COUNCIL AGENDA
Monday 19 April 2017
Council Chambers

John Brown
General Manager
Break O'Day Council
10 April 2017

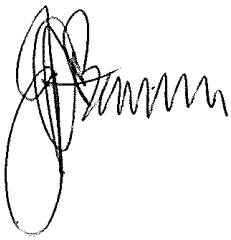
This page left blank intentionally

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 April 2017 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: 10 April 2017

This page left blank intentionally

CONTENTS

NOTICE OF MEETING 3
CONTENTS 5
04/17.1.0 ATTENDANCE 7
04/17.1.1 Present 7
04/17.1.2 Apologies 7
04/17.1.3 Leave of Absence 7
04/17.1.4 Staff in Attendance 7
04/17.2.0 PUBLIC QUESTION TIME 8
04/17.3.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE 8
04/17.4.0 CONFIRMATION OF MINUTES 8
04/17.4.1 Confirmation of Minutes – Council Meeting 20 March 2017 8
04/17.5.0 COUNCIL WORKSHOPS HELD SINCE 20 MARCH 2017 COUNCIL MEETING 9
04/17.6.0 PLANNING AUTHORITY 10
04/17.6.1 DA011-2017 – Change of Use and Construction of a New Holiday Park – 8-20 St Helens Point Road, Stieglitz 10
04/17.7.0 PETITIONS 54
04/17.7.1 Hub4Health Services at Risk Due to Funding Cuts 54
04/17.8.0 NOTICES OF MOTION 56
04/17.8.1 Notice of Motion – Australian Local Government Association (ALGA) National General Assemble call for Motions – Clr J Drummond 56
04/17.8.2 Notice of Motion – Increase 2017-18 Budget for Weed Officer – Clr H Rubenach-Quinn 57
04/17.8.3 Notice of Motion – NDIS Service Providers – Clr H Rubenach-Quinn 58
04/17.8.4 Notice of Motion – LGAT myagedcare Funding – Clr H Rubenach-Quinn 60
04/17.8.5 Notice of Motion – Scamander Parking – Clr H Rubenach-Quinn 61
04/17.8.6 Notice of Motion – Amendments to the Investment Assistance Policy Adopted in August 2016 – Clr J Drummond 61
04/17.9.0 COUNCILLOR'S QUESTIONS ON NOTICE 63
04/17.10.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE 63
04/17.11.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS 63
04/17.11.1 Mayor's Communications for Period Ending 19 April 2017 63
04/17.11.2 Councillor's Reports for Period Ending 19 April 2017 63
04/17.12.0 BUSINESS AND CORPORATE SERVICES 64
04/17.12.1 Corporate Services Department Report 64
04/17.12.2 Monthly Financial Report 69
04/17.12.3 Visitor Information Centre Report 88
04/17.12.4 New Policy – LG51 Related Party Disclosures 92

04/17.12.5 Adoption of 2017/2018 Schedule of Fees & Charges 100
04/17.12.6 Review of LG30 Public Interest Disclosure Policy 117
04/17.12.7 Review of EP01 Asbestos Product – Building Policy 145
04/17.13.0 WORKS AND INFRASTRUCTURE 149
04/17.13.1 Works and Infrastructure Report 149
04/17.13.2 Animal Control Report 155
04/17.13.3 Stieglitz Street, Falmouth – Sealing Request 160
04/17.14.0 COMMUNITY DEVELOPMENT 162
04/17.14.1 Community Services Report 162
04/17.14.2 Break O'Day Council Youth Policy and Strategy 168
04/17.14.3 Community Funding Program 2016-2017 180
04/17.15.0 DEVELOPMENT SERVICES 182
04/17.15.1 Development Services Report 182
04/17.15.2 Planning Approvals Issued 189
04/17.15.3 Building Services Approvals 190
04/17.15.4 Participation in the Climate Resilient Councils Project 191
04/17.16.0 GOVERNANCE 195
04/17.16.1 General Manager's Report 195
04/17.16.2 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT) 203
04/17.16.3 Draft Local Government Amendment (Targeted Review) Bill 2017 – Public Consultation 206
04/17.17.0 CLOSED COUNCIL 258
04/17.17.1 Outstanding Actions List for Closed Council 258
04/17.17.2 Enterprising Bargaining – Closed Council Item Pursuant To Section 15(2)A Of The Local Government (Meeting Procedures) Regulations 2015 258

04/17.1.0 ATTENDANCE

04/17.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor John Tucker
Councillor Janet Drummond
Councillor Hannah Rubenach-Quinn
Councillor Kylie Wright
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM

04/17.1.2 Apologies

04/17.1.3 Leave of Absence

04/17.1.4 Staff in Attendance

General Manager, John Brown
Records Officer, Carol Joyce

04/17.2.0 PUBLIC QUESTION TIME

Nil.

04/17.3.0 DECLARATION OF PECUNIARY INTEREST 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.

Nil.

04/17.4.0 CONFIRMATION OF MINUTES

04/17.4.1 Confirmation of Minutes – Council Meeting 20 March 2017

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 20 March 2017 be confirmed.

04/17.5.0 COUNCIL WORKSHOPS HELD SINCE 20 MARCH 2017 COUNCIL MEETING

There was a Workshop held on Monday 3 April – the following items were listed for discussion.

- Australian Local Government Association (ALGA) – 2017 National General Assembly (NGA) of Local Government – Call for Motions
- Local Government Association of Tasmania (LGAT) – Annual General Meeting – Submission of Motions
- Parliamentary Secretary for Small Business, Trade and Red Tape Reduction – National Business Simplification Initiative Letter – Offer to Participate in the Initiative
- New Policy – LG51 Related Party Disclosure
- Local Government Ministers Transparency Recommendations
- Adoption of 2017/2018 Schedule of Fees & Charges
- Rates Budget 2017-2018
- Community Funding Program 2016-2017
- Break O'Day Council Youth Policy and Strategy
- Climate Resilient Councils Project
- St Marys Flood Risk Management Project
- Weldborough Infrastructure
- Heavy Vehicle Road Routes
- Councillor IPad Use
- Motion to LGAT – NDIS
- East Coast Regional Tourism Organisation – Salmon Farming at Okehampton Bay
- Investment Incentive Policy
- Childhood Cancer – Tim Blair Tassie Gold

04/17.6.0 PLANNING AUTHORITY

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.

04/17.6.1 DA011-2017 – Change of Use and Construction of a New Holiday Park – 8-20 St Helens Point Road, Stieglitz

ACTION	DECISION
PROPONENT	6ty Pty Ltd
OFFICER	Rebecca Green, Planning Consultant
FILE REFERENCE	DA 011-2017
ASSOCIATED REPORTS AND DOCUMENTS	Written Submission *(Circulated under separate cover)* Certificate of Titles Plans and Staging plans Bushfire Exemption Traffic Impact Assessment Stormwater plans Crown Consent to lodge Representations (3) Applicant's Response to Representations

OFFICER'S RECOMMENDATION:

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Consolidation of Lots, Change of Use of Existing Dwelling to Managers Residence, New Holiday Park including Café, Cabins, Camp Kitchen, Recreation Room, Amenities Building, Camps Sites and Storage Sheds** on land situated at **8 St Helens Point Road, Stieglitz & 10-12 St Helens Point Road, Stieglitz & 14-16 St Helens Point Road, Stieglitz & 18-20 St Helens Point Road, Stieglitz and Road Reserve (Part of Parkside Avenue)** described in Certificate of Title CT 171694/1 & CT 111144/1 & CT 23655/2 & CT 111865/1 & Road Reserve (part of Parkside Avenue) be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 011-17 received by Council 20/02/2017, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.

2. No works are to commence within the Parkside Avenue road reservation (currently owned by late John Leslie Steele) and the western portion of Parkside Avenue (gazetted road) located within C/T 111144/1 until the closure of the road under *Local Government (Highways) Act 1982* has been finalised and approved.

3. CT 171694/1 and CT 11144/1 and CT 23655/2 and CT 11185/1 and western portion of Parkside Avenue (currently owned by late John Leslie Steele) must be consolidated as one lot prior to the use commencing.

4. Prior to commencement of works, a detailed landscape development plan shall be prepared and submitted for the approval of Council. The plan shall identify:
   (i) Plant species;
   (ii) Boundary and internal fencing details (if applicable);
   (iii) Additional vegetation screening between the bus parking bays and the adjacent property at 9-11 Parkside Avenue.

   Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition two (2) prior to any use of the development.

5. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2017/00233-BODC** as attached to this permit.

6. Stormwater management –
   a) Application must be made to the Crown for permission to construct and use the stormwater swales as shown in Proposed Services Layout Plan (SW1) for the duration of the staged construction period to perform the function of sediment traps as well as ensuring that stormwater flows through the culverts are controlled.
   b) Concurrently the RAA process must be commenced so that when the construction stages four (4) have been completed, the BODC culverts will have been upgraded and the swales reinstated enabling unrestricted use of the roadside area.
   c) Culverts to be upgraded to meet all relevant requirements of ARR 2016, and in compliance with legislation as stipulated by the Crown.

7. a) The areas shown to be set aside for General vehicle access and car parking (other than individual rental sites) must be:
   i) completed before the use of the development;
   ii) provided in accordance with Standards Australia (2004): Australian Standard As 2890.1-2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Standards Australia (2002): Australian Standard AS 2890.2 – 2002, Parking Facilities – Part 2: Off-Street Commercial vehicle facilities; Sydney and to the satisfaction of Council's General Manager;
   iii) provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
   iv) surfaced with an impervious surface and drained to Council's stormwater drainage system;
   v) Line-marked to indicate each space to the satisfaction of the Council.

   b) The areas shown to be set aside for individual parking for cabins/powered site must be:
   i) completed before the use of the development;
   ii) designed and laid out in accordance with provisions of Table E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
   iii) provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
   iv) surfaced with a dust free surface and drained to Council's stormwater drainage system.

   The areas set-aside for parking and associated access and turning must be kept available for these purposes at all times.

8. The area set-aside for parking and associated access and turning must be designed, constructed and maintained at all times to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties.

9. The vehicle crossover from the carriageway to the property boundary must be **constructed** and maintained in accordance with standard drawings TSD-R03-v1 & TSD-R04-v1 (attached). As there is no formal roadside drain a culvert pipe and headwall is not required and a shallow dish crossing will be acceptable. The construction of the vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be sealed and must be financed by the applicant.

10. No works are to commence on the crossover(s) until a permit to undertake works in the road reservation has been issued by Council's Works Manager for the crossover.

11. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.

12. Any/all current vehicle crossovers from St Helens Point Road (whether formal or informal) which provide access to the current site(s) will no longer be permitted for use in the new development and must be removed and made good to the satisfaction of Council's Works Manager, before the use commences.

13. The proposed sign must be:
    a. professionally designed and legible;
    b. structurally sound and not in any way hazardous;
    c. located entirely within the boundaries of Lot;
    d. situated so as not to obstruct traffic; and
    e. designed in colours and principles not currently incorporated into statutory or directional signs erected by public authorities.

14. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website (http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

15. All works associated with the development must be conducted in accordance with a soil and water management plan, *Guidelines for Soil and Water Management*, Hobart City Council. Material must not be burnt on site and all trade waste must be disposed of in a licensed waste disposal facility. During demolition/construction all existing materials must be checked for the presence of asbestos and if found, handling, protection and disposal must be carried out as per "Code of Practice for the Removal of Asbestos" (NOHSC:2002(1988)). All worked areas not covered by structures must be promptly and

progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

16. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.

17. Power supply/service is to be provided to the development underground.

18. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.

19. Lighting of car parking and access ways must not provide light spill outside the boundaries of the subject site.

20. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all relevant conditions on this permit have been complied with.

21. Any damage that may occur to any Council infrastructure during the construction of the proposed development including demolition of existing buildings must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and/or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.

- Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.

- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.

- All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

- Activities associated with construction works are not to be performed outside the permissible time frame listed:

  Monday-Friday 7am to 6pm
  Saturday 9am to 6pm
  Sunday and public holidays 10am to 6pm

INTRODUCTION:

Application is made seeking approval for use and development of a portion of a road reserve at Parkside Avenue and land at 8, 10-12, 14-16 and 18-20 St Helens Point Road, Stieglitz for a holiday park and café which involves:

- Subdivision, consolidation of lots including a portion of the road reserve known as Parkside Avenue;
- Retention of the existing dwelling at 8 St Helens Point Road to change use to Manager's residence;
- Demolition of all other existing buildings on the site;
- Construction of a new access to St Helens Point Road, internal roads and car parks;
- Cabins, powered sites, camp site and support facilities; and
- Café.

Visitor Accommodation and Food Services use classes in the General Residential Zone are both a discretionary use, under Table 10.2 of the *Break O'Day Interim Planning Scheme 2013*, if for a single dwelling.

PREVIOUS COUNCIL CONSIDERATION:

There has been no previous consideration by Council for this development.

OFFICER'S REPORT:

1. The Proposal

Break O'Day Council received an application on 10 February 2017 from 6ty Pty Ltd for the use and construction of a holiday park and café at 8, 10-12, 14-16 and 18-20 St Helens Point Road and a portion of road reserve, Parkside Avenue, Stieglitz.

Growth Development Pty Ltd owns 8, 10-12 and 14-16 St Helens Point Road. Growth Development Pty Ltd is currently not the owner of the property at 18-20 St Helens Point Road, which is currently in the ownership of Helen O'Brien.

The portion of the road reserve, Parkside Avenue, subject to the proposal is held in the ownership of the late John Leslie Steele. The road reserve of Parkside Avenue is not owned by either the Crown or the Break O'Day Council.

The total land area of the proposal encompasses approximately 16,709m^2 (1.67ha).

The proposed use and development comprises:

- 24 cabins;
- Powered sites and camp sites;
- A main building (referred to as the Administration/Café Building) containing café, office, provedore and reception area;
- Three buildings containing the site amenities, camp kitchen and recreation room;
- Playground and jumping pillow;
- Boat parking, bus parking, bike storage, bin enclosure and storage sheds;
- Manager's residence using the existing dwelling currently at 8 St Helens Point Road;
- Subdivision, consolidation of four lots as well as a portion of Parkside Avenue; and
- Demolition of the existing buildings and removal of vegetation.

The development is proposed to occur in four (4) stages. The first stage is to include all civil works for the entire site including roads, services and car parking.

The cabins have a maximum height of less than four (4) metres.

The main building proposed will contain the office, reception and café. The Administration/café Building will have a combined footprint of 652m^2. The café is to have an internal gross floor area of 528m^2, with net floor area of approximately 350m^2. The Administration/Café Building has a maximum building height of 5.5m.

Lighting will be erected within the proposed development site. The new lighting will be multiple pole mounted lighting with a rear cut off shield. This ensures that light spill is contained within the boundaries of the site.

New fencing will be established along the frontage of the site with St Helens Point Road. Boundary fences, if existing are indicated not to be modified by the proposal. Landscaping throughout the site is proposed.

One pole sign is proposed east of the access between the Administration/Café Building and cabins.

2. Applicable Planning Scheme Provisions

Part 9.5 Subdivision
Part 10 General Residential Zone
E1 Bushfire-Prone Areas Code
E4 Road and Railway Code
E6 Car Parking and Sustainable Transport Code
E8 Biodiversity Code
E14 Coastal Code
E15 Signs Code

3. Referrals

Referrals to Council' Works Department and Council's Engineer and TasWater were undertaken to which conditions relating to services, car parking and access have been provided.

4. Assessment

The application has met the acceptable solutions for all issues, except for reliance upon fourteen performance criteria as detailed below;

1) 9.5.1 Subdivision – Consolidation of Lots
2) 10.2 Use Table – Visitor Accommodation and Food Services
3) 10.3.1 Amenity P1 & P3
4) 10.4.14 Non-Residential Development P1
5) 10.4.16.1 Stormwater Disposal P1
6) E4.6.1 Use and Road or Rail Infrastructure P2
7) E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings P1
8) E8.6.1 Habitat and Vegetation Management P2.1
9) E14.5.1 Risk to Sensitive Use P1.1 & P1.2
10) E14.6.1 Coastal Hazard P1.1 & P1.2
11) E15.6.1 Design, Character and Form P21

Detailed assessment against the provisions of the *Break O'Day Interim Planning Scheme 2013* is provided below. **The proposal is deemed to comply with the performance criteria applicable.**

Planning Assessment

9.5 Subdivision

9.5.1 "Notwithstanding any other provision of this planning scheme, with the exception of subclause 9.3.1, all applications for subdivision may be refused or approved at the discretion of the planning authority, unless the subdivision must not be approved under section 84 of the *Local Government (Building and Miscellaneous Provision) Act 1993*."

10 General Residential Zone

10.2 Use Table

The proposed use fits the use class of Visitor Accommodation, as not for holiday letting of an existing dwelling and the use class of Food Services, as for a cafe, which are both Discretionary uses within the General Residential Zone.

Food Services as defined by the Scheme means:

> "use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a café, restaurant and take-away food premises."

Visitor Accommodation as defined by the Scheme means:

> "use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping ad caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment."

10.3 Use Standards

10.3.1 Amenity

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 If for permitted or no permit required uses. P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination.	P1 The proposed uses of visitor accommodation and food services are both discretionary uses within the General Residential zone. The subject site has frontage to St Helens Point Road of approximately 250m. There are no residential uses located on the northern side of St Helens Point Road adjacent to the subject site. However, there are several nearby residential uses to the south, south-east and east of the site, as well as around 14 residential uses within 100 metres of the site. The following measures are integrated into the layout and design of the proposal to ensure that emissions, such as noise, odour, traffic movement, smoke and dust do not cause or are not likely to cause environmental nuisance: a) There will be a permanent manager on the site; b) The access to the site and internal roads will be constructed paved surfaces, ensuring dust is not generated from vehicles. Camp sites are grassed, and areas surrounding the cabins are to be grassed; c) Landscaping is to be established along the eastern and southern side boundaries; d) Pole lighting is to be setback from site boundaries, except or the two pole lights proposed along the eastern boundary but are to be fitted with a rear cut off shield; e) The administration/café building is located to the frontage to St Helens Point Road to ensure maximum separation to this building from residential uses. **The proposal is considered to be compliant with the performance criteria.**

Acceptable Solutions/Performance Criteria	Proposed Solutions
A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.	A2 The proposal complies with the acceptable solution.
A3 If for permitted or no permit required uses. P3 External lighting must demonstrate that: a) Floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) All direct light will be contained within the boundaries of the site.	P3 The proposed uses of visitor accommodation and food services are both discretionary uses within the General Residential zone. External lighting is to consist of pole lighting. Pole lights are all setback from site boundaries more than 10m except for the pole lights located within 1.5m of the eastern boundary, adjacent to the bus parking and the property at 9-11 Parkside Avenue; within 1.5m of the frontage of St Helens Point Road adjacent to the north-eastern corner of the administration/café building and within 1.5m of the southern lot boundary. The pole mounted light fitting will have a rear cut off shield ensuring that light spill is directed inwards and away from adjoining properties. External lighting is to be on a timing system that can also be controlled by the site manager. **The proposal is considered to be compliant with the performance criteria.**

10.3.2 Residential Character – Discretionary Uses

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	A1 The proposal complies with the acceptable solution.
A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	A2 The proposal complies with the acceptable solution.
A3 Waste material storage for discretionary uses must: a) Not be visible from the road to which the lot has frontage; and b) Use self-contained receptacles designed to ensure waste does not escape to the environment.	A3 The proposal complies with the acceptable solution.

10.4 Development Standards

10.4.1 – 10.4.13 - Not applicable, as the use classes proposed are not residential, including dwellings.

10.4.14 Non Residential Development

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 If for permitted or no permit required uses. P1 Development must be designed to protect the amenity of surrounding residential uses and must have regard to: a) The setback of the building to the boundaries to prevent unreasonable impacts on the amenity, solar access and privacy of habitable room windows and private open space of adjoining dwellings; and b) The setback of the building to a road frontage and if the distance is appropriate to the location and the character of the area, the efficient use of the site, the safe and efficient use of the road and the amenity of residents; and c) The height of development having regard to: i) The effect of the slope of the site on the height of the building; and ii) The relationship between the proposed building height and the height of existing adjacent and buildings; and iii) The visual impact of the building when viewed from the road and from adjoining properties; and iv) The degree of overshadowing and overlooking of adjoining properties; and d) The level and effectiveness of physical screening by fences and vegetation; and e) The location and impacts of traffic circulation and parking and the need to locate parking away from residential boundaries; ad f) The location and impacts of illumination of the site; and g) Passive surveillance of the site; and h) Landscaping to integrate development with the streetscape.	P1 The proposed uses of visitor accommodation and food services are both discretionary uses within the General Residential zone. The Administration/Café Building is located to the west of the entrance of the proposal within 2 metres of the frontage and is setback more than 30 metres from all other site boundaries. The amenities building, camp kitchen, recreation room are in total three buildings setback more than 7 metres from the eastern site boundary. The proposed shed are setback a minimum of 5.9 metres from the side and rear boundaries. The setbacks for the proposed cabins are a minimum of 1.0 metre from the frontage and a minimum of 1.38 metres from the side boundaries. The setback of the existing dwelling (Manager Residence) is not to be modified. The proponent provided site shadow diagrams which demonstrates that the proposed buildings will not impact on the solar access of adjacent dwellings and land, and will not prevent solar access to a habitable room or private open space. The surrounding residential buildings within the area have a range of setbacks from the frontage ranging from as little as 1m to more than 20m, being that there is no consistent character of streetscape in this area in terms of frontage setbacks. The cabins and Administration/Café Building have a significant "open space" between the buildings and the road surface, greater than is normally occurring in the General Residential zone context. As the nature strip is significantly wide along this frontage, the perception of the buildings when viewed along St Helens Point Road is suitable to the context. The buildings proposed are single storey and the separate buildings allow articulation along this frontage. The landscaping proposed and existing vegetation along with the perceived setback allow the development to soften in appearance from the street view and public open spaces. The submitted Traffic Impact Assessment demonstrates also that the use and development of the site will not impact on the safe and efficient use of St Helens Point Road, in particular that only one access to and from the site is proposed. All existing accesses are to be removed, repaired and made good. The proposed development including cabins and camp site have been orientated to allow passive surveillance not just throughout the subject site but also along St Helens Point Road. **The proposal is considered to be compliant with the performance criteria.**

10.4.15 Subdivision

10.4.15.1 Lot Area, Building Envelope and Frontage

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Lots must: a) Have a minimum are of at least 600m2 which: i) Is capable of containing a rectangle measuring 10m by 15m; and ii) has new boundary aligned from buildings to satisfy the relevant acceptable solutions for setbacks; or b) Required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or c) For the provision of utilities; or d) For the consolidation of a lot with another lot with no additional titles created; or e) To align existing titles with zone boundaries and no additional lots are created.	A1 a)-c) and e) – Not applicable. A1 d) – The application proposes to consolidate the titles. No additional titles are to be created.
A2 Each lot must have a frontage of at least 4m.	A2 The proposal complies with the acceptable solution. The consolidated lot will have a frontage to St Helens Point Road of more than 4 metres.

10.4.15.2 Provision of Services

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Each lot must be connected to a reticulated: a) Water supply; and b) Sewerage system.	A1 The consolidated lot will be connected to the reticulated water supply and sewerage system. The proposal complies with the acceptable solution.
A2 Each lot must be connected to a reticulated stormwater system.	A2 The consolidated lot will be connected to the reticulated stormwater system. The proposal complies with the acceptable solution.
A3 For subdivision of 3 or more lots power connections are to be provided underground.	A3 Not applicable.

10.4.15.3 Solar Orientation of Lots

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 At least 50% of lots must have a long axis within the range of: a) North 20 degrees west to north 30 degrees east; or b) East 20 degrees north to east 30 degrees south.	A1 Not applicable. The proposal is for a consolidated lot.
A2 The long axis of residential lots less than 500m^2, must be within 30 degrees east and 20 degrees west of north.	A2 Not applicable. The proposal is for a consolidated lot.
A3 Any new lot which adjoins a lot which has buildings on it must have no more than one third of its area covered by the shadow of existing development on June 21.	A3 Not applicable. The proposal is for a consolidated lot.

10.4.15.4 Interaction, Safety and Security

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Subdivisions must not create any internal lots.	A1 Not applicable. The proposal is for a consolidated lot.
A2 Internal lots must be: a) For subdivision of 10 lots or more; and b) Less than 10% of the total lots created by the whole subdivision.	A2 Not applicable. The proposal is for a consolidated lot.

10.4.15.5 Integrated Urban Landscape

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 The subdivision must not create any new road, public open space or other reserves.	A1 Not applicable. The proposal is for a consolidated lot.

10.4.15.6 Walking and Cycling Network

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 The subdivision must not create any new road, footpath or public open space.	A1 Not applicable. The proposal is for a consolidated lot.

10.4.15.7 Neighbourhood Road Network

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 The subdivision must not create any new road.	A1 Not applicable. The proposal is for a consolidated lot.

10.4.16.1 Stormwater Disposal

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system. P1 Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.	P1 The proposal will not dispose of stormwater from buildings into on-site water storage tanks. The drainage design demonstrates that stormwater is to be managed on the site so that is does not cause pollution, soil, erosion or flooding to adjacent lots. **The proposal is considered to be compliant with the performance criteria.**

10.4.16.2 Filing of Sites

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Fill must be: a) No more than 50m3; and b) Clean fill; and c) Located more than 2m from any boundary.	A1 The proposal complies with the acceptable solution. The proposed use and development will not require fill of more than $50m^3$.

14.4.3 Subdivision – Not applicable to this proposal.
14.4.4 Tourist Operations – Not applicable to this proposal.

E1 Bushfire-Prone Areas Code
The site is contained within the General Residential zone. The proposal is not for a vulnerable use. The proposed consolidation of lots has been certified by an accredited person as exempt from this Code. This Code is therefore not applicable.

E4 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and Road or Rail Infrastructure

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	A1 Not applicable.
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day. P2 For roads with a speed limit of 60km/h of less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.	P2 The proposed use is expected to generate approximately 473 vehicle movements to and from the site daily. The Traffic Impact Assessment (TIA) submitted with the application examines the level of use of roads, accesses and junction. The TIA demonstrates that the new access to the site will maintain an acceptable level of safety for al road users, including pedestrians and cyclists. **The proposal is considered to be compliant with the performance criteria.**
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	A3 Not applicable.
A4 Use serviced by a side road from a deficient junction (refer E4 Table 2) is not to create an increase to the annual average daily traffic (AADT) movements on the side road at the deficient junction by more than 10%.	A4 Not applicable, the use will not be services by a side road.

E4.7 Development Standards

E4.7.1 Development on and Adjacent to Existing and Future Arterial Roads and Railways.

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h: a) New road works, buildings, additions and extensions, earthworks and landscaping works; and b) Building envelopes on new lots; and c) Outdoor sitting, entertainment and children's play areas.	A1 Not applicable.

E4.7.2 Management of Road Accesses and Junctions

Acceptable Solutions/Performance Criteria	Proposed 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.	A1 A single driveway is proposed to service the proposal from St Helens Point Road. The proposal complies with the Acceptable Solution.
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	A2 Not applicable.

Acceptable Solutions/Performance Criteria	Proposed Solutions
A3 Accesses must not be located closer than 6m from an intersection, nor within 6m of a break in a median strip.	A3 The proposed access is not located within 6 metres of an intersection or break in a median strip. The proposal complies with the Acceptable Solution.

E4.7.3 Management of Rail Level Crossings – Not applicable.

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

Acceptable Solutions/Performance Criteria	Proposed 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 if a temporary access, the written consent of the relevant authority have been obtained. 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.	A1 a) The proposed access cannot achieve the required sight distances shown in Table E4.7.4. b) and c) – not applicable. P1 A Traffic Impact Assessment (TIA) was submitted and formed part of the application. The TIA examined the sight distances at the proposed access. The TIA determined that the sight distances at the access are and will be adequate to facilitate the safe movement of vehicles. **The proposal is considered to be compliant with the performance criteria.**

E6 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 The number of car parking spaces must not be less than the requirements of: a) Table E6.1; or b) A parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).	A1 The site will provide the following spaces: Café building: 21 spaces, 2 access spaces, 1 loading area, 1 short term space. Cabins: 24 spaces (including 2 access spaces). Manager's Residence: 2 spaces. Bus Parking: 3 bus spaces. Boat parking: 4 spaces. Overflow Parking: 8 spaces. The proposal complies with the Acceptable Solution.

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 All car parking, access strips, manoeuvring and circulation spaces must be: a) Formed to an adequate level and drained; and b) Except for a single dwelling, provided with an impervious all weather seal; ad c) Except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	A1 All car parking, access strips, manoeuvring and circulation spaces will be: a) Formed to an adequate level and drained; and b) The proposal complies; and c) The proposal complies. The proposal complies with the Acceptable Solution.

E6.7.2 Design and Layout of Car Parking

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1.1 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; and A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.	A1.1 All proposed car parking is located behind the proposed buildings of the cabins along the frontage of St Helens Point Road and the Administration/Café Building. Therefore car parking is not the dominant feature when viewed from St Helens Point Road. The proposal complies with the Acceptable Solution. A1.2 Not applicable, no residential buildings are proposed.
A2.1 Car parking and manoeuvring space must: 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: i) There are three of 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; and A2.2 The layout of car spaces and access ways must be designed in accordance with *Australian Standards AS2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.*	A2.1 Car parking and manoeuvring space will: a) Be on almost level ground; and b) The proposal complies; and c) The proposal complies; and d) The proposal complies. A2.2 The layout of car spaces and access ways are in accordance with *Australian Standards AS2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking.*

E6.7.3 Parking for Persons with a Disability

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.	A1 All spaces designated for use by persons with a disability have been located closest to the main entry point to the Administration/Café Building and the cabins. The proposal complies with the Acceptable Solution.
A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with *Australian Standards AS/NZ 2890.6 2009.*	A2 The proposal provides for 2 spaces in conjunction with the proposed café and 2 spaces associated with the cabins. The camp sites and powered sites do not form part of the parking requirement. The proposal complies with the Acceptable Solution.

E6.7.4 Loading and Unloading of Vehicles, Drop-off and Pickup

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 For retail, commercial, industrial, service industry or warehouse or storage uses: a) At least one loading bay must be provided in accordance with Table E6.4; and b) Loading and bus bays and access strips must be designed in accordance with *Australian Standard AS/NZS 2890.3 2002* for the type of vehicles that will use the site.	A1 A loading bay is located at the rear of the café. Bus parking is also provided and is in accordance with *Australian Standard AS/NZS 2890.3 2002* for the type of vehicles that will use the site. The proposal complies with the Acceptable Solution.

E6.8 Provisions of Sustainable Transport

E6.8.5 Pedestrian Walkways

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Pedestrian access must be provided for in accordance with Table E6.5.	A1 The proposal complies with the Acceptable Solution.

E8 Biodiversity Code

E8.6.1 Habitat and Vegetation Management

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or;	A1.1 A review of Council's priority habitat layer indicates the vegetation is not located within an area of priority habitat. Not applicable.
A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.	A1.2 A review of Council's priority habitat layer indicates the vegetation is not located within an area of priority habitat. Not applicable.
A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan. P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the : a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means or removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations in proximity to habitat or vegetation: and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the *General Offset Principles* for the RMPS, Department of primary Industries, Parks, Water and Environment.	P2.1 The subject site has been highly modified by the previous and current land uses that have occurred on the land. The proponent submits that the vegetation on site, although may be considered to be native vegetation, that it was planted and as such would not meet the definition of native vegetation. The proposed removal of the vegetation on the site, including the mature eucalyptus tree will not unduly compromise the representation of species or vegetation communities of significant in the bioregion. **The proposal is considered to be compliant with the performance criteria.**

E14 Coastal Code

E14.5 Use Standards

E14.5.1 Risk to sensitive use

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Sensitive use must not occur: a) Within the surf zone, swash zone, beach berm, incipient dune or fore dune of a coastal dune system as shown in Figure E14.1; or b) On land identified as vulnerable or prone to recession. P1.1 Sensitive use that does not require access to the coast must not be located where it is subject to a high risk, in accordance with the risk assessment in E14.7.1; and P1.2 Sensitive use must mitigate the risk to life, property and the environment to a low level risk level in accordance with the risk assessment in E14.7.1.	P1.1 and P1.2 No sensitive use is proposed within the surf wash, swash zone, beach berm, incipient dune or fore dune of a coastal dune system as shown in Figure E14. A portion of the site is within the longer-term potential recession hazard zone. The risk is identified as low. The development is setback more than 30m from the coastal high water limit. **The proposal is considered to be compliant with the performance criteria.**

Acceptable Solutions/Performance Criteria	Proposed Solutions
A2 Non-sensitive use must be for: a) Allowing public access to the coast, especially beaches; or b) Conservation, maintenance of scenic amenity, to allow natural coastal processes to operate or conserve habitat for coastal species.	A2 Not applicable.
A3 Boat sheds must not be used for any purpose other than the storage of boats and associated equipment.	A3 Not applicable.

E14.6 Development Standards

E14.6.1 Coastal Hazards

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Development must not occur: a) Within the surf zone, swash zone, beach berm, incipient dune or fore dune of a coastal dune system as shown in Figure E14.1; or b) On land identified as vulnerable or prone to recession. P1.1 Development that does not require access to the coast must not be located where it is subject to a high risk, in accordance with the risk assessment in E14.7.1; and P1.2 All development must mitigate the risk to life, property and the environment to a low risk level in accordance with the risk assessment in E14.7.1.	P1.1 and P1.2 No sensitive use is proposed within the surf wash, swash zone, beach berm, incipient dune or fore dune of a coastal dune system as shown in Figure E14. A portion of the site is within the longer-term potential recession hazard zone. The risk is identified as low. The development is setback more than 30m from the coastal high water limit. **The proposal is considered to be compliant with the performance criteria.**
A2 Development must not occur on hind dunes or within 30m of the seaward edge of any coastal cliff or bluff.	A2 The proposed development is not within 30 metres of seaward edge of any coastal cliff or bluff. The proposal complies with the Acceptable Solution.

E14.6.2 Coastal Reserves – not applicable.

E14.6.3 Public Access – not applicable.

E14.6.4 Landscaping and Vegetation

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Vegetation removal must not occur within 10m of the landward edge of the cliff or bluff.	A1 No vegetation removal is to occur within 10m of the landward edge of a cliff or bluff. The proposal complies with the Acceptable Solution.
A2 Landscaping must not use: a) Plants as listed in appendix 3; and b) Plants with highly invasive reproductive qualities that are not native to the area.	A2 The proposed landscaping will not include plants listed in Appendix 3 or plants with highly invasive reproductive qualities that are not native to the area. The proposal complies with the Acceptable Solution.

E14.6.5 Development of the Intertidal Area

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Development must not occur at or below the mean high water mark.	A1 The proposed development is above the mean high water mark. The proposal complies with the Acceptable Solution.
A2 Development must not disturb any intertidal area.	A2 The proposed development will not disturb any intertidal area. The proposal complies with the Acceptable Solution.

Acceptable Solutions/Performance Criteria	Proposed Solutions
A3 Dredging, channelling or other similar actions must not impact on the foreshore or intertidal area.	A3 Not applicable.
A4 Deposition of sand, shingle or other natural material must not be used to combat beach or shoreline erosion or improve the amenity value of the foreshore.	A4 Not applicable.

E14.5.6 Specific Development Provisions – not applicable.

E15 Signs Code

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 All signs must be on the site to which the sign relates.	A1 The proposed pole sign is to identify the location of the Holiday Park and is located within the boundary of the site. The proposal complies with the Acceptable Solution.
A2 Illuminated signs must not spill light over the site boundary.	A2 The pole sign is to be illuminated. The sign is orientated and located in such a manner that will not spill light over the site boundary. The proposal complies with the Acceptable Solution.
A21 Pole signs must: a) Be the only type of pole sign on the site; and b) Not be illuminated other than internally or by baffled lights; and c) Be double sided or erected so the back of the sign is not visible from a public space; and d) Not obstruct opening intended as a means of entrance or exit, or obstruct light or air from any room or building; and e) Have a maximum area of 2 square metres per side with no more than 2 sides in the General Residential, and Low Density Residential Zones; or 4 square metres per side with no more than 2 sides in other zones; and f) A maximum height of 2 metres. P21 The sign must: a) Not unreasonably reduce sunlight to the window or private open space of an adjoining property; and b) Not unreasonably spill light over the site boundary; and c) Have a display area and height that are not visually intrusive.	P1 A single pole sign is to be erected on the site. The sign is to have an illuminated panel of $2m^2$ and will have a height of 5 metres. The sign is separated from the access and buildings to ensure that it will not obstruct openings intended as a means of entrance or exit, or obstruct light or air from any room or building. The height of the sign is 5 metres. The sign is to be setback further than 20m from the eastern and western lot boundaries. Whilst the sign is proposed to be illuminated, it is not to unreasonably spill light over the site boundary. Existing vegetation on adjoining property to the west of the site will screen the visual presence of the sign. **The proposal is considered to be compliant with the performance criteria.**

5. Representations

The application was advertised 18 March 2017 to 31 March 2017 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining land owners. Three (3) representations were received prior to the closing date and time. Two (2) representations raised concerns in relation to the closure of the portion of Parkside Avenue.

The western half of Parkside Avenue (constructed road) is located on land now owned by the developers, Growth Developments Pty Ltd.

However as the road is a gazetted Council road and maintained by Council it needs to be closed. There is a process Council must follow under the *Local Government (Highways) Act 1982* that requires Council to advertise its intention to close the road and allow 28 days for representations. This process is in place and the representation period expires 20 April 2017. The closure of the road is a separate process to the assessment of the development application subject to assessment.

The representations are as follows:-

Representation 1	**Response**
Concerns raised in relation to the setback of the cabins less than 6.0m required for St Helens Point Road and visual impact of the buildings when viewed from the road.	Clause 10.4.2 A1 which refers to Table 10.4.2 of the Break O'Day Interim Planning Scheme 2013 which has a setback to St Helens Point Road of 6 metres is for dwellings only. Table 10.4.2 is therefore not applicable to the proposal. The proposal relies upon development standard 10.4.14 for Non-Residential Development and the proposal including assessment of the setbacks has been undertaken and is considered to be compliant with the applicable performance criteria.
Representation 2	**Response**
Advertisement of the Application including material missing, the ownership of Parkside Avenue, Crown Land Consent.	• The relevant documents of the application were available on Council' website during the advertising period. Other documents were available upon request including titles and the bushfire exemption. The application form provides personal information and Council does not provide this to the public to view. • Parkside Avenue is a public road on land that has never been owned by the Council, and even a portion traverses land outside the notional road reserve at its western end. Council does have power over it via the *Local Government Highways Act 1982* (s21). The closure must occur to allow the development. • Although the applicant has provided Crown Land Consent, this is not a requirement for the construction of services or a driveway from the subject land to the St Helens Point Road formation as it is exempt from requiring a planning permit under 5.4.1 of the Break O'Day Interim Planning Scheme 2013 and hence owner permission is not required for the planning application being considered by Council. Council, acting as Road Authority under the *Local Government Highways Act 1982*, has management control of St Helens Point Road and hence will need to approve the location and form of the works in St Helens Point Road via the issue of a works permit but this is not a planning scheme matter.

Representation 2 (CONT)	Response
Issues with the development including habitat and vegetation management not shown on staging plan, colour of the development, services in Parkside Avenue, traffic movement and illumination, safety of accesses proposed, setback of the cabins at 6m from the boundary.	• Site Landscape Plan Drawing No Ap04 shows a level of proposed landscaping. With appropriate conditions upon an approval, a further and better detailed landscaping plan can be provided to show additional details including species. • Colour is a matter that is an individual opinion. The planning scheme provisions do not consider colour specifically in this instance. • The only services known to be in the road reservation is water supply and telecommunication. These services are to be relocated to be within an easement. Sewer and Aurora are not in the section of Parkside Avenue to be closed. • One single access to the development is proposed. A Traffic Impact Assessment was provided with the application which assessed the safety for road users and it is considered that the new access provides a high level of safety for road users. The existing formal and informal accesses to the site are to be removed and conditioned. • Clause 10.4.2 A1 which refers to Table 10.4.2 of the Break O'Day Interim Planning Scheme 2013 which has a setback to St Helens Point Road of 6 metres is for dwellings only. Table 10.4.2 is therefore not applicable to the proposal. The proposal relies upon development standard 10.4.14 for Non-Residential Development and the proposal including assessment of the setbacks has been undertaken and is considered to be compliant with the applicable performance criteria.
Right of access	The closure of the road is a separate process to the assessment of the development application subject to assessment.
Fire Risk	The closure of the road is a separate process to the assessment of the development application subject to assessment. A pedestrian gate is to be retained at the end of the road reservation but there is to be no vehicular access to the proposal other than from the one access to St Helens Point Road
Solution – Closure of Parkside Avenue	The closure of the road is a separate process to the assessment of the development application subject to assessment.

Representation 3	Response
Issue of the parking of vehicles in close proximity to an existing dwelling on 9-11 Parkside Avenue.	The building on this site has a setback from the frontage of some 4.5 metres. The proposed development will see three bus parking bay in the former road reserve with the closest of these setback some 4.1m giving an overall setback of approximately 8.6 metres between the dwelling and the closest parked bus, which is quite similar to that commonly found in residential streets. Site Landscape Plan Ap04 shows vegetation screening to the northeast of the bus parking area and the property at 9-11 Parkside Avenue. Vegetation is also proposed along the eastern side of the internal access road and the eastern boundary, shared with 9-11 Parkside Avenue. Further consideration of a more detailed landscape plan would allow attention to the species along this boundary. It is considered that the setbacks proposed, and the landscaping proposed would mitigate unreasonable impacts caused by the bus parking bay.

The recommendation for approval has been made following due consideration of the representations and comments.

6. Mediation

Nil.

7. Conclusion

In accordance with 8.10 of the *Break O' Day Interim Planning Scheme 2013*, the application has been assessed against the objectives of the Scheme, in particular the General Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and fourteen (14) Performance Criterion/Discretions; the received representations have been considered. It is recommended for approval with conditions normally set to this type of development.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal

Environment and Planning- to ensure sustainable management of natural and built resources is respectful to our unique location.

Strategy

- Provide a sound framework for strategically planned and orderly future development by updating and improving Land Use Strategy and Planning Scheme;
- Educate key stakeholders about planning, environmental and waste management, regulatory matters and processes.
- Develop and implement an environmental sustainability policy for the region.

LEGISLATION & POLICIES:

Break O' Day Interim Planning Scheme 2013;
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.

