



COUNCIL MEETING AGENDA

Monday 19 July 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
12 July 2021

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NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 19 July 2021 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: 12 July 2021

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

As determined by Break O'Day Council in March 2019 all Ordinary, Special and Annual General Meetings of Council are to be audio recorded and a link will be available on the Break O'Day Council website where the public can listen to audio recordings of previous Council Meetings.

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

OPENING

The Mayor to welcome Councillors and staff and declare the meeting open at [time].

ACKNOWLEDGEMENT OF COUNTRY

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

07/21.1.0 ATTENDANCE

07/21.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM
Councillor Lesa Whittaker
Councillor Kylie Wright

07/21.1.2 Apologies

Nil

07/21.1.3 Leave of Absence

Nil

07/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews

07/21.2.0 PUBLIC QUESTION TIME

07/21.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

07/21.4.0 CONFIRMATION OF MINUTES

07/21.4.1 Confirmation of Minutes – Council Meeting 28 June 2021

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 28 June 2021 be confirmed.

07/21.5.0 COUNCIL WORKSHOPS HELD SINCE 28 June 2021 COUNCIL MEETING

There was a Workshop held on Monday 5 July 2021 – the following items were listed for discussion as well as a presentation provided by Break O'Day Employment Connect (BODEC) and Northern Tasmania Development Corporation (NTDC).

- Review of Council Delegations
- Animal Control Report
- Policy Review – EP04 – Waste Management Policy
- Policy Review – AM03 – Street Lighting Policy
- Policy Review – AM08 – Subdivision New Works and Infrastructure Construction Policy
- Policy Review – AM14 – Mowing Policy
- Pending Development Application Updates
- Update on Land Use Planning Studies Review – Consultancy
- Local Provisions Schedule Update

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.

ACTION	DECISION
PROPONENT	East Coast Surveying
OFFICER	Rebecca Green, Planning Consultant
FILE REFERENCE	DA 096-2021
ASSOCIATED REPORTS AND DOCUMENTS	Subdivision Plan (01/10/2019) Planning Supporting Report (06 May 2021) Representations (2)

OFFICER'S RECOMMENDATION:

After due consideration of the representations 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 **2 Lot Subdivision** on land situated at **54-56 Main Road, Binalong Bay** described in Certificate of Title CT 82985/1 be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
 - a) Subdivision Plan by East Coast Surveying, Job No.: 190911, Dated: 01/10/19, Version: 1.0; and
 - b) Planning Supporting Report, Woolcott Surveys/East Coast Surveying, Dated: 06 May 2021, Version: 3.0.
2. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.
3. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
4. 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 conditions on this permit have been complied with.

PROPOSAL SUMMARY:

Application is made for the development of a two-lot subdivision at 54-56 Main Road, Binalong Bay. The subject land is a 2669m² lot accommodating two dwellings and outbuildings.





PREVIOUS COUNCIL CONSIDERATION:

DA 083-2011 – Dwelling

DA 212-2013 – Legalisation of Change of use & front fence

OFFICER'S REPORT:

1. The Proposal

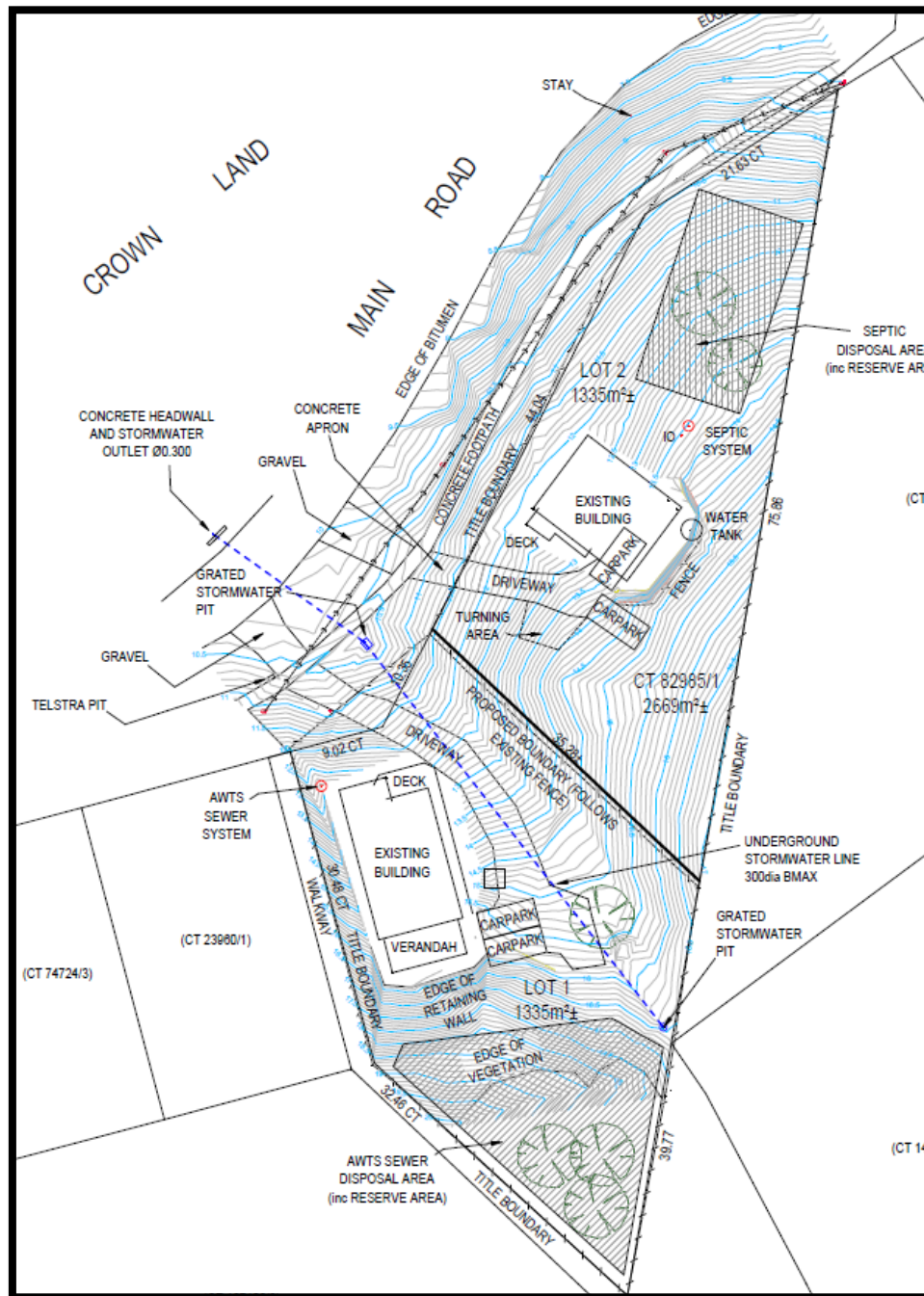
Break O'Day Council received a valid application on 31 May from East Coast Surveying on behalf of the owners of the subject land, R.J. Beg, A.G.C.Higelin and M. Higelin for a 2 lot subdivision at 54-56 Main Road, Binalong Bay.

Each lot will contain one existing dwelling with direct access onto Main Road. Each dwelling is serviced by onsite water supply and wastewater treatment systems. Discharge of stormwater is via council maintained grated pits located within the road reserve. There will be no change to the servicing arrangements for either proposed lots or existing dwellings.

Lot 1 is to comprise an area of 1,316m² and Lot 2 is to comprise an area of 1353m².

The subject site has an area of 2,669m² with a frontage of approximately 84 metres to Main Road. The irregular shaped lot has a northerly gradient sloping down to Main Road. There are two dwellings on site. Residential land adjoins the subject site to the east, south and west with Main Road and the Binalong Bay foreshore to the north.

Proposed Subdivision Plan



Following receipt of the representations and to complete the assessment of the application, Council requested and received an extension of time to 26th July 2021.

2. Applicable Planning Scheme Provisions

Part 12 Low Density Residential Zone
E5 Flood Prone Areas Code
E6 Car Parking and Sustainable Transport Code
E10 Open Space and Recreation Code

3. Referrals

The proposal was referred to Council's Works Department who provided the following comment:

"The proposed development is not deemed to intensify the use of the property therefore there is no requirement to upgrade the existing crossovers/accesses."

4. Assessment

The advertised application relied upon the following three (3) performance criteria as detailed below;

- 1) 12.4.3.1 Lot Areas, Building Envelopes and Frontage P1 & P3
- 2) E5.6.1 Flooding and Coastal Inundation P1.1

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.**

12 Low Density Residential Zone

12.4 Development Standards

12.4.3 Subdivision

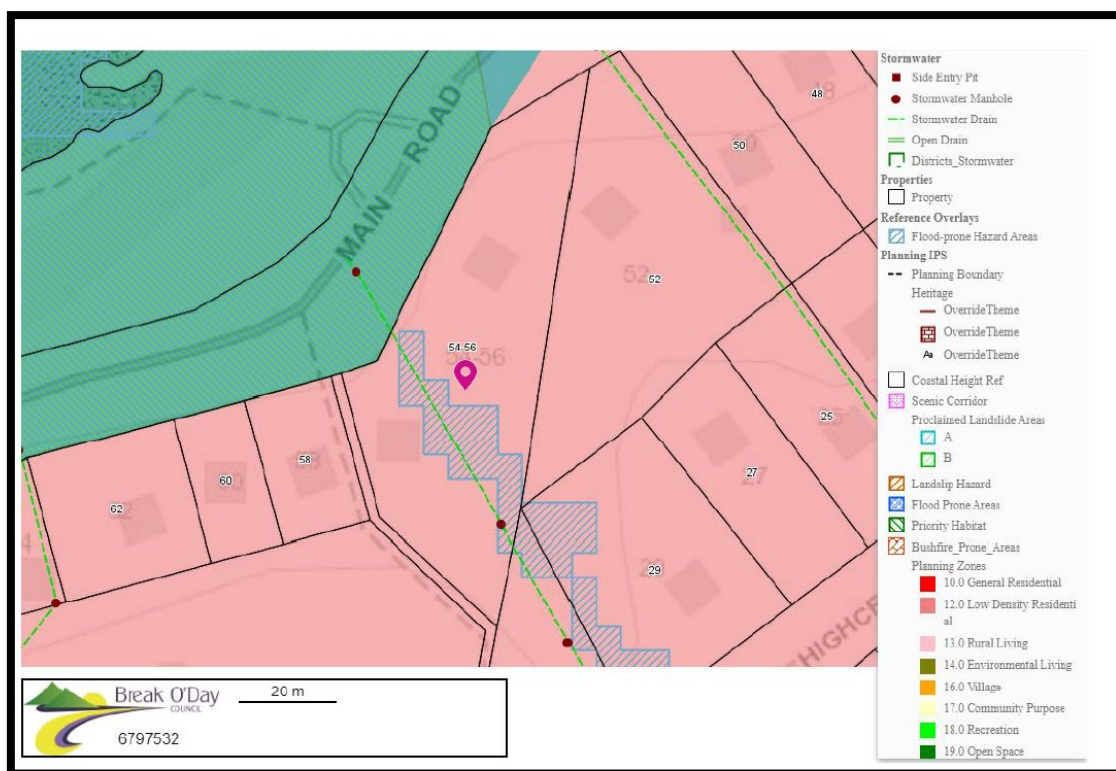
12.4.3.1 Lot Area, Building Envelopes and Frontage

Acceptable Solutions/ Performance Criteria	Proposed Solutions
<p>A1 Each lot must:</p> <ol style="list-style-type: none">a) Have a minimum area of at least 2000m²; andb) Be able to contain a 25m diameter circle with the centre of the circle not more than 40m from the frontage; andc) Have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; ord) Be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; ore) Be for the provision of public utilities; orf) For the consolidation of a lot with another lot with no additional titles created; org) To align existing titles with zone boundaries and no additional lots are created. <p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ol style="list-style-type: none">a) A dwelling to be erected in a convenient and hazard free location; andb) On-site parking and manoeuvrability; andc) Adequate private open space; andd) Reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; ande) Development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.	<p>P1 Due to the lots being less than 2000m², the proposal relies upon assessment against the performance criteria:</p> <ol style="list-style-type: none">a) Each lot will contain an existing single dwelling;b) Each lot will have sufficient parking and turning area as this is existing;c) Each lot will have sufficient private open space, as this is existing;d) Both lots will utilise existing accesses onto Main Road, one providing access to each dwelling and hence each lot;e) The proposal will not result in any adverse impact on the amenity as it does not require any additional infrastructure. Each dwelling on each lot will have sufficient setback to the new shared boundary. Similar lots with sizes under 2,000m² within the Low Density Residential Zone within Binalong Bay are existing. The development is not out of character with, surrounding development and the streetscape. <p>The proposal is compliant with the performance criteria.</p>

Acceptable Solutions/ Performance Criteria	Proposed Solutions
A2 Each lot must have a frontage of at least 4m.	A2 Each lot will have frontage of at least 4.0m to Main Road. The proposal complies with the Acceptable Solution.
<p>A3 Each lot must be connected to a reticulated:</p> <p>a) Water supply; and</p> <p>b) Sewerage system.</p> <p>P3 Lots that are not provided with reticulated water and sewerage services must be:</p> <p>a) In a locality for which reticulated services are not available or capable of being connected; and</p> <p>b) Capable of accommodating an on-site wastewater management system.</p>	<p>P3 Binalong Bay is a locality for which reticulated water and sewerage services are not available or capable of being connected.</p> <p>Each dwelling (and lot) provides its own onsite wastewater management system located within the proposed lot boundaries. The systems run effectively, no changes are proposed or required.</p> <p>The proposal is compliant with the performance criteria.</p>
A4 Each lot must be connected to a reticulated stormwater system.	A4 Each lot will utilise existing stormwater connections onto Main Road. The proposal complies with the Acceptable Solution.
A5 For subdivisions of 3 or more lots power connections must be provided underground.	A5 Not applicable.

Part E Codes

E5 Flood Prone Areas Code



E5.5 Use Standards

E5.5.1 Use and Flooding

Acceptable Solutions	Proposed Solutions
A1 The use must not include habitable rooms.	A1 Not applicable, as the existing dwellings are located outside the areas affected by flooding.
A2 Use must not be located in an area subject to a medium or high risk in accordance with the risk assessment in E5.7.	A2 The existing dwellings are not affected by flooding. The proposal complies with the Acceptable Solution.

E5.6 Development Standards

E5.6.1 Flooding and Coastal Inundation

Acceptable Solutions/ Performance Criteria	Proposed Solutions
<p>A1 No acceptable solution.</p> <p>P1.1 It must be demonstrated that development:</p> <ul style="list-style-type: none">a) Where direct access to the water is not necessary to the function of the use, if located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); orb) Where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7. <p>P1.2 Development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.</p> <p>P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that:</p> <ul style="list-style-type: none">a) The works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; andb) The works will not result in an increase in the extent of flooding on other land or increase the risk to other structures;c) Inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; andd) Where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.	<p>P1.1 The flood mapping is based on 1% AEP, the likelihood class of 'Rare' applies. There are two existing dwellings on site and the flood mapping shows that no habitable components are located within the flood overlay area. The only foreseeable repair would be the gravel driveway. Therefore, the consequence is considered as 'insignificant' under the consequence criteria. Therefore in accordance with the risk assessment in E5.7, the risk is low.</p> <p>The proposal is compliant with the performance criteria P1.1 a).</p> <p>P1.2 Not applicable.</p> <p>P1.3 Not applicable.</p>

E6 Car Parking and Sustainable Transport Code

This Code applies to all use and development. Each lot will have sufficient space to accommodate 2 car parking spaces on site with suitable vehicle turning area, noting that tandem parking is permitted for single dwellings under the Code. Therefore, the proposal complies with the Code.

E10 Recreation and Open Space Code

This Code is applicable as the proposal is subdivision in the Low Density Residential Zone. The General Manager has consented to a cash-in-lieu contribution for public open space. The proposal complies with the relevant acceptable solution and a condition upon any approval to this effect is necessary.

5. Representations

The application was re-advertised 5 June 2021 to 21 June 2021 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Two (2) representations were received prior to the closing date and time. The issues raised within the representations are as follows:-

Representation 1	Response
The proposal goes against 12.4.3.1 A1 for the consolidation of a lot within another lot with no additional titles created.	As detailed within the assessment the proposal relies upon assessment against the corresponding performance criteria.
The proposal does not meet the performance criteria of 12.4.3.1 P1 d as it does not provide reasonable vehicular access from the carriageway of the road to the building area on the lot, notably lot 2.	As detailed within the assessment, including referral to Council's Works Department, each lot is provided with an existing access to Main Road. The proposal does not provide a building area, as each lot already contains a single dwelling and no additional works or use intensification is proposed. Residential use on each lot has already been established. There is no requirement for the accesses to be upgraded therefore.
The creation of new titles will create traffic hazards at the driveway of proposed Lot 2.	As detailed within the assessment, including referral to Council's Works Department, each lot is provided with an existing access to Main Road. The proposal does not provide a building area, as each lot already contains a single dwelling and no additional works or use intensification is proposed. Residential use on each lot has already been established. There is no requirement for the accesses to be upgraded therefore.
The reduction of the lots size to 1300m2 will adversely affect the amenity of, or be out of character with, surrounding development and the streetscape. The proposed boundary fence will site in the area identified as an area of flooding and inundation.	No further development other than subdivision is proposed. Two single dwellings already exist. The proposed lot sizes are not out of character with surrounding development and the streetscape as there are a number of lots in Main Road that are even smaller than the proposed lots. The character has been established on site, as the dwellings are existing. The fence along the boundary is existing and no changes proposed, the Flood Prone Areas Code has been addressed within this assessment.

Representation 2	Response
General concerns with the lack of a minimum lot size in the performance criteria and the performance criteria being weak.	As detailed within the assessment the proposal relies upon assessment against the performance criteria for lot size and has demonstrated compliance. Each lot contains an existing dwelling, there is no intensification of the residential use proposed by the subdivision, the amenity of the surrounding area will not be altered by the proposal.

The recommendation for approval has been made following due consideration of the representation 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 Low Density Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and three (3) Performance Criterion; the received representations have been considered. It is recommended for approval with conditions normally set to this type of development.

LEGISLATION / STRATEGIC PLAN & POLICIES:

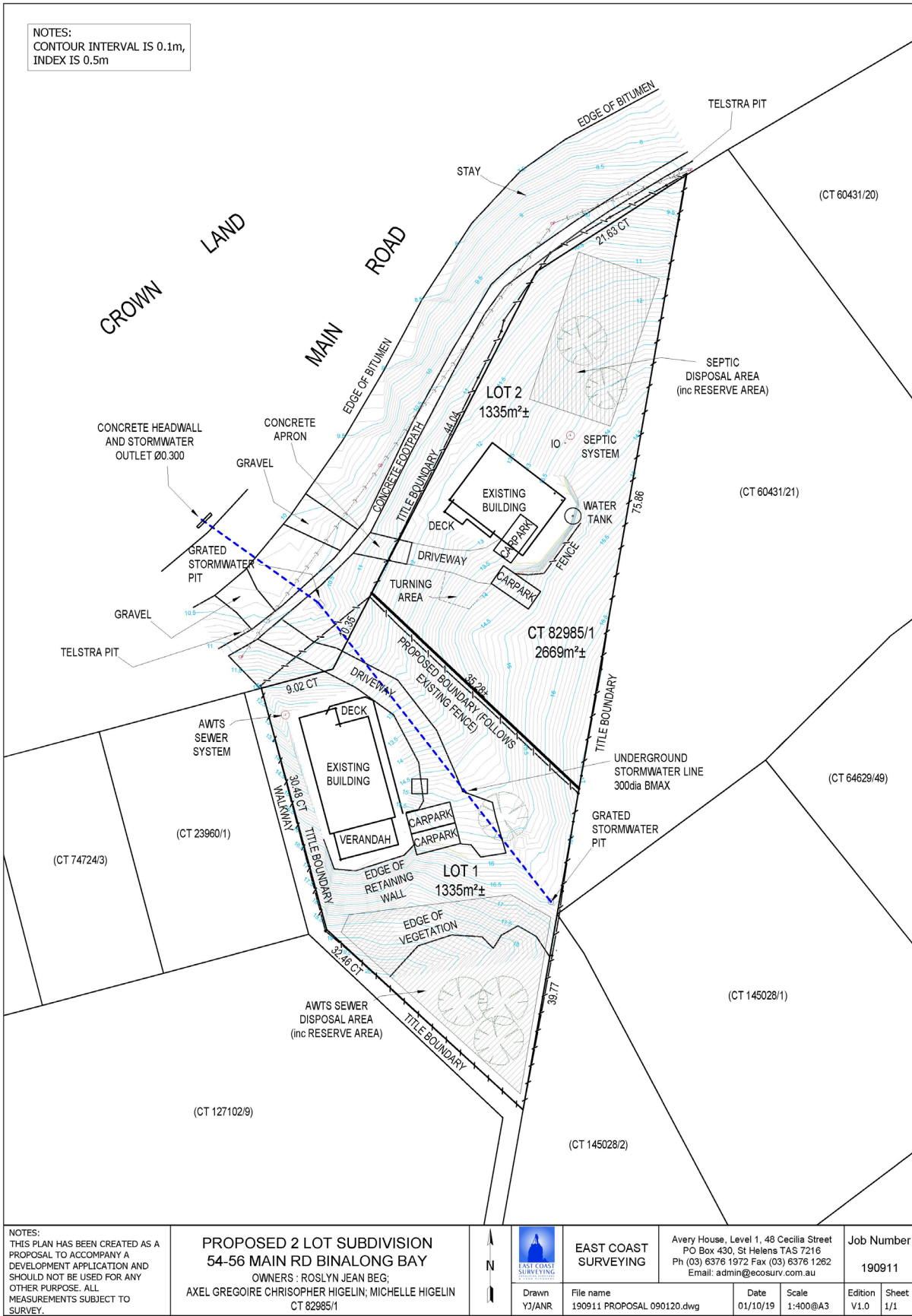
Break O' Day Interim Planning Scheme 2013, Version 17;
Land Use Planning and Approvals Act 1993;
Local Government (Building and Miscellaneous Provisions) Act 1993.

BUDGET AND FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority.



ACTION	DECISION
PROPONENT	Design to Live
OFFICER	Rebecca Green, Planning Consultant
FILE REFERENCE	DA 151-2021
ASSOCIATED REPORTS AND DOCUMENTS	Proposed Plans and Elevations Cover Letter TasWater SPAN Representation (1)

OFFICER'S RECOMMENDATION:

After due consideration of the representations 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 **4 x Dwellings** on land situated at **Lot 2 Mill Court (currently 83 Cecilia Street), St Helens** described in Certificate of Title CT 180644/2 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Floor Plans, Elevations, External Services, Landscape Plan, Parking & Turning Plan, Shadow Diagrams	Job No: MLLC02 Sheet No's: 1/14-14/14	Design to Live	02/06/2021 Revision: 1

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/00960-BODC** as attached to this permit.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. 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;
 - d. Constructed with an impervious surface and drained in a manner that will not cause nuisance to occupants of adjoining properties.
4. Onsite car parking spaces must be clearly marked and used solely for the designated purposes as indicated on the approved plans e.g. Visitor Parking.
5. Landscaping must be undertaken in accordance with the landscape plan approved as part of the permit prior to any application for a strata development.

6. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via existing point of discharge for the subject land that will not result in soil erosion or other stormwater nuisance.
7. Power supply to all units must be provided underground.
8. 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.
9. Any damage that may occur to any Council infrastructure during the construction of the multiple dwellings must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. *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 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.*
2. *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

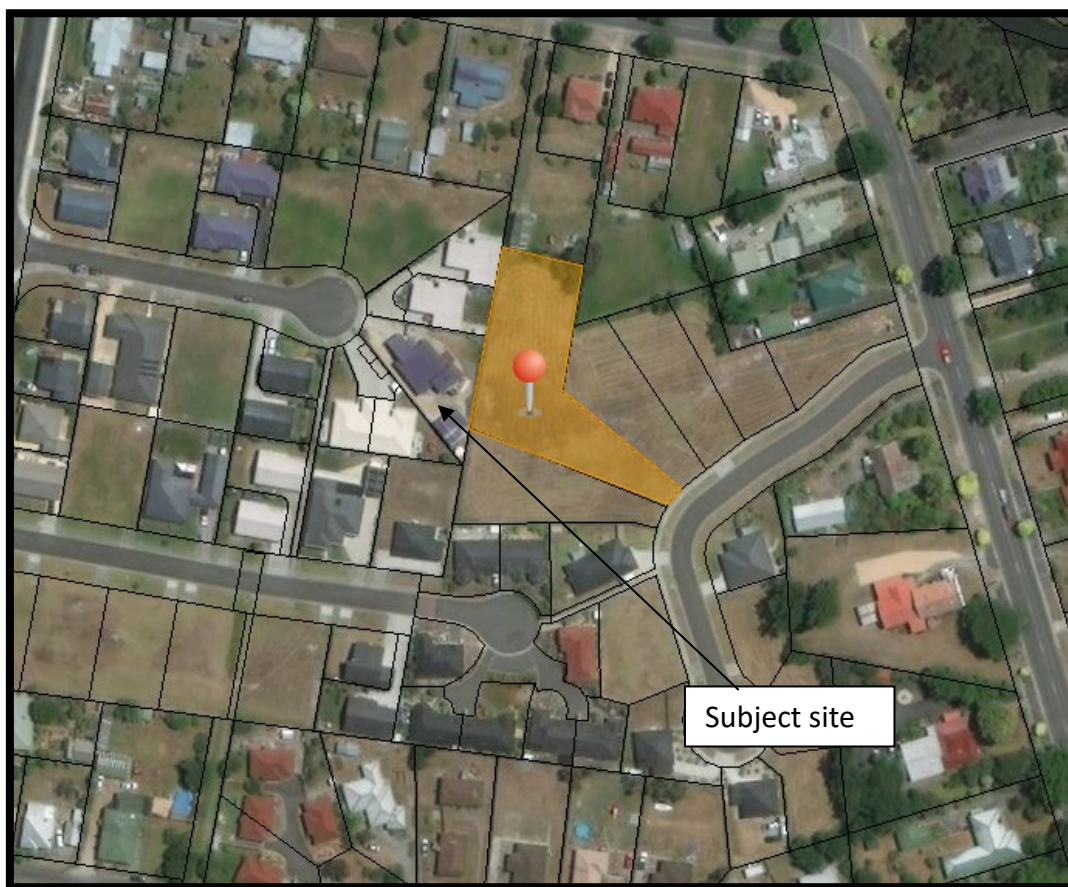
Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the use and construction of Four (4) x multiple dwellings at land identified at 83 Cecilia Street, St Helens (Lot 2 Mill Court).



^ Aerial Photograph





PREVIOUS COUNCIL CONSIDERATION:

DA 218-2019 – 6 Lot Subdivision

OFFICER'S REPORT:

1. The Proposal

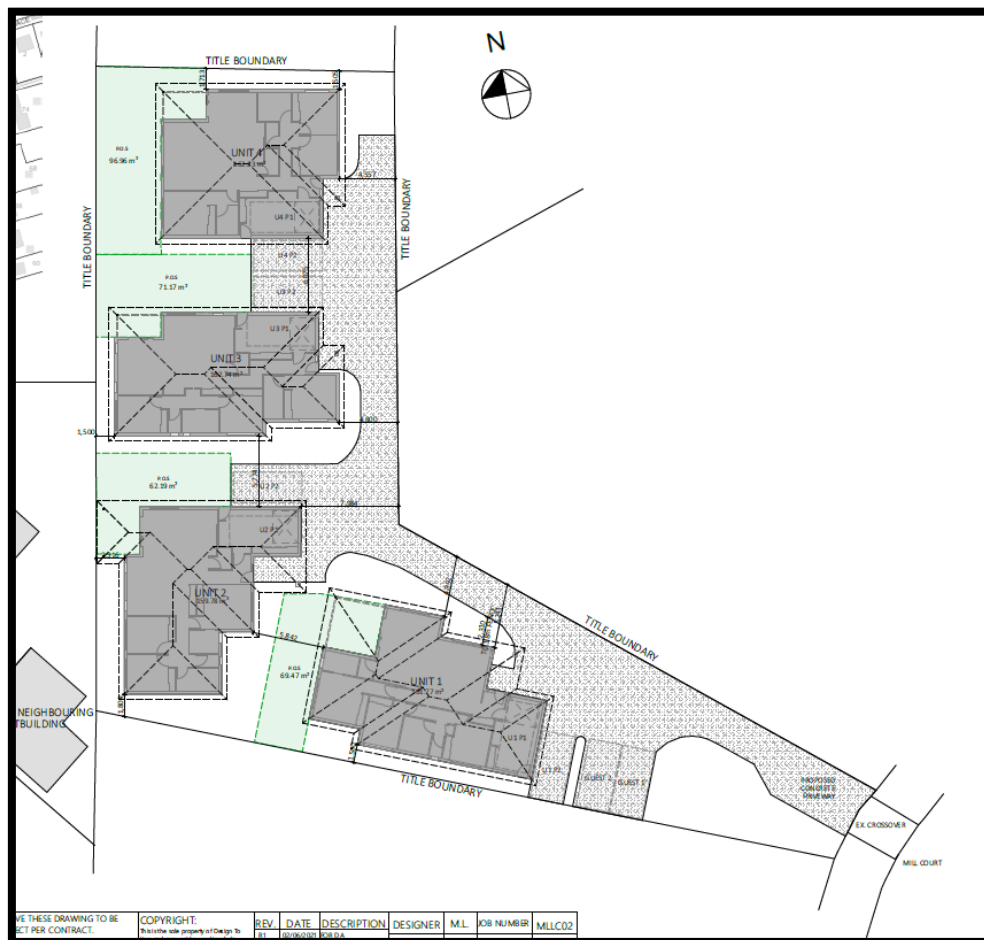
Break O'Day Council received an application on 15 June 2021 from Design to Live on behalf of BJF Developments Pty Ltd for use and development of four multiple dwellings at Lot 2 Mill Court (currently 83 Cecilia Street), St Helens.

The subject site is a vacant fully serviced lot comprising an area of 1865m². Unit 1 is to have a floor area of 161.77m² with an 18.74m² alfresco area. Unit 1 is to comprise three bedrooms, main with ensuite, bathroom, separate toilet, kitchen, dining and living and single car garage with laundry. Unit 1 is to be clad with brick veneer walls and custom orb roof cladding. The maximum height of Unit 1 is 4.735m.

Unit 2 is to have a floor area of 159.86m² with a 12.32m² alfresco area. Unit 2 is to comprise three bedrooms, main with ensuite, bathroom, separate toilet, kitchen, dining and living and single car garage with laundry. Unit 2 is to be clad with brick veneer walls and custom orb roof cladding. The maximum height of Unit 2 is 4.735m.

Unit 3 is to have a floor area of 162.77m² with a 7.62m² alfresco area. Unit 3 is to comprise three bedrooms, main with ensuite, bathroom, separate toilet, kitchen, dining and living and single car garage with laundry. Unit 3 is to be clad with brick veneer walls and custom orb roof cladding. The maximum height of Unit 3 is 4.735m.

Unit 4 is to have a floor area of 162.25m² with a 9.12m² alfresco area. Unit 4 is to comprise three bedrooms, main with ensuite, bathroom, separate toilet, kitchen, dining and living and single car garage with laundry. Unit 4 is to be clad with brick veneer walls and custom orb roof cladding. The maximum height of Unit 4 is 5.134m.



^ Site Plan

An extension of time to assess the development application was not required as the statutory timeframe expires on 27 July 2021.

2. Applicable Planning Scheme Provisions

Part 10 General Residential Zone
E6 Car Parking and Sustainable Transport Code

3. Referrals

The proposal was referred to Council's Work Department, who provided comment as follows:

- "Stormwater connection point and crossover were accepted by Council when original subdivision was completed (DA218-2019). See Stormwater as-constructed drawing in TRIM 21/361. System is considered adequate to manage the four (4) proposed dwellings.
- Crossover is constructed to standard.
- No further work required for either stormwater connection or crossover."

The proposal was referred to TasWater, who issued a Submission to Planning Authority Notice on 10 June 2021.

4. Assessment

The application has met the acceptable solutions for all issues, except for reliance upon two (2) performance criteria as detailed below;

- 1) 10.4.4 Sunlight to Private Open Space of Multiple Dwellings P1
- 2) E6.7.2 Design and Layout of Car Parking P1

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

10 General Residential Zone

10.1 Zone Purpose

10.1.1 Zone Purpose Statements

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.

10.1.1.4 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

10.2 Use Table

The proposed use fits the use class of Residential, being a multiple dwelling proposal, which is permitted use (permit required) within the General Residential Zone.

Residential as defined by the Scheme means:

“use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.”

10.3.1 Amenity

Acceptable Solutions	Proposed Solutions
A1 If for permitted or no permit required uses.	A1 The proposed is a Permitted Use. Acceptable solution met.
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 Not applicable. The proposed is a Permitted Use. Acceptable solution met.
A3 If for permitted or no permit required uses.	A3 The proposed is a Permitted Use. Acceptable solution met.

10.3.2 Residential Character – Discretionary Uses

Not applicable. The application is for a Permitted Residential Use (Multiple Dwelling). Acceptable solution met.

10.4 Development Standards

10.4.1 Residential density for multiple dwellings

Acceptable Solutions	Proposed Solution
A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325 m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	A1 The subject site has an area of 1865m ² , this result in a density of 1: 466.25m ² . Acceptable solution met.

10.4.1 Setbacks and building envelope for all dwellings

Acceptable Solutions	Proposed Solutions
A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. (e) If the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	A1 The site plan demonstrates Unit 1 is at least 4.5m from the frontage. Acceptable solution met.
A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5m, or alternatively 1m behind the façade of the dwelling; or (b) The same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	A2 The site plan demonstrates that the garage for Unit 1 is at least 5.5m from the frontage. Acceptable solution met.

Acceptable Solutions	Proposed Solutions
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) Be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: <ul style="list-style-type: none"> (i) A distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) Projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) Only have a setback within 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) Does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) Does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). 	<p>A3 The plans demonstrate that the development of all four units to be wholly contained within the building envelope as per Figure 10.1. All units are at least 1.5 metres from a side or rear boundary. Acceptable solution met.</p>

10.4.2 Site coverage and private open space for all dwellings

Acceptable Solutions	Proposed Solutions
<p>A1 Dwellings must have:</p> <ul style="list-style-type: none"> (a) A site coverage of not more than 50% (excluding eaves up to 0.6m); and (b) For multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer). 	<p>A1 The applicant has demonstrated:</p> <ul style="list-style-type: none"> a. a site coverage of less than 50% per cent (excluding eaves up to 0.6 m); and b. The Landscape Plan demonstrates that a private open space ranging from 62.19m² to 96.96m² is associated with each dwelling. <p>Acceptable solution met.</p>

Acceptable Solutions	Proposed Solutions
<p>A2 A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. 	<p>A2 The Landscape Plan demonstrates that each dwelling has a private open space of at least 24m² with a minimum horizontal dimension of 4m. All dedicated private open spaces are provided behind the building line and have a gradient not steeper than 1 in 10. Acceptable solution met.</p>

10.4.4 Sunlight to private open space of multiple dwellings

Acceptable Solutions/ Performance Criteria	Proposed Solution
<p>A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Figure 10.4): <ul style="list-style-type: none"> (i) At a distance of 3m from the northern edge of the private open space; and (ii) Vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) This Acceptable Solution excludes that part of a multiple dwelling consisting of: <ul style="list-style-type: none"> (i) An outbuilding with a building height not more than 2.4m; or (ii) Protrusions that extend not more than 0.9m horizontally from the multiple dwelling. <p>P1 A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.</p>	<p>P1 The private open space of Unit 2 and Unit 3 does not meet the acceptable solution for sunlight to private open space of multiple dwellings. Shadow diagrams have been provided to support the application. Both Unit 2 and Unit 3 will still have ample access to sunlight to their respective alfresco areas from 2pm onwards, which is a likely time for these areas to be utilised. The private open space for both Units is conveniently located directly adjacent to the living/kitchen/dining areas and are to the north of the associated unit to take advantage of sunlight. Each unit is provided in excess of 60m² of private open space (Unit 2 – 62.19m² and Unit 3 – 71.17m²). The proposal is consistent with the performance criteria.</p>

10.4.5 Width of openings for garages and carports for all dwellings

Acceptable Solutions	Proposed Solution
<p>A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).</p>	<p>A1 Proposal complies.</p>

10.4.6 Privacy for all dwellings

Acceptable Solutions	Proposed Solutions
<p>A1 A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) Side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) Rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) Dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	<p>A1 Not applicable.</p>
<p>A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of at least 1.7 m above the floor level or have fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%. 	<p>A2 Not applicable.</p>

Acceptable Solutions		Proposed Solutions
A3	A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: <ul style="list-style-type: none"> (a) 2.5 m; or (b) 1 m if: <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level. 	A3 Proposal complies.

10.4.7 Frontage fences for all dwellings – not applicable.

10.4.8 Waste storage for multiple dwellings

Acceptable Solutions	Proposed Solutions
A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m ² per dwelling and is within one of the following locations: <ul style="list-style-type: none"> (a) An area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) A common storage area with an impervious surface that: <ul style="list-style-type: none"> (i) Has a setback of not less than 4.5m from a frontage; (ii) Is not less than 5.5m from any dwelling; and (iii) Is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area. 	A1 The Landscape Plan details a storage area for waste and recycling bins that complies with the acceptable solution. Acceptable solution met.

10.4.9 Storage for multiple dwellings

Acceptable Solutions	Proposed Solutions
A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	A1 The Landscape Plan details a storage space that complies with the acceptable solution. Acceptable solution met.

10.4.10 Common property for multiple dwellings

Acceptable Solutions	Proposed Solutions
A1 Development for multiple dwellings must clearly delineate public, communal and private areas such as: <ul style="list-style-type: none"> a) Driveways; and b) Site services and any waste collection points. 	A1 Plans clearly delineate public, communal and private areas. Acceptable solution met.

10.4.11 Outbuildings and ancillary structures for the Residential Use Class other than a single dwelling

Acceptable Solutions	Proposed Solutions
A1 Outbuildings for each multiple dwelling must have a combined gross floor area not exceeding 45m ² .	A1 Not applicable.

Acceptable Solutions	Proposed Solutions
A2 A swimming pool for private use must be located: a) Behind the setback from a primary frontage; or b) In the rear yard.	A2 Not applicable.

10.4.12 Site services for multiple dwellings

Acceptable Solutions	Proposed Solutions
A1 Provision for mailboxes must be made at the frontage.	A1 The Landscape Plan details provision of mailboxes that complies with the acceptable solution. Acceptable solution met.
A2 For multiple dwellings power supplies must be underground.	A2 Power supplies will be underground. A condition to ensure compliance is recommended. Acceptable solution met.

10.3.13- 10.4.12.7 – not applicable

10.4.13.1 Stormwater Disposal

Acceptable Solutions	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.	A1 Stormwater from the multiple dwellings will be directed to a new collection tanks with overflow discharged to the existing stormwater system via existing connection, as demonstrated on the External Services plan. Acceptable solution met.

10.4.13.2 Filling of sites

Acceptable Solutions	Proposed Solution
A1 Fill must be; a) No more than 50m ³ , and b) Clean fill, and c) Located more than 2m from any boundary.	A1 Proposal complies, no more than 50m ³ of fill is proposed.

E6 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Acceptable Solutions	Proposed Solution
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 Two car parking spaces are provided per unit (one per unit in a garage and one per unit open) together with two visitor parking spaces. Acceptable solution met.

6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Acceptable Solutions	Proposed Solution
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. 	<p>A1 The proposal complies.</p>

E6.7.2 Design and Layout of Car Parking

Acceptable Solutions/ Performance Criteria	Proposed Solution
<p>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</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p> <p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> a) The layout of the site and the location of existing buildings; and b) Views into the site from the road and adjoining public spaces; and c) The ability to access the site and the rear of buildings; and d) The layout of car parking in the vicinity; and e) The level of landscaping proposed for the car parking. 	<p>P1 Unit 1 second parking space and the two visitor parking spaces are to be provided between the building line of Unit 1 and the primary frontage. Due to the unusual shape of the site, these three parking spaces are proposed in the most practical area of the site having regard to the access from the street and the privacy of the residents of the multiple dwellings.</p> <p>The proposal is consistent with the performance criteria.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>A2.1 and A2.2 Proposal complies.</p>

E6.7.3 Parking for Persons with a Disability

Not applicable. This proposal is not required to provide disabled parking.

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

Not applicable. The proposal is for a permitted residential use only.

E6.8 Provisions for Sustainable Transport

Not applicable. This application is not required to provide pedestrian walkways.

5. Representations

The application was advertised 19 June 2021 to 2 July 2021 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representation was received prior to the closing date and time. The representation is as follows:-

Issues	Response
Concerns regarding the number of units in the vicinity of the representor's property.	Residential (multiple dwellings) are a permitted use in the General Residential zone. The purpose of the zone is to provide for a range of dwelling types at suburban densities.
Concerns of flooding problems, citing a different proposal.	Stormwater was considered at the subdivision stage of the subject lot, and additional stormwater service plans including the provision of storage tanks and overflow to the Council's maintained stormwater main. A condition has been placed on the recommendation in relation to stormwater management.
Concerns of shadowing of the representors property	As the proposal complies with the acceptable solution in regard to setbacks and building envelopes, any shadowing of adjoining lots does not trigger a performance criteria or further consideration. The only two performance criteria of consideration of this application are in relation to the vehicle parking between the building line and frontage and the location of Unit 4 to the north of the private open space of Unit 3 and the location of Unit 3 to the north of the private open space of Unit 2. Internal lot (within the boundaries of the subject site) shadowing is only of consideration.

The recommendation for approval has been made following due consideration of the representation 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 two (2) Performance Criterion; the received representation has been considered. It is recommended for approval with conditions normally set to this type of development.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Break O' Day Interim Planning Scheme 2013, Version 17;
Land Use Planning and Approvals Act 1993;
Local Government (Building and Miscellaneous Provisions) Act 1993.

BUDGET AND FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority.



PROPOSED UNITS
LOT 2 MILL COURT (CURRENTLY 83 CECILIA STREET),
ST HELENS, 7216.



DRAWING #	DRAWING
MLLC02 -1	COVER PAGE
MLLC02 -2	SITE PLAN
MLLC02 -3	STRATA PLAN
MLLC02 -4	GROUND PLAN
MLLC02 -5	GROUND PLAN
MLLC02 -6	EXTERNAL SERVICES
MLLC02 -7	ELEVATIONS UNIT ONE
MLLC02 -8	ELEVATIONS UNIT TWO
MLLC02 -9	ELEVATIONS UNIT THREE
MLLC02 -10	ELEVATIONS UNIT FOUR
MLLC02 -11	LANDSCAPE PLAN
MLLC02 -12	PARKING AND TURNING
MLLC02 -13	SHADOW DIAGRAMS
MLLC02 -14	PERSPECTIVES

COUNCIL	ZONE	ENERGY STAR RATING	TBC
BREAK O' DAY	GENERAL RESIDENTIAL	BAL RATING	TBC
UNIT 1	161.77	LAND TITLE REFERENCE	180644/2
UNIT 2	159.86	PROPERTY ID	1988817
UNIT 3	162.77	LOT SIZE (sqm)	TBC
UNIT 4	162.25	PLANNING OVERLAY	N/A
		SITE HAZARDS	N/A



CLIENT/S:
BIP DEVELOPMENTS
SITE ADDRESS:
LOT 2 MILL COURT (CURRENTLY 83
CECILIA STREET) ST HELENS, 7216.

