.	Council at their meeting in June, 2024, in consultation with the community changed the location of the proposed exercise gym equipment to the eastern side of the bridge	Manager Community Services

08/24.8.0 PETITIONS

Nil

08/24.9.0 NOTICES OF MOTION

Nil

08/24.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

08/24.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

08/24.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

08/24.12.1 Mayor's Communications for Period Ending 19 August 2024

23.07.24	St Helens	– Meeting with Tabatha Badger MP.
24.07.24	Devonport	– Senate Committee Meeting to discuss Local Government sustainability.
25.07.24	Devonport	– House of Representatives Standing Committee Meeting on Regional Development, Infrastructure and Transport.
25.07.24	Devonport	– Local Government of Tasmania Association's General Management Committee Meeting.
25.07.24	Devonport	– Australian Local Government Association – Post National General Assembly teleconference.
26.07.24	Devonport	– Local Government of Tasmania Association's General Meeting and Annual General Meeting.
27.07.24	Devonport	– Elected Representatives Professional Development Day.
05.08.24	St Helens	– Council Workshop.
07.08.24	Launceston	– MRG Meeting with Northern Tasmania Development Cooperation.
11.08.24	St Helens	– Meeting with Mr Ellis - Minister for Police, Fire and Emergency Management, Housing and Planning, and Skills and Training.

16.08.24	Launceston	– Northern Tasmania Development Cooperation’s Regional Collaboration Forum.
18.08.24	St Helens	– Vietnam Veterans Day at Portland Memorial Hall.
19.08.24	St Helens	– Council Meeting

08/24.12.2 Councillor’s Reports for Period Ending 19 August 2024

This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.

- Break O’Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple
- NRM Special Committee – Clr Janet Drummond
- East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre
- Mental Health Action Group – Clr Barry LeFevre
- Access and Inclusion Advisory Committee – Clr Janet Drummond
- Bay of Fires Master Plan Steering Committee – Clr Ian Carter

08/24.13.0 BUSINESS AND CORPORATE SERVICES

08/24.13.1 Corporate Services Department Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on activities of the Business and Corporate Service Department since the previous Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

Investments

Returns are continuing to perform reasonably well.

The table below shows all investments made to date for the 2024-2025 Financial Year.

Date Rolled Over	Maturing	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank
01.02.2024	01.07.2024	5	1,000,000.00	20,188.49	\$ 1,020,188.49	4.88%	CBA
02.04.2024	01.08.2024	4	1,000,000.00	15,779.73	\$ 1,015,779.73	4.76%	CBA
21.09.2023	20.09.2024	12	2,000,000.00	106,200.00	\$ 2,106,200.00	5.31%	CBA
20.03.2024	21.10.2024	7	1,000,000.00	24,250.00	\$ 1,024,250.00	4.85%	CBA
10.11.2023	08.11.2024	12	1,000,000.00	54,100.00	\$ 1,054,100.00	5.41%	CBA
19.04.2024	19.12.2024	8	1,000,000.00	32,466.67	\$ 1,032,466.67	4.87%	CBA
09.05.2024	09.01.2025	8	1,000,000.00	34,000.00	\$ 1,034,000.00	5.10%	Bendigo
09.05.2024	07.02.2025	9	1,500,000.00	57,600.00	\$ 1,557,600.00	5.12%	Bendigo
01.07.2024	01.03.2025	8	1,000,000.00	34,904.11	\$ 1,034,904.11	5.20%	Bendigo
01.07.2024	01.04.2025	9	1,000,000.00	39,035.62	\$ 1,039,035.62	5.20%	Bendigo
02.08.2024	02.05.2025	9	1,500,000.00	56,656.85	\$ 1,556,656.85	5.05%	Bendigo

			\$ 13,000,000.00	\$ 475,181.47	\$13,475,181.47		
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Rates

First instalment of rates are due on the 31 August.

2023/2024 Rates Summary - 31 July 2024

	2024/2025		2023/2024	
Rates Brought Forward	%	\$	%	\$
Outstanding Rate Debtors		813,906.84		695,682.00
Less Rates in Credit		-296,603.81		-271,007.13
Net Rates Outstanding at 30 June 2024	3.69	517,303.03	3.46	424,674.87
Rates and Charges Levied	96.27	13,481,019.25	96.51	11,848,610.99
Interest and Penalty Charged	0.04	5,538.17	0.03	3,646.33
Total Rates and Charges Demanded	100.00	13,486,557.42	100.00	11,852,257.32
Less Rates and Charges Collected	14.62	2,047,489.91	12.74	1,563,535.10
Less Credit Journals and Supp Credits	0.46	64,961.61	0.48	58,488.53
Remissions and Discount	3.87	542,623.88	4.11	504,446.07
Unpaid Rates and Charges 31 July 2024	81.04	11,348,785.05	82.68	10,150,462.49

Remissions and Discounts	2024/2025	2023/2024
Early Payment Discount	37,504.24	29,690.02
Pensioner Rebates	505,119.64	474,756.05
	542,623.88	504,446.07

Number Rateable Properties	6,879	6,786
Number Unpaid Rateable Properties	5,624	5,380
% Properties Not fully paid	81.76	79.28

Right to Information (RTI) Requests

Nil

132 and 337 Certificates

	132	337
July 2024	68	29
June 2024	34	15
July 2023	54	14

Debtors/Creditors as of 8 August 2024

DEBTORS INFORMATION

Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 23/24
100	\$ 57,486.16	100	94	94

CREDITORS INFORMATION

Payments Made

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 23/24
400	\$ 1,420,155.93	400	312	1312

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Business Services Manager
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

OFFICER'S RECOMMENDATION:

That the following reports for the month ending 31 July 2024 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2024-2025

INTRODUCTION:

Presented to Council are the monthly financial statements.

PREVIOUS COUNCIL CONSIDERATION:

Council considers financial reports on a monthly basis.

OFFICER'S REPORT:

The financial statements as shown below show the financial position of Council as of 31 July 2024.

Profit and Loss

Break O'Day Council

For the month ended 31 July 2024

Account	Actual YTD	Budget YTD	Budget Variance % YTD	Annual Budget	Notes
Trading Income					
Rates	13,413,150	13,385,406	0%	13,385,406	
User Fees	164,732	188,326	-13%	1,481,549	
Operating Grants	384,000	384,000	0%	4,335,240	
Interest & Investment Income	(163,192)	(139,673)	17%	1,133,512	
Contributions	10,057	897	1021%	10,765	
Other Revenue	9,013	7,826	15%	93,907	
Total Trading Income	13,817,759	13,826,782	0%	20,440,379	
Gross Profit	13,817,759	13,826,782	0%	20,440,379	
Capital Grants					
Grants - Commonwealth Capital	149,837	150,000	0%	1,495,767	
Grants - Roads to Recovery	0	0	0%	854,579	
Grants - State Capital	496,099	150,000	231%	720,000	
Total Capital Grants	645,936	300,000	115%	3,070,346	1
Other Non Operating Income					
Net Gain/Loss on Disposal of Assets	11,977	0	0%	100,000	
Total Other Non Operating Income	11,977	0	0%	100,000	
Total Non Operating Revenue	657,914	300,000	119%	3,170,346	
Operating Expenses					
Employee Costs	379,296	436,464	-13%	6,511,002	2
Materials & Services	1,364,078	1,545,352	-12%	8,689,785	3
Interest Expense	(14,185)	(14,185)	0%	143,732	
Depreciation	409,615	400,990	2%	4,811,927	
Other Expenses	16,350	24,518	-33%	294,210	
Total Operating Expenses	2,155,153	2,393,139	-10%	20,450,656	
Operating Net Profit	11,662,606	11,433,643	2%	(10,277)	
Net Profit (Including Non Operating Revenue)	12,320,520	11,733,643	5%	3,160,069	
Work in Progress					
Capital Work in Progress	527,847	0	0%	0	
Total Work in Progress	527,847	0	0%	0	

Notes

1. Capital grants are \$346,000 higher than budget YTD, which is due to grant funds carried forward from last financial year.

2. Employee costs are \$57k (13%) below budget YTD, which is predominantly due to timing of July payroll tax payment.

3. Materials and services are \$181k (12%) below budget YTD, which relates to a combination of timing of some payments and some areas currently recording a lower level of spending than forecast for the YTD.

Balance Sheet

Break O'Day Council

As at 31 July 2024

Account	31-Jul-24	30-Jun-24
Assets		
Current Assets		
Cash & Cash Equivalents	14,960,346	14,225,768
Trade & Other Receivables	11,703,248	1,211,560
Inventory	78,138	88,454
Other Assets	2,838	(7,195)
Total Current Assets	26,744,570	15,518,588
Non-current Assets		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	198,281,758	198,689,271
Right of Use Asset	760,143	760,143
Intangible Assets	18,816	20,918
Investment in Water Corporation	35,744,578	35,744,578
Other Investments	30,000	30,000
Make Good Obligation	128,193	128,193
Total Non-current Assets	234,977,879	235,387,494
Total Assets	261,722,449	250,906,082
Liabilities		
Current Liabilities		
Trade & Other Payables	1,168,186	1,114,574
Contract Liabilities	0	1,029,936
Lease Liability	58,498	58,498
Interest Bearing Loans & Borrowings	278,055	278,055
Provisions	885,062	885,062
Trust Funds and Deposits	561,073	561,053
Total Current Liabilities	2,950,875	3,927,179
Non-current Liabilities		
Lease Liabilities	701,645	701,645
Interest Bearing Loans & Borrowings	3,321,488	3,321,488
Provisions	558,261	558,261
Total Non-current Liabilities	4,581,395	4,581,395
Total Liabilities	7,532,269	8,508,574
Net Assets	254,190,180	242,397,508
Equity		
Accumulated Surplus	58,260,609	46,467,937
Reserves	195,929,570	195,929,570
Total Equity	254,190,180	242,397,508

Statement of Cash Flows

Break O'Day Council

For the month ended 31 July 2024

Account	YTD	2024
Operating Activities		
Receipts from customers	310,436	1,414,895
Receipts from rates	2,539,295	11,824,140
Receipts from Operational Grants	384,000	3,566,931
Contributions	10,558	264,095
Interest received	(163,192)	947,098
Dividends received	0	465,600
Payments to employees	(503,436)	(6,005,239)
Payments to suppliers	(1,269,177)	(7,658,270)
Finance Costs	0	(252,112)
Cash receipts from other operating activities	138,180	1,410,883
Cash payments from other operating activities	(1)	(2)
Net Cash Flows from Operating Activities	1,446,663	5,978,019
Investing Activities		
Payment for property, plant and equipment	(340,082)	(6,047,224)
Proceeds from sale of property, plant & equipment	11,977	86,000
Capital Grants received	(384,000)	2,255,298
Net Cash Flows from Investing Activities	(712,105)	(3,705,926)
Financing Activities		
Proceeds of trust funds and deposits	20	(171,476)
Repayment of loans	0	(2,267,279)
Repayment of lease liabilities	0	(42,522)
Net Cash Flows from Financing Activities	20	(2,481,276)
Net Cash Flows	734,578	(209,184)
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	14,225,768	14,434,952
Net change in cash for period	734,578	(209,184)
Cash and cash equivalents at end of period	14,960,346	14,225,768

Project Details	YTD @ 31/7/2024	Budget Estimates 2024/2025
St Marys Dog Park	-	20,000
St Helens Cemetery Master Plan improvements	-	50,000
St Helens Rec Ground water meters	-	20,000
Totals Parks, Reserves & Other	1,214	967,267
Roads - Streetscapes		
Cecilia Street/Georges Bay Esplanade junction	13,379	37,500
Quail St Parking Bay	-	50,000
Total Streetscapes	13,379	87,500
Roads - Footpaths		
Footpath - segment replacement various locations	-	30,000
Parkside Foreshore Footpath	12,192	
Lindsay Parade to Sunny Bank Close	-	30,000
Binalong Bay Footpaths internal thoroughfares	-	100,000
Total Footpaths	12,192	160,000
Roads - Kerb & Channel		
Total Kerb & Channel	-	
Roads - Resheeting		
24/25 Road Resheeting to be confirmed	-	510,000
Total Resheeting	-	510,000
Roads - Reseals		
St Marys - Story Street Esk Main Road to Groom Street	-	55,084
24/25 Reseals TBC	-	500,000
Totals Reseals	-	555,084
Roads - Construction, Digouts & Other		
Digouts and road edge remediation to be allocated	141	250,000
Circassian/Medeas Sts Intersection	300	
Road Network - Sign Replacement	1,091	25,000
LRCI Program - Phase 4 Projects	-	
- LRCI 4: Rehabilitation of Alexander Street - Cornwall	205	300,000
- LRCI 4: Ansons Bay Road Sealing	205	350,000
- LRCI 4: Gray Road - Pathway Extension	75	50,000
Scamander Avenue - Pedestrian Footpath Improvements	75	
Sealing of Tasman Highway, Seymour LCRI4	205	
Shoulder Widening, St Columba Falls Rd - LCRI4	12,400	
Mangana Road - Rehabilitation/reconstruction	-	300,000
Totals - Roads Construction, Digouts & Other	14,698	1,275,000
Totals Roads & Footpaths	40,269	2,587,584
Bridges	-	

Project Details	YTD @ 31/7/2024	Budget Estimates 2024/2025
B2293 - Cecilia St	900	156,785
B7027 - Mathina Plains Road	-	50,000
Culvert 5539 - Mathinna Road	-	40,000
Lower Germantown Road B1675	715	
B2809 - Argyle St - replacement	-	294,192
Total Bridges	1,615	540,977
	-	
Stormwater	-	
Minor stormwater Jobs	353	150,000
Osprey Drive	-	10,000
Beaumaris Ave to Tasman Highway SW pipe	-	30,000.00
Penelope Street	-	92,481
Aulichs Lane, St Marys	-	80,000
Tully Street / Northern end of Cecilia St Stormwater System Upgrade	-	70,000
SD Victoria Street, Fingal	1,200	
Total Stormwater	1,553	432,481
	-	
Waste Management	-	
Ansons Bay WTS - Bulk Bin Loading Ramp Upgrade	-	30,000
Scamander WTS - Waste Compactor	-	60,000
Scamander WTS - Inert Landfill study	-	160,000
Total Waste Management	-	250,000
	-	
Total Capital	527,847	6,890,898

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**Visitor Information Report:**

- Main tourists this month were from VIC and QLD and a few overseas tourists from New Zealand
- One Staff member is currently on Leave
- Conducted interviews for a new part-time staff member
- Door count was up from this time last year and also it was the best July ever on record.

The History Room Curator Report:

- **St Helens DHS Visit:** Had 35 Grade 2's visit the centre on their last day of term on Friday 5th July 2024.
- **Displays:**
 - NAIDOC Week:** Foyer cabinet display (July 2024)
 - Family History Month:** St Helens Library (August 2024)
 - Franks Collection:** Foyer cabinet display (July/August 2024)
 - Cats and Dogs – All at Sea:** Travelling exhibition from the Australian National Maritime Museum (August/Sept/Oct 2024)
- **St Helens District High School 150-year celebration:** Approached by the School Manager regarding support/assistance with this event (23 Oct 2024) & met at the Museum to see about a possible 'school room' display for their celebration
- **Walks Information:** Folder was provided by Clr Ian Carter. Comments provided and folder passed on to St Helens Walking Group leader for further comments.
- **The Chinese Experience:** Contractors have been contacted for upgrade & work now proceeding.
- **Friends' St Helens History Room meeting:** To be held 12 August 2024 in the Backroom at the St Helens History Room.

- **August Free Entry:** St Helens History Room is free this month for all visitors.
- **Stats:** Comparable with previous years. Volunteer hours totalled 115.50 hours averaging to 26.25 hours per week.

Statistics:

Door Counts

Month/Year	Visitor Numbers	Daily Average	History Room
July 2012	636	20.52	42
July 2013	809	26.10	71
July 2014	1,064	34.32	121
July 2015	946	30.52	42
July 2016	1,048	33.80	119
July 2017	875	28.22	36
July 2018	912	29.42	47
July 2019	837	27.00	51
July 2020	730	23.55	52
July 2021	906	29.23	44
July 2022	1049	33.83	52
July 2023	1235	39.83	42
July 2024	1356	43.74	40

Revenue 2023/2024

Month	VIC Sales	HR Entry	HR Donations/Sales
July	3,108.79	174.00	149.50
August	4,459.92	0	131.05
September	5,654.13	311.00	85.20
October	6,891.47	356.00	162.80
November	8,255.03	519.00	127.50
December	7,284.50	369.00	51.00
January	8,438.70	518.00	157.75
February	9,845.73	565.00	272.90
March	8,884.98	661.00	215.90
April	4,440.14	397.00	164.35
May	2,922.06	185.00	165.50
June	1,766.86	133.00	211.30

Revenue 2024/2025

Month	VIC Sales	HR Entry	HR Donations/Sales
July	3,418.19	150.00	91.20
August			
September			
October			
November			
December			
January			
February			
March			

April			
May			
June			

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\005\024\
ASSOCIATED REPORTS AND DOCUMENTS	Minutes of the Audit Panel Meeting 24 June 2024

OFFICER'S RECOMMENDATION:

That Council receive the minutes of the Audit Panel meeting of the 24 June 2024.

INTRODUCTION:

The Council Audit Panel meets every three (3) months and the minutes of each meeting are provided to Council.

PREVIOUS COUNCIL CONSIDERATION:

Provided as an agenda report after each meeting.

OFFICER'S REPORT:

As per the minutes, the Audit Panel received and reviewed various elements of Council's financial performance, internal and external audit activities, management of risk and review of policies. Legislation requires these minutes be provided to Council.

STRATEGIC PLAN & ANNUAL PLAN:Break O'Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

1. Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
2. Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

Local Government (Audit Panels) Order 2014
Division 4 – Audit Panels of *Local Government Act 1993*

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority



AUDIT PANEL MINUTES

Monday 24 June 2024
Council Library, St Helens

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06/24.1.0 ATTENDANCE

06/24.1.1 Present

Mr Andy Gray, Newton & Henry (Chair)
Clr Barry LeFevre
Clr Kylie Wright

06/24.1.2 Others in Attendance

General Manager, John Brown
Accountant, Marissa Walters
Customer Service Officer, Wanita Wells

06/24.1.3 Apologies

Manager Business Services, Raoul Harper
Corporate Services Coordinator, Angela Matthews

06/24.2.0 DECLARATION OF PECUNIARY INTERESTS / CONFLICT OF INTEREST

Nil

06/24.3.0 ADOPTION OF PREVIOUS MINUTES

Minutes of the Audit Panel Meeting held on 18 March 2024 were received by Council during the May 2024 Council Meeting and carried unanimously (COUNCIL DECISION: 05/24.13.5.365)

The Audit Panel adopted the minutes of the previous meeting.

06/24.4.0 BUSINESS ARISING

Nil

06/24.5.0

OUTSTANDING FROM PREVIOUS MEETING – ACTION SHEET

The outstanding items from the previous meeting are listed below. The Business Services Manager has been on leave during the reporting period and the actions have been delayed. The items will be addressed in the new financial year.

Action	Responsible Officer	Item No	Status
Arrange Council workshop agenda item (roles and functions of the Audit Panel, its membership and value)	Raoul Harper	03/24.5.0	
Update Financial Management Strategy to correlate to Profit and Loss statement	Raoul Harper	03/24.6.2	
Include KPIs linked to the Financial Management Strategy for future agendas	Raoul Harper	03/24.6.2	
Discuss with Council revised timeframe for ongoing annual surplus of \$500,000	Raoul Harper	03/24.6.2	
Provide primary financial sustainability indicators in a table	Raoul Harper	03/24.6.2	
Discuss AAV anomaly with the Office of the Valuer-General and provide information to Acting General Manager	Derek Burns	03/24.6.7	
Create a Council compliance register during 2024/25	Raoul Harper	03/24.10.2	

The Audit Panel noted the actions as outstanding. Carried forward to next meeting.

06/24.6.0

REVIEW ANNUAL MEETING SCHEDULE AND WORK PLAN

06/24.6.1

Audit Panel Annual Workplan 2024 – 2025

The Annual Workplan for the Audit Panel for 2024-2025 was discussed.

In accordance with the Audit Panel Charter, a minimum of four meetings must be held each financial year and are usually during the months of October, December, March and June.

The Workplan has been based on the 2023-2024 workplan and amendments are not necessary.

The General Manager advised that the Asset Management Strategy and Asset Management Policy will be released in the first part of the new financial year.

The Audit Panel endorsed the Annual Workplan 2024-2025.

Corporate Services Coordinator to advise the Audit Panel of meeting dates for 2024-2025.

06/24.7.0 GOVERNANCE AND STRATEGY

06/24.7.1 Review of Strategic Plan

The General Manager provided an update on the Strategic Plan 2017-2027. The review process is mid-cycle. This item will be presented to Council during the next year or two as the end of the 10-year window approaches.

The Audit Panel noted the update.

06/24.7.2 Review Annual Budget and Report to Council

The General Manager gave a report on the Budget Estimates 2024-2025 and advised the proposed increase in the general rate is set at 3.5% of the rate in the \$AAV. For this budget cycle, the adjustment factors provided by the Valuer-General have resulted in variations in the increase in the value of residential and primary production properties as well as commercial and industrial properties to a different extent. Interest from investments will assist the revenue stream. Waste management continues to be a challenge to meet the State Government's waste levy, contractor costs, and unforeseen asbestos remediation expenses at the Ansons Bay Waste Transfer Station. The Accountant advised that Council proposes to increase waste charges by 5%, raise the minimum rate payable by \$50, and increase the rate in \$AAV for plantation forestry and public purpose. One loan has recently been paid out and the Long Term Financial Plan will bring Council back into a solid position for the future following this year.

The Chair asked about the following:

- Council's one-off expenses. The General Manager said some of these include the Bay of Fires Master Plan, the St Helens – Binalong Bay Liveability Strategy, Land Use Planning and the St Helens Aquatic Feasibility Study.
- Status of Council's staff enterprise agreement. The General Manager advised this is currently being renegotiated.
- Staffing levels and recruitment. The General Manager advised there are a couple of vacant positions and noted that specialist positions are harder to fill. Expenditure decreases when vacancies occur throughout the year.
- Capital program. The General Manager provided an update about program delivery with certain contractors, the Black Summer Bushfire \$2 million program and the multi-year grant programs.

The General Manager advised the budget is aimed to be a balanced budget with an anticipated deficit of \$10,000. The Chair noted a break-even point is a reasonable position to be in.

The Audit Panel received the report and noted the budget estimates for the 2024/2025 financial year.

06/24.7.3

Review Draft Rates Resolution Report to Council

The General Manager gave a report on the Rates Resolution for the 2024-2025 financial year. He said the aim of rates and charges decision-making is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay.

There were a number of changes for asset classes last year which required the rates resolution to be reviewed by Simmons Wolfhagen however as there are no substantive changes this year, legal advice was not required.

The Audit Panel received the report and noted the Rates Resolution for the 2024/2025 financial year.

06/24.7.4

Review Annual Plan

The General Manager provided the Draft 2024-2025 Annual Plan. A review of current activities has identified a range of strategically focussed activities which Council is implementing or has underway which is a priority for attention. Given the level of project work and current resources, Council will not be in a position to take on many other activities for the year ahead.

The Chair asked about the following:

- Status of the Future of Local Government Review. The General Manager advised that funding for this is not available until after the State Budget is handed down in September and that the review was not included in the State Government's 100 day plan. More will be known once an update is provided by the Minister for Local Government.
- Progress of activities at year end. The General Manager advised there are a few infrastructure projects outstanding, and the car parking strategy for St Helens will be on hold as this directly relates to the St Helens / Binalong Bay Liveability Strategy. The St Marys Indoor & Evacuation Centre is progressing well. The Transport Master Plan is well progressed but is linked to the asset management plan.

The Audit Panel received the report and noted the 2024-25 Annual Plan as presented.

06/24.7.5

Review Policies and Procedures

The Chair noted there were no policies or procedures to review. The General Manager advised that progress has been made and a list will be presented at the next meeting.

Manager Business Services to provide a status list of Reviewed Policies and Procedures for inclusion in the next Audit Panel meeting agenda.

06/24.8.0 FINANCIAL AND MANAGEMENT REPORTING

06/24.8.1 Review Most Current Results and Report Any Relevant Findings to Council

Statements for the 11 months ending 31 May 2024 were circulated with the agenda.

The Accountant said Council has recently received advice from the Australian Government that it will pay 85% of the 2024/25 Financial Assistance Grants in the current financial year.

The General Manager said the financials should run close to projected costs and, at the tail end of the financial year, things are tracking positively.

The Audit Panel noted the financial statements for the period ending 31 May 2024.

06/24.8.2 Review any Business Unit, Special Financial Reports or Other Outside Professional Consultants Reports Pertaining to Finance, Tax, Strategy or Legal Matters

Nil

06/24.8.3 Review the Impact of Changes to Australian Accounting Standards

Nil

06/24.8.4 Long Term Financial Plan Review

The Manager Business Services provided a report on the Long Term Financial Plan Review (LTFP) which forms the basis of the budget estimates for 2024/25.

The Accountant provided an explanation of the graphs included in the agenda papers.

The Chair asked about the timeframe for the St Helens Aquatic Feasibility Study. The General Manager said analysis will occur first and a detailed business case will come later. The final decision on whether the project will proceed or not is likely to be made around December 2025. Depending on the outcome, funding would then need to be sourced. If the facility is built, initial indications are that operating expenses will be significant and it may be difficult for the facility to break even.

The Audit Panel noted the Long Term Financial Plan Review financial statements.

06/24.9.0 INTERNAL AUDIT

06/24.9.1 Consider Any Available Audit Reports

The Chair noted there are no internal audit papers to review and encouraged Council to draft an Internal Audit Plan for review at the next meeting.

Manager Business Services to include an Internal Audit Plan in the next Audit Panel meeting agenda.

06/24.9.2 Review and Approve Annual Internal Audit Program and Alignment with Risks

Nil

06/24.10.0 EXTERNAL AUDIT

06/24.10.1 Consider Any Available Audit Reports

The Manager Business Services provided a report from Marsh Pty Ltd on Council's Risk Maturity Assessment. In February 2024 Marsh was engaged to review/audit Council's risk management framework and risk register as per the Tasmanian Audit Office's audit recommendation.

On 15 May 2024, Marsh distributed their BODC Enterprise Risk Management (ERM) Report which was reviewed in detail by the Manager Business Services and the Health & Safety Coordinator. The current state of Council's ERM capabilities has identified potential areas for improvement.

In summary, Council's ERM system is currently at a 3.3 maturity level out of 5, showing good progress in certain areas but needing improvement in others. There will be a focus on implementing training and awareness programs.

The General Manager advised the management team is yet to review the report's recommendations. The Chair suggested for the management team to record actions for each of the report's recommendations and forward to the Audit Panel in readiness for the next meeting.

The Audit Panel received the report from Marsh Pty Ltd regarding Council's Risk Maturity Assessment.

Manager Business Services to include Council's response and action plan against each recommendation in Marsh Pty Ltd's report on Council's Risk Maturity Assessment for inclusion in the next Audit Panel meeting agenda.

06/24.10.2 Review Management's Implementation of Audit Recommendations

Nil

06/24.10.3 Review and Approve External Audit Plan Including Meeting with Tas Audit Office Representative

The General Manager advised this report was received at the end of May 2024. The report did not include any new or significant items.

Manager Business Services to include the report from the Tasmanian Audit Office in the next Audit Panel meeting agenda.

06/24.10.4 Consider any Performance Audit Reports that will be undertaken by the Tas Audit Office and address implications for the Council

Nil

06/24.11.0 RISK MANAGEMENT AND COMPLIANCE

06/24.11.1 Monitor Ethical Standards and any Related Party Transactions to Determine the Systems of Control are Adequate and Review How Ethical and Lawful Behaviour and Culture is promoted within the Council

Nil

06/24.11.2 Monitor Any Major Claims or Law Suits By or Against the Council and Complaints against the Council

Nil

06/24.11.3 Oversee the Investigation of any Instances of Suspected Cases of Fraud or Other Illegal and Unethical Behaviour

The General Manager advised advice has been sought from Simmons Wolfhagen regarding Council's sale of a block of land in St Marys following non-payment of rates. The owner from Sydney purchased the property approximately 10 years ago and Council sold the property approximately five years ago. The property owner has only recently realised that the property has been sold and they wish to claim funds.

The Audit Panel received the verbal report.

06/24.12.0 AUDIT PANEL PERFORMANCE

06/24.12.1 Report to Council Regarding Execution of Duties and Responsibilities by the Audit Panel

The Chair spoke to the Annual Report of the Audit Panel to Council for 2023-24 which explains the Panel's responsibilities during 2023-24 and its plan for 2024-25.