Appendix C

Proposal Plans

St Helens Holiday Park
St Helens Point Road, St Helens

Project: PROPOSED HOLIDAY PARK

At: 8-20 ST HELENS POINT RD
ST HELENS, TAS

For: GROWTH DEVELOPMENTS

Project: 16.177

Drawings:

	Cover Sheet
Ap01	SITE DEMOLITION & LOCATION PLAN
Ap02	SITE PLAN
Ap03	SETBACK DIAGRAM
Ap04	SITE LANDSCAPE PLAN
Ap05	SITE SHADOW DIAGRAMS
Ap06	CAFE/ ADMIN FLOOR PLAN
Ap07	CAFE/ ADMIN ROOF PLAN
Ap08	CAFE/ ADMIN ELEVATIONS
Ap09	CAMP KITCHEN PLANS & ELEVATIONS
Ap10	RECREATION ROOM PLANS & ELEVATIONS
Ap11	AMENITIES BUILDING PLANS & ELEVATIONS
Ap12	LEISURE HOMES & SHED LAYOUTS
Ap13	BOUNDARY CONSOLIDATION PLAN
Ap14	SITE SURVEY PLAN

DEVELOPMENT APPROVAL

Issue date: 08.02.2017

Measured form and function 6ty°

Postal Address
PO Box 63
Riverside
Tasmania 7250
W: 6ty.com.au
E: admin@6ty.com.au

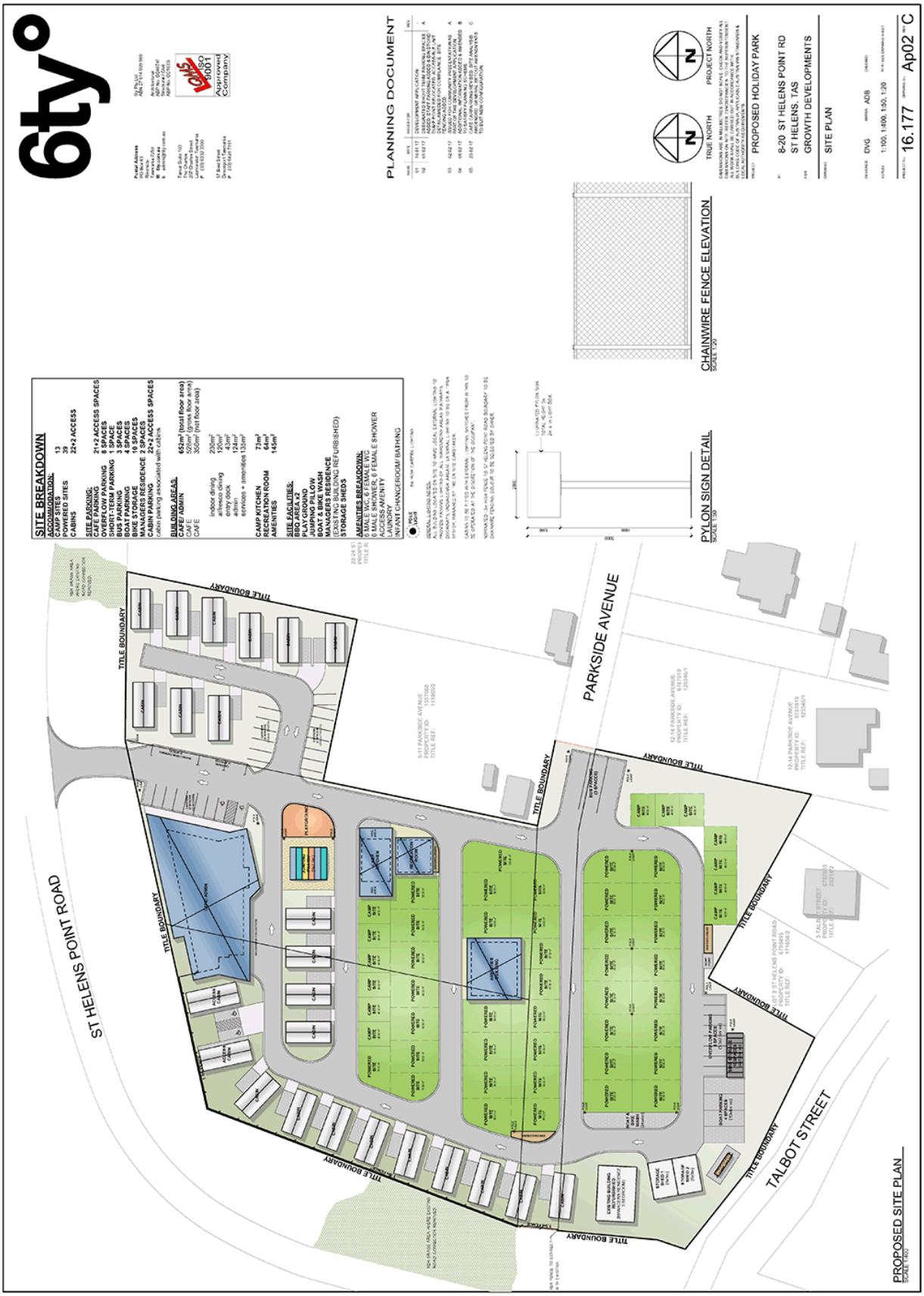
Tamar Suite 103
The Charles
207 Charles Street
Launceston Tasmania
P: (03) 6332 3300

57 Brisbane Street
Devonport Tasmania
P: (03) 6424 7551

6ty Pty Ltd
ABN 27 074 609 966

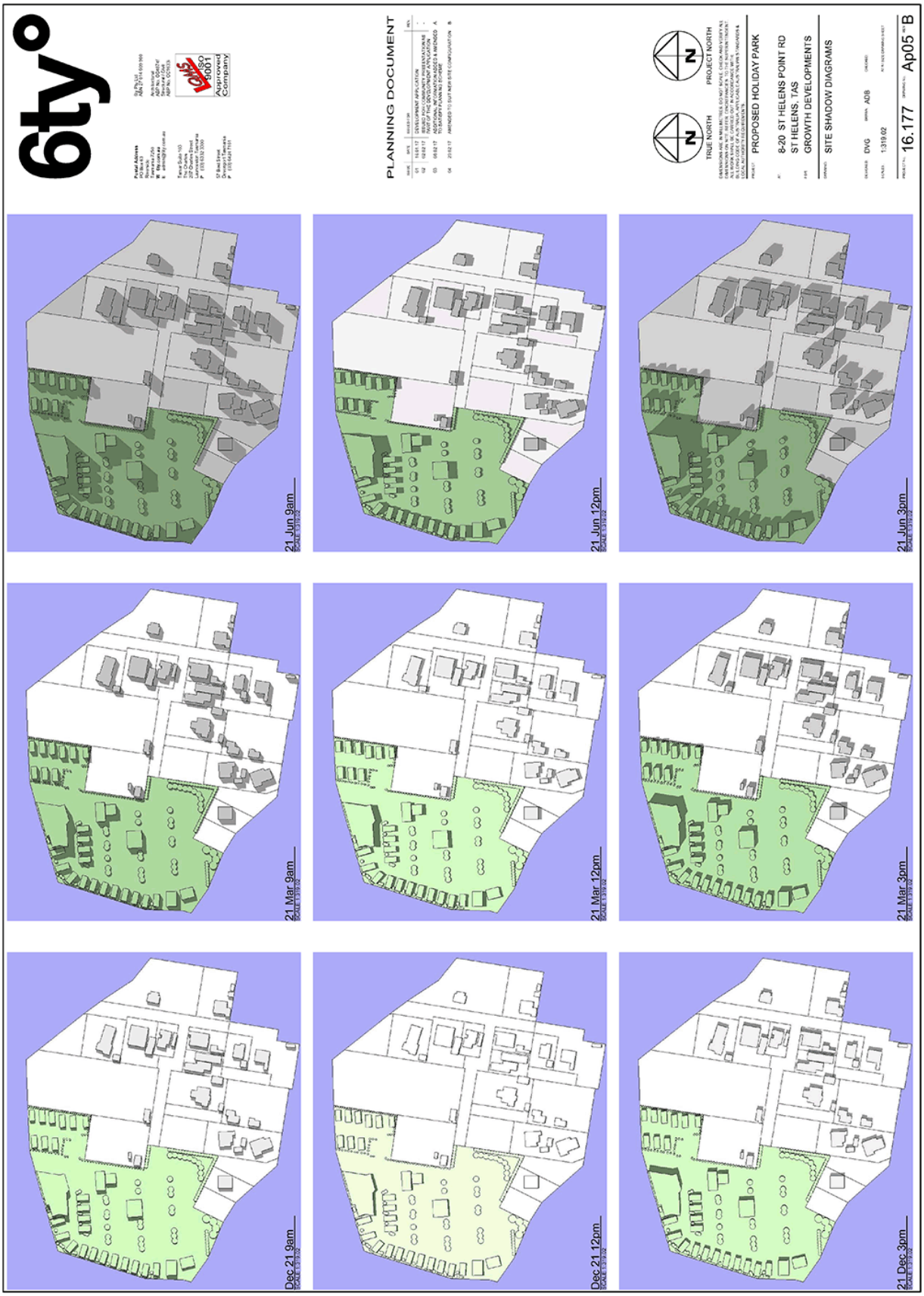
Architectural
ABP No. 5046747
Structural / Civil
ABP No. 5046133

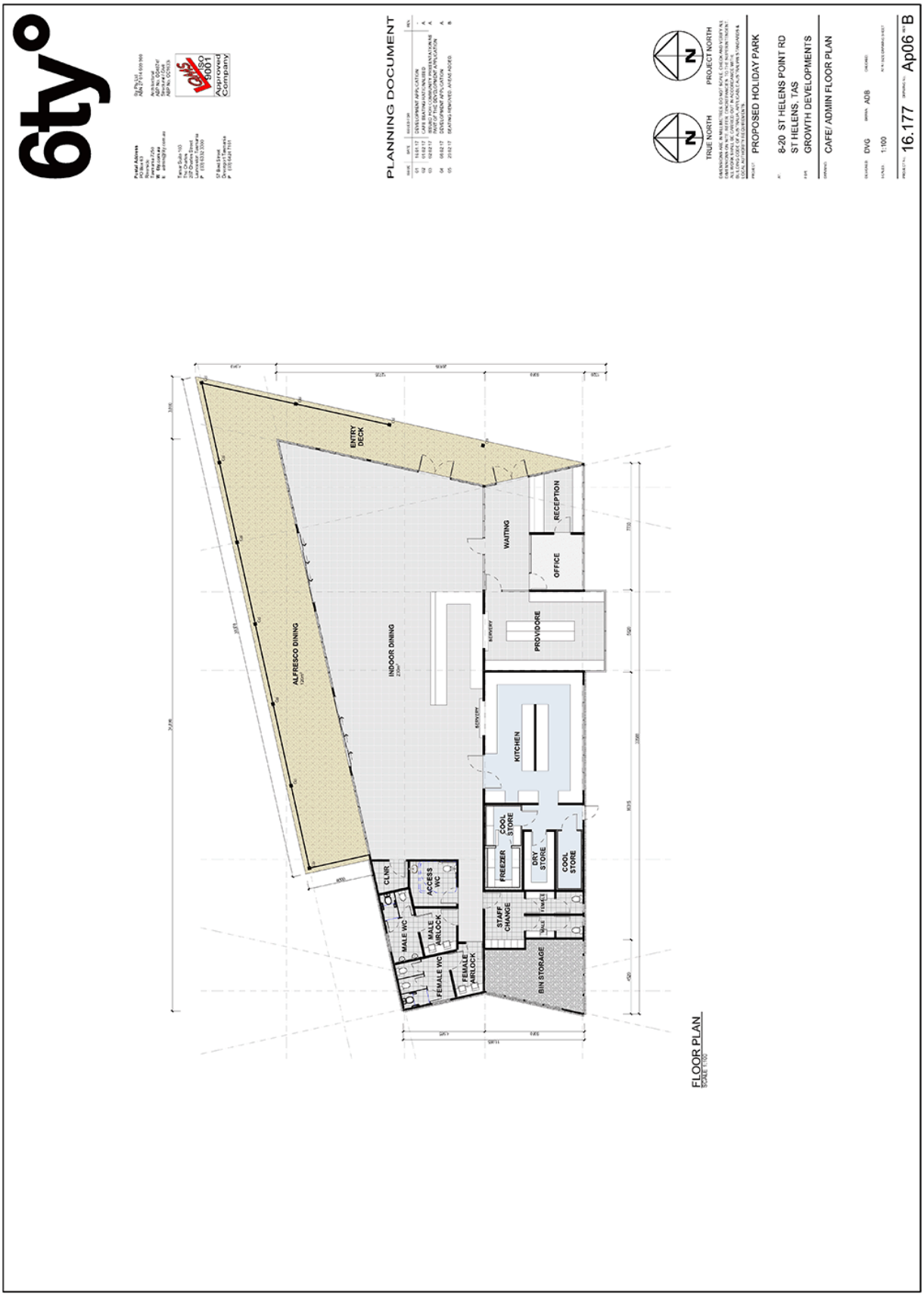
6ty°
PLANNING DOCUMENT
SITE LOCATION IMAGE
SITE DEMOLITION PLAN
TITLE BOUNDARY
PARKSIDE AV
TALBOT STREET
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
SITE DEMOLITION & LOCATION PLAN
16.177
Ap01
A

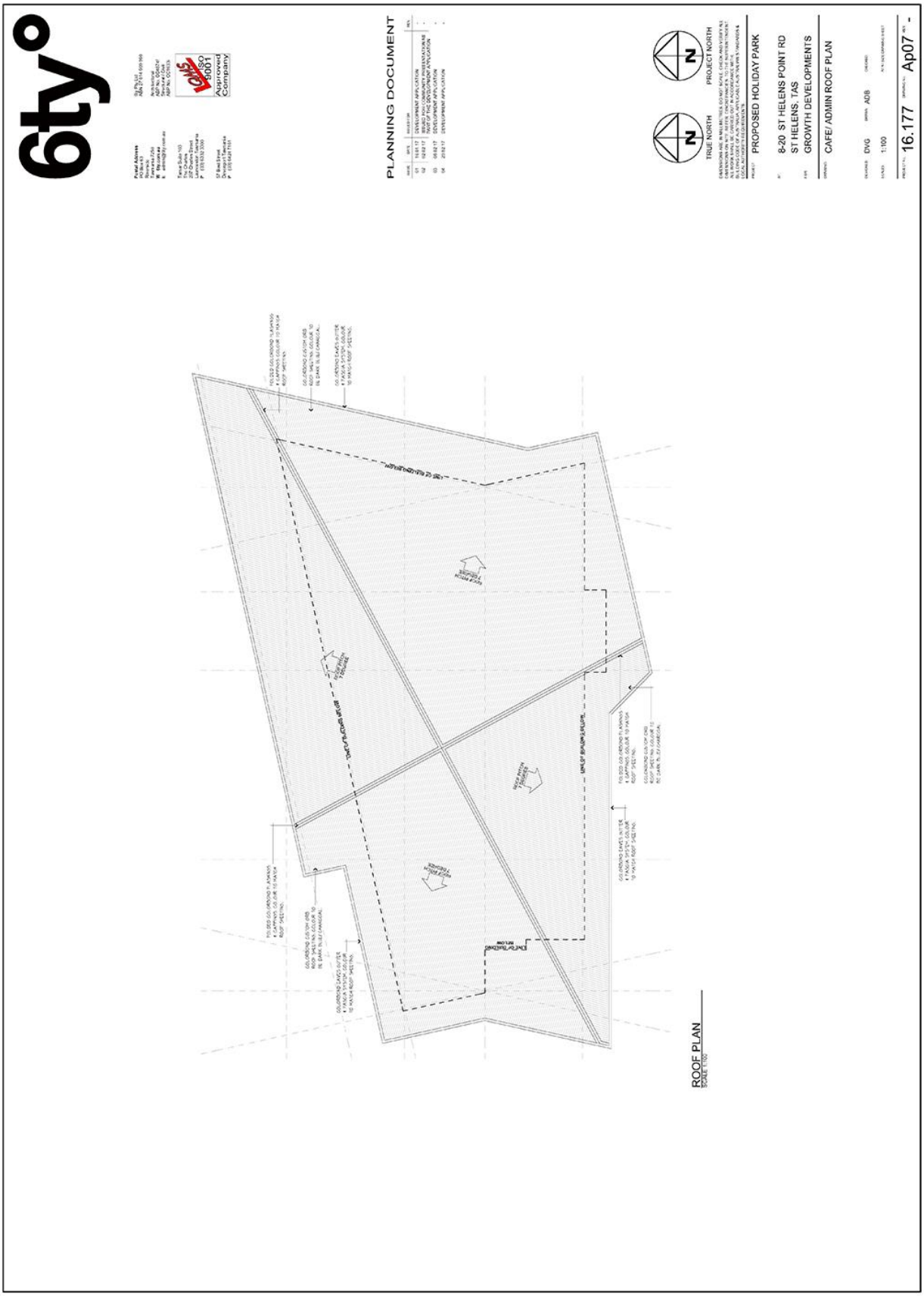

6ty°
SITE BREAKDOWN
ACCOMMODATION:
CAMP SITES 13
POWERED SITES 39
CABINS 22+2 ACCESS
SITE PARKING:
CAFE PARKING 21+2 ACCESS SPACES
OVERFLOW PARKING 8 SPACES
SHORT-TERM PARKING 1 SPACE
BUS PARKING 3 SPACES
BOAT PARKING 10 SPACES
BIKE STORAGE 10 SPACES
MANAGERS RESIDENCE 2 SPACES
CABIN PARKING 22+2 ACCESS SPACES
Cabin parking associated with cabins
BUILDING AREAS:
CAFE/ ADMIN 652m² (total floor area)
CAMP KITCHEN 550m² (total floor area)
CAFE 350m² (net floor area)
indoor dining 220m²
alfresco dining 179m²
entry dock 43m²
admin 124m²
services + amenities 135m²
CAMP KITCHEN 72m²
RECREATION ROOM 64m²
AMENITIES 145m²
SITE FACILITIES:
BBQ AREA x2
PLAY GROUND
JUMPING PILLOW
BOAT & BIKE WASH
MANAGERS RESIDENCE
(EXISTING BUILDING RE-FURBISHED)
STORAGE SHEDS
AMENITIES BREAKDOWN:
6 MALE WC, 6 FEMALE WC
6 MALE SHOWER, 6 FEMALE SHOWER
ACCESS AMENITY
LAUNDRY
INFANT CHANGEROOM/ BATHING
PLANNING DOCUMENT
CHAINWIRE FENCE ELEVATION
SCALE: 1:20
PYLON SIGN DETAIL
SCALE: 1:50
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
SITE PLAN
DNG
ADB
1:100, 1:400, 1:50, 1:20
16.177
Ap02 C
ST HELENS POINT ROAD
TALBOT STREET
PARKSIDE AVENUE
TITLE BOUNDARY
PROPOSED SITE PLAN
SCALE: 1:100

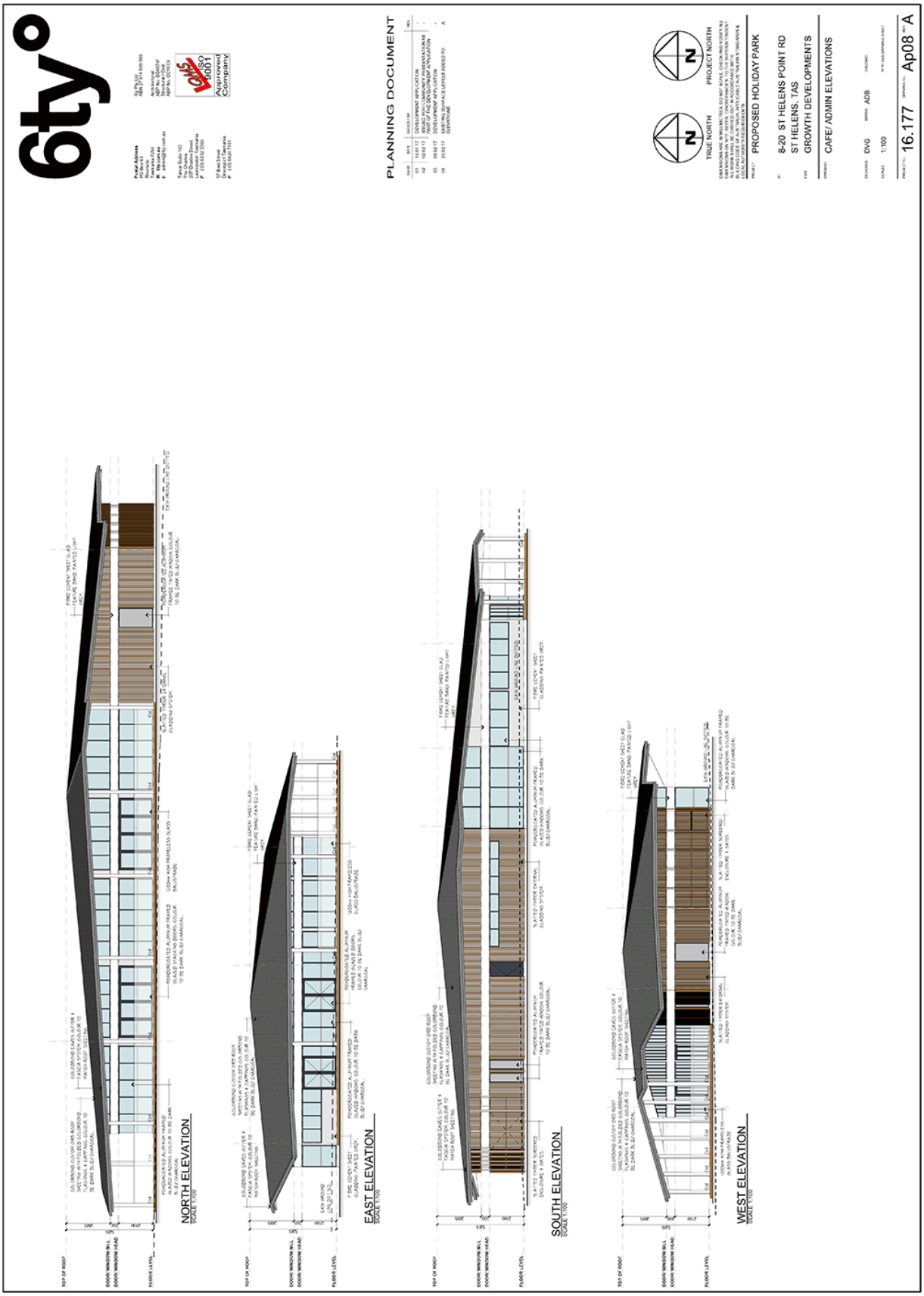
6ty°
Postal Address
PO Box 63
Sandy Bay
Tasmania 7006
E: admin@6ty.com.au
Tony Cubis
Architectural
ABN 74 097 617 991
Registered Architect
Tasmania & Cook
ABN No. 50 476 015
Tony Cubis 163
The Quotes
28 Queens Street
Lindisfarne Tasmania
P: (03) 6342 3300
Approved
Company
ST Best Street
Developer Tasmania
P: (03) 6343 7151
PLANNING DOCUMENT
DATE
DEVELOPMENT APPLICATION
ADDITIONAL INFORMATION REQUIRED
RFI
GENERAL LETTER AMENDMENTS TO SUIT
NEW COMPOSITION
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
SETBACK DIAGRAM
DRAWN DVG
APPR. ADB
1:400
16.177
Ap03
B
TITLE BOUNDARY
SITE SETBACK DIAGRAM
SCALE 1:400

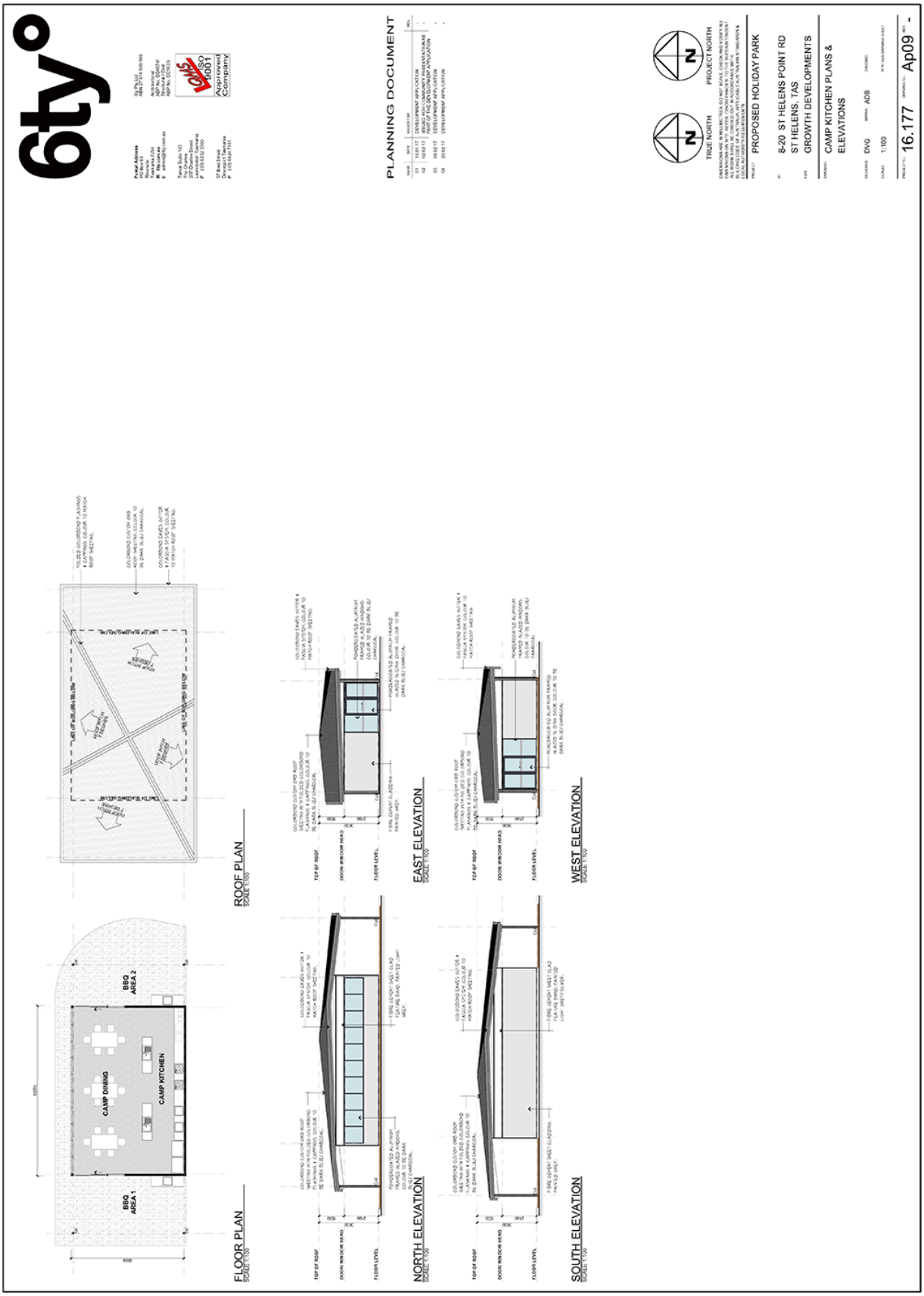
6ty°
Postal Address
PO Box 63
Sandy Bay
Tasmania 7006
W www.6ty.com.au
E admin@6ty.com.au
Tony Quin 163
The Quadrant
28 Cimitiere Street
Launceston Tasmania
P (03) 6332 3300
Approved Company
PLANNING DOCUMENT
DEVELOPMENT APPLICATION
REVISED TO INCLUDE ADDITIONAL DEMAND MANAGEMENT PARKING & BIN STORAGE LOCATIONS
REVISED POS, COMMUNITY PRESENTATION & ADDITIONAL DEMAND MANAGEMENT PARKING
ADDITIONAL INFORMATION ADDED & AMENDED TO REFLECT TRUE NORTH & SCALE
CAFE CLUBHOUSE REVISED GENERAL CONFIGURATION
TRUE NORTH
PROJECT NORTH
PROJECT
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
SITE LANDSCAPE PLAN
DRAWN DVG
ADB
1:400, 1:100
16.177
Ap04
LEGEND
GRASS
PAVING
CONCRETE
SAND
SOFTFALL
BITUMEN
SCREEN PLANTING-0.5-1M HIGH
NEW TREE-1.5-2M HIGH
NEW TREE-2-2.5M HIGH
NEW TREE-2-3.5M HIGH
NEW TREE-3.5-4M HIGH
TITLE BOUNDARY
SITE LANDSCAPE PLAN

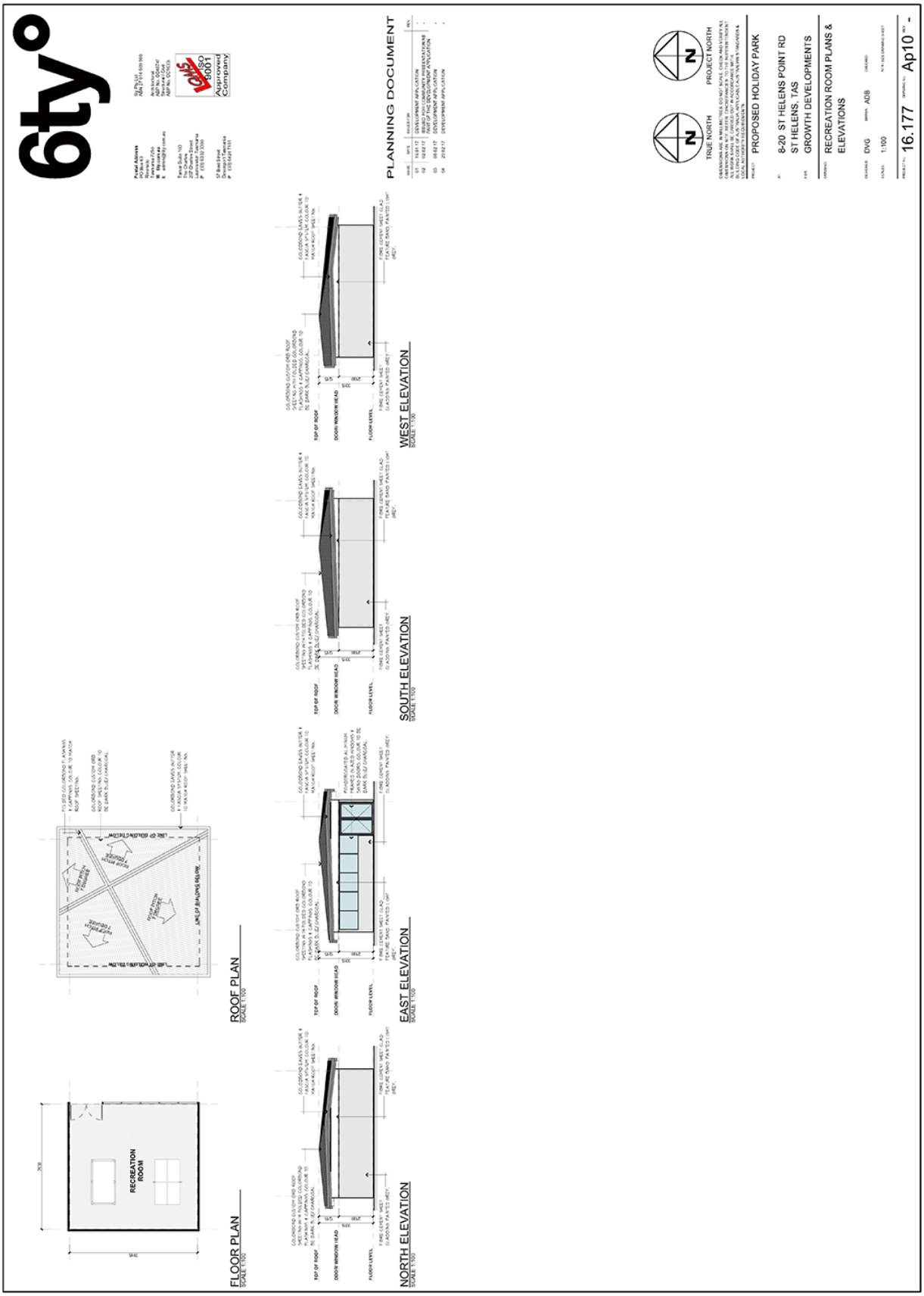

6ty°
PLANNING DOCUMENT
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
SITE SHADOW DIAGRAMS
DWG
ADB
1:319.02
16.177
Ap05
B
21 Jun 9am
21 Jun 12pm
21 Jun 3pm
21 Mar 9am
21 Mar 12pm
21 Mar 3pm
Dec 21 9am
Dec 21 12pm
21 Dec 3pm

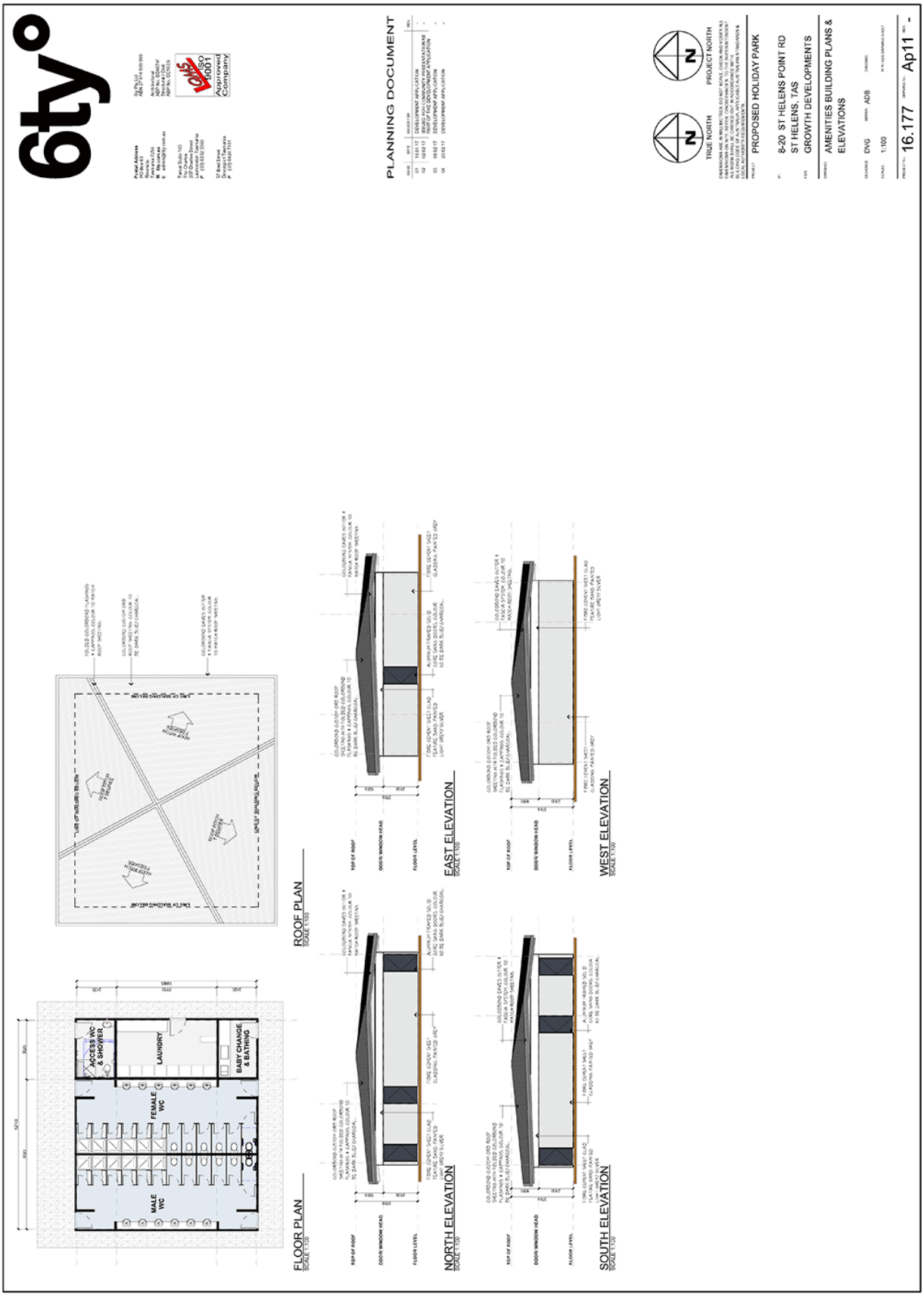

6ty°
PLANNING DOCUMENT
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
CAFE/ ADMIN FLOOR PLAN
DNG
ADB
1:100
16.177
Ap06
B
ENTRY DECK
ALFRESCO DINING
INDOOR DINING
WAITING
RECEPTION
OFFICE
PROVIDORE
KITCHEN
COOL STORE
FREEZER
DRY STORE
COOL STORE
STAFF CHANGE
BIN STORAGE
CLNR
ACCESS WC
MALE WC
MALE AIRLOCK
FEMALE WC
FEMALE AIRLOCK
FLOOR PLAN

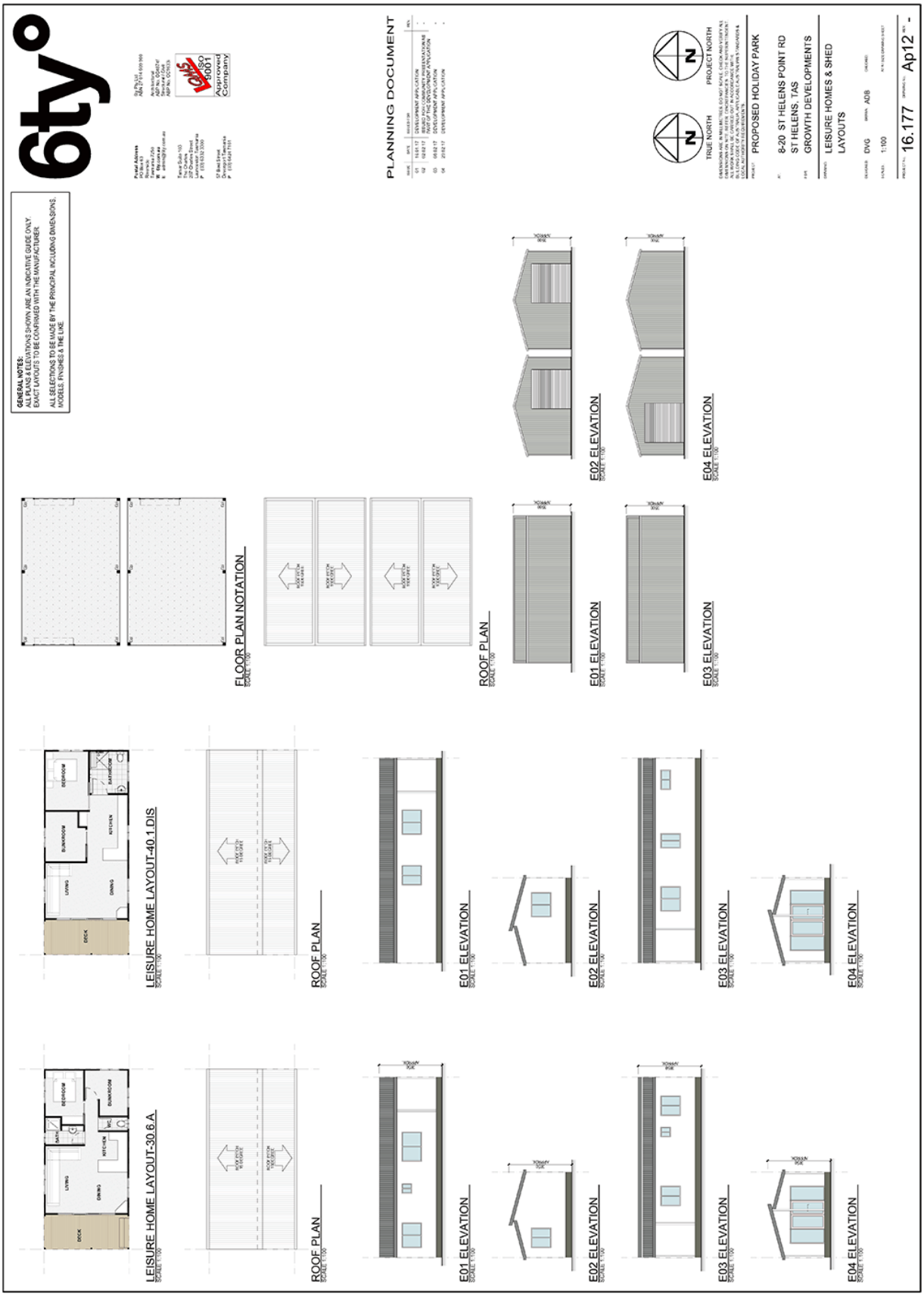

6ty°
PLANNING DOCUMENT
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
CAFE/ ADMIN ROOF PLAN
DWG
ADB
1:100
16.177
Ap07
ROOF PLAN

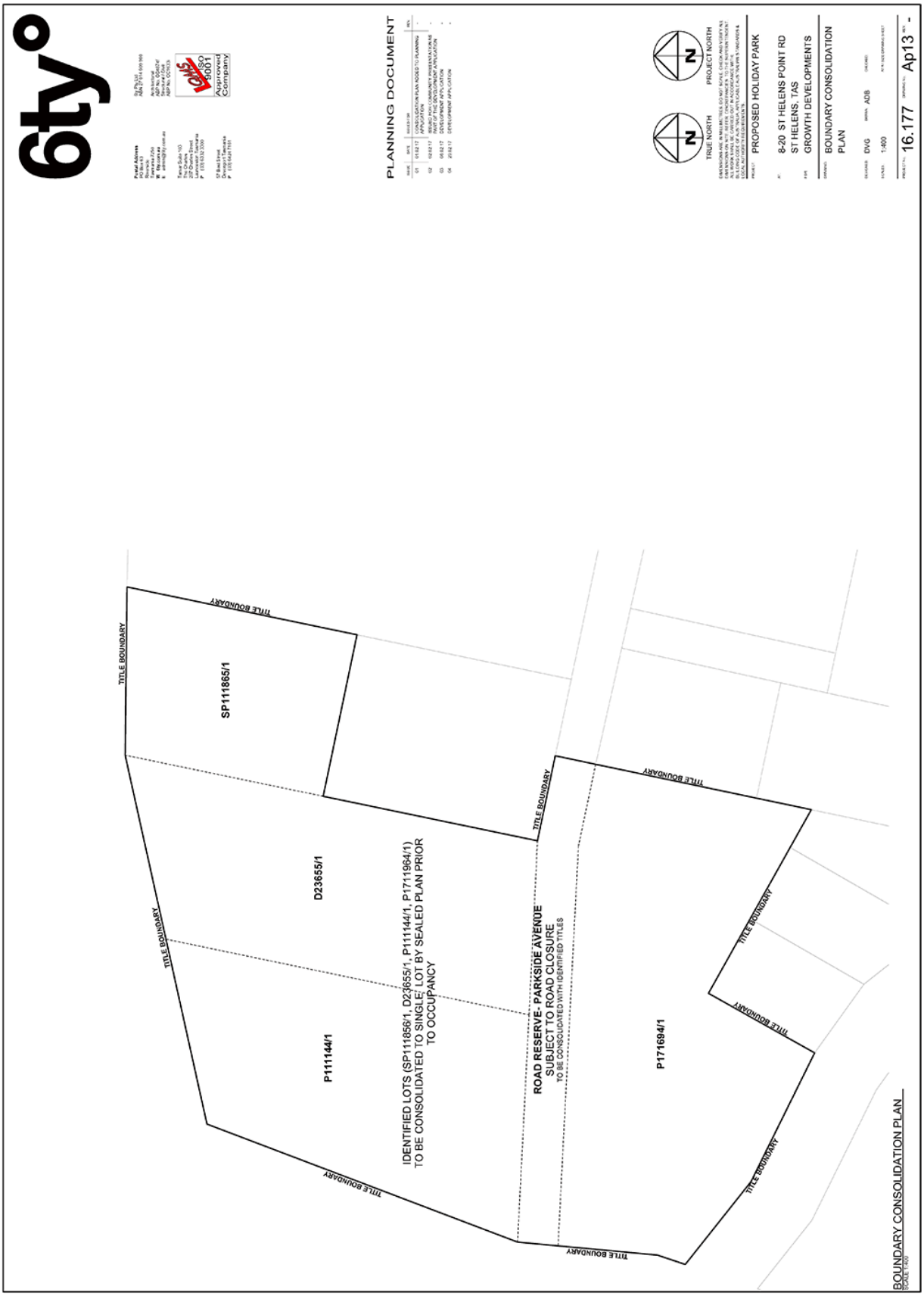

6ty°
PLANNING DOCUMENT
NORTH ELEVATION
SCALE 1:100
EAST ELEVATION
SCALE 1:100
SOUTH ELEVATION
SCALE 1:100
WEST ELEVATION
SCALE 1:100
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
CAFE/ ADMIN ELEVATIONS
DWG
ADB
1:100
16.177
Ap08
A

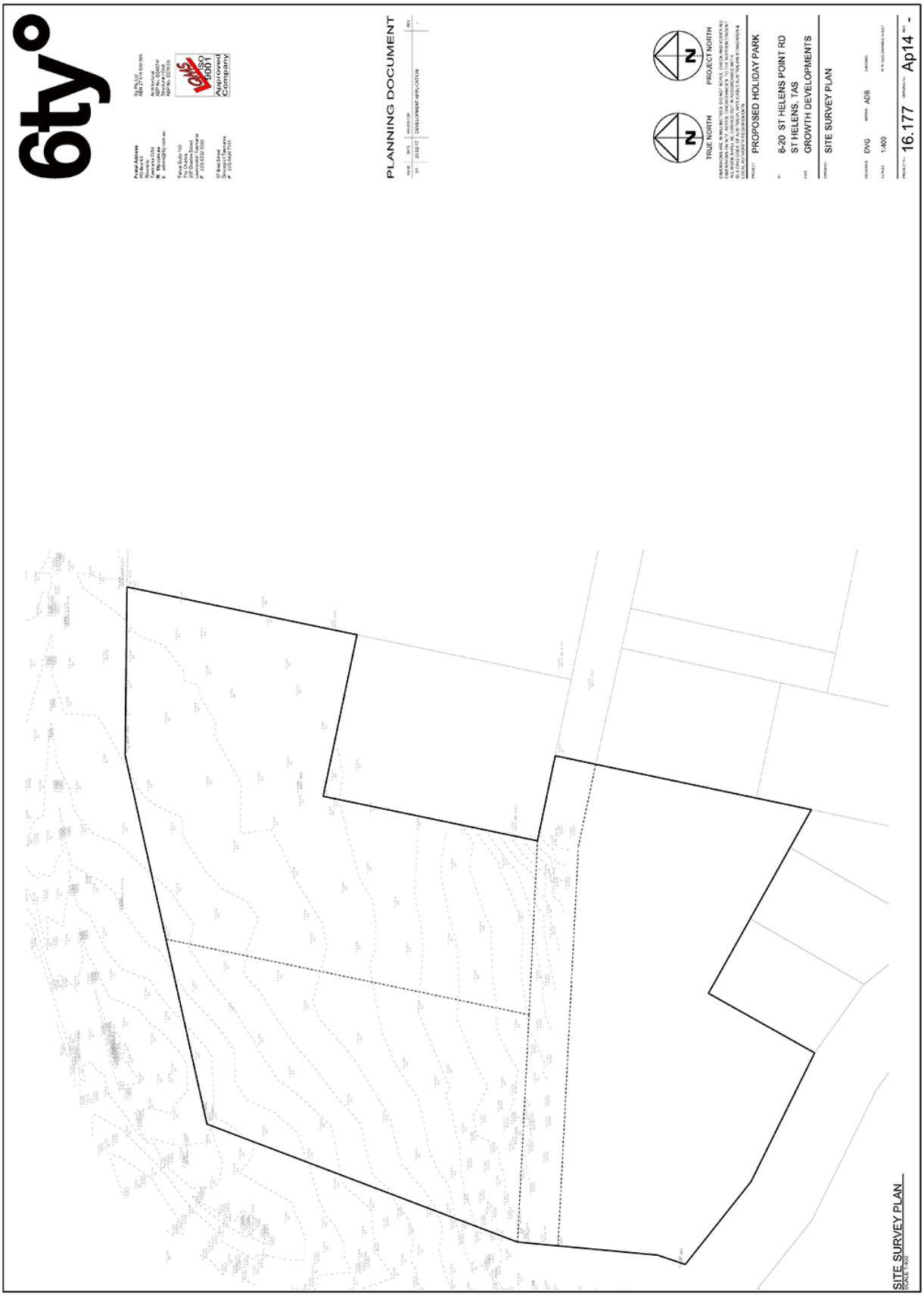

6ty°
PLANNING DOCUMENT
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
CAMP KITCHEN PLANS &
ELEVATIONS
16.177
Ap09
CAMP DINING
CAMP KITCHEN
BBQ AREA 1
BBQ AREA 2
FLOOR PLAN
ROOF PLAN
NORTH ELEVATION
EAST ELEVATION
SOUTH ELEVATION
WEST ELEVATION