DRAWING
COVER PAGE

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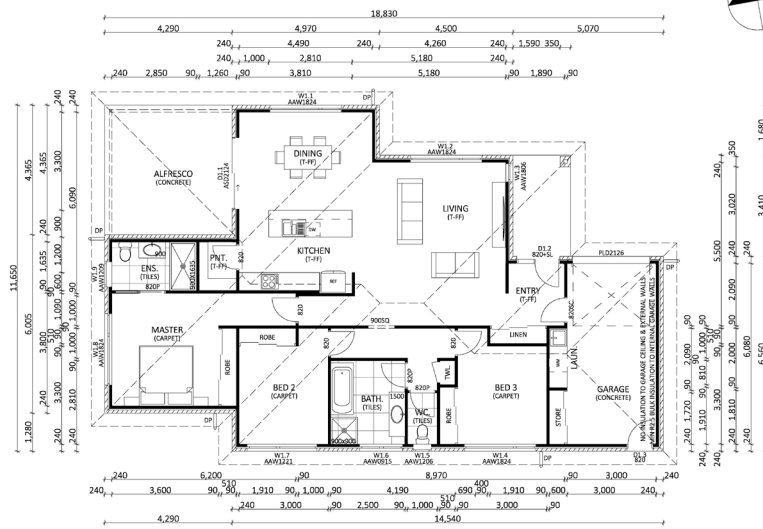
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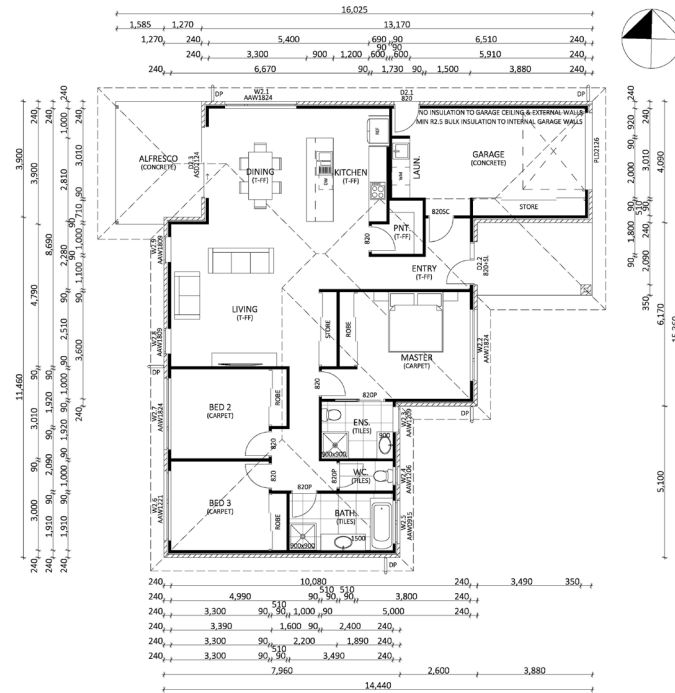
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			DRAWN	D.M	DRAWING	1/14
			CHECKED	M.L.	SCALE (@A2)	NTS

ATTACHMENTS





UNIT 1
 FLOOR AREA: 161.77m²
 ALFRESCO AREA: 18.74m²



UNIT 2
 FLOOR AREA: 159.86m²
 ALFRESCO AREA: 12.32m²



CLIENT/S:
 BIF DEVELOPMENTS
 SITE ADDRESS:
 LOT 2 MILL COURT (CURRENTLY 83
 CECILIA STREET), ST HELENS, 7216

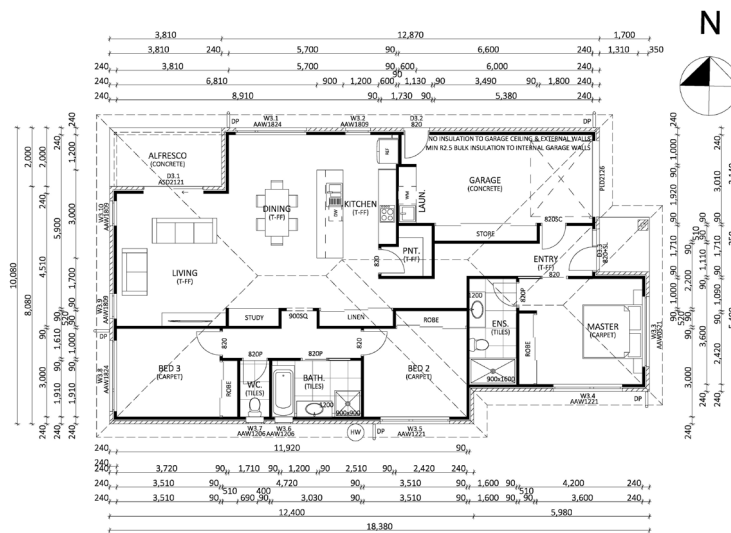
DRAWING
 GROUND PLAN

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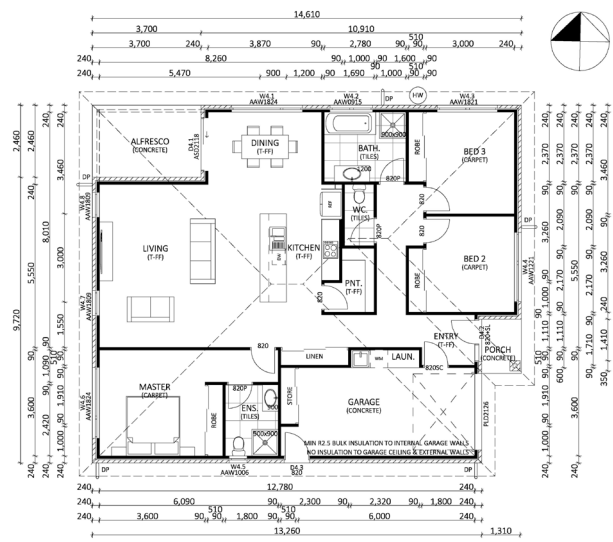
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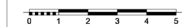
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			DRAWN	D.M	DRAWING	4/14
			CHECKED	M.L.	SCALE (@A2)	1:100



UNIT 3
FLOOR AREA: 162.77m²
ALFRESCO AREA: 7.62m²



UNIT 4
FLOOR AREA: 162.25m²
ALFRESCO AREA: 9.12m²



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W: designolive.com.au

CLIENT/S:
BIF DEVELOPMENTS

SITE ADDRESS:
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CECILIA STREET) ST HELENS, 7216

DRAWING
GROUND PLAN

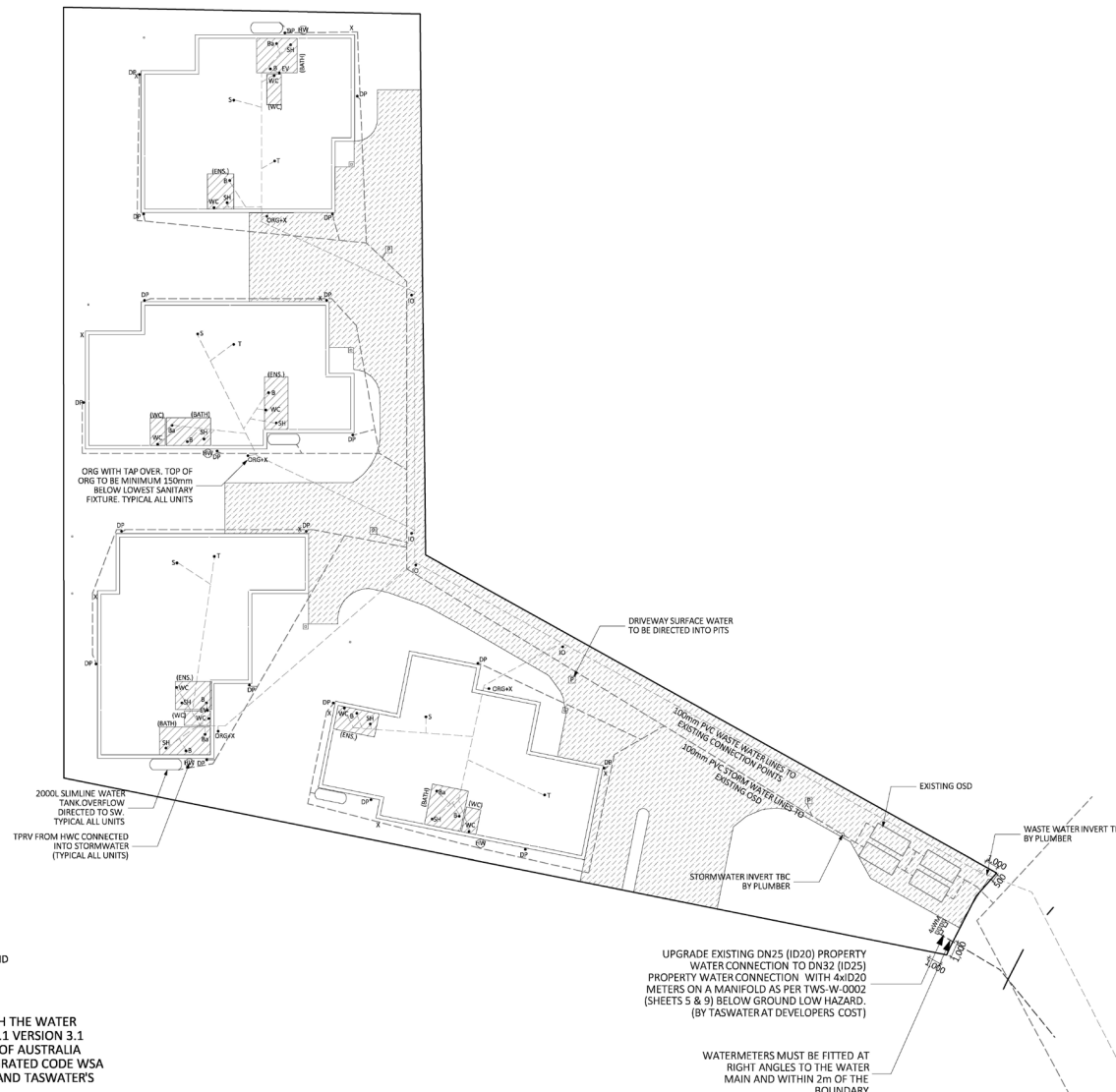
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R1	02/06/2021	FOR DA				
			DRAWN	D.M.	DRAWING	5/14
			CHECKED	M.L.	SCALE (@A2)	1:100

- LEGEND**
- B - BASIN
 - Ba - BATH
 - S - SINK (65Ø)
 - T - LAUNDRY TUB (65Ø)
 - SH - SHOWER
 - WC - WATER CLOSET
 - FW - FLOOR WASTE
 - EV - VENT (THROUGH TO ROOF)
 - FWG - FLOOR WASTE GULLY
 - IO - INSPECTION OPENING
 - ORG - O/FLOW RELIEF GULLY
 - RE - RODDING EYE
 - HW - HOT WATER CYLINDER
 - X - EXTERNAL TAP
 - P - DRAINAGE PIT (450 x 450mm)
 - DP - DOWNPIPE (90 Ø)
 - WET AREAS
 - STORMWATER LINE (100mm PVC)
 - SEWER LINE (100mm PVC)



ALL DRAINAGE WORK SHOWN IS PROVISIONAL ONLY AND IS SUBJECT TO AMENDMENT TO COMPLY WITH LOCAL AUTHORITIES. ALL WORK IS TO COMPLY WITH AS-3500 AND LOCAL PLUMBING CODE AND SHOULD BE CARRIED OUT BY A LICENSED PLUMBER.

ALL WORKS ARE TO BE IN ACCORDANCE WITH THE WATER SUPPLY CODE OF AUSTRALIA WSA 03-2011-3.1 VERSION 3.1 MRWA EDITION V2.0 AND SEWERAGE CODE OF AUSTRALIA MELBOURNE RETAIL WATER AGENCIES INTEGRATED CODE WSA 02-2014-3.1 VERSION 3.1 MRWA EDITION 2 AND TASWATER'S SUPPLEMENTS TO THESE CODES.

INSTALL INSPECTION OPENINGS AT MAJOR BENDS FOR STORMWATER AND ALL LOW POINTS OF DOWNPIPES.

PROVIDE SURFACE DRAIN TO BACK OF BULK EXCAVATION TO DRAIN LEVELLED PAD PRIOR TO COMMENCING FOOTING EXCAVATION.

SERVICES
THE HEATED WATER SYSTEM MUST BE DESIGNED AND INSTALLED WITH PART B2 OF THE NCC VOLUME THREE- PLUMBING CODE OF AUSTRALIA.

THERMAL INSULATION FOR HEATED WATER PIPING MUST:
A) BE PROTECTED AGAINST THE EFFECTS OF WEATHER AND SUNLIGHT; AND
B) BE ABLE TO WITHSTAND THE TEMPERATURES WITHIN THE PIPING; AND
C) USE THERMAL INSULATION IN ACCORDANCE WITH AS/NZS 4859.1

HEATED WATER PIPING THAT IS NOT WITHIN A CONDITIONED SPACE MUST BE THERMALLY INSULATED AS FOLLOWS:

1. INTERNAL PIPING

- a) ALL FLOW AND RETURN INTERNAL PIPING THAT IS-
i) WITHIN AN UNVENTILATED WALL SPACE
ii) WITHIN AN INTERNAL FLOOR BETWEEN STOREYS; OR
iii) BETWEEN CEILING INSULATION AND A CEILING
MUST HAVE A MINIMUM R-VALUE OF 0.2

2. PIPING LOCATED WITHIN A VENTILATED WALL SPACE, AN ENCLOSED BUILDING SUBFLOOR OR A ROOF SPACE

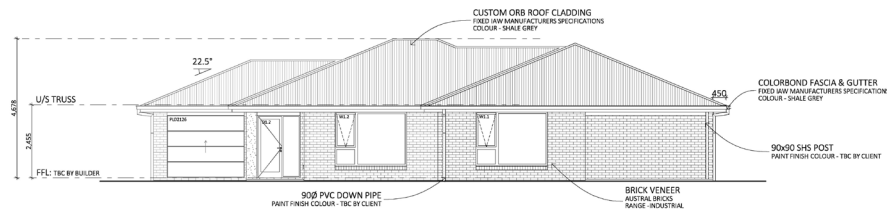
- a) ALL FLOW AND RETURN PIPING
b) COLD WATER SUPPLY PIPING AND RELIEF VALVE PIPING WITHIN 500mm OF THE CONNECTION TO CENTRAL WATER HEATING SYSTEM,
MUST HAVE A MINIMUM R-VALUE OF 0.45

3. PIPING LOCATED OUTSIDE THE BUILDING OR IN AN UNENCLOSED BUILDING SUB FLOOR OR ROOF SPACE

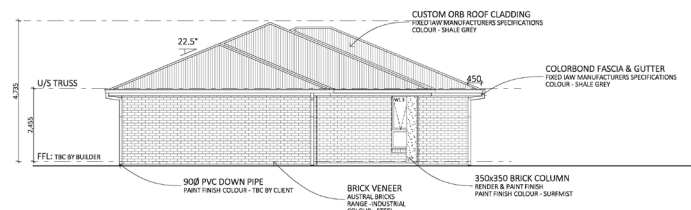
- a) ALL FLOW AND RETURN PIPING
b) COLD WATER SUPPLY PIPING AND RELIEF VALVE PIPING WITHIN 500mm OF THE CONNECTION TO CENTRAL WATER HEATING SYSTEM
MUST HAVE A MINIMUM R-VALUE OF 0.6

PIPING WITHIN AN INSULATED TIMBER FRAMED WALL, SUCH AS THAT PASSING THROUGH A WALL STUD, IS CONSIDERED TO COMPLY WITH THE ABOVE INSULATION REQUIREMENTS.

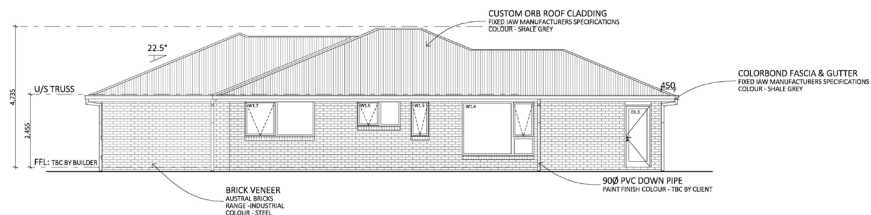
	ACC # 371799313 ABN: 71 615 812 747 P.O. 6344 7319 E. info@designtolive.com.au W. designtolive.com.au	CLIENT/S: BJF DEVELOPMENTS SITE ADDRESS: LOT 2 MILL COURT (CURRENTLY 83 CECILIA STREET), ST HELENS, 7216.	DRAWING EXTERNAL SERVICES	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT. SIGNATURE: _____ DATE: _____ SIGNATURE: _____ DATE: _____	COPYRIGHT: This is the sole property of Design To Live, and may not be used in whole, or in part without written or formal consent from Design To Live. Legal action will be taken against any person's infringing the copyright.	REV.	DATE	DESCRIPTION	DESIGNER	M.L.	JOB NUMBER	MLLC02
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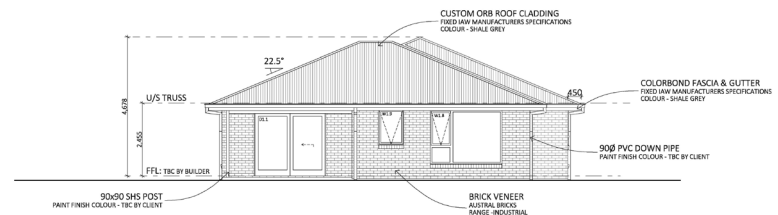
NORTHERN ELEVATION



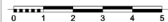
EASTERN ELEVATION



SOUTHERN ELEVATION



WESTERN ELEVATION



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DRAWING
ELEVATIONS
UNIT ONE

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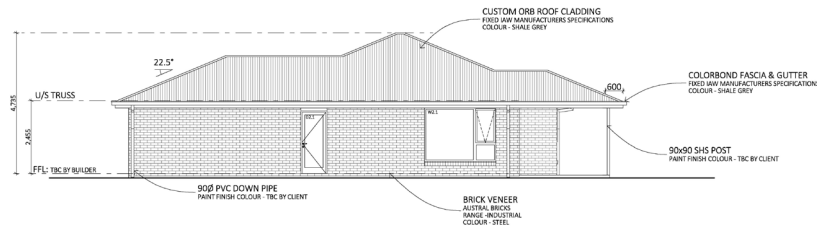
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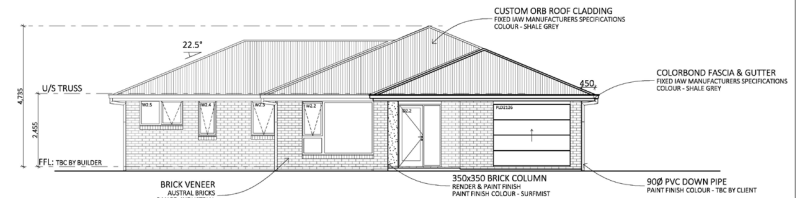
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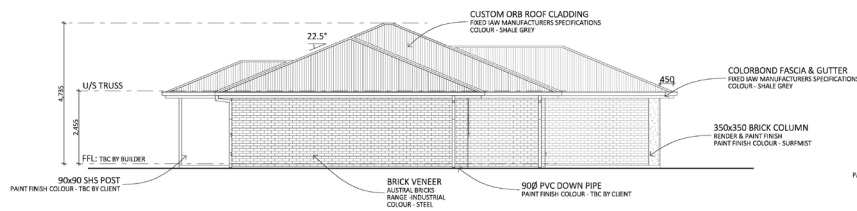
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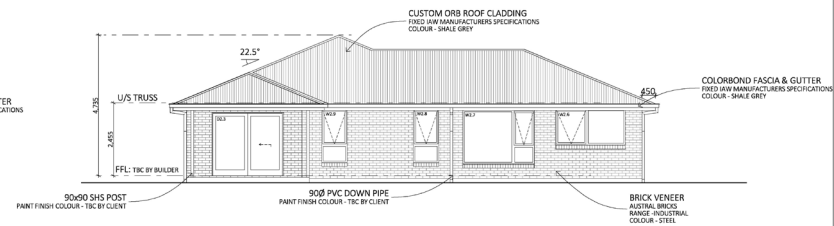
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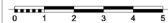
EASTERN ELEVATION



SOUTHERN ELEVATION



WESTERN ELEVATION



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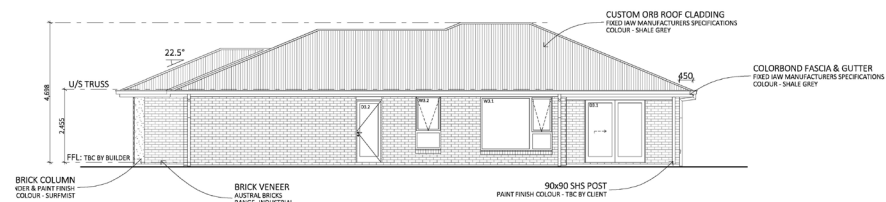
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UNIT TWO

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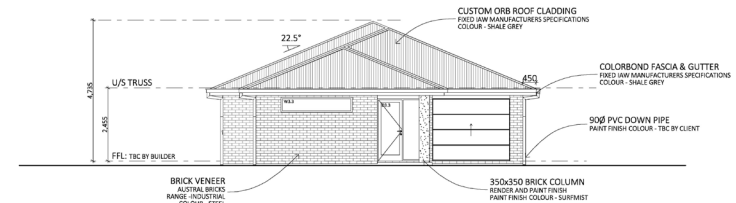
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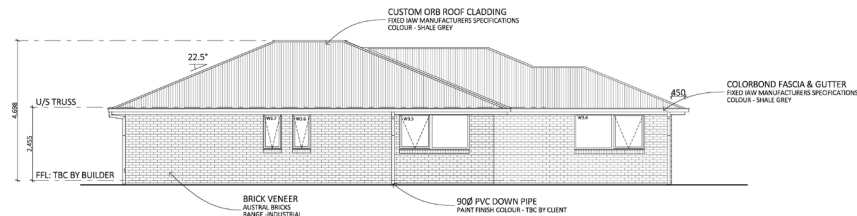
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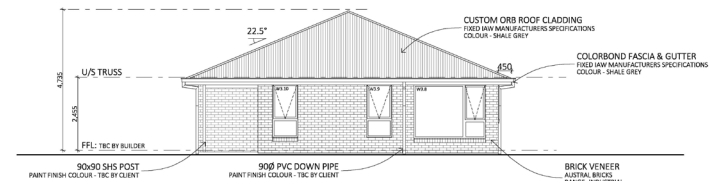
NORTHERN ELEVATION



EASTERN ELEVATION



SOUTHERN ELEVATION



WESTERN ELEVATION



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DRAWING
ELEVATIONS
UNIT THREE

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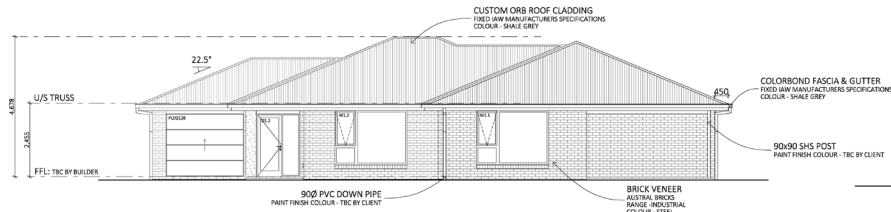
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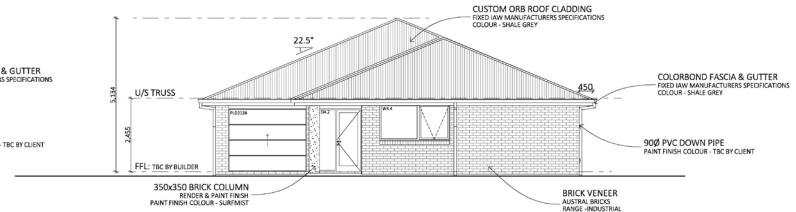
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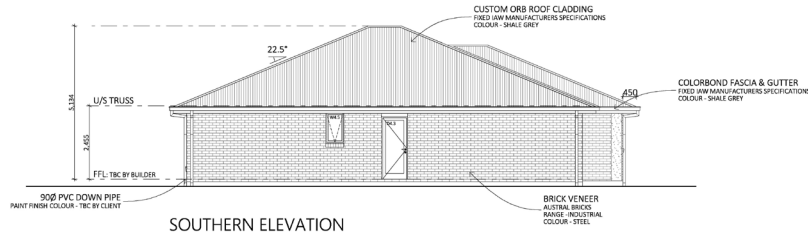
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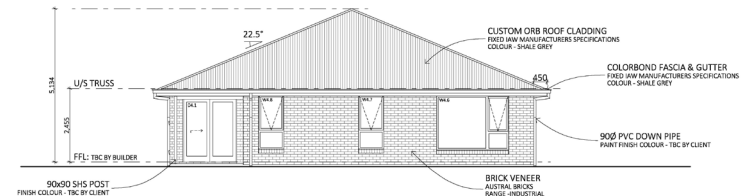
NORTHERN ELEVATION



EASTERN ELEVATION



SOUTHERN ELEVATION



WESTERN ELEVATION



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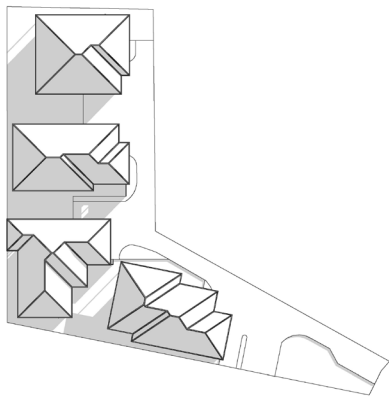
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ELEVATIONS
UNIT FOUR

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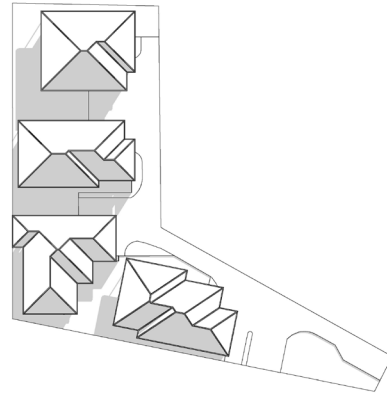
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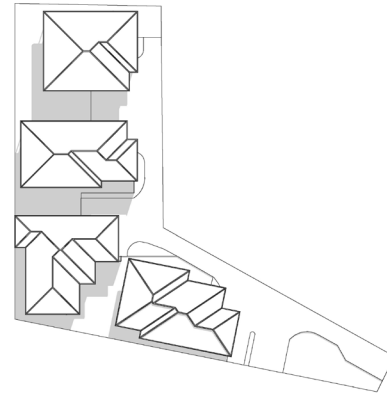




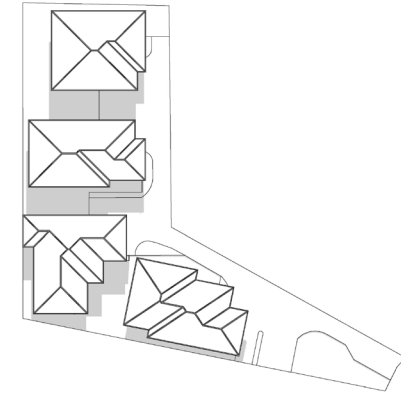
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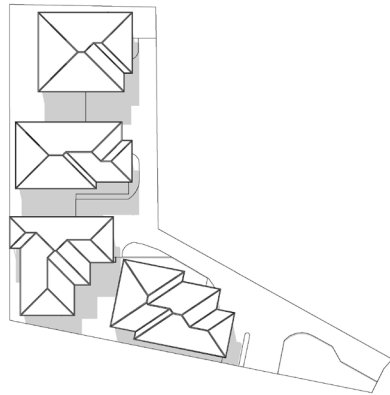
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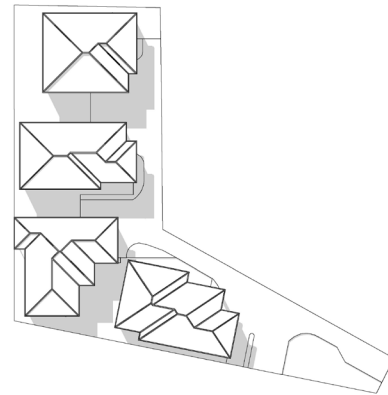
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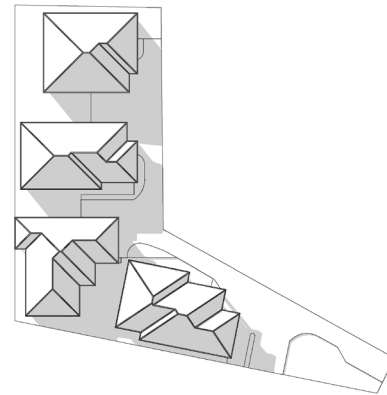
12.00PM



1.00PM



2.00PM



3.00PM



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DRAWING
SHADOW
DIAGRAMS

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PERSPECTIVES

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RT	02/06/2021	I/O DA	DRAWN	D.M	DRAWING	14/14
			CHECKED	M.L.	SCALE (@A2)	NTS

ACTION	DECISION
PROPONENT	Chris Triebe & Associates Town Planning Services Limited
OFFICER	Rebecca Green, Planning Consultant
FILE REFERENCE	DA 186-2020
ASSOCIATED REPORTS AND DOCUMENTS	Plans and Elevations (6 August 2020 except DA 1.100 (27 October 2020) & DA 1.101 (16 November 2020) Planning Scheme Submission (7 November 2020) Traffic Impact Assessment (5 October 2020) Aboriginal Heritage Search Record Bushfire Hazard Reports x 3 Natural Values Assessment (2 February 2020) Geo-Environmental Assessment (Updated April 2020) Representations (4) Response to Representations

OFFICER'S RECOMMENDATION:

After due consideration of the representations 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 **3 x Additional Visitor Accommodation Units (incl. minor access works)** on land situated at **24798 Tasman Highway, St Helens & Tasman Highway, St Helens** described in Certificate of Title CT 175695/2 (with access over 24752 Tasman Highway and Crown Land) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
 - a) Plans prepared by Saxon Hall design + art, Project Name.: Zanetto VA's:
 - Location Plan, Dwg No: DA 1.100, Revision A, Dated: 27 October 2020;
 - VA01 Site Plan, Dwg No: DA 1.101, Revision B, Dated: 16 November 2020;
 - VA02 Site Plan, Dwg No: DA 1.102, Dated: 6 August 2020;
 - VA03 Site Plan, Dwg No: DA 1.103, Dated: 6 August 2020;
 - Ground Floor Plan VA01, Dwg No: DA 1.104, Dated: 6 August 2020;
 - Ground Floor Plan VA02, Dwg No: DA 1.105, Dated: 6 August 2020;
 - First Floor Plan VA02, Dwg No: DA 1.106, Dated: 6 August 2020
 - Ground Floor Plan VA03, Dwg No: DA 1.107, Dated: 6 August 2020;
 - VA01 Elevation 01 & 02, Dwg No: DA 1.200, Dated: 6 August 2020;
 - VA01 Elevation 03 & 04, Dwg No: DA 1.201, Dated: 6 August 2020;
 - VA02 Elevation 05 & 06, Dwg No: DA 1.202, Dated: 6 August 2020;
 - VA02 Elevation 07 & 08, Dwg No: DA 1.203, Dated: 6 August 2020;
 - VA03 Elevation 09 & 10, Dwg No: DA 1.204, Dated: 6 August 2020 and
 - VA03 Elevation 11 & 12, Dwg No: DA 1.205, Dated: 6 August 2020.
 - b) Submission, Chris Triebe & Associates Town Planning Services Limited, Dated: 7 November 2020.

- c) Traffic Impact Assessment, Traffic & Civil Services, Dated: 5 October 2020.
 - d) Natural Values Assessment, ECOtas, Dated: 2 February 2020.
 - e) Geo-Environmental Assessment, Geo-Environmental Solutions, Dated: Updated April 2020.
2. Prior to commencement of works, a detailed landscape development plan, including the provision of rehabilitation and revegetation within 40m of a watercourse, 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);

The Plan shall specify that seeds or rootstocks for plantings are derived from provenance taken within the boundaries of the site or local area, and will include any recommendations by the bushfire practitioner to ensure that the plan will not compromise the recommendations of the bushfire hazard management plan.

Proposed landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 2 prior to any application for a strata development. Any revegetation within 40m of a watercourse must be established prior to the use commencing on site.

3. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff and not create any new point sources of discharge into the defined watercourse.
4. The areas shown to be set aside for vehicle access and car parking must be:
- a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. 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;
 - d. Constructed with a pervious dust free surface and drained in a manner that will not cause either a dust or stormwater nuisance to occupants of adjoining properties.
5. The existing access shall be sealed from edge of road seal to the property boundary as outlined by the recommendations in the applicants Traffic Impact Assessment dated 5th October 2020, see note below.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected

commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*. *Note: A representative of GES and either Council's Plumbing Surveyor or Environmental Health Officer inspect each installation prior to covering with soil. Photographic evidence satisfies the inspection requirement."*
7. No native vegetation removal/modification is permitted, except in accordance with the approved plans, bushfire hazard management plans and approved Landscape Development Plan.
8. All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan (forming part of the Planning Submission by Chris Triebe & Associates Town Planning Services Limited)*. 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.
9. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
10. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
11. 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.

ADVICE

- *Access from the visitor accommodation units into the St Helens Conservation Area (SHCA) should only be established after consultation with PWS and may require an access licence.*
- *Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.*
- *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.*

- *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.*
- *Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. If Aboriginal relics are uncovered or suspected during works, cease works immediately and contact Aboriginal Heritage Tasmania for advice on how to proceed. An Unanticipated Discovery Plan should be provided and must be on-hand and available to all contractors during ground disturbing works.*
- *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.*
- *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the use and construction of three additional visitor accommodation units (including minor access works) at 24798 Tasman Highway, St Helens and Tasman Highway, St Helens. Visitor Accommodation use of the proposed units in the Environmental Living Zone of St Helens is a permitted. Access to the subject site is via a 10 metre wide right of way over 24752 Tasman Highway, St Helens and a Crown Land Reserve Road.

The original application was advertised between 21 November 2020 until 4 December 2020. During the exhibition period Tasmania Parks and Wildlife Service contacted Council to advise that a small section of reserve road is also utilised to access part of the subject land and therefore consent must be provided under Section 52 (1b) of the *Land Use Planning and Approvals Act 1993*. The proponent sought this consent, and the valid application was received 24 May 2021. The re-advertised application (due to needing Crown consent and advertisement to include this section of reserve road in the application) was valid under Version 17 of the *Break O'Day Interim Planning Scheme 2013*, which came into effect 22 February 2021.



Access to Tasman Highway



Existing access tracks to be utilised and upgraded



Site Location VA01



Site Location VA02



Site Location VA03



PREVIOUS COUNCIL CONSIDERATION:

DA 207-2015 – Strata

DA 027-2017 – Staged strata development, 2 x visitor accommodation units

OFFICER'S REPORT:

1. The Proposal

Break O'Day Council received an application on 17 August 2020 from Chris Triebe & Associates Town Planning Services Limited on behalf of Rodney and Patricia Shaw for the use and construction of three (3) additional visitor accommodation units (including minor access works) at 24798 Tasman Highway, St Helens and Tasman Highway, St Helens. Access to the site is over a benefitting right of carriageway on 24752 Tasman Highway, St Helens. Further to initial advertising of the application, Crown consent was required due to access also partly over a Crown Land Reserve Road. The application technically became a valid application on 24 May 2021, this is particularly relevant when assessing the performance criteria, as a number of exemptions become relevant due to the implementation of the version of the Planning Scheme in effect at the time that the valid application was lodged. Version 17 of the *Break O'Day Interim Planning Scheme 2013* is the planning scheme in which the re-advertised application must be considered and assessment against the relevant provisions.

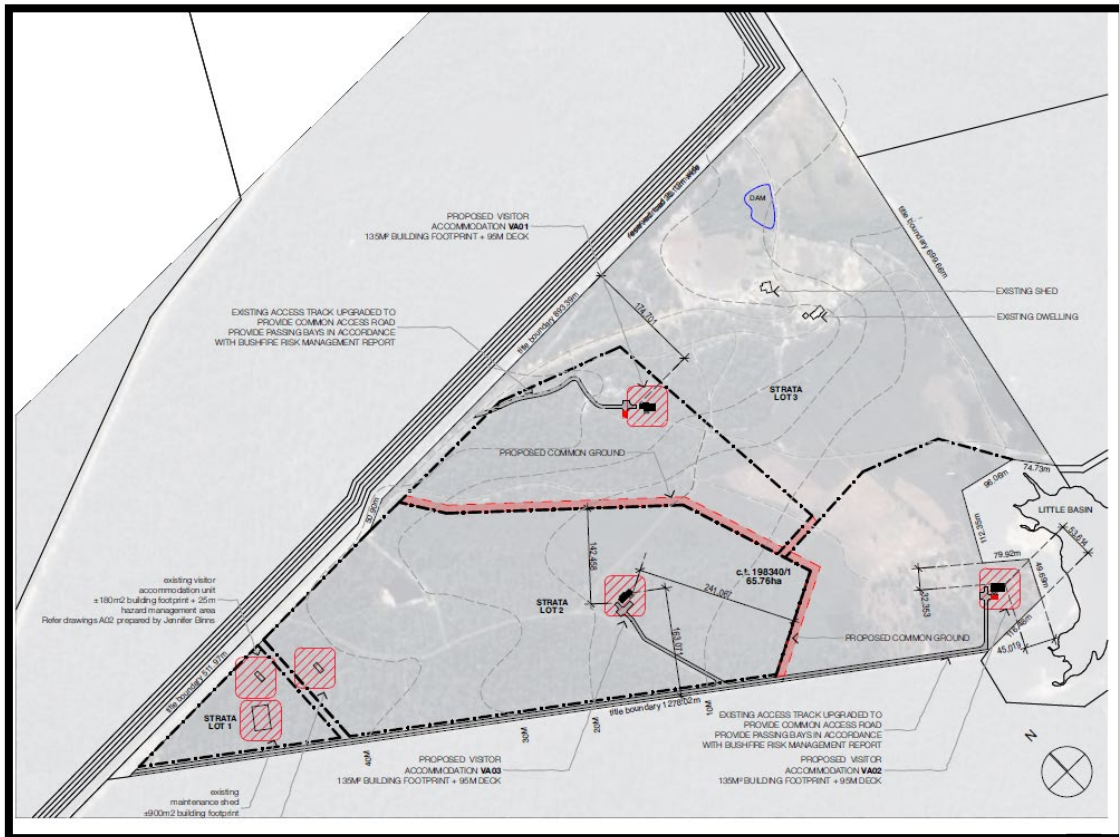
The application is proposing works on the existing strata lots 2 and 3, both in the names of Rodney and Patricia Shaw. A future application to vary the existing staged development scheme will be made under Part 4 Division 6 of the *Strata Titles Act 1998*. Table 5.6 of the Planning Scheme considers Miscellaneous exemptions, and is detailed as follows:

5.6.8 Division by strata titles of lawfully constructed or approved buildings for a use granted a permit under this planning scheme or previously lawfully approved.

Almost triangular shaped lot of a total area of 65.76 hectares is accessed via a shared and maintained gravelled right of carriageway off the Tasman Highway over CT251940/1 and a Crown Road reserve. The site contains an existing single dwelling and under DA 027-2017 approval was granted for a staged development scheme and the construction of two (2) separate two (2)-bedroom visitor accommodation units with carports and decks and a maintenance shed.

This application is proposing the use and construction of three additional units for visitor accommodation. VA01 will have a 233.91m² footprint, VA02 will have a 162.87m² footprint and an upper floor area of 30.39m² and VA03 will have a 174.77m² footprint. All units will be clad with Colorbond roof sheeting and the walls clad with a combination of naturally finished stone, vertical timber cladding and screening. The visitor accommodation use will be managed from the existing dwelling.

Location Plan



An extension of time to assess the development application was requested to 26 July 2021 and granted.

2. Applicable Planning Scheme Provisions

Part 14 Environmental Living Zone
E4 Road and Railway Assets Code
E6 Car Parking and Sustainable Transport Code
E8 Biodiversity Code
E9 Water Quality Code
E14 Coastal Code
E16 On-Site Wastewater Management Code

3. Referrals

The application was referred to Council's Environmental Health consultant, who provided the following comment:

“The Geo-Environmental Assessment provided by GES Geo-Environmental Solutions for 24798 Tasman Highway (3 lots), is in accordance with the Building Act 2016, Guidelines for On-site Wastewater Management Systems, therefore I am able to provide consent to the installations. It is a permit condition that a representative of GES and either Council’s Plumbing Surveyor or Environmental Health Officer inspect each installation prior to covering with soil. Photographic evidence satisfies the inspection requirement.”

The application was referred to the Department of State Growth, who provided the following comment:

"I advise that the Department accept the recommendations of the supplied Traffic Impact Statement and do not object to the proposal. However it is noted that some minor access works are required.

In this regard it will be appreciated if you can arrange to include the below as a condition (and subsequent note) on any permit issued by Council;

- *The existing access shall be sealed from edge of road seal to the property boundary as outlined by the recommendations in the applicants Traffic Impact Assessment dated 9 April 2020, see note below.*

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

4. Assessment

The advertised application relied upon the following 12 performance criteria as detailed below (however due to the Planning Scheme in effect at the time of a valid application being lodged, some of the following are no longer relevant and will be detailed further within the assessment;

- 3) & 2) Planning Directive no. 6 P1 & P2
- 3) & 4) 14.4.1 Building Design and Siting P12 & P13
- 5) 14.4.2 Landscaping P1
- 6) E4.6.1 Use and Road or Rail Infrastructure P3
- 7) E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings P1
- 8) E6.7.1 Construction of Car Parking Spaces and Access Strips P1
- 9) E6.7.2 Design and Layout of Car Parking P1
- 10) E8.6.1 Habitat and Vegetation Management P2.1
- 11) E9.6.1 Development and Construction Practices and Riparian Vegetation P1
- 12) E16.7.2 Surface and Ground Water Impacts P1

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.**

14 Environmental Living Zone

14.1 Zone Purpose

14.1.1 Zone Purpose Statements

14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.

14.1.1.2 To provide for a mix of low impact activities that is sensitive to the natural environment.

14.1.1.3 To provide a buffer between areas of high activity and areas with conservation value under State Reserve.

Planning Directive no. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes

The proposed use fits the use class of Visitor Accommodation, which is a Permitted use within the Environmental Living Zone in accordance with Clause 3.1 (c) of Planning Directive no. 6.

Visitor Accommodation as defined by Planning Directive no. 6 means:

“use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.”

Visitor Accommodation

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 Visitor Accommodation must:</p> <ul style="list-style-type: none"> (a) Accommodate guests in existing habitable buildings; and (b) Have a gross floor area of not more than 200m² per lot. <p>P1 Visitor accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) The privacy of adjoining properties; (b) Any likely increase in noise to adjoining properties; (c) The scale of the use and its compatibility with the surrounding character and uses within the area; (d) Retaining the primary residential function of an area; (e) The impact on the safety and efficiency of the local road network; and (f) Any impact on the owners and users rights of way. 	<p>P1 The visitor accommodation will be in excess of 200m².</p> <ul style="list-style-type: none"> a) All units will be located within the standing vegetation in places chosen for being previously disturbed. The closest adjoining dwelling is some 880m to the south-west of VA03; b) The accommodation is targeted at the users of the nearby mountain bike trails and people looking for an environmental getaway. The proponent has indicated that control measures will be inserted into the Disclosure Statement to protect the amenity of the adjoining properties; c) A number of guests are limited due to the layout of each unit within the three accommodation units (maximum 10 guests). The remote locations of the units within the 65 hectare site ensures the proposed development provides a low impact commercial activity whilst respecting the surrounding environment and residential uses; d) The use is a permitted use under this planning directive and will retain the primary residential function of the area; e) The TIA has been accepted by the road authority and confirms that the proposed use and development will not adversely impact the safety or efficiency of the local road network; and f) The use is to utilise the existing 873.5m x 10m wide right of carriageway inside the northern boundary of CT 251940/1. The dwelling for that property is accessed via a separate access point approximately 373m south of the right of carriageway, the potential increased use will not adversely impact the owners or users of the right of carriageway. <p>The proposal is compliant with the performance criteria.</p>

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A2 Visitor Accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i>, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.</p> <p>P2 Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long terms residents occupying other lots within the strata scheme, having regard to:</p> <ul style="list-style-type: none"> (a) The privacy of residents; (b) Any likely increase in noise; (c) The residential function of the strata scheme; (d) The location and layout of the lots; (e) The extent and nature of any other non-residential uses; and (f) Any impact on shared access and common property. 	<p>P2 The visitor accommodation use is part of a strata scheme where another lot is used for a residential use.</p> <p>a) The owners/developers are the long term residents of the site and located approximately 320m to the closest unit VA01. VA02 will be the only unit visible from the dwelling, approximately 505m separation, therefore the privacy and amenity of the residents will be protected;</p> <p>b) by limiting the occupancy to an additional 10 guests, as well as details within the Disclosure Statement will ensure there is unlikely to be an increase in noise apart from vehicles entering and exiting the property;</p> <p>c) the use proposed is for visitor accommodation. The proponent has advised that the Disclosure Statement will ensure that the accommodation units are used for short-term accommodation purposes only and will therefore retain the residential function of the existing dwelling of the strata scheme;</p> <p>d) the separation between units and the proposed sizes of the strata lots demonstrate that the location and layout of the lots will not cause an unreasonable loss of residential amenity to the only existing residential use on Lot 2 within the strata scheme;</p> <p>e) apart from the owners running an electrical contracting business from the site as a home business, there are no other on-site, non-residential uses except for the approved 2 visitor accommodation units approved in 2017;</p> <p>f) the existing gravel driveway constructed within the right of carriageway burdening CT 251940/1 is maintained by the developers of the units. It is of course in the interests of the developers to ensure this access is well maintained.</p> <p>The proposal is compliant with the performance criteria.</p>

14.3 Use Standards

14.3.1 Amenity

Acceptable Solutions	Proposed Solutions
A1 Development must be for permitted or no permit required uses.	A1 In accordance with Clause 3.1 (c) of Planning Directive no. 6, visitor accommodation in the Environmental Living zone is permitted. The proposal complies with the Acceptable Solution.
A2 Operating hours for commercial vehicles for discretionary uses must be between 6.00am and 10.00pm.	A2 Not applicable.

14.3.2 Environmental Living Character

Acceptable Solutions	Proposed Solutions
A1 Discretionary uses must not exceed a combined gross floor area of 200m ² of the site.	A1 In accordance with Clause 3.1 (c) of Planning Directive no. 6, visitor accommodation in the Environmental Living zone is permitted. The proposal complies with the Acceptable Solution.
A2 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	A2 Not applicable.
A3 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land.	A3 Not applicable.

Acceptable Solutions	Proposed Solutions
<p>A4 Waste material storage for discretionary uses must:</p> <ul style="list-style-type: none"> 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. 	A4 Not applicable.

14.4 Development Standards

14.4.1 Building Design and Siting

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 No more than 4 hectares or 20% of the site, whichever is the lesser, is used for development.	<p>A1 The site has an area of 65.76 hectares. The proposed development covers an area less than 20% or 4 hectares.</p> <p>The proposal complies with the Acceptable Solution.</p>
A2 Building height must not exceed 7m.	<p>A2 The height of the buildings are less than 7 metres in height.</p> <p>The proposal complies with the Acceptable Solution.</p>
A3 Buildings must be set back a minimum distance of 10m from a frontage.	<p>A3 All buildings are proposed to be setback at least 10 metres from a frontage.</p> <p>The proposal complies with the Acceptable Solution.</p>
<p>A4 Buildings must be set back a minimum of:</p> <ul style="list-style-type: none"> a) 10m to side and rear boundaries; and b) 200m to the Rural Resource Zone where a sensitive use is proposed. 	<p>A4 All buildings are to be set back at least 10 metres from a side or rear boundary. There are no Rural Resource zoned land in the area.</p> <p>The proposal complies with the Acceptable Solution.</p>
A5 The combined gross floor area of all outbuildings on a lot must not exceed 81m ² and a maximum height of 5m.	A5 Not applicable. No outbuildings are proposed.
A6 The colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements.	<p>A6 It is proposed that the colours of external surfaces will be naturally finished timber cladding and stone whilst the roof cladding will use the same shades and tones of the surrounding landscape and vegetation elements.</p> <p>The proposal complies with the Acceptable Solution.</p>
A7 Reflective materials, excluding windows, must not be used as visible external elements in buildings.	<p>A7 Other than glazing, no reflective materials are proposed.</p> <p>The proposal complies with the Acceptable Solution.</p>
A8 On sites with a slope greater than 1:10, site benching through cut and fill must be less than 20% of the site coverage of the proposed building(s).	<p>A8 The site does not have a slope that is greater than 1:10. An average slope of 1:23 applies, and the application does not require any cut or fill.</p> <p>The proposal complies with the Acceptable Solution.</p>
A9 Rainwater runoff from roofs must be collected by means of roof guttering, downpipes and rainwater tanks.	<p>A9 It is proposed that rainwater will be collected by roof guttering and downpipes and disposed of to rainwater tanks.</p> <p>The proposal complies with the Acceptable Solution.</p>
A10 Exterior building lighting is limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the building at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.	<p>A10 Exterior building lighting will be limited to that necessary to allow safe and secure movement of pedestrians and to allow movement around the buildings at night.</p> <p>The proposal complies with the Acceptable Solution.</p>
A11 Where a development is part of a larger complex, each component of the development must be connected by walking tracks.	<p>A11 It is proposed that the units will be connected by a means of access of the access road which can also be used as walking track. Each unit will be marketed as separate entities and not part of a larger interconnected complex.</p> <p>The proposal complies with the Acceptable Solution.</p>

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A12 Single unbroken walls are not to exceed 15m in length.</p> <p>P12 The horizontal scale of elements must not dominate natural landscapes.</p>	<p>P12 The proposed south elevation of VA03 will have an unbroken wall of approximately 20.18m. The wall will have a height of 3.6 metres and an area of 64.58m² and be clad using naturally finished vertical timber, this together with contrasting roof cladding will assist with blending the structure with the standing native vegetation to be retained around the unit and assist to conceal the unit when viewed from off-site. The placement of water tanks adjacent will also assist to articulate this façade.</p> <p>The proposal is compliant with the performance criteria.</p>
<p>A13 Roofs must be:</p> <ul style="list-style-type: none"> a) Pitched at an angle of less than 30 degrees and can be either hipped or gabled, or b) Curved at radius no greater than 12.5m. <p>P13 Rooves pitched at angles greater than 30 degrees or curved at a radius greater than 12.5m must have a roof form that is appropriate to the features of the site and surrounding landscape and is compatible with the overall design concept of the development.</p>	<p>P13 The skillion roof does not comply with the acceptable solution. As the slope is less than 30 degrees and not curved, the proposal is compliant with the performance criteria.</p>

14.4.2 Landscaping

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 Development must be located on land where the native vegetation cover has been removed or significantly disturbed.</p> <p>P1 New development must be located in a manner that minimises vegetation removal.</p>	<p>P1 The development site has been previously disturbed. The siting of the development has been located in accordance with the recommendation of the Natural Values Assessment so that the development has been located in a manner that minimises vegetation removal.</p> <p>The proposal is compliant with the performance criteria.</p>
<p>A2 All new plantings must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.</p>	<p>A2 Any new plantings will use stock from the site or the vicinity of the site.</p> <p>The proposal complies with the Acceptable Solution.</p>
<p>A3 Plants listed in Appendix 3 must not be used in landscaping.</p>	<p>A3 No plants listed in Appendix 3 will be used in landscaping.</p> <p>The proposal complies with the Acceptable Solution.</p>

14.4.3 Subdivision – not applicable.

14.4.4 Tourist Operations – Not applicable. The proposal is for Visitor Accommodation rather than tourism facilities or operations.

Part E Codes

E1 Bushfire Hazard Code – Not applicable, however individual bushfire attack level assessment and associated bushfire hazard management plans for the proposed buildings have been submitted. The BAL level for all three visitor accommodation units have been assessed to BAL 12.5 which is in accordance with the Director's Determination for visitor accommodation deemed to satisfy solution.

E2 Potentially Contaminated Land Code – Not applicable

E3 Landslip Code – 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.	A2 Not applicable.
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%. P3 For limited access roads and road with a speed limit of more than 60km/h: <ul style="list-style-type: none"> a) Access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) Any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) An access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users. 	P3 The current AADT movement over the existing access is 18 vpd, the proposal will increase this by a further 18 vpd. <ul style="list-style-type: none"> a) Not applicable. b) The only access can be provided off the category 3 Tasman Highway, an alternate site or access to a category 4 or 5 road is not available; c) The TIA submitted with the proposal together with conditions provided by the Road Authority will provide a safe two-way flow simple junction layout and considered to be safe and efficient. <p>The proposal is compliant with the performance criteria.</p>
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, there are no deficient junctions in the area of the subject site.

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: <ul style="list-style-type: none"> 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	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 Not applicable.

Acceptable Solutions	Proposed Solutions
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	A2 The proposed use and development is to use an existing access. Upgrading the driveway within the road reserve to meet Department of State Growth guidelines and standards is seen as desirable. The proposal complies with the Acceptable Solution.
A3 Accesses must not be located closer than 6m from an intersection, nor within 6m of a break in a median strip.	A3 Access is existing. 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
<p>A1 Sight distances at</p> <ul style="list-style-type: none"> a) An access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) Rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices – Railway crossings, Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority have been obtained. <p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>	<p>P1 The present sight distances do not comply with table E4.7.4. The author of the TIA has noted that in accordance with AS/NZS 2890.1:2004 Figure 3.2 the minimum SISD required at access driveways for a frontage road speed of 100km/h is 160m in either direction. Therefore the available 160m southern and 190m northern sight distances satisfy the Australian Standard minimum requirements.</p> <p>The proposal is compliant with the performance criteria.</p>

E5 Flood Prone Areas Code – not applicable.