Council has not undertaken any internal audits during 2023-24 due to staff resourcing challenges. This is consistent with both the 2021-22 and 2023-24 financial years. The Audit Panel recommends that the internal audit function be reinvigorated for 2024-2025.

The Audit Panel has reviewed the annual work plan and there are no changes proposed for the 2024-25 work plan.

The Chair's report to Council regarding execution of duties and responsibilities by the Audit Panel was endorsed by the Audit Panel.

06/24.12.2 Initiate bi-annual Audit Committee performance self-assessment (every second year)

The Chair thanked all who responded to the two-yearly Audit Panel Performance Self-Assessment exercise.

Each question was rated on a scale of 1-5. While some scores were 3, the average score was 4 or above.

Clr LeFevre stated his concerns regarding the State Government's expectations on Councils to perform audits and produce reports and the impost this is on smaller Councils who have less resources to contribute. He advocated for the State Government to provide some leniency or provide funding to smaller Councils to assist. The General Manager explained that the Auditor-General's rules are applied equally across all Councils, small and large, and that the Tasmanian Audit Office sets the benchmark for all Councils. The focus of Break O'Day Council is to perform the mandatory tasks and focus on priorities such as risk management.

The Audit Panel noted the results of the Audit Panel Performance Self-Assessment exercise.

06/24.13.0 OTHER BUSINESS

Nil

06/24.14.0 MEETING CLOSE / NEXT MEETING DATE

The date of the next Audit Panel meeting will be advised by email.

A discussion on the timing of future meetings was held.

- The General Manager said that future Audit Panel meetings will be scheduled to line up with Council workshops rather than Council meetings.
- Cllr LeFevre suggested that Audit Panel meetings could be held on the day of Council workshops between 12pm and 2pm. This time could be set aside for other Council committees to meet. The General Manager noted that some Councillors are on more than one committee.
- The Chair said he is flexible with the time of day if meetings continue to be held on a Monday.

The meeting closed at 9.14 am.

ACTION SUMMARY

Action	Responsible Officer	Item No
Arrange Council workshop agenda item (roles and functions of the Audit Panel, its membership and value)	Raoul Harper	03/24.5.0
Update Financial Management Strategy to correlate to Profit and Loss statement	Raoul Harper	03/24.6.2
Include KPIs linked to the Financial Management Strategy for future agendas	Raoul Harper	03/24.6.2
Discuss with Council revised timeframe for ongoing annual surplus of \$500,000	Raoul Harper	03/24.6.2
Provide primary financial sustainability indicators in a table	Raoul Harper	03/24.6.2
Create a Council compliance register during 2024/25	Raoul Harper	03/24.10.2
Discuss AAV anomaly with the Office of the Valuer-General and provide information to Acting General Manager	Derek Burns	03/24.6.7

Advise the Audit Panel of meeting dates for 2024-2025	Ange Williams	06/24.6.1
Provide a status list of Reviewed Policies and Procedures for inclusion in the next Audit Panel meeting agenda	Raoul Harper	06/24.7.5
Include an Internal Audit Plan in the next Audit Panel meeting agenda	Raoul Harper	06/24.9.1
Include Council's response and action plan against each recommendation in Marsh Pty Ltd's report on Council's Risk Maturity Assessment in the next Audit Panel meeting agenda	Raoul Harper	06/24.10.1
Include the report from the Tasmanian Audit Office in the next Audit Panel meeting agenda	Raoul Harper	06/24.10.3

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.


PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

Asset Management	
Aerodrome	<ul style="list-style-type: none"> Hangar maintenance.
Boat Ramps	<ul style="list-style-type: none"> Monthly inspections and cleaning undertaken.
Bridge 422 – Evercreech (Fire damage)	<ul style="list-style-type: none"> Engineering solution for repair methodology has been finalised and contractor engaged to undertake superstructure repair. Work scheduled for late spring 2024. Fire damage has not affected the load capability of the bridge and is under routine monitor and inspection until repaired.
Road Network	<ul style="list-style-type: none"> Grading at Ansons Bay Road, North Ansons Road, Policeman's Point Road and various roads in Seymour. Urban roads – minor seal patching in the St Helens Area. Stormwater pit and general drainage maintenance. Guidepost and sign replacements.

Stormwater & Drainage	<ul style="list-style-type: none"> • Culvert washout on Policeman's Point Road addressed.
Town & Parks	<ul style="list-style-type: none"> • Mowing/ground maintenance. • Garden/tree maintenance and weeding. • Footpath maintenance and repairs. • Routine playground inspections.
MTB	<ul style="list-style-type: none"> • Routine track maintenance.

Weed Management	
Scamander WTS	<ul style="list-style-type: none"> • Caper spurge, thistles, various
St Helens	<ul style="list-style-type: none"> • Spanish heath
Binalong Bay	<ul style="list-style-type: none"> • Mirror bush, broom
St Marys	<ul style="list-style-type: none"> • Spanish heath
 <p>English Ivy (Hedera Helix) a highly invasive and common environmental weed. It is recommended to plant alternatives, for example: Native clematis, Purple Appleberry, Wonga Wonga Vine and Banksia Rose.</p>	<p>Hedera helix is a fast-growing climber capable of causing damage to buildings and hiding serious structural faults as well as smothering other vegetation and collapsing desirable shrubs and fences. Seeds are dispersed after being eaten by birds and can also spread by root fragments. To remove, hand pull or dig out small plants, removing all roots and layering stems. Cut and paint larger plants, treating all rooting stems. For larger infestations, leave aerial vegetation in trees to die where possible as pulling it down may cause more damage to trees. (Remember to always check the herbicide label before use.)</p>

Waste Management – General Information

Municipal Bulk Waste to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	YTD
2024/25 (T)	222												222
2023/24 (T)	187	232	224	214	240	274	361	233	228	301	222	185	2,901
Difference	35												

Kerbside Recyclables Collection – JJ's Waste service													
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD
2024/25 (T)	TBA												
2023/24 (T)	49	45	49	38	45	58	55	50	57	47	54	50	597
Difference													

As of 1 July 2024, the Council established a new partnership with Veolia Environmental Services to process kerbside recyclables at their new Material Recovery Facility in Spreyton. While JJ's Waste will continue to collect kerbside recyclables, they will now transport them to Veolia's Depot in Invermay. From there, Veolia will handle the onward transportation to Spreyton. This new arrangement is more cost effective.

Ansons Bay Waste Transfer Station

The Ansons Bay Waste Transfer Station reopened on Wednesday 7 August 2024 after being closed in late May due to asbestos contamination at the site. Council has also reviewed waste streams that will be accepted at the site.

- **Wastes Not Accepted**

Asbestos products, builders waste, construction and demolition waste, clean fill, car bodies, silage wrap and agricultural chemical containers.

- **Wastes Accepted**

Green waste (excluding large tree trunks), furniture, mattresses, oils, paints, scrap metal, car batteries (lead acid only), white goods and general waste may be taken to the Waste Transfer Station for disposal.

Open hours are Wednesday 12pm-4pm, Sunday 10am – 4pm and Monday long weekends only 12pm – 4pm.

Hazardous Waste Collection

The Hazardous Waste Collection program is coordinated through the Northern Tasmanian Waste Management Partnership. The program enables these type of wastes to be dropped at various waste transfer stations across the northern region and in the case of Break O'Day, the St Helens Waste Transfer Station.

The next scheduled collection dates and times at the St Helens Waste Transfer Station are as follows:

- 2 November 2024 between 1:30pm and 4:00pm
- 15 March 2025 between 1:30pm and 4:00pm.

Further information will be forthcoming and widely advertised.

Disposal of hazardous waste is free.

Waste Stewardship Programs

Through the Northern Tasmanian Waste Management Partnership, Council has arranged for silage containers, to be collected by EcoCycle, to be placed at the St Helens Waste Transfer Station for

mixed household batteries and fluoro light tubes. These containers are expected to be available for use by September 2024.

Once implemented, Customers will also be able to drop these items at other Waste Transfer Stations, except for Weldborough, which remains a drop off point for general waste only, and will be taken to the silage containers at St Helens for periodic collection.

CAPITAL WORKS

Activity	Update
Bituminous Surfacing Works 2023-2024	Completed
Cecilia Street/Georges Bay Esplanade Junction Upgrade	Completed. The project is a Local Roads and Community Infrastructure- Phase 4 fully funded project.
Cecilia Street – Streetscape Design	Completed. Community engagement undertaken in June 2024 and preliminary cost estimate developed for consideration by the Council. Funding is required to progress construction activity and is currently unfunded.
Medea St/Circassian St Junction Upgrade	In-progress - under construction.
Storm water – Penelope Street	In-progress. Materials purchased. Installation deferred to Spring 2024 pending improved ground conditions.
Scamander Footpath - LRCI Round 4	In-progress with works largely completed. Minor works in progress. Works include upgrade of footpath segments and installation of new pedestrian crossovers. The project is a Local Roads and Community Infrastructure- Phase 4 fully funded project.
Bridge 2293 – Cecilia Street	In-progress. Design completed and precast superstructure components have been fabricated. On-site works deferred to Spring.
Bridge 1675 – Lower German Town Road	In-progress. Design completed and precast superstructure components have been fabricated. On-site works deferred until post completion of Medea St/Circassian St Junction Upgrade.
Bridge 1243 – Binns Road	In-progress - Timber deck and runners replacement.

Bridge 1245 – Clelands Road	In-progress. Timber deck and runners replacement.
Bridge 2809 Argyle Street, Mangana	In-progress. Engineering specification completed. Tender being prepared for advertisement.
Scamander WTS – Waste Compactor	In-progress. NPV analysis for replacement options have been prepared. To be workshopped with Councillors.
Scamander Inert Landfill Development	In-progress. Services Tender was advertised on 29 June 2024 with a closing date of 5 August.
2024-2025 Road Resealing	In-progress. Request for Tender for Resealing Services was advertised on 29 June 2024. Tender status: OPEN.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly update for animal control undertaken since the last meeting of Council.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

Dog Registration Update	YTD July 2024	YTD July 2023	Difference
Registered	1,158	1,246	-88
Registrations pending	264	216	48
Total	1,422	1,462	-40
Dogs – Registered	81.4%	85.2%	

YTD refers to current time in a financial year July to June.

General Information

Event Classification	Binalong Bay, The Gardens	Fingal, Mathinna	Falmouth, 4 Mile	Seymour, Denison	Beaumaris	Scamander	St Helens, Stieglitz	St Marys, Cornwall	PERIOD Total	2024-2025 YTD
Dog - Attack on a person (Serious)									0	0
Dog - Attack on another animal (Serious)									0	0
Dog – Attack on another animal (Minor)									0	0
Dog – Attack on a person (Minor)									0	0
Dog - Declared Dangerous									0	0
Dog - Dangerous Dogs Euthanized									0	0
Dog - Barking	1						3	1	5	5
Dog - Chasing a person									0	0
Dog - Impounded									0	0
Dog - in Prohibited Area							2		2	2
Dog - Lost Dogs Reported									0	0
Dog - Rehomed/kennel for rehoming									0	0
Dog - Wandering/at large							1	2	3	3
Verbal Warnings						1	3		4	4
Notice Issued - Unregistered Dog									0	0
Notice Issued - Caution Notice									0	0
Notice Issued - Infringement Notice									0	0
Infringement Notice - Disputes							2		2	2
Infringement Notice - Revoked									0	0
Written Letter - Various matters to Dog	1				1		3	1	6	6
Patrols - Township/Urban Areas	2		2			1	3	3	11	11
Patrols - Beaches/Foreshore	2		2		2	2	3		11	11
Kennel Licence - Issued									0	0
Other - Cat complaints									0	0
Other - Livestock									0	0
Other - Poultry									0	0
Other - RSPCA intervention									0	0
TOTAL	6	0	4	0	3	4	20	7	44	44

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

LEGISLATION & POLICIES:

- *Dog Control Act 2000*
- *EP05 Dog Management Policy*

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Clr Carter
OFFICER	David Jolly – Manager Infrastructure and Development Services
FILE REFERENCE	004\008\032\
ASSOCIATED REPORTS AND DOCUMENTS	Concept plan – Walking Track

OFFICER’S RECOMMENDATION:

That the Council receive this report and endorses the following steps for developing the project:

- Assess and review matters related to flora and fauna at the site.
- Lodge an Aboriginal Heritage Tasmania Assessment in accordance with prescribed Assessment Process.
- Approach the Department of Natural resources and Environment in relation to upgrading part of the short track segment located on Crown Land.
- Identify grant funding opportunities.
- Report outcomes to the Council.

INTRODUCTION:

Clr Carter lodged a notice of motion at the May 2024 Council meeting recommending that Council considers options to develop walking trails around and within the Scamander Sports Complex. This report provides detail on the proposed track by Clr Carter and the construction cost estimate (gravel tracks).

PREVIOUS COUNCIL CONSIDERATION:

Councillor Workshop - 5 August 2024

Council Meeting - 20 May 2024

05/24.9.1.358 Moved: Clr Carter / Seconded: Clr Wright

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council considers options to develop walking trails around and within the Scamander Complex precinct.

CARRIED UNANIMOUSLY

OFFICER'S REPORT:

Project Cost Estimate

Based on the draft plan provided by Clr Carter, the construction of a walking track as proposed is feasible with minimal impact on other facility uses. Estimated construction cost is tabled.

Description	Estimate
Yellow track. New Asset at 740m in length and 1.8m width = \$70,000.	\$70,000
Green track (an upgrade of an existing informal track) at 460m in length & 1.5 width.	\$36,000
	\$106,000

Estimate Notes:

- Construction estimate includes, Salaries & wages, Employee on-costs, materials and internal plant hire.
- Construction timeframe ~ 6 weeks by Council's Works Crew.
- Depreciation consideration: Typically, gravel walking tracks are assigned a useful life of 25 years. The corresponding depreciation burden equates to \$4,240 per annum.
- Track maintenance is expected to be 1% of the initial capital cost at \$1,060 per annum commencing in the second year of service.
- A short segment of the track (a length of 50m) to the lookout area to the south eastern corner of the golf course would need to be built on land owned by NRE Tas (Property Services). Council will need to apply for consent to build the track segment in this area.

Next Steps

- The Council's NRM Officer to walk the proposed track route to identify and review matters related to flora and fauna.
- Council Officers to lodge an Aboriginal Heritage Tasmania Assessment in accordance with prescribed Assessment Process.
- Approach the Department of Natural resources and Environment in relation to upgrading part of the track located on Crown Land.
- Identify grant funding opportunity.
- Report Outcomes to Council

Subsequent activities would include:

- Community engagement in accordance with Council's guideline.
- Decision of Council – Project approval.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

1. Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
2. Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
3. Develop and maintain infrastructure assets in line with affordable long-term strategies.

Key Focus Area:

Recreational Facilities: Support an outdoor, active and healthy lifestyle for residents and visitors through a range of recreational facilities including walking trails, bike trails and other identified infrastructure

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

The 2024-2025 capital budget does not include a funding allocation for this project. Consideration may be given to either funding by the Council in future budgets or seeking funding through an appropriate Community Infrastructure grant programme.

VOTING REQUIREMENTS:

Simple Majority



ACTION	DECISION
PROPONENT	Council Officer
OFFICER	David Jolly
FILE REFERENCE	009\007\001\
ASSOCIATED REPORTS AND DOCUMENTS	Asset Management Policy AM04 – Cemetery Management Request to Relocate Ashes Form

OFFICER’S RECOMMENDATION:

- 1) That Policy AM04 Cemetery Management be accepted with the minor amendment to incorporate “relocation of ashes”.
- 2) That a new fee to cover administration costs associated with the relocation of ashes be approved.

INTRODUCTION:

Since the construction of the new columbarium wall at St Marys Cemetery, Council has received several requests for ashes to be moved from the old wall to the new one built in 2023.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop – 5 August 2024

OFFICER’S REPORT:

Section 84 of *The Burial and Cremation Act 2019* provides the following details in relation to relocation of ashes. This recommended policy change is made in accordance with s(84).

(4) If cremated remains held in a monument to which this section applies are to be moved or removed, the person in charge of the monument must ensure that –

(a) at least 3 calendar months before the cremated remains are to be moved or removed, the senior next of kin for the deceased person, whose cremated remains are to be moved or removed from the monument, is notified of the intention to move, or remove, the cremated remains; and (

b) the cremated remains of the person are so moved and removed in a manner that –

(i) as far as practicable, respects the wishes of the person and, if applicable, his or her senior next of kin; and

(ii) is not prejudicial to public health or public safety.

(5) A person in charge of a monument to which this section applies may move, or remove, cremated remains from the monument before the expiry of the 3-month period referred to in subsection (4)(a), if the senior next of kin for each deceased person, whose cremated remains are to be moved or removed from the monument, has consented to the move, or removal, of the cremated remains.

Council does not handle cremated remains and rather directs this responsibility to a Funeral Service Provider. To ensure the collection of all relevant details including proof of senior next of kin a form titled "Request to Relocate Ashes" has been created for completion by the Funeral Service Provider and the senior next of kin.

A fee of \$100 is proposed to administrate the process including updating cemetery records.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

1. Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.

Key Focus Area:

Community Facilities: Provide community facilities that encourage participation and supports the lifestyle of residents and growing visitor numbers.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ASSET MANAGEMENT POLICY AM04 CEMETERY MANAGEMENT

DEPARTMENT:	Works and Infrastructure
RESPONSIBLE OFFICER:	Manager Infrastructure and Development Services
LINK TO STRATEGIC PLAN:	To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors
STATUTORY AUTHORITY:	Burial and Cremation Act (current version)
OBJECTIVE:	To maintain Council owned cemeteries to a high standard within budget constraints.
POLICY INFORMATION:	Adopted 19 March 2012 Minute No. 03/12.15.4.069. Amended 21 October 2013 Minute No. 10/13.12.5.262. Amended 19 October 2015 Minute No. 10/15.12.5.275. Amended 19 November 2018 Minute No. 11/18/13.3.258 Amended 20 December 2021 Minute No 12/21.14.4.269

POLICY

1. INTRODUCTION

Council conducts burials at various cemeteries in the municipality and is responsible for maintenance of the cemeteries at:

- Falmouth – Legge Street
- Fingal – Seymour Street
- Mathinna – Clarke Street
- St Helens – Eagle Street
- St Marys – Elephant Pass Road
- Weldborough – Tasman Highway

2. GENERAL MAINTENANCE

- 2.1 Grass will be maintained to an acceptable length at council owned cemeteries in conjunction with scheduled town maintenance and prior to a burial.
- 2.2 Shrubs and trees will be kept pruned and tidy.
- 2.3 Where water tanks are provided, these will be checked and filled as required.
- 2.4 Any damage found to graves will be made safe until contact is made with relatives to request repairs which may be undertaken by Council or a contractor at relatives request and subject to a fee.

3. WORKS AND PLACEMENT OF ITEMS ON GRAVES

- 3.1 Council's Works Department must be consulted prior to any proposed masonry or other works being carried out to ensure works are correctly sited and there are no safety issues.
- 3.2 Wreathes or ornaments on graves should be kept in a tidy condition and removed when damaged or not required.
- 3.3 Due to safety hazards, the use of glass containers is not allowed.

4. BURIALS

All burials must be in accordance with the Burial & Cremation Act (current version) and must be confirmed with the Works Department.

5. RECORDS

Records kept by Council include a plan of all cemeteries within the municipality, a register of interments and a register of exclusive rights of burial (Reservations).

6. BURIAL ADMINISTRATION AND RESERVATIONS

To prevent multiple bookings and discrepancies, all administration including bookings and reservations, are to be managed by the Works Department only.

7. CHARGES

All costs for reservation, ~~and/or~~ burials **and relocation of ashes** are to be in accordance with Council's fees and charges.

8. GRAVE DIGGING

8.1 Grave depths are limited to 1.5 metres.

8.2 Double depth interments are no longer permitted except where the lower grave is already occupied.

8.3 Depth of graves for ash burials are to have a minimum of 900mm cover, with no more than 2 burials per plot.

9. RELOCATION OF ASHES

9.1 All requests for relocation of ashes must be received via a Funeral Service Provider.

9.2 Requests must be made on the prescribed form and provide proof that the request is being made by the Senior next of kin as defined in the Burial & Cremation Act (current version).

10. MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.



REQUEST TO RELOCATE ASHES

DATE:

NAME OF ASHES:

DATE OF DEATH: DATE OF BIRTH:

CURRENT LOCATION OF ASHES:

CEMETERY:

COLUMBARIUM WALL POSITION #:

or

SECTION.....ROW #.....GRAVE #.....

PROPOSED LOCATION FOR ASHES:

CEMETERY:

COLUMBARIUM WALL POSITION #:

or

SECTION.....ROW #.....GRAVE #.....

Removal or relocation of cremated remains requires consent of the senior next of kin as defined by the *Burial and Cremation Act*. (see reverse for definition of senior next of kin)

Name and address of senior next of kin:

.....

Signature:

Details of evidence (original document) cited by service provider:

.....

.....

(provide copy of document to council with this request)

SERVICE PROVIDER:

CONTACT NAME:

CONTACT NUMBER:

PROPOSED DATE OF ASHES TRANSFER:.....

Office use: TRIM #: Sundry Debtors sent (date):

Map Info updated (date):

Document created: June 2024

Definition of senior next of kin (Burial and Cremation Act 2019, section 6)

(1) Subject to subsection (4), a person is the senior next of kin in relation to a deceased person, including the cremated remains of the deceased person, for the purposes of this Act, if –

(a) the person is the executor or administrator of the estate of the deceased person, if the administration of the estate is not complete; or

(b) if there is no person within paragraph (a) in respect of the deceased person – the person was the spouse of the deceased person immediately before the death of the deceased person; or

(c) if there is no person within paragraph (a) or (b) in respect of the deceased person – the person is the deceased person’s eldest available child, within the meaning of section 3(13) of the Evidence Act 2001, if that child has attained the age of 18 years; or

(d) if there is no person within paragraph (a), (b) or (c) in respect of the deceased person – the person was in a caring relationship, within the meaning of the Relationships Act 2003, with the deceased person immediately before the death of the deceased person; or

(e) if there is no person within paragraph (a), (b), (c) or (d) in respect of the deceased person – the person is a parent of the deceased person; or

(f) if there is no person within paragraph (a), (b), (c), (d) or (e) in respect of the deceased person – the person is the eldest available sibling of the deceased person, if that sibling has attained the age of 18 years; or

(g) if there is no person within paragraph (a), (b), (c), (d), (e) or (f) in respect of the deceased person – the person is the personal representative of the deceased person; or

(h) if – (i) there is no person within paragraph (a), (b), (c), (d), (e), (f) or (g) in respect of the deceased person; and

(ii) the deceased person is an Aboriginal person within the meaning of the Aboriginal Lands Act 1995 –

the person is a person who is an appropriate person according to the customs and traditions of the community or group to which the deceased person belonged; or

(i) if there is no person within paragraph (a), (b), (c), (d), (e), (f), (g) or (h) in respect of the deceased person – the person is a person approved under subsection (3) as the senior next of kin of the deceased person.

(2) For the purposes of subsection (1) or (3), there is no person within the paragraph in respect of a deceased person, or a person referred to in the paragraph is not available, if the person referred to in that paragraph –

(a) is unable to be contacted after all reasonable steps to contact the person have been taken; or

(b) has declined to act as the senior next of kin of the deceased person; or

(c) is, in the opinion of a medical practitioner, unable to perform adequately, or competently, the duties of senior next of kin.

(3) For the purposes of subsection (1)(i), the regulator may approve, by notice in writing to a person, that person as the senior next of kin of the deceased person.

(4) Despite subsection (1), a reference to senior next of kin in respect of human remains, or cremated remains, of a person who is not yet deceased is taken to be a reference to the person if the person has legal capacity.

Document created: June 2024

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure & Development Services
FILE REFERENCE	032\002\016\
ASSOCIATED REPORTS AND DOCUMENTS	246004 – C – 24-04-02-Council Workshop.pdf

OFFICER’S RECOMMENDATION:

Councillors receive this report for information and for use as a basis for seeking available grant funding to undertake a staged approach to upgrade the streetscape at the northern end of Cecilia Street.

INTRODUCTION:

This report aims to provide Councillors with feedback from the community and local businesses regarding the streetscape Concept Plan and preliminary construction cost estimates.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop – 5 August 2024

Council Workshop – 5 May 2024

OFFICER’S REPORT:**Community Engagement Feedback**

In June 2024, we conducted a community engagement process and which included seeking comment from local businesses. Feedback was received from one person. The Manager of Infrastructure & Development Services with the Works Support Officer met with the individual on Thursday, 18 July 2024. The specific concern raised pertained to the streetscape works undertaken in 2016 and the parking bays in front of the St Helens Pharmacy. The kerbing angles were perceived as being too sharp for cars approaching and turning into the parking bays, resulting in excessive tyre abrasion on the kerb. The concerns raised have been noted for consideration by the design engineer during the project’s future detailed design phase. The individual would like the Council to modify the existing parking bays.

The bays comply with engineering standards and do not warrant any modification.

Department of State Growth

The Department’s Traffic Engineering team only requested details on traffic lane width, which was provided, and commented that the Council might consider providing an additional traffic refuge in front of the Australia Post building (existing streetscape). This can be regarded as part of the detail design exercise and is not a current priority.

Construction estimate

A preliminary cost estimate with an accuracy of $\pm 30\%$ has been developed for the attached streetscape concept. Based on current Tasmanian civil construction rates and recent streetscape works undertaken by the Council at the southern end of Cecilia Street, the project estimate is \$1,128,634.

Item	Amount (\$) (excluding GST)
Detailed design & general preliminaries	79,750
Ground preparation	162,850
Civil Works – streetscape works excluding stormwater	387,308
Civil works – stormwater only	273,000
Contingency (25%)	225,727
Total	1,128,634

There is no current funding available to progress the project further at this time. Council officers will continue to assess grant opportunities and inform the Council of pending opportunities. Council may give consideration to undertaking the streetscape upgrade in stages over time working northward: i.e. starting at PART E.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

1. Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
2. Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
3. Develop and maintain infrastructure assets in line with affordable long-term strategies.

Key Focus Area:

Towns - Create townships that are vibrant and welcoming through improvements to infrastructure such as, streetscapes, parking, safety and signage.