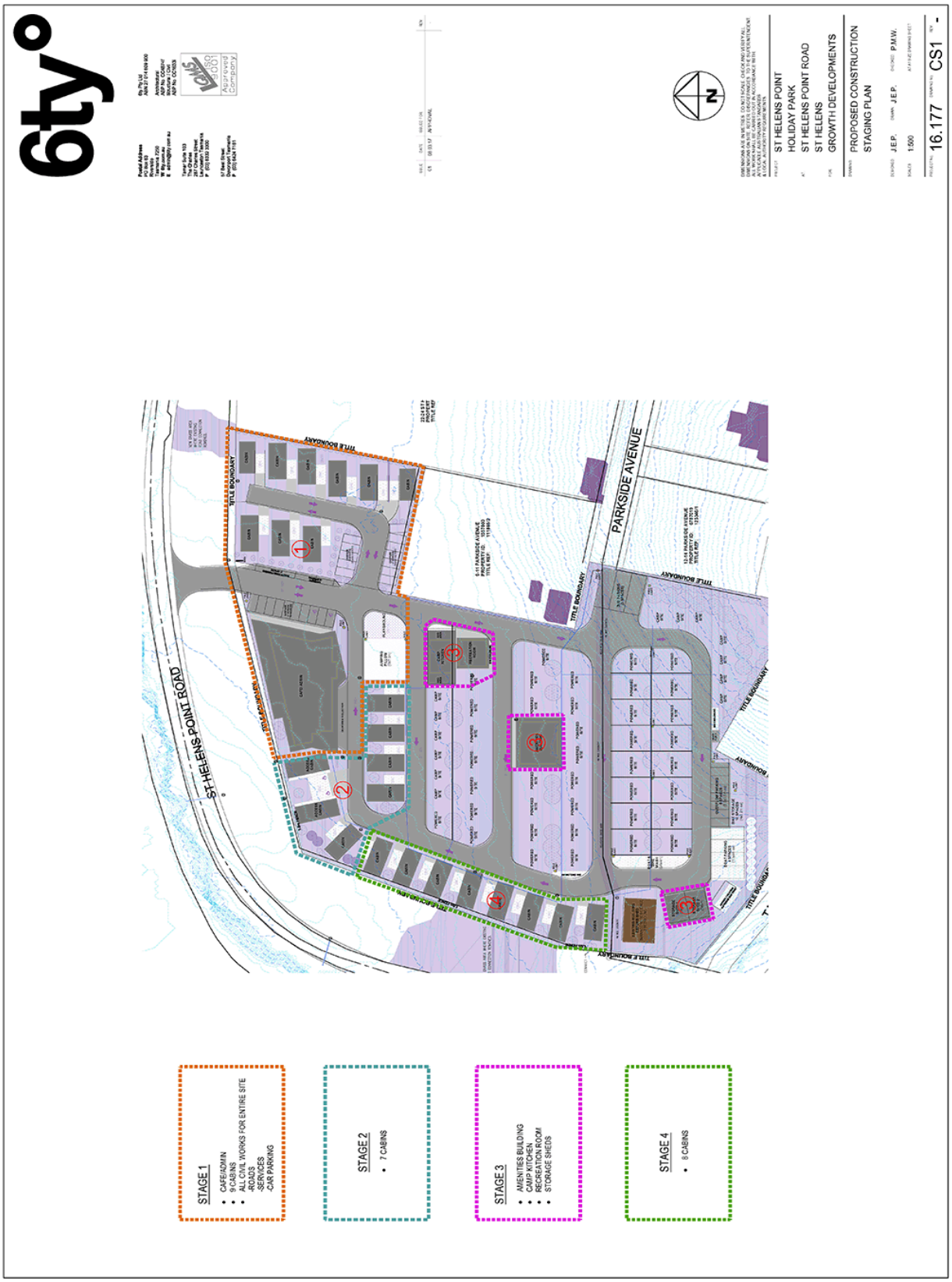

6ty°
PLANNING DOCUMENT
FLOOR PLAN
SCALE 1:100
RECREATION ROOM
ROOF PLAN
SCALE 1:100
NORTH ELEVATION
SCALE 1:100
EAST ELEVATION
SCALE 1:100
SOUTH ELEVATION
SCALE 1:100
WEST ELEVATION
SCALE 1:100
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
RECREATION ROOM PLANS & ELEVATIONS
DVG
ADB
1:100
16.177
Ap10


6ty°
PLANNING DOCUMENT
FLOOR PLAN
ROOF PLAN
NORTH ELEVATION
EAST ELEVATION
SOUTH ELEVATION
WEST ELEVATION
ACCESS WC & SHOWER
LAUNDRY
BABY CHANGE & BATHING
FEMALE WC
MALE WC
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
AMENITIES BUILDING PLANS & ELEVATIONS
16.177
Ap11


6ty°
GENERAL NOTES:
ALL PLANS & ELEVATIONS SHOWN ARE AN INDICATIVE GUIDE ONLY.
EXACT LAYOUTS TO BE CONFIRMED WITH THE MANUFACTURER.
ALL SELECTIONS TO BE MADE BY THE PRINCIPAL INCLUDING DIMENSIONS, MODELS, FINISHES & THE LIKE
Approved Company
PLANNING DOCUMENT
FLOOR PLAN NOTATION
SCALE 1:100
ROOF PLAN
SCALE 1:100
E01 ELEVATION
SCALE 1:100
E02 ELEVATION
SCALE 1:100
E03 ELEVATION
SCALE 1:100
E04 ELEVATION
SCALE 1:100
LEISURE HOME LAYOUT-40.1 DIS
LEISURE HOME LAYOUT-30.6 A
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
LEISURE HOMES & SHED
LAYOUTS
DWG
ADB
1:100
16.177
Ap12


6ty°
PLANNING DOCUMENT
TRUE NORTH
PROJECT NORTH
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
BOUNDARY CONSOLIDATION PLAN
16.177
Ap13
SP111865/1
D23655/1
P111144/1
IDENTIFIED LOTS (SP111856/1, D23655/1, P111144/1, P171194/1)
TO BE CONSOLIDATED TO SINGLE LOT BY SEALED PLAN PRIOR
TO OCCUPANCY
ROAD RESERVE - PARKSIDE AVENUE
SUBJECT TO ROAD CLOSURE
TO BE CONSOLIDATED WITH IDENTIFIED TITLES
P171694/1
TITLE BOUNDARY
BOUNDARY CONSOLIDATION PLAN


6ty°
Postal Address
PO Box 63
Sandy Bay
Tasmania 7006
E: admin@6ty.com.au
Tony Cubis
Architect
Registration No. CC4053
Tony Cubis 163
29 Davies Street
Launceston Tasmania
P: (03) 6332 3300
Approved Company
PLANNING DOCUMENT
ISSUE DATE DESCRIPTION REV.
01 25.04.17 DEVELOPMENT APPLICATION -
TRUE NORTH
PROJECT NORTH
PROJECT
PROPOSED HOLIDAY PARK
8-20 ST HELENS POINT RD
ST HELENS, TAS
GROWTH DEVELOPMENTS
SITE SURVEY PLAN
DRAWN DVG
APPR. ADB
SCALE 1:400
PROJECT No. 16.177
DRAWING No. Ap14
REV. -
SITE SURVEY PLAN
SCALE 1:400



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.

04/17.7.0 PETITIONS

04/17.7.1 Hub4Health Services at Risk Due to Funding Cuts

ACTION	**INFORMATION**
PROPONENT	Residents/Ratepayers
OFFICER	John Brown, General Manager
FILE REFERENCE	019\005\001\
ASSOCIATED REPORTS AND DOCUMENTS	Petition – *due to size of petition this is circulated under separate cover*

OFFICER'S RECOMMENDATION:

That Council receive the petition and advise that Council will forward the same to the State and Federal Governments lobbying the residents/ratepayers concerns.

INTRODUCTION:

The petition was received as follows:

"Hub4Health currently offers a large range of clinical health and social services throughout the Break O'Day Municipality. A reduction in funding will result in a cut in many of the services we offer. We are petitioning the government to recognise our regional isolation and continue base funding in both clinical and preventative health."

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

The Board of Management of the Hub4Health have lodged this petition in accordance with Section 57 of the *Local Government Act 1993.*

The total number of signatories required under Section 57 of the *Local Government Act 1993* is "5% of the electors of the Municipal area or 1,000 of those electors whichever is the lesser". The current number is 5,463 on the electoral roll or 273 for the 5%.

There were a total of 631 signatories on the petition with the above statement. Due to the number of signatories on the petition a cross check was undertaken with the electoral roll to ensure that the petition meets the requirements of "5% of the electors of the Municipal area or 1,000 of those electors whichever is the lesser", as referred to in section 57 of the *Local Government Act 1993,* therefore again it is not in accordance with The Act.

The breakdowns of the signatories following the cross check with the electoral roll is as follows:

413 Identified as being on the electoral roll
183 Not on the roll
26 Signed more than once
9 Signatures illegible

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

LEGISLATION & POLICIES:

Section 57, *Local Government Act 1993*.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No financial implications to Council.

VOTING REQUIREMENTS:

Simple Majority.

04/17.8.0 NOTICES OF MOTION

04/17.8.1 Notice of Motion – Australian Local Government Association (ALGA) National General Assemble call for Motions – Clr J Drummond

MOTION:

That Break O'Day Council respond to the Australian Local Government Association (ALGA) National General Assembly Call for Motions, with the following Motion:

"*That this National General Assembly call on the Federal Government to restore funding for preventative health services, particularly in rural and remote regions where very limited options for treatment exist for local communities".*

This motion addresses the NGA Theme of (3) Liveability – maximising amenity, design and community cohesion. The provision of preventative health care funding would allow our community to access locally provided, holistically based health care and attract more residents to rural and remote areas, knowing that they do not have hours of travel to access basic health care services, which are taken for granted within urban areas.

National Objective

Goal: To restore funding for holistic preventative health services which create the social and physical environments that promote good health for all. Good health outcomes should not be dependent on the geography of where a person lives and there should be equity of provision of services for all Australians.

SUBMISSION IN SUPPORT OF MOTION:

In the Federal Budget 2016 the government removed substantial funding from preventive health programs. The budget also marked the start of the Healthier Medicare package announced earlier in 2016. This included funding of $21.3 million for a trial of "Health Care Homes", designed for people with chronic diseases and complex conditions. The package also created bundled payments and incentives for GPs treating the chronically ill. This highlights the move away from funding of preventative health services and the transferring of funds to the area of chronic health conditions. This motion calls for the reinstatement of funding for preventative health services in rural and remote regions.

The removal of the provision of funding to provide integrated local care, which is proven to improve the quality and outcomes of health care over generations should be reversed, and local services given more funding for preventative and holistic care services. Where there are limited health services, the health of the population suffers, where there are large travel distances to overcome, health suffers. Health services are best provided holistically and in community locations, overseen by a treating general practitioner.

The lack of the provision of health care services is a huge barrier faced by rural and remote communities in Australia, this can lead to a breakdown in social stability as people move away from family support structures to access health care services. Maximising the liveability of the community for tomorrows communities, is the core business of local government. If we cannot work towards ensuring the provision of basic health care services, we face difficulties in attracting new families and in building the community and the economic prosperity of our area.

04/17.8.2 Notice of Motion – Increase 2017-18 Budget for Weed Officer – Clr H Rubenach-Quinn

MOTION:

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 as required from relevant State Agencies:

That council increase funding for the employment of the weed officer for the 2017-2018 budget, so as to enable more hours of weed management to be provided in the municipality.

SUBMISSION IN SUPPORT OF MOTION:

In light of the loss of future Green Army funding rounds and the reduction in other landcare type funding available, we need to consider ways to maintain the great improvements in weed management that have been attained throughout the municipality in recent years. One way to achieve this would be to increase our 2017-2018 budget for the weed officer so as to enable more hours/days of weed management in the municipality.

04/17.8.3 Notice of Motion – NDIS Service Providers – Clr H Rubenach-Quinn

MOTION:

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 as required from relevant State Agencies:

That council take action to enable the disabled in our community to be able to more easily and fully access support services by the time the full rollout of the NDIS begins in January 2018, by urgently investigating the following options:

a) Actively attracting NDIS registered providers to our area;
b) Encouraging new providers to start up in our community and become registered as NDIS providers;
c) Negotiating with existing community organisations with the aim of collaborating and encouraging them to register as NDIS service providers or as contractors to a registered consortium;
d) Look into the feasibility of council becoming a registered NDIS provider (as has been done elsewhere in Australia);
e) Determining whether there may be a need to attract an adult education training provider to provide certificate qualifications in disability care (so as to boost the local workforce potential).

SUBMISSION IN SUPPORT OF MOTION:

The full rollout of the NDIS (National Disability Insurance Scheme) in Tasmania will begin in January 2018 following the successful trial period of the past few years. During 2018 everyone in Tasmania assessed as eligible for the NDIS between the ages of 0-49 will be allocated a package. This will extend to those aged up to 64 by mid 2019. This will mean that by early 2018 (less than a year away), there will be many in our community requiring access to disability services and as such, will need service providers who are able and willing to meet the demand. However, regional and remote areas seem to struggle to attract service providers, most probably due to the limited skilled workforce, and the travel distance (and thus costs) between clients.

I believe there is a significant role for council to ensure that people with a disability in our community will be able to access disability support services as soon as they become eligible for the NDIS. The Local Government Act 1993, Section 20 states that the role of councils is to provide for the health, safety and welfare of the community. As there is now a very limited time to ensure there is adequate service provision in our municipality, I believe we need to act now to determine the best way to fill the gaps that will emerge in our community, whether that be through attracting service providers, through to council investigating becoming a service provider ourselves (as is being done by Playford City Council in South Australia).

Not only will the NDIS increase the functionality of everyday lives of the disabled, and the social inclusion in our community, but the NDIS can become a huge economic development opportunity for our area – bringing in large amounts of government funding and providing many jobs. For example I am aware of one local disabled young person that will likely attract a $500,000-$750,000 funding package, potentially providing employment for five (5) full time support workers, several casual workers and a part-time coordinator (he currently only has 1 full time, 1 part-time and 1 casual support worker employed locally under his current limited state government funding package). The *NDIS Costs - Productivity Commission Issues Paper (Feb 2017)* states that the NDIS is expected to create 20% of the jobs growth forecast in the next three (3) years – if we are serious about jobs, we cannot afford to miss out on this level of jobs growth as well as the service it will provide to some of the most marginalised and vulnerable members of our community.

The NDIS funding arrangements are based on a full cost recovery basis. For example, the average hourly rate for a disability support worker is $23.62, while the funding for standard care personal support service is $42.79/hr and for high care $45.17/hr during week days with rates increasing for evenings, weekends and public holidays. Some portions of our municipality (the south east corner and the far northeast tip) are considered remote (Classification MM6 under the Modified Monash Model used by the NDIS), and thus would attract a further 18% funding on top of that listed in the price guide. For further detail, please see the NDIS price guide:

https://www.ndis.gov.au/html/sites/default/files/documents/Provider/201617-vic-nsw-qld-tas-price-guide.pdf

Thus it seems entirely economically feasible that not-for-profit organisations, for-profit businesses or even council can provide services within our municipality. However, I am not aware of any that willing/able to do so at the moment. I believe we need to put some serious thought into how we can attract service providers or for council to become a service provider - and this is going to have to happen very soon, as the full rollout begins in less than a year. If no service providers (beyond existing small ones) have shown an interest in this area by now, I would say it is highly unlikely they have any intentions to provide a service locally, and thus we need to act very quickly so our community can be ready within a year.

04/17.8.4 Notice of Motion – LGAT myagedcare Funding – Clr H Rubenach-Quinn

MOTION:

That LGAT call on the State and Federal Governments to a) collect data on wait lists; b) investigate the current need situation; and increase the amount of funding for in-home support services for those deemed eligible through the My Aged Care System for Commonwealth subsidised services, so as to reduce the wait list and ensure all who are eligible can access services in a timely and affordable manner.

SUBMISSION IN SUPPORT OF MOTION:

There are reports of many cases in Northern Tasmania, where people have been placed on wait lists for several years for Commonwealth subsidised services for in-home domestic and personal care support. Some elderly clients are told there is a chronic shortage of funding packages for Northern Tasmania, with the result that whenever funding packages are released, there is never enough to go around and many continuously miss out, year after year. Some are repeatedly assessed and repeatedly deemed eligible, however continue to miss out on newly released funding packages. The older people in our communities deserve better.

It is difficult, if not impossible to find relevant data relating to the numbers of people on wait lists and how long they have been waiting. There is some dated data, such as "During 2013–14, 8% of people were receiving Home Care (Levels 1–4) services within a week of their ACAT approval, 31% within a month, 59% within 3, and 86% within 9 months [2]. There was little variation in elapsed times between Levels 1–2 and 3–4. The preliminary data available indicate that the introduction of the Home Care Packages Programme has not significantly changed entry periods for community-based care" http://www.aihw.gov.au/aged-care/residential-and-home-care-2013-14/accessing-services/.

Case study 1: Last year, an elderly woman from the rural east coast of Tasmania who had been waiting for several years for funding, broke her leg whilst putting washing on the line – a task she had struggled to do for years and was one of the domestic support services she had been requesting, but was placed on the wait list. She then asked for personal support services to shower and dress her during the months her leg was in plaster – she never received this service. She is still waiting for in-home domestic services.

04/17.8.5 Notice of Motion – Scamander Parking – Clr H Rubenach-Quinn

MOTION:

A report is sought 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 as required by State Agencies:

That council investigate the need for improvements of parking arrangements and possible expansions of parking areas in Scamander.

SUBMISSION IN SUPPORT OF MOTION:

It was recently brought to my attention that in late 2008/early 2009 a petition was signed by residents of Scamander and lodged with council asking for consideration of car and large vehicle parking needs in Scamander. I have been asked to bring this matter back to council's attention, as some residents have continued to have concerns regarding the safety and adequacy of existing parking arrangements, in particular around the Mouth Cafe/Post Office/Scamander Beach Hotel area. As we are seeing a growing tourism industry for the East Coast, we need to start considering the longer term adequacy of car and large vehicle parking facilities in our townships, and I think it is timely to start with the Scamander community request.

04/17.8.6 Notice of Motion – Amendments to the Investment Assistance Policy Adopted in August 2016 – Clr J Drummond

MOTION:

A report is sought 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 as required by State Agencies:

That the following amendments be made to the Investment Assistance Policy adopted in August 2016:

Page 6 – Eligibility

Ineligible Applicants include:

- Government departments or agencies.
- Government owned entities such as Government Business Enterprises.
- Government funded regional development organisations.

Ineligible Projects

The following projects will not be eligible to receive assistance:

- Planning, pre-planning or feasibility studies.
- Provision of working capital or funds to service financing arrangements.

· A project that overlaps/falls within an obligation of a government department or agency, government owned entity or government funded regional development organisation.
· A project where the primary focus is property development by subdivision.

Eligible Applicants will:
· Be public or private companies with a registered ABN or ACN.
· Be a not for profit organisation that would provide benefit to the community.
· Submit a business and / or project plan that demonstrates a net economic and / or community benefit to the Break O'Day Municipality.
· Demonstrate capacity to deliver the project.

Page 7 - Assessment Criteria

The Break O'Day Council will assess all projects and applicants to ensure capability and eligibility. The criteria used in this assessment will include (but not be limited to):
· Net economic and / or community benefit to the Break O'Day area;
· On-going viability;
· The creation of sustainable job growth in the area;
· Capital investment.

SUBMISSION IN SUPPORT OF MOTION:

Whilst the "Investment Assistance Program" does not define our services as a Council, we need to ensure that the language in the marketing tool, is inclusive rather than exclusive. If we are "open for business" we need to consider all businesses on merit. A simplified document would be more inclusive than the one we have now.

Concerns were raised by Councillors about the wording of the Investment Assistance Program being exclusionary at the time of it's adoption in August, 2016. These concerns have now been raised by members of the community.

Attracting large businesses into the area should not be to the detriment of smaller and existing businesses. Smaller businesses, requiring assistance, should also be considered on merit, as one small business in our smaller townships could act as a catalyst for more small or larger businesses to move into the area. Boutique experiences are what many travel to Tasmania to enjoy, let us build on what is unique to our area.

Not for profit organisation should be removed from the "Ineligible projects" and included in "Eligible Applicants", as into the future as the NDIS rolls out in the area, there could be a surge in the growth of "not for profit organisations", bringing employment into the area. There are also other "not for profit organisations" who have been involved in environmental works in our area, that should not be excluded.

The term "significant capital investment" is problematic, as it is exclusionary. This has been interpreted by community members to mean only large developments will be considered. "Capital investment" is a more embracing term.

04/17.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

04/17.10.0 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.

04/17.11.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

04/17.11.1 Mayor's Communications for Period Ending 19 April 2017

22.03.17	**St Helens**	– Meeting with representative from the RSL to discuss the State Auxiliary Conference.
29.03.17	**St Helens**	– Meeting with Rebecca White MP to discuss various local issues.
29.03.17	**St Helens**	– St Helens Barway meeting.
30.03.17	**St Helens**	– Meet Tour d'Cure participants, Tidal Waters.
03.04.17	**St Helens**	– Council Workshop.
07.04.17	**Launceston**	– Local Government Association of Tasmania (LGAT) General meeting.
10.04.17	**St Helens**	– 10 Year Strategic Plan meeting.
11.04.17	**St Helens**	– Eating with Friends, St Helens Neighbourhood House.
19.04.17	**St Helens**	– Council meeting.

04/17.11.2 Councillor's Reports for Period Ending 19 April 2017

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

- St Helens and Districts Chamber of Commerce and Tourism – Mayor Mick Tucker/Clr Barry LeFevre
- NRM Special Committee – Clr Janet Drummond (Acting Chair)
- Barway Committee – Clr John McGiveron
- Regional Tourism Organisation (RTO) – Clr Glenn McGuinness
- Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness
- Mental Health Action Group – Clr Barry LeFevre

04/17.12.0 BUSINESS AND CORPORATE SERVICES

04/17.12.1 Corporate Services Department Report

ACTION	**INFORMATION**
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate 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 of various issues which have been dealt with in 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:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
12/16.12.4.274	12 December 2016	That Council accept the proposal of the St Helens Hospital Auxiliary to operate the St Helens Tip Shop and management be authorised to enter into a Memorandum of Understanding for a trial period of 18 months.	Completed, MoU has been signed and it is expected that the arrangements will be operational soon.
03/17.12.4.62	20 March 2017	That Council approve the format of the lease agreement as prepared by management and authorise management to complete the agreement in the format provided to the Scamander Sport & Community Complex Executive and Committee.	Completed, the Scamander Sport & Community Complex Committee have been advised of Council's decision in writing.
03/17.12.5.63	20 March 2017	That Council receive the minutes of the Audit Panel 20 February 2017.	No action required, matter is complete.

Staff Movements:
No significant activities.

Meetings Attended:
With Works Department Executive Assistant, met with MDG representatives re waste management contract (regular meeting).

With GM, met with representative of KPMG to clarify information to be provided to the Northern Region Shared Services study.

With Finance Officer, by phone, met with Tasmanian Audit Office designated audit team with respect to the 2016/2017 audit.

Other Issues:

Investments – Term Deposits

CBA:

$1,012,924.73	2.46%	Maturing 19/04/17
$2,025,000.10	2.35%	Maturing 15/05/17
$1,529,821.29	2.31%	Maturing 29/05/17
$1,012,285.45	2.31%	Maturing 06/06/17

BENDIGO:

$1,012,504.54	2.40%	Maturing 19/06/17

Right to Information (RTI) Requests

Nil.

132 and 337 Certificates

	132	**337**
March 2017	100	44
February 2017	57	34
March 2016	61	36

Debtors/Creditors @ 4 April 2017

DEBTORS INFORMATION
Invoices Raised

Current		Previous Year	
Month	**YTD 16/17**	**Month**	**YTD 15/16**
66	589	71	637

CREDITORS INFORMATION
Payments Made

Current		Previous Year	
Month	**YTD 16/17**	**Month**	**YTD 15/16**
331	3316	327	3110

The Work Health & Safety Coordinator attended the following meetings:

Date	Meeting
20/03/2017	Council meeting
21/03/2017	Corporate services team meeting
21/03/2017	Fortnightly meeting with Corporate Services Manager
22/03/2017	Meeting with Ralph Thompson, WorkSafe Tas & Gerald Aulich, Tas Fire Services, regarding a gas bottle fire at St Marys Hall
23/03./2017	Stress Elimination in the Workplace 12 weeks workshop – Session 5
27/03/2017	GP appointment with injured worker
28/03/2017	Council staff meeting
28/03/2017	WHS inspection of contractor worksite
29/03/2017	GP appointment with injured worker
30/03/2017	Stress Elimination in the Workplace 12 weeks workshop – Session 6
03/04/2017	WHS induction with new contractor
03/04/2017	GP appointment with injured worker
03/04/2017	WHS induction with new contractor
04/04/2017	Corporate services team meeting
04/04/2017	Fortnightly meeting with Corporate Services Manager
05/04/2017	Risk Management meeting Bay of Fires Winter Arts Festival Manager
06/04/2017	Stress Elimination in the Workplace 12 weeks workshop – Session 7
10/04/2017	WHS inspection of contractor worksite
11/04/2017	GP appointment with injured worker
12/04/2017	Strategic Plan meeting day
13/04/2017	Stress Elimination in the Workplace 12 weeks workshop – Session 8
14/04/2017	GP appointment with injured worker
19/04/2017	Council meeting

During the period of **9 March to 6 April 2017 the following vandalism was reported to Council:**

Tuesday 4 April 2017

Broken handrail and boards for seating pulled out and removed at St Marys Sports and Recreational Ground Grand Stand.

Estimated labour and material cost amounts to $280.00.

RATES INFORMATION as at 6 April 2017

This financial Year

2016/2017	Rates Levied	Additional Rates (Sup Val)	Total Rates	Penalties	Interest	Rate Remissions
General	6,751,786.76	29,430.32	6,781,217.08	56,082.25	16,079.09	56,204.37
Waste	1,083,750.00	3,353.46	1,087,103.46			
Wheelie	387,463.20	1,842.75	389,305.95			
Fire	318,942.86	1,848.59	320,791.45			
TOTAL	**8,541,942.82**	**36,475.12**	**8,578,417.94**	**56,082.25**	**16,079.09**	**56,204.37**

Last Financial Year

2015/2016	Rates Levied	Additional Rates (Sup Val)	Total Rates	Penalties	Interest	Rate Remissions
General	6,200,752.72	26,160.07	6,226,912.79	53,833.52	22,075.46	54,217.12
Waste	1,004,217.00	4,507.85	1,008,724.85			
Wheelie	366,307.50	4,118.62	370,426.12			
Fire	307,465.69	1,250.95	308,716.64			
TOTAL	**7,878,742.91**	**36,037.49**	**7,914,780.40**	**53,833.52**	**22,075.46**	**54,217.12**

Instalments

2016/2017		Instalment $	Outstanding $	Outstanding %
13 September 2016	Instalment 1	2,137,506.82	33,619.32	1.57%
15 November 2016	Instalment 2	2,134,812.00	48,086.49	2.25%
7 February 2017	Instalment 3	2,134,812.00	96,571.25	4.52%
2 May 2017	Instalment 4	2,134,812.00	867,185.63	40.62%
	TOTAL:	**8,541,942.82**	**1,045,462.69**	**12.24%**

2015/2016		Instalment $	Outstanding $	Outstanding %
8 September 2015	Instalment 1	1,967,749.91	31,279.76	1.59%
10 November 2015	Instalment 2	1,970,331.00	47,483.78	2.41%
9 February 2016	Instalment 3	1,970,331.00	103,084.66	5.23%
3 May 2016	Instalment 4	1,970,331.00	832,980.74	42.28%
	TOTAL:	**7,878,742.91**	**1,014,828.94**	**12.88%**

Discount

	Discount	No. of	Total Ratable	% of total
2016/2017	112,557.09	2,985	6,459	46%
2015/2016	104,716.77	2,970	6,423	46%

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2011-2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.12.2 Monthly Financial Report

ACTION	**INFORMATION**
PROPONENT	Council Officer
OFFICER	David Doyle, Finance Manager
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

OFFICER'S RECOMMENDATION:

That the following reports for the month ending 30 March 2017 be received:

1. Trading Account Summary
2. Profit and Loss Statements
3. Financial Position
4. Cash Flow
5. Capital Expenditure

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 at 30 March 2017.

Trading Account Summary

Council's current position for the month ending 31 Mar 2017 is summarised as follows:-

CASH AT BEGINNING OF PERIOD	8,183,204
TOTAL INCOME FOR PERIOD	782,593
TOTAL AVAILABLE FUNDS	8,965,796
LESS TOTAL EXPENDITURE	1,208,983
CASH AT END OF PERIOD	7,756,814
OUTSTANDING SUNDRY DEBTORS 60 DAYS & OVER	20,297

N.B. Cashflows in the short term are not equivalent to accounting surplus or deficit and therefore cash flows in the above statement will not necessarily equal figures shown elsewhere in this report.

Break O'Day Council				
Income Statement				
2016-2017				
	2015-2016 Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget
INCOME				
Rates and Charges	8,192,989	8,560,659	8,449,982	8,479,610
User Charges	800,740	574,523	586,424	791,575
Grants	2,208,557	2,368,063	2,277,460	2,955,399
Reimbursements	41,428	36,779	10,125	13,500
Other Income	135,782	244,460	192,250	233,500
Investment Income	828,875	425,278	356,417	719,000
Total Income	**12,208,371**	**12,209,762**	**11,872,657**	**13,192,584**
Capital Income				
Capital grants	1,988,644	613,515	524,000	2,347,712
Profit or Loss on Sale of Assets	(347,315)	36,849	40,000	40,000
Contributions - non-monetary	833,000			
Total Income	**14,682,700**	**12,860,126**	**12,436,657**	**15,580,296**
EXPENSES				
Employee Expenses	4,031,351	3,050,013	3,274,631	4,342,804
Materials and Services	4,589,928	4,162,005	3,649,950	4,725,235
Depreciation and amortisation	3,613,290	2,696,449	2,697,095	3,596,527
Other expenses	1,527,226	575,399	528,257	726,857
Total Expenses	**13,761,795**	**10,483,865**	**10,149,933**	**13,391,423**
FAG's received prior year in advance	**1,297,926**			
Net Operating Suplus\(Deficit)	**(255,498)**	**1,725,897**	**1,722,724**	**(198,839)**
Net Suplus\(Deficit)	**920,905**	**2,376,261**	**2,286,724**	**2,188,873**

Profit & Loss Statement							
2016-2017							
		Month Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget	% of Annual Budget used	Comments
1600	**Revenues**						
1611	General Rate	4,875	6,781,217	6,711,068	6,711,068	101%	
1612	Waste Charges	458	1,087,103	1,058,250	1,058,250	103%	
1613	Fire Levy	261	320,791	317,459	317,459	101%	
1614	Tips & Transfer Stations	13,419	94,762	88,885	118,513	80%	
1616	Early Settlement Discounts	-	(112,520)	(112,000)	(112,000)	100%	
1617	Wheelie Bin Charges	248	389,306	386,320	386,320	101%	
	Total Rates	**19,262**	**8,560,659**	**8,449,982**	**8,479,610**	101%	
	Environmental Health						
1622	Inspection Fees	-	3,296	4,500	6,000	55%	
1623	Health/Food Licence Fees and Fines	(335)	171	1,000	14,000	1%	
1624	Immunisations	1,258	1,258	-	1,000	126%	
	Total Environmental Health	**923**	**4,725**	**5,500**	**21,000**	23%	
	Municipal Inspector						
1631	Kennel Licences	120	255	-	1,200	21%	
1632	Dog Registrations	266	11,627	8,500	50,100	23%	
1633	Dog Impoundment Fees & Fines	205	988	1,875	2,500	40%	
1634	Dog Replacement Tags	-	110	-	-		
1635	Caravan Fees and Fines	68	50,160	50,000	50,000	100%	
1636	Fire Abatement Charges	-	-	2,000	2,000	0%	
1637	Infringement Notices	157	4,077	12,750	17,000	24%	
	Total Municipal inspector	**816**	**67,217**	**75,125**	**122,800**	55%	
	Building Control Fees						
1641	Building Fees	3,998	31,705	22,500	30,000	106%	
1642	Plumbing	1,520	31,725	30,000	40,000	79%	
1643	Building Search Fees	115	480	900	1,200	40%	
1644	Permit Administration	2,050	13,760	9,000	12,000	115%	
1645	Building Inspections	795	33,375	30,000	40,000	83%	
1647	Certificates of Likely Compliance	245	20,101	16,500	22,000	91%	
1651	Development Application Fees	6,695	46,080	33,750	45,000	102%	
1653	Subdivision Fees	-	5,370	2,625	3,500	153%	
1654	Advertising Fee	6,800	48,160	31,500	42,000	115%	
1655	Adhesion Orders	-	210	375	500	42%	
1656	Engineering Fees	642	2,776	1,500	2,000	139%	
1658	Illegal Building Fees	-	-	750	1,000	0%	
	Fees	**22,860**	**233,742**	**179,400**	**239,200**	98%	
	Government Fees Levies						
1661	B.C.I Training Levy	2,456	22,009	22,500	30,000	73%	
1662	Building Permit Levy	1,228	11,059	12,750	17,000	65%	
1663	132 & 337 Certificates	13,557	73,206	52,500	70,000	105%	
1664	Section 137 Property Sales	-	2,007		-		
1666	Right to Information	-	38	-	-		
	Total Government Fees Levies	**17,241**	**108,319**	**87,750**	**117,000**	93%	

		Month Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget	% of Annual Budget used	Comments
	Investment Income						
1671	Interest Income	6,264	114,077	103,417	137,000	83%	
1674	Guarantee Fees - TasWater	-	25,327	23,000	30,000	84%	
1675	Tax Equivalents - TasWater	14,596	140,445	88,000	110,000	128%	
1676	Dividends - TasWater	-	145,430	142,000	442,000	33%	
	Total Investment Income	**20,860**	**425,278**	**356,417**	**719,000**	59%	
	Sales Hire and Commission						
1681	Sales	14,140	58,963	116,283	140,100	42%	
1682	Commission	3,302	10,663	15,166	15,475	69%	
1683	Equipment Hire	9	282	-	-		
1684	Facilities and Hall Hire	8,503	41,007	53,950	65,000	63%	
1685	Facilities Leases	2,570	48,520	52,500	70,000	69%	
1686	Public Liability Blanket Cover	18	91	-	-		
1687	History Room Other Income	-	993	750	1,000	99%	
	Total Sales Hire and Commission	**28,542**	**160,519**	**238,649**	**291,575**	55%	
	Other Income						
1761	Late Payment Penalties inc Interest	2,122	70,098	90,000	120,000	58%	
1763	Heavy Vehicle Contributions	-	72,642	38,500	38,500	189%	
1765	Private Works	3,402	59,175	15,000	20,000	296%	Flood repairs
1766	Cemetery	3,736	25,719	18,750	25,000	103%	
1767	Contributions	-	-	30,000	30,000	0%	
1768	Miscellaneous Income	81	16,826	-	-		
	Total Other Income	**9,340**	**244,460**	**192,250**	**233,500**	105%	
	Reimbursements						
1771	Collection Costs	-	-	1,500	2,000	0%	
1773	Workers Comp. Recoveries	3,285	16,410	1,125	1,500	1094%	
1775	Roundings	(0)	(4)	-	-		
1776	Miscellaneous Reimbursements	1,523	6,710	7,500	10,000	67%	
1778	GST free reimbursements	-	13,664	-	-		
	Total Reimbursements	**4,808**	**36,779**	**10,125**	**13,500**	272%	
	Gain or Loss on Sale of Assets						
1781	Profit or Loss on Sale of Assets	-	36,849	40,000	40,000	92%	
	Total Gain or Loss on Sale of Assets	**-**	**36,849**	**40,000**	**40,000**	92%	
	Grant Income						
	Operating Grants			-			
1792	Financial Assistance Grant	-	2,009,519	2,009,520	2,679,359	75%	
1794	State Grants	2,000	2,000	-	-		
1794	Parks & Wildlife - Public Toilets at Poimena	88,324	88,324				Unbudgeted grant
1794	Learner Driver Mentor Grant		19,280	19,000	19,000	101%	
1794	DPIPWE - Lottah to Poimena Rd		217,540	217,540	217,540	100%	
1796	Asset Mgmt Planning		5,000	5,000	5,000	100%	
1796	NRM Facilitator	-	26,400	26,400	34,500	77%	
	Total Operating Grants	**90,324**	**2,368,063**	**2,277,460**	**2,955,399**	80%	

		Month Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget	% of Annual Budget used	Comments
	Capital Grants						
1791	Roads to Recovery	395,832	395,832	400,000	1,455,595	27%	
1791	Golden Fleece Rivulet Bridge			-	682,000	0%	
1791	Break O'Day Community Stadium - Projectors		14,000	14,000	14,000		
1793	State Grants Other	-	-	-	-		
1793	Bridge renewal program -Cornwall Bridge		110,000	110,000	110,000		
1793	State Grant - Pyengana Toilet & Showers			-	38,500	0%	
1793	State Grant - School Crossing Circassian & Grant Sts			-	15,000	0%	
1793	Flood Relief		91,066	-			
1795	Other Grants - Pyengana Toilet & Showers	-	-	-	30,000	0%	
1795	Resource Recovery & Waste Minimisation Grant		2,617	2,617	2,617		
	Total Capital Grants	**395,832**	**613,515**	**524,000**	**2,347,712**	26%	
	Total Revenue	**610,810**	**12,860,126**	**12,439,274**	**15,580,296**	83%	
	Expenses						
	Employee Costs						
1811	Salaries and Wages	236,978	2,085,279	2,261,103	2,991,434	70%	
1812	On Costs	101,271	946,788	1,000,178	1,333,570	71%	
1813	Overtime Payments	(13,468)	17,946	13,350	17,800	101%	
	Total Employee Costs	**324,780**	**3,050,013**	**3,274,631**	**4,342,804**	70%	
	Energy Costs						
1851	Electricity	11,276	142,798	152,684	216,700	66%	
	Total Energy Costs	**11,276**	**142,798**	**152,684**	**216,700**	66%	
	Materials and Contracts						
1861	Advertising	341	26,274	25,388	33,850	78%	
1862	Accom Receipts & Park Passes - Hist Rm	80	171	5,500	7,000	2%	
1863	Bank Charges - GST	1,926	18,559	18,150	24,200	77%	
1864	Books Manuals Publications	82	2,199	4,343	5,790	38%	
1865	Catering	539	12,664	11,325	15,100	84%	
1866	Bank Charges - FREE	65	822	1,500	2,000	41%	
1867	Computer Hardware Purchase	1,614	12,486	4,350	5,800	215%	
1868	Computer Software Purchase	-	630	2,250	3,000	21%	
1869	Computer Internet Charges	73	1,446	1,913	2,550	57%	
1870	Computer Licence and Maintenance Fees	14,393	125,090	143,900	183,000	68%	
1871	Commission Paid	-	4		-		
1872	Corporate Membership	11,667	131,843	142,790	142,790	92%	
1873	Debt Collection	6,363	16,864	12,000	16,000	105%	
1875	Public Liability Insurance	-	-	-	5,500	0%	
1876	Stock Purchases for Resale	3,044	44,940	33,000	33,000	136%	
1890	Equipment Hire and Leasing	3,047	25,018	28,500	38,000	66%	
1891	Equipment Maintenance and Minor Purchases	-	1,933	8,025	10,700	18%	
1893	Internet Billpay Costs	698	5,023	5,250	7,000	72%	
1895	Licensing and Licence Costs	7,275	31,681	25,020	31,500	101%	

		Month Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget	% of Annual Budget used	Comments
1896	Land and Building Rental or Leasing Costs	-	3,962	17,600	17,600	23%	
1897	Materials	14,338	330,867	288,825	385,100	86%	Flood repairs $109k
1898	Phone Calls Rental Fax	3,685	33,961	29,123	38,830	87%	
1899	Postage/Freight	1,185	23,063	19,058	25,410	91%	
1900	Printing/Laminating	806	15,464	14,550	19,400	80%	
1901	Property & Misc Insurance	-	85,110	72,000	76,430	111%	
1902	Room Hire	75	382	900	1,200	32%	
1904	Royalties and Copyright Licences	-	-	3,750	5,000	0%	
1905	Stationery	1,045	6,842	6,563	8,750	78%	
1906	Water and Property rates Payable	19,549	52,573	39,300	39,300	134%	
	Total Materials and Contracts	**91,890**	**1,009,870**	**964,870**	**1,183,800**	85%	
	Contractor Costs						
1971	Contractors	24,429	916,976	579,875	666,500	138%	Flood repairs $327k
1972	Cleaning Contractors	3,008	113,968	183,263	244,350	47%	
1973	Waste Management Contractors	70,735	1,200,576	1,067,083	1,450,000	83%	
	Total Contractor Costs	**98,173**	**2,231,520**	**1,830,221**	**2,360,850**	95%	
	Professional Fees						
1991	Analysis Fees	-	810	-	-		
1992	Audit Fees	-	19,380	30,664	36,000	54%	
1993	Legal Fees	1,602	23,251	13,875	18,500	126%	
1994	Internal Audit Fees	1,380	4,017	5,250	7,000	57%	
1995	Revaluation Fees- Municipal only	3,400	20,677	21,000	28,000	74%	
1996	Professional Fees - Grant funded	-	-	15,000	-		
1997	Professional Fees - Strategic Projects	578	953	-	84,000	1%	
1998	Other Professional Fees	23,701	226,883	227,501	303,335	75%	
	Total Professional Fees	**30,660**	**295,970**	**313,290**	**476,835**	62%	
	Plant Hire				-		
2101	Plant Hire - Internal	65,128	671,071	695,250	927,000	72%	
2102	Plant Hire - External	-	-	4,125	5,500	0%	
2103	Registration and MAIB	-	32,838	34,378	34,378	96%	
2104	Insurance Premiums	-	21,288	23,700	23,700	90%	
2105	Plant Repairs and Maintenance	10,311	101,565	74,850	99,800	102%	
2140	Plant Hire Recovered	(70,743)	(745,221)	(849,375)	(1,132,500)	66%	
2141	Fuel	11,118	112,540	113,550	151,400	74%	
2142	Fuel Credit	-	(23,046)	(7,500)	(10,000)	230%	
	Total Plant Hire	**15,814**	**171,035**	**88,978**	**99,278**	172%	
	Government Fees and Levies						
2255	Fire Levy	79,365	238,094	238,094	317,459	75%	
2257	Building Permit Levy	1,722	10,302	8,250	11,000	94%	
2258	Land Tax	10,974	42,695	36,313	36,313	118%	
2259	Training Levy	2,135	19,719	17,250	23,000	86%	
	Total Government Fees and Levies	**94,196**	**310,811**	**299,907**	**387,772**	80%	

		Month Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget	% of Annual Budget used	Comments
	Depreciation						
2304	Depreciation Historical Assets	14	126	126	168	75%	
2305	Depreciation Buildings	16,698	150,282	144,533	192,710	78%	
2306	Depreciation Roads and Streets	162,947	1,466,523	1,466,525	1,955,367	75%	
2307	Depreciation Bridges	37,817	340,353	340,356	453,808	75%	
2308	Depreciation Plant & Equipment	25,221	221,103	204,936	273,248	81%	
2310	Depreciation Stormwater Infrastructure	27,542	247,878	247,875	330,500	75%	
2311	Depreciation Furniture	15,938	142,485	163,772	218,362	65%	
2312	Depreciation Land Improvements	12,593	111,202	112,773	150,364	74%	
2313	Amortisation of Municipal Valuation	1,833	16,497	16,200	22,000	75%	
	Total Depreciation	**300,603**	**2,696,449**	**2,697,095**	**3,596,527**	75%	
	Other Expenses						
2401	Interest Payable	-	213,688	214,177	367,117	58%	
2403	Bad & Doubtful Debts	-	67,410		-		
2404	Grants and Community Support Given	9,000	93,155	125,100	126,100	74%	
2405	Rate Remissions	1,139	56,204	55,000	55,000	102%	
2406	Revenue foregone by donation	-	(1,070)	-	-		
2407	Waiver of Fees and Lease etc	119	5,033	-	-		
2408	Refunds/Reimbursements	1,208	9,018	-	-		
2409	Council Member Expenses	1,842	12,596	13,500	18,000	70%	
2410	Council Member Allowances	13,383	119,365	120,480	160,640	74%	
	Total Other Expenses	**26,691**	**575,399**	**528,257**	**726,857**	79%	
	Total Expenses	**994,083**	**10,483,865**	**10,149,933**	**13,391,423**	78%	
	Net Surplus\(Deficit) before Capital amounts	**(779,105)**	**1,725,897**	**1,725,341**	**(198,839)**		
	Capital Grants	395,832	613,515	400,000	2,347,712		
	Profit or Loss on Sale of Assets	-	36,849	40,000	40,000		
	Net Surplus\(Deficit)	**(383,273)**	**2,376,261**	**2,165,341**	**2,188,873**		