E6 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <ul style="list-style-type: none"> 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). 	<p>A1 Table E6.1 requires:</p> <p><i>Visitor Accommodation Use – 1 space per unit or 1 space per 4 beds whichever is greater.</i></p> <p>The proposal provides a minimum 15 car parking spaces, including separate disabled spaces for each unit. The proposal complies with the Acceptable Solution.</p>

6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> a) Formed to an adequate level and drained; and b) Except for a single dwelling, provided with an impervious all weather seal; and c) Except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. <p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>	<p>P1 The proposed driveways will be formed gravel drained to adjacent vegetated areas and will enable all weather access. The proposal is compliant with the performance criteria.</p>

E6.7.2 Design and Layout of Car Parking

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>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</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p> <p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ol style="list-style-type: none"> The layout of the site and the location of existing buildings; and Views into the site from the road and adjoining public spaces; and The ability to access the site and the rear of buildings; and The layout of car parking in the vicinity; and The level of landscaping proposed for the car parking. 	<p>P1 Some of the 15 parking spaces will not be provided behind the building line on the property. The location of the units and the individual parking and manoeuvring spaces will not have a detrimental impact on the streetscape or the amenity of the surrounding area due to the size of the site, the physical separation between units and the setbacks of units to boundaries and positioned within the existing standing native and regrowth vegetation. The layout of the car parking is similar to that on adjoining properties. The proposal is compliant with the performance criteria.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ol style="list-style-type: none"> Have a gradient of 10% or less; and Where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and Have a width of vehicular access no less than prescribed in Table E6.2; and 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: <ol style="list-style-type: none"> There are three or more car parking spaces; and Where parking is more than 30m driving distance from the road; or Where the sole vehicle access is to a category 1, 2, 3 or 4 road; and <p>A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1-2004 Parking Facilities, Part 1: Off Road Car Parking.</p>	<p>A2 The gradient of car parking and manoeuvring spaces is less than 10%. Vehicles are able to enter and egress the site in a forward direction. All access and manoeuvring space adjacent to the parking spaces on the lot complies with Table E6.3. The proposal complies with the Acceptable Solution.</p>

E6.7.3 Parking for Persons with a Disability – A single disabled space is to be provided beside the main entry point to each unit and designed and constructed in accordance with AS/NXS 2890.6-2009.

E6.7.4 Loading and Unloading of Vehicles, Drop-off and Pickup – not applicable.

E6.8 Provisions for Sustainable Transport

E6.8.1- E6.8.4 – Not used in this Planning Scheme.

E6.8.5 Pedestrian Walkways

Acceptable Solutions	Proposed Solutions
A1 Pedestrian access must be provided for in accordance with Table E6.5.	A1 No dedicated pedestrian access is required for the proposed development. The proposal complies with the Acceptable Solution.

E7 Scenic Management Code – not applicable

E8 Biodiversity Code – applicable

E8.6.1 Habitat and Vegetation Management

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or;</p> <p>A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.</p>	<p>A1 Not applicable. Vegetation clearance is not identified as priority habitat.</p>
<p>A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.</p> <p>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:</p> <ol style="list-style-type: none"> 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 Means of removal; and Value of riparian vegetation in protecting habitat values; and Impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and Need for and adequacy of proposed vegetation or habitat management; and Conservation outcomes and long-term security of any offset in accordance with the <i>General Offset Principles</i> for the RMPS, Department of Primary Industries, Parks, Water and Environment. 	<p>P2 Clearance of native vegetation will be required for building footprints, access ways, services and for bushfire management. The clearance of native vegetation in and around the building footprints comprises of regrowth vegetation and is not considered to unduly compromise the representation of species or vegetation communities.</p> <p>With the implementation of new exemptions within Version 17 of the Planning Scheme, it is likely that this performance criteria are no longer applicable (Exemption 5.4.1 (c), (f), (h)).</p> <p>A Natural Values Assessment prepared by Mark Wapstra accompanied the application and addressed this performance criteria nonetheless. From page 47 onwards, the report confirms the proposed and limited clearance and disturbance of native vegetation.</p> <p>The proposal is compliant with the performance criteria.</p>

E9 Water Quality Code

E9.6.1 Development and Construction Practices and Riparian Vegetation

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 Native vegetation is retained within:</p> <ol style="list-style-type: none"> 40m of a wetland, watercourse or mean high water mark; and A Water catchment area – inner buffer. <p>P1 Native vegetation removal must submit a soil and water management plan to demonstrate:</p> <ol style="list-style-type: none"> Revegetation and weed control of areas of bare soil; and The management of runoff so that impacts from storm events up to at least the 1 in 5 year storm are not increased; and That disturbance to vegetation and the ecological values of riparian vegetation will not detrimentally affect hydrological features and functions. 	<p>P1 Native vegetation removal will occur within 40m of a minor tributary. A soil and water management plan submitted as part of the application detailed the following:</p> <ol style="list-style-type: none"> Revegetation and weed control of area of bare soil; and The management of runoff so that impacts from storm events up to at least 1 in 5 year storm are not increased; The disturbance to vegetation and ecological values of riparian vegetation will not detrimentally affect hydrological features and functions. <p>The proposal is compliant with the performance criteria.</p>
A2 A wetland must not be filled, drained, piped or channelled.	A2 Not applicable.
A3 A watercourse must not be filled, piped or channelled except to provide a culvert for access purposed.	A3 Not applicable.

E9.6.2 Water Quality Management

Acceptable Solutions	Proposed Solutions
A1 All stormwater must be: <ul style="list-style-type: none"> a) Connected to a reticulated stormwater system; or b) Where ground surface runoff is collected, diverted through a sediment and grease trap or artificial wetlands prior to being discharged into a natural wetland or watercourse; or c) Diverted to an on-site system that contained stormwater within the site. 	A1 c) Stormwater is to be collected to provide a water supply with overflow discharged to on-site absorption trenches. The proposal complies with the Acceptable Solution.
A2.1 No new point source discharge directly into a wetland or watercourse. A2.2 For existing point source discharges into a wetland or watercourse there is to be no more than 10% increase over the discharge which existed at the effective date.	A2.1 No point source discharge is proposed. The proposal complies with the Acceptable Solution. A2.2 Not applicable.
A3 No acceptable solutions. P3 Quarries and borrow pits must not have a detrimental effect on water quality or natural processes.	A3/P3 Not applicable.

E9.6.3 Construction of Roads

Acceptable Solutions	Proposed Solutions
A1 No acceptable solution. P1 Road and private tracks constructed within 50m of a wetland or watercourse must comply with the requirements of the <i>Wetlands and Waterways Works Manual</i> , particularly the guidelines for siting and designing stream crossings.	A1/P1 Not applicable. The application does not propose the construction of a new road or track that crosses, enters or drains to a wetland or watercourse.

E9.6.4 Access

Acceptable Solutions	Proposed Solutions
A1 No acceptable solution.	A1/P1 Not applicable.
A2 No acceptable solution.	A2/P2 Not applicable.

E9.6.5 Sediment and Erosion Control – not applicable.

E9.6.6 Water Catchment Areas – not applicable.

E10 Recreation and Open Space Code – not applicable

E11 Environmental Impacts and Attenuation Code – not applicable

E12 Airports Impact Management Code – not applicable

E13 Local Historic Heritage Code – not applicable

E14 Coastal Code

E14.5 Use Standards

E14.5.1 Risk to sensitive use

Acceptable Solutions	Proposed Solutions
A1 Sensitive use must not occur: <ul style="list-style-type: none"> 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. 	A1 Proposal complies.

Acceptable Solutions	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	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.	A1 Proposal complies.
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	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 Any 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	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.
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 – not applicable

E16 On-Site Wastewater Management Code

E16.6 Use Standards

E16.6.1 Use and Lot Size

Acceptable Solutions	Proposed Solutions
A1 Residential uses that rely on onsite wastewater management must: a) Be on a site with minimum area of 2,000m ² ; and b) Have four bedrooms or less.	A1 Not applicable.
A2 Non-residential uses that rely on onsite wastewater management must be on a site with minimum area of 5,000m ² .	A2 The proposal complies the site has an area in excess of 65ha. The proposal complies with the Acceptable Solution.

E16.7 Development Standards

E16.7.1 Onsite Wastewater Management

Acceptable Solutions	Proposed Solutions
A1 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and buildings and structures.	A1 A minimum separation distance of 3.0 metres from any structure to the wastewater infrastructure is provided. The proposal complies with the Acceptable Solution.
A2 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and the following: a) Hardstand and paved areas; b) Car parking and vehicle manoeuvring areas; and c) Title or lot boundaries.	A2 A minimum horizontal separation of 3m is provided. The proposal complies with the Acceptable Solution.
A3 Private Open Space must not be used for surface irrigation of treated wastewater.	A3 The proposed Private Open Space areas will not be used for surface irrigation of treated wastewater. The proposal complies with the Acceptable Solution.
A4 Onsite wastewater management infrastructure must be on lots with an average slope of 10% or less.	A4 The areas proposed for Onsite Wastewater System has a slope of less than 10%. The proposal complies with the Acceptable Solution.

E16.7.2 Surface and Ground Water Impacts

Acceptable Solutions/Performance Criteria	Proposed Solutions
A1 Onsite wastewater management infrastructure must have a minimum separation distance of 100m from a wetland or watercourse or coastal marine area. P1 On site wastewater management infrastructure within 100m of a wetland or watercourse or coastal marine area must have no detrimental impacts on the water quality or integrity of the wetland or watercourse or coastal marine area.	P1 Onsite wastewater management infrastructure is within 100m of a watercourse (minor tributary). Modelling undertaken in the Trench program for the application of primary treated effluent calculated a minimum setback of 10m. The <i>Building Act 2016 Guidelines for On-site Wastewater Disposal</i> asks for a minimum setback of between 36m and 50m. The setback from the downslope boundary to water is at least 50m. The proposal is compliant with the performance criteria.
A2 Onsite wastewater management infrastructure must have a minimum separation distance of 50m from a downslope bore, well or other artificial water supply.	A2 There are no known bores within 50 metres of the proposed location of the wastewater infrastructure. The proposal complies with the Acceptable Solution.

Acceptable Solutions/Performance Criteria	Proposed Solutions
A3 Vertical separation between groundwater and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	A3 The proposal meets this acceptable solution. The proposal complies with the Acceptable Solution.
A4 Vertical separation between a limiting layer and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	A4 The proposal meets this acceptable solution. The proposal complies with the Acceptable Solution.

5. Representations

The application was re-advertised 12 June 2021 to 28 June 2021 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Four (4) representations were received prior to the closing date and time (including the resubmission of a number of original representations to the original advertised application). The issues raised within the representation are as follows:-

Representation 1	Response
The strata title development is clearly a subdivision division by stealth	This application is an existing staged strata development as shown on Strata Plan 175695 in accordance with Division 6 of the <i>Strata Titles Act 1998</i> . The division by strata is exempt under Table 5.6.8. The proposal is not subdivision.
The application will contaminate the ground water and cause environmental harm to Little Basin	A Geo-Environmental Assessment was submitted with the application. The location of borehole 2 is shown in this report. The hole was dug in excess of 2m and did not encounter any limiting layers or ground water. This report was reviewed by Council's Environmental Health Officer and will be further considered at Plumbing application stage.
The development application will cause a significant increase in vehicular traffic on my right of way and will cause traffic damage and will adversely affect my amenity to travel on my right of way to access my property	The subject site benefits from a right of way burdening CT 251940/1. This point of access is not the sole access point provided to the owner of this CT, as there is at least 2 existing access points and within approximately 442m of the right of way. The right of way is maintained by the benefactors and the TIA submitted with the application has assessed the potential and additional vehicular movement and concluded that "the proposal will have minimal impact on traffic safety and capacity for all road users including pedestrians and cyclists..."
The proposal will adversely affect the visual amenity of the area caused by the high density of the dwelling and should be only 1 dwelling per 20 hectares	A single dwelling is existing on-site with all other structures used for visitor accommodation. The density stated in the representation is in relation to the subdivision clauses in relation to minimum lot size. The proposal is not for subdivision. The additional 3 accommodation units will accommodate an additional 10 guests. The total area of development proposed in this application will be approximately 2,118m ² of the 65.76ha site.

Representation 2	Response
Concerns that the DA is inconsistent with the Planning Directive no 6 P1 (c) and (d). The loophole which allows strata development subdivision undermines the primary intent of the zone to retain low density residential use.	Whilst there are established residential uses on nearby lots, including the subject site, a number of other land uses including sport and recreation, extractive industry to name a few are located in the area. The residential uses will not be compromised nor altered. The units have been carefully located and separated throughout the site. The purpose of the development is to retain the native vegetation to screen the individual units.

Representation 2	Response
Concerns that there are loopholes undermining the primary intent of the zone to protect the natural and scenic values	A natural values assessment was provided with the application demonstrating compliance with the relevant planning scheme provisions.
Approval of the building sites will result in fuel reduction burns on-site and on adjoining land.	This is not a consideration of the proposal or of the Planning Scheme. The proposal was considered by a bushfire practitioner as well as Mark Wapstra as part of this ecological assessment to ensure there is little if any adverse impact on potentially sensitive native vegetation.
Concerns in relation to the application not minimizing vegetation and habitat loss and degradation.	A natural values assessment accompanied the application demonstrating compliance with the Biodiversity Code, although it is noted that there are exemptions within the Scheme that may apply to the majority or all of the native vegetation management/removal. The provision of offsets were not warranted due to the small scale of the development and the proposal nonetheless demonstrates compliance with the performance criteria.
The proximity to Little Basin	A Geo-Environmental Assessment was submitted with the application. The location of borehole 2 is shown in this report. The hole was dug in excess of 2m and did not encounter any limiting layers or ground water. This report was reviewed by Council's Environmental Health Officer and will be further considered at Plumbing application stage.
Concerns that the clearing within 40 metres of a watercourse will not be revegetated or rehabilitated	A condition relating to landscaping including this area will be imposed upon any approval. Noting that any revegetation must also consider any recommendation of the bushfire practitioner.
Concerns that the proposal is inconsistent with the State Coastal Policy.	It is unclear how the proposal is inconsistent, the proposal is deemed to be consistent and compliant with all relevant provisions of the Planning Scheme and hence deemed consistent with the Policy.

Representation 3	Response
The development site is adjacent to the St Helens Conservation Area and access to this area should only be established after consultation with PWS and may require an access licence.	Whilst the proposal does not proposed access to or use the St Helens Conservation area, the developers have acknowledged that the understand and recognize the importance of seeking permission of the authority prior to using or proposed to use this land. An advisory note is recommended on any approval making the proponent aware of this obligation.

Representation 4	Response
Concerns that at least 3 hectares of native vegetation will require clearing	No threatened flora or fauna species will be impacted and all development is proposed on land that was previously impacted. The total area of development proposed in this application will be approximately 2,118m ² of the 65.76ha site. A natural values assessment accompanied the application demonstrating compliance with the Biodiversity Code, although it is noted that there are exemptions within the Scheme that may apply to the majority or all of the native vegetation management/removal. The provision of offsets were not warranted due to the small scale of the development and the proposal nonetheless demonstrates compliance with the performance criteria. Mr. Wapstra recommendation in his report "there should be no constraints in minor clearing and modification of the native vegetation types identified from within the three project sites".

	The retention of vegetation outside the bushfire hazard management areas will be retained to provide privacy as well as an ambience sought for guests.
There is a high risk of weeds and disease being introduced during the works.	The developers are aware of the need for machinery that has been appropriately cleaned prior to entering and leaving the site. Any approval can be appropriately conditioned.

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 Environmental Living Zone, Planning Directive No. 6, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and twelve (12) Performance Criterion; the received representations have been considered. It is recommended for approval with conditions normally set to this type of development.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Break O' Day Interim Planning Scheme 2013, Version 17;
Land Use Planning and Approvals Act 1993;
Local Government (Building and Miscellaneous Provisions) Act 1993.

BUDGET AND FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority.



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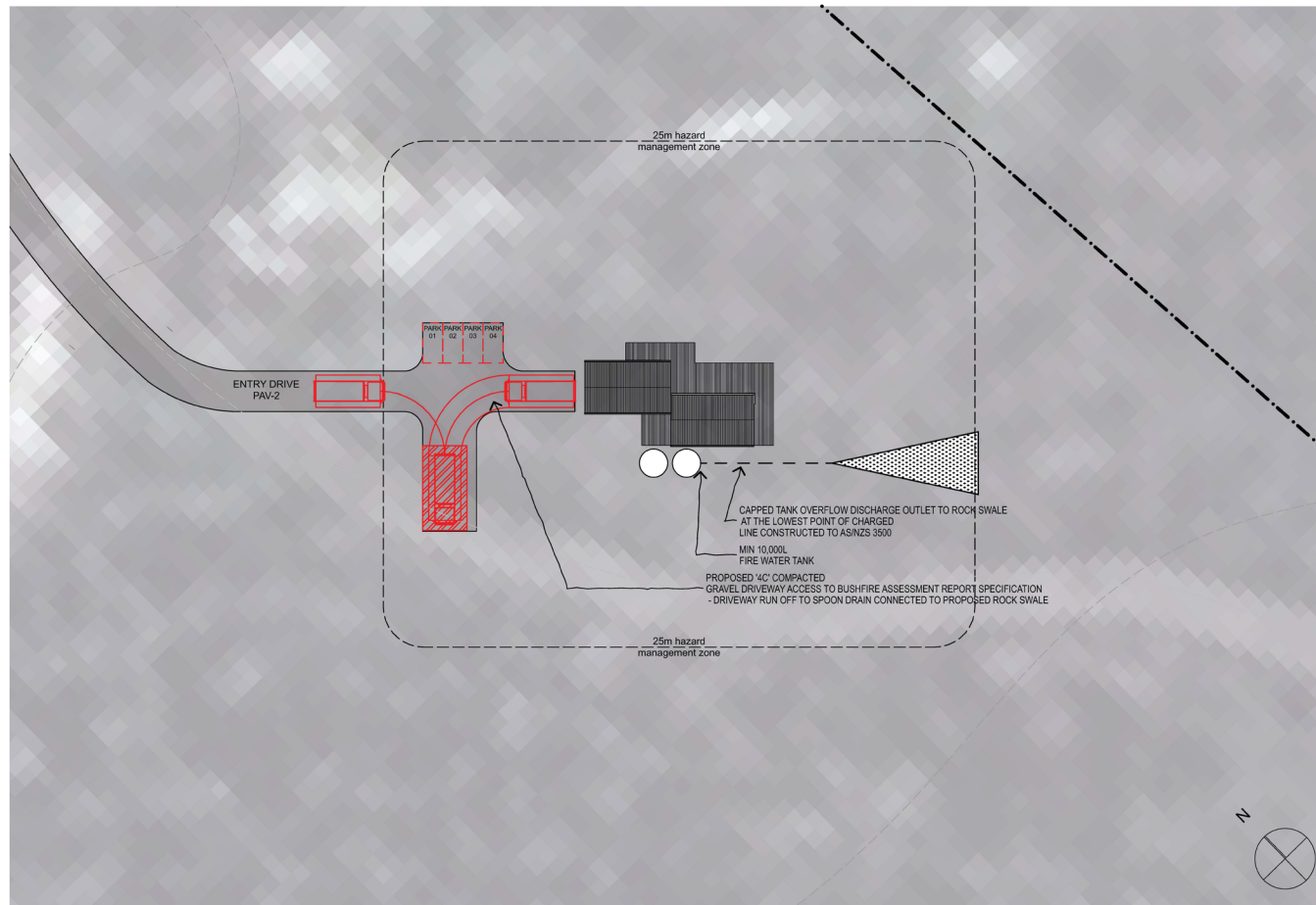
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A	RFI RESPONSE	27/10/20			Plot Date:	27/10/20		
					Project NO.	1908		
					Project Status	DA		
					Client	ZANETTO	PROJECT NAME: ZANETTO VA's	DRAWING NO. DA 1.100
					Site:	24798 TASMAN HWY ST HELENS TAS 7216		
					Climate Zone	####		
					Wind Region	####		



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<div>REVDESCRIPTION</div> <div>A B</div> <div>RFI RESPONSE BAL LOCATION</div>		<div>DATE</div> <div>27/10/20 16/11/20</div>	<div></div> <div>SAXON HALL design + art</div> <div>80 Hill Street, Bellerive, Tasmania, 7018 Australia T: 0408 812 707 E: saxon@saxonhall.com.au © SAXON HALL design + art Building Practitioner Accreditation: Saxon Hall 844195651</div>	<div>Drawn Checked####</div> <div>Plot Date:16/11/20</div> <div>Project NO.1908</div> <div>Project StatusDA</div> <div>ClientZANETTO</div> <div>Site:24798 TASMAN HWY ST HELENS TAS 7216</div> <div>Climate Zone####</div> <div>Wind Region####</div>	<div>DRAWING TITLE :</div> <div>VA01 Site Plan</div> <div>PROJECT NAME :</div> <div>ZANETTO VA's</div>	<div>REVISION NO.</div> <div>B</div> <div>DRAWING NO.</div> <div>DA 1.101</div>
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DRAWING REGISTER

DA 1.000	Index, Notes & Cover page
DA 1.100	Location Plan
DA 1.101	VA01 Site Plan
DA 1.102	VA02 Site Plan
DA 1.103	VA03 Site Plan
DA 1.104	Ground Floor Plan VA01
DA 1.105	Ground Floor Plan VA02
DA 1.106	First Floor Plan VA02
DA 1.107	Ground Floor Plan VA03
DA 1.200	VA01 Elevation 01 & 02
DA 1.201	VA01 Elevation 03 & 04
DA 1.202	VA02 Elevation 05 & 06
DA 1.203	VA02 Elevation 07 & 08
DA 1.204	VA03 Elevation 09 & 10
DA 1.205	VA03 Elevation 11 & 12



ZANETTO VA's VISITORS ACCOMMODATION

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MANAGEMENT PLAN

LAND TITLE REFERENCE
VOLUME/PLAN: 175695
FOLIO (LOT): 3

DESIGN WIND SPEED
WIND LOADING TO AS 4055: n/a

SOIL CLASSIFICATION
SOIL CLASSIFICATION TO AS 2870: refer report

CLIMATE ZONE FOR THERMAL DESIGN
CLIMATE ZONE TO BCA FIGURE 1.1.4: 7

BUSHFIRE PRONE AREA BAL RATING
BUSHFIRE ATTACK LEVEL (BAL) TO AS 3959: n/a

CORROSION ENVIRONMENT
CORROSION ENVIRONMENT TO AS/NZS 2312: n/a

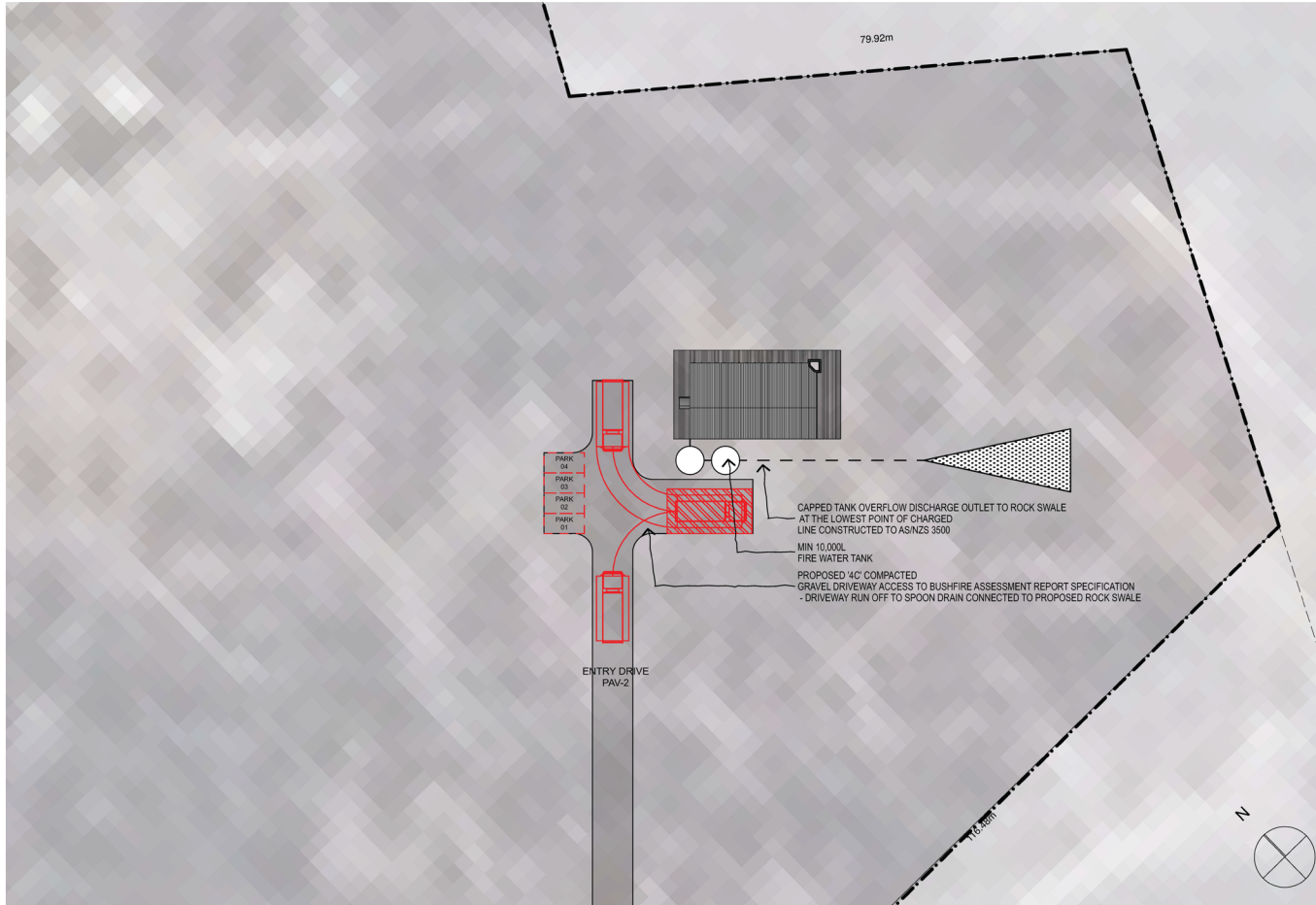
KNOWN SITE HAZARDS: n/a

SCHEDULE OF AREAS
REFER PLANNING REPORT

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				Client Site: Climate Zone Wind Region	ZANETTO 24798 TASMAN HWY ST HELENS TAS 7216 N/A N/A	PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.000



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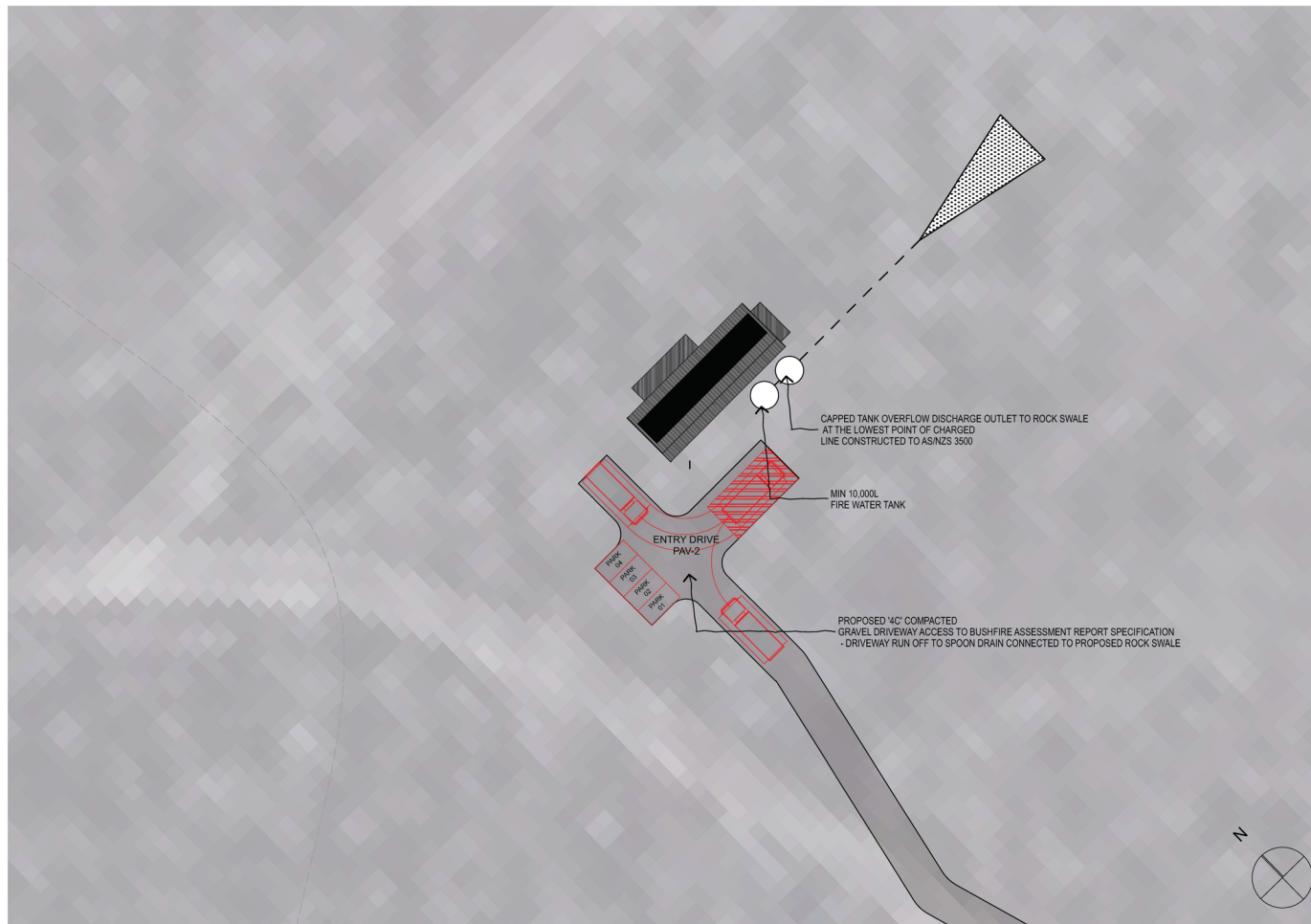
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<div>Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone ##### Wind Region #####</div>					PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.102



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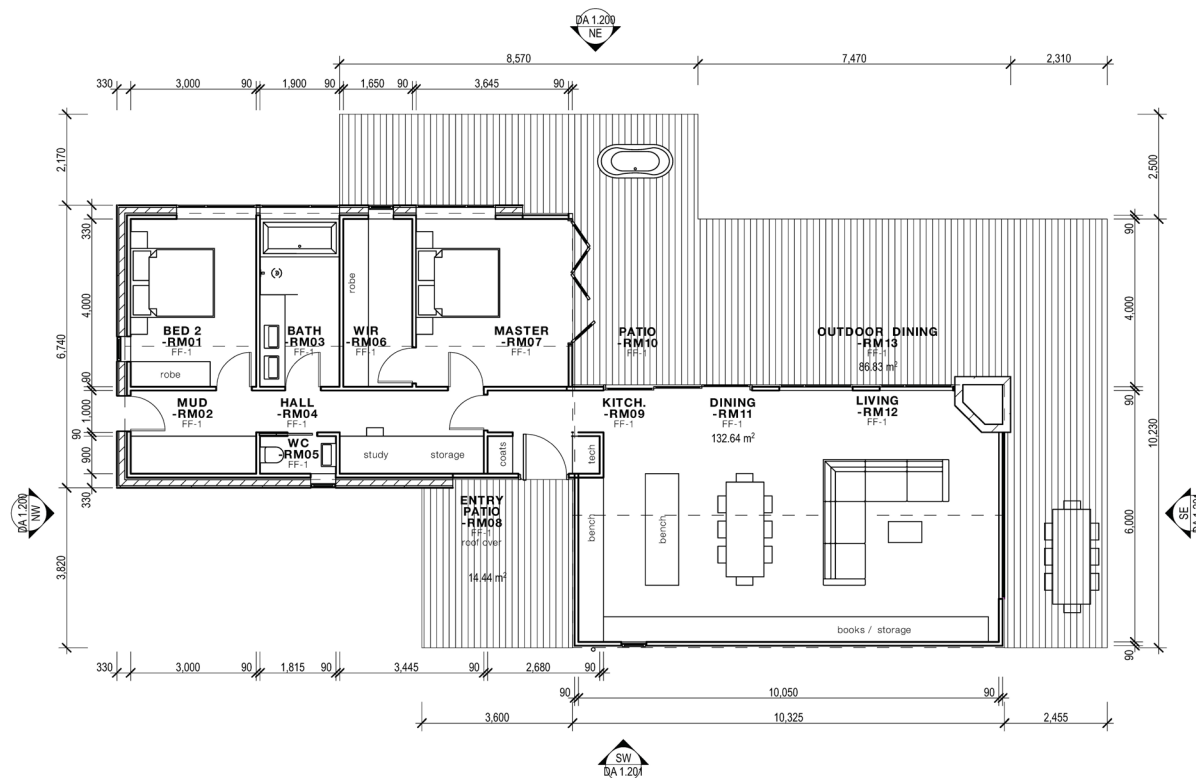
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				Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone #### Wind Region ####	PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.103



4. VA01 Ground Floor Plan
1:100 @ A3

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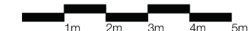
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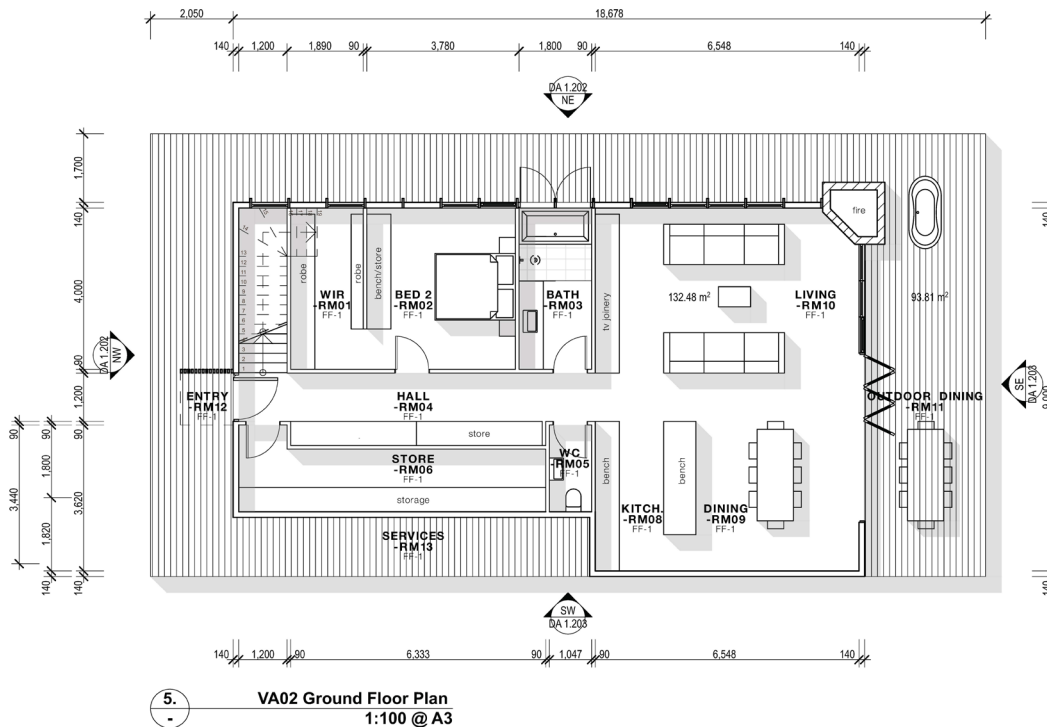
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				Client: ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone N/A Wind Region N/A		PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.104



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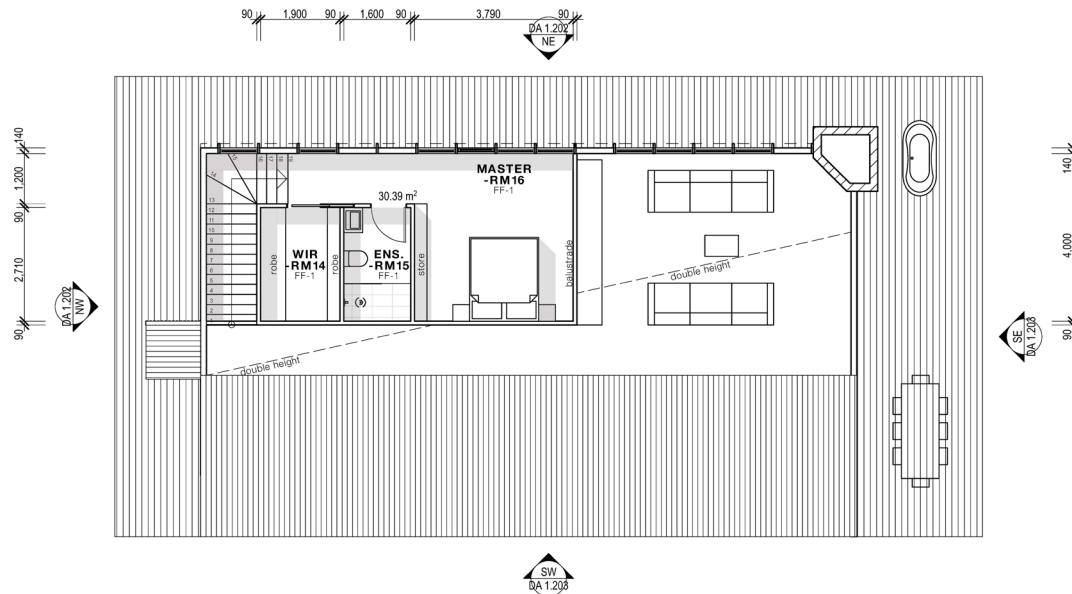
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				Plot Date:	6/8/20	Ground Floor Plan VA02		
				Project NO.	1908	PROJECT NAME :		DRAWING NO.
				Project Status		ZANETTO VA's		DA 1.105
				Client	ZANETTO			
				Site:	24798 TASMAN HWY ST HELENS TAS 7216			
				Climate Zone	N/A			
				Wind Region	N/A			



6. VA02 First Floor Plan
1:100 @ A3

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WORKPLACE HEALTH AND SAFETY
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LEGEND

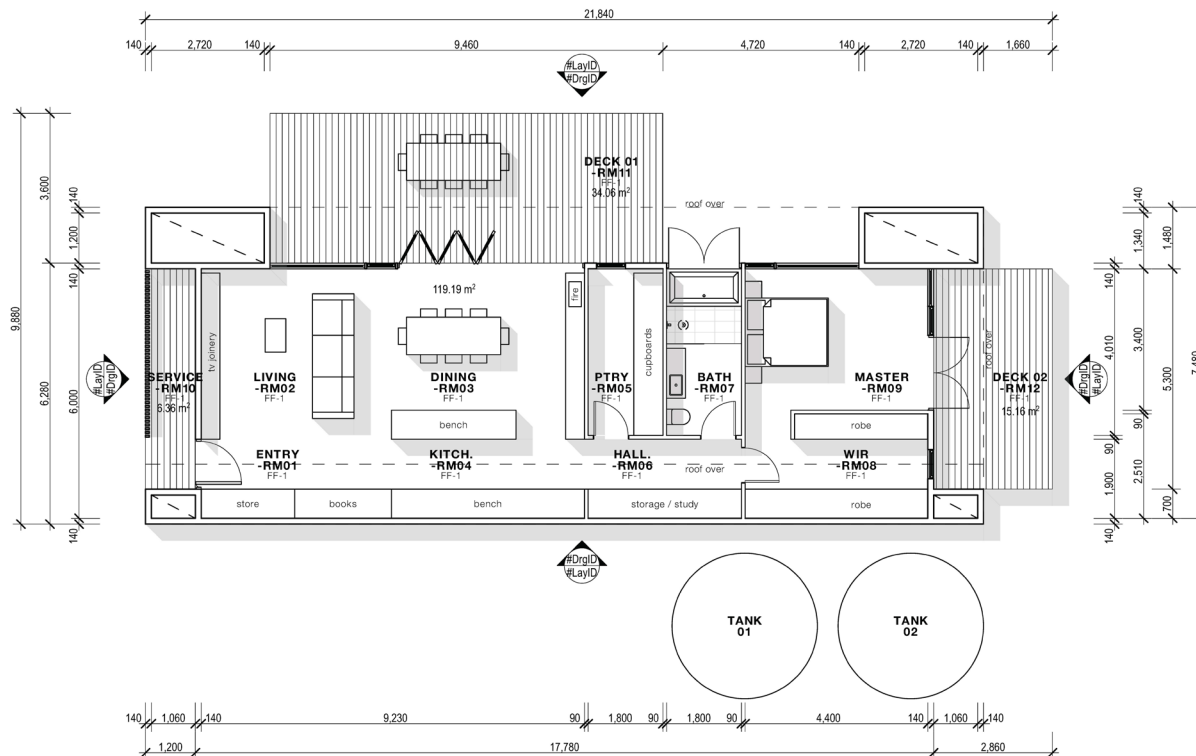
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C1	SCHEDULED CEILING
R-1	SCHEDULED ROOFING
WL-1	SCHEDULED WALL
J1	SCHEDULED JOINERY
PAV	EXTERNAL PAVING
SL	SOFT LANDSCAPING

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				Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone N/A Wind Region N/A	Project Name : ZANETTO VA's	Drawing NO. DA 1.106



7. VA03 Ground Floor Plan
1:100 @ A3

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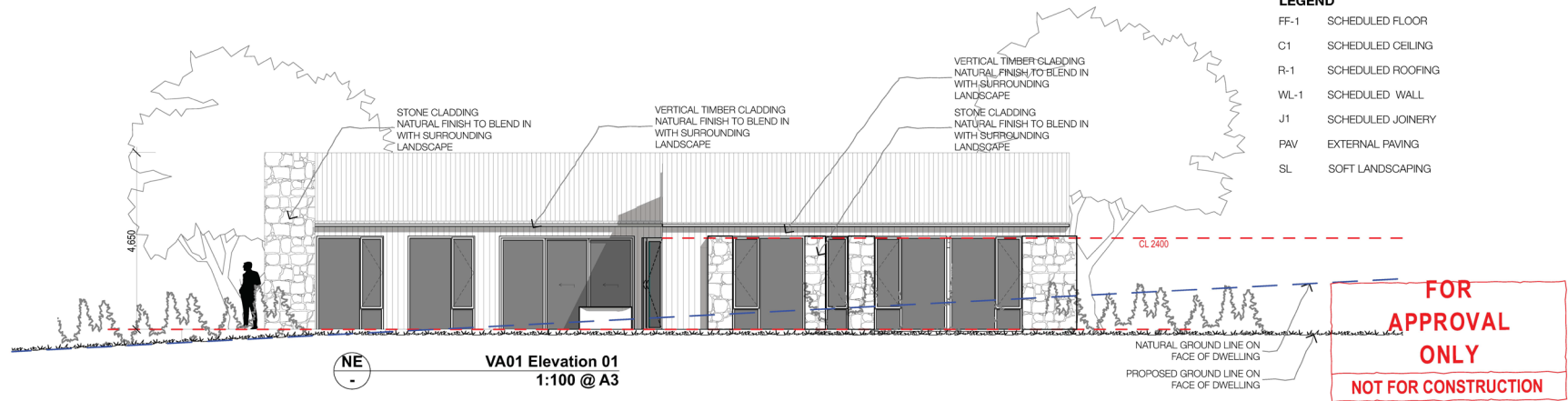
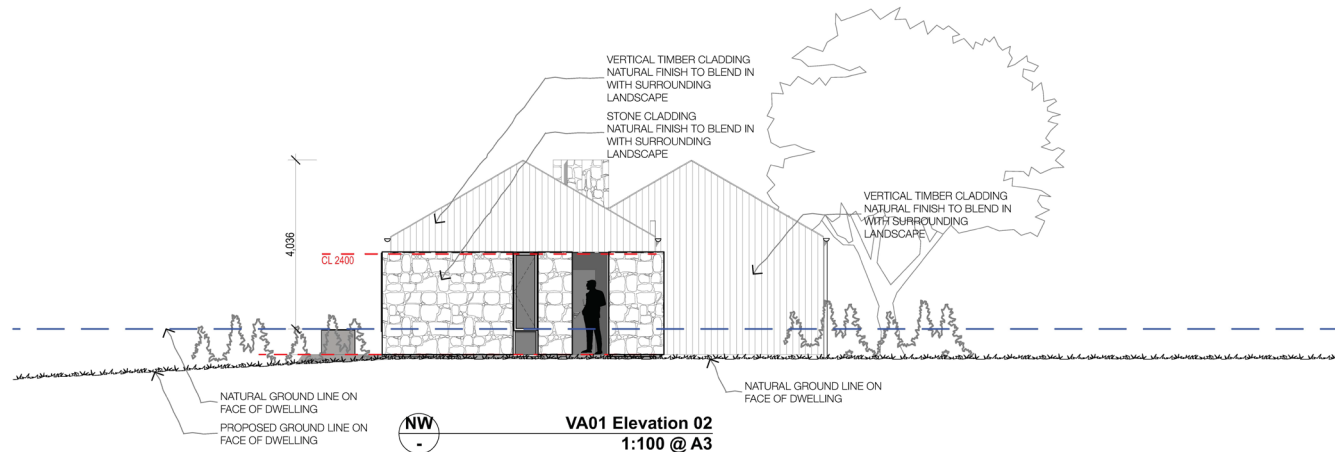
LEGEND

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- C1 SCHEDULED CEILING
- R-1 SCHEDULED ROOFING
- WL-1 SCHEDULED WALL
- J1 SCHEDULED JOINERY
- PAV EXTERNAL PAVING
- SL SOFT LANDSCAPING

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				<div>Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone N/A Wind Region N/A</div>	<div>PROJECT NAME : ZANETTO VA's</div>	<div>DRAWING NO. DA 1.107</div>



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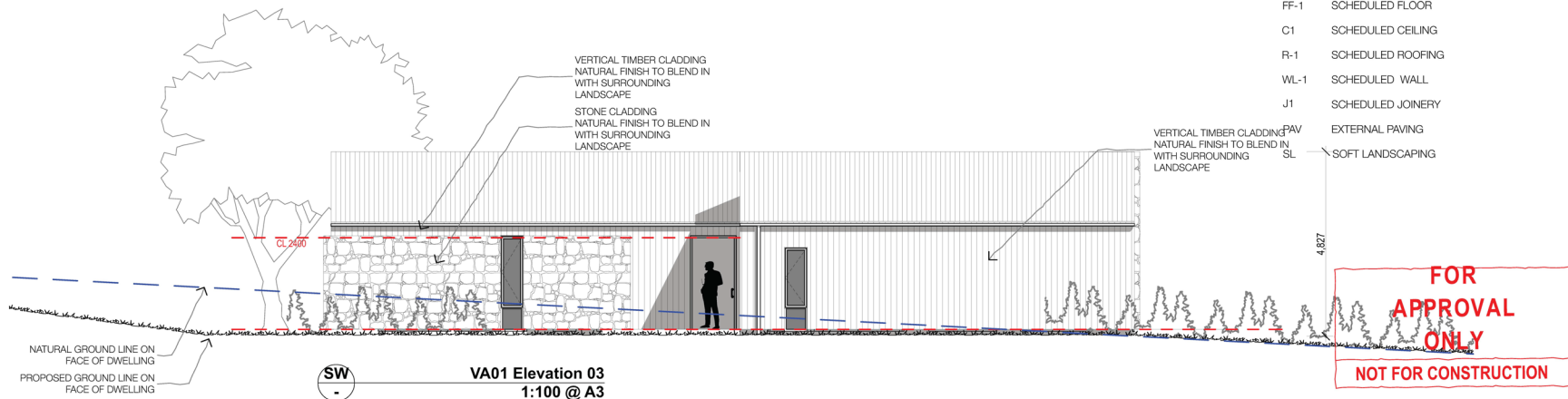
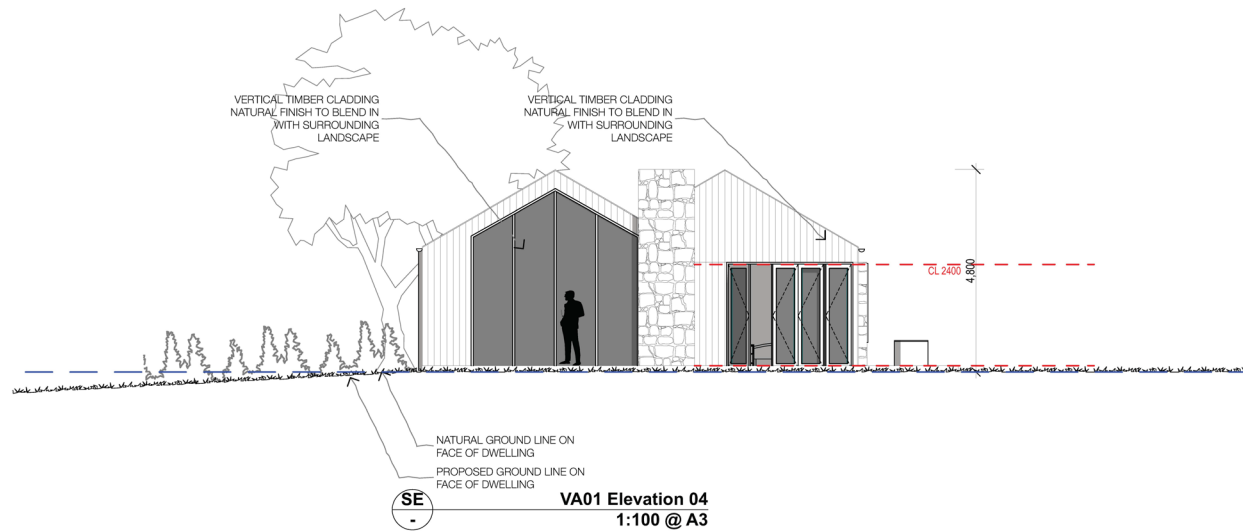
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LEGEND