Break O Day Annual Plan 2023 – 2024

Actions:

4.2.1.2 Streetscape Design – Develop a streetscape design and costing for the northern end of Cecilia Street, St Helens.

LEGISLATION & POLICIES:

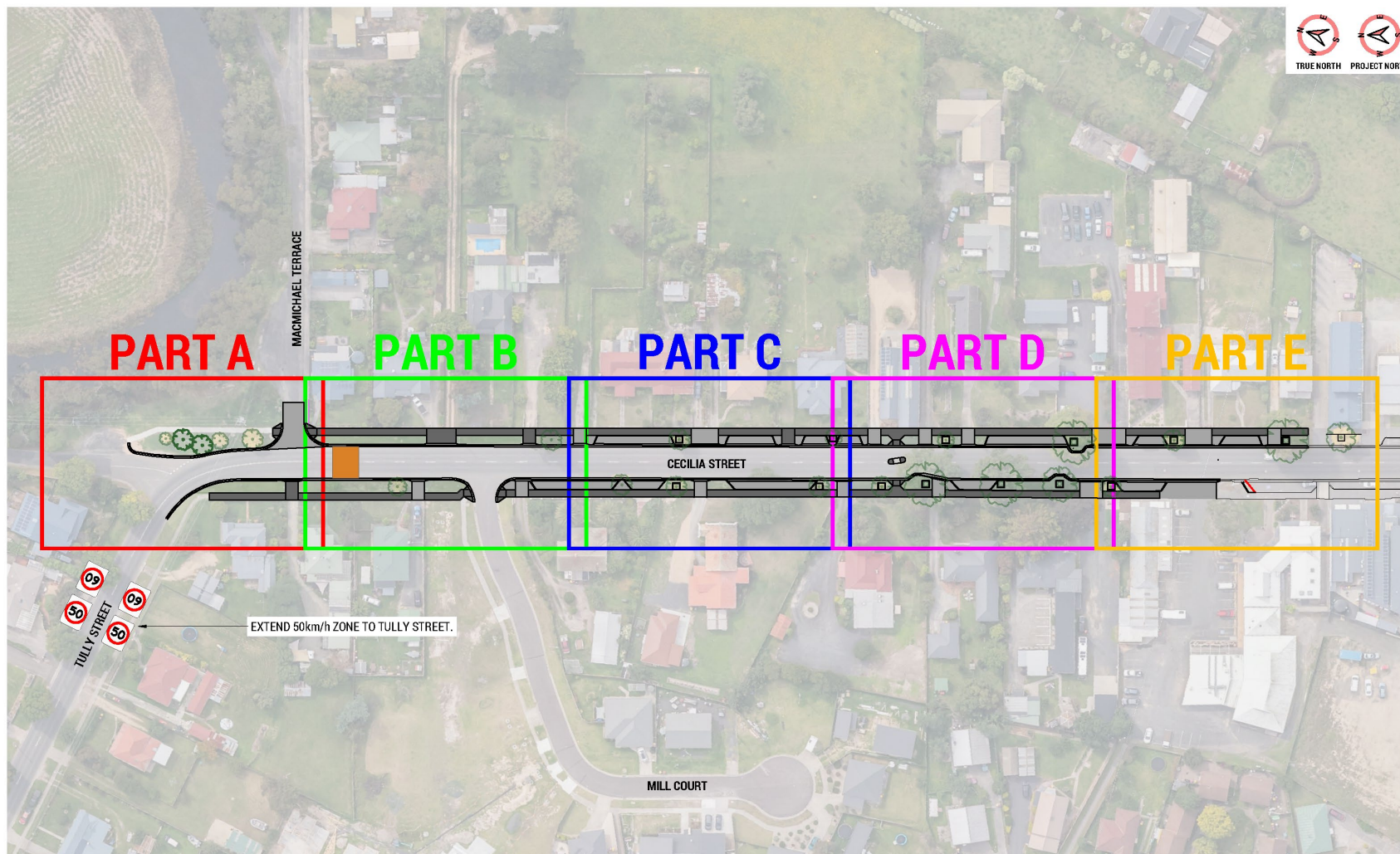
N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

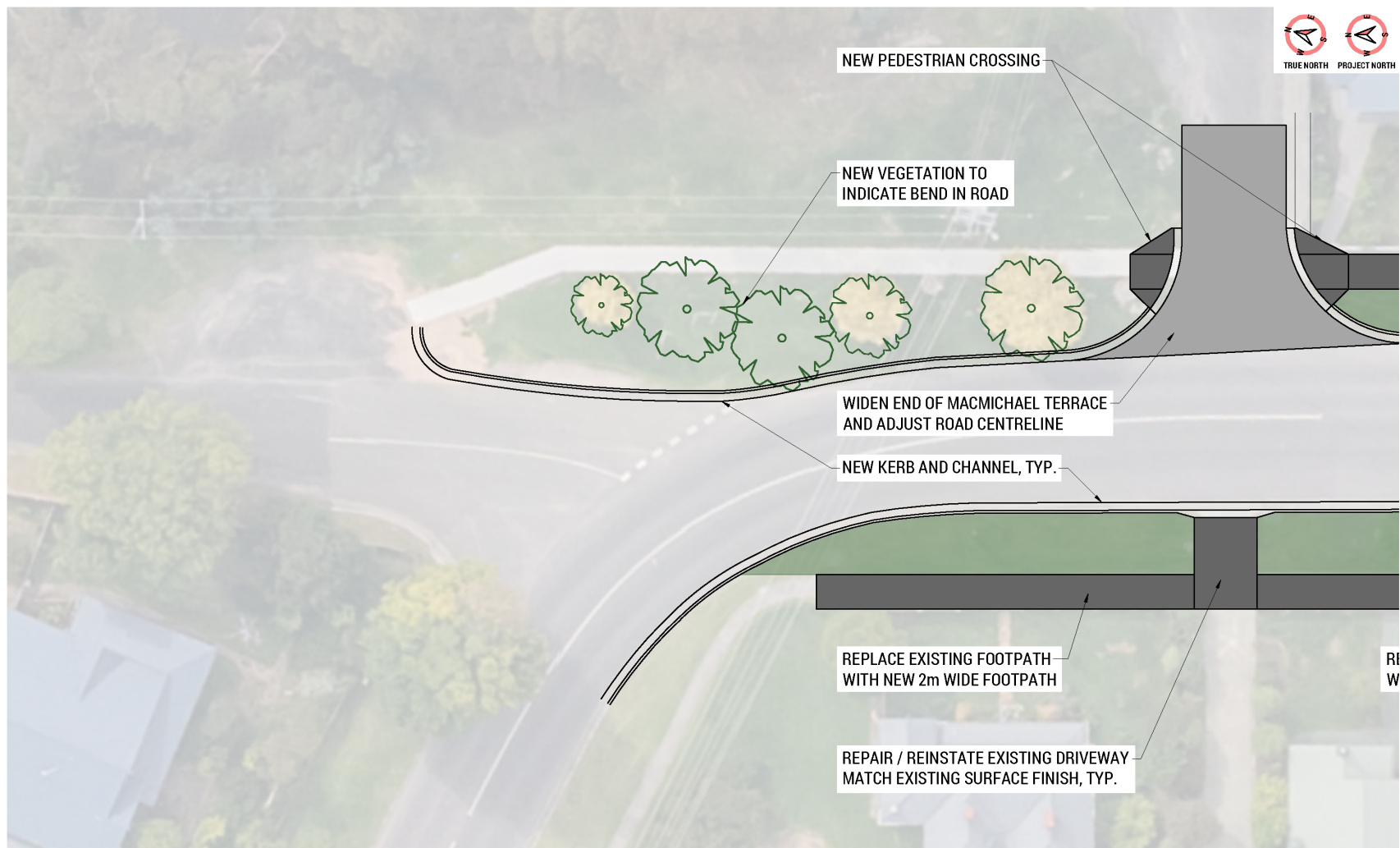
There is no current funding available to progress the project further at this time.


VOTING REQUIREMENTS:

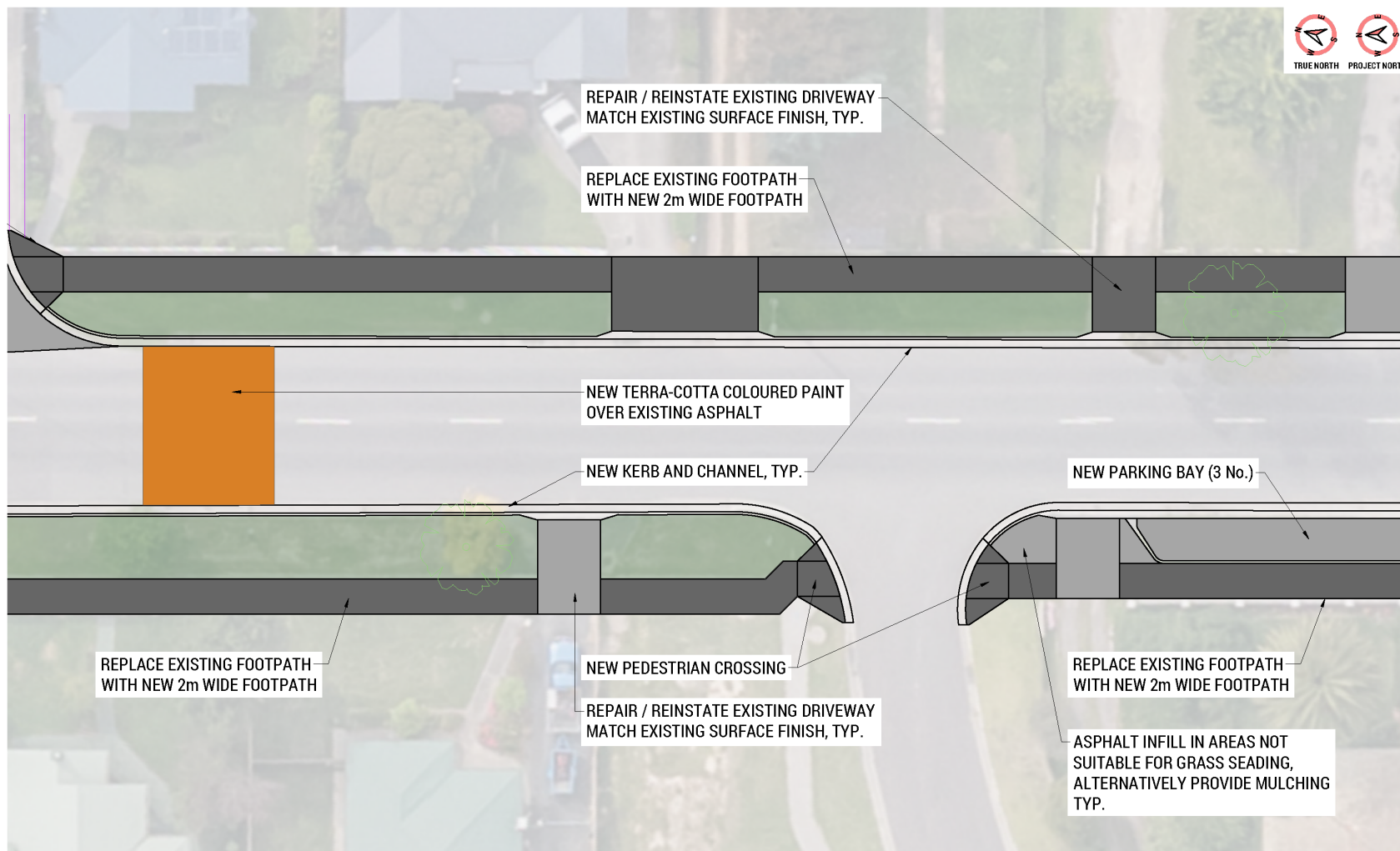
Simple Majority



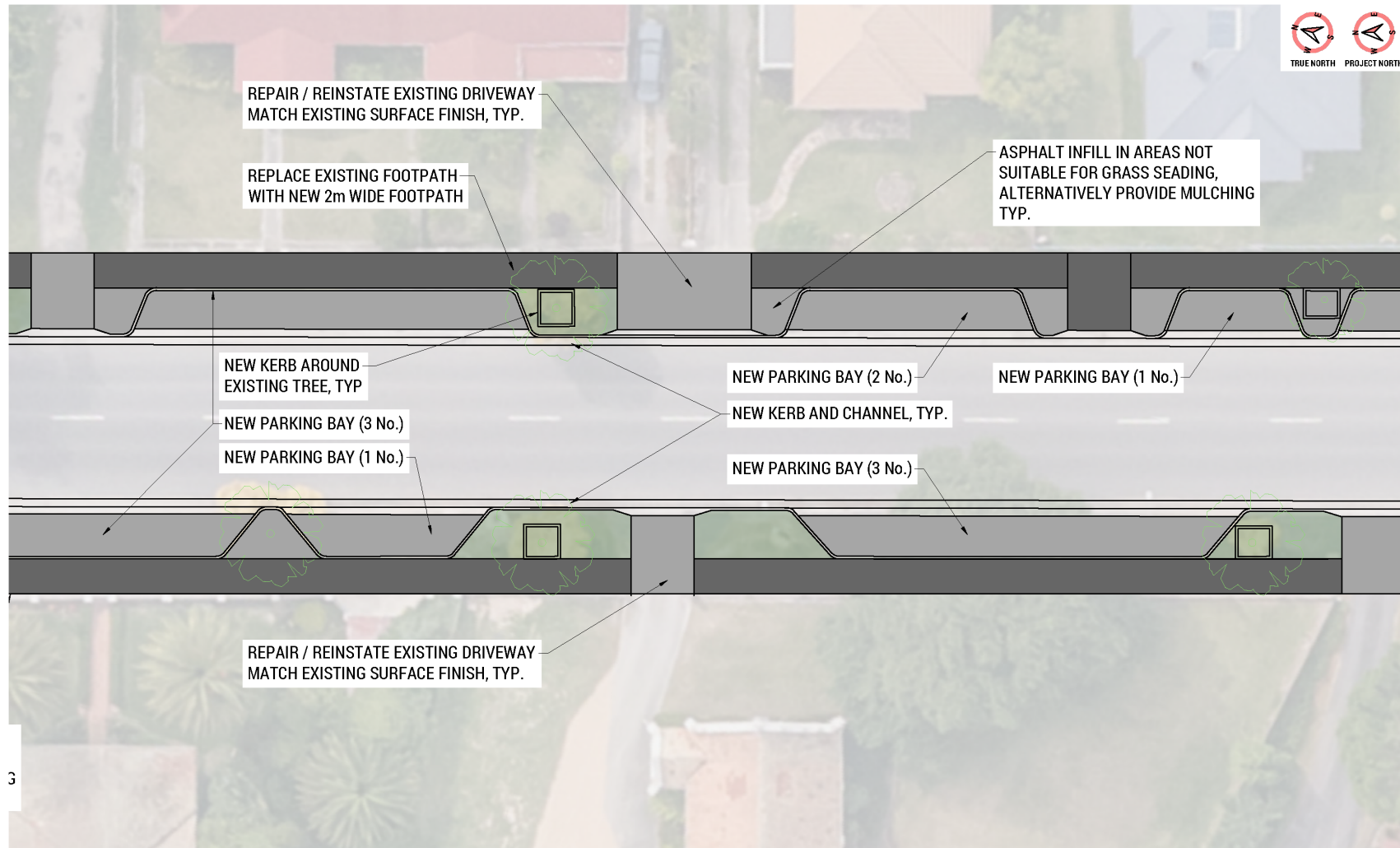
				<div><div>COLLECTIVE CONSULTING</div><div>LEVEL 1, 10-14 PATERSON STREET, LAUNCESTON TAS 7250 P: (03) 6334 0834 E: ADMIN@COLLECTIVECONSULTING.COM.AU WWW.COLLECTIVECONSULTING.COM.AU</div></div>	CLIENT / ARCHITECT: BREAK O'DAY COUNCIL <div></div>		PROJECT DETAILS: CECILIA STREETScape UPGRADES CECILIA STREET, ST HELENS		DRAWING TITLE: OVERALL STREETScape PLAN				
A	COUNCIL WORKSHOP	JTA	28-03-24		DESIGN BY: JTA	DESIGN CHECK: -	DRAWN BY: JTA	DRAFT CHECK: -	CERTIFIER:	SCALE @ A3 : 1:1000	PROJECT No: 246004	DRAWING No: C01	REVISION: A
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A	COUNCIL WORKSHOP	JTA	28-03-24		DESIGN BY: JTA	DESIGN CHECK: -	DRAWN BY: JTA	DRAFT CHECK: -	CERTIFIER:	SCALE @ A3: 1:200	PROJECT No: 246004	DRAWING No: C02
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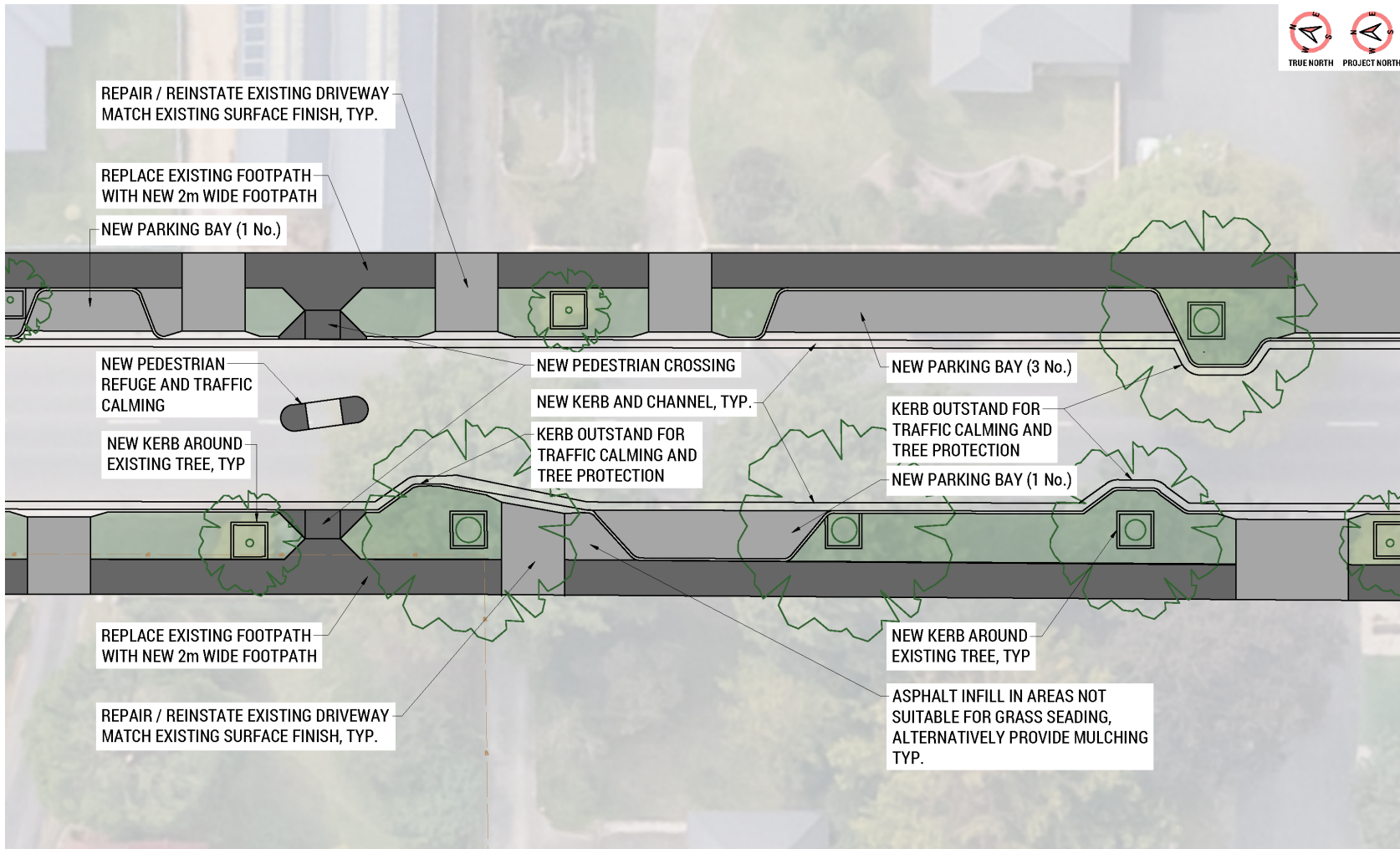


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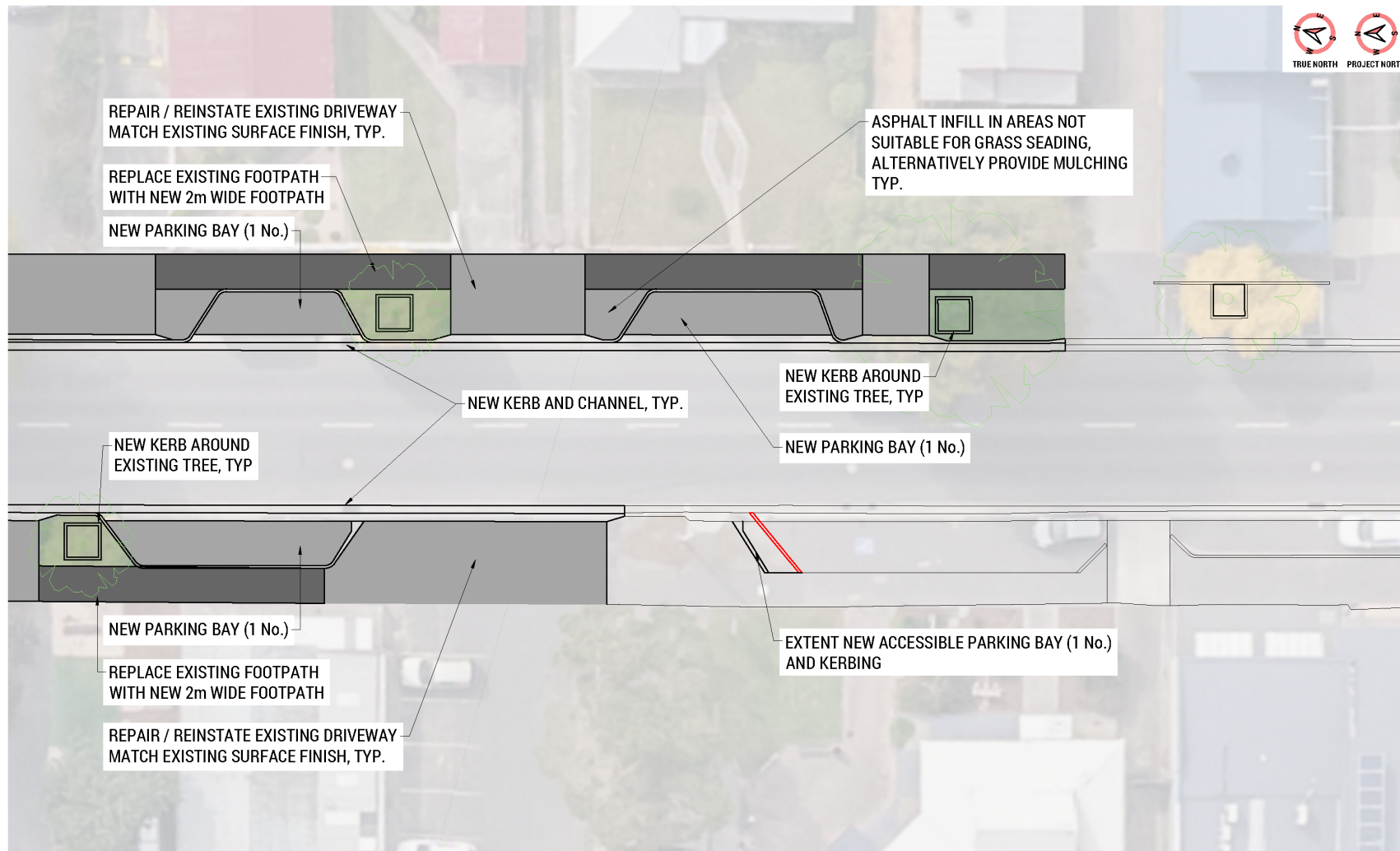


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08/24.15.0 COMMUNITY DEVELOPMENT

08/24.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services Manager
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which are being dealt with by the Community Services Department.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

The Community Services team approaches all our work through a lens of access and inclusion and we advocate for this in the networks and meetings that we participate in both internally and externally.

2024 - 2025 Programs and Initiatives

Community Services	2024-2025 Budget	
Community Grants	30,000	
Youth Services	8,000	
Misc Donations & Events	7,500	
School Prizes	1,000	
Community Event Funding		
Seniors Day	3,000	
Australia Day Event	5,000	
Swimcart	1,000	
St Helens Athletic Carnival	2,500	
Carols by Candlelight	1,600	
Australia Day Event (including Woodchopping)	15,000	

Fingal Valley Coal Festival	2,000	
Pyengana Endurance Ride -	500	
St Helens Game Fishing Comp	2,000	
Wellbeing Festival	3,500	
Marketing Valley Tourism	2,500	
Volunteer Week	2,500	
Bay of Fires Art Prize	10,000	
Bay of Fires Winter Arts Market –	4,000	
St Marys Community Car & Bike Show	2,000	
East Coast Masters Golf Tournament	2,500	
International Disability Day Events	1,000	
Mental Health Week	500	
Barn Dance	2,000	
Suicide Prevention	1,000	1,000
Pyengana Easter Carnival	1,000	
Mannalargenna Day	2,500	
Christmas Donations	6,000	
Council Sponsorship		
Funding for BEC Directory	2,000	
St Helens Marine Rescue	3,000	
Business Enterprise Centre (BEC)	28,000	
Welcome to Town Christmas Signs	1,500	

Below are updates on current projects being managed by Community Services:

Reconciliation Action Plan (RAP)

Council currently has a survey open to the community seeking feedback to assist with the development of the Reconciliation Action Plan. The RAP consultation will help Council understand the aspirations of our community and the ideas and feedback will help in shaping the actions which will be set out in the RAP.

The development of the RAP will take approximately 10 months.

Bay of Fires Master Plan

The Expression of Interest period for applications has now closed and the Bay of Fires Master Plan Steering Committee are currently reviewing all applications received.

Pump Track Project

Work on the pump track has been completed to the sealing stage. Sealing of the pump track will occur once the weather improves.

Community Events/Activities

Community Services staff have been working with community members in ensuring that all the great events listed below are able to go ahead. We thank the volunteers who put a lot of their time into organising these events so that the community and visitors to our area can enjoy what we have in our municipality.

August 2024

11 - Van Diemens Band – Portland Hall

18 – Vietnam Veterans Day – Portland Hall

September 2024

17 – RAW Training Day – Portland Hall

Learner Driver Mentor Program

The Get In2Gear program had a very successful month last month with 79.5 on-road hours, the highest on-road hours since COVID hit 3 years ago. The program also saw two learners pass their provisional test last month, making a total of 10 learners passing their P's test this year. Currently, the car is servicing the St Helens area on Mondays, Tuesdays and Fridays. St Marys area on Wednesdays and Fingal area on Thursdays.

Total on-road hours – 79.5 Hours

Total Mentors - 11

Learner in car - 35

Waiting list – 3

Graduated – 2

Community Wellbeing Project

The Wellbeing Certificate is well underway with 8 participants in St Helens and 6 participants in Fingal. The program continues to be joyful way of supporting community ideas for actions that elevate wellbeing.

Planning for two free community events are well underway by the Wellbeing Collective, a group of community members supported by Council. The Festival of Wellbeing on Thursday 10 October, and the Wellbeing Summit (A Place for EveryBODY) date to be decided. Both events will be promoted community wide. Attendance at the Summit is by registration, as places on the day will be limited. Inclusive and diverse ways of gathering community voices in the lead up to the Summit are very important to the outcomes of the day and are being developed.

Youth

The Amplify Youth Collective met on 8 August to continue plans for their future direction. The Collective continues to be an important touchstone for youth stakeholders and a collective voice for advocacy and an opportunity to collaborate on potential activities.

The Live4life Break O'Day Partnership Group met and council staff provided feedback and support to the development of the Evaluation and Communication Plan for the project.

Health and Wellbeing

Council staff participated in networks and workshops on mental health, child and youth safe frameworks and health and wellbeing in local government.

Hub4Health management is ongoing and staff are assessing applications from consultants to develop a Management Plan that is informed by community engagement and can revitalise the facility for the future.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	002\024\004\
ASSOCIATED REPORTS AND DOCUMENTS	Policy No CB09 - Interim safeguarding children and young people policy

OFFICER'S RECOMMENDATION:

1. That Council adopt the Statement of Commitment which shows that we are collectively and individually committed to improving the way we work with children and young people:

Break O'Day Council is committed to regularly training and educating our Councillors, employees and volunteers on child abuse risks.

We are committed to the safety of all children; the cultural safety of Aboriginal children; the safety of children from culturally and/or linguistically diverse backgrounds; and to providing a safe environment for children with a disability.

We have specific policies and procedures in place that support our Councillors, staff and volunteers to achieve these commitments.

2. That Council include the Statement of Commitment into Policy CB09 – Interim Safeguarding Children and Young People Policy.

INTRODUCTION:

Following the Royal Commission into Institutional Response to Child Sexual Abuse ("the Royal Commission"), the Tasmanian Government has enacted new legislation – *Child and Youth Safe Organisations Act 2023* ("the Act"). This legislation directly impacts on, and places obligations on, Councils (amongst other organisations).

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop – 5 August 2024

Council Meeting – 18 December 2023

12/23.4.1.275 Moved: Clr K Chapple / Seconded: Clr K Wright

That Policy No CB09 – Interim Safeguarding Children and Young People Policy be adopted.

CARRIED UNANIMOUSLY

OFFICER'S REPORT:

Council has developed a Statement of Commitment which is a foundation statement that supports Council's mission to ensure we protect our young people and ensure that we comply with all relevant legislation regarding safeguarding our young people. The Statement of Commitment will also be placed on Council's website and will form part of any future strategic documents.

The Statement of Commitment shows that Council takes its responsibility towards safety and wellbeing of children and young people seriously and it sets a clear standard of behaviour and expectations for all Councillors, staff and volunteers.

It also states that we will provide training and education to Councillors, staff and volunteers on safeguarding practices and ensure that everyone working within Council understands their responsibilities and the procedures to follow if they have concerns about a child or young person's safety.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.

Key Focus Area:

Youth - Understand the needs of Break O'Day young people to better support and advocate for them.

LEGISLATION & POLICIES:

Child and Youth Safe Organisations Act 2023

BUDGET AND FINANCIAL IMPLICATIONS:

There are no budget requirements for this motion.