Profit And Loss Statement 2015-2016			
	Month Actual	Year to Date Actual	2016-2017 Revised Budget
Business & Corporate Services			
Total Government Fees Levies	-	38	-
Total Investment Income	20,860	425,278	719,000
Total Sales Hire and Commission	790	4,991	6,000
Total Other Income	26	472	-
Total Reimbursements	-	12,137	-
Total Gain or Loss on Sale of Assets	-	3,871	-
Total Revenue	**21,677**	**446,787**	**725,000**
Total Employee Costs	61,302	562,135	821,841
Total Energy Costs	63	3,853	5,800
Total Materials and Contracts	23,974	364,880	446,880
Total Contractor Costs	226	5,536	7,900
Total Professional Fees	3,048	13,296	44,000
Total Plant Hire	62	6,254	14,700
Total Government Fees and Levies	43	129	180
Total Depreciation	14,080	128,309	233,900
Total Other Expenses	-	60,295	-
Total Expenses	**102,798**	**1,144,688**	**1,575,201**
Net Surplus\(Deficit) before Capital Income	**(81,121)**	**(697,900)**	**(850,201)**
Net Surplus\(Deficit)	**(81,121)**	**(697,900)**	**(850,201)**
Development Services			
Total Environmental Health	923	4,725	21,000
Total Municipal inspector	68	52,829	59,000
Total Planning And Building Control Fees	22,218	230,966	237,200
Total Government Fees Levies	17,241	106,274	117,000
Total Sales Hire and Commission	91	953	1,300
Total Other Income	-	16,291	-
Total Reimbursements	-	264	-
Total Gain or Loss on Sale of Assets	-	5,496	-
Total Operating Grants	-	26,400	34,500
Total Revenue	**40,541**	**444,198**	**470,000**
Total Employee Costs	64,477	566,682	836,274
Total Materials and Contracts	468	44,425	35,660
Total Contractor Costs	685	9,393	6,000
Total Professional Fees	1,970	74,108	189,400
Total Plant Hire	1,339	12,021	15,128
Total Government Fees and Levies	3,857	30,022	34,000
Total Depreciation	887	12,299	18,420
Total Other Expenses	1,208	2,152	1,000
Total Expenses	**74,891**	**751,102**	**1,135,882**
			-
Net Surplus\(Deficit) before Capital Income	**(34,350)**	**(306,904)**	**(665,882)**
Net Surplus\(Deficit)	**(34,350)**	**(306,904)**	**(665,882)**

	Month Actual	Year to Date Actual	2016-2017 Revised Budget
Community Services			
Total Sales Hire and Commission	-	245	-
Total Other Income	37	37	-
Total Reimbursements	-	2,129	-
Total Operating Grants	2,000	21,280	19,000
Total Revenue	**2,037**	**23,692**	**19,000**
Total Employee Costs	17,957	152,935	241,125
Total Materials and Contracts	436	11,199	18,450
Total Contractor Costs	-	225,000	37,500
Total Professional Fees	9,370	46,543	6,000
Total Plant Hire	260	12,485	11,350
Total Depreciation	2,109	18,985	23,184
Total Other Expenses	9,000	97,355	125,100
Total Expenses	**39,132**	**564,502**	**462,709**
			-
Net Surplus\(Deficit) before Capital Income	**(37,095)**	**(540,810)**	**(443,709)**
Net Surplus\(Deficit)	**(37,095)**	**(540,810)**	**(443,709)**
Works and Infrastructure			
Total Rates	14,126	1,571,210	1,563,083
Total Municipal inspector	748	14,388	63,800
Total Planning And Building Control Fees	642	2,776	2,000
Total Sales Hire and Commission	11,153	92,050	180,000
Total Other Income	7,155	157,562	113,500
Total Reimbursements	3,313	17,012	1,500
Total Gain or Loss on Sale of Assets	-	27,482	40,000
Total Operating Grants	88,324	1,390,647	1,663,805
Total Capital Grants	395,832	613,515	2,345,095
Total Revenue	**521,293**	**3,886,641**	**5,972,783**
Total Employee Costs	124,362	1,235,885	1,766,271
Total Energy Costs	11,213	135,640	205,900
Total Materials and Contracts	40,884	420,720	495,460
Total Contractor Costs	97,261	1,986,544	2,304,600
Total Professional Fees	11,306	76,473	59,004
Total Plant Hire	14,138	135,085	53,000
Total Government Fees and Levies	9,898	39,467	31,854
Total Depreciation	279,798	2,503,294	3,298,275
Total Other Expenses	119	218,659	367,117
Total Expenses	**588,978**	**6,751,769**	**8,581,481**
			-
Net Surplus\(Deficit) before Capital Income	**(463,517)**	**(3,478,642)**	**(4,953,793)**
Net Surplus\(Deficit)	**(67,685)**	**(2,865,127)**	**(2,608,698)**

	Month Actual	Year to Date Actual	2016-2017 Revised Budget
Visitor Information Centre, History Room and Tourism			
Total Sales Hire and Commission	13,333	52,755	92,000
Total Revenue	**13,333**	**52,755**	**92,000**
Total Employee Costs	8,432	84,607	111,000
Total Energy Costs	-	3,305	5,000
Total Materials and Contracts	3,704	49,755	44,700
Total Contractor Costs	-	4,947	4,850
Total Professional Fees	61	9,745	9,000
Total Plant Hire	15	135	-
Total Government Fees and Levies	387	1,162	1,600
Total Depreciation	871	7,839	10,446
Total Expenses	**13,471**	**161,495**	**186,596**
			-
Net Surplus\(Deficit) before Capital Income	**(138)**	**(108,740)**	**(94,596)**
Net Surplus\(Deficit)	**(138)**	**(108,740)**	**(94,596)**
Governance and Members Expenses			
Total Rates	5,136	6,989,449	6,916,527
Total Government Fees Levies	-	2,007	-
Total Sales Hire and Commission	3,175	9,524	12,275
Total Other Income	2,122	70,098	120,000
Total Reimbursements	1,495	5,237	12,000
Total Operating Grants	-	929,737	1,238,094
Total Capital Grants	-	-	2,617
Total Revenue	**11,928**	**8,006,051**	**8,301,513**
Total Employee Costs	48,250	447,769	566,293
Total Materials and Contracts	22,426	118,890	142,650
Total Contractor Costs	-	100	-
Total Professional Fees	4,905	75,805	169,431
Total Plant Hire	-	5,055	5,100
Total Government Fees and Levies	80,010	240,031	320,138
Total Depreciation	2,858	25,722	12,302
Total Other Expenses	16,364	196,938	233,640
Total Expenses	**174,812**	**1,110,310**	**1,449,554**
			-
Net Surplus\(Deficit) before Capital Income	**(162,884)**	**6,895,741**	**6,849,342**
Net Surplus\(Deficit)	**(162,884)**	**6,895,741**	**6,851,959**

	Month Actual	Year to Date Actual	2016-2017 Revised Budget
Council Total			
Total Rates	19,262	8,560,659	8,479,610
Total Environmental Health	923	4,725	21,000
Total Municipal inspector	816	67,217	122,800
Total Planning And Building Control Fees	22,860	233,742	239,200
Total Government Fees Levies	17,241	108,319	117,000
Total Investment Income	20,860	425,278	719,000
Total Sales Hire and Commission	28,542	160,519	291,575
Total Other Income	9,340	244,460	233,500
Total Reimbursements	4,808	36,779	13,500
Total Gain or Loss on Sale of Assets	-	36,849	40,000
Total Operating Grants	90,324	2,368,063	2,955,399
Total Capital Grants	395,832	613,515	2,347,712
Total Revenue	**610,810**	**12,860,126**	**15,580,296**
Total Employee Costs	324,780	3,050,013	4,342,804
Total Energy Costs	11,276	142,798	216,700
Total Materials and Contracts	91,890	1,009,870	1,183,800
Total Contractor Costs	98,173	2,231,520	2,360,850
Total Professional Fees	30,660	295,970	476,835
Total Plant Hire	15,814	171,035	99,278
Total Government Fees and Levies	94,196	310,811	387,772
Total Depreciation	300,603	2,696,449	3,596,527
Total Other Expenses	26,691	575,399	726,857
Total Expenses	**994,083**	**10,483,865**	**13,391,423**
Net Surplus\(Deficit) before Capital Income	**(779,105)**	**1,725,897**	**(198,839)**
Capital Income	395,832	650,364	2,387,712
Net Surplus\(Deficit)	**(383,273)**	**2,376,261**	**2,188,873**

Break O'Day Council				
Financial Position				
2016-2017				
	2015-2016 Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget
Current Assets				
Cash	7,070,793	7,756,814	3,799,858	3,243,347
Receivables	402,044	1,464,840	1,660,300	600,000
Inventories	143,845	153,971	96,000	96,000
Other Current Assets	74,011	- 29,601	30,000	30,000
Total Current Assets	**7,690,693**	**9,346,024**	**5,586,158**	**3,969,347**
Non Current Assets				
Property Plant and Equipment	127,670,268	129,436,068	131,997,280	133,436,217
Investment in TasWater	32,515,476	33,068,952	33,068,952	32,256,505
Other Non Current Assets	28,000	63,800	74,000	74,000
Total Non -Current Assets	**160,213,744**	**162,568,820**	**165,140,232**	**165,766,722**
Total Assets	**167,904,437**	**171,914,844**	**170,726,390**	**169,736,069**
Current Liabilities				
Payables	989,581	1,089,037	596,138	850,000
Interest Bearing Liabilities	298,900	128,563	128,563	308,000
Provisions	584,822	593,338	450,000	450,000
Total Current Liabilities	**1,873,303**	**1,810,938**	**1,174,702**	**1,608,000**
Non Current Liabilities				
Interest Bearing Liabilities	7,963,903	7,963,903	7,963,903	8,232,802
Provisions	382,913	382,913	215,000	215,000
Total Non Current Liabilities	**8,346,816**	**8,346,816**	**8,178,903**	**8,447,802**
Total Liabilities	**10,220,119**	**10,157,754**	**9,353,604**	**10,055,802**
Net Assets	**157,684,318**	**161,757,090**	**161,372,785**	**159,680,267**
EQUITY				
Accumulated surplus	21,491,948	23,572,110	23,187,805	28,226,704
Asset revaluation reserve	135,365,524	137,509,604	137,509,604	131,283,530
Other reserves	826,846	675,376	675,376	170,033
TOTAL EQUITY	**157,684,318**	**161,757,090**	**161,372,785**	**159,680,267**
Other Reserves - detailed separately	826,846	675,376	675,376	170,033
Employee Provisions	967,735	976,251	665,000	665,000
Unallocated accumulated surplus	5,276,212	6,105,188	2,459,483	2,408,314
Total cash available	**7,070,793**	**7,756,814**	**3,799,858**	**3,243,347**
Note: This reflects the cash position and does not include Payables and Receivables				

Break O'Day Council				
Other Reserves				
2016-2017				
	Other Reserves 1/7/2016	Reserves new 2016-2017	Reserves used 2016-2017	Remaining 30/6/2017
Public Open Space				
Binalong Bay	3,362			3,362
Beaumaris	4,907			4,907
Scamander	23,398			23,398
St Helens	15,851			15,851
St Marys	3,750			3,750
Stieglitz	6,752			6,752
Total Public Open Space	**58,020**	**-**	**-**	**58,020**
General Reserves				
Community Development	12,500			12,500
137 Trust Seizures	157,533			157,533
Total General Reserves	**170,033**	**-**	**-**	**170,033**
Grant Proceeds Reserve				
Georges Bay/Parnella Landslide	448,132		(63,168)	384,964
Old Tasmanian Hotel upgrade Fingal	26,715		(26,715)	-
26Ten Community Grant	45,454			45,454
Whale Trail	14,230		(14,230)	-
Misc Grants	10,840			10,840
Learner Driver	17,157		(11,092)	6,065
Multi-sport Ablution Facility	36,265		(36,265)	-
Total Grant Reserves	**598,793**	**-**	**(151,470)**	**447,323**
Total Other Reserves	**826,846**	**-**	**(151,470)**	**675,376**

Break O'Day Council				
Cash Flow				
2016-2017				
	2015-2016 Actual	Year to Date Actual	Year to Date Budget	2016-2017 Revised Budget
CASH FLOWS FROM OPERATING ACTIVITIES				
RECEIPTS				
Operating Receipts	12,776,328	11,199,654	11,205,681	13,192,584
PAYMENTS				
Operating payments	10,408,801	7,755,530	7,846,172	9,794,896
NET CASH FROM OPERATING	**2,367,527**	**3,444,125**	**3,359,509**	**3,397,688**
CASH FLOWS FROM INVESTING ACTIVITIES				
RECEIPTS				
Proceeds from sale of Plant & Equipment	50,030	36,849	40,000	88,250
PAYMENTS				
Payment for property, plant and equipment	4,863,472	3,238,131	7,024,107	9,365,476
Loans to community organisations	12,502			
NET CASH FROM INVESTING ACTIVITIES	**(4,825,944)**	**(3,201,281)**	**(6,984,107)**	**(9,277,226)**
CASH FLOWS FROM FINANCING ACTIVITIES				
RECEIPTS				
Proceeds from borrowings	500,000	-	-	-
Capital Grants	1,988,644	613,515	524,000	2,347,712
PAYMENTS				
Repayment of borrowings	268,376	170,337	170,337	295,620
NET CASH FROM FINANCING ACTIVITIES	**2,220,268**	**443,178**	**353,663**	**2,052,092**
NET INCREASE (DECREASE) IN CASH HELD	(238,149)	686,021	(3,270,935)	(3,827,446)
CASH AT BEGINNING OF YEAR	7,308,942	7,070,793	7,070,793	7,070,793
CASH AT END OF PERIOD	**7,070,793**	**7,756,814**	**3,799,858**	**3,243,347**

Break O'Day Council							
Capital Expenditure							
2016-2017							
Project Code	Details	Month Actuals	Year to Date Actual	2015-2016 c/f Budget	2016-2017 Revised Budget	Total budget 2016-2017	Comments
	PLANT & EQUIPMENT						
CE010	1012 Komatsu Grader GD555	-	-		320,000	320,000	
CE015	1026 Ute 2WD Tipper	-	28,685		27,000	27,000	
CE020	1319 Mitsubishi Canter Truck	-	46,490		58,000	58,000	Completed
CE025	Replace 1040 Dual Cab Ute 4WD				-	-	
CE030	1321 Mitsubishi Fuso Canter	-	56,858		57,000	57,000	Completed
CE005	1316 Hyundai TQ3 Iload	-	34,466		35,000	35,000	Completed
CE035	1322 Subaru Forester Wagon 2.0D-L CVT	-	32,860		35,750	35,750	Completed
CE040	Temporary Site Fencing	-	7,861		10,000	10,000	
CD005	1313 Mitsubishi Fuso Fighter Tipper	-	92,642	85,000		85,000	Completed
CD010	Replace Ford Ranger 4X2 Single Cab	-	-	24,025		24,025	
CD030	Replace Toro Z Master Deck Mower 60"	-	-	25,600		25,600	
CE047	Defibrillator x 2	-	4,950			-	
CE046	Community Bicycles x 2 (and Equipment)	5,885	5,885			-	
	TOTAL PLANT & EQUIPMENT	**5,885**	**310,697**	**134,625**	**542,750**	**677,375**	
	FURNITURE & IT						
CE085	Additional sit down/stand up desks	-	1,841		2,000	2,000	
CE060	IT - Server Upgrades	-	59,735		60,000	60,000	
CE065	IT - Major software upgrades	-	18,422		20,000	20,000	
CE070	Planning & Reporting Software	-	-		35,000	35,000	
CE075	Asset Management Software	-	-		35,000	35,000	
CE055	Break O Day Community Stadium - Furniture	-	3,968		5,000	5,000	
CE080	Desktop/Laptops/Monitors	1,474	10,632		16,000	16,000	
CE045	GPS Unit	-	5,572			-	
CE760	Heat Pump for Server Room	-	6,920		3,000	3,000	
CE090	2 x Ricoh SP 4510 Printers	2,366	2,366		3,000	3,000	
	Break O'Day Community Stadium - Projectors	-	-		14,000	14,000	
	TOTAL FURNITURE & IT	**3,840**	**109,456**		**193,000**	**193,000**	
	BUILDINGS						
CE705	Portland Hall Upgrades	-	142		15,000	15,000	
CE710	Break O Day Community Stadium - Renovation of Existing Changerooms	-	454		20,000	20,000	
CE715	Break O Day Community Centre - External Upgrades	-	3,235		5,000	5,000	
CE720	Break O Day Community Centre - Kiosk Fit-out	-	2,380		5,000	5,000	
CC810	St Helens Sports Complex Multi Purpose Changeroom Facillity - Stage 1 Contingency	-	1,573	49,824	15,000	64,824	
CB895	St Marys Toilet Block Replacement	142	3,045		100,000	100,000	
CD725	Mathinna Shower and Toilet Block	8,964	93,886	7,200	100,000	107,200	
CE725	Beaumaris Toilet Block & BBQ	3,431	8,891	2,275	100,000	102,275	
CD840	Pyengana toilet and shower block	548	98,065		85,000	85,000	$68,500 Grant
CE755	BBQ Shelter at St Marys Rec Ground & Demolition Conceptual considerations for existing buildings that have reached end of useful life	-	-		5,000	5,000	
CD815	Wrinklers Lagoon, Scamander - toilet block design	-	600	5,000	5,000	10,000	
CE735	Fingal Sports Complex Toilet Block Demolition	-	-		5,000	5,000	
CD715	Annual Repainting Program - ongoing	-	4,273	-	10,000	10,000	
CD720	Annual Asbestos removal Program	10,491	15,652	-	15,000	15,000	
CD750	Annual Lock repacement program	700	11,380	14,792	10,000	24,792	
CE740	Solar Panels Installation	-	-		40,000	40,000	
CE750	Airport Hangers	12,239	46,152		50,000	50,000	
CD730	Hall Furniture Replacement Program	-	2,591	-	6,000	6,000	
CC730	Old Tasmanian Hotel Upgrades in Accordance with Conservation Management Plan	568	38,410	62,267		62,267	Possibly new grant 2016/17
CD705	Depot/Storage Yard Improvements	-	14,759	17,696		17,696	
CD745	Break O'Day Multi-Purpose Indoor Stadium - Stage 2	100	23,810	31,273		31,273	
CC750	Titley Shack Improvements	-	278	3,376		3,376	
CD870	Tully St subdivision	-	2,826			-	
	TOTAL BUILDINGS	**37,184**	**372,402**	**193,703**	**591,000**	**784,703**	

Project Code	Details	Month Actuals	Year to Date Actual	2015-2016 c/f Budget	2016-2017 Revised Budget	Total budget 2016-2017	Comments
	PARKS, RESERVES & OTHER						
CE805	Kirwans Jetty	-	-		7,500	7,500	
CE810	Replace Harbour Point sign - Binalong Bay	-	-		1,500	1,500	
						-	
	Playground equipment replacement program	-	-	35,037	70,000	105,037	
CE835s	Stieglitz Playground	84	94,459			-	Completed
CE815	Mathinna Cemetery Master Plan	-	-		20,000	20,000	
CD807	Blue Derby Mountain bike trail, access pathway, carpark & bike washdown facility	2,820	157,746	96,763	25,000	121,763	
CE820	Street furniture & signage	171	11,209		20,000	20,000	
CE825	Streetlighting - LED Implementation	-	-		200,000	200,000	
Operating	St Marys Rivulet Flood Prevention Works near Flat Br	-	-		40,000	40,000	
CE830	School crossing at Circassian and Grant Streets	-	12,458		30,000	30,000	$15k Grant
CC831	Lions Park - Car Park, Lighting, Playground, Paths	-	25,620	10,000		10,000	Completed
CD816	Street Furniture Upgrade, Walking Track and associated works - Scamander Reserve	-	-	15,000		15,000	
CD810	Stieglitz Beach BBQ	-	4,135	18,084		18,084	
CD830	Jetty Upgrades	-	686	110,000		110,000	
CB810	Trail of the Tin Dragon	-	-	-		-	
CB810C	Trail of the Tin Dragon - Weldborough Carpark	-	-	9,263		9,263	
	TOTAL PARKS, RESERVES & OTHER	**3,074**	**306,315**	**294,147**	**414,000**	**708,147**	
	ROADS						
	STREETSCAPES						
CC140	Cecilia Street (St Helens)	-	361,167	99,929	330,000	429,929	
CE110	Scamander entrance at Wrinklers	-	-		100,000	100,000	
	TOTAL STREETSCAPES	**-**	**361,167**	**99,929**	**430,000**	**529,929**	
	FOOTPATHS						
CE115	Binalong Bay - 36 Main Road to Bayview Ave Intersection	-	126		18,000	18,000	
CE120	Binalong Bay - Bayview Avenue (intersection with Main Rd to Highcrest Avenue - western side) (0.19km)	-	20		40,000	40,000	
CE125	St Marys - Gray Road - create msising link between school and gravel path before Royles Road	-	-		24,000	24,000	
CE130	St Helens - Footpath access to Sports Complex	-	337		27,000	27,000	
CE135	Annual replacement of damaged footpaths	-	-		15,000	15,000	
CD105	Binalong Bay Foreshore Master Plan inc Titley Shack Surrounds	-	2,194	7,831		7,831	
	TOTAL FOOTPATHS	**-**	**2,194**	**7,831**	**124,000**	**131,831**	
	KERB & CHANNEL						
CE155	Wattle Drive, Scamander	-	-		35,000	35,000	
CE160	St Helens Point Road (Parnella)	-	-		100,000	100,000	
CE165	Treloggen Drive, Binalong Bay	-	-		58,000	58,000	
CE170	Fletchers Court, Binalong Bay	-	-		23,000	23,000	
CC155	Young Street	-	-	82,273		82,273	
CD165	Tully St Kerb	-	-	5,000		5,000	
	TOTAL KERB & CHANNEL	**-**	**-**	**87,273**	**216,000**	**303,273**	
	RESHEETING						
	To be allocated	-	-		308,000	308,000	
CE325	Upper Scamander Road, Scamander	-	20,846				
CE310	Eddystone Point Road, Ansons Bay	-	49,212		60,000	60,000	
CE305	North Ansons Bay Road	-	85,910		94,000	94,000	
CD305	Mathinna Plains Road	-	16,013	100,000	(60,000)	40,000	
CD310	Tyne River Road	-	-	49,770		49,770	
CD315	Roses Tier Road	-	-	70,000		70,000	
	TOTAL RESHEETING	**-**	**171,980**	**219,770**	**402,000**	**621,770**	

Project Code	Details	Month Actuals	Year to Date Actual	2015-2016 c/f Budget	2016-2017 Revised Budget	Total budget 2016-2017	Comments
	RESEALS						
	To be allocated	-	-		522,335	522,335	
CD410	Fletcher Court, Binalong Bay	-	1,900				
CE401	Reserve Street, Binalong Bay	308	308				
CE402	Treloggen Drive, Binalong Bay	645	645				
CE410	Freshwater Street, Beaumaris	338	338				
CE411	Lade Court, Beaumaris	231	231				
CE420	Lennox Street, Cornwall	149	149				
CE421	Alexander Street, Cornwall	1,089	1,089				
CE430	Brown Street, Fingal	579	579				
CE431	Albert Street, Fingal	1,062	1,062				
CE432	Horne Street, Fingal	103	103				
CE433	Russell Street, Fingal	132	132				
CE434	Talbot Street, Fingal	417	417				
CE440	Young Street, Mangana	645	645				
CE441	Mangana Road, Mangana	2,477	2,682				
CE445	Forest Lodge Road, Pyengana	1,024	1,024				
CE450	Marina Parade, St Helens	713	713				
CE451	Douglas Court, St Helens	610	610				
CE452	Ansons Bay Road (Priory Rd), St Helens	3,420	3,420				
CE460	Main Street, St Marys	1,261	1,261				
CE461	Cameron Street, St Marys	1,168	1,168				
CE462	Hugh Street, St Marys	454	454				
CE463	Grant Street, St Marys	569	569				
CE464	Franks Street, St Marys	551	551				
CE470	Osprey Drive, Stieglitz	372	372				
CE471	Parnella Drive, Stieglitz	760	760				
CE472	Chimney Heights Road, Stielgitz	480	480				
CE473	Shearwater Avenue, Stieglitz	437	437				
CE474	Penguin Street, Stieglitz	276	276				
CE475	Sandpiper Road, Stieglitz	276	276				
CE476	St Helens Point Road, Stieglitz	2,555	2,555				
	TOTAL RESEALS	**23,100**	**25,205**	**-**	**522,335**	**522,335**	
	ROADS OTHER						
	Dig Outs			-			
CE505	Kismet Place	-	275		42,000	42,000	
CE510	Penelope Street	-	-		55,000	55,000	
CE515	Reids Road	-	-		14,000	14,000	
CE520	Binalong Bay Road	-	-		47,000	47,000	
CE525	Falmouth Street	-	-		28,000	28,000	
CE530	Jason Street	-	-		22,000	22,000	
CE535	Scamander Tip Road	-	-		11,000	11,000	
CE540	Scamander Avenue	-	-		40,000	40,000	
CE545	Upper Scamander Road	-	-		41,000	41,000	
CD510	Lawry Heights	-	9,442	23,830		23,830	Completed
CD515	Binalong Bay Road	-	8,592				
CD520	Upper Esk Rd	-	-	31,002		31,002	
CD517	Ansons Bay Rd Digout	-	10,891	7,859		7,859	Completed
CD522	Gardens Rd Digout	-	-	10,460		10,460	
CE555	Binalong Bay Road - Causeway - Boomgates	-	7,659			-	
	Road Reconstruction			-		-	
CE550	Seal section of road into the St Marys Recreation Ground	-	46,108		90,000	90,000	
CD525	Reconstruct and seal Forest Lodge Road section	-	10,850	38,953		38,953	
CD530	Reconstruct and seal St Helens Point Road section (top Akaroa Hill)	-	2,000	54,867		54,867	
CD540	St Columba Falls Road	-	220	12,000		12,000	
CC555	Parnella Landslip Area Stage 1 & 2	731	63,169	449,553		449,553	
	Mangana (Intersection of Argyle & Elizabets Sts	-	-		5,000	5,000	
	TOTAL ROADS OTHER	**731**	**159,207**	**628,524**	**395,000**	**1,023,524**	
	ROADS TOTAL	**23,831**	**720,236**	**1,043,327**	**2,089,335**	**3,132,662**	

Project Code	Details	Month Actuals	Year to Date Actual	2015-2016 c/f Budget	2016-2017 Revised Budget	Total budget 2016-2017	Comments
	BRIDGES						
CE201	B2379 Green Valley Creek (Harefield Road, St Marys)	-	5,747		240,300	240,300	
CE202	B4696 Break O'Day River Tributary (Harefield Road, St	-	281		154,500	154,500	
CE203	B5316 St Patricks Creek (Cloverbanks Road, St Marys)	-	281		233,400	233,400	
CC203	B1941 Golden Fleece Rivulet (Argonaut Road, St Helens)	194,145	266,768		1,364,000	1,364,000	$682k Grant
CC210	B1946 Cornwall Road Bridge	-	145,131	129,379	40,000	169,379	
CD210	B0693 Tyne River Bridge	-	95,580	107,019		107,019	Completed
CD212	B3256 Sling Pot Creek Bridge	-	103,290	115,556		115,556	Completed
CD202	B3040 Tyne River (Upper Esk Road)	-	107,056	121,271		121,271	Completed
CD203	B407 Tyne River (Upper Esk Road)	-	102,045	114,482		114,482	Completed
CD201	B1128 Scamander River (Ryans Road)	65	1,596	353,995	(353,995)	-	Carried forward to 2018/19
CC205	Bridge # 2117 - St Marys Rivulet	-	-	13,936		13,936	
	TOTAL BRIDGES	**194,210**	**827,775**	**955,638**	**1,678,205**	**2,633,843**	
	STORMWATER						
CE655	Minor Stormwater Jobs	-	53,125		50,000	50,000	
	Parnella	-	-		250,000	250,000	
CE660	Alexander St, Cornwall (installation of main & connection of side entry pits)	-	4,549		35,000	35,000	
CE665	Steel Street, Scamander	210	7,078		15,000	15,000	
CE675	Tasman Highway SEPs and UG pipe beside Pelican Sands	-	82,981		50,000	50,000	Completed
CE670	Thomas Street, Scamander	-	-		100,000	100,000	
CE680	Four Mile Creek	-	52,376		-	-	
CD655	Implement SWMP priorities	-	-	70,000		70,000	
CD660	Alexander Street, Cornwall	-	5,924	42,338		42,338	
CD665	Sunrise Court	-	112,746	63,822		63,822	
	TOTAL STORMWATER	**210**	**318,778**	**176,160**	**500,000**	**676,160**	
	WASTE MANAGEMENT						
CE605	St Helens Waste Oil Facility Replacement	801	801		5,000	5,000	
CE610	St Marys WTS Retaining Wall Replacement	-	-		160,000	160,000	
CD605	Scamander WTS Retaining Wall Safety Investigation	-	2,660	3,500		3,500	
CE615	Scamander WTS Retaining Wall Reinforcement	-	2,909		55,000	55,000	
CE620	Rehabilitation of former Stieglitz Tip	1,589	2,104		5,000	5,000	
CE625	Rehabilitation of former Binalong Bay Tip	-	7,324		10,000	10,000	
CC605	St Helens WTS Retaining Wall & Platform	-	256,674	201,086	90,000	291,086	
CD610	Landfill Investigations	-	-	30,000		30,000	
	WASTE MANAGEMENT TOTAL	**2,391**	**272,472**	**234,586**	**325,000**	**559,586**	
	Total Capital expenditure	**270,626**	**3,238,131**	**3,032,186**	**6,333,290**	**9,365,476**	

04/17.12.3 Visitor Information Centre Report

ACTION	**INFORMATION**
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate 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 of various issues which are being dealt with by the Visitor Information Centre.

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

Staff Movements:

No recent changes.

Meetings Attended/Other information:

As per the statistics, visitor numbers are quite typical for this time of year.

The Visitor Information Centre receives very many requests for information and not all of them are over the counter. Below is an email request for information from Armidale, NSW and the follow up thank you after their visit:

> I am preparing the itinerary for a group of very mobile motor-homers preparing to visit Tasmania, February 1 – March 1, 2017. To assist with our scheduling, I would appreciate your forwarding of details of your district's individual attractions (in 'hard copy', please), including:
>
> 1 historical attractions;
> 2 industrial foci (including details for accessing narrated tours of major industries);
> 3 environmental foci (including National Parks and including walks);
> 4 aircraft companies and their flight schedules, viewing significant features in your area;
> 5 details of boating companies and their schedules, exploring, with narration, local water ways;
> 6 companies/guides, and their schedules, conducting walking tours into significant environmental areas.
>
> I would be appreciative if you would forward hard copy details of the above, and other relevant information, to me and my co-organiser:

March 14, 2017

Dear Officer who prepared our visitor package so diligently

A **HUGE THANK YOU** for your wonderful contribution to the preparation of our tour group's itinerary. The package that you prepared for us in time to incorporate into our Tasmanian Tour itinerary was a fantastic resource. We are now home having spent much time in your exciting region visiting each of the major towns, the Bay of fires and following the 'Tin Dragon' west, with amazement. We appreciate the time and guidance you have carefully used when preparing our package.

Thank you immensely and very best wishes to you and your team.

And another email thank you that I thought provided some insight into, not only the efforts of our VIC staff, but how they are perceived externally:

Just a short note to thank you for putting in so much time and effort on 8th March sorting out our travel arrangements down Tasmania's east coast . The place to stay that you arranged at Kingston was excellent and the *Foodie Trip* to Bruny was a great day out.

The advice we received from the B&B in Bridport was that St Helens was the best place to seek information and make bookings for our travels. The advice was sound and we would strongly recommend St Helens Information Centre to anyone seeking information on what to do and where to go on while in Tasmania based on our own personal experience.

Thank you very much for all of your help.

The History Room Curator provided the following update:

- Successful Arts Tasmania funding: Grant deeds have been signed off by the General Manager and returned to Arts Tasmania. This will be for Interpretive Banners behind the Wharf display and for a smaller one in the foyer area.
- Museums Standards program: Met with Roving Curator, Veronica Macno, from Arts Tasmania on Tues 4 April 2017 regarding this pilot project. Discussed initial feedback from the first module undertaken and will possibly have another visit from Veronica later in the year.
- AHVR (Australian Heritage Vessel Register): Meeting will be Thursday 20 April in the Backroom at the St Helens History Room. Posters will be circulated shortly around town.
- VIC Display Unit: Construction is underway.
- New Volunteers: Two new volunteers have been recruited, one starting 9 May 2017, no date yet for commencement of the second.
- Boats In Bottles exhibition: This display was dismantled last week of March and has been collected by the owner.
- Maritime Times of Tasmania: Had an article included in the newsletter of the Maritime Museum of Tasmania covering all the ports of Tasmania in their March 2017 edition.

- School Visit: St Helens District High School are visiting on Friday 7 April 2017.
- 'Hatches, Matches and Despatches' Exhibition: This display is progressing well.
- Friends' Easter Raffle: Currently being promoted and drawn Thursday 13 April 2017.
- Monthly Statistics: Had 142 Families/Couples and 34 Concessions (total 176) into the History Room for March. Takings for March consisted of $809 as entry and $184.45 as donations making a total of $993.45 for the month of March. Volunteer hours totalled 175.5 hours per month averaging to 35 .1 hours per week.

Statistics:

Door Counts:

Month/Year	Visitor Numbers	Daily Average	History Room
March 2007	5,483	176.87	
March 2008	5,563	179.45	
March 2009	4,962	160.06	
March 2010	4,406	142.13	
March 2011	4,900	160.06	287
March 2012	5,915	190.81	158
March 2013	4,360	140.64	146
March 2014	5,578	179.94	146
March 2015	6,810	219.68	208
March 2016	5,080	169.33	212
March 2017	5,124	165.29	177

Revenue 2016/2017:

Month	VIC Sales	HR Entry	HR Donations
July	1,753.85	373.00	67.40
August	2,305.20	182.00	40.10
September	5,028.86	390.00	126.25
October	5,674.50	636.00	173.50
November	7,843.85	609.00	157.00
December	4,603.00	435.00	61.50
January	10,232.40	634.00	163.50
February	11,412.70	816.00	204.00
March	10,907.75	809.00	184.45

Revenue 2015/2016:

Month	VIC Sales	HR Entry	HR Donations
July	2,093.80	177.00	55.45
August	2,186.92	162.00	58.60
September	4,213.30	280.00	102.10
October	5,458.70	445.00	175.75
November	6,815.94	406.00	351.05
December	6,356.95	375.00	113.85
January	7,098.80	620.00	169.55
February	9,139.45	800.00	173.95
March	9,329.55	964.50	234.20
April	6,275.70	431.50	126.55
May	3,321.90	453.00	111.40
June	1,605.70	143.50	50.75

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2011-2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.12.4 New Policy – LG51 Related Party Disclosures

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	002\024\005\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Policy LG51 Related Party Disclosures

OFFICER'S RECOMMENDATION:

That Policy LG51 Related Party Disclosures be adopted.

INTRODUCTION:

Council is required by the Local Government Act to comply with Australian Accounting Standards (AAS). Changes to AAS require Council to identify and report on Related Party transactions. This Policy guides the recording and reporting of transactions.

PREVIOUS COUNCIL CONSIDERATION:

This matter was considered at a recent Council Workshop.

OFFICER'S REPORT:

Council is required by the Local Government Act to comply with Australian Accounting Standards (AAS). Changes to AAS require Council to identify and report on Related Party transactions.

Tasmanian Audit Office and LGAT have been working on guidelines for the implementation of the changes including training workshops and a draft policy. The recommended policy has been prepared using that template. This has also been discussed with the Audit Panel Chairman and the draft Policy reviewed by the Chairman and amended to include his recommendations.

Implementing the Policy, once adopted by Council will involve:

- Declaration forms completed by elected members and managers (initially, annually and if circumstances change).
- Transactions identified.
- Transactions reviewed and reporting determined.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Ensure council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures.

LEGISLATION & POLICIES:

Local Government Act (1993) Section 84.
Audit Act (2008) Section 17.
Australian Accounting Standards Board 124.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

POLICY NO LG51
RELATED PARTY DISCLOSURES

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	Executive Officer
LINK TO STRATEGIC PLAN:	Ensure council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures
STATUTORY AUTHORITY:	Under the *Local Government Act 1993* and the *Audit Act 2008* all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards. This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124)
OBJECTIVE:	This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124). Specifically, the policy outlines the disclosure requirements under AASB 124 of Key Management Personnel (KMP), which includes elected members. It also outlines the procedures Council will follow to collect, store, manage and report on related party relationships, transactions and commitments.

POLICY INFORMATION:

POLICY

KEY TERMS

Term	Meaning
Close Family Member	Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.
Declaration by KMP	An annual declaration of close family members and entities that the KMP or their close family members control or jointly control updated during the year as necessary.
Entities controlled by KMPs	Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

	You control an entity if you have: • power over the entity; • exposure, or rights, to variable returns from involvement with the entity; and • the ability to use your power over the entity to affect the amount of your returns.
Entities related to Council	Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.
Joint control of an entity	To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key Management Personnel (KMP)	Persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. In the council context this includes the Mayor, Councillors, the General Manager and Managers/Supervisors who report directly to the General Manager as outlined in the policy.
KMP Compensation	All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes: a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees; b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care; c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation; d) termination benefits; and e) share-based payment.
Materiality	Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity. Omissions or misstatements of items are material if they could, individually or collectively influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement

	judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.
Ordinary Citizen Transactions (OCTs)	Transactions that an ordinary citizen would undertake with Council are usually not material to related party disclosure requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.
Related Party of Council	People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.
Related Party Transaction	A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

1. The General Manager will ensure the establishment, review and maintenance of a list of Key Management Personnel for Council.

   Key Management Personnel (KMP) for council are:

   - the Mayor
   - all Councillors
   - the General Manager
   - all Managers/supervisors who report directly to the General Manager

2. Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with Council.

3. For the purpose of this Policy, Close Family Members includes:
   - that person's children and spouse or domestic partner;
   - children of that person's spouse or domestic partner; and
   - dependents of that person or of that person's spouse or domestic partner.

4. It is the responsibility of General Manager to ensure receipt of a declaration upon a change of KMP.

5. All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.

6. It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.

7 REGISTER OF RELATED PARTY TRANSACTIONS

7.1. Maintain a Register

The General Manager will ensure that a register of related party transactions that captures and records the information for each related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year, is kept and maintained

7.2. Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction;
- the name of the related party;
- the nature of the related party's relationship with Council;
- a description of the transactional documents the subject of the related party transaction.

The General Manager is responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124.

8 Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.

9 Updates will be provided to KMP and Council staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.

10 COUNCIL ENTITIES AND SUBSIDIARIES

For the purpose of this policy, entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements.

11 ENTITIES CONTROLLED (or jointly controlled) BY KMP OR THEIR CLOSE FAMILY MEMBERS.

KMP will exercise their best judgement in identifying related parties. KMP, including elected members, will carefully assess the information and examples following before declaring, or not declaring, an entity over which they, or a close member of the family, have control or joint control.

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

12 DECLARATIONS

Each year Council will declare the following related party transactions:

12.1 Transactions with Council subsidiaries, by transaction type.

KMP compensation

Transactions with other related parties (Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of council)

Outstanding balances in relation to transactions with related parties, including:

- Entities controlled by KMPs; and
- Bad or doubtful debts in respect of amounts owed by related parties.

Non-monetary transactions such as use of facilities, peppercorn rents.

12.2 If a KMP or close associate is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes. Feedback must be provided within 14 days.

12.3 Council will not capture Ordinary Citizen Transactions (OCTs) with related parties. Nor will Council disclose non-material transactions.

12.4 The General Manager will assess the materiality of the related party transactions that have been captured prior to disclosure.

Council does not have to disclose transactions that are not material. In determining materiality, the size and nature of the transaction individually and collectively will be considered.

12.5 In making disclosures in the annual financial statements Council will include:

- Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
- KMP compensation in total and for each of the following categories:
  - short-term employee benefits;
  - post-employment benefits;
  - other long-term benefits; and
  - termination benefits.
- Where related party transactions have occurred:
  - the nature of the related party relationship; and
  - information about the transactions, outstanding balances and commitments.
- Separate disclosure in aggregate for each category of related party transactions.

- Note: Transactions that are individually significant, either because of their amount or nature, are included in the aggregate disclosure but also need to be disclosed separately.

- The types of transactions disclosed such as:
  - purchases or sales of goods;
  - purchases or sales of property and other assets;
  - rendering or receiving of services;
  - leases;
  - guarantees given or received;
  - commitments;
  - loans and settlements of liabilities;
  - expense recognised during the period in respect of bad debts; and
  - provision for doubtful debts relating to outstanding balances.

13 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 of if deemed necessary by the Mayor and the General Manager.

04/17.12.5 Adoption of 2017/2018 Schedule of Fees & Charges

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	018\017\004\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Schedule of Fees & Charges 2017/2018

OFFICER'S RECOMMENDATION:

That Council adopt the Schedule of Fees & Charges 2017/2018 as presented.

INTRODUCTION:

Council's Schedule of Fees & Charges is reviewed annually as part of the budget adoption process.

PREVIOUS COUNCIL CONSIDERATION:

The Schedule of Fees & Charges is reviewed and adopted annually; this draft for 2017/2018 has been considered at a recent Council Workshop.

OFFICER'S REPORT:

Council's Schedule of Fees & Charges is adopted annually as part of the budget adoption process.

In general, Council seeks to recover costs on a "user pays" basis, balancing this against perception of "capacity to pay", in achieving the objectives of the Strategic and Annual Plans.

In this context, fees are generally increased slightly each year to keep pace with CPI (Consumer Price Index – 1.3%) or LGI (Local government Index – 1.5%), to avoid large increases in any one year. However, some charges make more sense if increased by slightly larger amounts periodically due to the requirement to change signs, or tickets.

In general, changes recommended for 2017/2018:

- Admin fees (copying, etc) - no change
- Facility hire - some increases for full day hire rather than across the board increases (large changes in 2015/2016, unchanged in 2016/2017)
- Environmental Health licences - cpi increases increased to "round" numbers
- Animal control- above cpi increases to round numbers, has not been increased for 5 years

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Leadership and Governance - Provide strong and informed leadership and effective management of community resources, empowering and involving the community at all levels.

Strategy
Maintain financial viability and accountability in budgeting and administration

LEGISLATION & POLICIES:

Section 205 of the *Local Government Act 1993.*

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

As identified in the Fees and Charges – this is part of the budget process.

VOTING REQUIREMENTS:

Simple Majority.

BREAK O'DAY COUNCIL

FEES & CHARGES
2017 – 2018

Contents

ADMINISTRATION 4
Photocopies 4
Right to Information 4
Search of Public Information 4
Goods left on Council Controlled Land 4
FACILITIES HIRE 5
Bonds – All Facilities 5
Not for Profit Organisations 5
Private Functions and Other Non-Commercially Trading Organisations 5
Commercially Trading Organisations (Sale of Goods) 5
Miscellaneous 5
St Helens Council Chambers (Day use ONLY) 5
Sports/Recreation Grounds 5
St Helens Sports Complex only 6
Community Trailers 6
Multipurpose Stadium 6
Camera and Sound Recording Equipment 6
ENGINEERING SERVICES 7
Waste Transfer Stations 7
Engineering Services – Stormwater Connections 7
Engineering Services – Assessments of Public Works 7
Engineering Services – Other Fees 8
Road Work 8
Aerodrome Landing Fees 8
CEMETERIES 8
Site & Reservation Fees 8
Grave Digging 8
Miscellaneous 8
DEVELOPMENT SERVICES 9
New Development (Buildings) 9
New Development (Subdivision/Adjustment) 9
New Development (Other) 9
Plans – Examination & Sealing 9
DEVELOPMENT SERVICES Cont …… 10
Sundry Planning Fees 10
Statutory Advertising & Administration 10
Refunds/Remissions – Application withdrawn 10

BUILDING SERVICES 11
Building Surveying Charges – Category 3 and 4 Buildings 11
Inspections 11
Miscellaneous 11
Extension to Building Permit – All Classes 11
Building Certificates 12
State Government Levies 12
Amendments 12
Administration, Notifiable Works (Privately Certified Category 3) and lodgement fee for any Category 1 and 2 projects 12
BUILDING SERVICES - PLUMBING 12
Certificate of Likely Compliance Plumbing (Category 3 & 4 plumbing works) 12
PERMIT AUTHORITY CHARGES –BUILDING & PLUMBING ONLY (Category 4 only)13
ENVIRONMENT HEALTH 14
Licences, Certificates, Permits 14
Special Plumbing Permit 14
ANIMAL CONTROL 15
Registration Type 15
Impounding 15
Kennel Licence 15
Miscellaneous 15

All fees listed below are inclusive of GST where applicable, *Indicates GST free/exempt items

ADMINISTRATION

Photocopies		
Private	Per A4 page	$0.50
	Per A4 page double sided	$0.70
	Per A3 page	$0.80
	Per A3 page double sided	$1.00
Bulk Runs	Copies in excess of 500 (per A4 sheet)	$0.20
	Copies in excess of 500 (per A4 sheet double sided)	$0.30
	Copies in excess of 500 (per A3 sheet)	$0.40
Binding	1 Plastic Sheet + Comb (bound by Council staff) per copy	POA
Colour Photocopying	Per A4 page	$3.00
	Per A3 page	$4.00
Laminating	Per A4 page	$4.00
	Per A3 page	$5.00
Council Agenda & Minutes	Printed copy	Free of Charge
	CD version	Free of Charge
Planning	Planning Scheme Ordinance	$40.00*

Note: Photocopy charges apply to all organisations and individuals, unless they have prior approval from Council for such in-kind support. This must be requested on at least an annual basis. Coloured paper is not available for purchase, and if required is to be supplied by the individual/organisation.