FF-1	SCHEDULED FLOOR
C1	SCHEDULED CEILING
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WL-1	SCHEDULED WALL
J1	SCHEDULED JOINERY
PAV	EXTERNAL PAVING
SL	SOFT LANDSCAPING

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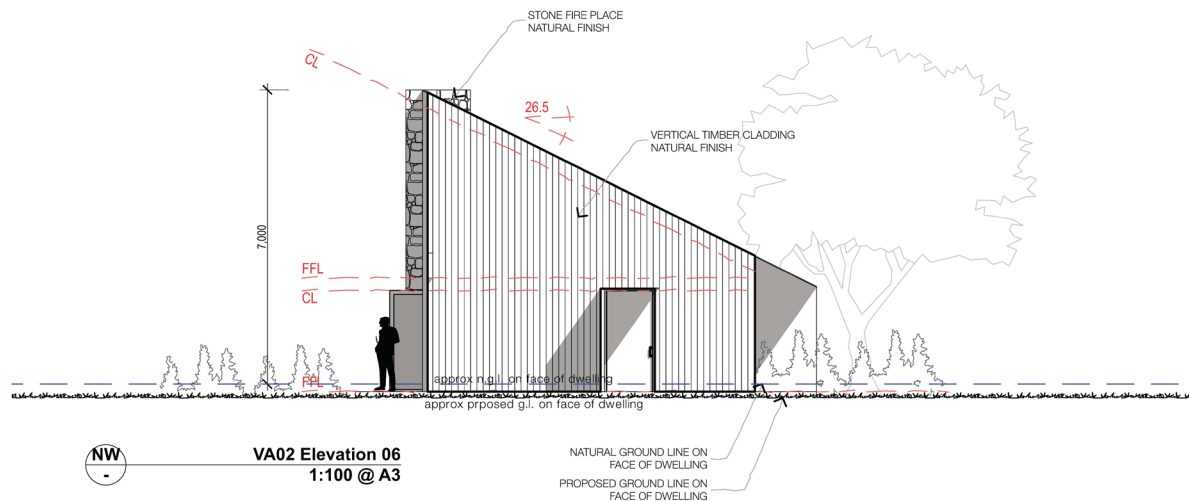
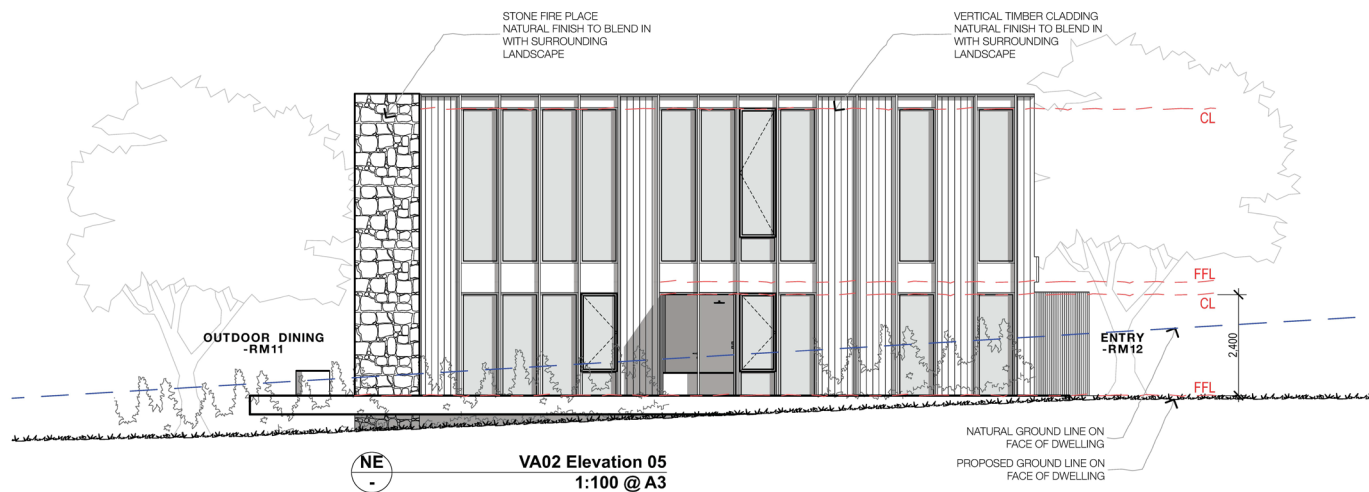
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LEGEND

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				Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone N/A Wind Region N/A	PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.201



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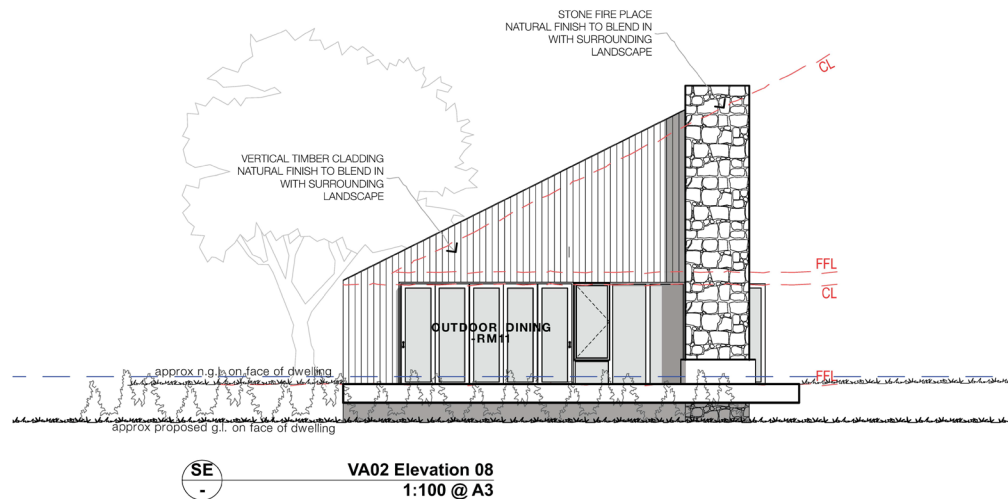
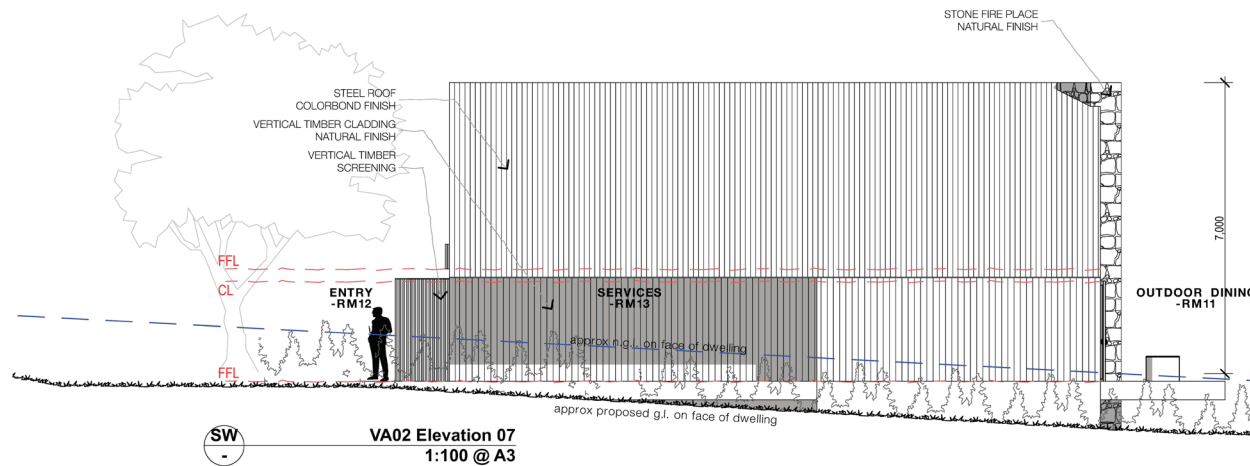
LEGEND

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				Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone N/A Wind Region N/A	PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.202



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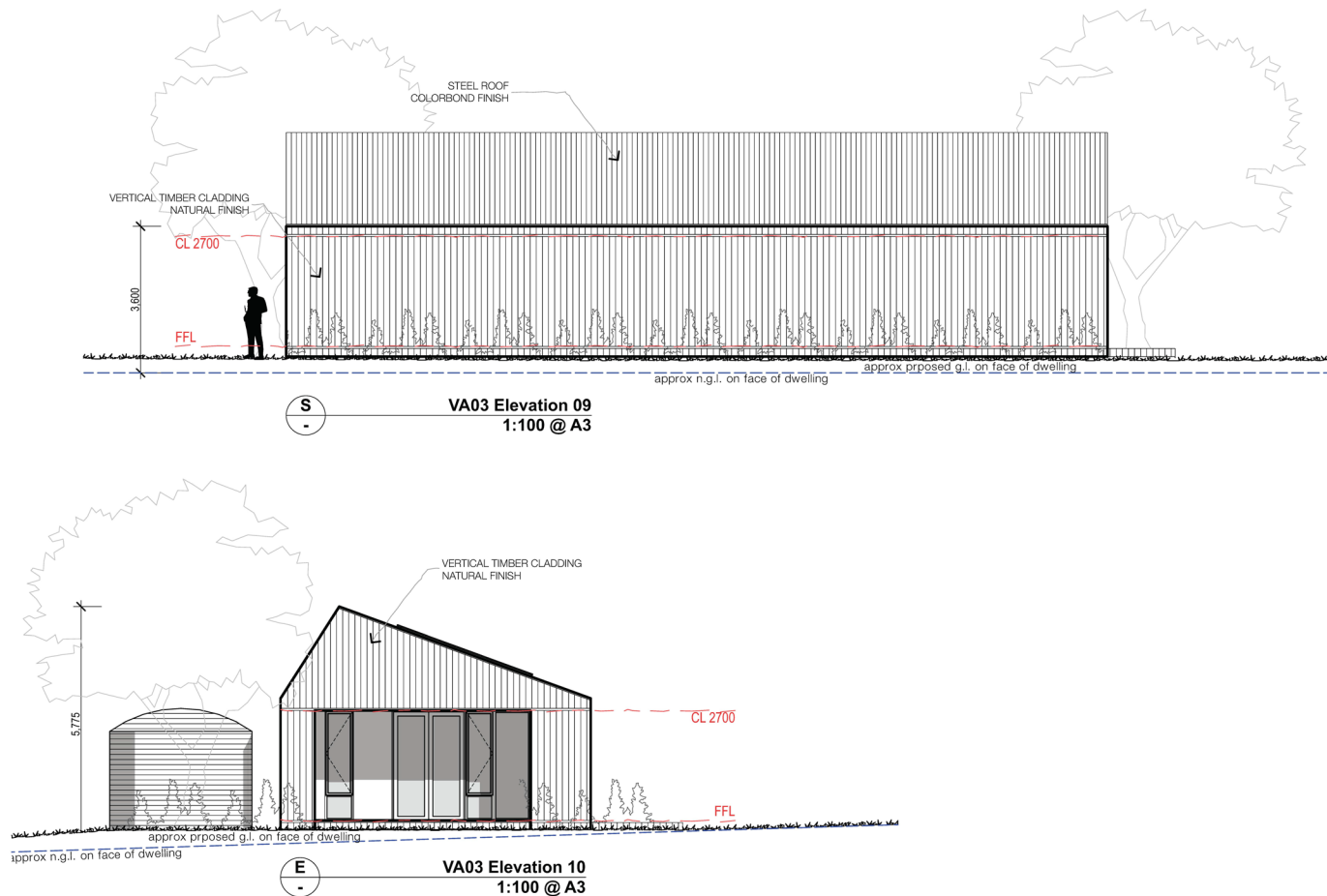
LEGEND

FF-1	SCHEDULED FLOOR
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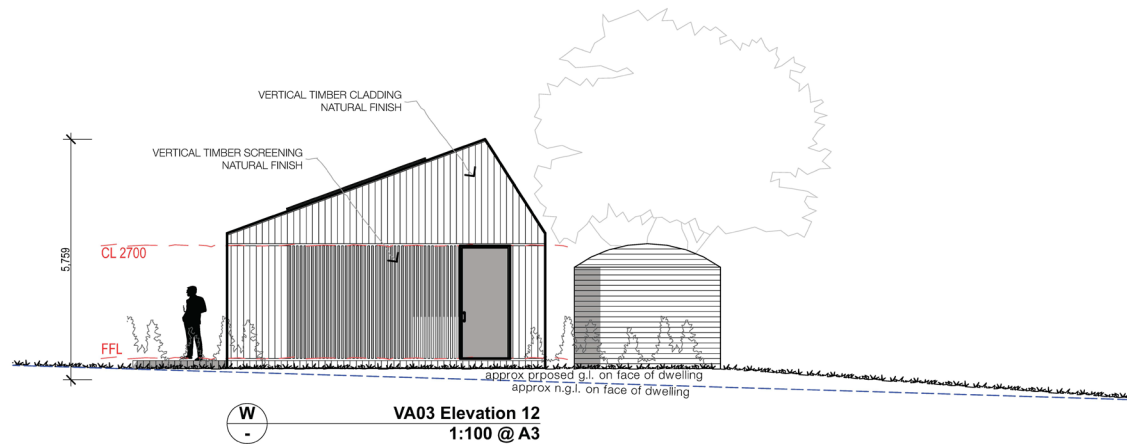
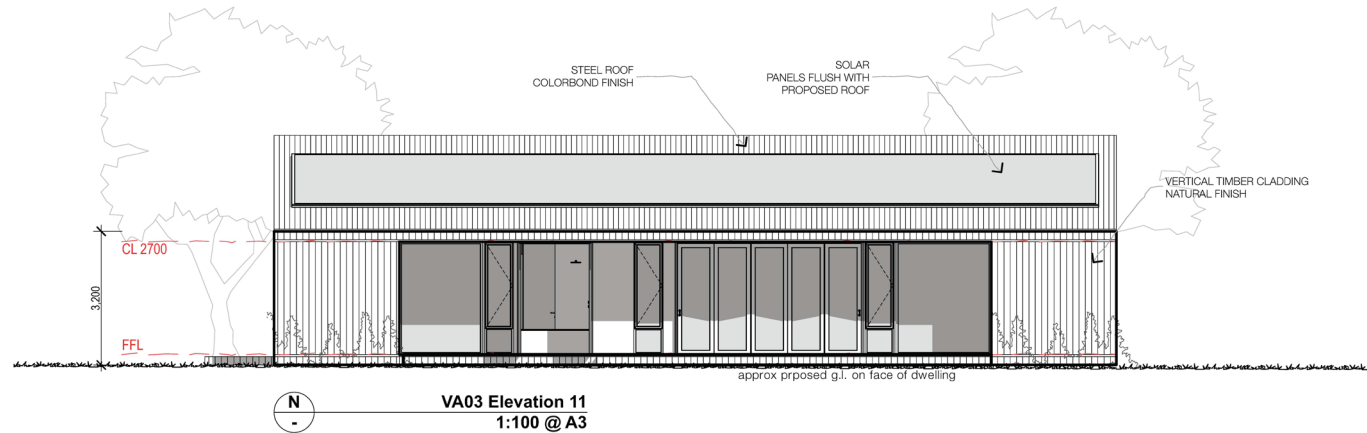
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				Client ZANETTO Site: 24798 TASMAN HWY ST HELENS TAS 7216 Climate Zone N/A Wind Region N/A	PROJECT NAME : ZANETTO VA's	DRAWING NO. DA 1.204



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ACTION	DECISION
PROPONENT	A. S. Davis
OFFICER	Deb Szekely, Senior Town Planner
FILE REFERENCE	DA 138-2021
ASSOCIATED REPORTS AND DOCUMENTS	RO Completed Planning Scheme Assessment – DA138-2021 Approved Plans – DA138-2021 – DRAFT Response to the Planning Scheme submitted by applicant

OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for MULTIPLE DWELLINGS (2) on land situated at 96 SCAMANDER AVENUE, SCAMANDER described in Certificate of Title 145272/1 be APPROVED subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	1/10	Gillian van der Schans	10/06/2021
Site Plan / Roof Plan	2/10	Gillian van der Schans	10/06/2021
Ground Floor	3/10	Gillian van der Schans	10/06/2021
First Floor	4/10	Gillian van der Schans	10/06/2021
Elevations South 1 & 2	5/10	Gillian van der Schans	10/06/2021
Elevations North 1 & 2	6/10	Gillian van der Schans	10/06/2021
Elevations East and West 1 & 2	7/10	Gillian van der Schans	10/06/2021
Model Photographs	8/10	Gillian van der Schans	10/06/2021
Services Site Plan; Communal & Private space	9/10	Gillian van der Schans	10/06/2021
Car Manoeuvrability	10/10	Gillian van der Schans	10/06/2021

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2021/00894-BODC** as attached to this permit.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. 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;
 - c. provided with an impervious all weather seal and drained to Council's stormwater drainage system.
4. Stormwater overflow connection is to be made to stormwater infrastructure located within the road reserve. As the relevant road authority is the Department of State Growth, a Service Works Permit will need to be obtained prior to undertaking the stormwater connection. No works are to be undertaken until a written permit has been issued.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.

6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
8. Privacy screening or similar treatment is to be applied to the windows to the bedrooms on both floors of dwelling 2 (south boundary) that are less than 3m to the southern side boundary, to protect the visual privacy of the adjacent dwelling private open space. The privacy screening or similar treatment is to be provided prior to use of the dwelling.
9. Privacy screening is to be installed against the south elevation of the deck on the Proposed Upper Floor Plan of Dwelling 1, Drawing No. 5/10. Screening must protect the visual privacy of the private open space associated with dwelling 2.
10. 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 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
11. 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.

ADVICE

12. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
13. Activities associated with construction works are not to be performed outside the permissible time frames listed:
Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

PREVIOUS COUNCIL CONSIDERATION:

Not applicable.

OFFICER'S REPORT:

1. The Proposal

The applicant is seeking approval for two (2) dwellings (multiple dwellings) at 96 Scamander Avenue, Scamander. The multiple dwellings can be described as two (2) storey architecturally designed dwellings with a double garage attached. Dwelling one (1) provides for three (3) bedrooms, whilst dwelling two (2) provides for two (2) bedrooms. The dwellings are on a sloping lot and are orientated to take advantage of the ocean views.

Both dwelling are serviced by TasWater reticulated water and sewage infrastructure. Stormwater overflow is to be directed to the stormwater infrastructure on Scamander Avenue. The proposed development provides for sufficient car parking with vehicles able to access and exit the site in a forward motion.

2. Applicable Planning Assessment

- 10 General Residential Zone;
- E4 Road and Rail Assets Code;
- E6 Car Parking and Sustainable Transport Code;
- E14 Coastal Code.

3. Referrals

- Department of State Growth as the Road Authority.

4. Assessment

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

Break O'Day Interim Planning Scheme 2013:

- 10.4.2 Setbacks and building envelope for all dwellings P3;
- 10.4.3 Site coverage and private open space for all dwellings P2;
- 10.4.6 Privacy for all dwellings P1 and P2;
- 10.4.16.2 Filling of Sites P1;
- E6.7.2 Design and Layout of Car Parking P1

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

Planning Assessment

10 General Residential Zone

10.4 Development Standards for Dwellings

10 General Residential Zone

10.4.2 Setbacks and building envelope for all dwellings.

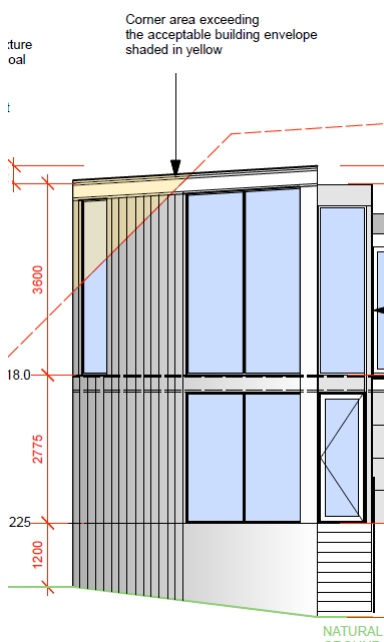
Acceptable Solutions	Performance Criteria
A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground	P3 The siting and scale of a dwelling must: (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;

level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (i) (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).	(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: (i) an adjoining property; or (a) (ii) another dwelling on the same site.
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Performance Criteria Assessment

The proposed double storey dwelling (No2) closest to the southern property boundary, will exceed the building envelope on the southernmost point. The dwelling is setback 2.4m from the southern side boundary. The area of the dwelling exceeding the building envelope is a portion of the second floor constituting a site area of approximately 6m² and approximately 2m in height.

In order to satisfy the performance criteria, the development is firstly required to not cause an unreasonable loss of amenity to adjoining properties. This is determined by having regard to solar access, overshadowing and visual impact.



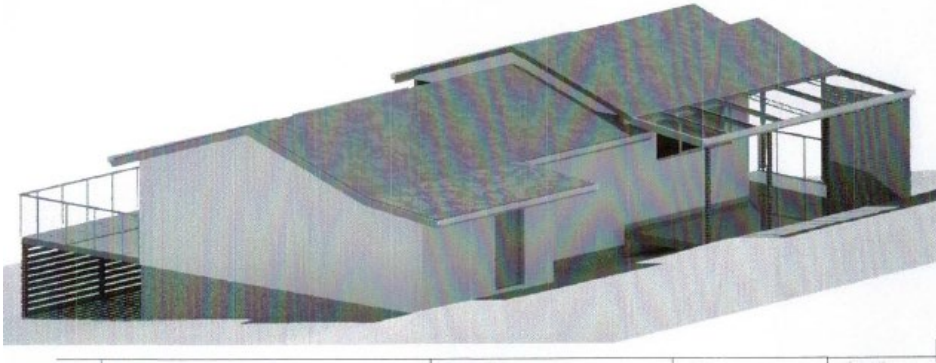
Amenity is defined within the planning scheme as:

“in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable”. The planning scheme directs us to consider amenity in relation to (i) to (iv). P1 contemplates some loss of amenity. An unreasonable loss of amenity is one that is “immoderate or exorbitant” and is considered a high bar. The Tribunal has previously summarised (*A&N McCullagh v Glamorgan Spring Bay Council* and *Ors* (2019) TASRMPAT30) an unreasonable loss of amenity is a qualitative assessment and requires an assessment of:

- Existing amenity of the area;
- What, if any, loss of that existing amenity arises as a result of the Proposal; and
- Where any loss so caused is unreasonable.

The assessment must be an objective one and the performance criteria requires consideration of the following.

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot. The property to the south of the development site, is potentially most impacted by the proposed development and is a single storey elevated dwelling that responds to the slope of the land. The adjacent dwelling is set back approximately 2.3m from the side boundary. The building face impacted by overshadowing is the north facing wall which does not include windows. As a result the proposed development will not reduce sunlight to a habitable room of the dwelling.

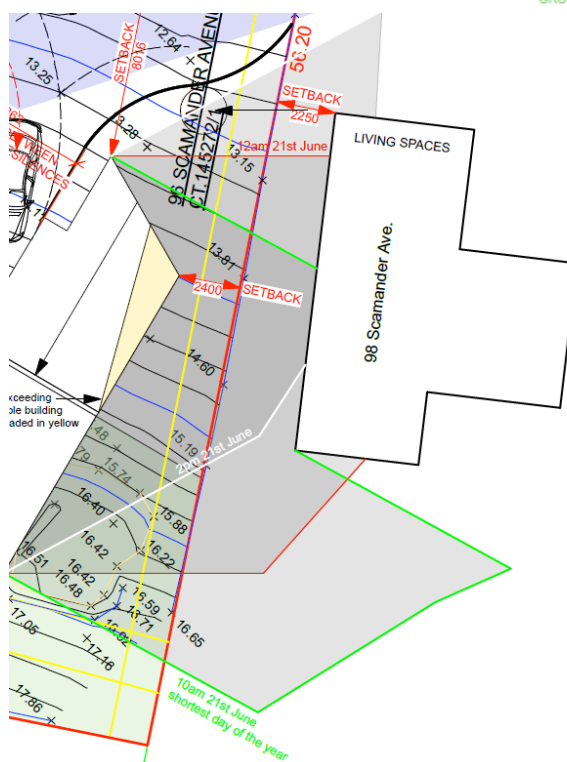
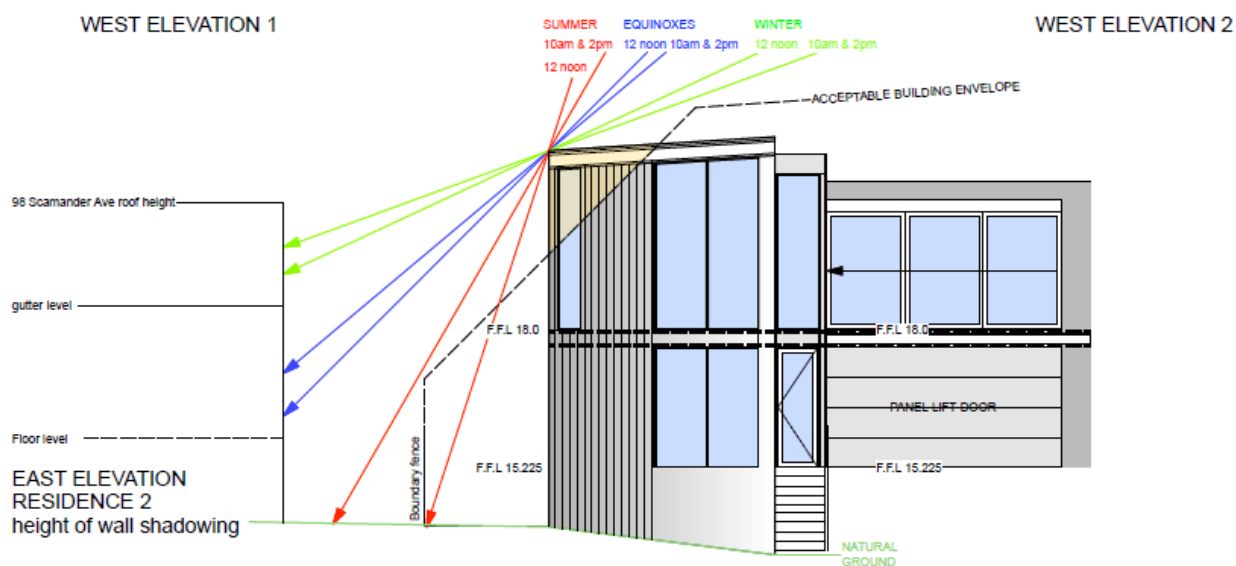


Adjoining southern dwelling demonstrating the north facing wall does not contain windows.

(ii) Overshadowing the private open space of an adjacent dwelling. The adjacent dwelling has indicated their private open space to be east of the dwelling and west of the dwelling.



The applicant for the proposed multiple dwellings has provided shadow diagrams to demonstrate how the proposed development satisfies the performance criteria.



Shadow Diagram demonstrating the extent of overshadowing of adjacent property at 10am and 2pm on the 21st June.

The shadow diagrams demonstrate that the private open space of the adjoining dwelling will be impacted to the rear at 10am. This also demonstrates that the north facing private open space in the property frontage and east facing deck will be free of overshadowing. This situation reverses by 2pm in which case the private open space to the rear is free of overshadowing, as well as a large portion of the front deck and front POS free from shadow. These diagrams demonstrate that the property to the south at No. 98 Scamander Avenue, will experience a degree of overshadowing from the proposed development but the application has demonstrated that the loss of amenity is not unreasonable and the portion of building outside the building envelope is minimal. In other words should the proposed dwelling be fully contained within the building envelope, the degree of overshadowing would not be reduced significantly. This reasoning is further supported by the design of the adjacent dwelling which has its living spaces, windows and deck orientated towards the east in order to capture sea views, however the designated private open space (including the deck) has been considered.

<p>(iii) overshadowing of an adjoining vacant property – not applicable, there is not a vacant adjoining property.</p> <p>(iv) Visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property. The development site is an internal lot with the proposed development taking advantage of ocean views to the east. Similarly surrounding properties are also orientated to take advantage of eastern ocean views.</p> <p>The elevations provide a representation of how the bulk and scale of the proposed development will present to the adjoining lots and also gives a good visual description of how the development responds to the slope of the site. As described earlier the adjoining dwelling is designed and orientated to take advantage of views to the east. As such the adjoining dwelling doesn't include windows to the northern side of the dwelling. As private open space and the design of the adjoining dwelling are orientated to the east, the loss of amenity associated with the visual impact of the proposed development is not considered unreasonable.</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area;</p> <p>The proposed development has a minimum set back to the southern side boundary of approximately 2.4m. The adjoining dwelling (No. 98) has a side boundary setback to the same side boundary of 2.25m. The side boundary setback in relation to this discretionary item is compatible between the neighbouring lots.</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation – Not applicable in this instance.</p> <p>The proposed development is considered to satisfy the performance criteria in this instance.</p>

10.4.3 Site Coverage and private open space for all dwellings

Acceptable Solutions	Performance Criteria
<p>A2</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
<p>Performance Criteria Assessment</p> <p>The proposed development includes adequate private open space for both dwellings and complies with the acceptable solution in all respects except for item (d) in that a portion of the private open space area has a gradient greater than 1 in 10.</p> <p>Residence 1 – 121 m²</p> <p>Residence 2 – 142 m²</p> <p>As the proposed development exceeds its requirements for private open space area, the portion of land exceeding the gradient acceptable solution still ensures acceptable/useable private open space is provided.</p> <p>The proposed development satisfies the performance criteria in this instance.</p>	

10.4.6 Privacy for all dwellings

Acceptable Solutions	Performance Criteria
<p>A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	<p>P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>
<p>Performance Criteria Assessment All decks exceed the required boundary setbacks. However the deck of Dwelling 1 is located less than 6m to a window of a habitable room associated with Unit 2 as indicated in the diagram below. A condition will be required to ensure the proposed development satisfies the performance criteria (See Condition 9).</p>	

10.4.6 Privacy for all dwellings

Acceptable Solutions	Performance Criteria
<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p>	<p>P2 A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p>

(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.	
Performance Criteria Assessment Proposed Dwelling 2 located closest to the southern side boundary, will have windows less than 3m to the side boundary. This window will not have a direct view to a habitable room on the adjacent property however it <u>may</u> have a direct view on the eastern facing deck of the adjacent property and their private northern open space. A condition will be imposed to ensure the development satisfies the performance criteria with respect to this window.	

10.4.16.1 Filling of Sites

Acceptable Solutions	Performance Criteria
A1 Fill must be; a) No more than 50m ³ , and b) Clean fill, and c) Located more than 2m from any boundary.	P1 Larger amounts of fill must have regard to:- a) how stormwater overflows will be directed towards the reticulated stormwater collection points or where this is not possible, how storm water run-off will be directed away from adjoining lots so as not to cause a nuisance, and b) how privacy of adjoining outdoor living areas will be maintained.
Performance Criteria Assessment The amount of fill is expected to exceed 50 m ³ and will provide a maximum of 600mm to the driveway. This fill is setback 900mm from the boundary. All driveway surfaces are sealed and created with falls towards the stormwater pits shown on the plans and connected to the reticulated stormwater infrastructure on Scamander Ave. The fill will not impact on the privacy of outdoor areas of adjoining properties. The proposed development satisfies the performance criteria in this instance.	

E4 Road and Rail Assets Code

The proposed development has been determined to satisfy the relevant use standards and development standards of the Road and Rail Assets Code.

E6 Car Parking and Sustainable Transport Code

E6.7.2 Design and Layout of Car Parking

Acceptable Solutions	Performance Criteria
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.	P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.

Performance Criteria Assessment

The proposed development includes one visitor car park forward of the main building line. Additionally, turning is within the front setback. The site however is an internal lot requiring cars to exit in a forward motion thereby necessitating vehicle movement in the frontage. As the site is an internal lot however, views into the site from the road and adjoining public spaces are restricted.

The proposed development is regarded as having satisfied the performance criteria in providing car parking and manoeuvring space that is an appropriate standard.

E14 Coastal Code

The Coastal Code applies to use or development of land located at or below the height indicated on the coastal inundation height reference map. The site is affected by the coastal inundation height reference map, however the development site is located between the 20m and 10m contour lines and is outside the coastal inundation height reference of 2.36m. No further assessment against the Coastal Code is required.

5. Representations

The application was advertised 19 June 2021 to 2 July 2021 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining land owners. One (1) representation was received prior to the closing date and time. The Representor was telephoned on Tuesday 6 July 2020 to discuss the representation and similar advice was given as represented below. The representation is as follows:

Issue	Response
1. Overshadowing	The Representor is located to the east of the proposed development and any overshadowing of the rear of the representors property is minimal and due to a setting sun. The site will be unaffected by shadowing for a large portion of the day and is not considered to cause an unreasonable loss of amenity to the property to the east. A detailed assessment of the property to the south has been provided.
2. Drainage along the eastern boundary	The proposed development includes rainwater collection tanks and insitu drainage within the car parking and manoeuvrability areas that is connect to the reticulated stormwater system. The stormwater infrastructure proposed caters for all structures and hard surfaces associated with vehicle movement and has been reviewed by the Department of State Growth.
Damage to representors property by construction vehicles parking on their property.	Site works and vehicles associated with the same are to be confined to the development site. The representors property does not form part of the application and hence there should be no construction vehicles using this property.
Rubbish Bins being left on the road reserve after pick up.	This is a site management issue.

The recommendation for approval has been made following due consideration of the representation 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 Environmental Living Zone and all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and Performance Criterion and the received representation has been considered. It is recommended for approval with conditions.

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.

96 Scamander Avenue , Scamander 7215 Tasmania

PROPOSED - 2x Strata Title Residences (Class 1 buildings)

DWG No.	TITLE	SCALE
D.A - 1	Cover page Model photographs	
D.A - 2	Site Plan Roof Plan	1:200
D.A - 3	Design Plan - Ground Floor	1:100
D.A - 4	Design Plan - First Floor	1:100
D.A - 5	Elevations - South 1 & 2	1:100
D.A - 6	Elevations - North 1 & 2	1:100
D.A - 7	Elevations - East & West 1 & 2	1:100
D.A - 8	Model photographs	
D.A - 9	Services site plan Communal & private space	1:200
D.A - 10	Car Maneuverability	1:200

ZONING

10.0 GENERAL RESIDENTIAL

SITE AREA

1053 Square metres

Site Coverage - 23%

PROJECT SPECIFICATION

TITLE REFERENCE

CT 35347 /1

BUILDING AREAS

TOTAL HOUSE AREA - RESIDENCE 1
202.5 square metres

HOUSE INTERNAL AREA
149.7 square metres

GARAGE AREA
52.8 square metres

DECK AREA
26.8 square metres

TOTAL HOUSE AREA - RESIDENCE 2
196.3 square metres

HOUSE INTERNAL AREA
143.5 square metres

GARAGE AREA
52.8 square metres

DECK AREA
25.2 square metres



MODEL PHOTOGRAPH



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DRAWING:
COVER PAGE

DATE: 18th APRIL 2021
ACCREDITATION
No CC633U

10/06/2021

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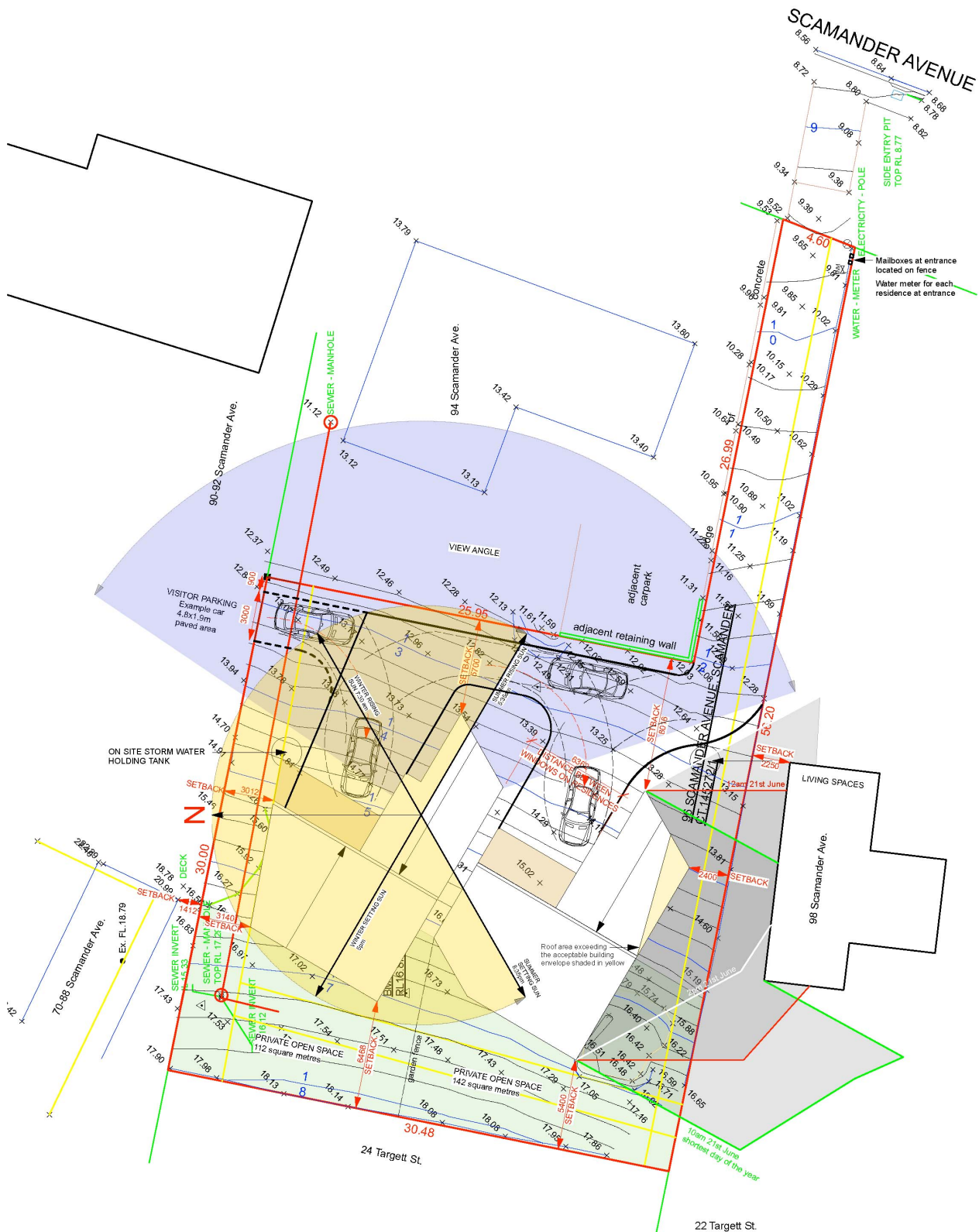
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DRAWING:
SITE PLAN
ROOF PLAN

DATE: 18th APRIL 2021
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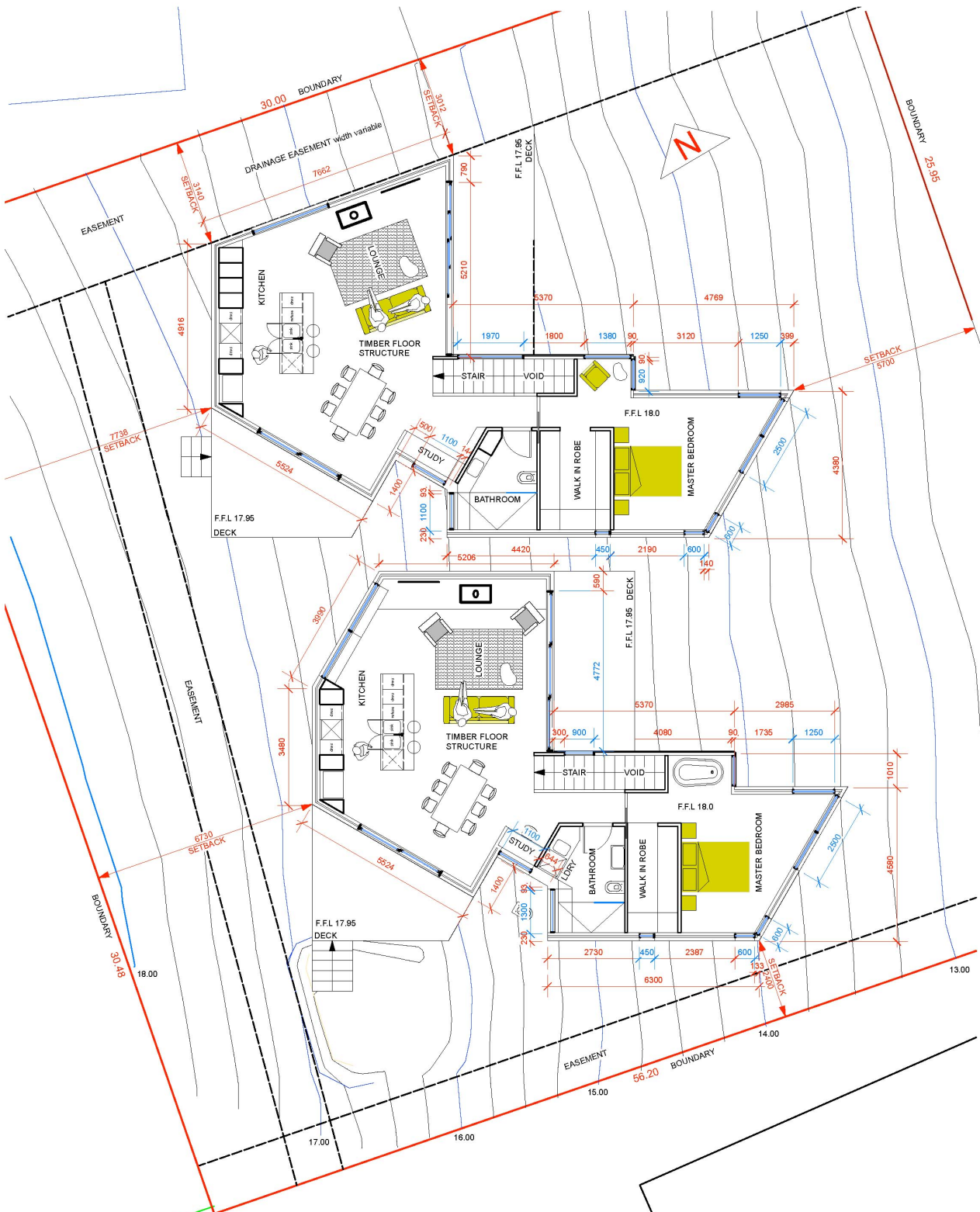
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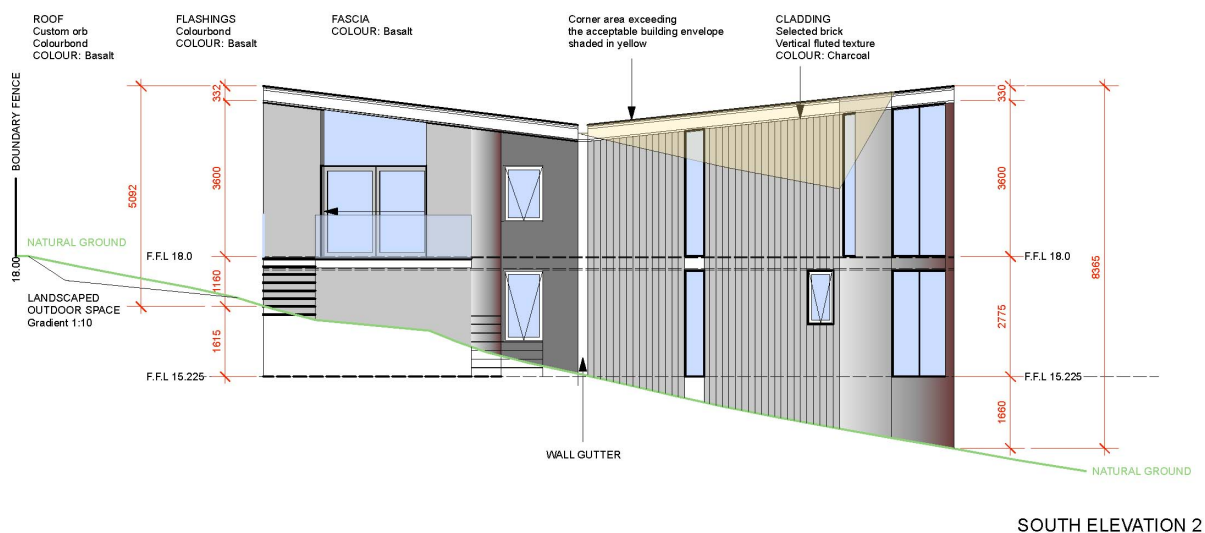
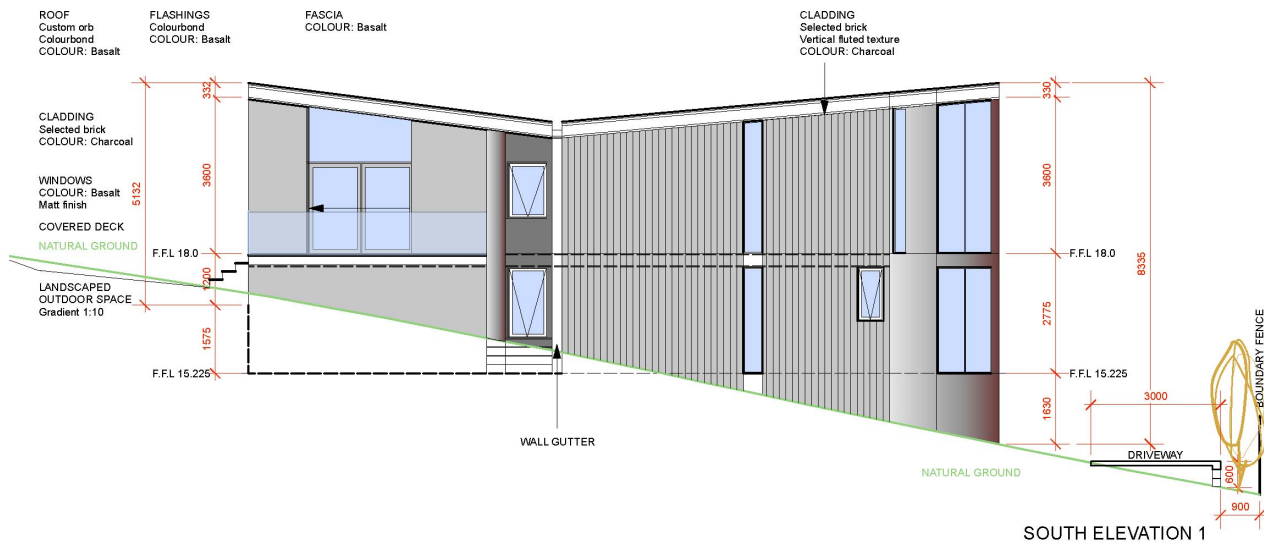
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 First floor
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ELEVATIONS
South 1 & 2