VOTING REQUIREMENTS:

Simple Majority



POLICY NO CB09 INTERIM SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

DEPARTMENT:	Community Services
RESPONSIBLE OFFICER:	Manager Community Services
LINK TO STRATEGIC PLAN:	To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued
STATUTORY AUTHORITY:	Child and Youth Safe Organisations Act 2023 (Tas)
OBJECTIVE:	This policy outlines Break O'Day Council's position and responsibilities toward the safeguarding of children and young people in our physical and online environments.
POLICY INFORMATION:	Adopted 18 December, 2023 – Minute No. 12/23.4.1.275 Adopted

POLICY

STATEMENT OF COMMITMENT

[Break O'Day Council is committed to regularly training and educating our Councillors, employees and volunteers on child abuse risks.](#)

[We are committed to the safety of all children; the cultural safety of Aboriginal children; the safety of children from culturally and/or linguistically diverse backgrounds; and to providing a safe environment for children with a disability.](#)

[We have specific policies and procedures in place that support our Councillors, staff and volunteers to achieve these commitments.](#)

1. PURPOSE

The purpose of the policy is to define Council's responsibility to creating and maintaining a Child Safe Organisation. This policy outlines Break O'Day Council's position and responsibilities toward the safeguarding of children and young people in our physical and online environments.

2. SCOPE

This policy applies to all Council employees and representatives including:

- Mayor and Councillors.
- Full-time, part-time, and casual employees.
- Permanent and temporary employees performing work for Council, including work experience students, apprentices, interns, and trainees.
- Temporary and casual individuals engaged through an agency.
- Staff on secondment from another role or another council.
- Volunteers; and
- Contractors, or consultants directly engaged/renumerated by Council.

This is irrespective of their involvement in child related work. There are no exclusions to the application of this policy.

3. DEFINITIONS

The definitions of terms used in this policy are set out below.

Abuse	Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, sexual abuse, and neglect.
Child/Children/Young Person	Any person under 18 years of age as defined by Children, Young Persons and their Families Act 1997 (TAS).
Child Safe	For this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
Child Safe Organisation	Defined in the Royal Commission Final Report as an organisation that: <ul style="list-style-type: none"> • creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions. • places emphasis on genuine engagement with and valuing of children and young people. • creates conditions that reduce the likelihood of harm to children and young people. • creates conditions that increase the likelihood of identifying any harm, and • responds to any concerns, disclosures, allegations, or suspicions of harm. <p>Note: in the context of local governments, this would involve referring concerns to Independent Regulator and in the case of suspected criminal behaviour then to TAS Police to respond as appropriate.</p>
Child and Youth Safe Standards	Implementation of the Child and Youth Safe Standards (which mirror the National Principles for Child Safe Organisations) give effect to the above. 10 standards that specific organisations in Tasmania (including councils) must put into practice in an ongoing and simultaneous manner. These are defined under the legislation and mirror the National Principles for Child Safe Organisations.
Contractor	In the scope of this policy means a person or company used by Council to provide services directly to children and young people, or where

	the contract's activities will, or are likely to involve contact with children and young people that is a usual part of and more than incidental to, the services.
Council facilities	Properties, buildings, and facilities including parks and sporting facilities owned and managed by Council including those used by the public or available for hire.
Council Staff	Includes Break O'Day Council employees, contractor managers, volunteers, students on placement, contractors, consultants, elected representatives, and visitors, and anyone else who undertakes work on behalf of the Break O'Day Council. This is regardless of their work related to children or young people.
Harm	Any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance, or a series or combination of acts, omissions, or circumstances.
Independent Regulator	An independent oversight body that exists to help organisations understand how to comply with Tasmania's Child and Youth Safe Framework, provide guidance and advice, and monitor compliance.
Reportable Conduct Scheme	Requires leaders of specific organisations to notify the Independent Regulator when concerns are raised about conduct related to child abuse.
Safeguarding	Taking the actions necessary to ensure children and young people feel safe and are safe. This also means that if children or young people don't feel safe, steps are taken to restore their safety.
Universal Principle for Aboriginal Cultural Safety	This applies across all 10 Child and Youth Safe Standards and means the right of Aboriginal and Torres Strait Islander children and young people to Cultural Safety must be respected.
Wellbeing	Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

4. POLICY

4.1 BREAK O'DAY COUNCIL CHILD SAFE STATEMENT OF COMMITMENT

- Break O'Day Council ("the Council") is committed to the safety and wellbeing of children and young people while enabling their participation as valued members of our community.
- The Council has zero tolerance to child abuse and harm. Our Council staff are obligated to prioritise the safety of the children they interact with in the performance of their role and to report conduct of concern.

- The Council recognises the importance of child safety in the provision of quality community services. All children who attend services, programs, events, and community spaces (including online environments) that are delivered, owned, contracted, or managed by the Council, have the right to feel safe, be safe, and be heard.
- The Council recognises our legal and moral responsibilities in keeping children and young people safe.
- The Council wants children to thrive, be safe, happy, and empowered, and are dedicated to ensuring their views are listened to and respected, and they are given opportunities to contribute to how we plan and deliver our services that affect them.
- The Council is committed to being a Child Safe Organisation.

4.2 POLICY CONTEXT

Council is committed to the safety of Child and Young People. We are legally required to comply with the Child and Youth Safe Organisations Framework, which aims to protect children from abuse and harm.

4.2.1 CHILD SAFE STANDARDS

The Tasmanian Child and Youth Safe Standards (the Standards) outline how an organisation can develop a culture with child safety and wellbeing at its centre. The Standards contribute to preventing abuse and harm. They require organisations to meet a benchmark that ensures children and young people's rights to safety and wellbeing are respected and upheld.

All 10 Child and Youth Safe Standards must be put into practice in accordance with a Universal principle for Aboriginal Cultural Safety. The Universal Principle says organisations must provide an environment that ensures that the right to Cultural Safety of Aboriginal and Torres Strait Islander children is respected.

Tasmania's 10 Child and Youth Safe Standards mirror the National Principles for Child Safe Organisations which emerged from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Standards are as follows:

Standard	This means
Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance, and culture.	All people in the organisation care about children and young people's safety and wellbeing above everything else, and make sure they act that way and lead others to act that way.
Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.	Children and young people are told about their human rights, have a say in decisions and are taken seriously.

Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing.	Families, carers, and communities know about and are involved in the organisation's child and safety and wellbeing activities.
Standard 4: Equity is upheld and diverse needs respected in policy and practice.	The rights of every child and young person are being met, and children and young people are treated with dignity, respect, and fairness
Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	People working with children and young people are safe to work with children and young people and are respectful of them. They are taught how to keep children safe and well.
Standard 6: Processes to respond to complaints and concerns are child focused.	Children, young people, families, carers, staff, and volunteers are listened to and can share problems and concerns.
Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	Staff and volunteers keep learning all the time so they know how to keep children and young people safe and well.
Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.	Children and young people are safe in online and physical spaces.
Standard 9: Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.	The organisation keeps reviewing and improving its child safety and wellbeing practices.
Standard 10: Policies and procedures document how the organisation is safe for children and young people.	The organisation writes down how it keeps children and young people safe and well, and makes sure that everyone can see these documents

4.3.2 REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme (the Scheme) aligns closely with the Standards. The Scheme aims to improve how organisations respond to allegations of certain types of misconduct involving children/young people, committed by their workers and volunteers.

The Scheme imposes legal obligations on the General Manager as head of the organisation to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of the appropriate persons for investigation and response.

Under the Scheme, reportable conduct is broader than suspected criminal behaviour, and includes:

- Sexual offences (against, with or in the presence of, a child)
- Sexual misconduct (against, with or in the presence of, a child)
- Physical violence (against, with or in the presence of, a child)
- Grooming of a child
- Behaviour that causes significant emotional or psychological harm; and
- Significant neglect
- Relevant offences such as failing to report child abuse.

4.4 POLICY FUNCTIONS

Break O'Day Council will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation:

- Establishment an internal Child Safe Organisation working group to collectively implement the Child Safe Standards across the organisation and continue to monitor where improvements can be made.
- Providing the necessary resource to prepare and implement policy and procedural changes required to comply with the Child Safe Standards. This work includes:
 - Developing a child safe code of conduct,
 - Conducting risk assessments for Council services, programs, or facilities used by children and young people,
 - Developing allegation and complaints handling procedures,
 - Updating relevant HR policies and procedures,
 - Updates to contractor/supplier/procurement policy and procedures
 - Documenting reporting and record keeping procedures related to this policy.
- Provide resources for staff awareness and training in relation to this policy.
- Developing a process to deliver child safe messages at Council venues, grounds, facilities, and events.
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

4.5 ROLES AND RESPONSIBILITIES

Safeguarding children and young people is a shared responsibility across Council.

The implementation of this policy and the Break O'Day Council Child and Youth Safe Standards Action Plan will be overseen by the Child Safe Organisation Working Group.

4.5.1 CHILD SAFE ORGANISATION WORKING GROUP

This Working Group will meet as per the working group Terms of Reference to provide overall governance and leadership related to the development and



implementation of the Break O'Day Council Child and Youth Safe Standards Action Plan

- The Working Group is led by the Manager Community Services. The working group consists of staff from across the organisation.

Key functions of the group are to:

- Review implementation of the Safeguarding Children and Young People Policy.
- Develop and implement the Break O'Day Council Child Safe Standards Action Plan and monitor the implementation of this policy across departments.
- Advocate and educate management and colleagues on the Standards and encourage implementation of the standards across all departments.

4.5.2 ROLES AND RESPONSIBILITIES ACROSS COUNCIL

The following staff have specific responsibilities in relation to this policy:

Role	Responsibility
Elected Members	<ul style="list-style-type: none">• Model a culture of child safety and wellbeing.• Understand and comply with their obligations in relation to child safety and wellbeing.• Participate in training/education to identify, prevent, and report child abuse and harm.• Report any concerns about child safety and wellbeing.• Councillors also have a role in helping to promote Break O'Day Council as a Child Safe Organisation and to direct community members to appropriate information and resources.
General Manager	<ul style="list-style-type: none">• The General Manager is the 'head of an entity' under the Child and Youth Safe Organisations Act 2023, and has legal obligations (including timeframes) around sharing of reportable conduct information. This includes reporting to the Independent Regulator any allegations of misconduct involving children and young people by Council staff.• Ensure adequate resources and support to enable staff to effectively deliver the Safeguarding Children and Young People Policy.• Be the first point of contact in relation to the reportable conduct scheme and investigations.

Managers, Co-ordinators and team leaders	<ul style="list-style-type: none"> • Ensure a culture of safeguarding children and young people is embedded among their team. • Ensure safeguarding children and young people policies and procedures, and other relevant policies are implemented within the work areas they are responsible for. Provide team members with induction, support, supervision, and access to ongoing professional development around safeguarding children and young people relevant for each team member's role and duties. • Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and wellbeing of children within the work remit of their team/s and remove or minimise the risks.
Human Resources Coordinator	<ul style="list-style-type: none"> • Ensure all recruitment, selection and on boarding processes meet the requirements of the Child and Youth Safe Standards. • Ensure appropriate safety and screening checks are undertaken prior to engagement and maintained according to Council HR policies. • Ensure induction of new employees includes the provision of the Safeguarding Children and Young People Policy and Procedures and training to support them to understand their roles and responsibilities relating to child safety. • Oversee the implementation of child safety training for new employees and refresher training for all employees on an ongoing basis and keep records of training completed. • Manage disciplinary procedures as they relate to child safety and wellbeing. • Responsible for providing training, capacity building and awareness-raising initiatives to ensure employees are appropriately equipped to recognise, respond to and report child abuse.
Council Staff	<ul style="list-style-type: none"> • Understand and comply with their roles and responsibilities in keeping children safe. • Report any concerns about the safety and wellbeing of a child or young person. • Obtain and maintain a Working with Vulnerable People Check where required. • Participate in training and education in relation to safeguarding children and young people as required. • Provide environments for children and young people where they feel safe, empowered, and can participate. Behave safely and appropriately with children and young people.



4.5.3 OUR OBLIGATIONS WITH EXTERNAL PARTIES

Although Break O'Day Council is not legally responsible for providing oversight of compliance with child safe practices outside of this organisation, the Council will take any reasonable steps to engage with persons who utilise Break O'Day Council facilities to operate in alignment with this policy.

4.5.4 OUR APPROACH TO ROYAL COMMISSION RECOMMENDATION - 6.12

The Royal Commission into Institutional Responses to Child Sexual Abuse defined a role for Local Government under Recommendation 6.12 which states:

"With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities
- b) assisting local institutions to access online child safe resources
- c) providing child safety information and support to local institutions on a needs basis
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds."

In developing this policy Council has been working with LGAT to understand how to best implement recommendation 6.12 in the context of the legislation and our limited resourcing.

LGAT continues to advocate to the national and state government for more support to local governments (which has yet to be forthcoming). Without additional support, Recommendation 6.12 is not something we can currently fully embrace with our current resourcing.

Break O'Day Council acknowledges it has a leadership role in its community to support relevant organisations to be child safe and promote child safe practices, and will work towards the functions of Recommendation 6.12 where possible.

Our approach to working towards the desired outcomes from Recommendation 6.12 is to manage this workload through the Break O'Day Council Child and Youth Safe Organisation working group.

It is anticipated that over time more resources may be made available to us from the State Government. Council may also decide to put more resources to this on its own accord. This policy should be reviewed and updated accordingly.

5 MONITORING AND REVIEW



This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	004\011\005\
ASSOCIATED REPORTS AND DOCUMENTS	Engineers Assessment – 2023 Engineers Assessment - 2019

OFFICER’S RECOMMENDATION:

That Council commence discussions with Parks & Wildlife/Crown Land Services with regard to entering into a lease arrangement for the Swimcart Beach Building located at Swimcart.

INTRODUCTION:

In 2019, Parks & Wildlife Service (PWS) provided the St Helens Surf Angling Club with an engineering assessment on the facility that the Club holds a crown lease over – Swimcart Beach Building. The Club have since met with Council staff seeking advice on where to from here and asking that Council staff assist in dealing with Government Departments dealing with the issues that have been raised and mapping a way forward.

PREVIOUS COUNCIL CONSIDERATION:**Council Workshop – 5 August 2024****OFFICER’S REPORT:**

In July 2023, Council staff met with members of the St Helens Surf Angling Committee in relation to the report that was provided in 2019 where both PWS and the committee agreed to work together in relation to the replacement needs and the planning to remove the existing structure – Swimcart Beach Building.

One section of the report that was provided by PWS was the “canteen” structure which had been added on to the original building needed to be removed. This removal was undertaken by the committee as per the request from PWS – the committee had held discussions with PWS re the removal of this section.

Council staff and members of the St Helens Surf Angling Committee then requested a meeting with PWS staff to discuss the following:

1. Scoping out the area;
2. The process that needs to be followed; and
3. New design which all parties are happy with.

Council staff are very mindful of the history around this structure and the event which is held every year at Swimcart and saw the importance of this structure to not only the committee but the community as well.

PWS staff agreed to meet to discuss this building and a meeting was set for December 2023. PWS staff advised prior to this meeting that they had mentioned to the Club some of the constraints of the site, for example, geo-heritage site (Bay of Fires Holocene Dunes), management of recreation multi-use, natural and cultural values etc., on reserve land.

The meeting was held and PWS produced an updated engineering assessment of the building which was conducted on 13 June 2023. Council or members of the St Helens Surf Angling Club had not received a copy of this report, so Council staff asked for a copy of this report which was forwarded by email on 4 January 2024. At this meeting PWS staff advised that there was no guarantee that once the current building was demolished that a new facility could be built and that a proposal form (which was also forwarded on 4 January, 2024) would need to be completed prior to any cultural or environmental reports being undertaken to ensure that PWS were happy with what was being proposed. Council staff at this meeting asked that if the slab on the existing facility was suitable could same be left in place? PWS said that it would need to be considered as part of the overall proposal. Council staff agreed to have it checked.

Council staff asked if Council's Building Surveyor and Civil Engineer would inspect the building and provide a report as to what they believed the condition of the building was. As mentioned in the meeting in December 2023, with PWS staff, the St Helens Surf Angling Club do not have the funds to build a new facility.

Council staff undertook an inspection and provided the following information:

"We believe that the Asset No. 12919 Located at Swim cart Beach – Bay of Fires Conservation Area is not in poor condition as the report states, the structure is a double brick structure on slab with a foundation of sand which you really couldn't ask for a more solid structure for back in the day that it was built, so therefore I don't agree the need for it to be demolished. I do on the other hand believe the structure could do with some maintenance repair as discussed onsite the cracking on the North elevation around the lintel appears to only be the outer layer 1 single skin of brick which could easily be repaired now the fire place I do believe should be removed & once again the hole could be filled & repaired a single skin at a time. Also the chimney I would suggest should be removed & re-double brick that area as well. So it is in my opinion that the Structure would be fine with just some general maintenance- repair work done."

This report was forwarded to PWS staff on the 1 March 2024, asking for a response and would they reconsider the request to demolish the structure. Council staff had also undertaken a desk top exercise in relation to Aboriginal Heritage and it had come back that it was noted that it was already a disturbed site that there were no identified concentrations identified within that area.

PWS provided the following response on 20 March, 2024:

"PWS engineer said:

[that] "The theme of them all including the one by the consultant they [the angling club] engaged was that the building was reaching end of life and 2025 was the end date and to achieve that they needed to do some maintenance." Also that "There was an option given back in 2018 to do 50k worth of work to get up to 25 years but I would say that that is no longer a practical option. Especially given the changed visitor type and expectation."

They also:

“provided their points of discussion from the meeting on 19 December 2024:

- *options would be explored for an alternative structure that is ‘fit for purpose’ given the changing needs of the site, understanding that the building is used 364 days a year by tourists/MTB riders etc;*
- *commercial use of the building by MTB operators was noted;*
- *the slab would be retained if possible to minimise disturbance due to being built on Aboriginal heritage (with any works possibly requiring approval from the Aboriginal heritage council);*
- *the bricks would be reused (where possible) due to the significance of being made locally (post WW2);*
- *potential options for interps would be considered (aboriginal heritage, history, Angling club etc.); and*
- *consideration of options for the long-term ownership of the site inc. leases & licences and maintenance etc...*

Asking whether these options were still being considered? Also, why the extra report (assessment) of the structure which contradicts the three previous assessments? Also, the building surveyor doesn’t reference the other reports for the building.”

In response to some of the points raised by PWS above, Council staff who inspected the facility on our behalf, were provided with copies of the reports prepared by PWS.

The point which refers to “commercial use of the building by MTB operators was noted” – when any commercial business locating at Swimcart has been raised by Council, this has always been squashed by PWS.

Council staff met with Minister Duigan on 9 May, 2024 and raised the issue of the Swimcart Beach Building. The Minister was happy for Council to take over a lease of the building and to work through his advisors. On the Minister’s request, we have worked with the Minister’s advisors seeking whether the St Helens Surf Angling Club could continue to lease the building. The Minister’s advisors have come back and advised that:

“PWS engineering advice was clear in relation to the building and therefore the recommendations have not changed. I understand Council is of a different opinion.

Please also feel free to reach out to Parks directly to start any agreement negotiations.”

I believe from a conversation with the Minister’s advisor, that the Department will only lease the facility to Council, but we are unsure as to whether we will be allowed to sub-lease to the St Helens Surf Angling Club.

What it means if Council takes over the lease? Council will be responsible for the building; we will be required to ensure that it has the proper insurances to that it can be used and be responsible for any maintenance costs etc.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

Foster and support leadership within the community to share the responsibility for securing the future we desire.

Break O Day Annual Plan 2023 – 2024

Actions:

5.2.2.1 Foster Opportunities - Provide leadership and work in partnership with community and service providers to create inclusive and equitable opportunities for everyone to feel valued and contribute meaningfully to their community.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There are no funds in the budget to cover any proposed works on this building.

VOTING REQUIREMENTS:

Simple Majority




Engineer Assessment

Asset Name/No.:	St Helens Surf Angling Club Building – Asset No. 12919
Location:	Swimcart Beach – Bay of Fires Conservation Area
Description:	<p>Rendered masonry building with skillion roof, located on the dunes immediately behind Swimcart Beach. Overall plan dimensions 9.6 x 4.8m (46m²) with two rooms (the southern room was added as an extension).</p> <p>Includes an open fireplace.</p> <p>The building is constructed from double concrete block walls founded on a concrete slab. The lintels, where present are reinforced concrete. The roof is framed with hardwood and clad with galvanized sheeting.</p> <p>There is no glazing installed in the window openings and no doors are fitted.</p> <p>A crown lease over the building was granted to the St Helens Surf Angling Club in 1967.</p> <p>The purpose of this report is to review the condition of the building and review the recommendation made in the previous engineer assessment that the building be removed or replaced by 2025.</p>  <p>West elevation.</p>  <p>North elevation (left) south elevation (right)</p>

 <p>East elevation</p>			
Report No.:	EA_763	Date Issued: 19/06/2023	Rev: 0

Personnel Present:	Holley Lees (PWS Engineer), Vince Brozek (Ranger)
Date of Inspection:	13/06/2023
Previous Engineer Inspection:	EA_429 2018 EA_363 2018 Engineering Plus 2017 – Commissioned by Surf Angling Club EA_125 2013

RSF / Acceptable Risk:	Not Managed for Visitor Services RSF may require update for this area and Day Use Getaway Basic is more appropriate with acceptable risk level of moderate.
Asset Inspection Program:	AIP 4

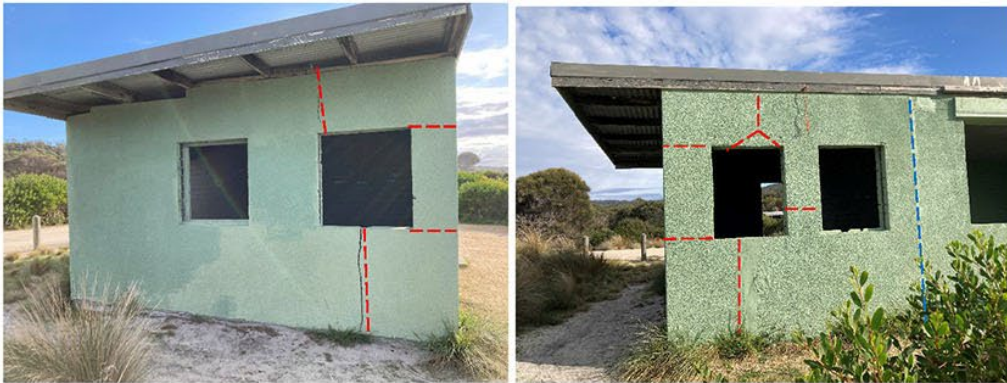
Condition and Structural Assessment:	Building is in very poor condition. The condition of the building varies between the northern and southern room. Northern Room The northern room is in poor condition. Work was undertaken in 2018 to stabilise the building following an engineer inspection and recommendations commissioned by the St Helens Surf Angling Club. A ceiling has been installed since the previous inspection. The below defects are present but have not worsened significantly since the last inspection. <ul style="list-style-type: none"> • There is cracking to the internal wall above the fireplace lintel • The brick chimney is leaning outwards and the masonry within the fireplace is in poor condition. • There are multiple cracks to the external masonry leaf particularly on the north elevation.
 <p>Cracking above lintel (left) and cracking between chimney and wall (right)</p>	

Southern Room

The southern room is in very poor unrecoverable condition.

This section appears to be a later extension to the building. Some roof works have been completed since the previous inspection however works recommended to stabilise the building in 2018 were not implemented in this section.

Cracking and failure of mortar has separated the south east corner of the building leaving it largely unsupported with potential to collapse.



Cracking (red) original joint between two sections of building (blue)

The bricks in the corner column indicated are no longer adhered and move freely and the column between windows is no longer supported.



Masonry moving freely (red) unsupported column between windows (blue)

There is a wedge shaped section of masonry above the window that appears to be unsupported.



Unsupported wedge of masonry over window (left) Close view of condition of masonry in SE corner (right)

Recommendations:

The below recommendation is reproduced from the 2018 engineer assessment report:

"PWS should work with the St Helens Surf Angling club to plan for removal of the structure in 2025 and planning should be undertaken to identify if a mixed-use public shelter is required at this site. If required a site plan should be developed and a replacement designed to meet the needs of all the expected visitor types and numbers recognising the particular needs of the Angling Club."

This recommendation remains valid however the condition of the southern room is such that it cannot remain accessible to the public until 2025.

Given that replacement of the entire building is still recommended to commence within 2 years repair of the defects to the southern room is not warranted.

Recommendations are as follows:

- Prevent access to the southern room and exterior of the building by way of barricade and signage – **immediate**
- Demolish building south of the joint between the north and south room and remove masonry walls and roof structure – **within 3 months.**
- Commence / continue planning with a view to remove or replace remaining section of building by the end of 2025 – **ongoing.**



Section of building to be removed is outlined in red.

Defects and One-Off Jobs

The following defects should be loaded to the AMS within two weeks of the issue date of this report.

The corresponding one-off jobs are to be raised by the Team Leader / Senior Ranger and assigned to the responsible officer as/when required.

Defect	Job	Timeframe	Priority	PWS		Contactor Cost A\$
				Material A\$	Hours	
EA_763 Southeast corner of building in unrecoverable and unsafe condition	EA_763 Prevent public access to southeast section of building with barricades and signage	Within 1 week	High	\$500	4	N/A
	EA_763 Remove southeast corner of building	Within 3 months	High	N/A	N/A	\$5000
EA_763 Building is reaching end of serviceable life	EA_763 Commence planning with a view to removal or replacement within 2 years	Planning to commence within 3 months	Medium	N/A planning task		

Assessor Details:

Name:	Holley Lees
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Distribution List:


Linda Overend	Regional Operations Manager
Adam Smith	Parks and Reserves Manager
Dom Neyland	Ranger in Charge
Vince Brozek	Ranger
Position Vacant	Regional Asset Coordinator
Tim Chappell	Senior Engineer
Andy Smith	Manager Infrastructure



Department of Primary Industries, Parks
Water and Environment

Tasmania Engineer Assessment – Completion Certificate



Asset Name:	St Helens Surf Angling Club Swimcart Beach Building		
Asset No.:	12919		
Location:	Swimcart Beach		
Description:	<p>Rendered masonry shelter located on the dunes immediately behind Swimcart Beach.</p> <p>A crown lease over the building was granted to the St Helens Surf Angling Club in 1967.</p> <p>The purpose of this report is to document the repair works completed in 2019 by the Surf Angling Club as a result of recommendations made in EA_363 27/09/2018</p>  <p>Photograph 1: Swimcart Beach Shelter</p>		
Certificate No.:	EA_429	Date Issued: 27/05/2019	Rev: 0

Personnel Present:	Holley Lees (PWS Engineer), Jenna Myers (PWS Ranger), Lionel Poole (PWS Ranger in Charge)
Date of Inspection:	23/05/2019
Previous Inspections:	EA_363 2018
Track Classification:	N/A

Condition Rating:	Marginal
<p>Background</p> <p>There were three options given in the previous engineer inspection report:</p> <ul style="list-style-type: none"> • Removal of building • Short term remedial works to keep building safe to 2025 • Major refurbishment of building <p>The angling club have undertaken in agreement with PWS to complete the short term remedial works:</p> <p>Short term remedial work sufficient to make building safe for public</p> <p>Stage 1:</p> <ul style="list-style-type: none"> • Complete the works outlined in the Chapple and Hill Constructions report (attached) • This work is to be completed and financed by the Angling club under the understanding that the building will have an end of life date of 2025. • If remedial works are not completed by June 2019 PWS to terminate lease and demolish the building. <p>Stage 2</p> <p>During the remaining life of the building PWS should work with the St Helens Surf Angling club to plan for removal of the structure in 2025 and planning should be undertaken to identify if a mixed use public shelter is required at this site. If required a site plan should be developed and a replacement designed to meet the needs of the all the expected visitor types and numbers recognising the particular needs of the Angling Club.</p> <p>Current Situation</p> <p>Stage 1 of this work has been largely completed as per the specifications outlined in the Chapple and Hill Engineer inspection report refer to photographs attached.</p> <p>Additional works required are:</p> <ul style="list-style-type: none"> - Fill cracks with flexible filler - Evidence (photographs) of installation of steel lintels beneath concrete as specified by Chapple and Hill should be provided by the Angling Club <p>Stage 2 should be implemented and PWS should work with the St Helens Surf Angling club to plan for removal of the structure in 2025 and planning should be undertaken to identify if a mixed use public shelter is required at this site. If required a site plan should be developed and a replacement designed to meet the needs of the all the expected visitor types and numbers recognising the particular needs of the Angling Club.</p>	

Defects and one off jobs:	
The following defects should be loaded to the AMS within two weeks of the issue date of this report.	
The corresponding one-off jobs are to be raised by the Team Leader / Senior Ranger and assigned to the responsible officer as/when required.	