Right to Information	
Fees are set as per the Right to Information Act 2009, these fees are listed as a reference only. The Right to Information Act 2009 replaces the Freedom of Information Act 1991 and therefore the associated fees have altered accordingly. There is now one (1) flat fee for these requests and no other expenses are incurred as with the Freedom of Information requests.	
Per application (except where excluded under the Act). The fee is based on 25 fee units@ $1.53 at the 1 July 2017	$38.25*

Search of Public Information		
S.132 Certificates	Application fee (30 fee units @ $1.53 at the 1 July 2017)	$45.90*
S.337 Certificates	Application fee (132.5 fee units @ $1.53 at the 1 July 2017)	$202.72*

Goods left on Council Controlled Land	
Collection Fee	$20.00
Storage Fee – per week or part there of	$20.00

Note: Additional costs associated with transport or handling to be recovered at cost.

FACILITIES HIRE

FACILITY HIRE BOOKING FEE - $25.
This fee is a non-waiver/non-refundable booking fee that is to be paid on ALL bookings (fee waivers may be requested, however, this fee is still payable).

Bonds – All Facilities	Whether Full Day or Part Day
Portland Hall – General Use	$210.00*
Portland Hall – Where liquor is consumed	$315.00*
St Marys Hall – General Use	$210.00*
St Marys Hall – Where liquor is consumed	$315.00*
St Marys Hall & Kitchen	$400.00*
Sports & Recreation Grounds – All Facilities	$315.00*
St Helens Foreshore	$400.00*
St Helens Council Chambers	$315.00*
Fingal Recreation Ground – General Use	$210.00*
Fingal Recreation Ground – Where liquor is consumed	$315.00*

Note: Hirers are required to set up the facility including chairs as they see fit. Setup is not included in the charges listed below.

Not for Profit Organisations	Full Day	Half Day (Max. 4 hours)	Per Hour
Hall Only – Day	$65.00	$40.00	$20.00
Hall Only – Night	$110.00	$80.00	$20.00
Hall Only – Day AND Night	$160.00	$50.00	N/A
Portland Hall Kitchen – Day AND Night	$45.00	$25.00	N/A
St Marys Hall Kitchen – Day AND Night	$45.00	$25.00	N/A
Fingal Recreation Building - Kitchen – Day AND Night	$45.00	$25.00	N/A
Memorial Services		Nil	Nil
Private Functions and Other Non-Commercially Trading Organisations	**Full Day**	**Half Day (4 hours or less)**	
Hall Only – Day	$180.00	$85.00	
Hall Only – Night	$220.00	$105.00	
Hall Only – Day AND Night	$380.00	$185.00	
Portland Hall Kitchen – Day AND Night	$75.00	$70.00	
St Marys Hall Kitchen – Day AND Night	$75.00	$70.00	
Fingal Recreation Building - Kitchen – Day AND Night	$75.00	$70.00	
Commercially Trading Organisations (Sale of Goods)	**Full Day**	**Half Day (4 hours or less)**	
Hall Only – Day	$3,000.00	$1,500.00	
Hall Only – Night	$2,200.00	$1,100.00	
Miscellaneous			
Public Liability – see hirers agreement (if required)		$20.00 per day	
St Helens Council Chambers (Day use ONLY)			
Court Sittings		$350.00	
Other Organisations		$230.00	
Sports/Recreation Grounds			
Bulk Camping Fees – by arrangement with Council (more than 10 users)			POA
Hire of Sports Grounds (ovals, fields, etc)		Per hour	$12.00
Kitchen		Per day	$35.00
Foreshore		Per day	$115.00
Foreshore/Sports Ground Power		Per day/Per site	$16.00

FACILITIES HIRE Cont……

Note: The fees listed below apply to the St Helens Sports Centre Only (Bulk Users Excluded)

St Helens Sports Complex only		
Toilets Only	Per day	$35.00
Showers and Toilets Only	Per day	$70.00
Sports Complex Building (no amenities)	Per day	$20.00
Sports Complex Building (including amenities)	Per day	$90.00
Bond – alcohol free events		$210.00
Bond – licenced events		$315.00
Community Trailers		
Community BBQ Trailer – Community Groups	Daily usage	$45.00
	Bond	$300.00*
Community BBQ Trailer – Commercial/Private Hire	Daily usage	$150.00
	Bond	$300.00*

Multipurpose Stadium					
HOURLY RATE HIRE FEES					
		Day Rate		Night Rate	
		1 Court	2 Court	1 Court	2 Court
Sports (Team)					
	Casual Hire	$28.80	$48.00	$36.00	$60.00
	Regular User	$25.92	$43.20	$32.40	$54.00
	Key User Hire	$23.04	$38.40	$28.80	$48.00
Sports (Individual/Doubles)					
	Casual Hire	$14.40	$24.00	$18.00	$30.00
	Regular User	$12.96	$21.60	$16.20	$27.00
	Key User Hire	$11.52	$19.20	$14.40	$24.00
Community Activities					
	Casual Hire	$23.04	$38.40	$28.80	$48.00
	Regular User	$20.74	$34.56	$25.92	$43.20
	Key User Hire	$18.43	$30.72	$23.04	$38.40
Events					
	Casual Hire	$57.60	$96.00	$72.00	$120.00
Day Rate (8 Hours)					$500.00
Equipment					
	Tennant Walk Behind Scrubber Machine			$120.00 per hour	
FACILITY HIRE FEES					
Change Room					
	Per Booking and Room				$10.00

Camera and Sound Recording Equipment	
Bond	$500.00
All Day Hire	$100.00
Half Day Hire	$50.00

6

ENGINEERING SERVICES

Waste Transfer Stations		
DOMESTIC		
Domestic Waste and Green Waste - SEPARATED	Car Boot or Station Wagon	$5.00
	Trailer or Utility	$9.00
	Tandem Trailer or small Truck	$13.00
Domestic Waste and Green Waste – NOT-SEPARATED	Car Boot or Station Wagon	$9.00
	Trailer or Utility	$15.00
	Tandem Trailer or small Truck	$21.00
All Clean Green Waste - Domestic	Car Boot or Station Wagon	$3.00
	Trailer or Utility	$6.00
	Tandem Trailer or small Truck	$11.00
Domestic Waste 50L Garbage Bag		$1.50
Domestic Waste 240L MGB		$4.00
COMMERCIAL		
Commercial Business Waste		$22.00 m^3
All Clean Green Waste - Commercial	Car Boot or Station Wagon	$3.00
	Trailer or Utility	$6.00
	Tandem Trailer or small Truck	$11.00
Bulk Waste Scamander WTS		$125.00 per tonne
Asbestos Removal Scamander WTS		$58.00 m^3
OTHER		
Motorcycle and car tyres		$6.00 each
Truck and larger tyres		$22.00 each
Tractor tyres		$37.00 each
General Builders Waste & Rubble		$13.00 m^3
Clean Fill Material		$7.00 m^3
Unsecured loads (additional charge)		$6.00 each
Replacement Wheelie Bin		$80.00 each*
RECYCLABLE MATERIAL		
Separated Recycling Material		FREE
Tree lopping material requiring chipping (greater than 40mm diameter)		$14.00 m^3
Heavy stumps and oversized timber (greater than 150mm diameter)		$25.00 m^3
Polystyrene Packaging Material		FREE
Gas Cylinders (Fully Degassed)		FREE
Triple Rinsed Chemical Containers (DrumMuster Endorsed)		FREE
Car Batteries		FREE
E Waste (TV's, computers, printers, game stations, etc)		FREE
Car Bodies/Scrap Steel – St Marys, Scamander & St Helens		FREE
White Goods		FREE
Waste Oil		FREE
Engineering Services – Stormwater Connections		
Stormwater connection to kerb and gutter		Cost plus 15%
Stormwater connection to piped drain		Cost plus 15%
All other stormwater connections		Cost plus 15%
Engineering Services – Assessments of Public Works		
Assessment of plans and final inspection.		$770.00* for up to 3 lots, additional $5.00 per lot
Inspections of failed works		$107.00
Additional Inspections		$107.00

Note: Public works are defined as any works that council is obliged to maintain for the community and include roads, footpaths, drainage (both underground and surface), landscaping, parks and public buildings

ENGINEERING SERVICES Cont….

Engineering Services – Other Fees	
Supply of Traffic Counts, per count, if current data is already available	$47.00
Supply of Traffic Counts, per count, if data must be obtained	POA
Works Permit / New Crossover Application Fee / Application to Open Road (Includes post inspection fee)	$214.00
Additional Inspection Fees	$107.00
Location Charges (during business hours)	$107.00
Road Work	
Road & Footpath Reinstatement	POA
Footpath and Driveway Construction	POA
Stormwater Works	POA

AERODROME

Aerodrome Landing Fees	
To apply to General Aviation (GA) landings	$11.0021.00 per tonne*
Non General Aviation (GA) landings	No charge
Airport Hangar Hire/Lease	POA depending on size

CEMETERIES

Site & Reservation Fees		
Land Lawn Cemetery		$200.00
Graveyard Land 2.4m x 1.2m		$200.00
Rose Garden		$90.00
Land – Child (Birth to 5 years)		Nil
Columbarium Wall		$90.00
Grave Digging		
Lawn Cemetery	Monday to Friday	$1,130.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Ashes Burial	Monday to Friday	$310.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Other Cemeteries (including old sites requiring manual excavation)	Monday to Friday	$1,250.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Miscellaneous		
Exhumation		POA
Re-interment		POA
Fee for re-opening grave		POA
Fee for constructing cement layer		POA

DEVELOPMENT SERVICES

New Development (Buildings)		
Review of application where No Permit Required	Administration Fee	$80.00
Permitted Use/Discretionary Use	0 - 80m^2	$110.00*
	81-150m^2	$160.00*
	151 - 400m^2	$230.00*
	401-800m^2	$360.00*
	801 - 999m^2	$750.00*
	1,000m^2 and above	$1,600.00*
ILLEGAL WORKS – RETROSPECTIVE PLANNING APPROVAL		Double the relevant application fee
New Development (Subdivision/Adjustment)		
SUBDIVISION Application Fee Where including on site waste water disposal assessment		$270.00* + $100.00* per lot (min 2) + $250.00
BOUNDARY ADJUSTMENT Application Fee Where including on site waste water disposal assessment		$160.00* + $50.00* per lot (min 2) + $250.00
New Development (Other)		
Extractive Industries (Level 1 EMPCA 1993)		$1,100.00*
Level 2 Activity EMPCA 1993		$1,300.00*
Fence (Where not exempt)		$75.00*
Signs		$50.00* per sign to a max fee of $175.00*
Application where buildings do not form a major part of the Development	Up to $25,000	$75.00*
	$25,001 to $100,000	$145.00*
	$100,001 to $250,000	$375.00*
	$250,001 to $499,999	$750.00*
	Where project cost exceeds $500,000	$1,500.00*
Demolition Assessment	Where not exempt	$80.00
CHANGE OF USE (for all classes of building or use of site)	Plus fee for any additions associated with change	$130.00*
Plans – Examination & Sealing		
Examination and sealing of final plan of Survey Building Certificate (if required) Class 1A (includes Inspection & Administration costs) Class 10A (includes Inspection & Administration costs)		$260.00* +$50.00* per lot $275.00 $165.00
Examination and sealing of Stratum Plan		$260.00* +$50.00* per lot
Application for a Staged Development Scheme	Master Plan and disclosure statement approval	$350.00* + $50.00* per lot
Petition to amend a Sealed Plan – Full Fee		$600.00*
Petition to amend a Sealed Plan (if all parties to the Plan have signed the petition)		$300.00*

DEVELOPMENT SERVICES Cont ……

Sundry Planning Fees		
Extension - application for permit extension		$130.00*
Planning Scheme – Maps		$70.00*
Minor amendment - application made under s. 56 of *LUPAA* to modify an approval		$140.00*
Illegal works minor amendment - application made under s. 56 request that involves work already undertaken (without a permit)		$165.00*
Adhesion order - application for issue of an adhesion order		$210.00*
Part 5 agreement – processing and sealing of a Part 5 agreement - s. 70 of *LUPAA*		$400.00*
Scheme amendment - application for amendment to Break O'Day planning scheme and processing fee after council approval to proceed		$1,750.00*+ TPC + advertising fees
Mediation - organising mediation in accordance with s.57a of *LUPAA* or any other mediation required by the council in order to determine a planning application		$250.00* per mediation meeting
Cash in Lieu of car parking – per car parking space		$6,000.00*
Collection of impounded sign	s48(a) of the *Land Use Planning & Approvals Act 1993*	$120.00 per sign
Statutory Advertising & Administration		
Advertising of	Section 57 "Discretionary" Applications	$400.00*
	Level 2 Activity Application	At cost
	Application for amendment to the Break O'Day Planning Scheme two adverts required	At cost
Refunds/Remissions – Application withdrawn		
Planning Fees	Requests for additional information have not been made	75%
	Requests for additional information have been made	25%
Advertising Fees	Not commenced	100% less $25.00 admin fee
Application Fee	Project of Regional Significance WHEN declared by Minister	50%
Applications for development by a Community Group on Land Owned or Managed by Council		100%

NOTE: Additional costs for professional services are payable prior to the takeover of works before final approval is issued.

BUILDING SERVICES

Building Surveying Charges – Category 3 and 4 Buildings		
LEGALISATION OF ILLEGAL STRUCTURES – DOUBLE THE FEE FOR AN ILLEGAL STRUCTURE, THAT IS, THE CHARGE IDENTIFIED BELOW PLUS 100%		
CLASS 1A Structures	(new dwelling/dwelling additions & alterations, change of use (garage to dwelling and dwelling to B&B))	
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 50m^2 & internal alterations & demolition	$200.00
	51m^2 to 100m^2	$275.00
	101m^2 to 200m^2	$385.00
	Greater than 201m^2	$535.00
CLASS 10A Structures	(garage/carport/deck/pergola/retaining wall/mast/fence/pool)	
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 50m^2 including minor structures and pools	$70.00
	51m^2 to 100m^2	$140.00
	101m^2 to 200m^2	$215.00
	Greater than 201m^2	$325.00
All New - CLASS 10A Kit Sheds		
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 50m^2	$40.00
	51m^2 to 100m^2	$85.00
	101m^2 to 200m^2	$120.00
	Greater than 201m^2	$155.00
Other Classes up to 2000m^2 (shop, office, warehouse, industrial buildings, assembly buildings schools, etc)		
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 50m^2	$360.00
	51m^2 to 100m^2	$560.00
	101m^2 to 200m^2	$770.00
	Greater than 201m^2	$1,100.00

Inspections	
Class 1A - Change of Use (Minimum of two (2) inspections)	$130.00+ per inspection
Class 1A & 10A - Building Inspections (Minimum of five (5) for class 1-9) (Minimum of two (2) for Class 10A)	
Additional inspections required will be charged prior to issue of Completion Certificates	

Miscellaneous		
Search for house plans (Non-Refundable)	Electronic Search by Email	No Charge
	Electronic Search Printed	$20.00
	Physical Search no Plans Found	No Charge
	Physical Search Plans Found	$60.00
Staged Building Permit Fee		As per associated administration fee
Temporary Occupancy Permit	Annually to maximum of 3 years	$150.00*
Re-activation of file (expired building/plumbing permit)	Reassessment required	Assessment and inspection fees as per fee schedule + $35.00 for each certificate required
	Reassessment not required	$150.00 + $35.00 for each certificated required + required inspections

Extension to Building Permit – All Classes	
1st Year	$100.00*
Subsequent Years	Increase of $50.00* per year over previous year

BUILDING SERVICES Cont……

Building Certificates		
Class 10A Structures (Includes Inspection & Administration Costs)		$165.00
Class 1A Structures (Includes Inspection & Administration Costs)		$275.00
Commercial Occupancy Permit & Schedule of Health and Safety Features		$250.00
State Government Levies		
Industry Training Levy	Over $20,000	0.20%* of project cost
Building Administration Fee Levy	Over $20,000	0.10%* of project cost
Amendments		
Minor Amendment	Not requiring a reassessment	$50.00
Amendment to Building Permit & Certificate of Likely Compliance	Fees applicable to Certificate type (eg. Certificate of Likely Compliance) + Applicable Administration Fee	
Administration and Notifiable Works and lodgement fee for any Category 1 and 2 projects		
Administration – Category 1		Nil
Administration – Category 2		Nil
Administration – Category 3		$150.00*
Administration – Category 4		Refer to Permit Authority Charges
Administration – Privately Certified Applications Only		
Administration – Category 1		Nil
Administration – Category 2		Nil
Administration – Category 3		$150.00*
Administration – Category 4		$150.00*

BUILDING SERVICES - PLUMBING

LEGALISATION OF ILLEGAL STRUCTURES – DOUBLE THE FEE FOR AN ILLEGAL STRUCTURE, THAT IS, THE CHARGE IDENTIFIED BELOW PLUS 100%		
Certificate of Likely Compliance Plumbing (Category 3 & 4 plumbing works)		
Plumbing Permit/Assessment – ALL PRICES INCLUDE INSPECTIONS	Up to 50m^2 & Class 10 & Demolition	$260.00*
	51m^2 to 100m^2	$365.00*
	101m^2 to 200m^2	$470.00*
	Greater than 201m^2	$630.00*

BUILDING SERVICES - PERMIT AUTHORITY

PERMIT AUTHORITY CHARGES –BUILDING & PLUMBING ONLY (Category 4 only)		
LEGALISATION OF ILLEGAL STRUCTURES – DOUBLE THE FEE FOR AN ILLEGAL STRUCTURE, THAT IS, THE CHARGE IDENTIFIED BELOW PLUS 100%		
CLASS 1A Structures	(new dwelling/dwelling additions & alterations, change of use (garage to dwelling and dwelling to B&B)	
Building & Plumbing Permit	All sizes	$300.00
CLASS 10A Structures	(garage/carport/deck/pergola/retaining wall/mast/fence/pool & demolition works)	
Building & Demolition Permit	All sizes	$150.00
Other Classes up to 2000m^2 (shop, office, warehouse, industrial buildings, assembly buildings schools, etc)		
Building & Plumbing Permit	All sizes	$350.00

13

ENVIRONMENTAL HEALTH

Licences, Certificates, Permits		
Temporary Food Registration	Period not exceeding ten consecutive (10) days	$20.00*
	Period not exceeding ten consecutive (10) days – not for profit community groups	Nil
Food Stall Registration	Yearly	$60.00*
Food Stall Registration	Yearly – not for profit community group	Nil
Food Premises	Category A	$2,100.00*
	Category B	$580.00*
	Category C	$370.00*
	Category D	$200.00*
	Category E	$100.00*
	Category F	$60.00*
	Category G – not for profit organisations	Nil
Assessment of Plans for Commercial Kitchen (Form 49)		$100.00*
Occupancy Permit for Commercial Kitchen (Form 50)		$100.00*
Place of Assembly	Licence application for a mass outdoor public event	$50.00*
	Not for profit organisations	Nil
Sampling of Swimming Pools/Spa Baths	Public	$50.00 + Cost of Analysis if applicable
	Public – Resamples	$100.00 + Cost of Analysis if applicable
	Public not for profit organisations	Cost of Analysis
Water Cartage	Application/Renewal	$10.00*
Food Sampling		$50.00 + Cost of Analysis if applicable
Public Health Risk Activities	Licence	$75.00*
	Renewal	$75.00*
Private Water Suppliers Registration	Application / Renewal	$10.00*
Caravan Licence		$10.50* per week (short stay) or $250.00* per year
Nuisance	Abatement costs associated with non-compliance	Cost of Works + $150.00
	Administration costs associated with non-compliance	$140.00 first hour (minimum fee); $70.00 per hour or part thereof thereafter, plus compliance costs
Permit for Burial of Human Remains on Private Land		$200.00*
Environmental Protection Notices	Investigation, issuing and management charges	$150.00 per hour or part thereof
Plumbing Permit		
Onsite Waste Water Systems		
Full application per residential unit		$100.00*
Alteration to existing system		$100.00*
Full application fee per commercial unit	Grease traps, trade waste, car wash, etc	$100.00*

ANIMAL CONTROL

Registration Type	IF PAID PRIOR TO 30 JUNE 2017	IF PAID AFTER 30 JUNE 2017
Entire Dog	$45.00*	$65.00*
Entire Dog – Pensioner**	$20.00*	$30.00*
De-sexed Dog	$25.00*	$35.00*
De-sexed Dog – Pensioner**	$12.00*	$15.00*
Newly Registered Dog	As above	Pro-rata of full rate
Approved Assistance Dogs - Guide/Hearing	Nil	Nil
Registered Breeding Dog	$31.00*	$37.00*
Approved Working Dog	$20.00*	$35.00*
Declared Dangerous Dog	$200.00*	$250.00*

NOTE: **One (1) dog per property on Pensioner Rate.
(Pension card only, Health Care Card not applicable)

Impounding		
First Impoundment		$50.00*
Subsequent Impoundment		Previous impoundment fee $50.00*
Daily keeping fee		$25.00*
Purchase of unclaimed dog **		$25.00* + registration fee
Microchip implanting of impounded/unclaimed dog (if not already chipped)		*At cost*
Out of hours release fee ***	Original owner	$250.00*

NOTE: ** Refundable if returned within two (2) weeks.
ALL FEES MUST BE PAID IN FULL PRIOR TO RELEASE OF ANY DOG

Kennel Licence		
Kennel licence application fee	More than 2 dogs or 4 working dogs	$65.00*
Kennel licence renewal fee (Applies to working and non-working dogs)		$40.00*
Miscellaneous		
Replacement Registration Tag		$10.00*
Anti-barking Kits	Fortnightly hire	$20.00
	Bond	$100.00
	Citronella Refill – single can	$25.00
Dangerous Dog	Collar	Cost Price
	Sign	Cost Price
Doggy Do Bags	Roll	$15.00

Adopted 18 April 2016 – Minute 04/16.12.4.87

04/17.12.6 Review of LG30 Public Interest Disclosure Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	17/5606
ASSOCIATED REPORTS AND DOCUMENTS	Draft Policy LG30 – Public Interest Disclosure Advice of approval of the draft policy from the Ombudsman

OFFICER'S RECOMMENDATION:

That Council adopt Policy LG30 Public Interest Disclosure Policy as amended.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is falling due for review according to that Schedule, being nearly three (3) years since the last review.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No 03/12.15.4.069.
Amended 17 March 2014 – Minute No 03/14.11.15.060.
Amended 221 August 2014 – Minute No 08/14.11.8.233.
This specific amendment has not been considered by Council.

OFFICER'S REPORT:

Council has a schedule for regular review of Policies. This Policy is now falling due for review according to that Schedule, being nearly three (3) years since the last review.

The wording of this Policy is directed by the Ombudsman and any review also must be approved by the Ombudsman, this approval has been granted.

The only amendments are very minor grammatical corrections.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Leadership and Governance

Goal
Provide strong and informed leadership and effective management of community resources, empowering and involving the community at all levels.

Strategy

- Ensure council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures

LEGISLATION & POLICIES:

The Public Interest Disclosures Act 2002.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

POLICY NO LG30
PUBLIC INTEREST DISCLOSURE POLICY

DEPARTMENT:	Corporate Services
RESPONSIBLE OFFICER:	Manager Corporate Services
LINK TO STRATEGIC PLAN:	Continuously strive for quality, responsive customer service and enhancement of image of Council.
STATUTORY AUTHORITY:	Public Interest Disclosures Act 2002
OBJECTIVE:	The *Public Interest Disclosures Act 2002* commenced operation on 1 January 2004. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies. The Act provides protection to persons who make disclosures in accordance with the Act, and establishes a system for the matters disclosed to be investigated and rectifying action to be taken while providing all parties involved with natural justice.
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 17 March 2014 – Minute No 03/14.11.15.060 Amended 221 August 2014 – Minute No 08/14.11.8.233

POLICY

1. STATEMENT OF SUPPORT

Break O'Day Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act). It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

Break O'Day Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal the type of conduct to which the Act is directed.

Break O'Day Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure and protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

2. PURPOSE OF THESE PROCEDURES

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by Break O'Day Council or its members, officers or employees. The procedures also assist members, officers and employees to understand the operation and administration of the Act.

The system enables such disclosures to be made to the Break O'Day Council General Manager (the Principal Officer) or to the delegated Public Interest Disclosure Officer(s). Disclosures may be made by people who are "public officers" or by people who are or have been "contractors" of Break O'Day Council.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors and to use existing grievance procedures (see LG25 – Grievance Policy) as appropriate.

3. DEFINITIONS OF KEY TERMS

3.1 The right to make a disclosure

The right to make a disclosure under the Act is given by s 6 of the Act. That states:

> *6. Disclosures about improper conduct or detrimental action*
>
> *(1) A public officer who believes that another public officer or a public body –*
>
> *(a) has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or*
>
> *(b) has taken, is taking or proposes to take detrimental action in contravention of section 19 –*
>
> *may disclose that improper conduct or detrimental action in accordance with this Part.*
>
> *(2) A contractor who believes that the public body with which the contractor has entered into a contract –*
>
> *(a) has engaged, is engaging or proposes to engage in improper conduct in its capacity as a public body; or*
>
> *(b) has taken, is taking or proposes to take detrimental action in contravention of section 19 –*
>
> *may disclose that improper conduct or detrimental action in accordance with this Part.*

As can be seen from the emphasis given to certain expressions in this version of s 6, a number of expressions are key to its operation. These are:

- "public officer"
- "public body"
- "contractor"
- "improper conduct"
- "detrimental action"

Because of the way that the expression "improper conduct" is defined in s 3 of the Act, a further expression is also very important. This is the expression "corrupt conduct".

Each of these expressions is now explained.

3.2 "Public officer" and "public body"

These expressions are defined in ss 3 and 4 of the Act, in this way:

3. Interpretation

"public body" means a public body referred to in section 4;

"public officer" means a public officer referred to in section 4;

4. Public bodies and officers

(1) Subject to subsection (3), the following bodies and authorities are public bodies for the purposes of this Act:

(a) the Parliament of Tasmania;

(b) a State Service Agency;

(c) the Police Service;

(d) a council;

(e) a Government Business Enterprise;

(f) a State-owned Company;

(g) a council-owned company;

(h) a body or authority, whether incorporated or not, whose members or a majority of whose members are appointed by the Governor or a Minister;

(i) any other prescribed body or authority, whether incorporated or not –

(i) to which any money is paid by way of appropriation from the Public Account; or

(ii) over which the Government or a Minister exercises control.

(2) Subject to subsection (3), the following persons are public officers for the purposes of this Act:

(a) a Member of Parliament;

(b) a councillor;

(c) a member, officer or employee of a public body;

(d) a member of the governing body of a public body;

(e) an employee of a council;

(f) any person performing functions under the Parliamentary Privilege Act 1898;

(g) a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament whether in accordance with the State Service Act 2000, Parliamentary Privilege Act 1898 or otherwise;

(h) any person performing functions under the Governor of Tasmania Act 1982;

(i) a person appointed to an office by the Governor or a Minister under an Act

(3) The following bodies are not public bodies for the purposes of this Act:

(a) a court;

(b) a tribunal;

(c) the Tasmanian Industrial Commission;

(d) the Integrity Commission;

(e) any other prescribed body.

(4) The following persons are not public officers for the purposes of this Act:

(a) the Governor of Tasmania;

(b) a judge of the Supreme Court;

(c) the Associate Judge of the Supreme Court;

(d) a magistrate of the Magistrates Court;

(e) the Director of Public Prosecutions;

(f) any other prescribed person."

Formatted: Indent: Left: 2.5 cm, First line: 1.27 cm

Break O'Day Council is a "public body", as so defined and any member, officer or employee of Break O'Day Council is a "public officer", as so defined.

Note that the right which s 6 of the Act gives to a public officer to make a disclosure must be exercised whilst the person is still a public officer.

3.3 "Contractor"

This expression is defined in s 3 of the Act, in this way:

3. Interpretation

"contractor" means –

(a) *a person who at any time has entered into a contract with a public body for the supply of goods or services to, or on behalf of, the public body; or*

(b) *an employee of the contractor; or*

(c) *a subcontractor engaged by the contractor to fulfil all or part of a contract with a public body for the supply of goods or services to, or on behalf of, the public body;"*

This definition has the effect that a person may exercise the right given to a contractor by s 6 of the Act even though the contract which they held with the public body is now over.

3.4 "Improper conduct" and "corrupt conduct"

These expressions are also defined in s 3 of the Act, in this way:

"3. Interpretation

"improper conduct" means –

(a) *conduct that constitutes an illegal or unlawful activity; or*

(b) *corrupt conduct; or*

(c) *conduct that constitutes maladministration; or*

(d) *conduct that constitutes professional misconduct; or*

(e) *conduct that constitutes a waste of public resources; or*

(f) *conduct that constitutes a danger to public health or safety or to both public health and safety; or*

(g) *conduct that constitutes a danger to the environment; or*

(h) *misconduct, including breaches of applicable codes of conduct; or*

(i) *conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –*

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman;

Note that paragraph (b) leads to another definition in s 3, being that of "corrupt conduct" –

"corrupt conduct" means –

(a) *conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or*

(b) *conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality; or*

(c) *conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or*

(d) *conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or*

(e) *a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d);"*

Note that, for the right of disclosure under s 6 to apply, the improper conduct (including corrupt conduct) must be serious or significant as determined in accordance with guidelines issued by the Ombudsman – as to which see Guideline 1/2010 under the "Publications" tab at www.ombudsman.tas.gov.au.

Examples of "corrupt conduct"

- A public officer takes a bribe in exchange for the discharge of a public duty.
- A public officer favours unmeritorious applications for jobs or permits by friends and relatives.
- A public officer sells confidential information.

Examples of other types of "improper conduct"

- To avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste.
- An agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock.
- A building inspector tolerates poor practices and structural defects in the work of a leading local builder, giving rise to a risk to public health or safety.

3.5 Detrimental action

This expression is defined in s 3 of the Act, in this way:

"detrimental action" includes –

(a) *action causing injury, loss or damage; and*

(b) *Intimidation or harassment; and*

(c) *discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and*

(d) *threats of detrimental action;"*

Note that the right to make a disclosure in relation to detrimental action under s 6 relates to detrimental action taken in contravention of s 19 of the Act. Section 19 is in these terms:

19. Protection from reprisal

(1) A person must not take detrimental action against a person in reprisal for a protected disclosure.

Penalty:

Fine not exceeding 240 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person takes detrimental action in reprisal for a protected disclosure if –

(a) the person takes or threatens to take the action because –

(i) a person has made, or intends to make, a protected disclosure; or

(ii) the person believes that a person has made or intends to make the protected disclosure; or

(b) the person incites or permits another person to take or threaten to take the action for either of those reasons.

(3) In determining whether a person takes detrimental action in reprisal, it is irrelevant whether or not a reason referred to in subsection (2) is the only or dominant reason as long as it is a substantial reason."

The effect of s 19 is that reprisal must have been a substantial reason behind the detrimental action taken.

Examples of detrimental action are:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;
- threats, abuse or other forms of harassment directly or indirectly against the discloser, his or her family or friends ; and
- discrimination against the discloser or his or her family and associates in applications for jobs, permits or tenders.

4. THE REPORTING SYSTEM

To the Ombudsman

A disclosure about improper conduct or detrimental action by Break O'Day Council, or its employees, may be made directly to the Ombudsman:

The Ombudsman
NAB House, level 6, 86 Collins Street
Hobart Tasmania 7000

GPO Box 960
Hobart Tasmania 7001

Internet: www.ombudsman.tas.gov.au/ombudsman
Email: ombudsman@ombudsman.tas.gov.au

Tel: 1800 001 170

To contact persons within Break O'Day Council

Disclosures of improper conduct or detrimental action by employees of Break O'Day Council may be made to the following officers:

- The Principal Officer, Council's General Manager
- Protected disclosure officers, Manager Corporate Services and Human Resources Manager~~Records Officer~~, Council Offices St Helens, 03 6376 7900.

Each person who holds or acts in any of the following positions within Break O'Day Council has been appointed by the Principal Officer to act as a Public Interest Disclosure Officer, and holds a delegation which enables them to receive public interest disclosures under the Act.

Where a person is contemplating making a disclosure and is concerned about approaching the protected disclosure coordinator or a protected disclosure officer in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

A disclosure about the Principal Officer should be immediately referred to the Ombudsman.

Alternate Contact Persons

For the protections in the Act to apply, a disclosure must be made to the right person or body. Section 7 of the Act deals with this subject, and the following table summarises its effect:

Officer or public body to which the disclosure relates	Person to whom the disclosure may be made
a member, officer or employee of a public body other than the Police Service or a State Service Agency	that public body; or the Integrity Commission; or the Ombudsman
a member, officer or employee of a public body that is a State Service Agency	that State Service Agency; or the Integrity Commission; or the Ombudsman
a member of the Police Service, other than the Commissioner of Police	the Commissioner of Police
the Commissioner of Police	the Ombudsman
a member of the Legislative Council	the President of the Legislative Council

Officer or public body to which the disclosure relates	Person to whom the disclosure may be made
a member of the House of Assembly	the Speaker of the House
a councillor, within the meaning of the Local Government Act 1993	the Ombudsman
a person employed under the provisions of the Parliamentary Privilege Act 1898	the Ombudsman; or the Integrity Commission
the Auditor-General	the chairman of the Public Accounts Committee
the Ombudsman	the Joint Standing Committee on Integrity
a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman
in any other case	the Ombudsman; or the Integrity Commission

To the Integrity Commission

A disclosure about improper conduct or detrimental action by Break O'Day Council or any of its members, officers or employees may also be made directly to the Integrity Commission. The contact details for the Integrity Commission are:

Tasmanian Integrity Commission
GPO Box 822
HOBART TAS 7001

Level 2
Surrey House 199 Macquarie Street
HOBART TAS 7000

Internet: www.integrity.tas.gov.au
Email: integritycommission@integrity.tas.gov.au
Phone: 1300 720 289

To which entity should disclosure be made

As can be seen above, there are some situations in which a disclosure may only be made to a single entity. For instance, if the disclosure is about a councillor in a local council, it must be made to the Ombudsman.

Where there is a choice of entities, those choices will include the Ombudsman and the Integrity Commission. Either of those entities will be able to give advice on the most suitable entity to receive the disclosure, but the Ombudsman has overall responsibility for the administration of the Act.

The considerations which might sensibly bear on the choice of entity to which the disclosure is made include:

- the nature of the normal functions (and therefore the skills and experience) of the different entities which might be chosen;
- the desirability of independent investigation of the disclosure – which might, for instance, lead away from making the disclosure to the public body to which it relates; and
- the seriousness or otherwise of the disclosure.

Where the disclosure is against a public body, not against a public officer, it is recommended that the disclosure be made to the Ombudsman.

5. ROLES AND RESPONSIBILITIES

Members, Officers & Employees

Members, officers and employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All members, officers and employees of Break O'Day Council have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

Principal Officers

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by the public body. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of natural justice in the public body's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the public body's procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate any or all of his or her functions to a Public Interest Disclosure Officer.

Public Interest Disclosure Officers

A Public Interest Disclosure Officer is appointed by the Principal Officer under s 62A(2) of the Act, and holds a delegation from the Principal Officer which enables him or her to exercise the statutory

powers and functions given to the Principal Officer by the Act which are listed in their instrument of delegation.

These procedures frequently give responsibilities or functions to a Public Interest Disclosure Officer. Not all of these are referable to specific statutory powers or functions bestowed on the Principal Officer by the Act, and so some of them represent things which the Public Interest Disclosure Officer is expected to do on a purely administrative basis.

Subject to the terms of their delegation, the responsibilities of a Public Interest Disclosure Officer generally include:

- acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receiving any disclosure made orally or in writing (from internal and external disclosers);
- recording in writing the details of any disclosure which is made orally;
- impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");
- impartially assessing under s 33 of the Act whether a disclosure is a "public interest disclosure", and
- taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential.

Investigator

Where Break O'Day Council has determined the matter is a public interest disclosure, or where the Ombudsman has referred a matter to Break O'Day Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within an organisation or a consultant engaged for that purpose.

Welfare Manager

The welfare manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The welfare manager will:

- Examine the immediate welfare and protection needs of a person who has made a disclosure and seek to foster a supportive work environment;
- Advise the discloser of the legislative and administrative protections available to him or her;
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure; and
- So far is practicable, protect the identity of the discloser in the course of carrying out these responsibilities

A Welfare Manager may be a person from within the public body or a consultant engaged for that purpose.

6. CONFIDENTIALITY

Break O'Day Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial in ensuring reprisals are not made against the discloser.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information due to the handling or investigation of a protected disclosure, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act
- when making a report or recommendation under the Act
- when publishing statistics in the annual report of a public body, and
- in proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure, or
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated.

In both circumstances, the person who made the disclosure should be informed as to this step.

Break O'Day Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the welfare manager.

All printed material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the files.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that they contain information regarding a disclosure, or information that is likely to lead to the identification of the person who made the disclosure or the person who is the subject of the disclosure.

7. PUBLISHING STATISTICS

Section 86 of the Act requires Break O'Day Council to include in its annual report:

- the number and types of disclosures made to the Break O'Day Council during the year, and the number of disclosures determined to be a public interest disclosure;
- the number of disclosures determined by the Break O'Day Council to be public interest disclosures that it investigated during the year;
- the number and types of disclosed matters referred to the Break O'Day Council by the Ombudsman for investigation;
- the number and types of disclosures referred by the Break O'Day Council to the Ombudsman for investigation;
- the number and types of investigations taken over from the Break O'Day Council by the Ombudsman;
- the number and types of disclosed matters that the Break O'Day Council has declined to investigate;
- the number and types of disclosed matters that were substantiated upon investigation and the action taken on completion of the investigation, and
- any recommendations made by the Ombudsman that relate to the Break O'Day Council.

8. RECEIVING AND ASSESSING DISCLOSURES

What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible, which records the time when the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should also ask the discloser to put the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and of any accompanying documents.

If the disclosure is about the Principal Officer, it should be immediately referred to the Ombudsman.

A file should be created for the disclosure, marked clearly as being a *Public Interest Disclosures Act* matter – see part 9 of these procedures (Confidentiality).

Assessing the disclosure – is it a protected disclosure?

The protections provided by the Act to disclosers (contained in Part 4 of the Act) only apply where the disclosure made is a "protected disclosure". This means a disclosure made in accordance with Part 2 of the Act: s 14.

As soon as practicable after the receipt of a disclosure, the disclosure should therefore be assessed by the Principal Officer or a Public Interest Disclosure Officer to determine whether it has been made in accordance with Part 2 of the Act. The following questions need to be asked in carrying out this assessment:

- Has the disclosure been made by a public officer or contractor?
- Does the disclosure concern improper conduct or detrimental action?
- Did the alleged conduct or action occur more than 3 years before the commencement of the Act – i.e. on or after 1 January 2001?
- Has the disclosure been made to the appropriate person?

Note that an anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor.

The person who carries out the assessment should inform the discloser as soon as practicable of their conclusion as to whether the disclosure is a protected disclosure, and of their reasons for coming to that conclusion. This should be done in writing. If the disclosure has been assessed as being a protected disclosure, the discloser should be given a copy of Part 3 of the Act, which details the protections which the Act provides. These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will now be followed with respect to the disclosure.

A copy of the assessment should also be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

If the disclosure is considered to be a protected disclosure, the Principal Officer or a Public Interest Disclosure Officer should immediately appoint a welfare manager to protect the interests of the discloser, and ensure that the discloser is advised of the name and contact details of that person – see parts 8.5 and 15.1.

Note that s 7A of the Act provides that a person to whom a disclosure may be made under Part 2 of the Act may, if the person considers that it would be in the public interest to do so, treat any other person who is not a public officer or a contractor as a contractor for the purposes of the Act. If this is under consideration, the matter should first be discussed with the Principal Officer, and consideration should also be given to seeking advice from the Ombudsman as to whether this step is appropriate.

Should the disclosure be referred to another body?

Referral to the Ombudsman

Break O'Day Council may refer a protected disclosure to the Ombudsman if it believes that it is not able to complete the investigation satisfactorily: s 68. The Act does not provide for other relevant circumstances in which a public body may refer a protected disclosure to the Ombudsman before commencing an investigation, but an alternative way of achieving the same result would for the public body to encourage the discloser to make their disclosure direct to the Ombudsman, such that there is no need for the public body to continue to investigate the matter.

Referral to the Integrity Commission

Break O'Day Council may refer a protected disclosure to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*.

The Break O'Day Council must notify the discloser of the referral within a reasonable time (unless the disclosure was made anonymously): s 29D.

The Integrity Commission may deal with the disclosure under the Integrity Commission Act, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action by the Ombudsman or public body in accordance with the Public Interest Disclosures Act.

Matters which would bear on a decision as to whether a protected disclosure should be referred to the Integrity Commission are:

- the relevance of the disclosure to the normal functions of the Commission;
- the desirability of independent investigation by the Commission of the subject matter of the disclosure; and
- the views of the discloser as to whether referral should occur.

Referral of criminal conduct to the Police

It is possible that, before or during an investigation, facts are uncovered that reveal the possibility of a criminal offence. If this happens, Break O'Day Council will not commence, or will suspend the investigation and will consult with the Ombudsman as to the future of the matter. Under section 41 of the Act, the Ombudsman has the power to refer a disclosed matter to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to Tasmania Police, Break O'Day Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail. Referral to the police through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner of Police through the Ombudsman, the investigation under the Act ceases. However, there may still be administrative or operational issues which have been identified during the disclosure process or investigation that should be dealt with under other internal processes of the Break O'Day Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

Further assessment - Is the disclosure a public interest disclosure?

Where the Principal Officer or Public Interest Disclosure Officer has received a disclosure that has been assessed to be a protected disclosure, the Principal Officer or Public Interest Disclosure Officer must make a determination under s 33 of the Act as to whether the disclosure is a public interest disclosure. This assessment must be made within 45 days of the receipt of the disclosure.

For a disclosure to be a public interest disclosure, the public body must be satisfied that the disclosure shows or tends to show that the public officer or public body to whom the disclosure relates –

- has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a public officer, or

- has taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation. A disclosure must include an indication of the existence of evidence that if substantiated would show or tend to show that the alleged conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer concludes that the disclosure amounts to a public interest disclosure, he or she must -

- advise the Principal Officer (if not the person receiving the disclosure);
- notify the Ombudsman within 14 days of the decision;
- notify the person making the disclosure within 14 days of the decision (unless it is an anonymous disclosure), and
- proceed to investigate the disclosed matter.

If the Principal Officer or Public Interest Disclosure Officer concludes that the disclosure is not a public interest disclosure, he or she must -

- advise the Principal Officer (if not the person receiving the disclosure)
- notify the Ombudsman within 14 days of the decision, and
- notify the person making the disclosure within 14 days of the decision (unless it is an anonymous disclosure)

The Ombudsman must then review this decision.

If, on review of the matter, the Ombudsman decides that the disclosure is not a public interest disclosure, the matter does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines the disclosure is not a public interest disclosure, but could be a complaint under the *Ombudsman's Act 1978* the Ombudsman must notify the discloser of his or her right to have the disclosure dealt with as a complaint under the *Ombudsman's Act* if he or she wishes.

9. PROTECTION

When does protection commence?

Where Break O'Day Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2, as found in s 6, is that the discloser honestly believes that the alleged improper conduct or detrimental action in fact occurred).

The protection also extends to a person who intends to make a disclosure.

Note that, as provided in s 9, a disclosure can still be made where the discloser cannot identify the person or body to whom or to which the disclosure relates.

What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. This part of these procedures only provides a summary of some elements of that Part of the Act.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

These last two protections do not apply, however, to a disclosure of information to a person other than the person to whom the protected disclosure was originally made, unless that further disclosure was made in accordance with the Act: s 17(2).

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. By s 19, the Act makes it an offence to take such detrimental action. By s 20, it creates a liability to pay damages for such detrimental action. And by s 21, it gives a person who believes that detrimental action has been taken against him or her the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

10. INVESTIGATIONS

Introduction

Break O'Day Council must investigate every disclosure referred to it for investigation by the Ombudsman.

Unless the matters set out below apply, or the matter has been referred to the Commissioner of Police, Break O'Day Council will investigate every disclosure that it receives and determines is a public interest disclosure.

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within the organisation or a consultant engaged for that purpose.

The objectives of an investigation are:

- To collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- To consider the information collected and to draw conclusions objectively and impartially;
- To maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure

Matters that do not have to be investigated

Before embarking on the investigation of a public interest disclosure, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter deserves to be

investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Those circumstances are if:

- in the opinion of the public body the disclosure is trivial, vexatious, misconceived or lacking in substance; or
- the subject matter of the disclosure has already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal; or
- the person making the disclosure has commenced proceedings in a commission, court or tribunal in relation to the same matter, and that commission, court or tribunal has power to order remedies similar to those available under this Act; or
- the person making the disclosure had knowledge for more than 12 months of the disclosed matter before making the disclosure and failed to give a satisfactory explanation for the delay in making the disclosure; or
- the disclosure relates solely to the personal interests of the person making the disclosure; or
- the disclosure is based on false or misleading information, or
- the matter which is the subject of the disclosure has already been determined and the additional disclosure does not provide significant or substantial new information.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If the Principal Officer determines that the disclosed matter is not to be investigated, notice of this fact must be given within 14 days to both the Ombudsman and (except in the case of an anonymous disclosure) the person who made the disclosure. Reasons for the decision must accompany the notice.