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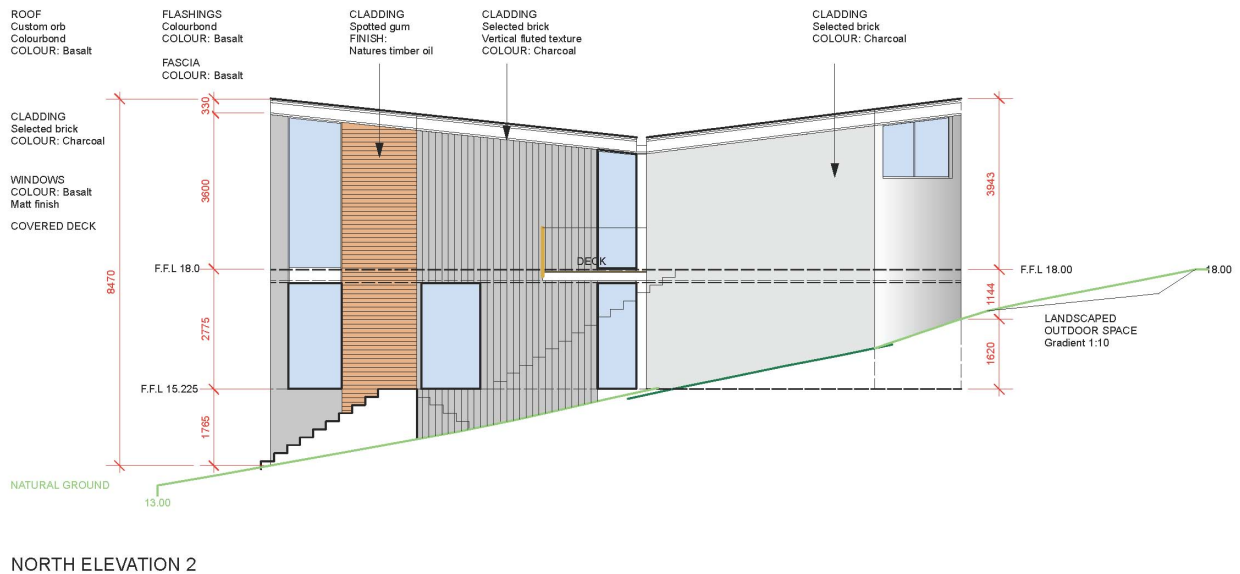
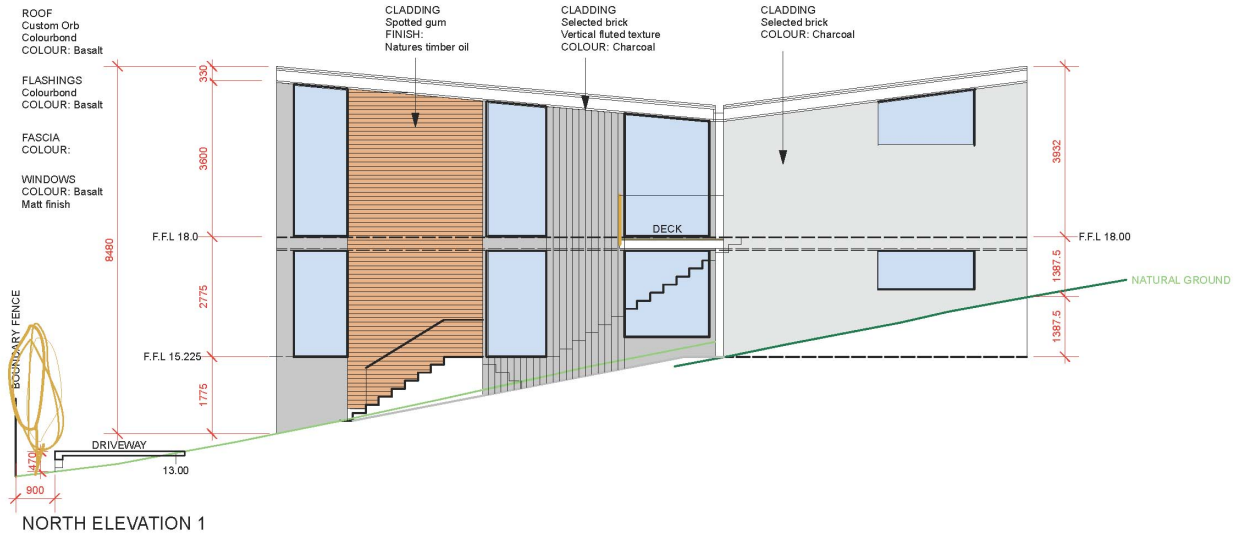
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ELEVATIONS
North 1 & 2

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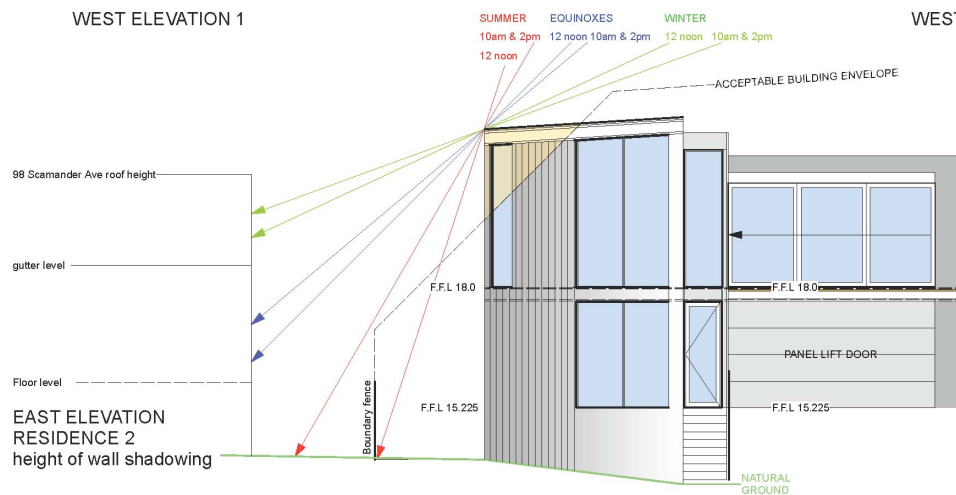
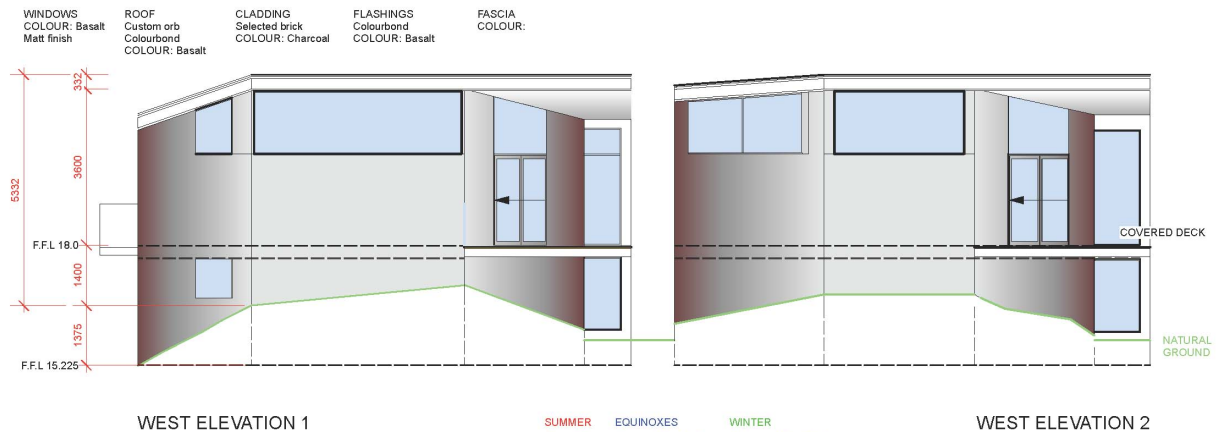
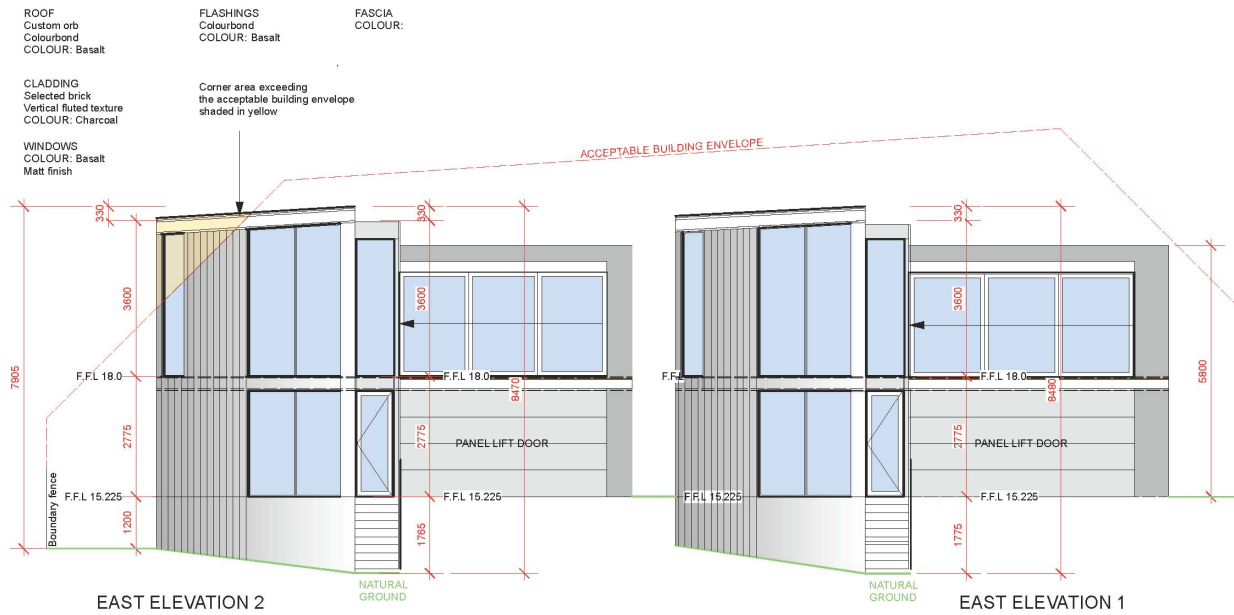
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 ELEVATIONS
 East & West 1 & 2

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SERVICES SITE PLAN
Communal
& private space
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SCAMANDER
7215
Property ID: 2671342
Title: 145272/1

10/06/2021

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.



COUNCIL RESOLUTIONS - MEETINGS - PUBLIC

12/07/2021

45

GOALS

49%

GOAL COMPLETION

COUNCIL RESOLUTIONS PLAN

COUNCIL RESOLUTIONS 2021

Current Co...	Meeting D...	Due Date	Goal	Resolution / Action	Update	Owner
0%	15/02/2021	29/10/2021	02/21.8.1.30 - Notice of Motion - Update St Helens Main Street - Cllr M Osborne	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.</i> That the Council consider an update of the St Helens Main Street as a project for the Community Infrastructure Program Extension.	Council to give consideration to nominating this project for funding under the Local Roads & Community Infrastructure Program - Phase 3. Project funding is not available until January 2022. Candidate projects suitable for nomination to be scoped and tabled for Council discussion prior to end October 2021.	Manager Infrastructure and Development Services
10%	15/02/2021	31/08/2021	02/21.16.4.50 - Draft Policy LG55 – Use of Conferencing Technology to Attend Council Meetings and Workshops Policy	That Council note the draft Policy LG55 – Use of Conferencing Technology to Attend Council Meetings and Workshops Policy and await the outcome of the Local Government Act review.	On hold until the Local Government Act Review is completed.	Executive Assistant

75%	15/03/2021	30/06/2021	03/21.9.1.59 - Notice of Motion - Invitation to World Trail - Cllr M Tucker	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council to invite Glen Jacobs from World Trail to do an overview and investigate the existing trails providing any thoughts on lengthening / improving the existing network and the need to investigate new trails to complement what is existing at the Flagstaff Trailhead.</p>	Council officers have reviewed feedback from operators and users and discussed evolution of the network with World Trail who have now examined on the ground the suggestions received and their thoughts in relation to potential development of the network. Once information is received it will be reviewed by Council officers to ensure it is logical as part of preparing the Report	General Manager
100%	15/03/2021	30/06/2021	03/21.17.4.74 - St Helens Neighbourhood House Community Garden	That Council reaffirm its previous commitment to assist the Neighbourhood House with relocation of the existing community garden.	Update provided to Council at it's meeting of 28 June 2021 outlining the nature of the support being provided and progress with the transfer. This is now taking shape and completion will occur as part of Council's normal operations.	General Manager
0%	19/04/2021	30/06/2021	04/21.14.3.88 - St Marys Recreation Ground Lighting	That Council consider the logistics and validity of relocating the St Helens lights with particular attention paid to the ongoing cost of maintaining and running the lights.		Manager Infrastructure and Development Services
0%	19/04/2021	30/06/2021	04/21.14.3.88 - St Marys Recreation Ground Lighting	That Council continues to work with Hub4Health in relation to potential upgrades to the gym building and surrounding areas.		Manager Infrastructure and Development Services

75%	19/04/2021	31/05/2021	04/21.15.3.94 - Community Grants Program 2020 - 2021	That Council fund the following projects through the Community Grants Program 2020-2021:	Funds have not been forwarded to Friends of Four Mile Creek as Council staff currently work with the community in regard to comments received as to whether the majority of the community would like to see this project undertaken.	Manager Community Services
			Organisati on or Group name	Description of Project	Amount Request ed from Council	
			Friends of Four Mile Creek Inc (FOFMC)	Sculpture installation of two (2) silhouettes of children, a boy and a girl enjoying activities at Four Mile Creek	2,025.00	
			Youth Collective North East Coast Tasmania	To purchase youth workers mobile phones, computers and data plans to assist in the running of their programs	5,000.00	
			Break O'Day Woodcraft Guild & Men's Shed Inc	Lining out kitchen area, plaster walls & ceiling , insulate walls and paint	1,625.00	
					\$8,650.00	
50%	17/05/2021	30/06/2021	05/21.9.1.102 - Emergency Motion - Notice of Motion - Announcement of Closure of Commonwealth Bank at St Marys - Cllr J McGiveron	That the Mayor and General Manager commence urgent discussion with the directors of Bendigo Bank to seriously consider setting up a Bendigo Branch in St Marys as soon as possible or any other available possibility to retain a proper banking service in St Marys.	Strongly worded letter sent to CBA in relation to the Branch closure. Discussions have commenced and are ongoing with the St Helens/st Marys Bendigo Community Bank regarding establishing a presence at St Marys with Council officers continuing to provide support when required.	General Manager

0%	17/05/2021	31/08/2021	05/21.9.2.103 - Notice of Motion - Investigations into a Swimming Pool and Hydra-therapy Pool - Cllr M Tucker	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council to start undertaking another look into an indoor swimming pool and hydra-therapy pool at the sports complex whilst updating our St Helens Sports Complex Master Plan.</p> <p>Council Officers/Managers go to Circular Head Council and look at the new swimming pool complex they have built and work with their Council on understanding the costs of running the complex now it has been running for a while.</p>	Future activity when the time and resources are available	General Manager
20%	17/05/2021	31/08/2021	05/21.9.3.104 - Notice of Motion - St Marys Town Hall Upgrade - Cllr J Drummond	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council upgrade the St Marys Town Hall, including, but not limited to, solar panels and improved heating facilities, with a view to making the Hall more user friendly and cost efficient.</p>	Included in the 2021/2022 Capital Works Program. A report will be prepared for Council detailing actual scope of works proposed.	Development Services Coordinator
20%	17/05/2021	31/12/2021	05/21.9.4.105 - Notice of Motion - Public Toilet Block for the St Marys Community Space - Cllr J Drummond	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council work with the State Government and other agencies as necessary, to secure and make available funding for a simple toilet block at the St Marys Community Space.</p>	Included in the 2021/2022 Capital Works Program. A report will be prepared for Council detailing actual scope of works proposed.	Development Services Coordinator

0%	17/05/2021	31/08/2021	05/21.9.5.106 - Notice of Motion - Dredging of the Entrance to the Stieglitz Boat Ramp - Cllr B LeFevre	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council seek a report providing information regarding the viability of dredging the entrance to the Stieglitz Boat Ramp enabling boats to once again successfully utilise the facility and appropriate signage be placed limiting the size of vessels launching.</p>	Manager Infrastructure and Development Services
100%	17/05/2021	31/05/2021	05/21.16.2.119 - Applications for Break O'Day Drought Weeds Grants	<p>1. That Council grant \$3,818 of Drought Weeds funding to an application for support of gorse and Californian thistle control on 'Kooringa', Esk Main Road, Fingal.</p> <p>2. That Council grant \$8,470 of Drought Weeds funding to an application for support of Spanish heath control by a landholder group at Whalers Watch Lane, St Helens.</p>	Council approved at its May Meeting the Drought Weeds grant applications for gorse at 'Kooringa', Esk Main Road, and Spanish heath control by a landholder group at Whalers Watch Lane, St Helens.
100%	28/06/2021	31/07/2021	06/21.6.1.125 - DA105-2021 - Legalisation of Deck and Veranda - 5 Erythos Grove, St Helens	DA105-2021 - Legalisation of Deck and Veranda - Planning Permit issued 5th July 2021	Development Services Coordinator
100%	28/06/2021	31/07/2021	06/21.6.2.126 - DA092-2020 - Alternate Route to Existing Quarry - Dianas Basin Quarry via Batchelors Track to Basin Creek Road and Tasman Highway, St Helens	DA092-2020 - Alternate Route to Existing Quarry - Planning Permit issued 5th July 2021	Development Services Coordinator
0%	28/06/2021	31/08/2021	06/21.9.1.128 - Notice of Motion - Textile Recycling Facilities - Cllr J Drummond	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council investigate opportunities for textile recycling partnerships and trials as part of a future focussed approach to waste management. A report is sought to assess the possibility of implementing textile recycling facilities as part of the waste management program within the Break O'Day area.</p>	Manager Infrastructure and Development Services

0%	28/06/2021	31/08/2021	06/21.9.2.129 - Notice of Motion - Investigation into Alternate Route - St Marys Pass - Clr K Wright	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council approaches / petitions, both State and Federal Governments for investigation into an alternate route between East Coast and Fingal Valley. This would be a major road project and would likely attract Federal funding.</p> <p>Procedural Motion was Moved and Carried:</p> <p>That the previous information be sourced and updated for discussion at a Council workshop.</p>		Manager Infrastructure and Development Services
100%	28/06/2021	31/07/2021	06/21.13.5.135 - Amendments to Fees & Charges 2021/2022	That Council amend the proposed 2021/2022 Fees and Charges for Waste, Planning and Right to Information as tabled in this report.	Fees & Charges updated on documents, website and advised to relevant staff, matter is complete	Manager Corporate Services
100%	28/06/2021	31/07/2021	06/21.13.6.136 - Adoption of 2021-2022 Budget Estimates	<p>That Council adopt the 2021/2022 Budget Estimates document inclusive of:</p> <ol style="list-style-type: none"> 1. Budget Income Statement 2. Budgeted Statement of Financial Position 3. Budgeted Cash Flow Statement 4. Rates Resolution 	Financial reports and website updated with adopted budget information	Manager Corporate Services
100%	28/06/2021	31/07/2021	06/21.14.3.139 - Georges Bay Jetty Replacement	That Council endorse the replacement of both Kirwans Beach and Beauty Bay jetties in the 2021/2022 financial year utilising MAST funding of \$204,053 allocated for the 2020/2021 financial period.	Jetty projects incorporated into budget and financial system identifying MAST funding, will be finalised in first budget review in 2021/2022	Manager Corporate Services

100%	28/06/2021	31/07/2021	06/21.15.2.142 - Waiver of Fees for Banner Pole Hire - East Coast Swans Football Club	That Council provide a reduction of 50% as a level of support to the East Coast Swans in the erection of the street banner across Cedia Street, St Helens prior to home games – approximately eight (8) times a season – at a cost of \$125.00 per erection of banner.	Advised the East Coast Swans that Council approved a 50% reduction on their fees to erect banner poles 8 times a year	Manager Community Services
100%	28/06/2021	31/07/2021	06/21.15.3.143 - Request for Funds - Fingal Valley Neighbourhood House	That Council support the Fingal Valley Neighbourhood House in providing funds to go towards the purchase of a compactus file system to ensure that the history of the Fingal Valley is stored correctly in the sum of \$6,510.	Advised Fingal Valley Neighbourhood House that they were successful in obtaining funds from Council to assist with the purchase of a compactor to store their historical documents	Manager Community Services
100%	28/06/2021	31/08/2021	06/21.15.4.144 - Disability Access Committee - Funding to Purchase a Sandcruiser All Terrain Chair	That Council purchase a Sandcruiser All Terrain Chair that can be used by people with disabilities allowing them to access the beach/water at a cost of \$4,600 plus postage.	Have raised a purchase order to purchase the Sandraiser chair and advised the Disability Access Committee of Council's decision to fund this project.	Manager Community Services
100%	28/06/2021	31/07/2021	06/21.16.3.147 - Application for Break O'Day Drought Weeds Grants	That Council consider two (2) Drought Weeds grants applications as follows: 1. Lower George floodplain, St Helens 2. 'Speyside', Mangana	Council approved at its June Meeting Drought Weeds grant applications by farmers for \$440 for Cape weed control on grazing land at St Helens and \$5,584 to control Patersons curse and cotton and nodding thistles at 'Speyside', Mangana. These two grants mean Break O'Day Drought Weeds grants funds are now fully allocated and the offer of the funding as ended. The project is continuing with the Drought Weeds officer supporting farmers until October.	NRM Facilitator
5%	28/06/2021	31/08/2021	06/21.17.2.149 - Flagstaff Trail Head - Site Plan for Expansion Opportunities	That Council note the draft site plan and request that Council Officers proceed to an Expression of Interest (EOI) process for future development and business opportunities at the Flagstaff Trail Head.	Following decision of Council, the Expression of Interest process is being developed by Council's Trails Project Manager	General Manager

COUNCIL RESOLUTIONS 2020

Current Co...	Meeting D...	Due Date	Goal	Resolution / Action	Update	Owner
60%	17/02/2020	31/05/2020	02/20.8.1.13 - Notice of Motion - St Helens Foreshore Playground Sun Shade - Cllr M Osborne	A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation: That a Sun-shade for this playground be costed and the installation of it be included in our 2020-2021 Budget deliberations.	This Council resolution refers to the St Helens foreshore playground. The playground and other foreshore infrastructure will be considered as part of the Marine Facilities Strategy (Georges Bay).	Manager Infrastructure and Development Services

100%	17/02/2020	31/05/2020	02/20.14.2.22 - Marine Facilities Master Plan - Georges Bay	That Council develop a brief and call for Expressions of Interest to develop a Marine Facilities Master Plan for Georges Bay.	Discussions with MAST to fund this project with grant funding provided to Council for jetty improvements was not successful. Council has now identified this project in the 2021-2022 budget with funds allocated to complete the Marine Facilities Master Plan.	Manager Community Services
60%	20/04/2020	31/07/2020	04/20.14.3.63 - St Helens Sports Complex - Amendments to Master Plan	That Council seek feedback from the sporting and recreational group users of the St Helens Sports Complex with the objective of consolidating proposed projects and preparing an updated master planning document to guide the Council in its future decision-making.	Users session held where the project was discussed. Plan is currently being redrawn with changes as discussed at this session.	Manager Community Services
55%	20/04/2020	31/07/2020	04/20.15.3.66 - 'Future Potential Production Forest' Land in Break O'Day	That Council ask the Tasmanian Government to provide it with information including the economic and social implications for Break O'Day community of possible changes to Future Potential Production Forest Land in Break O'Day municipality.	Research is yet to be conducted - in the absence of information being provided by government or industry bodies - to inform Council so it can consider its position as best it can regarding the future of FPPF Land in Break O'Day.	NRM Facilitator
90%	16/11/2020	28/02/2021	11/20.8.1.203 - Notice of Motion - Tasman Highway Speed Limit Reduction - Cllr K Chapple	That Council approach the Department of State Growth to investigate the possibility of reducing the speed limit on the Tasman Highway heading northwest towards Scottsdale from 80km per hour to 60 km per hour to View Street.	On the 8th July 2021, the Department of State Growth advised that the section of Tasman Highway from the existing 60 km/h limit west to View Street does not have a high enough access density to align with the criteria for 60 km/h under the Tasmanian Speed Zoning Guidelines. Taking this into account the department would not be able to provide sufficient justification for recommending a change to the existing 80 km/h limit to the Transport Commissioner. The department has however stated there is some merit in looking at a minor adjustment to the existing 60 to extend it a short distance to just north of Warrens Way intersection. Department officers will progress this in due course.	Manager Infrastructure and Development Services

100%	16/11/2020	31/08/2021	11/20.13.3.215 - Improvement of the Intersection of Upper Scamander Road and Tasman Highway	That Council make submission for a Safety Audit of the intersection of Upper Scamander Road and the Tasman Highway under the 2021/2022 Black Spot program at cost to the programme.	The Department of State Growth in the process of upgrading the intersection (Tasman Highway/Upper Scamander Road) that incorporates a right hand turning lane from the highway into Upper Scamander Road. Work commenced in May 2021 and due to current delays brought about by some of the underground infrastructure work has been temporarily suspended until late July 2021. The intersection design and current project delivery negates the need to seek funding to undertake a safety design review of the intersection. No further action is required to be taken by the Council	Manager Infrastructure and Development Services
88%	16/11/2020	28/02/2021	11/20.15.2.219 - Implementation of Dog Management Policy	That Council seek commitment from the Parks and Wildlife Service to work cooperatively with Council to implement consistent and coordinated management of dogs in the municipality through Council's public processes for Dog Management Policy and Declared Areas, while recognising our different roles, objectives and responsibilities, and means for achieving them.	LGAT is organising a workshop for Councils and the Parks and Wildlife Service to consider roles and responsibilities and cooperation around dog management, wildlife and reserves issues. Council has provided input for the workshop agenda.	NRM Facilitator
66%	21/12/2020	31/03/2021	12/20.12.7.233 - Reduced Facility Hire Fee - St Helens Little Athletics	That Council approve waiving the facility hire fee by amending the lease agreement to include use of the stadium toilets without charge.	Lease agreement has been reviewed, yet to be forwarded to Little Athletics	Manager Corporate Services

COUNCIL RESOLUTIONS 2019

Current Co...	Meeting D...	Due Date	Goal	Resolution / Action	Update	Owner
0%	18/03/2019	30/06/2019	03/19.8.2.47 - Notice of Motion - Mountain Bike Track in the Fingal Valley - Cllr J Tucker	A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation: That Council look at building a mountain bike and walking tracks in the Fingal Valley, and have it shovel ready for funding at the next State election.	This to be developed further as part of the Recreational Trails Strategy.	Manager Community Services
25%	15/07/2019	31/10/2019	07/19.16.2.182 - Intention to Make New By-Law - Trail Network By-Law	In accordance with section 156 of the Local Government Act 1993, Council resolves to make a by-law for the regulation of the Trail Networks.	Draft By-Law currently being prepared.	Executive Assistant

0%	16/09/2019	31/12/2019	09/19.14.3.229 - Kings Park	That Council replace the fence and fix the steps on the Medea Cove side of Kings Park.	Advised the Works Department of Council decision to replace the fence and fix the steps.	Manager Community Services
0%	16/09/2019	31/12/2019	09/19.14.3.229 - Kings Park	That Council work with Tasmania Fire Service to undertake an assessment as to whether Kings Park is currently a fire risk to adjoining properties.		Manager Community Services
0%	16/09/2019	31/12/2019	09/19.14.3.229 - Kings Park	That Council commence the process to develop some walking trails and interpretative signage that helps to create a narrative that acts to generate a positive user experience within the Kings Park area.	Walking trails to be discussed during the development of the Recreational Trails Strategy.	Manager Community Services
50%	18/11/2019	29/02/2020	11/19.8.1.266 - Notice of Motion - Bike / Pedestrian Track, Swimcart to Binalong Bay Road - Clr G McGuinness	A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation: That Council investigates the best route for a dual access, (bike/pedestrian), dual direction track between Swimcart Beach and the "yet to be built" dual access Binalong Bay Rd. track.	Investigations undertaken and a potential route has been identified following consideration of environmental constraints with a view to avoiding sensitive areas such as Penguin nesting grounds. Route has been discussed with Parks & Wildlife Service and work is ongoing with a private land owner.	Manager Infrastructure and Development Services
20%	18/11/2019	31/12/2021	11/19.8.1.266 - Notice of Motion - Bike / Pedestrian Track, Swimcard to Binalong Bay Road - Clr G McGuinness	That Council seeks funding to enable this track to be built as soon as practical.	Discussions and investigations have occurred with PWS and private landowner in relation to the potential alignment. Information presented to Council workshop in relation to the alignment	Manager Infrastructure and Development Services
0%	18/11/2019	29/02/2020	11/19.14.3.277 - Disability Action Plan	That Council seek community feedback in relation to the draft Disability Action Plan.		Manager Community Services
50%	16/12/2019	31/03/2020	12/19.14.2.303 - Old Hospital - Community Feedback	That Council support the Department of Communities Tasmania to undertake an examination of the feasibility of the key options identified.	The old St Helens Hospital is currently being used as a Respiratory Clinic for COVID 19 testing. All discussions are on hold whilst the need is still there to undertake the testing for Covid.	Manager Community Services
25%	16/12/2019	31/03/2020	12/19.14.2.303 - Old Hospital - Community Feedback	That Council commence discussions with Department of Communities Tasmania to transfer the green space at the front of the old Hospital (corner Circassian and Cecilia Street) to Council for community use.	Hospital currently being used by Ochre as a Respiratory Clinic.	Manager Community Services

COUNCIL RESOLUTIONS 2018

Current Co...	Meeting D...	Due Date	Goal	Resolution / Action	Update	Owner
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0%	21/05/2018 31/08/2018 05/18.14.2.117 - The Gardens Toilet Block	Council to take over ownership of the toilet block to be built at The Gardens with Council entering into an agreement with Parks & Wildlife (PWS) who will maintain and service the toilet block.	PWS in discussion with the Gardens community as to the location of the temporary toilet.	Manager Community Services
50%	20/08/2018 30/11/2018 08/18.8.2.182 - Notice of Motion - Driver Reviver Site in Fingal - Cllr J Drummond	<p>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice as required from relevant State Agencies:</p> <p>That Council work with the Fingal Valley Neighbourhood House, the SES, local police and others to establish a Driver Reviver Site in Fingal at the Council owned Park and Public Toilet Facility on the Esk Highway. This site ideally should be operational before Christmas and operate through until after the Easter long weekend.</p>	Awaiting a response from SES as to why this did not occur and when they intend to commence this project in our Municipality.	Manager Community Services

07/21.8.0

PETITIONS

Nil.

07/21.9.0

NOTICES OF MOTION

07/21.9.1

Notice of Motion – Wood Heater Emissions – Cllr K Wright

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 given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council seek a report on wood heater emissions in Break O'Day region, and consider implementing and enforcing "Australian Wood Heater Standards" as a requirement in all Break O'Day residences with wood heaters, and any new wood heaters being installed. Along with information being shared in welcome packs or rates notice/ newsletters.

SUBMISSION IN SUPPORT OF MOTION:

And that information be provided on (A) Australian Wood Heater Standards, (B) Improving Wood Heater Use, and (C) Smoky Wood Heater Complaints process, and helpful "Hints and Tips" in newsletters to be distributed with rates notices, as well as making the information easily available on our Council website. It is suggested that EPA standard be used as the benchmark, and that inspections be carried out in situations where standards appear not to be being adhered to, or are being ignored.

I bring this to Council as it has been brought to my attention that a number residents within our community, are suffering from health related issues which are greatly exacerbated by smoke from neighbouring wood heaters, and many people are unaware that their heaters may be causing others discomfort, and further unaware that there's steps which could be taken to solve these issues. We could look to other Councils, such as Launceston, for guidance on regulations and implementation of such standards and consequences of non compliance.
Link to wood heater standards below

<https://epa.tas.gov.au/epa/air/air-quality-in-tasmania/reducing-air-pollution/australian-wood-heater-standards>

07/21.10.0

COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

07/21.11.0

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

07/21.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

07/21.12.1

Mayor's Communications for Period Ending 19 July 2021

29.06.2021	St Helens	– Meeting with Northern Region Commander and Inspector Michael Johnston
30.06.2021	St Helens Via Web	– Local Government Association of Tasmania (LGAT) – Annual General Meeting (AGM)
30.06.2021	St Helens Via Web	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting
01.07.2021	St Marys	– Opening Day at the St Marys Sports Centre
14.07.2021	Oatlands	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting
19.07.2021	St Helens	– Council Meeting

07/21.12.2

Councillor's Reports for Period Ending 19 July 2021

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 –Clr Margaret Osborne OAM
- NRM Special Committee – Clr Janet Drummond
- East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness
- Mental Health Action Group – Clr Barry LeFevre
- Disability Access Committee – Clr Janet Drummond

07/21.13.0 BUSINESS AND CORPORATE SERVICES

07/21.13.1 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:

Corporate Services Staffing and Other Activities:

- 83% of dog re-registrations were received by 30 June 2021. An initial reminder is forwarded by SMS and then a reminder by mail. Very few dog owners will require follow up beyond this process.
- 122 food licences were issued, 2/3 of these have been returned, follow up will commence mid July.
- 255 Caravan licences have just been issued with a due date of 30 July.
- Council's IT support contractor undertook a site support visit recently incorporating planned maintenance work and ad hoc support activities at all St Helens sites.

Meetings Attended:

Normal face to face Corporate Services team meetings and manager-team member meetings have resumed.

With the Records Officer, attended training by video-conference for Council records management system (HPE Content Manager or TRIM). Records Officer also participated in training on Right to Information (RTI) on line.

Other Issues:

Investments – Term Deposits

BENDIGO:

Nil – CBA has been more competitive recently

CBA:

\$1,000,448.77	0.15%	Maturing 08/07/2021
\$1,000,000.00	0.15%	Maturing 09/07/2021
\$1,000,665.81	0.15%	Maturing 16/07/2021
\$2,008,456.30	0.16%	Maturing 26/07/2021
\$1,000,419.18	0.16%	Maturing 03/08/2021
\$1,000,000.00	0.16%	Maturing 09/08/2021
\$1,015,789.62	0.17%	Maturing 23/08/2021
\$1,000,000.00	0.19%	Maturing 07/09/2021

Right to Information (RTI) Requests

No new requests have been received.

132 and 337 Certificates

	132	337
June 2021	53	34
May 2021	69	44
June 2020	31	26

Debtors/Creditors @ 7 July 2021

DEBTORS INFORMATION

Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 20/21	Month	YTD 19/20
67	\$ 354,542.00	792	54	879

CREDITORS INFORMATION

Payments Made

Current			Previous Year	
Month	Mth Value	YTD 20/21	Month	YTD 19/20
420	\$ 951,321.00	4592	352	4491

Work Health & Safety Coordinator

The Work Health & Safety Coordinator attended various internal meetings related to risk management and work health and safety (WHS) including WHS/RM committee meeting on 17 June 2020.

Ongoing review of COVID-19 safety plans and preparedness for internal and external signage to raise public awareness of easing of restrictions in facilities and venues. Discussions with the management team and continuous liaising with the Community Services Department concerning community groups hiring council facilities and their compliance with their safety plans.

During the period of **28 June to 5 July 2021**, no vandalism above the \$50 threshold was reported to Council's Work Health & Safety Coordinator.

Update on Council's Insurance Renewal for 2021/2022 Financial Year

During the past four months, the WHS Coordinator worked with our insurance adviser and various managers/coordinators through the insurance renewal questionnaire, reviewed the renewal report and provided updates to the Manager Corporate Services and General Manager on changes to premiums, deductibles, policy wording and alternative options to existing policies.

The current hard market conditions are likely to continue for the short and medium-term. Natural catastrophes are inevitable and this will have a flow-on effect with pricing and insurance cover, particularly for Councils exposed to natural catastrophe risks.

Pricing trends in the Pacific region for the three main classes being, property, liability & financial and professional lines represent the councils largest risk transfer spend, excluding workers compensation and motor vehicle policies.

The latest Marsh Global Pricing index from the first quarter of 2021 shows that pricing in the Pacific region may have started to stabilise. Whilst still increasing at 29% year on year, this is at a decreasing rate when compared to the previous quarter.

Public Liability and Professional Indemnity Insurance

The MAV Insurance Liability Mutual Insurance (LMI) scheme has faced the following factor which has increased the scheme's underlying costs:

- A considerable hardening in the general insurance market, which has resulted in higher reinsurance program costs. The reinsurance costs increased by 20% on the primary layer and 7.5% on the excess layers.
- Review of internal cost structures with additional expenses budgeted to strengthen the scheme's assurance and risk functions and implement potential structural reform options. This contributed a modest amount to the scheme's contribution increase.
- By further strengthening the capital position of the scheme financially robust and prudently management is ensured. This is a long-term approach to this position as well as gradually increasing capital.

As a consequence of these factors LMI member renewal contributions have increased this year on average by 10% which is at the lower end of the range of 10 to 15% previously communicated.

JMAPP – JLT (Joint Municipal Asset Protection Plan) Discretionary Trust Arrangement

As of 1 July 2021, Council has become a member of the JMAPP Discretionary Trust Arrangement which is an innovative alternative to traditional property insurance placement. The fundamental purpose of JMAPP is to maximise the cost-saving benefits to its Members.

The structure of JMAPP is designed to reduce the reliance on the traditional insurance market using the managed Aggregate. Therefore, whilst the insurance market has continued to increase from the last renewal, the overall impact has been cushioned through both the structure and long-term stability of the placement.

The success of JMAPP trust is driven by the combined buying power and risk-sharing of Victorian and Tasmanian Local Government corporations who support the program.

Directors & Officers Liability & Employment Practices Liability (combined)

The current state of the market concerning Directors / Councillors and Officers Liability is the culmination of very poor underwriting performance on a global scale characterised by increased litigation and employment practices related issues throughout the world.

Whilst claims have continued throughout the 2020-21 period, our insurance adviser secured an alternative quote with a premium increase on the portfolio of 13.8%, which is significantly under the market increases of our previous insurance company.

The bespoke Councillors' & Officers Liability Policy, specifically for Councils, provides cover under one policy for Directors & Officers Liability / Employment Practices Liability and Statutory Liability. As a result, some of the insurance limits have changed and a reduction in the deductibles from \$50,000 to \$25,000 was achieved.

Motor Vehicle

The 2020-2021 financial year has seen the combined loss ratio for all Councils in the motor portfolio sitting above 80% for the second consecutive year. After nearly five years of modest single-digit increases, an increase of 10% across the portfolio was necessary to keep the current loss ratio in check and avoiding future significant premium volatility should the claims experience in 2021-2022 remain on the current course.

Airport Liability

Rollover terms, conditions and premium on the expiring policy were achieved.

This is a significant win considering the aviation market has shifted towards increased pricing since 2018. The market shift has been driven by increasing claims frequency, cost of settling claims and reduced capacity from insurers.

Community Liability Pack

Reporting of claims kept to a minimum and no claims incurred in the past five years. This is an incredible achievement given the significant numbers declared year on year within the scheme and the variety of exposures that are protected.

To preserve the competitive low rating structure offered by the insurer, negotiations this year have concluded with a 10% increase across all sections to reflect the underwriter's requirements in the current market.

Personal Accident

Following two (2) years of rollover premiums, the insurer has applied a 3% increase across all lines. The insurer has issued new policy wordings confirming there has been no reduction in cover, only a change in terminology.

Corporate Travel

This class of insurance attracts a minor premium in Council's portfolio, as it incorporates both international and Australia wide travel. Although COVID-19 has put a halt to overseas travel in the short term, interstate travel is resuming and gaining momentum.

Although a 3% increase has been applied for the following 12 months, the overall premium increase is insignificant.

Workers Compensation

Renewal terms were offered at a rate of 1.89% which has changed from 1.83% from the last 2020/2021 policy year. This rate is still well below that of many other councils and being the suggested premium rate of 2.58 % published by the Tasmanian WorkCover Board.

For the 2019/2020 Year, Council will receive a claims experience discount (CED) payable on a renewal.

General Summary

Overall Council has experienced a decrease of 6%, predominantly due to re-evaluation of Council's building assets and joining the JMAPP Discretionary Trust Membership.

RATES INFORMATION as at 7 July 2021							
This financial Year							
2021/2022	Rates Actuals inc. Annual Remissions	Rates Levied excluding remissions	Additional Rates (Sup Val)	Total Rates	Penalties	Interest	Rate Remissions
General	7,665,865.61	7,615,142.20	0.00	7,615,142.20	-	1,642.54	61,517.51
Waste	1,312,200.00	1,306,100.00	0.00	1,306,100.00			
Wheelie	479,606.00	477,174.00	0.00	477,174.00			
Recycling	390,600.00	388,500.00	0.00	388,500.00			
Fire	373,174.52	373,012.42	0.00	373,012.42			
TOTAL	10,221,446.13	10,159,928.62	0.00	10,159,928.62	-	1,642.54	61,517.51
Last Financial Year							
2020/2021	Rates Actuals inc. Annual Remissions	Rates Levied excluding remissions	Additional Rates (Sup Val)	Total Rates	Penalties	Interest	Rate Remissions
General	7,437,343.52	7,388,664.92	0.00	7,388,664.92	-	19.23	153,334.53
Waste	1,228,360.25	1,226,004.00	0.00	1,226,004.00			
Wheelie	452,734.75	452,119.20	0.00	452,119.20			
Recycling	253,925.20	253,536.00	0.00	253,536.00			
Fire	365,145.54	364,983.85	0.00	364,983.85			
TOTAL	9,737,509.26	9,685,307.97	0.00	9,685,307.97	-	19.23	153,334.53
Instalments							
2021/2022		Instalment \$	Outstanding \$	Outstanding %			
8 September 2020	Instalment 1	2,537,255.62	2,335,498.16	92.05%			
10 November 2020	Instalment 2	2,540,891.00	2,396,410.57	94.31%			
2 February 2021	Instalment 3	2,540,891.00	2,409,664.88	94.84%			
4 May 2021	Instalment 4	2,540,891.00	2,418,854.15	95.20%			
	TOTAL:	10,159,928.62	9,560,427.76	94.10%			
2020/2021		Instalment \$	Outstanding \$	Outstanding %			
10 September 2019	Instalment 1	2,422,220.97	2,110,561.70	87.13%			
12 November 2019	Instalment 2	2,421,029.00	2,237,769.64	92.43%			
4 February 2020	Instalment 3	2,421,029.00	2,284,301.86	94.35%			
5 May 2020	Instalment 4	2,421,029.00	2,290,698.39	94.62%			
	TOTAL:	9,685,307.97	8,923,331.59	92.13%			
Discount							
	Discount Claimed	No. of	Total Ratable	% of total			
2021/2022	1,199.02	59	6,498	0.91%			
2020/2021	2,974.66	89	6,476	1.37%			

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027

Goal

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

Strategy

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

LEGISLATION & POLICIES:

Nil.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Manager Corporate Services, Bob Hoogland
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

OFFICER'S RECOMMENDATION:

That the following reports for the month ending 30 June 2021 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. 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 June 2021.

Trading Account Summary

Council's current position for the month ending 30 June is summarised as follows:-

CASH AT BEGINNING OF PERIOD	10,091,195
TOTAL INCOME FOR PERIOD	11,604,491
TOTAL AVAILABLE FUNDS	21,695,686
LESS TOTAL EXPENDITURE	11,158,850
CASH AT END OF PERIOD	10,536,836
OUTSTANDING SUNDRY DEBTORS 60 DAYS & OVER	2,308

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.