Defect	Job	Timeframe	Priority	PWS / Angling Club		Contractor
				Material	Hours	
EA_429 Cracks in walls not filled	EA_429 Fill cracks with flexible filler	Within 3 months	Low	\$100	4	N/A
EA_429 No evidence of steel lintel under concrete repair	EA_429 PWS to request photographs of steel lintel in place prior to concrete placement	Within 3 months	Medium	N/A	N/A	N/A

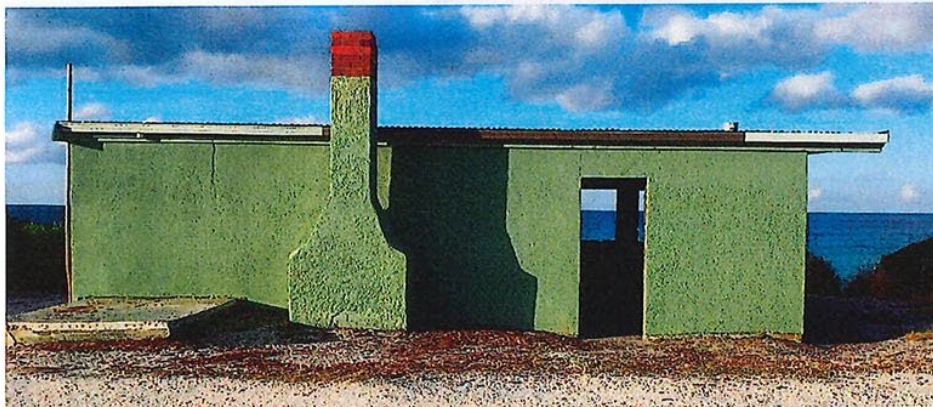
Distribution List:	
Lionel Poole	Ranger in Charge
Jenna Myers	Ranger
Linda Overend	Parks and Reserve Manager
Jo Lynch	Regional Asset Co-ordinator
Tim Chappell	Senior Engineer
Andy Smith	Manager Asset Services

Attachments:	1. Photographs
	2. Asset Inspection Program Schedule
	3. Chappell and Hill Engineer Inspection Report 2016

Attachment 1: Photographs



Photograph 2 & 3: East elevation before and after - note concrete lintel repairs and repainting, PWS to request photographs of steel lintels prior to concreting.



Photograph 4 & 5: West elevation before and after - note new gutter, repair to tank stand and repainting



Photograph 6 & 7: North elevation before and after - note lintel and door repairs



Photograph 8 & 9: South elevation before and after – no change



Photograph 10: Roof repair – new tiedowns and rafter



Photograph 11: Ceiling removed

EA_429

Rev 0

Attachment 2: Inspection Schedule

Asset Name:	St Helens Surf Angling Club Swimcart Building		
Asset No.:	12919		
Program:	AIP - SPECAIL		
Description	Frequency	Observation Code AMS	Observation Name AMS
Inspection by 3 rd party engineer to be funded and managed by surf angling club.	Every 3 years		
Inspection by PWS Asset Inspector	Six monthly		

Attachment 3: Chappel and Hill Engineer Inspection Report 2016

CHAPPLE & HILL CONSTRUCTIONS P/L

118 ANSONS BAY ROAD ST HELENS lic no cc734p

timchapple@live.com.au

MR LIONEL POOLE
SENIOR RANGER
ST HELENS PARKS

Dear MR LIONEL POOLE:

RE SWIMCART BEACH CLUBROOMS

I Have been engaged by the club to facilitate the repairs to the clubrooms, attached is a report outlining the proposed works to make the building safe for general use and to extend the buildings life. We ask that you forward this report for assessment, the club has the resources to complete the repairs asap

Thank you for your time

Sincerely,



Tim Chapple
Director Chapple & Hill Constructions

Attn:
Parks and Wildlife Tasmania

Site Inspection Report

Date of Report	05/05/2017
Name	Swimcart Beach Shelter
Project Description	Structural Inspection
Project Address	Swimcart Beach St Helens

Engineering Plus was engaged by Vaughn Oldham (St Helens Surf Angling Club) to undertake a site visit and provide engineering advice for a Class 10 shelter. The shelter is located on Swimcart Beach approx.. 5km from Binalong Bay.
Swimcart Beach is a public camping area maintained by Parks and Wildlife Tasmania.
The shelter is maintained by the St Helens Surf Angling Club and is used by them for their annual fishing tournament. The shelter can and is also used by the public as a shelter kitchen or eating area.

Building Description

Type	-	Class 10 Shelter
Stories	-	Single
Age	-	Estimated construction 1960's – 1970's
Sub Floor	-	Concrete Slab
Walls	-	Double Brick
Roof	-	Colorbond

4/7/2016

1



Inspection

An inspection was completed at the property on 09.11.16.

Property is located in a coastal area on a relatively flat site surrounded by coastal shrubs. Soil was dry to depth of approx. 100mm and with an assumption of a mainly sandy composition and with local knowledge of the surrounding area soil will most likely be proportioned to a 'S' class site.

Exterior:

The exterior of the building is double brickwork. (Photo 1)

North:

One (1) penetration of a doorway is present on northern side.

The door penetration requires a new lintel to be constructed into the existing wall to ensure the safety of the entryway. Major signs of deterioration are present to the top and sides of opening with major spalling of the lintel include rust penetration into remaining lintel.

If the cause is not from an outside force ie. vandalism/direct storm damage, the likely occurrence would be due to several factors and time. Damage would have come from an initial source (foundation movement) which can crack the lintel and due to the proximity to breaking surf, reinforcement would quickly be exposed to salt mist and rust would form. Once rust has formed the reinforcing bars are subject to more movement and with time will crack and dislodge parts of the concrete as is seen.

Due to the advanced state of deterioration, prevention techniques cannot be implemented to slow the spread of rust without the complete removal of lintel, due to the age and cost of this it is not recommended.

Refer (Photo 2)

East:

Window penetrations are present on this wall. Similar problems are occurring on all windows in relation to degradation of concrete lintels. (Photo 3 & 4)

Brickwork is also degraded with signs of building movement present with several large cracks running through the building.

An exact source for the building movement could not be determined but due to age and the apparent construction technique of the building this damage is expected. As there are no visual signs of articulation joints this is a likely reason for the cracks forming.

There are previous signs of patches applied to wall where cracks had formed. These patches (age unknown) show signs of more movement with hairline cracks present. (Photo 5)

4/7/2016

2

South:

The south elevation contains two (2) openings which have previously been patched. Prevention works could be undertaken as per other elevations to prevent future degradation. Vertical cracking of brickwork is present. Approx. movement 2cm.

West:

There is one (1) door penetration on this wall along with an existing fireplace. The brickwork for fireplace (chimney) has pulled away from main building. No major movement of main building on this elevation.

Works:

If required prop existing lintel during works or surrounding wall to ensure safety during construction. Temporary fences to be installed to prevent access from public during works.

Lintels:

To prep remove any loose or damaged concrete/render.

Due to the advanced state of rust present on the reinforcement there is no need to undertake any prevention measures as the rust has penetrated through the lintel to inaccessible areas and will not be able to stop its spread.

Existing lintels will remain and be patched with new concrete.

Method:

A new steel lintel is to be installed under existing lintels. Remove mortar between bricks closest to existing lintel. Drill and insert N12 reinforcement bars into brickwork, either side, above mortar removal line, overlap 200mm in center and tie together. Insert a 150x150x8L (H.D. Galv.) into gap (both sides), ensure minimum 150mm into blockwork. Mortar in place. Once new lintels installed box remaining sections needed leaving a pouring spout in boxing. A mixture of 1:2:4 is recommended with aggregate size of 5-10mm.

Due to the high moisture area a cure time of min. 48hrs is recommended

Refer lintel detail Page 8

4/7/2016

3

Walls:

There are no immediate structural concerns due to the wall movement. As the movement in the walls are (probably) due to foundation movement we can use this as a forced articulation joint which will give the building the ability to move without causing further damage.

All cracks that are present are to be filled with flexible joint sealant (Sikaflex Pro or similar) for weather protection and building movement

Cracks to lintels on eastern façade are to be filled. (Photo 6 & 7)

Roof:

All tiedowns and connections are to be inspected by builder during works and brought up to standard if required. It is recommended to attached ALL rafters with pryda connections to ledgers to ensure adequate tiedown forces.

Existing rafters are undersized, however, due to the classified use of this building this is acceptable. The building is not weather sealed and so major deflections in the rafters will have no impact on any finishes. There is no access to the roof.

Builder is to inspect all roofing iron connections to ensure all roofing screws are present. Repair if needed. (Photo 8)

Ceiling:

Ceiling to be replaced with painted cement sheeting if desired by St Helens Surf Angling Club committee members. As this is not a structural component (it will require removal to fix rafter connections) it is not a necessary replacement.

Wall Ties:

Exposed wall ties do show signs of deterioration, however, they are not at a point in which structural failure is imminent. If it is deemed during repair works that sections of walls need fixing 1No. M8 bolt Gr. 8.8 S/S shall be used through external and internal face to tie together.

4/7/2016

4

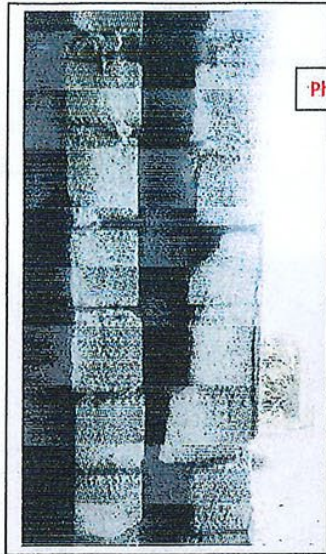


Photo 1



Photo 2

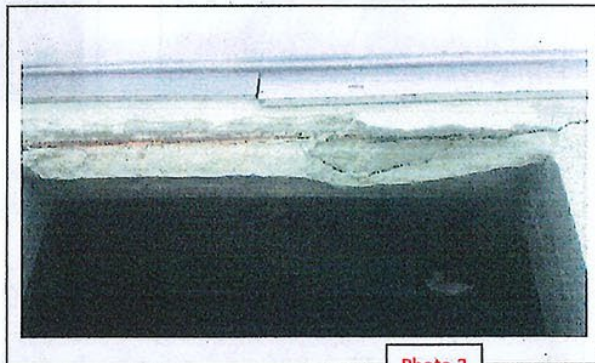


Photo 3

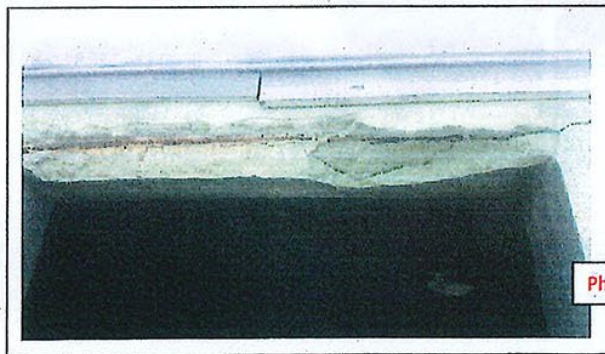


Photo 4

4/7/2016

5

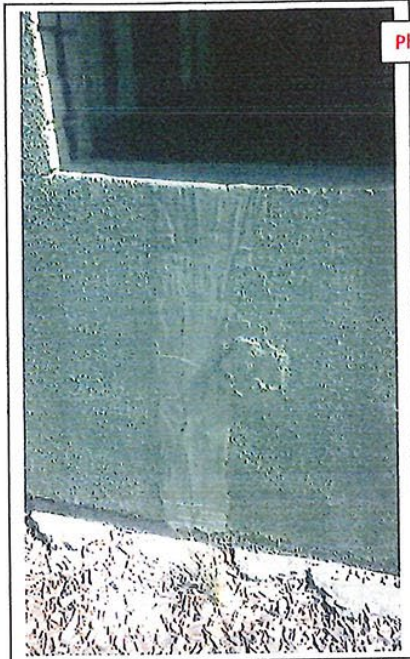


Photo 5

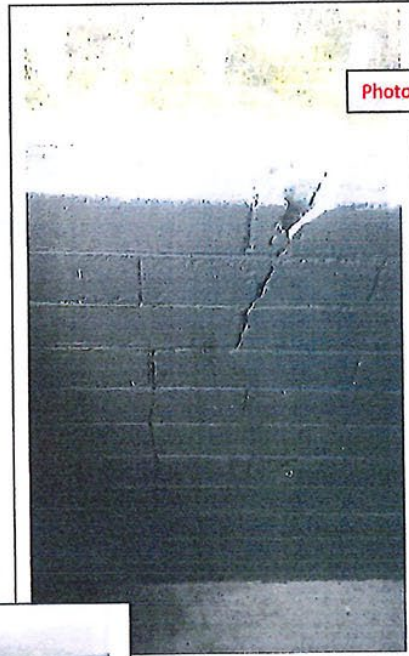


Photo 6

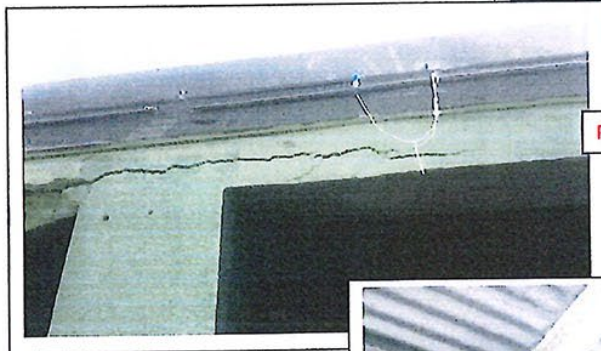


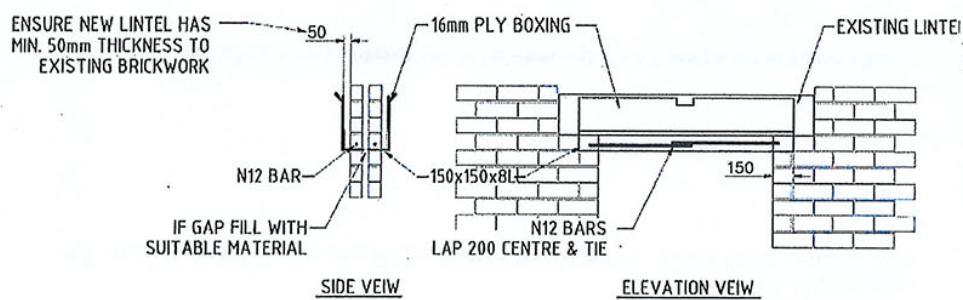
Photo 7



Photo 8

4/7

6



Lintel Detail

4/7/2016

7

PConclusion/Summary

The structural integrity of the shelter is overall poor, however, with cost effective solutions outlined in this report the major structural problems will be made safe.

It is expected that once the shelter is repaired a further lifespan of 5-10years is a projection before more works are needed. Due to the age and condition of the building it is very hard to give an accurate life span as there are many factors to consider and as such the works to be completed should be taken as temporary fixes only. It is unknown the extent of rust penetration into the buildings reinforcing which may continue to crack the concrete which can be fixed with similar practises outlined in this report.

An inspection upon completion of the project should be undertaken by Engineeringplus with a further inspection carried out 1 year after completion to determine if any movement has occurred. Committee members of the St Helens Surf Angling Club should conduct regular inspections (quarterly) during the first year and every 2 years after and report any issues

During building works if there are any discrepancies or new problems please contact us.

Once again we thank you for requesting our services. Please feel free to contact us should you require further assistance.

Best regards,

Alex Taylor
Senior Designer

Engineering Plus P/L
81 Elizabeth Street
Launceston TAS 7250

Ph: 0438 717 048

Jack Pfeiffer
Director

Engineering Plus P/L
81 Elizabeth Street
Launceston TAS 7250

Ph: 0417 362 783

4/7/2016

8

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	011\034\006\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council permit the Georges Bay Sailing & Aquatic Club to establish a temporary fenced off area adjacent to the existing Scout Shed at O'Connors Beach for the storage of their dinghies.

INTRODUCTION:

The Georges Bay Sailing and Aquatic Club are a newly formed sailing and aquatic club which are currently utilising a shared facility at O'Connors Beach.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop – 5 August 2024

OFFICER'S REPORT:

Late last year a group of interested community members formed the Georges Bay Sailing and Aquatic Club. Some members from the previous St Helens Sailing Club which disbanded due to a change in circumstances, joined the newly formed group and transferred the sailing dinghies to the new organisation.

The group through affiliation with Sailing Australia, Derwent Sailing Squadron, community donations and a membership in excess of 70 members have held training days on Georges Bay utilising the dinghies. The training days were a great success earlier this year with members of the committee sharing their skills to those who were interested in becoming members and trying out the dinghies on Georges Bay.

From the success of the membership drive and the "come and try days", the committee needed to find a meeting place that would also provide storage for all their equipment, including more dinghies and a patrol boat.

The local Scout group had a lease over a facility on O'Connors Beach and the committee entered into an agreement with the Scout group to use the meeting room of this facility on a shared basis and store some of their dinghies below in the storage shed.

Committee members have approached Council staff to assist the committee to look at some solutions for a Club House/storage area as unfortunately when it is a high tide, the storage shed

underneath has salt water entering the area which means sea grass has to be continually cleaned out where the dinghies are stored and it is not large enough to house all the dinghies.

The committee are currently working with the members of the Scout Committee to take over the lease of this building who have agreed to relinquish the lease as they currently do not have a scout group in the area. The Georges Bay Sailing and Aquatic Club are working through a process to take over the lease and the committee have started discussions with Property Services, but they still require additional storage for their dinghies and associated sailing equipment.

At an onsite meeting with Council staff, members of the committee talked about a short-term solution and that was to put a shipping container near the current building at O'Connors Beach. They have entered discussions with Property Services in relation to this request and Property Services have advised that as Council holds a lease over the area, they would need to seek permission from Council to place a shipping container next to the existing building. The shipping container is identified below in blue – with a fence around the site. When Council staff met onsite, other positions were also looked for placement of the container – running it along in line with the existing road but placed on the grassed area.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

Foster and support leadership within the community to share the responsibility for securing the future we desire.

Break O Day Annual Plan 2023 – 2024

Actions:

5.2.2.1 Foster Opportunities - Provide leadership and work in partnership with community and service providers to create inclusive and equitable opportunities for everyone to feel valued and contribute meaningfully to their community.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There is no cost to Council at this stage as it is not a Council project. The committee are just seeking Council's support to allow them to place a container at O'Connors Beach.

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	004\010\006\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council approve a full fee waiver as requested by the Military Brotherhood Military Motorcycle Club (MBMMC) allowing them to camp at the St Helens Sports Complex and hire the Bendigo Bank Community Stadium for their event from Thursday 7 November 2024 to Sunday 10 November, 2024.

INTRODUCTION:

Council has received a request from the Military Brotherhood Military Motorcycle Club seeking a fee waiver for Council facilities for 4 days whilst they have their biennial meeting in St Helens.

PREVIOUS COUNCIL CONSIDERATION:**Council Workshop – 5 August 2024****OFFICER'S REPORT:**

The MBMMC is a family orientated club, focused on providing advocacy and other support services to the Australian Veteran Community – including current and former members. The MBMMC are a not-for-profit registered charity and any fund raising they undertake goes towards the veterans of our community.

They are hoping to have close to 200 members and family visit our municipality for their biennial meeting, the majority extending their stay to visit other areas around Tasmania. Most have booked accommodation with the commercial hotels/motels/caravan parks; however, they are expecting a small number who may want to use the grounds at the St Helens Sports Complex. From their past events there are usually one or two caravans and three or four in tents within their group. This may be due to not securing a place in time, or personal preferences to be more isolated.

The Club have stated that they will abide by all rules and regulations regarding the Bendigo Bank Community Stadium and grounds and will ensure the area it is in pristine condition before they depart. They say that by having some of their members "on site" it also provides a level of security to the area and Stadium as they will MBMMC equipment still in the Stadium over this period.

On the evening of Thursday 7 November 2024 at the Bendigo Bank Community Mark Direen will be showcasing a powerful collection of career imagery – Point & Shoot Photographic Exhibition – this exhibition will be open to the community at no charge. This exhibition showcases a powerful collection of career imagery and accompanying stories from Australian veterans, it brings a voice

to the unique experiences of serving personnel. This exhibition has been seen throughout Australia since it was launched in Hobart in 2020.

During their stay in our municipality, they also have a number of events organised with local community group, a cricket match, as well as attending a Remembrance Day service at the St Marys Cenotaph on Monday 11 November 2024. They are currently working with Council and Tasmania Police in relation to many logistics whilst they are stay in our municipality.

There will also be a dawn service on Remembrance Day on the St Helens Foreshore in which all members of the community are invited to attend in which afterwards Council is providing a breakfast BBQ.

This request falls outside of Policy CB07 - Community Facility Hire Policy Excludes Indoor Multi-Purpose Facility, hence the need to seek Council's approval.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

Foster and support leadership within the community to share the responsibility for securing the future we desire.

Break O Day Annual Plan 2023 – 2024

Actions:

5.2.2.1 Foster Opportunities - Provide leadership and work in partnership with community and service providers to create inclusive and equitable opportunities for everyone to feel valued and contribute meaningfully to their community.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There will be cleaning costs associated with this hire after the event has finished. At this stage we are unable to advise what that cost would be. The cost of hire for the period in which they are requesting is \$1,677.00. The MBMMC will be required to pay a non-refundable \$25 booking fee and a \$315 hire fee for the hire period.

VOTING REQUIREMENTS:

Absolute Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Jenna Barr, Community Services
FILE REFERENCE	005\017\004\
ASSOCIATED REPORTS AND DOCUMENTS	3x Letter of Support: <ul style="list-style-type: none"> - St Helens Arts Market - Harcourts - East Coast Tasmania

OFFICER'S RECOMMENDATION:

That Council support this event by waiving the following fees associated with the running of the event "A Festival Called George":

- Supply and empty 30 General waste and 20 recycling bins;
- Waive the hire fees for use St Helens Foreshore for these events; and
- The hire of the eight (8) banner poles located in St Helens so that the promotional banners can be used to promote the upcoming event.

INTRODUCTION:

The organisers of A Festival Called George have requested Council's assistance in providing infrastructure for their upcoming 2024 event.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop – 5 August 2024

Council Meeting – 21 August 2023

08/23.15.5.201 Moved: Clr K Wright / Seconded: Clr G Barnes

That Council waive all fees associated with the use of the eight (8) banner poles located in St Helens in support of the Festival Called George which is being held in October 2023.

CARRIED UNANIMOUSLY

OFFICER'S REPORT:

Council has received a request from the Tasmanian Event Collective (TEC), a Local St Helens event management company requesting assistance from Council to waive the cost of hiring the eight (8) banner poles located in Cecilia Street, St Helens, the hire fees for the St Helens Foreshore and the fees associated with waste collection.

If Council approves that there be no fees for the removal of rubbish, the condition of the approval is that the event organisers provide bin monitors for recycling bins to ensure that there is no contamination of recycled goods. The Event organisers will also be supplying a third bin for the

Biodegradable products at their own expense; this waste will be transported to a recycling facility in Georgetown that is set up to manage this type of waste.

In October 2022, TEC held the inaugural 'A Festival Called George' at Morty's Car Park, corner of Cecilia and Quail Street, St Helens. The event attracted 750 people, who were provided with five (5) bands complimented by multiple craft beer brewers and distillers.

In 2023, TEC changed the location to the St Helens Foreshore and format to attract more interstate visitors for the event with a multi-day festival delivered over 3 days. There was a series of satellite events, on the Friday night (with approx. 230 attendees), the main Festival on the St Helens Foreshore on the Saturday with 1,150 people through the gates, and an additional 500 on the Sunday throughout the day. The Sunday included a morning Yoga session on the bay with three free local bands.

In October 2024, the TEC group will again be delivering a 3-day format with multiple new additions and attractions for interstate visitors.

- Friday 4 October - there will be a series of curated food and beer/whiskey events across three (3) local venues.
- Saturday 5 October – the main event will be held on the St Helens foreshore (Percy Steel Reserve) 1pm – midnight there will be approx. 20 brewers, distillers, and food vendors showcasing their products.
- Sunday 6 October - a family-focused picnic on the St Helens foreshore with a further four (4) bands, with an early morning swim. Also on Sunday the Bay of Fires Winter Arts Market will be held at Panorama Hotel.



STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.

Break O Day Annual Plan 2023 – 2024

Actions:

- 1.2.1.2 Community Event Support – Assist the community with event delivery by providing support and assistance with planning, approvals processes, compliance and arrangements for Council assistance and resources.
- 1.2.1.3 Event Attraction – Actively promote the Break O'Day Municipality as an event destination and work with event organisers and organisations to develop and attract new events to the area.

LEGISLATION & POLICIES:

CB05 – Banner Infrastructure Hire Policy

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

The cost to Council would be

- \$500.00 for each banner pole hire, which includes \$100.00 per pole for erection and removal cost, as well as the time for two (2) employees and the cost of the required plant/equipment whilst in use.
- \$469.00 St Helens Foreshore hire which includes three (3) full days hire and one half day with power
- Wheelie Bins:
 - Delivery fee – 50 bins – 5 trips x 10 bins per trip to the Foreshore x \$33.50 = \$167.50
 - Collection fee - 50 bins – 5 trips x 10 bins per trip from the Foreshore x \$33.50 = \$167.50
 - Disposal of waste – 50 bins x \$12 per bin = \$600.00
- TOTAL: \$2,204.00

VOTING REQUIREMENTS:

Absolute Majority

St Helens Arts Market
E: artsmarketsthelens@gmail.com
P: 0409 823 524

1 July 2024



SUPPORT FOR FESTIVAL OF GEORGE

As organisers of the St Helens Arts Market, we are writing to show our full support of the Festival of George in their bid for funding support. The St Helens Arts Market is intentionally held on the same weekend as the Festival of George for many reasons.

Our experience with the Festival of George organizers has been nothing short of professional and helpful. We both have the common goal of making our events the best they can be, creating genuine experiences, increasing visitation to our area and stimulating economic activity. Our events co-promote seamlessly, drawing different patrons and ensuring that what we offer at the Arts Market does not compete with Festival of George, but instead enhances the overall weekend experience for patrons, and vice versa.

Having both events on the same weekend, especially with our main day being Sunday, helps us reach that sweet spot where visitors stay for two nights. This not only boosts local accommodation businesses but it's also a huge economic injection to local retailers and hospitality businesses.

We catch up regularly with the Festival of George team to make sure both events are on track and not competing for the same audience. This collaboration ensures we're doing everything possible to create an outstanding weekend for both locals and visitors. A strong social media presence for both events has been key to this successful cross promotion, while still retaining the unique identity and target demographic for each event.

With the shared goal of increasing visitation to the area, boosting the local economy, and celebrating diversity, Festival of George stands as a testament to what can be achieved with skill, passion, and effective promotion. With strong funding, they'll continue to grow their reputation as a leading event in St Helens and the greater East Coast.

We're thrilled to complement their audience and support their endless enthusiasm and endeavours. I'm confident that with your support, Festival of George will reach even greater heights.

Sincerely,

Bernadette Darnelle and Heidi Howe

St Helens Arts Market

1/7/2024

RE: RECOMMENDATION FOR FESTIVAL OF GEORGE

To whom it may concern,

I am writing to endorse and recommend the Festival of George in their submission for funding support. Over the past two years, I have witnessed it's remarkable impact on the East Coast community and am a strong advocate for it's continued success.

Festival of George, held annually during the October school holidays, is a vibrant and high-calibre event organized by a team of passionate long term locals. Their dedication and creativity have consistently delivered a festival that attracts families from across the state, enhancing liveability and showcasing the best of our region's produce, beer, wine, food, and music, as well as attracting interstate artists and visitors.

Festival of George has expounded many benefits including:

- **Community Engagement:** The festival team have a deep seated passion for the local area and this creates an event that truly reflects the spirit of our community. Their diverse skills and passion ensure a seamless and enriching experience for all attendees.
- **Economic Impact on Break O'Day:** The festival significantly boosts the local economy of the Break O'Day area. By attracting families for at least a one night stay, local hotels, restaurants, and retailers see a marked increase in patronage – of which I am one. This influx of visitors supports small businesses, generates employment opportunities, and stimulates economic growth in the region. The festival acts as a catalyst for economic activity, benefiting a wide range of local enterprises.
- **Improving Liveability to Retain a Younger Demographic:** Festival of George plays a vital role in enhancing the liveability of the East Coast. It's vibrant and engaging atmosphere makes the area more appealing to younger, more affluent demographics who are drawn to the cultural richness and community spirit the festival embodies. This demographic shift is further boosting the local economy, as these new residents bring with them increased spending power and a desire for high quality local products, services and events. This dynamic change is helping to create a more vibrant and economically resilient community.
- **Social Media Excellence:** The festival's robust social media presence has played a pivotal role in promoting the event, ensuring widespread visibility and engagement.