The Ombudsman is required by s 65(2) to review such a decision. Following the review, the Ombudsman must notify Break O'Day Council of his or her decision within a reasonable time. If the Ombudsman on review determines that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, and the matter is not referred to the Ombudsman for a reason specified in s 68, Break O'Day Council must proceed with the investigation.

Appointment of an investigator and framing terms of reference

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify –

- the matters to be investigated;
- the date by which the investigation is to be concluded; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than 6 months from the date of the determination that the disclosure is a public interest disclosure: s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within 6 months, Break O'Day Council may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation: s 77A(2).

The terms of reference should require the investigator to make regular reports to the Principal Officer.

Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take in investigating each of those issues.

The plan should be updated as necessary during the course of the investigation.

Natural justice

The principles of natural justice must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are sometimes referred to as "procedural fairness".

The principles are a set of procedural standards which need to be met if the right of a person to a fair hearing can be accepted as having been satisfied.

Break O'Day Council will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved:

- No one is to be involved in the investigation who is known to be biased against any person who is potentially subject to an adverse finding, or
- is known to hold any biases which are relevant to the subject-matter of the investigation, or
- in respect of whom there is reasonable ground for apprehending or suspecting bias.[1]

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer.

- Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the potential findings in view, and their possible consequences.

- This must be done before any final conclusions are formed by the investigator.
- Each such person must be given a reasonable time to respond to the material which is provided to them
- The investigator must maintain an open mind, and must fairly take into account all representations which such a person may make.

Note that there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced. Note also that the name of the person making the disclosure or any particulars which might identify that person must not be revealed unless necessary, and with the discloser's knowledge.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been accorded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

Conduct of the investigation

A useful reference in planning and executing the investigation is the publication by the Australian Public Service Commission (albeit produced for a different purpose), *Handling misconduct: A human resource practitioner's guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct* (February, 2007).

The investigator should make contemporaneous notes of all discussions and phone calls, and consideration should be given to the desirability of audiotaping significant interviews with witnesses

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. Where disclosure of the identity of the person cannot be avoided, due to the nature of the allegations, the investigator should warn the discloser and his or her welfare manager of this.

Referral of an investigation to the Ombudsman

Under s 68 of the Act, a public body may refer the investigation of a disclosed matter to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.

Any decision as to whether the investigation should be referred to the Ombudsman will be taken by the Principal Officer.

See also part 11.3.3, concerning referral of an investigation to the Ombudsman, with a view to referral by the Ombudsman to the Commissioner of Police of suspected criminal conduct.

.

Provision of information about the investigation

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of a protected disclosure and an investigation.

The Principal Officer must report to the Ombudsman about the progress of an investigation.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

However, as provided in s 74(3), such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

11. ACTION TAKEN AFTER AN INVESTIGATION

Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of his or her findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that procedural fairness was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard in the matter and their defence is fairly set out in the report.

With a view to potential action by the public body under s 75 of the Act, if the investigator has found that conduct disclosed by the discloser has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by ~~the~~ Break O'Day Council~~[name of public body]~~ to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by ~~the [name of public body]~~Break O'Day Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct, and referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute a

criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police, unless this has previously occurred.

The report must be accompanied by:

- the transcript or other record of any oral evidence taken, including tape recordings; and
- all documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

The report must not disclose particulars likely to lead to the identification of the discloser: s 23(2).

Action to be taken

If the Principal Officer is satisfied that the conduct which was the subject of the investigation has occurred, he or she must consider the recommendations in the investigator's report and decide upon the steps which are to be taken to prevent the conduct from continuing or occurring in the future: s 75(1)(a). Again taking into consideration any recommendations in the investigator's report, the Principal Officer must also consider whether any action should be taken to remedy any harm or loss arising from the conduct: s 75(1)(b).

Where the Public Interest Disclosure Officer is responsible for the progress of the investigation and is satisfied that the disclosed conduct has occurred, he or she will recommend to the Principal Officer the action that must be taken.

The Principal Officer will provide a written report to Break O'Day Council and the Ombudsman, setting out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report these findings to the Ombudsman and to the discloser.

As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of the findings made.

12. MANAGING THE WELFARE OF THE DISCLOSER

Commitment to protecting disclosers

Break O'Day Council is committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of protected disclosures. The Principal Officer is responsible for ensuring that disclosers and witnesses are protected from detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

The Principal Officer or the Public Interest Disclosure Officer must appoint a welfare manager to support all persons who have made a protected disclosure. See part 8.5 for the responsibilities of a welfare manager.

The welfare manager must also provide advice about what the discloser should do if they believe that a colleague/s or a relative/s is being subjected to detrimental action. The advice will include what level of information it is necessary for them to provide.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure (s 19). The maximum penalty is a fine of 240 penalty units or two years

imprisonment, or both. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

A discloser who believes that they are being subjected to detrimental action should report it to the Principal Officer or a Public Interest Disclosure Officer. If they believe that the reprisal is not being effectively dealt with by Break O'Day Council, they may report the matter to the Ombudsman. A report of detrimental action may qualify as a protected disclosure under the Act.

Keeping the discloser informed

The Principal Officer or the Protected Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to his or her disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by the Break O'Day Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by the Break O'Day Council in relation to a disclosure. All communication with the discloser must be in plain English.

Occurrence of detrimental action

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of the disclosure, the welfare manager must:

- record details of the incident
- advise the discloser of his or her rights under the Act, and
- advise the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly in accordance with these procedures.

Discloser implicated in improper conduct

Where a person who makes a disclosure is implicated in misconduct, Break O'Day Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and this policy. Break O'Day Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for his or her own conduct is not affected by the person's disclosure of that conduct under the Act. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

The General Manager will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the General Manager must be satisfied that it has been clearly demonstrated that:

- The intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- There are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- There are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account.

13. MANAGEMENT OF THE PERSON AGAINST WHOM A DISCLOSURE HAS BEEN MADE

Break O'Day Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. Break O'Day Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of Break O'Day Council is accorded natural justice in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Break O'Day Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of Break O'Day Council will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

14. OFFENCES

Break O'Day Council will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- Section 19(1)

  This provision makes it an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The section provides for a maximum penalty of a fine of 240 penalty units or two years imprisonment, or both.

- Section 23(1)

  This provision makes it an offence for a person to disclose, except under specified circumstances, information which they have obtained or received in the course of or as a

result of a protected disclosure or the investigation of a disclosed matter under the Act. The section provides for a maximum penalty of 60 penalty units or six months imprisonment, or both.

- Section 54

  This section creates various offences relating to obstructing the work of the Ombudsman under the Act, including offences relating to misleading the Ombudsman. The section provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.

- Section 87(1)

  This provision makes it an offence for a person to knowingly provide false information under the Act to certain officers (including the Ombudsman) with the intention that it be acted on as a disclosed matter. The provision provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.

- Section 87(2)

  This section makes it an offence for a person to knowingly provide false information to a person conducting an investigation under the Act. The provision provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.

15. MONITORING AND REVIEW

These procedures were approved by the Ombudsman under s 60(3) of the Act on 29 March 2017~~11 June 2014~~.

The procedures will be submitted to the Ombudsman for review at least once in each 3 year period to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act.

The date by which the procedures must be submitted to the Ombudsman for review is 29 March 2020~~11 June 2017~~.

Ombudsman Tasmania

Level 6, 86 Collins Street, Hobart
GPO Box 960, Hobart Tas 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

RECEIVED
- 3 APR 2017
BY: 1:45pm

29 March 2017

Mr John Brown
General Manager
Break O'Day Council
32-34 Georges Bay Esplanade
ST HELENS TAS 7216

Dear Mr Brown

***Public Interest Disclosures Act 2002* - Procedures**

I refer to Mr Bob Hoogland's email sent 27 March 2017. Mr Hoogland attached a copy of Break O'Day Council's draft public interest disclosure procedures for approval.

I approve Council's procedures. Please insert today's date on page 25 of your procedures with a review date in three years' time. Please also insert Council's name in the last two dot points on page 21 of the procedures.

I would also take this opportunity to remind you of Council's obligation to comply with the annual reporting requirements of s86 of the *Public Interest Disclosures Act 2002*. All of the required information listed in s86 was not supplied in Council's annual report for 2015-2016.

Yours sincerely

Richard Connock
OMBUDSMAN

04/17.12.7 Review of EP01 Asbestos Product – Building Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Bob Hoogland, Manager Corporate Services
FILE REFERENCE	002\024\001\
ASSOCIATED REPORTS AND DOCUMENTS	Policy EP01 – Asbestos Product - Building

OFFICER'S RECOMMENDATION:

That Council cancel Policy EP01 Asbestos Product – Building as this is no longer required.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review according to that Schedule, being three (3) years since the last review.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No 03/12.15.4.069.
Amended 19 May 2014 - Minute No. 05/14.14.9.143.
This specific amendment has not previously been considered by Council.

OFFICER'S REPORT:

Council has a schedule for regular review of Policies. This Policy is now due for review according to that Schedule, being three (3) years since the last review.

It is noted that the provisions of the Policy all relate to operational procedures for staff to follow and therefore the normal recommendation would be for the provisions to be transferred to an equivalent Procedure.

However, it is further noted that:

- Council has budgeted for and is implementing an Asbestos Management Plan.
- Employees are well aware of the operation of that are Plan.
- New employees/contractors are made aware of the Plan as part of induction processes.
- Requirements are well embedded in relevant legislation.

On that basis, it is recommended that Council now cancel the Policy and that no action be taken to transfer the Policy provisions to a Procedure.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Environment and Planning - Ensure sustainable management of natural and built resources is respectful to our unique location.

Strategy
- Educate key stakeholders about planning, environmental and waste management, regulatory matters and processes.

LEGISLATION & POLICIES:

Workplace Health and Safety Regulations – Division 9.
Building Act 2000.
Building Regulations 2004.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

POLICY NO EP01
ASBESTOS PRODUCT - BUILDING

DEPARTMENT:	Development Services
RESPONSIBLE OFFICER:	Building Services Coordinator
LINK TO STRATEGIC PLAN:	Educate key stakeholders about planning, environmental and waste management, regulatory matters and processes
STATUTORY AUTHORITY:	Workplace Health and Safety Regulations – Division 9 Building Act 2000 Building Regulations 2004
OBJECTIVE:	The objectives of this policy are to: • Ensure that staff comply at all times with this policy. • Ensure that all involved in building adhere at all times to all relevant legislative requirements in relation to the monitoring, removal and disposal of asbestos product.
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 19 May 2014 - Minute No. 05/14.14.9.143

POLICY

1. INTRODUCTION

The purpose of this policy is to ensure that Council complies with all relevant legislation in regard to asbestos product.

Council aims to ensure that a clear systematic approach to the management of asbestos product is followed.

2. IDENTIFICATION

PART A – Management of asbestos product in Council buildings.

Procedures

- Compliance with all requirements of *Workplace Health and Safety Regulations Division 9*.
- To identify, document and monitor all asbestos risks in Council buildings.
- To take all reasonable steps to remove or stabilise asbestos product to prevent airborne particulates in Council buildings.
- To produce and maintain a register of known asbestos in Council buildings.
- To regularly inspect all identified asbestos in buildings to ensure no deterioration leading to a health risk.
- To undertake a program of removal/replacement of asbestos product in Council buildings.
- To inform the users of a Council building contaminated by asbestos in a potentially dangerous quantity of the risks exposure may present.

PART B – Management of asbestos within the Break O'Day built environment.

Procedures

- Compliance with all requirements of *Workplace Health and Safety Regulations Division 9* and *Building Regulations 2004* when dealing with buildings.
- To condition all Building Permits involving demolition, relocation, renovation or alteration of buildings likely to contain asbestos product to comply with all current legislative requirements.

3. 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.

04/17.13.0 WORKS AND INFRASTRUCTURE

04/17.13.1 Works and Infrastructure Report

ACTION	**INFORMATION**
PROPONENT	Council Officer
OFFICER	Wayne Polden, Works Supervisor
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:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
10/15.12.9.279	19 October 2015	That Council approve for the Mathinna General Cemetery Master Plan to be considered for the 2016/2017 Capital Works Program as the first priority of the nine (9) cemetery master plans developed in 2014 and the naming of sections be bought back to a workshop for further discussion.	Works scheduled to commence late March.
10/16.8.3.232	17 October 2016	That Break O'Day Council request State Growth lower the speed limit to 40 km on the Chimney Heights road and the relevant signage be installed to enhance safety.	Awaiting response from Department of State Growth.
03/17.9.3	20 March 2017	The Works Department will contact Parks & Wildlife Service to discuss.	Contact made however Donna Stanley is currently on leave.

Motion Number	Meeting Date	Council Decision	Comments
03/17.13.4.67	20 March 2017	1. That Council endorses the introduction of a Kerbside Recyclables Collection Service and make provision to fund a service in the 2017/2018 financial year. 2. That in implementing a new Kerbside Collection Service the existing Kerbside Putrescibles Waste Collection Service and a new Kerbside Recyclables Collection Service is scheduled to provide at minimum 26 fortnightly collections per annum with up to four (4) additional collections per annum to coincide with peak demand periods.	Tender documentation being prepared and capital works scoped.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
11/16.17.2.CC	21 November 2016	1. That Council staff address existing waste minimisation activities at waste transfer stations with MDG Contracting; and 2. progress investigations to establish a kerbside recycling service within the area serviced by the existing household collection service.	Completed.
12/16.13.5.281	12 December 2016	That Council add the work to install pipe and gulley pits in the main road at Four Mile Creek to the 2016-2017 capital Works program; and That Council approve the redirection of funds from another works project to be determined at the forthcoming six (6) month budget review.	Completed.
03/17.13.3.66	20 March 2017	That Council do not proceed with the establishment of a putrescibles waste landfill site at Council's Halfway Hill gravel pit.	Completed.

FACILITIES ROUTINE MAINTENANCE UPDATE

<u>Standard monthly activities:</u>

- Monthly preventative maintenance inspections.
- On-going council-wide seat and picnic table installation.
- Maintenance work on various buildings, as picked up in preventative inspections.

March Completed Works	April 2017 Programmed Works
• General facilities maintenance • Routine Building checklist inspections • Routine playground checklist inspections and repairs as required	• General facilities maintenance • Routine Building checklist inspections • Routine playground checklist inspections and repairs as required

TOWNS AND PARKS ROUTINE MAINTENANCE UPDATE

Standard monthly activities:

- Programmed town maintenance in all areas

March 2017 Completed Works	April 2017 Programmed Works
• Regular mowing all areas including extra works due to events ie Foreshore –Tour de cure • Garden maintenance St Helens • Athletic ground maintenance including line marking • Rehabilitation works Stieglitz and Binalong tip sites • Tree pruning and chipping Fingal Township • Several gravel carparks received maintenance • Works started on removal of willow trees from St Marys Rivulet (cutting and pasting)	• Regular mowing all areas • Timber Jetty maintenance • Garden maintenance St Helens • Rehabilitation works Stieglitz and Binalong tip sites • Works started on removal of willow trees from St Marys Rivulet (cutting and pasting)to be completed • Removal of identified trees following the obstacle limitation survey

ROADS ROUTINE MAINTENANCE UPDATE

March 2017 Completed Works	April 2017 Programmed Works
Road Maintenance • Bridge maintenance e.g. replace missing safety signage to continue • Road Grading & minor gravelling where needed • Flood damage repairs to Calders Gully Rd Mangana • Flood damage works Heffords Rd • Forest Lodge-parts of failing road infrastructure gravelled and graded • Roses Tier Rd • Roads in Mathinna area • Mt Paris Dam/Emu Rd resheeted after flood damage **Maintenance Works** • Monthly Boat ramp inspections and cleaning • Sealed Road patching all areas • Civil work is complete on landslips/slumps St Columba Falls sealing to be undertaken in conjunction with reseal program • Attend to Customer Service Request's as required • Footpath repairs in town area and edging • Weed spraying around walkways and footpaths • Installed gravel path at Cornwall park • Inspection of main wharf (old) and maintenance as required • Continued to monitor Golden Fleece Bridge • Remarked lines at boat ramps where required • Attended to Customer Service Requests as required • MTB wash down facility installed and track work from Emu Rd commenced	**Road Maintenance** • Grading of Ansons and North Ansons Bay Road prior to Easter break **Maintenance Works** • Monthly Boat ramp inspections and cleaning • Sealed Road patching all areas • Attend to Customer Service Requests as required • Footpath repairs in town area and edging • Weed spraying around walkways and footpaths • Commence work at Mathinna Cemetery as per master plan • Start work on foreshore stabilisation O'Connors Beach area • MTB wash down facility installed and track work from Emu Rd completed • Upgrade Culvet that frequently washes out Lennox St Cornwall • Inspection of St Helens Wharf (old section)completed and condition assessment to be provided • Continue to monitor Golden Fleece Bridge

CAPITAL WORKS

- Projects in bold and italic denotes previously completed.
- All work completion dates are subject to inclement weather and latent conditions. Extensions of time can also be caused by changes in the scope of works and by delays caused by council or other authorities like Telstra, TasWater, TasNetworks and NBN.

Project	March 2017	April 2017
Purchase of new grader	Order placed with Hitachi	
Footpath Tully St (from Young St to Stadium)		Work to commence
Golden Fleece Rivulet Bridge Replacement		**Argonaut Road Bridge – VEC Civil Engineering** • Work commenced • Project is progressing well • Tasnetworks have realigned power lines/poles earlier April
2015/2016 Bridge Program	Tenders awarded	**St Marys Bridge Replacement Package – VEC Civil Engineering** • VEC has commenced design work. Contract Management Plan received and approved for the construction of two bridges on Harefield Road and one bridge at Cloverbanks Road. **Ryan's Road (aka Eastern Creek) Bridge, Upper Scamander – BridgePro Engineering** • Pile driving to commence 10 April • Completion due prior to 30 June 2017
Install new bus shelter and ground work Mangana	Work started and completed	
Installation of power to St Helens WTS	Work scoped out	Installation to be completed
Treloggen Drive K/C	Some preliminary works commenced	Works to start late April to avoid Easter break
Annual Re-sheet Program	Crushing commenced at the Billy Taylor quarry (Fieldwicks in the area)	Crushing completed at the Billy Taylor quarry (Fieldwicks in the area) Resheeting will be undertaken in Mathinna area by EFY Crushing to commence at Halfway Hill and Resheeting to commence during May

Project	March 2017	April 2017
Replacement of interior lining at St Marys football shed following asbestos removal	Work commenced to install new lining	Work to be completed including painting
Annual Reseal Program	Prep work complete waiting for contractor to commence reseals	Stockpiling of reseal metal has commenced with an expected reseal works to follow
Upgrade stormwater Steel Street, Scamander	Work completed	
Forest Lodge Road Reconstruction	Works completed	Works completed(to be sealed later in the year)
St Marys Rec ground sealing	Rec ground sealing complete and drain improvements	Recreation ground sealing complete - (some minor storm water improvements to be carried out near the stables when ground conditions improve)
Mathinna toilet-shower block	Work continuing	Works complete
Street furniture upgrades and new	Tables and chairs installed at Fourmile Creek park	Install new seats and bins St Marys main St Required stock ordered
Installation of new hanger at Aerodrome	Work commenced	In progress

WEED MANAGEMENT REPORT

Ansons Bay Spanish heath population was mapped and found that a large percentage of plants were on or near Acacia Drive. As a result, Reid Agricultural Spraying and Weed Control treated the road side infestation and I treated a few isolated plants on side roads. There are however a small number of properties on this road that have small to large infestations present. This will be the next step in Spanish Heath Ansons Bay Plan.

The Green Army, within the next fortnight, will be going to the Ansons Bay tip to continue the weed follow up after treatment several years ago. The focus will be on Blue butterfly bush (blue psoralea) saplings that have come up since the treatment.

I have been to Seymour and met with Quentin Smith, President of the Seymour Community Action Group Inc. regarding the Gorse in and around the Seymour swamp. Council will contribute to the gorse management in this area by treating the gorse that is on the council road verges. One side is to be completed by Tim Reid and the other by Eco Mulching Tasmania (also working within the swamp area). Timing has not currently been confirmed.

Several Pampas grass plants have been de-headed and treated. Areas included the Irish town Road quarry and the road to sewerage ponds in Scamander. Follow up in both these areas will be required.

Following up the discovery and removal of Ragwort on Ansons Bay road, several more plant were found and disposed of. Future follow up required.

There is a continual emphasis on record keeping in regards to weed mapping and recording, as well as treatment, treatment method, follow up required and when.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2011-2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.13.2 Animal Control Report

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:

This is a monthly update of the complaints and work that has been done and the action that has been taken for each complaint for the month of March 2017:

2 March 2017

- Dog Control Officer received a call 27 February from barking dog owner from Alma Court, St Helens to advise that she has rehomed dog to a family in Hobart. Therefore barking issues should stop.
- Dog Control Officer received a complaint about two (2) German Shepherds barking excessively and being aggressive from a property in Erythos Grove, St Helens. Spoke to the two (2) ladies that own the dogs who advised the dogs live inside and out and are bought inside before dark each night. They do have a bark every now and then but the ladies advise they stop them straight away. They went away the other day at 5am and didn't return until 4pm and apparently this is when they played up. Yard is fully fenced 2m high solid fences with locked gates. Confirmed that dogs are registered – Monitor.
- Dog Control Officer received a complaint about an aggressive black dog wandering around Erythos Grove, St Helens area. Located owners and issued a "Caution notice".
- Received a report that the Beagle was out wandering again at 7.22pm on the 28 February out front of a business in Cecilia Street, St Helens. Photo's were taken and given to council. Infringement issued for "Dog at Large" for $157 to owner from Quail Street, St Helens.
- Dog Control Officer called into property in St Helens Point Road, Stieglitz again and spoke to dog owners partner as dog owner was not home. Told him that she must register dogs by 2.00pm otherwise infringements will be issued as she has ignored instructions again. She registered the two (2) dogs at 1.30pm.

- Dog Control Officer received a call from a resident concerned about three (3) dogs from a property in Peron Street, Stieglitz not having water all last weekend. Two (2) of the dogs at the property were registered. Site visit was conducted but no one was home. Found three (3) dogs present all in good condition, have access to a shed with water inside. Send out notice to register 3rd dog and Application for Kennel Licence – Monitor.
- Meeting with dog owner from Bittern Street, Stieglitz who is preparing Kennel Licence Application and will place advertisement in newspaper by 10 March.
- Stieglitz Patrol.
- St Helens Patrol.
- Spoke to a lady and her son that were walking on North Shelley Beach that morning and harassed by a dog off lead that ran up to them growling bearing its teeth with its hackles up. It wasn't the first time the lady had been exposed to this dog on the beach and feels someone will definitely get bitten. Dog Control Officer asked her to let us know if she has any more problems straight away and take a photo of the dog. She believes dog owner is a gentleman from Fresh Water Street, Beaumaris who rides his bike. Dog Control Officer located the man and dog in question at a property in Freshwater Street, Beaumaris owner knows he has a little problem and has been taking the dog to puppy school but doesn't seem to be working. Advised him to purchase quality muzzle for the dog to wear if he feels the need to give it a run off lead and stick to times when there are no other beach users and advised him if we get any more complaints infringements will be issued and maybe a Dangerous Dog Order – Monitor.
- Beaumaris Patrol.
- Scamander Patrol.
- Dog Control Officer went to units in Main Street, St Marys and found three (3) dogs out the front and one (1) out on the footpath, two (2) were quickly placed inside in two (2) separate units. Asked a gentleman was the third dog his and he replied that it belongs at the middle unit. Knocked on the door and an elderly lady answered, asked her was the little dog hers to which she replied yes. Advised her to keep it away from the road and confined to her section. Only one (1) dog registered at the units. Send out notice to register to all units.

8 March 2017

- Owner of Beagle from Quail Street, St Helens came in and paid his infringement 7 March.
- Dog Control Officer interviewed a resident from Cornwall about a dog attack and discussed details and what he would like to see happen. He lives by himself and has a pretty good relationship with the dog owner and doesn't want council to fine him or declare dog dangerous but wants dog owner to build a child proof enclosure and confine dog to his property only and dog to be let out when supervised by an adult and locked back away when no one is present. Dog Control Officer found dog owner at his place of work in St Marys and discussed incident which he found hard to believe. Dog owner agreed to Councils request and a time frame was set .Pen to be completed by the 10 April and was to have a concrete base (15-20m2) with chainmesh 1800mm fence with roof and locking gate. Rang complainant and told him the outcome – Monitor.
- St Marys Patrol.
- Registration check of the property in Esk Main Road, St Marys – all registered.
- Found dogs wandering in Medea Street, St Helens, issued a Caution Notice to owners and notice to register issued for second Kelpie and Rottweiler.

- Site visit to property in Seaview Avenue, Beaumaris to speak to owner about barking dog, no one home. Left note to call. Dog Control Officer called later in the day and discussed with dog owner various ways to stop barking, locking the dog up until later in the day, placing a Bark Collar on and fencing his property with colour bond.
- Visited property in Morrison Street, Falmouth to follow up on problem with dog charging fence when people walk past, no one home will re visit next week.
- Falmouth Patrol.
- Dog Control Officer received notification that 7 March a Black Labrador X was found wandering Binalong Bay and showing signs of aggression. Dog was impounded that night. Owner was notified to come and collect after paying impoundment fee's. Verbal warning issued and owner advised infringements to be issued next time if the dog is out.
- St Helens Patrol.

16 March 2017

- St Marys Patrol.
- Dog Control Officer went to property in Medea Street, St Helens and found thee (3) dogs at address and sometimes also sons two (2) cream Labradors. Spoke to owner and issued noticed to register plus sent out Kennel Licence Application.
- St Helens Patrol.
- Binalong Bay Patrol.
- Site visit to property in Bittern Street, Stieglitz and discussed newspaper advertisement regarding her Kennel Licence Application. Going into newspaper on Saturday and she is going to provide Council with a copy of the advertisement. Both dogs have been registered and she will be into Council next week to pay for third dogs registration plus outstanding infringements and registrations for next year.

17 March 2017

- Received a complaint about a black Border Collie showing signs of aggression tied up out the front of the Supa IGA in St Helens. Dog evidently tried to bite complainants little girl and supposably grabbed another lady. Dog Control Officer rang complainant and discussed incident. She is going to try and find out some more details of dog owner.

20 March 2017

- Dog Control Officer spoke further to complainant about incident at the Supa IGA but details are still a bit sketchy. The dog owner is supposedly camping in the area and is from Launceston and may be going home in the next couple of days. Dog Control Officer to check the camp area on Friday to see if he is still there.

24 March 2017

- Spoke to complainant about from Bay Vista Rise, St Helens about a wandering black Labrador that continues to wander and harass her. Patrolled area but no dogs present. Asked complainant to take photos so we can issue infringements to the owner.
- Dog Control Officer went to camp ground to search for owner of the Border Collie, no one present apparently gone back to Launceston.
- Dog Control Officer called into property in Bittern Street, Stieglitz to follow up on her Kennel Licence newspaper article, no one home. Council administration staff to follow up and ring her on Monday.

- Conducted a bark monitor from 11.00 – 11-45am at a property in Young Street, St Helens - NO BARKING. No one home at property so left a written note, letting owners know that more complaints have been made.
- Notice to register to be sent out to properties in Peron Street, Stieglitz and four (4) properties in Moriarty Road, Stieglitz.
- Anonymous caller rang complaining about welfare of German Shepherds at a property in Clive Street, St Marys. Dog Control Officer checked property and dogs are fine and in good condition with shelter, food and water.
- Dog Control Officer received a call from lady in Fingal that adopted a dog previously from the pound, she advised she is having problems keeping the dog in her yard and the dog has attacked neighbours chickens. She is wanting to surrender the dog back to Council so we have agreed to take dog back and try and rehome again.
- Checked signage at overnight camp ground at the St Helens Recreation ground, clearly states 24 hour camping only.

31 March 2017

- Received a complaint from a resident in Bittern Street, Stieglitz about roosters and chickens, forwarded details to Councils Environmental Health Officer for follow up.
- Stieglitz Patrol.
- Dog Control Officer spoke to a resident from Champ Street, Seymour complaining about lack of dog signage on "Little Beach". Councils NRM Officer is going to address this. He was also complaining about some locals walking their dogs off lead in "On Lead" areas. Councils administration staff sent out notice to register and are also to discuss "On Lead" areas with dog owners. Advised complainant what Council is doing to address his issues.
- Dog Control Officer received a complaint from a resident in Halcyon Grove, St Helens about neighbours two (2) registered Staffordshire Bull Terrier X's wandering every now and then and showing signs of aggression. Called into neighbours property several times and left written message for him to call. Dog owner called mid afternoon and discussed with him complainants concerns. Dog owner advised he has built an extra high enclosure but admitted that they got out once but are not aggressive at all.
- Received a report of a Staffordshire Bull Terrier wandering Parnella Drive, Stieglitz, collected and impounded. Owner notified, paid fee's and collected.
- More complaints received about tan Staffordshire Bull Terrier X coming out from property in Morrison Street, Falmouth and showing signs of aggression and harassing people. Dog Control Officer called into the property and spoke to dog owner. Gave her a week to remove the dog from the property (find a home in the country away from urban environment and suggested her ex husbands) or keep the dog and be issued with the first fine(which was a caution notice/good behaviour unless offended within 6 months) plus additional fines and a Dangerous Dog Order. Owner was very upset and believes dog is not a dangerous dog. Advised her would give her a few days to think about what she wanted to do. Council administration staff to follow up with her Wednesday to see what she is wanting to do.
- Site visit to property in Bittern Street, Stieglitz again to discuss with resident when her Kennel Licence newspaper advertisement was going in paper. Car present in the driveway but no one would come to door. Left a written note to say if she chooses not to put advertisement in the newspaper and ignore council, that we will seize dogs and impound and charge her a daily fee until she has everything sorted, before dogs will be returned.
- St Helens Patrol.

- Went to property in George Street, Scamander to follow up on three (3) dogs from NSW living at property. Kennel Licence Application going into the newspaper this week and Dog Control Officer agreed that because dogs are registered in NSW change over to start in the new financial year.
- Spoke to owner of black Labrador from Lawry Heights, St Helens about her dog wandering out front and supposably harassing a lady walking past with her dog from Bay Vista Rise, St Helens. Showed dog owner photos taken on Friday at 5pm of a black Labrador out up the road from her property in Lawry Heights, St Helens. Owner will do all she can to confine dog to her property only.
- St Marys Patrol.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2011-2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.13.3 Stieglitz Street, Falmouth – Sealing Request

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Wayne Polden, Works Supervisor
FILE REFERENCE	16/22132
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

1. That Council allocates a budget to seal the steep section of Stieglitz Street, Falmouth including driveways this financial year, OR

2. That Council allocates a budget to seal the steep section of Stieglitz Street, Falmouth excluding driveways but offers the sealing of driveways to the property owners at cost price, OR

3. That Council decides not to allocate a budget to seal the steep section of Stieglitz Street, Falmouth.

INTRODUCTION:

A letter was received from a resident on 24 November 2016 requesting that the steep section at the southern end of Stieglitz Street, Falmouth be sealed because heavy service vehicles such as water deliveries are unable to access properties.

PREVIOUS COUNCIL CONSIDERATION:

This matter was discussed at Council Workshop in February 2017.

OFFICER'S REPORT:

A letter was received from a resident on 24 November 2016 requesting that the steep section at the southern end of Stieglitz Street, Falmouth be sealed because heavy service vehicles such as water deliveries are unable to access properties. A supporting letter from St Helens Fresh Water Deliveries was included with this resident's letter.

The resident previously had an agreement with their neighbour for access through their property for water deliveries however that property has recently been sold and the new owner will not let access to continue.

The garbage collection truck does not go down this steep section because there is not enough room to turn and residents place their bins higher up the street to receive this service. Sealing would not change this arrangement.

This section of Stieglitz Street, Falmouth is extremely steep in comparison to the others in Falmouth it also has no or very limited room for turning and it has caused many issues for residents and Council in previous years. This section of road washes out in most rain events and even in normal circumstances becomes extremely corrugated and loose, making it hard to gain traction-particularly for 2wd vehicles.

An estimate has been prepared to prep and seal approx. 60m from the southern end of the street (see below). This estimate includes an amount of $1500 to seal the driveways connecting this section of street as it will be advantageous to Council to include the sealing of these driveways to prevent any future maintenance issues / water damage to the road.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Asset Management – Ensure the efficient and effective provision of appropriate community assets.

Strategy
Provide a strategic framework for Council to manage, maintain, enhance and develop open space and associated public realm areas for the benefit of residents and visitors.

LEGISLATION & POLICIES:

Not Applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There is no budget currently allocated for this project.

The following quote has been prepared:

PREP AND SEAL APPROX 60M FROM THE SOUTHERN END OF STIEGLITZ STREET, FALMOUTH	
BASE A MATERIAL	$1,800
GRADER, ROLLER & WATER CART	$3,570
EXCAVATOR TO CLEAN DRAINS	$1,500
2 COAT SEAL (14/7) @ $20 / MT (270m2)	$5,400
2 COAT SEAL (14/7) @ $20 / MT (75m2 driveways)	$1,500
SITE SPECIFIC SIGNAGE + INSTALLATION & CONSUMABLES	$1,230
TOTAL	**$15,000**

VOTING REQUIREMENTS:

Simple Majority.

04/17.14.0 COMMUNITY DEVELOPMENT

04/17.14.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
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 issues 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:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
09/13.13.6.256	16 September 2013	That Council under Section 178 of the Local Government Act 1993 authorise the General Manager to sell Certificate of Title Volume 228953 Folio 1 (Fingal Tennis Court) situated at 17 Grant Street, Fingal.	Council to advertise for Expressions of Interest in 2016.
03/15.7.4.59	16 March 2015	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 as required from relevant State Agencies. That Council erect signs at the entrance to each of the towns in our Municipality which are on tourist routes. These signs to read "Welcome to St Helens" etc. and the "Welcome to" part to be in Chinese as well as English. Most European visitors speak fairly good English but this is not the case with the increasing numbers of Chinese.	A report will be provided to a Council Workshop for consideration. Contact made with the East Coast Regional Tourism Organisation to see whether they will be looking at this issue when addressing township signage. East Coast Regional Tourism Organisation have advised that they will be looking into signage and they will address the issue around welcoming messages. Still waiting for information to be provided by the East Coast Regional Tourism Organisation.

Motion Number	Meeting Date	Council Decision	Comments
05/15.13.4.135	18 May 2015	1. Increase General Manager's delegation for waiver of fees from $350 to $750. 2. That a review of the leased facilities is undertaken within the next financial year with a view to charges being applied.	Delegations updated. To be reviewed in 2016.
12/15.13.2.330	14 December 2015	That Council place on hold the development of a Multicultural Strategy for the Break O'Day Municipality but link an action to future Council Strategic Plan.	Deferred until Council develops the new Strategic Plan.
03/16.8.1.50	21 March 2016	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 as required from relevant State Agencies: A report from the potential user groups on an event sign for the stadium on the corner of Tully and Young Streets St Helens.	To be referred to the Stadium Special Committee for consideration in due course. Event screen signage to be established in the Foyer which will be visible from outside.
12/16.14.3.285	12 December 2016	That Council form an Access Advisory Committee and that the community are invited to make application to be part of the committee.	Call for nominations has been advertised.
12/16.14.7.289	12 December 2016	That Council approve this site as the located for the steam engine, that being the grassed area in front of the LINC building - as shown in the below image.	Awaiting completion of painting of steam engine before placement is undertaken.
02/17.8.2.23	20 February 2017	1. That Council rescind its motion 12/16.14.4 refusing the request to take over the lease of Jetty 020815 from the existing lessee and enter into a new lease arrangement with Crown Land Services for this jetty located between Beauty Bay and Kirwans Beach once all repairs works have been undertaken in accordance with the instructions provided by Crown Land Services to the current lessee. 2. That Council take over the lease of Jetty 020815 from the existing lessee and enter into a new lease arrangement with Crown Land Services for this jetty located between Beauty Bay and Kirwans Beach once all repairs works have been undertaken in accordance with the instructions provided by Crown Land Services to the current lessee.	Process has commenced with Crown Land Services – awaiting confirmation from Crown Land Services that all works as previously identified have been completed by present lessee.

03/17.8.2.56	20 March 2017	That Council work with local service providers, to support, advocate and where necessary, lobby for a retention of the funding for preventative clinical, and allied health services, in the Break O'Day municipality.	
03/17.14.2.69	20 March 2017	That Council advise Riding for the Disabled that they currently have a shared lease over the whole Equestrian Club with the St Helens & District Equestrian Club and that both organisations undertake mediation to work through any differences.	Both organisations have been advised and asked to provide dates and times so that mediation can be arranged

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments

Council Community Grants/Sponsorship	2016-17
Community Services	
Community Grants	30,000
Youth Services	6,000
Misc Donations & Events	7,500
School Prizes	1,000
Community Event Funding	
Seniors Day	3,000
Australia Day Event	4,000
Swimcart	1,000
St Helens Athletic Carnival	2,500
Carols by Candlelight	1,600
Rotary Event (including Woodchopping	6,000
Fingal Valley Coal Festival	2,000
Pyengana Endurance Ride -	500
Game Fishing	2,000
Marketing Greater Esk Tourism	2,500
Photographic Competition	1,000
Volunteer Week	2,500
Break O'Day Woodcraft Guild	2,500
Wrapped in St Marys	2,000
Bay of Fires Art Prize	10,000
Bay of Fires Market	4,000
St Marys Memorial Service funding	500
Opening of Blue Derby Trails	5,000
St Marys Community Car & Bike show	2,000
Ten Days on the Island	3,000/6,000

Council Sponsorship	
Funding for BEC Directory	2,000
Community car donation	2,500
St Helens Girl Guides - Sangaree	2,500
St Helens Marine Rescue	3,000

Updates on current projects being managed by Community Services:

Safer Community Meeting & Network Meeting- Standing Item
Minutes will be provided to Councillors on receipt of same from the February, 2017 meeting.

Mountain Bike Trail – Poimena to Bay of Fires – Standing Item
Work will commence on the completion of the Reserve Activity Assessment (RAA) as the eagle mapping has now been completed. Once the RAA has been completed and signed off by PWS, a Development Application will be lodged with Council. Once this process has been finalised, tenders will be called.

Mountain Bike Trail – St Helens MTB Network Trail – Standing Item
We currently awaiting the receipt of a completed Flora and Fauna report for this area – now that the eagle nest mapping has been completed – once this document is to hand it will identify whether any changes need to be made to the conceptual trail design which has been provided.

Youth Event
Held as part of the National Youth Week celebrations, SCAMJAM was there for all to enjoy on Saturday. The event was funded by the Australian, State and Local Governments, encouraging young people to be involved in the planning, participation and delivery of an event for their peers.

Harley Newman and Nick Burke joined forces and were guided by Simon Holmes and Councils Community Services Team to create, source funding, plan and deliver a Youth Week event that is relevant to the young people of Break O'Day. The event was to engage with the disengaged and facilitate ideals of inclusion, connectivity and positivity for all to enjoy, for free. The event included the option for a free bus from anywhere in the Municipality, free food, free music and free for all to enter. With lots of people cheering on the local and very talented young people, the event was hailed a huge success.

Entries for the Under 12 Scooter competition reached a pinnacle of 21, which was more than anticipated; forcing the event organisers to reformat the whole day and eliminate additional rounds!

A few were so keen, it is reported that they travelled by Scooter all the way from St Helens to Scamander, just to enter the competition!!

The organising Committee would like to congratulate every single person that entered and we all think your skills and confidence to tackle the ramps were amazing.

Winners
Under 12 Scooter
1st Prize - Ben Taylor
2nd Prize – Jonah Whitecross
Encouragement – Josh Allen

13 – Open Scooter
1st Prize – Dante Clarkson
2nd Prize – Tyron Goodsell
Encouragement - Lloyd Haley

13 – Open BMX
1st Prize - Sam Barnard
2nd Prize – Nick Burke
Encouragement – Harley Newman

The organising committee would also like to thank Matt Grundy from Break O'Day Cycles for sponsoring the event with a huge number of prizes and playing the mechanic for the day, as well as a few donations from Bay Surf. We hope you enjoy viewing the photos of our local talent!

Leaner Driver Program

This program has continued to support our youth in gaining their licences addressing issues of social isolation. Unfortunately we have lost a few mentors but the program still manages to assist people in gaining their driving hours – a big thank you to those who volunteer their time to assist with this project:

- We currently have three (3) Mentors on the books.
- We currently have 19 mentees utilising the program – 64 driving hours were achieved for the month of March.
- One (1) mentees passed their Provisional Licence.
- Two (2) mentees passed their L1 test

Lease of Crown and Council owned facilities/land

Council is working with the Scamander Sports Complex Committee in relation to a lease arrangement for the Scamander facility along with MAND Developments – Titley Shack.

Events

Community Services staff have been supporting the committees of the following groups with their events in relation to assistance with planning etc:

- St Marys Community Car and Bike Show;
- Bay of Fires Winter Arts Festival;
- St Marys Races;
- Swimcart; and
- Chaplaincy Fun Run.

26TEN Worker – Jennifer Moylan

The Employer's Grants Program closed at the beginning of March so we are now talking to businesses to see if there is a need for literacy skill development within workforces for the September round of the program. The types of projects that will be funded are those that improve literacy, numeracy and communication skills in the workplace and to make workplaces more accessible from this perspective.

Eligible activities may include making work or client documents easy to read (eg written in plain English), general literacy support, skills development for staff to equip them to work with low literacy clients or resource development to support the ongoing literacy of the target group.

The media campaign has had positive results this month. We currently have announcements on both Star FM and Chilli FM. On March 23 we had an interview on LA FM informing listeners that Break O'Day is a 26TEN Community and everyone is supported to improve their skills and to help others.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2011-2015

Goal

Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy

Improve Council's communication, consultative processes, representation and advocacy.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.14.2 Break O'Day Council Youth Policy and Strategy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	002\024\001\
ASSOCIATED REPORTS AND DOCUMENTS	Break O'Day Youth Policy and Strategy

OFFICER'S RECOMMENDATION:

That Council adopt the Break O'Day Council Youth Policy and Strategy that has been prepared in consultation with our young people and community organisations.

INTRODUCTION:

Council in 2009 adopted the Break O'Day Council Youth Policy and Strategy – this document had never been reviewed and with a change in demographics it was agreed that the process to deliver a new policy and strategy be undertaken.

PREVIOUS COUNCIL CONSIDERATION:

Previous Council Workshop discussions.

OFFICER'S REPORT:

Simon Holmes was engaged to consult with the youth (12 – 25) around their needs and to develop a youth profile. Conversations were held in December, 2016 and January, 2017 which included two (2) focus groups, interviews with eight (8) key youth sector stakeholders and many interviews with young people.

An online survey was also used as a tool to engage with our young people and 73 responses were received between the ages of 13 and 22.

Below is the results of the youth survey which identify issues impacting on young people's lives within our community:

Age	Factors that have an impact on respondent's lives.
13-14 (21 respondents)	• Bullying and harassment • Things to do after school/work • Mental health and wellbeing • Housing and housing affordability
15-16 (46 respondents)	• Access to transport • Bullying and harassment • Access to education and training • Having someone to talk to • Mental health and wellbeing • Things to do after school and work • Housing and housing affordability
19-22 (6 respondents)	• Employment • Housing and housing affordability • Things to do after school and work • Mental health and wellbeing • Involvement in community decision making

As you can see from the above table, there is some commonality between the different ages in regard to identified issues that are impacting on their lives.

The document has identified strategies that Council and the community can work together to address the issues above – see examples below

Develop and maintain a Youth Advisory Group.	Group convened and mission statement finished – August 2017
Seek funding to provide youth leadership development opportunities.	One development opportunity offered – July 2018
Conduct regular consultation with young people.	Ongoing consultation and reporting – monthly report to Council

Support the development of small business, enterprise and entrepreneur skills programs.	Collaborate with the Trade training centre to extend programs offered to include small business management skills for 16-25 year olds - ongoing.

Council is already providing funding to the Business Enterprise Centre to work with young people and Council also supports the Business Week Event which is run every year by St Helens and St Marys District High Schools – this document will support any funding opportunities that may arise to support the strategies that have been identified.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Community Building – Build capacity to improve community spirit and enhance a sense of wellbeing.

Strategy
Utilise existing skills and resources within our community to enhance the wellbeing of our community.

Annual Plan 2016-2017

Provide opportunities for people to come together and develop connections and networks

LEGISLATION & POLICIES:

Nil.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There will be a cost to Council once this document is adopted – these issues will need to be identified during the budget process.

VOTING REQUIREMENTS:

Simple Majority.

BREAK O' DAY COUNCIL YOUTH POLICY AND STRATEGY

INTRODUCTION

The Youth Policy and Strategy has been prepared to reflect the changing nature of the needs of people aged 12-25 in the Break O' Day municipality. Extensive consultation and a needs analysis occurred during December 2016 and January 2017. A brief youth profile has been prepared, but it should be noted that the statistics, while they are the most recent currently available, are relatively old. It is recommended that the youth profile be updated when the Australian Bureau of Statistics releases its data from the 2016 census of population and housing. The policy priorities and strategy are to be annually reviewed and the strategic plan sets out a three-year time frame for achievement.