Income Statement				
2020-2021				
	2019-2020 Actual	Year to Date Actual	Year to Date Budget	2020-2021 Estimate
INCOME				
Rates and Charges	9,850,188	9,803,772	9,730,958	9,730,958
User Charges	1,099,845	989,125	830,591	830,591
Grants	3,078,651	3,188,140	3,020,411	3,000,411
Other Income	420,306	549,908	152,000	152,000
Investment Income	406,309	226,491	344,000	344,000
Total Income	14,855,299	14,757,436	14,077,960	14,057,960
Capital Income				
Capital grants	5,220,216	5,781,583	1,991,000	4,091,000
Profit or Loss on Sale of Assets	(318,269)	11,706	25,000	25,000
Total Income	19,757,246	20,550,725	16,093,960	18,173,960
EXPENSES				
Employee Expenses	4,539,148	5,084,971	5,512,396	5,512,396
Materials and Services	4,215,435	5,364,872	4,561,591	4,561,591
Depreciation and amortisation	3,732,684	3,074,336	3,659,093	3,659,093
Other expenses	1,584,106	827,758	857,586	857,586
Total Expenses	14,071,373	14,351,938	14,590,665	14,590,665
FAGs in advance				
Net Operating Surplus\ (Deficit)	783,926	405,498	(512,705)	(532,705)
Net Surplus\ (Deficit)	5,685,873	6,198,787	1,503,295	3,583,295

Profit & Loss Statement							
2020-2021							
		Month Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	% of Annual Budget used	Comments
1600	Revenues						
1611	General Rate	8,922	7,458,732	7,389,216	7,389,216	101%	
1612	Waste Charges	810	1,231,560	1,226,004	1,226,004	100%	
1613	Fire Levy	370	365,978	364,927	364,927	100%	
1614	Tips & Transfer Stations	14,296	191,725	175,100	175,100	109%	
1615	Recycling Charges	324	255,116	253,592	253,592	101%	
1616	Early Settlement Discounts	33	(157,845)	(130,000)	(130,000)	121%	
1617	Wheelie Bin Charges	544	458,505	452,119	452,119	101%	
	Total Rates	25,298	9,803,772	9,730,958	9,730,958	101%	
	Environmental Health						
1622	Inspection Fees	-	-	6,000	6,000	0%	
1623	Health/Food Licence Fees and Fines	23,645	25,138	14,000	14,000	180%	
1624	Immunisations	-	1,359	1,000	1,000	136%	
	Total Environmental Health	23,645	26,496	21,000	21,000	126%	
	Municipal Inspector						
1631	Kennel Licences	-	1,390	1,200	1,200	116%	
1632	Dog Registrations	16,180	35,589	50,100	50,100	71%	
1633	Dog Impoundment Fees & Fines	145	923	2,500	2,500	37%	
1634	Dog Replacement Tags	20	185	-	-		
1635	Caravan Fees and Fines	-	64,816	50,000	50,000	130%	
1636	Fire Abatement Charges	-	-	2,000	2,000	0%	
1637	Infringement Notices	344	2,281	17,500	17,500	13%	
	Total Municipal inspector	16,689	105,183	123,300	123,300	85%	
	Building Control Fees						
1641	Building Fees	343	13,765	30,000	30,000	46%	
1642	Plumbing	5,915	48,240	50,000	50,000	96%	
1643	Building Search Fees	60	240	1,200	1,200	20%	
1644	Permit Administration	4,200	42,625	35,000	35,000	122%	
1645	Building Inspections	7,327	59,654	40,000	40,000	149%	
1647	Certificates of Likely Compliance	4,923	45,623	22,000	22,000	207%	
1651	Development Applic Fees	9,629	104,540	50,000	50,000	209%	
1653	Subdivision Fees	300	2,440	3,500	3,500	70%	
1654	Advertising Fee	4,825	86,500	50,000	50,000	173%	
1655	Adhesion Orders	510	510	500	500	102%	
1656	Engineering Fees	-	8,560	2,000	2,000	428%	
1657	Public Open Space	3,750	46,000		-		
	Total Planning & Building Control Fees	41,782	458,697	284,200	284,200	161%	

		Month Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	% of Annual Budget used	Comments
	Government Fees Levies						
1661	B.C.I Training Levy	4,418	48,267	30,000	30,000	161%	
1662	Building Permit Levy	2,209	24,133	17,000	17,000	142%	
1663	132 & 337 Certificates	13,950	147,604	80,000	80,000	185%	
1664	Section 137 Property Sales	-	781	-	-		
1666	Right to Information	-	81	-	-		
	Total Government Fees Levies	20,577	220,865	127,000	127,000	174%	
	Investment Income						
1671	Interest Income	(4,290)	32,491	150,000	150,000	22%	
1676	Dividends - TasWater	97,000	194,000	194,000	194,000	100%	
	Total Investment Income	92,710	226,491	344,000	344,000	66%	
	Sales Hire and Commission						
1681	Sales	2,059	45,752	127,600	127,600	36%	
1682	Commission	3,729	16,041	16,491	16,491	97%	
1683	Equipment Hire	-	245	-	-		
1684	Facilities and Hall Hire	7,653	42,352	55,000	55,000	77%	
1685	Facilities Leases	4,296	73,493	75,000	75,000	98%	
1687	History Room Other Income	-	-	1,000	1,000	0%	
	Total Sales Hire & Commiss	17,737	177,884	275,091	275,091	65%	
	Other Income						
1761	Late Payment Penalties inc Interest	1,991	69,638	100,000	100,000	70%	
1763	Heavy Vehicle Contributions	-	48,822	-	-		
1765	Private Works	164,604	258,312	20,000	20,000	1292%	Construction of Cunningham St Jetty
1766	Cemetery	2,727	23,909	25,000	25,000	96%	
1767	Contributions	46,748	78,835	-	-		
1768	Miscellaneous Income	-	52	-	-		
	Total Other Income	216,071	479,568	145,000	145,000	331%	
	Reimbursements						
1772	Insurance Recoveries	-	909	-	-		
1773	Workers Comp. Recoveries	-	3,131	2,000	2,000	157%	
1775	Roundings	2	(83)	-	-		
1776	Misc Reimbursements	1,216	29,842	5,000	5,000	597%	
1778	GST free reimbursements	1,700	36,541	-	-		
	Total Reimbursements	2,918	70,340	7,000	7,000	1005%	

		Month Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	% of Annual Budget used	Comments
	Gain or Loss on Sale of Assets						
1781	Profit or Loss on Sale of Assets	-	11,706	25,000	25,000	47%	
	Total Gain or Loss on Sale of Assets	-	11,706	25,000	25,000	47%	
	Grant Income						
	Operating Grants						
1792	Financial Assistance Grant	1,520,937	2,941,008	2,980,411	2,980,411	99%	
1794	State Grants - Other	-	247,132	20,000	20,000	1236%	
	Learner Driver Mentor Grant		-	20,000	-		
	Total Operating Grants	1,520,937	3,188,140	3,020,411	3,000,411	106%	
	Capital Grants						
1791	Roads to Recovery	(1,220,000)	5,400,583	971,000	971,000	556%	
	DCF Round 2 Projects	-	-	1,000,000	1,000,000	0%	
	CDG Georges Bay Walking Trail	1,260,000	-		2,100,000	0%	
	Turf Mower	-	-	20,000	20,000	0%	
1793	Skyline Drive Junction	70,750	381,000				
	Total Capital Grants	110,750	5,781,583	1,991,000	4,091,000	141%	
	Total Revenue	2,089,113	20,550,725	16,093,960	18,173,960	113%	
	Expenses						
	Employee Costs						
1811	Salaries and Wages	283,078	3,525,529	3,791,012	3,791,012	93%	
1812	On Costs	116,713	1,486,674	1,683,844	1,683,844	88%	
1813	Overtime Payments	5,441	72,768	37,540	37,540	194%	
	Total Employee Costs	405,233	5,084,971	5,512,396	5,512,396	92%	
	Energy Costs						
1851	Electricity	2,445	131,539	143,875	143,875	91%	
	Total Energy Costs	2,445	131,539	143,875	143,875	91%	
	Materials and Contracts						
1861	Advertising	3,106	78,583	48,500	48,500	162%	
1863	Bank Charges - GST	2,033	25,398	24,200	24,200	105%	
1864	Books Manuals Publications	274	2,213	4,090	4,090	54%	
1865	Catering	606	13,273	14,400	14,400	92%	
1866	Bank Charges - FREE	29	623	1,000	1,000	62%	
1867	Computer Hardware Purchase	379	21,686	12,000	12,000	181%	
1869	Computer Internet Charges	-	-	2,000	2,000	0%	

		Month Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	% of Annual Budget used	Comments
1870	Computer Licence and Maintenance Fees	23,885	208,633	205,000	205,000	102%	
1872	Corporate Membership	18	128,760	144,790	144,790	89%	
1873	Debt Collection	2,749	21,800	16,000	16,000	136%	
1876	Stock Purchases for Resale	15	12,859	45,000	45,000	29%	
1890	Equipment Hire and Leasing	1,493	24,100	38,500	38,500	63%	
1891	Equipment Maintenance and Minor Purchases	618	7,177	11,700	11,700	61%	
1893	Internet Billpay Costs	-	6,738	7,000	7,000	96%	
1895	Licensing and Licence Costs	(150)	48,141	39,379	39,379	122%	
1896	Land and Building Rental or Leasing Costs	3,734	55,821	9,000	9,000	620%	
1897	Materials	38,824	363,611	335,445	335,445	108%	
1898	Phone Calls Rental Fax	4,233	36,546	39,090	39,090	93%	
1899	Postage/Freight	992	26,523	23,010	23,010	115%	
1900	Printing/Laminating	-	-	5,000	5,000	0%	
1901	Property Insurance	-	131,831	109,300	109,300	121%	
1902	Room Hire	-	1,233	1,250	1,250	99%	
1904	Royalties & Production Licences	-	-	5,000	5,000	0%	
1905	Stationery	1,195	17,589	16,500	16,500	107%	
1906	Water & Property rates Payable	19,958	97,437	105,800	105,800	92%	
	Total Materials & Contracts	103,992	1,330,575	1,262,954	1,262,954	105%	
	Contractor Costs						
1971	Contractors	182,605	1,196,432	792,300	792,300	151%	
1972	Cleaning Contractors	15,054	223,392	189,730	189,730	118%	
1973	Waste Management Contractors	46,080	960,632	1,135,788	1,135,788	85%	
	Total Contractor Costs	243,739	2,380,456	2,117,818	2,117,818	112%	
	Professional Fees						
1992	Audit Fees	17,000	36,070	40,000	40,000	90%	
1993	Legal Fees	7,512	88,056	26,000	26,000	339%	
1994	Internal Audit Fees	1,744	13,991	6,500	6,500	215%	
1995	Revaluation Fees- Municipal only	-	18,200	28,000	28,000	65%	
1997	Professional Fees - Strategic Projects	-	-	70,000	70,000	0%	
1998	Other Professional Fees	49,957	426,358	254,700	254,700	167%	
	Total Professional Fees	76,213	582,674	425,200	425,200	137%	
	Plant Hire						
2101	Plant Hire - Internal	62,675	794,413	516,300	516,300	154%	
2102	Plant Hire - External	250	2,821	5,500	5,500	51%	

		Month Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	% of Annual Budget used	Comments
2103	Registration and MAIB	-	40,597	39,672	39,672	102%	
2104	Insurance Premiums	-	26,341	41,773	41,773	63%	
2105	Plant Repairs & Maint	27,599	331,973	112,000	112,000	296%	
2140	Plant Hire Recovered	(65,520)	(874,423)	(720,000)	(720,000)	121%	
2141	Fuel	22,928	154,017	164,500	164,500	94%	
2142	Fuel Credit	-	(20,031)	(15,000)	(15,000)	134%	
	Total Plant Hire	47,932	455,709	144,745	144,745	315%	
	Government Fees & Levies						
2255	Fire Levy	91,232	364,926	365,186	365,186	100%	
2257	Building Permit Levy	-	19,141	15,000	15,000	128%	
2258	Land Tax	871	50,458	56,813	56,813	89%	
2259	Training Levy	4,418	49,395	30,000	30,000	165%	
	Total Govt Fees & Levies	96,520	483,919	466,999	466,999	104%	
	Depreciation						
2305	Depreciation Buildings	-	99,159	236,323	236,323	42%	
2306	Depreciation Roads & Streets	152,167	1,826,004	1,826,000	1,826,000	100%	
2307	Depreciation Bridges	38,050	456,600	456,600	456,600	100%	
2308	Depreciation Plant & Equip	-	178,082	410,868	410,868	43%	
2310	Depreciation Stormwater Infrastructure	27,658	331,896	331,896	331,896	100%	
2311	Depreciation Furniture	-	60,446	157,405	157,405	38%	
2312	Depreciation Land Improvements	1,750	100,548	215,001	215,001	47%	
2313	Amortisation of Municipal Valuation	1,800	21,600	25,000	25,000	86%	
	Total Depreciation	221,425	3,074,336	3,659,093	3,659,093	84%	
	Other Expenses						
2401	Interest Payable	131,972	315,910	335,328	335,328	94%	
2403	Bad & Doubtful Debts	-	249		-		
2404	Grants and Community Support Given	8,135	125,785	179,100	179,100	70%	
2405	Rate Remissions	-	167,126	156,000	156,000	107%	Includes \$99k Covid19 rate relief
2407	Waiver of Fees & Lease etc	58	5,716	-	-		
2408	Refunds/Reimbursements	-	30,137	-	-		
2409	Council Member Expenses	1,237	8,517	18,000	18,000	47%	
2410	Council Member Allowances	14,593	174,318	169,158	169,158	103%	
	Total Other Expenses	155,994	827,758	857,586	857,586	97%	
	Total Expenses	1,353,493	14,351,938	14,590,665	14,590,665	98%	

		Month Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	% of Annual Budget used	Comments
	Net Surplus\ (Deficit) before Capital amounts	624,871	405,498	(512,705)	(532,705)		
	Capital Grants	110,750	5,781,583	1,991,000	4,091,000		
	Profit or Loss on Sale of Assets	-	11,706	25,000	25,000		
	Net Surplus\ (Deficit)	735,621	6,198,787	1,503,295	3,583,295		

Profit And Loss Statement			
2020-2021			
	Month Actual	Year to Date Actual	2020-2021 Budget
Business and Corporate Services			
Total Government Fees Levies		81	-
Total Investment Income	92,710	226,491	344,000
Total Sales Hire and Commission		34	6,000
Total Other Income	-	3,071	-
Total Reimbursements	1,137	3,071	-
Total Revenue	93,847	232,748	350,000
Total Employee Costs	48,049	650,035	817,408
Total Energy Costs	-	-	5,800
Total Materials and Contracts	31,216	441,322	497,450
Total Contractor Costs	335	5,213	7,900
Total Professional Fees	6,494	34,556	10,500
Total Plant Hire	1,614	14,909	13,573
Total Government Fees and Levies	-	-	180
Total Depreciation	1,800	66,066	157,064
Total Other Expenses		1,480	-
Total Expenses	89,508	1,213,580	1,509,875
Net Surplus\ (Deficit) before Capital Income	4,338	(983,903)	(1,159,875)
Net Surplus\ (Deficit)	4,338	(980,832)	(1,159,875)
Development Services			
Total Environmental Health	23,645	26,496	21,000
Total Municipal inspector		64,816	59,500
Total Planning And Building Control Fees	41,782	449,923	282,200
Total Government Fees Levies	20,577	220,003	127,000
Total Sales Hire and Commission	78	1,373	1,300
Total Operating Grants		25,000	-
Total Revenue	86,082	787,612	491,000
Total Employee Costs	77,323	808,617	841,637
Total Materials and Contracts	839	44,293	50,910
Total Contractor Costs		30,342	10,000
Total Professional Fees	18,274	233,462	142,700
Total Plant Hire	1,939	9,430	8,807
Total Government Fees and Levies	4,418	68,535	45,000
Total Depreciation		7,711	19,740
Total Other Expenses		18,005	34,500
Total Expenses	102,793	1,220,397	1,153,293
Net Surplus\ (Deficit) before Capital Income	(16,711)	(432,785)	(662,293)
Net Surplus\ (Deficit)	(16,711)	(432,785)	(662,293)

	Month Actual	Year to Date Actual	2020-2021 Budget
Community Services			
Total Sales Hire and Commission		218	-
Total Other Income		1,177	-
Total Reimbursements		2,008	-
Total Operating Grants		40,032	20,000
Total Capital Grants		291,094	2,100,000
Total Revenue		334,529	2,120,000
Total Employee Costs	16,662	230,396	281,043
Total Energy Costs		61	-
Total Materials and Contracts	508	13,557	26,950
Total Contractor Costs		25,000	30,000
Total Professional Fees	14,905	14,905	10,000
Total Plant Hire	339	13,444	12,744
Total Depreciation		5,897	16,212
Total Other Expenses	8,135	139,646	144,600
Total Expenses	40,549	442,907	521,549
Net Surplus\ (Deficit) before Capital Income	(40,549)	(399,472)	(501,549)
Net Surplus\ (Deficit)	(40,549)	(108,378)	1,598,451
Works and Infrastructure			
Total Rates	15,973	2,136,906	2,106,815
Total Municipal inspector	16,689	40,367	63,800
Total Planning And Building Control Fees		8,774	2,000
Total Sales Hire and Commission	11,949	116,628	175,000
Total Other Income	214,080	408,753	45,000
Total Reimbursements	458	19,380	2,000
Total Gain or Loss on Sale of Assets		11,706	25,000
Total Operating Grants	818,130	1,645,649	1,608,892
Total Capital Grants	110,750	4,433,760	1,991,000
Total Revenue	1,188,029	8,821,923	6,019,507
Total Employee Costs	195,689	2,519,305	2,682,349
Total Energy Costs	2,445	125,167	133,075
Total Materials and Contracts	62,973	582,293	493,444
Total Contractor Costs	243,404	2,306,059	2,065,068
Total Professional Fees	3,509	34,016	44,000
Total Plant Hire	43,787	408,906	99,978
Total Government Fees and Levies	871	47,014	52,354
Total Depreciation	219,625	2,979,649	3,442,005
Total Other Expenses	132,029	321,844	335,328
Total Expenses	904,332	9,324,252	9,347,600
Net Surplus\ (Deficit) before Capital Income	172,947	(4,936,089)	(5,319,094)
Net Surplus\ (Deficit)	283,697	(502,329)	(3,328,094)

	Month Actual	Year to Date Actual	2020-2021 Budget
Visitor Information Centre			
Total Sales Hire and Commission	2,061	44,567	79,500
Total Revenue	2,061	44,567	79,500
Total Employee Costs	12,857	165,843	138,312
Total Energy Costs		6,311	5,000
Total Materials and Contracts	975	98,802	51,700
Total Contractor Costs		11,667	4,850
Total Professional Fees		300	-
Total Plant Hire	80	840	-
Total Government Fees and Levies		1,378	1,600
Total Depreciation		8,513	8,472
Total Expenses	13,912	293,655	209,934
Net Surplus\ (Deficit) before Capital Income	(11,850)	(249,088)	130,434
Net Surplus\ (Deficit)	(11,850)	(249,088)	130,434
Governance and Members Expenses			
Total Rates	9,325	7,666,866	7,624,143
Total Government Fees Levies		781	-
Total Sales Hire and Commission	3,649	15,064	13,291
Total Other Income	1,991	69,638	100,000
Total Reimbursements	1,078	45,637	5,000
Total Operating Grants	702,807	1,477,459	1,371,520
Total Capital Grants		1,056,729	-
Total Revenue	718,850	10,332,173	9,113,954
Total Employee Costs	54,653	710,775	751,646
Total Materials and Contracts	7,481	150,307	142,500
Total Contractor Costs		2,175	-
Total Professional Fees	33,031	265,436	218,000
Total Plant Hire	172	8,180	9,645
Total Government Fees and Levies	91,232	366,993	367,865
Total Depreciation		6,500	15,600
Total Other Expenses	15,830	346,782	343,158
Total Expenses	202,399	1,857,147	1,848,414
Net Surplus\ (Deficit) before Capital Income	516,451	7,418,298	7,265,539.19
Net Surplus\ (Deficit)	516,451	8,475,027	7,265,539

	Month Actual	Year to Date Actual	2020-2021 Budget
Council Total			
Total Rates	25,298	9,803,772	9,730,958
Total Environmental Health	23,645	26,496	21,000
Total Municipal inspector	16,689	105,183	123,300
Total Planning And Building Control Fees	41,782	458,697	284,200
Total Government Fees Levies	20,577	220,865	127,000
Total Investment Income	92,710	226,491	344,000
Total Sales Hire and Commission	17,737	177,884	275,091
Total Other Income	216,071	479,568	145,000
Total Reimbursements	2,673	70,095	7,000
Total Gain or Loss on Sale of Assets		11,706	25,000
Total Operating Grants	1,520,937	3,188,140	3,000,411
Total Capital Grants	110,750	5,781,583	4,091,000
Total Revenue	2,088,869	20,550,481	18,173,960
Total Employee Costs	405,233	5,084,971	5,512,396
Total Energy Costs	2,445	131,539	143,875
Total Materials and Contracts	103,992	1,330,575	1,262,954
Total Contractor Costs	243,739	2,380,456	2,117,818
Total Professional Fees	76,213	582,674	425,200
Total Plant Hire	47,932	455,709	144,745
Total Government Fees and Levies	96,520	483,919	466,999
Total Depreciation	221,425	3,074,336	3,659,093
Total Other Expenses	155,994	827,758	857,586
Total Expenses	1,353,493	14,351,938	14,590,665
Net Surplus\ (Deficit) before Capital Income	624,626	416,960	(532,705)
Capital Income	-	5,781,583	4,116,000
Net Surplus\ (Deficit)	735,376	6,198,543	3,583,295

Financial Position					
2020-2021					
	2019-2020 Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget	Comments
Current Assets					
Cash	10,256,813	10,536,836	4,272,180	3,737,243	
Receivables	1,093,391	793,895	416,436	750,000	
Inventories	63,905	190,637	120,000	120,000	
Other Current Assets	60,433	100,069	45,000	45,000	
Total Current Assets	11,474,542	11,621,437	4,853,616	4,652,243	
Non-Current Assets					
Property Plant and Equipment	154,921,761	160,428,703	159,850,152	148,149,134	
Investment in TasWater	34,537,566	29,582,956	29,582,956	38,672,525	
Other Non-Current Assets	176,326	63,800	95,000	95,000	
Total Non -Current Assets	189,635,653	190,075,460	189,528,108	186,916,659	
Total Assets	201,110,195	201,696,897	194,381,725	191,568,902	
Current Liabilities					
Payables	1,548,015	1,745,527	1,288,292	950,000	
Interest Bearing and Other Liabilities	368,056	10,196	10,196	356,256	
Contract Liabilities	344,516	-	-		Grants & Rates in advance
Provisions	829,258	773,757	853,572	853,572	
Total Current Liabilities	3,089,845	2,529,480	2,152,060	2,159,828	
Non-Current Liabilities					
Interest Bearing and Other Liabilities	8,169,452	8,169,452	8,169,452	8,128,118	
Provisions	549,757	549,756	569,414	569,414	
Total Non Current Liabilities	8,719,209	8,719,208	8,738,866	8,697,532	
Total Liabilities	11,809,054	11,248,688	10,890,926	10,857,360	
Net Assets	189,301,141	190,448,209	183,490,798	180,711,542	
EQUITY					
Accumulated surplus	38,895,988	38,497,187	31,539,776	34,862,149	
Asset revaluation reserve	149,925,764	151,471,634	151,471,634	145,384,764	
Other reserves	479,389	479,389	479,389	464,629	
TOTAL EQUITY	189,301,141	190,448,209	183,490,798	180,711,542	
Other Reserves - detailed separately	479,389	479,389	479,389	464,628	
Employee Provisions	1,379,015	1,323,513	1,422,986	1,422,986	
Unallocated accumulated surplus	8,398,409	8,733,934	2,369,805	1,849,629	
Total cash available	10,256,813	10,536,836	4,272,180	3,737,243	
Note: This reflects the cash position and does not include Payables and Receivables					

Other Reserves				
2020-2021				
	Other Reserves 1/7/20	Reserves new 2020-2021	Reserves used 2020-2021	Remaining 30/6/2021
Public Open Space				
Binalong Bay	3,362			3,362
Ansons Bay	4,907			4,907
Beaumaris	2,229			2,229
Scamander	3,750			3,750
St Helens	26,242			26,242
St Marys	32,509			32,509
Stieglitz	6,752			6,752
Total Public Open Space	79,751	-	-	79,751
General Reserves				
Community Development	12,500			12,500
Fingal Tennis Court	14,500			14,500
137 Trust Seizures	372,638	-		372,638
Total General Reserves	399,638	-	-	399,638
Total Other Reserves	479,389	-	-	479,389

Estimated Cash Flow				
2020-2021				
	2019-2020 Actual	Year to Date Actual	Year to Date Budget	2020-2021 Budget
CASH FLOWS FROM OPERATING ACTIVITIES				
RECEIPTS				
Operating Receipts	14,993,252	25,297,703	14,057,960	14,057,960
PAYMENTS				
Operating payments	(10,478,245)	(21,891,409)	(10,931,572)	(10,931,572)
NET CASH FROM OPERATING	4,515,007	3,406,294	3,126,388	3,126,388
CASH FLOWS FROM INVESTING ACTIVITIES				
RECEIPTS				
Proceeds from sale of Plant & Equipment	18,363	11,706	25,000	25,000
PAYMENTS				
Payment for property, plant and equipment	(8,021,282)	(8,587,484)	(10,794,945)	(10,794,945)
Capital Grants	5,405,286	5,781,583	1,991,000	4,091,000
Payments for financial assets	-			
NET CASH FROM INVESTING ACTIVITIES	(2,597,633)	(2,794,195)	(8,778,945)	(6,678,945)
CASH FLOWS FROM FINANCING ACTIVITIES				
RECEIPTS				
Proceeds from borrowings	-	-	-	-
PAYMENTS				
Repayment of borrowings	(340,941)	(346,060)	(346,060)	(356,256)
Repayment of Lease Liabilities	(11,800)			
NET CASH FROM FINANCING ACTIVITIES	(352,741)	(346,060)	(346,060)	(356,256)
NET INCREASE (DECREASE) IN CASH HELD	1,564,633	266,039	(5,998,617)	(3,908,813)
CASH AT BEGINNING OF YEAR	8,692,180	10,270,797	10,270,797	7,646,056
CASH AT END OF PERIOD	10,256,813	10,536,836	4,272,180	3,737,243

Capital Expenditure

2020-2021

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
	PLANT & EQUIPMENT					
	Replacement of the following vehicles					
CI010	John Deere Turf Mower		4,873		40,000	40,000
CH020	Skoda Karoq SL 2.01 TSI		38,866			
CH048	Garbage truck	-	-	(370,000)	370,000	-
CH049	2 nd hand backup garbage truck		131,735		120,000	120,000
CI015	1226 Ute 2WD Tipper	-	-		30,000	30,000
CI020	1316 Mtce Van - Bldg Mtce Officer		50,424		45,000	45,000
CI025	1294 Dual Cab Ute 4WD	-	-		40,000	40,000
CI005	Small Plant - VARIOUS		42,279		42,000	42,000
	TOTAL PLANT & EQUIPMENT	-	268,177	(370,000)	687,000	317,000
	FURNITURE & IT					
CI070	Additional sit down/stand up desks	-	-		2,500	2,500
CI055	IT - Server Upgrades 2020/21		28,826		25,000	25,000
CI085	Trophy Cabinet		3,500			
CI075	Council Chambers New Furniture	-	-		15,000	15,000
CI060	Desktop/Laptops/Monitors 2020/21		12,063		10,000	10,000
CI065	Printers/Copiers - Main Office		10,485		12,000	12,000
	History Room acquisition reserve	-	-		1,000	1,000
CI090	Ubiquiti UniFi IW-HD In Wall - Portland Hall		4,253			-
CH075	Town Christmas Decorations		4,959			-
CD730	Hall Furniture Replacement	-	-	3,000		3,000
CI080	Microwave Tower		16,865			-
CH065	Audio visual equip		14,285			-
	TOTAL FURNITURE & IT	-	95,236	3,000	65,500	68,500
	BUILDINGS					
CC730A	Old Tasmanian Hotel - Lift	1,145	306,612		213,000	213,000
CC730	Old Tas Hotel Upgrades in Accord with Conservation Mgt Plan		22,800	50,000	25,000	75,000
CI705	St Helens Works Depot	1,290	21,711		20,000	20,000
CI710	St Marys Railway Station Upgrades	-	-		25,000	25,000
CI715	BBQ Shelter-St Marys Cty Space		11,343			-
CI720	Marine Rescue Building Renov		716			-
CH730	Portland Hall Upgrades		43,067	34,610	50,000	84,610
	Workspace Renov - History Rooms		-	27,270		27,270
CF705	Weldborough Amenities	-	-	124,400		124,400
CH720	Four Mile Creek Community Hub		560	57,880		57,880
CH725	Break O Day Community Stadium - Upgrades		22,788	30,000		30,000
	TOTAL BUILDINGS	2,435	429,597	324,160	333,000	657,160

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
	PARKS, RESERVES & OTHER					
CX805*	St Marys Sports Comp (DA 129-20)	3,727	37,975		45,000	45,000
CX810*	St Marys Sports Ctre (Bowls/Golf Clubhouse)		65,010		45,000	45,000
CX815*	Scamander Surf Life Saving Club		20,273		19,745	19,745
CX820*	St Marys Football Ground		143,295		110,020	110,020
CX825*	St Marys Community Space		35,112		35,000	35,000
CX830*	Mathinna Cemetery Master Plan		51,529		50,000	50,000
CX835*	Fingal Cemetery Master Plan		84,238		100,000	100,000
CX840*	Fingal Valley Tracks		44,269		139,500	139,500
CX870*	Wombat Walk - Footpath Upgrade		13,976		-	-
CX845*	Drought Protection Plan		10,000		10,000	10,000
CI810	St Helens Sports Complex	500	1,399		50,000	50,000
CH870	Shade structure-Flagstaff trail head		24,942		25,000	25,000
CI815	Shade Structures-Scamander Res	4,123	4,350		25,000	25,000
CI805	Street furniture & signage		14,977		20,000	20,000
CI820	Playground equip replace prog	-	-		20,000	20,000
CI825	Playground equip replace prog	-	-		50,000	50,000
CI845	St Helens rec ground - Carpark Area	-	-		15,000	15,000
CI830	Resheet airport runway	-	-		100,000	100,000
	Pyengana Rec ground	-	-		40,000	40,000
CI835	St Helens Boat Ramp Project		20,000			-
CF135*	Georges Bay Walking Trail/St Helens Foreshore Path		2,001,236		2,223,510	2,223,510
CH865	Swimcart to Binalong Bay-MTB Trail		5,509			-
CH810	St Helens Cemetery Master Plan	-	-	50,000		50,000
CH815	Dog exercise area St Helens Improvements		11,664	10,000		10,000
CH530	Car Parking & MTB Hub - Cecilia St Carpark	2,703	252,205			-
CH825	Cornwall Playground Upgrade (Slide Only)		5,690	5,000		5,000
CD815	Wrinklers Lagoon Redevelopment Design & Planning - Amenities Bldg	-	-	89,400		89,400
CE820	Street furniture & signage	-	-	8,860		8,860
CH840	St Helens Croquet Playing Field	-	-	30,000		30,000
CF810	Fingal Cemetery Master Plan	-	-	40,000		40,000
CE815	Mathinna Cemetery Master Plan	-	-	20,000		20,000
CF825	Parnella foreshore protection works		46,247			-
CF805	Parnella/Foreshore Walkway		1,500	249,010		249,010
CH855	Flood Levee - Groom Street, St Marys Flood Mit.	281	191,076			
CH860	Flood Warning System - St Marys Flood Mitigation	578	16,128			
CI850	Bike Racks - Multiple Locations	104	7,331			
CF820*	Mountain Bike Trails - Poimena to Bay of Fires		- 11,716			-

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
CF820A*	Mountain Bike Trails - Stacked Loops-St Helens		446,826			-
CI840	Flagstaff MTB Carpark Sealing		93,112			-
CI855	Shared Pathway - Binalong Bay		2,287			-
CI860	Shared Pathway - Kirwans Beach	47	36,372			-
CI865	Shared Pathway - Scamander		7,230			-
CI870	Shared Pathway - Foreshore to Circassian	32,271	161,247			-
CI875	Pavement Rehab - St Helens Pt Rd		350			-
CI880	Tourism Info Signage - Multiple	4,545	4,895			-
CI885	Shared Pathway - O'Connors Beach	210	2,826			
CI890	Shared Pathway - Tasmn H'Way, Beaumaris	17,391	30,915			
CI895	Shared Path- Esk Main Rd, St Marys	-	-			
CI899	Bay of Fires Masterplan	91	91			
	TOTAL PARKS, RESERVES & OTHER	66,571	3,884,366	502,270	3,122,775	3,625,045
	ROADS					
	STREETSCAPES					
CX850*	Mathinna S'cape Improvements		206,379		208,035	208,035
CE110	Scamander entrance at Wrinklers	-	-	193,500		193,500
CF105	Fingal Streetscape - Stage 2	-	-	40,000		40,000
CI130	Fingal Streetscape - 2020/21	-	-			-
	TOTAL STREETSCAPES	-	206,379	233,500	208,035	441,535
	FOOTPATHS					
CG115	Annual replacement of damaged footpaths		16,097	30,000	15,000	45,000
CI110	Akaroa - Akaroa Ave	-	-		7,200	7,200
CI115	Akaroa - Carnnell Place	-	-		6,300	6,300
CI120	Binalong Bay - Coffey Drive	-	-		13,000	13,000
CI125	Binalong Bay - Barnett Close	-	-		7,000	7,000
CI105	Scamander - Scamander Ave		34,676		60,000	60,000
	St Helens - Existing Sub-division	-	-		125,000	125,000
CI135	St Helens Point Road Pavement Remediation	91	8,729			
CI140	Cobrooga (Mimosa/Jason) Dr-F'path	151	12,442			
CH105	Binalong Bay Footpath - Main Road	5,918	5,918	30,000		30,000
CF130	Parkside Foreshore Footpath		3,500			-
CH110	Binalong Bay - Highcrest to Bevan Streets		1,458	3,000		3,000
CH115	Fingal - Talbot Street	-	-	30,000		30,000
CH120	Scamander - Scamander Ave		16,882	41,118		41,118
CH125	Stieglitz - Chimney Heights		2,384	3,000		3,000
CF125	Medea Cove Footpath/Rd options		375	70,265		70,265
CG110	Storey St, St Marys		59,723	50,000		50,000
	TOTAL FOOTPATHS	6,160	162,184	257,383	233,500	490,883

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
	KERB & CHANNEL					
CI160	St Helens Point Road (Parnella SW Catchment 2)	113,198	426,460		160,000	160,000
CI155	Atlas Drive - Landslip Control	-	-		40,000	40,000
CH155	Byatt Court, Scamander	-	-	46,000		46,000
	Replacements TBA	-	-	22,000		22,000
CI165	Jason Street, St Helens		12,173			-
CG155	Cameron St, St Helens (south of Quail St intersection) (0.16km)	-	-	20,000		20,000
CE165	Treloggen Drive, Binalong Bay	50	14,776	50,360		50,360
	TOTAL KERB & CHANNEL	113,248	453,409	138,360	200,000	338,360
	RESHEETING					
	2285 - North Ansons Bay Rd	-	-		30,000	30,000
	2286 - North Ansons Bay Rd	-	-		30,000	30,000
	40 - Anchor Rd	-	-		10,100	10,100
	39 - Anchor Rd	-	-		10,800	10,800
	41 - Anchor Rd	-	-		16,400	16,400
CI305	906 - Ansons Bay Rd (Priory Rd)		62,359		9,400	9,400
	903 - Ansons Bay Rd (Priory Rd)	-	-		44,900	44,900
	910 - Ansons Bay Rd (Priory Rd)	-	-		25,800	25,800
	909 - Ansons Bay Rd (Priory Rd)	-	-		25,700	25,700
	908 - Ansons Bay Rd (Priory Rd)	-	-		18,300	18,300
	907 - Ansons Bay Rd (Priory Rd)	-	-		18,100	18,100
	904 - Ansons Bay Rd (Priory Rd)	-	-		16,000	16,000
	46 - Church Hill Rd	-	-		2,800	2,800
	1081 - Sorell St	-	-		6,700	6,700
	1024 - Franks St Fingal	-	-		3,400	3,400
	1187 - Honeymoon Pt Rd	-	-		6,200	6,200
	1178 - Jeanerret Beach Rd	-	-		800	800
	47 - Johnston Rd	-	-		8,100	8,100
	1053 - Louisa St	-	-		2,800	2,800
	1051 - Louisa St	-	-		3,700	3,700
CI310	948 - Reids Rd		22,143		23,800	23,800
	946 - Reids Rd	-	-		20,400	20,400
	945 - Reids Rd	-	-		21,600	21,600
	704 - U/N 1 Stieglitz	-	-		4,600	4,600
	999 - Victoria St Part C	-	-		1,400	1,400
	998 - Victoria St Part C	-	-		360	360
	997 - Victoria St Part C	-	-		2,100	2,100
CH325	2054 - Brooks Rd		173			-
	2138 - Franks St Fingal	-	-	3,795		3,795
CH310	2285 - North Ansons Bay Rd		271			-
	2258 - McKerchers Rd	-	-	8,190		8,190
	2259 - McKerchers Rd	-	-	9,623		9,623
	2260 - McKerchers Rd	-	-	2,662		2,662

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
	2380 - Tims Creek Rd	-	-	6,880		6,880
	2392 - Tyne Rd	-	-	6,370		6,370
	2393 - Tyne Rd	-	-	7,262		7,262
	2394 - Tyne Rd	-	-	6,166		6,166
	2303 - Old Roses Tier Rd	-	-	6,848		6,848
CH320	2015 - Ansons Bay Rd (Priory Rd)		2,903			-
	2176 - Honeymoon Point Rd	-	-	1,401		1,401
CG310	Reids Rd		3,579	20,000		20,000
	Fingal Streets	-	-	6,500		6,500
CG345	German Town Road, St Marys	-	-	6,980		6,980
CG350	Dublin Town Road, St Marys	-	-	15,000		15,000
CH315	Ansons Bay Road, Ansons Bay		1,082	-		-
	TOTAL RESHEETING	-	92,510	107,677	364,260	471,937
	RESEALS					
	Cornwall Alexander and William Streets (North of Lennox)	-	-		12,000	12,000
CI490	1013 - Stieglitz St S/R Fingal	-	-		5,400	5,400
CI455	266 - Upper Esk Rd		155,197		33,800	33,800
CI440	1092 - Legge St Fingal		30,474		13,900	13,900
	263 - Upper Esk Rd	-	-		47,000	47,000
	253 - Upper Esk Rd	-	-		22,000	22,000
	256 - Upper Esk Rd	-	-		34,000	34,000
	254 - Upper Esk Rd	-	-		20,500	20,500
	258 - Upper Esk Rd	-	-		36,500	36,500
	271 - Upper Esk Rd	-	-		7,000	7,000
	260 - Upper Esk Rd	-	-		4,000	4,000
CI435	Wrinklers Lagoon Carpark	-	-			
CI460	Giblin Street, Mathinna		4,565			-
CI480	Barnett Close, Binalong Bay		866			-
CI410	370 - Penelope St		3,619		3,200	3,200
CI445	1071 - Grant St Fingal		13,896		18,500	18,500
CI465	635 - Butler St		2,825		1,100	1,100
CI470	634 - Dunn St		29,485		8,000	8,000
CI475	615 - High St Mathinna		6,991		4,500	4,500
CI405	653 - Thomas St Scamander		16,088		5,500	5,500
CI407	Lawry Heights St Helens	-	-			-
CI408	Doric Grove St Helens	-	-			-
CI450	303 - Mangana Rd		37,213		50,000	50,000
CI420	The Gardens Road		43,730		52,000	52,000
CH485	951 - Reids Rd		15,961	7,290		7,290
	947 - Reids Rd	-	-	6,210		6,210
CH495	St Marys - Esk Main Road Storey to Groom Street	-	-	50,000		50,000
	TOTAL RESEALS	-	360,910	63,500	378,900	442,400

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
	ROAD RECONSTRUCT/DIGOUTS					
CI505	Walker Street, St Helens		19,183		20,000	20,000
CI510	Mangana Road		61,816		60,000	60,000
CI515	Upper Esk Road		172,090		120,000	120,000
CI520	Upper Scamander Road		36,077		25,000	25,000
CI525	Gardens Road		11,718		15,000	15,000
CI530	Medeas Cove Esp Reconstruction		77,910		250,000	250,000
CI540	Skyline Drive Intersection Upgrade	23,636	173,653			-
	ROAD CONSTRUCTION (NEW)					
CI485	St Marys - Car Park Sealing behind St Marys Hall		32,393		45,000	45,000
CI425	Pyenganna Rec Ground Entrance Road		23,439		45,000	45,000
CI545	216 - Mathinna Plains Road	78,273	117,682		185,000	185,000
CH515	Ansons Bay Rd - Gravel Stabilisation	-	-		30,000	30,000
	Road Intersection Upgrade Works	-	-	50,000	50,000	100,000
CI590	Alexander/William Sts Cornwall - Intersection Upgrade		18,155			
CI595	Lawry Heights/Doric Grove - Intersection Upg.		17,835			
CI597	John & Crosby St, Cornwall Intersection	1,170	14,870			
	Crash Barrier - Multiple Culverts	-	-		50,000	50,000
CI550	Mathinna Road Barriers B0846		24,405			-
CI555	Mathinna Road Barriers B1845		29,940			-
CI560	Mangana Road Culvert SW3637		26,709			-
CI565	North Ansons Bridge B7023		31,142			-
CX860*	Cornwall - Gravel Road Sealing - CAMPBELL		24,409		75,100	75,100
CX865*	Cornwall - Gravel Rd Sealing - LENNOX		46,045			-
	Road Sealing Program	-	-		350,000	350,000
CI495	Pavement Investigations Ansons Bay Rd	-	135,973			-
CI430	Lottah Rd, Goulds County/Lottah-200m		57,784		240,000	240,000
CI431	Lottah Rd, Goulds County/Lottah - 400m		63,463			-
CI432	Lottah Rd - Sealing and Guard Rails		88,524			-
CH565	Lottah Road - Part 1 - CH 2.3-3.1		564			-
CH575	Lottah Road - Part 3 - CH 4.8		49			-
CH580	Lottah Road - Part 4 - CH 6.8-6.95		39,558	20,000		20,000
CG545	Rex Ct St Helens dig out		34,467	27,540		27,540
CG550	St Helens Pt Rd dig out		36,394	50,000		50,000
CH505	St Helens Pt Rd (Parkside)	2,541	12,703	787,297		787,297
CH510	Atlas Drive - Retaining Wall Anchor	-	-	40,000		40,000

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
CI535	Gardens Road - Sight Distance Works	1,026	380,515	400,000		400,000
CH555	Talbot to Percy Street, Fingal - Reconstruction		94			
CH560	Road Network - Sign Replacement		29,073		15,000	15,000
	Ansons Bay Road Signage	-	-			-
CG520	Beaumaris Ave		24			-
CG505	St Helens Pt Rd, between Cunningham and Talbot Street	5,077	26,266			-
	TOTAL ROADS OTHER	111,723	1,864,922	1,374,837	1,575,100	2,949,937
	ROADS TOTAL	231,131	3,140,314	2,175,257	2,959,795	5,135,052
	BRIDGES					
CI210	B2398 - Intake Bridge, Pyengana		245,667		245,100	245,100
CI205	B3617 - Mt Elephant Rd		16,910		18,000	18,000
CG220	B2293 Cecilia St, St Helens		- 9,671	31,671		31,671
CG250	B7027 Mathinna Plains Road	-	-	15,000		15,000
CH205	Footpath Bridge at Fingal Culvert		16,874			-
CG225	B2792 Four Mile Creek Road		323,665	240,000		240,000
CH240	B2117 The Flat Rd Bridge, St Marys		3,395			-
	TOTAL BRIDGES	-	596,840	286,671	263,100	549,771
	STORMWATER					
CI660	Minor stormwater Jobs		48,717		50,000	50,000
CI655	Falmouth St St Helens	-	-		30,000	30,000
CX855*	Alexander St Cornwall		63,629		61,950	61,950
CI685	Treloggens Track	-	-		30,000	30,000
CD655	Implement SWMP priorities	21	311			-
CG665	Freshwater St/Lade Crt (Beaumaris)	-	-	70,000		70,000
CG670	Medea St - Opposite Doepel St	-	-	45,000		45,000
CF665	Beauty Bay Access track improvements		289			-
CH655	Beaumaris Ave		6,540	25,000		25,000
	TOTAL STORMWATER	21	119,486	140,000	171,950	311,950
	WASTE MANAGEMENT					
CI630	Rehab of former Binalong Bay Tip	-	-		5,000	5,000
CI620	Scamander waste oil facility		5,644		13,000	13,000
CI605	St Helens WTS - test Bore	-	-		15,000	15,000
CI610	Scamander WTS - Test Bores (2)		20,315		45,000	45,000
CI635	Scamander WTS - Leachate Retention pond		1,120		20,000	20,000
CI615	Scamander WTS - Inert Landfill	12,400	15,090		20,000	20,000
CI625	St Marys WTS Oil Station	543	5,869		13,000	13,000
CI640	Waste Shredder	-	-	30,000	20,000	50,000

Project Code	Details	Month Actuals	Year to Date Actual	Budget expected to be C/F	2020-2021 Estimate	Total New Budget + C/f
CH610	Scamander WTS - Reseal entrance rd		5,430			-
CE615	Scamander WTS retaining wall replacement	-	-	52,000		52,000
	WASTE MANAGEMENT TOTAL	12,943	53,468	82,000	151,000	233,000
	Total Capital expenditure	313,101	8,587,484	3,143,358	7,754,120	10,897,478

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:**

June, July and August are the quietest months in the Visitor Information Centre although up to 50 visitors can come through in a day. One of the part time customer service staff is reducing their hours and recruitment is well underway for an additional team member to maintain the roster.

Meetings Attended/Other information:

VIC staff noted:

- Numbers for June were up by about 100 from 2019.
- We are all set up ready for mandatory sign in, also have the option of paper sign in which is being used a bit. So far everyone has been really good in signing in without being asked to.
- Had a few phone calls and request for information to be posted out this month for upcoming holidays to the East Coast.
- In the process of sending out renewals for brochure displays.

The annual customer survey results have been received. St Helens VIC received 235 completed surveys with 75% responded that the information they received highly influenced their holiday plans and 95% responded that the information either considerably or highly influenced their plans. 76% were very satisfied with their VIC experience and 100% were either satisfied or very satisfied.

It is interesting that 74% of respondents used technology (smart phone or tablet) to either find information or make bookings, or both during their stay and still identified the St Helens VIC as influential to their plans. There is an assumption that technology use replaces the usefulness of a face-to-face visitor experience – the survey suggests that these may be complementary.

There is also an assumption that VIC visitors are older and the survey confirms that 47% were over 55, of which 25% were over 65. Of course, this also means that over 50% were under 55 of which 28% were under 45. Under the current circumstances, it is no surprise that only one respondent was from outside Australia.

The History Room Curator provided the following additional information:

- Glass/Wood Display Case: New lighting is due to be installed Weds 7 July 2021. The Dragon Room will then be rearranged.
- Cultural Capability Training: Ongoing. Almost complete. Up to the last module (10).
- Foyer Display: Now displaying 'Wiling Away the Winter' with Mr LE Chapple's farming diary included.
- The Off Season: This campaign has been included on the St Helens History Room's website and other promotional platforms.
- Research requests: Have forwarded an USB with historic images of Scamander and its nomenclature onto owners of Scamander Beach Resort.
- NAA Travelling Exhibition: Exhibition layout has been received by them now. Large display case in the end section of the museum will need to be removed for the exhibition. Dates are November 2021 – January 2022.
- New Volunteer: Induction program now completed so contact will now be made to arrange times to suit.
- Meeting with Planning section: Agreed to explore options for extension possibilities within the St Helens History Room workspace. CIF funds to be drawn on for a strategic overview of options to be explored at the centre.
- Friends of Eddystone Lighthouse: Negotiations are in place with the President, Mr Lindsay Dawe, for an official opening of the upgraded 'Clerk of Works' building at Irapuna/Eddystone Point. St Helens History Room has agreed to lend display stands to be housed in the Works building for the event. Historic images of the Lighthouse have been supplied for a display.
- Oral History Assistance: This was requested from a Bicheno local group whose member visited the St Helens History Room. Supplied various resources for a range of oral histories to be recorded based in and around Bicheno.
- Stats: Revenue appears to be holding up very well comparable to previous years despite minimal international visitors. Visitation is also standing up well comparable to previous five (5) years of data. A quick look at our visitors book over the last month sees visitors from South Australia, Western Australia, New South Wales and of course Tasmania.

Volunteers - 157 hours for June 2021, 39.25 average weekly hours

This is a very consistent figure and shows unwavering support of the St Helens History Room by the volunteers.

Statistics:**Door Counts:**

Month/Year	Visitor Numbers	Daily Average	History Room
June 2012	883	29.43	60
June 2013	766	25.53	62
June 2014	880	29.33	54
June 2015	1,038	34.60	38
June 2016	803	26.77	35
June 2017	918	30.60	30
June 2018	820	27.33	49
June 2019	805	26.83	58
June 2020	196	14.00	8
June 2021	919	30.63	63

Revenue 2019/2020:

Month	VIC Sales	HR Entry	HR Donations
July	1,531.55	209.00	236.20
August	2,261.05	162.00	28.00
September	3,974.85	379.00	59.30
October	6,219.40	456.00	61.00
November	9,928.75	680.00	108.30
December	9,181.90	486.00	47.10
January	11,386.71	674.00	94.65
February	9,025.60	703.00	210.10
March	8,237.44	700.00	186.80
April	NIL	NIL	NIL
May	NIL	NIL	NIL
June	537.20	34.00	16.00

Revenue 2020/2021:

Month	VIC Sales	HR Entry	HR Donations
July	2,335.55	194.00	121.65
August	1,774.39	111.00	78.05
September	1,642.36	216.00	83.10
October	1,791.61	372.00	73.45
November	2,022.22	137.00	105.05
December	3,963.18	217.00	65.15
January	3,922.85	420.00	113.25
February	5,078.95	456.00	237.90
March	6,599.42	662.00	233.40
April	6,002.76	451.00	174.15
May	3,616.50	373.00	132.90
June	1,953.40	257.00	78.95

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027

Goal

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

Strategies

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

Annual Plan 2019-2020

Goal

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

Key Focus Area 2.1.2

Tourism – Broadening, lengthening and improving the visitor experience through development of attractions and activities; promotion and signage; and great customer service.

Action 2.1.2.9

Assess and improve the customer experience delivered through the St Helens Visitor Information Centre.

LEGISLATION & POLICIES:

Nil.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

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

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

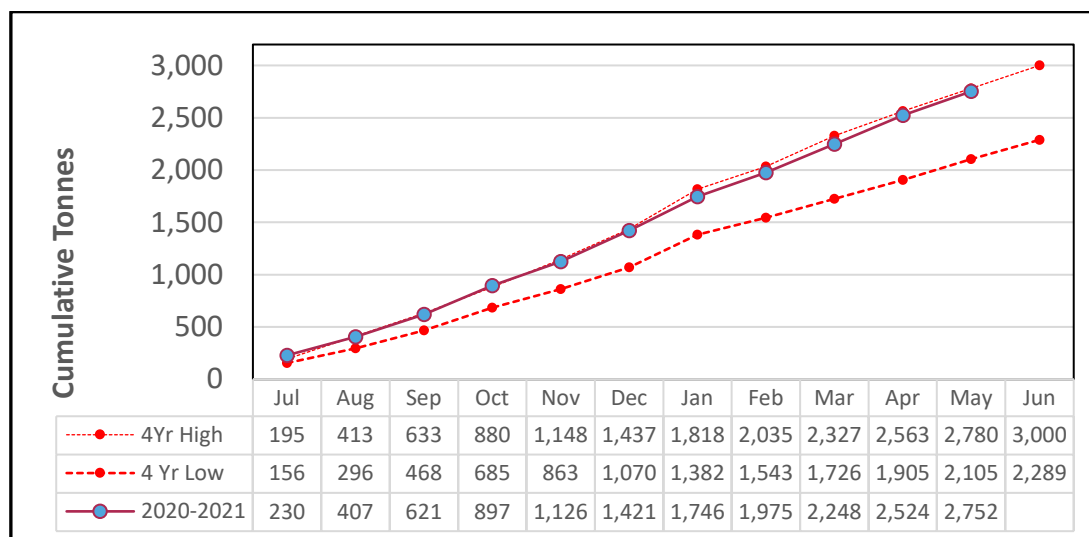
Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

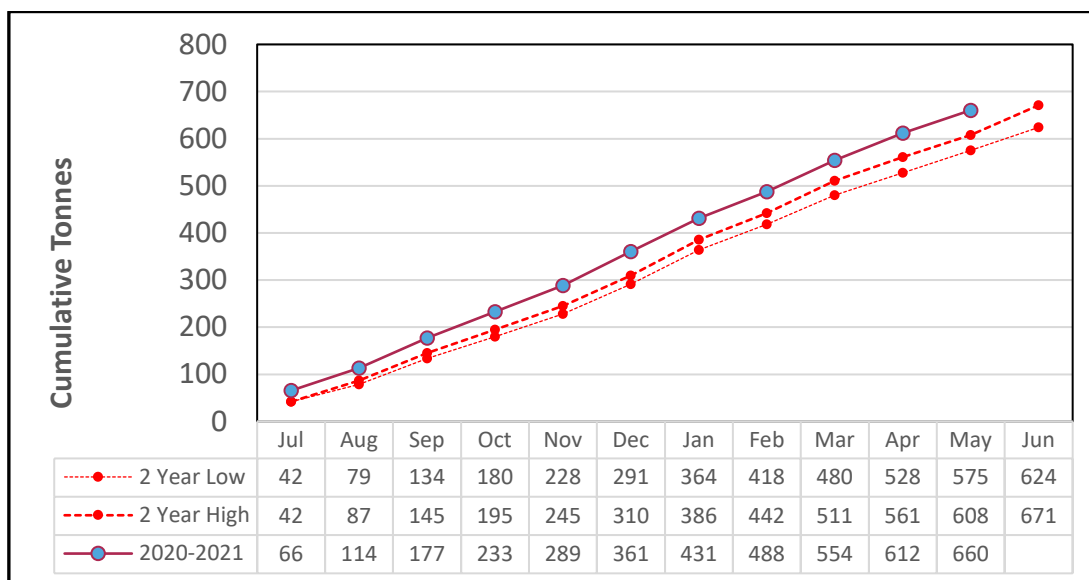
Asset Maintenance	
Facilities	<ul style="list-style-type: none"> Preventative Maintenance Inspections (PMI) of Council owned buildings and playgrounds. Maintenance identified during inspection and managed via TRIM record.
Town & Parks	<ul style="list-style-type: none"> Mowing/ground maintenance – all areas. Garden/tree maintenance and weeding where required. Footpath maintenance and repairs where required. Boat Ramp – monthly inspections and cleaning undertaken.
Roads	<ul style="list-style-type: none"> Sealed road patching – all areas. Tree maintenance pruning. Stormwater system pit cleaning and pipe unblocking. Roadside slashing is continuing throughout the municipality. Several roads received damage from the recent floods in March. Council and contractors are working to rectify the damaged network. Landslip at Forest Lodge Road (Intake Hill) addressed.
MTB	<ul style="list-style-type: none"> Routine track maintenance.