Harcourts

Licensee: That's Howe Pty Ltd
Trading as Harcourts St
Helens

ABN 48 185 462 209

38 Quail St, St Helens, Tas, 7216

P 03 6376 2249

E sthelens@harcourts.com.au

W sthelens.harcourts.com.au

Their innovative campaigns consistently draw large crowds, enhancing the festival's reach and impact.

- **Quality and Variety:** The festival offers a diverse array of activities, including tastings of local and interstate beers, gourmet food offerings, and performances by talented musicians from across Tasmania and Australia. This variety ensures that there is something for everyone, making it a perfect family event.

Festival of George has consistently exceeded expectations, and I am confident that with financial support, it will continue to grow and thrive, bringing ensuring benefits to our community. The festival delivers measurable outcomes in community engagement, economic development, and cultural enrichment.

I wholeheartedly recommend Festival of George in their funding request as funding support will be instrumental in helping this event achieve even greater success, benefiting the East Coast community and beyond.

Kind Regards,



Heidi Howe

Director

Harcourts St Helens

Ph 0409 823 524



Date: June 4, 2024

Gordon Eckles
A Festival Called George
St Helens, TAS 7215

Dear Gordon and Team,

On behalf of East Coast Tasmania Tourism, I am delighted to offer our enthusiastic endorsement for the continued growth and success of A Festival Called George in St Helens, Tasmania.

A Festival Called George has proven itself to be an exceptional event that not only celebrates the unique culture and spirit of Tasmania but also serves as a significant driver for tourism and community engagement in the East Coast region. As the premier tourism organisation representing this stunning part of Tasmania, we have closely observed the positive impact that A Festival Called George has had on our local economy, cultural vitality, and community cohesion.

Here are just a few reasons why we believe that A Festival Called George is a stellar event deserving of ongoing support and growth:

1. Cultural enrichment: A Festival Called George offers a rich variety of cultural experiences, showcasing the diverse talents of local artists, musicians, performers, and artisans. Through its vibrant program of music, workshops, and interactive experiences, the festival provides an invaluable platform for creative expression and cultural exchange.
2. Tourism promotion: The festival serves as a magnet for visitors from near and far, attracting tourists from both intrastate and interstate, eager to immerse themselves in the unique atmosphere and offerings of St Helens and the surrounding East Coast region. By promoting A Festival Called George as a signature event, we can further enhance the profile of East Coast Tasmania as a

must-visit destination for travellers seeking authentic experiences and natural beauty.

3. Economic boost: A Festival Called George injects a welcome boost to the local economy in the shoulder season, benefiting a wide range of businesses including accommodation providers, restaurants, cafes, shops, and tour operators. The influx of visitors during the festival period creates valuable opportunities for local entrepreneurs to showcase their products and services, encouraging economic growth and sustainability in the region out side of our traditional peak season.
4. Community engagement: Beyond its economic benefits, A Festival Called George plays a vital role in promoting a sense of community pride and belonging. The festival brings people together, forging connections and fostering a spirit of camaraderie among residents and visitors alike. By actively involving local community groups, schools, and volunteers, the festival exemplifies the power of collaboration and collective celebration.

East Coast Tasmania Tourism proudly endorses A Festival Called George as an outstanding event that embodies our region and contributes significantly to its growth and prosperity. We applaud the organisers, sponsors, volunteers, and participants who work to make this event a resounding success year after year.

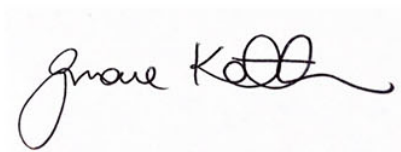
We support the continued growth and evolution of A Festival Called George and look forward to collaborating closely with all stakeholders to ensure its ongoing success.

Warm regards,

Grace Keath

CEO

East Coast Tasmania Tourism

A handwritten signature in black ink, appearing to read 'Grace Keath', with a stylized flourish at the end.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Leah Page, Community Services
FILE REFERENCE	011\034\006\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Proposal – Youth Voice to Council (Attached) Break O’Day Community Youth Commitment Statement Australian Government National Strategy Engage! Child and Youth Safe Standards

OFFICER’S RECOMMENDATION:

That Council endorse and implement A Youth Voice to Council Framework.

INTRODUCTION:

In the 2023-24 Annual Plan, a Youth Voice to Council was identified as an Action. This is an opportunity to discuss a proposal for establishing a Youth Voice to Council.

PREVIOUS COUNCIL CONSIDERATION:**Council Workshop – 5 August 2024****OFFICER’S REPORT:**

In 2022 Council endorsed an updated Council’s Youth Policy. The Council Officer began work on a co-designed Community Youth Strategy. In 2023 the Council Officer requested that the Youth Strategy action be revised to a Community Youth Commitment Statement to meet the need for a shared vision and some cohesion in the community, to allow time for the new Child and Youth Safe Framework to come into effect, and to reflect Council capacity to implement a Strategy.

A shared Community Youth Commitment Statement has been co-designed with community and finalised. The statement is now shared on Council’s website.

The Council Officer regularly participates in community-led youth network meetings and activities and is a member of the Amplify Youth Collective and the Partnership Group for the Live4Life youth mental health project. Through these network opportunities a youth voice to council has been discussed and ideas for how it might work have been shared with youth stakeholders.

A Youth Voice to Council Framework has been developed. Based on feedback received at the council workshop the framework has been updated to include a ‘meeting agenda outline’ and pre meeting forms that can support the sharing of information between the youth council and council as an optional support as needed. The Framework is attached for approval to implement as a working design to review in 12 months’ time.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goals

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategies

Community – Foster and support leadership within the community to share the responsibility for securing the future we desire.

Services – Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

Key Focus Areas:

Youth (Services) – Understand the needs of Break O'Day young people to better support and advocate for them.

Access and Inclusion (Services) – Foster a culture of inclusion within our community by facilitating equitable access to opportunities, information and services.

Community and Council Collaboration (Community) – Work within a community engagement framework which defines the relationship between the community and Council in decision making and project delivery.

Break O Day Annual Plan 2023 – 2024

Actions:

5.1.1.1 YCNECT & Council - Establish a youth voice to Council, learning the functions of Local Government and how to influence Council decisions. Work in partnership with YCNECT and support youth network meetings in Break O'Day.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Unknown

VOTING REQUIREMENTS:

Simple Majority



WANT TO MAKE A DIFFERENCE?

Got something to say for young people in Break O'Day?

GET INVOLVED NOW

BREAK O'DAY YOUTH COUNCIL

Break O'Day Council recognises the vital role that young people play in shaping our community and our future.

We are committed to doing our part to foster an inclusive and supportive place to live where every young person can reach their full potential.



Want to know more?

Break O'Day Council 6376 7900

Community.services@bodc.tas.gov.au

www.bodc.tas.gov.au/community/Community-information/

BREAK O'DAY YOUTH COUNCIL

Your
**VOICE
MATTERS**

@Break O'Day Council we will

- ✓ make it easier for young people to know what support, services and programs are available for them
- ✓ support young people to build skills and confidence to participate in government decision-making
- ✓ make it easier for young people to share their views



BREAK O'DAY YOUTH COUNCIL

You can expect to

- Learn more about how local government works and the role it plays in your community.
- Gain leadership experience.
- Be involved in the decisions that affect young people.
- Receive guidance, and support when possible, to help you make a difference in your community.
- Participate in safe, supported and inclusive conversations about things important to you and other young people in your community.

We expect you to

- Bring a positive attitude, willingness to learn and listen, and agree to a Statement of Shared Behaviour.
- To share your ideas and thoughts with us.
- To do your best to seek ideas and thoughts from other young people to share with council, and to share what you learn with them too.
- To understand that community members cannot always take part in decision-making, and there are limits to the things Council can do, and spend money on.

We will engage with young people in accordance with council policies, all current legislation and frameworks including the **Child and Youth Safe Framework**, and in alignment with the Australian Government's National Strategy, **Engage! A strategy to include young people in the decisions we make**, and the **Break O'Day Community Youth Commitment Statement**.



BREAK O'DAY YOUTH COUNCIL



Connect with Break O'Day Council at Special Youth Council Meetings

Break O'Day Council will host TWO special Youth Council Meetings each year.

Only Elected Councillors, Youth Council Members (and their trusted adults if under 18), and invited staff or guests are permitted to attend.

The meetings will follow a format that balances government process with providing a welcoming, supportive space for young people.

The meeting will be held in accordance with the Child and Youth Safe standards. Meetings can be accessed in person and online. They will not be live-streamed.

Meeting Schedule

TWO Meetings per year. Monday 11am -12pm. Usually 3rd Monday of the month.

MARCH *or* APRIL – 1 Hour.

Youth Council to share youth ideas, feedback and questions.

Break O'Day Council to share any service, program or youth issue updates.

Discuss International Youth Day (12 Aug) plans for August.

SEPTEMBER *or* OCTOBER – 1 Hour.

Youth Council to share youth ideas, feedback and questions.

Break O'Day Council to share any service, program or youth issue updates.

Discuss Youth Week plans for April.

BREAK O'DAY YOUTH COUNCIL

Meeting Agenda

1. Welcome and Introductions

- Welcome
- Acknowledgement of Country
- Introductions
- Review of Statement of Shared Behaviour

2. Sharing stories of what is working well - Everyone

3. Youth update or presentation of ideas, feedback and questions - Youth Council

- items here

4. Council response - Elected members and staff

5. Council update or presentation of ideas, feedback and questions - Elected members and staff

- items here

6. Youth response - Youth Council

7. Business arising - Everyone

8. Agreed actions - Everyone

Meeting Submissions

Youth Council members are encouraged to summarise the items they intend to discuss at the meeting and submit this TWO weeks before the meeting to their Council contact person.

The Councillors may wish to talk with staff or explore what other councils are doing to help them ask valuable questions and help everyone have productive conversations.

New items may still be raised and discussed at the meeting.

BREAK O'DAY YOUTH COUNCIL

Pre-Meeting notice from Youth

Please submit TWO weeks before the scheduled meeting to your Council contact person

Meeting Date		Council Contact Person	
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Youth Council Leader for this meeting	
Youth Council members involved	
Attachments / documents and links	
Item(s) for Discussion	
Any Proposed or Suggested Actions	

Pre-meeting notice from Council

Council will provide this TWO weeks before the scheduled meeting to the Youth Leader

Meeting Date		Council Contact Person	
Reporting back on past items			
Attachments / documents and links			
Item(s) for Discussion			
Any Proposed or Suggested Actions			

Creating a safe, inclusive and supportive space

Young persons under the age of 18 must be accompanied by a trusted adult when attending Youth Council Meetings.

If attending from School a member of the School community will accompany them.

If they are not enrolled in school then parents and guardians can attend or nominate a trusted adult. This might be a local youth worker or mentor too.

If attending in person is a challenge, online options will be available. A trusted adult must be present for online participation if under 18.

A **Statement of Shared Behaviour** will be created with the Youth Council members and agreed to. This will help ensure that:

- Everyone's voice is heard.
- Everyone is accepted.
- Everyone is valued.
- Time is shared across the range of topics and different themes in our community that are important to young people.

Checking -in

We will ask for feedback and check in with youth council members and their guardians to ensure the youth council is meeting expectations and working well.

BREAK O'DAY YOUTH COUNCIL



Expression of Interest

CONTACT DETAILS

Your Name

Phone and/or Mobile

Your Email

Your School or Place of Employment if this applies to you

Your Age

Other language(s) spoken at home, other than English?



In 200 words or less please briefly tell us 3 things. What youth topics are important to you? Why do you want to be in the Youth Council? And why do you think you will be a good member of the Youth Council? More room over page.

Please turn over for more room and to sign



BREAK O'DAY YOUTH COUNCIL



Expression of Interest – continued

In 200 words or less please briefly tell us 3 things. What youth topics are important to you? Why do you want to be in the Youth Council? And why do you think you will be a good member of the Youth Council?

SIGN and PARENT / GUARDIAN DETAILS if Under 18

Your Signature

Date

Parent/Guardian phone and/or mobile

Parent/Guardian Signature if under 18

Parent/Guardian email

Send your form to: Break O'Day Council 32-34 Georges Bay Esplanade St Helens 7216 6376 7900
Community.services@bodc.tas.gov.au www.bodc.tas.gov.au/community/community-information

CONSENT FORM + PARENT / GUARDIAN DECLARATION



Name of Youth Council member.

Name of parent or legal guardian, if Youth Council member under 18.

To be answered by the Parent/Guardian if Under 18.

- ☐ I give my consent for the young person named on this form to participate as a member of the Break O'Day Youth Council. *Please tick if you consent.*
- ☐ I understand that the young person named on this form will be invited to contribute ideas and thoughts about the needs and experiences of young people in Break O'Day. This includes opportunities to participate in special meetings of Council and participate in gathering ideas from young people in our community.

Please tick all you agree with. If you do not consent we will contact you to discuss if we can provide this opportunity in ways that work for you.

- ☐ I give my consent for the young person named on this form to have their name and their contributions included in any minutes, reports and publications in print and online.
- ☐ I give my consent for Break O'Day Council to include images of the young person named on this form in reports and publications in print and online.
- ☐ I give my consent for Break O'Day Council to include the name and images of the young person named on this form in media and social media.

Any other restrictions on the use of the young person's name, image or contributions?

Any dietary restrictions?

If the young person named on this form has any health or social needs we need to be aware of to ensure their experience is safe and supportive please contact us to discuss.

Youth Council Member Signature

Date

Parent/Guardian Signature

Date

10 TASMANIAN Standards CHILD and YOUTH SAFE Break O'Day



www.justice.tas.gov.au/cysof

ACTION	INFORMATION
PROPONENT	Department
OFFICER	Development Services Coordinator
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which have been dealt with by the Development Services Department since the previous Council meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS**

1. Department Staff attended Building Surveying CPD training;
2. Actively participating in required feedback regarding the Regional Land Use Strategy.

PLANNING REPORT

The following table provides data on the number of applications approved for the month including statistical information on the average days to approve and the type of approval that was issued under the *Land Use Planning and Approvals Act 1993*:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	EOFY 2024 / 2025
NPR	4												4	
Permitted	1												1	
Discretionary	14												14	
Amendment	4												4	
Strata	1												1	
Final Plan														
Adhesion														
Petition to Amend Sealed Plan														
Boundary Rectification														
Exemption														
Total applications	24												24	242

Ave Days to Approve Nett *	21.8 7												21.87
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* Calculated as Monthly Combined Nett Days to Approve/Total Applications

The following table provides specific detail in relation to the planning approvals issued for the month:

July 2024

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
063-2024	Binalong Bay	Dwelling Alterations, New Decks & Studio	S57	89	38
177-2022 AMEND	Binalong Bay	Minor Amendment – Revised Unit Design	S56	5	5
094-2024	Falmouth	Dwelling & Shed	S57	42	37
112-2024	Mathinna	Legalisation of Dwelling Additions	NPR	3	3
098-2024	St Marys	2 Lot Subdivision & Demolition of 2 x Sheds & 1 x Carport	S57	42	42
109-2024	Falmouth	Additional Use for Visitor Accommodation	S58	1	0
025-2024	St Helens	Addition to Workshop	S57	48	20
282-2021 AMEND	Scamander	Minor Amendment - Raising the ceiling and roof height of the dwelling addition	S56	8	8
057-2024	St Helens	Demolition of Existing Dwelling & Outbuildings and Construction of New Dwelling & Shed AND Visitor Accommodation - Construction of a Cabin	S57	42	42
104-2024	St Helens	Construction of Dwelling & Garage & Carport	S57	31	31
020-2024	Scamander	Construction of New Dwelling & Change of Use for the Existing Dwelling to a Storage Space for the Existing Cafe	S57	76	42
087-2024 AMEND	Scamander	Minor Amendment - Reduced Floor Area & Reduced Building Height	S56	11	11
043-2019 STRATA	Falmouth	Revised Strata - Adjustment to Lots 2 & 3	STRATA	3	3
065-2024	St Helens	Installation of Demountable Building & Storage Containers (3)	S57	73	57
130-2024	St Helens	Construction of Dwelling Additions & New Carport	NPR	2	2
105-2024	Stieglitz	Dwelling Alterations & Additions	S57	42	34
107-2024	St Helens	Amenities Building	S57	31	31
222-2015 AMEND 2	St Helens	Minor Amendment - New dwelling design which reduces the number of bedrooms (3 to 1), decreases the floor area/building footprint, removes the garage/carport, and re-positions the siting.	S56	6	6
097-2024	St Helens	Green House & Store Room	S57	50	30
086-2024	Stieglitz	Shed with Amenities	S57	74	25

150-2023	St Helens	Construction of Dwelling	NPR	389	15
113-2024	St Helens	Shed Incorporating Dwelling	NPR	31	0
091-2024	Seymour	Shed	S57	22	21
093-2024	St Marys	Water Storage Tank with Associated Services	S57	23	22

TOTAL 24

Denotes Applications Requiring a Planning Authority Decision due to representations being received.

Strategic Planning Projects in the 2024/2025 financial year

Description	Percentage Complete	Current Update
Scamander/Beaumaris Township Structure Plans - Develop Project Brief and engage consultancy to undertake the work.		Project brief will be finalised in time for September Council meeting update.
Break O'Day Council Land Use Strategy 2015 - Project Brief to be developed for implementation		Review of the Land Use Strategy has been completed. Review of Low Density Residential land has commenced. Review of Rural Living Zone has commenced and modifications during the LPS phase have been implemented.
Regional Land Use Strategy - Actively participate in and support the review of the Northern Tasmania Regional Land Use Strategy.		Break O'Day is actively participating in the review of the Northern Tasmania Regional Land Use Strategy (NTRLUS) through the Regional Planning Group (RPG). The RPG has identified a work program to progress the review of the NTRLUS. Stage 1 project brief has been formed and this is ready for request for quote. Separately, the RPG is interacting with the state government through the State Planning Office (SPO) in relation to a Communications Strategy. Additionally, through the SPO and the Local Government Association of Tasmania (LGAT) work is progressing on the structure of the revised regional land use strategy.
Industrial Land Use Study - Complete the 'Scoping Study' and progress the study to identify future demand, land analysis, constraints and opportunities.	25%	The Industrial Land Use Scoping Study draft has been completed. Additionally, a project brief for Industrial Land Use Study has been drafted for consideration internally. This will be progressed once feedback has been considered.

BUILDING PROJECTS REPORT

Projects Completed in the 2024/2025 financial year

Description	Location	Updates
NIL		

Projects ongoing – Capital Works Program (Includes carried over projects previous financial years)

Description	Location	Updates
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> Repainting identified as priority which has now commenced.
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<ul style="list-style-type: none"> Expected completion in August 2024
St Marys Indoor & evacuation Centre	St Marys Sports Complex	<ul style="list-style-type: none"> Expected Completion is December 2024.
New Toilet Addition & Further Design work	Scamander Sports Complex	<ul style="list-style-type: none"> Works now commenced in relation to Toilet addition expected to be completed by October 2024. Further design work scoping to be determined in consultation with community.
Air-conditioning upgrades & completion of external painting	Council Office	<ul style="list-style-type: none"> Finishing external repainting, signage upgrades & air-conditioning upgrades.
Small storage shed & Security System installation	St Marys Sports Centre	<ul style="list-style-type: none"> Security contractor engaged, works scheduled to be completed prior to end 2024; Store Shed consultation to be undertaken with committee

Approved Capital Works Program – Current & Previous Financial Year - not yet started

Description	Location	Updates
Repair Render & Repaint Front Fascade	Portland Hall, St Helens	<ul style="list-style-type: none"> Works scoping to be conducted.
Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none"> Next phase of works pending outcomes of St Helens Sports Complex Masterplan consultation.
Community Consultation, Design & Development Approval Phase – Public Toilet	Falmouth Township	<ul style="list-style-type: none"> Community engagement phase to commence as priority in conjunction with consultant designer to be appointed.
Internal Alterations – Design only.	Falmouth Community Centre	<ul style="list-style-type: none"> Community engagement phase to commence as priority in conjunction with consultant designer to be appointed.

Demolition & Construction of New Public BBQ Facility and Associated work	Village Green, Binalong Bay	<ul style="list-style-type: none"> Community Consultation phase completed; Community feedback to be reviewed and recommendation to be provided to Council.
Community Consultation, Design & Development Approval Phase – Public Toilet Replacement	Memorial Park, St Helens	<ul style="list-style-type: none"> Community engagement phase to commence as priority in conjunction with consultant designer to be appointed.
New Water Refill Stations	Various Locations, including Memorial Park	<ul style="list-style-type: none"> Locations to be confirmed.

The below table provides a summary of the building approval issued for the month including comparisons to the previous financial year.

Building Services Approvals Report July 2024

No.	BA No.	Town	Development	Value
1.	2023/00098	St Helens	Demolition (Garage/Shed), Alterations & Additions (Dwelling & Deck) & New building (Garage, Retaining wall)	\$150,000.00
2.	2021/00354	The Gardens	New Dwelling	\$900,000.00
3.	2023/00023	Avoca	New Dwelling & attached Garage/Workshop	\$250,000.00
4.	2022/00139-STAGE 1	St Helens	New Shed	\$25,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2023/2024	2024/2025
	\$3,054,100.00	\$1,325,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2023	2024
	July	\$3,054,100.00	\$1,325,000.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2023/2024	2024/2025
	July	17	4

ENVIRONMENTAL REPORT

Description	Updates
Dog Management	<p>Council adopted a revised Dog Management Policy 2024 in July after weighing up over 70 submissions made on the draft revisions. Most proposed changes were well supported and carried through.</p> <p>Dog zones from the current 2018 Policy however remain in force until the new ones described in the Policy are formally Declared under the Dog Control Act by Council.</p> <p>That will be delayed until the Parks and Wildlife Service, who was involved throughout the policy review, agrees to also authorise those over reserves they manage, to ensure Break O'Day has consistent rules for dog access particularly to beaches.</p>
Weed management	<p>Council's Weed Program officer attended a state Weed Forum organised by Biosecurity Tasmania for weed managers. The standing room only gathering was updated on the Biosecurity Act's progressive rollout, weed projects around the state, Weed Action Fund and new and emerging weed threats.</p>
Community Awareness and Engagement	<p>The Irapuna Community Weekend beach walks starting on 16-18 August has over 150 walkers booked to help clean-up sea spurge and marine debris from 60km of wukalina and Irapuna coastline around Eddystone Point. A Wildcare Tasmania community event, it is part of National Science Week 2024 and supported by Council, the Parks and Wildlife Service, Tasmanian Walking Company, Tasmanian Aboriginal Land Council and Ansons Bay community groups.</p>

Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH	2024/2025		2023/2024	
	Persons	Vaccinations	Persons	Vaccinations
July - December	0	0	19	20
January - June	0	0	153	154
TOTAL	0	0	172	174

Sharps Container Exchange Program as of 8 August 2024

Current Year	Previous Year
YTD 2024/2025	YTD 2023/2024
7	10

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various matters which are being dealt with by the General Manager and with other Council Officers where required.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**Meeting and Events attended:**

15.07.24	MS Teams	– Economic Development Strategy Review, meeting with consultants, Stantec, to commence a review of the information they had collated and summarised from the initial community engagement process. As expected there was a really diverse range of thoughts which had been received through the initial engagement process.
19.07.24	MS Teams	– East Coast Strategic Regional Partnership (ECSRP) Study Hub Project – initial meeting of the Project Oversight Group involving key stakeholders including both Councils, Jobs Tasmania Department of Education and Young People and the Regional jobs Hub to discuss the consultancy decision process and project implementation.
22.07.24	St Helens	– East Coast Tasmania Tourism (ECTT) - meeting with ECTT CEO Grace Keath to receive a general update. Key points of discussion included confirmation regarding the funding situation; Board membership; focus of Break O'Day Council in the 2024-25 year; Visitor Information Centre (VIC) connection to ECTT activities; and Bay of Fires Winter Arts Festival.
26.07.24	St Helens	– Economic Development Strategy Review, meeting with consultants, Stantec, to complete the review of the information they had collated and summarised from the initial community engagement process.
01.08.24	St Marys	– Early Learning for Three Year Olds Initiative (EL3) in Break O'Day, attended the Local Engagement Group meeting to discuss the East Coast Strategic Regional Partnership project to investigate the need for Childcare in St Marys

		and to investigate the potential sites. Very positive discussion and this group will be invaluable in assisting with the progress of this project.
05.08.24	St Helens	– Council Workshop.
06.08.24	St Helens	– Break O’Day Population Analysis, presentation from Demographer Lisa Denny to Council’s management team on the future of Break O’Day’s demographic changes. Dr Denny will be presenting to Council in the near future.
08.08.24	Triabunna	– Eastern Strategic Regional Partnership Steering Committee Meeting.
09.08.24	MS Teams	– East Coast Study Hub – project inception meeting of the Project Oversight Group with consultants undertaking the project
09.08.24	Launceston	– Northern Region General Managers, meeting of GMs which included discussion on the Climate Change project, Northern Tasmania Development Corporation (NTDC) activities including the population review, Regional Land Use Strategy review process, and a range of common operational matters.
11.08.24	St Helens	– Minister Felix Ellis, meeting involving the Mayor to view the current and proposed St Helens Police Station and to discuss the provision of housing in the St Helens area.

Meetings & Events Not Yet Attended:

14.08.24	MS Teams	– Northern Tasmanian Regional Planning Group (RPG) meeting.
14.08.24	St Helens	– Climate Change Action Plan Workshop with the Northern Tasmania Alliance for Resilient Councils (NTARC).
16.08.24	Launceston	– NTDC held a Regional Collaboration Forum.
19.08.24	St Helens	– Council Meeting.

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members included Dave & Claire French, HG Zorn.

Brief Updates:

Online Access Centre

The General Manager received correspondence from 7 August 2024 in relation to the funding of Online Access Centres (copy attached). The Minister has confirmed that funding will continue until 30 June 2025, importantly the Minister has advised that the Government is planning an independent review of the Government’s investment in digital inclusion programs, including the Digital Connections Grant program. The Minister has advised that it is expected that the review will be completed by the end of 2024 and will address future funding arrangements. The approach that the State Government is taking is logical and will provide clarity around what future arrangements are necessary to meet the need within the community and no doubt recommendations regarding future service delivery.

Eastern Strategic Regional Partnership (ESRP) Projects

The General Manager notes that arrangements are coming into place in relation to the ESRP following an initial meeting of the Steering Committee responsible for the delivery of the projects that comprise the ESRP. Within the State Government, responsibility for the ESRP has transferred from the Department of Premier and Cabinet to the Department of State Growth and a project manager within the government has been appointed to follow through with the projects. Further

work needs to be undertaken in relation to engagement with both Councils and the development of a Communications Plan to support the ESRP.

As Council would note, work has commenced on a number of projects which we have a connection with including:

1. St Marys Child Care Needs analysis and site investigation – very early stages of scoping out the key stakeholders and engaging with the early learning sector. It is likely that the next stage will be to scope out establishing a Project Oversight Group. The scope of the work needs to be reviewed as there would be merit in taking a more holistic approach to the assessment of the need for childcare in Break O’Day and along the east coast. Sufficient fund would appear to be available to address the St Marys investigation as well as to undertake the additional work.
2. East Coast Study Hub – a Project Oversight Group has been established for this project and consultants have been engaged to undertake the work. The project is in two parts and is scheduled for completion by the end of 2024.
3. Bay of Fires Master Plan – engagement of a consultant for this project is continuing.

Communications Report

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Newsletter	Sent out 1 week ago. Included stories on: <ul style="list-style-type: none"> • Learner Driver Mentor program breaking records with biggest month yet. • School Student Broadband Initiative – Free internet for eligible families. • St Helens History Room Latest Exhibition.
	Five minutes with the Mayor	Mayor’s piece about: <ul style="list-style-type: none"> • Recap on St Marys winter events. • Recap on the Long Lunch for Elder Abuse Awareness. • Fingal RV Park relocation.
SOCIAL MEDIA	Break O’Day Council	<ul style="list-style-type: none"> • Learner Drivers wanted for the GetIn2Gear program. • Celebrate Seniors Week – free bus trip and lunch. • Irapuna Community Weekend. • Annual rates notices information.
	Shared Social Media Posts	<ul style="list-style-type: none"> • Burn Brighter this Winter campaign • A Festival Called George. • Mannalargenna Day – MTWAC. • Carbon Monoxide risks – Department of Health, Tasmania. • Mobile Antarctic Classroom and Science Week Call Trackers – St Helens Library. • The Lighthouse donations

		<ul style="list-style-type: none"> Telstra Mobile Network upgrades.
COMMUNITY ENGAGEMENT	Reconciliation Action Plan	Community survey seeking feedback to assist with the development a Reflect Reconciliation Action Plan.
	Binalong Bay BBQ Area	Survey is closed and a report has been developed using community feedback. This will be submitted to a Council Meeting for discussion.
	Dog Management Policy	Review has been completed.
EMPLOYMENT OPPORTUNITIES	Break O'Day Council	<ul style="list-style-type: none"> Corporate Services Officer
EMAIL DATABASES	Continuing to develop	Continuing to collect email addresses for the newsletter and township databases. This has been going well with all the consultation underway, which is used as an opportunity to promote our EDMs.

Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
DA 171-2023 18 Tasman Highway, St Helens	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager
Sustainable Timbers Tasmania – Certificate of Title Volume 41848 Folio	Affixing Common Seal	Access Licence No.21679	Number 21 – Miscellaneous Powers and Functions to the General Manager

General Manager's Signature Used Under Delegation for Development Services:

DATE	DOCUMENT	ADDRESS	PID OR DA
01.07.2024	337 Certificate	291 Medeas Cove Road (CT185354/2), St Helens	1663252
01.07.2024	337 Certificate	12 Heather Place, St Helens	2566593
01.07.2024	337 Certificate	41 Talbot Street, Fingal	6412321
01.07.2024	337 Certificate	65 Talbot Street, Fingal	6412268
01.07.2024	337 Certificate	31 Gardiners Creek Road, St Marys	6402633
09.07.2024	337 Certificate	21384 Tasman Highway, Four Mile Creek	7428069
11.07.2024	337 Certificate	65 Peron Street, Stieglitz	6785902
11.07.2024	337 Certificate	8 Luck Court, Akaroa	7440770
12.07.2024	337 Certificate	8 Helen Grove, St Helens	6780722
15.07.2024	337 Certificate	Unit 20/41-43 Beaulieu Street, St Helens	9201656
16.07.2024	337 Certificate	11 Cooper Street, Seymour	6406597
17.07.2024	337 Certificate	7 The Flat (CT63971/18), St Marys	6405113
17.07.2024	337 Certificate	7 The Flat (CT75940/1), St Marys	6405113

19.07.2024	337 Certificate	844 Lottah Road, Lottah	3257733
19.07.2024	337 Certificate	274 St Helens Point Road, Stieglitz	6786681
19.07.2024	337 Certificate	25495 Tasman Highway, St Helens	7097749
19.07.2024	337 Certificate	8/6 Wattle Drive, Scamander	2633821
23.07.2024	337 Certificate	Leona Road (CT162709-1), Avoca	3141159
23.07.2024	337 Certificate	50 St Helens Point Road, Stieglitz	9094039
24.07.2024	337 Certificate	1025 Elephant Pass Road, Gray	7495747
26.07.2024	337 Certificate	4 Tasman Highway, St Helens	7435699
29.07.2024	337 Certificate	395 St Columba Falls Road (228923/1, 242881/1) Pyengana	9910925
29.07.2024	337 Certificate	7 Thomas Street, Scamander	2965551
29.07.2024	337 Certificate	8 Cannell Place, Akaroa	1881700
29.07.2024	337 Certificate	7 Peron Street, Stieglitz	6785590
30.07.2024	337 Certificate	18 Beaumaris Avenue, Beaumaris	6787262
30.07.2024	337 Certificate	84 High Street, Mathinna	9017627
30.07.2024	337 Certificate	12 Scamander Avenue, Scamander	2141333

Tenders and Contracts Awarded:

Nil

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	018\019\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council consider additional projects for inclusion in Federal Election lobbying activities.

INTRODUCTION:

In the lead up to the Tasmanian State Election, Council gave consideration as to what it saw as being priorities it would lobby for which included potential Federal Election priorities given the linkage with State priorities. With a Federal Election approaching it is timely to review those priorities to see how they could be translated into the Federal context. The next federal election will be held on or before 27 September 2025.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

The timing of the next Federal election is the subject of speculation which includes that it might be held in November this year, this means that it is important that the Council is well prepared with a list of priority projects that can be used in lobbying activities should an election be called early.

Council had previously considered priorities for lobbying activities as part of the lead up to the State Election campaign as some projects being pursued at the State level would also need to be pursued at the Federal level. Those particular projects are:

- **St Marys Pass** – a commitment to funding a replacement of the St Marys Pass within the next five (5) years
- **Georges Bay Foreshore Track** – Parnella Linkage, funding of \$4.3M contribution towards a project with an estimated \$5.8M cost
- **St Marys Childcare Centre** – funding to build a new centre co-located on Education Department property

The inclusion of other projects at different price points needs to be considered, it is important that we have a reasonable level of certainty in relation to estimated cost. Potential projects for discussion include:

- **Break O'Day Aquatic Centre** – there are a number of critical decision points to pass through and whether this will progress is unknown

- **Scamander Sports Complex Master Plan** – Yet to be finalised but potentially some elements which are ready to progress could be included. I.e. upgrade to the Bowls Greens.
- **CBA Carpark** – Whilst land ownership is yet to be secured, we have sufficient information to develop a proposal for this to be a multi-use car park and event space. This might be getting ahead of things with the Liveability Strategy but it is almost certain to be a feature piece.
- **St Marys to Cornwall Multi-user Trail** – This could be developed based on the information we have. It is vital that we ground truth the proposed alignment along the old rail line to ensure that it is viable.

Council's suggestions on potential projects for further investigation and consideration are sought. The focus of Council's lobbying activities will be guided by the policy platforms of the major parties.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

2.1 Develop and highlight opportunities, which exist and can be realised in a manner that respects the natural environment and lifestyle of the Break O'Day area.

Key Focus Area:

2.1.1 Opportunities - Identify and realise opportunities that develop and support the Break O'Day economy in a sustainable manner.

Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

4.1 Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.

Key Focus Area:

Towns: Create townships that are vibrant and welcoming through improvements to infrastructure such as streetscapes, parking, safety and signage.

Roads and Streets: Develop a well-maintained road network that recognises the changing demands and requirements of residents and visitors.

Break O Day Annual Plan 2024 – 2025

Actions:

Federal Election - identify and develop list of projects which will be lobbied for in forthcoming election campaign

BUDGET AND FINANCIAL IMPLICATIONS:

Funding requests relate to Federal Government sources. Co-funding from Break O'Day Council and other sources yet to be quantified and dependent on extent of commitments.

VOTING REQUIREMENTS

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	Letter from Nic Street MP <i>Local Government General Amendment Regulations 2024 - Consultation Draft</i> <i>Local Government Code of Conduct Order 2024 -Consultation Draft</i> Summary-of-Changes-to-the-Code-of-Conduct-Framework

OFFICER'S RECOMMENDATION:

That Council note the previous engagement processes and that it is unlikely that any substantive change will be made irrespective of feedback, and that the Local Government Association of Tasmania be advised that Break O'Day Council has no comment to make.

INTRODUCTION:

The Minister for Local Government Nic Street has written to all Councils regarding; legislation relating to changes which are being made to the Code of Conduct relating to Councillors.

PREVIOUS COUNCIL CONSIDERATION:**Council Meeting – 16 August 2021**

08/21.17.5.191 Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council endorse the submission made on the Code of Conduct Framework supporting the proposed amendments with the inclusion of comments received from Councillors.

CARRIED UNANIMOUSLY**Council Meeting – 15 August 2022**

08/22.17.6.182 Moved: Clr K Chapple/ Seconded: Clr M Osborne

That Council provide a submission to the Tasmanian Government in relation to:

1. draft *Local Government Amendment (code of Conduct) Bill 2022*
2. draft prescribed information to be included in Council's dispute resolution policy

which reflects the discussion which has occurred at the meeting.

CARRIED UNANIMOUSLY

OFFICER'S REPORT:

As explained by the Minister, the changes to the statutory rules are required to bring into effect new legislative provisions contained in the *Local Government Amendment (Code of Conduct) Act 2023*, which was passed by Parliament in September 2023. A summary of changes to the General Regulations and Order which were enclosed with this letter are attached to this Report. The Minister in his letter noted that:

Importantly, the amendments reflect only minor changes to the Code, largely as a result of moving from the existing 'model' Code to the new order. The Government's current priority is to implement these changes and we will not be undertaking a substantive review of the Code at this time. It is our plan however that in the longer-term the impact of these changes, alongside our broader work to develop work health and safety guidance materials for the sector, will be evaluated to identify any further material changes to the Code.

The changes to the Regulations and new Code include:

- A new single statewide Code of Conduct that automatically applies to all councils and their elected members
- Minimum prescribed requirements to be included in newly required council dispute resolution policies
- The inclusion of a code of conduct breach for councillors engaging in 'prohibited conduct', as defined under the *Anti-Discrimination Act 1998*
- Ensuring the code reflects gender neutral language.

The Minister believes that establishing a clear and consistent Code across all councils will strengthen community confidence and ensure all Tasmanian councillors are required to meet the same conduct and behavioural expectations.

The General Manager notes that this is largely an administrative situation and that the Minister and State Government are unlikely to entertain any substantive changes as it may require amendment to previously passed legislation.

Submissions on the proposed legislation close on the 20 August 2024.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

N/A

Break O Day Annual Plan 2024 – 2025

Stakeholder Management

Local Government Association of Tasmania (LGAT) and Australian Local Government Association (ALGA) - Participate actively at the State and National level in Local Government matters including policy development.

Legislative Reviews – Participate in reviews of legislation affecting Local Government.

LEGISLATION & POLICIES:

Local Government (Code of Conduct) Order 2024
Local Government (General) Amendment Regulations 2024

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There are no financial implications in approving the Officer's Recommendation.

VOTING REQUIREMENTS:

Simple Majority

Minister for Finance
Minister for Local Government
Minister for Sport and Events

Level 5, 4 Salamanca Place, HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 03 6165 7794
Email: Minister.Street@dpac.tas.gov.au



Mr Mick Tucker
Mayor
Break O'Day Council
Mick.tucker@bodc.tas.gov.au

16 JUL 2024


Dear Mayor

Local Government Code of Conduct - Consultation on draft Regulations and Order

I am writing to inform you that the Tasmanian Government has today released draft amendments to the Local Government (General) Regulations 2015 and a new draft Local Government Code of Conduct Order for public consultation.

Changes to statutory rules are required to bring into effect new legislative provisions contained in the *Local Government Amendment (Code of Conduct) Act 2023*, which was passed by Parliament in September 2023. A summary of changes to the General Regulations and Order are enclosed with this letter.

The Government is inviting submissions in response to this consultation package for five weeks, closing on the 20 August 2023. I invite your council to review the draft amendments, including a summary on the Department of Premier and Cabinet website and provide your feedback to the Office of Local Government by email to lg.consultation@dpac.tas.gov.au.

Importantly, the amendments reflect only minor changes to the Code, largely as a result of moving from the existing 'model' Code to the new order. The Government's current priority is to implement these changes and we will not be undertaking a substantive review of the Code at this time. It is our plan however that in the longer-term the impact of these changes, alongside our broader work to develop work health and safety guidance materials for the sector, will be evaluated to identify any further material changes to the Code.

I want to thank you for your support and your continued engagement and collaboration as we work collectively to ensure our system of local government is well-placed to meet the needs of Tasmania's local communities now and into the future.

Yours sincerely



Hon Nic Street MP
Minister for Local Government

TASMANIA

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2024**
STATUTORY RULES 2024, No.

CONTENTS

- 1. Short title
- 2. Commencement
- 3. Principal Regulations
- 4. Regulations 30A and 30B inserted
 - 30A. Prescribed information, &c., for dispute resolution policies
 - 30B. Prescribed matters for annual reports

DRAFT
28 June 2024

Consultation Draft

LOCAL GOVERNMENT (GENERAL) AMENDMENT REGULATIONS 2024

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Local Government Act 1993*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Local Government

1. Short title

These regulations may be cited as the *Local Government (General) Amendment Regulations 2024*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Principal Regulations

In these regulations, the *Local Government (General) Regulations 2015** are referred to as the Principal Regulations.

4. Regulations 30A and 30B inserted

After regulation 30 of the Principal Regulations, the following regulations are inserted in Part 4:

30A. Prescribed information, &c., for dispute resolution policies

- (1) For the purposes of section 28JA(3)(a) of the Act, the following information is prescribed as the information that is to be contained in a dispute resolution policy:
 - (a) details of how the policy is to be used to resolve disputes, including –
 - (i) the matters covered by the policy; and
 - (ii) the methods of dispute resolution available under the policy; and
 - (iii) the circumstances in which the available methods of dispute resolution may be used; and

*S.R. 2015, No. 37

-
- (iv) the circumstances in which the council may engage external parties to assist or participate in the dispute resolution; and
 - (v) when mediation may be considered suitable for resolving a dispute; and
 - (vi) the circumstances in which the dispute resolution process may not be appropriate;
- (b) details of how the policy is accessible to complainants, including –
- (i) the form and manner in which a complaint must be lodged; and
 - (ii) the costs associated with lodging a complaint;
- (c) details of how the policy is equitable for both complainants and respondents, including –
- (i) the process that is to be followed when resolving, or attempting to resolve, a dispute under the policy; and

Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.

r. 4

- (ii) the anticipated timeframe for a dispute resolution process; and
 - (iii) the confidentiality requirements that are applicable to a dispute resolution process; and
 - (iv) the process for dealing with conflicts of interest relevant to a dispute resolution process; and
 - (v) the roles and responsibilities of the parties to a dispute; and
 - (vi) how the policy is informed by, and supports, gender-responsive practices and principles; and
 - (vii) the processes and procedures in relation to the use of advocates and support people for a party to a dispute;
- (d) details of how the processes of, and decision-making under, the policy are transparent, including the procedure for documenting the outcome of the dispute resolution process.

- (2) Nothing in this regulation prevents a council from including information in the dispute resolution policy, other than the prescribed information, that the council considers relevant to the policy.
- (3) A party to a dispute to which a dispute resolution policy applies must not be represented in the dispute resolution process for that dispute by an advocate, or support person, who is an Australian lawyer.

30B. Prescribed matters for annual reports

For the purposes of section 72(1)(e) of the Act, the following matters are prescribed as matters that must be contained in an annual report prepared by a council:

- (a) a statement of the number of disputes in respect of the council, subject to a dispute resolution process, that –
 - (i) were received in the financial year to which the report relates; and
 - (ii) were determined or withdrawn in the financial year to which the report relates;
- (b) a statement of the number of disputes in respect of the council

Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.

r. 4

that are on foot but not yet determined or withdrawn in the financial year to which the report relates;

- (c) a statement of the total costs to the council in relation to all disputes in respect of that council, dealt with by a dispute resolution process, in the financial year to which the report relates.

Local Government (General) Amendment Regulations 2024
Statutory Rules 2024, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Local Government (General) Regulations 2015* by –

- (a) prescribing information that is to be contained in a council's dispute resolution policy; and
- (b) providing that a council's annual report must contain specified matters in relation to the council's dispute resolution policy.

Drafted in the Office of
Parliamentary Counsel

TASMANIA

**LOCAL GOVERNMENT (CODE OF CONDUCT)
ORDER 2024**

STATUTORY RULES 2024, No.

CONTENTS

- 1. Short title
- 2. Commencement
- 3. Interpretation
- 4. Code of conduct
- 5. Legislation revoked
- Schedule 1 – Code of conduct
- Schedule 2 – Legislation revoked

DRAFT
28 June 2024

Consultation Draft

LOCAL GOVERNMENT (CODE OF CONDUCT) ORDER 2024

I make the following order under section 28R(1) of the *Local Government Act 1993*.

Dated 20 .

Minister for Local Government

1. Short title

This order may be cited as the *Local Government (Code of Conduct) Order 2024*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

(1) In this order –

Act means the *Local Government Act 1993*.

(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were by-laws.

4. Code of conduct

For the purposes of section 28R(1) of the Act, the code of conduct set out in Schedule 1 is the

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

c. 5

code of conduct relating to the conduct of
councillors.

5. Legislation revoked

The legislation specified in Schedule 2 is
revoked.

SCHEDULE 1 – CODE OF CONDUCT

PART 1 – DECISION MAKING

1. A councillor must bring an open and unprejudiced mind to all matters being decided in the course of the councillor's duties, including when making planning decisions as part of the council's role as a planning authority.
2. A councillor must make decisions free from personal bias or prejudgement in the course of the councillor's duties.
3. A councillor, in making decisions, must give genuine and impartial consideration to all relevant information known to the councillor, or of which the councillor should be reasonably aware.
4. A councillor must –
 - (a) make decisions solely on merit; and
 - (b) not take irrelevant matters or circumstances into account when making decisions.

**PART 2 – CONFLICTS OF INTERESTS THAT ARE
NOT PECUNIARY**

1. A councillor, in carrying out the councillor's public duty, must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that the councillor may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether the councillor has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the council must –

-
- (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to leave the room during any council discussion and remain out of the room until the matter is decided by the council.
7. This Part does not apply in relation to a pecuniary interest.

PART 3 – USE OF OFFICE

1. The actions of a councillor must not bring the council or the office of councillor into disrepute.
2. A councillor must not take advantage, nor seek to take advantage, of the councillor's office or status to influence others improperly to gain an undue, improper, unauthorised or unfair benefit, or detriment, for the councillor, another person or a body.
3. A councillor, in the councillor's personal dealings with the council (for example as a ratepayer, recipient of a council service or planning applicant), must not expect or request,

expressly or implicitly, preferential treatment for the councillor, another person or a body.

PART 4 – USE OF RESOURCES

1. A councillor must use council resources appropriately in the course of the councillor's public duties.
2. A councillor must not use council resources for private purposes except as provided by council policies and procedures.
3. A councillor must not allow the misuse of council resources by another person or a body.

PART 5 – USE OF INFORMATION

1. A councillor –
 - (a) must only access or use council information as needed to perform the councillor's duties and functions; and
 - (b) must not access or use council information for personal reasons or non-official purposes.
2. A councillor must only release council information –

- (a) in accordance with established council policies and procedures; and
- (b) in compliance with relevant legislation.

PART 6 – GIFTS AND BENEFITS

1. A councillor may accept an offer of a gift or benefit if it –
 - (a) directly relates to the carrying out of the councillor's public duties; and
 - (b) is appropriate in the circumstances; and
 - (c) is not in contravention of relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that a person or body, through the provision of gifts or benefits, is securing, or attempting to secure, influence or a favour from the councillor or the council.

PART 7 – RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES

1. A councillor must –
 - (a) treat all persons fairly; and
 - (b) not cause a reasonable person offence or embarrassment; and

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

- (c) not bully or harass a person.
- 2. A councillor must –
 - (a) listen to, and respect, the views of other councillors in council and committee meetings and all other proceedings of the council; and
 - (b) endeavour to ensure that issues, not personalities, are the focus of debate.
- 3. A councillor must not contact or issue instructions to a council contractor or tenderer without appropriate authorisation.
- 4. A councillor must not contact an employee of the council in relation to council matters unless authorised by the general manager of the council.
- 5. A councillor must not, in the councillor's relationships with persons, other councillors, the council, employees of the council or other bodies, engage in conduct that is prohibited conduct.

PART 8 – REPRESENTATION

- 1. A councillor must accurately represent the policies and decisions of the council when giving information to the community.

2. A councillor must not knowingly misrepresent information that the councillor has obtained in the course of the councillor's duties.
3. A councillor must not speak on behalf of the council unless specifically authorised or delegated by the mayor.
4. A councillor must clearly indicate if a view put forward by the councillor is a personal view.
5. A councillor's personal views must not be expressed publicly in such a way as to –
 - (a) undermine the decisions of the council;
or
 - (b) bring the council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. A councillor's personal conduct must not reflect, or have the potential to reflect, adversely on the reputation of the council.
8. A councillor appointed to represent the council on external bodies must strive to –
 - (a) understand the basis of the appointment;
and

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 1

- (b) be aware of the ethical and legal responsibilities attached to such an appointment.

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

sch. 2

SCHEDULE 2 – LEGISLATION REVOKED

Clause 5

Local Government (Model Code of Conduct) Order 2016 (No.
23 of 2016)

Local Government (Model Code of Conduct) Amendment
Order 2018 (No. 88 of 2018)

Local Government (Code of Conduct) Order 2024
Statutory Rules 2024, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

This order is administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the order)

This order –

- (a) for the purposes of the *Local Government Act 1993*, sets out the code of conduct relating to the conduct of councillors; and
- (b) revokes the *Local Government (Model Code of Conduct) Order 2016* and the *Local Government (Model Code of Conduct) Amendment Order 2018*.

Summary of Code of Conduct framework amendments

The Tasmanian Government is consulting on changes to two statutory instruments to support the delivery of changes to the Code of Conduct Framework agreed by Parliament last year. There are amendments to the Local Government (General) Regulations 2015 and a new ministerial Code of Conduct Order. These are relatively minor but essential changes to modernise and improve the operation of the Code of Conduct Framework, as well as how councils manage disputes and behavioural issues. These changes are required to turn on the changes from the Local Government Amendment (Code of Conduct) Act 2023 (the Amendment Act). The key changes in the General Regulations and Code of Conduct Order are summarised below.

Changes to the General Regulations

- All councils must adopt a dispute resolution policy within 12 months of the relevant section of the Amendment Act commencing.
- The Regulations are amended to include prescribed information for council's dispute resolution policies.
- The prescribed requirements are broad and are intended to establish an overall level of consistency while allowing individual councils the flexibility to develop and adopt policies that meet their individual local needs and circumstances.
- For instance, the Regulations will provide for a set of overarching principles for dispute resolution policies – that dispute resolution is:
 - suitable for resolving disputes – including the methods used and circumstances for when they are used;
 - accessible – including the appropriate form and costs for undertaking dispute resolution;
 - equitable for both complainants and participants – including the process, timeframes, confidentiality requirements and how dispute resolution is gender-responsive; and

- transparent – including factors considered in determining an outcome and how outcomes are recorded and reported
- Dispute resolution policies will support councils to undertake dispute resolution processes to attempt to resolve any disputes internally. It is intended that this will limit minor disputes or vexatious complaints entering the Code of Conduct complaints process.
- The Regulations also establish annual reporting requirements for councils on the number of disputes where the council's dispute resolution policy has been utilised.

Replacement Ministerial Order

- The Amendment Act provides for a statewide Code of Conduct for all councillors, replacing the existing Model Code of Conduct.
- The primary change from this is that the Code will automatically apply to all councillors – rather than councils having to adopt a Model Code with the ability to make changes. This will ensure consistent assessment and investigation of complaints.
- The other significant change is the inclusion in the Code that a councillor is not to engage in 'prohibited conduct' in the councillor's relationships with the community, other councillors and council employees. 'Prohibited conduct' is defined as "discrimination, or prohibited conduct, within the meaning of the [*Anti-Discrimination Act 1998*](#)"; and such other conduct, or behaviour, that is prescribed as prohibited conduct." This includes:
 - Discrimination based on attributes such as age, race, religion, sexual orientation, gender, pregnancy, political belief;
 - Sexual harassment;
 - Victimisation; and
 - Inciting hatred.
- While this means that a complaint alleging prohibited conduct can be raised with the Panel, note that the Panel has referral powers that may be relevant for such complaints.
- The Code has also been amended to reflect gender neutral language.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	Local Government Association Tasmania items for decision

OFFICER'S RECOMMENDATION:

That the voting delegate to the General Meeting note the comments from Councillors.

INTRODUCTION:

The next General Meeting for LGAT is scheduled to be held on the 4 September 2024 and the attached motions have been submitted for consideration at this meeting.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

LGAT have provided advice that the following motions have been tabled for the next General Meeting and therefore they have been listed for Councils discussion and consideration prior to the meeting. Unfortunately, Council does not always get the opportunity to consider motions prior to a meeting but in this instance, they have been submitted early enough for them to be circulated to Councils prior to the meeting.

1. Motion – Psychosocial Safety Insurance for Elected Members
Council – Burnie City Council
2. Motion – Working with Vulnerable People Card – Eligibility criteria for Councillor Nominees
Council – Devonport City Council
3. Motion – Amendment of Local Government Act 1993, Schedule 5 Councillor Allowances
Council – George Town Council
4. Motion – Substantial Commencement of Work
Council – Circular Head
5. Motion - Legislative Reform to Effectively Manage the Environmental and Economic Risks Posed by Wild and Nuisance Pigs
Council - Central Coast Council

Council officers have reviewed the motions and information provided and commentary on three motions is provided below.

1. Motion – Psychosocial Safety Insurance for Elected Members

In Victoria, Elected Members are covered under WorkCover, which is equivalent to Workers' Compensation in Tassie. In Tassie, five approved insurers can offer Workers' Compensation insurance: Allianz, Zurich, CGU, QBE and GIO.

Since Workers' Compensation is a legislated policy under the *Workers' Rehabilitation and Compensation Act 1988 Tas*, the hands of insurers are tied, as under this Act, Elected Members do not meet the definition of a worker. To be entitled to compensation, a person must be a worker. *A worker is someone who works under a contract of service or a training agreement. This includes casual employment. A contract does not necessarily have to be a formal, written document. It could be implied and/or a verbal agreement.*

If the Tasmanian State Government changes or amends the *Workers Rehabilitation and Compensation Act 1988* to include Elected Members, then the cover will extend to Elected Members. If/when Elected Members gain cover under the Act, it will be interesting to see what cover or reimbursement can be offered. Will it only include medical expenses? How will the insurers and/or State Govt handle reimbursement of loss of wages, if the Elected Member cannot attend their normal place of employment outside of the Council?

Currently, Council's Personal Accident policy covers elected members for bodily injury and illness. However, when the insurer was contacted they confirmed, that this cover is strictly limited to bodily injury and illness and cannot be extended.

The same applies to the Councillors and Officers policy where no extension is possible either.

In light of the recent changes to the Work Health and Safety legislation to include psychosocial hazards, there is a definite gap concerning councillors. Hence LGAT should lobby the State Government for change.

2. Motion – Working with Vulnerable People Card – Eligibility criteria for Councillor Nominees

In Tasmania, the "Working with Vulnerable People" (WWVP) card is an important requirement for anyone engaged in activities involving children and young people. The WWVP obtained in Tasmania, only relates to Tasmania.

The benefits and purposes of the WWVP card in safeguarding children and young people are:

- The WWVP card ensures that individuals working with children have undergone background checks to identify any history of behaviour that might pose a risk to vulnerable groups.
- By vetting applicants, the card helps reduce the risk of harm or abuse to children and young people in various settings, such as schools, childcare centres, and community organisations.
- Organisations and parents can have greater confidence in the safety of environments where children are present, knowing that all personnel have been screened for suitability.
- Holding a WWVP card ensures compliance with Tasmanian laws regarding the protection of children and young people, which is mandatory for many roles but I believe not for Local Government employees at the time of writing this information.

- It helps maintain high professional standards among those who work with children and young people, reinforcing the importance of safeguarding in these roles.

Overall, the WWVP card is an important component in creating safer environments for children and young people in Tasmania, ensuring that those who work with these groups are appropriately vetted and qualified.

For small Councils if they were to cover the cost of all employees to obtain a card – it would be in the vicinity of approx. \$15,000.

If made mandatory that all Council staff and Councillors must have a WWVP It does raise an issue that if a person is declined a WWVP card, a decision would need to be made if this person could be still employed by Council or represent Council.

4. Motion – Substantial Commencement of Work

A planning permit must be substantially commenced within two years of issuance (Section 53(5) LUPAA), with possible extensions up to a total of six years. If substantial commencement isn't achieved, the permit lapses. The planning authority can grant extensions, though the legislation offers limited guidance. The key test is whether the developer's actions at the time of permit expiration demonstrate a meaningful attempt to advance the project, requiring significant resource commitment. The question of substantial commencement varies by application, and decisions rest largely on Council discretion. Development Services supports requiring applicants to provide relevant information to demonstrate substantial commencement. Refusal to grant an extension is difficult to challenge, with no right of appeal to TASCAT. A motion seeks legislative amendment allowing councils to define "substantial commencement," though this may reduce consistency. Despite the challenges, existing case law offers guidance for objective decision-making by local governments.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improve health, education and employment outcomes.

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Break O Day Annual Plan 2023 – 2024

Actions:

Stakeholder Management - Local Government Association of Tasmania (LGAT) and Australian Local Government Association (ALGA) - Participate actively at the State and National level in Local Government matters including policy development.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There would be no financial implications for Council.

VOTING REQUIREMENTS:

Simple Majority

2. Items for decision

2.1 Motion – Psychosocial Safety Insurance for Elected Members Council – Burnie City Council

Decision sought

That LGAT:

1. Lobby the State Government as a priority, to introduce legislation that mandates the need to have workers' compensation insurance (or equivalent) made available to councillors, to support recent legislative changes regarding psychosocial safety; and
2. The State Government work with the insurance industry to introduce the insurance framework as a priority.

Background

Changes to legislation in late 2023 now impose a positive legal duty on organisations, including councils, to protect the psychosocial safety of their employees, and those in the workplace.