This document is designed to augment and support existing youth programs delivered by Break O' Day Council (BODC). The BODC delivers a Learner Driver Mentor Program (LDMP) in collaboration with the Tasmanian State Government. The LDMP provides young people with access to vehicles and mentors, enabling them to gain the necessary experience required to gain their Provisional Licence. BODC is a partner organisation in the THRIVE (Transforming Health, Relationships, Innovation, Vocation, Education) working group. This partnership delivers a broad range of services and programs that support young people in the municipality.
Acknowledgment of other organisations

MISSION STATEMENT

Council will work collaboratively with young people, agencies, services providers, schools and industry to respond to the changing needs of young people aged 12-25. This will involve ongoing conversations with all stakeholders to revisit and refine service delivery.

YOUTH PROFILE - STATISTICS

The Break O' Day municipality is a regional area characterised by high levels of social and economic disadvantage and isolation. The NATSEM Child Social Exclusion Index of dependent children (0-15) ranks the Break O' Day municipality in the 1st quintile, or most excluded. The table below presents a range of indicators of disadvantage, highlighted in the NATSEM Poverty, Social Exclusion and Disadvantage in Australia report (Ben Phillips, 2013)

Indicators measuring disadvantage in Break O' Day municipality				
	Real number	Percentage of population		
		Break O' Day	Tasmania	Australia
People experiencing poverty	1415	23.61%	15.1%	11.8%
Children experiencing poverty (0-14)	269	26.5%	15.8%	11.8%
Households experiencing housing affordability stress	161	46.94%	Data unavailable	Data unavailable

Table 1. NATSEM 2012 measures of social disadvantage for Break O' Day municipality.

Households experiencing housing affordability stress has been included in this table to highlight the extent of disadvantage and pressure on young people in the community. The 30:40 rule is used to determine housing affordability stress. When a family or individual who has an income level in the bottom 40% of Australia's income distribution and their household expenses consume 30% or more of their income they are highly likely to be experiencing housing affordability stress. There are a range of sources that report housing affordability stress. The table above has the Tasmanian and Australian data for housing affordability stress omitted because of the inability to make a direct comparison with the data for Break O' Day (Moffatt, 2016). In an attempt to contextualise the Break O' Day housing affordability data, it is worth noting that Moffat found that when averaging household types in the north of the state, 21% of households are exposed to household affordability stress (Moffat, 2016).

The data used in the NATSEM index report (Ben Phillips, 2013) was sourced from the Australian Bureau of Statistics (ABS) Census of Population and Housing 2006. Recent data collected from the 2011 ABS Census of Population and Housing continues to characterise the Break O' Day municipality in decile 1, the most disadvantaged on the index of relative socio-economic disadvantage.

COMMUNITY CONSULTATION PROCESS

The community consultation process informing this policy included; two focus groups, a survey, interviews with 8 key youth sector stakeholders and interviews with young people.

FOCUS GROUPS

Two focus groups were conducted in December 2016, interviewing students ranging in age from 13 years old to 16 years old. A focus group was interviewed at St Marys District School consisting of 11 students and another focus group was interviewed at St Helens District High School consisting of 14 students. Both groups critically examined the current youth policy and were asked to identify areas that continued to have relevance to themselves and their peers and areas that did not have relevance. The discussion then moved to the needs of the focus groups and their peers and what changes the new policy might include. The students were then asked to offer solutions and strategies that would support change in the priorities they identified.

SURVEY

73 young people aged between 13 and 22 responded to a survey. The survey asked respondents to reflect on a range of factors that can impact the lives of young people and invited comment on how the community could better meet the needs of young people. The survey was anonymous and conducted online. Table 1 presents the Issues impacting respondents at a frequency of 1:5 or greater. i.e 1 in every 5 respondents reported the impact of a factor on their life. Due to the lower representation of respondents in the 19-22 age range, factors are reported if 50% or greater of respondents reported a factor as having an impact on their life. This survey tool was relatively unsuccessful in attracting responses from people aged 17-25. While the results of this survey are a start, more work needs to be done to engage this cohort of young people to better determine their needs.

Table 2. Results of the youth survey measuring factors that have an impact on the lives of young people in the community.

Age	Factors that have an impact on respondent's lives.
13-14 (21 respondents)	• Bullying and harassment • Things to do after school/work • Mental health and wellbeing • Housing and housing affordability
15-16 (46 respondents)	• Access to transport • Bullying and harassment • Access to education and training • Having someone to talk to • Mental health and wellbeing • Things to do after school and work • Housing and housing affordability
19-22 (6 respondents)	• Employment • Housing and housing affordability • Things to do after school and work • Mental health and wellbeing • Involvement in community decision making

Table 2 indicates that mental health and wellbeing, housing and housing affordability and things to do after school/work are factors that impact all age groups surveyed. Housing and housing affordability has surfaced as an impacting factor across all age ranges

STAKEHOLDER INTERVIEWS

8 key youth sector stakeholders were interviewed during the consultation phase. These consisted of state service employees and a range of leaders of not for profit organisations who work with and provide services for young people.

POLICY PRIORITIES

Six priorities were identified from the consultation phase of this report in which respondents felt there could be improvement or that a service/initiative was lacking. The priorities are; youth participation, mental health and wellbeing, bullying and harassment, recreational activity, transport and education, training and employment. Housing and housing affordability was identified in the survey as being a factor that impacted the lives of respondents. Considering the analysis in the Youth Profile of this report, it is no surprise that young people are perceiving it as a factor that affects their lives. The question is, what are the strategies and

programs that mitigate its impact? It is beyond the scope of this document to address this issue, further investigation is required in this area.

YOUTH PARTICIPATION

There was overwhelming evidence presented during the focus groups and some evidence from the survey that young people wanted more opportunities to contribute when decisions are made that impact them and the community. Young people declared that they wanted more representation and the opportunity to express their concerns and ideas relating to youth programs and services. Suggestions included the formation of a Youth Advisory Group that could "make decisions and not be treated as ignorant. young people know what young people want". The Youth Advisory Group would "involve the schools, hold regular meetings and surveys and communicate appropriately through Facebook and Instagram etc.". The Youth Advisory Group representatives could "infiltrate 'old people' organisations" to ensure that "our voice is heard throughout the community". It was suggested that the Youth Advisory Group move beyond the traditional models and support young people to "gain employment", "run language classes" and investigate big ideas such as "how do you follow your dreams and make money?". Youth participation was also identified as having a positive impact on mental health and wellbeing by a range of youth service stakeholders. It was noted that "Young people need to feel empowered to influence the community and to have a role in decision making so that they feel more valued and connected".

MENTAL HEALTH AND WELLBEING

During the consultation phase, it became apparent that young people and service providers felt that mental health and wellbeing was greatly impacting the quality of life of young people in the community. Service providers reported that "case-loads are increasing and the complexity of need is increasing". "Co-morbidity of factors including physical and mental health is presenting in referrals and impacting overall health and wellbeing". "Complex trauma and family violence" are major factors impacting the mental health and wellbeing of young people. It is apparent that "young people don't have a strong support network outside of school" and are "struggling to identify support networks outside of school". It was reported that "mainstream kids in our area are disconnected from family, from school and the community." Additionally, "safety planning relies on online support, not community support" which is impacting the frequency and quality of crisis support. Young people are reporting that "a sense of belonging is not there". They are "feeling as though they are disenfranchised and not a part of the community". Thus, it is being reported by young people that "drug use is being used as a cure for boredom". Another major concern was that students are being well supported via counselling and social work during the school term, however over the summer break were not being supported and that this is causing issues with mental health and wellbeing.

It was suggested that youth service providers focus on collaboration, information sharing, marketing and effective coordination of outreach services that provide support within the community. "Young people need to understand what services are actually doing for young people. How are we delivering the message that services exist for them?". Service providers reported a desire that the youth sector "be strategic about how youth mental health is promoted and advocated for and that resources and supports are accessed." And that the youth sector "move from a reactive model to a proactive model of outreach coordination and developing long term planning and relationships with services eg: Headspace and Cornerstone.".

BULLYING AND HARASSMENT

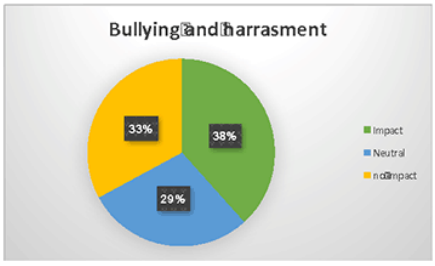


Figure 1. Bullying and harassment – all ages response

Bullying and harassment surfaced as a factor that impacts the quality of life of young people in the community. The results of the survey have highlighted that this is the major concern of survey respondents with this being the only factor in the survey which respondents marked as impacting their lives more than the "No impact" and "Neutral" responses. Figure 1. presents the percentage of respondents across all age ranges who report bullying and harassment as having an impact on their life. Concerning evidence from the survey results shows that the impact of bullying and harassment has more impact across varying age ranges. Figure 2. presents the percentage of respondents who report bullying and harassment as being a factor influencing their life aged 13-14. This result is concerning, with more than 1 in 2 respondents reporting that bullying and harassment impacts their lives.

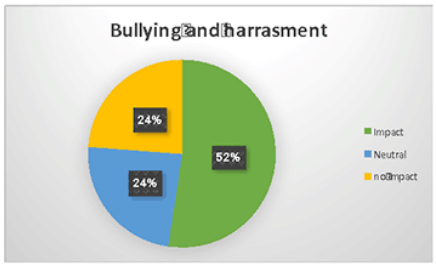


Figure 2. Bullying and harassment – 13-14 age response

RECREATIONAL ACTIVITY

Overwhelmingly, during the focus groups and through the survey instrument, young people are identifying their desire to access recreational activities. For school aged young people, this was clearly named up as "after school opportunities" and for young people aged 19-23, this was named up as "after work opportunities". Service providers who work with young people expressed concern that young people experiencing generational poverty and disadvantage where not able to access the existing community run activities such as organised sport (football, netball and little athletics). Recreational activity was directly linked to health and wellbeing by a range of service providers, one who reported that "connecting to community and feeling valued and celebrated" impacted positively on mental health and wellbeing. Respondents to the survey who live in the Fingal Valley and service providers in that area highlighted their desire to see equitable allocation of resources to promote and run local events for young people in their communities. The focus groups made a range of suggestions regarding the types of recreational facilities they would like access to such as "better skate park facilities in St Marys and St Helens", "community swimming pool", "local, interstate and overseas camp experiences", "a gaming centre", "a cinema", "efficient transport to and from events", "running club", "mountain bike club", "swimming club", "beach days and access", "gym facilities", "mountain bike trails" and "surfing clubs". Many of these clubs and services already exist in the community, so the question was raised as to how do young people access, find out about, strengthen and help support existing funded and community run services and clubs.

TRANSPORT

Transport surfaced as a major issue during the focus group sessions and an issue for 1 in 5 survey respondents. The main issues were: getting to and from local events; access to Launceston and Hobart and access to school for year 11-12 students, particularly from those travelling from the Fingal Valley to St Helens. During the interviews with youth service providers, transport issues were related to families accessing health care

services when required. One service provider commented that as a community we need to "build bridges of access to supports for families. Accessing community sports and organisations is difficult for families that are disengaged, eg weekend sport is too hard and therefore kids are missing out".

EDUCATION AND TRAINING

Education and training was discussed during the focus groups. Participants expressed a desire to access opportunities for more outdoor education and first aid education, language classes, mental health awareness and gender identity and sexuality education. Youth service providers identified a gap in pathway planning for job seekers. "How do we build on the momentum from activities like the Green Army Program?" It was noted that some young people need extra support to navigate the post schooling education options available to them to best achieve their goals. Education and training was identified as a major concern in the Fingal Valley There was a suggestion that "council may have a role in helping to break down the perception that school finishes at grade 10".

POLICY AND STRATEGY

BREAK O' DAY COUNCIL YOUTH POLICY

Break O' Day Council will support young people by;

- Supporting them to identify and meet their needs through the development of a Youth Advisory Group and supporting volunteering opportunities (policy objective 1).
- Supporting the maintenance of good mental health and wellbeing (policy objective 2).
- Supporting them and the community to take a stand against bullying and harassment (policy objective 3).
- Providing a range of recreational activities and recreational spaces (policy objective 4).
- Supporting transport needs where it is possible and practical (policy objective 5).
- Supporting schools, the community and individuals to meet their education, training and employment goals (policy objective 6).

Policy objective	Strategies	Success criteria
Youth Participation **Policy objective 1**	Develop and maintain a Youth Advisory Group and regularly collect data that informs practice	Group convened and mission statement finished – August 2017 Establish data collection and analysis framework – August 2017
	Seek funding to provide youth leadership development opportunities.	One development opportunity offered – July 2018
	Conduct regular consultation with young people.	Ongoing consultation and reporting – monthly report to Council
	Support and encourage young people to become volunteers.	Increase in the number of young people who volunteer in community groups – ongoing.
Mental Health and wellbeing **Policy objective 2**	Develop a working group to engage youth support services and organisations.	Identify needs and develop a plan to support at risk young people aged 12-25 – November 2017. Ongoing communication and information sharing to support young people. Establish lines of communication with service providers and clients to enable transport options– ongoing.
	Develop Support Service marketing and referral opportunities.	Develop and implement a social media service promoting community youth health services in conjunction with the Youth Advisory Group – December 2017.
Bullying and harassment **Policy objective 3**	Engage with community to understand and reduce the impact of bullying and harassment on young people	Youth Advisory Group to work within the community to raise awareness of the impact on young people of bullying and harassment – ongoing.
Recreational activity **Policy objective 4**	Support regular afterschool recreational activities in local centres.	Support the Youth Advisory Group to develop an ongoing program of after school recreational activities – July 2017. Work with recreation clubs to access funding to support youth participation – ongoing.

	Develop open spaces and infrastructure that meets the needs of young people in the community.	Work with the Youth Advisory Group, community organisations and Council to secure funding and support for upgraded skate park facilities, mountain bike park facilities and pump-track – December 2019.
Transport **Policy objective 5**	Collaborate with existing youth service providers who run transport services to meet the transport needs of young people.	Audit community transport opportunities available to young people – December 2017. Support Youth Advisory Group to determine viable and efficient transport options and routes through consultation with young people – December 2017.
	Provide transport to enable young people to access existing community events/opportunities and Council organised events.	Ensure that cheap/free transport is available for every youth event that is organised using council resources – ongoing. Support community organisations to provide cheap/free transport to and from one off and regular events – ongoing.
Education, Training and employment **Policy objective 6**	Support young people aged 19-25 to develop learning goals, develop a pathway and secure employment.	Work with training organisations, job service agencies and industry to identify clients in need of learning pathway support – ongoing. Work with the schools to develop a pathway planning toolkit to guide the work with young Job seekers – December 2017.
	Support schools to support students.	Investigate ways to work with schools to support the needs of at risk students – December 2017.
	Support the development of small business, enterprise and entrepreneur skills programs.	Collaborate with the Trade Training Centre to extend programs offered to include small business management skills for 16-25 year olds - ongoing.
	Work with tertiary institutions, industry and business to identify future job opportunities for young people	Consult with stakeholders and write a municipality employment trend report – December 2018

BIBLIOGRAPHY

Ben Phillips, R. M. (2013). *Poverty, Social Exclusion and Disadvantage in Australia.* National Centre for Social and Economic Modelling, University of Canberra. Canberra: National Centre for Social and Economic Modelling. Retrieved from http://web.natsem.canberra.edu.au/maps/AUST_CSEv2013/UnitingCare_CYPF/UnitingCare_FINAL_111013.pdf

Moffatt, L. (2016, April 31). *anglicare-tas*. Retrieved March 21, 2017, from www.anglicare-tas.org.au: https://www.anglicare-tas.org.au/sites/default/files/RAS%20Tasmania%202016%20State%20Summary.pdf

04/17.14.3 Community Funding Program 2016-2017

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	018\019\060\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council approve the following projects to be funded through the Community Funding Program 2016 – 2017.

COMMUNITY GROUP	PROJECT	AMOUNT GIVEN
Breakfast Club - St Marys District School	Fruit for Breakfast Club	$400.00
St Helens Online Access Centre	Apple IPAD Pro + 2 Go Digi Workshops	$1,694.00
Break O'Day Child and Family Centre	Items and Postage for Art & Craft, play and educational supplies for the St Helens Playgroup	$1,800.00
Pyengana Cricket Club	Replacement of Artificial Turf	$2,600.00
St Helens Sailing Squadron	Set up of Youth Sailing 12 foot Cadet Program	$5,000.00
St Marys Pacing Club	Replacement of Seating	$5,542.10
Seymour Community Action Group Inc.	Gorse Eradication, replacement of signage and Restoration works	$5,000.00
Union Church Goulds Country	Recladding of External wall and repair of front porch	$2,125.00
Fingal Neighbourhood House Inc	Connecting power to railway station	$5,000.00
St Helens Neighbourhood House - Social Enterprise Project	Community Garden (Soil etc)	$5,124.00
	TOTAL	**$30,391.10**

INTRODUCTION:

Submissions for funding through the Community Funding Program closed February, 2017.

PREVIOUS COUNCIL CONSIDERATION:

Previous Council Workshop discussion.

OFFICER'S REPORT:

A list of projects has been forwarded to Councillors for their consideration – 15 applications have been received and all are compliant under the programs guidelines.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Community Building – Build capacity to improve community spirit and enhance a sense of wellbeing

Strategy
Utilise existing skills and resources within our community to enhance the wellbeing of our community

Annual Plan 2016-2017

Provide opportunities for people to come together and develop connections and networks

LEGISLATION & POLICIES:

Nil.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Council has funding in the current budget ($30,000) to be applied to the Community Grants.

VOTING REQUIREMENTS:

Simple Majority.

04/17.15.0 DEVELOPMENT SERVICES

04/17.15.1 Development Services Report

ACTION	**INFORMATION**
PROPONENT	Department
OFFICER	Development Services
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 issues 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:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
01/15.14.6.021	19 January 2015	1. Council approve the change of street name for the road currently named "Royles Lane" running north-north-east off Gray Road, approximately 1463 metres south-east of the Storey Street intersection with Main Street, St Marys, to "Royles Road".	The Nomenclature Office confirmed Royles Lane became Royles Road on 18 May 2016.
		2. Council investigate a new name for the road reserve currently named "Royles Road", approximately 2166 metres south-east of the Storey Road intersection with Main Road. The chosen name should be relevant and appropriate to either the indigenous and/or European cultural heritage associated with the region and locality and be in accordance with *AS/NZS 4819:2011 Clause 4.7 Road Names – Details*.	Not progressed.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
02/17.8.1.22	20 February 2017	That Council provide a Nespresso recycling facility alongside of the Mobile Muster collection point in Council offices. In the alternative, or as well as, investigate placing a box in each of our Waste Transfer Stations.	Completed.
03/17.15.4.71	20 March 2017	That Council receive the draft Minutes of the NRM Committee's Meeting and note any advice and recommendations from the Committee.	Completed.

RMPAT and TPC Cases:

Nil.

Building Services Report

Projects Completed in the 2016/2017 financial year

Description	Location	Updates
Prioritised Removal of Asbestos Contaminated materials program	St Marys Depot	Completed July 2016
Priority Building Repainting Program	St Helens Sports Complex	Internal repaint Completed October 2016.
Pyengana Toilet & Shower Block	Pyengana Recreational Complex	Completed December 2016
Design and Planning - Mathinna Toilet & Shower Block, Mathinna Park	Mathinna Sports Complex	Completed early April 2017

Projects ongoing – Capital Works Program (Includes carried over projects from 2015/2016 financial year)

Description	Location	Updates
Weldborough Washdown Facility	Weldborough	• Completion of works expected to be completed by April Council meeting.
Old Tasmanian Hotel Redevelopment (Stage 1 – Toilet renovations)	Fingal	• First stage 1 – Amenities Building Completed; • Renovations works ongoing • WIFI and Electrical upgrades underway • Replacement locks currently being installed.

Description	Location	Updates
Construction of St Helens Multi-purpose changeroom facility	St Helens Recreation Ground	• Works onsite commenced; • Volunteers inducted; • Currently scheduled to be commence immediately; • Completion unlikely to occur until late 2017.
Beaumaris Park Toilet & BBQ - Design Plans	Beaumaris Park	• Building/Plumbing approvals issued; • Works commenced; • Completion scheduled for end May 2017.
Steiglitz Beach BBQ & Shelter	Stieglitz Beach	• Works scheduled to commence April 2017 • Completion scheduled for end May 2017.
Binalong Bay Titley Shack Surrounds Upgrades (Picnic Tables, Carpark improvements and signage)	Binalong Bay Boat Ramp Carpark	• Workshop discussion taken place to discuss outstanding matters.
Design and Planning – Main Street, St Marys Toilet Block (behind library)	St Marys Public Toilet	• Works scheduled to commence in 2017 calendar year • Amended plans received as per Council Workshop Discussions; • Community Consultation completed; • Building approvals to be lodged
Prioritised lock replacement program;	Fingal Football Clubrooms; Fingal Old Tasmanian Hotel	• Jacksons Security engaged; • Scope of Works confirmed; • Locks received; • Installation underway.
Design & Construction of Aircraft hangers at the St Helens Aerodrome	St Helens Aerodrome	• Works commended Late February 2017 • Works scheduled to be completed by end April 2017.
Design Plans for Fit-out of Kiosk	Bendigo Bank Community Stadium	• Design concepts and community consultation completed • Initial costing completed for grant funding • Grant funding application submitted by St. Helens Netball Association and outcome of funding application is expected in April 2017 • Final Design works completed; • Pending Building and Plumbing approvals.
Design Plans for External Upgrades to Car park	St Helens Sports Complex	• Edwards & Simpson Engaged to prepare concept plans; • Consultation phase completed with Council staff; • Final Concept plan received; • Estimates and further details currently being completed by Councils Engineer prior to consideration by Council.
Installation of Ceiling Plans & preparation of Design plans for Accessible toileting facilities, New Portico, Floor replacement and energy efficiency upgrades.	Portland Hall	• Quotations received for design work; • Ceiling fans ordered – installation to occur early May 2017

Description	Location	Updates
New Bus Shelter	Mangana Township	• Council Decision made to construct Bus Shelter at Mangana and associated road and signage works; • Works commenced and scheduled to be completed April 2017.
New Public Toilet Facility	Blue Tier	• Works currently proposed to be commenced post Easter break 2017
New Public Toilet Facility	The Gardens	• Designer engaged; • Project scoping and planning underway.
Prioritised Removal of Asbestos Contaminated materials program	St Marys Sports Complex Football Club Rooms	Removal works Completed February 2017; Relining commenced March 2017 and be completed prior to end April 2017.

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

Description	Location	Updates
Conceptual Plans & community consultation for improvements to St Marys Recreation Complex	St Marys Recreation Complex	No progress to date
New Solar Panels	To be confirmed	Consultants advice pending
New Amenities building	Wrinklers lagoon carpark	No progress to date
Demolition Amenities building	Fingal Sports Complex	No progress to date Community consultation to take place prior to any works commencing.

NRM

Meetings

23 March	**St Helens**	• Lower George Riverworks Trust landholders coordinating ALRS projects
28 March	**Swansea**	• Break O'Day Strategy community engagement planning.
28 March	**Launceston**	• Represent landholder projects at NRM North assessment of funding applications.
5 April 2017	**St Helens**	• Six month Council energy consumption performance review with Planet Footprint.

Rivers, flood recovery and grant for St Marys flood management

- Landholders have been supported to seek funding and technical support from the Agricultural Landscape Rehabilitation Scheme in the George River and South Esk catchments for flood impact and river management works. This has included working closely with the Lower George Riverworks Trust landholder members to develop projects. Most Tasmanian municipalities are eligible to seek ALRS support. Nominations of riverworks to the ALRS are due now and will be assessed for funding through May.
- Council's application for $40,000 of funding from Natural Disaster Resilience Grants Program for a *St Marys Rivulet Flood Management* project has been successful. The project will start with community contact to gather information on past flood heights through St Marys and convene a community reference group to work with flood modelling experts to identify, test and prioritise flood mitigation actions. The project will also support households and businesses to develop flood plans for themselves, similar to property bushfire planning.
- In the George catchment landholders are also seeking funding from NRM North for water quality improvement grants to reduce nutrient, sediment and E.coli pollution in the catchment and bay.

Break O'Day Green Army

- The Green Army team has been working on habitat protection from Ansons Bay to Seymour. The Green Army team recently located a previously unknown infestation of pampas grass on Trafalgar Hill overlooking St Helens, where its wind-blown seeds pose a significant threat – another example of Green Army's important contribution to conservation of Break O'Day's natural heritage.

Weed management

- Follow up inspections and advice on private land for blackberry in St Helens, pampas in Scamander and boneseed at Scamander.

On–going on the NRM desk

- Green Army works schedule coordination, St Marys Rivulet willow replacement project.
- Works, Development Application, Council, wildlife, energy efficiency, vegetation and weed management enquiries and advice to Council, landholders and community and customers; for example Council's Parnella landslip project and vandalism of foreshore vegetation at O'Connors beach.
- Implementation of Council's Weed Action Plan with the Weed Program Coordinator and community weed management: mapping and 2017-18 program planning.
- Dogs, Tasmanian *Cat Tracker* project, NRM Committee, Break O'Day Sustainability forum series (waste management).

Environmental Health

Food Safety Audits
Year to Date: Environmental Health Officer (EHO) has carried out a total of **73** food safety audits at registered food businesses.

Other Environmental Health Services
Summer beach recreational water quality sampling program.

Bacteriological sampling will be carried out once a month from December 2016 to March 2017.

Microbial standard for primary contact (swimming).

Enterococci/100ml less than 140
Good Water Quality **GREEN**

Greater than 140 and less than 280 – conduct sanitary survey
Moderate Water Quality **YELLOW**

Two (2) consecutive samples greater than 280 – unsuitable for swimming
Poor Water Quality **RED**

Results:

BEACH	8/12/2016	11/1/2017	2/2/2017
Grants Lagoon (Binalong Bay)	GREEN	GREEN	GREEN
Beauty Bay Beach (St Helens)	GREEN	GREEN	GREEN
Wrinklers Lagoon (Scamander)	GREEN	GREEN	GREEN
Scamander River	GREEN	GREEN	GREEN
Yarmouth Creek (Beaumaris)	GREEN	GREEN	GREEN
Henderson Lagoon (Falmouth)	GREEN	GREEN	GREEN

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	2015/2016		2016/2017	
	Persons	Vaccinations	Persons	Vaccinations
July - December	60	67	45	56
January - June	90	162	66	126
TOTAL	**150**	**229**	**111**	**182**

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011-2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

LEGISLATION & POLICIES:

Not applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.15.2 Planning Approvals Issued

INFORMATION

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
294-2016	St Helens	Legalisation of Deck	No Permit Required	5	5
014-2017	St Helens	Signage	58	16	16
146-2016	Binalong Bay	Dwelling	56	2	2
035-2017	St Helens	Garage	No Permit Required	5	5
072-2016	Binalong Bay	Dwelling Additions	57	27	27
004-2017	Falmouth	Dwelling	57	49	41
032-2017	St Helens	Signage	58	7	7
012-2017	Akaroa	Dwelling	No Permit Required	16	8
278-2016	St Helens	Workshop & Signage	57	44	33
013-2017	St Marys	3 Lot Subdivision	57	36	36
066-2014	Four Mile Creek	Dwelling	56	20	20
231-2016	Four Mile Creek	Dwelling	56	18	18
296-2016	Scamander	Dwelling	57	77	77
026-2017	Scamander	Garage	57	40	40
087-2013	St Helens	2 Dwellings	56	0	0
240-2015	St Marys	Shed	56	19	19
031-2017	St Helens	Storage Shed for Milk Products	57	35	32
039-2017	Pyengana	2 Lot Subdivision	57	23	23
030-2017	Ansons Bay	Covered Pergola	58	35	12
009-2017	Stieglitz	Shed & Carport	57	44	40

04/17.15.3 Building Services Approvals

INFORMATION

Building Services Approvals Report

March 2017

No.	BA No.	Town	Development	Value
1	2017 / 025	St Helens	New School Classroom	$20,000.00
2	2016 / 246	Ansons Bay	New Garage	$29,900.00
3	2015 / 244	St Helens	New Serpentarium with Café	$300,000.00
4	2017 / 015	St Helens	New Accessible Ablution Facility and Additions to Farm Shed	$18,000.00
5	2016 / 263	Stieglitz	Additions to dwelling	$59,100.00
6	2014 / 104	Binalong Bay	Additions & Alterations to Dwelling & New BBQ Shelter	$68,900.00
7	2016 / 238	Stieglitz	New Dwelling & Garage	$259,200.00
8	2016 / 273	Binalong Bay	New Garage & Carport	$11,500.00
9	2016 / 295	St Helens	New Storage Building	$47,100.00
10	2017 / 008	Stieglitz	New Dwelling, Deck & Garage with Facilities	$166,000.00
11	2017 / 024	St Marys	Addition to Dwelling of non-habitable Sun Room	$45,000.00
12	2016 / 061	The Gardens	Existing Deck	$4,500.00
13	2016 / 209	Mount William	Existing Telecommunications Tower	$481,000.00
14	2016 / 254	Eddystone	Alterations & Change of Use to Accommodation	$250,000.00
15	2016 / 176	Mount William	New Building of Standing Camp/Accommodation	$833,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE		**2015/2016**	**2016/2017**
		$10,922,049	$13,146,121
ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	**MONTH**	**2016**	**2017**
	March	$1,193,027	$1,722,100.00
NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	**MONTH**	**2015/2016**	**2016/2017**
	March	127	131

04/17.15.4 Participation in the Climate Resilient Councils Project

ACTION	DECISION
PROPONENT	Tasmanian Climate Change Office (TCCO, part of Dept. of Premier & Cabinet) and Local Government Association of Tasmania
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	039\004\018\
ASSOCIATED REPORTS AND DOCUMENTS	TCCO invitation letter

OFFICER'S RECOMMENDATION:

That Council participate in the Climate Resilient Councils project and accept the invitation from the Tasmanian Climate Change Office.

INTRODUCTION:

Council has over several years has participated in several projects of the Tasmanian Climate Change Office to do with climate change and in particular understanding and addressing climate change risks and adaptation needs in Break O'Day.

The TCCO and LGAT have invited Tasmanian Council's to participate in a new Climate Resilient Councils project during 2017.

PREVIOUS COUNCIL CONSIDERATION:

The invitation from the Tasmanian Climate Change Office to participate in the Climate Resilient Councils project was discussed by Council at its April Council Workshop.

OFFICER'S REPORT:

The Tasmanian Climate Change Office's (TCCO) Climate Resilient Councils project is seeking to engage all Councils in interviews to assess their existing governance arrangements for decision making around climate change related risks in their municipalities. The project aims to "identify common risks and opportunities and inform future discussions between TCCO, LGAT and councils about future initiatives to support councils and regions to manage climate-related risks." The Climate Resilient Councils project is being offered at no cost to councils; but participation will require staff from across Council to make time for discussions with a consultant team during a day visit.

The assessment looks at the areas of corporate planning, financial management, asset management and land use planning.

The project's assessments will generate recommendations for strengthening decision making by Council related to its climate change risks in the areas of corporate planning, financial management, asset management and land use planning. An assessment report will be provided to Council. The TCCO will also use the state-wide results, with the LGAT, for an overall Tasmanian local government view, which will be presented at a meeting of council General Managers in 2017.

The project will help Council identify improvements it can make to assure prudent management of the risks to the local community, infrastructure, services and economy, and council as a corporate entity. Having this evaluation will provide important information for Council's Risk Register and risk management processes. At a state level it can also substantiate problems shared by council's for which state or national support may be needed.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Leadership and Governance

Strategy
Ensure council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures

Annual Plan 2016-2017

Goal
Environment and Planning

Strategy
Minimise the impacts of climate change

LEGISLATION & POLICIES:

Nil.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No financial implication to Council in adopting the Officer's recommendation.

VOTING REQUIREMENTS:

Simple Majority.

Department of Premier and Cabinet
Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au

Tasmanian Government

Mr John Brown
General Manager
Break O'Day Council
John.Brown@bodc.tas.gov.au

Dear Mr Brown,

RE: INVITATION TO PARTICIPATE IN THE *CLIMATE RESILIENT COUNCILS* PROJECT

Local councils undertake a broad range of functions that are likely to experience impacts from a changing climate. Understanding and actively assessing climate-related risks such as flooding, storm events and extreme heat can support councils to make decisions that minimise long-term costs and risks to assets, infrastructure and services, as well as the community.

The Department of Premier and Cabinet's Tasmanian Climate Change Office (TCCO) and the Local Government Association of Tasmania (LGAT) invite your council to participate in the *Climate Resilient Councils* project to better understand how Tasmanian councils are currently considering climate change risks in their business decisions, and what actions could be undertaken to support councils to strengthen this consideration.

The *Climate Resilient Councils* project will look at how your council's existing governance arrangements support council to undertake informed decision making around climate-related risks to the municipality. Your council will be assessed against a range of governance indicators (e.g. corporate planning, financial management, asset management and land use planning) and provided with a set of recommendations for how to strengthen consideration of climate change in decision making.

What will be delivered through the *Climate Resilient Councils* project?

TCCO has engaged consultancy firm Climate Planning to deliver the *Climate Resilient Councils* project. Climate Planning recently delivered a similar project with every local council in Queensland.

Should you choose to participate in the project, Climate Planning will complete an initial scoping assessment of the climate-related risks for your municipality. They will then spend a day at your council, meeting with key staff to discuss approaches to decision making and how climate change is currently considered or could be considered. It is anticipated that Climate Planning will need access to staff across council, in areas such as legal, finance, asset management, planning, risk, and emergency management.

17/16172

Each council will receive a summary report of their results and recommendations for improving their consideration of climate change in decision making. Climate Planning will also provide TCCO with a report that gives an overview of the risk exposure for each council. The final results will be presented at a meeting of council General Managers later in 2017 to discuss issues at regional and state-wide levels. The final results will not be made publicly available unless individual councils choose to do so.

The intent of the project is not to compare councils, but rather to identify common risks and opportunities and inform future discussions between TCCO, LGAT and councils about future initiatives to support councils and regions to manage climate-related risks.

To ensure the results provide a complete picture of the issues faced by Tasmanian councils, we encourage every council to participate.

There is no cost to councils to participate, we just ask that you can make your staff available to provide the relevant information to Climate Planning.

Should you choose to participate, or if you have any questions, please contact Amber Sturges by phone on 6232 7432 or by email at Amber.Sturges@dpac.tas.gov.au indicating your support and providing the name of a first point of contact for Climate Planning. Preferably, this will be someone senior within your council. It would be appreciated if your participation could be confirmed by 20 March 2017.

Yours sincerely

Sophie Muller
Acting Director
Tasmanian Climate Change Office

04/17.16.0 GOVERNANCE

04/17.16.1 General Manager's Report

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 issues 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:

OUTSTANDING REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
07/15.15.5.203	20 July 2015	That Council commence the engagement process with the community by undertaking initial consultation activities seeking the thoughts from the Break O'Day community on questions relating to the future direction of local government in the Break O'Day area. That the community engagement process be focussed on: 1. Drop-In Sessions in local communities 2. Survey forms through website and in selected locations within local communities. and be supported by communicating with local community groups; newsletters; local community papers and Star FM community announcements.	Northern region – examination of potential shared services opportunities commenced with a narrowing down of the focus areas. BODC-GSBC boundary adjustment – base model developed, information being progressively received from GSBC.

Motion Number	Meeting Date	Council Decision	Comments
04/16.16.6.104	18 April 2016	1. That Council's existing software systems be expanded to include Corporate Management software and Asset Management software which meets the current and foreseeable future needs of the organisation. 2. Further investigation be undertaken to identify the most cost effective IT solutions to meet Council's requirements. 3. Council consider appropriate funding to meet this need.	Management team reviewed options. Shared services project has brought up some additional options which are being investigated 2016-2017 Budget allocation established.
03/17.7.1.53	20 March 2017	That Council receive the petition and establish the writer of the petition and request to meet with them onsite to gain an understanding of their concerns prior to Council forwarding to the State Government as requested outlining residents/ratepayers concerns.	Petition proponent identified and meeting being arranged.

COMPLETED REPORTS:

Motion Number	Meeting Date	Council Decision	Comments
03/17.8.1.54	20 March 2017	That prior to Council having a formal position on the future of TasWater it request the following information: 1. Copy of the financial projections which have been prepared detailing the State Governments proposed financing plan 2. Dividend projections beyond 2025. 3. Explanation of what happens to the other 50% of the surplus beyond 2025, does the State Government take this? 4. How much cheaper can the State Government borrow funds than TasWater? 5. Assuming that the 5 year works period starts on 1/7/2018 (which is in effect over 6 years from the current point in time); the basis of guaranteeing the works will be completed within 5 years. 6. Assessment of the capability of the Tasmanian construction community to undertake the works in the identified period. 7. Given State Government projects tend to go over budget, what assurances are going to be given that the State Government will meet these excess costs from their Budget	Information on Council's position conveyed to LGAT and a letter to the Premier.

Motion Number	Meeting Date	Council Decision	Comments
03/17.16.2.73	20 March 2017	That AM13 – Memorial Gardens Policy be adopted.	Completed, policy adopted and put updated on internet.
03/17.16.3.74	20 March 2017	That Council adopt Policy LG08 – Employees – Voluntary Emergency Services Policy as amended.	Completed, policy adopted and put updated on internet.
03/17.8.3.58	20 March 2017	That Council petition the Tasmanian Government Department of State Growth to place "Dusk to Dawn" wildlife signage or the virtual fencing on the link road between Little Beach and Four Mile Beach. That the new standard of sign be adopted immediately along this stretch of road, or used when replacing existing road signage.	Completed, letter sent to Department of State Growth.

Meetings & Events Attended:

21.03.17	**St Helens**	– Australian Services Union, meeting with representatives from ASU to commence discussions regarding the content of a new Enterprise Bargaining Agreement
22.03.17	**Blue Tier**	– Poimena/Blue Tier Trailhead, meeting with Friends of the Blue Tier and Parks & Wildlife Services to discuss issues and options regarding car parking and trail interaction with walking trails. Preferred option identified in the old quarry site which will now be progressed through investigations.
24.03.17	**Launceston**	– St Helens Hospital replacement, meeting with Department of Health and Human Services and architects to discuss progress with the project and stormwater options along with proposed community information session after Easter. – Meeting with Alan Leake and representatives from the Department of State Growth to discuss suggested improvements to the Tasman Highway south of St Helens including the challenges with the narrow area immediately south of St Helens Point Rd. Looking positive that works will become part of the State Government program. – State Planning Scheme, meeting of northern region Councils with TPC to discuss potential work program in the northern region. The concept of 'early adopters' which had been proposed is not supported by TPC. Processes and support for mapping and zone conversions discussed. – Office of the Coordinator General, discussion regarding potential visit to BOD area by Chinese tourism delegation which subsequently occurred on 5/4/17.
28.03.17	**Swansea**	– BODC Strategic Plan, planning session with Facilitator and staff team to finalise and test the process.
29.03.17	**St Helens**	– Rebecca White MP, meeting with Mayor to discuss local issues and priorities of Council including St Helens Hospital, Scamander Bridge, Georges River & St Marys flooding; PHT funding and shift to chronic illness; Blue Derby Stage 2; TasWater and Tasman Highway upgrade.

30.03.17	**St Helens**	– St Helens & Bay of Fires MTB trails, meeting with Gloria Andrews, Berris Hansberry and Todd Dudley to discuss draft trails and challenges which we face in the area. Great information provided by Gloria Andrews on local heritage.
31.03.17	**St Helens**	– Tour d'Cure.
	St Marys	– St Marys Streetscape, onsite meeting with Works Department and Engineers to discuss in broad terms the strategy being followed for the section at the eastern end of the bridge and eastern side of Storey Street. Opportunity was taken to discuss potential works with a number of business owners in the area.
03.04.17	**St Helens**	– Council Workshop.
	Binalong Bay	– Strategic Plan Community Conversation.
	St Helens	– Strategic Plan Community Conversation.
04.04.17	**Launceston**	– TCCI World Enduro Breakfast, attended with Chris Hughes. Excellent networking event with opportunity to meet Chris Ball the Series organiser and talk about MTB and the future.
	Scamander	– Strategic Plan Community Conversation.
	Falmouth	– Strategic Plan Community Conversation.
05.04.17	**Cornwall**	– Strategic Plan Community Conversation (part).
	St Helens	– Office of the Coordinator General, meeting with Coordinator General and Chinese tourism delegation.
	St Marys	– Strategic Plan Community Conversation (part).
06.04.17	**Mathinna**	– Strategic Plan Community Conversation.
	Coles Bay	– Office of the Coordinator General, dinner and discussions with Coordinator General and Chinese tourism delegation.
07.04.17	**Pyengana**	– Strategic Plan Community Conversation.
	Weldborough	– Mobile phone coverage, meeting with Telstra representatives to discuss addressing the mobile phone and internet deficiencies in the area.
	Ansons Bay	– Strategic Plan Community Conversation.
08.04.17	**Derby**	– World Enduro Series, attended the event to watch some of the practice and casual conversations with key people.

General – regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members and organisations included Launceston City Council, Ralf Mueller (Medea Park), RFDS & Hub 4 Health.

Scheduled Meetings – yet to occur:

10.04.17	**St Helens**	– Councillor Strategic Planning Conversation.
11.04.17	**St Helens**	– Staff Strategic Planning Conversation.
12.04.17	**Launceston**	– Northern Councils Resource Sharing Phase 3.
13.04.17	**St Helens**	– Staff Strategic Planning Conversation.
19.04.17	**St Helens**	– Council Meeting.

Brief Updates:

St Helens Hospital

The architects working for DHHS have submitted a Development Application for the new Hospital. A key infrastructure issue is the disposal of stormwater from the site. Council's Project Officer, Stuart Barwick, has been liaising with their Engineer to examine the options as it is logical to look at the site as a whole rather than the hospital in isolation. The two (2) main options for a new large stormwater line are going to pass through the Sunhaven Villas area, either down the centre of the existing main access road which provides the perfect solution or at the western end of the property adjacent to Annie Street or in Annie Street which provides a not quite perfect solution. A report will be prepared for Council consideration.

DHHS will be holding a community information session on Thursday 20 April displaying the plans and talking about the proposal.

Speed limit reduction

The Department of State Growth have placed a temporary halt on the proposal to reduce the speed limit south of St Helens even though they believe it is logical. The recent community reaction to the reduction on Richmond Road in southern Tasmania has made the Department nervous of community reaction. Following discussions with the Department, Council will push greater awareness of the proposal through social media etc to ease their concerns.

Strategic Plan

The community engagement activities which form the basis for developing the new Strategic Plan have progressed and are now entering a different phase where we commence testing some of the thoughts which have been developing. A large amount of information has been developed and the key task now facing the strategic plan team is to distil the information down to a logical plan representative of the thoughts which have been received. There is also a lot of lower level detail which has been received, in many cases relating to a specific issue, which we will be capturing in a document for separate consideration by Council.

We are progressing the planning process and aiming to achieve adoption at the June Council meeting, this is going to place significant pressure on a number of staff over the next three (3) weeks as we effectively will need to have a draft plan ready for the community submission period commencing in early May.

Weldborough Mobile Phone Coverage

Telstra are considering the option of establishing Small Cell infrastructure at Weldborough to address the need for mobile coverage in that immediate area and also provide a wifi hotspot. Recently a number of locations have been addressed through a partnership approach involving Telstra, State Government, and the local Council making some form of contribution. Further information will be received in the next few weeks. From a longer term perspective, they are looking at addressing the blackspots along the Tasman Highway with a view to completing works within three (3) years. There is a potential issue which could derail these plans, this would be a requirement to allow any carrier to access Telstra infrastructure at no cost which would mean that a company incurring capital cost to build a new tower would then have to give its competitors free access – why would you then spend money?

Information – Yacht Moorings, Georges Bay

Council is applying to MAST under the Recreational Boating Fund for four (4) new cruising yacht moorings, two (2) in Georges Bay and two (2) in Binalong Bay.

They will be installed and maintained by MAST at no cost to Council.

The Georges Bay moorings will enable safe moorings away from the wharf area where fishing vessels moor, refuel and unload. The Binalong Bay moorings will provide safe moorings when access to Georges Bay is not available as well as overnight moorings for cruising yachts.

Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
Elephant Pass Road, St Marys	Affixing Common Seal	Boundary Adjustment	Number 12 – Miscellaneous Powers and Functions to the General Manager
St Helens History Room	Affixing Common Seal	Grant Deed	Number 12 – Miscellaneous Powers and Functions to the General Manager
Annie Street, St Helens	Affixing Common Seal	Schedule of Easements	Number 12 – Miscellaneous Powers and Functions to the General Manager
Emu Bay Road, Weldborough	Affixing Common Seal	Amend Sealed Plan	Number 12 – Miscellaneous Powers and Functions to the General Manager

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

2.03.2017	337 Certificate	9 Grant Street St Marys	6402764
2.03.2017	337 Certificate	13 Sunbeam Crescent Beaumaris	6790779
2.03.2017	337 Certificate	Gardens Road The Gardens	2574067
2.03.2017	337 Certificate	30 Idas Court St Helens	7154993
3.03.2017	337 Certificate	3 Karaka Close Stieglitz	2800853
3.03.2017	337 Certificate	MacQuarie Street Seymour	2928769
3.03.2017	337 Certificate	7 Nautilus Place St Helens	2537522
3.03.2017	337 Certificate	16 Seaview Avenue Beaumaris	2503111
3.03.2017	337 Certificate	162 St Helens Point Road Stieglitz	7391147
3.03.2017	337 Certificate	9 Pelican Court Scamander	2535850
3.03.2017	337 Certificate	Lot 12 Story Street St Marys	3338947
7.03.2017	337 Certificate	Irish Town Road St Marys	7537249
7.03.2017	337 Certificate	17 Kismet Place St Helens	1847107
7.03.2017	337 Certificate	10 Chimney Heights Road Stieglitz	6788804
7.03.2017	337 Certificate	4 Murray Street St Helens	1496941
8.03.2017	337 Certificate	MacQuarie Street Seymour	2114060
10.03.2017	337 Certificate	282 Elephant Pass Road St Marys	1680773

10.03.2017	337 Certificate	4 Story Street St Marys	6405367
10.03.2017	337 Certificate	29-33 Medea Street St Helens	7184121
10.03.2017	337 Certificate	25 Canhams Road St Helens	2662083
10.03.2017	337 Certificate	8 Erythos Grove St Helens	6808879
16.03.2017	337 Certificate	19 Halcyon Grove St Helens	6780642
17.03.2017	337 Certificate	14 Susan Court St Helens	2282662
17.03.2017	337 Certificate	7 Karaka Close Stieglitz	2800888
17.03.2017	337 Certificate	30 Quail Street St Helens	6795553
17.03.2017	337 Certificate	6 Lindsay Parade St Helens	7731746
17.03.2017	337 Certificate	1-3 Steel Street Scamander	3377743
17.03.2017	337 Certificate	13 Casuarina Lane Ansons Bay	7155478
21.03.2017	337 Certificate	5 Sunnybank Close St Helens	3195595
21.03.2017	337 Certificate	29 Bayvista Rise St Helens	3065133
22.03.2017	337 Certificate	120 Grant Street Falmouth	7779221
22.03.2017	337 Certificate	6 Nautilus Place St Helens	2537477
22.03.2017	337 Certificate	18-20 St Helens Point Road Stieglitz	6789460
22.03.2017	337 Certificate	Tasman Highway Scamander	3438294
22.03.2017	337 Certificate	2 Georges Bay Esplanade St Helens	6794219
24.03.2017	337 Certificate	813 Reids Road St Helens	2283649
24.03.2017	337 Certificate	11 Main Street St Marys	6404778
24.03.2017	337 Certificate	Deals Road Douglas River	7286283
24.03.2017	337 Certificate	7 Cobrooga Drive St Helens	7551104
27.03.2017	337 Certificate	26414 Tasman Highway Goshen	2573435
28.03.2017	337 Certificate	5 Bel-Air Crescent Beaumaris	6787457
28.03.2017	337 Certificate	176 Tully Street St Helens	7221658
28.03.2017	337 Certificate	16 Felmingham Street Binalong Bay	6796302
28.03.2017	337 Certificate	20 Mount Paris Damn Road Weldborough	7184199
30.03.2017	337 Certificate	5 Lindsay Parade St Helens	7731623
30.03.2017	337 Certificate	5/22 Wedge Court Binalong Bay	3413855
30.03.2017	337 Certificate	1/57 Peron Street Stieglitz	7431209
30.03.2017	337 Certificate	4/22 Wedge Court Binalong Bay	3472767
31.03.2017	337 Certificate	6 Fysh Place Stieglitz	2813646
31.03.2017	337 Certificate	25 Kiama Parade Akaroa	2242206
31.03.2017	337 Certificate	11 Wrinklers Drive Scamander	3017043

Tenders and Contracts Awarded:

Tender Closing Date	Description of Tender	Awarded to
23 February, 2017	Supply & Delivery of one (1) Grader	Hitachi Construction Machinery

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2011-2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

04/17.16.2 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT)

ACTION	**DECISION**
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	2017 Election Timetable

OFFICER'S RECOMMENDATION:

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

INTRODUCTION:

The Tasmanian Electoral Commission have called for nominations for President and Committee members of the General Management Committee of the Local Government Association of Tasmania (LGAT).

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

The Tasmanian Electoral Commission has been asked to conduct the 2017 election of President and four (4) members of the GMC for a two (2) year term in accordance with the rules of the Association (LGAT).

Nominations have now been invited to be received at the electoral office no later than 5.00pm on Tuesday 23 May 2017. The Tasmanian Electoral Commission have provided the attached Election Timetable for your reference.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Leadership and Governance – Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategy
Improve Council's communication, consultative processes, representation and advocacy.

LEGISLATION & POLICIES:

In accordance with the Rules of the Local Government Association of Tasmania (LGAT).

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No financial implications to Council.

VOTING REQUIREMENTS

Simple Majority.

Tasmanian
Electoral Commission

Level 3
169 Main Road
Moonah Tasmania 7009

PO Box 307
Moonah Tas 7009

Phone (03) 6208 8700
Fax (03) 6208 8791
ballot.box@tec.tas.gov.au
www.tec.tas.gov.au

Reference: F85.09

Mayor Mick Tucker
Break O'Day Council
32-34 Georges Bay Esplanade,
ST HELENS TAS 7216

Dear Mayor Mick Tucker

Local Government Association of Tasmania – 2017 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2017 election of President and 4 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT). The LGAT have advised that elections for Southern Electoral District (population > 20 000) and Southern Electoral District (population < 20 000) will not be required due to these positions being filled at recent by-elections, and the Membership extending the terms of office for a further two years.

Nominations are now invited from LGAT members and must be received at my office by 5:00pm Tuesday 23 May 2017. Candidates will be notified of receipt of their nomination by this office.

Election timetable

Nominations open..... Thursday 23 March 2017

Nominations close..... 5:00 pm 23 May 2017

Ballot material posted (if a ballot is required) ..... Friday 26 May 2017

Close of postal ballot..... 10:00 am Wednesday 12 July 2017

Declaration of the result..... Wednesday 12 July 2017

A nomination form and reply paid envelope are enclosed.

If you would like further information or assistance, please call Kristi Read of this office on 6208 8722.

Yours sincerely

Andrew Hawkey
ELECTORAL COMMISSIONER

21 March 2017

04/17.16.3 Draft Local Government Amendment (Targeted Review) Bill 2017 – Public Consultation

ACTION	DISCUSSION
PROPONENT	Department of Premier and Cabinet
OFFICER	John Brown, General Manager
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	Correspondence to Local Government Association of Tasmania (LGAT) from Department of Premier and Cabinet (DPAC) Summary of Amendments Local Government Amendment (Targeted Review) Bill 2017

OFFICER'S RECOMMENDATION:

For discussion.

INTRODUCTION:

Correspondence has been received from the Local Government Association of Tasmania (LGAT) advising that the Public Consultation phase on the Draft Local Government Amendment (Targeted Review) Bill 2017 is currently open.

LGAT advises that while Councils may of course make their own submissions, LGAT would ask for a copy of any submission made in order to develop a fully representative sector submission. All feedback, direct or copies, must be received by 10.00am Monday 1 May.

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

Attached are documents relating to consultation on the draft amendments to the Local Government Act 1993.

These are largely as foreshadowed in LGAT General Meeting reports and in the presentation by the Director Local Government, Alex Tay. It also largely reflects the feedback from previous consultation with the sector and the report from the Steering Committee.

Key areas of interest are likely to include:

1. The introduction of powers to make Ministerial Orders to expand and clarify matters in relation to the function of the Mayor, functions of councillors, appointment and performance monitoring of the General Managers, functions of the General Manager, liaison between Mayors and General Managers. There are no draft orders at this stage and it should be noted that they must be developed in consultation with the sector.
2. The role of the Mayor has been expanded.

3. There are detailed provisions in relation to gifts and benefits. These were not part of the original consultation or the Steering Committee report but appear to align with the requirements of State Government.
4. There is clarification that qualified advice must be provided in writing.
5. Model Financial Statements are introduced with a transitional period.
6. The scope of the Local Government Board review has been broadened to include matters such as governance and performance.
7. The Director would be provided the power to issue Performance Improvement Directions following an investigation possibly preventing the need for a Board of Inquiry or LG Board Review.
8. The Minister would have the power to suspend individual councillors prior to or during a Board of Inquiry Process. Individual councillors (as opposed to the whole council only) may be dismissed following a BoI process.
9. Election timeframes have been increased to allow for longer postal delivery times.
10. Electoral advertising is to include internet based advertising.
11. Minor boundary adjustments can be made without a LG review process.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2011 – 2015

Goal
Leadership and Governance - Provide strong and informed leadership and effective management of community resources; empowering and involving the community at all levels.

Strategies
- Ensure council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures.
- Improve Council's communication, consultative processes, representation and advocacy.

LEGISLATION & POLICIES:

Local Government Act 1993.
Local Government Amendment (Targeted Review) Bill 2017.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There are no financial implications to Council.

VOTING REQUIREMENTS:

Simple Majority.

Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au

Tasmanian Government

Dr Katrena Stephenson
Chief Executive Officer
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001
Email: Katrena.Stephenson@lgat.tas.gov.au

Dear Dr Stephenson

I am writing to you regarding the targeted review of the *Local Government Act 1993* that was initiated by the Minister for Planning and Local Government, the Hon Peter Gutwein MP, in mid-2015.

As you are aware from your membership of the Steering Committee undertaking the targeted review, initial consultation began in early 2016. Following this, the Steering Committee presented the Minister with a suite of recommendations in September 2016. The recommendations focused on improving governance and ensuring that the legislative framework for local government is effective and efficient. In late 2016, the Government agreed to draft an amendment Bill to adopt the majority of recommendations of the Steering Committee through changes to the Act.

The proposed draft Local Government Amendment (Targeted Review) Bill 2017 is now ready to be released for public consultation and I invite the Local Government Association of Tasmania to provide its comments on the draft Bill. Please find attached a copy of the draft Bill as well as a summary table that outlines each of the amendments and reasoning behind them. Links to the relevant documents can be found on the Department of Premier and Cabinet (DPAC)'s website at http://www.dpac.tas.gov.au/divisions/local_government.

The key legislative amendments are as follows:

- providing the Minister with the ability to issue Ministerial Orders in relation to such matters as the role of mayors, functions of elected members and general managers;
- a greater focus and commitment from elected members to engage in ongoing professional development and abide by the principles of good governance.
- implementing Performance Improvement Directions as a quicker way of addressing issues in a council to potentially avoid a Board of Inquiry or Local Government Board review;
- improving the outcomes for Boards of Inquiry in terms of recommendations that can be made following an inquiry that provide greater efficiencies and flexibility; and
- requiring general managers to maintain a gifts and donations register for the purpose of mandatory disclosure of gifts and campaign donations by local government elected members.

At the end of the summary table there are also some other proposed amendments that are not yet included within the draft Bill but are being considered for inclusion. These have been identified since the conclusion of the Steering Committee's recommendations to the Minister and are generally aimed at strengthening existing provisions, rather than introducing materially new provisions. DPAC would appreciate your organisation's comments on these additional matters.

17/23131

Submissions are to be made in writing and are to be provided either by email to lgd@dpac.tas.gov.au or by post to:

Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

All submissions must be received by close of business on **Friday 5 May 2017**.

Important information to note

All submissions will be treated as public information and will be published on DPAC's website once consideration of the submissions has concluded. However, if you wish for your submission to be treated as confidential, whether in whole or in part, please note this in writing at the time of making your submissions, and clearly indicate which parts of your submission are confidential, and advise the reasons as to why.

Please note that your name, or the name of the organisation making a submission, will be disclosed unless you request otherwise. In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), DPAC will treat the submission as public.

Copyright in submissions remains with the author(s), not with the Government. DPAC will not publish submissions containing defamatory or offensive material.

The *Right to Information Act 2009* and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons will be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure.

Accessibility

When seeking submissions from other organisations or members of the general public, DPAC requests that they are provided in an accessible format. However, documents received from external parties may not be accessible to users with assistive technologies.

Should your organisation have any questions regarding the review please contact DPAC's Local Government Division by email at lgd@dpac.tas.gov.au or by telephone on 6232 7022.

Yours sincerely

for
Greg Johannes
Secretary

24 March 2017

Attachments

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
Interpretation	
Section 3	Interpretation The interpretation section has had minor amendments to include new and amended definitions to give effect to other areas within the Act that have been amended: 1. **amending the definition of 'absolute majority'** so that it reflects situations where a councillor or several councillors are suspended. 2. **a new definition for 'audit panel'.** This amendment will require minor consequential amendments to relevant offence sections within the Bill where audit panel members are to be included. 3. **A new definition of 'model financial statements'.** This amendment is covered in more detail later in the Bill. 4. **Amending 'electoral advertising'.** In particular, the definition of 'electoral advertising' has been amended to include advertising on the internet. This is to reflect that the Internet continues to play a larger role in electoral campaigns in federal, state and local government elections. This amendment aims to capture internet advertising as it is not currently captured and amending the Act will ensure the legislation reflects and accommodates what is already occurring in the sector. 5. **Increasing the timeframes for postal voting** in local government elections by 1 week. 6. **Introducing a definition for "performance improvement direction".** Performance improvement directions are explained in more detail later in this document.
Municipal Areas	
Section 16	Boundary Adjustments This section has been amended such that a Local Government review is not required to approve minor boundary adjustments. This will make the process for minor boundary adjustments more efficient. The section has also been amended so that the process for boundary adjustments is clearer.

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
Mayors and Deputy Mayors	
Section 27	Role of the Mayor The role of the mayor has been expanded under the legislation. The amendments are to give mayors a greater leadership responsibility and further distinguish the role of mayor as distinct to the role of elected members.
Subsection 27(2)(a)	Deputy Mayors The word "absent" has been amended to better reflect the broad circumstances in which mayors sometimes need deputy mayors to act in the role of mayor.
Section 27A	Ministerial Orders - Functions of the Mayor A new provision has been inserted which provides the Minister for Planning and Local Government (the Minister) with the power to make an order to expand and clarify the role of the mayor. The Minister, with consultation from the sector, can implement (or amend) such an order where there may be a need to clarify these matters. A Ministerial Order would be binding without adding further detail into the legislation. Further, amending a Ministerial Order would not require any amendments to the legislation and it therefore affords both the Minister and the sector more flexibility.
All Elected Members	
Section 28AA	Ministerial Orders A new provision which provides the Minister with the power to issue a Ministerial Order to clarify functions of councillors for example, what are strategic matters that should be decided by councillors and operational matters that are the function of the general manager (council administration) to decide.

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
Audit Panel Members	
Sections 53, 54A, 55B, 338A, 339 and 339A	These sections have been amended to ensure that the relevant offence provisions also apply to members of an audit panel. The relevant offences are: failure to declare a pecuniary interest, disclosure of information, improper use of information and misuse of office.
Gifts and Donations	
Part 5A Section 56A	Requirement to notify of gift/donation This new provision requires a councillor to notify the general manager of a council if they receive a gift or a donation as prescribed under the regulations. The *Local Government (General) Regulations 2015* will be amended to provide the details around the notification of gifts and donations.
Part 5A Section 57	Gifts and Donations Register This new provision establishes that a gift and donation register must be kept by the general manager of a council. The *Local Government (General) Regulations 2015* will be amended to prescribe the details for the register, including what items need to be disclosed, when and how, and any thresholds or limitations.
General Manager	
Section 61	Appointment of a General Manager This section has been amended so that councils need to take into account any relevant Ministerial Orders when they are appointing a person as general manager.

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
Section 61A	Ministerial Orders – Appointment and Performance A new provision which provides the Minister with the power to issue a Ministerial Order that details the high-level principles regarding the selection, reappointment and the monitoring of and appraisal of performance for general managers.
Section 61B	Appointment of Acting General Managers This section has been amended to clarify the appointment/reappointment of acting general managers. The current provisions are unclear and may create confusion around this process. This amendment will reduce ambiguity.
Section 62A	Ministerial Orders - Functions A new provision which provides the Minister with the power to make a Ministerial Order to clarify the functions and powers of the general manager.
Section 62B	Ministerial Order – Liaison A new provision which provides the Minister with the power to make a Ministerial Order that provides clarity around the requirement for general managers to "liaise" with mayors. Such a Ministerial Order would cover, more broadly, the nature of the liaison between the general manager and the mayor and better describe expectations around the nature of the liaison required between mayors and general managers.
Section 65	Written advice Qualified Persons This section has been amended to ensure that any qualified advice, including verbal advice, is provided to the councillors in writing. This amendment aims to ensure that such advice is adequately recorded and is accurate. Providing qualified advice in writing ensures that all elected members receive the same advice, supports effective decision making and is important for transparency and accountability.

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
Annual Report	
Section 72	An existing requirement under subsection 84(2)(da) has now been moved to section 72 such that this is reported under the Annual Report. This amendment ensures best practice in financial management in line with Australian Accounting Standards (AASB 124).
Model Financial Statements	
Section 83A	This is a new section that requires councils to issue their financial statements in line with model financial statements issued by the Director of Local Government for each financial year. The Tasmanian Auditor-General will be required to provide a set of model financial statements to the Director of Local Government to issue. There will be a transitional period provided to allow councils enough time to prepare for the requirement of model financial statements. Model financial statements will reduce complexity within the legislation because they will necessarily incorporate any other changes in accounting standards or other relevant legislation. They will also help make this financial information easier to compare across councils.
Subsection 84(2)(b)	Subsection 84(2)(b) has been removed because the new model financial statements will necessarily incorporate related parties disclosures under the accounting standards (AASB 124), therefore avoiding any unnecessary duplication within the legislation.
Local Government Board	
Section 214A	<u>Scope of Review</u> This section has been amended to clarify the scope of a Local Government Board review. The amendment clarifies the intention of this provision and reflects the changes that are being made to section 226 around the

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
	operations of the council to include matters such as governance and performance.
Performance Improvement Directions	
NEW Part 12B	Performance Improvement Direction A Performance Improvement Direction (PID) is a new, simple and streamlined mechanism that will be used to require a council, a councillor or some councillor(s) to do something to rapidly improve their performance. Generally, a PID will act as an (optional) intermediary step between the Director of Local Government investigating a matter and the Minister requiring a Local Government Board Review or Board of Inquiry into the council, councillor or councillor(s) in question. PIDs are intended to be an efficient and cost effective method of improving council performance in appropriate circumstances where the Minister is of the view that a Local Government Board Review or Board of Inquiry may not be necessary, or may prevent the need for a Board of Inquiry or Local Government Board review.
Board of Inquiry	
Subsection 215(5)	Suspension of councillors This section has been amended so that an individual councillor, or a number of councillors, or all councillors may be suspended and such a suspension can occur at any time during the Board of Inquiry process. It also clarifies that councillors remain suspended until such time as a decision is made by the Minister or the Governor following the final report of a Board of Inquiry. These amendments would give the Minister greater flexibility and allow Boards of Inquiry to be tailored to specific and sometimes changing circumstances. It may also improve efficiency and mitigate any impacts upon the community while an inquiry is ongoing.
Section 217	Requests for information This section provides the Board of Inquiry with the power to require a person to provide written answers to a formal request for

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
	information. This amendment will allow Boards of Inquiry to operate more efficiently and ensure that information is provided in a timely manner such that the process is not hindered.
Section 225	Result of Inquiry Several subsections of section 225 have been amended to ensure that individual councillor(s) are also captured under these provisions such that the Minister has the power to direct an individual councillor.
Section 226	Dismissal of councillors - Individuals This section has been amended to clarify that individual councillors can also be dismissed (rather than all councillors). This amendment will provide the Minister with the flexibility to dismiss an individual councillor, several or all councillors.
Section 226(1A)	This section has been amended to further clarify what is intended by the phrase "operation of the council". This phrase is to include one or more of the matters listed, including the administrative operation or the governance of the council. The amendment will ensure the phrase operates as intended to capture these areas of operation.
Sections 230 & 231	These two sections have been amended to clarify that the commissioner is only appointed when all of the councillors are either dismissed or suspended.
Election Dates	
Sections 260, 269 and 274	Elections All the dates under these sections have been increased by 1 week. This is to accommodate changes in Australia Post's services which have increased the time taken for mail to be delivered. This amendment will allow greater time for local government postal votes to be returned.

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
Electoral Advertising	
Subsection 278(3)	This subsection has been amended to delete 'broadcast' as it is unnecessary duplication with an exclusion described in subsection 278(4)(b).
Performance Improvement Directions	
Section 341	Immunity from Liability This section has been amended to clarify and ensure it operates efficiently in light of other statutory immunities available under the *Statutory Authorities (Protection from Liability) Act 1993*.
References to Act	
Section 348A	This section clarifies references within the Act to orders and regulations and their status.
Office of Councillors	
Schedule 5, Clause 3(f)	This amendment is designed to address an unintended technical consequence that arises from the current operation of Schedule 5, Clause 3 (Vacation of Office). It impacts councillors who are moving residence from their elected municipality into another municipality but who are eligible to be enrolled on the general managers electoral roll in respect to their elected municipality and therefore remain eligible to hold office. The Act does not provide enough time for changes in their electoral details to occur and could result in a councillor becoming

ACT AMENDMENTS

The people who lead and serve our community

Reference in Act	Details on the amendment
	automatically vacated from office due to this technicality. The aim of this amendment is to provide a transitional period to give councillors who are eligible to remain in office the time to ensure they can update their electoral details so that they are not automatically vacated. The automatic vacation provision will continue to operate if the councillor is not entitled to remain in office, due to their electoral status.

ADDITIONAL MATTERS

The following have not been included in the draft amendment Bill however are being considered for inclusion. These have been identified since the conclusion of the Steering Committee's recommendations to the Minister and are generally aimed at strengthening existing provisions, rather than introducing materially new provisions. The Department of Premier and Cabinet would appreciate your feedback on these additional matters.

Reference in Act	Details on the amendment
Section 339A (Misuse of Office)	Considering clarifying this provision so that it also includes an "attempt" to procure, the doing, or not doing anything to gain an advantage or to avoid a disadvantage.
Section 339E (Complaints against non-compliance or offence)	Considering clarifying this provision so that: • the Director of Local Government has the power and ability to refer such matters of non-compliance to third parties or other investigative authorities where the Director considers the matter may more appropriately be handled within their jurisdiction; • the matters which the Director can investigate are clarified; and • the Director, in determining the procedure for handing complaints or investigating matters, can also authorise a person to undertake an investigation. These amendments could make the investigation provisions clearer.
Financial Administration	Considering including a similar provision to the *Public Account Act 1986* that allows general managers to continue to run the council and expend funds until the council adopts the estimates in the situation where a council does not approve its estimates prior to 1 July of any year. This would allow councils to continue to operate efficiently in such circumstances.
Financial Administration & Section 3 (Interpretation)	Considering including a definition of 'senior positions' within a council as it is currently not defined and could be further clarified to avoid confusion. This could encapsulate those senior employees who are direct reports to a general manager. This would assist in the efficient operation of section 72 (Annual Report) and other relevant financial administration provisions under the Act.
Petitions (Part 6)	Considering including within the Act a power to prescribe for online petitions. This recommendation was made by the Steering Committee, however there are practical difficulties in implementing this recommendation, including the cost of information technology to validate the process. This amendment would require further detail and prescription under a future amendment to the regulations.

Drafted in the Office of
Parliamentary Counsel

TASMANIA

LOCAL GOVERNMENT AMENDMENT (TARGETED REVIEW) BILL 2017

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 16 amended (Municipal areas)
6. Section 27 amended (Functions of mayors and deputy mayors)
7. Section 27A inserted
   27A. Order relating to Mayor's functions
8. Section 28AA inserted
   28AA. Order relating to functions of councillors
9. Section 53 amended (Notification of interest)
10. Section 54A amended (Register of interests of members)
11. Section 55B inserted
    55B. Interests of members of audit panels
12. Part 5A inserted
    PART 5A – Gifts and Donations
    56A. Councillor to notify of gifts and donations
    57. Gifts and donations register
13. Section 61 amended (Appointment of general manager)
14. Sections 61A and 61B inserted
    61A. Order relating to appointment and performance of general managers
    61B. Acting general managers

17 March 2017

DRAFT

15. Sections 62A and 62B inserted
    62A. Order relating to general manager's functions generally
    62B. Order relating to general manager's function to liaise with mayor

16. Section 65 amended (Qualified persons)

17. Section 72 amended (Annual report)

18. Section 83A inserted
    83A. Model financial statements

19. Section 84 amended (Financial statements)

20. Section 214A amended (Scope of review)

21. Part 12B inserted
    PART 12B – Performance Improvement Directions
    214L. Recommendation for issuing performance improvement direction
    214M. Minister may issue performance improvement direction
    214N. Right of council or councillor to make submissions
    214O. Consequences of failing to comply with performance improvement direction

22. Section 215 amended (Board of Inquiry)

23. Section 217 amended (Powers of Board of Inquiry)

24. Section 225 amended (Result of inquiry)

25. Section 226 amended (Dismissal of councillors)

26. Section 230 amended (Appointment of commissioner on suspension)

27. Section 231 amended (Appointment of commissioner on dismissal)

28. Section 260 amended (Closure of electoral roll)

29. Section 269 amended (Notice of election)

30. Section 274 amended (Election without poll)

31. Section 278 amended (Electoral advertising)

32. Section 338A amended (Disclosure of information)

33. Section 339 amended (Improper use of information)

34. Section 339A amended (Misuse of office)

DRAFT

35. Section 341 amended (Immunity from liability)

36. Section 348A inserted
348A. References to Act

37. Schedule 5 amended (Office of Councillors)

38. Repeal of Act

DRAFT

DRAFT

4

LOCAL GOVERNMENT AMENDMENT (TARGETED REVIEW) BILL 2017

(Brought in by the Minister for Planning and Local Government, the Honourable Peter Carl Gutwein)

A BILL FOR

An Act to amend the *Local Government Act 1993*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Local Government Amendment (Targeted Review) Act 2017*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Local Government Act 1993** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

*No. 95 of 1993

DRAFT

(a) by omitting the definition of *absolute majority* and substituting the following definition:

absolute majority means –

(a) if no councillors are suspended, more than half of the number of councillors to be elected to a council; or

(b) if one or more councillors are suspended, more than half of the number of councillors to be elected to a council after subtracting the number of councillors who are suspended;

(b) by inserting the following definition after the definition of *assets*:

audit panel means the audit panel established under section 85;

(c) by inserting the following paragraph after paragraph (e) in the definition of *electoral advertising*:

(f) on the internet;

(d) by inserting the following definition after the definition of *model code of conduct*:

DRAFT

model financial statements means the model financial statements published, and provided to councils, under section 83A, as replaced from time to time;

(e) by omitting "7th" from the definition of *nomination period* and substituting "8th";

(f) by omitting "5th" from the definition of *nomination period* and substituting "6th";

(g) by inserting the following definition after the definition of *partner*:

performance improvement direction means a direction issued to a council or councillor under section 214M;

5. Section 16 amended (Municipal areas)

Section 16 of the Principal Act is amended by omitting subsections (4) and (5) and substituting the following subsections:

(4) The Minister, on receiving a report on a review made under section 214D that recommends an adjustment of the boundary of a municipal area or an electoral boundary within a municipal area, regardless of whether the adjustment is minor or significant in nature, may recommend to the Governor

DRAFT

that an order be made so adjusting that boundary.

(4A) The Minister –

(a) on receiving –

(i) from the Board, made otherwise than in a report on a review made under section 214D; or

(ii) from the Director –

a recommendation that an adjustment, that is minor in nature, be made to the boundary of a municipal area, or an electoral boundary within a municipal area; and

(b) if satisfied that all owners of land who would be affected by the adjustment have been consulted by the relevant councils and have consented, in writing, to the adjustment –

may recommend to the Governor that an order be made so adjusting that boundary.

(5) The Governor, by order and on the recommendation of the Minister under subsection (4) or (4A), may do one or both of the following:

DRAFT

(a) adjust a boundary of a municipal area;

(b) if the municipal area is divided into electoral districts, adjust any boundary of any electoral district as may be necessary.

6. Section 27 amended (Functions of mayors and deputy mayors)

Section 27 of the Principal Act is amended as follows:

(a) by omitting paragraphs (aa), (a), (b), (ba) and (c) from subsection (1) and substituting the following paragraphs:

(a) to act as a leader of the community of the municipal area; and

(b) to carry out the civic and ceremonial functions of the mayoral office; and

(c) to promote good governance by, and within, the council; and

(d) to act as chairperson of the council and to chair meetings of the council in a manner that supports decision-making processes; and

(e) to act as the spokesperson of the council; and

DRAFT

(f) to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels; and

(g) to lead and participate in the appointment, and the monitoring of the performance, of the general manager; and

(h) to liaise with the general manager on –

(i) the activities of the council and the performance and exercise of its functions and powers; and

(ii) the activities of the general manager and the performance and exercise of his or her functions and powers in supporting the council; and

(i) to oversee the councillors in the performance of their functions and in the exercise of their powers; and

(j) any function imposed by an order under section 27A; and

(k) any other function imposed by this or any other Act.

10

DRAFT

(b) by omitting from subsection (2)(a) "absent; and" and substituting "absent from duty as Mayor or from the State, otherwise unavailable for duty as mayor or unable to perform the functions of mayor; and".

7. Section 27A inserted

After section 27 of the Principal Act, the following section is inserted in Division 3:

27A. Order relating to Mayor's functions

(1) The Minister, by order, may do any one or more of the following:

(a) clarify the functions of mayor;

(b) impose on mayors such functions as the Minister considers appropriate.

(2) The Minister may amend, revoke, or revoke and substitute an order.

(3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

(4) An order under this section may be combined with an order under one or more of the following sections:

DRAFT

(a) section 28AA;

(b) section 62A;

(c) section 62B.

8. Section 28AA inserted

After section 28 of the Principal Act, the following section is inserted in Division 3:

28AA. Order relating to functions of councillors

(1) The Minister, by order, may clarify the functions of councillors.

(2) The Minister may amend, revoke, or revoke and substitute an order.

(3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

(4) An order under this section may be combined with an order under one or more of the following sections:

(a) section 27A;

(b) section 62A;

(c) section 62B.

DRAFT

9. Section 53 amended (Notification of interest)

Section 53 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "councillor or member" and substituting "councillor, member or member of an audit panel";

(b) by omitting from subsection (1) "committee or controlling authority" and substituting "committee, controlling authority or audit panel";

(c) by omitting from subsection (2)(b) "councillor or member" and substituting "councillor, member or member of an audit panel".

10. Section 54A amended (Register of interests of members)

Section 54A of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "authority." and substituting "authority or of members of an audit panel.";

(b) by omitting from subsection (2) "committee or controlling authority" and substituting "committee, controlling authority or audit panel".

DRAFT

11. Section 55B inserted

After section 55A of the Principal Act, the following section is inserted in Part 5:

55B. Interests of members of audit panels

(1) A member of an audit panel must notify the general manager, in writing, of having an interest, as referred to in section 49, in any matter –

(a) in respect of which the audit panel is conducting, is or to conduct, a review; or

(b) which may affect the outcome of a review being, or to be, conducted by the audit panel; or

(c) in respect of which the audit panel is providing or making, or is to provide or make, advice or a recommendation; or

(d) which may affect any advice or recommendation the audit panel is providing or making, or is to provide or make.

Penalty: Fine not exceeding 50 penalty units.

(2) Section 51 applies as if a reference to a member were a reference to a member of the audit panel.

(3) The general manager is to –

DRAFT

(a) advise the council of the existence of any interest notified under subsection (1); and

(b) keep a register of any such interest.

(4) Any register kept under subsection (3)(b) is exempt from the provisions of the *Right to Information Act 2009*.

12. Part 5A inserted

After section 56 of the Principal Act, the following Part is inserted:

PART 5A – GIFTS AND DONATIONS

56A. Councillor to notify of gifts and donations

(1) A councillor who receives –

(a) a gift or donation prescribed by the regulations for the purposes of this section; or

(b) a gift or donation of a class prescribed by the regulations, for the purposes of this section –

must notify the general manager of that gift or donation.

Penalty: Fine not exceeding 10 penalty units.

(2) A notice is to –

15

DRAFT

(a) be in writing; and

(b) contain the details prescribed by the regulations; and

(c) be provided to the general manager within the period prescribed by the regulations.

57. Gifts and donations register

(1) The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.

(2) The register is to include the following information:

(a) the name of the councillor;

(b) a description of the gift or donation;

(c) any other information required by the regulations to be included.

13. Section 61 amended (Appointment of general manager)

Section 61 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

DRAFT

(1A) In appointing a person as general manager of the council, a council is to do so in accordance with any relevant order made under section 61A.

(b) by omitting subsection (6).

14. Sections 61A and 61B inserted

After section 61 of the Principal Act, the following sections are inserted in Division 1:

61A. Order relating to appointment and performance of general managers

(1) The Minister, by order, may do any one or more of the following:

(a) specify the principles governing the selection of a general manager;

(b) specify the matters, and classes of matters, that are to be taken into account when a council is selecting, or reappointing, a general manager;

(c) specify the procedures to be followed by a council in relation to appointing, or reappointing, a general manager;

(d) provide, or provide for the development of, the processes and procedures to be followed by

DRAFT

a council in monitoring the performance of a general manager.

(2) The Minister may amend, revoke, or revoke and substitute an order.

(3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

61B. Acting general managers

(1) For the purposes of this section, a general manager is absent if –

(a) he or she is absent from duty for any reason; or

(b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or

(c) the position of general manager is vacant.

(2) The mayor may appoint a person to act in the office of general manager if –

(a) the general manager is absent and no person holds an appointment under subsection (4); or

DRAFT

(b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.

(3) An appointment under subsection (2) ends when the first of the following occurs:

(a) the general manager returns to duty;

(b) the term of the appointment expires;

(c) the mayor or the council revokes the appointment;

(d) a person is appointed as general manager under section 61.

(4) The council may appoint a person to act in the office of general manager during every absence of the general manager.

(5) An appointment under subsection (4) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:

(a) the term of the appointment expires;

(b) the council revokes the appointment;

DRAFT

(c) if the appointment is to the holder of an office, the person ceases to hold that office.

(6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

15. Sections 62A and 62B inserted

After section 62 of the Principal Act, the following sections are inserted in Division 1:

62A. Order relating to general manager's functions generally

(1) The Minister, by order, may clarify the functions of general managers by specifying matters, or classes of matters, that are operational or administrative in nature and so are to be performed by general managers.

(2) The Minister may amend, revoke, or revoke and substitute an order.

(3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

DRAFT

(4) An order under this section may be combined with an order under any one or more of the following sections:

(a) section 27A;

(b) section 28AA;

(c) section 62B.

62B. Order relating to general manager's function to liaise with mayor

(1) The Minister, by order, may specify the manner in which general managers are to liaise with their mayors.

(2) The Minister may amend, revoke, or revoke and substitute an order.

(3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.

(4) An order under this section may be combined with an order under any one or more of the following sections:

(a) section 27A;

(b) section 28AA;

(c) section 62A.

DRAFT

16. Section 65 amended (Qualified persons)

Section 65 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –

(a) the general manager certifies, in writing –

(i) that such advice was obtained; and

(ii) that the general manager took the advice into account in providing general advice to the council or council committee; and

(b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

17. Section 72 amended (Annual report)

Section 72(1) of the Principal Act is amended by inserting after paragraph (c) the following paragraph:

DRAFT

(caa) a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during the preceding financial year together with a statement of the revenue associated with that activity;

18. Section 83A inserted

After section 83 of the Principal Act, the following section is inserted in Division 3:

83A. Model financial statements

(1) The Auditor-General is to provide to the Director model financial statements to be used by the councils.

(2) From time to time the Auditor-General may provide to the Director replacement model financial statements to be used by the councils that are to be substituted for the existing drafts for model financial statements.

(3) On receipt of the model financial statements or replacement model financial statements, the Director –

(a) is to publish on the relevant website of the Department the model financial statements or replacement model financial statements for use by councils; and

DRAFT

(b) is to provide a copy of the model financial statements or replacement model financial statements to each council no later than the next occurring 30 June in preparation for use by the council in relation to its financial statements for the financial year ending on that 30 June.

19. Section 84 amended (Financial statements)

Section 84(2) of the Principal Act is amended as follows:

(a) by omitting paragraph (b) and substituting the following paragraphs:

(a) be in the form set out in the model financial statements provided under section 83A; and

(b) contain the information required by those model financial statements; and

(b) by omitting paragraph (da).

20. Section 214A amended (Scope of review)

Section 214A of the Principal Act is amended as follows:

(a) by omitting "matters:" and substituting "matters, in whole or in part:";

DRAFT

(b) by omitting paragraph (a) and substituting the following paragraph:

(a) the operation of a council, including the performance and exercise of the council's functions and powers, the administrative operation of the council, the governance of the council and the decision making of the council;

21. Part 12B inserted

After section 214K of the Principal Act, the following Part is inserted:

PART 12B – PERFORMANCE IMPROVEMENT DIRECTIONS

214L. Recommendation for issuing performance improvement direction

(1) The Director may recommend to the Minister that he or she issue a performance improvement direction to a council or councillor.

(2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if, in the Director's opinion, the council or councillor –

DRAFT

(a) has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act and the Director considers that the failure is not of a minor nature; or

(b) has failed on a number of occasions to comply with a statutory requirement, or a number of different statutory requirements, under this or any other Act or under subordinate legislation made under this or any other Act, regardless of whether any such failure is of a minor nature.

(3) The recommendation is to include the grounds on which the recommendation is based.

214M. Minister may issue performance improvement direction

(1) On receipt of the recommendation of the Director provided under section 214L, the Minister may –

(a) issue to a council or a councillor a direction requiring the council or councillor to take, refrain from taking or cease taking an action for the purpose of complying with the statutory obligations of

DRAFT

the council or councillor under this or any other Act; or

(b) refuse to issue such a direction.

(2) The Minister may issue a direction to a council or councillor only if satisfied that it is appropriate to do so after considering any submissions made under section 214N(2)(d) and the recommendation of the Director provided under section 214L.

(3) A direction may require the council or councillor –

(a) to take, refrain from taking or cease taking an action within the period specified in the direction; and

(b) to notify the Minister, in writing and within the period specified in the direction, of the steps the council or councillor has taken, or proposes to take, to comply with the direction.

(4) A direction may set out the consequences of failing to comply with the direction.

214N. Right of council or councillor to make submissions

(1) If the Minister is proposing to issue a performance improvement direction to a

DRAFT

council or councillor, the Minister is to notify the council or councillor of that fact.

(2) The notice provided under subsection (1) is to –

(a) be in writing; and

(b) include a draft of the proposed performance improvement direction; and

(c) include the grounds for the making of the performance improvement direction; and

(d) notify the council or councillor that it, he or she may make written submissions to the Minister on the matter within the period, of not less than 14 days, specified in the notice.

(3) The council or councillor may make written submissions to the Minister in relation to the proposed performance improvement notice within the period specified in the notice under subsection (1).

214O. Consequences of failing to comply with performance improvement direction

(1) If a council or councillor fails to comply with a performance improvement

DRAFT

direction, the Minister may do one or more of the following:

(a) suspend all of the councillors or the councillor from office for a period not exceeding 6 months;

(b) under section 214, require the Board to carry out a general review, or a specific review, of the council;

(c) under section 215, establish a Board of Inquiry to investigate the council.

(2) If the Minister suspends all of the councillors of a council, the Governor, under Division 2 of Part 13, may appoint a person as commissioner for that council during that suspension and that Division applies in relation to the appointment of the commissioner.

22. Section 215 amended (Board of Inquiry)

Section 215 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

(5) If the Minister establishes a Board of Inquiry to investigate a council, the Minister, at any time during the inquiry, may suspend all the councillors, or any of the councillors, from office for the period ending on the day on which –

DRAFT

(a) the Minister gives a direction under section 225(2); or

(b) an order under section 226 dismissing all the councillors or any councillor takes effect.

23. Section 217 amended (Powers of Board of Inquiry)

Section 217 of the Principal Act is amended as follows:

(a) by inserting the following paragraph before paragraph (a) in subsection (1):

(aa) require any person to provide, in writing and within the time specified in the requirement, answers to the questions asked, or the information specified, in the requirement; and

(b) by inserting the following paragraph before paragraph (a) in subsection (2):

(aa) fail to comply with a requirement referred to in subsection (1)(aa); or

24. Section 225 amended (Result of inquiry)

Section 225 of the Principal Act is amended as follows:

(a) by inserting in subsection (2) "councillor," after "a council,";

DRAFT

(b) by inserting in subsection (2)(a) "councillor," after "council,";

(c) by omitting from subsection (2)(a) "its" and substituting "its, his or her";

(d) by inserting in subsection (2)(b) "councillor," after "council,";

(e) by omitting from subsection (2)(b) "its" and substituting "its, his or her";

(f) by inserting in subsection (2)(c) "councillor," after "council,";

(g) by omitting from subsection (2)(c) "its" and substituting "its, his or her";

(h) by inserting in subsection (2)(d) "councillor," after "council,";

(i) by inserting in subsection (3) "councillor," after "a council,";

(j) by inserting in subsection (3) "councillor," after "require the council,";

(k) by inserting in subsection (3)(a) "councillor," after "council,";

(l) by inserting in subsection (3)(b) "councillor," after "council,".

25. Section 226 amended (Dismissal of councillors)

Section 226 of the Principal Act is amended as follows:

DRAFT

(a) by inserting in subsection (1) "or councillor" after "a council";

(b) by omitting from subsection (1) "the councillors" and substituting "any councillor or all councillors";

(c) by inserting in subsection (1)(a) "councillor or" after "failure of the";

(d) by inserting in subsection (1)(b) "councillor or" after "conduct of the";

(e) by inserting the following subsection after subsection (1):

(1A) In subsection (1) –

operation of the council includes the performance and exercise of the council's functions and powers, the administrative operation of the council, the governance of the council and the decision making of the council.

(f) by inserting in subsection (2) "councillor or" after "If a";

(g) by inserting in subsection (2) "councillor or all" after "dismiss the";

(h) by inserting in subsection (3) "a councillor or all" after "dismissal of".

DRAFT

26. Section 230 amended (Appointment of commissioner on suspension)

Section 230 of the Principal Act is amended by inserting "all of" after "suspends".

27. Section 231 amended (Appointment of commissioner on dismissal)

Section 231(1) of the Principal Act is amended by inserting "all of" after "dismissal of".

28. Section 260 amended (Closure of electoral roll)

Section 260 of the Principal Act is amended by omitting "6th" and substituting "7th".

29. Section 269 amended (Notice of election)

Section 269(1) of the Principal Act is amended by omitting "7th" and substituting "8th".

30. Section 274 amended (Election without poll)

Section 274(3)(b) of the Principal Act is amended by omitting "4th" and substituting "5th".

31. Section 278 amended (Electoral advertising)

Section 278(3) of the Principal Act is amended by omitting "publish, broadcast" and substituting "publish".

DRAFT

32. Section 338A amended (Disclosure of information)

Section 338A(3) of the Principal Act is amended by inserting "or a member of an audit panel" after "law, a member".

33. Section 339 amended (Improper use of information)

Section 339 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "councillor or a member" and substituting "councillor, a member or a member of an audit panel";

(b) by omitting from subsection (1) "councillor or member." and substituting "councillor, member or member of an audit panel.";

(c) by omitting from subsection (4)(b) "councillor or member" and substituting "councillor, member or member of an audit panel".

34. Section 339A amended (Misuse of office)

Section 339A of the Principal Act is amended by inserting after subsection (2) the following subsection:

(3) In this section –

member includes a member of an audit panel.

DRAFT

35. Section 341 amended (Immunity from liability)

Section 341 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) A person who is –

(a) a councillor; or

(b) a member of the Board; or

(c) the Executive Officer; or

(d) a member of the Code of Conduct Panel or an audit panel; or

(e) a member of a Board of Inquiry; or

(f) a member of a special committee or a controlling authority; or

(g) a commissioner, or an employee, of a council –

does not incur any personal liability in respect of any act done or omitted to be done by the person in good faith in the performance or exercise, or the purported performance or purported exercise, of any function or power under this or

DRAFT

any other Act or in the administration or execution, or purported administration or purported execution, of this Act.

(b) by inserting in subsection (2) "a councillor, an employee of the council, or" after "lie against";

(c) by inserting the following subsection after subsection (2):

(3) A liability that would, but for subsection (1), lie against a member of the Board, the Executive Officer, a member of the Code of Conduct Panel, a member of a Board of Inquiry or a commissioner lies against the Crown.

36. Section 348A inserted

After section 348 of the Principal Act, the following section is inserted in Division 3:

348A. References to Act

A reference to this Act includes a reference to any regulations, rules, by-laws and orders made under this Act.

DRAFT

37. Schedule 5 amended (Office of Councillors)

Clause 3 of Schedule 5 to the Principal Act is amended by inserting after subclause (1) the following subclauses:

(1A) Despite subclause (1)(f), if –

(a) a councillor is no longer eligible to nominate as a candidate under section 270 because the councillor ceases to be entitled under section 254(1) to be enrolled on the electoral roll kept under section 258(7) for an electoral district of the electoral area in respect of which he or she is a councillor; and

(b) the councillor is entitled, by reason of section 254(2), to be enrolled on the electoral roll kept under section 258(1) in respect of that electoral area –

the councillor does not vacate the office of councillor on so ceasing to be eligible to nominate as a candidate under section 270 but, subject to subclause (1B), vacates the office at the end of the thirtieth day after ceasing to be eligible to so nominate unless the councillor lodges an electoral enrolment form under section 257 within that 30-day period.

DRAFT

(1B) Despite subclause (1)(f), if a councillor referred to in subclause (1A) lodges an electoral enrolment form under section 257 before the end of the thirtieth day specified in that subclause, the councillor does not vacate the office of councillor.

38. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

DRAFT

Pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.

IN CONFIDENCE

04/17.17.0 CLOSED COUNCIL

04/17.17.1 Outstanding Actions List for Closed Council

04/17.17.2 Enterprising Bargaining – Closed Council Item Pursuant To Section 15(2)A Of The Local Government (Meeting Procedures) Regulations 2015

Pursuant to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.