Weed Management – Targeted weeds for June	
Ansons Bay Road	<ul style="list-style-type: none"> Spanish heath and gorse
St Helens - Tully St, Walker St and Beaulieu St	<ul style="list-style-type: none"> Spanish heath
Basin Creek Road	<ul style="list-style-type: none"> Spanish heath
Stieglitz	<ul style="list-style-type: none"> Great mullein

Waste Management - Municipal general waste to landfill



Waste Management - Municipal kerbside co-mingled recyclables collected by JJ's Waste.



June waste quantities unavailable at the time of report preparation.

CAPITAL WORKS

Details	Update
Ansons Bay Road – Segment reconstruction	In-progress (construction)
Coffey Court – footpath replacement	In-progress (construction)
Treloggen Drive (Binalong Bay) Kerb & Channel Works	In-progress (construction)
Foreshore Shared Way – Possum Tom (Parkside)	In-progress: Development application lodged.
Footpath – Cabrooga Drive	In-progress (Stage 2)
Gardens Road – Sight Distance Improvements	Major works completed – crash barrier installation by sub-contractor scheduled - July 2021.
Local Roads & Community Infrastructure Projects	
• Binalong Bay Footpath	In-progress – consent/approvals stage. Waiting on approval from Aboriginal Heritage, Tasmania.
• Beaumaris Pathway Upgrade	In-progress – construction activity
• O-Conners Beach Pathway	Works scheduled – August/September 2021
• Scamander Footpath	In-progress – Crown consent/approvals stage
• St Helens Foreshore Shared Way	Completed
• Tourism Information Signage (Scamander, St Marys, Fingal).	In-progress.
Scamander WTS – Inert Landfill	In-progress.
Skyline Drive/Tasman Hwy Intersection Upgrade	Completed
Terrys Hill Road – Bridge replacement & partial road upgrade.	In-progress: Bridge works scheduled to occur during over the period 19 to 29 July. Road works scheduled one week prior to and post bridge replacement. Access to Terrys Hill Road from Lottah Road will be lost during this period. Residents are required to access Terrys Hill Road from Counsels Road. Communication plan activated with emergency services, residents and MTB bus operators advised. The Tasmanian Government via Parks & Wildlife Services is funding this project. Council is acting as project manager only.

State Growth – Junction Upgrade (Tasman Highway/Upper Scamander Road).

At the Ordinary Meeting of the Council (November 2020) the Council agreed to make a submission for a Safety Audit of the intersection of Upper Scamander Road and the Tasman Highway under the 2021/2022 Black Spot program at cost to the programme based on advice received from the Department at that time.

In May 2021, the Department commenced upgrade works at the intersection. The design incorporates a right hand turning lane (from the southbound traffic lane on the highway into Upper Scamander Road). The project effectively addresses the Council decision with no further action required by the Council.

In early July, the Department advised that there are a number of issues regarding relocation of services for this project that require resolution and the current cause of construction delay until the end of July.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

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

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

Dog control – activity summary available for 18 June – 1 July 2021.

Area	Ansons Bay	Binalong	Cornwall	Fingal	Falmouth	Four Mile Ck	Mathinna	Beaumaris	Scamander	Seymour/ Denison	Stieglitz	Goshen/Pye/ Weldborough	St Helens	St Marys	TOTALS
Dogs Impounded										1					1
Dogs in Prohibited Area															
Dogs Rehomed or sent to Dogs Home										1					1
Livestock Complaints				1											1
Barking Dog											1		2	1	4
Bark Monitor															
Bark Abatement Notice															
Wandering Dog or Off Lead			1	1			1		1		1				5
Verbal Warnings			1						1	1	2				5
Letter/Email warnings and reminders	plus pending	registrations		1			1				1		2	1	6
Patrol			3	2			1	1	2				4	2	15
Dog Attack - on another animal (Serious)													1		1

Area	Ansons Bay	Binalong	Cornwall	Fingal	Falmouth	Four Mile Ck	Mathinna	Beaumaris	Scamander	Seymour/ Denison	Stieglitz	Goshen/Pye/ Weldborough	St Helens	St Marys	TOTALS
Dog Attack/Harassment - on another animal (Minor)			1				1								2
Dog Attack - on a person (Serious)															
Dog Attack/Harassment - on a person (Minor)											1				1
Dog - chasing a person															
Declared Dangerous dogs															
Dangerous Dogs Euthanised									1						1
Unregistered Dog - Notice to Register														1	1
Dogs Registered 2021/22 to date															1241
Pending Dog Registration 2021/22															251
Infringement Notice Issued			1												1
Pending Dog Registration Checks															
Caution Notice Issued															
Verbal Warnings /Education Sheets Maps															
Infringement Notice - Disputes in Progress															

Area	Ansons Bay	Binalong	Cornwall	Fingal	Falmouth	Four Mile Ck	Mathinna	Beaumaris	Scamander	Seymour/ Denison	Stieglitz	Goshen/Pye/ Weldborough	St Helens	St Marys	TOTALS
Infringement - Time Extension request															
Infringement Notice - Revoked															
Kennel Licence - No Licence															
Kennel Licence - Issued															
Rooster Complaints															
Other													1	1	2
Cat Complaints													1		1
Lost Dogs															
Illegal Camping														1	1
TOTALS			7	5	0	0	4	1	5	3	6	0	11	7	1541

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

07/21.14.3 Policy Review - AM08 – Subdivision New Works and Infrastructure Construction Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Manager Infrastructure & Development Services, David Jolly
FILE REFERENCE	002\024\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft amended Policy

OFFICER'S RECOMMENDATION:

That the AM08 Subdivision New Works & Infrastructure Construction Policy be re-adopted.

INTRODUCTION:

Council has a schedule for the regular review of Policies and this policy is now due for revision.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No 03/12.15.4.069

Amended 15 April 2013 – Minute No 04/13.12.6.101

Amended 25 June 2018 – Minute No 06/18.13.4.134

OFFICER'S REPORT:

This Policy was previously reviewed and endorsed by the Council in June 2018 and is therefore due for revision.

No Policy amendments are required or recommended.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

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

Strategies

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

Key Focus Area

Roads & Streets - Develop a well-maintained road network that recognises the changing demands and requirements of residents and visitors.

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.



POLICY NO AM08 SUBDIVISION NEW WORKS & INFRASTRUCTURE CONSTRUCTION POLICY

DEPARTMENT:	Works & Infrastructure
RESPONSIBLE OFFICER:	Manager Infrastructure & Development Services
LINK TO STRATEGIC PLAN:	To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors
STATUTORY AUTHORITY:	Local Government (Highways) Act 1982 Sewers and Drains Act 1954 Break O'Day Council Planning Scheme Urban Drainage Act 2013
OBJECTIVE:	<p>This policy is intended to give clear guidelines to individuals or companies who wish to construct new infrastructure which <u>will subsequently be taken over by Council</u>. A copy of this Policy will be provided by Development Services to the proposed developer at the start of the Development Application process.</p> <p>The objective of this policy is to ensure that all works infrastructure being constructed by external parties is properly constructed with fully approved and compliant materials and correctly mapped before Council accepts responsibility for it.</p>
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 15 April 2013 – Minute No 04/13.12.6.101 Amended 25 June 2018 – Minute No 06/18.13.4.134

POLICY

1. PROCEDURES

Identification and Design Requirements

All individuals or companies intending to carry out works involving the construction or installation of new infrastructure including sewers, water mains, stormwater, roads, sub soil drains, streets and footpaths etc must submit plans for approval before any works commence.

All material used must be to the relevant Australian Standards unless otherwise agreed between Council and the developer in writing. Construction standards will be in accordance with Austroads for road geometry and LGAT/IPWEA Tasmanian Standard Drawing Specifications. It must be recognised that these are the minimum standard for development. For the purposes of the IPWEA Tasmanian Municipal Standard Specification the urban zone is that zone located within the Town Boundaries and/or those zones within a declared 50 Km/hr speed zone.

Within the urban area there is a minimum requirement that installation of new infrastructure including sewers, water mains, stormwater, roads, sub soil drains, streets, kerb and channel and footpaths must be designed for unless agreed to by Council in writing for an alternative design.



Plans should be presented with an overall proposal of all services on one sheet and individual sheets showing a separate service per sheet e.g. road, sewer, water, stormwater, underground power and Telstra.

As constructed plans may be submitted in electronic PDF format, subject to prior agreement with Council.

Sewer, stormwater and water reticulation plans must be certified by a qualified hydraulic engineer unless they are relatively minor additions to an existing system.

(Please Note: Water and sewerage infrastructure will require a separate approval and inspection process by TasWater).

When these plans are approved the developer must submit three (3) clear copies for endorsement by Council.

The plans then become the only copies which will be accepted or used for construction purposes.

Works which will take place in a Council road reservation require a works permit to be issued by Council before any works commence. Works permits are required by the Department of State Growth for similar works within Road Reservations under State Control.

When all construction is completed any changes made to the approved design during the construction process must be shown on the "As Constructed" plan as well as final dimensions of sewer, water and stormwater connections in relation to property boundaries. No changes can be made to the approved design without prior written approval of Council.

These final revised plans become the "As Constructed" plans and the works will not be taken over by Council until these plans are delivered to Council in an acceptable format which may be electronic. Minimum size A2 unless otherwise agreed. The statutory maintenance period does not commence until such time as the "As Constructed" plans are received.

2. SUPERVISION AND INSPECTION

Before work commences a pre start conference including on site visit must be held between the developer and Council works staff during which the following issues will be covered.

- Extent of works
- Construction methods and timetable
- Owner's supervisor on site
- Council's inspection regime
- Materials to be used and any tests needed including gravel certification
- All existing infrastructure must be checked before disturbing

The owner/constructor must notify Council who will be the responsible supervisor on site to discuss matters that may arise or to receive instructions regarding the works. This person must attend the pre-start site meeting and receive the inspection forms to be subsequently submitted. At this meeting a copy of the "Subdivision New Works and Infrastructure Construction Policy" will be formally presented to the Principal/ Contractor for endorsement to acknowledge the procedures contained in this policy.

If the supervisor/contractor changes at any time during the construction stage, an immediate stop work order will apply. The principal is to immediately notify Council within 24 hours of this occurring. Prior to the new supervisor/contractor restarting works, a new pre-start conference **MUST** be held on site with Council's Works staff. An additional inspection fee will apply for each meeting held. This fee will be prescribed in Council's schedule of fees and charges.



All inspections should be undertaken in normal Council hours with 24 hours notice given unless special circumstances exist and prior agreement is reached. The following principles are to be adhered to:

- It is not acceptable to have subcontractors on site carrying out works that have no authority or means of communication with the owner or contractor.
- Council has a formal documented inspection process for all phases of construction work which will be tailored to each individual project.
- Council may choose to use external consultants for some or all of the inspection requirements for a subdivision or new works.
- It is the Developer's Supervisor's responsibility to submit "requests for inspection forms" to the Works Department in adequate time to allow proper inspection of all works. It is not Council's responsibility to follow up contractors to secure these forms.
- Failure to comply with this process may lead to rejection of some or all of the works. It is the Developer's responsibility to obtain all underground service location's including Telstra, NBN, TasNetworks, water, sewer and storm water.
- Under no circumstances is a contractor to commence to connect to any Council services without prior authorisation from Council's Works staff.
- No backfilling of pipes etc. is to occur until an inspection has been completed by Council's staff and the appropriate Inspection Form has been signed by BOTH Council and Site Supervisor. Failure to comply may result in an immediate Stop Work Notice.
- When works are satisfactorily completed the works will be placed on maintenance for a period of 12 months unless specific problems require a longer period which will be nominated by Council.
- When works are due for final inspection the site should be presented in a clean tidy and completed condition. Final inspection of a project will not take place if obviously uncompleted works are visible e.g. unfinished nature strips etc, an additional inspection fee will apply.

3. STOP WORK

Staff will instruct the on-site Supervisor to stop work if an unsatisfactory operation has been carried out or is in the process of being carried out e.g. incorrect backfilling of pipe work or if a serious safety issue is evident.

4. INSPECTORS ROLE

It is not the responsibility of Council staff to advise a contractor how to carry out or rectify works. Staff may reject any particular method of construction if they believe it will not provide an acceptable result. They may make a suggestion as to what would be an acceptable solution however will not give direction as to how to carry out works.

5. LIMITATIONS

All provisions of this policy relate only to Works Department requirements and not to the Town Planning requirements which may have separate requirements. These should be discussed with the Town Planner before formally approaching the Works Department with plans for certification.

Any persons requiring clarification or discussion on any of these provisions should contact the Works Department.

6. MAINTENANCE PERIOD

A 12 month maintenance period will apply to all new infrastructure work. For minor works application can be made to the Manager Infrastructure and Development Services for a reduction in this period.



For subdivision works where the Final Plan of Survey has been lodged with the Titles Office prior to the expiry of the maintenance period a security bond is to be lodged on the following formula based on the value of works involved:

- Less than \$50,000.00 – 10% of works value with a minimum of \$4,000.00;
- \$51,000.00 to \$100,000.00 – 10% of works value; or
- \$101,000.00 +/- 5 % of works value with a minimum of \$10,000.00.

At the expiration of the maintenance period it is the responsibility of the developer to forward a written request to Council seeking the clearance to end the maintenance period. Council will not initiate this process without written request. The supervisor / contractor who finished work on the project must be present at the release inspection.

7. 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.

07/21.14.4 Policy Review - AM14 – Mowing Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Manager Infrastructure & Development Services, David Jolly
FILE REFERENCE	002\024\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft amended Policy attached

OFFICER'S RECOMMENDATION:

That *AM14 Mowing Policy* as amended be adopted.

INTRODUCTION:

Council has a schedule for the regular review of Policies and this policy is now due for revision.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 16 June 2014 – Minute 06/14.12.6.165

Amended 25 June 2018 – Minute No. 06/18.13.5.135

OFFICER'S REPORT:

This Policy was previously reviewed and endorsed by the Council in June 2018 and is therefore due for revision.

Minor amendments to the Policy; grammatical and additional information relating to rural road classification.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

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

Strategies

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

Key Focus Area

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

Roads and Streets – Develop a well-maintained road network that recognises the changing demands and requirements of residents and visitors.

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.



POLICY No. AM14 MOWING POLICY

DEPARTMENT:	Works and Infrastructure
RESPONSIBLE OFFICER:	Manager Infrastructure and Development Services
LINK TO STRATEGIC PLAN:	To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors
STATUTORY AUTHORITY:	Nil.
OBJECTIVE:	The objective of this policy is to define Council's responsibility and property occupants' role in relation to the mowing of nature strips and roadsides in order to provide a safe, functional and aesthetically pleasing streetscape.
POLICY INFORMATION:	Adopted 16 June 2014 – Minute 06/14.12.6.165 Amended 25 June 2018 – Minute No. 06/18.13.5.135 Amended 19 July 2021 – Minute No. 07/21/XX.XX.X.XXX

POLICY

1. INTRODUCTION

This policy outlines Council's position and the level of service regarding the mowing of nature strips in urban areas and roadsides in rural areas.

2. SCOPE

This policy applies to all Council controlled lands between property boundaries and Council controlled roads, including the built-up areas of Ansons Bay, Beaumaris, Binalong Bay, Cornwall, Falmouth, Fingal, Four Mile Creek, Mangana, Mathinna, Pyengana, St Helens, St Marys, Scamander, Seymour, Stieglitz and Weldborough.

3. DEFINITIONS

Mowing

Mowing is the act of cutting a lawn or grassed area to an even height, which may include edging, trimming and whipper snipping and where deemed necessary, herbicide spraying.

Nature Strip (Urban)

The area of land within a road reservation bound by between a property boundary and the edge of a roadway.

The primary purpose of this land is the to provide an area for of service infrastructure corridors provision and to facilitate pedestrian movement alongside the roadway.

Roadside (Rural)

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The area of land within a road reservation bound by a ~~between a~~ property boundary and the edge of a roadway.

The primary purpose of this land is to accommodate for roadside stormwater drainage, road delineation (e.g. guideposts), directional and information signage and roadside infrastructure (e.g. telecommunications wiring). Mowing will improve the visibility of wildlife, roadside infrastructure, signage and other vehicles using the road.

4. ACCEPTABLE CONDITION OF NATURE STRIPS AND ROADSIDES

A nature strip should be maintained to a reasonable level of appearance. This usually translates to the regular mowing of grass throughout the year, in order to keep the nature strip aesthetically pleasing and conforming to the overall streetscape of our urban areas.

Rural roadsides should be maintained to ensure roadside drains function properly and to provide and maintain safe sight distance for motorists and other road users.

5. COUNCIL'S RESPONSIBILITY REGARDING MOWING

Council will maintain urban nature strips and rural roadsides according to four (4) levels:

Level	Level Description	Service Level	Frequency
1	Urban Public Amenity	<p>Council will maintain nature strips adjoining or within:</p> <ul style="list-style-type: none"> Public reserve areas such as parks, gardens and playgrounds; Council facilities such as public buildings, recreation grounds and sports grounds; and Central business areas; 	Normally four (4) to six (6) weeks rotation dependent on growing season.
2	Urban Other Areas	<p>Council does not maintain nature strips in front of private, commercial and industrial properties, including government agencies.</p> <p>If there is genuine <u>and demonstrated</u> hardship based on medical evidence or financial constraints, residents may apply to the General Manager for intervention.</p> <p>Written submissions will be assessed according to the resident's individual circumstances.</p> <p>If approved, council will only mow four (4) times during a twelve month period.</p>	No maintenance unless otherwise approved by the <u>Council's</u> General Manager.
3	Fingal Rural Living Blocks	Council will slash nature strips in front of private properties under this exemption.	Maximum of twice in a 12 month period.

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4	Rural <u>Roads</u> <u>Level</u>	<u>Roadside slashing Class 1 roads being –</u> <ul style="list-style-type: none"> • <u>Major Rural Road (sealed)</u> • <u>Carries heavy commercial traffic</u> • <u>Vehicle count greater than 2000 vehicles per day</u> • <u>Major tourist destination or route.</u> <u>Class 2</u> <u>Class 3</u> <u>Class 4</u> <u>Class 5</u>	Six (6) months Twelve (12) months No maintenance unless deemed unsafe. No maintenance unless deemed unsafe. No maintenance.
		<u>Roadside slashing Class 2 roads being –</u> <ul style="list-style-type: none"> • <u>Rural collector road sealed or unsealed</u> • <u>Carries heavy commercial traffic</u> • <u>Vehicle count between 1,000 and 2,000 vehicles per day with seasonal high traffic count.</u> 	<u>Twelve (12) months.</u>
		<u>Roadside slashing Class 3 roads being –</u> <ul style="list-style-type: none"> • <u>Rural collector or through road sealed or unsealed.</u> • <u>Minor tourist and commercial traffic.</u> 	<u>No maintenance</u> <u>unless there is an</u> <u>emerging safety risk.</u>
		<u>Roadside slashing Class 4 roads being –</u> <ul style="list-style-type: none"> • <u>Gravel surfaced rural road</u> • <u>Not a through road</u> • <u>Minor commercial traffic</u> 	<u>No maintenance</u> <u>unless there is an</u> <u>emerging safety risk</u>

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		<ul style="list-style-type: none"> • <u>Vehicle count less than 100 vehicles per day.</u> 	
		<u>Roadside slashing Class 5 roads being-</u> <ul style="list-style-type: none"> • <u>Unformed road</u> • <u>Minimal or no drainage</u> • <u>Basically no pavement</u> • <u>Poor alignment</u> • <u>Track in a road reservation</u> 	<u>No maintenance.</u>

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6. PROPERTY OCCUPANTS' ROLE REGARDING NATURE STRIPS

Traditionally, property occupants have maintained nature strips adjoining their properties. Council lacks adequate resources to effectively maintain these diverse areas, which taken together constitute a large and sparsely spread area of land.

As such, Council encourages and relies on the goodwill and established community expectation that property occupants' will maintain nature strips throughout our urban areas to a reasonable condition.

Property occupants' maintenance of nature strips not only benefits the adjoining properties, but also enhances the utility, attractiveness and value of the community as a whole.

7. 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.

07/21.14.5 Policy Review - EP04 – Waste Management Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Manager Infrastructure & Development Services, David Jolly
FILE REFERENCE	002\024\006\
ASSOCIATED REPORTS AND DOCUMENTS	Draft amended Policy

OFFICER'S RECOMMENDATION:

That *EP04 Waste Management Policy* as amended be adopted.

INTRODUCTION:

Council has a schedule for the regular review of Policies and this policy is now due for revision.

PREVIOUS COUNCIL CONSIDERATION:

Amended 16 July 2018, Minute No 07/18/13.4.162.

OFFICER'S REPORT:

This Policy was previously reviewed and endorsed by the Council in July 2018 and is therefore due for revision.

Minor amendments to the Policy reflect current operational practice.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

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

Strategies

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

Key Focus Area

Waste Management – Provide access to services and facilities which support a sustainable lifestyle.

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.



POLICY NO EP04 WASTE MANAGEMENT POLICY

DEPARTMENT:	Works and Infrastructure
RESPONSIBLE OFFICER:	Manager Infrastructure and Development Services
LINK TO STRATEGIC PLAN:	To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.
STATUTORY AUTHORITY:	Tasmanian Environmental Protection Authority
OBJECTIVE:	<p>To maintain the Break O'Day Council waste transfer station and inert landfill sites to a high standard within budget constraints and ensure they comply with permit conditions.</p> <p>To manage bin collections (recycling, general waste and town litter-bin) in accordance with current operations and contracts.</p>
POLICY INFORMATION:	<p>Adopted 17 September 2012 – Minute No 09/12.15.7.255</p> <p>Amended 16 September 2013 Minute No. 09/13.11.7.245</p> <p>Amended 21 August 2014 Minute No 08/14.11.11.236</p> <p>Amended 16 July 2018 Minute No 07/18/13.4.162</p>

POLICY

1. INTRODUCTION

Council operates seven (7) waste transfer stations within the Municipality located at:

- St Helens
- Scamander
- St Marys
- Fingal
- Pyengana
- Ansons Bay
- Weldborough

The Council also provides kerbside collection services for general waste and recycling and town litter bin collections.

2. SITES

All sites ~~other than~~ [with the exception of](#) Weldborough are accessible by the public during [specified](#) opening hours for the disposal of [general wastes](#) and recyclable materials. Residents of Weldborough can obtain [key](#) access to the Weldborough site by application to Council's Works Department.



The types of waste material accepted ~~able~~ at each site varies. ~~A current materials list is maintained and available for viewing on Council's website. An Infrastructure charge is adopted annually by Council and levied on rates notices, which is collected to partially fund the compliance and operational costs of the seven 7 waste transfer stations.~~

3. WASTE TRANSFER STATION DISPOSAL FEES

Council annually adopts the fees and charges for disposal of the different waste streams at the Waste Transfer Stations. The current Schedule of Fees & Charges is available on Council's website.

3.1 Waste Transfer Station Site Fee Waivers

~~The following not for profit and or government organisations have been approved for waiver of site fees with the following conditions:~~

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~~The Council has approved Waste Transfer Station fee waivers for the following not-for-profit and government departments:~~

Organisation	Site	Type of Rubbish to be Disposed
Parks & Wildlife Services	St Helens	All listed wastes excluding asbestos and biological waste.
St Helens Neighbourhood House Op Shop	St Helens	Non useable clothing or household items.
Tasmanian Ambulance Service – St Helens Branch	St Helens	Green Waste only .
The Anglican Parish of St Helens	St Helens	Furniture.

Note: All waivers listed above will be recorded as donations to these organisations. All new applications for site fee waivers should be made in writing and marked for the attention of the General Manager. Approvals will be decided by Council.

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3.2 Green waste 'fee free' days

Each year from 1 November to 28 February (29 February in a Leap year), Council offers a 'fee free' day every Sunday for the disposal of green waste, ~~and which applies to:~~

- Residential customers only (no commercial green waste)
- St Helens, Scamander and St Marys sites only.

4. KERBSIDE COLLECTIONS

Kerbside collection services are provided in set areas of the municipality for general waste and recycling. All non-vacant properties within the collection area are charged for the collection service.

The Council collects kerbside general waste.

A contractor collects kerbside co-mingled recyclables. The service contract is managed by Council's Works Department.

~~The service is provided by a contractor in accordance with a current contract which is managed by the Works Department.~~

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A calendar outlining waste collection dates and locations is produced for each calendar year and distributed to all households within ~~the~~ collection areas.

4.1 Bin Ownership

Mobile Garbage Bins (MGB) remain the property of Break O'Day Council and must be returned to Council if no longer required.

Bins are allocated to properties and remain at the property following sale of the said property or relocation of a tenant.

The standard service provides an allocation of one 140L MGB for general waste (blue bin with a red lid) and one 240L MGB for recycling (blue bin with a yellow lid) per residence.

Bins are embossed with Councils logo and each carries a unique bin identifier tag.

5. REPLACEMENT AND CHARGING OF KERBSIDE COLLECTION WHEELIE BINS

The process for the cost of replacement of mobile wheelie bins for kerbside collection is as follows:

5.1 If a wheelie bin is reported to have damage or be unusable a replacement bin will be provided free of charge pending the completion of associated paperwork with the following condition:

- a. The damaged/unusable bin is returned or collected by Council when the new bin is provided;
- b. If the damaged bin is not returned or collected by Council the replacement wheelie bin charge as per the current Schedule of Fees and Charges will apply (plus delivery fee).

5.2 If a wheelie bin is reported stolen the replacement charge per bin as outlined in Council's current Schedule of Fees and Charges plus delivery will apply for the issuing of a new wheelie bin. The replacement fee may be waived on application to Council where it can be demonstrated that the applicant has taken reasonable actions to prevent/respond to the theft. **The delivery fee is not refundable.** The Corporate Services Manager will process and review all applications for fee waivers.

5.3 Additional services may be requested by the property owner by completing the applicable forms and will be provided at the current charge to be levied on the rates notice.

5.4 Request for upsizing of general waste bins to 240L may be requested by the property owner by completing the applicable forms and will be provided at the higher charge to be levied on the rates notice.

6. TOWN LITTER BIN COLLECTION

Council's town litter bin collections are undertaken ~~by by a Waste Management Contractor~~Council employees, ~~and covered by a contract which is managed by the Works Department.~~



Each town has a schedule for collections. Waste quantity which is monitored constantly to ensure it is meeting demand that the collection service meets usage demand. Extra collections are scheduled for peak demand periods, made for individual bins if they are overflowing.

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7. COMMUNITY EVENTS – Council may provide waste management (wheelie bins) for community events which are held on public land. Event organisers requiring this service are required to discuss their needs with the Community Services Department. Delivery and servicing of the bins is undertaken by the Waste Management Contractor.

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Council employees undertake bin delivery and servicing.

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8. 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.

07/21.14.6 Policy Review - AM03 – Street Lighting Policy

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Manager Infrastructure & Development Services, David Jolly
FILE REFERENCE	002\024\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft amended Policy

OFFICER'S RECOMMENDATION:

That *AM03 Street Lighting Policy* as amended be adopted.

INTRODUCTION:

Council has a schedule for the regular review of Policies and this policy is now due for revision.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No. 03/12.15.4.069

Amended 17 November 2014 - Minute No. 11/14.12.4.323

Amended 25 June 2018 – Minute No. 06/18.13.3.133.

OFFICER'S REPORT:

This Policy was previously reviewed and endorsed by the Council in June 2018 and is therefore due for revision.

Minor amendments to the Policy to reflect current street lighting annual cost.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

Goal

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

Strategies

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

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.



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POLICY NO AM03 STREET LIGHTING POLICY

DEPARTMENT:	Works and Infrastructure
RESPONSIBLE OFFICER:	Manager Infrastructure and Development Services
LINK TO STRATEGIC PLAN:	To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors
STATUTORY AUTHORITY:	Nil.
OBJECTIVE:	<p>The objectives of this policy are to:</p> <ul style="list-style-type: none">• Set guidelines for the review of existing street lights; and• Provide a standard approach to the connection of lights in new subdivisions.
POLICY INFORMATION:	<p>Adopted 19 March 2012 – Minute No. 03/12.15.4.069 Amended 17 November 2014 - Minute No. 11/14.12.4.323 Amended 25 June 2018 – Minute No. 06/18.13.3.133</p>

POLICY

1. INTRODUCTION

Council has an obligation to provide a safe environment for its community. Part of this obligation relates to the provision of an environment which is conducive to the safe and effective movement of vehicular and pedestrian traffic at night and the discouragement of illegal and anti-social acts.

Street and public place lighting is a critical factor in providing such an environment and amenity level.

This policy is intended to provide guidance and instruction as to what standard of street lighting will be provided within the council area and the process to be considered by Council in determining the provision of new lights.

2. SCOPE

This policy applies to all Council properties and roads, and to new subdivisions.

Where possible the provision of street and public place lighting will be in accordance with the lighting categories contained in AS/NZS 1158 - Lighting for Roads and Public Spaces.



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3. ASSET AND COST RESPONSIBILITIES

Responsibility for street lighting is dependent upon the location, and is detailed in the table below.

Location	Installation of new street lights	Replace defective street lights	Maintenance of street lights
State roads	State Government	State Government	State Government
Council roads	Local Government	Local Government	Local Government
New subdivision roads (before handover of roads to Council)	Developer	Developer	Developer
New subdivision roads (after handover of roads to Council)	Not applicable	Local Government	Local Government
Private roads	Private Owner	Private Owner	Private Owner

- Council shall be responsible for the cost of street and public lighting, electricity consumption and for the replacement of lamps and other luminaire parts as required in the form of an annual tariff as calculated by the distributor.
- The cost of the provision of street lighting in new subdivisions shall be borne by the subdivision developers including all design and implementation costs.
- The cost of the provision of public place lighting associated with Council owned~~managed~~ and controlled public places shall be borne by Council.
- The cost of the provision of public place lighting associated with privately owned and controlled public places (e.g. shopping centres and their car parks) shall be borne by the private owners.
- Security lighting and street light shielding shall be borne by the property owner and all arrangements are to be through the electrical distributor.

4. LIGHTING IN EXISTING AREAS

4.1 Request for Additional Street Lights

Council regularly receives requests for additional street lights within existing settlements. With energy cost upwards of \$~~100.91~~^{25.59} per annum per ~~typical LED street light~~ (June~~April~~ 2021~~14~~ prices), it is easy to substantially increase street lighting costs without any additional capacity to collect more rates as opposed to new subdivisions where additional lots are created.

All public requests for new and improved lighting are to be investigated on their merits and for compliance with the standards to be achieved, subject to the availability of



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funding, emerging technology and the availability of design and construction resources. Consideration will be given to traffic safety and needs of pedestrians.

If a request warrants a minor improvement the electricity company will be requested to erect lights as required. If a request involves a major improvement, the distributor or a public lighting consultant may be requested to design a public lighting scheme.

4.2 Audit of Existing Street Lights

There is a need for ongoing review of existing lights to ensure a requirement still exists. Circumstances occur where decisions made in the past for lights may well not still fulfil a viable need. If lights are removed there will be an immediate financial saving to Council and all practical attempts to reduce light affecting the requester's property have been made by the requester to the satisfaction of Council's Responsible Officer.

Where required, Council staff will carry out random night time selected street lighting inspections to check for faulty lights. All faults found will be lodged into Council's system and repairs undertaken by the electricity provider.

4.3 Shielding of Street Lights

Council will only investigate and consider the provision of available shielding to lights where it will not substantially decrease the level of lighting in the vicinity of the light fitting, and all practical attempts to reduce light affecting the requester's property have been made by the requester to the satisfaction of Council's Responsible Officer.

Upon receiving an application for street light shielding Council will conduct an assessment and approval process.

The assessment process will include a risk assessment and will cover the following elements:

- Category of road;
- Vehicle and pedestrian usage of the road;
- Location of the street light on the road segment;
- Proximity of the street light to the residence in question;
- Existence of previous complaints about the light;
- Consideration of the neighbouring properties;
- Ability to shield the fitting to cut off spill light at the property boundary or just beyond without impacting on the road lighting.

The shielding would normally be a section of steel/aluminium provided by the light fitting manufacturer or purpose made for the fitting, fitted to the rear of the light fitting to prevent light spilling from the rear of the fitting.



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5. LIGHTING IN NEW SUBDIVISIONS

5.1 Type of Lights

There is an increasing request to install decorative type lights in new subdivisions as opposed to the standard galvanized pole and light fitting. Although this may result in an upmarket streetscape theme, the end result is that Council has to take over responsibility for the street lights once the subdivision is off the statutory maintenance period. The cost of replacement of these fittings is a fivefold increase on the standard pole and light.

Where a developer proposes to install non-standard or lighting beyond the requirements of AS/NZS 1158, the request and predicted maintenance costs will be reported to council for decision.

5.2 Number of Lights

The standard for street lighting does provide a recommendation for a level of lighting in excess of that normally provided throughout the Municipality. Compliance with this standard would result in additional costs and may well lead to a level of lighting in excess of requirements.

The following to be the level of lighting in new subdivisions:

- Lights to be positioned at road junctions and intersections.
- Generally positioned at approximately 50 metre intervals, this can be adjusted to coincide with junctions and bends in streets.
- Positioned at the head of dead end streets.
- Unless other circumstances prevail, positioned on the same side as the footpath.

5.3 Connection of Street Lights

Following the installation of the street lights as part of subdivision works, the lights are not connected to the supply until such time as Council authorises the connection.

It is possible for no dwellings to be constructed in a specific area for some time after the subdivision works are completed; subsequently there is not a need for lighting.

As there is no charge to Council until the connection is made, there is the potential for significant savings to Council if the connection is delayed. Alternatively there is also the possibility of connecting individual lights in a street.

6. 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.



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07/21.15.0 COMMUNITY DEVELOPMENT

07/21.15.1 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:

2021 - 2022 Programs and Initiatives

Program and Initiatives	2021 - 2022
Community Services	
Community Grants	30,000
Youth Services	8,000
Misc Donations & Events	7,500
School Prizes	1,000

Program and Initiatives	2021 - 2022
Community Event Funding	
Seniors Day	3,000
Australia Day Event	5,000
Swimcart	1,000
St Helens Athletic Carnival	2,500
Carols by Candlelight	1,600
Mountains to the Sea Trail Fest including woodchopping	15,000 - 5,000 for WC
Fingal Valley Coal Festival	2,000
Pyengana Endurance Ride	500
St Helens Game Fishing Comp.	2,000
Marketing Valley Tourism	2,500
Volunteer Week	2,500
Bay of Fires Art Prize	10,000
Bay of Fires Winter Arts Market	4,000
St Marys Memorial Service funding	500
St Marys Community Car & Bike Show	2,000
East Coast Masters Golf Tournament	2,500
Break O'Day Community Triathlon	2,000
Suicide Prevention	1,000
World Supermodel	1,000
Mental Health Week	500
International Disability Day event	1,000

Updates on current projects being managed by Community Services:

St Helens Mountain Bike Network

The St Helens network trails are all running excellently with the recent rains overall doing a good job keeping everything together. The strong winds though were a different story with a number of whole trees and limbs falling across the network causing our crews to be constantly clearing debris.

As we are one of the dryer networks across the state we are expecting a busy school holiday period.

The Bay of Fires Trail

The top section of Bay of Fires Trail will remain closed due to the cold / wet weather. We are continuing to monitor trail surface and fallen debris with the intention to be in a position to open this section of trail once weather allows.

The section of trail from Anson Bay Road to Swimcart is open and is riding at optimum right now.

The Blue Tier Trail to Welborough remains closed for the same reasons as listed above with both trails planned to be reopened in September / October when the warmer / dryer weather returns.

Recreation Trail Strategy

TRC Tourism have been engaged to develop the Recreation Trails Strategy.

An inception meeting was held on 24 May 2021 with key council staff.

The engagement process begins in July with a TRC consultant in our region incorporating the school holiday period and again in September. The engagement process will include one on one meetings with identified individuals, specifically land managers and targeted workshop sessions with key community members to draw out key issues and ideas.

The feedback from these sessions will be then used as the basis for a more broader engagement process later in the year.

Successful grant application - International Mountain Bike Association EPIC Status Trail – Bay of Fires Trail

Council has been successful in receiving funding from the Federal Government Recovery for Regional Tourism Program of \$175,000.

We have been investigating the potential to have the Bay of Fires Trail classified as an International Mountain Bike Association (IMBA) EPIC trail. Meeting the IMBA criteria and being successful in our Epic classification will provide us a unique marketing opportunity to promote this trail as only 1 of 2 Epic trails in Australia.

We know that there is a designated market of MTB riders that travel specifically to ride trails of this calibre which become essentially bucket list trails. Having the Epic status will place the Bay of Fires trail in a unique marketing position that will enhance the attraction to our region.

Earlier this year a survey was undertaken by XSYT on behalf of the Warburton MTB project; 56% of riders surveyed planned on riding either the Blue Tier or Bay of Fires Trail, 26% of these stated they would not have travelled to Derby if it was not for either of these trails and 76% said they would stay less nights if these trails were not available. These results show that not only do riders specifically travel to ride these 'bucket list' trails but they will stay longer in the area increasing the economic value of the trails to our municipality.

The length of the existing Bay of Fires Trail is 42km with a 10km section currently aligned on a section of forest road and four wheel drive track meaning there is 32km of single track trail. A key criteria to meet the EPIC status is that the length of single track must be at least 80% of total length of trail for which we fall short by several km.

This funding will enable us create a new single track section of trail running roughly parallel with the four wheel drive track section of trail for the distance of 4.7km in length starting at Ansons Bay Road heading in an easterly direction and matching into the existing single track section of trail.

The new single track trail (no vehicles allowed) indicatively would be 1.8m wide running mostly parallel to the existing track but creating a better and safer experience for riders and be less of a maintenance liability caused by uncontrolled vehicles driving on the trail.

Due to the close proximity to the existing track all previous investigations in regards to environmental impacts and Planning conditions including aboriginal heritage are still relevant with a review currently underway with an open tender process to be undertaken to award the works.

Bay of Fires Master Plan

A second meeting of this Committee has been held with the Terms of Reference of the Steering Committee being finalised. The draft Brief was discussed at great depth with an assessment of comments provided by committee members discussed further. The Committee are working to finalise the document by September 2021 or earlier. In the meantime a Communications Plan will be drafted for consideration by the Committee.

Proposed Binalong Bay Swimcart Trail

A conceptual design is currently being worked up in relation to trail alignment. This project is currently on hold whilst some issues are worked through with relevant Government agencies. It will form part of the discussion with regard to the Bay of Fires Master Plan and Recreational Trails Strategy.

Wrinklers Toilet Replacement and Car Park

A Development Application is currently being prepared for this project.

Grant Applications – made application:

- Leaner Driver Program - successful in receiving \$21,001.00 for this project.
- Interpretation Panels – telling the stories of the bridges over the Scamander River – still awaiting advice as to whether successful or not.

Community Events

Community Services staff have been working closely with event organisers to help them develop their COVID safety plans and hold successful events.

June

- 27 – Sea Shepherd - Marine Debris Clean-up – Kriwins Beach

Unfortunately due to Covid impacting our mainland States a number of visiting musical events which were scheduled to perform in St Helens have cancelled. We are currently working with organisers of these events to see whether they can be rescheduled at a later date.

Driver Reviver Program

This project has been put on hold due to Covid 19.

Leaner Driver Mentor Program

On Road Hours:	70.5
Learners in the car:	8
Learners on waiting list:	3
Mentors:	5

Exciting news this month – Council was successful in securing ongoing State Government funding for this project.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

07/21.16.0 DEVELOPMENT SERVICES

07/21.16.1 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:

KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS:

- ✓ Building Surveyor attended User Experience Session regarding Plan Build and Australian Institute of Building Surveying training;
- ✓ Council officers attended Regional Land Use Northern Planners Group Meeting regarding progression of amendments to Regional Land Use Strategy (RLUS) framework;
- ✓ Submission completed to Tasmanian Planning Commission regarding Local Provision Schedules;
- ✓ Strategic Document Review Brief sent to consultants and fee proposals currently being considered.

PLANNING REPORT

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

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	EOFY 2019 / 2020
NPR	2	3	6	8	2	2	3	1	4	3	9	2	45	
Permitted	3	3	4	2	2	6	2	1	3	2	5	5	38	
Discretionary	10	13	22	20	27	16	26	10	20	10	7	13	194	
Amendment		1	1	2	1	3	2				1	2	13	
Strata		1				1	1	1					4	
Final Plan				4	1	1	1		1		1		9	
Adhesion	1												1	
Petition to Amend Sealed Plan					1		1						2	
Exemption									1				1	
Total applications	16	21	33	36	34	29	36	13	29	15	23	22	307	259

Ave Days to Approve Nett *	29.3	32.47	31.33	30.5	30.67	23.0	54.05	40	37.72	36.9	33.17	27.36	33.88
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* Calculated as Monthly Combined Nett Days to Approve/Total Applications

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

June 2021






DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
094-2021	Stieglitz	Shed	S57	42	42
075-2021	Scamander	Staged 3 Lot Subdivision	S58	35	28
086-2021	Scamander	Legalisation of Pool & Deck	S57	38	37
067-2021	Akaroa	Shed with Amenities	S57	29	28
097-2021	Akaroa	Legalisation of Shipping Containers & Attached Enclosed Deck	S58	24	23
046-2018 AMEND 2	St Helens	Changes to Internal Layout	S56 AMEND	8	8
023-2021	St Marys	Front Fences & shed	S57	43	42
134-2021	St Helens	Dwelling & Shed	NPR	10	7
093-2021	Scamander	Shed	S57	52	39
050-2021	Mathinna	Shed & Crossover	S57	31	30
110-2021	Pyengana	Shed	S57	31	30
126-2021	Scamander	Shed	NPR	7	6
162-2021	Binalong Bay	Demolition of Dwelling	S58	8	8
079-2021	Beaumaris	Dwelling & Garage	S57	42	42
164-2021	Scamander	Change of Use to Visitor Accommodation	S58	1	0
266-2005 AMEND 4	St Helens	Amendment to Subdivision Layout	S56 AMEND	27	27
109-2021	St Helens	Marina Extension	S57	39	38
080-2021	Four Mile Creek	Deck Addition & New Shed	S57	43	42
132-2021	Ansons Bay	Carport	S57	35	35
020-2021	Cornwall	Shed	S57	144	31
095-2021	Falmouth	Shed & Carport	S57	68	36
140-2021	St Helens	2 Lot Subdivision	S58	35	23

TOTAL: 22

BUILDING REPORT

Projects Completed in the 2020/2021 financial year

Description	Location	Updates
Re-Roof of Amenities Section	Bendigo Bank Community Stadium	Completed August 2020.
New Shade Structure	Flagstaff Trail Head	Completed November 2020. 
Internal Fit-out	Scamander Surf Life Saving Club	Completed December 2020 
Internal Alterations (Renovation of Men's Toilet & Change rooms)	St Marys Sports Centre	Completed March 2021 

Description	Location	Updates
BBQ Shelter	St Marys Community Space	Completed March 2021
<p>Old Tasmanian Hotel Restoration Project</p> <p>Stage 1 – Complete First Floor Restoration, Reroof, External Repaint, New Access.</p> <p>Stage 2 – New Lift, Accessible Toilet & Rear Veranda</p>	Fingal	<p>Completed April 2021</p>   
Demolish Existing Buggy Shed & Install New	St Marys Sports Centre	<p>Completed April 2021</p>  

Description	Location	Updates
Additions & Upgrades to Portland Hall	Portland Hall, St Helens	Completed

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

Description	Location	Updates
Marine Rescue Additions	St Helens Foreshore	<ul style="list-style-type: none"> Works now commenced and scheduled for Completion end October 2021.
Community Services Storage Shed	St Helens Works Depot	<ul style="list-style-type: none"> Building approvals obtained; Works commenced and scheduled to be completed prior to end July 2021.
Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none"> Works Commenced.
New Shade Structure	Scamander Reserve	<ul style="list-style-type: none"> Works Commenced; Due to be completed prior to end July 2021.

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

Description	Location	Updates
New Amenities building	Wrinklers lagoon carpark	<ul style="list-style-type: none"> Design concept finalised; Regulatory approvals required.
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> Works scoping and scheduling of works to be confirmed.
Four Mile Creek Community Hub	Four Mile Creek Reserve	<ul style="list-style-type: none"> Development Application Approved; Pending further community feedback.
Old Tasmanian Hotel Site – New Storage Shed	20 Talbot Street, Fingal	New project - Approved in 2021/2022 Capital Works Program
New Solar Panels & Heating Improvements	St Marys Community Hall	New project - Approved in 2021/2022 Capital Works Program
New Accessible/Family Toileting Facility	St Marys Community Space	New project - Approved in 2021/2022 Capital Works Program
Building Improvements	St Helens Council Chambers	New project - Approved in 2021/2022 Capital Works Program

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



No.	BA No.	Town	Development	Value
1	2021 / 00038	Beaumaris	New Dwelling, Deck & Carport/Shed with Amenities	\$122,000.00
2	2019 / 00041 - AMEND	St Helens	Amend - Change to Roof	\$180,000.00
3	2021 / 00106	Akaroa	New Shed - Stage 1 of 2	\$10,000.00
4	2021 / 00144	Binalong Bay	New Solar Panels - 16x400w (installed within 200mm of gutter)	\$5,000.00
5	2021 / 00142	St Helens	New Solar Panels	\$14,446.00
6	2021 / 00127	Scamander	New 19 x Solar Panels (6.74KW)	\$5,000.00
7	2021 / 00116	St Helens	New 40 x Solar Panels (14.2KW)	\$10,000.00
8	2020 / 00292	Fingal	Additions (existing Dwelling) & New (Dwelling)	\$800,000.00
9	2010 / 00276 - AMEND	Binalong Bay	Amend - Pool, Pool Fencing & Deck	\$15,000.00
10	2021 / 00156	Scamander	New Carport	\$15,000.00
11	2021 / 00108	St Helens	Retrospective Approval (legalisation) - Carport	\$15,000.00
12	2020 / 00157 - AMEND	St Helens	Amend - Spa Safety Barrier	\$0.00
13	2021 / 00090	St Helens	Additions - Dwelling & Veranda	\$57,000.00
14	2020 / 00223	Binalong Bay	Additions & Alterations - Dwelling	\$326,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2019/2020	2020/2021
	\$18,287,857.00	\$20,947,089.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2020	2021
	June	\$770,800.00	\$1,574,446.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2019/2020	2020/2021
	June	138	159

ENVIRONMENTAL REPORT

Description	Updates
Weed Management	<p>Binalong Bay residents concerned about foreshore reserve weed management met with Council and PWS staff to discuss setting up a volunteer weeding program. First steps would be volunteer worker registration with Council and then an initial working bee to identify a practical work program to integrate with Council and PWS efforts.</p>  <p>The Spanish heath control project by a group of landholders at Whalers Watch Lane funded by the Drought Weeds program is underway. Contract weed control and equipment and materials for follow-up have been procured on behalf of landholders so the weed, which is flowering now, can be treated to stop it seeding this year.</p>
Scamander River mouth	 <p>A suggestion by residents that drainage through to Henderson Lagoon might help manage risk of inundation when the mouth is closed was considered on site. Significant flood and coastal erosion and inundation issues at the mouth of the river are complicated by coastal processes at sea level. Over future decades risks are expected to increase for the land, people and infrastructure.</p>
St Marys Flood Risk Management	<p>Council has completed the Australian Government's Community Development Grants Program funded project. The \$400,000 of funding to Council raised the Flat Bridge, built a flood levee bank at Groom Street, a Flash Flood Warning System and evaluated channel vegetation issues downstream of Story Street. The project has enabled the most significant and costly flood mitigation priorities in the St Marys Rivulet Flood Management Plan to be implemented.</p>

Description	Updates
Climate Change	<p>New information has been produced for northern councils on future rainfall, temperature and other climate dependent factors by Climate Futures at the University of Tasmania. The updated municipal scale projections mean Council can anticipate and design for climate change risks in its functions, strategies and regulatory decisions.</p> <p>Regional collaboration on the mitigation and adaptation challenges that northern councils share was also discussed at the workshop. The initiative borrows from work the Southern Tasmanian Councils Association has done.</p>

PUBLIC HEALTH REPORT

Recreational Water Quality

The *Public Health Act 1997* requires that Councils to monitor recreational waters (including public pools and spars) using the Tasmanian Recreational Water Quality Guidelines. Monitoring is conducted monthly during the warmer months with water samples tested for indicators of faecal contamination.