Councillors are not employees however, recent legal advice obtained by the Burnie City Council, confirms they are considered 'Other Persons' in a workplace under the definitions of the Work Health and Safety Act 2012 (Tas) (WHS Act).

Councillors however are not covered by workers compensation in the same way as employees.

Individuals in a workplace have a duty to take reasonable care for their own health and safety; to take reasonable care that their acts or omissions do not adversely affect the health and safety of others; and to comply, so far as a person is reasonably able, with any reasonable instruction that is given by the PCBU (ie. a council as the entity) to allow the PCBU to comply with the WHS Act.

This now presents a situation where councillors may make a claim of alleged work-related injury due to psychosocial harm, on the same basis that an employee may. In these cases, the employee would be covered by workers' compensation, and the organisation would manage its risk through insurance provisions.

This however not the case for councillors, advice that has been confirmed recently by the Burnie City Council's insurance broker.

Furthermore, the broker advised that the provision of the Personal Accident insurance policy was applicable in these circumstances, as the definitions do not cover psychosocial harm:

- **Bodily Injury** means a bodily injury resulting solely and directly from an Accident and which occurs independently of any illness or any other cause, where the bodily injury and Accident both occur during the Period of Insurance and whilst the person is a Covered Person. Bodily Injury includes illness or disease resulting directly from medical or surgical treatment rendered necessary by any Bodily Injury. It does not mean a Sickness or any Pre-Existing Medical Condition.
- **Sickness** means any illness or disease of the Covered Person occurring during the Period of Insurance and whilst the person is a Covered Person. It does not mean any Pre-Existing Medical Condition
- **Specified Sickness** means a:
 - myocardial infarction (heart attack) or
 - ischaemic heart disease; or
 - pulmonary embolism or
 - lower respiratory disease; or
 - stroke.

Nor does the Councillors and Officers Policy on the basis of this being an employment practices claim as defined below:

Employment Practices Claim means:

- a) a claim based on any actual or alleged act, error or omission with respect to employment or prospective employment of any past, present, future or prospective employee or Councillor or Officer of the Council; and/or
- b) a proceeding, investigation or charge brought by or before the Australian Human Rights Commission or any Australian State or Territory based equivalent (or similar body in any foreign jurisdiction) in connection with any past, present, future or prospective employee or Councillor or Officer of the Council.

Councillors and Officers means Employment Practices liability would be the only possible clause if the Councillor made a legal claim against Council however, the Councillor is not an employee of Council as deemed under the policy wording;

Employee means a natural person who is, a past, present or future employee while in the regular service of the Council in the ordinary course of the Council's business and whom the Council compensates by salary, wages and/or commissions and whom the Council has right to govern, instruct and direct in the performance of such service (including for the avoidance of doubt any trainees, casual, part time, seasonal, temporary, voluntary and work experience personnel). For the purpose Cover Clause 1.4 'Council statutory liability' the definition of employee is expanded to include any deemed worker under the workers compensation laws of the Australian State or Territory, but only whilst acting within the scope of their duties in such capacity. The definition of employee shall not include independent contractors or agents.

Subsequently upon considering this matter further, the insurance broker has now informed the Burnie City Council that Tasmanian local government as a sector does not hold, nor is there a suitable insurance policy available at this time, to deal with alleged claims against psychosocial harm for councillors.

Victoria has similar health and safety legislative provisions that enable elected members to claim for psychosocial harm, however in Victoria the State Government legislate that workers compensation is available to elected members to afford them the appropriate safeguards.

It is understood that to satisfactorily address this issue in Victoria, the Local Government Association of Victoria worked closely with the State Government and WorkSafe Victoria to implement the necessary framework.

This motion seeks LGAT to lobby the State Government to mandate such insurance as a priority, on the basis that presently local government in Tasmania have no insurance to mitigate risk in this regard, which poses an unacceptable risk to councillors, councils and their communities.

LGAT Comment

There have been no previous motions specifically related to extending workers' compensation insurance (or equivalent) to councillors. However, there have been two previous motions related to the workplace health and safety of councillors. They are included below, and members received an update on progress at the July 2024 General Meeting.

It is worth noting that the South Australian *Local Government Act 1999*, section 80 requires their councils to:

..... take out a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying a member of the council, against risks associated with the performance or discharge of official functions or duties by members.

LGAT Motions

August 2021

The Tasmanian local government sector confirms its commitment to ensuring a safe workplace for elected representatives and staff and, that LGAT calls on the State Government to commission a review of the workplace health and safety of the Local Government sector for elected representatives.

Mach 2023

That Members discuss and confirm the proposed high level implementation plan for the workplace health and safety review of elected representatives and communicate the key components to their councils.

That Members request that the more detailed project implementation plan be reported to the next General Meeting, including any new resources that may be required.

That Members request that a summary of the findings and links to the in-depth documents of the review be sent to all Mayors with a request that they table this and report back to their elected members.

2.2 Motion – Working with Vulnerable People Card – Eligibility criteria for Councillor Nominees

Council – Devonport City Council

Decision Sought

That LGAT request the State Government legislate, that eligibility for nomination as Councillor requires a person to hold a Working with Vulnerable People Card.

Background

Section 270 of the *Local Government Act 1993* outlines a number of requirements for a person to be eligible to nominate as a Councillor. To improve protections for vulnerable people, a further requirement should be added requiring a “Working with Vulnerable People Card” (WWVP) be held.

A WWVP card is mandatory for most community groups for staff and their volunteers, and it is only reasonable that the same rules apply to Councillors who have many interactions with a range of community members whilst undertaking their duties, and interactions that occur in Council owned and managed facilities.

Given the increasing expectations on organisations to ensure the safety and protection of those most vulnerable within our community, the request to mandate this requirement for all Councillors is logical.

Devonport City Councillors overwhelmingly support this motion and believe it is imperative to ensuring the safety and well-being of vulnerable people, and brings the requirements of councillors in line with those of many others in the community who are required to hold this Card.

It is an inherent requirement for Council staff and volunteers who work or visit Council facilities to hold a WWVP Card. As Councillors are regularly required, as part of their role, to visit locations such as schools, sporting clubs, or attend events where the likelihood of engaging or interacting with vulnerable people is possible, it is important that the councillor hold this Card as evidence of their suitability to engage or interact with such persons.

The legislation should include provision to accommodate those who have applied and are eligible for the Card but have not received their card at the time of their nomination.

Tasmanian Government Response

The Tasmanian Government notes this motion and advises that it is not supportive of the request to legislate the requirement for Councillor nominees to hold a Working with Vulnerable People (WWVP) registration at this time.

In this response, the Tasmanian Government notes:

- The WWVP legislative framework is neither intended nor designed to be a broad character test for local councillors.
- The *Local Government Act 1993* (the Act) prevents people with criminal convictions to stand for elected office in local government. This includes people who have been convicted of a crime and been imprisoned, and people who have received a suspended sentence.
- The provisions of the Act aim to ensure that in most circumstances the community is given the primary role of judging a person's fitness for public office through the democratic process.
- Councils have within their existing authority the ability to impose additional eligibility criteria on councillor nominees, including the requirement for councillor nominees to hold a current WWVP registration. In circumstances where a councillor will be working with vulnerable people under the definition of the WWVP framework, there may be a duty of care for councils to consider this an appropriate action.

LGAT Comment

Further to the Safeguarding Children paper in this agenda, LGAT is actively working with the local government sector to create an environment that is safe for children and youth. The local government sector, with LGAT's support, is taking an integrated approach based on good practice from other states and Child Safe Australia. This approach includes WWVP, as well as policies, process and culture change. We understand some councils have developed workplace policies detailing the criteria of identifying and requiring staff and volunteers working in specific positions to hold a WWVP card. For staff and volunteers, good practice would also incorporate safeguarding children in the recruitment processes and require a signed commitment to a Child Safe Code of Conduct or similar.

The [Registration to Work with Vulnerable People Act 2013](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-065)² details the requirements for who is required to hold a WWVP. A WWVP registration is not intended to be evidence of suitability to a role or task, rather it is an assessment of national police history records to see if a person has charges or convictions that could indicate a risk of harm to a child.

² <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-065>

Registration is not required for people that only have incidental contact as part of their normal duties. LGAT is currently supporting members of the child and youth safe officer network to develop their understanding of the WWVP registration and management process. This includes a webinar session with the CBOS and the registrar.

2.3 Motion – Amendment of Local Government Act 1993, Schedule 5 Councillor Allowances

Council – George Town Council

Decision Sought

- 1. That LGAT calls on the Tasmanian Government to amend Schedule 5 of the Local Government Act 1993, mandating the requirement for councils to have a provision for reimbursement of costs associated with the care of a dependent/s incurred while a councillor is undertaking their duties; and**
- 2. Calling on the Tasmanian Government to draft a model clause for use by councils in allowance policies for the reimbursement of costs for care, to ensure consistent approaches across the sector and to encourage greater diversity in candidates considering becoming elected representatives.**

Background

The Tasmanian Industrial Commission last completed a review into councillor allowances in April 2018.

This report discusses submitting a motion to the next general meeting of the Local Government Association of Tasmania, calling on the State to review councillor allowances and amend the legislation to include mandatory provision for reimbursement of costs associated with the care of dependent/s incurred by a councillor in the course of performing their duties.

George Town Council having recently reviewed its Allowances Policy, elected members identified a need for a contemporary approach to the recognition and reimbursement of costs associated with the provision of care of a dependent of a councillor as a result of the councillor undertaking council business.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

The provision of financial support to elected members who have caring responsibilities, acknowledges the diverse needs of the community.

A cross-sector desktop audit of policies for councillor allowances reveals an inconsistent approach to addressing re-imbursement of carers costs incurred while undertaking council business.

The proposed motion seeks to mandate the requirement for reimbursement of carers fees to a councillor for costs incurred while undertaking council business.

Tasmanian Government Response

The Tasmanian Government notes this motion and respectfully advises that the current legislative framework, inclusive of both the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulations 2015* (the Regulations), already provides for councillor reimbursement for care of dependents and does not need amendment for this purpose.

This motion references Schedule 5 of the Act, which mandates that councils adopt a policy that sets out the expenses that are eligible for reimbursement if incurred by councillors when carrying out their duties of office. This includes prescribed expenses and any other expenses determined appropriate by the council.

In addition to the provisions of Schedule 5 of the Act, and specifically with reference to the term ‘prescribed expenses’ noted in the Act, the Tasmanian Government refers to the requirements of Regulation 43 (c) of the Regulations, namely that:

A councillor is entitled to be reimbursed for reasonable expenses in accordance with the council’s policy adopted under Schedule 5 of the Act, including in relation to - ...care of any person who is dependent on the councillor and who requires the care while the councillor is carrying out his or her duties or functions as a councillor.

Given that the Regulations acknowledge that councils reimburse councillors for the cost of care for dependents to enable councillors to undertake council duties, and this should be read in conjunction with the provisions of the Act, the Tasmanian Government’s position is that amendment to the Act for this purpose is not necessary.

In relation to a model policy, there appears to be nothing technically precluding councils and LGAT from establishing and adopting a model clause for use by councils in allowance policies for the reimbursement of costs for care, in order to achieve greater consistency of policy application across the sector.

LGAT Comment

There have been no previous motions specifically related to provision for reimbursement of costs associated with the care of a dependents. However, in February 2016 and then in July 2018 members sought a review of councillor allowances. This was followed by a motion in December 2018 endorsing “That Members agree no further work be undertaken in relation to elected member allowances.”

In May 2018 the Tasmanian Industrial Commission (TIC) completed a review of councillors’ allowance. As result of the review, the TIC did not recommend any significant changes to allowances. Specifically, they recommended that the wage price index continue to be applied to the current base allowances.

They also deferred consideration of issues around the methodology for calculating base councillor allowances, including the categorisation of councils as well as consideration of disadvantage factors, suggesting this be a matter for a further review to be completed within three years but not acted upon until the next review in 4 years.

At the July 2018 General Meeting Members noted the update on the review of councillor allowances by the TIC and agreed that LGAT pursue a review of the methodology for calculating base councillor allowances including council categorisation and disadvantage factors within the next 12 months.

LGAT undertook initial investigation into the methodologies used in other jurisdictions and the possible ways forward. From this work it became clear that this analysis would be complex, requiring significant additional resources; may not result in significant change and indeed, was likely to deliver both winners and losers. As a result, member resolved in December 2018 to not pursue further work.

At that time across all jurisdictions, most industrial commissions/tribunals had not recently (5 – 10 years) reviewed how categories should be determined, rather they had only considered individual council movements between categories. Because of this, few were able to provide any information about how categories were originally determined other than reference to broad factors.

Since that time, no further work has occurred.

2.4 Motion – Substantial Commencement of Work

Council – Circular Head

Decision sought

That LGAT engages in dialogue with the State Planning Office to seek legislative amendment to permit individual councils to define ‘substantial commencement of work’ in the context of local Planning Permit Approvals.

Background

The current definition is open to interpretation, leading to confusion and frustration. A better definition would benefit all involved - Planners, proponents, opponents, and Planning Authorities. Council acknowledges that the quest for a clear definition has been the subject of previous work by LGAT which has not been supported by the State. For this reason, Council seeks support for legislative amendment which, while it may not result in greater consistency, at least provides power for local determination, and moves away from reliance on case law that may not be easily applicable to local circumstances.

Small projects are generally more easily judged but the picture can be more complex for large scale projects, as the Tarkine National Coalition (TNC) v EPA Supreme Court case of 2023³ demonstrated.

This was held to have been ‘substantially commenced’ because:

- ore testing had taken place
- major equipment and components for the processing plant had been delivered; and
- a specific area of land had been cleared to facilitate the installation of various structures and facilities.

This conflicts with elements of the current interpretation used by planning professionals which places councils and planners in the difficult realm of opinion rather than fact. It is recognised that a planner may need access to an array of potentially commercial in confidence information if a developer should need to provide evidence of substantial commencement and therefore ‘existing use’.

If it does not already exist there should be a legislated power for planners to request that information. This would help to narrow the planning loophole whereby an opponent can seek and receive planning approval for a small development with no real probable intention of completion, simply as a negotiation or prevention tactic adjacent to a large development. The first approval should have precedence over subsequent adjacent approvals within a

³ See: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/tas/TASSC/2023/3.html>

framework that ensures a developer can be asked to show progress and their project prioritised accordingly with appropriate periods of protection in place commensurate with the scale of the development.

Currently, for example, where a new dwelling on agricultural zoned land requires a planning approval and the dwelling construction requires vegetation clearance, the vegetation clearance on modified land is exempt from planning approval. Therefore, in this example, if the proponent had only cleared land for the dwelling, and no other works had been commenced council would consider that no substantial commencement of works had taken place. This is different from the court's view in the TNC v EPA case, although it was one of several actions that the court considered.

While that decision provided insight into the types of activities that may be considered substantial commencement, it did not result in any codified principles or rules that can easily be applied to other proposals/situations. Therefore, councils cannot rely on it. The issue of 'substantial commencement' has been debated in courts across the country countless times without clear resolution. While not perfect, the approach suggested may lead to an achievable outcome which could save time and money.

Tasmanian Government Response

The State Planning Office (SPO) appreciates the opportunity to respond to this motion, which is included for discussion at the Local Government Association of Tasmania (LGAT) general meeting on Wednesday, 4 September 2024.

Background

The motion originates in a request from the Circular Head Council to push for a legislative amendment allowing individual councils to define the term 'substantial commencement of work' ('the term') in the context of local planning permit approvals.

The motion seems to be based on the premise that:

- The definition of the term by case law is variable, as shown by Tarkine National Coalition Incorporated v Director, Environment Protection Authority (2023) TASSC 3 ('Tarkine v Director'); and
- The above situation and the lack of a legislative, regulatory, or administrative definition for the term is problematic, given that:
 - It leaves the term open to interpretation, leading to confusion and frustration;
 - It puts council planners at risk since they may sometimes need to require developers to provide 'potentially in confidence commercial information' to demonstrate that the work has substantially commenced; and

- It creates a loophole in that people may abuse this situation to apply for planning permits with no real intention of actioning them to have greater control over or hinder proposals on adjacent sites.

Therefore, it is assumed that the best way to resolve those perceived issues is to undertake a legislative amendment to vest power in councils so that each council can define the term, noting that, while this approach 'may not result in greater consistency', it allows council planners to 'move away from reliance on case law that may not be easily applicable to local circumstances.' It is also assumed that this will benefit not only councils but all planning system actors.

Response

There are a few important things to note concerning the motion:

- While very few decisions of the Supreme Court of Tasmania have dealt with the issue of substantial commencement of work, the Tasmanian Civil & Administrative Tribunal (TasCAT) and its predecessor have made a number of determinations relating to the matter.
- The Tribunals' decisions have relied on the approach that each proposal requires a case-by-case approach based on 'fact and degree'. *Tarkine v Director* is unlikely to change this approach, given that this decision didn't involve a day-to-day or ordinary proposal and no discernible principles can be easily applied to most—if not all other—proposals.
- The Tribunals' decisions have considered many factors, such as early works, equipment moved to the site, foundation works, studies undertaken, etc. However, it has been commonly accepted that some physical changes to the land are needed for substantial commencement of work to have occurred, not simply the preparation of plans or financial arrangements. For example, achieving building approval would rarely constitute substantial commencement.
- While one may argue that the above approach leaves the term open to some interpretation, this is what precisely provides leeway for councils to determine each case based on its own merits, but within reason.
- One may question if the introduction of a definition of the term by each council will likely resolve 'confusion' and 'frustration' or if, on the contrary, it will have unintended consequences (e.g., Imagine if all 29 councils introduce different definitions. While this may benefit some councils, it would most likely create more confusion and frustration and lead to unfair outcomes for planning system actors operating across various municipal areas). Thus, it is not only a matter of consistency, as indicated, but clarity and fairness to all planning system actors.
- The motion is seeking to have the issue of advice by the relevant council to provide certainty, which cannot be challenged by third parties (or presumably the applicant).

Our understanding is that the council acting as the planning authority currently has sole authority in relation to determining substantial commencement subject to any consequential proceedings of TasCAT. The issue of binding advice by a planning authority without recourse to a review by TasCAT would not be consistent with the operation of the Land Use Planning and Approvals Act 1993 and would exclude any first or third-party review of such advice. It is hard to see how any such advice would not be subject to civil enforcement actions under LUPAA in any event.

- While concrete examples of why it is considered that the lack of a legislative, regulatory, or administrative definition of the term is problematic, those examples seem to be anecdotal, and there is no objective evidence to support that the perceived risk for council planners has materialised or that there is a loophole, as indicated.

From this, it can be concluded that one simply can't codify something that is inevitably different and trying to set out considerations or principles doesn't progress things much and may have unintended consequences.

Lastly, it is important to note that interpretations around the term have only been used in a few high-profile cases to try to kill a planning permit (e.g., Gunns Pulp Mill; Tarkine v Director). In practice, a council usually determines substantial commencement of work in response to a request to renew a permit or after the permit period expires, with such determinations only occasionally contested.

For the above reasons, the SPO is, in principle, unsupportive of the motion.

Notwithstanding this, we are happy to continue working with LGAT and councils to continue strengthening Tasmania's planning system

LGAT Comment

Sections [42C](#) (combined permit and amendments) and [53](#) (permits) of the *Land Use Planning and Approvals Act 1993* (LUPAA) relate to permit effect, lapsing and timing, so both rely on interpretations of a use being "substantially commenced".

The key issue currently is that whether a development has substantially commenced or not is a legal interpretation, not a council decision, and as such can only be appealed by higher courts, not the Tasmanian Civil and Administrative Appeals Tribunal (TasCAT).

If councils were given a decision-making authority, that is appealable to TasCAT like other council planning decisions, then this would substantially improve the situation.

We understand that the determination of whether an approved development has substantially commenced is also unclear in other jurisdictions, leaving it to legal proceedings to determine on a case-by-case basis. Queensland's legislation does have more definition

depending on whether the approval is for a land use change (material change of use), or for subdivision (reconfiguring a lot), or any other development⁴. It also includes lapsing provisions for development started but not completed⁵.

LGAT is currently advocating for the Tasmanian Government to better resource its state planning services (the State Planning Office) to deliver a number of reform items. This includes collaborative work between the Tasmanian and local governments on process improvement of the statutory system provided by the LUPAA. This would include addressing important definitions, like “substantially commenced”. Where a term cannot be completely resolved in legislation, we would advocate for guidance material to assist in proponent compliance and planning authority enforcement duties.

2.5 Motion - Legislative Reform to Effectively Manage the Environmental and Economic Risks Posed by Wild and Nuisance Pigs

Council - Central Coast Council

Decision Sought

That the Local Government Association of Tasmania lobby the Tasmanian State Government for legislative reform to enable state and local government to manage and control the environmental and economic risks posed by wild and nuisance pigs more effectively.

Background

The Central Coast Council are calling on LGAT members to support its advocacy for legislative reform to enable state and local government to manage and control the environmental and economic risks posed by wild and nuisance pigs more effectively.

In the Central Coast municipal area, there is considerable and ongoing evidence of large numbers of pigs roaming in bushland at Gunns Plains. The Council understands that this is not the sole population of wild pigs in Tasmania, and that there are established populations across Flinders Island and northeast of Waratah.

It is important that appropriate measures be considered to mitigate the biosecurity risks associated with a potentially growing population of pigs now nesting and breeding in Tasmania’s bushland. It is not clear how many pigs there are or the geographical extent to which they are roaming.

⁴ See the [Planning Act 2016](#), section 85.

⁵ Ibid. section 88.

Central Coast Council has been working with Biosecurity Tasmania on legislative powers and options for managing roaming pigs. The law, as it currently stands, does not support effective management of roaming pigs, with abatement measures proving difficult to enforce and limited in effect, particularly where ownership of roaming pigs is unclear.

The restrictive nature of existing powers is applicable to all Tasmanian councils, and it is probable that other municipal areas will face similar challenges in the future, if they have not already.

Legislative reform will assist local government in managing and controlling the environmental and economic risks posed by wild and nuisance pigs more effectively in consultation with Biosecurity Tasmania. Changed legislation would lead to better outcomes for the community by providing greater flexibility in responding to roaming pigs and the unique biosecurity and safety risks that they present to the community.

Wild and nuisance pigs in Central Coast

Central Coast Council has a well-documented case of recurrent issues over many years in the Gunns Plains area, with wild and nuisance pigs reported roaming on Council's roadways and neighbouring properties, causing significant damage. There have been reported incidents of people and pets being attacked by pigs within the road reservation - significant safety risks are posed by roaming pigs for road users and pedestrians. Serious risks and unending frustrations are caused to neighbouring property owners, who are unable to prevent ongoing and significant property damage caused by roaming pigs.

As Central Coast have experienced, there are limited options for councils to address the risks posed by wild and nuisance pigs. Under the *Local Government Act 1993* (the Act), Abatement Notices may be issued, requiring livestock owners to abate any nuisance by appropriately fencing their property to contain pigs and other livestock. If property owners fail to undertake the required remedial work, councils may then proceed under section 201 of the Act and undertake the required work to abate the nuisance, with the property owner to be liable for those costs, and recoverable by the council against the property if unpaid.

Current legislative powers are limited and impractical to implement. Abatement for nuisance and fencing to contain the animals only works where there is a willing property owner who will close a gate. Councils have the power to capture and keep the animals and return them to their owners. This is impractical and ineffective for repeat offenders and does little to reduce the risk of wild pig populations developing across the state.

This is not an effective, economical, or sustainable approach, and will not be sufficient to prevent the uncontrolled spread of wild pigs in Tasmania and the associated environmental and economic impacts.

Legislative reforms

A better outcome for our communities and state would be for councils to have greater powers to manage and destroy roaming pigs in certain circumstances (for example, where there is a continued pattern of non-containment of the animals by a property owner) before any further wild pig populations are established.

Legal advice regarding specific legislative amendments to help address this issue was obtained by Highland Conservation Pty Ltd and shared with the Central Coast Council:

1. *Confirm the definition of "pig" under section 8A Pest Register of the Animal Welfare Act 1993, which includes both feral and domestic livestock roaming and causing nuisance. Following review of the Pest Register list in 2023, it was confirmed that "pig" is on the register (the Latin Genus and species definition 'Sus scrofa'); however, ambiguity remains if this includes domestic livestock roaming and causing nuisance.*

If required, seek the definition be expanded to include (the Latin Genus, species and sub-species) Sus scrofa domesticus and scrofa (to cover pigs roaming at large regardless of status of domestic or feral). This would remove any ambiguity relating the status of pigs as a pest.

2. *Seek amendment of the Law of Animals Act 1962, in relation to how trespassing domestic animals such as domestic pigs must be detained, and compensation then sought from their owner(s).*

This Act should be amended to enable pest animals to be destroyed onsite - perhaps after a period of owner notification, and opportunity for containment by possible owner (after this period the ownership of the pigs is relinquished to the Crown so as to enable onsite control to occur (through permit)).

The Law of Animals Act 1962 does not provide a workable solution to many situations involving wild or nuisance pigs, because:

- a) the pigs may be unsafe to handle and contain;*
 - b) there may be very large numbers of pigs roaming at large in bushland; and*
 - c) the ownership of pigs roaming at large may be unclear, especially if breeding off-farm.*
3. *Ensure requested amendments to the Law of Animals Act 1962 are consistent with other Acts, such as the Police Offences Act 1935 so as to enable lawful destruction of pigs.*

In light of the significant and increasing risks posed by wild and nuisance pigs to Tasmania's environment and affected economic sectors, the Central Coast Council calls on LGAT members to support its advocacy for legislative reform to address this serious matter at the state level.

Tasmanian Government Response

The Department of Natural Resources and Environment Tasmania (NRE Tas) makes the following comments in relation to the motion:

- Under the *Nature Conservation (Wildlife) Regulations 2021*, pigs (*Sus scrofa*) are classed as 'domestic stock'.
- To be considered truly feral, pigs must be living and breeding completely independently of humans.
- There is no current evidence that feral pigs have established on mainland Tasmania, however there are feral populations on the Bass Strait Islands.
- NRE Tas legal advice is that the *Animal Welfare Act 1993* Pest Register primarily exists to specify approved toxins that may be used to control different species in order to ensure that use of such chemicals is exempt from the cruelty provisions of the Act. As pigs are already listed in the Pest Register, NRE Tas does not consider that any changes to the *Animal Welfare Act 1993* are warranted.
- The responsibility for the management of roaming livestock primarily lies with local government, under the *Local Government Act 1993*.
- NRE Tas agrees that local government should have greater powers to manage and destroy roaming pigs (and potentially goats) in certain circumstances, and that the existing legal options for councils and landowners to manage escaped animals under the *Local Government Act 1993* and the *Law of Animals Act 1962* could be improved to allow for a more effective and practical approach to controlling unmanaged populations of farmed animals such as pigs and goats.
- NRE Tas suggests that the *Law of Animals Act 1962* could be amended to allow earlier interventions by government and adjoining landowners to prevent such roaming populations of farmed animals becoming feral, thereby reducing potential control and eradication costs. For example, given the requirement under the *Animal (Brands and Movement) Act 1984* for compulsory body tattooing of pigs over 10 weeks of age prior to leaving the property for sale or slaughter, the *Law of Animals Act 1962* could potentially be amended to include a provision that any unmarked pigs found at large on someone's property can be destroyed. After 1 January 2027, when ID of goats and sheep moving off property becomes mandatory, unidentified goats could be included in this provision.
- NRE Tas also suggests that the *Local Government Act 1993* may also be improved by creating a similar provision to enable the destruction of any unmarked pigs or goats found at large on someone's property, or found straying on, at large on any highway, or on any land owned by or under the control of the Council.

LGAT Comment

There are no previous General Meeting motions, or resolutions on feral pigs. In 2006 and 2019 resolutions were made on the eradication of feral cats.

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.

IN CONFIDENCE

08/24.18.0 CLOSED COUNCIL

- 08/24.18.1 Confirmation of Closed Council Minutes – Council Meeting 15 July 2015**
- 08/24.18.2 Outstanding Actions List for Closed Council**
- 08/24.18.3 Closed Council Item Pursuant to Section Section15(2)D of the Local Government (Meeting Procedures) Regulations 2015 Tender – Pump Track Fingal Park Contract 030\001\149**
- 08/24.18.4 Closed Council Item Pursuant to Section Section15(2)(I) of the Local Government (Meeting Procedures) Regulations 2015 - Amendment of sealed plan – SP134740**
- 08/24.18.5 Closed Council Item Pursuant to Section Section15(2)D of the Local Government (Meeting Procedures) Regulations 2015 Tender – Scamander Inert Landfill Contract 030\001\148**
- 08/24.18.6 Closed Council Item Pursuant To Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2005 - Old St Helens Hospital**

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.

08/24.19.0 MEETING CLOSED

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at ...pm.