The 2020/21 sampling season has now ended. Results for water samples last season indicated conditions at the ten waters monitored were safe for swimming according to the Tasmanian Recreational Water Quality Guidelines.

All natural waters may be subject to local poorer water quality from time to time due to weather or other conditions.

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	2020/2021		2019/2020	
	Persons	Vaccinations	Persons	Vaccinations
July - December	50	58	50	53
January - June	90	90	72	98
TOTAL	140	148	122	151

Sharps Container Exchange Program as at 7 July 2021

Current Year	Previous Year
YTD 2020/2021	YTD 2019/2020
26	3

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027

Goal

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

Strategy

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

LEGISLATION & POLICIES:

Not applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

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

OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various 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:**Meeting and Events attended:**

29.06.2021	St Helens	– Tasmania Police, general catch up meeting with Northern Police Commander Stuart Wilkinson and Inspector Michael Johnston regarding operational matters.
30.06.2021	St Helens Via Web	– Local Government Association of Tasmania (LGAT) – Annual General Meeting (AGM)
01.07.2021	St Marys	– St Marys Sports Centre, attended Open Day and thank you to Council. Very pleasing to see the appreciation of the local community and the hard work the volunteers have been putting into this facility and activities.
02.07.2021	Longford	– General Manager's Regional Meeting
05.07.2021	St Helens	– Council Workshop
05.07.2021	St Helens	– East Coast Tasmania Tourism, meeting with the CEO of ECTT to discuss a range of operational matters
05.07.2021	St Helens	– Bay of Fires Master Plan Steering Committee Meeting
07.07.2021	St Helens	– Tasmania Police, meeting with Jeremy Smith and Andrew Newell to discuss housing for Tasmania Police officers
12.07.2021	St Helens	– East Coast Tasmania Tourism, meeting with CEO Rhonda Taylor and Project Officer Kate Smith to discuss projects arising from the \$13.5M Tourism Recovery funding. Projects included the statewide AgriTourism project, event opportunities and the Ambassador program which is being rolled out.

Meetings & Events Not Yet Attended:

19.07.2021	St Helens	– Council Meeting
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General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development.

Brief Updates:

East Coast Tasmania Tourism

A key part of the Memorandum of Understanding with East Coast Tasmania Tourism is the need for regular meetings and ongoing communication with the General Manager and key Council officers, in particular the Communications Coordinator. At our recent meeting a range of topics were discussed:

- MoU Quarterly Meetings with BODC – have now been scheduled to ensure they occur.
- Break O’Day Council Priority Activities (MoU specified)
- Communication in general with BODC GM and staff – reinforced the need for regular communication and contact from the ECTT team, we had good contact with the Industry Development Officer, Ros Wharton, but needed to see greater contact from the CEO.
- ECTT Board membership including Chairperson situation – Acting Chairperson is Angela Turvey and a recruitment process for a new CEO is underway. There are two Board vacancies which need to be filled and the General Manager noted the need for better representation from the Break O’Day area.
- ECTT staff situation and changes – further announcements are awaited on the Industry Development position, reinforced the need for this person to have a high profile in this area.
- Bay of Fires MTB Epic Project, funding is being provided from the \$13.5Million Covid Response to enhance the existing Bay of Fires Trail by shifting a section from a roadway to a parallel alignment to enhance its attractiveness and meet the criteria for IMBA Epic status.
- Digital Visitor Information Kiosks, little progress has been made with this project.
- AgriTourism project, another project from the \$13.5Million Covid Response focussed on farm gate tourism
- Destination Management Plan draft and process

Black Summer Bushfire Recovery Grants

The Federal Government has just announced and released information on a Grants program to help communities address remaining priorities for recovery and resilience after the 2019-20 bushfires that affected a number of Local Government Areas (LGAs) around Australia. The Tasmanian LGAs which can access these funds include Break O’Day, Glamorgan-Spring Bay, Southern Midlands and Central Highlands.

Many different types of projects are eligible for support through this grants program – but they must be about the recovery and/or resilience of communities impacted by the 2019-20 Black Summer bushfires. Projects need to have the support of the community they are aimed at helping. Project activities can also be located in more than one eligible LGA.

Grants are of between \$20,000 and \$10 million and projects must be completed by 31 March 2024. Projects must address one or more of the following:

- Social recovery and resilience - for example, community development programs and activities to help affected individuals and communities to reconnect and support mental and physical wellbeing and recovery from the immediate effects of the bushfires
- Economic recovery and resilience - for example, projects that help the community (and not just an individual business) to recover from the immediate economic impact of the bushfires by boosting employment and industries in eligible LGAs impacted by the fires
- Recovery and resilience of the built environment - for example, projects to rebuild infrastructure damaged by the bushfires.

The project must satisfy one or more of the following criteria in order to receive funding:

- Address an urgent and unmet need resulting directly from the 2019-20 bushfires
- Enhance the cultural life of the community
- Preserve or increase employment
- Help to mitigate climate-related risk and damage
- Address the health impacts of the bushfires
- Benefit of Indigenous people or communities
- Protect or promote interstate and overseas trade and commerce, such as tourism related activities or rebuilding infrastructure between states and territories to facilitate commercial activities.
- Be delivered through a relevant communications service such as a the delivery of an online counselling service or business advisory service to local businesses affected by the bushfires

Communications Report – JULY 2021

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Newsletter	Was out at the end of last month. Included info on Opening Barways, Dog Flyer and why it was missed from the mail out, Your Rates Explained, Velvet Worm Funding etc
	Rates Newsletter	A 4 pg newsletter has been sent out with rates notices focusing on the waste charge and what we can do as individuals to Reduce, Reuse and Recycle waste
	Terrys Hill Rd Works	Letter drafted and sent to property owners and shuttle operators. Update placed on the website
	Mayors Opinion Piece	Op-Ed on COVID published in the Examiner
	5 Minutes with the Mayor Valley Voice	Supplied article answering their question on how to nominate and how to run for Council.

TOPIC	ACTIVITY	PROGRESS
GRANTS	Bike Racks in St Helens CBD	Acquitted – waiting on installation
	Bay of Fires Let's Make it Epic	Grant successful to develop the Bay of Fires Trail into an IMBA Epic.
AWARDS	LGAT Awards for Excellence	Have entered BODC in the LGAT Awards for Excellence, we have two submissions, Trail Ambassador Program and the Emergency Management Portal
SOCIAL	St Helens MTB	The first of the Trail Ambassador posts have started running on the Facebook page.
PROSPECTUS	Northern Region Prospectus	BODC content has been drafted and now proofed back to the Office of the Coordinator General.
TOURISM	Country Style Magazine	The first advert for Country Style has now run. The editorial which will run over six pages will run in July with the second advert. The remaining advert will run in August

Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
83 Annie Street, St Helens	Affixing Common Seal	Final Plan of Survey	Number 12 – Miscellaneous Powers and Functions to the General Manager
83 Annie Street, St Helens	Affixing Common Seal	Part V Agreement	Number 12 – Miscellaneous Powers and Functions to the General Manager
27 Cherrywood Drive, Scamander	Affixing Common Seal	Final Plan of Survey	Number 12 – Miscellaneous Powers and Functions to the General Manager
Marine and Safety Tasmania (MAST) – Replacement of Kirwans Beach Jetty	Affixing Common Seal	Grant Deed	Number 12 – Miscellaneous Powers and Functions to the General Manager
Marine and Safety Tasmania (MAST) – Replacement of Beauty Bay Jetty	Affixing Common Seal	Grant Deed	Number 12 – Miscellaneous Powers and Functions to the General Manager
11-21 Scamander Avenue, Scamander	Affixing Common Seal	Final Plan of Survey	Number 12 – Miscellaneous Powers and Functions to the General Manager

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
11-21 Scamander Avenue, Scamander	Affixing Common Seal	Part V Agreement	Number 12 – Miscellaneous Powers and Functions to the General Manager
23A Steel Street, Scamander (PID 2801741)	Affixing Common Seal	Petition to Amend Sealed Plan	Number 12 – Miscellaneous Powers and Functions to the General Manager
Department of State Growth, Cultural Heritage Organisations 2021-2022 – National Touring Exhibition – <i>Out of this World</i>	Affixing Common Seal	Grant Deed	Number 12 – Miscellaneous Powers and Functions to the General Manager

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

04.06.2021	337 Certificate	U1, 74 Medeas Cove Esplanade, St Helens	2627923
07.06.2021	337 Certificate	8/41-43 Beaulieu Street, St Helens	3078778
07.06.2021	337 Certificate	1 Ti-Tree Drive, Ansons Bay	6810434
07.06.2021	337 Certificate	8 Cobrooga Drive, St Helens	6781178
08.06.2021	337 Certificate	32 Sunshine Court, St Helens	7742162
09.06.2021	337 Certificate	25498 Tasman Highway, St Helens	7616449
09.06.2021	337 Certificate	3 Lade Court, Beaumaris	6787895
09.06.2021	337 Certificate	16 Highcrest Avenue, Binalong Bay	6796791
09.06.2021	337 Certificate	Champ Street (CT134173-2 & 134173-1) Fingal	2887872
10.06.2021	337 Certificate	6/72 Tully Street, St Helens	9415384
10.06.2021	337 Certificate	13 Aulichs Lane, St Marys	3098963
11.06.2021	337 Certificate	49 Erythos Grove, St Helens	7155187
11.06.2021	337 Certificate	7 Bayvista Rise, St Helens	2661777
11.06.2021	337 Certificate	69 Quail Street, St Helens	6795174
11.06.221	337 Certificate	24 Grant Street, St Helens	6410975
11.06.2021	337 Certificate	4 Talbot Street, St Helens	6787094
11.06.2021	337 Certificate	132 Tully Street, St Helens	2635691
17.06.2021	337 Certificate	14 Gardens Road, Binalong Bay	1728941
17.06.2021	337 Certificate	22 Rex Court, St Helens	1745071
22.06.2021	337 Certificate	34 Highcrest Avenue, Binalong Bay	1781961
22.06.2021	337 Certificate	U1, 69 Tully Street, St Helens	7384334
22.06.2021	337 Certificate	829 Lottah Road, Lottah	1851210
23.06.2021	337 Certificate	21 Jeanneret Crescent, Binalong Bay	7896161
23.06.2021	337 Certificate	32 Peron Street, Stieglitz	6785355
23.06.2021	337 Certificate	Elizabeth Street, Mangana (174911-1)	2679571
23.06.2021	337 Certificate	Elizabeth Street, Mangana (172547-1)	3578211
23.06.2021	337 Certificate	Argyle Street, Mangana (CT159244-1)	3224907
24.06.2021	337 Certificate	27 Petrel Place, Stieglitz	7828134

25.06.2021	337 Certificate	8 Aulichs Lane, St Marys	6401446
29.06.2021	337 Certificate	35 Scamander Avenue, Scamander	6783931
29.06.2021	337 Certificate	813 Reids Road, St Helens	2283649
30.06.2021	337 Certificate	10 Nicklasons Road, Pyengana	6806873
30.06.2021	337 Certificate	24752 Tasman Highway, St Helens	6790912

Tenders and Contracts Awarded:

Tender Closing Date	Description of Tender	Awarded to
Friday 25 June 2021	Cleaning of Council Facilities	Currently being Assessed.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027

Goal

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\002\010\
ASSOCIATED REPORTS AND DOCUMENTS	Delegations Register Index prepared by Simmons Wolfhagen Summary of Changes prepared by Simmons Wolfhagen <i>Updated Delegation Register May 2021 – Circulated under separate cover</i>

OFFICER'S RECOMMENDATION:

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated May 2021.

INTRODUCTION:

The aim of the report is to provide Council with an updated "Break O'Day Delegations Register May 2021" following the annual review as required under the *Local Government Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration regarding this annual review.

OFFICER'S REPORT:

The Delegations provide to the administration the authority for officers to deliver Council services.

Delegations need to be clear and well documented to ensure Council's operations are open, transparent and accountable.

The *Local Government Act 1993* requires that Council must cause a separate record to be kept of all delegations under Section 22 and in accordance with good governance should at least once in every financial year review the delegations for the time being in force under this section.

Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the *Local Government Act 1993* as well as a range of other Acts. In most cases the relevant Acts grant these obligations and powers directly to the Council as a body.

It is not practical or efficient for Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of Council's roles and functions. Delegations are the way in which Council enable other people/bodies (usually Council Officers) to undertake these steps on its behalf. Therefore it is necessary for Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of Council.

If the delegations are not done properly, the enforceability of decisions and actions taken may be compromised and there may be legal and administrative problems for the Council.

As part of Council's ongoing governance arrangements, a review of the Delegations Register has been undertaken and the delegations updated.

As a matter of best practice it is usual for delegations to be made by the Council to the General Manager. Delegations under LUPAA do not allow the General Manager to sub-delegate.

Whilst the proposed instruments of delegations reflect the functions and duties which are granted to Councils under various Acts, it is a matter for the Council to decide which of those powers and functions are to be delegated. It is important to note that any specific delegation may be withdrawn or altered or reviewed by Council at any time and therefore it is recommended that the delegations be supported.

In addition both the wording of the resolution and the instrument of delegation itself are important. It is the resolution which makes the delegation. The resolution is the instrument which sets out the scope of the delegation. Consequently, Council needs to be careful with respect to varying the wording of the recommendations of this report.

There were some amendments made in relation to position titles however, this only related to the position of the "Building Services Officer" which following a recruitment process the title has been changed to "Building Surveyor".

The Local Government Association of Tasmania (LGAT) engaged Simmons Wolfhagen to undertake a review, amend and update LGAT's model delegations. The Delegations Register Index (attached) shows the Legislation included within Councils delegations register and highlights any amendments etc in relation to the specific legislation. Through this review Simmons Wolfhagen identified a further seven (7) Acts that have not previously been included in the Delegations Register:

- | | |
|---|-----------------------------------|
| 1. Archives Act 1983; | 5. Survey Co-ordination Act 1944; |
| 2. Historic Cultural Heritage Act 1995; | 6. Traffic Act 1925; and |
| 3. Litter Act 2007; | 7. Urban Drainage Act 2013. |
| 4. Public Interest Disclosure Act 2002; | |

Annexure A (attached) provides a summary of the review and hence the amendments which have been made in Councils delegations to align with this legal advice.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Particularly the Local Government Act 1993 however also includes all other Acts and Regulations as listed in the Delegations Register.

BUDGET AND FINANCIAL IMPLICATIONS:

There are no financial implications identified in adopting these delegations.

VOTING REQUIREMENTS:

Simple Majority.

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

DELEGATIONS REGISTERS – JANUARY 2021

No.	Act / Regulation	Legislation Amended	Last Checked	Register Last Updated
1.	<i>Archives Act 1983</i>	01.10.2012	20.01.2021	20.01.2021
2.	<i>Building Act 2016</i>	19.03.20	07.09.20	29.06.18
3.	<i>Building Regulations 2016</i>	27.12.17	31.01.19	21.12.16
4.	<i>Burial and Cremation Act 2002 (repealed)</i>	-	-	-
5.	<i>Burial and Cremation Act 2019</i>	25.12.19	31.01.20	31.01.20
6.	<i>Burial and Cremation Regulations 2015</i>	26.12.18	31.01.20	31.01.20
7.	<i>Dog Control Act 2000</i>	18.12.19	31.01.20	31.01.20
8.	<i>Environmental Management and Pollution Control Act 1994</i>	30.11.20	20.01.2021	20.01.2021
9.	<i>Food Act 2003</i>	01.07.19	30.06.19	13.05.16
10.	<i>Heavy Vehicle National Law (Tasmania) Act 2013</i>	27.11.2020	20.01.2021	20.01.2021
11.	<i>Historic Cultural Heritage Act 1995</i>	28.10.2020	20.01.2021	20.01.2021
12.	<i>Land Use Planning and Approvals Act 1993</i>	30.11.2020	20.01.2021	20.01.2021
13.	<i>Land Use Planning and Approvals Regulations 2014</i>	19.02.20	07.09.20	07.09.20
14.	<i>Litter Act 2007</i>	02.12.2019	20.01.2021	20.01.2021
15.	<i>Local Government Act 1993</i>	01.07.20	07.09.20	29.06.18
16.	<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	30.11.2020	20.01.2021	20.01.2021
17.	<i>Local Government (General) Regulations 2015</i>	04.03.20	07.09.20	13.05.16
18.	<i>Local Government (Highways) Act 1982</i>	02.10.19	31.01.20	30.05.16
19.	<i>Local Government (Meeting Procedures) Regulations 2015</i>	29.06.15	13.05.16	13.05.16
20.	<i>Monetary Penalties Enforcement Act 2005</i>	01.07.19	30.06.19	29.06.18
21.	<i>Plumbing Regulations 2014 (rescinded)</i>	-	-	-
22.	<i>Public Health Act 1997</i>	06.05.20	07.09.20	13.05.16
23.	<i>Public Interest Disclosure Act 2002</i>	05.09.2017	20.01.2021	20.01.2021
24.	<i>Resource Management & Planning Appeal</i>	04.12.17	29.06.18	31.03.16

¹ **Legislation Amended:** records the last time that the piece of legislation was amended. The delegations register is only updated if amendments affect delegations.

¹ **Last Checked:** means the last time the legislation was checked for any changes that affect delegations. The Last Checked date will usually postdate the Legislation Amended date, except where amendments come into force after the legislation is checked.

¹ **Register Last Updated:** refers to the last time the delegations register was updated to reflect amendments, also being the last version of the delegations register that was updated for that piece of legislation.

No.	Act / Regulation	Legislation Amended	Last Checked	Register Last Updated
	<i>Tribunal Act 1993</i>			
25.	<i>Right to Information Act 2009</i>	18.09.19	07.09.20	07.09.20
26.	<i>Roads and Jetties Act 1935</i>	04.11.19	31.01.20	31.01.19
27.	<i>Strata Titles Act 1998</i>	30.11.2020	20.01.2021	20.01.2021
28.	<i>Survey Co-Ordination Act 1944</i>	01.07.2020	20.01.2021	20.01.2021
29.	<i>Traffic Act 1925</i>	01.07.2019	20.01.2021	20.01.2021
30.	<i>Urban Drainage Act 2013</i>	01.07.2015	20.01.2021	20.01.2021
31.	<i>Vehicle and Traffic Act 1999</i>	04.11.19	07.09.20	30.05.16
32.	<i>Weed Management Act 1999</i>	01.07.19	30.06.19	31.03.16

¹ **Legislation Amended:** records the last time that the piece of legislation was amended. The delegations register is only updated if amendments affect delegations.

¹ **Last Checked:** means the last time the legislation was checked for any changes that affect delegations. The Last Checked date will usually postdate the Legislation Amended date, except where amendments come into force after the legislation is checked.

¹ **Register Last Updated:** refers to the last time the delegations register was updated to reflect amendments, also being the last version of the delegations register that was updated for that piece of legislation.

Annexure A

Summary of all changes as at 21 January 2021

A. SUMMARY OF AMENDED ACTS

Six Acts have been amended since the last delegations register update, these are:

- (a) *Environmental Management and Pollution Control Act 1994*;
- (b) *Heavy Vehicle National Law (Tasmania) Act 2013*;
- (c) *Land Use Planning and Approvals Act 1993*;
- (d) *Local Government (Building and Miscellaneous Provisions) Act 1993*;
- (e) *Strata Titles Act 1998*; and
- (f) *Water and Sewerage Industry Act 2008*.

Of these six, only the *Land Use Planning and Approvals Act 1993* had significant amendments. However, a majority of these amendments related to changing the term 'special permit' to 'major project permit' and therefore did not significantly change the register.

Please find a detailed list of amendments below.

1. ***Environmental Management and Pollution Control Act 1994***

1.1. The Act was amended on:

- (a) 30.11.2020; and
- (b) 28.10.2020.

1.2. There were two amendments to this legislation. However, most were irrelevant.

1.3. Section 25(1)(b) was inserted into the register as it creates a procedural step that Council can delegate.

2. ***Heavy Vehicle National Law (Tasmania) Act 2013***

2.1. The Act was amended on:

- (a) 27.11.2020

2.2. Section 156(6) was removed from register as it no longer appears in Tasmanian or Queensland legislation, rather is encompassed in s 156A(4).

3. ***Land Use Planning and Approvals Act 1993***

3.1. The Act was amended on:

- (a) 30.11.2020
- (b) 28.10.2020

3.2. There were two significant amendments to this legislation. The most significant in the form of *Land Use Planning and Approvals Amendment (Major Projects) Act 2020*. Most amendments changed the term 'special permit' to 'major project permit'.

3.3. The following sections were removed from the register:

- (a) section 60P(4);
- (b) section 60Q(5);
- (c) section 60Y;
- (d) section 60ZD;
- (e) section 60ZE(3); and
- (f) section 60ZF.

3.4. The following sections were inserted into the register:

- (a) section 60: Council responding and issuing notices relating to compliance with certain permit conditions;
- (b) section 60H(3): Minister may request information from Council or relevant state entity;
- (c) section S 60I(3): Council to give notice in relation to eligibility major project proposal;
- (d) section 60S(4)(b): Refund of ordinary permit where declaration of major project is made; and
- (e) section 60ZX(1): Person who a request is made under s 60ZW(1) for further information is to take all reasonable steps to provide the panel as soon as practicable with the information specified in the request.

3.5. The following existing provisions within the register were amended in the register:

- (a) section 48AA: Amended in the register to reflect name change in legislation;
- (b) section 51(1): Amended in the register to include reference to major project permits;
- (c) section 54: Amended in the register to reflect change in permits referred to from s 43A to s 40T; and
- (d) section 56: Amended in the register to reflect new time constraints within s 56(1A).

4. *Local Government (Building and Miscellaneous Provisions) Act 1993*

4.1. The Act was amended on:

- (a) 30.11.2020

4.2. The following section was inserted into the register:

- (a) section 89: Powers of the Council in relation to approval of final plans

5. *Strata Titles Act 1998*

5.1. The Act was Amended on:

- (a) 30.11.2020

5.2. The following section was inserted into the register:

- (a) section 31(2A)/(2B): Councils power to grant certificates of approval.

6. *Water and Sewerage Industry Act 2008*

- 6.1. No delegable powers or duties in this Act that are relevant to Council. Power and Functions are given to a Tasmanian Economic Regulator who can then delegate to others but most likely going to be to State Service employees.
- 6.2. As such we have deemed it appropriate to remove this Act from the register completely.

B. SUMMARY OF INSERTED ACTS

Seven Acts have been inserted on to the delegations register, these include:

- (a) *Archives Act 1983*;
- (b) *Historic Cultural Heritage Act 1995*;
- (c) *Litter Act 2007*;
- (d) *Public Interest Disclosure Act 2002*;
- (e) *Survey Co-Ordination Act 1944*;
- (f) *Traffic Act 1925*; and
- (g) *Urban Drainage Act 2013*.

Please find a detailed list of inserted Act and amendments below.

1. *Archives Act 1983*

1.1. Delegations:

- (a) section10(1): Council is to keep proper records of the business of the local authority for which that relevant authority is responsible.
- (b) section 11: Local authority to transfer state records to Archives office.
- (c) section 15(3): Relevant authority may impose on the making of state archives available for public inspection.

2. *Historic Cultural Heritage Act 1995*

2.1. Delegations:

- (a) section36(2): The relevant planning authority must give a copy of the permit application to the Heritage Council as soon as practicable after the application day.
- (b) Section 37: The Planning Authority must as soon as practicable require the applicant for a permit application to provide additional information required by the Heritage Council and provide it to the Heritage Council.
- (c) section 38: Where the Heritage Council have no interest, the Planning Authority are to determine permit applications. Notifying the Heritage Council and Applicants of determinations and representations.
- (d) section 39: Where the Heritage Council have interest, the Planning Authority are to determine discretionary permit applications. Notifying the Heritage Council and Applicants of determinations and representations.
- (e) section 39A: Where the Heritage Council wish to be involved, the planning authority are to determine combined permit applications. Notifying the Heritage Council and Applicants of determinations and representations.

- (f) section 39B: The Planning Authority are to provide any further information received from permit applicant to Heritage Council
- (g) Section 50: The Planning Authority must lodge for registration with the Recorder of Titles notice of heritage agreements that come into effect or the variation or termination of a heritage agreement.

3. Litter Act 2007

3.1. Delegations:

- (a) section 8: The general manager of a Council may appoint an employee of the Council to be an authorised officer for the purposes of this Act.
- (b) section 38(1): If a person fails to remove litter or clear or restore a place in accordance with a litter abatement notice a Council which has the control or management of the place where the offence occurred may cause those measures to be taken.

4. Public Interest Disclosure Act 2002

4.1. Delegations:

- (a) section 62B(1): The principal officer may by instrument in writing delegate to a public interest disclosure officer specified in the instrument the performance or exercise of such of his or her functions or powers under this Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.

Note: this is a delegation of the roles and powers in s 62A of the Act, not the powers under the Act as a whole.

- (b) section 29B: Where a public body believes a disclosure relates to misconduct defined in the Integrity Commission Act 2009, the public body may refer the disclosure to the Integrity Commission.
- (c) section 29D(1): If a public body refers a disclosure to the Integrity Commission, they must notify the person who made that disclosure of the referral.
- (d) section 33(1): A public body is to determine whether disclosure is a public interest disclosure within 45 days.
- (e) section 34(1): Notifications where disclosure is determined a public interest disclosure.
- (f) section 35(1): Notifications where disclosure is deemed not to be public interest disclosure
- (g) section 64: A public body may decide not to investigate a disclosure.
- (h) section 65(1): Notification of decision not to investigate.
- (i) section 68: A public body may refer the investigation of a disclosed matter to the Ombudsman if 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.
- (j) section 70: A public body must give the Ombudsman in writing any information it has in respect to a disclosed matter.
- (k) section 72(1): Notice to be given where a public body refers an investigation to the Ombudsman.

- (l) section 74: A public body must at the request of the person who made the disclosure or the Ombudsman, give all reasonable information about the investigation within 28 days.
- (m) section 76(1): A public body must notify the Ombudsman and the relevant person on completing an investigation of a disclosed matter.
- (n) section 77(1) A public body must inform the person who made the disclosure of the findings.
- (o) section 77A(2) A public body may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation.
- (p) section 77A(4) If investigation is not complete within time specified in 77A(1), a public body must refer the disclosure to the Ombudsman.

5. Survey Co-Ordination Act 1944

5.1. Delegation:

- (a) section 4(2): Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act.
- (b) section 5: Public authorities to give notice of intention to commence new surveys.

6. Traffic Act 1925

6.1. Delegation:

- (a) section 43(2): an authorised person may remove, take and detain articles placed or left in public streets to the obstruction, annoyance or danger of other persons.
- (b) section 43(3),(4) and (5): A relevant authority must notify articles owner of removal and/or dispose of articles not removed.

7. Urban Drainage Act 2013

7.1. Delegation:

- (a) section 5(4): A Council may appeal to the Appeal Tribunal against an order under subsection 5(3) within the period specified in the order.
- (b) section 7: Where a Council or a third-party provider of stormwater services wishes to commence negotiations with the other for the provision of stormwater services, either party may serve on the other party a written notice setting out –
 - (a) the general terms and conditions for the provision of those services; and
 - (b) any other matters that may be prescribed.
- (c) section 11(1): General manager may agree with a person who has a private storm water system or is proposing to construct a stormwater system that if it is constructed in accordance with the terms of the agreement that the Council will declare the works to be vested in the Council.
- (d) section 11(4): Where a person proposes to construct a drain, the general manager may, if the general manager considers that the proposed drain is, or is likely to be, needed to form part of a public stormwater system that it has provided or proposes to provide, require that

person to construct the drain in a different way, to a greater hydraulic capacity or with different materials from which the person proposes or could otherwise be required by the Council.

- (e) section 11(8): A Council that imposes a requirement under subsection 11(4) must pay to the person constructing the drain –
 - (a) any extra expenses reasonably incurred by the person in complying with the requirement; and
 - (b) until the drain becomes part of a system, any expenses reasonably incurred by the person, in repairing or maintaining the drain, as may be attributable to that requirement.
- (f) section 12: A Council that provides stormwater services must maintain and make publicly available maps showing all public stormwater systems within the urban area of its municipal area, including those portions of waterways that have a primary role in transporting stormwater.
- (g) section 13: General manager granting consent as to protection of stormwater assets. Issuing of notices requiring removal where consent has not been granted.
- (h) section 13(4): If a person fails to carry out the works required in the notice within the specified period, the Council may demolish, remove or remedy the building or construction and carry out any works necessary for restoring or reinstating the public stormwater system.
- (i) section 13(5)(b): If the Council carry's works under s 13(4) expenses are recoverable in a court of a competent jurisdiction.
- (j) section 14(1): General manager granting consent as to interference with stormwater systems. Issuing of notices requiring removal where consent has not been granted.
- (k) section 14(4): If a person fails to comply with the notice within the specified period, the Council may demolish, remove or remedy the works and carry out any works necessary for restoring or reinstating the infrastructure.
- (l) section 14(5)(b): If the Council carries works under s 14(4) expenses are recoverable in a court of a competent jurisdiction.
- (m) section 15(13): A Council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.
- (n) section 16(9): Subject to this section, the Council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.
- (o) section 17(2): Before proceeding with the construction, the Council is to give to the owners of all land through, under or over which the public stormwater system is to pass 28 days' notice in writing of its intention to construct it.
- (p) section 18(3): Without the permission of the relevant general manager, a person must not discharge, or cause or permit to be discharged, stormwater into any system other than the public stormwater system.
- (q) section 20(1) and (2): General manager to provide approval in relation to limits on connection points for public and private storm water systems.
- (r) section 21(1): A general manager may, by notice served on the owner of a property, require the owner to connect the property's private stormwater system to a public stormwater

system to reduce the flooding risk to the property or to other properties in the stormwater catchment if the property is located within 30 metres of the public stormwater system.

- (s) section 21(3): If an owner of land who has been served with a notice under subsection (1) does not comply with the notice within 28 days, or any longer period allowed by the general manager, the Council may—
 - (a) do the things that the owner was required by the notice to do; and
 - (b) recover from the owner its reasonable costs of doing so, other than costs that are prescribed in the regulations to be the responsibility of the Council.
- (t) section 22(1): A general manager may, by notice served on the owner of a property, require the owner to remove any existing connection between that property and the public stormwater system –
 - (a) if that connection has been made in contravention of this Act or it contravenes any regulation made under this Act; or
 - (b) if, in the opinion of the general manager, it is necessary to do so; or
 - (c) if it is in the interests of health, safety or the environment; or
 - (d) to prevent damage to the public stormwater system
- (u) section 22(3): If an owner of land who has been served with a notice under subsection (1) does not comply with the notice within 28 days or any longer period allowed by the general manager, the Council may –
 - (a) do the things that the owner was required by the notice to do; and
 - (b) recover from the owner its reasonable costs of doing so.
- (v) section 23(2): If a property owner directs stormwater onto a neighbouring property and creates a nuisance, a general manager may –
 - (a) issue a notice to the property owner giving him or her 28 days to stop causing the nuisance; and
 - (b) if a property owner does not comply with a notice under s 23(2)(a) the Council can carry out such works that are necessary to rectify the nuisance
- (w) section 23(3): Any costs incurred under 23(2)(b) are recoverable in a court of competent jurisdiction.

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\001\025\
ASSOCIATED REPORTS AND DOCUMENTS	Letter from Minister for Local Government & Planning, Roger Jaensch Discussion Paper – Local Government Code of Conduct Framework

OFFICER'S RECOMMENDATION:

For discussion only.

INTRODUCTION:

The Minister for Local Government & Planning, Roger Jaensch, has written to all Councils regarding proposed changes to the Code of Conduct Framework, a Discussion Paper has been provided along with key points for consideration.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

This is the final stage of a review process which will ultimately lead to some potential legislative amendments. The latest review process addresses some concerns which have been raised by a number of Councils in over the last few years since late 2019 including the types of complaints which have proceeded to investigation; the costs involved in the complaint process; and whether some complaints could have been resolved between the parties preventing the need for a Code of Conduct investigation. The review focus is very much on providing additional clarity and fine tuning

The review process is focussed on four key considerations:

1. Further strengthening and clarifying the grounds for the Initial Assessor to dismiss complaints at the initial assessment stage;
2. Removing a perceived conflict of interest for the Code of Conduct Panel Chairperson and providing consistency in relation to the initial assessment process;
3. Wherever practicable, improve confidentiality requirements in relation to the Code of Conduct complaints process
4. Implementation of council dispute resolution policies.

The General Manager notes that there have been some significant concerns raised in relation to 'due process' for some investigations but it seems that this is not being considered in the scope.

The Discussion Paper canvases the development of Council dispute resolution policies which could assist in addressing Code of Conduct situations and it is logical to take a consistent approach across the sector. It is likely that the General Manager will be at the centre of managing and delivering this process which will require use of substantial dispute resolution skills. From experience Council officers are not seen as independent in a dispute resolution process because as a rule of thumb' complaints relate to actions of individuals in relation to their Council activities.

A copy of the Discussion Paper is attached. The General Manager asks that Councillors commence reviewing the Discussion Paper and it would be appreciated if comments could be provided in a template document which will be circulated. Comments received will be collated for Council consideration.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027

Not applicable

2021-2022 Break O'Day Council Draft Annual Plan

Actions

Participate actively at the State and National Levels in Local Government matters including legislative reviews and policy development

LEGISLATION & POLICIES:

Not Applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATION

Not Applicable

VOTING REQUIREMENTS:

Nil.

**Minister for State Growth
Minister for Environment
Minister for Local Government and Planning
Minister for Aboriginal Affairs
Minister for Heritage**

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Ph: +61 3 6165 7670
Email: minister.jaensch@dpac.tas.gov.au



7 July 2021

Cr Mick Tucker
Mayor
Break O'Day Council
mick.tucker@bodc.tas.gov.au

Dear Mayor

I am writing to bring your attention to proposed changes to the Code of Conduct Framework.

The Government has previously committed to working with the sector on these issues and as you are aware, has already put in place non-legislative measures such as the Initial Assessment Guidelines for the Code of Conduct Panel members. These Guidelines are currently being utilised by panel members now to support and improve the integrity of decision-making.

I acknowledge the views of the local government sector on these matters. The Government's position is that the Framework is generally sound and that targeted legislative changes along with a number of important non-legislative changes will, where appropriate, address the concerns raised by the sector.

The regional forums held by the Department of Premier and Cabinet with councils provided a genuine and candid opportunity to discuss options to make targeted amendments to the Framework. I am grateful for the engagement of the sector in this process. Subsequent to these discussions, the Government has prepared the *Code of Conduct Framework Discussion Paper* for the purposes of consulting the public on changes to the Framework's legislative provisions. Public consultation will commence on 5 July 2021 for a period of five weeks. The Discussion Paper seeks feedback on the key areas of reform raised with the sector during the regional forums, which include:

1. further strengthening and clarifying the grounds for the Code of Conduct Panel Chairperson to dismiss complaints at the initial assessment stage (including the use of a public interest test and increasing expectations to use dispute resolution where appropriate);
2. removing a perceived conflict of interest for the Code of Conduct Panel Chairperson and empowering a legal member to undertake the initial assessment process; and
3. wherever practicable, improving confidentiality requirements in relation to the Code of Conduct complaints process.

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In the context of considering any potential targeted legislative changes, it is important to reiterate that the current Framework provides that complaints should only proceed to investigation where there have first been reasonable efforts to resolve the issue that is the subject of the complaint. The Government's position is that the effectiveness of targeted legislative changes will be strengthened by relatively standardised council dispute resolution policies and that the Local Government Association of Tasmania (LGAT) is the most appropriate facilitator to support the implementation of such policies across all councils. This will ensure the process is driven by the sector and is underpinned by a consistent approach and framework.

To maintain the confidence of all relevant parties, it is expected that the sector will ultimately design and implement an appropriately independent dispute resolution framework capable of resolving a broad range of conduct related disputes. I acknowledge that the administration of a dispute resolution policy will also involve expense on the part of each council, however it is anticipated that dispute resolution may often be more cost effective than resolution through a Code of Conduct investigation.

I encourage you to bring this consultation process to the attention of interested individuals or groups in your community. Your Council is also encouraged to provide its feedback via LGAT.

For more information on the consultation process please see the Department of Premier and Cabinet's Local Government website:

https://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct/code_of_conduct_framework_review or contact the Local Government Division either by telephone on 03 6232 7022 or by email to LGAReview@dpac.tas.gov.au.

Yours sincerely



Hon Roger Jaensch MP
Minister for Local Government and Planning

Attachment: Code of Conduct Framework Discussion Paper
Copy: John Brown, General Manager

Discussion Paper - Local Government Code of Conduct Framework

July 2021



Department of Premier and Cabinet



Author
Local Government Division
GPO Box 123
Hobart TAS, 7001

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Local Government Division

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How to Make a Submission

The Discussion Paper includes information to help you provide feedback on potential targeted legislative changes to the Code of Conduct Framework. Comment is welcome on any aspect relating to this paper, but you are encouraged to review the considerations and principles in the Your Feedback section to inform your feedback.

Please provide your name and contact details with your submission which will be published on the Department of Premier and Cabinet's Local Government Division's website.

Exceptions to publication only exist when it is not in the public interest to release the information: for example, to protect personal and other sensitive information (including that of a commercial nature) or where the submitter has requested that the submission be treated as confidential. If your submission is being provided confidentially, please clearly state this in your submission.

Any offensive or defamatory material will not be published.

Submissions close at midnight on 9 August 2021

1. Download the submission form at this link
https://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct/code_of_conduct_framework_review
 - If you need help accessing the submission form please call the Local Government Division on 6232 7022
2. Email your completed submission form to: LGARReview@dpac.tas.gov.au with the email subject heading as Code of Conduct Framework feedback

or

Post your completed submission form to:
 Attention: Code of Conduct Framework feedback
 Local Government Division
 Department of Premier and Cabinet
 GPO Box 123
 HOBART TAS 7001

If you have any questions about how to lodge a submission please contact the Local Government Division by phone on 6232 7022 or by email at LGARReview@dpac.tas.gov.au.



Local Government Code of Conduct Framework

Background

Tasmanians need to be confident that the councillors they elect to represent them will uphold and abide by certain standards of conduct and behaviour. The local government Code of Conduct Framework (the framework) plays an important role in supporting this outcome.

Following requests from the sector a statewide framework applying to all elected councillors first commenced on 13 April 2016. The framework was established through changes to the *Local Government Act 1993* (the Act) and replaced a patchwork of previous code of conduct arrangements that were in place at the individual council level.

The framework was developed through extensive consultation with the local government sector and the Integrity Commission, and provides for greater uniformity and enforceability than pre-2016 arrangements, which were widely seen as lacking consistency and credibility.

In early 2017, the then Government agreed to a request by the sector for a review of the framework. A number of changes were made to improve its operation in late 2018 and early 2019 following substantial consultation with the local government sector.

Recent scrutiny of the framework

Since October 2019, there has been significant public interest and commentary surrounding the Code of Conduct process, decisions and determinations.

Recent concerns include the types of complaints that have proceeded to investigation, the costs involved and whether some complaints could have been resolved between the parties, preventing the need for a Code of Conduct investigation.

As a result, the then Minister tasked the Local Government Division (the Division) with conducting further analysis and providing advice on potential administrative and legislative changes. In further understanding a number of the key issues, the Division led four regional forums with councils in October 2020. The forums aimed to update the sector on further policy measures which could support the framework, foreshadow potential targeted legislative changes, discuss options for council dispute resolution policies and better understand the concerns of councillors.

Immediate policy response – Initial Assessment Guidelines

In October 2020 the Code of Conduct Panel members accepted revised Initial Assessment Guidelines (the Guidelines) for the review of complaints. The endorsement of the Guidelines is representative of the ongoing commitment of Panel members to be responsive to feedback and provide a framework that is fair, measured and consistently applied.

The purpose of the Guidelines is to:

1. provide additional clarity and support to the Panel Chairperson during initial assessments of complaints;
2. ensure the consistent and appropriate use of provisions in the Act that limit instances when a complaint will proceed to investigation, such as limiting trivial, vexatious and frivolous complaints; and
3. empower the Panel Chairperson to liaise with the Solicitor-General's Office at their discretion if there is a question at law which requires clarification.

Further proposed reforms

The framework is important to promote public confidence in councillors as respected leaders in their local community. Equally however, it is important that complaints be made in good faith, and only where there are genuine and serious concerns about a councillor's behaviour.

Some people in the sector have been asking for a wholesale review of the framework. The Government's view is that the intent of the framework is sound and that most of the concerns being raised by the sector can be addressed in a progressive manner.

On this basis, and in considering feedback from the sector collected during forums, there is a clear benefit in:

1. the consideration of changes to the legislation; and
2. the sector developing alternative dispute resolution policies.

Changes to the legislation

The then Government committed to working with the sector to identify areas where the framework could be improved through legislative changes.

While a variety of issues have been raised by individual councillors from time to time, councillors have consistently raised issues with the nature of certain complaints that have proceeded to investigation, the absence of any awareness that their conduct had raised concerns with the complainant, that the complaints process may be inappropriately used against person/s involved in the complaint (or 'weaponised') and that the costs of an investigation are a significant expense for councils to incur.

It is proposed that the following legislative amendments will address these concerns and reinforce the administrative and policy improvements that have already been implemented through the Guidelines:

1. **Further strengthening and clarifying the grounds for the Panel to dismiss complaints at the initial assessment stage.**
 - The current provisions within the Act provide a relatively rigid framework for the dismissal of complaints on initial assessment, including the following:
 - the complaint is frivolous, vexatious or trivial;

- the complainant has not made reasonable effort to resolve the issue; and
 - the complaint does not substantially relate to a breach of the Code of Conduct.
 - It is proposed that a broader public interest test be included in the Act as part of the initial assessment process, to empower the Chairperson to consider a variety of other relevant factors and allow for a more holistic consideration of the impact of the alleged conduct and the subsequent complaint.
 - A public interest test would provide the Chairperson with greater flexibility in their assessment of the merits of a complaint and the impact of the alleged conduct on the functions and effectiveness of a council and its relationship with the community.
 - In addition to the introduction of a public interest test, it is also proposed that consideration be given to strengthening the requirement for the complainants to utilise the council administered dispute resolution processes, including mediations, before submitting a complaint.
- 2. Removing a perceived conflict of interest and empowering a legal member of the Panel to undertake the initial assessment process.**
- The Government recognises that the Code of Conduct Panel members undertake their functions with a high degree of integrity. However, the current framework exposes the member conducting the initial assessment to a perception of a conflict of interest in the investigation process – the Chairperson conducting an initial assessment of a complaint will financially benefit from their decision to proceed to a full investigation of the complaint (if the person who undertakes the initial assessment subsequently becomes the Chairperson of the Panel conducting the investigation process).
 - For each complaint, it is proposed that a member of the Code of Conduct Panel be appointed to undertake the initial assessment. Should that member determine to proceed to investigation, a panel will be convened to investigate, that will not include the person who undertook the initial assessment.
 - Currently, initial assessments are undertaken by a member of the Code of Conduct Panel, who is required to be a person experienced in matters of local government. Initial assessments may include the consideration of a range of legal and procedural matters. For this reason, and in keeping with the introduction of a new public interest test, it is also proposed that a legal member will undertake the initial assessment process.
- 3. Wherever practicable, improve confidentiality requirements in relation to the complaints process.**
- While there are existing requirements under the Act to maintain the confidentiality of determination reports before they are tabled at council meetings, there have been multiple instances of draft reports (or findings) being disclosed to third parties before they have been tabled.
 - It is proposed that additional legislative provisions be made to minimise the ability for people to inappropriately disclose information of this nature prior to it being made public.

Council dispute resolution policies

In the context of considering any targeted legislative changes, it is important to reiterate that the current framework provides that complaints should only proceed to investigation where there have first been reasonable efforts to resolve the issue that is the subject of the complaint.

The framework does not limit a council's ability to implement dispute resolution policies which provide an alternative method to resolve complaints. At this stage, the majority of councils have not implemented a dispute resolution process to provide any aggrieved person with an opportunity to resolve a dispute in advance of submitting a Code of Conduct complaint.

Following the regional forums conducted with the sector in October 2020, the Local Government Association of Tasmania (LGA T) confirmed that it is supportive of further work to develop relatively standardised dispute resolution policies that provide for the informal resolution of complaints lodged by any complainant. As the vast majority of Code of Conduct complaints are submitted by non-councillors, it is important that such policies are accessible to all complainants, including members of the public.

The Government's position is that the effectiveness of legislative changes will be strengthened by council dispute resolution policies. This will require changes driven by the sector. To maintain the confidence of all relevant parties, it is expected that the sector will ultimately design and implement an appropriately independent dispute resolution framework capable of resolving a broad range of conduct related disputes.

While dispute resolution will not be appropriate for every complaint, alternative dispute resolution would provide councils with a more economical, less adversarial and enduring resolution process for certain types of complaints.



Your Feedback

The Government wants to hear from members of the public, the local government sector and the broader community on the proposed legislative reforms. Your feedback will help the Government to refine the targeted legislative changes. In preparing a submission, you are encouraged to review the considerations below that outline some of the specific matters the Government wants to hear feedback on.

Public comment is welcome on any aspect relating to this reform proposal, but respondents are encouraged to review the following considerations and principles to inform their feedback.

Consideration 1 - Further strengthening and clarifying the grounds for the Initial Assessor to dismiss complaints at the initial assessment stage

- The Initial Assessor can dismiss complaints if they believe the complaint was not made in good faith or if the complaint is vexatious or trivial.
- Use of a public interest test would provide the Initial Assessor with a tool to assess if a complaint should or should not continue to an investigation based on a more holistic analysis of a variety of matters relevant to the circumstances of each complaint.
- A public interest test may include assessing complaints for seriousness, the availability of evidence, the level of public concern, demonstrated actions taken to deal with the matter, and whether the matter may be a sign of more widespread or systemic problems.
- Ensuring that the legislation clearly establishes an expectation that complainants must utilise council dispute resolution processes.

Consideration 2 - Removing a perceived conflict of interest for the Code of Conduct Panel Chairperson and providing consistency in relation to the initial assessment process

- Code of Conduct Panel members, including the Chairperson get paid for the time they spend on each complaint. It could be considered a conflict of interest if the Chairperson deciding that a complaint should be investigated remains on the Panel for that investigation. The conflict arises because the Chairperson receives a financial benefit if they choose to investigate the complaint.
- Removing potential perceived conflicts of interest for the Panel Chairperson will promote consistency in decisions made during the initial assessment of the complaint and promote confidence in the decision-making process.

Consideration 3 - Wherever practicable, improve confidentiality requirements in relation to the Code of Conduct complaints process

- The Code of Conduct Panel's final determination report is confidential however, there have been multiple instances of draft reports (or findings) being disclosed to third parties before they have been tabled at a council meeting.
- Providing clarification about when information from Code of Conduct complaints must be kept confidential will help protect all parties involved in a complaint.

Consideration 4 – Implementation of council dispute resolution policies

- While the Government's view is that the implementation and design of council dispute resolution policies should be a matter for LGAT and councils to administer, it is considered essential for complainants to have alternative means to resolve conduct related grievances, before submitting a Code of Conduct complaint.
- A dispute resolution policy may not always be appropriate for every grievance. However, a failure to attempt to resolve a grievance by utilising such policies (where appropriate) may be considered in the context of identifying vexatious complainants.
- In many circumstances, an opportunity to resolve grievances in a less adversarial environment may provide an avenue for a more genuine, lasting and cost effective resolution and further, improve long-term community relations for councillors.



Email: LGAReview@dpac.tas.gov.au

Post: Attention: Code of Conduct Framework feedback
Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

IN CONFIDENCE

07/21.18.0 **CLOSED COUNCIL**

07/21.18.1 **Confirmation of Closed Council Minutes – Council Meeting 28 June 2021**

07/21.18.2 **Outstanding Actions List for Closed Council**

07/21.18.3 **Contract 030\003\005 – Cleaning of Facilities - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.